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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 24 April 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

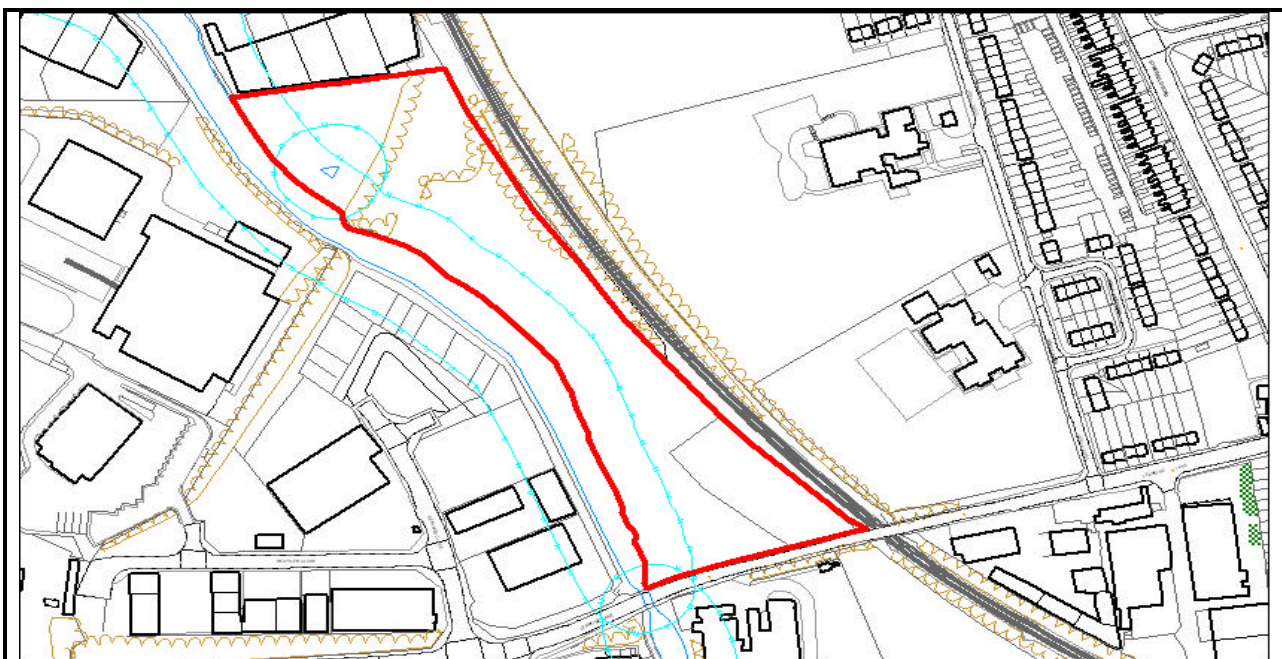
Proposal: Redevelopment of site for new residential development of 134 units and associated works, including access alterations.

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



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Status

On 20th February 2007 you delegated the approval of this application to Officers, subject to resolving the objection from Natural England.

Natural England and the applicants exchanged information. However, a number of matters remain outstanding.

Natural England is prepared to withdraw its objection subject to the satisfactory resolution of the issues raised. Extensive discussions have taken place, and these are continuing. However, at the time of preparing this report the objection is unresolved. Natural England are of the view that:-

the ecological assessment had not

a) fully assessed the overall nature conservation value of the application site

or

b) proposed adequate mitigation for any adverse impact should the evaluation confirm that some form of development can proceed.

In particular, this objection relates to the recorded presence of water voles and other protected species/notable species on the site.

It is expected that the remaining differences will be resolved before Committee. However, there is a time constraint in mitigation works which must be done early this month (to protect the water voles in the area). If the objection can not be resolved this becomes a Committee decision, under the terms of your resolution.

At this stage, a condition is being contemplated, which should provide the security that the landscaping will be acceptable and that indigenous species will be incorporated into the habitat on the site:-

'The proposed landscaping scheme shall be submitted to and agreed in writing with the Local Planning Authority, in consultation with Natural England, to enable indigenous species to be incorporated into the habitat, prior to the commencement of building works. The scheme shall be implemented concurrently with the development and any failures within the first 3 years replaced accordingly within the next available planting season.'

In order to leave the remainder of the report unchanged, for Members convenience, I must add a consultation response from the Environment Agency at this point:-

Prefer disposal of surface water through the use of sustainable drainage methods. The details submitted indicate that a ground investigation/porosity test has not been undertaken and therefore the decision to use soakaways etc. cannot be taken at the present time. If soakaways are proven not to be feasible the Environment Agency will have no objections in principle to the use of on site attenuation designed to cater for the 1 in 100 year (plus 20% for climate change) event.

I will update the Committee at the meeting. However, the Council's ecological adviser considers that if agreement cannot be reached, the Council should refuse this application once written confirmation has been received from Natural England that the issues cannot be resolved. The update may raise complex issues, and may indeed recommend refusal, if that is concluded to be necessary.

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

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, and shall include details of the proposed techniques for both clean cover & ground gas ingress prevention methods, 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 tarmacadam (or alternative impervious hardwearing material to be agreed in writing by the Local Planning Authority). The areas shall thereafter be retained and used for no other purpose. The parking spaces have been clearly marked out.

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

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. The proposed junction shown on the approved drawings should be completed and the agreed speed reducing scheme in Leamore Lane should be implemented prior to the start of the construction of any dwellings, unless agreed in writing by the Local planning Authority.'

Reason:- In the interests of highway safety.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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 24 April 2007

Reason for bringing to Committee: Major application

Application Number: 07/0358/FL/E11

Case Officer: Alison Deakin

Application Type: Full application

Telephone Number: 01922 652487

Applicant: CJC Ingleton Ltd

Agent: Pegasus Planning Group LLP

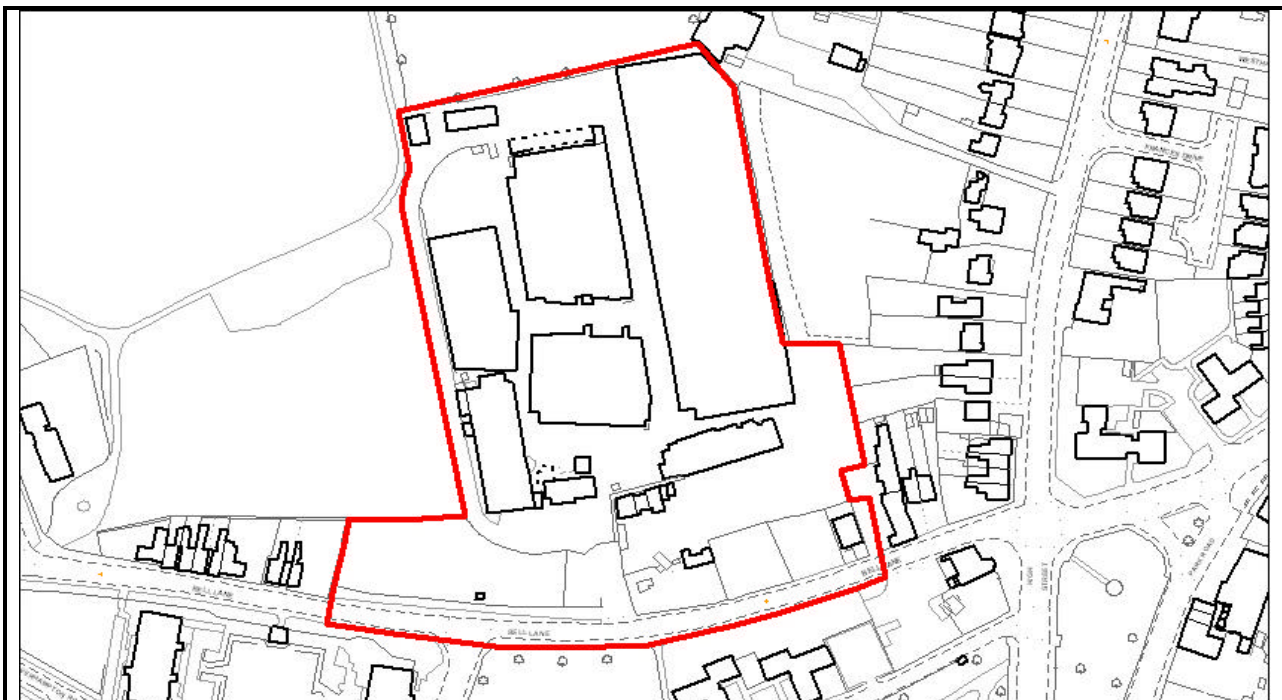
Proposal: Erection of 132 dwellings following demolition of buildings and structures. Provision of highway works incorporating a right turn facility on Bell Lane.

Location: BLOXWICH ENGINEERING LTD, BELL LANE, BLOXWICH, WALSALL, WEST MIDLANDS

Ward: Bloxwich West

Expired: 30 May 2007

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



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Application and Site Details

The proposal is for residential redevelopment of existing industrial premises known as Bloxwich Engineering Limited, Bell Lane, Bloxwich. The site is located immediately to the north of Bloxwich Town Centre just beyond the junction of Bell Lane and High Street. Bloxwich Park lies opposite the site on Bell Lane, King George V Playing Fields adjoin the site to the west and Stafford Road Sport Club and playing fields (including cricket ground) to the north. The eastern boundary adjoins garden land and that of existing premises fronting Bell Lane that are under the control of the applicant. There is a belt of trees around the north, east and western boundaries of the site within the adjacent playing fields and gardens.

There are three storey flats opposite the site on Bell Lane, terraced housing further to the west on Bell Lane and a variety of terraced and larger detached properties along Stafford Road to the east of the site. There is a cluster of commercial premises located around the junction of Bell Lane, Stafford Road and High Street that includes The Bell Public House, vacant office premises and graphic design and dental practices. To the south east are a number of 1960's 11 storey blocks of flats.

The application site includes a vacant two storey detached house on the Bell Lane frontage, with associated yard formerly used as a coal merchants premises. The remainder of the site includes a variety of industrial buildings including single storey brick buildings, offices and larger pitched roof industrial buildings, plus car parking and internal manoeuvring areas.

The proposal is for demolition of all buildings on site and erection of 132 dwellings comprising 30 no. 2 bedroom apartments, 24 no. 2 bedroom houses, 43 no. 3 bedroom houses and 35 no. 4 bedroom houses. A single point of access is proposed to be located centrally within the Bell Lane frontage. There are three secondary streets leading off this and other shared surface streets and private drives throughout the site. The proposed layout shows a strong built frontage to Bell Lane comprising terraced and semi-detached housing with two apartment blocks located on each side of the access. A row of housing follows the western side of the access road leading to a central open space with further housing surrounding the space. Further housing is located around the perimeter of the site facing out towards the adjacent playing fields and completing the perimeter blocks; this includes a third apartment building located on the west side of the site and a key building in the north western corner of the site.

