



Contents Sheet

Item	Page	App No	Site Address	Proposal	Recommendation
1.	1	06/2186/OL/W5	MIDLAND ROAD, WALSALL, WEST MIDLANDS	Outline: Erection of 112 apartments and associated works	Grant Permission Subject to Conditions and a Planning Obligation
2.	14	06/2135/FL/E9	FOUR SEASONS PUBLIC HOUSE, SPRING LANE, SHELFIELD, WALSALL, WEST MIDLANDS	Demolition of existing vacant public house and erection of 13 houses, (5 detached and 8 semi detached), car parking, landscaping & associated works.	Grant Permission Subject to Conditions and a Planning Obligation
3.	24	06/2193/FL/E9	57, COPPICE ROAD, WALSALL, WEST MIDLANDS, WS9 9BL	Amendments to planning approval 06/0952/FL/E9 (for 9 apartments) to provide an additional 2 apartments within the roof space and associated parking alterations.	Grant Permission Subject to Conditions and a Planning Obligation
4.	32	06/2170/FL/W3	LAND BETWEEN 109 CALVES CROFT AND, PARK ROAD, WILLENHALL, WALSALL, WEST MIDLANDS, WV13 1BU	Erection of 24 no. residential apartments	Grant Permission Subject to Conditions and a Planning Obligation

5.	43	06/1118/FL/W2	LAND OFF LEAMORE LANE,ADJACENT TO WYRLEY & ESSINGTON CANAL,AND RAILWAY,WALSALL, WEST MIDLANDS	Redevelopment of site for new residential development of 134 units and associated works, including access alterations.	Grant Permission Subject to Conditions and a Planning Obligation
6.	61	06/2206/FL/E12	THE ROYAL OAK P.H,DAW END,WALSALL,WEST MIDLANDS	Extension to public bar, provide disabled wc, proposed raised decking area and internal alterations	Grant Permission subject to conditions
7.	67	06/0465/FL/H1	111 CRESSWELL CRESCENT, BLOXWICH, WALSALL,WS3 2TR	Two-storey side extension and change of use of verge to side to garden	Grant Permission Subject to Conditions and a Planning Obligation



To: DEVELOPMENT CONTROL COMMITTEE

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

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 06/2186/OL/W5

Case Officer: Karon Hulse

Application Type: Outline Application

Telephone Number: 01922 652492

Applicant: Group 7 Properties Ltd

Agent: Armstrong Burton Planning

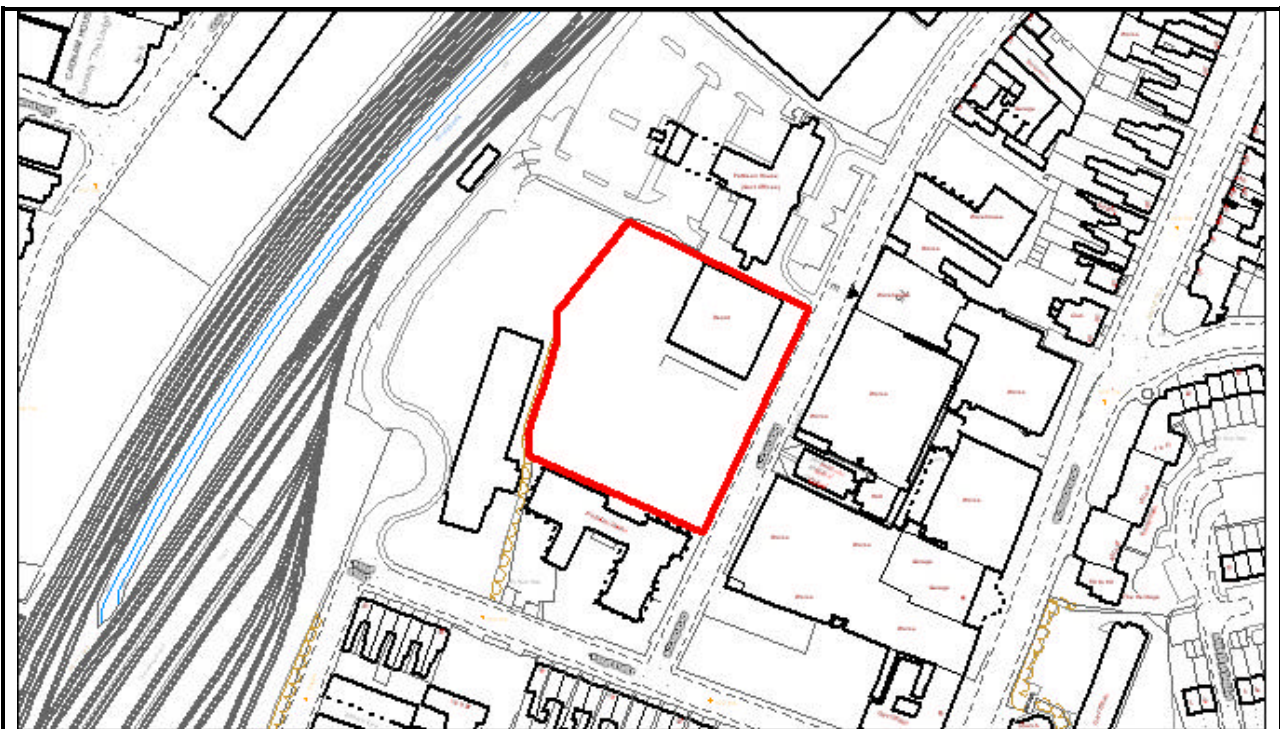
Proposal: Outline: Erection of 112 apartments
and associated works

Location: MIDLAND ROAD,
WALSALL, WEST MIDLANDS

Ward: St. Matthews

Expired: 20 March 2007

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



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Current status

This application has been submitted following the expiration of a previous outline consent for the erection of 112 apartments on the site formerly known as the Co-Op dairy on Midland Road, Walsall. The outline permission was followed by the submission of a reserved matters application which was also approved but left the landscaping reserved matters still outstanding. It was because of this outstanding reserved matter that the outline approval expired.

The application before you seeks to re-establish that consent to the extent that all matters will be approved by this outline consent with the exception of the landscaping. The application is therefore exactly the same in amount of detail as that which was provided by the original outline and the subsequent reserved matters.

As a result of the application expiring the Local Planning Authority now has an opportunity to consider the application merits against any new policies which may have emerged since the previous consent, in this case, the main policies to emerge since its previous approval relate to the requirement for Section 106 Agreement obligations. The approval of the previous application was prior to open space, education or affordable housing SPD's, clearly this opportunity now allows the Local Planning Authority to judge the merits of the application against those policies.

There have been no material alterations to the proposed scheme since the previous approval of this application except that the site to the west (between this site and the railway line) was granted planning approval for residential development. The layout which was approved took into account the details of the approved layout on this site.

Consequently the following report is, in the main, the same as that previously considered and approved at the reserved matters stage. The exceptions are the sections outlining the obligation requirements and a number of additional consultation responses such as Walsall Regeneration Company comments, landscaping / tree comments which are addressed individually. The recommendation is to approve subject to the applicant entering into a Section 106 Agreement for financial contributions to education and open space and the provision of a percentage of affordable housing across the site. The application was submitted prior to the adoption of the Health SPD and is therefore not considered against this recent requirement.

Application and Site Details

The land is the former Co-Op dairy site.

It is an outline application but seeks appearance, scale, layout and access to be determined at this stage, landscape again being a future reserved matter.

The application therefore seeks approval for 112 flats. Density as now proposed is 170 dwellings per hectare (increased from about 160 dwellings per hectare, for the previously intended 107 flats).

The proposed buildings form a courtyard with the front of the site (onto Midland Road) being three and a half storeys increasing to six storeys to the rear of the site (the levels difference across the site allows for this difference without it visually unbalancing the scheme).

There is an access / egress arrangement to and from Midland Road with a one way access road going around the perimeter of the site giving access to 100% parking provision.

The external appearance and design of the buildings are modern. Balconies, decked accesses and duplex units along Midland Road are incorporated into the scheme. This gives direct pedestrian access to units fronting Midland Road with small garden frontages creating an active frontage. The inclusion of glass corners on this frontage will also create striking features within the street scene.

The development increases from 3 and a half storeys to 6 storeys as the site falls away to the rear. Again balconies and decked access are incorporated into the development and a striking elevation would be created to both the new housing development off Tasker Street and along the railway corridor.

Most apartments will have a dual aspect looking out of the site as well as being inwardly facing over the central courtyard area. The courtyard being used for recreational purposes : sitting out areas, meeting areas, as well as a visual focal point for the development.

All floors are accessed by lifts.

Whilst all the units are apartments there is a good mix of one and two bedroom apartments and along the frontage of Midland Road there are three bedroom, two storey, duplex apartments aimed specifically for families.

The density of the site is shown as approximately 170 units per hectare based on the current proposals (112 units for 0.65 ha), this density would accord with both policies of the Unitary Development Plan and government guidance in so far as developments close to town centre locations should not only aim to meet housing needs of the whole community and create more sustainable patterns of development but also make more efficient use of the land. The improved transport facilities in a town centre also support increased density.

Relevant Planning History

The main history for this site centres on the reserved matters approval for siting, layout, design and access was approved 2nd November, 2005 which followed the outline permission which was given (late 2003) for the sites residential development.

The following is a more detailed history of the site :

02/2399/FL/W2 - Outline for residential. Refused on grounds of potential noise issues, 6th March, 2003.

03/1265/FL/W5 - Outline Residential. Granted Subject to Conditions 4th November, 2003. This outline consent approved the principle of use of the site for residential. Advice was given in the decision, that due to surrounding uses it would be likely that the form of development would take on a courtyard appearance with inwardly facing habitable room windows

05/0183/RM/W5 - Reserved Matters for siting and access. Grant Subject to Conditions 13th May, 2005.

05/1430/RM/W5 - Reserved matters for siting, access, design and external appearance for the erection of 112 flats. Grant Subject to Conditions 2nd November, 2005

Relevant Planning Policy Summary

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

Unitary Development Plan

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

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

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

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

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

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

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

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

H3: Windfall Sites - Encourages provision of additional housing through windfall sites provided a satisfactory residential environment can be achieved.

H4: Affordable housing - 25% of total dwellings to be affordable homes

H9: Minimum Densities - Housing densities in the range of 30 -50 dwellings per hectare.

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

T7 and T13 - Car Parking - development to comply with car parking standards : 1, 2 and 3 bedroom houses: 2 spaces per unit, 4 bedroom houses and above: 3 spaces per unit

Para 8.8 and 8.9 - Residential development only permitted where adequate school capacity exists or can be provided.

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

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

Urban Open Space (SPD) (April 2006)

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

Affordable Housing (SPD) July, 2005

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

Residential Development Standards (RDS)

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

Regional Policy

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

National Policy

PPS1 - Delivering Sustainable Development, PPS3 - Housing, PPG13 - Transport, PPG24 - Planning and Noise, PPG25 - Development and Flood Risk, 'By Design' companion to PPG's, Urban Design Compendium, Safer Places- The Planning System & Crime Prevention.

PPS 3 was released in December 2006 and has 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 environmental standards of new homes and neighbourhoods in order to move towards zero carbon development,
- deliver more affordable homes in rural and urban areas,
- support more family housing, including more play spaces, parks and gardens for children
- give local authorities more flexibility about how and where to deliver the homes that are needed.

Consultations

Transportation - no objections subject to parking layout shown on plan drawing number B3949-102A, dated 19th December, 2006

Pollution Control Division - no objections

Fire Service - need to comply with building regulations in particular access to the flats. Use of dry risers may address this.

Drainage - no objections

Walsall Regeneration Company - object on the following grounds :

- architectural quality which fails to reach current design aspirations,
- the use of an outmoded, outdated and potentially socially flawed 'deck access' circulation strategy
- a significantly 'below par' urban design response.

Education - financial contribution of £172,847.10 to primary and secondary education facilities required

Housing - 25% of the site should provide a mix of shared ownership

Built Conservation & Urban Design - general support for the scheme which appears to have been designed fairly well, the central courtyard will provide a desirable quality of life for the future occupants, plots 13 to 17 have front accesses relating directly to Midland Road, which makes a positive contribution in terms of activity and surveillance.

However, need to consider the relationship between private balconies and apartments overlooking the courtyard to avoid a significant loss of amenity through noise disturbance, this could be addressed by landscaping within the courtyard to minimise this type of noise disturbance.

Central Networks - no objections

Green Spaces - financial contribution of £140,200 required towards enhancement or maintenance of open spaces in the vicinity.

Arboricultural Officer - objects on grounds of loss of TPO trees along Midland Road

Police Architectural Liaison Officer - no objections subject principles of Secured By Design

Centro - no objection subject to Residential Travel Plan

Representations

None received

Determining Issues

- principle of the development
- design and external appearance
- siting, access and parking
- Fire Service access
- open space, education and affordable housing
- comments on trees

Observations

Principle of the development

The principle of residential development on this site has previously been supported as its redevelopment will make an efficient use of the land which has been vacant for some time and it is seen as acting as a catalyst in promoting and enhancing the area particularly through its innovative design along both the Midland Road frontage and the railway corridor. It will be a flagship for the future regeneration and development of the area.

Design and external appearance

The present details are the same as those previously approved. That decision considered the suitability of most of the apartments having dual aspects which will provide pleasant open

views over the courtyard and over the car parking areas sited around the external perimeter of the site. It was regarded as acceptable.

The apartments sited on the corners of the development which overlook the railway line, have a single aspect with balcony views over towards the railway line. Other apartments along this elevation are dual aspect although their views towards the railway line would be slightly restricted by the covered decked access provided on each floor. However, these features will add to the overall design of this elevation and present travellers along the railway line which is the main line between Walsall and Birmingham and the partially constructed site off Tasker Street, with a distinctive feature along an important transport corridor. Furthermore, it will add to the active frontage being created by new developments to the railway line and particularly at a point which is close to the town centre railway station.

