



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Building Control,  
Regeneration  
On 13 March 2007

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

**Application Number:** 06/2209/OL/E9

**Case Officer:** Barbara Toy

**Application Type:** Full application

**Telephone Number:** 01922 652429

**Applicant:** South Staffordshire Water PLC

**Agent:** Savills (L & P) Ltd

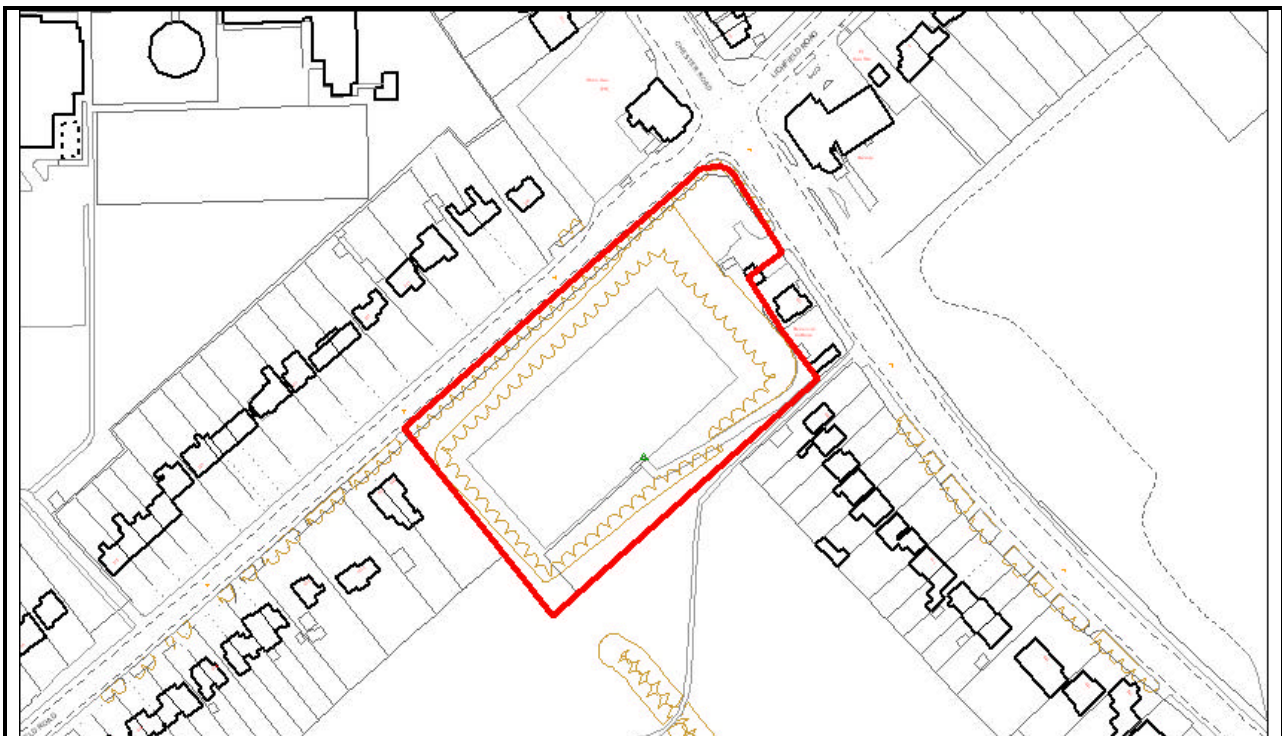
**Proposal:** Outline: Residential development,  
access only to be considered.

**Location:** SHIRE OAK RESERVOIR,  
C/O CHESTER RO, LICHFIELD  
ROAD, BROWN HILLS, WALSALL, WEST  
MIDLANDS

**Ward:** Aldridge North and Walsall Wood

**Expired:** 04 April 2007

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



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## **Application and Site Details**

The site is situated on the south eastern side of Lichfield Road (A461) at the junction with Chester Road (A452).

The site comprises a large concrete structure (the former Shire Oak Reservoir). The reservoir has not been in operation for a number of years (decommissioned as a result of excessive leaks and not economically viable to repair). The reservoir structure is enclosed by earth bunding on all sides and sits above the ground level of Lichfield Road to a height of approx 6m.

The site is currently accessed from Chester Road, a joint vehicle access shared with Reservoir Cottage, but owned by the applicants.

The site is adjoined to the south west by residential properties in Lichfield Road, to the south (rear of the site) Shire Oak Park, Local Nature Reserve and a SINC. To the east, residential properties in Chester Road and to the north east Reservoir Cottage, a detached house fronting Chester Road. Opposite the site on Lichfield Road are residential properties and Shire Oak PH on the corner of Chester Road at the main traffic light controlled junction.

The surrounding area is predominantly residential, characterised by detached and semi detached properties set back from the road with front driveway parking.

The site is within walking distance of the Streets Corner local centre, which provides local shops and services, and a short distance from Brownhills district centre.

The application proposes the removal of the existing reservoir structure and outline consent for residential development of the site with access only to be considered, with all other matters reserved, at this time.

The proposals include a new access road into the site off Lichfield Road to be sited approximately 75m from the Chester Road traffic light junction. The proposals would include the widening of Lichfield Road and the provision of a right hand turning lane, together with ghost road markings, two pedestrian refuge points for safe pedestrian movements across the road and the provision of a bus lay-by.

It is proposed that the existing access onto Chester Road would be used during the site preparation works and construction process and closed following completion of construction on the site.

The applicants have submitted a detailed Design and Access Statement, Protected Species Survey and Report, Noise Assessment, Arboricultural Survey, Visual Impact Assessment, Supporting Planning Statement and Transport Assessment to support their proposals and assist with a full and accurate appraisal of the site.

The application site has an area of 1.1 hectares.

## **Relevant Planning History**

None.

## **Relevant Planning Policy Summary**

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

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

GP1: Sustainable Location of Development and Policies 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.

GP3: Planning Obligations

Used to secure the provision of financial or other contributions to enable the provision of new, or improved facilities such as transport infrastructure, open space, affordable housing, education facilities and healthcare facilities.

GP4: Local Area Regeneration

Promote and encourage local area regeneration initiatives that bring forward derelict, vacant or underused sites for new uses.

GP7: Community Safety

Proposals would be expected to have regard for the objectives of 'designing out crime' which include maximising the surveillance of public areas from the living areas of homes and from other buildings.

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.

H2: Land Allocated for New Housing Development

H2.7 Lichfield Road/Chester Road, Brownhills, 1.32 hectares allocated for new housing for a minimum of 40 units.

H4: Affordable Housing

25% of total dwellings shall be affordable homes.

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

ENV17: New Planting

Will be encouraged particularly adjacent to existing woodlands and as a landscaping scheme for new development proposals.

ENV18: Existing Woodlands, Trees and Hedgerows

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

ENV19: Habitat & Species Protection

Any development should have no adverse impact on a SINC or LNR.

ENV20: Local Nature Reserve (LNR)

Where appropriate, opportunities will be taken to extend existing LNRs.

ENV22: Protected Species

It must be demonstrated that any development would have no adverse impact on local populations of protected species.

ENV23: Nature Conservation and New Development

Layout of all new development must take account of potential for enhancement of the natural environment through habitat creation. The Council will require habitat creation to encourage the conservation of wildlife in proximity to a SSSI, LNR, SINC or SLINC and in proximity to wildlife corridors.

ENV32: Design and Development Proposals and Policies 3.16, 3.113, 3.114 and 3.115.

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

ENV33: Landscape Design

Good landscape design is an integral part of urban design and new development proposals.

ENV39: Renewable Energy and Energy Efficiency

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

ENV40: Conservation, Protection and Use of Water Resources

Developments should incorporate measures for the conservation of water resources, on site recycling of water and use of rainwater and minimise the watering needed to sustain landscaping.

LC1(d): Urban Open Space

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

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

T7 - Car Parking

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

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

Provides guidance to standards for residential dwellings. Part B refers to spaces around dwellings.

A minimum of 24 metres is usually required between all facing windows of habitable rooms of adjacent dwellings, and 13 metres between habitable room windows and blank walls exceeding 3 metres in height. Private rear gardens with a minimum length of 12m and area of 68 sqm. However the main objective is to ensure the provision of space around dwellings provides adequate amenity space and an adequate level of privacy and daylight and as such the overall design and layout of a development, orientation, impact on the character of the area and amenities of surrounding occupiers will be considered.

Although failure to comply with these guidelines will 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.

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

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

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

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

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

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

## **Regional Policy**

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

## **National Policy**

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

PPS3: Housing (released December 2006 and recently superseded PPG 3. The objective of the revised guidance is to:

- Support further increased housing needed across the country
- Bring additional brownfield land back into use
- Increase the design and environment standards of new homes and neighbourhoods in order to move towards zero carbon development
- Deliver more affordable homes
- Support more family housing, including more play spaces, parks and gardens for children
- Give local authorities more flexibility about how and where to deliver the homes that are needed.

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

PPG24: Planning and Noise, states that noise characteristics and levels can vary substantially according to their source and the type of activity involved.

PPS23: Planning and Pollution Control, states that the overall aim of planning and pollution control policy is to ensure the sustainable and beneficial use of land and in particular encouraging reuse of previously developed land in preference to greenfield sites.

## **Consultations**

**Transportation** - No objections. This is an allocated site for housing within the UDP for a minimum of 40 dwellings. Implicit in this designation is the creation of an access to the site and acceptance of the traffic that will be generated by the development. The traffic generated by the development should not have a material impact on the operation of the highway network of the adjacent Shire Oak junction.

Access would be provided on Lichfield Rd. The proposals include a widening of the road to provide a ghosted right turn lane. Refuges are proposed either side of the site access to provide pedestrian facilities and to protect the right turning lane. The exact position of these will be determined during the detail design stage to minimise impact on frontage access to existing properties in Lichfield Rd. The existing maintenance access onto Chester Rd shall only be used for demolition and site preparation works the new access off Lichfield Rd should be used for all housing construction traffic and this should be secured by condition.

**Environment Agency** - Comments to be reported at Committee within the Supplementary Papers.

**Pollution Control** - No objections. The proposed demolition works would be likely to have an adverse environmental impact, on the surrounding residential occupiers in terms of noise and dust consequently appropriate conditions should be attached to restrict hours of work on the site and to require a method statement for the demolition operations. A site investigation, ground contamination survey and assessment of landfill gas shall be undertaken and any



remedial measures identified, agreed and implemented prior to commencement of any development. A noise survey has been submitted concludes that the area of the site vary between NEC B and D and no development should take place in a very small area identified on the boundary of C/D situated on the very corner of Chester Road and Lichfield Road, a further condition regarding suitable noise mitigation measures should be attached to any approval.

**Fire Officer** - The proposed indicative layout plan would not fully accommodate a fire appliance and an alternative layout should be sought.

**West Midlands Police** - some concerns raised regarding the indicative layout and the impact of the proposals on local traffic issues. Lichfield Road is a major arterial road and is very heavily congested. Existing residents in Lichfield Road already experience difficulty in gaining access to and from their properties due to traffic volume and adding another feed may compound the problem.

**Education** - A contribution towards local secondary schools would be required as the level of surplus places in local secondary schools is below 10%. The contribution calculation is sensitive to the type and mix of dwellings to be built and involves combining the expected pupil yield for the development by a Building Cost Multiplier provide by the DfES at the start of every financial year.

**Natural Environment** - Serious consideration must be given to a landscaping scheme for the site, which would be a major factor in developing this particular site. The existing hedgerow along Lichfield Road is a significant local landscape feature and its loss would be significant. Access to Shire Oak Park Nature Reserve to the rear of the site should be negotiated with Parks and Open Spaces and should not affect the circulation patterns or erode any vegetation and access should be carefully detailed. There is an existing access to the nature reserve only a few hundred metres away in Chester Road, is another access point required? Good boundary treatment would be required along the boundary with the nature reserve. Existing woodland planting would probably largely screen any housing from the park, but this should be subject to details of ground levels and building heights. One section in the south east corner of the site would be more visible as there is a gap in the woodland planting. The bat survey submitted is over 13 months old and therefore a repeat survey is required to be undertaken before the reservoir is demolished. The proposed indicative layout is unacceptable.

**Tree Officer** - The submitted Arboricultural report is satisfactory providing the mature trees at the north eastern end of the site are retained and protected in accordance with BS5837:2005, no objections in principle to the proposals.

**Greenspace Improvement Services and Countryside Services** - Objections raised to indicative layout. The access to the nature reserve would be unacceptable in the proposed location. Access to the park would have some merit but would also require a surfaced path to join the main nature trail around the site and suitable barrier to permit pedestrians but prevent vehicles, together with appropriate fencing and planting. Increased garden lengths would be required adjacent to the existing hedgerow and woodland to the southern boundary to ensure their retention in the future. Any open space contribution payable could be spent on the nature reserve to manage the nature trail and habitats for the benefit of local people and wildlife.

**Drainage** - no comments.

**Centro** - No objections, there are several bus services operating past the site.

**Environmental Health** - no comments.

**Housing** - On sites over 1 hectare or of 25 units or over 25% of the total units should be provided as affordable housing on site. The units would be split 50/50 in terms of tenure between shared ownership and social rent.

### **Representations**

A petition against the proposals of 327 signatures has been received. It indicates that the local infrastructure, particularly Shire Oak junction needs to be improved as a priority and before the commencement of any development at the site. No development should have a detrimental impact on the wildlife and nature at Shire Oak Nature Park.

Further representations have also been received on behalf of residents from Councillors Sears and Flower.

Twelve individual letters of objection have been received. The objections include:

- New road infrastructure to Shire Oak Junction should be implemented prior to any development of the site
- Road safety issues and general increase in traffic
- Lichfield Rd not wide enough for the changes proposed
- The submitted Transport Report is very basic and does not reflect existing peak traffic and congestion
- Substantial increase in traffic during clearance of the site on Chester Rd
- Close proximity to Shire Oak Secondary School
- Pedestrian refuge points proposed would adversely affect existing residents gaining vehicle access to their own properties.
- Very narrow footpath on Lichfield Rd
- High speed of traffic, particularly HGV's
- Lack of other modes of transport other than the car
- Detrimental effects on the environment
- Bat report inadequate
- Improvements to the nature reserve should be provided by the developers.
- Health implications to future residents from pollution from the adjacent major traffic junction
- Noise, dust, disruption and vibration from demolition of the reservoir causing problems to existing properties
- Over intensive and inappropriate housing layout including 3 storey development
- Loss of privacy, light, noise, overlooking, loss of outlook and overshadowing to existing residents
- Lack of childcare facilities within walking distance, increasing car movements
- Likely increase in anti social behaviour in the park from the increase in housing, children and families in the area.
- Lack of consultation with the local community prior to submission of application
- No identification as a development site in local search when purchased property

- Water pressure already an issue in the area an additional 40 plus houses will increase the problems.

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

### **Determining Issues**

The determining issues are

- The principle of residential development.
- Access
- Responses to consultees and representations
- Planning Obligations

### **Observations**

#### **Principle of residential development**

The site is identified within Policy H2 of the UDP as land allocated for new housing development, therefore the principle of residential development at the site has already been established, including the requirement for vehicle access to and from the surrounding highway network.

The site is considered to be previously developed land, now unused and no longer required for its original purpose. The site would therefore satisfy the objectives of policies 3.9 and ENV14 of the UDP which encourage the reclamation and development of derelict, previously developed land. PPS 3 - Housing, further encourages development of brownfield sites for residential purposes.

The site is situated within an established residential area, at a junction of two major traffic routes (A461 & A452) through the Borough and has good public transport links both into Walsall Town Centre and to surrounding areas, including Brownhills district centre.

The site is considered to be in a sustainable location within walking distance of Streets Corner local centre and close to Brownhills district centre and the principle of residential development on the site is therefore considered appropriate.

#### **Access**

This is an allocated site for housing within the UDP for a minimum of 40 dwellings. Implicit in this designation is the creation of an access to the site and acceptance of the traffic that will be generated by the development. The traffic generated by the development should not have a material impact on the operation of the highway network of the adjacent Shire Oak junction.

This is an outline application with access only to be considered, with the proposed access on Lichfield Road. The proposals include a widening of the road to provide a ghosted right turn lane and refuges are proposed either side of the site access to provide pedestrian facilities and to protect the right turning lane. The exact position of these will be determined during the detail design stage to minimise impact on frontage access to existing properties in Lichfield Road. The existing maintenance access onto Chester Road would be used for demolition and site preparation works only and the new access off Lichfield Road would be used for all housing construction traffic and this is secured by condition.

The proposals provide acceptable visibility splays and distance separation to the Shire Oak junction.

The access would require a gradient of 1:20 for the first 10m and 1:15 elsewhere within the site, this would be determined as part of the reserved matters layout of the site, but an appropriate condition is attached.

All the highway works proposed would require the applicants to enter into a Section 278 Agreement with the Highway Authority.

## **Responses to consultees and representations**

### Site Layout

The illustrative housing layout submitted is considered to be poor for the following reason:

- Retention of the bund to the Lichfield Road frontage would provide a dead frontage with a lack of surveillance of the street, with back gardens proposed to back onto Lichfield Road, considered to be out of character with the remainder of Lichfield Road
- Poor relationship to the Nature Reserve
- Blurring between the public and private realms
- Internal layout is inappropriate for fire access and Council refuse vehicles
- Mass of car parking on the prominent corner of Chester Road is unacceptable
- Limited surveillance of the access road
- Lack of consideration for existing landscape features.

Since submission this plan has been superseded and no longer forms part of the proposals, the application is in outline only with access the only issue being considered at this time.

### Highway Issues

Whilst it is recognised that Lichfield Road and the Shire Oak junction form busy strategic routes through the Borough the principle of additional traffic created by any development of the site was considered as acceptable when the site was allocated within the UDP for future residential development to be brought forward during the life of the current UDP.

Representations submitted consider that improvements to Shire Oak junction should be implemented prior to any development taking place, for highway safety grounds. Although this junction is outside of the application site, the applicants have indicated that some land on the corner of the site to Chester Road may be dedicated to Walsall MBC towards future junction improvements. However this is an issue for future negotiation with the Highway Authority in relation to the wider highway improvement works being considered, as and when an appropriate scheme is brought forward.

### Noise

The Noise Assessment submitted indicates that at the site boundary on the corner of Chester Road and Lichfield Road the noise levels were on the PPG 24 NEC C/D boundary. It is however highly unlikely that any dwellings would be constructed on this area of land so close to the road junction, and would form part of the land that may be dedicated to Walsall MBC towards junction improvements. In addition there are a number of existing mature trees at this end of the site which would require to be retained and protected during construction. Appropriate conditions are attached.

### Bats

The Protected Species Survey and Report submitted indicated no presence of bats at the time that it was undertaken. It did however recognise that the site and surroundings presented

suitable features and habitats for bats. The survey is over 13 months old and there is therefore a significant possibility that bats may have colonised the reservoir in the intervening period. Up to date evidence would therefore be required prior to demolition of the reservoir, and an appropriate condition is therefore attached.

### **Planning Obligations**

#### **Education**

A contribution towards local secondary schools within 3 miles of the site would be applicable for the site, calculated by combining the expected pupil yield for the development by Building Cost Multiplier provided by DfES in line with Policies GP3 and 8.8 of the UDP.

#### **Urban Open Space**

As the site would accommodate more than 10 residential units an urban open space contribution would be required, calculated in line with guidance of the Urban Open Space SPD and Policies GP3 and LC1 (d).

#### **Healthcare**

A healthcare contribution of £384.30 per bedroom would be payable in line with the Healthcare SPD and Policies GP3 and 8.9 of the UDP

#### **Affordable Housing**

The site is over 1 hectare and would therefore require a 25% provision of affordable housing on site, to comply with Affordable Housing SPD and Policies GP3 and H4 of the UDP. The affordable units would be split 50/50 in terms of tenure between shared ownership and social rent.

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

1. Application for the approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission.

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

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

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

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

- A) The layout of the building(s);
- B) The scale of the building (s)
- C) The external appearance
- D) The landscaping of the site

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

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

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

5. 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.

6. No development shall be carried out until details of drainage works for the disposal of both surface water and foul sewage (including a timetable for implementation) have been agreed in writing by the Local Planning Authority. The approved details shall have been implemented and completed in accordance with the agreed details.

*Reason:* To ensure 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.

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

*Reason:* To safeguard the amenities of the occupiers of adjoining premises, the amenities of the occupants, and the satisfactory appearance of the development.

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

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

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, there shall be no vehicular access to the site, other than through the accesses as shown on the deposited plans, without the prior approval of a planning application.

*Reason:* To ensure the satisfactory functioning of the development, in the interests of highway safety.

10. There shall be no construction of any dwellings on the site until the applicants have entered into a Section 278 Agreement for all the highway works on Lichfield Road in connection with the new vehicles access hereby approved. All the Section 278 works shall be completed and the new access off Lichfield Road used for all construction traffic.

*Reason:* In the interests of highway safety and the free flow of traffic.

