



DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning,
Regeneration
On 9th October, 2007

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9	97	07/1823/FL/E9	51 AND 53 ERDINGTON ROAD,ALDRIDGE,WALSALL,WS9 0RN	Demolition of existing bungalow at No51 and erection of 3 detached 4 bed, two storey houses, erection of extensions to No53 and provision of parking and landscaping.	Grant Subject to conditions
10	109	07/1896/FL/E9	TO THE REAR OF 17 HALL LANE,PELSALL,WALSALL,WS3 4JQ	Erection of a detached dormer bungalow	Grant Subject to conditions
11	117	07/1768/FL/H5	16 EDINBURGH ROAD,WALSALL,WS 5 3PQ	Two-Storey Front and Side Extensions	Grant Subject to condition
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13	128	07/1788/FL/H5	38 LAKE AVENUE,WALSALL, WS5 3PA	Two-storey front, part two-storey, part single-storey side and single-storey rear extension with front porch.	Grant Subject to conditions
14	134	07/1797/FL/H1	59 DELVES ROAD,WALSALL,WS 1 3JT	Roof Extension to Side, Part Two-Storey, Part Three-Storey Rear Extension, Single-Storey Front and Rear Extension	Refuse Permission



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 09 Oct 2007

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 07/1815/FL/E11

Application Type: Full application

Applicant: David Stone

Proposal: Erection of 15 two bedroom
apartments

Ward: Paddock

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

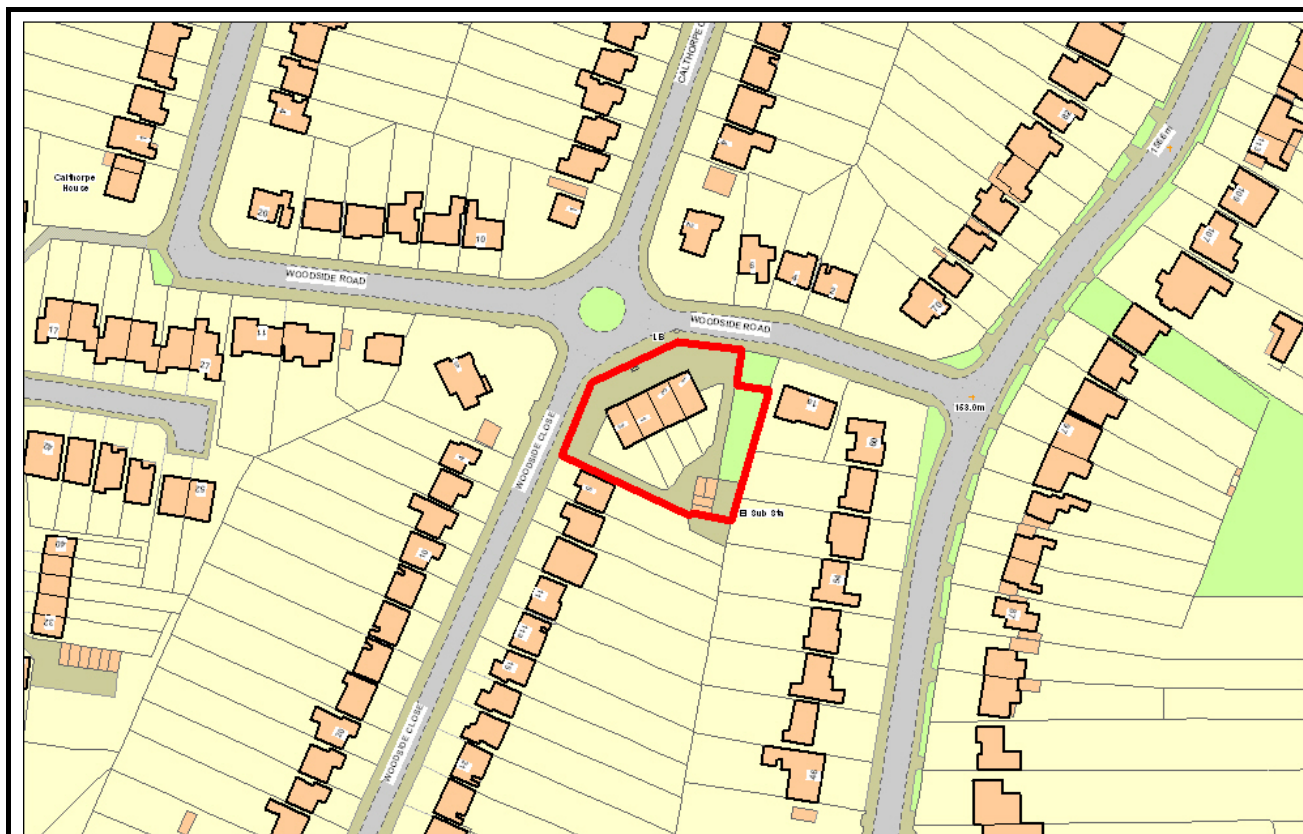
Case Officer: Alison Deakin

Telephone Number: 01922 652487

Agent: Sjolander Da Cruz Architects

Location: 1 WOODSIDE
CLOSE, WALSALL, WS5 3LU

Expired: 16/11/2007



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Application and Site Details

The application is for demolition of existing buildings and erection of 15 X 2 bed apartments on this site at the corner of Woodside Road and Woodside Close. It is a resubmission following refusal of a proposal for 16 apartments under made under application reference 07/0774/FL/E11 and seeks to overcome previous reasons for refusal. These were the design of the proposed elevations, visually intrusive frontage parking and the absence of any contributions towards urban open space and education provision.

The existing building is two storeys with a pitched roof. The building was originally constructed as four retail shops with living accommodation above but has subsequently been converted for entirely residential purposes. The frontage of the site has an extensive tarmac surface used for off-street parking. There is an MEB sub-station to the east of the site on Woodside Road and there is a vehicular access to a detached double garage at the rear of the application site alongside this. There is a large mature oak tree within this area adjacent the boundary with Skip Lane properties and a large beech tree within the garden of 56 Skip Lane whose roots may be within the application site. The site is located in a residential area surrounded by predominantly larger detached houses set within generous building plots.

The application proposes the erection of a building that wraps around the highway junction, set back 6.6m from the frontage of Woodside Close, 5m at the junction and 8m plus along the frontage of Woodside Road. The building is between 9m and 13.4m deep and 9.4m high at the tallest central section with accommodation provided over three floors. The ground floor has 5 units, the first floor 6 units and the second floor 4 units. Apartment type F occupies two floors (ground and first) on the south western side of the proposed building. A contemporary building design is proposed with a zinc roof, brown brick and timber façade incorporating a vertical oak timber rain screen.

The main vehicle access passes beneath the first floor of the proposed building and is located adjacent to the electricity sub-station on Woodside Road, leading to a private car parking court at the rear which has spaces for 20 vehicles, including one parking disabled space. A bin hardstanding area is located in front of the building adjacent to the access for use on collection day with the covered bin and recycling store located to the east of the access. There is also space for 16 cycles beneath this covered access. Shared private amenity space is located at the rear between the parking spaces and rear elevation of the building. There is also a landscaped strip between 3.4m and 4.5m deep in front of the building.

The site area is 0.16 hectares which gives a density of 94 dwellings per hectare.

A Design and Access Statement and Bat Survey have been provided in support of the application.

Relevant Planning History

Between 1992 and 2001 there were various applications for extension and change of use of the former retail premises and for change of use from retail premises to residential units.

In 2003 application 03/0360/FL/E4 for erection of a 2 bed bungalow and detached double garage on land at the rear of sub station adjacent 1A Woodside Road was

refused outline permission. The reasons given were that it was overdevelopment of the site leading to loss of trees, insufficient privacy and amenity space for future occupiers and it was situated at the rear of surrounding properties which was out of character with the surrounding area.

04/2393/FL/H4 - Construction of Garage (1 Woodside Close) – GSC 14/12/04

07/0774/FL/E11 - Erection of 16 one and two bedroom apartments – Refused 12/7/07. 2 reasons for refusal, the first related to the inappropriate design that failed to respect the local character in terms of fenestration, including; lack of bay windows, cat slide roof and the scale of the proposed dormers and visually intrusive parking on the site frontage. The second related to the unacceptable demand on limited educational capacity and public open space provision in the locality and absence of any financial contributions to address the shortfalls.

Relevant Planning Policy Summary

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

Unitary Development Plan

2.2: Lists six key strategic themes that will be used to evaluate development proposals. These include creating, sustaining and enhancing a high quality natural and built environment, including a high standard of design.

GP1, 6.3: Housing should be in locations that have good accessibility and are well related to local facilities, such as town, district and local centres.

GP2: The Council will not permit development which would have an unacceptable adverse impact on the environment and lists the considerations which will be taken into account in the assessment.

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

GP7: Development proposals will be expected to have regard for the objective of designing out crime.

3.6: Development and redevelopment schemes should, as far as possible, help to improve the environment.

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

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

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

3.113, 3.114, 3.115: relates to good design and creating a sense of place.

ENV32: Development needs to take account of its context and surroundings and indicates the criteria to be taken into account in assessing proposals.

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

ENV40: Adequate foul and surface water drainage infrastructure should be provided.

H3: The Council will encourage the provision of additional housing through the re-use of brownfield previously developed windfall sites, subject to a satisfactory environment being achieved.

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

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

8.8: Residential developments will only be permitted where adequate school capacity exists or can be provided. Where residential developments necessitate the provision of new or improved educational facilities or other forms of social and community infrastructure the Council will require developers to make a financial contribution to the costs of providing these facilities

T7: All development should satisfy the car parking standards set out in Policy T13. All parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area, and with appropriate use of materials and landscape treatment.

T13: Advises on parking requirements.

Flats with communal parking 1.5 spaces per unit

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

Residential Development Standards (RDS)

These include guidelines relating to design and space around dwellings.

Supplementary Planning Document for Urban Open Spaces

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

Supplementary Planning Document for Education

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

Regional Spatial Strategy

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

National Policy

PPS1 Delivering Sustainable Development, PPS3 Housing, PPS10 Planning for Sustainable Waste Management, PPG13 Transport, PPG14 Development on Unstable Land, PPS23 Planning and Pollution Control, PPS24 Planning and Noise, PPS25 Development and Flood Risk, 'By Design' companion to PPG's, Urban Design Compendium, Safer Places- The Planning System & Crime Prevention.

Consultations

Transportation – No objections. The proposed 20 car parking spaces provide an acceptable level of parking given the sustainability of the site in terms of the proximity to Park Hall Local Centre, proximity to public transport links and provision of secure cycle storage facilities for 16 cycles.

Pollution Control – No objections subject to conditions.

Environmental Health – No objections.

Arboricultural Officer – No objections subject to details of tree protection measures in accordance with BS: 5837 2005 'Trees in relation to construction'.

Urban Design – No objections.

Education – No objection subject to a S106 agreement to seek contributions towards both primary and secondary school education in the area. A contribution of £31,773.36 is required.

National Grid – No objections as negligible risk to networks.

Fire Service – Satisfactory for fire service access.

Police Architectural Liaison Officer – No objection subject to a strong form of access control to prevent criminal intrusion into the building and car parking area.

Greenspace Services – No objections subject to the developer providing a contribution toward Urban Open Space in accordance with the adopted Supplementary Planning Document. This amounts to £29,010.00.

Public Participation Response

41 letters of objection and a petition with 154 signatories have been received which are summarised as follows:

- Increased vehicles and traffic congestion leads to parking problems and a risk to pedestrian and highway safety and may impede refuse lorries and emergency access and increase pollution
- Inappropriate vehicular access, inadequate parking to cater for 15 flats, increased parking may hinder access to adjacent drives
- Noise and disturbance during construction and from vehicles using the car park
- Design and visual appearance, including materials, out of keeping with the area and sets an unwanted precedent
- Overlooking and loss of privacy by virtue of the proximity of the proposed building to existing dwellings
- Potential risk of damage to existing trees in the gardens of 56 & 58 Skip Lane
- The proposals seek to maximise profit for the developer
- A previous application for a bungalow was turned down due to being out of character, affecting trees and loss of privacy
- Overdevelopment of the site
- The applicant refers to existing housing as “standard” – is a Council tax refund due therefore?
- Family homes would be more appropriate
- The local schools are already over-subscribed and are unable to cope with additional children
- A 3 storey building would overshadow and overpower other housing particularly as the site level is raised to that of adjacent dwellings
- Reducing the number of apartments by 1 is insignificant in addressing concerns highlighted at the time of the original application
- Loss of light to neighbouring properties due to 3 storey height
- The location and concentration of the bin store will lead to smells, particularly in hot weather
- Lack of garden space for the proposed apartments
- Security lighting in the car park at the rear would inconvenience neighbouring properties

- The plans are misleading as the site is at a higher ground level than adjacent properties and there is a steep incline from Woodside Road to Skip Lane and parking spaces look small
- The existing use of the block as 8 flats is unauthorised
- The idea of a brownfield development was originally to develop industrial sites not sites such as this

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

Determining Issues

- 1) Principle of residential development
- 2) Whether the proposals for the new build overcomes the previous reasons for refusal in terms of:
 - Design & Layout
 - Parking & Access
 - Impact on Neighbour's Amenity
 - Education & Open Space Provision

Observations

Principle of residential development

The proposal seeks to address the previous reasons for refusal which related to the design of the elevations of the building, intrusiveness of the parking on the site frontage and lack of contributions towards urban open space and education provision. The principle of residential redevelopment was considered acceptable given the existing properties are also in residential use and the incorporation of flats was considered to contribute towards creating a mix of dwellings in this area to cater for a wider range of households. The previous grounds of refusal did not relate to the principle of residential development for flats. The amended application has sought to overcome the previous grounds for refusal in relation to the elevations of the building, removal of parking from the site frontage and the offer to enter into a S106 Agreement to make contributions towards urban open space and education provision. The revised application has therefore addressed these issues and the principle of the development is considered to be acceptable.

The proposal is for residential re-development of an existing developed "brownfield" site within an established residential area. The proposed density, at 94 dwellings per hectare, is higher than that of surrounding development in the area. However, housing density is higher in apartment schemes. Also the site is considered to be in a sustainable location as it is close to local bus routes and within 0.7 miles (1.1km) of the Park Hall Local Centre where there are local shops and services. The proposal also offers the opportunity to introduce a housing mix in this established residential area by providing smaller dwellings for a wider range of households including families down sizing, or children of existing families wanting to stay in the vicinity but gain a foothold on the property market. Although there have been objections from neighbouring properties with regard to the increase in the number of units and introduction of apartments the proposals does offer the opportunity to make more effective use of the land. An accessible and sustainable location such as this also gives an ideal opportunity to introduce higher density schemes in accordance with the principles of sustainable development. The proposal is therefore acceptable in principle as it complies with policies GP1, H3, H9 and H10 of the Unitary Development Plan.

Design and Layout

The proposed layout shows a new building that has direct street frontages, turns the corner from Woodside Close to Woodside Road and is considered to be of an appropriate scale and height in terms of its relationship to the adjacent buildings and position adjacent to the roundabout. The proposal steps from 2 storeys adjacent to existing 2 storey dwellings to 3 storeys fronting the roundabout to mark a local nodal point. Although objectors are concerned that the proposals do not accurately show the building height, the proposed elevations do clearly show the relationship between existing dwellings and the proposed building. The overall height of the 3 storey element at the front corner of the site has been raised to mark this corner. It is at the same roof level as 1A Woodside Road and 2m higher than the roof of the existing dwelling at 5 Woodside Close (and 14m distant). It is considered appropriate that the building height should step up to mark this corner. For the above reasons it is considered that the proposed building is satisfactory in the street scene in terms of its position, height, scale and massing.

The treatment of the elevations of the building incorporates hipped roofs, pitch roofs, bay windows and dormer windows that respect the character of surrounding properties yet with a contemporary design. Windows have been introduced above the vehicular access in the north elevation to provide added surveillance of the street scene; bay windows have been introduced on the corner of the building to create a focal point at this key node. The dormer window on the west elevation of the previous application has been omitted thus reducing the scale of the roof mass and a canopy roof has been introduced at ground level to match the eaves level on the adjacent house at 5 Woodside Close. These proposed changes to the elevations of the building overcome previous grounds for refusal of application 07/0774/FL/E11 and are satisfactory.

Many objectors consider the contemporary design detracts from the character of the area as it does not reflect the surrounding character of dwellings. However, for the reasons explained above it is considered that the elevation treatments have reinterpreted design cues from the adjacent dwellings in terms of the height, roof shape, dormer windows, bay windows and cladding and do reflect the character of surrounding properties whilst taking the opportunity to introduce modern construction techniques and architecture in a good design.

The proposal incorporates a landscaped area in front of the building that is also more reflective of the adjacent properties that have mature landscaped gardens in front of the dwellings. This landscape area will also replace the present extensive hard surfaced parking area and is considered to enhance the character and quality of the area and improve visual amenities.

The shared private amenity space at the rear of the building is over 150m², providing a private, convenient and usable space for use by the occupiers and is therefore considered acceptable in this instance.

Parking and Access

The level of parking provision, at 20 spaces, equates to 1.3 spaces per unit which is just below the standard of 1.5 spaces per unit referred to in Policy T13 of the Unitary Development Plan in relation to shared parking for flats. However, the Transportation officer is satisfied that the site is in a sustainable location in terms of access to shops and alternative transport facilities. It is also noted that the layout makes provision for 16 cycle stands which is more than one stand per apartment and will encourage

sustainable travel. Two disabled parking spaces are also included in a convenient location close to the building in accordance with requirements. The parking provision is consistent with the advice given in PPG13 which seeks to maintain adequate levels of parking avoid over provision and encourage use of alternative means of travel other than the private car.

The means of access is satisfactory and the main vehicular entrance provides the required visibility splay of 2.4m x 70m. In the circumstances there will be sufficient visibility for drivers to enter and exit the site in a forward gear and negotiate other vehicles and pedestrians in the vicinity to prevent any potential traffic hazard. The proposed means of access utilises the existing means of access therefore the only difference for surrounding occupiers is the increase in the number of vehicles utilising this access.

The main parking provision is located at the rear of the site and the parking spaces and aisle widths comply with the Council's standards. Objections have been raised in relation to the potential for noise and disturbance and light pollution from the proposed car parking area at the rear of the site. However, this area is presently used for parking and garaging vehicles, albeit with a lower occupancy, the principle of car parking in this position is established and the increase in vehicles and vehicle movements is considered acceptable. The incorporation of additional planting along this boundary will also assist in providing a further buffer between the adjacent gardens and proposed parking and because of the way the scheme is now designed, it is considered that the adjacent rear amenity spaces are more secure.

Impact on Neighbour's Amenity

The position of the proposed building does not project in front of the adjacent dwellings at 5 Woodside Close and 1A Woodside Road so would not adversely affect the outlook from the front or rear elevations of those dwellings.

Objectors argue that the size, height and position of the proposed building will adversely affect the outlook from their properties and gardens reducing daylight and presenting an obtrusive feature in the street scene. Although there are windows in the side elevation of both adjacent properties these are non-habitable rooms hence the relationship between the buildings will not be dissimilar to that between existing dwellings in the street and is acceptable.

Overlooking neighbours' rear gardens from the ground floor of the building will be prevented by existing hedges and fencing, at first floor views are at an oblique angle and do not permit views of the area immediately at the rear of the adjacent dwellings and at third floor the windows are concentrated in the centre of the building only where there is greater separation. In terms of overlooking other dwellings within the street from the front elevation of the proposed building, there remains a separation provided by the highway and front gardens of the existing dwellings, plus the roundabout at the highway junction – overlooking from the front of the proposed building is no different to existing properties in the street. Overlooking of the public realm aids surveillance of the street, adding to the safety and security of the vicinity. Although the proposed building is shown over three floors, the third floor is concentrated in the centre of the building only and overlooks the roundabout where there is even greater separation. It is therefore considered that the proposals will not cause any greater overlooking or reduce privacy of neighbouring properties.

In terms of the overall height, scale and mass of the proposed building this is considered not to have any adverse overbearing impact on neighbour's amenity as it

does not project in front of these dwellings, leaves separation between the buildings and respects the height of the existing building and adjacent properties. The proposed building reduces in height near the edges to respect the scale and height of adjacent dwellings and then increases in height near the centre to create a focal point. The introduction of further landscaping will also improve the appearance within the street scene.

Education & Open Space Provision

In accordance with policies GP3, 8.8 and LC1 of the UDP and relevant Supplementary Planning Documents on provision of Education and Urban Open Space the application would be subject to a S106 Agreement to secure contributions towards provision of education and urban open space. On the basis of the submitted plans an education contribution of £31,773.36 and urban open space contribution of £29,010.00 would be required which gives a total of £60,783.00. The applicants have agreed to make the above contributions.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

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

- Location Plan (drg. 0616/P01) received 17/8/07
- Proposed Site Plan (drg. 0616/P05) received 17/8/07
- Existing Site Plan (drg. 0616/P02) received 17/8/07
- Existing Site Sections (drg. 0616/P03) received 17/8/07
- Existing Elevations (drg. 0616/P04) received 17/8/07
- Proposed Ground Floor Plan (drg. 0616/P06) received 17/8/07
- Proposed First Floor Plan (drg. 0616/P07) received 17/8/07
- Proposed Second Floor Plan (drg. 0616/P08) received 17/8/07
- Proposed Roof Plan (drg. 0616/P09) received 17/8/07
- Proposed North Elevation (drg. 0616/P10) received 17/8/07
- Proposed North West Elevation (drg. 0616/P11) received 17/8/07
- Proposed West Elevation (drg. 0616/P12) received 17/8/07
- Proposed South East Elevation (drg. 0616/P14) received 17/8/07
- Proposed East Elevation (drg. 0616/P13) received 17/8/07
- Proposed South Elevation (drg. 0616/P15) received 17/8/07
- Proposed Sections (drg. 0616/P18) received 17/8/07
- Proposed Detailed Elevation (drg. 0616/P16) received 17/8/07
- Proposed Site Sections (drg. 0616/P17) received 17/8/07
- Proposed Boundary Treatment (drg. 0616/P19) received 17/8/07
- Proposed Tree Protection Measures (drg. 0616/P20) received 17/8/07
- Mood Board received 17/8/07
- Site Layout Analysis received 17/8/07
- Bat Survey prepared by Ridgeway Ecology dated 2nd June 2007 received 17/8/07
- Design & Access Statement prepared by Sjölander da Cruz dated August 2007 received 17/8/07

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

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

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

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

Reason: To ensure the satisfactory development of the site.

5. Prior to built development commencing details of remedial measures to deal with the identified and potential hazards of any land contamination present on the site and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority. Agreed remedial measures shall be implemented to the satisfaction of the Local Planning Authority in accordance with the agreed timetable. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use.

Reason: To ensure the satisfactory development of the site.

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

Reason: To ensure the satisfactory appearance of the development.

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

(a) grassed areas shall be maintained in a tidy condition and any areas that fail to establish shall be reinstated;

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

Reason: To ensure the satisfactory appearance of the development.

8. No development shall commence on site until details of permanent Tree Protection Measures in accordance with BS5837:2005 have been submitted to and agreed in writing by the Local Planning Authority and then implemented in accordance with the agreed details and retained thereafter.

Reason: To safeguard existing trees adjacent to the site in the interests of visual amenity.

9. No development shall commence on site until fencing has been erected to the full extent of the canopy of each tree, group of trees or hedge to be retained, either on the site or around the perimeter of the site, or to such other distance as the Local Planning Authority agree in writing. The fencing 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 within the site and around the perimeter of the site

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

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory development of the site.

12. Prior to the commencement of the development a Residential Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority and then implemented in accordance with the agreed details.

Reason: To ensure the satisfactory development of the site and encourage sustainable travel alternatives.

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

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

14. No development shall be carried out until details for low level lighting to the car park area has been submitted to an approved in writing by the Local Planning Authority and then implemented in accordance with the agree details and thereafter retained.

Reason: In the interests of community safety and residential amenity.

15. Prior to the commencement of any development on site details shall be submitted to and approved in writing by the Local Planning Authority for the conservation and efficient use of energy and natural resources and sustainable development, including consideration of Ecohomes Very Good Standard and 5 stars standard as amplified by the Code for Sustainable Homes (January 2007) or subsequent document, micro energy generation, on site composting, grey water systems, SUDS and locally produced building materials. The development shall then be implemented in accordance with the approved details.

Reason: In order to comply with guidance within policies ENV39 and ENV40 of Walsall's Unitary Development Plan, PPS1 and the Code for Sustainable Homes in terms of sustainable development and use of natural resources.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP1, GP2, GP7, 3.16, ENV14, ENV32, H3 and H10 of Walsall Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

Notes for applicant:

1. You are advised to refer to the agreement under Section 106 of the Town & Country Planning Act 1990, which has been completed in conjunction with the development.
2. In relation to condition 3 - Bank and Public Holidays for this purpose shall be: Christmas Day, Boxing Day, New Years Day, Easter Monday, May Day, Spring Bank Holiday Monday and August Bank Holiday Monday.
3. In relation to condition 4 - Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in Planning Policy Statement 23 – Planning and Pollution Control; British Standard BS10175: 2001 "Investigation of potentially contaminated sites – Code of Practice"; British Standard BS5930: 1999 "Code of practice for site investigations"; Waste Management Paper No. 27 "Landfill Gas"; or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

4. In relation to condition 5 - When making assessments of any contaminants identified as being present upon the land and their potential to affect the proposed use regard should be had to the advice given in Contaminated Land Reports, R&D Publications, CLR 7 to CLR 11 and The Contaminated Land Exposure Assessment (CLEA UK) model or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 09 Oct 2007

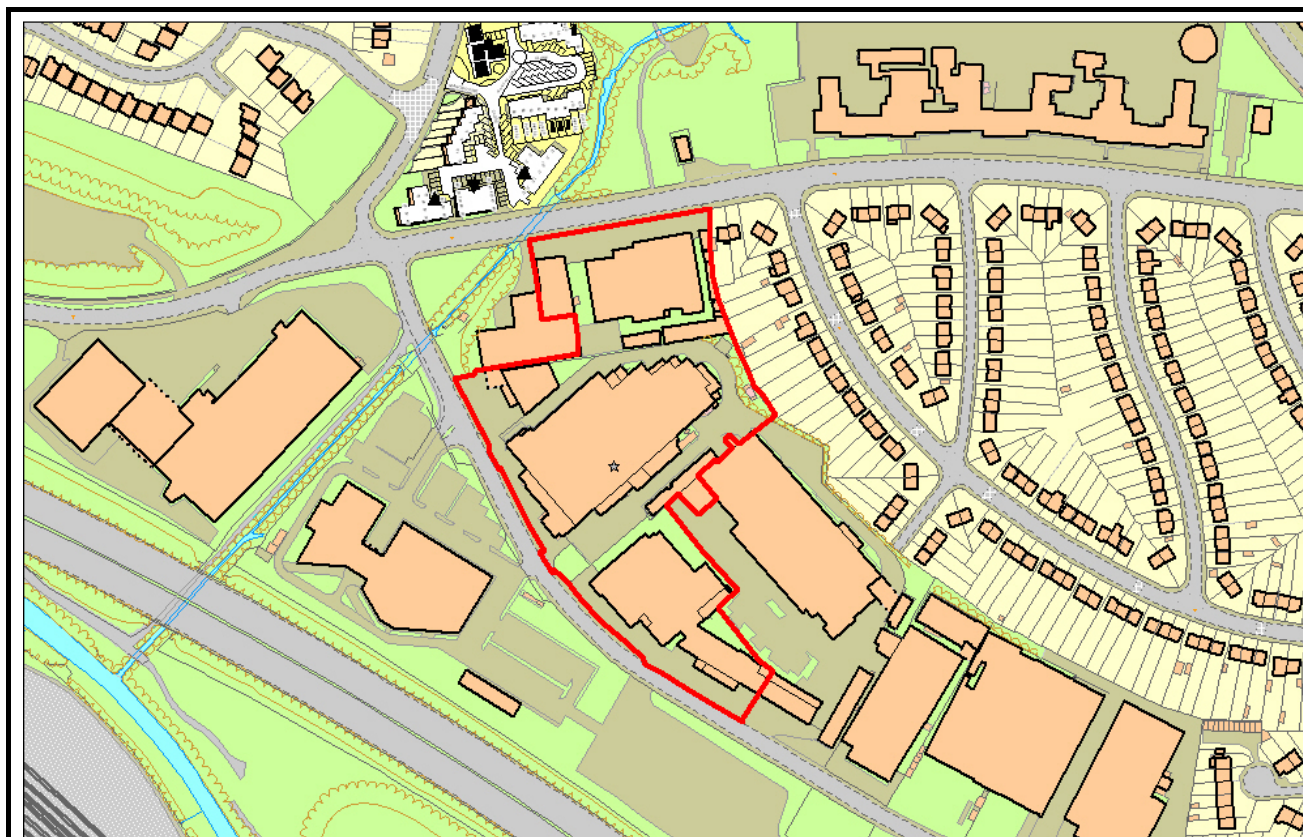
REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 07/2000/OL/W5
Application Type: Outline Application
Applicant: Brothers Group Holdings Ltd
Proposal: OUTLINE: Planning Application
For Residential Development

Case Officer: Karon Hulse
Telephone Number: 01922 652492
Agent: Jonathan Stackhouse
Location: SITE C/O BROCKHURST
CRESCENT AND WALSTEAD ROAD
WEST, WALSALL, WS5 4AX
Expired: 18/12/2007

Ward: Palfrey

Recommendation Summary: Delegate approval subject to conditions, a section 106 agreement and no new material considerations arising.