The key buildings, namely the three apartment blocks, the building at the head of the access road and the curved building in the north-west corner of the site facing the park are proposed as 3-4 storeys with the remainder of the housing being 2 and 2½ storeys plus single storey garage blocks and bin/bike stores.

Garage blocks and private parking courts are spread throughout the site each having controlled access. Pedestrian access to the park is also proposed via the north western edge of the site.

As part of the site frontage to Bell Lane falls within the Bloxwich Park Conservation Area an application for Conservation Area Consent for demolition of the existing detached dwelling on this frontage has been submitted under application reference 07/0393/CA/E11.

The site area is 2.96 hectares and as 132 dwellings are proposed this equates to a density of 44 dwellings per hectare. The parking provision would provide 150% for the apartments and 200% for the houses.

In support of their application the applicants have installed a static display of the proposals in Bloxwich Library for public consultation which is running in conjunction with the application. Supporting documents have also been provided including a Design & Access Statement, Planning Statement, Transport Assessment, Flood Risk Assessment, Ecological Assessment, Geo-Environmental Survey, Noise Assessment, Landscape & Visual Assessment, Arboricultural Report, Archaeological Assessment and Air Quality Assessment.

Relevant Planning History

None

Relevant Planning Policy Summary

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

Unitary Development Plan

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

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

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

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

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

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

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

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

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

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

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

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

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

ENV29: Development should preserve or enhance the character and appearance of a Conservation Area.

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

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

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

JP7: It may be appropriate to consider alternative use of employment sites for housing due to the relationship of the site with surrounding land uses or because the site is not well located to meet the needs of modern industry.

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

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

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

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

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

7.1: Seeks to promote an efficient highway network;

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

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

T13: Advises on parking requirements.

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

LC9: The Council will expect all development alongside and near to canals to positively relate to the opportunity presented by the waterway, to achieve high standards of design, and to be sensitively integrated with the canal and any associated features.

Residential Design Standards

These include guidelines relating to design and space around dwellings.

Regional Policy

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

Supplementary Planning Document for Urban Open Spaces

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

Supplementary Planning Document for Affordable Housing

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

Supplementary Planning Document for Education

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

Supplementary Planning Document for Healthcare

Seeks to provide adequate healthcare facilities and sets out requirements for contributions from potential developers.

National Policy

PPS1 Delivering Sustainable Development, PPS3 Housing, PPS6 Planning for Town Centres and Retail Development, PPG9 Nature Conservation, PPS10 Planning for Sustainable Waste Management, PPG13 Transport, PPG14 Development on Unstable Land, PPG15 Planning and the Historic Environment, PPG16 Archaeology & Planning, PPS23 Planning and Pollution Control, PPS24 Planning and Noise, PPS25 Development and Flood Risk, 'By Design' companion to PPG's, Urban Design Compendium, Safer Places- The Planning System & Crime Prevention.

Consultations

Transportation - No objections in principle.

Building Control - No objection.

Drainage - Satisfactory.

Education - The level of surplus places in local primary schools is above 10% so no contribution is required for this phase. However, the level of surplus places in local secondary schools is below 10% therefore a contribution is required towards secondary school provision. The contribution calculation is sensitive to the type and mix of dwellings to be built. It involves combining the expected pupil yield for the development by a Building Cost Multiplier provided by the DfES at the start of every financial year. Based on current prices, a contribution of £274,138.70 is required.

Housing - 25% of the units (33 units) should be provided as affordable on site. These should be shared ownership and should be transferred to a Registered Social Landlord (RSL) and should be spread across the mix of property sizes/types on the development.

Landscape - No objection in principle but further details of planting and boundary treatments should be provided. Details of the extent of the adopted highway are required to ensure a clear pedestrian through route and access to the playing fields.

Tree Officer - No objection in principle but require root protection zones.

Ecology - The design principles are acceptable but the proximity of buildings to the existing trees around the perimeter of the park and the suggested height of buildings may overshadow dwellings and lead to pressure for their removal at a future point in time which is of concern. Shadow diagrams and root protection zones should be clearly shown plus a detailed landscape planting plan.

Green Spaces - Do not wish to adopt the open space within the centre of the site but would require contributions towards urban open space in line with the SPD to be used towards the enhancement and/or maintenance of open spaces within the local vicinity.

Fire Service - Unsatisfactory access as the cul-de-sac is in excess of 180m long hence the road width should be increased to 7.3m up to the junction opposite units 30 and 31. Units 46-49 are in excess of 45m for a fire appliance therefore a hammer head should be provided. The adoptable highway should be capable of withstanding 14.5 tonnes.

West Midlands Police - No objection in principle but would not support access to the park from the development site.

Centro - No objection.

Representations

5 letters of objection have been received, one from a Trustee of Stafford Road Sports Club, two letters from the Chairman of the club and two letters from neighbouring properties. The objections are summarised below:

- Increased traffic and congestion
- Loss of trees
- Increased noise
- Proximity of dwellings to Bloxwich Cricket Club Ground and Sports Club (which is licensed for the sale of alcohol and live and recorded music and dancing) may create conflict
- The Sports Club is used by cricket, hockey, bowling, football and rugby teams hence it is in constant use, particularly in the summer months with potential for conflict with residents
- A 12-15 metre high boundary fence/netting should be installed against the boundary with the Bloxwich Stafford Road Sports Club
- Lack of consultation with the Sports Club prior to submission of the application
- Concern that all boundaries with the Sports Club are secured (including throughout construction)
- Site should remain as industrial land to provide jobs in the local area
- Suggests a 15m stand off zone from the boundary with the club to include fencing, netting and planting
- Proposals have an adverse effect on the environmental and local amenities
- Details of boundary treatments required (*this has been conditioned*)
- Loss of privacy
- Adequacy of parking provision
- Visibility to the access and adjacent driveways

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

Determining Issues

- Principle of residential development
- Layout and Design
- Access and Parking
- Impact on the Conservation Area
- Impact on Neighbouring Properties
- Impact on trees
- Education/Urban Open Space/Healthcare/Affordable Housing provision

Observations

Principle of residential development

The application site is an existing employment site but is not designated within a Core Employment Area within the UDP. The supporting planning statement highlights that Bloxwich Engineering Ltd has established new premises within the local area (Fryers Road, Bloxwich) where they will be relocating operations to, hence the employment opportunities within the Borough are maintained locally. The statement also suggests that the income generated from the sale of the Bell Lane site will help secure the long term future of the company and its employees. In the circumstances the loss of the site from employment use is therefore acceptable and its redevelopment for residential purposes considered more compatible with the surrounding properties which are predominantly residential in character than the existing industrial buildings. Overall it is considered that the principle of residential development of this site generally seeks to make more effective use of previously developed land in an established urban area which is welcomed in principle in accordance with policies GP1, GP2, ENV14 and H3 of the UDP.

Layout and Design

The key principles of the design and layout are to create an active frontage that will enhance the street scene to Bell Lane, provide a development of an appropriate scale and character to the surrounding area, provide active frontages to the surrounding park and sports ground to enhance surveillance, create a pedestrian link to the park from the site to encourage permeability, protect the tree belts around the perimeter of the site, create feature buildings to mark prominent vistas and corners, create a communal focal point within the site, clearly define public and private spaces and create a safe and secure environment.

The proposal includes a continuous built frontage along Bell Lane which enhances the street scene by creating an active frontage. The two apartment blocks either side of the access are 3/4 storeys high which will frame this entrance creating a sense of place at the entrance to the development. These buildings have been designed to turn the corner into the site for added surveillance. Immediately at the rear of these properties there are parking courts enclosed by buildings or gated accesses providing a secure dedicated parking area for residents.

The main street continues with a strong built frontage and clearly defined public and private space with further housing focussed around a central open space. This central square of open space will form a focal point for the development and it is proposed to install a public art feature in the form of a commemorative plinth to the former industrial premises. Dwellings and apartments are incorporated facing out towards the King George V Playing Fields and the Sports Club to take advantage of the outlook and improve surveillance to these areas.

Whilst the elevation treatment to properties on the Bell Lane frontage has been designed in a more traditional manner in order to respect the character of the Conservation Area, the opportunity has been taken around the edges of the site looking out onto the park to incorporate more contemporary design. The scale, design and massing of the proposed

dwelling throughout the site however, is reflective of the scale and design of dwellings in the vicinity and the massing is considered appropriately balanced throughout.

The proposal offers shared private amenity space for the apartments at the rear of the buildings and the space created is considered acceptable. Also it is considered that the proximity to the local parks and sports ground will offer additional amenity value for residents. Each of the houses has a private rear garden. The terraced properties on the Bell Lane frontage and on the eastern boundary (Plots 1-12 and 80-84) and the pair of semi-detached properties on plots 112 and 113 have smaller rear gardens (the majority only 10m in length and approximately 45m² in area). However, it is considered that the benefit of living in close proximity to local parks and the incorporation of the central square will offer additional amenity.

Impact on the Conservation Area

It is considered that the proposed residential development which creates a strong built frontage to Bell Lane will offer a vast improvement on the character and appearance of the Conservation Area. This frontage is presently dominated by the parking areas of Bloxwich Engineering and the existing buildings are set back from the highway. Although the existing two storey dwelling is to be demolished a condition is recommended to ensure that this is recorded prior to demolition. The new dwellings are of an appropriate design and character and reflect the character of other dwellings in the locality thus improving the appearance of the site within the street scene.

Access and Parking

The proposal has a central access into the site from Bell Lane with a proposed 'ghost island' right turning facility into the site when approaching from the east. There are other roads branching off this central access and the proposal incorporates a combination of shared surface accesses and private driveways in order to create an improved urban design by reducing the visual impact of the roads throughout the site. Parking is provided in the form of courtyards, driveways and garaging as appropriate to the housing it serves which equates to 1.5 parking spaces for flats, 2 parking spaces for open market housing and 1 parking space for affordable housing. It is considered that the site is located in a sustainable location and this level of parking is acceptable.

The transportation officer has requested revisions to the submitted layout to ensure all parking spaces are accessible and adequate in size, that pantechnicon size vehicles can access all areas of the site safely and that adequate space for bin storage and bike storage is provided. These revisions should also overcome the objection from the Fire Service as an adequate turning area will be provided.

Impact on Neighbouring Properties

The proposed layout respects separation distances between existing properties surrounding the site and it is considered that residential development will be more compatible with surrounding properties than the existing industrial premises as it offers an improved outlook, improved surveillance of the adjacent playing fields and high quality buildings.

The Sports Club has objected on the grounds that the proposed dwellings at the rear of the site which are in close proximity to their premises are likely to be incompatible with the activities carried out within the Club and on the adjacent cricket ground. However, there is a road in front of these dwellings that gives additional separation to the cricket ground and

additional planting is proposed which would reduce the potential for stray balls to damage properties. A condition requiring details of boundary treatment is also recommended. Also the submitted noise assessment concludes that potential noise from the social club premises would have little impact upon the development and recommends noise mitigation measures should only be imposed on those properties fronting Bell Lane which would be subject to traffic noise.