The site makes good use of the changes in levels on the site which fall away from Midland Road. The front of the site is three and half storeys in height but towards the rear this is increased to six storey, however, this increase will not be strikingly visible from the Midland Road frontage due to the lower levels and the distance from Midland Road, it will not visually unbalance the scheme.

Whilst the Regeneration Company in principle agree with the comments made by the Local Authority Urban Designer with regards to car parking, court-yard acoustics, private amenity space and landscaping which are generally acceptable they unfortunately no longer agree that the schemes architectural quality achieves their current design aspirations and state that the scheme uses outmoded, outdated and a potentially socially flawed 'deck access' circulation strategy. This is not the conclusion reached by the Local Authority urban designer and when it previously considered, approximately 14 months ago, this modern design was acceptable and supported by the Walsall Regeneration Company. This was also a design which was carefully negotiated in order to achieve good street frontage design along Midland Road whilst maximising the sites potential.

The scheme includes a variety of unit types which is welcomed and will increase housing diversity and choice, improve sustainability and level of housing in the area. The car parking situated around the perimeter of the site which will be better related to the apartments and allows for the creation of a large central courtyard which will function as an area of amenity space.

Plots 13 to 17 will have front access well related directly to Midland Road, in urban design terms this makes a positive contribution to activity and surveillance. Previously this was also supported by the Walsall Regeneration Company.

The external appearance of the development incorporates panels of differing textures and special corner features consisting of windows from floor to ceiling creating transparent corners. This imaginative and interesting approach will again enhance the area and aid its regeneration.

Siting, access and parking

The siting of the buildings is designed around a courtyard with the residential units occupying all four sides, overlooking the main open space area in its centre. This arrangement will alleviate any potential environmental issues such as noise from nearby industrial uses. The access road would run around the perimeter of the site and provide car parking on three sides

(not the street frontage). There would be a number of residents access points into the central courtyard which forms the central focus of the development and provides areas for sitting out, children's play areas and general meeting and relaxing areas. This area would be clearly defined and enclosed providing better privacy and security, the site would be self-policing by overlooking from all the units around the courtyard. The adjacent residential development site (off Tasker Street) will provide additional natural surveillance for parking areas at the rear of the site and in particular the undercroft parking bays.

Small patios and balconies would further enhance the quality of the inner courtyard open space and overall will provide an open space in an otherwise urban environment enabling people of all ages to move around the development freely and provide a safe and secure area to walk, sit or play in.

In accordance with the Unitary Development Plan, sites which are within town centre locations can benefit from a negotiated level of parking. This site is within 500 metres of the centre of the town where all the usual facilities, services and access to public transport are readily available. The proposed level of parking on this site will be 100% (112 spaces for 112 flats) this is considered acceptable in this location.

Fire Service access

The application demonstrates that a Fire Service vehicle can negotiate the external access drive and a scheme for dry risers to be installed into the development will be required by way of a condition.

Open space, education and affordable housing

The scheme is now subject to policy GP3 and Urban Open Space supplementary planning document which requires financial contributions towards primary and secondary education facilities in the area and improvements to or provision of urban open space within the proximity of the application site. It is also subject to policy H4 which requires the provision of 25% of the site to be allocated for affordable housing. In this case the requirement is for shared ownership and equates to a total of 31 units.

Comments on trees

The previous approval considered that the removal of a number of trees along this frontage could result in the appearance of the scheme along Midland Road being better balanced. There are currently several trees along the frontage of the site (within the sites boundary) which are mature and TPO'd, however, they only occupy half of the frontage and they are also considerably larger than those in front of the adjacent site (probation offices) and along midland road generally, this creates an imbalance in the streetscene and they do not create the usual avenue appearance which would normally be expected with such frontage street trees.

In view of the above, the previous application considered that the removal of these trees would create an opportunity to provide a more complete approach to the landscaping along the Midland Road frontage.

This conclusion is again acceptable provided that a comprehensive scheme for the replacement of the loss of trees is secured by way of a condition on any planning approval. The scheme should ensure that there is adequate compensation for the loss of the trees and

that it is well balanced and enhances the appearance of Midland Road as well as adding to the quality of the residential scheme.

Conclusion

Notwithstanding the comments made by the Walsall Regeneration Company the innovative design and layout is still considered to maximise the full potential of the site and makes full use of the changes in levels. The siting of the units takes into account the need to protect the amenity of future residents, creation of a safe and secure environment and the nearby development off Tasker Street, it provides a range of units of a type, scale and design which will benefit the area and enhance its regeneration.

Approval of this application has the benefit of being able to require financial contributions towards education and open space and an element of affordable housing within the site.

All other matters such as siting and access to the site, parking and scale of development have previously been considered acceptable, there are no alterations in this application which compromise that conclusion.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

1. Application for approval of the Reserved Matter shall be made within 3 years of the date of this decision. The development must be begun not later than:

- i) 5 years from the date of decision.
- ii) 2 years from the approval of the Reserved Matter or in the case of approval on different dates the approval of the last reserved matter.

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

2. This development shall not be commenced until details of the following Reserved Matter have been submitted to and approved by the Local Planning Authority:-

- a) 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 : Pursuant to the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. The Reserved Matter details shall include full details of the proposed boundary treatment of the site have been approved in writing by the Local Planning Authority. The submitted scheme shall include any internal site divisions. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

Reason : To ensure the satisfactory functioning of the development and to safeguard the amenity

5. The Reserved Matter details shall include a detailed landscaping scheme for the site, (including any necessary phasing of implementation) to be approved in writing by the Local Planning Authority. The scheme shall be submitted on a plan to an appropriate scale and shall include, where applicable, details of:

- i) existing and proposed ground levels
- ii) dimensions of planting beds
- iii) site preparation
- iv) plant species/densities; tree species/sizes and locations
- v) arrangements to be made for the disposal of surface water
- vi) hard landscaping works.

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.

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

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

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

7. The Reserved Matter submission shall include details of any proposed art features and furniture to be located within the central courtyard.

Reason : To ensure that such features are appropriately located and enhance the quality and individuality of the development.

8. The Reserved Matter submission shall include details for the continued management and maintenance of the open spaces created within the site.

Reason : To ensure the success and continuation of the landscaping and planting scheme, and the establishment of the plants for the future

9. The Reserved Matter submission shall include full details of existing and proposed levels of the site, accessways and floor levels have been approved in writing by the Local Planning Authority. The submitted details shall include full details of any retaining structures required to ensure the stability of the site or adjoining land.

Reason : To ensure the satisfactory appearance of the development and to safeguard the visual amenity of the area.

10. No development shall be commenced until a Residential Travel Plan to promote sustainable travel to and from the development has been submitted to and approved in writing by the Local Planning Authority. For further information on such initiatives contact Louisa Stebbings, Walsall Metropolitan Borough Council's Business Travel Advisor, on 01922 652 561.

Reason : To promote sustainable travel alternatives

11. No development shall be commenced until details of what measures are being taken to incorporate sustainable urban drainage systems in the development have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the dwelling they relate to is occupied, and thereafter retained in good working condition as appropriate.

Reason: To promote the use of such drainage systems.

12. No development shall be commenced until a scheme for security gates across the entrance and exit to the site and pedestrian access points have been submitted to and approved in writing by the Local Planning Authority. The scheme shall also be acceptable to the Fire Service and include details of any opening / closing mechanism. The approved scheme shall be fully implemented and operational prior to any first occupation of the site and thereafter retained in good working order.

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

13. No development shall be commenced until details of a scheme for external lighting have been submitted to and approved by the Local Planning Authority. The lights shall be installed and thereafter retained in accordance with the approved details.

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

14. No development shall be commenced until a schedule of facing materials to be used in external walls and roofs has been submitted to and approved in writing by the Local Planning Authority.

Reason : To ensure the satisfactory appearance of the development.

15. No development shall be commenced until details of noise insulation measures, including acoustic ventilation for the dwelling(s) proposed for approval by the Council have been submitted to and approved in writing by the Local Planning Authority . No occupancy shall take place until the approved measures have been fully implemented. The approved measures shall be retained and as appropriate maintained in working order.

Reason : To safeguard the amenities of the occupants.

16. No development shall be commenced until details of dry risers to be incorporated into the development have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before any of this development is first occupied.

Reason : To ensure the satisfactory development of the site

17. No development shall be commenced until details of pedestrian access to the dwellings, car parking and manoeuvring areas to be submitted have been submitted to and approved in writing by the Local Planning Authority. The plans shall clearly show the proposed surfacing materials and means of surface water drainage. The approved scheme shall be implemented before this development is brought into use and the parking spaces shall have been clearly marked out. The areas shall thereafter be retained and used for no other purpose.

Reason : To ensure the satisfactory functioning of the development.

18. No construction, demolition or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank holiday or public holiday, and otherwise such works shall only take place between the hours of 0700 to 1800 weekdays and 0800 to 1300 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 amenities of the occupiers of adjoining premises.

19. Prior to remediation works commencing, details of the plant required for any crushing and/or grading of brick/concrete shall be submitted to the Local Planning Authority for written approval. (Note : as a condition this may duplicate controls imposed under Part 1 of the Environmental Protection Act 1990).

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

20. Following the demolition of existing structures and buildings and prior to any residential development on the site

- (a) a specification for a ground contamination survey and site investigation to assess the likely hazards of all identified contamination on the site to the proposed development (and its future occupants), resulting from the presence of potentially toxic materials and the emission of toxic, flammable and asphyxiant gases. and having regard to appropriate advice and guidance, particularly that contained in 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'; and the Inter-Departmental Committee on the redevelopment of Contaminated Land' document ICRCL 59/83: Second Edition 1987 'Guidance on the Assessment of Contaminated Land', Contaminated Land Exposure Assessment (CLEA) model shall be approved in writing by the Local Planning Authority.
- (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.

Reason : To ensure the satisfactory development of the site.

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

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

22. Before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shown on the parking layout drawing number B3949-102A, dated 19th December, 2006 shall be surfaced in tarmacadam (or alternative impervious hardwearing material to be agreed in writing by the Local Planning Authority). The areas shall thereafter be retained and used for no other purpose. The parking spaces have been clearly marked out.

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

NOTE FOR APPLICANT : The noise mitigation measures shall take into account the guidance and criteria contained in British Standard BS 8233:1999 Sound Insulation and Noise Reduction for Buildings - Code of Practice and World Health Organisation Guidelines for Community Noise 2000 and shall be completed prior to the development coming into use.

NOTE FOR APPLICANT: 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.

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.



To: DEVELOPMENT CONTROL COMMITTEE

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

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 06/2135/FL/E9

Case Officer: Barbara Toy

Application Type: Full application

Telephone Number: 01922 652429

Applicant: Bluemark Developments Limited

Agent: S J Salisbury Designs

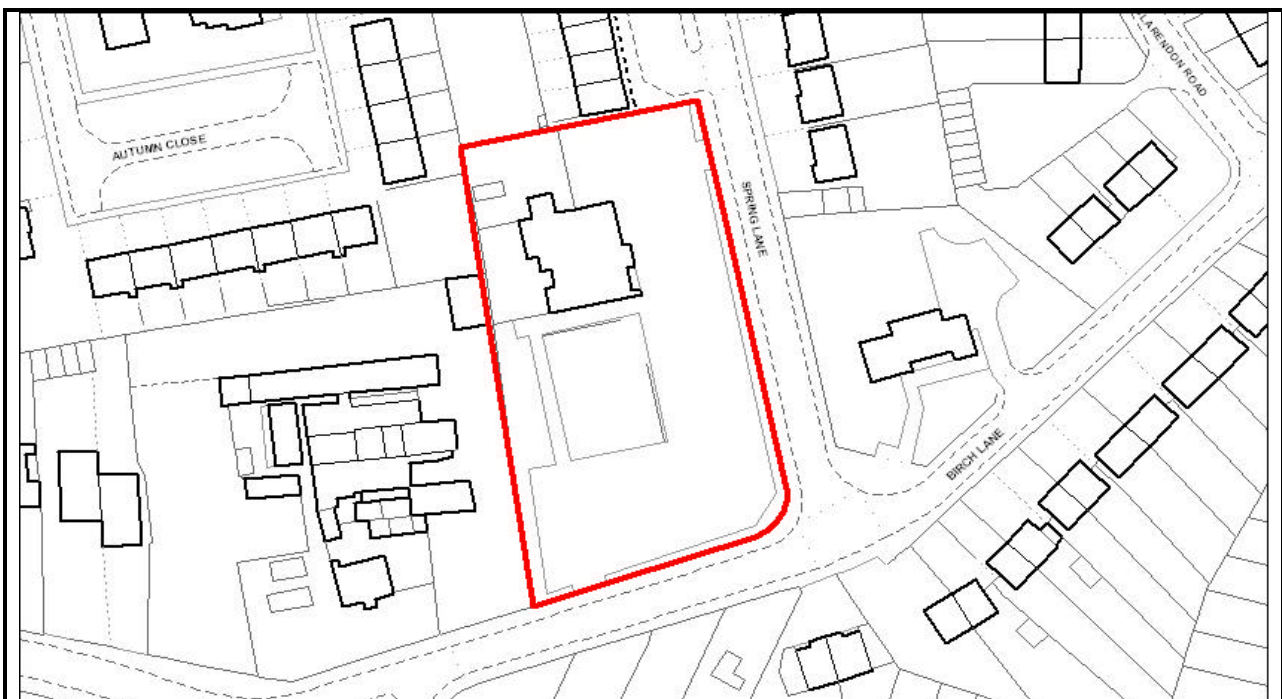
Proposal: Demolition of existing vacant public house and erection of 13 houses, (5 detached and 8 semi detached), car parking, landscaping & associated works.