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Current Status

This application has recently been received and as a consequence it is in its very early stages of consideration. However, to provide a fuller picture of the situation and circumstances regarding developments along Brockhurst Crescent it is considered appropriate for the committee to be aware of all the available details

This application is in the nature of a resubmission following a previous refusal for residential development of the site (a detailed application). The new application is different in that it is now in outline only with all matters to be reserved for a later stage.

The application needs to be considered alongside the following item on this agenda. That other application is at the opposite end of Brockhurst Crescent and was also previously refused.

The council has recognised there is an opportunity for the development of a larger site which would include both the sites now being considered. This would entail land assembly of at least four different ownerships however the two current applicants now own the majority of land which would be required.

Application and Site Details

The proposal is for outline approval for residential. The submission includes an illustrative plan which indicates the site's potential to be developed for 128 dwellings consisting of 78 houses and 50 apartments with a mix of styles and house types. This equates to a density of 58 dwellings per hectare. The proposals will provide frontage development to both Brockhurst Crescent and Walstead Road.

This application site is currently in industrial uses in several buildings. A number of the premises within the application site and the surrounding area have become vacant. The buildings within the site are currently being marketed.

The principal building on the Walstead Road frontage is the Ansell Jones factory, which appears vacant and which is a large, fairly modern industrial building with a two-storey flat roofed office element fronting the highway.

On Brockhurst Crescent the main building within the application site is occupied by JBC Trailers Ltd which comprises large industrial buildings.

Adjacent the site is the Corus factory, which shares its back boundary with Fullbrook Road (traditional family dwellings which are predominantly two storeys in height).

For completeness, another factory unit then separates Corus from the other application on this agenda.

Opposite the application site, on Walstead Road West, is a park and open space area and a café, all adjoining Joseph Leckie school. There is also a residential development under construction by Walton Homes.

Opposite the site, on Brockhurst Crescent, is the RAC building and its car parks.

Relevant Planning History

This site has been subject of two previous applications for residential development.

ON THE SITE

06/0226/FL/W7 for 76 houses and 52 flats was withdrawn in June 2006.

06/2022/FL/W5 – Erection of 132 units (56 apartments and 76 houses) in a mix of styles and house types, including frontage development to both Brockhurst Crescent and Walstead Road. The application was refused (March 2007) on the grounds that it would not form part of a comprehensive development and would have an unsatisfactory relationship with neighbouring commercial uses and on detailed highway matters.

NEARBY

06/0744/FL/W5 - OUTLINE: Residential redevelopment with access from Brockhurst Crescent. Refused in September 2006, on the basis that the site would not form a comprehensive development and would have an unsatisfactory relationship with neighbouring commercial uses as a result. An appeal has been lodged and a public local inquiry is scheduled for the 23rd of October 2007.

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

Adopted Walsall UDP

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

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

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

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

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

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

Regional Spatial Strategy for the West Midlands (RSS11)

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

There is no need for this application to be considered under the Conformity Protocol. A major challenge for the Region is to counter the unsustainable outward movement from the Major Urban Areas of people and jobs (3.4(a)). Relevant policies include:

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

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

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

CF5: deliver affordable housing.

Regional Spatial Strategy Review / Black Country Study

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

National policy

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

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

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

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

In considering high quality design, PPS3 (paragraph 16) guides that matters to consider for proposed development are:

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

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

Consultations

As explained in the introductory passages, this application is at an early stage. Consultation responses received by the time of your meeting will be included in the Supplementary report.

The nature of the current application, and the responses to the earlier detailed scheme suggest there are unlikely to be significant issues raised by consultees. The recommendation reflects this position. In the event of significant issues being raised, that can not be resolved, there would be a further report.

The one exception to the issue of consultation responses (Education) is set out in the Observations section, and reflects the debate which has taken place on the companion application on this agenda.

Representations

None received. The early timing issue on this application affects this issue also, and again this is reflected in the recommendation.

Determining Issues

- Need for comprehensive development
- housing use against industrial land need
- Highways
- Density and Accessibility

- Relationship to neighbouring industrial occupiers and M6 motorway
- Impact on neighbouring residential properties
- Design and layout of the proposals
- Section 106 Agreement details

Observations

Need for comprehensive development

The previous application was refused (against recommendation) on the basis that the site needed to be part of a comprehensive redevelopment of the larger industrial area (essentially the north-east side of Brockhurst Crescent) and that as a result of not being comprehensive there was potential for undue impact on residents of the new development arising from existing industrial and commercial uses adjacent to the site.

The second refusal reason (inadequate off street parking which can be accessed safely and conveniently, access for refuse vehicles and impact on highway safety) is resolved by the current application which proposes that all such matters be reserved for future consideration.

In response to the issue of comprehensiveness, the applicants have submitted a Masterplan of how they perceive the larger area could be developed. The plan demonstrates that through a phased approach, the members desire to develop the site as a whole and not on a piecemeal basis, can easily be achieved.

However this also relies on the desire to see this happen by at least four other owners. This application is the largest landholding. The Corus site and the appeal site are the next largest and are in one ownership though Corus have approximately 15 years left on the lease of that site. Tomkins Buckle own the next largest site, and there is understood to be one further owner.

The need for comprehensive development is recognised by all parties as an important consideration in creating a well-designed and well defined development that does not compromise the operation of neighbouring commercial operators or the further development of neighbouring sites should they come forward for residential development. The previous refusals of this and the other nearby application under application 06/0744/FL/W5 demonstrate this requirement.

The proposals include an access road into this application site and an arrangement that would allow for future development to link into this development. The siting of the proposed buildings create buffers to the neighbouring commercial operators, allowing for private amenity space to have an element of privacy.

This site and the companion application site for a substantial element of the total commercial area that is currently vacant and in need of regeneration. The design and layout of the indicative proposals are such that it sets a pattern of development that could easily be replicated and utilised by future development proposals and indeed that they can link into. Therefore it is considered that this illustrative layout does indicate a willingness on the behalf of the applicants to seek to develop the whole of this area under one Masterplan.

Housing use against Industrial land need

There is no overriding need for the site to remain in industrial use and policy recognises that there may be circumstances in which it will be more appropriate to

consider other uses, such as housing. The site adjoins houses to the east and there are houses opposite part of the Brockhurst Crescent frontage. Whilst industry adjoins the west part of the site, some industrial land nearby has already been redeveloped for residential, so the character of the area is changing.

National policy in PPS 3 (update paragraph 42a) is that applications for residential development on employment land should be given favourable consideration. In the context of PPS 3 there is no overriding need for this site to be retained for employment use.

On the other hand, however, there is no compelling need for further residential development. Housing need is a complex subject. The essence of the situation is that the Council should have a 5 year supply. Depending on the technical assessments used, Walsall's supply is as much as 11.7 years.

The main reason driving the provision of housing is to support the regeneration of the borough, including through the provision of affordable housing which approval of this site would achieve.

Highways

This application addresses the highway issues by seeking approval for the principle use of the site to be used for residential only. All other matters such as access, layout etc being reserved for a later stage. Consequently, the matters of parking provision and access for refuse will be dealt with at the reserved matters stage. However, when considering the principle use of the site there has to be some assurance that the site is capable of being developed for the intended residential. In this case the applicants following discussions with the Transportation Officers have indicated two access points into the site. One front Brockhurst Crescent, which would serve the main part of the site, and one from Walstead Road West serving a smaller number, however there would be no access through the site.

Density and Accessibility

The site is approximately 860 metres walking distance from the Fullbrook Local Centre, (maximum walking distance is 1,000 metres - UDP paragraph 7.51). It is sufficiently close to a local centre in terms of policy H9 to justify a density above 50 dwellings per hectare; the proposed density is 58dph.

Walstead Road is served by bus route numbers 401E and 405, which satisfy the accessibility standard in UDP policy T12 (see Network West Midlands Map & Guide October 2006). There are other bus routes on West Bromwich Road.

Relationship to neighbouring industrial occupiers and M6 motorway

The site is located close to the M6 and therefore noise is a determining factor in creating a quality residential environment.

The illustrative plan indicates that the principal elevations and built form will form a barrier to the noise implications which will aid private amenity space to be quieter and create a satisfactory environment. It is therefore considered that the relationship to the M6 motorway has been accounted for in the design of the proposals.

There are two relationships with industrial properties to consider - the Corus site to the southeast (which is now owned by the applicants for the other application) and the Transaxle site on the corner of Brockhurst Crescent and Walstead Road.

The indicative design of the proposals allow for a reasonable juxtaposition to the Corus site with public frontages and buffers allowing for a reasonable relationship to be developed. An access is maintained at the north-eastern corner of the application site to allow for continued emergency access from the Corus factory. The development therefore has carefully considered the relationship to the Corus factory.

The relationship to the Transaxle premises on the corner of Brockhurst Crescent and Walstead Road has been considered and a possible future development layout has been shown on the application drawings (though this area is outside the current site). That site is constrained by a flood zone. The present scheme provided for the creation of an access point into that site as part of the proposals. This is welcomed and emphasises the comprehensive nature of the development proposals.

Impact on neighbouring residential properties

There will be an improved relationship between the existing residential in Fullbrook Road and the proposed residential (the factories will be removed). The new dwellings would not adversely impact on the amenities of neighbouring residential occupiers.

Design and Layout of the proposals

The indicative proposals have been designed along the Home Zone concept with shared pedestrian and vehicular surfacing reducing the dominance of cars and creating an attractive residential development.

The illustrative layout gives careful consideration to the awkward and irregular shape of the site, in particular adapting the development where appropriate to link in with future development on neighbouring sites.

Overall it is considered that the design and layout of the proposals are acceptable, subject to detailed design and appropriate assessment as part of the \Reserved Matters submissions.

Section 106 Contributions

Members will be familiar with the need to meet the requirements of the various UDP policies and the Supplementary Planning Documents on open space, affordable housing, education and healthcare provision. Conditions are envisaged to secure these issues.

Education Walsall have identified (on the previous occasion) that there will be a need for investment in local schools resulting from the development. Detailed work in connection with the appeal on the companion application has identified two issues which require to be considered in connection with this application

The SPD identifies that payments are relevant where the surplus spaces in schools are less than 10%. The developer on the appeal site has challenged this approach. Education Walsall stand firm that it is the appropriate method of assessment. (The level of 10% surplus places recognises the dynamics of changing pupil populations. It is necessary in order to maintain the denominational mix of schools, to provide flexibility in the system, to cater for changing patterns of entry and to cater for the exercise of parental preference. This level is referred to in Audit Commission publications and was discussed by senior officers from the Audit Commission at recent conferences.) In planning terms there is no obvious justification to vary this. Members are recommended to maintain this element of the assessment.

The second issue raised on the appeal is that the surplus is stated in the SPD as being assessed against primary schools in a 2 mile radius of the site and comprehensive schools within 3 miles. The site is on the Borough boundary so schools in Sandwell are argued by the appellants to be relevant to the calculation of surplus. Education Walsall reject this position on the basis that a significant number of children who attend Walsall schools do not reside in Walsall. The statement in the SPD (that all schools in the 2 and 3 mile zones will be assessed) was intended to clarify that we would include such pupils in the total number of pupils on roll at schools when assessing whether a developer contribution is required. Education Walsall are not aware of any local authority which includes data for schools outside their area when assessing whether a contribution is required. In addition, any consideration of including data from outside the 'home' local authority area for education or other service areas would need to be done in a regional context as there would presumably be an expectation that contributions collected by one authority could be invested in the neighbouring authority.

In planning terms, the fluidity of people choosing a school means people will move cross-boundary to a school if they wish. The issue of whether to limit the 2 and 3 mile zones to within the Borough boundary is being debated with Education Walsall, and the Supplementary report will update matters.

Conclusion

For the reasons stated above it is considered that the proposals will create a reasonable and well-defined residential environment which provides a basis for development in the surrounding area and does not compromise further residential development. The regeneration benefits of the proposals will continue the improvement to the area which is being created by residential development opposite the application site on Walstead Road.

As the recommendation is to delegate the decision to officers, it is inappropriate to set out suggested conditions. However, if approval results, the usual range of conditions on landscaping, parking, surfacing, fencing etc will be imposed.

Recommendation: Delegated Decision



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 09 Oct 2007

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 07/1845/OL/W5

Application Type: Outline Application

Applicant: G.C. Bescot Ltd

Proposal: Outline: Development of 61
Dwellings

Ward: Palfrey

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

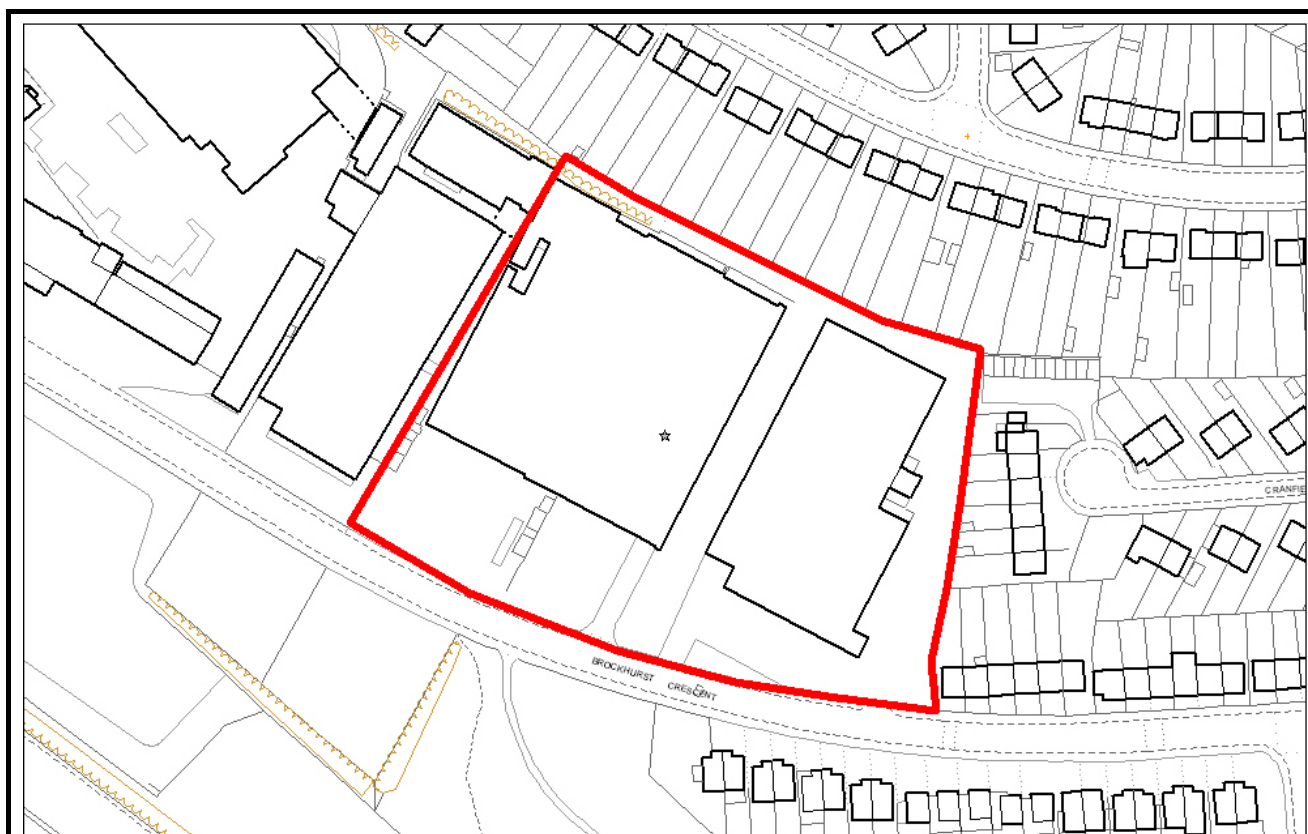
Case Officer: Karon Hulse

Telephone Number: 01922 652492

Agent: Harris Lamb

Location: LAND AT BROCKHURST
CRESCENT, WALSALL

Expired: 23/11/2007



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Current Status

Members recently refused an outline application for residential development on this site on the grounds of being prejudicial to the comprehensive redevelopment of the larger industrial estate and potential for undue impact on residents of the new development arising from existing industrial and commercial uses adjacent to the site.

The council has recognised there is an opportunity for the development of a larger site which would include both the sites now being considered. This would entail land assembly of at least four different ownerships however the two current applicants now own the majority of land which would be required.

The application needs to be considered alongside the preceding item on this agenda. That other application is at the opposite end of Brockhurst Crescent and was also previously refused.

The Appellants have lodged an appeal and there is to be a public inquiry held into the council's refusal on 23rd October, 2007. The Appellants have indicated their intention to submit an application for costs at the appeal.

It is important to make a decision on this amended application before the Inquiry.

Application and Site Details

As stated above this application is a resubmission following the refusal for the residential development of the site on Brockhurst Crescent, Walsall.

This application seeks to address the reasons for refusal and includes an indicative layout of how the land between Walstead Road and the application site could be developed comprehensively through a phased development.

The actual details of the application are very similar to the previous application (means of access for approval at this time, site layout, scale, external appearance, landscaping are reserved for a later stage). The illustrative scheme deposited with the application shows

- 45 x two, three, four and five bedroom houses and
- 16 x one and two bedroom apartments

The density would be 45 dwellings per hectare (dph).

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

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

The nearest local shopping centre is at Fullbrook on Broadway approximately 1200 metres away. There a small shopping parades nearer the site, on West Bromwich Road which is approximately 350 metres to the east and this road is a major bus

route (showcase) into and out of Walsall. The local train station at Bescot is approximately 900 metres away and there are frequent train services.

Access into the site would be from Brockhurst Crescent. The indication is that this could be centrally located, flanked on either side by rows of dwellings. The access road would then branch left and right as it moves into the site. The left hand branch terminating at the site boundary with existing industrial premises but further illustrates that development on that site could be accessed from this point should the opportunity arise.

The illustrative scheme indicates a mix of houses and apartments at 2, 2½ and 3 storeys.

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

An air quality assessment, ground conditions study and noise assessment have been submitted concluding that the site is affected by the nearby M6 and existing industrial sites.

A Planning Statement has been submitted identifying this as a realistic and viable opportunity to re-develop an unattractive and redundant site and that the site will positively contribute to providing and creating new residential opportunities and highway improvements as well as significantly improving the visual amenity of the local area.

Relevant Planning History

ON THE SITE

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

NEARBY

Other relevant history relates to the site at the western end of Brockhurst Crescent, which is also an industrial site and would form part of the larger development site. That site was the subject to two applications for residential development, one was withdrawn and the other refused also on the grounds of prejudicial to the comprehensive redevelopment and undue impact on residents of any new development.

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

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

A further application for that site is the preceding item on this agenda.

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

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

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

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

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

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

Regional Spatial Strategy for the West Midlands (RSS11)

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

There is no need for this application to be considered under the Conformity Protocol. A major challenge for the Region is to counter the unsustainable outward movement from the Major Urban Areas of people and jobs (3.4(a)). Relevant policies include:

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

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

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

CF5: deliver affordable housing.

Regional Spatial Strategy Review / Black Country Study

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

National policy

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

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

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

In considering high quality design, PPS3 (paragraph 16) guides that matters to consider for proposed development are:

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

7. Provides for the retention or re-establishment of the biodiversity within residential environments.

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

Consultations

Transportation - no objections

Pollution Control - no objections. Noise issues can be overcome by design and engineering measures. There will be a need for a further intrusive ground investigation and survey

Urban design - The overall approach to the indicative layout is acceptable with strong continuous built frontages that follow the character of built form and layout within the surrounding area. Exposed back gardens of existing properties backing onto the development would be made more secure by locating new properties' rear gardens against their exposed boundaries, making a positive contribution to the safety and security of the area.

There is a high proportion of houses on this site rather than apartments, which is favorable, as housing units are more sustainable than apartments given the amount coming forward in the town centre over the next 2 years.

Alleyways can be narrow and lengthy and could potentially be dark and unsafe when constructed, particularly as they create places where people can hide around dark corners. Careful consideration will have to be given to these at the reserved matters stage and how they are made safe, whether it is through lighting, security gating or an additional means.

Police Architectural Liaison Officer - no objection subject to advice offered regarding rear alleyways, avoid 'floating bedrooms' which can create areas for anti social behaviour and criminal activity, use changes in road surfaces to identify private communities, street lighting, doors and windows in the houses should be to a secured by design specification.

Education Walsall - no objection subject to financial contribution to both primary and secondary education.

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

National Grid - no objection

Representations

The adjoining occupier, Tomkins Buckle object that their noise levels are excessive, that a 30 metre buffer will not be enough, and that their articulated lorries need to turn in front of the proposed development.

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

Determining Issues

- Need for comprehensive development

- Principle of residential
- Design quality
- Residential amenity
- Comprehensive development
- Noise / land contamination
- Access / parking
- Security
- Obligations

Observations

Need for comprehensive development

The previous application was refused (against recommendation) on the basis that the site needed to be part of a comprehensive redevelopment of the larger industrial area (essentially the north-east side of Brockhurst Crescent) and that as a result of not being comprehensive there was potential for undue impact on residents of the new development arising from existing industrial and commercial uses adjacent to the site.

The need for comprehensive development is recognised by all parties as an important consideration in creating a well-designed and well defined development that does not compromise the operation of neighbouring commercial operators or the further development of neighbouring sites should they come forward for residential development. The previous refusals of this and the other nearby site demonstrates this requirement.

The applicants demonstrate that through phasing, member's desire to develop the site as a whole and not on a piecemeal basis can be achieved. The indicative plan shows how the sites can be interlinked as and when they become available to form one large housing estate rather than small individual ones.

The overall development site is within four different ownerships. The owners of this application site are also the owners of the site currently being operated by Corus (site between Tomkins Buckles and Brothers Group) although there is approximately 15 years left on the lease of that site. The Brothers Group application is the preceding item on this agenda. It assists in demonstrating the position with regards to being part of a larger development scheme.

Principle of Residential:

The principle of reusing brownfield sites for residential is considered acceptable, provided a satisfactory residential environment for future occupiers can be secured.

The existing site remains a vacant industrial site. There is an existing unrestricted B2 use along the western boundary of the site. The application site is the last industrial use before the area becomes residential to the south east and east, and its rear boundary (north) is also bordered by residential.

The previous refusal considered that the close relationship and proximity of the existing industrial and the proposed residential could have potential impact on the amenity of future occupiers consequently it was considered unacceptable in terms of providing a satisfactory residential amenity for its future occupiers.

This application now proposes an acoustic barrier along that boundary to reduce the potential impact of the operations of that unit thereby allowing the site to be brought

forward. Arrangements are offered that when the adjoining site comes forward for residential development, the barrier can be removed, and provide an improved environment for its future occupiers.

Therefore, the principle use of this site for residential is considered acceptable and it should be supported. There is no overriding need for the site to remain in industrial use and policy recognises that there may be circumstances in which it will be more appropriate to consider other uses, such as housing. In the context of PPG 3 there is no overriding need for this site to be retained for employment use.

There is no overriding need for the site to remain in industrial use and policy recognises that there may be circumstances in which it will be more appropriate to consider other uses, such as housing. The site adjoins houses to the east and there are houses opposite part of the Brockhurst Crescent frontage. Whilst industry adjoins the west part of the site, some industrial land nearby has already been redeveloped for residential, so the character of the area is changing.

National policy in PPS 3 (update paragraph 42a) is that applications for residential development on employment land should be given favourable consideration. In the context of PPS 3 there is no overriding need for this site to be retained for employment use.

On the other hand, however, there is no compelling need for further residential development. Housing need is a complex subject. The essence of the situation is that the Council should have a 5 year supply. Depending on the technical assessments used, Walsall's supply is as much as 11.7 years.

The main reason driving the provision of housing is to support the regeneration of the borough, including through the provision of affordable housing which approval of this site would achieve.

Noise / land contamination

There are noise and dust issues relating to this application due mainly to its proximity to the M6 Motorway and existing industrial development.

The air quality matters can be addressed on the grounds that low polluting development is being brought into an area of poor air quality that will bring about an improvement in the air quality.

Members were previously concerned regarding potential noise emanating from the adjacent industrial premises and the motorway. Two noise surveys were carried out by the applicants to support the last application, the results of which were substantiated by the councils Pollution Control Division. The recommendation of Pollution Control was that subject to a solid brick boundary wall along the boundary between the application site and the adjacent industrial premises, then under the current operations a satisfactory environment can be achieved. A further noise report has been submitted by the applicants in this new application. It records similar information results. Pollution Control are still of the view that an acoustic barrier is needed along this boundary.

Through the careful design and layout of the development, which would probably include the use of three storey buildings with non-habitable rooms along the front of

the site (Brockhurst Crescent) to act as an acoustic barrier, that the scheme could be developed in accordance with the required noise categories.

In addition and due to the nature of the previous use of the site there is potential for contamination. This aspect will require full investigation and assessment to determine the extent of any remediation necessary to facilitate the proposed new use. Conditions to address should be included on any approval in the event that members are minded to recommend approval.

Design quality

This is an outline application and design is reserved for future consideration. However, the ideas underpinning the layout of the site clearly embody concepts that should result in a well designed development.

The provision of a removable acoustic barrier along the western boundary will ensure that the amenity of future occupiers will be protected. The appearance of this barrier will need to be carefully designed so as not to have any visual impact. This can be achieved through incorporating different design elements and screening effects. Therefore in terms of design the barrier is unlikely to have any impact visually but will allow protection from the adjacent operations of that site.

The frontage onto Brockhurst Crescent indicates four blocks of terrace type dwellings with parking being provided at the rear in communal parking areas. This would not recreate the existing form, vernacular proportions, properties or street scene of existing housing along Brockhurst Crescent however this would be an aspect which is examined in more detail at the reserved matters stage. If the area's existing elements and characteristics are integrated (as far as possible) into the scheme at the reserved matters stage it should provide for a strong street frontage along Brockhurst Crescent as well as within the site and offer maximum security and natural surveillance throughout the site. Internally within the site, there would be a mix of dwellings served either by private drives or communal parking areas all of which would be positioned and orientated so as to gain maximum natural surveillance of those areas.

Notwithstanding the above, there are still certain elements of the indicative layout in terms of design which need to be addressed prior to the submission of any reserved matters application. Car parking either side of the main access drive into the site is visually unacceptable, it does not create a good streetscene at the main point of access, there are small incidental areas of open space which would not have ownership and would tend to become overgrown, such areas should be incorporated into private gardens, some areas of parking are too remote and unlikely to be used by residents resulting in on-street parking however again this is not insurmountable and can through negotiations prior to the submission of a reserved matters application be addressed satisfactorily.

The layout has been specifically designed to allow for the future developments of the adjacent industrial sites. An illustrative drawing submitted as additional information indicates how a scheme could be progressed to include all of the industrial sites to the north of Brockhurst Crescent. This is examined further in a section below.

Residential amenity

You judge the operation of the adjoining industrial unit (Tomkins Buckles) to have so unacceptable an impact on the amenities of future occupiers that it called for

refusal. The application continues to argue this is not the case, and makes provision for mitigation measures.

This will provide sufficient protection for future residents whilst allowing the continued operation of an existing business. The barrier could be removed as and when any future developments take place.

In addition to the above, the submitted illustrative drawing indicates plots with garden sizes between 11 metres and 13.5 metres which mostly accords with RDS requirements however I would suggest exploring revisions at the reserved matters stage should this application be approved.

Furthermore, there is only a minimum amount of private amenity space indicated on the illustrative plans for the proposed apartments but the site has sufficient scope to include adequate amenity space for these. This will need to be revised for any future applications

Access / parking

In 1988, the former Highways and Public Works Committee received a deputation from residents in Brockhurst Crescent complaining about the problems caused by heavy goods vehicles using the residential section of Brockhurst Crescent to access the industrial section. The complainants referred to problems dating back to 1974 and requested that Brockhurst Crescent be severed to effectively create two cul-de-sacs.

Approval was given to advertise a traffic regulation order to close Brockhurst Crescent to through traffic. It was also resolved to request the then Recreation and Arts Committee to approve the appropriation of land to the Highways Committee for the construction of a turning head on the industrial side of the closure should the closure be implemented.

The temporary closure of Brockhurst Crescent was introduced in 1990, however, the turning head has never been constructed. In June, 1997 Brockhurst Crescent was traffic calmed and the temporary closure was replaced by the existing width restriction.

Road signing is provided at the junction of Brockhurst Crescent and Walstead Road West to warn lorry drivers of the width restriction. There is an expectation that drivers accessing the industrial premises will turn around within the site they are visiting.

In the event that this application is approved it is suggested that it will be necessary to move the width restriction to the new boundary between the residential and industrial areas to maintain the principle of reducing the negative impact of industrial traffic on residential properties. A condition should be imposed to ensure that this is carried out with all costs being met by the applicant/developer. The applicants seek an alternative approach that this be included in the section 106 agreement, and this is an acceptable approach.

It will be apparent from the history of this restriction that the absence of a turning head has not been an impediment to the restriction in its present position (at least to the degree necessary for the Council to choose to take action). Continuing that situation raises no new issues and it would be difficult to oppose its continuation.

However, the applicants have offered the construction of a turning head on the south side of the road (they own redundant car park there) and this is another issue for the section 106 agreement.

There are no transportation objections. Access to the site from Brockhurst Crescent in the location indicated by the application is acceptable and will not have any detrimental impact on highway safety.

The access road should be a minimum of 5.5m width with 2 metre wide footways either side, the transportation officer requires a transport statement to be submitted at the reserved matters stage to indicate how the development and its associated traffic would be safely integrated into the highway network.

Internally within the site, there would be a mix of dwellings served either by private drives or communal parking areas all of which would be positioned and orientated so as to gain maximum natural surveillance of those areas. Communal parking areas can sometimes be too remote to be used by future occupants, this may be the case in some of those plots indicated by the illustrative drawings, therefore this is a further design area which will need to be examined at the reserved matters stage.