11. No development or site clearance, including demolition of the existing reservoir shall commence until full details of a repeat bat survey, that meets the requirements set out in Bat Mitigation Guidelines (English Nature, 2004) including a detailed mitigation plan should bats be found, has been submitted to the Local Planning Authority and approved in writing.

*Reason:* To avoid death or injury to bats

12. No development shall commence on site until full details of a landscaping scheme are submitted to and approved by the Local Planning Authority. The scheme shall include paved areas, a detailed planting plan clearly identifying proposed planting areas, areas of turf, location of proposed trees, correct botanical names, sizes at planting and planting densities of all proposed planting, details of how trees would be staked and topsoil specifications. The 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.

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

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

14. Prior to any demolition operations or activities commencing, a method statement shall be submitted to and agreed in writing by the Local Planning Authority, for the purpose of controlling grit, dust and fumes. The agreed method statement shall be fully implemented and thereafter maintained throughout the duration of demolition operations and activities.

*Reason:* To protect the amenity of the surrounding natural environment residential occupiers.

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

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

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

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

17. No development shall be carried out, including demolition and reclamation works, until a plan showing the species and location of all existing trees and hedges on the site, details of which trees and hedges are to be retained or removed, and details of the design and location of protective guards or fencing (to BS5837:2005) has been approved in writing by the Local Planning Authority.

*Reason:* In order to safeguard existing trees and hedges within the site.

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

*Reason:* In the interests of the amenity of the resident of the proposed development

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

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

20. 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.

21. For the duration of the demolition and reclamation of the site, and the construction period, the access(es) to the site shall include wheel washing equipment in accordance with details previously agreed in writing by the Local Planning Authority.

*Reason:* To prevent mud being deposited on the Strategic Highway Network.

22. The gradient of the new access road off Lichfield Road shall be as follows:  
On the approach to any junction for the last 10m maximum gradient 1 in 20, elsewhere maximum gradient 1 in 15 with a minimum of 1 in 100.

*Reason:* In order to ensure satisfactory access into and through the site.



23. The bus lay-by shown on drawing No 201/PL/24 Issue No 5 shall be provided prior to first occupation of any property within the development, unless otherwise agreed in writing with the Local Planning Authority.

*Reason:* In order to ensure highway safety and provide safe access to public transport.

24. No consent is given to the retention of the bund on the Lichfield Road frontage of the site, as shown on Drawing No201/PL/24 Issue 5.

*Reason:* In order to ensure the satisfactory development of the application site and provide surveillance of Lichfield Road from the site.

25. No consent is given to the illustrative housing layout shown on submitted drawing no OXPL 17658 05/54/20.

*Reason:* In order to define the permission.

26. This permission relates to the following submitted information: Drawing Nos OXPL17658 05/54/15, OXPL17658 06/54/14 Rev A and OXPL17658 05/54/16 submitted on 21<sup>st</sup> December 2006 and 201/PL/24 Issue No 5, 201/PL/41 Issue No 1, 201/PL/42 Issue No1, 201/PL/45 Issue 1 and 201/PL/46 Issue 1 submitted on 9<sup>th</sup> February 2007.

*Reason:* In order to define the permission.

### **Notes to Applicant**

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

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.

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.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, 3.6, 3.9, 3.16, GP1, GP2, GP3, ENV14, ENV18, ENV23, ENV32, LC1, 8.8, 8.9, H2, H4, H10, and T7 of Walsall's Unitary Development Plan, and Supplementary Planning Guidance - Residential Design Standards, Urban Open Space, Healthcare and Affordable Housing and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

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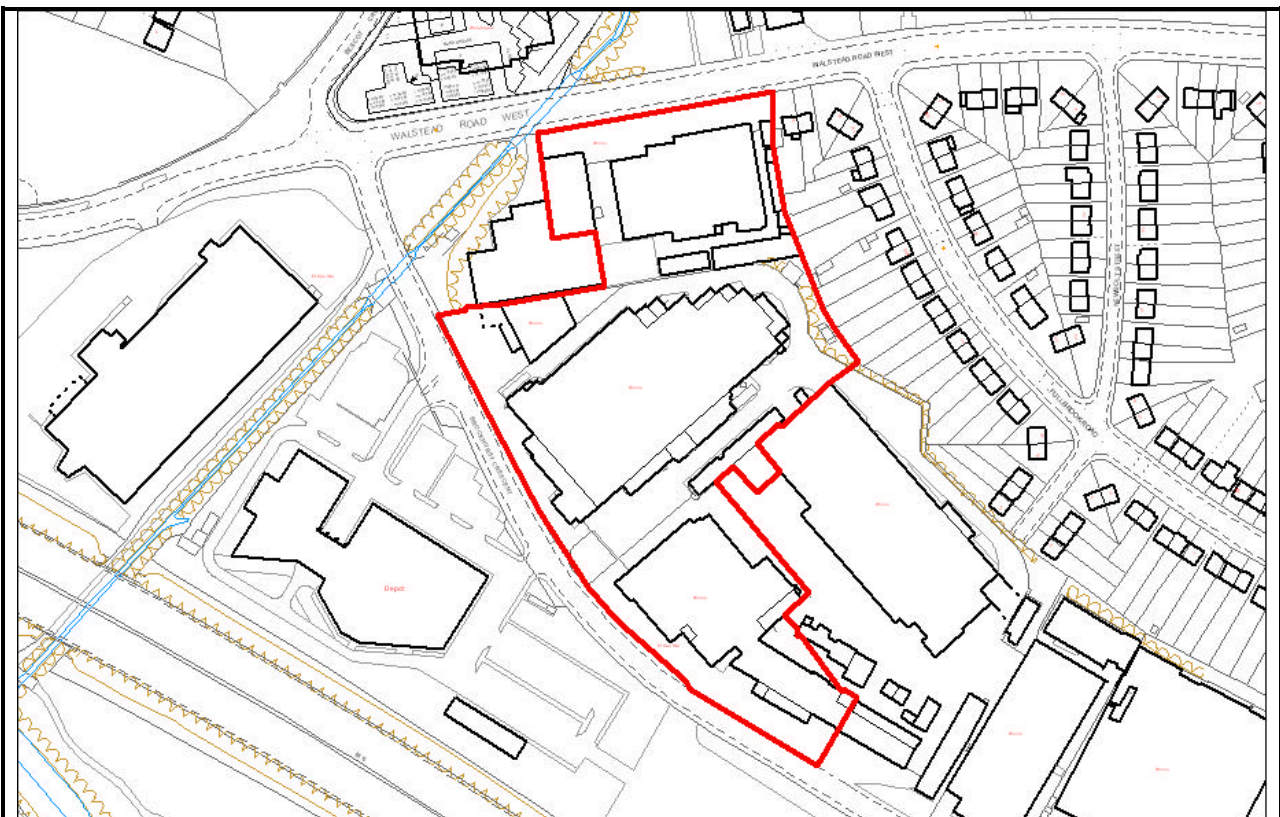


To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Building Control,  
Regeneration  
On 13 March 2007

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

<b>Application Number:</b> 06/2022/FL/W5	<b>Case Officer:</b> Andrew Thompson
<b>Application Type:</b> Full application	<b>Telephone Number:</b> 01922 652403
<b>Applicant:</b> Brothers Group Holdings Limited	<b>Agent:</b> Neil Shepherd Design Ltd
<b>Proposal:</b> Proposed Change of Use and Redevelopment of Industrial Site to Residential Use for 132 Flats & Houses	<b>Location:</b> SITE C/O BROCKHURST CRESCENT AND,WALSTEAD ROAD WEST,WALSALL,WEST MIDLANDS
<b>Ward:</b> Palfrey	<b>Expired:</b> 16 March 2007
<b>Recommendation Summary:</b> Grant Permission Subject to Conditions and a Planning Obligation	



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## **Status**

Members may recollect refusing permission recently for a site nearby this application site. To avoid confusion the application was at the opposite end of Brockhurst Crescent and involves a larger and more comprehensive development.

## **Application and Site Details**

The application site is currently in industrial uses with several buildings occupying the Brockhurst Crescent and Walstead Road frontage. A number of the premises within the application site and the surrounding area have become vacant. The buildings within the site are being marketed by Michael Shepherd.

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

Opposite the application site on Walstead Road is a park and open space area and a café (Use Class A3/A5). There is also a residential development under construction by Walton Homes.

On Brockhurst Crescent the main building within the application site is occupied by JBC Trailers Ltd which comprises large industrial buildings. The neighbouring site is the Corus factory, which shares its back boundary with Fullbrook Road (traditional family dwellings which are predominantly two storeys in height).

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

The scheme therefore proposes a density of 53dph on the application site of 2.47 hectares. A total of 160 car parking spaces (121%) are proposed.

## **Relevant Planning History**

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

Nearby: 06/0744/FL/W5 - OUTLINE: Residential Redevelopment with Access from off Brockhurst Crescent. Refused in September 2006 (Your Committee had resolved to refuse the application on the basis that the siting considered as part of the application would not form a comprehensive development and would have an unsatisfactory relationship with neighbouring commercial uses.)

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

### Adopted Walsall UDP

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

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

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

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

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

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

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

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

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

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

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

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

CF5: deliver affordable housing.

### Regional Spatial Strategy Review / Black Country Study

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

### **National policy**

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

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

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

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

- 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.

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:**

**Pollution Control:** No objection subject to conditions.

**Strategic Policy:** The proposed development would be acceptable in principle in planning policy terms, the loss of land in employment use and regeneration benefits is not resisted in this instance.

**Housing:** 25% affordable housing units is sought for shared equity.

**Environment Agency:** No objection subject to conditions

**Fire Access Officer:** Satisfactory access for fire appliances.

**Education:** A contribution of £453,299.91 is sought for both primary and secondary schools in line with the Council's SPD and Adopted UDP Policy.

**Healthcare:** Application is a resubmission of a previous application and was submitted prior to the adoption of the Council's SPD therefore no contribution would be sought in relation to the Healthcare.

**Greenspace:** An Urban Open Space contribution of £212,878 is sought in line with the Council's Adopted SPD and UDP Policy.

## **Representations**

One letter has been received from a neighbouring landowner and commercial operator. They are concerned about the possible noise generation and impact to residential properties and also they believe that they have a legal right of way over part of the application site.

One letter has been received from a local resident adjoining the site ensuring that suitable boundary treatment will be proposed to their boundary.

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

## **Determining Issues**

- Need for housing generally
- Development on previously-developed land
- Loss of employment land
- Need for comprehensive development
- Density and Accessibility
- Relationship to neighbouring industrial occupiers and M6 motorway
- Impact on neighbouring residential properties
- Design and layout of the proposals
- Section 106 Agreement details



## **Observations**

### **Need for housing generally**

In terms of the RSS (RPG 11) / UDP target for new housing provision up to 2011 there is no compelling need for further residential development. The UDP target is 10,100 and completions plus commitments add up to 15,421; even applying a discount in line with Government policy the target is comfortably exceeded. The main reason for allowing more residential development is to support the regeneration of the borough, including the provision of affordable housing.

### **Development on previously-developed land**

PPG 3, the RSS and the UDP all require a sequential approach to house building, preferring previously-developed land in the Major Urban Areas. To achieve the UDP target requires all new residential development to be on previously-developed land. The site meets that policy approach.

Consideration should be given to whether a satisfactory residential environment is feasible given the neighbouring industrial use and nearby motorway, and this is addressed below.

### **Loss of Employment land**

The site is or has been in employment use, but is not in a Core Employment Area. Consequently, policy JP7 applies. This generally safeguards employment land, but part (d) recognises that there may be circumstances in which it will be more appropriate to consider other uses, such as housing. The site is adjoined by residential on two sides. Although industry adjoins the southeast and northwest part of the site, some industrial land nearby has been redeveloped for residential purposes and therefore it is considered that the character of the area is changing.

National policy is that applications for residential development on employment land should be given favourable consideration, even on sites allocated for employment uses. In the context of PPG 3 there is no overriding need for this site to be retained for employment use.

In addition the applicant, through their marketing agent Michael Shepherd, has submitted details of the marketing and condition of the existing buildings, noting that the existing rental and market value is low and that the condition of the buildings is poor. It is therefore considered that this report, the site not being allocated for employment use, and the relationship to new and existing residential properties that the site no longer represents a viable option as employment land and would better serve regeneration as housing development.

### **Need for Comprehensive Development**

The need for comprehensive development is recognised as an important consideration in creating a well-designed and well defined development that does not compromise the operation of neighbouring commercial operators or the further development of neighbouring sites should they come forward for residential development. The refusal of the nearby application under application 06/0744/FL/W5 demonstrates this requirement. In relation to this previous refusal the application is more comprehensive and allows for future development to feed off the application site, generating a street pattern that can be easily and comfortably replicated in future developments. The design will also allow for reasonable access and minimising the number of large accesses off Brockhurst Crescent.

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

It is noted that many of the industrial premises along Brockhurst Crescent outside the application site are empty and are currently being marketed and officers consider that neighbouring sites are likely to come forward for residential development in the near future.

The site forms a substantive element of the total commercial area that is currently vacant and in need of regeneration. The design and layout of the proposals are such that it sets a pattern of development that could easily be replicated and utilised by future development proposals. Therefore officers consider that the proposals form a reasonable basis and do not compromise the further development of neighbouring sites.

### **Density and Accessibility**

The site is approximately 860 metres walking distance from the nearest centre, i.e. Fullbrook Local Centre, therefore it is within the maximum walking distance of 1,000 metres specified in UDP paragraph 7.51. It is sufficiently close to a local centre in terms of policy H9 to justify a density above 50 dwellings per hectare; the proposed density is 53dph.

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

### **Relationship to neighbouring industrial occupiers and M6 motorway**

The site is located close to the M6 and therefore noise is a determining factor in creating a residential environment. A further noise survey has been conditioned by Pollution Control Officers, however it is noted that the principal elevations and built form will form a barrier to the noise implications which will aid private amenity space to be quieter and create a satisfactory environment. It is therefore considered that the relationship to the M6 motorway has been accounted for in the design of the proposals.

There are two relationships with industrial properties to consider - the Corus site to the southeast of plot 33 and the Transaxle site on the corner of Brockhurst Crescent and Walstead Road.

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

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

## **Impact on neighbouring residential properties**

Whilst the proposed gardens adjoining Fullbrook Road are 8metres in length, as opposed to the suggested 12metres in Residential Design Standards document, it is noted that there is an improved relationship to Fullbrook Road compared to the existing commercial development. The application site is also lower than Fullbrook Road and the properties on Fullbrook Road have relatively long back gardens. It is therefore considered that the proposals would not adversely impact on the amenities of neighbouring residential occupiers.

## **Design and Layout of the proposals**

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

The layout has given careful consideration to the awkward and irregular shape of the site, in particular adapting the development where appropriate to link in with possible future development on neighbouring sites whilst also being able to stand alone and still work effectively should these adjoining sites remain in their current industrial use.

The single vehicular access to the proposed residential scheme is shaped and framed on both sides with flatted development, with apartments also providing a focal point to terminate the view at the end of this access. The arrangement of houses fronting onto Brockhurst Crescent provides a clear built frontage that sets a pattern for future development along Brockhurst Crescent.

Throughout the site careful use has been made of the perimeter block, with areas of parking to serve the apartments located within these blocks thus benefiting from surveillance from surrounding domestic properties. A landscaping scheme will take into account tree planting and landscaping around the parking areas for the apartments blocks containing flats 77 to 94 and 95 to 112 as levels and quality of planting in this area will otherwise result in the parking areas being very exposed within the site and providing a poor quality outlook for the occupiers of Plots 45 and 46 and flats 61 and 62.

Overall it is considered that the design and layout of the proposals are acceptable.

## **Section 106 Contributions**

The applicant has agreed to enter into a legal agreement for affordable housing, education and urban open space contributions. Based on the level of contribution sought, the education contribution would be phased over the development construction.

With regard to the Healthcare Contribution, the application was submitted prior to the adoption of the Council's SPD on 17<sup>th</sup> January 2007 and therefore it is considered that it would not be reasonable to seek a healthcare contribution in this instance.

## **Conclusion**

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

## **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 approved by this permission shall be commenced until details of the proposed site layout showing floor levels to ordnance datum has been submitted to and approved in writing by the local planning authority in consultation with the Environment Agency.

### **REASON**

To prevent flooding of the site and to third party land.

3. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

### **REASON**

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

4. 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.

### **Note to applicant:**

The proposed on site surface water drainage system should be designed to the Sewers for Adoption (6th Edition), However, details must also be provided to confirm that surface water will not leave the proposed site in the '100 year plus 20% for climate change' event. If the system surcharges, the Environment Agency may require additional space to be made for water, the location of any surcharging should be identified as should any resultant overland flood flow routes. Any excess surface water should be routed away from any proposed or existing properties. Drainage calculations must be included to demonstrate this (e.g. Micro Drainage or similar package calculations), including the necessary attenuation volume, pipeline schedules, network information and results summaries.

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

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

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 approved in writing by the Local Planning Authority shall be undertaken. A copy of the findings of the site investigation, ground contamination survey and landfill gas assessment, together with an assessment of the hazards arising from any land contamination and/or landfill gas shall be forwarded to the Local Planning Authority as soon as they become available.

*Reason:* In order to safeguard the amenities of future residential occupiers.

**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.*

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

*Reason:* In order to safeguard the amenities of future residential occupiers.

**Note for applicant**

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

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

*Reason:* In order to safeguard the amenities of future residential occupiers.

**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:*

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

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Calculation of Road Traffic Noise, 1988*

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*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.*

9. Notwithstanding the notation on the deposited plans no development shall 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.

10. 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.

11. No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing the existing and proposed ground levels of the site and proposed ground levels of the buildings hereby permitted.

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

12. No development shall be carried out until a detailed landscaping scheme for the site has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority. All planted and grassed areas and associated protective fencing shall be maintained for a period of 5 years from the full completion of the approved scheme. Within this period:

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

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

13. Prior to the commencement development details of the cycle stores and bin stores shall be submitted to and agreed in writing by the Local Planning Authority. The cycle stores and bin stores shall be completed in accordance with the approved plans prior to the completion of the development.

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

14. Prior to the commencement of any development on site details shall be submitted to and approved in writing by the Local Planning Authority for the conservation and efficient use of energy and natural resources and sustainable development, including consideration of Ecohomes Very Good Standard and 5 stars standard as amplified by the Code for

Sustainable Homes (January 2007) or subsequent document, micro energy generation, on site composting, grey water systems, SUDS and locally produced building materials. The development shall then be implemented in accordance with the approved details.

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

15. The visibility splays at the proposed access point with Brockhurst Crescent, shall be maintained clear of any structure over 600mm.

*Reason:* In the interests of highway safety

16. Prior to the occupation of the proposed apartments, the location of communal satellite dishes for each block of flats shall be submitted to and agreed in writing by the Local Planning Authority.

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

17. Details of the proposed rumble strips shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the buildings.

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

18. Prior to the commencement of development the applicant shall submit to and agree in writing with the Local Planning Authority a Residential Travel Plan, including measures taken to promote sustainable travel to and from the development. This could take the form of a Welcome Pack for residents including public transport timetables, cycle maps and walking information. The approved Travel Plan shall be implemented in accordance with the approved details.

*Reason:* In order to promote the use of alternative modes of transport.