Impact on trees

The position of the proposed dwellings allows adequate separation to the boundaries of the site to ensure that these trees are not affected. A condition for root protection areas to be marked out is also recommended. There will be some loss of trees within the curtilage of the existing dwelling at the front of the site but it is considered that the proposed replacement planting throughout the site will compensate for this.

Education/Urban Open Space/Healthcare/Affordable Housing provision

Under the requirements of policies GP3, 8.8, LC1, 8.9 and H4 of the UDP and Supplementary Planning Documents on Education, Urban Open Space, Healthcare and Affordable Housing the development would attract the need for a S106 Agreement to cover Education (contribution of £274,138.70 towards secondary school provision) Urban Open Space (Contribution of £258,245.00). The developer is providing open space within the development, in accordance with the UDP and the Council's SPD, this open space is considered to provide for the local need and therefore a 55% reduction as defined in the SPD. (This equates to a revised contribution of £116,210.25). Green spaces have confirmed they do not wish to adopt the on site provision for open space and the developer will have to maintain the open space at their own cost. Healthcare (Contribution of £144,881.10) and Affordable Housing (25% shared ownership properties to be transferred to a Registered Social Landlord which equates to 33 units yet to be determined but to be spread throughout the site). The total amount of contributions required is therefore £535,230.05 (plus the affordable housing).

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

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

- Location & Block Plan as Existing (3957/01) received 23/02/07
- Proposed Site Plan 132 Units (3957/02 Rev A) received 27/02/07
- Proposed Site Plan - Floor Plan Arrangement (3957/03 Rev A) received 27/02/07
- Proposed Bell Lane Elevation (3957/04) received 23/02/07
- Proposed Street Elevations from King George V Playing Fields (3957/05) received 23/02/07
- Internal Sectional Elevations (3957/06) received 23/02/07
- Apartment Block - Floor Plans (3957/07) received 23/02/07
- Apartment Block - Elevations (3957/08) received 23/02/07
- Plans & Elevations House Type 1 (3957/09) received 23/02/07
- Plans & Elevations House Type 2 (3957/10) received 23/02/07
- Plans & Elevations House Type 3 (3957/11) received 23/02/07

- Plans & Elevations House Type 4 (3957/12) received 23/02/07
- Plans & Elevations House Type 5 (3957/13) received 23/02/07
- Plans & Elevations House Type 6 (3957/14) received 23/02/07
- Plans & Elevations House Type 7 (3957/15) received 23/02/07
- Plans & Elevations House Type 8 (3957/16) received 23/02/07
- Plans & Elevations House Type 9 (3957/17) received 23/02/07
- Boundary Treatments (3957/18) received 23/02/07
- Indicative Landscape Masterplan prepared by Pegasus Environmental (Bir.2330_09) received 16/02/07
- Planning Statement prepared by Pegasus Planning Group (CAM.0359) received 20/02/07
- Design & Access Statement prepared by Tew and Smith Architects received 27/02/07
- Transport Assessment prepared by BCAL Consulting Engineers (3721 R003 TA.pdf) received 16/02/07
- Transport Assessment Base Data prepared by BCAL Consulting Engineers (3721 R002A TA.pdf) received 16/02/07
- Ecological Assessment prepared by Pegasus Planning Group received 16/02/07
- Flood Risk Assessment prepared by BCAL Consulting Engineers (3721R001A FRA.pdf) received 16/02/07
- Archaeological Desk-Based Assessment prepared by Cotswold Archaeology (2263) received 16/02/07
- Landscape & Visual Appraisal prepared by Pegasus Environmental received 16/02/07
- Report on Existing Noise Climate prepared by Hoare Lea received 16/02/07
- Geo-Environmental Survey prepared by WSP received 16/02/07
- Air Quality Assessment prepared by Air Quality Consultants received on 16/02/07

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

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

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

5. No development shall take place until suitable noise mitigation measures to protect internal areas have been agreed in writing by the Local Planning Authority, and the development shall not be occupied until such measures have been fully implemented.

Reason: To ensure the satisfactory development of the site.

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

Reason: To prevent the increased risk of flooding.

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

Reason: To ensure the satisfactory appearance of the development.

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

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

Reason: To ensure the satisfactory appearance of the development.

9. No development shall commence on site until fencing has been erected to the full extent of the canopy of each tree, group of trees or hedge to be retained, either on the site or around the perimeter of the site, or to such other distance as the Local Planning Authority agree in writing. The fencing shall be retained until the development is entirely complete and the land so enclosed shall be kept clear of all contractor's materials and machinery at all times.

Reason: To safeguard the trees within the site and around the perimeter of the site

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

Reason: To ensure the satisfactory appearance of the development.

11. No development shall be carried out until full drawn details (scale 1:50) of the design of the commemorative plinth have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

12. No development shall be carried out until 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.

13. No development or site clearance works shall take place until full details of proposed roosting sites for bats, or other mitigation measures within the proposed development have been submitted to and approved in writing by the Local Planning Authority. Details shall include full construction details and the precise location of all such features. No demolition shall take place until the report setting out proposals to accommodate bats has been submitted to and approved in writing by the Local Planning Authority. The recommendations included in the approved report shall be implemented subject to confirmation by the Department for Environment, Food and Rural Affairs, if a license is required.

Reason; In order to safeguard the habitat of protected species.

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

Reason: To ensure the satisfactory development of the site.

15. No development shall take place until the developer has secured the implementation of a programme of building assessment and structural recording in accordance with a written scheme of investigation for the existing two storey house/coal merchants on the Bell Lane elevation within the Conservation Area, which shall have been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To ensure that above ground historical remains are recorded ahead of and/or during development.

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

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

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

Notes for applicant:

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

2. Bank and Public Holidays for this purpose shall be: Christmas Day, Boxing Day, New Years Day, Easter Monday, May Day, Spring Bank Holiday Monday and August Bank Holiday Monday.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 24 April 2007

REASON FOR BRINGING TO COMMITTEE:

Application Number: 07/0145/FL/E11

Case Officer: Alison Deakin

Application Type: Full application

Telephone Number: 01922 652487

Applicant: Taylor Woodrow

Agent: TURLEY ASSOCIATES

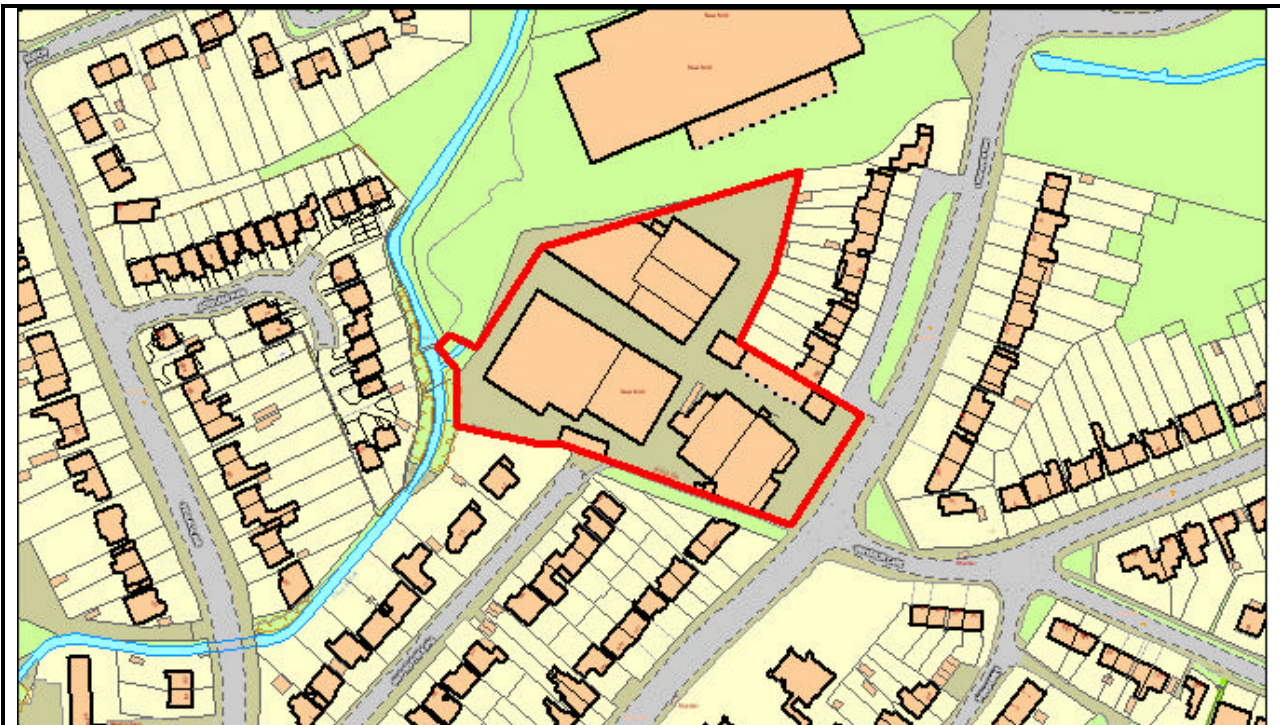
Proposal: erection of 24no dwellings including associated access roads and hard and soft landscaping

Location: FORMER WILLIAM BIRD SITE, LICHFIELD ROAD, RUSHALL

Ward: Rushall-Shelfield

Expired: 27 April 2007

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



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Reason for bringing to Committee: Major application

Application and Site Details

The application relates to the site of the former William Bird Sawmill, Lichfield Road, Rushall. The site is vacant and there are large open sheds still present. There are residential properties surrounding the site to the east and south, a public footpath to the south leading from Lichfield Road to Westminster Road, Travis Perkins builder's merchants to the north and further residential properties to the west on the opposite side of Anchor Brook which lies contiguous with the rear site boundary. There is an electricity sub station on the boundary with the public footpath which is accessible from the footpath at present. An unadopted service road adjoins the northern boundary of the site and serves dwellings at 18-38 Lichfield Road. Dwellings elsewhere in the vicinity on Lichfield Road have individual driveways.

The current applicants have purchased the site from previous developers Westbury Homes who obtained planning permission for residential development of 33 dwellings on appeal in February 2006. The current application is for erection of a reduced number of dwellings with a revised layout and design that seeks to respond more appropriately to the surrounding context.

The layout shows the erection of 24 detached four bedroom dwellings. The means of vehicular access is shown from Westminster Road, as previously approved. The proposal also provides a built frontage onto Lichfield Road with provision of four detached dwellings served by a private drive from the development and three further dwellings fronting the emergency access from Lichfield Road giving improved surveillance of this area. The emergency access will be constructed to adoptable standards.

The proposed dwellings are two storey four bedroom properties predominantly with integral garages. Plots 5, 7, 12 & 13 have detached double garages. The layout shows provision of 72 car parking spaces in total, the equivalent of 300%.

The application site area is 0.97 hectares which equates to a density of 25 dwellings per hectare.