Security

There are a number of issues raised regarding Secure By Design initiatives however as this is an outline application only such issues as rear garden security, alleyways, communal parking areas and floating bedrooms etc can be addressed prior to the submission of any further application.

Obligations

Members will be familiar with the need to meet the requirements of the various UDP policies and the Supplementary Planning Documents on open space, affordable housing, education and healthcare provision. Conditions are envisaged to secure these issues.

A Section 106 Agreement is in the process of being negotiated to address the following obligations

- Affordable Housing
- Open Space Contribution
- Healthcare Contribution
- Removal of an acoustic barrier in the event the adjacent land comes forward for residential use
- Highways contribution
- Education contribution

Education Walsall have identified that there will be a need for investment in local schools resulting from the development. Detailed work in connection with the appeal on the companion application has identified two issues which require to be considered in connection with this application

The SPD identifies that payments are relevant where the surplus spaces in schools are less than 10%. The developer on the appeal site has challenged this approach. Education Walsall stand firm that it is the appropriate method of assessment. (The level of 10% surplus places recognises the dynamics of changing pupil populations. It is necessary in order to maintain the denominational mix of schools, to provide flexibility in the system, to cater for changing patterns of entry and to cater for the

exercise of parental preference. This level is referred to in Audit Commission publications and was discussed by senior officers from the Audit Commission at recent conferences.) In planning terms there is no obvious justification to vary this. Members are recommended to maintain this element of the assessment.

The second issues raised on the appeal is that the surplus is stated in the SPD as being assessed against primary schools in a 2 mile radius of the site and comprehensive schools within 3 miles. The site is on the Borough boundary so schools in Sandwell are argued by the appellants to be relevant to the calculation of surplus. Education Walsall reject this position on the basis that a significant number of children who attend Walsall schools do not reside in Walsall. The statement in the SPD (that all schools in the 2 and 3 mile zones will be assessed) was intended to clarify that we would include such pupils in the total number of pupils on roll at schools when assessing whether a developer contribution is required. Education Walsall are not aware of any local authority which includes data for schools outside their area when assessing whether a contribution is required. In addition, any consideration of including data from outside the 'home' local authority area for education or other service areas would need to be done in a regional context as there would presumably be an expectation that contributions collected by one authority could be invested in the neighbouring authority.

In planning terms, the fluidity of people choosing a school means people will move cross-boundary to a school if they wish. The issue of whether to limit the 2 and 3 mile zones to within the Borough boundary is being debated with Education Walsall, and the Supplementary report will update matters.

Conclusion

The proposal is redeveloping previously used land and therefore complies with PPG3, the UDP and draft PPS3 and would provide a high quality development that will enhance the area. The application indicates an illustrative layout of the site which would be well integrated into the existing residential surrounding the site, the principle is therefore acceptable and supported.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

1. Application for approval of the Reserved Matters shall be made within 2 years of the date of this decision. The development must be begun not later than:
 - i) Application for the approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission.
 - ii) The development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the reserved matters application, or the last reserved matters approval.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

2. The built development authorised by this permission shall not be commenced until details of the following Reserved Matters have been submitted to and approved by the Local Planning Authority:-
 - a) The layout of the site
 - b) the scale of the development;
 - c) The external appearance of the buildings;
 - d) The landscaping of the site

Reason: Pursuant to Article 3 (i) of the Town & Country Planning (General) development Procedure) Order 1995

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

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

4. Prior to any development on the site

(a) A ground contamination survey and site investigation approved in writing by the Local Planning Authority shall be undertaken having regard to current advice. [Note: Ground contamination and site investigation surveys shall assess the likely hazards of all identified contamination to the proposed development (and its future occupants) and any surrounding development resulting from the presence of potentially toxic materials and the emission of toxic, flammable and asphyxiant gases. Landscaped areas will need to have an adequate depth of clean cover.]

(b) the approved survey and investigation shall be undertaken in accordance with the approved details

(c) the results of the ground contamination survey and site investigations, together with a report setting out proposed remedial measures to deal with any identified and potential hazards arising from any land contamination, and a timescale for their implementation in relation to the development of the site, have been submitted to and approved in writing by the Local Planning Authority.

(d) The approved measures shall be implemented in accordance with the approved timetable.

NOTE FOR APPLICANT

The ground contamination survey and phased site investigation carried out on the site shall be made in reference to current standards and best practice such as British Standard BS10175:2001 'Investigation of potentially contaminated sites - Code of Practice'; British Standard BS5930:1999 'Code of practice for site investigations'; Waste Management Paper No. 27 'Landfill Gas'; Environment Agency, NHBC 'Guidance for the Safe Development of Housing on Land Affected by Contamination' R and D Publication 66, 2000; and the Contaminated Land Exposure Assessment Model (CLEA) 2002. Please note that this is not an exhaustive list.

Reason. To ensure the satisfactory development of the site.

5. The Reserved Matters submission shall include a scheme of suitable noise mitigation measures to protect internal areas to be agreed by the Local Planning Authority. None of the development shall be occupied until such measures have been fully implemented.

Reason. To ensure the satisfactory development of the site.

6. The Reserved Matters submission shall include details of secure cycle storage facilities for approval by the Local Planning Authority, the agreed scheme shall be implemented before the development hereby permitted is brought into use, and thereafter retained.

Reason: To ensure the satisfactory provision of cycle storage facilities shall be agreed in writing by the Local Planning Authority and the agreed scheme shall be implemented prior to the development being brought into use, and thereafter retained.

7. The Reserved Matters submission shall include a scheme for the provision and implementation of a surface water run-off limitation. The scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding.

8. The Reserved Matters submission will include details of what measures are being taken to incorporate sustainable urban drainage systems in the development, and the approved details shall be implemented before the dwelling they relate to is occupied, and thereafter retained, in working condition as appropriate.

Reason: To promote the use of such drainage systems.

9. No built development shall be carried out until full details of the proposed boundary treatment of the site have been approved in writing by the Local Planning Authority. The submitted scheme shall include any internal site divisions, a visibility splay at the access to the site of a minimum 2.4 metres by 90 metres, and a means of securing the accessways to parking areas. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to ensure the satisfactory appearance of the development.

10. No built development shall be carried out until a schedule of facing materials to be used in external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason : To ensure the satisfactory appearance of the development.

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

Reason : To ensure the satisfactory appearance of the development.

12. No built development shall be carried out until a scheme for external lighting for the flats and garage courts has been submitted to and approved by the Local Planning Authority and the lights shall be installed before occupation of the first dwelling on the site, and thereafter retained, all in accordance with the approved details.

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

13. No development shall be carried out until a protocol to ensure that the immediately surrounding highways are not adversely affect by the accidental deposition of materials from vehicles leaving the site in connection with the

construction phase. (this may involve the use of a wheel wash, road sweepers, etc.) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent mud being deposited on the public highway and in the interests of highway safety.

14. No demolition, engineering, or construction works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 08.00 to 18.00 weekdays and 09.00 to 14.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

Reason: To safeguard the amenity of the area.

15. During construction, facilities shall be provided to prevent any recycled, processed, or re-processed waste materials (including liquids) entering onto public footpaths, the public highway or other premises beyond the curtilage of the development site, including watercourses, drains and sewers, unless by discharge consent issued by the relevant agency.

Reason To control potential pollution.

16. There shall be no ground fires on the development site for the purpose of waste disposal, during the remediation and construction of the development.

Reason To control potential pollution.

17. Within one month of completion of the remediation works approved under this permission, the developer shall submit a validation statement that confirms the remediation works have been carried out and that remaining levels of contaminants in soils are at acceptable levels.

Reason: To ensure the satisfactory development of the site

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

Reason: To ensure the satisfactory functioning of the development.

19. All planted and grassed areas and associated protective fencing will be maintained for a period of 5 years from the full completion of the scheme approved under condition 11. Within this period:

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

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

NOTES FOR APPLICANT

A. Responsibility and subsequent liability for safe development and secure occupation rests with the developer and/or landowner. Although the Local Planning Authority has used its best endeavours to determine the application on the basis of the information available to it, this does not mean that the land is free from instability or contamination, or other constraints.

B. In cases where the question of stability or contamination has been a material consideration resolution of these issues does not necessarily imply that the requirements of any other controlling authority would be satisfied, and the granting of planning permission does not give a warranty of support or stability or of freedom from contamination.

C. In relation to condition 5, and with regard to suitable noise mitigation measures to protect internal areas reference should be made to the guidance and criteria contained in British Standard BS 8233, 1999 and World Health Organisation Guidelines for Community Noise 2000 and the following are relevant:

- a) internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq(5 minutes), of 35 dB together with a maximum instantaneous level of 45 dB(F) L_{Amax}, between the hours 23.00 to 07.00;
- b) internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq(1 hour), of 45 dB between the hours 07.00 to 19.00; and
- c) internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq(1 hour), of 40 dB between the hours 19.00 to 23.00.
- d) the buildings shall be constructed, designed and laid out so that external living areas of the residential development shall not exceed Noise Exposure Category 'B' of Planning Policy Guidance Note 24. (For the purpose of this condition external living areas shall be the gardens and private amenity areas of the dwellings).

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

Current guidance and procedures for the completion of a suitable noise survey can be found in Planning Policy guidance Note PPG 24 'Planning and Noise' and British Standard BS 7445:1991 'Description and Measurement of Environmental Noise'. This is not an exhaustive list.

D) In relation to condition 7, to fulfil this condition the Environment Agency requires the following:

Confirmation of the allowable surface water discharges to STW's public sewer, including the separate discharge from the hydrobrake, where ground conditions did not make a soakaway system feasible.

The proposed on site surface water drainage system should be designed to the Sewers for Adoption, 30 year standard or similar, which is acceptable in principal. However, additional details are required to confirm that surface water will not leave the proposed site in the 100 year +20% (for climate change) event. If the system surcharges, additional space may be required for water, the location of any surcharging should be identified as should any resultant overland flood flow routes. Any excess surface water should be routed away from any proposed or existing properties.

Additionally, a plan and calculations in support of the on site surface water drainage system (i.e., MicroDrainage output for the 30 year and 100 year +20% (for climate change) events, including pipeline schedules, network information and results summaries), to demonstrate that no flooding occurs to the proposed development or surrounding area from the 100 year +20% (for climate change) event will be required.

Finally calculations in support of the on site surface water attenuation system including sizing and any hydrobrake details and design, and a detailed plan and calculations for any surface flooding, including flood flow routes, expected depths, and confirmation that this would not cause flooding to nearby properties would be required.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 09 Oct 2007

REASON FOR BRINGING TO COMMITTEE: : Major Application

Application Number: 07/1535/FL/E11

Application Type: Full application

Applicant: Supermart Stores Ltd

Proposal: Redevelopment of Vacant Site
And Conversion Of Former Public House To
Accommodate 58 Flats With Associated
Parking, Servicing, Amenity Space and
Access

Ward: Brownhills

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

Case Officer: Alison Deakin

Telephone Number: 01922 652487

Agent: Rapleys LLP

Location: FORMER WARRENERS
ARMS PUBLIC HOUSE, HIGH
STREET/OGLEY ROAD,
BROWNHILLS, WALSALL

Expired: 19/10/2007



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Application and Site Details

The application seeks residential redevelopment of the former Warreners Arms public house site located at the junction of the A452 High Street and the A461 Ogley Road. The proposal involves conversion and extension of the public house building to create 58 flats with associated parking, servicing, amenity space and access. The proposals seek to overcome previous reasons for refusal of an application for the erection of 38 flats on this site (reference 06/0766/FL/E3). These reasons related to over-dominance of the proposed buildings, parking areas and access, incorporation of single aspect units detrimental to residential amenity, poorly defined public and private space, lack of surveillance to the street scene, unacceptable alterations to the existing building and unacceptable demand on education and public open space in the absence of financial contributions to cover the shortfall.

The existing building is two storeys in height and is located on the back of footway at the front corner of the site adjacent to the highway junction. The remainder of the site comprises the car parking areas and an overgrown garden. The site is bounded to the north and east by residential properties ranging from two to four storeys in height. There is also a single storey building to the west of the site which accommodates an accountants practice and on the opposite side of High Street is a Church and Motor garage. The character of the area is predominantly residential with commercial uses increasing to the west. The existing building was previously adapted by McDonald's Restaurant.

The proposal is for 58 apartments comprising of 41 X 2 bed and 17 X 1 bed units.

The site area is 0.36 hectares and the proposed total gross floor space is 3433m². As 58 flats are proposed this equates to a density of 161 dwellings per hectare.

The proposal shows retention of the street facades of the existing building, demolition of the rear extensions and outbuildings and construction of new apartment blocks on each side, continuing along the street frontages of High Street and Ogley Road. The buildings along Ogley Road range are two, three or four storeys and those along High Street are two and three storeys. There are several shared lobby entrances at regular intervals along both frontages to create pedestrian activity within the street.

Vehicular access to the site is via Ogley Road and car parking is provided for 47 vehicles which equates to 81% parking provision. Access and turning for a refuse vehicle is provided along with a bin store and secure cycle storage. The site is located on a main bus route, providing services to Birmingham, Walsall, Aldridge, Bloxwich and Burntwood.

A Design and Access Statement, Transport Statement, Desk Study Report and Noise Assessment have been submitted in support of the proposals.

Relevant Planning History

06/0766/FL/E3 – Redevelopment of Vacant Site and Conversion of Former Warreners Arms Building to Accommodate 38 Flats with Associated Parking, Servicing, Amenity Space and Access – Refused 13/07/06. Six grounds for refusal relating to the over-dominance of the proposed buildings within the site, over-dominance of the proposed parking areas and access point detrimental to outlook and visual amenities, incorporation of single aspect units detrimental to residential amenity, poorly defined public and private space and lack of surveillance to the street

scene, unacceptable alterations to the existing building and unacceptable demand on education and public open space in the absence of financial contributions to cover the shortfall.

Relevant Planning Policy Summary

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

Unitary Development Plan 2005

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

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

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

ENV10: seeks to protect residents from sources of pollution.

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

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

3.16, GP7, ENV32, H10 and 3.116: seeks the design of residential developments to create high quality living environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted, particularly in locations such as visually prominent sites. Designing out crime' through design, layout, landscaping and boundary treatments.

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

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

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

H4: seeks the provision of an appropriate element of affordable housing in all private housing developments.

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

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

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

LC8: Proposals involving the loss of local community facilities, including public houses, clubs and other meeting places, will only be permitted if it can be demonstrated that there are other existing facilities or a replacement facility could be provided.

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

T4: Street parking and direct frontage access will be strictly regulated.

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

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

T13: car parking standards

Flats with communal parking spaces 1.5 spaces per unit

Residential Development Standards, April 2005 provides guidance to standards for residential dwellings. A minimum of 24 metres is usually required between all facing windows of habitable rooms of adjacent dwellings, and 13 metres between habitable room windows and blank walls exceeding 3 metres in height.

Regional Spatial Strategy

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

National Policy

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

Planning Policy Statement 3: 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. It also encourages higher densities at major nodes along good quality transport corridors.

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

Planning Policy Guidance Note 24: Planning and Noise states that Noise Exposure Categories ranging from A-D, help local planning authorities in their consideration of applications for residential development near transport-related noise sources. Category A represents the circumstances in which noise is unlikely to be a determining factor, while Category D relates to the situation in which development should normally be refused. Categories B and C deal with situations where noise mitigation measures may make development acceptable

Consultations

Transportation – No objections in principle. The proposal provides only 0.81 car parking spaces per unit which is below UDP standards, and means that in reality 13 units will be deprived of any parking provision. Whilst the Transport Statement refers to the location of the site and opportunities for using sustainable means of transport 100% parking is preferred as the proposal does not have regard for the local highway network as suggested in paragraph 7.1 of the applicant's Design & Access statement.

The Transport Statement refers to the fact that there is no rail link to the site (nearest one 7km, in Walsall) and the proposals show less than 100% parking and deficient cycle storage provision which has been poorly designed and would not encourage residents to use them. A Residential Travel Plan is therefore required. Revisions to the disabled parking bays have been requested.

As the parking levels are low it is likely that parking will start occurring on Ogley Road. It is therefore recommended that the developer should finance a traffic restraint order (TRO) along the length of the visibility splay on Ogley Road to prevent parking within the splay that would obstruct visibility.

Pollution Control – No objections subject to conditions to overcome any noise issues arising on site. No specific contaminated land requirements.

Environmental Health – No objections.

Landscape – The proposed layout shows restricted spaces for planting and no details of planting or boundary treatment have been provided and there is little effective outdoor amenity space. However, the lack of effective landscape planting is disappointing but not sufficient to support refusal of the application.

Urban Design – No objections in principle to perimeter layout of the building or retention of the public house facades. Ideally private amenity space for each apartment should be made such as inclusion of balconies or patios. The scheme does not appear to provide for communal well-landscaped amenity space within the site.

Education Walsall– Require a contribution of £45,321.32 towards secondary school provision.

Housing – 25% Affordable Housing should be provided on site which equates to 14 units. Half the units should be shared ownership and half should be social rented and the majority should be 2 bedroom units.

Police Architectural Liaison Officer – No objections in principle. The developer should seek to achieve Secured by Design measures. The parking spaces at the rear corner of the site appear isolated and could be better incorporated. The gates to the access need to be automatic to ensure control over the parking area.

Fire Service – Satisfactory for fire service access.

Environment Agency – No comments.

Centro – No objection.

Public Participation

One letter of support received. The writers comment that the proposal offers affordable housing and will assist in regenerating Brownhills.

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

Determining Issues

- Principle of residential development
- Design and layout
- Means of Access and Parking
- Impact on residential amenities
- Impact on the surrounding area

- Affordable Housing/Education/Urban Open Space/Healthcare provision

Observations

Principle of residential development

The proposal seeks to overcome previous grounds for refusal of application 06/0766/FL/E3. These reasons related to over-dominance of the proposed buildings, parking areas and access, incorporation of single aspect units detrimental to residential amenity, poorly defined public and private space, lack of surveillance to the street scene, unacceptable alterations to the existing building and unacceptable demand on education and public open space in the absence of financial contributions to cover the shortfall.

The proposed buildings have been reduced in depth and the massing of the elevations spread out more evenly to respect the adjacent properties. Visual dominance of the car parking areas have been broken up by landscaping and introduction of wooden arbours with planting above and a flyover access is incorporated to fill the gap in the street scene where the access was previously dominant. The proposed apartments are now dual aspect and the enclosure of private spaces at the front and rear of the site clearly defines public and private space. Direct access to the apartments from the street is now incorporated thus encouraging surveillance of the street and more features of the original public house building are proposed for retention such as the timber clad gables, chimneys, brick window and door arches and doorways which have informed the design of the extended elevations. The applicant has also offered to enter into a S106 Agreement to make contributions towards urban open space and education provision, albeit at a reduced level given the financial viability of the scheme. In the circumstances it is considered that the revised application has addressed the previous grounds for refusal of permission.

Policy LC8 refers to the loss of community facilities. This policy no longer applies as the former public house was converted to a fast food restaurant. The site remains vacant and is prominent at this highway junction whereby its continued deterioration is detrimental to the visual amenities of the area. In the circumstances, and considering that the surrounding area is predominantly residential in character (with the exception of the few commercial premises mentioned previously) then residential conversion and development is an appropriate use of the site in principle. The retention of the facades of the existing building which has attractive features to both High Street and Ogle Road elevations is also favoured.

Design and layout

A high quality design is crucial at this important gateway site on the approach to Brownhills District centre. The retention of the building facades to High Street and Ogle Road is supported as the building is an important landmark and has attractive original features such as the timber clad gables, chimneys, brick window and door arches, brick banding and sash window frames. The proposal seeks to retain these features and replicate the character of the original building along the High Street elevation and has taken the opportunity to increase the scale and height along the Ogle Road elevation to reflect the greater height and scale of the flats opposite.

The proposed new apartment buildings have been reduced in depth from 13m-15m to 10m-12m (except where the shared lobbies are included which increase the footprint to 13.5m deep). This is in order to overcome previous grounds for refusal and better reflect the surrounding context. The buildings have also been positioned

closer to the boundary with the footway along High Street to reflect the original building and the buildings realigned to create an improved building line that maximises space on site yet maintains a buffer to the street.

It is proposed to provide a small amount of private amenity space between the proposed buildings and car parking areas. The developer has demonstrated that these areas will be designed to a high quality using different paving surfaces, water and lighting features etc that will make them usable and practical for potential occupiers. Although the design does not incorporate individual private space for each apartment, for example balconies, it is considered that in this location at a busy highway junction the introduction of balconies would not create a satisfactory outdoor space for the occupiers due to potential noise and pollution.

The proposed layout does create an intimate relationship between the converted pub building and the new two storey apartments in between this and the new apartment block along the Ogley Road frontage. However, the design does take care to position the windows so that there is an outlook onto the private space. All the new apartments have living accommodation facing the street and bedrooms at the rear offering dual aspect apartments, providing privacy for occupiers, creating surveillance of the street and relief from the hustle and bustle of the street. The incorporation of pedestrian access and shared lobbies directly from the street will also help create an active frontage and encourage occupiers to take ownership of the landscaped space in front of the building and take pride in maintaining this area. The incorporation of appropriate boundary treatment such as low railings as indicated on the street elevations will also create a clear distinction between the public and private spaces.

The design of the proposal seeks to reflect the original pub building and respect the surrounding context. The higher density of the proposal with the buildings located on a main road close to Brownhills District Centre where there is access to shops, other facilities and good public transport links can be supported. It is considered redevelopment of this key site offers a regeneration opportunity to benefit the surrounding area and further support the District Centre, therefore high density is considered acceptable in this instance.

Means of Access and Parking

The proposed vehicular access is off Ogley Road leading to a gated secure parking area at the rear of the buildings. Visibility splays of 2.4m X 50m are achievable towards the junction with High Street and 2.4m X 70m along Ogley Road which provides adequate visibility. Separate vehicular and pedestrian gates are located across the access providing added security and clearly define public and private space. The design of the access also allows two vehicles to pass to aid highway safety.

The layout shows 47 parking spaces, of which 3 are disabled spaces located nearer to the buildings. There are two rows of parking beneath wooden arbours which has planting above to soften their appearance and further parking in the far north-west corner of the site with landscaping around the perimeters of the site. This level of parking at 47 spaces gives a ratio of 0.81 car parking spaces per unit. The Transportation officer highlights that in reality this would mean that 13 units will be without parking provision. It is considered that the improvements that the redevelopment of the site would have upon the visual and residential amenities of the area would be of great benefit to the area and, on balance and recognising that the site is within walking distance of the District Centre, on a well served bus route, the

shortfall in parking provision is outweighed by the regenerative benefits redevelopment of the site has to the locality.

As a means of addressing the Transportation Officer's concerns regarding potential parking on Ogley Road that may interrupt the visibility splay the developer has agreed to a condition that requires a traffic restraint order (TRO) along the length of the visibility splay on Ogley Road.

Revised plans have been received that address other issues raised by the Transportation officer relating to disabled parking bays. These revisions coupled with appropriate conditions address outstanding matters.

Impact on residential amenities

This scheme offers reduced private amenity space for occupiers (approximately 338m² which equates to 5.8m² per unit). However, it is considered that the high quality design of the spaces which incorporates water features, seating, high quality paving and incorporation of sensitive planting will provide a valuable visual amenity for residents and a usable space. There is also space in front of the apartments facing Ogley Road that will provide additional visual amenity. Although parking is still dominant, the use of wooden arbours and additional planting and landscaping will soften the appearance of the parking improving the outlook for potential residents.

The proposed buildings along Ogley Road are staggered forward of the adjacent residential property at 9 Ogley Road by 3.8m. However, given that the garage at no.9 separates the sites the nearest part of the proposed apartment building to this boundary does not adversely affect outlook or privacy of the existing neighbour. The buildings have also been designed to reduce in height adjacent to the existing dwelling to prevent over-dominance. The increased height of the proposed building along Ogley Road is also considered to maintain adequate separation to the three storey flats opposite which are 25m distant at the closest point.

Impact on the surrounding area

The positioning of the buildings has been revised since the previous refusal and the building now better addresses the street scene. The proposal allows for incorporation of low railings along the edge of the highway with planting in between this and the proposed building which will clearly define the public and private space and creates a buffer between the closest apartments. This will enhance the character of the area and incorporation of separate pedestrian accesses off the street will provide enhanced surveillance of the street and occupiers should take pride in maintain these spaces.

Affordable Housing/ Education/Urban Open Space/Healthcare provision

In accordance with policies H4 and GP3 provision of affordable housing should be made on site. The policies require 25% provision which equates to 14 units, of which the majority are expected to comprise 2 bedroom units. Of the 14 units, 7 should be for shared ownership and 7 for social rent.

Given the number of proposed units a Section 106 Agreement is required to secure provision for Education, Urban Open Space and Healthcare under the principles of policies GP3, 8.8, 8.9, LC1 and the Supplementary Planning Documents. This equates to £45,321.32 for education, £82,962.00 for urban open space and £38,045.70 for healthcare, giving a total requirement of £166,329.02.

The developer has provided a Financial Assessment of the scheme which the District Valuer has assessed on behalf of the Council in order to determine whether the developer's case for a reduction in the required contributions is reasonable. The District Valuer concluded that the profit margins projected by the developer would be very marginal for a residential development and would give serious concern to the viability of the project. Officers have been negotiating with the applicant for twelve months from July 2006, to deliver an acceptable scheme, but because of reoccurring issues of viability, this has led to an increase in developments density. The Council adopted the Health Care supplementary planning document (17th January 2007).

A potential solution to allow the deliverability of the proposal and make the development viable enough for the developer to build the scheme out and clean up an eyesore site, it is considered reasonable in this instance for the Council to not collect the health care contribution. With this in mind, the S106 requirements could be 10 shared ownership affordable flats (17% of the development, to be split between 6 X 2 bed apartments, 3 X 1 bed apartments and 1 X studio) and the full education (£45,321.32) and urban open space (£82,962.00) contributions which would still leave a reasonable profit, which the District Valuer considers to be adequate for this form of development. The reduced affordable housing provision is considered acceptable in this instance, as directly opposite the application site, WHG are looking to provide a new provision of affordable flats and houses as part of the wider WHG Brownhills Master Plan.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

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

- Site Location Plan (Drwg. No. 07-004/01) received 12/7/07
- Proposed Site Plan (Drwg. No. 07-004/11A) received 14/9/07
- Block Plans (Drwg. No. 07-001/16) received 12/7/07
- High Street Apartments Floor Plans (Drwg. No. 07-001/12) received 12/7/07
- High Street Apartments (Drwg. No. 07-001/14) received 12/7/07
- Ogley Road Apartments Floor Plans (Drwg. No. 07-001/13) received 12/7/07
- Ogley Road Elevations (Drwg. No. 07-001/15) received 12/7/07
- Existing Site Plan (Drwg. NO. 07-004/10) received 12/7/07
- Noise Assessment (prepared by Atkins) (Job No. 5040843) received 20/7/07
- Desk Study Report (prepared by RAW Consulting) dated October 2005 received 12/7/07
- Transport Statement (prepared by L Rivers/T Otterson))(LFR/ano/2006-275) dated July 2007 received 12/7/07

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

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

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

4. Prior to development commencing, a noise survey shall be undertaken in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority. The results of this survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests shall be submitted to the Local Planning Authority within 6 weeks of completion.

Reason: To ensure the satisfactory development of the site.

5. No development shall take place until noise mitigation measures to protect internal areas have been agreed in writing by the Local Planning Authority, and the development shall not be occupied until the agreed measures have been fully implemented. The agreed measures shall be retained in accordance with the agreed details throughout the life of the development.

Reason: To ensure the satisfactory development of the site.

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

Reason: To ensure the satisfactory appearance of the development.

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

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

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

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

Reason: In the interests of the amenity.

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

Reason: To ensure the satisfactory development of the site.

11. Visibility splays on driveways and access roads must be kept clear of landscaping over 600mm in height from carriageway level.

Reason: To maintain highway safety.

12. Prior to the commencement of the development a Residential Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable travel.

13. Before this development is brought into use a traffic restraint order (TRO) along the length of the visibility splay on Ogley Road shall be implemented to prevent parking within the splay that would obstruct visibility, and shall be financed by the developer.

Reason: To maintain highway safety.

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

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

15. Prior to the commencement of any development on site details shall be submitted to and approved in writing by the Local Planning Authority for the conservation and efficient use of energy and natural resources and sustainable development, including consideration of Ecohomes Very Good Standard and 5 stars standard as amplified by the Code for Sustainable Homes (January 2007) or subsequent document, micro energy generation, on site composting, grey water systems, SUDS and locally produced building materials. The development shall then be implemented in accordance with the approved details.

Reason: In order to comply with guidance within policies ENV39 and ENV40 of

Walsall's Unitary Development Plan, PPS1 and the Code for Sustainable Homes in terms of sustainable development and use of natural resources.

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

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

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, GP4, ENV14, ENV32, H3 and H10 of Walsall Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

Notes for applicant:

1. You are advised to refer to the agreement under Section 106 of the Town & Country Planning Act 1990, which has been completed in conjunction with the development.
2. In relation to Condition 3 - Bank and Public Holidays for this purpose shall be: Christmas Day, Boxing Day, New Years Day, Easter Monday, May Day, Spring Bank Holiday Monday and August Bank Holiday Monday.
3. In relation to Conditions 4 & 5 - With regard to suitable noise mitigation measures to protect internal and/or external residential areas, reference should be made to guidance and criteria contained in British Standard BS 8233, 1999 and World Health Organisation Guidelines for Community Noise 2000 and the following are relevant:
 - a) internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(5 \text{ minutes})}$, of 35 dB together with a maximum instantaneous level of 45 dB) L_{AFmax} , between the hours 23.00 to 07.00;
 - b) internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(1 \text{ hour})}$, of 45 dB between the hours 07.00 to 19.00; and
 - c) internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(1 \text{ hour})}$, of 40 dB between the hours 19.00 to 23.00.
4. In relation to Conditions 4 & 5 - Sound level measuring instrumentation shall conform to either 'Type 1' of British Standards BS EN 60651: 1994 'Specification for sound level meters' and/or BS EN 60804: 1994 'Specification for integrating-averaging sound level meters' and/or Class 2 of BS EN 61672: 2003 'Electroacoustics- Sound Level Meters - Part 1: Specifications (or any superseding

standards as applicable) which shall have been verified in accordance with British Standard BS 7580 'Specification for the verification of sound level meters' Part 1: 1996 'Comprehensive procedure' within a preceding 2 year period.