**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.





To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Building Control,  
Regeneration  
On 13 March 2007

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

**Application Number:** 06/2214/OL/W3

**Case Officer:** Mrs J Scrivens

**Application Type:** Outline Application

**Telephone Number:** 01922 652436

**Applicant:** Brookside Metal Company Ltd  
(Amalgamated Metal Corporation Plc)

**Agent:** GVA Grimley

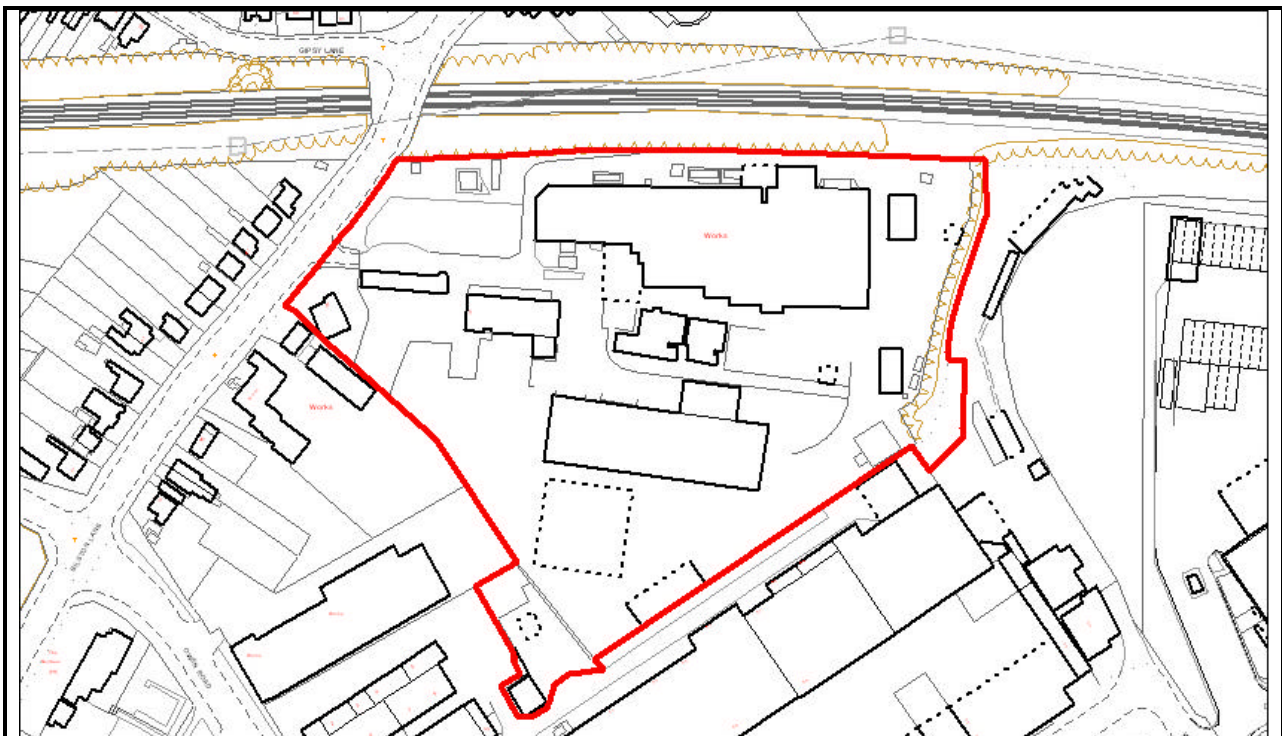
**Proposal:** Outline: Residential Development

**Location:** BROOKSIDE METAL CO  
LTD, BILSTON  
LANE, WILLENHALL, WALSALL, WEST  
MIDLANDS

**Ward:** Willenhall South

**Expired:** 23 March 2007

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



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## **Application and Site Details**

This application is in outline with means of access to be considered at this stage.

The application proposes the change of use of a 2.98 ha general industrial site to residential. An illustrative scheme has been supplied. This shows a mixture of uses for the site, although information supplied elsewhere confirms that the use would be wholly residential and that the applicant considers that the site could accommodate 121 dwellings (41 dwellings per hectare). The application does not seek consent for a specific number of dwellings.

The following documents have been supplied in support of the application:

- a transport assessment
- a noise and vibration impact assessment
- an environmental due diligence report
- a flood risk assessment
- an air dispersion modelling assessment
- a design and access statement
- a general planning statement.

The applicant is prepared to enter into a Section 106 Agreement to provide and contribute towards affordable housing, education and urban open space. The applicant would also be prepared to accept a planning condition requiring the funding of a new bus stop in the vicinity of the site to improve access to public transport.

The site adjoins a railway line to the north and industrial uses to its south west, southern and eastern boundaries. The opposite side of Bilston Lane is predominantly residential in character. The proposed access to the site would be from Bilston Lane, as is the current access.

## **Relevant Planning History**

None.

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

## **Unitary Development Plan**

GP1 requires development to take place in sustainable locations

GP2 and 3.6 expects all development to make a positive contribution to the quality of the environment

3.7 seeks to protect people from unacceptable noise, pollution or other environmental problems

GP3 states that planning obligations will be used to secure the provision of any on or off-site infrastructure, facilities, services or mitigating measures made necessary by the development.

ENV13 relates to the proximity of development to power lines.

ENV14 encourages the reclamation of previously developed sites.

JP7 and 4.5 seek to retain employment areas in employment uses but recognise that there may sometimes be exceptional circumstances in which it will be more appropriate to consider other uses.

H3 encourages the provision of additional housing through the re-use of previously developed windfall sites.

H4 and 6.31 require the provision of affordable housing.

H9 supports minimum densities of at least 30 dwellings per hectare.

H10 requires the creation of high quality living environments through layout, design and dwelling mix.

T2, T8, T9, T10, T11 and T12 expect development to conform to accessibility standards.

LC1 and 8.3 seek to create and retain urban open spaces.

8.8 states that where residential development necessitates the provision of new or improved educational facilities developers will be required to make a financial contribution towards this.

8.9 requires developers of sites over 1 hectare to ensure that adequate provision exists, or is made available, for healthcare. A financial contribution towards this may be required through a planning obligation.

## **National Policy**

Planning Policy Statement PPS1: Delivering Sustainable Development sets out key principles for delivering sustainable development.

Planning Policy Statement PPS3: Housing supports increased housing provision, the re-use of brownfield sites and the delivery of more affordable homes.

Planning Policy Guidance Note PPG13: Transport encourages development in sustainable patterns to reduce reliance on the private car.

## **Regional Spatial Strategy.**

Regional Spatial Strategy for the West Midlands promoted regeneration of the metropolitan area and sustainable development. It seeks to retain an adequate supply of employment land of an appropriate standard.

## **Consultations**

**Transportation:** No objection. The Transport Assessment accompanying the application is based upon a proposed maximum of 116 dwellings. This would have no detrimental impact on the operation of the surrounding road network but this should be considered the maximum acceptable number since the Bilston Lane/Owen Road/Harper Road signalised junction will be operating to capacity by 2011. In accordance with the recommendations of the Transport Assessment the proposed access shall be located in the position of the current access, having a 4.5m x 90m visibility splay with engineering detail to be considered at reserved matters stage.

**Pollution Control:** No objection. Recommend the imposition of conditions relating to odour, noise mitigation and site investigation and remediation.

**Environmental Health:** No objection.

**Environment Agency:** No objection. Recommend conditions requiring the provision of a scheme of surface water drainage works and a site investigation/remedial measures to prevent increased risk of flooding and prevent pollution of the water environment respectively.

**Greenspace Services:** No objection. Request that the developer provides a contribution towards the provision or maintenance of urban open space.

**Centro:** No objection. However current bus service provision is limited to one bus hourly along Bilston Lane during peak hours Monday to Friday and Monday to Saturday daytime. There is also an hourly bus service at Harper Road/Owen Road but this only runs Monday to Saturday. There are no evening or Sunday services. The site does not meet the PTA's minimum standards for public transport accessibility and the developer should demonstrate how this will be addressed and explore ways to reduce reliance on the private car.

The developer should be required to:

- develop a residential travel plan
- provide secure cycle parking
- fund the upgrading of the bus service by way of a Section 106 Agreement.
- provide pedestrian links through the development to improve access to public transport.

**Education:** No objections. A financial contribution is required towards the provision of secondary education.

**Building Control:** No objections. Notice of intended demolition would be required.

**Arboricultural Officer:** No objections. A full Arboricultural Impact Study will be required.

**Central Networks:** Object. The development is located adjacent to an overhead tower line operating at 132,000 volts. Central Network does not object in principle to the development provided that the statutory consultation between themselves and the developer takes place. This is required to ensure that suitable safety clearances will be maintained between the finished structures and their equipment and to provide advice during the construction of the development.

### **Representations**

Four letters of objection have been received from companies based on the industrial estate to the rear of the site. The grounds of objection are:

- future residents of this development could object to the operation of existing industries which would hamper their activities
- companies have recently relocated from premises which were close to residential properties. Would not want to have to move again due to expense and effort involved
- night shift recently introduced to keep up with increased demand, will be working seven days a week, all year
- larger industrial premises are needed in this area but at an affordable price
- the noise survey was carried out on a Friday when the majority of machinery is switched off or winding down
- Owen Road is extremely busy and large lorries containing scrap and steel use it constantly. The number of pot holes makes this very noisy. The amount of noise and dust from industrial premises would make this site unattractive to householders
- workers start at 6a.m and some units do not finish until 8p.m.
- part of the application site was used as a car repair centre not as part of Brookside Metals
- the area is badly affected by crime which has not been followed up by the police, making it unsuitable for housing

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

### **Determining Issues**

- The need to retain the site in employment use
- Residential environment
- Access and highway safety
- Affordable housing, education, urban open space and healthcare

### **Observations**

#### **The need to retain the site in employment use.**

The application site is not identified in the Unitary Development Plan for any specific use. It does however form part of the Borough's employment land to which Policy JP7 applies.

While this proposes the retention of the majority of such sites for employment uses it recognises that in some circumstances the redevelopment of an industrial site for other purposes such as housing may be appropriate. In this instance the use of the site for housing would provide an improved environment in this area and may encourage the modernisation of adjoining sites. On this basis the use of the site for residential purposes would be acceptable.

#### **Residential environment.**

The site adjoins a busy road, a railway line and industry to the south. Suitable protection against noise could be incorporated within a detailed scheme and the orientation of the dwellings and landscaping could buffer the development from the adjacent industry.

Ultimately the industrial site immediately to the south may be redeveloped due to its age and condition, to provide a better environment on this boundary.

The noise and vibration impact assessment which accompanied the application indicates that vibration is unlikely to be a problem. A full ground investigation and remedial measures would need to be undertaken. These could be required by condition.

Central Networks have objected to the application on the grounds that a statutory consultation has not taken place. This consultation is intended to ensure that suitable and safe distances are retained between the dwellings and Central Network's equipment. This would be more appropriate at a later stage when a detailed scheme has been drawn up for the site. Policy ENV13 generally requires a zone of separation between residential development and high voltage power lines but this may vary with local circumstances.

#### **Access and highway safety.**

The site does not meet the PTA's minimum standards for public transport accessibility and Centro have requested that a financial contribution is made towards the upgrading of the bus service. In the absence of SPD for public transport accessibility standards it would not be possible to require a financial contribution as requested by Centro.

The applicant is however prepared to fund the provision of a bus stop and this could be required by condition. The requirement for cycle parking and pedestrian links would be considered as part of a full planning application. A residential travel plan can be required by condition.

**Affordable housing, education, urban open space and healthcare.**

These are matters for which a Section 106 Agreement would be required if the development reached the appropriate trigger in terms of the number of dwellings. This cannot be assessed as part of this application but conditions could be imposed which would limit the number of dwellings to be constructed unless a Section 106 Agreement is undertaken.

**Recommendation: Grant Permission subject to conditions**

1. Application for approval of the Reserved Matters shall be made not later than the expiration of 3 years beginning with the date of this permission.

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

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

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

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

- a) The siting of the building(s);
- b) The design of the building(s);
- c) The external appearance
- d) The landscaping of the site

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

4. No built development shall commence until a site investigation, ground contamination survey and assessment of landfill gas, having regard to current best practice and having been approved in writing by the Local Planning Authority, have been carried out. A copy of the findings of the site investigation, ground contamination survey and landfill gas assessment, together with an assessment of any hazards arising from 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 the same.*

*Reason:* To ensure the satisfactory development of the site and to prevent pollution of the water environment.

5. No built development shall commence until details of any remedial measures to deal with the identified and potential hazards of any land contamination and/or landfill gas present on the site and a timetable for their implementation has been submitted to and agreed in writing by the Local Planning Authority. The agreed remedial measures shall be implemented in accordance with the agreed timetable. A validation report confirming details of the measures implemented together with substantiating information and justification for any changes from the agreed remedial arrangements shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

*Note for applicant:*

*When making assessments of any contaminants identified as being present upon the land and their potential to affect the proposed use regard should be had to the advice given in Contaminated Land Reports, R&D Publications, CLR7 to CLR11 and The Contaminated Land Exposure Assessment (CLEA 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 groundwater. Advice on this aspect can be obtained from the Environment Agency.*

*Reason:* To ensure the satisfactory development of the site and to prevent the possibility of surface and/or groundwater pollution.

6. No development shall be carried out until details of suitable noise mitigation measures to protect internal and external areas from noise emanating from the railway, roads and nearby industrial processes have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved 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 inter alia 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 35dB together with a maximum instantaneous level of 45dB  $L_{AFmax}$ , 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 45dB 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 40dB 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 PPG24 '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 BS7445-3:1991 - 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.*

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

7. No development shall take place until:

- i) the method for a suitable odour survey has been agreed in writing by the Local Planning Authority and the survey undertaken in accordance with the approved method.
- ii) a copy of the results of the survey together with proposals for mitigation measures, if appropriate, have been submitted for the approval of the Local Planning Authority. The approved mitigation measures shall be implemented prior to the occupation of any dwelling on the site.



*Note for applicant:*

*Current guidance is contained in BS:EN 13725:2003 Air Quality- determination of Odour Concentration by Dynamic Olfactometry; Technical Guidance Note IPPC H4: Integrated Pollution Prevention and Control Draft Horizontal Guidance for Odour Parts 1- Regulation and Permitting; Technical Guidance Note IPPC H4: Integrated Pollution Prevention and Control Draft Horizontal Guidance for Odour Parts 2- Assessment and Control.*

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

8. No development shall be carried out until a scheme for the provision of surface water drainage works and a timetable for their implementation has been submitted to and approved in writing by the Local planning Authority. The drainage works shall be completed in accordance with the approved scheme and timetable.

*Reason:* To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

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

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

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

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

11. No development shall be commenced until a Residential Travel Plan to promote sustainable travel to and from the development has been submitted to and approved in writing by the Local Planning Authority.

*Note for applicant:* For further information on such initiatives contact Walsall Metropolitan Borough Council's Business Travel Advisor on 01922 652561.

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

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

13. No development shall be carried out until an Arboricultural Impact Study to BS5837:2005 has been carried out to include all the trees within the site and within 10 metres of the site boundary. The results of this study shall be submitted to the Local Planning Authority on its completion.

*Reason:* To enable an assessment to be made of the trees on the site in the interests of the amenity of the area.

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

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

15. No development shall be carried out until a detailed landscaping scheme for the site, (including any necessary phasing of implementation), has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented in 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.

16. 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, in accordance with a maintenance schedule to have previously been agreed in writing by the Local Planning Authority. Within this period:

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

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

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

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

18. No development shall be carried out until proposals for the provision of a bus stop in the vicinity of the site have been submitted to and approved in writing by the Local Planning Authority. The approved proposals shall be implemented prior to the occupation of any dwelling on the site.

*Reason:* To encourage the use of public transport by occupiers of the proposed development.

19. There shall be no more than 25 dwellings built on the application site unless the applicant has entered into a Section 106 Agreement to provide:

- an appropriate financial contribution towards the provision of education facilities in the area
- affordable housing on the site or a contribution towards affordable housing off-site

*Reason:* To ensure that the educational and housing needs of the potential occupiers of a large development on the site are met.

20. There shall be no more than 30 dwellings built on the application site unless the applicant has entered into a Section 106 Agreement to provide an appropriate financial contribution towards health facilities in the area.

*Reason:* To ensure that the health needs of the potential occupiers of the development are met.

21. There shall be no more than 10 dwellings built on the application site unless the applicant has entered into a Section 106 Agreement to provide an appropriate financial contribution towards off-site open space in accordance with policy LC1 of the Unitary Development Plan and urban open spaces Supplementary Planning Document adopted in April 2006.

*Reason:* To ensure adequate amenity space provision for the potential occupiers of the development.

22. There shall be no vehicular access to the site other than through the approved access without the prior submission and approval of a planning application.

*Reason:* In the interests of highway safety.

23. This permission grants consent in principle to locating the proposed access onto Bilston Lane in the position of the existing access. The proposed visibility splay and engineering detail of the access must be submitted and approved as part of a reserved matters application.

*Reason:* To define the permission.

24. This decision does not permit the layout of the site shown on the illustrative plans.

*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 GP1, GP2, 3.6, ENV14, H3, H4, 6.31, H10, T2, T8, T10, T11, T12, LC1, 8.3, 8.8 and 8.9 of Walsall's Unitary development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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.

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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Building Control,  
Regeneration  
On 13 March 2007

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

**Application Number:** 07/0029/OL/W5

**Case Officer:** Karon Hulse

**Application Type:** Outline Application

**Telephone Number:** 01922 652492

**Applicant:** Mar City Developments Ltd

**Agent:** Kevin R Twigger & Associates

**Proposal:** Outline: Residential Development

**Location:** FORMER T.R.W.  
AUTOMOTIVE SYSTEMS LTD, WODEN  
ROAD  
WEST, WEDNESBURY, WALSALL, WEST  
MIDLANDS

**Ward:** Darlaston South

**Expired:** 20 April 2007

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



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## **Application and Site Details**

This application seeks outline consent for the residential redevelopment of land at the former TRW Automotive site on Woden Road West, Darlaston. Means of access is for approval at this time. Layout, design, external appearance, and landscaping are reserved for a later stage. The illustrative scheme deposited with the application shows:

- Access into the site in the same location as the existing industrial use
- creation of a linear street scene with perimeter blocks around open spaces
- a mix of 200 houses and apartments possibly at 1, 2 and 2½ storey, 1, 2, 3 and 4 bedrooms.
- courtyards of communal parking and private parking

The density would be 37 dwellings per hectare (dph).

The site was formerly occupied by TRW Automotive for manufacturing and supplying vehicle parts to the automotive industry. It is a roughly rectangular site with its main frontage and access onto Woden Road West. To the west is residential separated from the site by a former railway line, to the north and south the site is bounded by existing industrial uses and to the east across the border with Sandwell MBC.

The existing residential properties to the rear of the site are predominantly 2 storey and a mix of 50's, 60's and 70's style dwellings (previously Local Authority owned) with 2 storey town houses to the east.

Darlaston district centre is approximately 850mts away along the main Darlaston Road. There are a number of small local shops on the adjacent housing estate which can be gained by a public footpath which runs along the southern boundary of the site from Woden Road West to Lodge Road and beyond.

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

A Flood Risk Assessment, report on existing noise climate and transport statement have been submitted, and it has been concluded that a site investigation will be required.

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

## **Relevant Planning History**

None relevant for the site.

## **Relevant Planning Policy Summary**

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

## **Unitary Development Plan**

GP1 - 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, ENV32 and H10 - Development schemes should, help improve the environment of the Borough whilst not allowing development that has an adverse impact.

JP7 - Use of Land and Buildings in Other Employment Areas

(d) windfall sites or buildings will normally be safeguarded for appropriate employment uses however sometimes other uses such as housing may be acceptable...alternative uses must satisfy other relevant policies and not constrain the operation of neighbouring businesses, or appropriate future commercial investment.

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

LC1 and 8.3 protection of and provision of urban open space

T7 - All parking provision designed and sensitively integrated into the townscape or landscape...Policy T13 also sets parking standards.

H3 - Encouragement for the provision of additional housing through the re-use of previously developed windfall sites and conversion of existing buildings.

The Council has also adopted its Residential Design Standards (RDS).

**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**

(PPG/PPS) - PPS1 on delivering sustainable development and good design.

PPS3 on has recently superseded Planning Policy Guidance 3 (December 2006), the objective of the revised guidance is to:-

- support further increased housing needed across the country,
- bring additional brownfield land back into use,
- increase the design and environmental standards of new homes and neighbourhoods in order to move towards zero carbon development,
- deliver more affordable homes in rural and urban areas,
- support more family housing, including more play spaces, parks and gardens for children
- give local authorities more flexibility about how and where to deliver the homes that are needed.

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

PPG24 advises on noise standards

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.

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

### **Consultations**

**Transportation** - no objections

**Fire Service** - unsatisfactory based on illustrative plan

**Pollution Control Division** - no objections subject to conditions

**Housing** - no objections subject to affordable housing provision

**Education Walsall** - a financial contribution towards secondary education required at reserved matters stage

**Greenspaces** - a financial contribution to open space will be required, this is based on bedroom numbers therefore needs to be addressed at reserved matters stage

**Drainage** - no objections

**British Waterways** - no objections

**Centro** - no objections

**Sandwell MBC** - no objections

**Environment Agency** - no comments received

**Regeneration** - no objections

### **Public Participation Responses**

I have received one letter of objection from the owners of the adjacent industrial estate, Woods Bank Trading estate, on the grounds that a residential scheme would have an impact and be prejudicial to the operation of businesses on the estate, that there are no exceptional circumstances, the site is part of a wider employment area, surrounded by industrial uses, the site is more appropriate for industrial use and Walsall councils annual monitoring shows that housing completions exceed Regional Space Strategy requirements, noise survey carried out over a weekend (Friday to Sunday), not reflective of weekly operations.

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



## **Determining Issues**

- Policy
- Principle of the development
- Design quality
- Residential amenity
- Noise / land contamination
- Access / parking / public footpath
- Security
- Obligations

## **Observations**

### **Policy**

The site is not identified as a core employment area however historically it has always been occupied by industrial uses. The site has been marketed without any interest for industrial use, government guidance supports the re-use of brownfield sites for housing provided a satisfactory residential environment for future occupiers can be secured, whilst protecting the operations of existing nearby users.

In terms of the RSS (RPG 11) / UDP target for new housing provision up to 2011 there is no compelling need for further residential development. The UDP target is 10,100 and completions plus commitments add up to 15,421; even applying a discount in line with Government policy the target is comfortably exceeded. However, the main reason for allowing more residential development is to support the regeneration of the borough, including through the provision of affordable housing. The full amount of affordable housing will be required through the Section 106 Agreement.