Location: FOUR SEASONS PUBLIC HOUSE, SPRING LANE, SHELFIELD, WALSALL, WEST MIDLANDS

Ward: Rushall-Shelfield

Expired: 08 March 2007

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



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

The site is situated at the corner of Spring Lane and Birch Lane, and currently comprises of a vacant boarded up public house, beer garden and car park. The site is roughly rectangular in shape with frontages to both Birch Lane and Spring Lane and situated on the edge of the High Heath local centre. The surrounding area is predominantly residential. Immediately to the north of the site is a local shopping parade, with two storey residential accommodation above ground floor shops. Parking is provided within a pull in area in front of the shops and an external access staircase to the residential accommodation exists on each end of the block. To the east on the opposite corner of Spring Lane is a vacant site of the former Sheffield library, which has a recent planning approval for 9 houses. To the south are two storey houses on Birch Lane and the rear gardens of houses in Mill Road. To the west is school farm, a farm shop and produce centre with its own off street parking area and to the north west bungalows within Autumn Close.

The application proposes the demolition of the existing public house and redevelopment of the site by the erection of 13 houses, comprising of 5 four bed detached and 8 three bed semi detached. Plots 1 and 2 would front onto Birch Lane, Plots 3 and 4 would be sited on the corner and Plots 5 - 13 would front onto Spring Lane.

The accommodation would comprise of two and two and a half storey houses, rising to three storey on the corner, replicating the approval on the Sheffield library site opposite.

Each four bed house would have three off street parking spaces and each three bed house would have two spaces, together with front gardens and private rear gardens.

The layout and design would essentially follow the existing street patterns and provide traditional family housing which would pick up on the characteristics of the surrounding 1930's housing.

The site area is 0.4 hectares with a density of 35 dwellings per hectare.

Relevant Planning History

04/1899/FL/E2, construction of 19 dwellings and associated garages and parking, refused 17-11-04.

95/0314/FL/E2, construction of 19 residential dwellings and associated garages and parking, refused 04-05-05.

Both the above refusals were dismissed at appeal on 13-03-06.

Relevant Planning Policy Summary

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

Walsall Unitary Development Plan March 2005

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

GP2: Environmental Protection and Policy 3.6

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

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

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

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

H9: Minimum Densities

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

H10: Layout, Design and Dwelling Mix

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

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

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

ENV18: Existing Woodlands, Trees and Hedgerows

Seeks to protect trees of value to amenity, but recognizes that in certain circumstances the desirability of development can outweigh the amenity value.

ENV32: Design and Development Proposals and Policy 3.16.

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

ENV39: Renewable Energy and Energy Efficiency

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

LC1(d): Urban Open Space

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

LC8: Local Community Facilities

The loss of community facilities such as pubs will only be permitted if there is no longer a need for the facility.

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

T7 - Car Parking

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

T13: Parking Provision

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

4 bed 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.

A minimum of 24 metres is usually required between all facing windows of habitable rooms of adjacent dwellings, and 13 metres between habitable room windows and blank walls exceeding 3 metres in height. Private rear gardens with a minimum length of 12m and area of

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

Regional Policy

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

National Policy

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

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

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

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

Consultations

Transportation - no objections

Pollution Control - No objections, however in view of the surrounding residential development a condition should be attached to restrict hours of working on the site and for details of demolition to be provided.

Fire Officer - Satisfactory access for fire appliance.

West Midlands Police - No objections, but some concern regarding the relationship between Plot 13 and the existing external staircase on the end of the shops/flats adjacent.

Landscape Officer - The proposed mix of trees and shrub planting whilst unremarkable is acceptable, but no details of size are provided. The ownership and maintenance of the landscaping strip adjacent to plot 13 needs to be clarified to ensure the area is maintained. Details of boundary treatment are required including details of frontage boundary treatment to ensure a definition between the footpath and the site. Some existing trees and hedging are shown to be remained but no detail provided of protection measures during demolition and construction.

Building Control - Notification of demolition required.

Centro - No objections, numerous frequent bus services operate along Lichfield Road, which is within walking distance of the site.

Representations

Two letters have been received in support of the proposals, 1 from a local residents group. The size of the development is more appropriate for the site and would be welcomed by local residents. The site is currently extremely unsightly and the proposals would enhance the area.

Determining Issues

The determining issues are

- The principle of residential development.
- Loss of the Public House
- The design and layout of the proposals
- Impact on the surrounding occupiers
- Access and parking arrangements
- Education and Urban Open Space Contributions

Observations

Principle of residential development

The application site comprises of previously developed land which is now unused and unsightly. The site would therefore satisfy the objectives of policies 3.9 and ENV14 of the UDP which encourage the reclamation and development of derelict and previously developed land. Policy H3 further encourages the provision of additional housing through the reuse of previously developed windfall sites and PPG 3 - Housing, encourages development of brownfield sites for residential purposes.

This is an important regeneration project to redevelop a prominent, unsightly corner site, that would make best use of the land and provide aspirational family houses.

The proposals represent a complete redesign of the original schemes following two previous refusals for 19 dwellings, both of which were dismissed on appeal, and negotiations with Planning Officers.

The application site is within a predominantly residential area situated on the edge of the High Heath local centre, which provides facilities within close proximity and is also situated within walking distance of Mill Road and Lichfield Road, which provide good public transport links and considered to be a sustainable location.

The proposals would provide a density of 35 dwellings per hectare which would comply with both UDP and National Policy guidance for development and would make efficient use of the land. The principle of residential development on the site is therefore considered appropriate.

The principle of residential development on the site is therefore considered appropriate.

Loss of the Public House

The public house has been unused and derelict for some considerable time and there are two other pubs within walking distance of the site which now serve the local community. No objections have therefore been raised to the loss of the pub in policy terms.

Design and Layout.

The proposed layout would reflect and enhance the existing patterns of development within the vicinity, and is similar to the approved scheme for 9 houses on the former library site on the opposite corner of Spring Lane, in providing traditional family accommodation fronting the street, with front gardens and parking and private rear gardens.

The development would sit slightly forward of the existing building line of Spring Lane shops, stepping towards the corner, in order to make best use of the site and the prominent corner, and provide a quality street scene. The existing building line of Birch Lane would be continued to the corner.

The heights of the proposed buildings would reflect the existing surrounding development, which includes two storey houses and three storey commercial/residential within the local shopping parade immediately to the north west of the site.

The proposed development would comprise of two and a half storey at the northern end of the site fronting Spring Lane, adjacent to the three storey commercial/residential block lowering to two storey and then rising to three storey on the two corner units and lowering once again to two storey adjacent to the boundary in Birch Lane. Plots 3 and 4 at three storey would provide a prominent feature on the corner to add to local legibility.

A number of local features and characteristics have been incorporated into the design including: two and three storey development, a variety of roof styles, front gable feature, brick and render detailing, chimneys, bay windows entrance features/canopies and brick diamond detail to mirror details in Birch Lane.

The houses would be finished in red brick with some upper floors painted render. Tiled roofs and timber cladding features together with gable details and feature bay windows to reflect the existing surrounding houses.

Low front boundary treatment would be provided to define the public and private space. A 2.5m landscaped buffer would be provided along the northern boundary of the site to separate the proposed houses from the existing commercial block and from the existing external staircase which provides access to the flats above the shops, the landscaping would provide a screen as well as distance separation. This buffer although shown separate to the rear private garden of Plot 13 would be secure and within the ownership of plot 13 and their responsibility for maintenance.

Each house would have a conservatory, its own front garden, driveway and private secure rear garden area. Plot 3 would have a rear garden slightly below 68sqm required by the RDS, but all others would have substantial rear gardens that would fully comply, with five plots having more than double the requirement.

Each house would have a water butt and composting bin for use by residents to assist towards sustainability.

Impact on the surrounding occupiers.

Although the proposed dwellings would be set slightly forward within the site there are no houses adjoining on either side. A more than acceptable separation distance would be maintained in relation to the existing bungalows in Autumn Close to the rear of the site. It is

therefore considered that the proposals would have no adverse impact on the amenities of the surrounding residential occupiers.

The proposals would remove a derelict, unused site, which has been the subject of nuisance to the surrounding residents.

Access and Parking Arrangements

The proposals would provide 3 parking spaces for each 4 bed house and 2 parking spaces for each 3 bed house which would fully comply with UDP policy.

The vehicle visibility splay at the junction of Spring Lane and Birch Lane and appropriate pedestrian and vehicle visibility splays would be provided at each of the front driveways for the individual houses.

Education and Urban open Space Contributions

Education

The level of surplus places in local secondary schools is below 10% therefore a contribution of £32,277.62 is required towards secondary school provision within the local area, in line with Policy 8.8 of the UDP.

Urban Open Space

An Urban Open Space contribution of £38,280.00 is required to comply with the Urban Open Space SPD policy. However, due to the abnormal costs associated with the site, including contamination, the cost of site clearance, the need to reduce the density of the development following the appeal decisions and high cost of the land, the applicants have negotiated a reduction in the contribution to £29,000.00.

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, (as amended)

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

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

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

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

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

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

5. 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.

6. No development shall commence on the site until details of boundary treatment to the frontage of the site to both Birch Lane and Spring Lane have been submitted to and approved in writing by the Local Planning Authority, such treatment shall not exceed 600mm in height and the approved details shall be implemented prior to first occupation of the premises.

Reason: In the interests of securing the development and to safeguard the visual amenity of the area.

7. No development shall be carried out until details of the design and location of protective guards or fencing for all the trees and hedging to be retained, and a tree constraints plan indicating the root protection area and above ground constraints (ie light) in compliance with BS5837 2005, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the existing hedging and trees within the site.

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

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

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

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

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

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

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

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

12. Prior to the first occupation of any part of the development water butts and composting bins shall be provided to each house.

Reason: In the interests of energy efficiency and to ensure satisfactory development of the site.

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

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

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 0800 to 1800 weekdays and 0900 to 1400 hours Saturdays, unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

15. The individual driveways onto Spring Lane and Birch Lane shall be provided with a 2m x 2m pedestrian visibility splay either side of the drives, which shall be kept clear of any obstruction above 0.6m high from the carriageway level and thereafter maintained clear of obstruction at all times.

Reason: In the interests of highway safety.

16. The vehicle visibility splay of 2.4m x 70m at the junction of Spring Lane and Birch Lane shall be kept clear of obstructions over 0.6m in height from the carriageway level and thereafter maintained clear of obstructions at all times.

Reason: In the interests of highway safety.

17. This permission relates to the following submitted information: Drawing Nos 2K6-029-P001B, 2K6-029-P002, 2K6-029-P003B, 2K6-029-P004A, 2K6-029-P010, 2K6-029-P011, 2K6-029-P012, 2K6-029-P013, 2K6-029-P014, 2K6-029-P015, 2K6-029-P016, 2K6-029-

P017, 2K6-029-P018 and 2K6-029-P019 submitted on 06-12-06 and Design and Access Statement submitted on 06-12-06.

Reason: In order to define the permission.

Notes to Applicants

1) The 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 purpose of ground gas and/or groundwater before installation of same.

2) When making assessments of any contaminants identified as being present upon the land and their potential to affect the proposed use regard should be had to the advice given in Contaminated Land Reports, R&D Publications, CLR 7 to CLR 10, The Contaminated Land Exposure Assessment (CLEA) model 2002 and Building Research Establishment Report 212, 'Construction of new buildings on gas-contaminated land' or any relevant successors of such guidance. Assessment should also be made of the potential for contaminants contained in or on the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, 3.6, 3.9, 3.16, GP2, ENV14, ENV32, ENV39, LC1, LC8, 8.8, H3, H9, H10, and T13 of Walsall's Unitary Development Plan, and Supplementary Planning Guidance - Residential Design Standards, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

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

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 06/2193/FL/E9

Case Officer: Barbara Toy

Application Type: Full application

Telephone Number: 01922 652429

Applicant: Mr Adrian Palmer

Agent: Denstone Architectural Design

Proposal: Amendments to planning approval 06/0952/FL/E9 (for 9 apartments) to provide an additional 2 apartments within the roof space and associated parking alterations.

Location: 57, COPPICE ROAD,
WALSALL, WEST MIDLANDS, WS9 9BL

Ward: Aldridge North and Walsall Wood

Expired: 21 March 2007

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



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

The site is now vacant but formerly occupied by a detached 2 storey house with single storey outbuildings and a large garden area to the side and rear. The house has recently been demolished following planning approval for 9 units on the site.

Coppice Rd comprises of a mix of residential properties of varying styles, designs and ages, in a predominantly residential area. Coppice Rd is off Lichfield Rd (part of the Strategic Highway Network) and the site is situated within walking distance of the Walsall Wood local centre.

No.59 to the north comprises of a detached 1970's 2 storey house with single storey side garage extension, up to the boundary with the site. The house is set back from the street with frontage parking.

Immediately to the south of No.57 is an access drive to 6 garages, which is included within the site boundary.

55a, 55 and 53 Coppice Rd lie to the south of the access drive and comprise of a block of 3 modern 2 storey terraced houses.

Amendments are proposed to planning approval 06/0952/FL/E9 (for 9 apartments) to provide two additional 2 bed apartments within the roof space, and associated parking alterations. The proposals would therefore result in 11 apartments, (4 x 2 bed and 7 x 1 bed) within a two and a half storey apartment block. The proposals would result in 4 dormer windows within the front roof plane and a total of 13 roof lights (2 on the frontage above the front gable, 3 on each of the side elevations and 5 on the rear). The building would remain the same as the original approval in terms of footprint, position, massing and height. Three additional parking spaces would be provided, resulting in 17 spaces in total, 1 on the frontage and 16 to the rear, accessed using the existing access drive adjacent to No.55a. The 3 additional spaces would be provided by use of 2 of the existing garages and 1 additional space adjacent to the access drive and would not result in the loss of any amenity space.