In support of the application the applicants advise that they have carried out consultation with planning officers and local residents prior to submitting the proposals and that the design has evolved as a result of these consultations. This is detailed in the supporting design and access statement. The applicants also give details of a public exhibition which took place on 11th January 2007 with opportunity for discussion with residents at the event; these are also detailed in the design and access statement. Overall the applicants state that residents expressed overall support for the reduction in the number of dwellings and suggested site layout.

The following documents have also been provided:

- Design and Access Statement
- Planning Statement
- Bat Survey Report
- Ecological Survey
- Geoenvironmental Assessment
- Noise Climate Report
- Transport Assessment Report
- Flood Risk Assessment

Relevant Planning History

05/1528/FL/E4 - 'Demolition of Existing Buildings and erection of 33 dwelling house and garages' - Refused 29/09/05 on the basis of additional traffic movements into Westminster Road leading to traffic congestion on the main road. The application was subsequently granted on appeal on 27/02/06, subject to conditions.

05/0269/FL/E4 - 'Demolition of existing buildings and erection of 31 dwelling houses and garages together with roads, sewers and associated external works' - Refused 20/07/05 on the basis of inadequate separation between dwellings and inadequate private amenity space and insufficient information regarding ecological and landscape issues to demonstrate that the nature conservation value of the site and the Ford Brook corridor, is properly reflected in the development proposals.

Relevant Planning Policy Summary

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

Unitary Development Plan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Para 7.1: Seeks to promote an efficient highway network;

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

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

T13: Advises on parking requirements.

LC9: The Council will expect all development alongside and near to canals to positively relate to the opportunity presented by the waterway, to achieve high standards of design, and to be sensitively integrated with the canal and any associated features.

Residential Development Standards (RDS)

These include guidelines relating to design and space around dwellings.

Supplementary Planning Document for Urban Open Spaces

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

Supplementary Planning Document for Affordable Housing

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

Regional Spatial Strategy

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

National Policy

PPS1 Delivering Sustainable Development, PPS3 Housing, PPS9 Nature Conservation, PPS10 Planning for Sustainable Waste Management, PPG13 Transport, PPG14 Development on Unstable Land, PPS23 Planning and Pollution Control, PPS24 Planning and Noise, PPS25 Development and Flood Risk, 'By Design' companion to PPG's, Urban Design Compendium, Safer Places- The Planning System & Crime Prevention, The Town & Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 - SI 1999 No 293, Circular 02/99 Environmental Impact Assessment.

Consultations

Transportation - No objections subject to conditions.

Pollution Control - No objection subject to conditions to address ground contamination from timber preservation activities on site and further noise monitoring.

Education - The level of surplus spaces in local primary schools is above 10% so no contribution is required for this phase. However, the level of surplus spaces in local secondary schools is below 10% and therefore a contribution is required towards secondary school provision. The contribution required for the proposal is £63,670.93.

Natural Environment -The main ecological issues are the potential presence of bats and nesting birds on the site and the treatment of the Ford Brook corridor. Safeguarding conditions are recommended.

Drainage - The line of the Anchor Brook culvert runs beneath the site. Maintenance of this culvert should be clarified by submission of a detailed plan and is the responsibility of the land owner.

Fire Service - No objections.

Environment Agency - No objection subject to imposition of conditions.

Highways Agency - No objection.

Centro - No objection.

Representations

3 representations have been received. These are summarised as follows:

- Provision of the access off Westminster Road
- Potential for increased traffic congestion

- Highway safety implications on Lichfield Road as a greater number of vehicles make a 'right turn' in to Westminster Road.
- Loss of daylight through overshadowing
- Loss of outlook
- Overlooking and loss of privacy

One objector does offer support for residential development of the site in principle.

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

Determining Issues

- Principle of residential development
- Layout and Design
- Access and Parking
- Impact on Neighbouring Properties
- Ecology
- Education/Urban Open Space provision

Observations

Principle of residential development

The principle of residential development of this site has already been established in the granting of planning permission 05/1528/FL/E4 for erection of 33 dwelling houses and garages. The proposals generally seek to make effective use of previously developed land in an established urban area which is welcomed in principle in accordance with policies GP1, GP2, ENV14 and H3 of the UDP.

Layout and Design

This revised application has arisen following the applicants purchase of the site from Westbury Homes. The existing permission shows a higher density development of 33 dwellings, which included incorporation of three storey terraced properties which are not a local characteristic. The existing permission also showed incorporation of remote garage courts and exposed many private gardens to the public realm.

The current application shows a reduction in the number of dwellings to 24 at a lower density more reflective of the surrounding built development. Current policy states redevelopment of brownfield sites should seek to achieve higher densities in appropriate locations in order to make more efficient use of land, but does allow for lower density to be agreed in response to local character. It is considered that given the surrounding context, the proposal offers an improved alternative over the approved scheme.

The amended design continues a built frontage to Lichfield Road and the scale and design of the proposed dwellings throughout the site are reflective of the scale and design of dwellings in the vicinity and are therefore considered appropriate.

The layout incorporates new dwellings that overlook the public footpath to improve surveillance and security to this area and seeks to clearly define public and private space elsewhere on site. There is also appropriate separation between dwellings and the layout achieves the minimum garden area for all plots, albeit plots 2, 6 and 17 are slightly below the standard length of 12m. All gardens will provide acceptable private amenity space for residents. An acoustic fence is proposed along the boundary with the adjacent builder's yard to the north in order to protect residential amenities further. Additional planting is also proposed along these boundaries and throughout the site which will provide an attractive setting for the new dwellings in keeping with the surrounding context.

Access and Parking

The principle of providing the primary means of access to the site from Westminster Road has already been established by the earlier permission. The reduction in the number of properties will reduce any potential for traffic congestion. The emergency access along the southern boundary of the site will be restricted for fire service vehicles only thereby preventing its use as a 'cut through' for general traffic from Lichfield Road to Westminster Road maintaining highway safety.

Impact on Neighbouring Properties

The use of Westminster Road as a means of access and its impact on residents was considered at the time of the previous approval and judged to be acceptable. The reduction in the number of dwellings and provision of individual garages and parking areas will reduce the likelihood of congestion and parking problems in the vicinity as there is sufficient parking provision for the site. The separation between the existing and proposed dwellings is closest between plots 3 & 4 and 17 Westminster Road. Plots 3 & 4 do not have directly face the main elevations of 17 Westminster Road and the new dwellings are located at a lower ground level, plus, a 19m minimum separation is maintained which is considered sufficient to prevent loss of privacy or overlooking.. Overall, it is considered that the proposed residential development of the site will offer beneficial improvements for surrounding neighbouring properties in comparison with the previous industrial use of the site.

Ecology

The main issues are the potential presence of bats and nesting birds on the site and the treatment of the Ford Brook corridor. Evidence provided in the two bat surveys (original survey carried out in 2004 and an updated survey in 2006) found that both foraging and roosting bats were present on site though not in large numbers. A condition has been recommended to confirm how the proposed development would affect the local populations of the two bat species identified, how bat foraging habitat and flight lines will be incorporated into a landscape scheme for the development and provision of replacement roosting places. A survey of breeding birds if demolition is to be carried out during the bird breeding season has also been conditioned.

The proposed layout plan shows incorporation of an 8m wide access corridor adjacent to the Ford Brook and 5m wide landscaping buffer along the northern and western site boundaries with additional indicative planting both within the site and around other boundaries. Subject to detailed landscaping proposals this should provide opportunities for local wildlife to prosper and appropriate conditions are imposed to ensure that these matters are addressed and therefore the proposal should not have any adverse impact on local ecology.

Education/Urban Open Space provision

Under the provisions of policies GP3 and 8.8 of the UDP a contribution of £63,670.93 is required towards provision of secondary school education. Likewise, under the requirements of policies GP3, LC1(d) and the Supplementary Planning Document for Urban Open Space a contribution of £83,520.00 is required towards provision of Urban Open Space. The total contributions for these two elements are therefore £147,190.93.

The applicant has requested a reduction in the contributions in light of the fact that they consider the site has a number of abnormalities to contend with and the original permission for 33 dwellings only allowed for education contributions and given their 'fall back' position to implement this existing permission which is a less satisfactory layout and design. I am awaiting further details and will update members at committee.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

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

- Contract and Transfer Plan received 26/01/07
- Planning Layout (Drwg. No. 2744/05/01F) received 28/03/07
- Topographical Survey (Drwg. No. 03/103_01 Rev A) received 26/01/07
- 'Burton', 'Deepwood', 'Lichfield', 'Tolworth', 'Winterley' and 'Westminster' house types floor plans and elevations received 26/01/07
- Double Garage floor plans and elevations (PGD1/05U/20) received 21/03/07
- Planning Statement (prepared by Turley Associates) dated January 2007 received 26/01/07
- Design and Access Statement (prepared by Turley Associates) dated January 2007 received 26/01/07
- Flood Risk Assessment (prepared by JMP Consulting) (Job NO. P105106B) dated 15/04/05 received 26/01/07
- Transport Assessment Report (prepared by Phil Jones Associates) dated November 2005 received 26/01/07
- Acoustics Report on Noise Climate (prepared by Hoare Lea) dated February 2005 received 26/01/07
- Geoenvironmental Assessment (prepared by AIG) dated April 2005 received 26/01/07
- Ecological Assessment (prepared by Wardell Armstrong) dated January 2005 received 26/01/07
- Bat Survey (prepared by Derek A Witcher Ltd) dated 10 December 2004 received 26/01/07
- Bat Survey (prepared by Betts Ecology) dated 3 October 2006 received 26/01/07

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

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

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

4. Prior to development commencing, a noise survey shall be undertaken in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority. The results of this survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests shall be submitted to the Local Planning Authority within 6 weeks of completion. Noise mitigation measures to protect internal areas shall be submitted to and agreed in writing by the Local Planning Authority, and the development shall not be occupied until the agreed measures have been fully implemented. The agreed measures shall be retained in accordance with the agreed details throughout the life of the development.

Reason: To ensure the satisfactory development of the site.

5. No demolition, construction, or engineering works (including land reclamation, stabilisation, preparation, remediation or investigation) shall commence on site until the following information has been submitted to and approved in writing by the Local Planning Authority:

- a) Bat foraging habitat and flight lines incorporated into a landscape scheme for the development
- b) Replacement roosting places incorporated within the development to offset the loss of industrial buildings
- c) Full details of proposed roosting sites for bats, or other mitigation measures, full construction details and the precise location of all such features

The recommendations included in the approved report shall be implemented subject to confirmation by the Department for Environment, Food and Rural Affairs, if a license is required.

Reason: To safeguard protected species and ensure the satisfactory development of the site

6. No demolition works shall be carried out during the bird breeding season (March to August inclusive) unless agreed in writing by the Local Planning Authority of a survey of the existing buildings for nest sites for breeding birds.

Reason: To ensure the satisfactory development of the site.

7. Notwithstanding the approved plans, a management plan shall be submitted to and approved in writing by the Local Planning Authority for the wildlife corridor adjoining Ford Brook and then implemented and maintained in accordance with the agreed details throughout the life of the development.

Reason: To ensure the satisfactory development of the site.