The approach to regeneration in the Black Country promoted through Regional Spatial Strategy Review Phase 1, which will heavily influence the Black Country Core Strategy, is for major transition from employment to residential and it would be consistent with the Black Country Study work for this area to become residential

Having considered all of the above it is concluded that a satisfactory level of protection can be provided for both future and existing occupiers consequently the proposals can be supported.

### **Principle of Residential**

The existing site is now a vacant industrial site which up until recently had been occupied by the company known as TRW Automotive which manufactured vehicle parts. To the northwest and north east of the site is residential with industrial to the north and south east. Woden Road West runs along its frontage and there is an access drive into the site, there is also a public footpath which currently runs between Woden Road West and Lodge Road along the south east boundary of the site.

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

The scheme, whilst in outline only, has been designed with those principles in mind. Both national and local policy also identifies the importance of sustainability. The site is approximately 850 metres from the edge of the Darlaston District centre shopping area, and a

main bus facility. It is considered to be a sustainable site offering residents opportunities to use different modes of transportation.

Based on the illustrative drawing the density would be approximately 37 dwellings per hectare and this proposal would be in accordance with policy and therefore the principle is acceptable.

### **Design quality**

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

The indicative layout has many positive points and does not raise any immediate concerns. It is well supported by the Design and Access Statement and appears to demonstrate that much careful consideration has been given to the design and layout of the site for residential use.

The inclusion of two areas of public open space is very positive and should remain as part of any reserved matters application in the future, particularly as they relate well to the built development around them. The Design and Access statement for such an application should pay careful attention to the treatment of these spaces to ensure that their benefit is maximised through careful landscaping/planting, provision of pedestrian pathways across the site, lighting where appropriate and facilities for play or recreation including benches and areas for public enjoyment. This can all be conditioned as part of the outline approval.

The frontage onto Woden Road West is important, it is shown as a residential block of apartments set back behind an open space fronting onto Woden Road West.

Internally within the site, there would be a mix of dwellings served either by private drives or communal parking areas all of which would be positioned and orientated so as to gain maximum natural surveillance of those areas.

### **Residential amenity**

The adopted Residential Development Standards provide 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.

The submitted illustrative drawing indicates plots with garden sizes between 10 metres and 13.5 metres which mostly accords with RDS requirements however there are some points regarding the illustrative layout that could be improved and therefore exploration of such revisions at the reserved matters stage should be pursued.

The flats will need suitable areas of private communal amenity space, and these again need to be defined.

### **Noise / land contamination**

It is acknowledged that the details of the noise assessment have identified that it was carried out at the furthest point away from the adjacent industrial estate and that it appears to have been carried out over a weekend. However Pollution Control officers are satisfied that as the

application is in outline only that its future development can be satisfactorily addressed by way of requiring a full noise assessment to be carried out at times other than those of the submitted noise report.

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

### **Access / parking / public footpath**

*Access* - There are no transportation objections. Access to the site from Woden Road West along the line of the existing access drive is acceptable and will not have any detrimental impact on highway safety.

The access road will need to be a minimum of 7.3 metres width with 2 metre wide footways either side to accord with the comments and advice by the Fire Service, the applicants are aware of these requirements and will take them into consideration at the reserved matters submission.

There is a good network of public transport services which run around the area, Woden Road West is served by a frequent (10 mins.) bus service between Wolverhampton, West Bromwich and Birmingham and Darlaston road is served by a bus service between Walsall and West Bromwich via the Manor Hospital.

*Parking* - The scheme will give a strong street frontage both along Woden Road West and within the site and would offer maximum security and natural surveillance throughout the site. Internally within the site, there would be a mix of dwellings served either by private drives or communal parking areas all of which would be positioned and orientated so as to gain maximum natural surveillance of those areas. Most communal parking areas are accessed through an archway which has first floor accommodation above, this in itself provides natural surveillance of residents vehicles, also because the parking areas are quite small unauthorised persons can be easily detected. However, issues such as gates can be addressed at Reserved Matters stage.

*Public Footpath* - The location of the existing public footpath is not best related to the application site and could result in future problems particularly from a security point. The reserved matters application may wish to consider the future of this footpath and if it is necessary to be retained then consideration should be given to possibly divert the public footpath which runs adjacent to the site onto a new route through the development. A diversion order would be needed, and the scheme should provide an attractive, overlooked route through the site. However should it be that the footpath is to remain along its current line, improvements such as surfacing and lighting to encourage legitimate use and improve surveillance should be required. This will improve security for its users as well as protecting those residential properties which may share a boundary with it.

*Midland Metro* - Centro is working to develop a route through Wolverhampton, Wednesfield, Willenhall, Walsall, Darlaston and Wednesbury, one option is to utilise the line of the former railway which runs along the boundary of this site to the north west. This has been accounted for in the consideration of the layout of this site. Further consideration would be given at the reserved matters stage.

## **Security**

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

## **Obligations**

The scheme is subject to policy GP3 and the Urban Open Space supplementary planning document which in this case requires financial contributions towards secondary education facilities in the area and improvements to or provision of urban open space within the proximity of the application site. It is also subject to policy H4 of the Unitary Development Plan and Affordable Housing (SPD) July, 2005 which requires provision of affordable housing in developments of at least one hectare or 25 dwellings. In this case an agreement has been reached with the developer for the provision of 10 social rent bungalows, and the rest of the provision to be shared ownership, including some or potentially all of the 2 bed houses, a block of approx 10 two bed apartments and the rest to be distributed across the three bedroom and smaller 4 bedroom houses.

## **Conclusion**

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

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

1. Application for approval of the Reserved Matters shall be made within 2 years of the date of this decision. The development must be begun not later than:

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

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

2. The built development authorised by this permission shall not be commenced until details of the following Reserved Matters have been submitted to and approved by the Local Planning Authority:-

- a) The siting of the buildings;
- b) The design of the buildings;
- c) The external appearance of the buildings;
- d) The means of access to the buildings;
- e) The landscaping of the site

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

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

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

4. Prior to any development on the site

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

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

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

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

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

5. Prior to development commencing, a noise survey shall be undertaken. The results of the survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests shall be submitted to the Local Planning Authority within 2 month of completion.

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

6. The Reserved Matters submission shall include a scheme of suitable noise mitigation measures to protect internal areas to be agreed by the Local Planning Authority. None of the development shall be occupied until such measures have been fully implemented and they shall be retained thereafter in working order if that is appropriate).

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

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

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

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

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

9. The Reserved Matters submission will include details for the conservation and efficient use of energy and natural resources and sustainable development, including consideration of Ecohomes Very Good Standard and 5 stars standard as amplified by the Code for Sustainable Homes (January 2007) or subsequent document, micro energy generation, on site composting, grey water systems, SUDS and locally produced building materials. The development shall then be implemented in accordance with the approved details.

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

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

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

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

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

12. The Reserved Matters submission shall include a detailed landscaping scheme for the site, has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with any agreed phasing or within one year of any part of the development being brought into use or such period of time as may be agreed in writing by the Local Planning Authority. The submission shall also include details for the continued management and maintenance of the open spaces created within the site.

*Reason :* To ensure the satisfactory appearance of the development and to ensure the success and continuation of the landscaping and planting scheme, and the establishment of the plants for the future

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

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

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

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

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

*Reason:* To safeguard the amenity of the area.

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

*Reason :* To promote sustainable travel alternatives

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

*Reason* To control potential pollution.

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

*Reason* To control potential pollution.

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

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

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

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

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

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

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

22. There shall be no more than 25 dwellings built on the application site, unless the applicant has entered into a section 106 planning agreement to provide appropriate contributions towards

- education facilities in the area and
- affordable housing on the site, or a contribution towards affordable housing off site

*Reason :* To ensure that the health and educational and housing needs of the potential occupiers of a large development on the site are met.

23. There shall be no more than 30 dwellings built on the application site, unless the applicant has entered into a section 106 planning agreement to provide appropriate contributions towards health facilities in the area

*Reason :* To ensure that the health needs of the potential occupiers of a large development on the site are met.

24. There shall be no more than 10 dwellings built on the application site, unless the applicant has entered into a Section 106 Agreement to provide off site open space provision in accordance with policy LC1 And 8.3 of the Unitary Development Plan and Urban Open Space Supplementary Planning Document adopted April, 2006.

*Reason :* To ensure adequate amenity space provision for the potential occupiers of the development.

#### NOTES FOR APPLICANT

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



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

- C. The ground contamination survey and phased site investigation carried out on the site shall be made in reference to current standards and best practice such as British Standard BS10175:2001 'Investigation of potentially contaminated sites - Code of Practice'; British Standard BS5930:1999 'Code of practice for site investigations'; Waste Management Paper No. 27 'Landfill Gas'; Environment Agency, NHBC 'Guidance for the Safe Development of Housing on Land Affected by Contamination' R and D Publication 66, 2000; and the Contaminated Land Exposure Assessment Model (CLEA) 2002. Please note that this is not an exhaustive list.
- D. With regard to suitable noise mitigation measures to protect internal areas reference should be made to the guidance and criteria contained in British Standard BS 8233, 1999 and World Health Organisation Guidelines for Community Noise 2000 and the following are relevant:
- a) internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level,  $L_{Aeq(5 \text{ minutes})}$ , of 35 dB together with a maximum instantaneous level of 45 dB(F)  $L_{Amax}$ , between the hours 23.00 to 07.00;
  - b) internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level,  $L_{Aeq(1 \text{ hour})}$ , of 45 dB between the hours 07.00 to 19.00; and
  - c) internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level,  $L_{Aeq(1 \text{ hour})}$ , of 40 dB between the hours 19.00 to 23.00.
  - d) the buildings shall be constructed, designed and laid out so that external living areas of the residential development shall not exceed Noise Exposure Category 'B' of Planning Policy Guidance Note 24. (For the purpose of this condition external living areas shall be the gardens and private amenity areas of the dwellings).

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

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

- E. The reserved matters submission should consider the existing definitive footpath which runs along the boundary with the site and possible consideration given to incorporating it within the site as part of the public road system (subject to statutory procedures). Furthermore, consideration should also be given to the proposed line of the 5W's Metro route along the western boundary and in particular how the residential development will relate to it.

**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, 3.16, ENV18, ENV32, H10, JP7, 8.8, T7 and H3 of Walsall's Unitary Development Plan, the adopted Residential Design Standards (RDS) and the Regional Spatial Strategy for the West Midlands and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Building Control,  
Regeneration  
On 13 March 2007

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

**Application Number:** 06/2160/FL/W5

**Case Officer:** Karon Hulse

**Application Type:** Full application

**Telephone Number:** 01922 652492

**Applicant:** Finch House Properties

**Agent:** Development Design Partnership Ltd

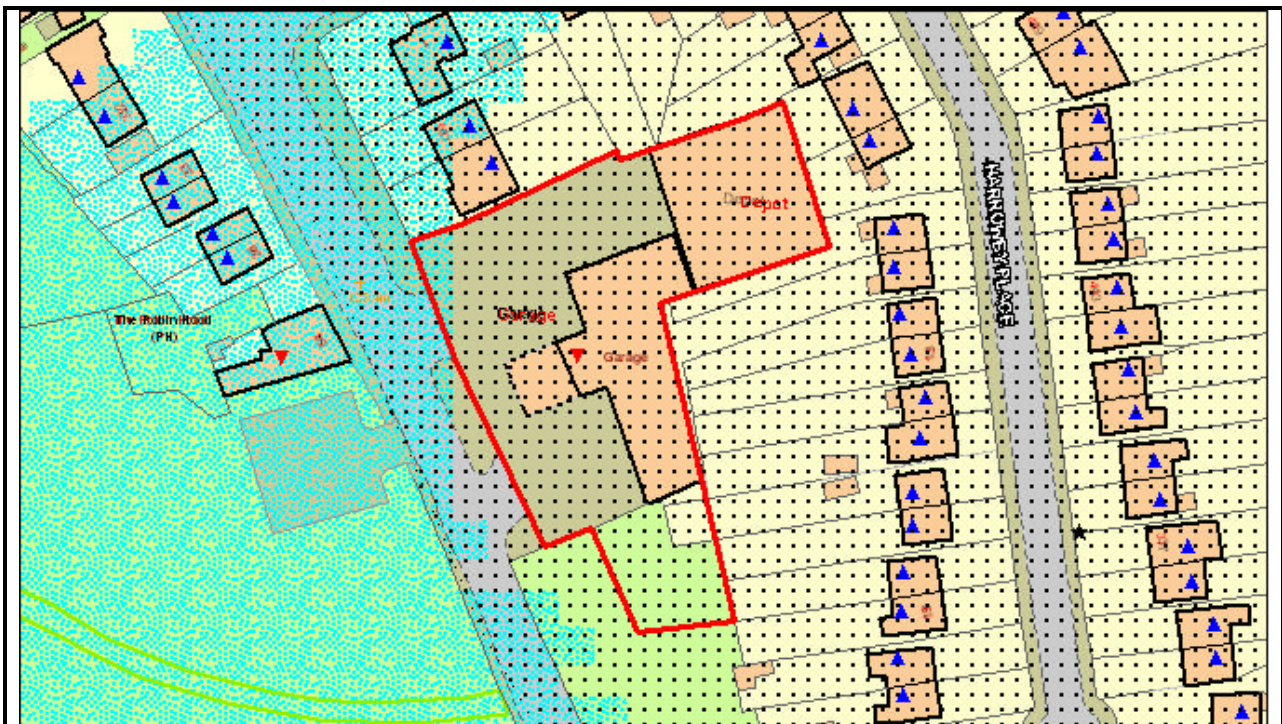
**Proposal:** Demolish Existing Garage and Erect 15 No. Flats with Associated Parking

**Location:** ROBIN HOOD SERVICE STATION, THE CRESCENT, WILLENHALL, WALSALL, WEST MIDLANDS

**Ward:** Willenhall South

**Expired:** 18 April 2007

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



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## **Current Status**

This application is a re-submission following a recent refusal for the development of the site currently occupied and known as the Robin Hood Garage and workshops on The Crescent, Willenhall. It was refused only on the grounds that no Flood Risk Assessment had been submitted, however, the remainder of the scheme did identify that it would respect and reflect the existing residential character of the area.

## **Application and Site Details**

This application proposes a scheme which is the same as previously submitted but is also accompanied by the Flood Risk Assessment. It proposes to erect a single residential block along the frontage of The Crescent to accommodate fourteen two bedroom apartments and one single bedroom apartment.

The apartments would be two and three storeys, two storey adjacent to no. 65 The Crescent rising to three storey towards the Black Country Route. The main body of the apartments would be sited between 2 and 5 metres back from the pavement, there would be three main pedestrian access points and a gated archway to the rear car park and amenity areas, this would form a strong street frontage onto The Crescent. The building line follows and extends the natural building line created by existing residential properties to the north between the Robin Hood Garage and the allotments.

Access to the rear of the site would be through an archway with a single apartment above, this is an existing access point off The Crescent adjacent to no 65. It would be secured and give access to a large private area consisting of a car parking accommodating 22 spaces, incidental areas of landscaping and walkways and two areas of private amenity spaces creating a formal garden area and a communal garden area.

Bin storage and cycle storage areas would be provided at the gated entrance to the site.

The design and external appearance of the apartment block would be similar to those which have already been constructed a little way along The Crescent on the opposite side.

The total site area is 0.14 ha. (equating to 64 dwellings per hectare).

The existing area is predominantly residential with a number of recent residential schemes having been implemented along The Crescent and nearby Clarke's Lane.

The Crescent is a main route between The Green in Darlaston and the main Wolverhampton Road in Willenhall, the site is to the north of the Black Country Route although there is no direct access from The Crescent onto it.

## **Relevant Planning History**

As outlined in the current status section above, this application follows a recent refusal for the same scheme (06/0633/FL/W5 refers) which was refused on the grounds of no Flood Risk Assessment being submitted.

Other planning history for the site relates only to its use as a car repairs business, however, on the opposite side of The Crescent approximately 150 mts to the northwest is the recently developed Morris Homes site consisting of an apartment block fronting onto The Crescent (three storeys) and dwellings to the rear (03/2516/FL/W5 refers).

### **Relevant Planning Policy Summary**

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

#### **Unitary Development Plan**

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

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

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

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

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

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

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

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

H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings - Encourages provision of additional housing through windfall sites provided a satisfactory residential environment can be achieved.

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

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

T7 and T13 - Car Parking - development to comply with parking standards

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

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

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

### **Residential Development Standards (RDS)**

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

### **National Policy**

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

### **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.

### **Consultations**

**Transportation** - no objections

**Fire Service** - no objections

**Pollution Control Division** - no objections

**Environmental Health** - no objections

**Environment Agency** - none received

**Police Architectural Liaison Officer** - no objections

**Education Walsall** - £15,475.57 financial contribution towards secondary education

**Green Spaces** - £20,097 financial contribution towards open space

**Centro** - no objection

**Environmental Regeneration** (urban design) - no objections

### **Representations**

I have received one letters of representation requesting that the boundary at the rear of the site, with no. 3 Harrowby Place which is currently the side of the workshop, is provided with a suitable boundary wall.

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

### **Determining Issues**

- Principle of the development
- Siting and Layout (including distinction between public/private realm)
- Residential Amenity
- Access and Parking (including access by refuse vehicle and impact of landscaping)
- Environment Agency/drainage
- Planning Obligations

### **Observations**

#### **Principle of the development**

This area is predominantly residential, the scheme will provide units which will benefit the local community and promote and enhance the area generally.

The scale and character would be in keeping with other recent residential developments nearby, namely the Morris Homes development to the north.

The density of the site would be 64 units per hectare. In this sustainable location, this would accord with both the Unitary Development Plan and Government guidance in so far as it will meet housing needs of the whole community, create more sustainable patterns of development, be in keeping with the character and density of the existing local area and close to public transport routes to and from the town centre of both Willenhall, Darlaston and Walsall.

The proposal is therefore in accordance with Planning Policy Statement 3 and the Unitary Development Plan.

#### **Siting and Layout (including distinction between public/private realm)**

The proposed development for this site respects and reflects the residential character of the area.

The public and private areas are easily defined and distinctive. Access to the private areas is controlled so that unauthorised persons will be recognised. The siting of the building along The Crescent means that separation distances with those dwellings in Harrowby Place are easily achieved.

The potentially dominating appearance of car parking within the rear courtyard has been reduced by use of formal areas of landscaping in between the bays. The use of this part of the site for car parking is also more appropriate due to its relationship with residential properties to the rear in Harrowby Place.

The siting of the car park in the area to the rear of the site is considered a suitable location as it will provide secure parking and be subject to natural surveillance. The boundary around this area is currently the walls of the workshop buildings, residents who share the boundary would prefer to see a brick wall boundary to provide security and a pleasant outlook. There may be

an opportunity to reduce the existing building walls to 2 metres to provide this level of appropriate treatment.

The relationship between the proposed building and the street is acceptable, the block is of a similar height to the adjacent dwelling at no. 65 The Crescent and gradually rises to three storeys reflecting the apartment block further along The Crescent on the opposite side.

### **Residential Amenity**

The application proposes ample external secure amenity areas at the rear which will provide both formal and communal outside areas for its future residents. This openness will improve the outlook for surrounding residential occupiers in Harrowby Place. The site is currently a garage and workshop and as such the industrial nature of the buildings can detract from the otherwise existing residential nature of the area. The incidental areas of landscaping together with the formal and informal recreational spaces provides more than satisfactory separation distances around the site and will create a pleasant relationship between the apartments and the dwellings to the rear in Harrowby Place.

The development is nicely balanced between well designed buildings, active street frontages, internal courtyards/amenity spaces and the use of natural surveillance to overlook all private areas within the development, there is a clear distinction between the private and public areas. The scheme is intimate and provides individual privacy for its occupiers but will also compliment the existing residential area.

The apartment block nearest to no. 65 is two storey therefore its scale will be similar to that dwelling and have little impact on those occupiers.

The development of this site provides an opportunity to improve and enhance the area aesthetically and visually for the local residents as it is currently a mix of workshops and petrol filling station.

### **Access and Parking (including access by refuse vehicle and fire)**

The means of access is from The Crescent.

The scheme includes a secure vehicular and pedestrian gated access giving way to a rear car park courtyard and private amenity spaces. The car park provides a total of 22 spaces which equates to nearly 150% (22.5 spaces required), this is acceptable.

The secure gated access is acceptable however it will need to incorporate a fireman's over ride switch for satisfactory access to the rear, a condition requiring the details should be imposed on any approval.

Refuse and secure cycle storage facilities are to be provided at the entrance to the site, this would be within 9 metres of the highway and is therefore acceptable.

### **Environment Agency/drainage**

The site is within flood zone 2 which is a medium to low risk zone. They have not made any representations to this application.

A scheme for water run-off likely to be generated from the proposed development and surface water measures should be required, similarly there should be a requirement for a scheme for



sustainable drainage, both can be secured by way of planning conditions imposed on an approval.