5. In relation to Conditions 4 & 5 - Current guidance, procedures, recommendations and information to assist in the completion of a suitable noise survey may be found in: Planning Policy Guidance Note PPG 24 'Planning and Noise'. 1994; Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England. 2005
British Standard BS 7445: 2003 "Description and Measurement of Environmental Noise".

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

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

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

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

Calculation of Road Traffic Noise, 1988

Calculation of Railway Noise, 1995

(This is not an exhaustive list)

6. In relation to Conditions 4 & 5 - Noise surveys should adequately establish the spatial variation of noise across a proposed development site using one or more measurement and/or calculation points, and may also need to take account of changes in noise levels on account of height above ground floor level. Additionally, a noise survey may have to take into consideration changes in a noise climate between normal weekdays and weekends, and require continued monitoring over a 24 hour period or longer. Secondary 'spot check' surveys will be required by the local planning authority in some instances to corroborate a continuous single noise survey.

7. In relation to Conditions 4 & 5 - Submitted noise measurement data must include details of all instrumentation used (microphones, sound level meters, data loggers, acoustic calibrators) inclusive of verification checks pursuant to British Standard BS 7580 Part 1: 1997 Specification for The verification of sound level meters Part 1 Comprehensive procedure conducted within the previous 12 month period, and recordings of prevailing climatic conditions on site of the course of noise measurements incorporating air temperature, wind speeds and direction as a minimum.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 09 Oct 2007

REASON FOR BRINGING TO COMMITTEE: Major application

Application Number: 07/1494/FL/W6

Application Type: Full application

Applicant: Concept Development
Solutions

Proposal: Demolition Of Redundant Clinic
And Erection Of 12 No. Apartments And 6
No houses

Ward: Bentley & Darlaston North

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

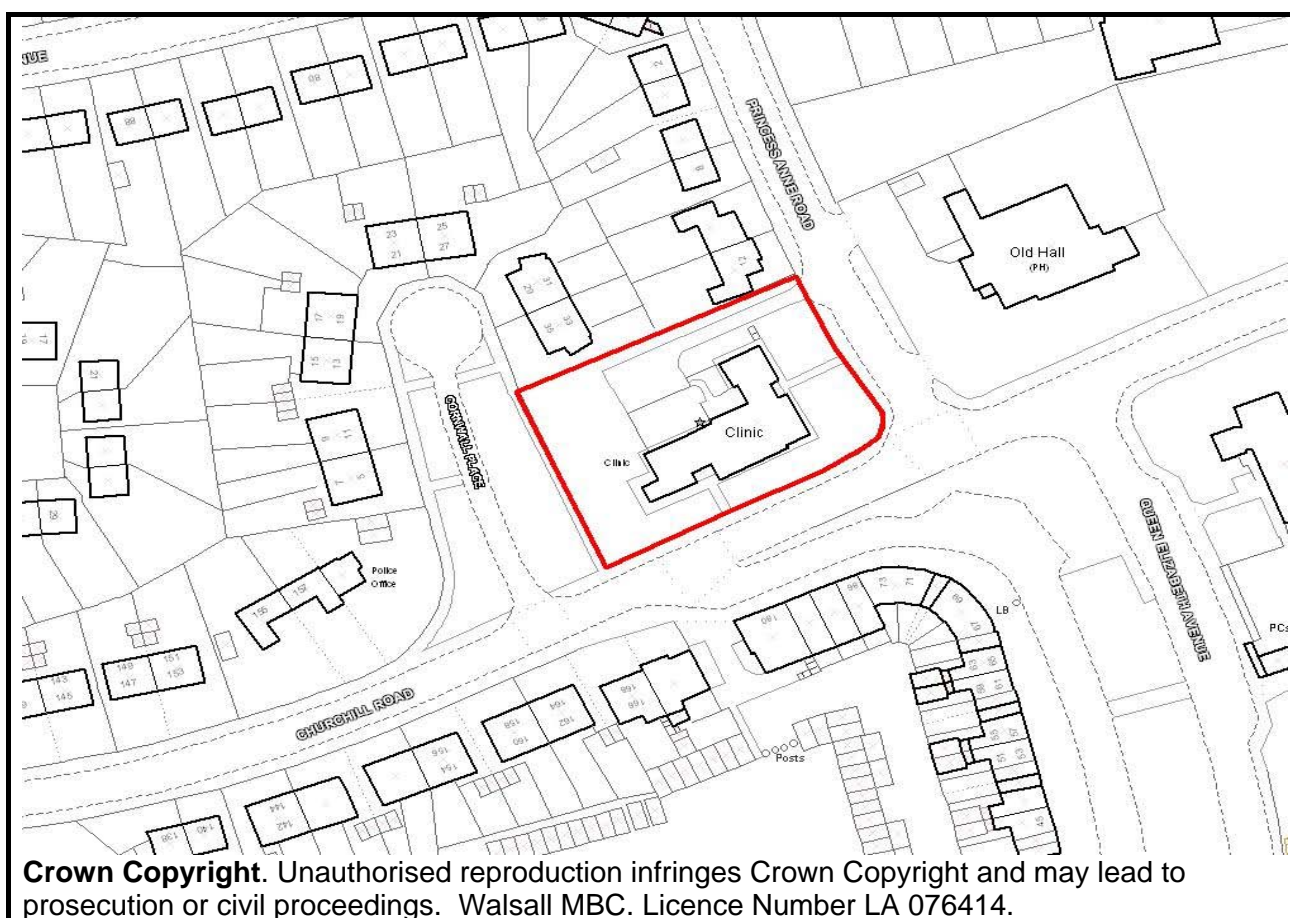
Case Officer: Val Osborn

Telephone Number: 01922 652436

Agent: Baker Goodchild Architects

Location: BENTLEY HEALTH
CLINIC, CHURCHILL
ROAD, WALSALL,

Expired: 02/11/2007



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Application and Site Details

The site is that of the former Bentley Clinic, a corner site surrounded on three sides by Princess Anne Road (with Old Hall PH site opposite), Churchill Road, (with two and three storey shops opposite), and Cornwall Place, (a residential cul de sac). The site is within Bentley Local centre. The former clinic building would be demolished.

The application provides for 12 apartments as two three-storey blocks on the street corners with two houses on Cornwall Place, two houses fronting Princess Anne Road and two houses facing Churchill Road.

The overall design theme is contemporary, with the pitched roof of the houses making a contrast to the flat roof of the apartments. The house designs are paired and relate to site circumstances. All of the proposed houses have entrances fronting the street, as two and a half storey units on Cornwall Place and Princess Ann Road and two storey on Churchill Road.

The proposed flats would have entrances off Churchill Road, signified by a canopy and roof projection. The two bedroom apartments have a rear garden/amenity space and separate side access.

The layout shows a private rear courtyard for parking, designed with landscaping on parts of boundaries with adjacent houses and maisonettes as well as between gardens and car park spaces, and provides 20 spaces. Direct rear access to all of the flats and houses is proposed.

The Design and Access Statement explains the design ethos, providing a modest landmark corner for this local centre location. "The houses are designed using domestic forms and materials with pitched roofs, parapets and entrance canopies but the detailing is handled in a contemporary manner with large windows, juliet balconies, feature entrance canopy and large glazed entrance screens to avoid pastiche and provide an attractive and lively frontage. The apartments extend this theme with flat roofs and large glazed entrances to provide landmarks in the street scene.

The layout has been designed to meet Secure by Design requirements throughout to ensure a safe and secure place to live.

Private garden spaces surround the courtyard parking, all meeting Residential development standards of 68 sq. m. The site is 0.2023 ha, providing 88 dwellings per hectare

Relevant Planning History

None

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

Unitary Development Plan

2.2: Lists six key strategic themes to evaluate development proposals including a high standard of design.

GP1: Relates to sustainable developmen and minimise the need to travel.

GP2: The Council will not permit development which would have an unacceptable adverse impact on the environment..

GP3: Planning obligations will be used to secure off-site mitigating measures

GP7: Proposals to have regard for the objective of designing out crime.

3.6: Development schemes should help to improve the environment.

3.16 and 3.113-5: Development should relate to its setting, and character and provide a high quality of built and landscape design..

ENV32: Development to take account of context and surroundings

ENV33: Development to be fully supported by details of layout and landscape

ENV40: Adequate foul and surface water drainage infrastructure to be provided.

6.3: Housing to have good accessibility and well related to local facilities;

H3: Provision of additional housing through the re-use of windfall sites;

H9: Housing densities in the range of 30 -50 dwellings per hectare recommended

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

7.1: Seeks to promote an efficient highway network;

8.8: Developments only where adequate school capacity exists or can be provided. Council will require a financial contribution to costs of provision.

T7: All development should satisfy the car parking standards set out, be well designed and sensitively integrated into the townscape

T13: Advises on parking requirements.

LC1: financial or other contributions will be required for urban open spaces.

Residential Design Standards
Guidelines relating to design and space around dwellings.

Regional Policy

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

Supplementary Planning Document for Urban Open Spaces

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

Supplementary Planning Document for Education

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

National Policy

PPS1 Delivering Sustainable Development, PPS3Housing, PPG13 Transport, PPS23 Planning and Pollution Control, PPS24 Planning and Noise, 'By Design' companion to PPG's, Urban Design Compendium, Safer Places- The Planning System & Crime Prevention.

Consultations

Transportation – No Objection, subject to conditions as in the recommendation.

Pollution Control – The site investigation shows no significant levels of contamination or ground gas to require any formal remediation at the site. A noise assessment report has been submitted in support of the application containing measures to be adopted to protect occupiers of the development from vehicle noise

emanating from Churchill Road and Princess Anne Road. Conditions are recommended accordingly.

Education Walsall - The level of surplus places in local primary schools is above 10% so no contribution is required for this phase. However, the level of surplus places in local secondary schools is below 10% and therefore a contribution of £26 529.55 towards secondary school provision is necessary.

Environment Agency - no objections to the proposals as submitted; The 'Controlled waters' at this site are of low environmental sensitivity. However the EA wishes informatives to be added to Notes for applicant and a condition (numbered 14 of recommendation), is included. The 'Controlled Waters' at this site are of low environmental sensitivity.

Fire Service - satisfactory.

Centro – No objection. The site is within the Passenger Transport Authority's minimum standards for accessibility.

Public Participation Responses

None.

Determining Issues

- principle of development
- design
- car parking provision
- obligations

Observations

Principle of development

The Unitary Development Plan recognises that windfall sites may arise and encourages the provision of housing provided a satisfactory residential environment can be met. The Council supported the relocation of health care facilities to the new centre at the junction of Churchill Road and Western Avenue.

Bentley centre is the subject of extensive partnership work through the Local Neighbourhood Partnership and the redevelopment of this site would be a key component in the regeneration of the locality.

It is therefore considered appropriate that the site should be redeveloped for housing purposes.

Design

The scheme is a perimeter block, which is considered the optimum design solution for the site, given the constraints that being surrounded by three roads represents. All of the proposed houses have direct access from the street with main entrances for the flats on Churchill Road, the primary route.

Proposed houses on Princess Anne Road follow the established building line, with 3.5m front gardens. On Cornwall Place houses have front gardens between 3m and

5m depth and the houses are stepped progressively forward to align with the corner block of flats.

Buildings on Churchill Road are set closer to back of footpath, at 2m, with recesses, balconies and canopies to ornament the elevation although retain a strong building line. In general design terms it is considered that forming a linked frontage would help create a sense of place, with a distinct character and identity following from the architectural features and siting.

In terms of scale, the proposed development relates to three storey shops across the road, although the massing which presents to the street is broken up by the insertion of two two-storey houses. The flats are 8m in height to eaves and the height to ridge of the houses in between, at 7m, will create a break and recess in the elevation and roof profiles.

The scheme has therefore been designed with specific regard to site considerations and on that basis is considered suitable.

The scheme has been designed so as to maximise solar gain, with wide-on-plot, narrow-in-form houses to allow sun to warm rooms in the winter as well as summer months.

The proposal provides for bins to be stored in the amenity space for the flats. However, adjacent areas shown to be landscaped could be utilised to provide enclosed storage and also provide landscaping. Therefore a condition is recommended to provide further details for refuse systems.

The layout provides for entrances on to streets which relates well to the established pattern of development and which increases aspects of safety. The scheme has been designed to meet 'Secure by design' principles.

Car Parking

Transportations comments are supported.

Obligations

Contributions to Urban Open Space (£29,106) and Education (£26 529.55) have been identified as necessary and appropriate and the applicant has agreed to them through a section 106 agreement.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

2. This development shall not be carried out other than in conformity with the -Design and access statement dated 5 July 2007 and the following plans;

Site Plan 10E

(further drawing numbers to be inserted).

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

3. No built development shall commence until samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained as such.

Reason: To ensure the satisfactory appearance of the development.

4. No development shall commence on site until details of the disposal of both surface and foul water drainage, to include a scheme for the provision and implementation of a surface water run-off limitation, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and retained as such.

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

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

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

6. No built development shall commence on site until details of all boundary treatment have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented prior to first occupation of the premises and shall be retained as such.

Reason: In the interests of securing the development.

7. No development shall commence on site until details of the refuse collection systems and related storage for the proposed apartments, together with associated landscaping, have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to first occupation of the premises and shall be retained as such.

Reason: In the interests of securing the development.

8. No development shall be carried out until a detailed landscaping scheme for the site, (including any necessary phasing of implementation), has been submitted to and agreed in writing with the Local Planning Authority. The landscaping scheme shall include full details and specifications of plant material together with detailed locations of the species proposed, full details of the management of the site and full details of

hard landscaping. The approved scheme shall be implemented in accordance with any agreed phasing or within one year of any part of the development being brought into use or such other period of time as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

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

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

Reason: To ensure the satisfactory appearance of the development.

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

Note for applicant

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

Reason; In the interests of the amenity of nearby occupiers

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

Reason; in the interests of the amenity of the future occupiers of the development.

12. The parking areas shown on the approved plans to serve the occupiers of the site shall be surfaced and available for use before the related residential unit is brought into use. The parking and access areas shall be retained and available for such use.

Reason; In the interests of amenity and safety.

13. Unless otherwise agreed in writing by the Local Planning Authority, development shall not begin until parking for site operatives has been provided within the

application site in accordance with details to be submitted to and approved by the Local Planning Authority, and such provision shall be retained and kept available during construction of the development.

Reason; To prevent indiscriminate parking in the interest of highway safety.

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) should be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination should be dealt with.

Reason; to ensure the development does not cause pollution.

15. Any bike stores shall be covered and secure to encourage cycle use.

Reason; In order to provide appropriate secure provision for sustainable transport.

16. The two bin stores provided to serve the apartments shall incorporate waste bin and recycling bank, in accordance with Walsall Council Waste Management.

Reason; In order to ensure provision of appropriate refuse collection systems.

17. Access and gating from the bin stores shall be provided of sufficient width to accommodate easy transfer of bins to the highway for refuse collection, and a bin hard standing located at the edge of adopted highway.

Reason; In order to ensure provision of appropriate refuse collection systems.

18. Any gates provided at the main vehicular access shall open inwards only.

Reason; In the interest of highway safety.

19. Parking spaces shall be demarcated on the ground, and all disabled spaces shall display the disabled logo, and have a pole and sign display at the front of each bay.

Reason; In the interest of highway safety.

20. Nothing shall be installed, erected or planted within the parking court that would restrict the required 6m reversing aisle width to the parking bays.

Reason; In the interest of highway safety.

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

Reason To ensure the satisfactory development of the site.

Notes for applicant

Environment Agency -It is recommended that the requirements of Planning Policy Statement 23:Planning and Pollution Control and the Environment Agency Guidance on Requirements for Land Contamination Reports/ Planning Policy Wales and the WLGA/ EA Land Contamination: A Guide for Developers should be followed.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Recovery and disposal operations require a Waste Management Licence or Pollution Prevention and Control permit. If contaminated soil is to be re-used on-site as part of a soil recovery operation then either a Waste Management Licence will be required or the applicant will need to register an exemption to licensing with the Environment Agency. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

Notes for applicant

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

a). internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq(8 hours), of 35 dB together with a maximum instantaneous level of 45 dB) LAFmax, between the hours 23.00 to 07.00;

b). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq(16 hours), of 40 dB between the hours 07.00 to 23.00.

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

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

Planning Policy Guidance Note PPG 24 'Planning and Noise'. 1994; Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England. 2005 British Standard BS 7445: 2003 "Description and Measurement of Environmental Noise". British Standard BS 7445-1: 2003 - Description and measurement of environmental noise - Part 1: Guide to Quantities and Procedures; British Standard BS 7445-2: 1991 - Description and measurement of environmental noise - Part 1: Guide to the acquisition of data pertinent to land use British Standard BS 7445-3: 1991 - Description and measurement of environmental

noise - Part 3: Guide to application to noise limits. British Standard BS 4142: 1997 – Method for Rating industrial noise affecting mixed residential and industrial areas Calculation of Road Traffic Noise, 1988 Calculation of Railway Noise, 1995
This is not an exhaustive list.

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

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

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, ENV 10, ENV 32 and H3 of Walsall Unitary Development Plan 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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 09 Oct 2007

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 07/1492/FL/E11

Application Type: Full application

Applicant: Lockett Property Holdings
Limited

Proposal: Erection Of 19 Houses, Access,
Parking Associated Works

Ward: Bloxwich West

Recommendation Summary: Grant Permission Subject to Conditions, a Planning
Obligation and no Further Representations

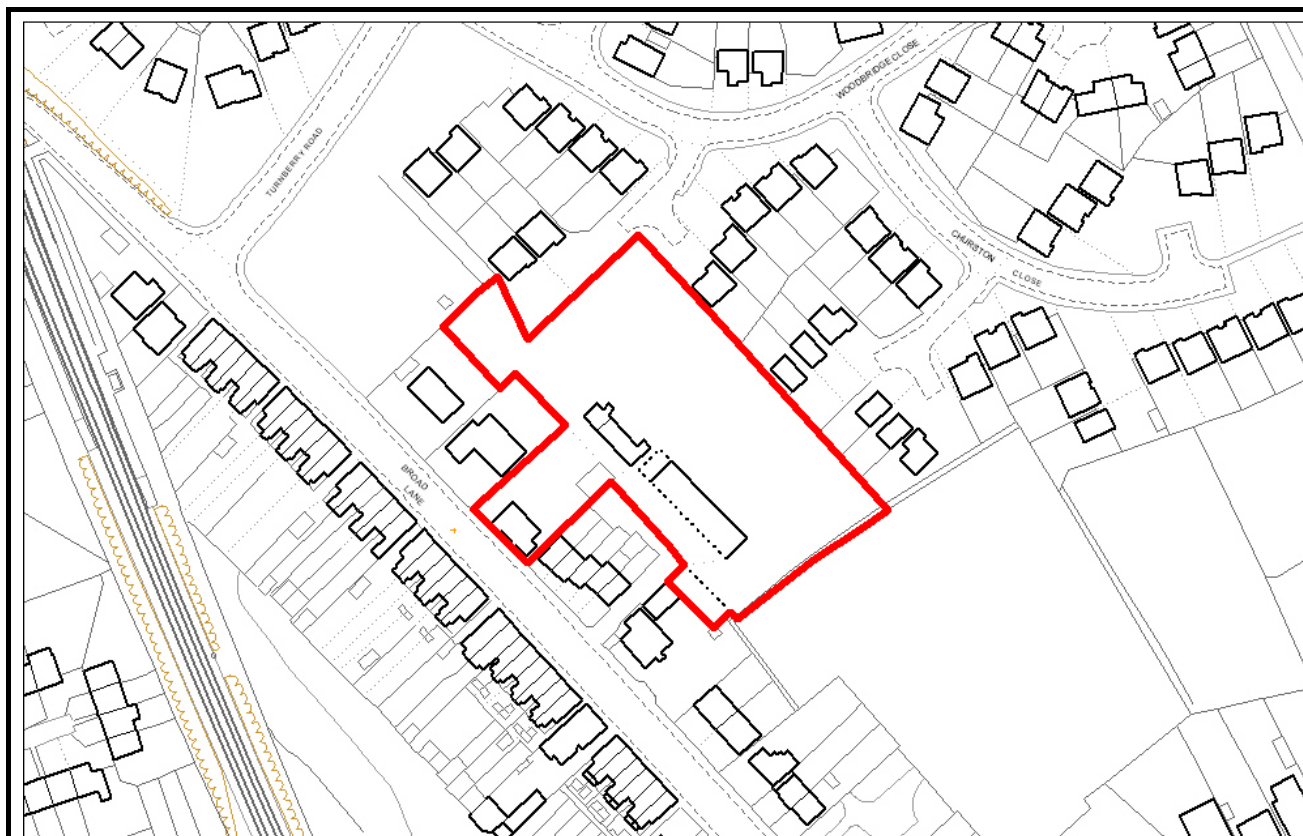
Case Officer: Alison Deakin

Telephone Number: 01922 652487

Agent: Armstrong Burton Planning

Location: SITE R/O 160-164
BROAD LANE, WALSALL,

Expired: 25/10/2007



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Application and Site Details

The application is for erection of 19 houses, access, parking and associated works on land at the rear of 160-164 Broad Lane, Bloxwich. The application site includes the detached dwelling 162 Broad Lane which it is proposed to demolish to create a new access to the rear plus a smaller replacement dwelling. The land at the rear of numbers 160 - 164 Broad Lane is currently occupied by two large storage sheds, which are split into smaller units. The Sheds are kept locked with roller shutter doors to secure them. The larger shed is finished in cladding and the smaller shed to the north west of the site is a single storey traditional brick and tile shed. To the north and east of the sheds there are stored caravans and static homes, of which only one appears to be occupied. Access to the land at the rear is currently available between 160 and 160A Broad Lane.

There are a variety of detached housing and modern terraced properties on this side of Broad Lane with Victorian terraced housing opposite. Modern detached housing on the Turnberry Estate adjoins the rear site boundary there is an allotment site to the east and a landscaped open space to the west at the junction of Broad Lane and Turnberry Road. The site is relatively flat and there are mature trees along the boundary with the allotments.

The site frontage to Broad Lane is 20m wide, as it is essentially the width of the existing house plot, but the site widens to a rectangular shaped area at the rear 90m wide and 47m deep. There are two additional areas of land at the rear of 160 and 164 Broad Lane adjacent the southern boundary and western corner of the site. The total site area is 0.52 hectares which for 19 dwellings gives a density of 36.5 dwellings per hectare. The proposed dwellings comprise 6 X 4 bed, 7 X 3 bed and 6 X 2 bed properties. Amended plans have been received to address layout issues which have resulted in the loss of one plot (formerly 20 units proposed) and revisions to the accommodation provision on site. These revisions will be publicised and reported in Supplementary Papers.

The proposed layout shows one new dwelling adjacent the site access facing Broad Lane and the remainder facing the cul-de-sac at the rear. The access is "T" shaped with an extended private drive to the eastern side. The dwellings comprise a mix of 2 and 2½ storey houses (the 2½ storey houses located at the heads of the access to create end stop features. The layout shows a combination of garages and parking spaces; garages are located between houses and there is one separate garage block located against the northern site boundary between plots 8 & 9. All houses have a secure private garden at the rear.

A Design & Access Statement, Transport Statement, Planning Statement, Flood Risk Assessment and Tree Survey have been supplied in support of the application.

Relevant Planning History

06/1574/CE/E12 - Certificate of Lawful Existing Use/Development: Storage of steam engine and pop bottles (162 Broad Lane) – Certificate Granted 21/11/06. The Local Authority were satisfied by the evidence presented in the application that sheds A and B been continually used for the past ten years for the storage of bottles of pop and steam engines at 162 Broad Lane, Walsall.

BC26614P - Renewal for caravans - GSC 1989.

BC32345P Change of use for the storage of touring caravans at 162 Broad Lane, Walsall - GSC 1991.

Relevant Planning Policy Summary

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

Unitary Development Plan

2.2: Lists six key strategic themes that will be used to evaluate development proposals. These include creating, sustaining and enhancing a high quality natural and built environment, including a high standard of design.

GP1: Relates to sustainable development- the location of facilities where they are accessible to everyone and minimise the need to travel.

GP2: The Council will not permit development which would have an unacceptable adverse impact on the environment and lists the considerations which will be taken into account in the assessment.

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

GP7: Development proposals will be expected to have regard for the objective of designing out crime.

3.6: Development and redevelopment schemes should, as far as possible, help to improve the environment.

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

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

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

3.113 New development provides opportunities for high quality architectural and landscape design to contribute to the environmental and economic well-being of the Borough for the benefit of residents and visitors, alike. Good design responds positively and imaginatively to the context in which development takes place.

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

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

ENV32: Development needs to take account of its context and surroundings and indicates the criteria to be taken into account in assessing proposals.

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

ENV40: Adequate foul and surface water drainage infrastructure should be provided.

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

H3: The Council will encourage the provision of additional housing through the re-use of brownfield previously developed windfall sites, subject to a satisfactory environment being achieved.

H4: Seeks provision of affordable homes. The Council will normally negotiate with developers for 25% of total dwellings to be affordable homes on sites suitable for such provision.

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

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

8.8: Residential developments will only be permitted where adequate school capacity exists or can be provided. Where residential developments necessitate the provision

of new or improved educational facilities or other forms of social and community infrastructure the Council will require developers to make a financial contribution to the costs of providing these facilities

T7: All development should satisfy the car parking standards set out in Policy T13. All parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area, and with appropriate use of materials and landscape treatment.

T13: Advises on parking requirements.

1, 2 & 3 bedroom houses 2 spaces per unit

4 bedroom houses and above 3 spaces per unit

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

Residential Development Standards (RDS)

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

Supplementary Planning Document for Urban Open Spaces

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

Supplementary Planning Document for Education

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

Regional Spatial Strategy

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

National Policy

PPS1 Delivering Sustainable Development, PPS3 Housing, PPS10 Planning for Sustainable Waste Management, PPG13 Transport, PPG14 Development on Unstable Land, PPS23 Planning and Pollution Control, PPS24 Planning and Noise, PPS25 Development and Flood Risk, 'By Design' companion to PPG's, Urban Design Compendium, Safer Places- The Planning System & Crime Prevention.

Consultations

Transportation – No objections subject to minor revisions to parking spaces.

Pollution Control – No objections subject to conditions.

Education Walsall - No objections subject to a S106 agreement to seek contributions towards secondary school education in the area. A contribution of £42,005.12 is required.

Strategic Policy – No objections. The application is for a small infill development on previously-developed land in a largely residential area. As such it is subject to UDP policy H3, which residential development should be capable of satisfying. The proposed density of 38 dwellings per hectare is consistent with UDP policy H9.

Landscape – No objections.

Urban Design – No objections subject to conditions to seek approval of boundary treatments.

Greenspace Services – No objections subject to the developer providing a contribution toward Urban Open Space in accordance with the adopted Supplementary Planning Document. This amounts to £37,675.00.

Police Architectural Liaison Officer – No objections. The parking adjacent the access and in the western corner are a little isolated but are acceptable as they are partly overlooked.

West Midlands Fire Service – No objections as satisfactory for fire service access.

National Grid - No objections as negligible risk to networks.

Environment Agency – No objections subject to conditions.

Centro – No objections.

Public Participation Response

12 letters of objection have been received which are summarised below: -

- Object to trees on boundaries as they block sunlight and affect garage foundations
- Query whether adjacent boundaries are depicted accurately on plans
- Loss of privacy from overlooking
- Existing boundary fences should be retained and protected
- Proximity and height of plot 1 to the boundary will block daylight and affect outlook to adjacent dwellings
- Traffic calming measures should be incorporated including potential for a pedestrian crossing on Broad Lane and double yellow lines to prevent parking on the highway
- Potential noise and disturbance during construction
- Prefer a brick boundary wall along the site boundary with adjacent properties – boundary treatment should be robust and secure
- Proposed landscaping may be a litter trap
- Consider the potential to create an access for 162A from the proposed site access and close their driveway off Broad Lane
- 2½ storey and terraced properties are out of keeping with surrounding properties
- Object to the shared access
- Overshadowing of houses and gardens from 2½ storey houses
- The development should be classed as Turnberry Estate not Broad Lane
- Loss of property value (*not a material planning consideration*)
- New housing should blend in with the surrounding properties
- New access on a heavily congested road where parking occurs and visibility is restricted would be a safety hazard
- Noise and disturbance to adjacent properties from vehicular movements and additional families living on site
- No direct access to Woodbridge Close or Churston Close should be allowed

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

Determining Issues

- Principle of development
- Design & Layout
- Parking & Access
- Impact on Neighbour's Amenity
- Education & Open Space Provision

Observations

Principle of development

The proposal is for residential re-development of an existing developed "brownfield" site within an established residential area. The proposed density, at 36.5 dwellings per hectare, is within the density range advocated in policy H9 and is therefore acceptable. The proposal also provides a range of 2, 3 and 4 bed properties thereby providing a mix of housing for a range of households and making more effective use of land in an established urban area. The proposal is therefore acceptable in principle as it complies with policies GP1, H3, H9 and H10 of the Unitary Development Plan.