8. No development shall be carried out until a scheme for restoration of the wildlife corridor following construction of the sewer diversion, to include details of when the restoration works are to take place, have been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be carried out and thereafter retained in accordance with the approved details and maintained throughout the life of the development.

Reason: To ensure the satisfactory development of the site.

9. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details and maintained throughout the life of the development.

Reason: To prevent the increased risk of flooding.

10. 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 submitted to and approved in writing by the Local Planning Authority. Floor levels should be set at least 600mm above the 1 in 100 year (+20%) flood levels as shown on submitted plan P105106B/002. 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: To protect the development from flooding and in the interests of the amenity.

11. No development approved by this permission shall be commenced until a survey to identify the location of the culvert passing beneath the site has been submitted to and approved in writing by the Local Planning Authority. No buildings shall be located on or within 4 metres of the line of the culvert.

Reason: To protect the culvert and allow access for future maintenance of the culvert.

12. No development shall be carried out until a detailed landscaping scheme including a coherent landscape scheme which indicates how bat foraging habitat and flight lines will be incorporated into the final design of the site, (including any necessary phasing of implementation), has been submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in accordance with any agreed phasing or within one year of any part of the development being brought into use or such other period of time as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

13. No development shall be carried out until a scheme for the restoration of the wildlife corridor following the construction of the sewer diversion, to include details of when the restoration works are due to take place, have been submitted and approved in writing by the planning authority

Reason: To ensure the satisfactory appearance of the development.

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

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

(b) planted areas shall be maintained in a tidy condition;

(c) any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted;

(d) any damage to protective fences shall be made good.

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory development of the site.

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

Reason: To maintain highway safety.

18. No development shall commence on site until details of the layout and alignment, widths and levels of the proposed roadworks which shall comply with any plans approved under the planning permission, together with all necessary drainage arrangements and run off calculations, have been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure the satisfactory development of the site.

19. No work on the site should commence until engineering detail of improvements to the public highway (access link from Westminster Road, to the proposed site, and access link from the Emergency Road to Lichfield Road) and street lighting have been agreed in writing with the Local Planning Authority.

Reason: To ensure the satisfactory development of the site.

20. All mitigation and monitoring measures pertaining to bats that are outlined in the bat licence method statement and nature conservation management plan are carried out in accordance with the timetable detailed therein. This will include surveys of the site prior to development, supervised demolition of the existing buildings, interim roosting habitat provision during the construction phase of the development, permanent roosting habitat provision within the completed development and subsequent monitoring of the success of the mitigation measures in line with the bat licence agreement.

Reason: To maintain the roosting habitat of protected species

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

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

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

Notes for applicant:

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

- b) internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(1 \text{ hour})}$, of 45 dB between the hours 07.00 to 19.00; and
- c) internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(1 \text{ hour})}$, of 40 dB between the hours 19.00 to 23.00.

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

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

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

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

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

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

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

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

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

Calculation of Road Traffic Noise, 1988

Calculation of Railway Noise, 1995

(This is not an exhaustive list)

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

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 24 April 2007

Reason for bringing to committee - Major Application.

Application Number: 07/0304/FL/W7

Case Officer: Andrew Thompson

Application Type: Full application

Telephone Number: 01922 652403

Applicant: Mrs. P.I. Morley

Agent: Mr. N. Morison

Proposal: Erection of 18 townhouses

Location: ATLAS
WORKS, SANDWELL
STREET, WALSALL, WEST
MIDLANDS, WS1 3SD

Ward: St. Matthews

Expired: 16 May 2007

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



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Application and Site Details

The current site was formerly occupied with a mix of Victorian style 2 and 3-storey buildings and newer single storey industrial sheds which have now been demolished. They occupied the majority of the site, extending to the boundary of the site with the exception of the Ridgewood Close edge.

To the north of the application site, fronting Lysways Street there is a mix of 2 and 3 storey tall Victorian style residential properties and 3 storey 1970's style flatted block. To the east there are 1970's 2 storey residential dwellings, whilst to the south across Ridgewood Close there is a 3 storey block of flats. Beyond this block there is a wide mix of Victorian 2 and 3 storey traditional residential dwellings. To the west of the site across Sandwell Street there is a mix of industrial/commercial buildings including some 2 storey Victorian properties fronting the highway. To the north-west and within 50 metres of the application site is a 1960's 8 storey block of flats.

The proposed scheme would be of a traditional brick and tile roof to reflect neighbouring properties, both in scale, massing, design and materials. The site area is 3,502 square metres creating a density of 51 dwellings per hectare. The development also provides 38 off road parking spaces which is the equivalent of 200% provision.

The proposed dwellings are a mix of 2.5 and 3 storeys with all the proposed units accommodating 3 bedrooms. They front Sandwell Street and Ridgewood Close, with the exception of three houses in a small courtyard, within the site.

Relevant Planning History

06/0355/FL/W7 - 24 flats/apartments. Approved 02/5/06

05/1736/FL/W7- 21 flats/apartments. Approved 25/1/06

05/0763/FL/W1- 24 flats/apartments. Refused 21/7/05.

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

Adopted UDP

Development will be guided by principles of sustainability, minimising need to travel by car, maximising re-use of vacant land and buildings without prejudice to the beneficial use of adjoining land or buildings. Relevant considerations are set out in Policy GP1

Development schemes should help improve the environment of the Borough whilst not having an adverse impact. Relevant considerations are set out in Policy GP2

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. Relevant considerations are set out in Policy GP3

Para 8.8 'Residential developments will only be permitted where adequate school capacity exists or can be provided. Where residential developments necessitate the provision of new or improved educational facilities or other forms of social and community infrastructure the

Council will require developers to make a financial contribution to the costs of providing these facilities'.

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

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 T7

Town and district centres the Council will negotiate an appropriate level of parking provision with developers. Relevant considerations are set out in Policy T13

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

The Council will ensure the protection, positive management and enhancement of trees and hedgerows. Development will not be permitted if it would damage or destroy trees... protected by Tree Preservation Order... unless: - the desirability of the proposed significantly outweighs the ecological or amenity value of trees or 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. ENV18

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

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

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

Development is expected to preserve or enhance the character and appearance of a conservation area in terms of the impact of the new buildings on special townscape, scale, massing, siting, layout, design and choice of materials. Relevant considerations are set out in Policy ENV29

Poorly designed development which fails to take account of the context or surroundings will not be permitted. Especially in conservation areas, town centre, visually prominent, in the vicinity of listed buildings. The quality of the proposal will assess appearance, height, proportion, scale, mass, materials, external space, safety, security and local character. Relevant considerations are set out in Policy ENV32

Investment in housing within and close to town, district and local centre will be encouraged, both on new sites and through the conversion of existing buildings. Relevant considerations are set out in Policy S8

Encouragement for the provision of additional housing through the re-use of previously developed windfall sites and conversion of existing buildings. Relevant considerations are set out in Policy H3

The design of residential developments to create a high quality living environment, integrate with surroundings and local character in accordance with principles of good design. Relevant considerations are set out in Policy H10

Regional Spatial Strategy for the West Midlands (RSS11)

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

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

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

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

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

CF5: deliver affordable housing.

Regional Spatial Strategy Review / Black Country Study

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

National policy

PPS1: Sets out the overarching planning policies on the delivery of sustainable development through the planning system. In paragraph 13 (indent four) PPS1 indicates that planning policies should promote high quality inclusive design in the layout of new developments and individual buildings and that design which fails to take the opportunities available for improving the character and quality of an area should not be accepted.' Paragraphs 33 to 39 also state the importance of good design.

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

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

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

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

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

Consultations

Transportation- No objections subject to safeguarding conditions

Pollution Control- No objections subject to safeguarding conditions

Environment Agency- No objections subject to conditions

Fire Service- Satisfactory access for fire service.

Education Walsall- No objections subject to an appropriate contribution to local schools

Arboriculturalist- No objection subject to safeguarding conditions

Built Conservation- No objections

Centro- No objections

Representations

1 letter has been received from Accord Housing Association objecting to the application on the following grounds:

1. Mature trees and planting would be lost removing character from the area and habitat for birds and other wild life.
2. The road off Ridgeway Close would bring greater volumes of traffic to, what at present is a quiet cul-de-sac.

3. The road also cuts through the path which leads from a residential estate which is a much used access from the estate by local resident going to and from Walsall Town Centre. This will lead to danger of accidents when people have to cross the road.
4. The houses are out of character with the area and are not in keeping with surrounding buildings. The previously, approved scheme was much more in character.

Determining Issues

- Amendments from the approved scheme.
- Principle of residential.
- Design
- Section 106 agreement.

Observations

Amendments from the approved schemes

The applicant has taken many of the design elements from the local area and the approved scheme and incorporated them into the proposed scheme. The proposals include a reduction in the built form proposed from the apartment scheme and larger areas of private amenity space. The proposals continue to create active frontages to the street and would incorporate pergolas to help reduce the impact of the car parking.

Principle of Residential

The existing site is a poor quality industrial site that has evolved over many years and has now been cleared. Given that the application site is adjoined on three sides with existing residential properties, the current use of the site is non-conforming. The sites redevelopment to residential is acceptable in policy terms as a windfall site and the proposal was previously agreed by members.

Design:

The design of the current proposal still respects the predominately 'Victorian' nature of the surrounding area reusing good quality design cues of the area. The proposal is a traditional brick and tile construction and would include bay windows, portrait proportioned windows and design features that echo the traditional designs found on Lysways Street.

The scale of the building is acceptable. The setting of the site is complex. Within 50 metres there are existing tall Victorian buildings of 3 storeys on the site and in Lysways Street. There are newer infill residential structures of 3 to 8 storeys in height. The proposal is predominately 3 storey rising to 4 storey at the corner of Ridgewood Close and Sandwell Street, in order to strengthen and 'mark' the corner to improve the 'legibility' of the vicinity. This corner is important being visible along Windmill Street in an easterly direction and Sandwell Street in a northerly direction.

Gardens meet or exceed the Council's standards for private amenity space, with the exception of two plots. Each 10.5 metres (instead of the required 12 metres). One of those exceeds the area requirement (69 sq.m. against a required 68 metres). The other is only 51 sq.m. However, in both cases, the gardens are adequately private, and I support this variation from the standards.

S106 and Abnormal Costs

The applicant has incurred abnormal costs on the application site, including the removal of a significant early 20th century sub-station which included significant levels of asbestos and other contamination. In this regard therefore it is noted that the previous approval agreed an education contribution of £26,000 from a level of £68,000 then sought by SERCO. SERCO are now seeking £76,500 as part of this application. On the basis of the previous agreement and the abnormal costs (totalling £21,335) incurred as part of the development it is considered that it is appropriate to seek the same level of Section 106 monies as with regard to the Education contribution due to the reduced number of units proposed, the reduced footprint of the proposals and the previous negotiated agreement.

In addition, the applicant has undertaken planting outside the application site and has done so in agreement with Landscape Officers. Significant, but diseased / end-of-life, trees were felled, as part of these landscape works. There was a risk structural danger to neighbouring residents and the former factory.