### **Planning Obligations**

An education contribution of £15,475.57 for secondary school provision is required for this development in accordance with policy GP3 and paragraphs 8.8 and 8.9 of the UDP. This has been agreed with the applicant and should be secured by a S106 agreement. Similarly a commuted sum of £20,097 for urban open space will also be required by policies GP3 and LC1 and in line with the Council's Supplementary Planning Document (SPD) for Urban Open Space (April 2006). Again this will be secured by way of Section 106 Agreement which is currently being prepared.

### **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 and a suitable boundary between the adjacent footpath and the site. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

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

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

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

4. 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 functioning and appearance of the development.

5. No development shall be carried out until a detailed landscaping scheme for the site, (including any necessary phasing of implementation) to be approved in writing by the Local Planning Authority. The scheme shall be submitted on a plan to an appropriate scale and shall include, where applicable, details of:

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

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

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

6. 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.

7. 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.

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

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

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, there shall be no vehicular access to the site, other than through the access as shown on the deposited plans, without the prior approval of a planning application.

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

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

- (a) a specification for a ground contamination survey and site investigation to assess the likely hazards of all identified contamination on the site to the proposed development (and its future occupants), resulting from the presence of potentially toxic materials and the emission of toxic, flammable and asphyxiant gases. and having regard to

appropriate advice and guidance, particularly that contained in British Standard BS10175:2001 'Investigation of potentially contaminated sites - Code of Practise'; British Standard BS5930:1999 'Code of Practise for site investigations'; Waste Management Paper No. 27 'Landfill Gas'; and the Inter-Departmental Committee on the redevelopment of Contaminated Land' document ICRCL 59/83: Second Edition 1987 'Guidance on the Assessment of Contaminated Land', Contaminated Land Exposure Assessment (CLEA) model shall be approved in writing by the Local Planning Authority

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

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

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

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

11. No development shall be commenced until a noise survey has been undertaken to the written satisfaction of the local planning authority. The results of this survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests shall be submitted to the local planning authority within 6 weeks of completion.

*Reason :* To ensure the satisfactory development of the site and to safeguard the amenities of future occupiers.

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

*Reason :* To ensure the satisfactory development of the site and to safeguard the amenities of future occupiers.

13. No development shall be commenced until details for the continued management and maintenance of the open spaces created within the site have been submitted to and approved in writing by the Local Planning Authority.

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

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

*Reason :* To promote sustainable travel alternatives

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

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

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

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

17. A protocol shall be 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.

18. No construction, demolition or engineering works (including land reclamation, stabilisation preparation, remediation or investigation) shall take place on any Sunday, Bank Holiday or Public Holiday and otherwise such works shall only take place between the hours of 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.

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

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

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

## 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.*

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

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

**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, 3.113, 3.114, 3.115, 3.16, ENV14, 3.9, ENV32, H3, H9, H10, T7, T13, 8.8, 8.9, LC1 and LC8 of Walsall's Unitary Development Plan, adopted Residential Development Standards (RDS) and the Regional Spatial Strategy for the West Midlands and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Building Control,  
Regeneration  
On 13 March 2007

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

**Application Number:** 07/0121/FL/W6

**Case Officer:** Val Osborn

**Application Type:** Full application

**Telephone Number:** 01922 652436

**Applicant:** Education Walsall - Serco

**Agent:** Hunter & Partners Limited

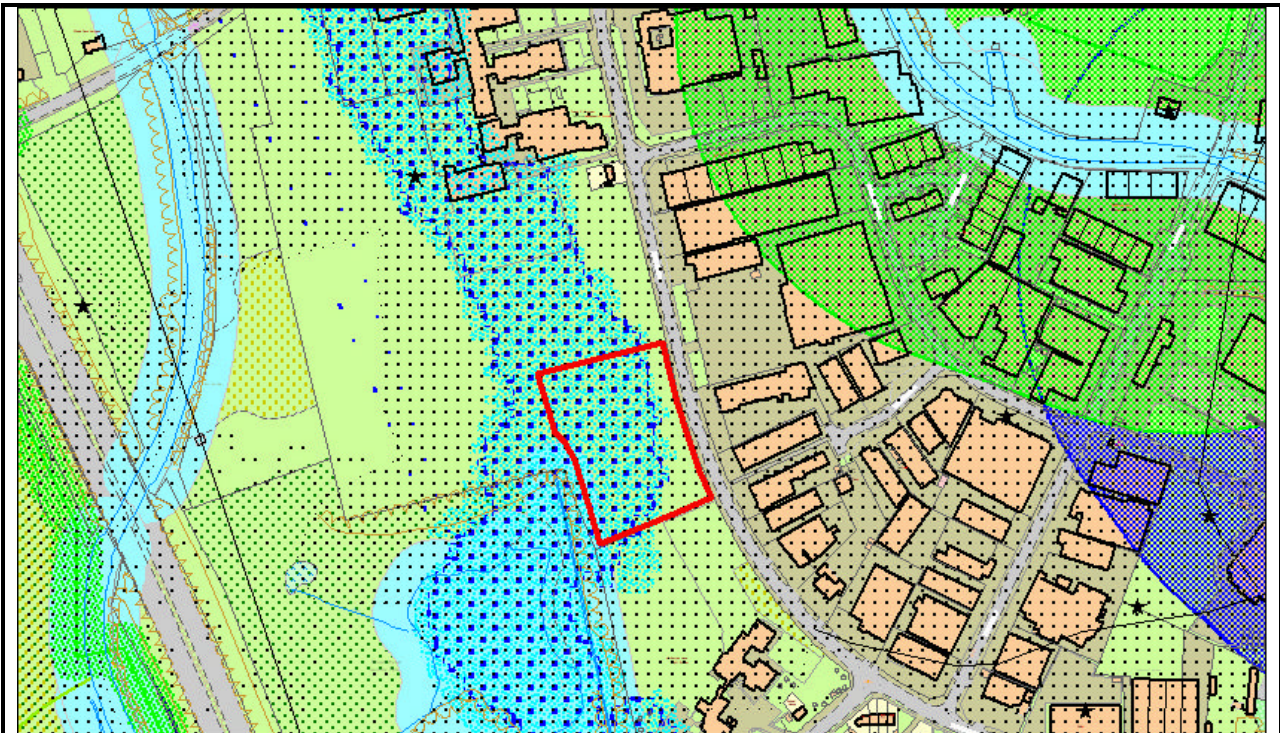
**Proposal:** Redevelopment of an existing school playing field to erect a new two storey Special Needs School, incorporating a new access road including drop-off, parking and highway works with associated landscaping/playspaces and re-provision of public open space

**Location:** FRANK F. HARRISON  
ENGINEERING COLLEGE, LEAMORE  
LANE, BLOXWICH, WALSALL, WEST  
MIDLANDS, WS2 7NR

**Ward:** Birchills Leamore

**Expired:** 25 April 2007

**Recommendation Summary:** Grant subject to conditions, to receipt of no material representations and subject to Secretary of State not wishing to intervene.



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## **Application and Site Details**

The application relates to land between the existing school buildings of Frank F Harrison Engineering College and Hatherton Primary School, on Leamore Lane, Beechdale.

The proposed new school site would be 80m south of playground at the south of the Frank F Harrison College, and directly north the playground of Hatherton Primary School. The site is also north-west of Beechdale Park, and is currently used as a football pitch and playing field by Frank Harrison College.

The application proposes a new two storey school to provide the only provision in Walsall, for young people between the ages of 11 and 19 for whom there are severe and profound learning needs. The school will have class bases for the number of children and range of specialist teaching and therapy accommodation together with ancillary accommodation for pupils and staff.

The accompanying statements in support of the application explain;  
' Specialist teaching areas include provision for food technology, science, art, design technology, ICT, music/drama and a library. Therapy facilities include a therapy pool, light and dark sensory rooms, therapy room and accommodation for a range of visiting professionals. The school will have indoor P.E. facilities in the hall and suitable area for outdoor activities (hard play and grass)'.  
'

The building comprises a 60m long frontage to Leamore Lane set behind an access drive, lay-by and wide car parking spaces opposite the entrance to the school.

An asymmetrical 13.5m projecting wing on the front would accommodate the hall and hydrotherapy pool north of the entrance.

The western elevation would be semi-circular, enclosing a part of the playground and overlooked by a dining area on the ground floor and sensory, therapy, IT and groups work rooms accessed from it on the second floor.

The accompanying statements explain how 'the current school is under-sized and this proposal is an outcome of the review of specialist Special Education Needs provision in Walsall. Co-location with a secondary school would provide on-site opportunities for inclusion in mainstream environment and there would be the possibility of shared use of the playing fields.

Education Walsall and Walsall Council considered a range of options. In some cases alternative sites were not of a suitable size to satisfy DfES requirements, were in Green Belt and used as public open space or playingfields, so the loss of use by the public was considered a significant disadvantage. The site of a recently closed primary school would have increased the travel times for vulnerable young people and was therefore discounted.

This site has the following advantages:

- Large enough to comply with regulations for both Frank F Harrison Engineering College and a new building for Mary Elliot Special School;
- Co-location with a mainstream secondary and primary school affords excellent on-site inclusion opportunities;
- Good accessibility and minimum travel times'.



The submitted plans also indicate a junior football pitch to be provided to the north of the school site, on land to be managed by Frank F Harrison College.

### **Relevant Planning History**

None

### **Relevant Planning Policy Summary**

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

#### **Unitary Development Plan**

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

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

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

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

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

Policy ENV2 presumes against new development in the Green Belt, unless it is;  
V. limited infilling of major existing developed sites, in accordance with ENV4 .

Policy ENV3 sets out detailed criteria related to impact on the Green Belt.

PolicyENV4 (a) that development will have no greater impact on the purposes of the Green belt, than the existing development.

(c) no intensification that would have an adverse impact on amenities, and be acceptable in terms of ENV3 and GP2.

Policy ENV15 Forest of Mercia, supported to provide a wide range of access, outdoor leisure and recreation benefits to be promoted.

Policy ENV17- new planting to be promoted.

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

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

Policy ENV 24 - Wildlife corridors; new development should maintain the integrity of wildlife corridors.

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

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

Policy 8.7 the provision of new facilities will be encouraged.

Policy 7.1 seeks to promote an efficient highway network;

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

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

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

### **National Policy**

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

Planning Policy Guidance Note 2; Green Belt. Land objectives to provide for access to open countryside and provide opportunities for sport and outdoor recreation. Development which harms the Green belt is inappropriate. Inappropriate development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless any harm is clearly outweighed by other considerations. Annex C -development by institutions is subject to the same controls as other development in the Green Belt.

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

Planning Policy Guidance Note 17 - advises a robust assessment of existing and future needs. Paragraph 10 advises that existing sports land should not be built on unless an assessment has been undertaken which has clearly shown the land to be surplus to requirements.

### **Consultations**

**Transportation** - to be reported in Supplementary Papers

**Pollution Control**- to be reported in Supplementary Papers

**Natural Environment, Environmental Regeneration** - to be reported in Supplementary Papers

**Urban Design** - No objections. Consideration has been given to how the building can adapt to future educational requirements and this application will set positive standards in terms of

visual appearance and spaces, making a positive contribution to the area. In terms of the quality of the public realm, this would be dealt with via a planning condition for landscaping.

**Land Drainage Team** - No objections

**Environment Agency** - to be reported in Supplementary Papers

**Education Walsall** - to be reported in Supplementary Papers

**Sport England** - No objection. Sport England's Playing Fields Policy aims to ensure that there is an adequate supply of playing fields and quality pitches to satisfy the current and estimated future demand for pitch sports. From the details included in the application and further details provided by the applicant it appears that the proposal may be an exception within Section E1 of our policy. The information supplied suggests that there is an surplus of playing field in the catchment area and that this would still be the case following the proposed development. In such circumstances Sport England does not object to the application subject to the imposition of conditions 3 and 4 in the recommendation.

**Inland Waterways Association** - No objections. Partial screening of the proposed building from the canal and cycle path would help mitigate against loss of open space and would go some way towards making the development carbon neutral.

**West Midlands Fire Service** - No objections. Satisfactory access for fire appliances.

### **Public Participation Responses**

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

None.

### **Determining Issues**

- Green Belt
- Loss of Sports facilities
- Design
- Landscape and ecological impact
- Access and parking

### **Observations**

#### **Green Belt**

The application involves buildings on land occupied by an educational institution within the Green Belt and would therefore be inappropriate development. The applicant has undertaken an extensive search for alternative sites.

Walsall Council's Cabinet agreed in December 2004 to change the age of transfer at schools for pupils with severe and profound learning needs from 14 to 11 years. Such an organisational change for Mary Elliot School would need additional accommodation to cater for a further three year groups - a total of 110 places. In December 2005 the commencement of statutory processes were approved by Cabinet.

The site selection criteria require a site size of approximately 2 hectares and co-location with a mainstream school which is strongly supported by DfES. The site would also need good accessibility as all pupils are transported to school. Consideration of the current addresses of pupils led to identification of the northern part of the borough as the most suitable area in which to locate. Early consideration was given to enlarging the existing site. However the enlarged site would still have been significantly below the size specified in Regulations and continuing to educate pupils in the current building would have imposed unacceptable constraints in terms of design and delivery of the new school building.

In terms of co-location with a mainstream secondary school site, some schools were at the borough boundaries which would have increased journey times for pupils to an unreasonable degree. Of the two remaining possible sites, one is a specialist sports college and the playing field area has been extensively developed to support curriculum delivery; these facilities are highly valued by the school and local community and would have been significantly reduced should this site have been chosen.

The remaining site is Frank F Harrison Engineering College. The site is sufficiently large to satisfy the Regulations for both Frank F Harrison and Mary Elliot Schools, is readily accessible from all parts of the borough and in particular from pupils' addresses, satisfies the co-location requirements and there is capacity to create appropriate on-site waiting areas for vehicles.

In the light of all the circumstances, it is considered that the Frank F Harrison site is the most appropriate option.

The fact that, despite all reasonable efforts, an alternative site cannot be found amounts to very special circumstances, as provided for in Planning Policy Guidance Note 2. It is considered that the harm to very vulnerable young people by being educated in an under-sized school that does not comply with Building Regulations purposes and with poor vehicular access and lack of facilities outweighs the harm by inappropriateness.

The existing landscape fringe of extensive forest planting would screen the proposed two-storey building. A strategic landscape scheme provides for this aspect and further conditions of the recommendation pertain.

### **Loss of Sports facilities**

Walsall Council's 'Playing Pitch Assessment Strategy 2003-2006' was carried out in conjunction with Sport England and an outcome was the surplus of senior pitches. The Strategy recommends;

'to seek to improve the overall quality of existing and new ancillary accommodation, with particular emphasis on the need to provide adequately for juniors and women, girls and disabled users. At the local level the strategy recommends the re-designation of senior football pitches to meet deficiencies in designated mini and junior provision'.

Sport England's comments in respect of surplus provision and securing the new junior pitch are supported.

### **Design**

The detailed layout of the site sets a single flat roofed building behind the extensive planting on Leamore Lane frontage, presenting a range of roof planes to the front elevation up to two storey height (7.5m). The design of the scheme 'intends a hierarchy of massing across the building represented by the pool and hall forming a solid barrier to the noise and bustle of the

drop-off area and site access. The front elevation is 'an advertisement for the new school', with the support/administrative/service spaces as a buffer to the private spaces of the teaching areas behind them.

To protect pupils who are susceptible, the roof design encloses circulation/access areas and spaces that can be used a performance space, dining and library. Four windcatchers or ventilation chimneys, less than 1m in height, would be sited on the flat roof, allowing natural ventilation to classrooms.

The Landscape assessment refers to the retention of a significant proportion of this planting, with the requirement for removal being related to access and parking. However the overall quality of the public realm would be established through the landscape scheme, which is recommended to be reserved for later approval by condition.

The design of the front elevation gives presence and legibility, with some views of activities within the building, which enhances the scheme. The scheme will make a positive contribution to the overall character of the area.

In terms of local facilities, the applicant has indicated the hydrotherapy facilities would be available to the community and be used by Streetly Sports College and other special schools in Walsall. The supporting statement of the applicant comments 'This facility will enable young people to continue their sporting activities after they have left school'.

### **Conclusion**

The provision of a junior ( and improved) football pitch satisfies Walsall Council's 'Playing Pitch Assessment Strategy and will benefit the local community. The implications for the local facilities is therefore beneficial and Sport England recognises the net gain of facilities for the community.

It is considered that the very special circumstances of this application outweigh the harm to Green Belt, as provided for in PPG2.

**The application has been advertised as a Departure and must be referred to Government Office West Midlands if minded to approve.**

Recommendation; Grant subject to conditions and subject to determination of Government Office West Midlands:

### **Recommendation: Grant Permission Subject to Conditions and no New Material Objections**

**Recommendation;** Grant subject to conditions, to receipt of no material representations and subject to Secretary of State not wishing to intervene:

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

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

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

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

3. No development or site clearance works shall be carried out until a detailed landscaping scheme for the site has been approved in writing by the Local Planning Authority. Apart from being attractive visually, the proposed planting shall replace trees lost as part of the Forest of Mercia, shall be in accordance with BS 5837 and shall identify those trees to be retained and removed. The detailed plans shall also provide for tree protection zones and fencing specifications, and indicate storage, mixing and welfare areas, changes in levels and sustainable drainage systems. The tree protection measures, storage and mixing zones and welfare areas shall be implemented before the commencement of development or as agreed in writing by the Local Planning Authority. The approved scheme shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority.

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

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

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

5. 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.

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

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

7. The replacement junior football playing pitch shall be laid out in accordance with the planning application, supporting statement section 4.2, drawing number PL03 and the standards and methodologies set out in the guidance note 'Natural Turf for Sport' (Sport England, March 2000) and made available for use prior to the commencement of development, unless otherwise agreed in writing with the local Planning Authority.

*Reason:* To ensure the quality of the pitch is satisfactory and is available for use prior to development.

8. Prior to the commencement of use, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of

pricing policy, hours of use, access by non-school users, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development

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

9. No development shall be carried out until revised details of the car parking and manoeuvring areas, showing the provision of at least 6 mini bus for disabled people parking spaces, have been approved in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local planning Authority. 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 such other materials as may be agreed in writing by the Local Planning Authority, and the parking spaces shall have been clearly marked out. The areas shall thereafter be retained and used for no other purpose.

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, there shall be no vehicular access to the site, other than through the accesses as shown on the deposited plans, without the prior approval of a planning application.

*Reason:* In the interests of highway safety.

11. The car parking shown on the approved plans shall only be used in association with the building which is the subject of this planning permission.

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

12. Before this development is brought into use, the access ways, 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. Before development commences a scheme for the lighting of the access, car park and landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. No external lighting, particularly during the construction phase shall be installed on the site unless details have been submitted to and approved in writing by the Local Planning Authority and the lights shall be installed in accordance with the approved details.

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

14. Within 1 year of the development being brought into use, a Green Travel Plan (including timetables for implementation) shall be prepared and submitted for the approval of the Local Planning Authority. The approved Plan shall be implemented in accordance with the approved timetables.

*Reason:* To promote the use of sustainable travel methods.

15. Prior to the commencement of any development on site details shall be submitted to and approved in writing by the Local Planning Authority for the conservation and efficient use of energy and natural resources and sustainable development, including consideration of 2005 Building Research Establishment Environmental Assessment Method 'very good' standard, micro energy generation, on site composting, grey water systems, SUDS and locally produced building materials. The development shall then be implemented in accordance with the approved details.

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

16. No development shall be carried out until details of ventilation and fume control equipment have been approved in writing by the Local Planning Authority. The approved details shall be implemented before this development is brought into use, and thereafter retained in working order.

*Reason:* To safeguard the amenity of the area.

17. No development shall be carried out until a scheme for the provision and implementation of a surface water run-off limitation, to prevent water discharge into the watercourse, 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 thereafter maintained in working order.

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

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

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

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

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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Building Control,  
Regeneration  
On 13 March 2007

**REASON FOR BRINGING TO COMMITTEE: Major application and disposal of Council owned land.**

**Application Number:** 07/0010/FL/W3

**Case Officer:** Mrs J Scrivens

**Application Type:** Full application

**Telephone Number:** 01922 652436

**Applicant:** Mr. G. Vernava

**Agent:** Armstrong Walker

**Proposal:** Residential development of 12 flats and associated parking

**Location:** LAND OFF COLTHAM ROAD, SHORT HEATH, WILLENHALL, WALSALL, WEST MIDLANDS, WV12 5QD

**Ward:** Willenhall North

**Expired:** 03 May 2007

**Recommendation Summary:** Delegated



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## **Application and Site Details**

This application proposes the erection of 12 flats in a three storey block. An existing vehicular access to Coltham Road would be upgraded and, with the addition of an area of Council owned land, 18 car parking spaces would be provided. An existing vehicle access to the rear garden of 108 Coltham Road would be retained. 108 Coltham Road is a traditional Victorian house, having windows facing into and towards the rear of the site.