Design & Layout

The proposed layout incorporates dwellings that all face the public realm creating good surveillance of the street scene. All properties are also provided with a defensible space in front of the building and secure gardens at the rear. The proposed rear gardens on plots 1-8 are between 9-10m in length. Although below the recommended garden size given in Residential Development Standards they do offer between 46m² and 67m² which is considered to be a reasonable area as the gardens are convenient and usable. The position of the proposed dwellings in relation to adjacent dwellings surrounding the site and the separation distances are considered adequate to prevent loss of amenities to adjoining occupiers.

Amended plans have been received showing loss of one plot and revisions to Plots 15-19 in order to achieve larger rear gardens for plots 15-17 and resolve the issue of remote parking for plots 18 and 19. The separation between plots 15-16 and existing properties on Broad Lane is considered acceptable. The revisions show loss of one unit, amendment to the house type on plot 16 to provide a larger garden area and provide more convenient parking adjacent to the side of the dwelling. The loss of one plot also gives more space to allow a larger garden and more convenient parking for plot 15. Plot 17 has been altered to a 3 bed property and provided with 3 parking spaces within the rear garden so that the space can be dual use whereby the garden space is available when the parking spaces are vacant. Plots 18 and 19 have also been revised to 4 bedroom properties and a garage and driveways been provided at the side rather than in the shared parking court. This provides more convenient parking and both plots would gain a larger garden space. Amended plans have been received and will be publicised and reported in supplementary papers.

The proposed separation distance between immediately facing plots 6-8 and 15-16 is 11.6m which is below the RDS recommended standard of 24m. However, the proposed scheme has been design led in order to create a more intimate space with properties that overlook public spaces in order to provide surveillance of the street. Existing terraced properties along Broad Lane also have a reduced separation of between 12m and 22m hence it is considered the proposal is reflective of the surrounding context.

The proposed design of the dwellings adopts a traditional style of architecture and incorporates pitch roofs, bay windows, dormer windows, canopies etc. The scale and appearance of the dwellings reinterpreting design cues from the surrounding area

and is considered in keeping with the vicinity. Some objectors consider the incorporation of terraced dwellings and 2½ storey dwellings not in keeping with the surroundings. However, terraced dwellings are prominent along Broad Lane and the proposed 2½ storey dwellings (of which there are 4) are not significantly taller than the proposed 2 storey dwellings and merely incorporate dormer windows in the front and a velux window at the rear roof elevation. The 2½ storey properties are also considered to create an end stop to the cul-de-sac to enhance the appearance of the development and in the circumstances the proposed dwelling types are considered acceptable.

The proposal shows new trees and planting along the eastern boundary of the site and retention of two larger trees along this boundary plus other planting around the perimeter of the site. This will help assimilate the new development into its surroundings and improve the visual appearance of the development. Objectors are concerned that existing trees create problems of overshadowing and property damage, however, planting of new species of a better quality and more compatible with residential properties will form part of the landscaping scheme to be conditioned.

Parking & Access

The position of the access provides 2.4m X 90m visibility along Broad Lane which gives sufficient visibility for drivers to enter and exit the site in a forward gear and negotiate other vehicles and pedestrians in the vicinity to prevent any potential traffic hazard. The developers have also demonstrated that a large refuse vehicle can enter the site, turn around and leave in a forward gear. This will ensure that highway safety is not compromised.

The layout shows 41 parking spaces which gives over 200% parking provision throughout the site. Parking is provided within detached garages, driveways and off-street parking courts. Policy T13 of the Unitary Development Plan requires provision of 3 car parking spaces for the larger 4 bedroom properties which would require a total provision of 44 car parking spaces overall instead of the 42 provided. Plots 18-19 which are now 4 bedroom properties do have 3 car parking spaces and therefore meet the standard. The Transport Statement Report submitted by the developer has demonstrated that the site is closely connected to local public transport and local shops. Given that the site is in a sustainable location this marginal shortfall in parking is considered acceptable and will encourage use of alternative means of travel in accordance with PPG13.

The use of appropriate surface materials to the private driveways will reduce the visual dominance of the parking area creating a courtyard effect.

The neighbour at 162A Broad Lane has suggested that relocation of their driveway access from directly off Broad Lane to access from the new access road would improve highway safety as the two access point are adjacent one another. However, this is not a necessary requirement to ensure the highway safety at the development access and is not being proposed by the developer.

Impact on Neighbour's Amenity

There is ample separation between the proposed dwellings and those on Broad Lane to prevent overlooking, overshadowing or loss of privacy. Where distances are shorter between proposed dwellings along the northern boundary of the site these face onto the gable of the existing dwellings in Churston Close and Woodbridge Close and existing screen planting in these gardens coupled with new planting and appropriate fencing along the site boundary will reduce any potential overlooking of gardens. It is recommended that permitted development is removed from the

dwelling on plots 1-8 to prevent further encroachment of the buildings closer to the existing houses at the rear of the site.

The proposed boundary treatments are indicated on the site layout plan and indicate a possible close-boarded fence along the boundary of 162A Broad Lane adjacent to the access. The neighbour has objected to this and other objectors have also expressed concern that their garden boundaries will become exposed. However, more robust boundary treatments are recommended where boundaries are exposed hence it is recommended that details of boundary treatments are conditioned to be agreed at a later stage. Given that the only exposed areas are overlooked by proposed dwellings this will provide surveillance and added security.

It is considered that redevelopment of this backland site currently occupied with mixed commercial and residential purposes and removal of the large units and poorly maintained static homes (with the exception of the occupied static home) will offer an improvement to the visual and residential amenities of the area to the benefit of the neighbour's amenities.

Education & Open Space Provision

In accordance with policies GP3, 8.8 and LC1 of the UDP and relevant Supplementary Planning Documents on provision of Education and Urban Open Space the application would be subject to a S106 Agreement to secure contributions towards provision of education and urban open space. On the basis of the submitted plans an education contribution of £42,005.12 and urban open space contribution of £37,675.00 would be required which gives a total of £79,680.12. The applicants have agreed to make the above contributions. The S106 Contributions will need to be revised to reflect revisions to the accommodation shown on the amended plans these will be reported in Supplementary Papers.

Recommendation: Grant Permission Subject to Conditions, a Planning Obligation and no Further Representations

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

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

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

- Site Location Plan (drwg. no. B4330-99) received 10/7/07
- Proposed Site Layout in Context (drwg. no. B4330-100C) (excluding timber boundary treatment) received 28/10/07
- Topographical Survey as Existing (drwg. no. B4330-98) received 10/7/07
- Proposed House Type A (drwg. no. B4330-101A) received 10/7/07
- Proposed House Type A* (drwg. no. B4330-102A) received 10/7/07
- Proposed House Type B (drwg. no. B4330-103B) received 10/7/07
- Proposed House Type C (drwg. no. B4330-104B) received 10/7/07
- Proposed Garages (drwg. no. B4330-105) received 10/7/07
- Proposed Street Elevations (drwg. no. B4330-106A) received 10/7/07
- Site Appraisal as Existing (drwg. no. B4330-109) received 10/7/07
- Design & Access Statement prepared by Nicol Thomas Ltd. received 10/7/07
- Transport Statement Report prepared by Phil Jones Associates dated June 2007 received 10/7/07
- Planning Statement prepared by Armstrong Burton Planning received 10/7/07

- Flood Risk Assessment prepared by Farebrother & Partners dated 13 August 2007 received 20/8/07
- Tree Survey prepared by BEA Landscape Design Ltd. (drwg. no. 07-49-01) received 10/7/07
- Tree Survey Report prepared by BEA Landscape Design Ltd. Dated 18/5/07 received 10/7/07
- Landscape Proposals prepared by BEA Landscape Design Ltd. (drwg. no. 07-49-02) received 10/7/07

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

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

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

4. Prior to development commencing, a noise survey shall be undertaken to the written satisfaction of the local planning authority. The results of this survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests shall be submitted to the local planning authority within 6 weeks of completion.

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

5. No development shall take place until suitable noise mitigation measures relating to the construction, design and layout of the dwellings to protect internal and external living areas have been agreed in writing with the local planning authority, and the development shall not be occupied until such measures have been fully completed.

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

6. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A desk study identifying:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site. 3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken. 4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting. Any changes to these agreed elements require the express consent of the Local Planning Authority. The scheme shall then be implemented in accordance with the agreed details.

Reason: To protect against contamination of Controlled Waters.

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

Reason: To ensure the satisfactory appearance of the development.

8. All planted and grassed areas and associated protective fencing shall be maintained for a period of 24 months from the full completion of the approved scheme. Within this period:

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

Reason: To ensure the satisfactory appearance of the development.

9. No development shall commence on site until details of Tree Protection Measures in accordance with BS5837:2005 have been submitted to and agreed in writing by the Local Planning Authority and then implemented in accordance with the agreed details.

Reason: To safeguard existing trees adjacent to the site in the interests of visual amenity.

10. No development shall commence on site until fencing has been erected to the full extent of the canopy of each tree, group of trees or hedge to be retained, either on the site or around the perimeter of the site, or to such other distance as the Local Planning Authority agree in writing. The fencing 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 within the site and around the perimeter of the site

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

Authority.

Reason: To ensure the satisfactory appearance of the development.

12. Notwithstanding the details shown on drawing B4330-100B this permission does not grant approval for the timber boundary treatments indicated on the drawing and full details of all boundary treatments shall be first submitted to and agreed in writing by the Local Planning Authority and then implemented in accordance with the agreed details and retained throughout the life of the development.

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory development of the site.

14. Prior to the commencement of the development a Residential Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The agreed Travel Plan shall then be implemented and retained throughout the life of the development.

Reason: In the interests of promoting sustainable travel.

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

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

16. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no development within Classes A, B, D and E of Schedule 2 Part 1 to the Order shall be carried out on Plots 1-8 without the prior approval of a planning application.

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

17. Prior to the commencement of any development on site details shall be submitted to and approved in writing by the Local Planning Authority for the conservation and efficient use of energy and natural resources and sustainable development, including consideration of Ecohomes Very Good Standard and 5 stars standard as amplified by the Code for Sustainable Homes (January 2007) or subsequent document, micro energy generation, on site composting, grey water systems, SUDS and locally produced building materials. The development shall then be implemented in accordance with the approved details.

Reason: In order to comply with guidance within policies ENV39 and ENV40 of Walsall's Unitary Development Plan, PPS1 and the Code for Sustainable Homes in terms of sustainable development and use of natural resources.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP1, GP2, GP7, 3.16, ENV14, ENV32, H3 and H10 of Walsall Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

Notes for applicant:

1. You are advised to refer to the agreement under Section 106 of the Town & Country Planning Act 1990, which has been completed in conjunction with the development.
2. In relation to condition 3 - Bank and Public Holidays for this purpose shall be: Christmas Day, Boxing Day, New Years Day, Easter Monday, May Day, Spring Bank Holiday Monday and August Bank Holiday Monday.
3. In relation to conditions 4 & 5- With regard to suitable noise mitigation measures to protect internal and/or external residential areas, reference should be made to guidance and criteria contained in British Standard BS 8233, 1999 and World Health Organisation Guidelines for Community Noise 2000 and the following are relevant:
 - a). internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq(8 hours), of 35 dB together with a maximum instantaneous level of 45 dB) LAFmax, between the hours 23.00 to 07.00;
 - b). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq(16 hours), of 40 dB between the hours 07.00 to 23.00.
 - c). the buildings shall be constructed, designed and laid out so that external living areas of the residential development shall not exceed a Continuous Equivalent Noise Level, LAeq(16 hours), of 50 dB between the hours 07.00 to 23.00. (For the purpose of this condition external living areas shall be the gardens and private amenity areas of the dwellings).

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

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

Planning Policy Guidance Note PPG 24 'Planning and Noise'. 1994; Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals

Extraction in England. 2005 British Standard BS 7445: 2003 "Description and Measurement of Environmental Noise". British Standard BS 7445-1: 2003 - Description and measurement of environmental noise - Part 1: Guide to Quantities and Procedures; British Standard BS 7445-2: 1991 - Description and measurement of environmental noise - Part 1: Guide to the acquisition of data pertinent to land use British Standard BS 7445-3: 1991 - Description and measurement of environmental noise - Part 3: Guide to application to noise limits. British Standard BS 4142: 1997 – Method for Rating industrial noise affecting mixed residential and industrial areas Calculation of Road Traffic Noise, 1988 Calculation of Railway Noise, 1995

This is not an exhaustive list.

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

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 09 Oct 2007

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 07/1617/FL/E11

Application Type: Full application

Applicant: Taylor Woodrow Developments
Ltd

Proposal: Demolition of existing buildings
and erection of 57no. two, three, four and
five bedroom dwellings, garages and access
road.

Ward: Streetly

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

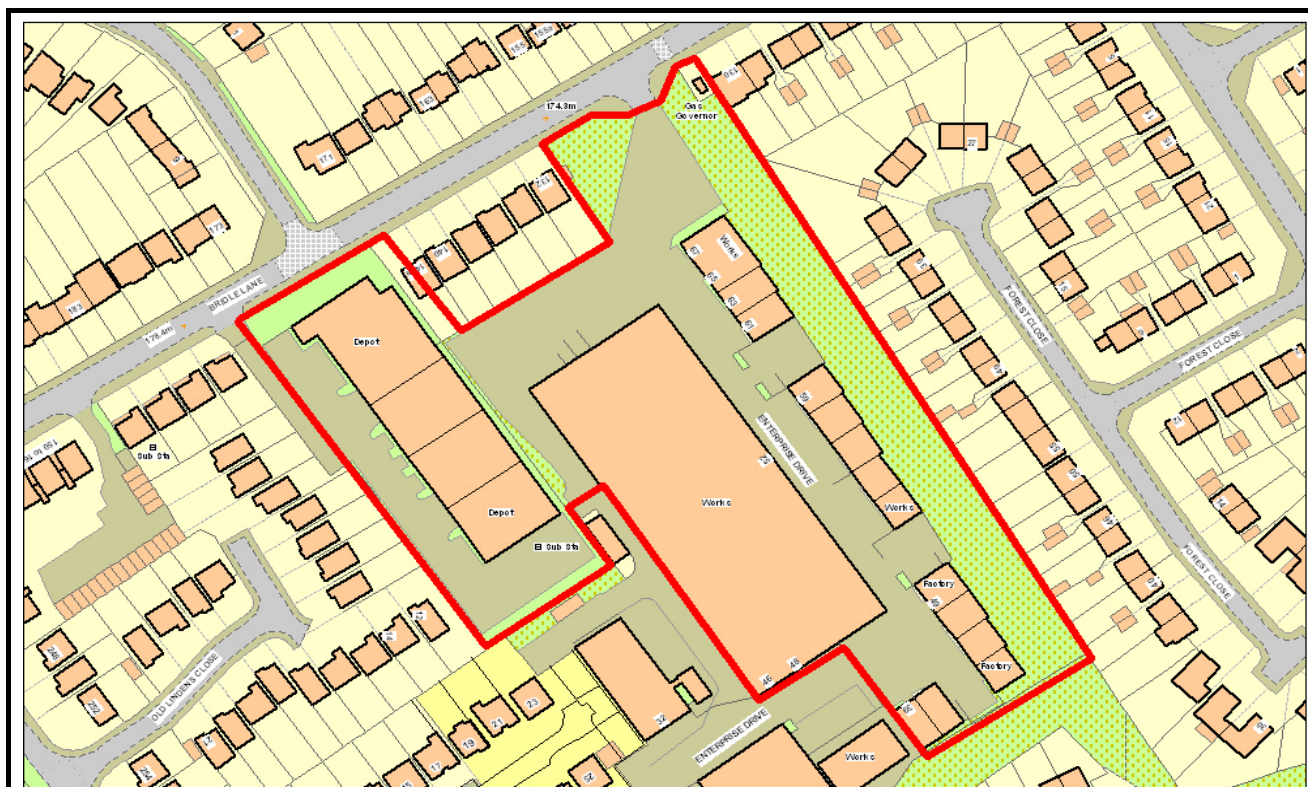
Case Officer: Alison Deakin

Telephone Number: 01922 652487

Agent: GVA Grimley

Location: Land at 39-67 Enterprise
Drive, off Bridle Lane, Streetly, Walsall
B74 2DY

Expired: 19/10/2007



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Application and Site Details

The proposal is for redevelopment of an existing industrial site off Bridle Lane, Streetly for residential development of 57 properties. The proposal comprises 2, 3, 4 and 5 bedroom properties, including 12 apartments, 6 terraced houses and 39 detached dwellings, which range between 2, 2½ and 3 stories high. The accommodation includes the following: -

- 15 X 2 bed units
- 3 X 3 bed units
- 30 X 4 bed units
- 9 X 5 bed units

The site is located in a residential area and is presently occupied by several industrial, warehouse and ancillary buildings. There is a belt of protected trees along the eastern and southern boundaries and further protected trees on the site frontage to Bridle Lane, adjacent the access. A sewer easement crosses the site from north to south parallel to the belt of trees that run along the eastern boundary. New housing is currently under construction on land adjacent the site at Enterprise Drive. There are also 3 plots of land in different ownerships used for industrial purposes adjoining the south western corner part of site.

The surrounding properties in Bridle Lane are inter-war detached and semi-detached properties but more contemporary housing and apartments are currently under construction on the adjacent site, being developed by Morris Homes.

The proposal shows 57 dwellings on a site of 2.08 hectares that gives a density of 27 dwellings per hectare.

In support of the application a Design & Access Statement, Planning Statement, Noise Assessment, Flood Risk Assessment, Ground Investigation, Energy Statement and Bat Survey. The applicant's also held their own public exhibition of the scheme at St. Anne's Church in Bridle Lane on 25th June 2007, comments from which they advise helped inform the design.

Relevant Planning History

BC58385P – General refurbishment encompassing first floor extension over existing single storey structure to relocate conference facilities (Ascom Tele Nova Ltd) – GSC 10/5/99

04/0231/FL/E2 - Proposed residential development of 3 storey 2 bedroom apartments, 3 storey 3 bedroom houses and 3, 4 and 5 bedroom 2, 2 1/2 storey houses, garaging, car parking, roads and sewers (Morris Homes Site) – GSC 08/07/05

06/0932/FL/E6 - Amendment to Planning Application 04/0231/FL/E2 for Two Additional Apartments and alterations to car parking. Elevational changes to plots 30-39b (Morris Homes Site) – Refused 14/9/06

There are three remaining commercial premises adjacent to the site at present which are Ascom Tele Nova Ltd, a telecommunications company offices (Class B1) and two industrial and warehousing premises Jofson Limited and Paraday (Class B8/B2). These have access from Enterprise Drive and are longstanding established uses.

Relevant Planning Policy Summary

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

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

GP2: The Council will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

- I. Visual appearance
- VI. Overlooking, loss of privacy, and the effect on daylight and sunlight.
- VII. Adequacy of access and parking facilities.

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

GP7: Development is expected to design out crime, through maximising surveillance of public areas, maximising defensible space, care in design and layout to avoid hiding places for criminals, measures to combat crime need to maintain good urban design.

3.16: Development will be considered in relation to the character and quality of its setting and a high quality of built and landscape design is required.

ENV14: The Council encourages the reclamation and development of derelict and previously developed land wherever this is technically feasible.

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

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

3.113, 3.14 & 3.115: Encourages high quality architectural and landscape design that responds positively and imaginatively to the context in which development takes place, discourages crime and increases safety and creation of an environment which is distinctive and creates a sense of place.

ENV32: Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. Detailed criteria are listed for consideration when assessing the quality of design of any development proposal.

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

ENV39: Encourages proposals for the development of renewable energy resources and for efficient use of energy.

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

JP7: Protects employment land unless it would be appropriate to consider alternative uses.

H2: Allocates the site as H2.25 for new housing development and states that development of the site for housing will only be acceptable if pursued as a comprehensive scheme for the whole industrial area.

H3: Encourages housing provided through windfall opportunities provided that a satisfactory residential environment can be achieved and that the development would not unacceptably constrain the development of any adjacent site.

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

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

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

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

T8, T9 & T10: Encourage greater use of walking as a healthy and sustainable form of travel via good pedestrian links; improvements to make cycling an attractive alternative to the private car and highlight the standards for public transport, cycles, taxis and disabled car parking are minimum ones and developers are strongly encouraged to improve on them.

T13: Parking Standards

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

4 bedroom houses & above: 3 spaces per unit

Flats with communal parking: 1.5 spaces per unit

8.1 & 8.2: The Council will seek to safeguard, improve and expand facilities for entertainment and culture; urban open space; greenways; canals and waterways; sport and recreation and education, health and community activities and encourages increased and improved provision of entertainment and cultural facilities in town, district and local centres.

8.8 & 8.9: Residential development will only be permitted where adequate school capacity exists or can be provided. Where residential developments necessitate the provision of new or improved educational facilities or other forms of social and community infrastructure the Council will require developers to make a financial contribution to the costs of providing facilities. On housing sites of 1 hectare (or 30 dwellings) or more accessible community healthcare facilities should be provided to serve the development. The Council may require a contribution from developers towards such provision.

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

Residential Development Standards

These include guidelines relating to design and space around dwellings including garden dimensions, habitable room separation and boundary treatments. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Supplementary Planning Document for Urban Open Spaces

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

Supplementary Planning Document for Affordable Housing

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

Supplementary Planning Document for Education

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

Supplementary Planning Document for Healthcare

Developers of new residential sites will be required to make contributions to help meet new healthcare requirements. Within larger developments land may be required

for the provision of healthcare facilities or alternatively financial contributions may be required to support the needs of new development.

Regional Spatial Strategy

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

National Policy

PPS1 Delivering Sustainable Development, PPS3 Housing, PPS10 Planning for Sustainable Waste Management, PPG13 Transport, PPG14 Development on Unstable Land, PPS23 Planning and Pollution Control, PPG24 Planning and Noise, PPS25 Development and Flood Risk, 'By Design' companion to PPG's, Urban Design Compendium, Safer Places- The Planning System & Crime Prevention.

Consultations

Transportation – No objections in principle subject to revised plans to address minor issues in relation to the parking layout and highway safety.

Pollution Control – No objections subject to conditions to address noise issues. It is recommended that works are implemented to further investigate and remediate any localised ground contamination and ground gas issues associated with various factory/works currently located on the site.

Environmental Health – No objections.

Landscape – No objections as the proposed planting is generally acceptable.

Urban Design – Comments awaited to be reported in supplementary papers.

Arboricultural Officer – No objections in principle to the proposed development. However, objects to loss of trees on Bridle Lane, some plots are too close to retained trees, proposed woodland works are inappropriate and the planning layout conflicts with the tree survey as it shows retained trees that are shown for removal.

Building Control – No objections.

Housing – 25% Affordable Housing should be provided on site which equates to 14 units. The affordable housing should be a 50/50 mix of shared ownership and social rent properties. The affordable units should be integrated within the development and mixed across the property types and sizes.

Education Walsall – Require a contribution of £136,627.20 towards local secondary school provision.

Drainage – No objections.

British Waterways – No objections.

National Grid – No objections.

Centro – No objections.

Environment Agency – No objections subject to conditions.

Public Participation Response

6 letter of objection have been received which are summarised as follows: -

- Concern regarding potential disturbance (dust, noise, vibration) from removal of existing concrete structures on the site.
- Prefer Woodland adjacent Matchlock Close to be fenced off to prevent people walking alongside the rear of existing properties
- Would like to see replacement fencing for existing damaged fencing
- Potential adverse impact on infrastructure in the area given the increase of properties in the area e.g. low water pressure
- Any removal of TPO trees would reduce privacy and increase overlooking of gardens in Forest Close
- The proposed 10m buffer zone is essential to protect the TPO trees
- Boundary treatment to adjacent properties needs to be secure
- Loss of privacy

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

Determining Issues

- Principle of development for residential purposes
- Layout and Design
- Access and Parking
- Impact on neighbouring properties
- Impact on trees
- Affordable Housing
- Education/Urban Open Space/Healthcare provision

Observations

Principle of development for residential purposes

The application site is allocated for new housing development under policy H2 of the UDP. This policy encourages residential development of the site where it is pursued as a comprehensive scheme for the whole industrial area. Whilst the application site itself does not include two remaining commercial occupiers, the Masterplan does indicate how comprehensive development of these sites could be incorporated in the future. The proposed layout shows potential for future access to this land, a potential continuation of dwellings in a satisfactory manner, buffer planting along the boundaries and noise mitigation measures so as not to compromise the living environment of proposed dwellings. Revised plans have been requested to overcome land ownership issues and ensure comprehensive redevelopment is not prejudiced.

The remaining industrial uses comprise Ascom Tele Nova Limited, a telecommunications firm offices (Class B1) and premises of Jofson Limited and Paraday (Class B2/B8). These three remaining commercial premises have access from Enterprise Drive and are longstanding established uses which could intensify on site. It is therefore recommended that a phasing condition is included to prevent development of plots nearest to these premises from being developed in order to protect residential amenities.

The proposed layout shows the proposed dwellings have gable elevations along the boundary with these remaining industrial premises. Buffer planting is proposed along the boundary with Ascom Tele Nova which is a telecoms office with office staff parking around the building. This will screen the offices and parking from the proposed housing and is no different to the relationship between the offices and the

adjacent Morris Homes residential development site. The proposed housing on plots 33, 35, 36 & 37 have garden boundaries with the Paraday industrial premises and do have some outlook onto the premises but access to these remaining industrial premises is via Enterprise Drive and it is considered that existing and proposed landscaping should prevent any adverse impact to outlook. A noise assessment has been provided that proposes noise mitigation measures to prevent potential nuisance to occupiers from these remaining industrial premises. Pollution Control response to this will be reported in Supplementary Papers. However, a phasing condition is recommended to prevent construction of the properties nearest the boundaries with the existing industrial land until such time as comprehensive development is achievable.

In the circumstances, it is considered that the applicant has demonstrated that a comprehensive development of the site and those adjacent can be achieved. Overall it is considered that the principle of residential development of this site generally seeks to make more effective use of previously developed land in an established urban area which is welcomed in principle in accordance with policies GP1, GP2, ENV14 and H2 and H3 of the UDP.

Layout and Design

The proposed layout utilises the access point off Bridle Lane creating a new access road along the eastern half of the site with three cul-de-sac's to the west of this. There is a 3 storey block of 6 apartments located adjacent the eastern side of the entrance to the site and then a row of detached houses continues a strong built frontage along the eastern boundary with three terraced houses and a further 3 storey block of 6 apartments at the far south eastern corner of the site. All of these properties back on to a belt of trees along the boundary providing a clear distinction between public and private space and added security for existing properties in Forest Close that also back onto the Woodland.

All proposed dwellings front the street with private gardens to the rear creating a clear definition of public and private space. The Masterplan identifies how development of the existing industrial premises to the west of the site could be continued in a similar pattern as that shown fronting a continuation of the two cul-de-sac's at the southern end of the site. The proposals include erection of four detached houses along the site frontage between 140A and 142 Bridle Lane which will complete the street scene.

The majority of plots (44 of them – 77%) all achieve 12m garden lengths. Plots 31-37, 40, 42-44, 56 and 57 have shorter garden lengths between 10-11.5m but most have in excess of 68m² garden space, except for plots 31-33 which are smaller two bedroom house types. The plot layout and ratio of building to garden space is reflective of the existing pattern of development in the area.

The density of the scheme equates to 27 dwellings per hectare which is below the minimum density of 30-50 dwellings per hectare referred to in policy H9. However, the applicants have sought to provide larger house types on this site to support urban regeneration, in terms of redevelopment of an existing brownfield site, and to reflect plot sizes in the surrounding area. They are also limited in the amount of development they can achieve on site by the need to protect the existing woodland and protected trees and the 10m sewer easement along the eastern half of the site. In the circumstances it is considered that this lower density is acceptable in this instance.

The design of the proposed dwellings draws on features on existing housing in the area in terms of finishes and architectural elements and incorporates a mix of brickwork colours and roof tiles, render, eaves details, bay windows, door and window patterns and surrounds and canopies.

Access and Parking

Access is via Bridle Lane maintaining the existing access point allowing retention of the woodland and protected trees in this location. The design seeks to provide a footway on both sides of the carriageway and incorporates an undulating line and speed tables at the junctions to act as traffic calming.

It is considered that redevelopment for residential purposes will have less of an impact on local traffic than continued use for industrial purposes.

The proposals show 113 car parking spaces. All of the detached dwellings have a garage plus driveway (the driveways on approximately 12 of the plots are capable of accommodating 2 vehicles), the terraced housing and apartment type J have frontage parking and the apartments type I and F on the site frontage have a secure parking court with 100% parking shown. Overall the parking equates to 1.9 spaces per dwelling which is considered appropriate.

Impact on neighbouring properties

The proposed dwellings respect the separation distances to existing properties surrounding the site. There is 26m - 32m between facing elevations of the proposed dwellings and properties in Old Linden Close, 16m between the facing elevation of plot 47 and the gable wall of 12 Old Linden Close and over 35m separation between the facing elevations of plots 12-30 and properties in Forest Close. In the circumstances the separation plus retention of existing trees and woodland will not intrude on amenity of surrounding properties.

The redevelopment of the site for residential purposes is also considered to offer an improvement to residential amenity of existing occupiers as the commercial traffic and activities of existing industrial uses will be replaced with more compatible residential use. The scale and massing of the proposed new dwellings is also considered to be more in scale with the surrounding properties.

Impact on trees

There are Tree Preservation Orders on the trees along the Bridle Lane site frontage, adjacent to the access and relating to the woodland along the eastern and southern boundaries of the site. The proposals include removal of the cherry trees along the site frontage to Bridle Lane as they would prevent the location of individual driveways to the four proposed properties on this frontage. The Arboricultural Officer has objected to removal of these trees, although the proposals do include replacement trees of a better quality than the cherry trees along this frontage. On balance it is considered that the proposed dwellings with individual driveways are in keeping with the surrounding properties and are of benefit to the character of the area as they fill the gap in the street scene and this coupled with replacement trees of better quality outweighs the loss of the cherry trees.