The access drive would continue to serve the existing garages to the rear of the houses but would be secured by gates. Pedestrian access to the building would be provided to both the street and the rear amenity and parking area.

An area of amenity space would be provided adjacent to the building and the parking area to the rear.

The proposed building would be slightly forward of the existing properties either side, but stepped back from the position of the former house on the site. The building has been designed with a protruding gable to both the front and the rear elevations.

The site area of 0.14 ha would provide a density for the proposed development of 77 dwellings per hectare.

Relevant Planning History

02/0288/FL/E6 outline application for the demolition of existing dwelling and erection of 4 x 2 storey houses. Granted subject to conditions 20-06-02.

04/1284/FL/E2 demolition of existing house and erection of 10 x 1 bed apartments, associated parking and landscaping, revised application to include parts of the frontages of 55, 55a and 57 Coppice Rd. Refused 08-07-05. Failure to demonstrate provision of satisfactory visibility splay and failure to enter into S106 agreement re retention of visibility splay.

06/0204/FL/E9 full application for the demolition of existing house and erection of 10 x 1 bed apartments, associated parking and landscaping, refused 05-05-06.

Reasons for refusal included: conflict with 45 degree code, adverse impact on adjoining residents by reasons of loss of light and loss of outlook, no security measures and poor definition between public and private realm and the proposals would no contribute to designing out crime.

06/0952/FL/E9 full application for demolition of existing house and erection of 9 one and two bedroom apartments, associated car parking and landscaping, approved 18-07-06.

Relevant Planning Policy Summary

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

Walsall Unitary Development Plan March 2005

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

GP2: Environmental Protection and Policy 3.6

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

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

GP3: Planning Obligations

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

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

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

H9: Minimum Densities

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

H10: Layout, Design and Dwelling Mix

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

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

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

ENV32: Design and Development Proposals and Policy 3.16.

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

LC1(d): Urban Open Space

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

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

T7 - Car Parking

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

T13: Parking Provision

Flats with communal parking 1.5 spaces per unit

Residential Development Standards, (April 2005)

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

Urban Open Space (SPD) (April 2006)

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

Regional Policy

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

National Policy

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

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

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

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

Consultations

Transportation - no objections, the proposals would utilise the same access as the previous approval and would provide 3 additional parking spaces which would provide a total of 17 spaces which would comply with policy.

Pollution Control - no objections subject to safeguarding conditions.

Drainage - no adverse comments.

Fire Officer - Satisfactory access for fire appliance.

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

Greenspace Services - no adverse comments

Landscape Officer - awaiting comments

Centro - no objections

Representations

Surrounding occupiers notified and site notice posted - no representations received.

Determining Issues

- The principle of residential development.
- The design and layout of the proposals
- Impact on surrounding occupiers
- Access and parking arrangements
- Education and Urban Open Space Contributions

Observations

Principle of residential development

The application site was previously occupied by a detached house situated in a predominantly residential area. UDP policy H3, encourages the provision of additional housing through re-use of previous developed windfall sites. PPG 3 : Housing further encourages the development of brownfield sites for residential purposes.

The site is considered to be in a sustainable location, within walking distance (approx 300m) of the Lichfield Road (A461) and Walsall Wood local centre, providing local services and shops. The principle of residential development on the site is therefore considered appropriate and already established through the approval of the previous application for 9 apartments.

UDP policy H9 and PPG 3 - Housing, both encourage residential densities exceeding 50 dwellings per hectare on sites with good public transport accessibility and close to district and local centres. The proposed increase in density to 77 dwellings per hectares is considered acceptable in this location approximately 300 metres from the Walsall Wood local centre and good public transport links on Lichfield Road. A similar scheme for 15 apartments at No.2 Coppice Road to the south east of the site was approved 22-06-06 with a density of 95 dwellings per hectare.

Design and Layout.

The principle of the size, positioning, massing and height of the building has already been approved under planning application 06/0952/FL/E9, and these would remain unaltered under these proposals.

The proposals would provide two additional 2 bed apartments within the roof space but would involve no increase in the overall height, size and massing of the building. Four pitched roof dormer windows 1.95m wide would be provided on the front elevation together with two roof lights above the front gable feature, providing a symmetrical appearance. Additional roof lights would be provided on each side roof plane and the rear. The proposed dormers would match the scale and size of the windows within the main building and would sit comfortably either side of the front gable feature, and well below the ridge of the main roof of the building. The dormers would serve to break up the bulk of the large expanses of roof either side of the front gable and would improve the appearance of the building from the street.

Similar dormer windows have been approved within the apartment block at No 2 Coppice Road.

Impact on surrounding occupiers

The positioning and depth of the building would have no adverse impact on the amenities of the surrounding occupiers and it is considered that the proposed dormer windows and roof lights would have no additional adverse impact on the amenities of the surrounding occupiers.

Access and Parking Arrangements

The driveway would continue to serve the existing garages as well as the 17 parking spaces for the development.

Security gates are proposed which would ensure the overall security of the site and the garages to the rear, and provide a clear definition between the public and private realm.

All the residential units would have direct pedestrian access to the street, creating an active frontage and providing enhanced safety and security to the immediate vicinity.

The revised proposed parking provision of 17 spaces would comply with the 1.5 per unit guidelines, and includes 1 space on the frontage that can be accessed by visitors without using the security gate.

Education and Urban open Space Contributions

Education

The level of surplus places in both local primary and secondary schools is below 10% therefore a contribution of £8,472.90 is required towards primary and secondary school provision within the local area, in line with Policy 8.8 of the UDP. The contributions would be spent within a 2 mile radius in terms of primary schools and 3 miles in terms of secondary schools.

Urban Open Space

An Urban Open Space contribution of £12,570.00 is required to comply with the Urban Open Space SPD policy.

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 (as amended).

2. Under the terms of this permission the amended plans are: 0227-12, 0227-15 and 0227-16 submitted on 19th December 2006. These should be read in conjunction with those plans approved under planning permission 06/0952/FL/E3, except in so far as this permission allows any amendment.

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

3. This development shall not be carried out until a schedule of facing materials to be used in external walls and roofs and detailing the surface treatment of the car park and access road 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.

4. Prior to commencement of the development, details for the disposal of surface water and foul sewage shall be submitted to and approved by the Local Planning Authority and the works shall only be carried out in accordance with those details so approved.

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

5. No development shall be carried out until full details of the proposed boundary treatment of the site have been submitted to and approved by the Local Planning Authority. The approved scheme shall be carried out before this development is brought into use and shall be thereafter retained.

Reason: In order to safeguard the amenities of the occupiers of premises in the vicinity and secure the satisfactory development of the application site.

6. No consent is given to the landscaping scheme shown on drawing number 0227-16 submitted on 19-12-06.

Reason: In order to secure a satisfactory landscaping scheme for the development.

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

Reason: In order to safeguard the amenities of the occupiers of the accommodation provided, the amenities of the occupiers of premises in the vicinity and secure the satisfactory development of the application site.

8. No development shall be carried out until details of a bin store are submitted to and approved by the Local Planning Authority. The approved scheme shall be carried out before this development is brought into use and shall be thereafter retained.

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

9. No demolition, engineering or construction works (including land reclamation, stabilisation, preparation, remediation or investigation) shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 0800 to 1800 weekdays and 0900 to 1400 hours Saturdays, unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

10. No development shall be carried out until full details of existing and proposed levels of the site, access way and floor levels, in relation to land adjoining the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and retained in accordance with these approved details.

Reason: In order to ensure the satisfactory appearance of the development and to safeguard the visual amenity of the area.

11. No development shall take place until details of the access gates and control system for the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details which shall be retained in working order.

Reason: In the interests of securing the site.

12. No external lighting shall be installed on the site until details have been submitted to and approved in writing by the Local Planning Authority and the lights shall be installed in accordance with the approved details and retained as such.

Reason: To safeguard the visual amenities of the area.

13. Those parts of the 2m x 60m vehicle visibility splay from the proposed access drive which are within the application site or outside of highway land shall be kept clear of any obstruction above 0.6m high from the carriageway level and thereafter maintained clear of obstruction at all times.

Reason: In the interests of highway safety.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, ENV32, LC1, 8.8, H3, H9, H10 and T13 of Walsall's Unitary Development Plan (March 2005), and on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

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

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 06/2170/FL/W3

Case Officer: Mrs J Scrivens

Application Type: Full application

Telephone Number: 01922 652436

Applicant: Alexander Homes UK Ltd

Agent: Enterprise Planning Services

Proposal: Erection of 24 no. residential apartments

Location: LAND BETWEEN 109 CALVES CROFT AND, PARK ROAD, WILLENHALL, WALSALL, WEST MIDLANDS, WV13 1BU

Ward: Willenhall South

Expired: 15 March 2007

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



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

This application proposes the erection of 24 flats on the site of a former factory. 16 one bed and 8 two bed flats are proposed, in two blocks having their main entrances to Park Road.

The proposed flats would be three storeys high and set back some 3 metres on average from Park Road. The density of the development would be 85 dwellings per hectare. The flat blocks would have approximately 700 square metres of enclosed private amenity space.

Vehicular access would be from Park Road, between the blocks. 36 car parking spaces would be provided (150%), including 3 spaces for the use of disabled drivers. 12 secure cycle parking lockers would be provided. Secure bin storage and facilities for recycling would be provided on the road frontage of the site.

There would be no pedestrian or vehicular access from the site to Thompson Street which is to the south of the site, although there is an unadopted highway (part of Thompson Street) which abuts the site. The site is crossed by a public footpath (Willenhall no.54) linking Thompson Street to Park Road, although there is no evidence on site of this. The application indicates that a two metres wide strip of land would be provided alongside no.18 Park Road, outside the application site, to allow a pedestrian link to be re-opened.

Thompson Street and Thompson Close which adjoins the southern boundary of the site are residential in character, with single and two storey dwellings.

To the west of the site are residential properties fronting Park Road. To the east is a club. The northern side of Park Road is industrial in character, with a variety of industries, including drop forges.

The following have been supplied in support of the application:

- a design, access and policy statement
- an environmental noise assessment
- a desk study and initial site assessment of ground conditions
- a tree survey

The trees on the site, which are on the southern and western sides of the site, would be retained, with the exception of one which has been identified in the survey as potentially unstable. These trees are the subject of a Tree Preservation Order.

This application is a re-submission following the refusal, under delegated powers, of 06/0665/FL/W3 for the erection of 40 flats.

Relevant Planning History

06/0665/FL/W3 Erection of 40 no. residential apartments. Refused 3.7.06 due to:

- failure to provide a satisfactory residential environment (lack of investigation/remediation of ground contamination, noise, vibration, air quality; inadequate amenity space, privacy and security; poor location of bin/cycle stores)
- detrimental to the amenity of the area and adjoining occupiers (height and mass of building inappropriate to area; design of northern elevation; nuisance to 18 Park Road arising from

failure to make proposals for strip of land adjoining it: absence of tree survey/proposals; noise and traffic arising from access to Thompson Street; proximity of parking to houses)

- unsatisfactory access and parking (vehicular access not included in site; insufficient manoeuvring space for service vehicles; inadequate parking; failure to address the restitution of the public footpath).

- failure to make provision for or improvements to urban open space, education and affordable housing.

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

Development Plan

GP1 requires sustainable locations for development, maximising the re-use of derelict, vacant and underused land before Greenfield sites.

GP2 and 3.6 require all development to make a positive contribution towards the improvement of the environment.

GP3 relates to the use of planning obligations to secure the provision of on or off-site infrastructure, facilities, services or mitigating measures made necessary by a development.

GP6 requires new development to provide good access for disabled people.

GP7 expects new development to have regard to public safety in its design.

ENV14 relates to the treatment of derelict or previously developed sites as part of new development.

ENV18 states that development will not be allowed if it would damage or destroy protected trees.

ENV32 requires new development to be of high quality and to take account of its surroundings.

H3 encourages the provision of housing on previously developed sites.

H10 requires residential development to make a high quality living environment and dwelling mix appropriate to the area.

Residential Development Standards were adopted on 25.4.05.

JP7 identifies uses appropriate to employment areas and sets out circumstances in which other uses might be appropriate.

T7 and T13 relate to car parking.

T8 requires development to address the needs of pedestrians.

8.7 and LC1 require new development to provide or make a financial contribution towards the improvement/provision of public open space. A Supplementary Planning Document relating to urban open space was adopted in April 2006.

8.8 states that residential development will only be permitted where adequate school capacity exists or can be provided. A financial contribution would be required where improvements to school facilities would have to be made.

Regional Spatial Strategy.

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 PPS1 encourages sustainable development and good design.
Planning Policy Statement PPS3 supports increased housing on brownfield sites.

Consultations

Transportation: No objection. Recommend the re-alignment of one row of cycle parking to improve access to a disabled parking space.

Pollution Control: No objection. Recommend conditions relating to noise and vibration.

Environmental Health: No objection.

Fire Service: No objection.

Education Walsall: No objection. A contribution is required towards secondary school education.

Greenspace Services: No objection. Request a contribution towards the maintenance of urban open space. Advise that Willenhall Memorial Park would be an appropriate open space to benefit from the contribution, in accordance with the priorities set out in the Council's adopted Green Space Strategy.

Centro: No objection

Representations

18 objections have been received from the occupiers of 10 properties in Thompson Close, Thompson Street and James Street. Only four of the properties adjoin the application site.