The flats have been designed to have their entrances at the rear of the building, off the car park. A small area (76 square metres) of amenity space/drying area would be provided between the car park and the entrance to the flats.

A poplar and some smaller sycamore trees would be felled to accommodate the car park.

The existing buildings on the site were formerly a post office and butchers and 5 flats. The shops are now vacant. The area is predominantly residential in character interspersed with the occasional shop.

A public footpath adjoins the site to the west. There is a pedestrian crossing where this enters Coltham Road. The vehicle access to the site would be clear of the zig-zag lines for the crossing.

## **Relevant Planning History**

05/0379/FL/W3 Change of use to bed and breakfast. Refused 2005 due to poor amenity for its occupiers; lack of information regarding need for the proposal, its accessibility or local need; detrimental to highway safety due to poor parking layout encouraging on-street parking and inaccurate plans.

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

### **Unitary Development Plan**

GP1 requires sustainable locations for development, maximising the re-use of previously used sites.

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

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

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

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

ENV14 relates to the treatment of previously developed sites.

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

H10 requires residential development to make a high quality living environment.

Residential Development Standards were adopted on 25.4.05

S6 identifies the significance of local facilities such as shops to communities. Applications involving the loss of such facilities will be refused where they are judged to serve an important local need.

T7 and T13 relate to car parking.

T8 requires development to address the needs of pedestrians.

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

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

## **National Policy**

Planning Policy Statement PPS1 encourages sustainable development and good design.

Planning Policy Statement PPS3 supports increased housing on brownfield sites.

## **Regional Spatial Strategy**

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

## **Consultations**

**Transportation:** No objection. Revisions need to be made to provide a hardstanding for bins adjacent to the highway; demarcated disabled parking spaces; cycle storage; parking spaces to a standard size; 2.4m x 70m visibility splay. Sufficient parking is provided. The access can be amended to 4.1m in width, in conjunction with a lowered crossing point. Any parking spaces directly off the access road should have a minimum width of 5m manoeuvring space.

**Pollution Control:**

**Environmental Health:**

**Fire Service:** No objection.

**Environment Agency:** No objections. The site has been assessed as having a low environmental risk.

**Leisure Services:**

**Education:** No objection. A financial contribution would be required towards the provision of secondary education. A contribution of £13,264 would be required for 12 flats.

**Police Architectural Liaison Officer:**

**Central Network Services:**

**Arboricultural Officer:**

## **Representations**

The occupiers of 10 Walkers Fold and 122 Coltham Road object to the development on the following grounds:

- little different to the previous bed and breakfast proposal
- inadequate car parking
- busy road
- unsatisfactory access
- safety problem for children using local schools
- concerns of previous refusal not been addressed
- three storeys is too high and out of keeping with the street

- loss of privacy in rear garden of 122 Coltham Road
- concerned whether flats would be rented or for sale

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

### **Determining Issues**

- loss of shops
- access and parking
- residential environment
- design
- urban open space and education

### **Observations**

#### **Loss of shops**

Given the proximity of shops within walking distance, at the Woodlands centre and the other end of Coltham Road and slightly further away in High Road, Short Heath there appears to be no over-riding need to retain shops in this location.

#### **Access and Parking.**

The proposed vehicular access to the site is acceptable in this location. There are currently five flats and a shop which are accessed from this position plus the parking area for the second shop and 108 Coltham Road. The additional use of an access in this position would not be much greater than at present.

The access to the adjacent property has been retained as part of this proposal.

Parking has been provided to Council standards, although some minor alterations are required to make the layout function acceptably. It is not considered appropriate to reduce the amount of parking required in this location since it would lead to on-street parking in the vicinity of a pedestrian crossing in a street where some residents have no alternative but to park on-street.

Provision must be made for bin storage adjacent to the highway.

#### **Residential environment.**

The site is within a predominantly residential area and residential use already exists on the site. The redevelopment of the site for wholly residential purposes could provide a satisfactory residential environment for its occupiers but the scheme requires amendment before this can be achieved.

The entrance to the flats would be from the rear car parking area so that there would be no separation of public and private areas. The main entrances should be on the public side of the building.

Habitable room windows in the proposed flats and in 108 Coltham Road would meet the distance separation set out in the Council's adopted Residential Development Standards.

There would be a great deal of hard surfacing as a result of the amount of parking required for this number of flats and very little amenity space. The latter would be adjacent to the car park and enclosed with a fence and shared with the drying area. This is wholly unacceptable and amended plans are required which take into account the amenity of future occupiers of these flats.

### **Design**

The proposal for a three storey block of flats would have no adverse design effect in this location. The 'streetscene' submitted with the application shows that the flats would be little higher than their nearest neighbours (1.5m higher than 122 Coltham Road and 1.8m higher at the furthest end of the building from this dwelling). The separation from the nearest properties (by the access and by a footpath and area of open space) would assist in integrating this block into the street. There are other properties of similar height in the street and it is not of a uniform character.

There are some concerns regarding the proposed materials for the building; it is proposed to use concrete roof tiles. The roofs of the existing buildings are clay tiles and these could be re-used, or replacements provided, to be sustainable and in keeping with the area.

The proposed boundary treatment would be railings to Coltham Road and the public footpath. This is acceptable although it appears that part of the existing site adjacent to the footpath is excluded from the application. Amended plans are required to address this issue.

The remainder of the side and rear boundaries, which are high brick walls would be replaced with fencing. This is undesirable as these boundaries adjoin a footpath and open land and it is evident on site that strong and secure boundaries are necessary. Amendments to the plans are also required in this respect.

The design of the building is potentially acceptable but its entrances should be from the highway rather than from the car park at the rear. This would necessitate some internal re-arrangement of the flats but would produce a more attractive building with increased surveillance of the adjacent public footpath and greater security at the rear of the building. Amended plans are required which address this issue.

There have been complains in the past about the condition of these buildings and the misuse of the adjacent Council owned land and the footpath. The redevelopment of this site, provided an otherwise satisfactory scheme can be achieved, should be an improvement to the amenity of the area.

### **Urban open space and education**

Contributions are required towards the maintenance or provision of urban open space under policy LC1 and to education under 8.8. The contribution towards urban open space based on a development of 12 flats would be £14,553.

The applicant has yet to confirm whether he is prepared to make these contributions. The amount of the contribution (or indeed the need for them) will depend upon the scale of the development once the required revisions to the scheme have been produced.

## **Conclusion.**

The re-development of this site for housing with the incorporation of the adjoining vacant site is to be welcomed in principle. The submitted proposal requires revision to provide a development which would provide a satisfactory residential environment for its occupiers, which functions well and which would relate well to its surroundings. The application requires significant revision and the submission of amended plans is anticipated. Any additional consultation responses will be reported to the meeting.

The current proposal would require the applicant to make a financial contribution towards education and urban open space through a Section 106 Agreement.

It is therefore recommended that the determination of this application is delegated to ensure that a satisfactory scheme is achieved and the appropriate amount of contributions towards education and urban open space are secured.

**Recommendation:** Delegated

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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Building Control,  
Regeneration  
On 13 March 2007

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

**Application Number:** 06/2220/FL/E11

**Case Officer:** Alison Deakin

**Application Type:** Full application

**Telephone Number:** 01922 652487

**Applicant:** Mcinerney Homes West Midlands

**Agent:** Pegasus Planning Group

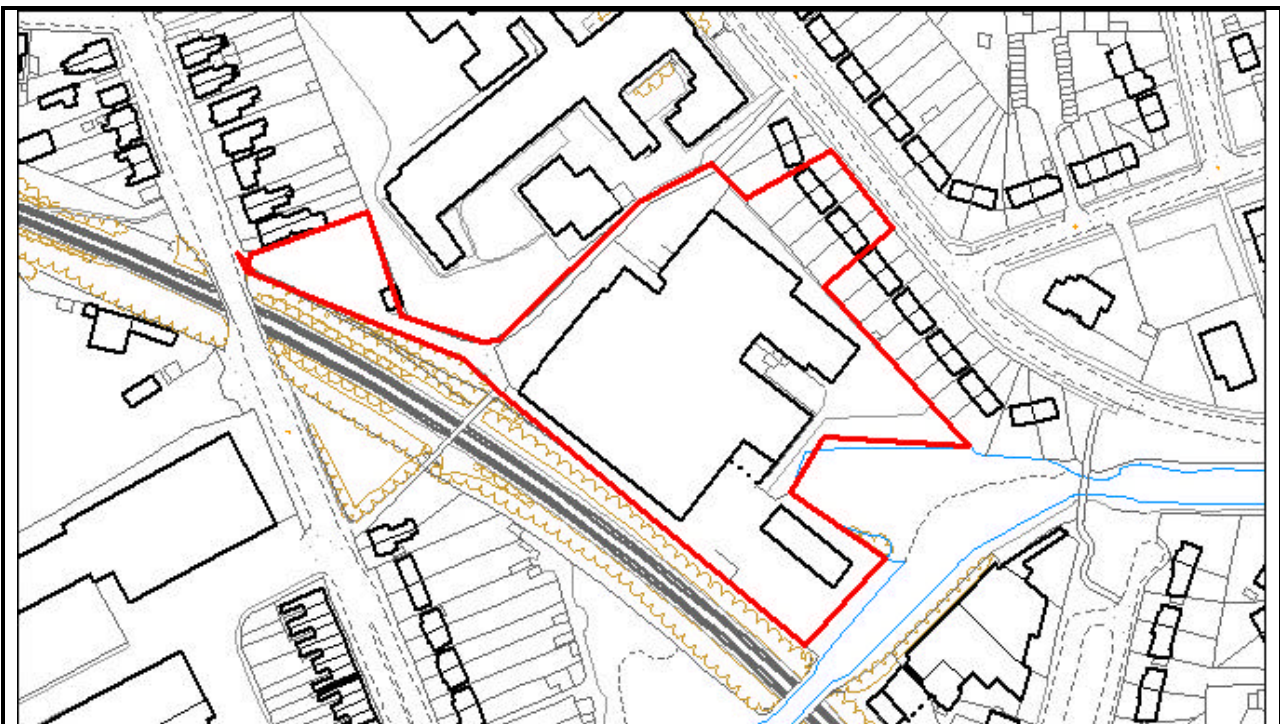
**Proposal:** Residential Development Of Dwellings And Associated Works (Revisions To Application Reference 05/0411/FL/E2 Including Increase Number Of Dwellings From 76 To 93)

**Location:** FORMER EAGLE ENVELOPES, BLOXWICH ROAD, WALSALL, WEST MIDLANDS, WS3 2XG

**Ward:** Blakenall

**Expired:** 29 March 2007

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



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## **Application and Site Details**

The application seeks full planning permission for residential development of the former Eagle Envelopes site off Bloxwich Road, Walsall. The site is accessed off Bloxwich Road between a railway bridge and residential property 414 Bloxwich Road. This triangular shaped area of land narrows for approximately 35m and then widens out to the main part of the site which has boundaries with the railway to the south west, Wyrley & Essington Canal to the south east, Community Centre and public footpath to the north and back gardens of residential properties in Hawbush Road to the north east. The site has been cleared of all industrial buildings. There are substantial areas of woodland and shrubs along the boundaries of the adjacent canal and railway.

The surrounding areas to the east are predominantly residential, to the west there is industrial land sandwiched between Bloxwich Road and the A34. Walsall Town Centre and Bloxwich District Centre are just over a mile to the south and north of the site and Leamore Local Centre is less than 500m away from the site.

Planning permission for residential development of the site was originally granted in July 2006 under application reference 05/0411/FL/E2. This permission was for erection of 76 units comprising 41 houses and 35 apartments. Demolition of the original factory buildings and preparation works for residential development has already begun under the auspices of this existing permission.

The current proposal seeks revisions to the existing permission to erect 93 dwellings comprising 49 houses and 44 apartments, an increase of 17 units overall. The main point of vehicular access to the site is off Hawbush Road as previously approved with only 4 of the proposed dwellings accessed directly from Bloxwich Road. The proposals show creation of a pedestrian and cycle link between the head of cul-de-sac on the north west section of the main site linking Bloxwich Road. The access road off Hawbush Road branches into two in a 'Y' shape, the eastern half of the site terminating at the canal basin where it continues as a shared surface.

The proposed layout shows apartments predominantly located alongside the railway with a variety of semi-detached and terraced houses located throughout the remainder of the site. The layout does incorporate two flats over garages and two cranked house types. Parking is provided in secure gated parking courts, driveways adjacent to individual dwellings and within open shared areas.

The house types comprise a variety of 2, 2½ and 3 storey buildings with elevation treatments that include pitched roofs, gables, dormers, corbelling and cill details and porch canopies. The main changes from the original permission are to replace the 3 X 2½ storey dwellings on either side of the new access with 2 pairs of semi-detached houses (2 & 3 storeys), replacement of remote garage blocks with parking courts and secure parking areas and incorporation of more terraced housing, including a block at the head of the access point. The apartment block on plots 17-32 has also been reconfigured to a deeper more compact building with an additional storey height at 4 storeys rather than 3 storeys as previously approved.

The existing permission identified that the 4 dwellings off Bloxwich Road (plots 62a, 62, 63 & 64) were to be transferred to Walsall Housing Group and that 10 apartments on plots 52-61 inclusive were to be shared ownership.



The site area is 1.66 hectare which equates to a proposed density of 56 dwellings per hectare.

In support of the revised application the applicant advises that the changes are in recognition of making more efficient use of the site in terms of housing numbers, with inclusion of a range of house and apartment types to suit varying market demands and housing need. A Flood Risk Assessment, Noise and Vibration Assessment, Updated Supplementary Transport Assessment and Design & Access Statement were also submitted in support of this application.

### **Relevant Planning History**

Planning permission 05/0411/FL/E2 was granted subject to conditions on 7 July 2006 following completion of a S106 Agreement requiring Affordable Housing provision and a contribution towards Education provision. This application was for residential development of dwellings and associated works and involved erection of 76 units comprising 41 houses and 35 apartments. The S106 Agreement was entered into by previous developers of the site but the site has now been sold to McInerney Homes. As a result the new developer has applied for revisions to the proposals to erect 93 units hence the need for a revised application.

### **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.

**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, PPS10 Planning for Sustainable Waste Management, PPG13 Transport, PPG14 Development on Unstable Land, PPS23 Planning and Pollution Control, PPG24 Planning and Noise, PPG25 Development and Flood Risk, 'By Design' companion to PPG's, Urban Design Compendium, Safer Places- The Planning System & Crime Prevention.

## **Consultations**

**Transportation** - Amended plans have been requested to address the following comments as the layout does not accord with the design required for Local Authority adoption, insufficient parking provision is provided to serve the proposed development, turning heads are of insufficient width to accommodate refuse or fire vehicles, the gated entrances shown on the submitted plan do not have sufficient set back and a section of the intended pedestrian/cycleway between the site and Bloxwich Road has been reduced to 2m wide which restricts connectivity. There is a requirement for 180 parking spaces and the applicants are providing 159.

**Fire Service** - The proposed layout has unsatisfactory turning areas. The hammer heads adjacent to plots 37/38 and 48/49 are insufficient size due to narrowing of road ways. It is not possible to get a fire appliance to within 45m of plots 16-31 inclusive. Amended plans have been requested to address these objections.

**Drainage** - No objection. There are 3 Severn Trent sewers crossing the site.

**Education** - An original contribution was requested for this site under application 05/0411/FL/E2. The new application increases the number of proposed dwellings and on this basis a further contribution of £90,681.08 is required.

**West Midlands Police** - Raise concerns regarding unsecured parking spaces, the need for effective means of illumination and measures to prevent anti social behaviour adjacent to the footpath and railway line, details of boundary treatment adjacent to the railway and canal towpath to ensure these boundaries are secure and lack of surveillance on certain plots. Amended plans have been requested to address these objections.

**Centro** - No objection to the proposal. The development site does achieve the Passenger Transport Authority's minimum standards for accessibility for public transport but only if pedestrians use the proposed pedestrian/cycle link to the northwest of the application site. As a consequence it is important that the link is well lit, signposted and of safe and secure design. The developer should develop a Residential Travel Plan.

**Inland Waterways** - The principle of residential development of this industrial site is welcomed as it should lead to an improvement in the canalside environment. It is recommended that appropriate dredging, recording and landscaping of the canal basin is carried out in agreement with British Waterways.

## **Representations**

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

A newspaper advert, site notice and direct neighbour notifications were carried out. As a result two representations were received. The first relates to potential encroachment onto land adjacent to the canal towpath which the writer refers to as a 'wildlife wilderness'. Apart from this observation the writer applauds the efforts of the developer to build within the existing town. The second representation does not specify the ground for objection. 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

Right of Way

Impact on Neighbouring Properties

Education/Urban Open Space/Affordable Housing provision

## **Observations**

### **Principle of residential development**

The principle of residential development of this site has already been established in granting planning permission 05/0411/FL/E2 for erection of 76 residential units. The efforts to increase the density of development on the site and make more effective use of previously developed land are welcomed in principle in accordance with policies GP1, GP2, ENV14 and H3 of the UDP.

### **Layout and Design**

The broad principles of the proposed layout are acceptable as it aims to create active frontages to the street, surveillance of the public realm and a scale of development that is appropriate to the surrounding context. The current proposal also offers some improvements to the layout approved under the existing permission as it creates an 'end stop' focal building at the head of the access, more coherent building lines and more secure parking. The layout also seeks to address the frontage to the canal by incorporation of properties overlooking this area. It is considered that the scale, massing and design of the proposed buildings are also sympathetic to the surrounding context and are considered acceptable.

The majority of the proposed dwellings have 12m garden lengths and the configuration is such that they provide usable private garden areas. Whilst the apartments have limited shared amenity space, this part of the layout remains largely unaltered since the original permission.

On the whole, it is considered that the benefits of redeveloping the site for regeneration of the surrounding area outweigh these shortfalls and subject to minor revisions the proposals accord with policies GP2, GP7, ENV32 and H10 of the UDP.

### **Access and Parking**

The principle of the point of vehicular access and the 'Y' shaped access roads has already been established in granting the earlier permission. However, the revised proposals show alterations to the width of the northern access which would preclude access by fire service

and refuse vehicles. The transportation officer has requested that an Auto Track overlay is provided to demonstrate vehicle manoeuvrability. Revisions are also required to overcome the following concerns:

- level of parking provision/remote parking
- set back of vehicular access gates
- alterations to the width of the pedestrian/cycleway to increase connectivity
- increase in the highway carriageway width to 5.5m where direct vehicular access onto the highway is required
- accessibility of certain parking spaces (e.g. plot.58)
- accommodation of refuse bin hard standing areas for the apartments, and houses beyond the extent of the adopted highway
- provision of street lighting along the pedestrian/cycle track connecting to Bloxwich Road to encourage use and improve safety

Notwithstanding the above it is considered that the principle of the access and parking is acceptable and the above revisions can be accommodated satisfactorily within amended plans.

### Right of Way

There is a public footpath running along the north-west boundary of the site that connects on Hawbush Road. Initial proposals on the original permission 05/0411/FL/E2 were to incorporate this land within the rear gardens of new dwellings and divert the public footpath through the new development to improve security. However, this is no longer possible because it was found that a power supply cable along the footpath that would preclude it from incorporation within domestic gardens. The current proposal the footpath land is outside of the redline application boundary and unless there are proposals to incorporate it within the adjacent Community Centre site then its retention raises concern that private rear gardens backing directly onto a public footpath are exposed to potential crime and anti-social behaviour. This is an unsatisfactory relationship therefore the issue regarding the footpath, the Council needs to resolve this by the closure of the footpath and its diversion through the new development (with its retention as a service path only to be gated off). Diverting the footpath through the new development will improve safety and surveillance and is considered to be of benefit to the area.

### Impact on Neighbouring Properties

The proposed layout follows the principles of development previously approved in so far as maintaining separation to the boundaries of the site and the configuration of road layout. Although the proposal increases the number of dwelling units and makes some changes to the dwelling mix it is considered that the general siting, massing and heights of proposed buildings are acceptable and should not have any adverse impact upon privacy, daylight or overlooking of adjoining properties as there is adequate separation. The proposal also offers improved security for the area and will be a visual improvement upon the outlook for surrounding dwellings. The proposed development is therefore considered to have no adverse impact on neighbouring amenities in compliance with policies GP2 and ENV32 of the UDP.

### Education/Urban Open Space/Affordable Housing provision

A contribution of £63,262.93 towards education provision was paid on the previous permission. However, under the requirements of policies GP3 and 8.8 and in the light of the increased numbers of dwellings proposed with the current application a further education contribution is required of £90,681.08. Likewise, under the requirements of policies GP3, LC1(d) and the Supplementary Planning Document for Urban Open Space a contribution of

£167,140.00 is required towards provision of Urban Open Space. The total contributions for these two elements is therefore £257,821.08.

Although no contribution was required for Urban Open Space under the previous permission the Supplementary Planning Document has been approved since the scheme was originally considered and is now a material consideration for all new applications.