The Arboricultural Officer has stated that plots 4, 46, 25-30 and the garage for plot 57 are too close to protected trees, some of the tree protection is too close to the trees and disagrees with the works proposed within the woodland area which are considered too extensive and inappropriate. Plot 4 is no nearer to the retained tree than the existing dwelling at 140A Bridle Lane. Plot 46 is close to the retained trees and amended plans have been requested to address this issue. Plots 25-30 would

have significant overshadowing from the retained woodland but revised plans have been requested to address this issue. The garage to plot 57 could be relocated to give greater separation to the retained tree and amended plans have been requested to show this and also to show greater tree protection zones. On balance, it is considered that the planning merits of the case are such that a revised layout should be able to offer adequate protection to the retained trees sufficient to ensure their retention and some thinning of trees in the crowded woodland areas could be agreed.

Affordable Housing

In accordance with policies H4 and GP3 provision of affordable housing should be made on site. The policies require 25% provision which equates to 14 units, of which the majority are expected to comprise 2 bedroom units. Of the 14 units, 7 should be for shared ownership and 7 for social rent. The affordable units should also be integrated within the development and mixed across the property types and sizes. The developer has provided a Financial Assessment of the scheme that has been forwarded to the District Valuer for assessment in order to determine the developer's case for a reduction in the provision of affordable housing on site. The findings will be reported to Committee in Supplementary Papers.

Education/Urban Open Space/Healthcare provision

Given the number of proposed units a Section 106 Agreement is required to secure provision for Education, Urban Open Space and Healthcare under the principles of policies GP3, 8.8, 8.9, LC1 and the Supplementary Planning Documents. This equates to £136,627.20 for education, £235,212.00 for urban open space and £78,397.20 for healthcare, giving a total requirement of £450,236.40. The developer has provided a Financial Assessment of the scheme that has been forwarded to the District Valuer for assessment in order to determine the developer's case for a reduction in the required contributions. The findings will be reported to Committee in Supplementary Papers.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

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

- Planning Layout (13169-05-01B) received 20/7/07
- Indicative Street Scenes (32074/122 Rev A) received 20/7/07
- House types A,B,C,D,E,F,G,H,I,J Floor Plans & Elevations received 20/7/07
- Double Garage Floor Plan & Elevations received 20/7/07
- Topographical Survey prepared by M&A Surveys (06/027_01) received 20/7/07
- Landscape Proposals prepared by BEA Landscape Design (06-100-02) received 20/7/07
- Tree Protection Plan prepared by BEA Landscape Design (06-100-01) received 20/7/07
- Tree Survey prepared by BEA Landscape Design (06100/MG/TR002) received 20/7/07

- Design & Access Statement prepared by GVA Grimley received 20/7/07
- Planning Statement prepared by GVA Grimley received 20/7/07
- Transport Statement prepared by Faber Maunsell (Job No 48716TMBD) received 20/7/07
- Noise Assessment received 20/7/07
- Flood Risk Assessment prepared by Nolan Associates (Project No 2007-043) received 20/7/07
- Energy Statement prepared by Andrew Wilkes Management (Issued 9/7/07) received 20/7/07
- Bat Survey prepared by Liz McKay received 20/7/07
- Ground Investigation prepared by Sladen Associates (Job No S07-528) received 20/7/07
- Appendix B Factual Information Concerning nearby land use prepared by Sladen Associates received 20/7/07

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

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

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

4. Prior to development commencing, a noise survey shall be undertaken in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority. The results of this survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests shall be submitted to the Local Planning Authority within 6 weeks of completion.

Reason: To ensure the satisfactory development of the site.

5. No development shall take place until noise mitigation measures to protect internal areas have been agreed in writing by the Local Planning Authority, and the development shall not be occupied until the agreed measures have been fully implemented. The agreed measures shall be retained in accordance with the agreed details throughout the life of the development.

Reason: To ensure the satisfactory development of the site.

6. Following demolition of existing structures and prior to built development commencing additional site investigation and assessment of ground contamination and landfill gas as set out in Sladen Associates "Report on Ground Investigation: Proposed Residential Development - Land at Bridle Lane, Streetly, Sutton Coldfield" (Job No S07-528) shall be undertaken to the satisfaction of the Local Planning Authority. A copy of the findings of the site investigation, ground contamination survey and landfill gas assessment,

together with an assessment of the hazards arising from any land contamination and/or landfill gas shall be forwarded to the Local Planning Authority as soon as they become available.

Reason: To ensure the satisfactory development of the site.

7. Prior to built development commencing details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority. Agreed remedial measures shall be implemented to the satisfaction of the Local Planning Authority in accordance with the agreed timetable. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use

Reason: To ensure the satisfactory development of the site.

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

Reason: To ensure the satisfactory appearance of the development.

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

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

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

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

development shall be carried out and retained in accordance with these approved details.

Reason: In the interests of the amenity.

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

Reason: To ensure the satisfactory development of the site.

13. Visibility splays on driveways and access roads must be kept clear of landscaping over 600mm in height from carriageway level.

Reason: To maintain highway safety.

14. Prior to the commencement of the development hereby approved a Residential Travel Plan shall be first submitted to and agreed in writing by the Local Planning Authority and then implemented in accordance with the agreed details and retained throughout the life of the development.

Reason: In the interests of promoting sustainable travel

15. Prior to the commencement of any development on site details shall be submitted to and approved in writing by the Local Planning Authority for the conservation and efficient use of energy and natural resources and sustainable development, including consideration of Ecohomes Very Good Standard and 5 stars standard as amplified by the Code for Sustainable Homes (January 2007) or subsequent document, micro energy generation, on site composting, grey water systems, SUDS and locally produced building materials. The development shall then be implemented in accordance with the approved details.

Reason: In order to comply with guidance within policies ENV39 and ENV40 of Walsall's Unitary Development Plan, PPS1 and the Code for Sustainable Homes in terms of sustainable development and use of natural resources.

16. No dwelling shall be constructed on plots 31-37 (consecutive) unless or until such time as the commercial uses and premises known as Jofson Limited and Paraday bordering the south west of the site have been brought forward for residential purposes in accordance with the Master Plan drawing shown on page 17 of the Design & Access Statement submitted with the application unless the Local Planning Authority agrees in writing to any variation.

Reason: To ensure the satisfactory development of the site and protect residential amenities.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP1, GP2, GP7, ENV14, ENV32, H2, H3 and

H10 of Walsall Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

Notes for applicant:

1. You are advised to refer to the agreement under Section 106 of the Town & Country Planning Act 1990, which has been completed in conjunction with the development.
2. In relation to condition 3 - Bank and Public Holidays for this purpose shall be: Christmas Day, Boxing Day, New Years Day, Easter Monday, May Day, Spring Bank Holiday Monday and August Bank Holiday Monday.
3. In relation to conditions 4 & 5 - With regard to suitable noise mitigation measures to protect internal and/or external residential areas, reference should be made to guidance and criteria contained in British Standard BS 8233, 1999 and World Health Organisation Guidelines for Community Noise 2000 and the following are relevant:
 - a) internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(5 \text{ minutes})}$, of 35 dB together with a maximum instantaneous level of 45 dB) L_{AFmax} , between the hours 23.00 to 07.00;
 - b) internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(1 \text{ hour})}$, of 45 dB between the hours 07.00 to 19.00; and
 - c) internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(1 \text{ hour})}$, of 40 dB between the hours 19.00 to 23.00.

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

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

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

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

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

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

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

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

British Standard BS 4142: 1997 – Method for Rating industrial noise affecting mixed residential and industrial areas
Calculation of Road Traffic Noise, 1988
Calculation of Railway Noise, 1995
(This is not an exhaustive list)

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

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

4. In relation to condition 6 - Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in Planning Policy Statement 23 – Planning and Pollution Control; British Standard BS10175: 2001 "Investigation of potentially contaminated sites – Code of Practice"; British Standard BS5930: 1999 "Code of practice for site investigations"; Construction Industry Research and Information Association "Assessing risks posed by hazardous ground gasses to buildings(Revised)" (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 09 Oct 2007

REASON FOR BRINGING TO COMMITTEE: Raises unusual issues of significance

Application Number: 07/1871/AD/W3

Application Type: Advertisements

Applicant: Walsall Football Club

Proposal: Erection of illuminated free standing two faced display sign on south car park

Ward: Palfrey

Recommendation Summary: Refuse Advert Consent

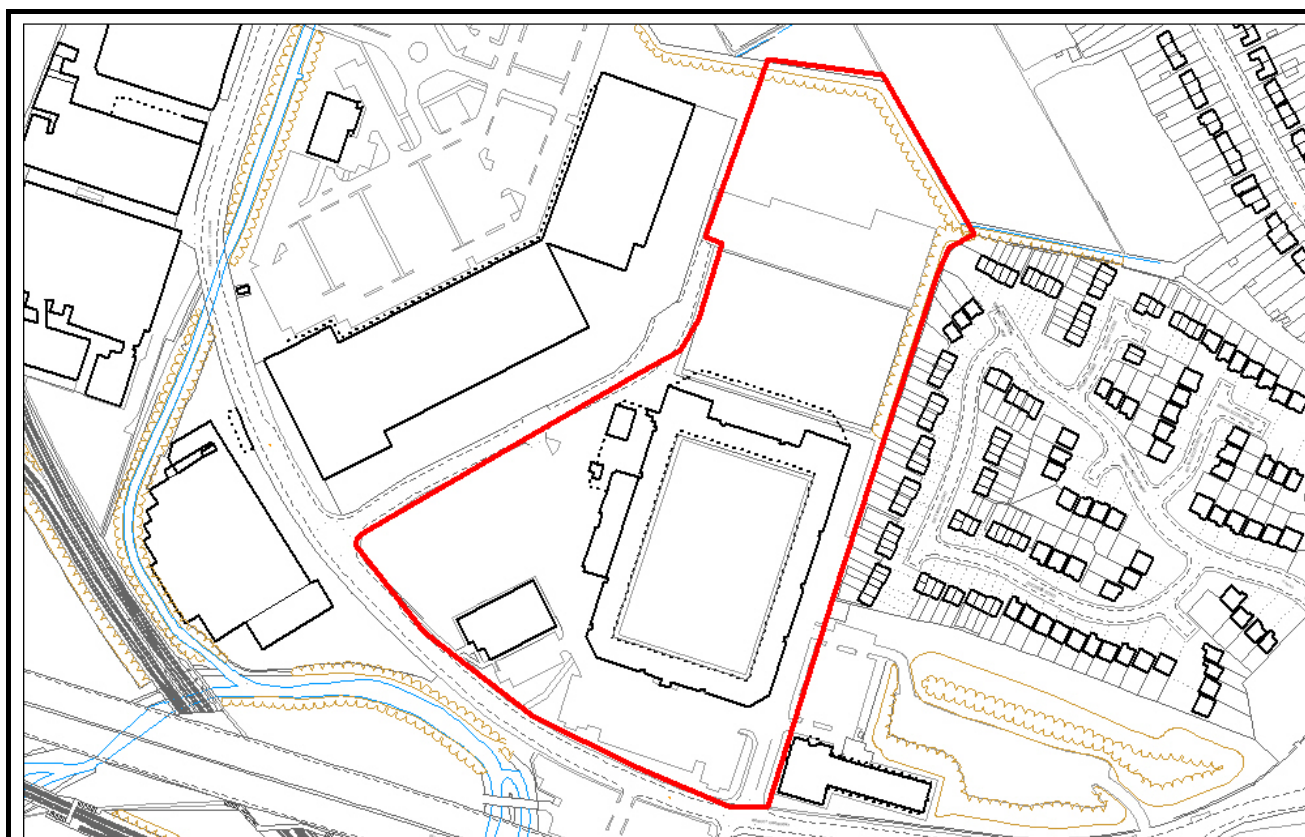
Case Officer: Mrs J Scrivens

Telephone Number: 01922 652436

Agent: John Sharpe MBIAT

Location: BANKS'S STADIUM,
BESCOT CRESCENT, WALSALL

Expired: 24/10/2007



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Application and Site Details

The proposal is a pair of large posters in a V-shape on the southern car park of the football club (nearest the M6). The bottom edge of the posters is 11 metres above ground, and the posters are 12 metres tall, giving an overall height of 23 metres.

One poster is 30 metres across, the other is 35 metres. They would be supported on 5 steel columns and will be illuminated.

The original submission was symmetrical, and in a slightly different position. The current amended scheme is a more commercially desirable version offering better visibility from the M6. The Club state that “our ability to proceed with this project, and maximising the income it can earn, is crucial for the future financial stability and playing success of the club, and hence the part it can play in the on-going regeneration process currently taking place in the town.”

Officers have been in discussions with the club over the proposal, and the concerns of officer's about the proposal (set out in the observations section). As a result, the club have made a number of comments in support of the application:-

1. permission was given in 2003 for a 12 metre by 65 metre illuminated poster on the south wall of a proposed new south stand (taller than the present south stand) *(the stand has not been built)*
2. the club argue this is no more than a variation of that permission and has the same overall size
3. the approved poster has suffered a detrimental commercial impact as a result of tree planting by the Highways Agency, the expansion of a nearby factory, and the increased number of posters along the M6 granted by Walsall Council
4. the proposed sign (by virtue of its V-shape) will be safer as drivers will not have to face sideways to see it
5. over 200,000 vehicles pass daily, J9 is the gateway to Walsall from the south and south-west
6. it will be the largest permanent hoarding in Europe
7. it will have a landmark status over and above the RAC building
8. it will be located 35 metres from the M6 *(officers consider the nearest point of the posters is 55 metres from the M6)*
9. the club is located in a predominantly industrial commercial area between the Broadwalk Retail Park and the Ramada Encore hotel
10. it faces the M6 which is on concrete pillars 20 metres tall
11. in this location “it is difficult to see how the proposed structure would have an adverse impact on the aesthetic value of the area”
12. the posters will not be seen from any dwelling
13. the club have never done anything they have seen as detrimental to their neighbours
14. the posters are focused on the M6 and will be less obtrusive to users of Bescot Crescent than the 2003 permission

15. the club plays a very active role in the community (in this respect they identify 10 programmes and activities they provide, sponsor, or take part in)
16. they see themselves as “ ... an integral part of the local community, with a key role to play in acting as a flagship for the town, and being a source of civic pride for its people.”

Relevant Planning History

The roof signs on the south stand were given three consents in 1992, and two in 1996.

In addition, a sign on the front edge of the roof of the north stand is visible from the M6.

In the immediate vicinity of the site there are four monopoles, as well as the posters on the stands.

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

Unitary Development Plan

Policy GP2 states that the Council expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment.

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

Policy ENV32 states poorly designed development which fails to take into account the context or surroundings will not be permitted

ENV36: Poster Hoardings. a) Poster hoardings will not be permitted where they have a detrimental effect on either the amenity of an area and its residents or public safety. The most appropriate locations are likely to be in areas of mainly commercial character. Hoardings are unlikely to be permitted:-

III. In residential areas

V. On sites visible from motorways and on prominent sites on classified roads

National Policy

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

Planning Policy Guidance 19 outlines the Local Planning Authority determination of such applications. Paragraphs 15 and 16 generally suggest that "LPAs will consider the likely behaviour of drivers of vehicles who will see the advertisement ... the vital consideration, in assessing an advertisement's impact, is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and others' safety".

Circular 3/2007 Appendix B sets out the relevant considerations to be taken into account with regards to the effect of advertisements on public safety.

Consultations

Transportation - should be refused. (Will be a distraction to users of Bescot Crescent, compounded by the alignment of the road and its proximity to the car park entrance. The siting would obstruct coach movements on this part of the car park.)

Pollution Control - no objections. **Seek** the inclusion of a condition to control ground gas.

Highways Agency and Motorway Police – comments not received at the time of writing.

Environmental Health - no adverse comments

Centro - no objections.

Representations

None.

Determining Issues

- safety
- amenity
- promoting the club

Observations

Safety

The safety of road users (M6 and local roads) is important.

At the time of writing, no comments have been received from the Motorway Police or the Highways Agency. Officers are aware from previous occasions that both organisations regard posters close to the M6 as unacceptable because of their impact on road safety on the M6 as they distract drivers.

However, a number of posters have been approved and erected (including the 2003 permission associated with the new south stand). Based on those permissions, it is clear that the Council does not consider that posters are detrimental to the safety of M6 users, as a matter of principle.

The present proposal is comparable to the 2003 permission, though rather more prominent by reason of its location nearer the M6. However, the effect of the proposal, and the associated removal of three V-shaped posters on the roof of the south stand, will have a generally neutral effect on road safety on the M6.

The effects of the proposal on Bescot Crescent also need to be assessed. Views of the proposed sign are somewhat restricted by the adjoining hotel, and the supporters club building. Trees along the frontage also restrict views of the scheme.

However, the proposed posters will be visible, albeit intermittently, from many points on the Crescent across the frontage of the Club.

Transportation object to the scheme because of the effects it will have on users of Brockhurst Crescent. This is a refusal reason.

Amenity

From the M6, the proposal will be significant, drawing attention, with nothing comparable to the size of the proposal in this country or Europe (the assertion made the applicants). However, it would be one of a series of such posters along the motorway corridor.

From Brockhurst Crescent, the visual impact of the proposal will be enormous, from wherever it is visible. At a total height of 23 metres, the posters are equivalent to a four or five storey building, significantly taller than most buildings in the town. In the immediate vicinity, the buildings and trees are all large in scale (factories, hotel and club and the M6 structure) but the posters proposed will dominate even those large structures. People using the street, the club car park, etc. will see it, and officers conclude, contrary to the view of the Club that the effect will be massive and adverse, to the detriment of the visual amenity of the area. The recommendation to refuse reflects this.

Promoting the club

As already set out, officers have been in discussion with the Club over this scheme. It is important to the town that the Club is supported, but for the reasons already set out, the effects of the proposal are very significant. It is far in excess of what officers can support.

However, there is a possibility that officers could support an amended version of this proposal, if substantial changes were made. Key to this would be a

support structure that was an artwork in its own right, from street level and from motorway level. By creating such a decorative support, installed as part of the scheme, the nature of the poster display is changed. It is an approach which turns the massive appearance of the posters to advantage by creating a positive landmark feature, which has more merit as a concept. The idea was raised by officers with the Club, who undertook to consider it. Their response has shifted from that concept.

Instead of the provision of a significant decorative structure as part of the poster proposal the Club now envisage simply the addition of a modest motif as some form of add-on to the presently proposed structure. They go on to advise that in relation to:-

“ ... the incorporation of a symbolic motif, reflecting an aspect of the life of the town, to be added to the top of the structure.

Providing that the idea proves to be a practical proposition, and that you (*the Council*) can secure funding for the design, manufacture and installation of the motif from the appropriate committee, we will be pleased to co-operate.”

The Club hold strongly to this idea of adding a motif to the poster display. They argue the Council would have 3 or 4 months to design and manufacture it, once permission was given.

Conclusion

Their urgent financial need for the posters has made the Club insist on this application being presented to this committee. This is noted and recognised by officers, but it is not a justification for approval.

A revised scheme with enhanced visual appeal might be supported by officers. However, the present structure has no visual merit, and has adverse effects. Officers are obliged to recommend refusal.

Recommendation: Refuse Advert Consent

Although views of the proposed sign from Bescot Crescent are restricted by the adjoining hotel, the supporters club building and trees along the frontage of the Club, the proposed posters will be visible , albeit intermittently, from many points on Brockhurst Crescent. As a result, the proposal will adversely affect:-

- the safety of users of Brockhurst Crescent as it will be a distraction to users of Bescot Crescent, compounded by the alignment of the road and its proximity to the car park entrance
- the visual amenity of the area in that from Brockhurst Crescent, the impact of the proposal will be enormous, from wherever it is visible. At a total height of 23 metres, the posters will be significantly larger than most buildings in the immediate vicinity. Although these are all large in scale the posters proposed will dominate even these large structures. People using the street, the club car park, etc. will see it, and visual

effect of this aggressively simple structure on the visual amenity of the area will be massive and adverse

As such the siting of the advert in this location would be contrary to policies GP2, 3.6, ENV32 and ENV36 of Walsall's Unitary Development Plan, Planning Policy Guidance Note 19 and Circular 3/2007.

The siting of the supports of the proposal will obstruct coach movements on this part of the car park to the detriment of the functioning of the car park, contrary to policy GP2 of the Walsall Unitary Development Plan.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 09 Oct 2007

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 07/1823/FL/E9

Application Type: Full application

Applicant: Victoria Properties Ltd

Proposal: Demolition of existing bungalow at No51 and erection of 3 detached 4 bed, two storey houses, erection of extensions to No53 and provision of parking and landscaping.

Ward: Aldridge/Central & South

Recommendation Summary: Grant Subject to conditions

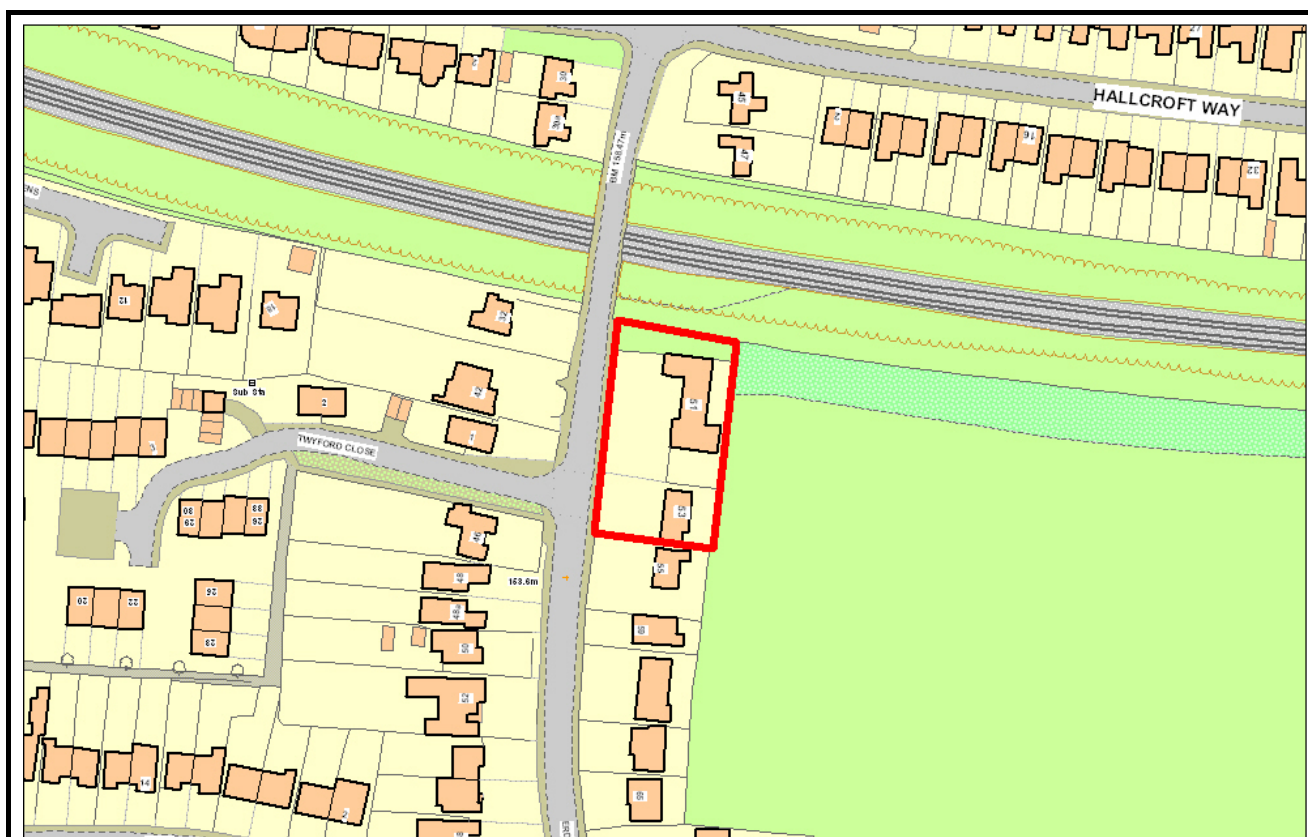
Case Officer: Barbara Toy

Telephone Number: 01922 652429

Agent: Jacobs Feasey Associates

Location: 51 AND 53 ERDINGTON ROAD, ALDRIDGE, WALSALL, WS9 0RN

Expired: 18/10/2007



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Application and Site Details

The application site is situated on the eastern side of Erdington Road, just to the south of the railway line and railway bridge. The site is within walking distance of Aldridge district centre.

The site comprises the plots of both No51 and No53 Erdington Road. No51 is a large detached bungalow with large double garage on the front/side, with 3 vehicle access points onto Erdington Road and is fully enclosed to the Erdington Road boundary by high conifer hedging. No53 comprises a small two bedroom bungalow and a single vehicle access point on to Erdington Road situated at the most southern end of the site.

Immediately to the rear of the site (east) are playing fields and grounds of St Francis of Assisi School, set at a lower level than the site. To the south and west (on the opposite side of Erdington Road) are detached bungalows fronting Erdington Road. To the north is the main railway line and bridge over the road, the railway embankment contains a large number of mature trees, adjoining the boundary with the site.

The area is characterised by single storey residential development with a large number having dormer windows, with open front gardens and driveways.

This application is a revised scheme following refusal of a previous scheme for the erection of 4 x 4 bed detached houses on the site of No51 only.

The application proposes the demolition of the existing bungalow at No51 and erection of 3 detached, 4 bed, two storey houses, including integral garages, front driveway parking and landscaping.

The application also proposes to raise the roof of the existing detached bungalow at No53 to provide additional bedrooms and ensuite facilities within the roof space, with dormer windows to both front and rear, a pitched roof to the existing side flat roofed garage, erection of a single storey rear utility extension and a single storey flat roofed garage and porch extension to the frontage of the existing bungalow. These extensions have previously been approved under planning consent 04/0639/FL/H4.

All 4 properties would utilise the existing vehicle access at No53 at the southern end of the site, with the other 3 footway crossings for No51 being closed and reinstated as full kerbs and footway.

The site area of 0.159 hec would provide a density for the proposed development of 25 dwellings per hectare.

Relevant Planning History

04/0639/FL/H4, extension to form first floor, new garage and utility to existing bungalow at No53, approved 18-05-04.

05/2241/FL/E5, demolition of 2 existing bungalows at 51 and 53 and erection of 12 apartments, refused 03-12-05.

06/1821/FL/E9, demolition of existing bungalow at 51 and erection of 4 x 4 bed detached houses, refused 18-12-06.

Reasons for refusal:

1. The proposals would result in an intensification of use of an existing substandard access which provides inadequate unobstructed visibility to the detriment of highway safety. The development is therefore contrary to Walsall's Unitary Development Plan (2005), in particular policy GP2.
2. The proposals would result in the loss of and damage to mature trees situated outside of the application site, to the detriment of the visual amenity and natural environment of the immediate surroundings. The development is therefore contrary to Walsall's Unitary Development Plan (2005), in particular policies GP2, ENV18 and ENV32.
3. The proposals would be out of character with the surrounding area in terms of plot widths and massing of the individual properties. The development is therefore contrary to Walsall's Unitary Development Plan (2005), in particular policies GP2, ENV32 and H10.

Relevant Planning Policy Summary

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

Paragraphs 2.1 and 2.2 state that the aims of the Plan include sustainable development, urban regeneration and environmental improvement, with action to include creating, sustaining and enhancing a high quality natural and built environment, including a high standard of design, and providing for the right number, type and distribution of new homes.

GP2: Environmental Protection

The Council will not permit development which would have an unacceptable adverse impact on the environment.

Policy 3.6 seeks environmental improvement resulting from development.

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 the built and landscape design.

ENV14: Development of Derelict and Previously-Developed Land.

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

ENV18: Existing Woodlands, Trees and Hedgerows

Loss of TPO'd trees will be resisted unless it would be in the interests of good arboricultural practice. Where any trees are lost replacements should be provided to minimise the loss.

ENV23: Nature Conservation and New Development

The layout of all development must take account of the potential for enhancement of the natural environment and the nature conservation opportunities provided by buildings by designing in features which provide roosting/nesting places for bats/birds etc.

ENV32: Design and Development Proposals.

Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. Detailed criteria are listed for consideration when assessing the quality of design of any development proposal including:- the appearance, materials, height, proportion, scale and mass of the proposed buildings, the visual relationship of the proposal with adjacent areas, the street and the character of the surrounding neighbourhood, the effect on the local character of the area.

ENV39: Renewable Energy and Energy Efficiency

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

ENV40: Conservation, Protection and Use of Water Resources

Developments should incorporate measures for the conservation of water resources, on site recycling of water and use of rainwater and minimise the watering needed to sustain landscaping.

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

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

Encourages provision of additional housing through windfall sites provided that a satisfactory residential environment can be achieved and that the development would not unacceptably constrain the development of any adjacent site.

H9: Minimum Densities

Indicates that housing densities in the range of 30 -50 dwellings per hectare are likely to be suitable on most sites. Densities below 30 may exceptionally be justified to provide larger houses, but the layout and design must make the most efficient use of the site.

H10: Layout, Design and Dwelling Mix

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

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

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

T7 – Car Parking

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

T13: Parking Provision

4 bedroom houses and above 3 spaces per unit

Residential Development Standards, (April 2005)

Provides guidance to standards for residential dwellings. Part B refers to spaces around dwellings, with an overall objective to ensure that space provides adequate private amenity space and an acceptable level of privacy and daylight.