The level of landscaping works already undertaken offsite at over £50,000 exceeds the level of open space contribution that would be sought under the Council's SPD which would be £37,854. As such, considering the level of landscape works off site it is not considered appropriate to seek a contribution for Urban Open Space in this instance. Healthcare contributions are not sought due to the proposals being under the site size threshold in the Council's adopted SPD.

Conclusion:

The revised planning application provides a traditional street frontage development with front doors accessing onto the street, and bay windows offering a good level of surveillance over the public realm all contributing toward the safety and security of the vicinity.

The development also has secure useable private amenity to the rear of the building and the building would 'mark' an important corner adding to the 'legibility' of the vicinity.

The proposal is acceptable and offers a positive regenerative opportunity to the immediate neighbourhood subject to the signing of a section 106 agreement.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

2. Prior to any residential development commencing on the site the recommendations and works contained within remediation strategy submitted as part of application 06/0355/FL/W7 shall be implemented in accordance with the approved details.

Reason To ensure the satisfactory development of the site.

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

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

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

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

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

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

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

5. No development shall be carried out until full details of the proposed boundary treatment of the site have been approved in writing by the local planning authority. 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.

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

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

Reason: To ensure the satisfactory appearance of the development.

7. This development shall not be carried out until samples of the facing materials to be used have been approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

8. 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.

9. The 6 metre wall on the eastern boundary of the site shall be retained or replaced by a wall of the same height, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the wildlife and visual benefits of the existing wall, or provide a comparable replacement.

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

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

11. Before this development is brought into use, the access ways, vehicle parking and manoeuvring areas shown on the approved plans shall be surfaced in a suitable impervious hardwearing material to be agreed in writing by the Local Planning Authority. The areas shall thereafter be retained and used for no other purpose. The parking spaces are to be clearly marked out.

Reason: To ensure the satisfactory functioning of the development.

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

Reason: To safeguard the amenities of neighbouring occupiers.

13. Prior to the commencement of development a tracking plan, to a recognised metric scale, shall be submitted to and agreed in writing by the Local Planning Authority to demonstrate that satisfactory access to the site can be achieved by the Council's bin lorry.

Reason: To ensure satisfactory development of the application site.

14. Prior to the commencement of development, a scheme for the relocation of the existing speed hump shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented prior to the first occupation of the development hereby permitted.

Reason: In the interests of highway safety.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP1, GP2, GP3, GP7, T7, T13, ENV18, ENV29, ENV32, S8, H3 and H10 and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

NOTE FOR APPLICANT: 'Habitable rooms' for the purposes of this condition shall be interpreted as living rooms and bedrooms.

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

NOTE FOR APPLICANT: No construction, demolition or engineering works (including land reclamation, stabilisation, preparation, remediation or investigation) in connection with the development shall take place on any Sunday, bank holiday or public holiday, and otherwise such works shall only take place between the hours 07.00 to 18.00 weekdays, and 08.00 to 13.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority.

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

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

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

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

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 24 April 2007

Reason for bringing to committee - Major Application.

Application Number: 07/0151/FL/W3

Case Officer: Mrs J Scrivens

Application Type: Reserved Matters

Telephone Number: 01922 652436

Applicant: Oakfield Developments
(Midlannds) Ltd

Agent: Andrew Wotton Associates

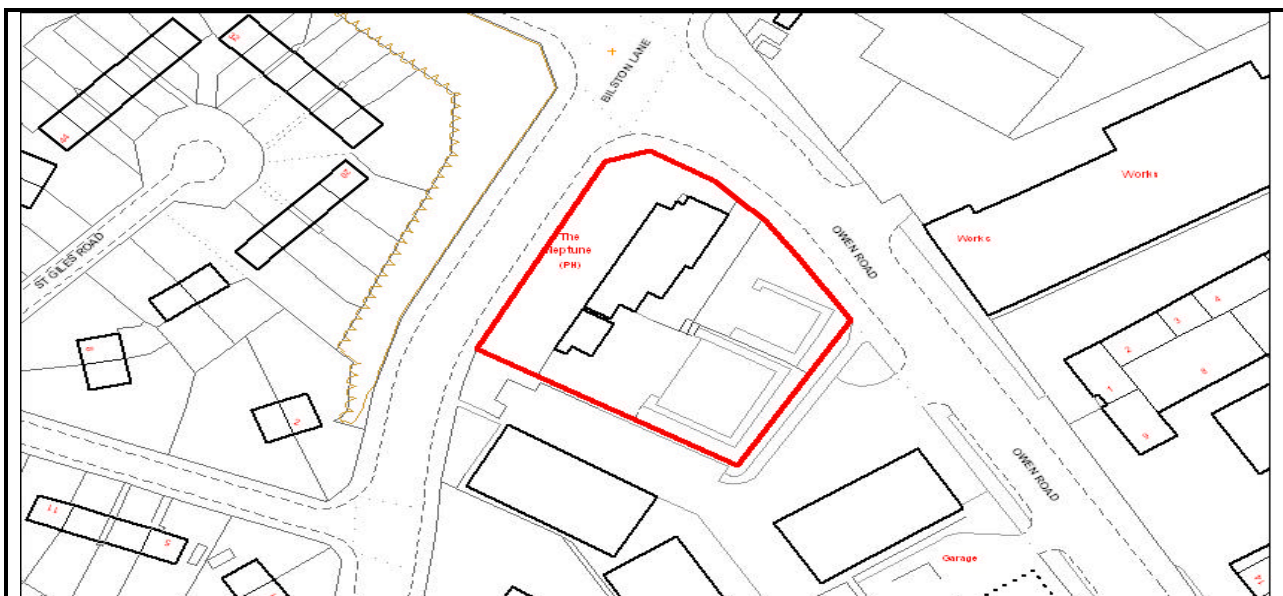
Proposal: Reserved matters to outline application 05/1566/OL/W3 for Demolition of existing public house and erection of 43 1 and 2 bed flats, underground parking and associated vehicular access

Location: NEPTUNE P.H., BILSTON LANE, WILLENHALL, WALSALL, WEST MIDLANDS

Ward: Willenhall South

Expired: 30 April 2007

Recommendation Summary: Approved Reserved Matters



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Application and Site Details

This is a reserved matters submission following the granting of outline planning permission 05/1566/OL/W3 for 43 flats on the site of the Neptune Public House, Bilston Lane, Willenhall. This is a density of 172 dwellings per hectare.

The outline permission approved all but the design and external appearance, which are to be considered at this stage.

The proposals are very similar to the illustrative scheme seen by Members at the outline stage. The flats would be arranged in an L-shaped block with frontages set back between four and five metres from the highway.

The building would have three storey wings rising to four storeys over the main entrance at the junction of Owen Road and Bilston Lane. It is proposed to include a passenger lift. The ground floor flats would have secondary accesses to Bilston Lane and Owen Road with their own individual front garden areas.

The building would have brick and render for the walls of the flats and a more contemporary approach to the balconies and roof. The main materials proposed for the building are red brick and white/cream render with blue render to the entrance façade. Western red cedar cladding would be used adjacent to the brick clad walls and dark blue finished shiplap cladding adjacent to the rendered walls. Standing seam metal roofing with a zinc finish would be used and window frames, doors and balconies would be a similar light grey.

The vehicular access to the site would be from Bilston Lane with a one way system through the site onto Owen Road, as approved in the outline application. 65 parking spaces would be provided underground, as before, leaving the remainder of the site as amenity space for its residents.

The surrounding area is a mixture of residential and industrial properties.

Relevant Planning History

05/1566/OL/W3 Outline: Demolition of existing public house and erection of 43 no. 1 and 2 bed flats, underground parking and associated vehicular access. Granted subject to conditions 18.10.06. A Section 106 Agreement was completed in connection with this application to provide 11 low cost discounted units within the development.

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

GP2 and 3.6 require new development to contribute to the improvement of the environment. ENV32 requires the design of development to be appropriate to its context.

Regional Spatial Strategy

Supports the renewal of urban areas with the emphasis on good design

National Policy

PPS 1 advises that good design should contribute towards making places better for people.
PPS3 : Housing seeks to increase the design standards of new homes.

Consultations

Transportation: No objections.

Pollution Control: No objections.

Environmental Health: No objections

Housing Strategy: No objections.

Regeneration Officer-Trees: No objection

Representations

None.

Determining Issues

- Design
- Amenity

Observations

Design

The proposed building would relate well to its surroundings, but would have a distinctive character. The building would reflect the varying height of the surrounding buildings and the topography of the site.

It would have frontages to Owen Road and Bilston Lane and the main pedestrian access would be at the junction of these roads.

There would be a gated one-way vehicle access/egress through the site, a pedestrian drop-off point and underground parking which would maximise the amount of amenity space to the rear of the flats. This area would also contain facilities for recycling and a bin store and the whole would be easily supervised by the flats at the rear which overlook it.

The scheme is supported.

Amenity

In addition to the communal rear amenity space the flats on the ground floor facing the highway would have small areas of individual garden, between them and the road, to provide privacy.

The building is intended to reflect the mixed character and materials of its surroundings by the use of brick and render though with a more contemporary approach to balconies and roof.

Conclusion

The building would form a distinctive feature on this prominent corner. The scheme should function well and provide a satisfactory environment for its future occupiers.

Recommendation: Approved Reserved Matters

1. This decision approves reserved matters 2a) and 2b) of 05/1566/OL/W3.

Reason: To define the permission.

2. This decision relates to drawings nos. 468/100, 468/101, 468/120, 468/105R, 468/106S, 468/107J, 468/109J, 468/112A, 468/113, 468/114A, 468/115/468/222 and 468/223.

Reason: To define the permission.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 24 April 2007

Reason for bringing to committee - Major Application.

Application Number: 07/0142/FL/E10

Case Officer: Alison Deakin

Application Type: Full application

Telephone Number: 01922 652487

Applicant: B. B. Property Partnership

Agent: BBLB Architects LLP

Proposal: Demolition of existing building and erection of 12 No. 1 bedroom apartments

Location: LAND ON THE FORMER COALPOOL CLINIC, SITE, OFF ROSS ROAD, RYECROFT, WALSALL, WEST MIDLANDS

Ward: Blakenall

Expired: 12 June 2007

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



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Application and Site Details

The application site is situated on the western side of Ross Road within the Coalpool Local Centre. The site is set back from Ross Road behind a lay by that previously served the clinic. Ross Road is a relatively busy road with at least 6 buses an hour available to use. The site comprises of a two storey vacant clinic with a single storey element to the north and south of the main two storey structure. There is a mature tree adjacent to the southern single storey extension and there are existing railings around the building. The existing building is a simple 1960's/70's style building of minimal architectural merit. To the rear of the existing building, the land rises with an existing retaining wall along the north and western boundaries that will enclose the proposed amenity space.

To the north of the site there is existing open space that rises in a northerly direction. To the west and south the area is predominately two storey residential of a plain architectural style. To the east of the site there is a mix of uses including library, residential, local shops and place of worship again of a simple architectural style.