The grounds of objection are:

- three storey flats are inappropriate to the area, which consists of single and two storey houses
- flats would overlook the bungalows to the rear of the site
- loss of daylight and sunlight
- eyesore
- one bed flats will sell to single people who will cause a nuisance at all hours
- noise and nuisance from car park at rear of bungalows
- footpath connection to Park Road not needed, will cause problems with anti-social behaviour and fly tipping
- flats will experience problems of noise and vibrations from factories opposite
- will increase traffic on roads not designed for it
- street lighting will be required
- security lighting on flats will cause light pollution
- will prejudice existing security, wish to retain palisade fence at rear
- will exacerbate existing drainage problems if connected to sewers in Thompson Street
- there are plenty of other flats available in Willenhall, need affordable housing
- large number of flats will maximise profit for developer

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

Determining Issues

- the need to retain the site in industrial use
- access and parking
- residential environment
- amenity
- urban open space and education
- whether this application has overcome the reasons for refusal of the previous proposal

Observations

The need to retain the site in industrial use.

The site is within an employment area and there is a presumption in policy JP7 that employment uses should remain unless there are circumstances in which it is appropriate to consider other uses. In this instance there is housing to the south and west of the site and a club to the east and the use of this site for housing would result in Park Road forming a more appropriate boundary between industrial and residential use.

There is no evidence to suggest that the retention of this site in employment use is essential; the property appears to have been vacant for some time.

The use of this site for residential purposes would be in accordance with development plan, recent national policies and Ministerial Statements which support the redevelopment of previously used sites for residential purposes.

Access and parking.

The proposed access to the site is satisfactory. Transportation have expressed no concerns about the ability of Park Road to cope with the traffic generated by this proposal. The development may generate less traffic than the existing factory.

Parking has been provided to Development Plan standards. Disabled parking and cycle parking have been provided. The Fire Service considers access to the buildings to be satisfactory.

Public footpath no.54 Willenhall crosses the site but has been obstructed for several years. Information has recently been received which advises that the footpath was formally closed by the previous local authority and investigations are being undertaken to ascertain the status of this path. Although the application plan shows a strip of land left for a footpath linking Thompson Street with Park Road this is outside the application site. Whether or not the footpath has been closed it will be necessary for this strip of land to be included within the application site to ensure that it is incorporated within the amenity space for the flats or that the footpath can be diverted.

Residential environment.

The site has been in industrial use and is opposite heavy industrial and commercial premises. Pollution Control has recommended conditions to ensure a satisfactory environment for the flats.

The submitted scheme would provide approximately 30 square metres of private amenity space per flat which is a satisfactory amount and well related to the flats. It would be sufficient to allow the existing trees on the site to be supplemented by further tree planting.

The layout of the scheme would enable the parking spaces to be supervised from the main windows of various flats.

Amenity.

The nearest dwellings to the site are one and two storey. The proposed development would be three storeys in height but the blocks are well separated from these neighbours and would be seen in the context of the higher industrial buildings on the opposite side of Park Road. The development replaces existing high industrial buildings therefore the character of the existing street scene is maintained.

Neighbours are concerned at the proximity of the flats to their houses and gardens and the potential loss of daylight, sunlight and privacy. The closest which the flats come to the existing dwellings are 18 metres between the side of block A and the side of 22 Thompson Street and 26 metres between the side of block B and the rear of 3 Thompson Close. Both distances exceed Council standards.

Nos. 1 and 3 Thompson Close currently face onto a factory wall which is directly at the end of their 11m long gardens. The flats would also be to the north west of these properties, and with this orientation, could not result in a loss of sunlight to any of these properties. The removal of the factories and the distance between the flats and the bungalows could only improve the quantity of light reaching the latter.

The nearest facing habitable room windows would be at a distance of 43 metres between Block B and nos.1 and 3 Thompson Close. These figures are nearly double that required by the Council's Residential Development Standards and even allowing for the differences in height between the existing and proposed buildings there should be no significant overlooking.

Neighbours have also expressed concern about potential noise from the proposed car park. The parking is close to their boundaries but as a replacement for a factory and car park a residential development is likely to be quieter. It is not necessarily the case that single people/couples would be noisier than families.

Concerns about security lighting can be addressed by condition, as can the treatment of the boundary.

Urban open space and education.

A financial contribution is required towards the provision /improvement of urban open space and education. The applicant has agreed to enter into a Section 106 Agreement to secure this.

Conclusion

This application has considerably reduced the number of flats proposed for the site. The buildings have been reduced from four to three storeys and their design and the layout of the development has improved. The amount of private amenity space has increased significantly. The vehicular access to Thompson Street is no longer proposed and the relative levels of car parking have improved. The applicant has agreed to complete a Section 106 Agreement to make a financial contribution towards urban open space and education.

The scheme is a significant improvement on the previous refusal. The only outstanding issue remains the status of the public footpath and the inclusion of the additional strip of land within the site. This matter may be resolved shortly and any further information will be reported at the meeting.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

2. Prior to any built development commencing on the site

a) a specification for a site investigation, ground contamination survey and assessment of landfill gas, having regard to current best practice shall be submitted to and approved in writing by the Local Planning Authority.

Note for applicant: Ground investigation surveys should have regard to current 'Best Practice' and the advice and guidance contained in Planning Policy Statement 23 - Planning and Pollution Control; British Standard BS10175: 2001 'Investigation of potentially contaminated sites - Code of Practice'; British Standard BS5930:1999 'Code of Practice for site investigations'; Waste Management Paper no.27 'Landfill Gas'; or any relevant successor of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and/or groundwater before installation of same.

b) the site investigation and ground contamination survey shall be undertaken in accordance with the approved specification

c) a copy of the findings of the site investigation, ground contamination 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

d) proposals for remedial measures to deal with any identified or potential hazards of any land contamination and/or landfill gas present on the site and a timetable for their implementation has been submitted to and approved in writing by the Local Planning Authority.

Note for applicant: When making assessments of any contaminants identified as being present upon the land and their potential to affect the proposed use regard should be had to the advice given in Contaminated Land Reports, R&D Publications, CLR7 to CLR11 and The Contaminated Land Exposure Assessment (CLEA) model 2002 or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this can be obtained from the Environment Agency.

e) the approved remedial measures shall be implemented in accordance with the agreed timetable

Reason: To ensure the satisfactory functioning of the site.

3. Prior to the occupation of any dwelling a validation report confirming the details of the measures implemented together with substantiating information and justification for any changes from the approved remedial arrangements shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory functioning of the site.

4. Prior to development commencing, a ground and/or structural vibration 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 site conditions and traceable calibration tests, shall be submitted to the local planning authority within 2 months of completion.

Notes for applicant

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 ground borne 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.

Reason: To ensure the satisfactory functioning of the site.

5. No development shall take place until suitable vibration mitigation measures to protect internal areas 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 specification.

Reason: To ensure the satisfactory functioning of the site.

6. Levels of ground and/or structure-borne vibration transmitted to occupied buildings shall not exceed specified criteria for '*low probability of adverse comment*' assessed with reference to British Standard BS 6472: 1992 'Guide to Evaluation of human exposure to vibration in buildings (1 Hz to 80 Hz).

Reason: To ensure the satisfactory functioning of the site.

7. Prior to development commencing, a noise survey shall be undertaken in accordance with guidance and procedures contained in Planning Policy Guidance PPG 24 - Planning and Noise 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 functioning of the site.

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. None of the development shall be occupied until such measures have been fully implemented.

Note for applicant

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, $L_{Aeq(5\text{ minutes})}$, 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, $L_{Aeq(1\text{ hour})}$, 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 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.

Reason: To ensure the satisfactory functioning of the site.

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

Reason: To ensure the satisfactory appearance of the development and the visual amenity of the area.

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

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

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

Reason: To ensure the satisfactory appearance of the development.

12. Notwithstanding the parking layout shown on the submitted plans no development shall be carried out until a revised layout in respect of space no.1 and the cycle parking has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme should relocate the cycle parking to allow pedestrians unrestricted access from the car park courtyard to the side entrance to block B and amend the shape of parking space 1 to a rectangle.

Reason: In the interests of improving access to this parking space and to flat block B.

13. No development shall be carried out until a schedule of paving materials and surface treatment of the pedestrian paths, parking spaces and access drive have been submitted to and approved in writing by the Local Planning Authority. The paths, parking spaces and access drive shall have been surfaced in accordance with the approved schedule and the car parking spaces marked out prior to the development being brought into use. The spaces shall thereafter be retained and used for no other purpose.

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

14. No development shall be carried out until public footpath FP no.54 Willenhall has either been extinguished or diverted and the route of the diverted footpath surfaced and lit and provided with boundary treatment in accordance with a scheme to have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory functioning of the development and, if the footpath is to be diverted, to ensure that it functions in a satisfactory manner.

15. No development shall be carried out until a plan indicating the design and location of protective guards or fencing to protect all trees included in the Tree Preservation Order on the site has been approved in writing by the Local Planning Authority. The approved details shall be implemented before any site preparation, or construction work, is undertaken, and shall be retained until the development is finished, and all other equipment and installations have been removed from the site.

Reason: To ensure the protection of trees on the site in the interests of the visual amenity of the area.

16. No development shall be carried out until a detailed landscaping scheme for the site, (including any necessary phasing of implementation), has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the first planting season (1st October - 1st April) following any part of the development being brought into use, or in accordance with any agreed phasing.

Reason: To ensure the satisfactory appearance of the development.

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

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

Reason: To ensure the satisfactory appearance of the development.

18. Before this development is brought into use all en-suite/bathroom windows shall have been obscure glazed and thereafter retained as such.

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

19. This decision grants consent for the felling of the tree identified as Tree 2438 on the plan accompanying the Tree Survey Schedule prepared by Westside Forestry and dated 4.10.06 and not for any other tree on the site.

Reason: To define the permission.

20. This decision relates to drawings numbered *****.

Reason: To define the permission.



To: DEVELOPMENT CONTROL COMMITTEE

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

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 06/1118/FL/W2

Case Officer: Marilyn Kowalski

Application Type: Full application

Telephone Number: 01922 652436

Applicant: David Wilson Homes Limited and Malvern Estates

Agent: Pegasus Planning Group

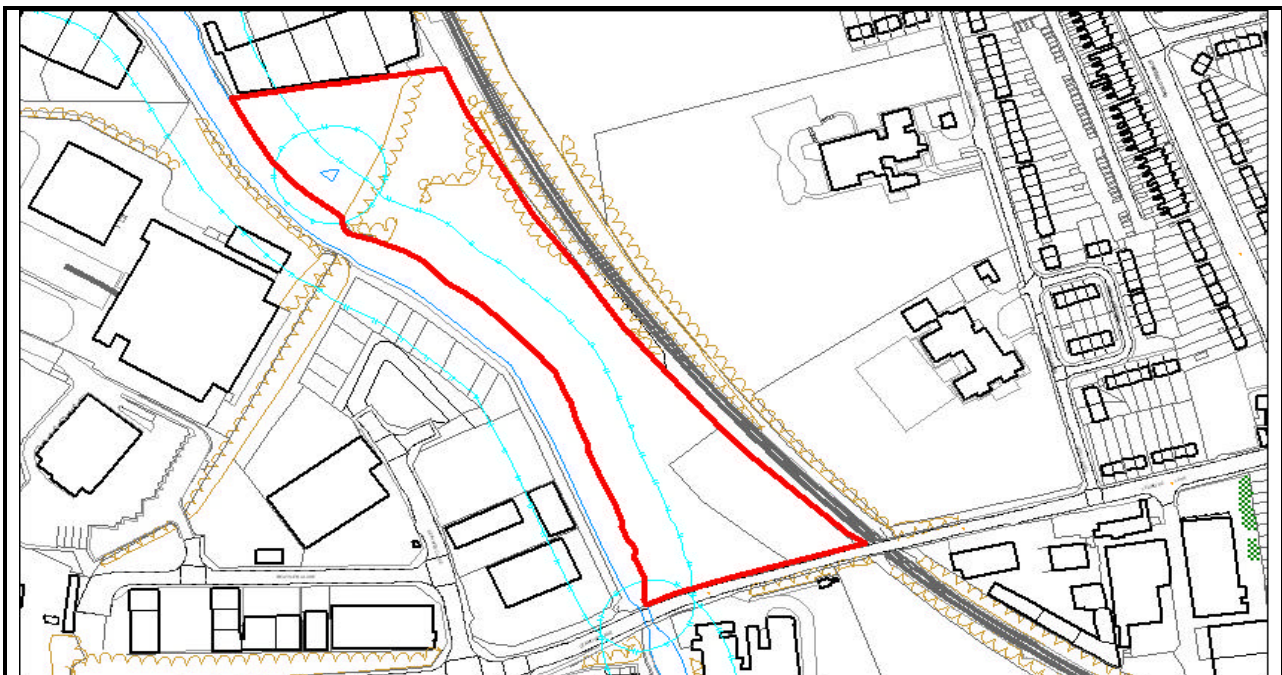
Proposal: Redevelopment of site for new residential development of 134 units and associated works, including access alterations.

Location: LAND OFF LEAMORE LANE, ADJACENT TO WYRLEY & ESSINGTON CANAL, AND RAILWAY, WALSALL, WEST MIDLANDS

Ward: Birchills Leamore

Expired: 28 September 2006

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



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

This is a full application for the erection of 134 residential units. The plans have been amended since submission.

The development comprises a mix of apartments and family dwellings:-

3 storey 3 and 4 bedroom houses

2 storey 3 and 4 bedroom houses

3 and 4 storey 1 and 2 bedroom flats (Block 'A' 1 bed, Blocks 'B' and 'C' 2 bed, these are the only 4 storey elements)

2 storey 2 bedroom flats on first floor with underpass and garaging at ground floor.

The apartments to the north of the site (the 4 storey element) provide 130% parking, the remainder of the site is provided with 200% parking.

The site is served by a single access point centrally located on the Leamore Lane frontage.

The site is shaped like a thin hourglass and is bordered by the Wyrley and Essington Canal on one long side and the railway on the other. The towpath is on the opposite side of the canal to the development. There is a pedestrian route to the canal towpath on the west side of the canal bridge. Beyond the canal are a number of industrial buildings, beyond the railway line are the playing fields of 2 schools. To the south of the site on the opposite side of Leamore Lane lies a Deeleys Castings industrial premise which is likely to be the subject of a forthcoming application for residential development in the near future.