In terms of affordable housing the existing permission indicated provision of 10 shared ownership apartments in one block on plots 52-61. It also allowed for transferral of 4 houses on plots fronting Bloxwich Road to Walsall Housing Group. This equated to provision of affordable housing at a reduced rate of 13% instead of the required 25%. The reduction was considered justified in the light of a financial appraisal provided by the developers at that time in relation to the previous scheme.

Healthcare Contribution, the application was submitted prior to the adoption of the Council's SPD on 17<sup>th</sup> January 2007 and therefore it is considered that it would not be reasonable to seek a healthcare contribution in this instance.

The developer has requested that the Council reconsider the level of contributions given that this is a revision to an earlier permission. However, the current proposal has to be assessed against current policies and supplementary planning documents and as it does include provision of 17 additional units the whole scheme has to be assessed fully. Further information in the form of a financial appraisal that identifies abnormal costs has therefore been requested in order for further consideration to be given to this request.

In summary it is recommended that approval be delegated to officers to grant permission subject to negotiation in respect of amended plans, subject to conditions and subject to completion of a supplemental S106 agreement.

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

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

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

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

- Site Location Plan (Dwg. No. P01) received 28/12/06
- Site Plan Survey (Dwg. No. P02) received 28/12/06
- Site Plan Proposed (Dwg. No. P03 Rev A) received 16/01/07
- Street Scenes & Extract of Layout (Dwg. No. P04 Rev A) received 16/01/07
- Apartment Type AA & BB Rev A received 16/01/07
- Types M&N/SH Plans & Elevations (Dwg. No. Type M&N/SH Rev A) received 16/01/07
- Type C (Plot 76) and C/SH (Plot 83) Plans & Elevations (Dwg. No. Type C/SH Rev A) received 16/01/07
- Type D & D1 Plans & Elevations (Dwg. No. Type A1/SH Rev A) received 16/01/07
- Type A & A1/SH and B & B1 Plans & Elevations (Dwg. No. Type A/SH Rev A) received 16/01/07
- Type FF Plans & Elevations (Dwg. No. Type FF) received 16/01/07

- House Type FOG 1 received 28/12/06
- House Type K received 28/12/06
- House Type L received 28/12/06
- House Type F received 28/12/06
- House Type N received 28/12/06
- Type G1/SH Plans & Elevations (Dwg. No. Type G1/SH) received 28/12/06
- Sketch View of Proposals (Dwg. No. P05) received 28/12/06
- WSP Noise & Vibration Assessment dated 13 December 2006 received 28/12/06
- KRT Associates Flood Risk Assessment dated December 2006 received 28/12/06
- WSP Update to Supplementary Transport Assessment dated December 2006 received 28/12/06

*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 development including clearance of the site shall be carried out until a landscape plan for the site has been submitted to and agreed in writing with the Local Planning Authority to include the following;

- providing full details of the retention or replacement of existing vegetation in the canal basin verges, adjoining lands and throughout the site,
- full details of all replacement planting and habitat creation works,
- all boundary treatments,
- details of the surface materials for the access road, emergency access road, footpaths and driveways
- provide full details of the retention or replacement of the foraging habitat currently within the site,
- details of species and location of planting of extra heavy and heavy standard trees within the planting scheme.

The approved landscaping scheme shall be carried out and retained in accordance with these approved details.

*Reason;* In order to safeguard the habitat of protected species and the wildlife corridor.

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

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

5. No development shall be carried out until full details of existing and proposed levels of the site, access way and floor levels for the proposed 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 and to ensure the retention of the trees adjoining the site and marked for retention.

6. Before any site clearance works take place, a method statement for demolition of all buildings on the site shall be submitted for the written approval of the Local Planning Authority. The method statement shall make provision for the careful dismantling by hand of parts of buildings where bats may be found and the presence during the works of a suitably qualified and experienced bat worker to supervise works. It shall also make reference to the steps to be taken if bats are discovered. Once approved all procedures within the method statement shall be followed precisely during site clearance and demolition works.

*Reason;* In order to safeguard the habitat of protected species and the wildlife corridor.

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

*Reason;* In order to safeguard the habitat of protected species and the wildlife corridor.

8. No development shall be carried out until drainage details, including any drainage works in the canal side verges, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme for restoration shall be carried out before this development is brought into use and shall be thereafter retained in accordance with these approved details.

*Reason:* To safeguard the appearance of the development and the wildlife corridor.

9. No development shall be carried out until drainage works for the disposal of both surface and foul sewage have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these approved details.

*Reason:* To ensure the satisfactory drainage of the site as well as to reduce the risk of creating or exacerbating a flood problem and to minimise the risk of pollution.

10. No development shall be carried out until a ground contamination survey and site investigation has been approved in writing by the Local Planning Authority shall be undertaken having regard to current advice. [Note: Ground contamination and site investigation surveys shall assess the likely hazards of all identified contamination to the proposed development (and its future occupants) and any surrounding development resulting from the presence of potentially toxic materials and the emission of toxic, flammable and asphyxiant gases. Garden and landscaped areas will need to have an adequate depth of clean cover]. The approved survey and investigation shall be undertaken in accordance with the approved details.

*Reason:* In the interests of the amenity of the resident of the proposed development.

11. No development shall be carried out until the results of the ground contamination survey and site investigations, together with a report setting out proposed remedial measures to deal with any identified and potential hazards arising from any land contamination, and a timescale for their implementation in relation to the development of the site, have been submitted to and approved in writing by the Local Planning Authority.



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

12. No development shall be carried out until the design, specification and location of boreholes for the purpose of ground gas monitoring, (if applicable), has been approved in writing by the Local Planning Authority and prior to their installation.

*Reason:* In the interests of the amenity of the resident of the proposed development.

13. No development shall be carried out until a noise survey has been undertaken in accordance with guidance and procedures contained in Planning Policy Guidance PPG 24 - Planning and Noise to the written satisfaction of the local planning authority. The results of this survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests shall be submitted to the local planning authority within 2 months of completion.

*Reason:* In the interests of the amenity of the resident of the proposed development.

14. No development shall take place until suitable noise mitigation measures to protect internal areas have been agreed in writing with the local planning authority. Such measures shall take into account the guidance and criteria contained in British Standard BS 8233, 1999 and World Health Organisation Guidelines for Community Noise 2000 and shall be completed prior to the development coming into use.

*Reason:* In the interests of the amenity of the resident of the proposed development.

15. No development approved by this permission shall be commenced until a scheme for the provision and implementation of 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. Such a scheme shall be prepared with reference to the Ground Investigations undertaken for the site.

*Reason:* To prevent the risk of flooding.

16. Prior to the commencement of the development full drawn details of the following matters shall be submitted to and agreed in writing by the Local Planning Authority; corbelling, window reveals, balconies, sills, canopies and doors. The development shall then be implemented in accordance with the agreed details unless the Local Planning Authority agrees to any variation.

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

17. Any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed within three years of planting, shall be replaced by a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted.

*Reason:* To ensure that planting is successful so that the Local Planning Authority can protect trees in the buffer landscape zone, and so as to achieve a satisfactory appearance of the development.

18. 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. The areas shall thereafter be retained and used for no other purpose.

*Reason:* In the interests of highway safety.

19. No property shall be occupied until a site validation statement, detailing the remedial measures undertaken to address ground contamination and ground gases, has been approved in writing by the Local Planning Authority, and implemented to the satisfaction of the same. The site validation report should contain substantiating data, together with details and justifications of any changes from the original remediation report.

*Reason:* In the interests of the amenity of the resident of the proposed development.

20. The design and specification of foundations and sub floor structures for the purpose of preventing the ingress of ground gases to buildings, (if applicable), shall be agreed in writing with the local Planning Authority prior to installation.

*Reason:* In the interests of the amenity of the resident of the proposed development.

21. 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.

*Reason:* In the interests of the amenity of the resident of the proposed development.

22. In view of the vibration generated by the passage of trains on the nearby railway line, dwellings shall be designed and constructed so that vibration within floor structures shall not exceed levels of 'Low probability of adverse comment' as specified in British Standard BS 6472 'Guide to Evaluation of human exposure to vibration in buildings (1 Hz to 80Hz)'

*Reason:* In the interests of the amenity of the resident of the proposed development.

23. Notwithstanding the approved plans, a management plan shall be submitted to and approved in writing by the Local Planning Authority for the landscaped areas adjoining the canal side.

*Reason:* In order to protect the sensitive ecological habitat of the Wyrley and Essington canal basin.

24. Pedestrian visibility splays for the proposed vehicular access, of 2.4m by 3.4m should be kept clear of obstruction over 600mm in height from the carriageway level and thereafter maintained.

*Reason;* In the interests of pedestrian safety.

25. Vehicular visibility splays for proposed driveways of 2m by 3.4m must be kept clear of obstruction over 600mm in height from the carriageway level and thereafter maintained.

*Reason:* In the interests of highway safety.

26. Vehicular visibility splays from the proposed access road and driveways of plots 1 and 4 detailed on drawing 2K6B1032revA to be 4.5m by 70m must be kept clear of obstruction over 600mm in height from the carriageway level details to be supplied and agreed in writing with the local planning authority and thereafter maintained.

*Reason:* In the interests of highway safety.

27. Prior to the first occupation of the development hereby approved a Residential Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

*Reason:* In the interests of promoting sustainable travel.

### **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](http://www.walsall.gov.uk)

### Notes to Applicant

1. This survey should have regard to the advice and guidance contained in Planning Policy Guidance PPG 24 'Planning and Noise', the 'Calculation of Road Traffic Noise' Department of Transport and Welsh Office 1988 and British Standard BS 7445: 1991 'Description and measurement of environmental noise'.

2. The scheme should have regard to the advice and guidance contained in BS8233 1999: 'Sound insulation and noise reduction for buildings - Code of practice' to achieve a good criteria of indoor ambient  $L_{Aeq, T}$  noise level for bedrooms and reasonable level for living rooms. The approved scheme shall be completed prior to occupation of any dwelling. 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).

3. An agreement under sections 38 and 278 of the Highways Act 1990 will be required in respect of the works to highways and the emergency access road.

4. No development shall commence until the procedures for the diversion of the public footpath have been completed under sections 251 and 257 of the Town and Country Planning Act 1990 .

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

6. Sound level measuring instrumentation shall conform to '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' (or any superseding standard(s) as applicable) which shall have been verified in accordance with British Standard BS 7580 'Specification for the verification of sound level meters' Part 1: 1996 'Comprehensive procedure' within a preceding 2 year period.

Current guidance and procedures for the completion of a suitable noise and vibration survey can be found in Planning Policy guidance Note PPG 24 'Planning and Noise', British Standard BS 7445:1991 'Description and Measurement of Environmental Noise' and British Standard BS 6472:1992 'Guide to Evaluation of Human Exposure to Vibration in Buildings (1 Hz to 80 Hz). This is not an exhaustive list.

Instrumentation used for the determination of compliance with any vibration condition shall accord with requisite components of British Standard BS 7482:1991 'Instrumentation for the Measurement of Vibration Exposure of Human Beings'.

Your attention is drawn to the noise and vibration survey undertaken by WSP Acoustics reference Project Number 12101355/001. In Section 7 Conclusions, there are several recommendations made that would assist in achieving compliance with the above recommended conditions. These include:

- (7.4) A 1.8 m high acoustic fence at the western boundary with the railway;
- (7.5) Location of external living areas away from noise sources at the rear of proposed dwellings, should dwellings be proposed in the vicinity of Bloxwich Road;
- (7.7) Confirmation that glazing specification matches that stated in PPG 24 for thermal double glazing for noise attenuation; and
- (7.8) A 1.8 metre high acoustic fence to separate the development and the railway line to be a minimum of 12.5 kg/m<sup>2</sup> superficial density and sealed at base.

The report from WSP Acoustics also contains data relating to vibration induced by the passage of trains. It demonstrates that the vibration levels experienced are of an order of magnitude below those contained in BS 6472 'Guide to Evaluation of human exposure to vibration in buildings (1 Hz to 80Hz)' so should not create problems. That is not to say however that work undertaken at a later date, for instance ground stabilisation operations, may affect data already obtained and it might be prudent to conduct this part of the survey again when any such work has been completed and before the dwellings are built.

7. You are advised that works should be carried out in accordance with and with reference to Approved Document E of the Building Regulations 2000, (as amended).

8. 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.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Building Control,  
Regeneration  
On 13 March 2007

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

**Application Number:** 07/0143/FL/E10

**Case Officer:** Alison Deakin

**Application Type:** Full application

**Telephone Number:** 01922 652487

**Applicant:** BB Property Partnership

**Agent:** BBLB Architects LLP

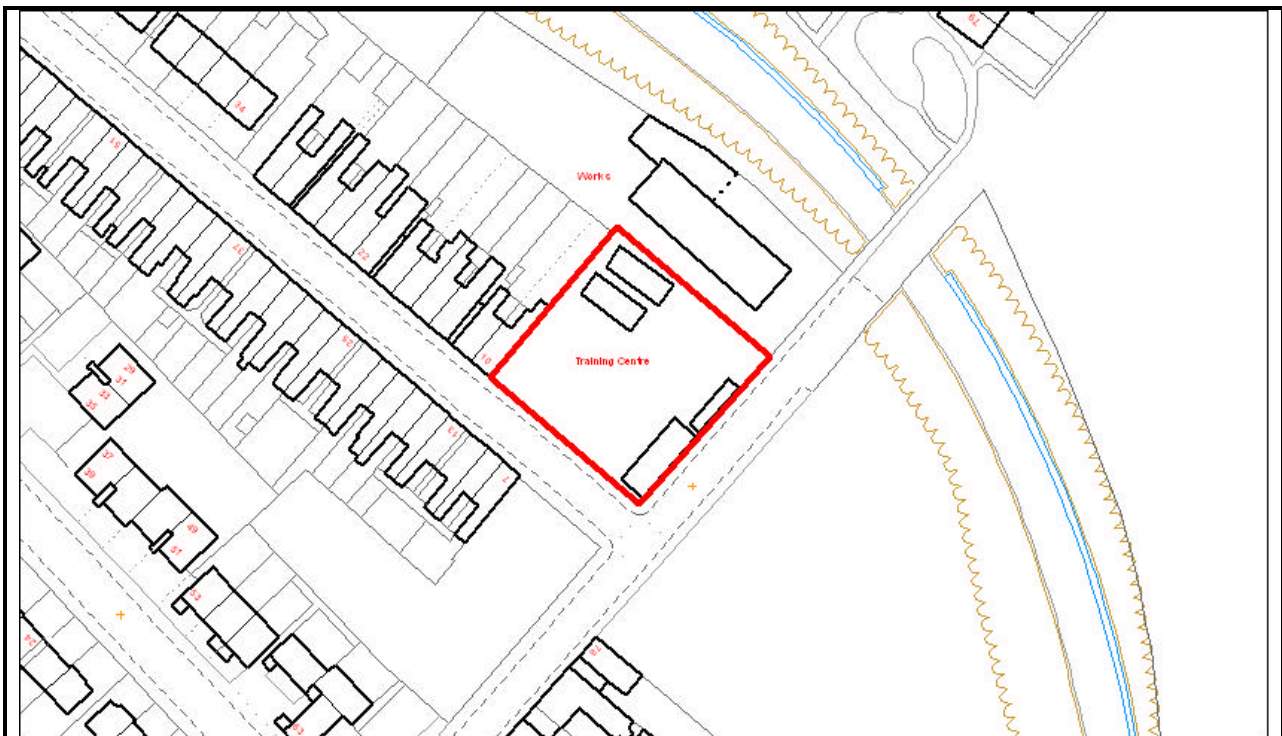
**Proposal:** Erection of 5 no. 2 bedroom houses, 6 no. 2 bedroom apartments and 1 no. 1 bedroom flats over garages

**Location:** LAND C/O MILL STREET, CANNON STREET, WALSALL, WEST MIDLANDS

**Ward:** Blakenall

**Expired:** 27 April 2007

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



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### **Application and Site Details**

The application seeks full planning permission for erection of 12 residential units on land at the corner of Mill Street and Cannon Street, Walsall. The land is currently Council owned and is a cleared site following demolition of a former training centre. The site area is 0.12 hectares and is square shaped having frontages to Mill Street and Cannon Street of 35 metres each. The site slopes gently down towards Mill Street.

The site adjoins residential properties in Cannon Street and an Islamic Community and Learning Centre on Mill Street. The surrounding dwellings in Cannon Street are traditional two-storey terraced properties set at the back of footway. There is an area of open space opposite the site in Mill Street and a pedestrian link to the north east of the site over the disused railway.

The proposed 12 units comprise 5 X 2 bed houses, 6 X 2 bed apartments and 1 X 1 bed apartment. Four terraced houses are proposed on Cannon Street (plots 1-4) which have been set back 1.2m from the back of footway with a dwarf wall and railings proposed on the back of footway to define the boundary. These dwellings each have rear gardens 12m in length and between 4 and 6m in width. The 6 X 2 bed apartments are included in a three storey building at the front corner of the site. This building then continues in a terrace along Mill Street where the height steps down to a two bed house and the 1 bed apartment. The apartment is located above a garage and the proposed vehicular access on Mill Street.

Parking is provided in a parking court at the rear of the buildings with 11 spaces and the single garage identified. This is secured by a gate set 6m from the back of footway. Bin storage is provided adjacent the end of the building on Mill Street within a secure area. The architecture of the proposed buildings picks up on that within the vicinity with slate roofs and brick detailing to window heads and string course.

In support of the proposals the applicant advises that the site is within a short walk of good access to public transport which ensures good connections to the main rail and bus stations and facilities in Walsall town centre. There are also a number of community facilities within a short distance of the site.

### **Relevant Planning History**

Temporary planning permission for change of use of the site to a training centre including erection of prefabricated units was granted in 1981 and subsequently renewed throughout the 1980's and in 1992. There is no other relevant planning history since this date.

### **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.

**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.

**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.

## **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.

## **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' promotes the need for good design in new housing; new housing of whatever scale should not be viewed in isolation and consideration of design and layout must be informed by the wider context so that the quality of the environment is not compromised. PPG13 Transport, PPG24 Planning and Noise, 'By Design' companion to PPG's, Urban Design Compendium, Safer Places- The Planning System & Crime Prevention.

## **Consultations**

**Transportation** - No objections subject to conditions relating to maintenance of a visibility splay to the vehicular access, installation of a vehicular crossing point and provision of cycle parking. The parking provision required in accordance with the UDP standards should be 20 spaces. The proposal shows 12 spaces, which provides for 100% parking which although falls below the standard, is considered acceptable given the location of the site.

**Landscape** - The submitted planting plan is acceptable.

**Education** - The level of surplus places is below 10% in both primary and secondary schools. A contribution of £33,891.58 is therefore required towards provision of both these sectors in line with policy GP3 and 8.8 of the UDP.

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

**Environment Agency** - No comment.

## **Representations**

Neighbours notified and a site notice displayed. No representations received at time of writing.

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

## **Determining Issues**

- Principle of redevelopment for residential
- Layout and Design
- Access and Parking
- Impact on neighbouring amenities
- Education and Urban Open Space provision

## **Observations**

### **Principle of redevelopment for residential**

The site is a previously developed site in an urban area therefore redevelopment for residential purposes would accord with policies GP1 and H3 of the UDP. The site is being



sold by the Council as part of wider regeneration opportunity for the area and its redevelopment would also improve the visual appearance of the area and improve surveillance of the open space opposite. It is also apparent from reviewing historical maps that the site was previously occupied by terraced housing. The principle of redevelopment for residential purposes is therefore acceptable and complies with policies GP1, GP2, ENV14 and H3 of the UDP.

### **Layout and Design**

The proposed buildings have been sited close to the back of footway as this is reflective of surrounding terraced properties yet the marginal set back of 1.2m with suggested brick wall and railings will provide a defensible buffer space for future occupiers. The buildings create a perimeter block that provides active frontages and surveillance of the street and open space opposite which will improve the character and security of the area.

The houses on plots 1-4 are provided with private rear gardens which are 12m in length. Although those on plots 2,3 and 4 are below 68m<sup>2</sup> in area, they are reflective of the garden widths of adjoining properties and do achieve the minimum garden length of 12m. The rear garden for plot 11 is smaller at 7m in length and 6.5m width, however, at 45.5m<sup>2</sup> this does provide usable private amenity space for occupiers. In the circumstances the garden provision for dwellings is considered adequate. The apartments within the corner block have very limited shared private amenity space but it is conveniently located at the rear of the building. These units also benefit from having an outlook onto open space which will provide a visual amenity benefit for these residents. Overall, it is considered that the benefits redevelopment of the site gives in regeneration of the surrounding area outweigh these shortfalls.

The design of the buildings reflects the architecture of the surrounding terraced housing in details such as tiled roofs, red facing bricks and brick detailing to window heads and string course. The proposed building heights also reflect those in the surrounding area with an increase to three storeys at the corner to emphasise the junction. The design is considered appropriate and blends in well with surrounding development.