The proposal is for the demolition of the existing vacant clinic and the erection of 12 one bedroom apartments arranged over three storeys with direct pedestrian access to the street from all of the units via the Ross Road elevation. The building is to be a traditional styled structure of brick and tile with terracotta brick panels for relief and a small amount of render to help emphasis the entrance to the building.

The proposal provides 11 car parking spaces, with 8 accommodated to the south of the building and three within the lay by. To the rear of the building the proposal includes approximately 170 square metres of private amenity with at least 13 metres from the rear of the building to the boundary with the properties in Coalpool Lane. The boundary of the site will be a mix of railings and close boarded fence.

Site area 0.14 hectares with a density of 85 dwellings per hectare.

Relevant Planning History

02/2131/FL/E4- Renewal of planning permission BC59431P for temporary medical accommodation & associated car parking for a further 2 year period, Approve 10-01-03.

BC59431P- Erection of temporary accommodation to provide additional medical facilities, and erection of security fencing Approve 02-11-99.

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.

GP4: Local Area Regeneration

Council will promote and encourage local regeneration initiatives that revitalise the local economy, sustain centres, protect and enhance the natural and built environment.

GP7: Community Safety

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

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.

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

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

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.

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

S5 The Local Centres

The boundaries are tightly drawn to concentrate investment and within these areas the retention, enhancement and further development of shops, services and other town centre uses will be encouraged. In centres where retailing and/or services are contracting other uses such as housing will be favourably considered.

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 given to the need to reject poor design and the need for sustainable development.

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

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

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

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

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

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

Consultations

Transportation - no objections subject to a minor amendment to the parking layout.

Pollution Control - no objections, subject to conditions to restrict hours of working on the site and submission of a method statement of the proposed demolition of the existing properties. (to be finalized)

Fire Officer - Satisfactory access for fire appliance.

Education Walsall - No requirement for contributions.

Centro - no objections

Building Control - Building control should be notified of any demolition works.

Arboricultural Officer - No objections, the loss of a mature cherry tree would require a replacement and the street tree would require protective fencing during the construction phase.

Representations

One representation has been received.

The objection includes:

- Three storey building to south of my house would be like a tower overlooking/loss of privacy of my garden
- No rear garden which would have created a reasonable distance to my garden
- Due to usage it will make us insecure as all our movements coming and going will be easily noticeable by people in flats
- Noise and disturbance resulting from use because Coalpool Lane is quiet residential area with mainly senior age people, they view this change as future trouble.
- Small place like this with up to 24 people living will increase noise and social disturbance near our house
- Apartments will change the landscape of the area. The beauty and attraction of landscape will be affected adversely
- Such a small site with 12, one bed flats will cause density of building, causing pollution of smells and gases.
- Traffic generation, highway safety, Ross Road very busy from T-junction of Coalpool Lane to round about on Harden Road. Extra traffic will affect Ross Road in rush hour.

Determining Issues

- Principle of residential development.
- Design and layout of the proposals
- Impact on surrounding occupiers
- Access and parking arrangements
- Urban Open Space Contributions

Observations

Principle of residential development

The application site is currently occupied by a vacant former clinic situated within a local centre. The area can be characterised as a mixed residential and commercial area. UDP policy H3, encourages the provision of additional housing through re-use of previous developed windfall sites. PPS 3: Housing further encourages the development of brownfield sites for residential purposes.

The site is considered to be in a sustainable location, within the Coalpool local centre, providing local services and shops and situated on a bus route. UDP policy S5 encourages the development of residential if retailing and/or services are constricting provided that the remaining retail/service function of the centre is not prejudiced. The site is on the eastern boundary of the local centre and can be considered disjointed from the main centre. PPS3 considers residential development in locations easily accessible and well-connected to public transport and community facilities and services, that the space is used efficiently, is safe, accessible and user-friendly to be acceptable form of development. Ross Road is served by 6 buses an hour, it is considered the proposal would provide surveillance of the public realm thereby improving the safety of the vicinity. Therefore the loss of the vacant clinic is considered acceptable in this instance and the principle of residential development on the site is considered appropriate.

UDP policy H9 - Housing, encourage residential densities exceeding 50 dwellings per hectare on sites with good public transport accessibility and close to district and local centres. The proposed density of 85 dwellings per hectares therefore complies with policy.

Design and Layout.

The proposals would provide a three storey single building, larger in height, than the existing clinic on the site but would be a reduced footprint compared to the existing building.

The proposed design of the building is of a plain architectural style constructed of brick and tile topped with pitched roof. There are elements of terracotta and light coloured render to break up the mass of brick work. The existing structure of the clinic has little to offer in architectural merit to the immediate vicinity coupled with being vacant is considered an eyesore. Therefore, the design of the proposal is acceptable.

There is no defined building line on the application side of Ross Rd, with open space to the north and rear gardens to the south of the application site. The proposal sits on part of the existing footprint and provides a useable amenity space for residents at the rear of the building and an appropriate level of parking to the south of the building and three parking spaces on the frontage, in the lay by.

The rear elevation of the building would be windowed and overlook the proposed rear private amenity space of the scheme. The distance from the rear elevation to the rear boundary of the site shared with the existing vacant library varies between 10 and 16 metres. The southern elevation includes windows to provide overlooking of the side access driveway and parking, providing surveillance to improve security. The northern elevation is windowed and provides surveillance over a public footway and open space to improve security.

Impact on surrounding occupiers

The proposed building will essentially occupy part of the existing footprint of the now vacant Coalpool Clinic, the western elevation of the building overlooks the proposed private amenity and the library site on Coalpool Lane. There will be obscure views from proposed rear facing windows towards the residential dwellings on Coalpool Lane with a separation distance of 35 metres from the windows in the apartments to the nearest single storey rear structure of 14 Coalpool Lane. This is in excess of the 24 metres required by the RDS, in addition there is an existing mature hedge in the rear gardens of 8-14 Coalpool Lane which will interrupt some of the views. Despite the increased height and massing of the building it is considered that it would have no adverse impact on the amenities of the surrounding occupiers.

Access and Parking Arrangements

The proposed level of parking would provide 11 spaces for 12 apartments, a ratio of 91% which is below the 150% required by Policy T13 of the UDP.

Transportation have raised no objections to the proposal and level of car parking and have requested minor amendments to improve the manoeuvring that would be provided on the frontage within the lay by to ease access to the parking area improving access to the bin store within the car park and for the refuse vehicle to manoeuvre along the lay by adjacent to the highway.

All of the apartments provide direct pedestrian access to the street which will add to the level of surveillance and activity on the street providing additional security to the vicinity and offer easy access to public transport.

Urban Open Space Contributions

Under the requirements of policies GP3, LC1(d) and the Supplementary Planning Guidance for Urban Open Space a contribution of £8,220.00 is required. The applicants have agreed in writing to pay the contribution.

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. No development shall be carried out until full details of the proposed boundary treatment of the site have been approved in writing by the local planning authority. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

Reason: To ensure the satisfactory appearance of the development.

6. Following demolition and prior to built development commencing a site investigation, ground contamination survey and assessment of landfill gas, having regard to current best practice and details of remedial measures to deal with any identified or potential hazards of any land contamination present on the site and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority shall be undertaken. A copy of the findings of the site investigation, ground contamination survey and landfill gas assessment, together with an assessment of the hazards arising from any land contamination and/or landfill gas shall be forwarded to the Local Planning Authority as soon as they become available.

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 successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

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

Reason: To ensure the satisfactory development of the site.

7. No development shall commence on site until details of a landscaping scheme including details of the replacement of the mature cherry tree adjacent to the existing clinic with five new trees are submitted to and approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved details before the development is occupied, unless otherwise agreed in writing with the local planning authority, and retained as such. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any tree(s), shrubs or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

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

8. No development shall commence on site until details of a lighting scheme for the proposed car park including details of how the lighting minimises light pollution for the neighbouring residential properties has been submitted to and agreed in writing by the Local Planning Authority. The lights shall be installed prior to first occupation in accordance with the approved details and retained as such.

Reason: To ensure the satisfactory development of the site

9. Before this development is brought into use, the access ways, vehicle parking and manoeuvring areas shown on the approved plans shall be surfaced in a suitable impervious hardwearing material to be agreed in writing by the Local Planning Authority. The areas shall thereafter be retained and used for no other purpose. The parking spaces are to be clearly marked out.

Reason: To ensure the satisfactory functioning of the development.

10. No development shall commence on site until details of approved guards or fencing shall be submitted to and agreed in writing with the Local Planning Authority and then erected around the street tree before development commences, and shall be retained until the development is entirely complete. The land so enclosed shall be kept clear of all contractor's material and machinery at all times.

Reason: To safeguard the street tree included on the site.

11. None of the existing trees on the site shall be lopped, felled or root pruned without the prior consent in writing of the Local Planning Authority.

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

12. During site preparation and building operations no storage of materials, equipment or waste, nor passage of vehicles, nor lighting of fires shall take place beneath the canopy of any tree to be retained.

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

13. No digging of trenches or changes in ground level shall be undertaken within the canopy of any tree to be retained on the site without the written approval of the Local Planning Authority.

Reason: To safeguard the street tree included on the site.

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

Reason: To protect the amenity of the surrounding residential occupiers.

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

Reason: To ensure the satisfactory development of the site.

16. This permission relates to the amended plans deposited on 11th April 2007 including drawing numbers: 2K6-B1093-P40-01-rev D, and those submitted on 13th March 2007 including drawing numbers: 2K6-B1093:010, and the site context plan received on 26th January 2007 numbered 2K6-B1093-P41.

Reason: To define the permission.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, 3.6, 3.16, 3.114, 3.115, GP2, GP3, GP4, GP7, ENV14, ENV32, H3, H9, H10, LC1, T7, T13 and S5 of Walsall's Unitary Development Plan, and Residential Development Standards and Urban Open Space Supplementary Planning Documents, and on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 24 April 2007

Reason for bringing to committee - Major Application.