A four arm traffic signal controlled access arrangement, centrally located between the bridges, is included within the Transport Assessment should the Deeleys site to the south come forward. It is demonstrated that this could be implemented should that be the case.

The site is open and overgrown at present and has been vacant for a number of years.

The site area is 2.65 hectares. Density is 50 dwellings per hectare.

Various documents have been submitted with the application including:-

Planning statement

This gives an outline of the site and surroundings, the proposal and policy base

Design and Access Statement

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

Noise report

This concludes that through the use of various mitigation measures it is possible to meet the desired design criteria and provide an acceptable level of amenity for future residents.

Geo-Environmental Assessment

This identifies potential geotechnical and environmental issues that may represent constraints to the proposals

Ecological Assessment and supplement

This provides details of the results of a Phase 1 Habitat Survey and gives a list of recommended actions.

Flood risk assessment

There are currently no drains or sewers within the site. All new on site sewers will be adopted by Severn Trent Water Ltd. The ground floor levels and external levels will be designated so that adequate flood routing can be achieved through the site without any risk of flooding to the proposed development. The site is within Zone 1 on the EA flood map and is indicated as having no risk of flooding from overland flows. The new system has been designed to a 1 in 100 year event plus a 20% increase due to climate change. It has therefore been concluded that there is no flood risk to properties or watercourses from the proposed development. The applicant has also provided a statement from their ground consultant confirming that sustainable drainage systems (SUDS) will not be appropriate for this site.

Transport Assessment

This concludes that the development would not have a material impact on the surrounding highway network.

Relevant Planning History

05/1887/OL/W7 Outline: Residential Development access to be considered all other matters reserved. Void 21/2/06

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

BC23146P Outline: Residential Development. Withdrawn 10/8/89

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

Unitary Development Plan

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

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

GP2, GP7, 3.16, ENV18 and ENV32 - Development schemes should, help improve the environment of the Borough whilst not allowing development that has an adverse impact.

3.1 is a strategic environment policy which promotes sustainable development and environmental improvement. 3.6 is also a policy which seeks environmental improvement.

ENV19 considers existing woodlands, trees and hedgerows. This states that the Council will ensure the protection, positive management and enhancement of existing woodlands, trees, hedgerows. Where developments are permitted which involve the loss of trees developers will be required to minimise the loss and to provide appropriate planting of commensurate value wherever possible, wherever possible this should involve native species of local provenance.

ENV22 Protected Species - Development on sites used by protected species will not be permitted unless it can be demonstrated that it will not have an adverse impact on local populations of the species.

ENV23 Nature Conservation and New Development - New development affecting specified wildlife must: take account of the potential to enhance the natural environment through habitat creation designing in features for roosting/nesting places; take account of features of value for wildlife and geology or provide mitigation measures.

ENV24 Wildlife Corridors - New development which would sever, or unacceptably harm the integrity of a wildlife corridor or linear feature will not be permitted.

GP3 and 8.8 - Planning obligations will be used to secure provision of on or off-site infrastructure, facilities, services or mitigating measures made necessary by development. These may include transport infrastructure, open space, drainage works, affordable housing, education facilities, health care facilities and other forms of social and community infrastructure

The site is designated as a core employment area under policy JP5

These areas will be safeguarded for core employment uses proposals for other uses will only be permitted where it can be demonstrated that:-

- I. A need would be met which could not be satisfied elsewhere in the Borough;
or
- II. The range and quality of employment opportunities would be significantly increased.

7.51 Walking and cycling need to be encouraged as an alternative to the car for short journeys. Easy walking/ cycling distance will depend on local circumstances the maximum will normally be regarded as 1000 metres.

T7 - 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. Policy T13 also sets parking standards.

T10 (c) Accessibility standards for all transport modes should continue to be met throughout the life of a development. This envisages the use of commuted payments to support the provision of transport infrastructure where appropriate.

T12 (b) Residential Development (Use Class C3)

- I. The walking distance should be no more than 400metres to a bus stop which:-
 - Is, or will be, served by a bus service to an established centre;

- Has a service frequency of at least 1 bus every 30 minutes during the day (between 0700-1900) Monday to Saturday;
- Has a service frequency of at least 1 bus every hour on Sunday between 1200 and 1900.

II. Services outside these times to be provided according to demand.

H3 - Encouragement for the provision of additional housing through the re-use of previously developed windfall sites and conversion of existing buildings. (IV) Residential development should not unacceptably constrain the development of any adjacent site for its allocated or identified use.

Policy H9 gives advice about housing densities. This supports developments in the range of 30 -50 dwellings per hectare on most sites.

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

4.1 Industrial Regeneration Area it is the aim to: improve the local environment and enhance the image of the area; introduce security improvements to reduce crime and vandalism; create new, and safeguard existing, job opportunities.

LC9 Canals - Encouragement to provision of canal side facilities and environmental improvements to enhance the attractiveness and recreational potential of the canal network. Development alongside canals should positively relate to the opportunity presented by the waterway, achieve high standards of design and be sensitively integrated with the canal.

The site also lies within the Walsall Regeneration Company 'Canal Communities' regeneration area.

Residential Development Standards:

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

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

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

Policy CF1 - Scale and range of new housing development

Policy QE1 - Environment

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

National Policy

PPS1 on delivering sustainable development and good design.

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

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

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

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

PPG4 para 18 (Quoted by one of the objectors) Planning authorities should consider carefully whether particular proposals for new development may be incompatible with existing industrial and commercial activities. The juxtaposition of incompatible uses can cause problems for the occupiers both of the new and the existing development. For example where residential is proposed in the vicinity of existing industrial uses, the expectations of the residents may exceed the standards applied by the planning authority, and may give rise to pressure to curtail the industrial use. This may be a particularly acute problem where other legislation, such as that relating to environmental pollution or public health, might subsequently result in costly new conditions or restrictions being imposed on the industry as a consequence of the new neighbouring development.

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

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

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

Consultations

Transportation: The principle of residential development on the site is acceptable. Access to the southern site (Deeleys Castings), on an interim basis, can be achieved without prejudicing a junction design solution to access residential development on both the northern and southern sites in the future. The continued access to the industrial site on the southern side of Leamore Lane can be accommodated within the interim solution and a traffic management scheme. The proposed traffic management / speed reducing scheme for Leamore Lane submitted with the application is not acceptable but an alternate scheme can be agreed and need not delay approval of the application. This will be governed by a section 278 / 38 agreement and condition. To mitigate against the impact of the traffic generated by the development, modifications to the traffic signal controlled junction of Bloxwich Lane and Leamore Lane are proposed and a contribution to transport improvements in the area (in lieu of improvements to the A34 / Leamore lane roundabout junction) and improvements to local bus stops are proposed. These will need to be the subject of a section 106 agreement. In addition, several minor amendments will be required to the internal layout of the site e.g. relocation of bin stores, altering access driveways etc..

Pollution Control: No objection subject to conditions. Lengthy discussions have taken place with the developers. The letter of objection on behalf of the occupiers of Units G, H, I, J and K of the adjoining industrial premises on Fryers Close to the north of the site, criticising the report from Hoare Lea Associates on the prevailing noise climate is inaccurate. Confirmation that it was partly conducted from the northwest corner of the site adjacent to the industrial units has been given, this is a satisfactory location in terms of providing a fair result to the survey. Appropriate mitigation measures have been discussed and agreed regarding glazing specification for habitable rooms of dwellings close to noise sources. A barrier is to be erected between industrial premises and dwellings in addition to the barrier recommended for the railway, and an acoustic fence to screen any noise break-out from the units at Blocks A, B and C. Measures detailed in the ground investigation report will be sufficient to sever the pathway between the contaminant sources and future human receptors. Confirm that ground gas remedial measures recommended in the report would reduce the risk of ground gas ingress to the properties. However conditions are suggested regarding the membrane, service penetrations, design of the floor and sub-floor elements and remediation statement.

Education Walsall: A financial contribution of £250,704 - 27p is required towards secondary school provision.

Police Architectural Liaison Officer: Support in principle. Due to the developments location, being surrounded by a canal, a railway and backed onto by the Beechdale Estate, it could be attractive for opportunist crime. A canal does not make it secure. Offenders can make rafts, swim and steal water craft. The railway also makes an attractive attack/escape route. All

ground floor windows and doors, and those that can be reached via flat roofs, should be fitted with Secured By Design units.

Centro: No objection. The site does not meet the Passenger Transport Authority's (PTA) minimum standards for accessibility by public transport. Current bus service provision is limited. Whilst there are several frequent bus services operating along nearby Somerfield Road/Green Lane a large part of the site is not within walking distance of these bus services. The applicant should be encouraged to develop a Residential Travel Plan. The developer should be required to provide secure cycle parking facilities; fund the upgrading of bus services and improve access to public transport. *(Detailed study to underpin such requirements has not yet been done by the Council, and this can not therefore be invoked.)*

Network Rail: Any works should not over hang or fall onto the railway, no surface water shall run off onto the railway a 1.8m high fence should be erected to the boundary of the railway to avoid trespass and vandalism and provide acoustic insulation. All development should be set back at least 2m from the boundary with the operational railway or 5m from overhead powerlines. Planting details should be forwarded to Network Rail. All relevant notices under the Party Wall Act should be served on Network Rail.

Regeneration - Natural Environment: The application conflicts with a number of Unitary Development Plan policies. The bridge abutment should be retained as a feature of historic building interest providing a link to the past history of the site, however if this is not feasible the abutment should be recorded photographically for the Local History Centre.

British Waterways: Express disappointment. The proposal shows an access road and gable ends of buildings facing the canal. Views from the towpath opposite will also be unsatisfactory. The canal should form an integral part of the scheme. The design of the dwellings should address the waterside and be interesting with no gable walls or end-on elevations. Need to see details of treatment to areas which border the canal. Planting should contain a good variety of species and maintenance regime. No drainage shall discharge into the canal. No works should adversely affect the canal. All works shall take account of Code of Practice for Works affecting British Waterways. An application may be required to be lodged under the Party Wall Act. Access for construction will require permission. Any works should take account of canal wharfs or basins; canal feeder ducts drainage channels, services etc. Improvement works will help to enhance the rejuvenation of the district. Funds are sought towards improvement measures e.g. towpath improvements, access improvements and environmental enhancement works. The scheme could act as a catalyst for further regeneration along the canal corridor. *(A meeting is scheduled to take place with British Waterways before committee.)*

Inland Waterways Association: Supports the development, objects to the Kriblock wall. Support the view that the developer should pay towards the maintenance of the waterway.

Physical Regeneration Strategy Team Residential development is acceptable in principle. The centre of the site is approx. 800m from Leamore Local Centre. This is within the definition of easy walking/cycling distance in policy 7.51. There is no reference to the accessibility standards in UDP policies T10 - T12. There is no bus service along Leamore Lane east of Bloxwich Lane. The public transport standard in UDP T12(b) requires all new dwellings to be within 400m of a bus stop. The nearest bus stops are close to the island on the A34 which is 600m approx from the rear of the site. Bloxwich Lane is 900m approx distant. The

development does not meet the public transport accessibility standard for new residential development and should therefore be required to ensure that public transport will be available to at least the standard required by UDP policy T12(b). Density is at the upper end of the appropriate range set out in H9. The RSS includes policy CF5 to deliver affordable housing.

Fire Service: Satisfactory

Environment Agency: *Response Awaited*

Public Participation Responses

I have received representations from 5 surrounding industrialists on the following grounds:-

On the original plans

Concern about the close proximity of the houses to the unrestricted (in terms of operating hours) industrial units in Fryers Close (classes B1, B2 and B8 uses);
The residential development will unacceptably constrain the use of the industrial units for their intended lawful purposes;
The proposal is contrary to policy H3 (a) v;
The proposal is contrary to PPG4 para 18;
Hardly any reference has been given to the existence of the industrial units in the planning statement or the design and access statement. It has not been seen as a key influence on the design/siting of the residential development;
The principle focus of the noise report is on railway and road noise but it confirms that noise disturbance is likely to occur regarding the industrial units;
The noise survey was inadequately carried out and some of the units were vacant at the time of the survey forcing assumptions to be made;
Recommendation to re-orientate ducts on the industrial buildings are made which would place a burden on the industrialists;
Several of the industrialists are considering expanding the heavy industrial activities within their premises and operating longer hours than at present due to demand in trade;
Some of the units are currently vacant but will be used for heavy industrial uses in the future;
The proposal involves the loss of 2.65 ha of employment land within a core employment area;
The proposal is contrary to UDP policy JP5;
It has not been demonstrated that the land is no longer needed for employment uses;
There is a lack of usable amenity space to the dwellings and an absence of open space/play areas within the scheme;
Undue regard to the living environment of future occupiers;
The new junction will cause traffic chaos;

On the amended plans

Previous comments still apply;
Blocks A, B and C are still in very close proximity to units in Fryers Close;
Block B is principally single aspect there are still habitable room windows facing the industrial units;
The analysis does not cover the 4 storey element;
Not clear what type of glazing is to be used for the windows facing the industry;

There is no analysis as to whether the proposed acoustic fence will protect the residential occupiers in these blocks;

Determining Issues

- Principle of residential
- Design quality
- Amenity
- Pollution issues
- Transportation issues
- Ecology and Landscaping
- Obligations

Observations

Principle of Residential

The Physical Regeneration Strategy Officer is of the opinion that the development is acceptable in principle in planning policy terms providing the public transport issue can be resolved. I agree that the principle of the development is to be supported as the development lies within the Walsall Regeneration Company 'Canal Communities' regeneration area where residential development is to be supported. The principle of reusing brownfield sites for housing is generally supported by Government and council policies, provided a satisfactory residential environment for future occupiers can be secured, whilst protecting the operations of existing nearby users.