A minimum of 24 metres is usually required between all facing windows of habitable rooms of adjacent dwellings, and 13 metres between habitable room windows and blank walls exceeding 3 metres in height. Private rear gardens with a minimum length of 12m and 68 sqm.

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

National Policy

PPS 1: Delivering sustainable development emphasis the need to reject poor design and the need for sustainable development.

PPS 3: Housing (released December 2006 and recently superseded PPG 3. The objective of the revised guidance is to:

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

PPG 13: Transport, promotes sustainable patterns of development, which reduce the need to travel, especially by car.

Consultations

Transportation – No objections subject to safeguarding conditions requiring the removal and reinstatement of all redundant vehicle crossings, no erection of gates without prior consent, and the vehicle visibility splay to be kept clear of any landscaping.

Environmental Health – no adverse comments

Network Rail – no objections (advisory notes for applicant are offered).

Pollution Control - Pollution Control has no objection to this proposal subject to surveys and any commensurate mitigation measures to be carried out to account for noise and vibration affecting the site from the adjoining railway. Conditions have been recommended to that end.

Tree Officer – No objections. This revised application for 3 dwellings provides an increased distance between plot 1 and the trees on the railway embankment, considered sufficient to allow any construction works to take place without any detriment to the trees.

Landscape Officer – No objections. Although no details of plant species, numbers etc have been supplied it is considered that the frontage treatment of 600mm high brick wall with low level planting and ornamental trees would be acceptable. The rear boundary hedge to the school playing field is to be retained and supplemented and is considered acceptable.

Fire Officer – Satisfactory.

Public Participation

Two letters of objection received.

Objections:

- Over development of this part of Erdington Rd and Aldridge, other recent developments have lead to more traffic using the road during construction and more cars once the development completed.
- Close proximity to the railway bridge, which is already a danger to pedestrians as there is no pavement on the eastern side.
- A busy fast road with dangerous bends, it is already difficult to pull out of Hallcroft Way.
- Two schools within close proximity of the site, dangerous for the children.
- Aldridge is a small village which surely cannot continue to sustain this extent of new residential development.

Determining Issues

1) Principle of residential development.

2) Whether the proposals for the new build overcome the previous reasons for refusal in terms of:

- Access arrangements
- Impact on trees

- Plot widths and massing
- Design and layout of extensions at No53
- Impact of the extensions at No53 on the street scene and surrounding occupiers

Observations

Principle of residential development

The principle of residential development at the site is considered appropriate as this is a predominantly residential area in a sustainable location within walking distance of Aldridge District Centre.

The density of the proposals at 25 dwellings per hectare whilst below UDP and Government guidance of 30-50 dwellings per hectare, is considered appropriate in this location as it reflects the character and surrounding pattern of development.

Each plot would have a private rear amenity space exceeding the 68sqm required by the RDS. None of the rear gardens would however have a length of more than 8m, below the 12m required by the RDS, however all the existing properties on the eastern side of Erdington Road (51-65) have reduced length rear gardens, but back onto the school playing field and open green belt land beyond. The amenity space is considered acceptable in this instance.

Access Arrangements

The proposals now provide a single vehicle access point onto Erdington Road at the southern end of the site, utilizing the existing access for No53, and providing a shared driveway within the site to each property. The existing 3 vehicle access points to No51 would be reinstated with full height kerbs to prevent any unauthorised access and the developer is providing a 600m brick wall at the back of the footpath.

The existing access points to No51 are substandard in terms of visibility. The access at No53 provides an acceptable visibility in both directions along Erdington Road being situated approx 60m from the railway bridge.

No51 currently has high level conifer hedging at back of pavement, either side of the existing access points, which obscure the existing bungalow from the street and reduce visibility from the access points. The proposals include removal of these trees and provision of low level (600mm) boundary wall with low level planting behind and new ornamental trees. This would significantly improve the visibility to the access point and improve the general street scene.

Transportation have raised no objections subject to safeguarding conditions.

Each new house and the existing bungalow at No53 would have at least 1 garage and 2 additional parking spaces within each plot, and would therefore comply with Policy T13 in terms of parking requirements. In addition each of the 3 new houses would have a pedestrian pathway direct from the footpath.

Impact on Trees

Immediately to the north of the site are a number of mature trees along the railway embankment. The current scheme has moved plot 1 away from the boundary with the trees. The single storey garage on plot 1 would be 3m away from the boundary and the main house 5.7m. The tree officer has confirmed that the construction works required to build the properties would not be detrimental to the neighbouring trees.

Plot widths and Massing

This revised scheme would result in plot widths at an average of 13m, which would be in character with the immediate vicinity which comprises predominantly bungalows varying in plot width from 13m to 19.5m. The plot widths (16m, 11m, 11m and 15m) of the development would therefore be considered to be characteristic within the surrounding pattern of development.

Whilst the immediate vicinity is characterised by detached bungalows the majority have dormer windows which increases the overall massing of the properties.

Design and layout of extensions to No53

The proposed extension to the existing bungalow at No53 was previously approved under householder planning application 04/0639/FL/H4 in 2004, and it is not considered that any circumstances have changed in the intervening period.

The proposals include raising the height of the roof by approx 2.5m to create bedrooms and ensuite facilities in the roof space, with a gable feature and dormer windows to the front and rear. The proposals also include a new pitched roof to the existing single storey flat roofed side garage, a single storey rear utility extension and a single storey garage and porch extension to the frontage.

The proposals are considered to be in character with the wider area, with a number of other properties within the immediate vicinity having garages forward of the main house. The additional height would be appropriate and would have no adverse impact on the general street scene.

The proposed houses although two storey would be the same height as the extended bungalow at No53 and have been designed with a central gable feature and first floor dormer windows to reduce the overall massing of the properties and include key design features and characteristics of the immediate area.

Erdington Road comprises predominantly detached bungalows of varying designs, sizes and heights, which a key characteristic of dormer windows, again varying in design and size.

The proposals comply with the RDS in terms of distance separation and 45 degree code and would have no adverse impact on the surrounding occupiers.

Recommendation: Grant Subject to conditions

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

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

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

Reason: To ensure the satisfactory appearance of the development.

3. No development shall be carried out until a detailed landscaping scheme for the site, including hard surface materials and any necessary phasing of implementation,

has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with any agreed phasing or within one year of any part of the development being brought into use or such other period of time as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

4. Prior to the commencement of any development on site details shall be submitted to and approved in writing by the Local Planning Authority for the conservation and efficient use of energy and natural resources and sustainable development, including consideration of Ecohomes Very Good Standard and 5 stars standard as amplified by the Code for Sustainable Homes (January 2007) or subsequent document, micro energy generation, on site composting, grey water systems, SUDS and locally produced building materials. The development shall then be implemented in accordance with the approved details.

Reason: In order to comply with guidance within policies ENV39 and ENV40 of Walsall's Unitary Development Plan, PPS1 and the Code for Sustainable Homes in terms of sustainable development and use of natural resources.

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

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

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

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

7. Prior to commencement of any development on site a noise survey shall be undertaken to the written satisfaction of the Local Planning Authority. The results of this survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests shall be submitted to the Local Planning Authority within 2 months of completion.

Reason: To ensure the satisfactory development of the site and ensure the amenity of the future occupiers.

8. No development shall take place until suitable noise mitigation measures to protect internal areas have been agreed in writing with the Local Planning Authority, and the development shall not be occupied until such measures have been fully implemented and thereafter maintained.

Reason: To ensure the satisfactory development of the site and ensure the amenity of the future occupiers.

9. Prior to commencement of any development on site a ground vibration survey shall be undertaken to the written satisfaction of the Local Planning Authority. The results of this survey, including details of instruments used, prevailing site conditions and traceable calibration tests, shall be submitted to the Local Planning Authority within 2 months of completion.

Reason: To ensure the satisfactory development of the site and ensure the amenity of the future occupiers.

10. No development shall take place until suitable vibration mitigation measures to protect internal areas of occupied buildings have been agreed in writing with the Local Planning Authority. The development shall not be brought into use until such measures have been fully implemented and thereafter they shall be maintained in accordance with their design specifications. Levels of ground and/or structure borne vibration transmitted to occupied buildings attributable to railway traffic shall not exceed specified criteria for 'low probability of adverse comment'.

Reason: To ensure the satisfactory development of the site and ensure the amenity of the future occupiers.

11. Prior to any demolition operations or activities commencing, a method statement shall be submitted to and agreed in writing by the Local Planning Authority, for the purpose of controlling grit, dust and fumes. The agreed method statement shall be fully implemented and thereafter maintained throughout the duration of demolition operations and activities.

Reason: To protect the amenity of the surrounding residential occupiers.

12. The three redundant footway crossings onto Erdington Road, identified on drawing no. 07038/04, shall be reinstated with full height kerbs to prevent unauthorised access to the site, prior to first occupation of any part of the development hereby approved, and thereafter maintained.

Reason: In the interests of highway safety.

13. No vehicular accesses other than those shown on the approved plans shall be provided unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

14. The visibility splay across the frontage of the site shall be kept clear of any landscaping above 600mm in height.

Reason: In the interests of highway safety.

15. No gates or other method of enclosure, other than shown on drawing no. 07038/04 shall be erected within the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of highway safety.

16. No demolition, engineering, or construction works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 08.00 to 18.00 weekdays and 09.00 to 14.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

Reason: To protect the amenity of the surrounding residential occupiers.

17. The works hereby approved shall only be carried out in accordance with details contained within drawing numbers 07038/01, 07038/02, 07038/03, 07038/04, 07038/05, 07038/100 and J4535 submitted on 20th August 2007 and Design and Access Statement submitted on 20th August 2007.

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

Notes to Applicant

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

- a). internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(5 \text{ minutes})}$, of 35 dB together with a maximum instantaneous level of 45 dB) L_{AFmax} , between the hours 23.00 to 07.00;
- b). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(1 \text{ hour})}$, of 45 dB between the hours 07.00 to 19.00; and
- c). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(1 \text{ hour})}$, of 40 dB between the hours 19.00 to 23.00.

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

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

Planning Policy Guidance Note PPG 24 'Planning and Noise'. 1994;
Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England. 2005
British Standard BS 7445: 2003 "Description and Measurement of Environmental Noise".

British Standard BS 7445-1: 2003 - Description and measurement of environmental noise - Part 1: Guide to Quantities and Procedures;
British Standard BS 7445-2: 1991 - Description and measurement of environmental noise - Part 1: Guide to the acquisition of data pertinent to land use
British Standard BS 7445-3: 1991 - Description and measurement of environmental noise - Part 3: Guide to application to noise limits.
British Standard BS 4142: 1997 – Method for Rating industrial noise affecting mixed residential and industrial areas
Calculation of Road Traffic Noise, 1988
Calculation of Railway Noise, 1995
This is not an exhaustive list.

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

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

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

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

This is not an exhaustive list.

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

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

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, 3.6, 3.16, 6.3, GP2, ENV14, ENV18, ENV23, ENV32, ENV39, ENV40, H3, H9, H10, T7 and T13 of Walsall's Unitary Development Plan, and the Residential Development Standards and on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 09 Oct 2007

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 07/1896/FL/E9

Application Type: Full application

Applicant: Mr R M Cooper

Proposal: Erection of a detached
dormer bungalow

Ward: Pelsall

Recommendation Summary: Grant Subject to conditions

Case Officer: Barbara Toy

Telephone Number: 01922 652429

Agent: Spooner Architects

Location: TO THE REAR OF 17 HALL
LANE, PELSALL, WALSALL, WS3 4JQ

Expired: 26/10/2007



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Application and Site Details

The site is situated on the northern side of St Michael's Close and comprises the rear garden of No.17 Hall Lane, a semi detached house with existing single storey side and rear extension and detached timber garage in the rear garden area. The site lies within the Pelsall Common Conservation Area and opposite a Locally Listed Church.

St Michael's Close comprises a cul de sac of detached and semi detached two storey houses. The site is situated fronting the northern hammer head at the end of the cul de sac.

No37 St Michael's Close is situated adjacent to the site to the west and comprises a 2 storey semi detached house with integral garage, front driveway and vehicle access from the road situated in the western corner of the hammer head. No14 St Michael's Close is situated to the east of the site, set forward, fronting the main road of St Michael's Close rather than the hammer head.

This is a revised application following refusal of an application for the erection of a detached dormer bungalow. This application now proposes the erection of a 2 bed detached dormer bungalow with single storey side garage, fronting onto St Michael's Close with vehicle access from the hammerhead of the close. The layout of the proposals has been amended with the building 'handed' so that the vehicle access, driveway and proposed garage are now situated on the eastern side of the main bungalow.

Relevant Planning History

05/1215/OL/E6, outline application for the erection of a bungalow in the rear garden of No.17 with vehicle access onto Hall Lane. Refused 12-08-05 Reasons for refusal included close proximity to existing house at No 17 and out of character with the surrounding area.

05/1739/OL/E8, outline application for the erection of a bungalow in the rear garden of No.17 with vehicle access onto Hall Lane. Refused 24-10-05. Reasons for refusal included out of character and close proximity to existing dwellings.

05/2482/FL/E9, erection of 4 bed house on land adjacent to 17 (on the frontage of Hall Lane), refused 10-02-06. Reasons for refusal included out of character and impact on the conservation area, adverse impact on amenities of No 19.

06/0813/FL/E3, erection of detached house on land adjacent to 17 (on the frontage of Hall Lane), refused 12-07-06. Subsequent appeal dismissed 25-01-07. Adverse impact on amenities of No 19.

07/1030/FL/E9, erection of detached bungalow (fronting onto St Michaels Close), refused 11-07-07.

Reasons for refusal:

1. The proposed development would conflict with the separation distance of 24m between habitable room windows in relation to 17 Hall Lane and would therefore have an adverse impact on the amenities of the occupiers of 17 Hall Lane in terms of loss of privacy and outlook. The development would therefore be contrary to Walsall's Unitary Development Plan (2005), in particular policies GP2, ENV32, H10 and the Residential Development Standards.

2. The proposals fail to provide satisfactory access arrangements creating a conflict with the existing access to 37 St Michaels Close and would therefore have an adverse impact on highway safety and the free flow of traffic on the adjoining highway. The development would therefore be contrary to Walsall's Unitary Development Plan (2005), in particular policies GP2, ENV32, H10 and T7.

Relevant Planning Policy Summary

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

Paragraphs 2.1 and 2.2 state that the aims of the Plan include sustainable development, urban regeneration and environmental improvement, with action to include creating, sustaining and enhancing a high quality natural and built environment, including a high standard of design, and providing for the right number, type and distribution of new homes.

GP2: Environmental Protection

The Council will not permit development which would have an unacceptable adverse impact on the environment.

Policy 3.6 seeks environmental improvement resulting from development.

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 the built and landscape design.

ENV29: Conservation Areas.

The Council will determine whether a development preserves or enhances the character of a conservation area in terms of:

I The degree of loss or alteration to property which makes a positive contribution to the character of the area.

II The impact of any new buildings on the special townscape and landscape features within the area.

III The scale, massing, siting, layout, design or choice of materials used in any new building or structure.

ENV32: Design and Development Proposals.

Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. Detailed criteria are listed for consideration when assessing the quality of design of any development proposal including:- the appearance, materials, height, proportion, scale and mass of the proposed buildings, the visual relationship of the proposal with adjacent areas, the street and the character of the surrounding neighbourhood, the effect on the local character of the area.

ENV39: Renewable Energy and Energy Efficiency

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

ENV40: Conservation, Protection and Use of Water Resources

Developments should incorporate measures for the conservation of water resources, on site recycling of water and use of rainwater and minimise the watering needed to sustain landscaping.

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

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

Encourages provision of additional housing through windfall sites provided that a satisfactory residential environment can be achieved and that the development would not unacceptably constrain the development of any adjacent site.

H10: Layout, Design and Dwelling Mix

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

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

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

T7 – Car Parking

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

T13: Parking Provision

1,2 and 3 bedroom houses 2 spaces per unit

Residential Development Standards, (April 2005)

Provides guidance to standards for residential dwellings. Part B refers to spaces around dwellings, with an overall objective to ensure that space provides adequate private amenity space and an acceptable level of privacy and daylight.

A minimum of 24 metres is usually required between all facing windows of habitable rooms of adjacent dwellings, and 13 metres between habitable room windows and blank walls exceeding 3 metres in height. Private rear gardens with a minimum length of 12m and 68 sqm.

National Policy

PPS 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. It also encourages higher densities at major nodes along good quality transport corridors.

PPG 13: Transport, promotes sustainable patterns of development, which reduce the need to travel, especially by car.

Consultations

Transportation – No objections, the revised layout take the access onto the highway from the easterly side of the site, within an existing adopted turning head. A turning head is provided within the site to allow vehicles to enter and leave the site in a forward gear. The proximity of the proposed driveway will minimise any conflict with the adjacent property at 37 St Michael's Close. The proposed parking would comply with UDP policy.

Fire Officer – No objections in terms of fire service access.

Conservation Officer – the site falls within the Pelsall Common Conservation Area, and St Michael and All Angels Church which is situated opposite the frontage of 17 Hall Lane is a Locally Listed Building.

No objections in principle, the location, siting, scale and overall design of the development would appear to be acceptable and not have a negative effect on the immediate vicinity or the character of the conservation area. The materials to be used

Tree Officer – No objections.

Public Participation

Seven letters of objection have been received from surrounding occupiers, objections received from Councillor Perry on behalf of residents in St Michael's Close and a petition against the proposals containing 36 signatures.

Objections:

- Loss of view/outlook of St Michael's Church
- Little change from previous refused proposals
- Even greater difficulties with access to No37 St Michael's Close
- Out of character with the close and the general area
- Exacerbate existing on street parking problems within St Michael's Close particularly in the evenings and weekends
- School traffic within the close, an accident waiting to happen
- Loss of existing landscaping in the hammerhead of St Michael's Close
- Property devaluation
- Access for emergency services
- Exacerbate problems with sewers and storm drains
- Set a precedent
- Increased security risk by creation of direct link between Hall Lane and St Michael's Close.
- Appearance of the development
- Creation of additional cross roads with Hall Lane.
- Overlooking and loss of privacy to adjoining property and gardens.
- Overcrowding of the close.

Determining Issues

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

- Separation distances and impact on amenities of surrounding occupiers
- Access arrangements
- Other issues

Observations

Separation distances and impact on amenities of surrounding occupiers

The application now proposes a detached two bedroom dormer bungalow fronting St Michael's Close, with vehicle access, driveway and garage (set back) now situated to the east of the plot, adjacent to the boundary with No14 St Michael's Close.

The internal layout of the bungalow has been amended and now shows the main habitable room windows on the rear of the building (dining area and kitchen) situated to the western side of the property and the utility room and garage (both non-habitable rooms) situated to the eastern side. The rear facing habitable room windows on the dining area and kitchen now face the open land to the side of the existing house at No17 Hall Lane and do not directly face the habitable room windows in the rear of the existing house at No17. The utility window and the rear of the garage would face the rear windows at No17, but as neither are habitable rooms the distance separation provided (between 16.5m and 20m) would more than comply with the 13m required by the RDS between a habitable room and blank elevation. The proposals now fully comply with the separation distances required by the RDS and would have no adverse impact on the amenities of the occupiers of No17 Hall Lane.

Whilst the proposed rear garden length for the bungalow would be approx 10m, below the minimum requirement of 12m in the RDS, the area of private amenity space provided would be approx 150sqm, more than double the 68sqm required by the RDS. The proposed private amenity space is therefore considered acceptable in this instance.

The agent has confirmed that the existing boundary landscaping between the rear garden of No14 and the site will be retained and reinforced to provide a buffer between the garden area of No14 and the new driveway for the proposed bungalow. An appropriate condition is attached to require full details of the landscaping existing and proposed to be submitted for approval prior to commencement of any work on site.

The proposed bungalow is set back from No14 St Michael's Close, which is situated to the east of the site. The proposed bungalow would be situated approx 6m from the side boundary of the rear garden of No14. The single storey side garage is set back from the main bungalow and situated approx 3.5m from the boundary of No14. It is therefore considered that the proposed buildings would have no adverse impact on the amenities of the adjoining occupier at No14 St Michael's Close.

The proposals therefore overcome the previous reason for refusal in terms of separation distance and adverse impact on adjoining residential occupiers.

Access

The proposals now incorporate vehicle access to the site on the eastern side of the plot, on the opposite side of the hammer head of the cul de sac than the existing vehicle access to No37 St Michael's Close. The proposed driveway layout provides a turning head to enable vehicles to enter and leave the site in forward gear and provide 2 off street parking spaces to comply with policy T13 of the UDP.

The proposals now provide appropriate and safe access to the site which no longer conflict with the existing access at No37 St Michael's Close and would therefore have no adverse impact on highway safety and the free flow of traffic on the adjoining highway. It is considered that the amended access has overcome the previous reason for refusal.

Other Issues

- Loss of views of St Michael's Church and impact on the Conservation area: the proposals are for a dormer bungalow only and not a 2 storey house and no objections have been raised by the Conservation Officer regarding impact on the Conservation Area or the church.
- Loss of landscaping within the hammerhead of the cul de sac: although loss of existing landscaping, no loss of significant trees and the new development would include front and rear gardens.
- Property devaluation: not a planning consideration.
- Emergency Service access: no objections raised by fire officers
- Impact on sewers: matter for consideration by Severn Trent Water
- Set a precedent: each planning application dealt with on its own merits.

- Create a cross roads with Hall Lane: a misunderstanding of the plans, the proposals do not include a through route onto Hall Lane from St Michael's Close.

Recommendation: Grant Subject to conditions

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

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

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

Reason: To ensure the satisfactory appearance of the development.

3. No development shall be carried out until a detailed landscaping scheme for the site, including hard surface materials and any necessary phasing of implementation, and in particular the specific details of the boundary between the rear garden of No14 St Michael's Close and the site, has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with any agreed phasing or within one year of any part of the development being brought into use or such other period of time as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

4. Prior to the commencement of any development on site details shall be submitted to and approved in writing by the Local Planning Authority for the conservation and efficient use of energy and natural resources and sustainable development, including consideration of Ecohomes Very Good Standard and 5 stars standard as amplified by the Code for Sustainable Homes (January 2007) or subsequent document, micro energy generation, on site composting, grey water systems, SUDS and locally produced building materials. The development shall then be implemented in accordance with the approved details.

Reason: In order to comply with guidance within policies ENV39 and ENV40 of Walsall's Unitary Development Plan, PPS1 and the Code for Sustainable Homes in terms of sustainable development and use of natural resources.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no development within Schedule 2, Part 1, A, B, C, D and E shall be carried out to the bungalow hereby approved, without the prior approval of the Local Planning Authority.

Reason: In order to safeguard the amenity of the surrounding residential occupiers.

6. The works hereby approved shall only be carried out in accordance with details contained within drawing number 0704-01 Rev A and Design and Access Statement submitted on 31st August 2007 and drawing number 0704-02 submitted on 24th September 2007.

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

7. No development shall commence on site until details of the rear velux, which shall be partly fixed and obscurely glazed has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out with the approved details and retained at all times.

Reason: To safeguard the amenity of the occupiers of number 17 Hall Lane.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, 3.6, 3.16, GP2, ENV29, ENV32, ENV39, ENV40, H3 and H10 of Walsall's Unitary Development Plan, and the Residential Development Standards and on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 09 Oct 2007

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 07/1768/FL/H5

Application Type: Full application

Applicant: Mr Harvinder Singh

Proposal: Two-Storey Front and Side
Extensions

Ward: Paddock

Recommendation Summary: Grant Subject to conditions

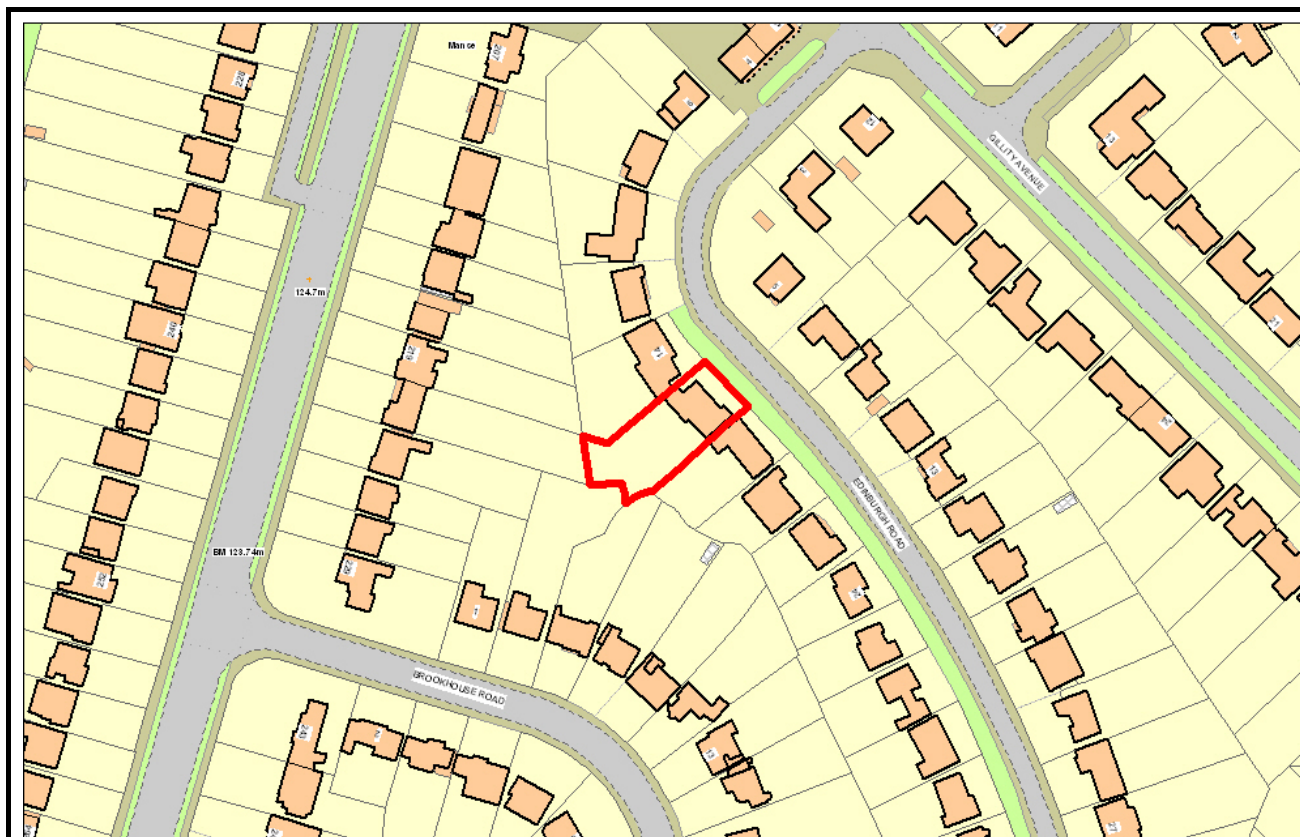
Case Officer: Owain Williams

Telephone Number: 01922 652486

Agent:

Location: 16 EDINBURGH
ROAD, WALSALL, WS5 3PQ

Expired: 12/10/2007



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Application and Site Details

This application is for front and side extensions to a detached house to enlarge existing rooms and add a 4th bedroom. Alterations are also proposed to the internal layout of the existing building to reposition the existing rooms.

The house currently has a wide brick porch that projects 1.4 metres in front of the two-storey part of the house, a garage and utility between the side of the house and the side of the adjoining house number 18, and a study that is set back from the front on the rear corner adjacent to the boundary with the house on the opposite side number 14. The proposed front extension is to lie above the porch, whilst the side extensions are to lie in the same positions as the existing garage, utility and study. The extension that is to replace the garage was originally proposed to be wider than the existing, and was to fill the gap to the boundary with number 18, but amended plans have been received that retain the existing 800mm gap.

The extension over the porch is to have a gable roof facing the front. The first floor part of the extension in place of the garage is to be in line with the front and rear of the existing two-storey part of the house, and the existing ridged roof of the house is to be continued across. The ground floor part of this extension is to project forward to be in line with the proposed front extension and is to have a mono-pitch roof sloping down to the front.

The proposed extension over the study is to be set back 4.5 metres from the front of the existing two-storey part of the house whilst the rear is to be in line with the existing rear. This extension is to have a gable roof which is to be lower in height than the existing house.

Number 14 has a single-storey section to the side and rear with a conservatory attached to the rear next to the boundary that project beyond the rear of the application property. Number 18 is 0.6 metres lower than the application property and has an 800mm gap between the side of the house and the boundary, and the section of number 18 nearest the boundary comprises a garage on the ground floor with the rooms on the first floor lit by dormers inserted in the front and rear roof slopes. The front and rear of the proposed extension would be approximately in line with that of number 18.

Relevant Planning History

None

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 Policies

GP2: Environmental Protection

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

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

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

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

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

T7 – Car Parking

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

Residential Development Standards

These include guidelines concerning design, including roof shapes, terracing and the length of extensions relative to the adjoining properties

First floor extensions to the side of a house should avoid creating a terracing effect where this would detract from the character and appearance of the area. In such circumstances it may be necessary to design the extension, which may include one or more of the following elements: -

- retention of a 0.9m minimum gap to the side boundary;
- if there is currently no gap at ground floor level then 1st floor extensions should normally be set back a minimum of 1m from the front plane. The 1m set back is a minimum requirement and may need to be increased where circumstances require this. e.g. larger house types;
- encourage the use of hipped roofs to maximise separation, where this is in keeping with the character of the existing house and wider area.