Application Number: 07/0295/FL/H3

Case Officer: Helen Smith

Application Type: Full application

Telephone Number: 01922 652486

Applicant: Andrew Williams

Agent: Nigel Bevan

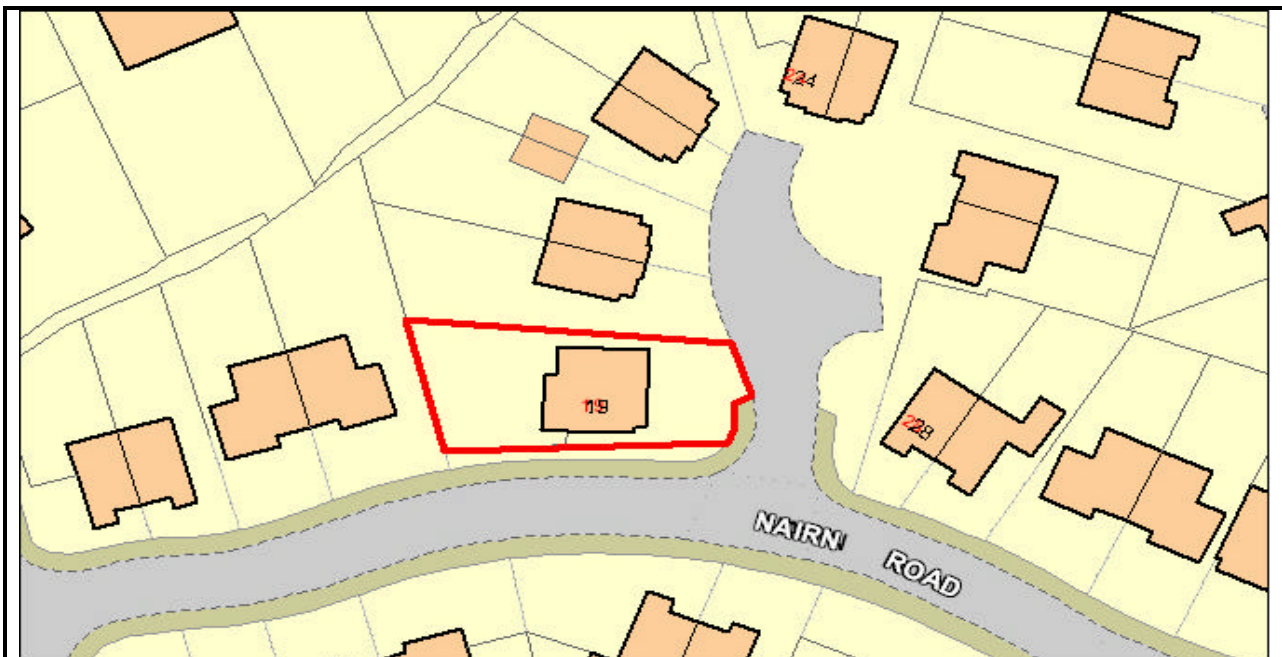
Proposal: Two-Storey Side Extension

Location: 19,NAIRN
ROAD,BLOXWICH,WALSALL,WEST
MIDLANDS,WS3 3XA

Ward: Bloxwich West

Expired: 11 April 2007

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

This application is for an extension over the garage and utility room to the side of a modern detached house to provide an en suite and fourth bedroom. The application originally proposed two additional bedrooms but amended plans have been received that omit one of them.

The front and rear of the extension was originally proposed to be in line with that of the existing two-storey part of the house, but the amended plans show the front of the extension to be set back 1.5 metres from the front of the existing.

The house lies on a corner at the entrance to a cul de sac on a modern housing estate. Nairn Road comprises a mixture of detached and semi-detached houses, but the other houses in the cul de sac part are all semi-detached. The extension is to lie between the side of the application house and the side of the adjoining house number 20. Number 20, which lies to the north, is set further back and has itself been extended at first floor level to the side. The front of the proposed extension to number 19, as amended, will project approximately 2 metres in front of the nearest part of number 20.

Numbers 19 and 20 are angled slightly towards each other at the front. A 1 metre gap will remain between the two houses at the nearest point. Number 20 has a garage on the ground floor with a bedroom above on the front elevation nearest to the boundary.

Relevant Planning History

None for the application property.

Relevant Policies

Unitary Development Plan Policies

GP2: Environmental Protection

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

I. Visual appearance.

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

VII. The adequacy of the proposed access and parking.

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

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

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

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

T7 - Car Parking

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

Residential Development Standards

These include guidance on design, including roof shapes, terracing and a 45 degree code in order to safeguard the amenity of occupiers of neighbouring dwellings.

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

National Policies

PLANNING POLICY STATEMENT 1

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

Consultation Replies

None

Representations

Comments in respect of the original plans were received from the occupiers of 20, 21, 22, 26, 27. The grounds of concern were as follows:

- The proposal will affect the openness and density of the street, and create the appearance of a row of terraced houses;
- Overbearing impact, loss of light and loss of privacy to number 20;
- Proximity of boiler extractor to the side access and door of number 20;
- Fire risk as gap between the two houses will be reduced;
- Satellite television reception at 20, and access for maintenance of the antenna and side wall may be affected;
- Scaffolding may cross the boundary line and affect access for wheelie bins, meter readings, dogs and visitors;

- Increased traffic congestion and road safety concerns as a result of increased living accommodation;
- Impact on saleability and potential value of neighbouring properties will be affected.

Following notification of the amended plans, further representations have been received from the occupiers of 20, 21 and 22 advising that their earlier concerns still stand.

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

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, the impact on the amenities of nearby residents and parking.

Observations

Design and Character

The extension is to have a part-hipped roof that would match the existing house and the other houses in the street.

Nairn Road comprises a mix of detached and semi-detached houses but number 19 is the only detached house in the cul de sac part of the road. The other houses in the cul de sac have wide gaps between each pair, although the existing extension to number 20 has already reduced the width of the gap to the side of the application property. The proposed extension would reduce this gap further, but the staggered position of numbers 19 and 20 in relation to each other and the angle between them would avoid any terracing effect. The unique design of the application house with it being the only detached property in the cul de sac would also avoid any harm to the character of the rest of this part of the street.

Impact on Amenity of Neighbours

The extension would lie to the south of and project in front of number 20, but its position as proposed on the amended plans means that it would be set back from the front of the existing application house when viewed from number 20 and I consider it would cause little loss of light. The nearest part of the ground floor to the front of number 20 is a non-habitable room whilst the extension would comply with the 45 degree code in relation to the first floor bedroom of 20. The rear of the extension would lie forward of the rear corner of number 20. There are no habitable room windows in the side of number 20.

No side-facing windows are proposed and the rear of the extension is to comprise an en-suite bathroom. It is considered that the extension will therefore cause no overlooking of number 20.

With respect to the other concerns of the neighbours, the position of the boiler extractor and fire safety would be addressed under the Building Regulations. There is no requirement for a gap to be retained under this legislation. The possible impact on television reception would not be sufficient reason for refusal. Access for construction, maintenance and future users, and the possible impact on property values, are not material planning considerations.

Parking

The increase from three to four bedrooms would require the provision of a third parking space in addition to the existing spaces in the garage and on the driveway. There is room to widen the driveway to provide this space

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: 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.

3: There shall be no alterations that would prevent the use of the garage for parking unless the driveway has first been enlarged to provide a total of at least 3 parking spaces, each 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.

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

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

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

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

6: This permission relates to the amended drawing deposited on 8 March 2007.

Reason: To define the permission.

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

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

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 24 April 2007

REASON FOR BRING TO COMMITTEE: Called in by Councillor Sears because of the impact on the amenity of neighbours

Application Number: 07/0244/FL/H2

Case Officer: Claire Murphy

Application Type: Full application

Telephone Number: 01922 652485

Applicant: Mr Jasbinder Singh Sahota

Agent: Mr Bhajan Atwal

Proposal: Two-Storey Side and Single-Storey Rear Extension

Location: 110,CHESTER ROAD,
BROWNHILLS,WALSALL,WEST
MIDLANDS,WS8 6DT

Ward: Aldridge North and Walsall Wood

Expired: 10 April 2007

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

This application is for an extension to a detached house on the corner of Chester Road and Adams Road to provide a replacement garage with an enlarged kitchen and dining room on the ground floor, and two additional bedrooms on the first floor. The total number of bedrooms is to be increased from three to five. The application originally included a detached garage to the rear with a study to be provided in place of the existing garage, but amended plans have since been received that omit the detached garage and also alter the roof shape of the extension.

Based on the amended plans, the front of the extension is to be set back 500mm from the front of the existing house. The rear of the two-storey part is to be in line with the rear of the existing house whilst the single-storey part is to project 3.1 metres out across the full width of the existing house.

The side part of the extension is to lie between the side of the existing house and the boundary with the adjoining house number 112, which lies to the south. A 2 metre gap is to be retained between the extension and the boundary, with a similar gap between the boundary and the side of number 112 itself. The front of the extension will project approximately 1 metre forward of number 112 whilst the rear will project 1 metre beyond number 112.

The rear gardens of numbers 110 and 112 are 30 metres long and back onto the grounds of Shire Oak School. There are houses on the opposite side of Adams Road that face the opposite side of the application house away from the side of the proposed two-storey extension. The surrounding area contains a wide variety of house types, with mainly detached houses of various designs on this side of Chester Road, and semi-detached or terraced houses and bungalows elsewhere on Chester Road and Adams Road.

Relevant Planning History

None

Relevant Policies

Unitary Development Plan Policies

GP2: Environmental Protection

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

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

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

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

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

T7 - Car Parking

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

Residential Development Standards

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

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 to the amended plans that omit the garage.

Representations

Representations in respect of the original plans were received from the occupiers of 2B and 2C Adams Road, and 112 Chester Road, expressing concerns about:

- the impact of the proposed detached garage on parking and traffic problems in Adams Road;
- the need to remove trees and shrubs to build the garage;
- the position of the garage next to the gas sub-station which supplies the school;
- the ashes of the former owner of the application house are buried at the property;
- the application house lies at the end of a line of drains;
- there would be no room to build the front extension over the garage safely and
- there are asbestos sheets on top of the garage.

Following notification of the amended plans, the occupiers of 112 Chester Road have objected on the grounds that the extension will block light to their front bedroom and take value off their house. They have also repeat their earlier concerns that the drains and sewers are not big enough to take extra bedrooms.

No further representations have been received from the other neighbours.

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, the impact on the amenities of nearby residents, parking and the other issues raised in the representations.

Observations

Design and Character

The roof shape of the extension as proposed on the amended plans would reflect the design of the existing house. The house is an individual design unlike any others nearby and I consider the extension would therefore have no impact on the character of the area.

Impact on Amenity of Nearby Residents

Only number 112 directly adjoins the application property. The other nearby properties lie on the opposite side of the road and would be screened from the two-storey part of the extension by the existing part of the application house.

The front of the extension will only project 1 metre forward of number 112, less than the existing part of the application house. Only the single-storey part will project beyond the rear of number 112. The gap that is to be retained to the side of number 112, the orientation of number 112 to the south, and the limited projection of the extension beyond the front and rear of number 112, means that there will be little impact on this property..

Parking

There would be room to widen the existing front driveway to provide an additional parking space. This additional space, together with the space in the proposed garage, would satisfy the Council's parking standards.

Other Issues

The omission of the detached garage to the rear means that there will be no impact on trees or shrubs, parking or traffic on Adams Road or the gas sub-station.

The Council's cemetery's officer has advised that there are no legal requirements in respect of scattered ashes on private land.

The treatment of asbestos sheets is addressed under other legislation.

The adequacy of drains would be addressed under the Building Regulations.

The provision of safe access for construction and the possible impact on property values are not material planning considerations.

Recommendation: Grant Permission subject to conditions

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

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

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

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

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

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

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

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

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

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

6: This permission relates to the amended plans deposited on 13 March 2007.

Reason: To define the permission.

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

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

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