Both national and local policies also identify the importance of sustainability. Centro have expressed some accessibility requirements. I have suggested conditions relating to a residential travel plan and cycle parking.

The development is 50 dwellings per hectare approx. this is considered satisfactory in policy terms.

Design

In general the design of the layout is considered to be acceptable. Although the Regeneration - Natural Environment officer feels that there is insufficient landscaping in the scheme. Regarding the important frontages of Leamore Lane and the canal, it is felt that the Leamore Lane frontage presents two well balanced, striking blocks either side of the access to the site.

Within the site, the access road has a frontage to the canal for approx. 30% of the development. British waterways have criticised the scheme stating that gable ends of buildings face the canal. This is in fact incorrect. Plots 134, 50 and 18 in plan format look like gable ends, but are double fronted end terraces which face the canal. The houses fronting the access road form an attractive stretch broken up by wide gaps and tree planting. At the edges of the road the houses are formed into blocks which turn the corners in a symmetrical pair of crescents. The edge of the canal in this section will be subject to a detailed landscape

scheme which will allow glimpses through to the houses on the opposite side of the road. Kriblock walling will edge the canal embankment to prevent trespass into the canal. The remainder of the canal frontage is mainly made up of buildings close to the canal embankment all providing active frontages, and a small amount of parking which will be well screened.

However, there is concern about the height of the 4 storey apartments at the north of the site and their relationship to the two storey houses opposite. The developer has been asked to either reduce the height of the apartments to 3 storey or increase the central block of houses (plots 25 - 29) to 3 storey.

Amenity

Generally the Residential Development Standard of 12m rear garden lengths and 24m between habitable room windows are met. There is a tight section between plots 44 and plots 36 and 37 where slightly shorter garden lengths means that the recommended 24m between habitable room windows is reduced to 21.5m. However, these properties are on a slight angle and tree planting is proposed on the rear boundary of the plots, it is therefore felt that any overlooking will be kept to a minimum.

In respect of the apartments, the amenity space provided at the front of the buildings is supplemented by the provision of public amenity space in the form of a landscaped environment along the canal. This is considered to be satisfactory.

Pollution Issues

Concerns have been expressed by local industrialists on Fryers Close about the proximity of the development to the unrestricted industrial units at the northern end of the site. These comments have been taken into account by the developer and the scheme has been amended to incorporate 4 storey apartments along this boundary which are mainly single aspect. Pollution control has had extensive discussions with the developer about these locations which are vulnerable to noise sources and he do not object to the development. Appropriate mitigation measures have been agreed, these include stringent glazing specifications for the habitable rooms of dwellings which are subject to noise sources. Conditions are recommended. Noise barriers (height to be determined subject to survey) are also to be erected to mitigate noise levels where the development is close to noise. Regarding contaminated land, the submitted ground investigation report proposes satisfactory measures to deal with contaminants and ground gasses. Conditions have been suggested which will deal with these issues satisfactorily.

Transportation

The transportation engineer does not object to the application. It has been ascertained that access to the site opposite, Deeleys Castings, can be achieved on an interim basis without prejudicing a junction design solution to access residential development on both the northern and southern sites in the future. The present industrial site on the southern side of Leamore Lane will not be prejudiced. A traffic management / speed reducing scheme for Leamore Lane

is achievable and can be agreed subsequent to the determination of the application. A condition covers this and this will be governed by a section 278 / 38 agreement. Modifications to the traffic signal controlled junction of Bloxwich Lane and Leamore Lane are needed to mitigate against the impact of the traffic generated by the development and a contribution to transport improvements in the area and improvements to local bus stops are proposed this will be dealt with through the S106 process. The transport engineer is due to have a meeting with the developer before the committee and it is expected that some minor amendments will be made to the internal layout of the site.

The parking provision for the apartments is 130% and the remainder of the development is 200%. As some of the houses have four bedrooms 3 parking spaces would be required under the Residential Development Standards. The scheme is therefore under the requirements required by the UDP. However, it is important that parking does not over dominate the street scene and that landscaping is introduced as an important visual and ecological feature. It is considered therefore that there is a comfortable balance between urban design objectives and parking provision.

The site is considered to be in a sustainable location with bus routes along Somerfield Road and Green Lane. Regarding the recommended 400m walking distance to a bus stop prescribed by policy T12(b) two thirds of the site meets the 400m requirement. It is felt that as the majority of the site meets the standard the small portion which doesn't does not justify a refusal of the application. In addition, a condition is proposed requiring the applicant to develop a Residential Travel Plan.

Secure parking is provided to the rear of blocks A B and C adjacent to the northern boundary. The acoustic barrier will further serve to secure this area.

Ecology and Landscaping

The Natural Environment officer has raised several issues about the development. A landscaping and management scheme and full details of boundary treatment would have been preferred at this stage to ensure that the site receives adequate attention in this respect as it is entirely within a designated wildlife corridor. I have suggested a condition requiring a landscaping scheme and a detailed method statement describing the preparation, planting, establishment and management of the canal margins.

He is also concerned about the affect of the development on both water voles and invertebrates. More information on the significance of this site for each species is needed and a timetable for the phasing of the work to assess the impact and the management of disturbance to the canal bank once the scheme is completed. I have suggested a condition. English Nature and the Wildlife Trust have been consulted on the latest amended plans. Clearly there are unresolved issues but it is felt that these matters can be satisfactorily resolved before committee subject to no fundamental objections being received from English Nature and the Wildlife Trust. This will be updated at the meeting.

Finally, the Natural Environment officer has asked that the brick railway abutment be retained as a feature of historic building interest providing a link to the past history of the site. The developer has been unable to comply with this request. A condition is suggested requiring that it be recorded photographically for the Local History Centre.

Obligations

There is a need for a S106 Agreement to ensure contributions towards Education, Open Space, Canal side improvements as requested by British Waterways, highway matters i.e. modifications to the traffic signal controlled junction of Bloxwich Lane and Leamore Lane and a contribution to transport improvements in the area (associated with improvements to the A34 / Leamore Lane roundabout junction) and improvements to local bus stops and Affordable housing in compliance with policy.

Conclusion

On balance the scheme is considered to provide good design whilst retaining the waterfront environment and, subject to no objection by English Nature, and with the imposition of conditions, will maintain the associated ecological importance of the area. Transportation and Pollution issues can be satisfactorily resolved.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

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

Reason: To ensure the satisfactory appearance of the development.

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

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

4. No construction, demolition or engineering works (including land reclamation, stabilisation preparation, remediation or investigation) shall take place on any Sunday, Bank Holiday or Public Holiday and otherwise such works shall only take place between the hours of 08:00hr to 18:00hr weekdays and 08:00hr to 13:00hr Saturday, 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 amenities of the occupants in the area.

5. Prior to the commencement of building works, with regard to ground gas report P3462 DWH-2, the membrane should be extended across the cavities; all service penetrations and seams shall be lapped and sealed; once finalised, design of the floor and sub-floor elements must be submitted for approval of the Local Planning Authority prior to the commencement of building works. The remediation proposal (rev. 1.20/06/2006) should be confirmed in a formal remediation statement containing the activities and timetable for proposed works, to be submitted to and approved in writing by the Local Planning Authority.

Reason : To ensure the satisfactory development of the site.

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

Notes for applicant

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

- a). *internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(5 \text{ minutes})}$, 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.

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

Reason: To ensure the satisfactory appearance of the development.

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

Reason : To safeguard the amenity of the area.

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

Reason : To ensure the satisfactory appearance of the development.

10. No development shall be carried out until details of secure cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The areas shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory provision of cycle parking facilities.

11. All ground floor windows and doors, and those that can be reached via flat roofs, should be fitted with Secure By Design standard units.

Reason: In the interests of crime prevention.

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

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

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

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

Reason: To ensure the satisfactory functioning of the development

14. Before work commences on site, the following shall be given the opportunity of making external inspections of the brick railway abutment for the purposes of making a record and identifying any artefacts or documentation meriting preservation:

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

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

15. A traffic management/speed reducing scheme in the vicinity of the development must be agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason: To ensure the satisfactory functioning of the development.

16. No development or site clearance works shall be commenced until a detailed method statement describing the preparation, planting, establishment and management of the canal margins is approved by the Local Planning Authority. This document must refer to the existing vegetation, ground conditions and the use of the proposed plant material must be justified. It must also explain how the diverse assemblage of invertebrates is to be conserved and enhanced. The canal side planting shall then be introduced and managed in accordance with the approved method statement and retained thereafter.

Reason: In order that the ecological importance of the site is retained.

17. No development or site clearance works shall be commenced until detailed mitigation proposals are approved by the Local Planning Authority to describe how water vole populations along the canal boundary are to be maintained and enhanced in the long term and to ensure that this species is not harmed or its habitat degraded. All methods to be used to mitigate impacts shall be submitted to and approved in writing by the Local Planning Authority prior to any works which could affect this species.

Reason: In order that to ensure that populations of a protected species are conserved.

18. No development or site clearance works shall be commenced until detailed monitoring proposals are submitted and approved in writing by the Local Planning Authority to assess the effectiveness of the ecological mitigation works required under Conditions 16 and 17. Where measures have failed or are ineffective proposals for remedial works shall be submitted and, once the document has been approved, then implemented.

Reason: In order that the ecological importance of the site is retained.

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 5. Within this period:

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

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

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding orders, no gates, fences, walls or other means of enclosure, except those included on the approved plans, shall be moved or

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

Reason: To ensure the satisfactory appearance of the development.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, GP1, GP2, GP3, GP7, 3.16, ENV18, ENV19, ENV22, ENV23, ENV24, ENV32, 3.1, 8.8, 7.51, T7, T10, T12, H3, H9, H10, 4.1, LC9, of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

NOTES FOR APPLICANT:

- A. This planning permission does alter the legal protection given to various species of wildlife recorded from this site. You should ensure that protected species legislation is not contravened in implementing this permission.
- B. Network Rail has been consulted on this application and your attention is drawn to the attached reply.
- C. British Waterways have been consulted on this application and your attention is drawn to the attached reply.
- D. The Council's TravelWise adviser at the time of this decision is Louisa Stebbings, who can be contacted on (01922) 652561, Centro's TravelWise Officer, Anne Shenton, can also provide advice on public transport initiatives she can be contacted on (0121) 214 7409



To: DEVELOPMENT CONTROL COMMITTEE

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

REASON FOR BRINGING TO COMMITTEE: Significant community interest

Application Number: 06/2206/FL/E12

Case Officer: Devinder Matharu

Application Type: Full application

Telephone Number: 01922 652429

Applicant: Enterprise Inns Plc

Agent: Cassidy & Ashton

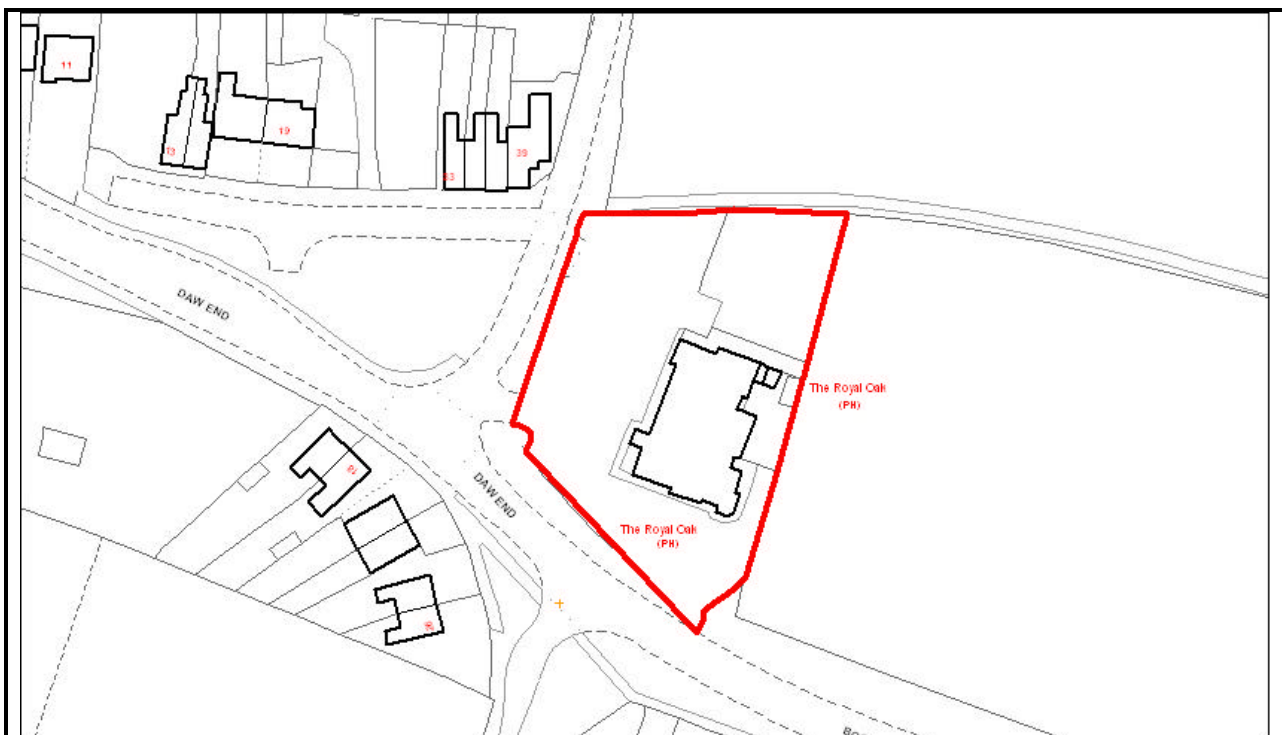
Proposal: Extension to public bar, provide disabled wc, proposed raised decking area and internal alterations

Location: THE ROYAL OAK P.H, DAW END, WALSALL, WEST MIDLANDS

Ward: Rushall-Shelfield

Expired: 05 March 2007

Recommendation Summary: Grant Permission subject to conditions



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and site details

This application proposes to create a new external drinking area and extend the existing public bar to the front elevation of the Royal Oak Public House, Daw End Lane, Rushall. The application proposes an external smoking facility and a ramped access. The proposed extension would be 55m² in floor area, with a width of 8.05m and would extend 6.2m from the front of the building. The extension would serve the lounge incorporating two corner type windows. The roof of the proposed extension would be a pitched gable with a height matching the existing ridge at 6.75m. The decking area, with 1.1m timber balustrade including a ramped access would be located to the front of the property. The decking would have a width of 10.5m, with 4.1m protruding beyond the northern elevation, and extending 3.6m from the front of the building.