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

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

National Policies

PLANNING POLICY STATEMENT 1

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

Consultation Replies

None

Public Participation

Representations were received in respect of the original plans from the occupiers of 5, 14 and 18 Edinburgh Road, objecting on the following grounds:

- Potential terracing and overdevelopment. Previous applications in the street for extensions up to the boundary have been refused and dismissed on appeal. Any such developments have been required to leave a gap of at least 1 metre to the boundary.
- Elimination of the gap to the side would leave no access to the rear garden for waste and wheeled bins.
- Possible implications for the Party Wall Act. Footings will interfere with the neighbour's fences and walls, and their own access.
- Loss of morning sun to conservatory and garden at number 14, and effect on sale prospects and value.

The occupier of number 14 has commented in respect of the amended plans that their concerns still remain in respect of the amended plans.

The letters may be viewed on publication of this report.

Determining Issues

- design and character;
- the impact on the amenities of nearby residents; and
- parking.

Observations

Design and Character

The side extension next to number 18 would continue the roof of the existing house. The side extension next to number 14 would have a separate roof to the existing house, however the position of this extension set back over 4 metres from the existing fronts of the application property and number 14 means that it would have little impact on the character of the house or the street.

The front extension would appear prominent in the street and would change the simple roof shape of the existing house. However, the gable roof would reflect the gable roof of the existing. There is a wide variety of house types in the street and front gables are commonplace. The extension would therefore have no adverse impact on this character.

The retention of the existing 800mm gap between the garage and the boundary with number 18 as shown on the amended plans would, in conjunction with the similar gap between the boundary and the side of number 18 itself, avoid any potential terracing effect.

Impact on Amenity of Residents

The proposed extensions are not to project beyond the front or rear of the houses to either side.

The extension next to the boundary with number 14 would lie to the east of the neighbour's conservatory. This orientation and the limited width of the existing gap between the two houses means that any loss of direct sunlight would only be for a

very short period early on summer mornings. The conservatory would continue to enjoy sunlight from mid-morning onwards.

The neighbours' concerns about access, the Party Wall Act and property values are private legal matters and not material planning considerations.

Parking

The addition of a fourth bedroom would require the provision of a third parking space to comply with the parking standards in the UDP. The extension is to include a replacement garage and there would be room to widen the driveway in front to provide this space.

Recommendation: Grant Subject to conditions

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

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

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

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

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

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

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

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

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

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

6. This plan relates to the amended plan received on 18th September 2007

Reason: To define the permission

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

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

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 09 Oct 2007

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 07/1740/FL/H5

Application Type: Full application

Applicant: Mr Samrai

Proposal: Single-storey side and rear extension, replace and enlarge roof to provide rooms at first floor

Ward: St. Matthews

Recommendation Summary: Grant Subject to conditions

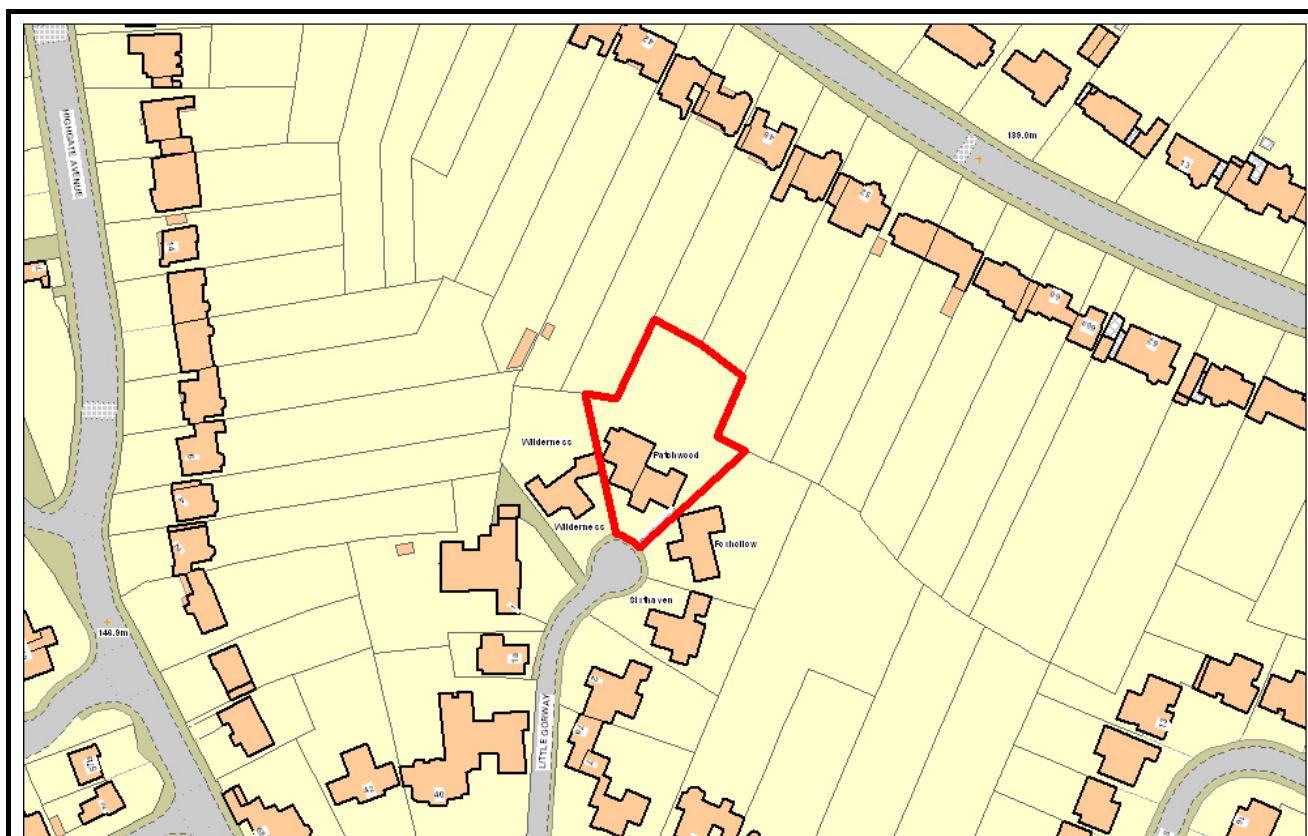
Case Officer: Owain Williams

Telephone Number: 01922 652486

Agent: Mistry Design Services

Location: PATCHWOOD, LITTLE GORWAY, WALSALL, WS1 3BQ

Expired: 02/10/2007



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Application and Site Details

This application is for additions to a detached bungalow to add a playroom and enlarge the lounge on the ground floor, and provide two bedrooms with en suites in the roof space. The total number of bedrooms will increase from two to four.

The property currently has a simple gable roof with a ridge height of 5 metres over the main part, and a flat roof over the garage, kitchen and a bedroom to the side. The gable roof slopes to the front and rear. A new gable roof is to be provided with a ridge height of 6.5 metres that will replace the existing gable roof and also cover the garage. The new play room, which is to have a flat roof, is to lie alongside the garage. The main part of the new gable roof will slope to the front and rear, but projecting gables are also proposed that will slope to either side. The proposed first floor rooms are to be lit by roof lights and with windows in the gables on the rear elevation.

The application property lies at the end of a cul de sac. The adjoining dwellings are arranged around the end of the road and are also bungalows. The bungalow to the west, "Wilderness", is approximately 0.5 metres higher in level than Patchwood and has a flat roof garage to the side projecting along the boundary.

The other neighbouring bungalow Foxhollow has a lower ground floor level than that of Patchwood however Foxhollow has a higher ridge than that of Patchwood with dormer windows to the front and rear. Again similar to Wilderness a flat roof garage at Foxhollow projects along the boundary with Patchwood.

The application property has a large rear garden that backs onto the long gardens of dwellings in Jesson Road.

Relevant Planning History

None

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 Policies

GP2: Environmental Protection

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

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

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

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

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

T7 – Car Parking

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

T13: Parking Provision

1, 2 and 3 bedroom houses 2 spaces per unit

4 bedroom houses and above 3 spaces per unit

Residential Development Standards

These include guidelines concerning design, including roof shapes, and a 45 degree code to assess the impact of extensions on adjoining dwellings.

Single-storey extensions that breach the code will be allowed provided they do not project more than 3.5 metres beyond the rear of the adjoining dwellings.

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

National Policies

PLANNING POLICY STATEMENT 1

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

Consultation Replies

None.

Public Participation

A letter has been received signed by 8 residents of Little Gorway, objecting on the following grounds:

1. The increase in height of the building would make it incompatible with its surroundings;
2. The increase in size of the property means possibly more people and more cars creating parking problems;
3. To allow an extension of this nature would encourage future development totally destroying the character and ambience of this area.

The letters may be viewed on publication of this report.

Determining Issues

- design and character;

- the impact on the amenities of nearby residents; and
- parking.

Observations

Design and Character

The proposed alterations would substantially enlarge the property, however the main part of the new roof would reflect the alignment of the existing roof.

The existing gaps between the dwellings to either side are to be retained. The dwellings to either side are currently higher at ridge height than the application property. Apart from the group of bungalows around the end of the cul de sac, the surrounding area comprises large detached houses and bungalows. The proposed additions will therefore be in keeping with the character of the area.

Impact on Amenity of Residents

The dwellings to either side have garages next to the boundary, with their rear gardens angled away from the application property. The only side-facing windows proposed in the extension are to be roof lights. One of these will face across the rear of the existing application property whilst a second will serve a dressing room. The third window will be a secondary bedroom window that will face across the roof of the proposed playroom towards the rear corner of the garden of "Wilderness". This window will lie at least 6 metres from the boundary and, with the nearest part of Wilderness being a non-habitable room, will cause little loss of privacy to the adjoining property.

Parking

The increase in the number of bedrooms from two to four will result in three parking spaces being required to comply with the parking standards in the UDP. The existing double garage is to be retained and with the large driveway in front this number of spaces is already provided.

Recommendation: Grant Subject to conditions

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

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

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

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

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

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

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

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

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 09 Oct 2007

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 07/1788/FL/H5

Application Type: Full application

Applicant: Mr P Sunner

Proposal: Two-storey front, part two-storey, part single-storey side and single-storey rear extension with front porch.

Ward: Paddock

Recommendation Summary: Grant Subject to conditions

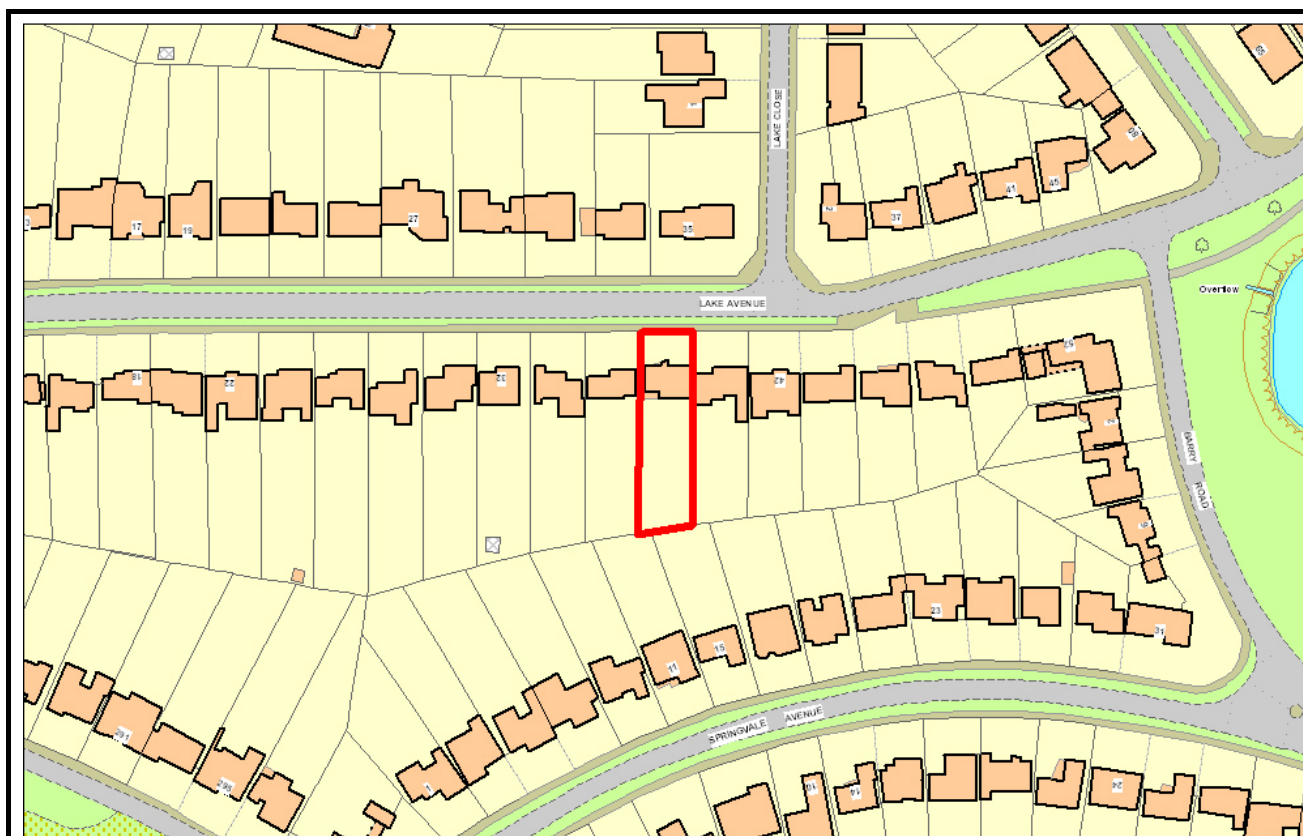
Case Officer: Owain Williams

Telephone Number: 01922 652486

Agent: GD Designs

Location: 38 LAKE AVENUE, WALSALL, WS5 3PA

Expired: 08/10/2007



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Application and Site Details

This application is for extensions to a detached house to provide a sitting room, porch, enlarged kitchen and replacement garage on the ground floor, with enlarged bedrooms to include en suites and a store on the first floor. The total number of bedrooms is to stay unchanged at four.

The two-storey extension to the front of the house is to project out 0.9 metres and is to be 4 metres wide. The extension is to have a gable roof at right angles to the gable roof of the existing house, and is to lie on the side of the house nearest the boundary with the adjoining house number 36. The extension will project approximately 1.8 metres in front of number 36, which has a garage to the side. The existing 1 metre gap between the side of the application house and the boundary with number 36 is to be retained.

The proposed porch is to lie in the centre of the front elevation of the house to the side of the front extension.

The side extension is to replace the existing garage that lies in the gap between the application house and the house on the opposite side, number 40. The ground floor of the extension is to be in line with the front of the existing application house, which projects 1.6 metres in front of number 40, and is to be the same width as the existing garage. The first floor is to be set back 2.5 metres from the front of the existing first floor and is to be set in 600mm from the side of the ground floor part. The rear of the first floor part of the extension would project less than a metre beyond the rear of the first floor of number 40. With the first floor section of the side extension set in 0.6 metres a gap of 1.2 metres would be retained between the side of the extension and the side of number 40. Both the ground and first floor parts of the side extension are to have gable roofs.

The single storey extension to the rear of the house is to be the full width of the house and is to project 3 metres out for most of the width, except for the section closest to the boundary with number 36 which is to project up to 4.3 metres. The extension will project approximately 4 metres beyond the rear of number 36 and will be approximately in line with a conservatory to the rear of number 40. The rear extension will replace an existing store that lies near the boundary with number 40 and will only project 0.2 metres further than this store.

Relevant Planning History

The current application is an amendment to two previous applications that were refused in June and August this year on the grounds of terracing.

Application 07/0701/FL/H5 was identical to the current application except that the front of the first floor part of the proposed side extension was to be set back 1.5 metres from the front of the existing first floor and the side of the first floor part was to be the same width as the proposed ground floor.

Application 07/1266/FL/H5 was identical except that the front of the first floor side part was to be set back 2.5 metres from the front of the existing house. The side of the first floor part was to be the same width as the proposed ground floor.

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 Policies

GP2: Environmental Protection

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

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

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

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

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

T7 – Car Parking

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

T13: Parking Provision

1, 2 and 3 bedroom houses 2 spaces per unit

4 bedroom houses and above 3 spaces per unit

Residential Development Standards

These include guidelines concerning design, including roof shapes, terracing and the length of extensions relative to adjoining properties

First floor extensions to the side of a house should avoid creating a terracing effect where this would detract from the character and appearance of the area. In such circumstances it may be necessary to design the extension, which may include one or more of the following elements:

- Retention of a 0.9m minimum gap to the side boundary;
- If there is currently no gap at ground floor level then 1st floor extensions should normally be set back a minimum of 1m from the front plane. The 1m set back is a minimum requirement and may need to be increased where circumstances require this, e.g. larger house types;
- Encourage the use of hipped roofs to maximise separation, where this in keeping with the character of the existing house and wider area.

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

National Policies

PLANNING POLICY STATEMENT 1

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

Consultation Replies

None.

Public Participation

Representations have been received from the occupiers of 31, 33 and 40 Lake Avenue.

The neighbour at number 31 Lake Avenue has objected on the grounds of overshadowing, overlooking and loss of privacy, the extensions to the rear and side are not subservient to the existing structure and any extensions to the front of this property create the opportunity to bring the entire property forward at a later date.

The neighbour at number 33 has advised that they welcome the restoration and improvement of the property as long as it does not give the appearance of a terrace that would be out of character and devalue other properties.

The neighbour at number 40 has objected on the grounds that the 0.6 metre set in will make little difference to the terracing effect, as a gap of only 550-580mm will remain between the gable of number 40, with a gap of only 265mm between the chimney stack of number 40 and the proposed extension. They also raise concerns about future maintenance, possible encroachment, and loss of light to the rear.

The letters may be viewed on publication of this report.

Determining Issues

- design and character;
- the impact on the amenities of nearby residents; and
- parking.

Observations

Design and Character

The application house is currently a modern design with a simple ridge roof that slopes to the front and rear. The gable roofs of the extensions would reflect this design.

The proposed two-storey front extension and hipped roof porch would add complexity that would detract from the existing simplicity of design. However, the ridge of the extension is to be lower than the existing ridge which would make the extension subservient to the existing house. The houses to either side, and the majority of the houses in the street, have more complex roof shapes with various front projections, so this feature would cause no harm to the character of the street.

The street comprises large detached houses of various roof shapes. Approximately half retain substantial gaps at first floor level on at least one side, usually formed by the space above the garage. Those houses where there is little or no gap to the side

have hipped or sloping roofs that slope down to the side which provide a separation between the ridges of adjoining houses.

The current proposal would result in the application house being the only property nearby where a ridged roof sloping to the front and rear would abut a similar roof to the adjoining property. However, unlike the design in the previous applications, the current application shows the first floor section of the side extension set in from the side of the house by 0.6 metres. When combined with the gap between the boundary and the side of number 40 this would result in a gap of 1.2 metres remaining between the two houses at first floor level. This gap, combined with the position of the proposed first floor to be set back 2.5 metres from the existing front of the application house and 1 metre from the front of number 40, would avoid a terracing effect and retain the rhythm of the street.

Impact on Amenity of Nearby Residents

Although the two-storey front and single-storey rear extensions would project beyond the front and rear of 36, the adjoining part of number 36 is a non-habitable room and the existing gap is to be retained between the two houses. The two-storey side extension would be in line at the front and would project less than a metre beyond the rear of the first floor part of number 40. The single-storey rear extension would only project 0.2 metres further next to number 40 than the existing store.

The impact of the extensions on the houses to either side would therefore be acceptable and the length in relation to them would comply with policy.

Number 31 Lake Avenue lies on the opposite side of the road but faces number 34, not the application property. The separation distance between the front of the application property and the house that directly faces it across the road, number 35, would be approximately 30 metres, well in excess of the minimum separation between facing windows of 24 metres which is required by policy.

With respect of the other concerns of the neighbours, access for maintenance, possible encroachment and devaluation are private legal issues and are not material planning considerations. Any further extensions would need the submission and approval of a further planning application.

Parking

The proposed extensions to the house will not increase the number of bedrooms to the house so therefore the parking requirement will not alter.

Recommendation: Grant Subject to conditions

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

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

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

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

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

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

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

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

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



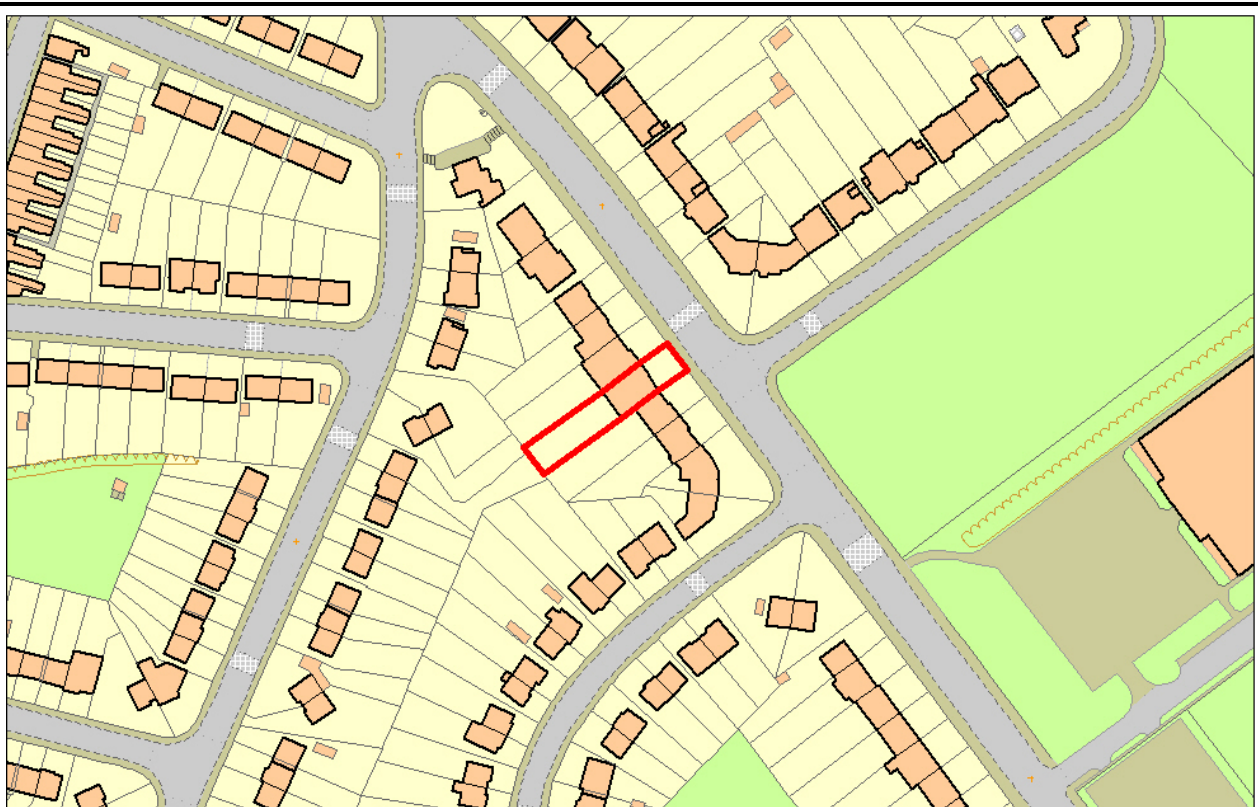
To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 09 Oct 2007

REASON FOR BRINGING TO COMMITTEE: Called in by Councillor Nazir

Application Number: 07/1797/FL/H1
Application Type: Full application
Applicant: Mr M Aslam
Proposal: Roof Extension to Side, Part Two-
Storey, Part Three-Storey Rear Extension, Single-
Storey Front and Rear Extension
Ward: Palfrey
Recommendation Summary: Refuse Permission

Case Officer: Neville Ball (H1)
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Agent: Atwal Design Services
Location: 59 DELVES
ROAD,WALSALL,WS1 3JT
Expired: 09/10/2007



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Background

This application has been called in by Councillor Nazir who has commented that it has significant public interest as it has been submitted several times in the past and determined under delegated powers, also there were concerns of the process in which the applications had been through and the outcomes which were questioned by the applicant.

Application and Site Details

This application is for additions to a previously extended semi-detached house to enlarge existing rooms on the ground and first floor, and add additional rooms on the first floor and in the loft. The total number of bedrooms is to be increased from five to eight.

The house originally had a hipped roof to the side but has had a two-storey side extension with a pitched roof over the front part and a flat roof to the rear. The extension infills the gap between the side of the house and a two-storey extension to the side of the adjoining house number 57. There is a single-storey rear extension that projects 4 metres out across the full width of the house and a conservatory that projects a further 4 metres, also the full width of the house.

The current proposal is to reconstruct the roof over the existing side extension with a gable end, and extend the first floor and loft to the rear over the existing ground floor extension. The first floor is to project 1.6 metres out to the rear adjacent to the boundaries with the houses to either side, whilst the first floor and loft are to project 3.2 metres out. The rear extension is to have a gable roof.

The existing conservatory is to be rebuilt as a kitchen and a new conservatory, to project a further 2.5 metres, is to be added in the centre of the rear elevation.

To the front of the house, the area beneath the existing canopy is to be infilled and the existing bow window brought out to be in line.

There are discrepancies between the proposed side and rear elevations in respect of the shape and roof heights of the rear extensions. The side elevation does not include the high level eaves to the rear projection, and the shape of the roof over the proposed single-storey extension is unclear.

The front and rear of the original part of the application house is in line with that of the houses to either side. Number 57 is 0.5 metres lower and has a bedroom window at first floor level to the rear next to the boundary, with a utility below. The house on the opposite side, number 61 the other half of the pair with 59, has a single-storey rear extension that is line with the existing extension to the application property.

The application property has a long rear garden and does not directly face any houses to the rear. Houses in Hawes Road lie to the rear at a 45 degree angle and also have long rear gardens.

Relevant Planning History

There have been a total of ten applications for extensions to the property since 1982, with the current application being the fourth since 2005. Three of these were granted, three refused, two withdrawn and one was for works that did not require planning permission.

Relevant Planning Policy Summary (Note the full text version of the UDP is available from the Civic Centre Reception and on the Council's web site)

Unitary Development Plan Policies
GP2: Environmental Protection

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

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

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

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

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

T7 – Car Parking

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

Residential Development Standards

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

It is important that the extension should relate to the design of the original building with matching roof shape and pitch (hipped or gabled).

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

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

National Policies

PLANNING POLICY STATEMENT 1

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

Consultations

None

Public Participation Responses

Letters objecting to the application have been received from the occupiers of 55, 57 and 63 Delves Road, 38 Highgate Drive, 4, 6, 8 and 10 Trees Road, and 66, 68, 70 and 76 Hawes Road, objecting on the following main grounds:

- Number 59 is higher than number 57 and has already had a large extension which limits light to the house and garden at 57. The proposal would cause further loss of light, and would be domineering, overbearing and extremely large;
- The proposed first and second storey windows would cause a loss of privacy;
- The over-sized extension would adversely affect the appearance of the area, and would nearly join up with the outer buildings at the end of the garden.
- Devaluation;
- Increase in noise and disturbance, and parking issues in view of the existing garage being converted to a study;
- Building on shared wall would cause a loss of the neighbour's conifers;
- Proposal would cause a jarring effect with number 57.

Most of the letters from the occupiers of Trees Road and Hawes Road are copies of a standard letter.

The occupiers of 61 and 66 Delves Road, and 72 Hawes Road, have signed a letter stating that they fully support the application.

Determining Issues

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

Observations

Design and Character

The gable roof over the side part of the extension would not match the hipped roof of the original part of the house. The roof plane on the front elevation would form a continuation upwards of the existing roof over the existing side extension, but the increased height compared with the existing roof would worsen the jarring effect of the gable roof abutting the hipped roof of the adjoining house number 57. This jarring effect would be increased by the position of the application property lying at a higher level to number 57.

Number 61, the other half of the pair with the application property, has been extended on the opposite side but the extension has a hipped roof that matches the original house. The proposed gable roof would therefore also unbalance the pair.

The rear extension would not be visible from the street, but its size and height would over-dominate the surrounding gardens. The discrepancies between the elevation drawings mean that it is not possible to confirm the exact design of the rear part of the extension, the gable shape, with the eaves of the central section lying mid-way up the roof slope at a higher level than the existing eaves, would result in an ungainly appearance. As a result, it cannot be approved as currently submitted.

Infilling the area beneath the existing front canopy would screen part of the original house. However, many houses nearby have similar front extensions and the infilling by itself does not require planning permission.

Amenity of Nearby Residents

The front and side part of the extension would not project beyond the houses to either side, and would have little impact on them.

The first and second floor part of the rear extension would not project beyond the ground floor rear part of number 61. The submitted plans indicate that the first and second floor part would comply with the 45 degree code in relation to the nearest first floor window in the rear of number 61. The first floor part nearest the boundaries to either side would only project 1.6 metres beyond the houses to either side.

However, the extension would breach the 45 degree code in relation to number 57 and the height of the extension, combined with the gable roof shape of the rear projection, would result in an overbearing impact both on this and the other nearby houses and gardens.

The proposed kitchen would be the same size and height as the existing conservatory. Although the proposed new conservatory would, when added to the previous extensions, project a total of nearly 7 metres beyond the ground floor of number 61 and 11 metres beyond the rear of number 59, its position set in 2.3 metres from either boundary means that it will have little additional impact on either adjoining dwelling.

Parking

No additional parking provision would be required by the Council's parking standards to serve the extension. The entire frontage is already hardsurfaced with space for at least three vehicles even without the use of the garage for parking.

Recommendation: Refuse

1. The proposed extension would, because of its design and height with a gable roof to the side and rear, and the eaves of the central part of the rear extension at a higher level than the existing house, be out of keeping with the hipped roof of the original part of the application house, create a jarring effect against the hipped roof of the adjoining house number 57, and would result in an overbearing impact on the adjoining houses and gardens. As such the proposal is poor design that would not comply with Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and H10, and T13, and the Residential Development Standards.
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