The Royal Oak PH is a single storey building with a pitch roof and a gable feature along its front elevation. The public house is located within the Green Belt on the corner of Daw End Lane and Winterley Lane. To the south and west are residential properties. To the north and east is open paddock land.

Relevant Planning history

BC16361 - Extension to Car Park. Granted subject to conditions 20/11/1980.

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 2.2, 3.6, 3.7 and GP2 seeks to ensure all development makes a positive contribution to the quality of the environment whilst protecting people.

Policies 3.16, 3.116, ENV32 seeks to promote good design that is in keeping with the character of the area.

Policy 3.3 states that the character and function of the Green Belt will continue to be safeguarded, inappropriate development will not be allowed unless justified by very special circumstances.

Policy 3.22 states that most of the countryside is defined as Green belt.

Policy ENV2 states that in the Green Belt there will be a presumption against the construction of new buildings except for facilities essential for outdoor sport and recreation, agriculture or Forestry, cemeteries or other uses which preserve the openness of the Green Belt.

Policy ENV3 states where development is acceptable in principle in the Green Belt will be assessed in terms of the following factors:

- o The detailed layout of the site
- o The siting, design, height, grouping and scale of buildings.
- o The colour suitability of building materials.
- o The impact on significant views, viewpoints and topographical features.

Policy 3.31 states where proposals in the Green Belt are considered acceptable in principle under Policy ENV2, , the Council will subject them to more detailed scrutiny using criteria set out in Policy ENV3 to ensure that any adverse environmental impacts are minimised.

Policy ENV35 states that the design of commercial premises should be appropriate to their setting and sympathetic to the building on which they are situated.

Policy T79b) all development should satisfy the car parking standards in Policy T13.

Policy T13 Car parking standards

Other buildings for public assembly and food 1 space per 22 square metres.

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

Policy QE1 - Environment

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

National Policy

Planning Policy Statement 1: Encourages good design. Paragraph 34 states that design which is inappropriate in its context should not be accepted.

Planning Policy Guidance Note 2: Green Belts, March 1999.

Paragraph 3.1 states that there is a general presumption against inappropriate development in the Green Belt. Should development should not be approved, except in very special circumstances.

Paragraph 3.2 states that inappropriate development by definition is harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very Special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations

Paragraph 3.4 states that the construction of new buildings inside a Green Belt is inappropriate unless it is for agriculture and forestry, essential facilities for outdoor recreation, limited extension, alteration or replacement of existing dwellings.

Paragraph 3.15 The visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.

Consultations

Transportation - no objections subject to the attachment of a condition requiring details of the existing and proposed car parking layout.

Environmental Health and Consumer Services - no objections.

Fire Service - satisfactory access for fire appliances.

Representations

Three letters of objection have been received from neighbouring residents, objecting on the grounds of:

- increased noise and nuisance
- the proposed stage encouraging live music
- using up car parking spaces
- the proposed development is being brought too close to existing dwellings.

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

Determining Issues

- Appropriate development in the Green Belt
- Design
- Impact on the immediate neighbouring residential occupiers
- Parking

Observations

Appropriate development in the Green Belt

The use of the premises as a Public House has long been established. The proposed extension would not result in disproportionate additions over and above the size of the original building. The proposal would not have a materially greater impact on the openness of the Green Belt than the present use.

The public house is a prominent building on the corner of Daw End Lane and Winterely Lane. The limited extension would have a minimal impact upon the openness of the Green Belt as the massing of the original building would be increased marginally. Visual amenities would not be injured as the extension due to the siting, design and materials would blend into the existing setting. The continued use of the premises would not prejudice the purposes of the Green Belt.

Design

The design of the gable roof will match the existing feature of the building and by using finishing materials that match those used on the building, the extension would blend into its settings.

Impact on the immediate neighbouring residential occupiers

To the west and south of the application site are residential properties which view the public house across Daw End Lane and Winterely Lane and across the pub car park. Neighbours have objected on the grounds of increased noise and nuisance. There is already a beer garden to the rear of the site, which the proposal would not alter. The proposed decking area and timber balustrade to the front of the premises would provide a more legible link to the beer garden. The proposed decking area includes a retractable awning where the use of this area would not be materially different to the existing situation where customers could stand outside drinking or use one of the four existing benches sited to the front of the premises.

The proposal would be 30m from the nearest residential property, with the pub car park and road junction in between. Car parks of public houses are typically areas where customers will congregate chatting. As the car park is closer to the residential properties than the building itself, it is not considered that the proposed would increase activity to levels considerably greater than the existing set-up.

Objections have been raised regarding the proposed stage shown within the building and the increase in noise. Environmental Health has raised no objections to the application. However the installation of a stage within the public house could be done without planning permission and therefore is outside the control of the Local Planning Authority.

Parking

The proposed extension and external drinking area would be sited on top of 7 car parking spaces. The applicant has not submitted details of the existing parking layout or the proposed parking. The Transportation Officer raises no objection to the application subject to attaching an appropriate condition requiring the submission of the existing and proposed car parking layout. There would be adequate space on the car park to accommodate relocation of the parking bays. The proposed layout should provide satisfactory disabled parking bays. This can be achieved by condition.

Recommendation: Grant Permission subject to conditions

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

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

2. No development shall commence until detailed scale drawings of the existing parking layout and the proposed parking layout, including servicing, disabled parking and an unobstructed disabled pedestrian corridor from the car park disabled spaces to the proposed entrances to the building has been submitted to an approved in writing by the Local Planning Authority. 10% of the parking spaces should be reserved for disabled people. The parking spaces shall be clearly marked out and thereafter be retained and used for no other purpose.

Reason: In the interests of highway safety and to ensure the satisfactory functioning of the development.

3. The external walls of the extension hereby approved shall be rendered to match closely the texture and colour used on the existing building as it exists at the time of this application, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

4. The tiles to be used in roof of the extension hereby approved shall match closely the colour and texture of the tiles used on the existing building as it exists at the time of this application, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development

5. No sound reproduction or amplification equipment (mechanical or electrical) shall be installed or used on the external drinking area hereby approved.

Reason: In order to safeguard the amenities of adjacent occupiers.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, ENV2, ENV3, ENV32 and ENV35 of Walsall Unitary Development Plan and Planning Policy Guidance 2: Green Belts and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

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

REASON FOR BRINGING TO COMMITTEE: Disposal of Council-owned land

Application Number: 06/0465/FL/H1

Case Officer: Neville Ball

Application Type: Full application

Telephone Number: 01922 652528

Applicant: Mr M. Ross

Agent: Mr M. Ross

Proposal: Two-storey side extension and change of use of verge to side to garden

Location: 111 CRESSWELL CRESCENT, BLOXWICH, WALSALL, WS3 2TR

Ward: Bloxwich West

Expired: 20 June 2006

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



Application and Site Details

This application is for a two-storey extension to the side of an end-terrace house on the corner of Creswell Crescent and Broad Lane to provide a garage, family room and fourth bedroom. The extension is to be 4 metres wide and a further strip of land 2.5 metres wide to the side of the extension is to be added to the garden of the property. A hedge is to be planted on this strip and 4 heavy standard trees are to be planted on the remaining verge to replace the existing semi-mature sycamore tree that is to be removed.

There is currently a grass verge between 7 and 11 metres wide between the side of the property and the back of pavement on Broad Lane. The proposal would reduce the width to between 2 and 6 metres.

Relevant Planning History

05/0920/FL/H1. Two-storey side extension and change of use of verge to side to garden. Refused August 2005 on the grounds that the proposal involved the loss of an existing tree which makes a significant contribution to the street scene on this busy corridor in and out of the borough, and which has a softening effect on the back drop of a housing estate with little tree cover.

The application was identical to the current application, except that the current application includes details of replacement trees and a hedge.

Relevant Policies

Unitary Development Plan Policies

GP2: Environmental Protection

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

- I. Visual appearance.
- VI. Overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property.
- VII. The adequacy of the proposed access and parking.

ENV17: New Planting.

The planting of new trees, woodlands and hedgerows and hedgerows will be continued to achieve the establishment of the Forest of Mercia and the Black Country Urban Forest. Planting will be promoted particularly in areas including transport corridors, and as part of landscape design around new developments, as a condition of the planning permission.

ENV32: Design and Development Proposals.

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

ENV33: Landscape Design

Planning applications will require full details of landscape proposals.

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 guidance on design, including roof shapes 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.

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

Transportation: No objection subject to the retention of an adequate visibility splay.

Arboricultural Officer: Objected to the previous application on the grounds that the existing tree was to be lost with no compensatory planting. The tree report submitted by the applicant with the current application indicates that the existing tree is to be retained. This retention would be unrealistic in view of its proximity to the site of the proposed extension. The report does not address the impact on the existing smaller trees within the site and others that lie outside but adjacent to the site.

However, if the application is approved, 5 replacement trees should be provided and the existing tree removed at the developer's expense. The replacements should be maintained by the developer. The trees to the rear should be protected from construction work by fencing, and no storage should take place in the rear garden.

Street Pride: Advise that a payment should be made to cover any maintenance of the trees to be planted on the land that is to remain in the ownership of the Council.

Police Architectural Liaison Officer: No objection but recommend that mature defensive planting is provided to stop any gathering of youths in the area.

Representations

The occupier of 40 Evesham Crescent has queried the position of the boundary line and asks whether he would be able to erect a fence if he purchased the land to the side of his house.

Determining Issues

The determining issues are:

- whether the design of the extension would be compatible with the existing dwelling and the character of the wider area;
- whether the loss of the existing tree and the proposed replacement planting is acceptable;
- the impact on the amenities of nearby residents; and
- parking and highway safety.

Observations

Design and Character

The gable roof of the extension, and the canopy to the front, would match the existing house and the rest of the terrace. The side of the area to be added to the property would be in line with the side of a pair of garages that lie to the side of 40 Evesham Crescent, the house to the north. These garages are of little visual merit. The proposed extension, and new trees and hedge, would reduce their prominence.

Trees and Planting

The extension would involve the loss of a substantial part of the grass verge, as well as the existing tree. The verge and tree help to soften the appearance of the building which lies in a prominent location at one of the main entrances to the borough. The new hedge and trees that are proposed in the current application however would provide a denser area of landscaping to compensate for the reduction in the size of the verge and the loss of the existing tree. The use of thorny species for the hedge would provide defensive planting as recommended by the Police.

The hedge would fall within the area of land to be conveyed to the applicant but some of the replacement trees would remain in the ownership of the Council. A commuted sum would be required to provide for the long-term maintenance of the trees following the completion of the 5-year maintenance period. The recommendation includes a requirement to complete a Section 106 obligation to secure this payment.

Impact on Amenity of Residents

The extension would lie on the opposite side of the house to the adjoining property and would have no impact on the neighbouring house.

The concerns of the neighbour would be addressed in any application for number 40.

Parking and Highway Safety

Part of the land to be added to the property would lie within the visibility splay at the road junction. Subject to this area being kept clear of obstruction the application raises no highway concerns. The proposed garage and driveway in front would provide adequate parking.

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, 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. No development shall commence until protective fencing in accordance with details to have previously been submitted to and approved in writing by the local planning authority has been erected around the trees to be retained to the rear of the site. The fencing shall be retained in place until the development is complete. No felling, pruning, excavations, changes in ground levels or storage of materials shall take place within the protected area.

Reason: To safeguard the trees on and adjacent to the site, and in accordance with policies ENV17 and ENV33 of Walsall's Unitary Development Plan.

4: Before this development is brought into use, the driveway shall be enlarged to provide a total of at least 2 parking spaces, each hard-surfaced and measuring at least 2.4 x 4.8 metres. The spaces shall thereafter be retained as such.

Reason: To ensure the satisfactory provision of off-street parking and in accordance with policies T7 and T 13 of Walsall's Unitary Development Plan.

5: 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 hard-surfaced and measuring at least 2.4 x 4.8 metres. The spaces shall thereafter be retained as such.

Reason: To ensure the satisfactory provision of off-street parking and in accordance with policies T7 and T 13 of Walsall's Unitary Development Plan.

6. At no time shall any obstruction over 0.6 metres in height be placed within the 9 x 90 metre visibility splay indicated on the submitted plan.

Reason: In the interest of highway safety.

7: There shall be no vehicle access to the site except through the existing access as indicated on the submitted plan.

Reason: In the interest of highway safety.

8: The hedge and 4 replacement trees shown on the submitted plans, together with a further additional tree to be positioned as may have been previously agreed in writing by the local planning authority, shall be planted within 12 months of the extension being first occupied. Any tree or plant that dies, is damaged or removed within 5 years of being planted shall be replaced within 12 months with a plant of the same or similar species and size. This requirement shall also apply to any replacement.

Reason: To ensure the satisfactory appearance of the development and to comply with policy ENV17 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, ENV17, ENV32, ENV33, H10, T7 and T13, and the Residential Development Standards, and on balance, having taken into account all material planning considerations, the proposal is acceptable.

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