For the above reasons the proposals accord with policies GP2, GP7, ENV32 and H10 of the UDP.

### **Access and Parking**

The proposed vehicular access for the site is on Mill Street and passes beneath the apartment on plot 12 leading to a parking court at the rear of the site. The layout provides 11 parking spaces and one garage, 12 spaces in total which equates to 100% parking provision. The Transportation Officer has indicated that this level of parking provision is acceptable given the location of the site close to local transport links and other services. The gates to the vehicular access are set 6m from the back of footway so ensuring no hazard to pedestrian safety and appropriate conditions are recommended to maintain visibility to the access. This gated access will provide security to the private amenity and parking areas. A condition requiring cycle parking is recommended and it is considered that there is adequate space at the rear of the site to accommodate such provision. The proposals therefore accord with policies GP2, GP7, ENV32, H10, T7(e) and T13 of the UDP.

### **Impact on neighbouring amenities**

The redevelopment of the site will secure the currently exposed boundaries of the end dwelling, 10 Cannon Street, and the Islamic Centre to the north east of the site. This will

improve security for these properties. The position of the proposed buildings respects the building lines of the adjacent dwellings on Cannon Street and achieves adequate separation to ensure privacy and daylight are maintained. The car parking is located at the rear of the site adjacent to the boundary with access of the Islamic Centre thus maintaining a buffer between the dwellings and private amenity spaces and reducing the likelihood of potential noise and disturbance. The proposed development is therefore considered to have no adverse impact on neighbouring amenities in compliance with policies GP2 and ENV32 of the UDP.

### **Education and Urban Open Space provision**

Under the requirements of policies GP3 and 8.8 a contribution of £33,891.58 is required towards provision of primary and secondary school education. Likewise, under the requirements of policies GP3, LC1(d) and the Supplementary Planning Document for Urban Open Space a contribution of £15,755.00 is required towards provision of Urban Open Space. The total contributions required are therefore £49,646.58. The applicants have advised that the proposal is an economically precarious project in a Regeneration Area on a site being sold by the Council and have therefore requested that the Council reconsider the level of contributions. Further information in the form of a financial appraisal that identifies abnormal costs has therefore been requested in order for further consideration to be given to this request.

### **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 & Country Planning Act, 1990.

2. The works hereby approved shall only be carried out in accordance with details contained within the following drawing numbers:

- Location Plan (Drg. No. 2K6:B1139:010) received 26 January 2007
- Site Plan and Street Scenes (Drg. No. 2K6:B1139:P40 Rev A) received 21 February 2007
- Landscape Layout (Drg. No. 2K7-L4001:001) received 26 January 2007
- Context Appraisal (Drg. No. 2K6:B1139:04) received 26 January 2007
- Floor Plans & Elevations Type C & D (Drg. No. 2K6:B1139:05) received 19 February 2007
- Floor Plans & Elevations Apartments Type B Plots 5-10 (Drg. No. 2K6:B1139:02 Rev A) received 19 February 2007
- Floor Plans & Elevations (Drg. No. 2K6:B1139:01) received 26 January 2007
- Land Survey (Drg. No. 480:Dm1480.dxf) received 26 January 2007

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

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

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

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

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

5. No development shall be carried out until full details of the proposed boundary treatment of the site, including provision of boundary treatment to the front of plot 11 which shall be no greater than 600mm so as not obstruct visibility to the vehicular access, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be implemented in accordance with the agreed details unless the Local Planning Authority agrees to any variation in writing.

*Reason:* To ensure the satisfactory appearance of the development and maintain highway safety.

6. No development shall be carried out until full details of the design of the vehicle access gates to be mechanically operated shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be implemented in accordance with the agreed details unless the Local Planning Authority agrees to any variation in writing.

*Reason:* To ensure the satisfactory appearance of the development and maintain highway safety.

7. Notwithstanding the details included on drawing No. 2K7:L4001:001, no development shall be carried out until a revised landscaping scheme for the site to take account of the revision to plot 11, (including any necessary phasing of implementation) has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with any agreed phasing or within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority.

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

8. No development shall be carried out unless and until arrangements have been made for the satisfactory drainage of the site, such arrangements to have been previously approved in writing by the Local Planning Authority.

*Reason:* To ensure that the site can be satisfactorily drained.

9. No demolition, engineering or construction works shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours 0800 to 1800 weekdays and 0900 to 1400 Saturdays. 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 nearby residents.

10. A visibility splay of 2.4 metres X 70 metres shall be provided from a point 0.6 metres from ground level in a south westerly direction, and nothing shall be planted, erected or allowed to grow on the area so formed, which would obstruct the visibility.

*Reason:* In the interests of highway safety.

11. Prior to the first occupation of the site the vehicular crossing point shown on drawing number 2K6:B1139:P40A shall be constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and at the applicant's expense.

*Reason:* In the interests of highway safety.

12. Prior to the first occupation of the dwellings hereby approved details of the provision, siting and design of cycle storage shall be submitted to and approved in writing by the Local Planning Authority and then implemented in accordance with the agreed details unless the Local Planning Authority agrees to any variation.

*Reason:* To ensure satisfactory provision of cycle parking in the interests of sustainable travel.

**Summary of reasons for granting planning permission 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, H10, T7(e) and T13 of Walsall's Unitary Development Plan (March 2005), and on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

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

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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Building Control,  
Regeneration  
On 13 March 2007

**REASON FOR BRINGING TO COMMITTEE: Called in by Councillor Mrs McCracken**

**Application Number:** 07/0190/FL/W5

**Case Officer:** Karon Hulse

**Application Type:** Full application

**Telephone Number:** 01922 652492

**Applicant:** T- Mobile

**Agent:** Wilkinson Helsby

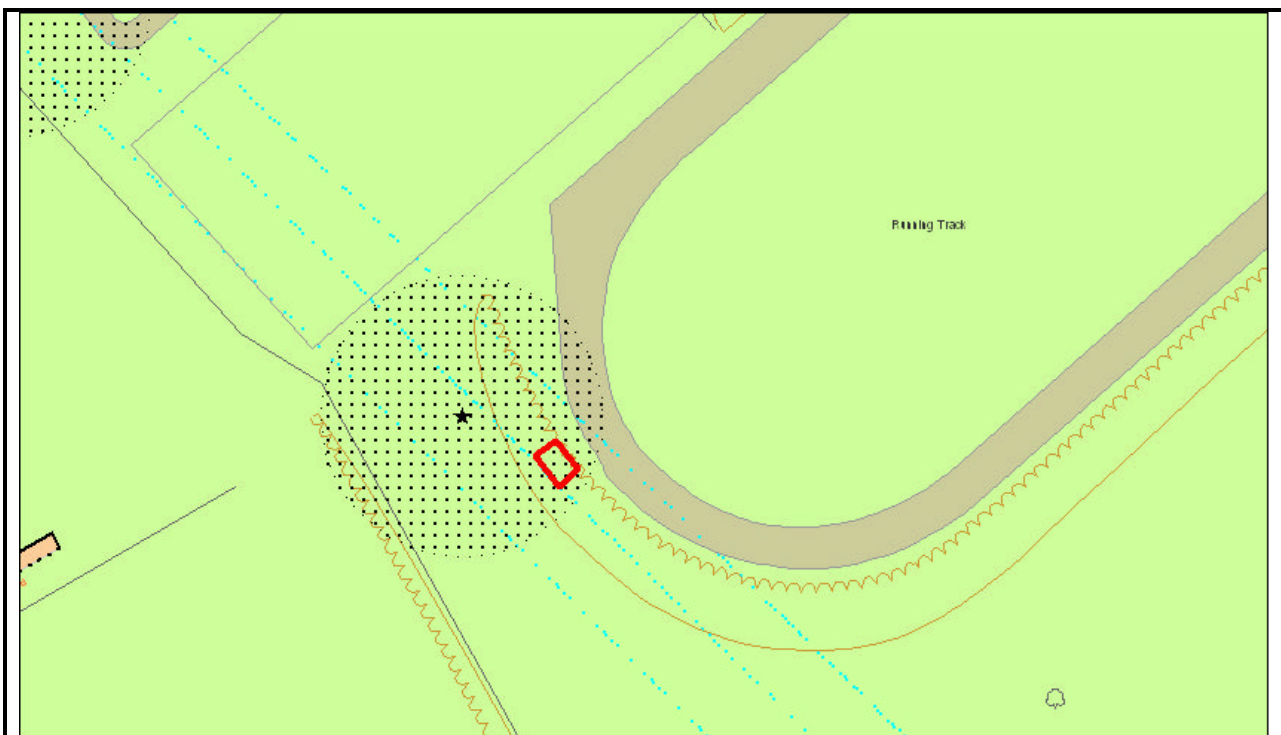
**Proposal:** Proposed installation of telecommunication apparatus. For the erection of a 17m high replacement floodlight. This will support 3 antennae with the new floodlight at 14.7m and associated equipment cabinet and ancillary equipment.

**Location:** WALSALL  
CAMPUS, UNIVERSITY OF  
WOLVERHAMPTON, GORWAY  
ROAD, WALSALL, WS1 3HD

**Ward:** St. Matthews

**Expired:** 30 March 2007

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



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## **Status**

Councillor McCracken is concerned that the proposed telecommunication equipment could be detrimental to the character and/or the visual amenities of the area; it could cause demonstrable harm to the amenities currently enjoyed by the occupiers of neighbouring properties over and above a level they would reasonably expect to enjoy and the equipment could be detrimental to the area by virtue of its siting and appearance.

## **Application and Site Details**

This application seeks consent for replacement telecommunication equipment (currently on the top of the central teaching block at the campus). As a result of the major works being undertaken at the university including the demolition of the central teaching block tower there is a need to relocate that existing equipment.

With the antenna fixed to a small head frame on the mast, the overall height is 17 metres. The mast would also incorporate floodlights (14.7 metres above ground) to give an appearance similar to the lighting columns which already exist around the perimeter of the running track and all weather pitch.

The mast and its associated equipment cabinet would be sited on the perimeter of the south west end of the all weather pitch (towards the rugby club and away from houses).

The application is supported by an ICNIRP compliance certificate.

## **Relevant Planning History**

The erection of telecommunication equipment was approved in November 1999 on top of the central teaching block (BC55114P).

There has been a series of applications for the redevelopment of the campus:-

02/1060/FL/W5 - New Judo Hall. Grant, 2002

02/1781/OL/W5 - Outline : University Redevelopment Masterplan. Granted, 2003

02/2147/FL/W5 - Relocation of All Weather Pitch and New Running Track. Granted, 2003.

03/0918/RM/W5 - New access road. Granted, 2003

03/0280/RM/W5 - New halls of residence. Granted, 2003

## **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: developments to make a positive contribution to the quality of the environment and the principles of sustainable development

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

ENV38: Large items of telecommunications equipment e.g. masts, dishes, antennae and cabins - can have a significant detrimental impact on the visual amenity of the area. They are therefore unlikely to be acceptable in

- I. In Conservation Areas.
- II. Within the curtilage or affecting the setting of a Listed Building, Ancient Monument or Historic Park or Garden.
- III. In low-rise residential areas
- IV. In other visually sensitive locations

## **National Policy**

Planning Policy Guidance PPG8...Government policy is to facilitate the growth of telecommunications systems. It sets out guidance for the siting and design of equipment and how local planning authorities should deal with matters relating to health. In particular paragraphs 14 and 28 refer to effective landscaping for proposals and paragraphs 19 to 23 refer to mast and site sharing.

## **Consultations**

**Transportation** - no objections

**Pollution Control** - no objections

**Fire Service** - no objections

## **Public Participation Responses**

Following an extensive consultation exercise three letters of representation have been received objecting on the grounds of :

- enough already
- health implications
- eyesore
- adverse affect on views

## **Determining Issues**

- impact on the appearance of the area

## **Observations**

### **Impact on the appearance of the area**

The proposed mast is in a central location within the university campus. It will be 200 metres from the nearest residential properties (200 metres to Delves Road, 225 metres to St. Catherine's Close, 200 metres to Broadway).

It will generally be seen against the backdrop of existing approved flood light columns which vary in height between 10 metres and 16 metres. The mast will be fitted with floodlights and whilst it will be one metre taller (17 metres in total) than the existing floodlight columns on the all weather pitch (the applicants plan identifies this as only 14.5 metres however the approved floodlights are 10 metres around the outside of the running track and 16 metres on the all weather pitch), its appearance will not be too dissimilar to them.

Residents in Delves Road (200 metres away) would view the mast over the existing rugby club pitch which has its own floodlights and the tall rugby goal posts at either end, therefore it is not considered that it will have any impact on either the existing amenities of those residents or the appearance of the area generally when viewed from Delves Road.

Similarly, views of the mast from St. Catherine's Close are also between existing floodlights (around the new all weather pitch) and street lamps along the new access road into the campus. Again it is considered that the masts appearance will have little impact on the amenities of those residents or the area generally.

With regards to residents and views from Broadway, whilst the site is on a slightly higher elevation to the street level along Broadway, views are interspersed with mature trees and planting and will therefore be limited. When travelling along Broadway it will be difficult to distinguish between the existing floodlights, street light columns and the proposed mast because there would only be fleeting glances of the site between the trees.

The Whitehall junior school which is approximately 150 metres away will also have limited views of the mast due to the position of the new judo hall and existing mature trees.

In conclusion, this site offers the best location within the campus to re-site existing telecommunication equipment and will in fact move it away from residential properties, particularly those in St. Catherine's Close into a more central location. It has been designed to blend in with existing structures around the campus therefore having less impact on the environment.

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

1. The column and other supporting structure shall be painted the same colour as the existing floodlight columns.

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

2. No development shall be commenced until full details of the proposed retaining wall have been submitted to and approved in writing by the Local Planning Authority. The details shall consider the appearance and colour of the external; surface of the wall.



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

3. The applicant shall carry out tests to confirm compliance with the ICNIRP guidelines once the equipment has been installed and becomes fully operational. Written verification of compliance with the guidelines shall be provided to the Local Planning Authority with 8 weeks of conducting the tests.

*Reason:* To ensure that the electro magnetic radiation generated by equipment will be within the guidelines set by the international Committee on Non-Ionizing Radiation

4. Should future upgrades/equipment be installed that will have an effect on the outputs of the telecommunication equipment then tests shall be conducted to confirm that the equipment continues with ICNIRP guidance

*Reason:* To ensure that the electro-magnetic radiation generated by equipment will be within the guidelines set by the international Committee on Non Ionizing Radiation

5. No development shall be commenced until details of the floodlights to be fitted onto the mast have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed in accordance with the submitted details. When the approved lighting is first switched on, the councils lighting engineer shall be given an opportunity to check the scheme and identify any adjustments necessary to alignment etc. to avoid any glare or spillage of light outside the curtilage of the site. Any required adjustments shall be carried out within one month of notification. The floodlighting shall thereafter be retained as per the approved scheme.

*Reason:* To ensure the satisfactory appearance of the development and safeguard the amenities of the nearby occupants.

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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Building Control,  
Regeneration  
On 13 March 2007

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

**Application Number:** 06/2102/FL/E12

**Case Officer:** Devinder Matharu

**Application Type:** Full application

**Telephone Number:** 01922 652429

**Applicant:** Commercial Development Projects Ltd

**Agent:** Building Management Services Ltd

**Proposal:** Proposed extension to rear of existing retail units and alterations to the existing seven units to form one large unit and three smaller units, extension at first floor and proposed sub station to supply power to the retail units.

**Location:** 12 - 28, HIGH STREET, BROWNHILLS, WALSALL, WEST MIDLANDS, WS8 6EQ

**Ward:** Brownhills

**Expired:** 21 March 2007

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



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## **Application and Site Details**

The application site is within the District Centre of Brownhills. It is on the south western side of the High Street next to the Aldi store. To the rear of the site is the car park for Aldi customers and along the rear access drive the rear of Ravens Court, which is a shopping parade. The site area is 0.205 hectares. The development consists of an extension to the rear to the existing retail units and alterations to the existing seven units to form one large unit and three smaller units, extension at first floor and proposed sub station to supply power to the retail units. Two windows on the side elevation will also be blocked up and replaced with a blank window.

Additional floor space created would be 343 square metres; this is broken down into 219 square metres at ground floor and 124 square metres at first floor. The proposed substation would be 3 metre by 3 metres and 2.4 metres in height and located adjacent the rear ground floor extension to unit 4. It would be positioned on a reinforced slab.

The first floor extension to the rear of the retail units will be a pitched roof and subservient to the main roof. No facing materials have been specified. The additional space created will be used for retail at ground floor and the first floor being used for storage. The area to the rear of the units will be used for maintenance. The units would be used for retail (A1 non food).

### **Relevant Planning History**

05/0171/FL/E2, Proposed redevelopment to form open A1 food and non food retail units to provide four retail units. Granted subject to conditions 13 May 2005.

05/1201/FL/E3 Proposed Re-Development to Form Open A1 Food and Non Food Retail Units. Granted Subject to Conditions 1 September 2005.

06/0650/FL/E3 Single storey extension to rear and new stair enclosure to flat roof area. Granted Subject to Conditions 8 June 2006.

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

Unitary Development Plan

Policy 2.2(a) creating, sustaining and enhancing a high quality natural and built environment throughout the Borough, including a high standard of design.

(b) Maintaining and enhancing our established district centre as the main focus for shopping, services, leisure and most aspects of community life.

Policies 3.6, 3.7 and GP2 seek to make a positive contribution to the quality of the environment, whilst protecting people

Policies 3.116, 3.16 and ENV32 states that poorly designed proposals which fail to properly take account of the context or surroundings will not be permitted, particularly in District Centres.

(b) when assessing the quality of design of any development proposal, the appearance of the proposed development, the height, mass of proposed buildings, materials, integration and co-

ordination of buildings and external space, community safety, visual relationship and the proposed development with adjacent areas, effect on the local character, vehicular and pedestrian movements.

Policy S2 identifies Brownhills as a District Centre.

Policy S3 states that proposals should be of a scale and nature appropriate to the size and function of the centre concerned to ensure the proper integration.

Policy 5.29 states that it is important that all developments within centres are carefully integrated into the existing urban fabric, both visually and functionally, so that they function properly as part of the centre as a whole and contribute positively toward the local townscape.

Policy S4 states that the Council will seek to sustain and enhance the range and quality of shopping and other town centre uses, which these centres provide. Furthermore that in some centres there is scope for an increase in these uses, which would help those centres maintain their vitality and viability. All new developments should be attractive for modern investment and it is considered that, provided that they are acceptable in design and other terms, the creation of larger units should be encouraged.

Policy BR8 identifies the application site as an opportunity for retailing development.

Policy BR13 brings attention to the pedestrian route identified on the inset map to run down the east of the site from the High Street to Silver Street.

#### National Policy

Planning Policy Statement 6: Planning for Town Centres supports retail development within District Centres. Paragraph 1.3 states 'key objective for town centre is to promote their vitality and viability by planning for growth and development of existing centres: and promoting and enhancing existing centres, by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all'.

#### **Consultations**

**Pollution Control** - No objections subject to planning conditions relating to the sub station.

**Transportation** - No objection. The proposed extension and introduction of a sub station should not have a significant impact on traffic generation, and facility for commercial vehicles to enter, turn and leave the site has been shown.

**Regeneration, Urban Designer** - Application proposes to amalgamate several smaller units into one larger retail unit, the proposed elevations show the individual frontages of each smaller unit being retained as existing. This is a positive aspect of the proposed development's adaptability as not only will it assist in maintaining the rhythm of built development within the streetscene but should also accommodate any future proposal that wishes to subdivide the building back into smaller units without unduly disturbing the primary frontage.

The increase in scale takes place to the rear of the building within the car park and does not exacerbate or worsen the existing situation in Urban Design terms.

**Physical Regeneration - Support.** The site is visible from Silver Street and design standards in the centres as part of the SRF project should be raised.

**Strategic Policy** - Support proposal as it complies with National and local planning policy. Policy S4 (b) does encourage the development of larger units in centres.

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

**Drainage** - There is a Severn Trent Sewer very close to the back corner of the site.

**Environmental Health** - No comments

**West Midlands Police**- No objections. The proposal would require high quality security doors and laminate glass, this relates to the rear of the premises where there is no town centre CCTV.

**Centro** - No objection. If the number of employees exceeds 50 then the developer should be required to affiliate to Company Travel wise and develop a travel plan to promote public transport. Appropriate condition attached.

### **Representations**

None

### **Determining Issues**

The determining issues are:

- a) Whether the principle of the development would be acceptable
- b) Whether the proposal would have any detrimental impact on the amenities of the area and neighbouring occupiers.
- c) Design
- d) Access and Servicing arrangements
- e) Substation
- f) Other issues

### **Observations**

#### **The principle of development**

The proposal seeks to extend an existing retail development within a district centre upon a site, which is identified for this purpose.

The previous applications for retail redevelopment were supported because they accorded with planning policies to direct investment to sustain and enhance Brownhills centre and to maximise accessibility in relation to the local catchment.

The principle of the current application is also supported because it proposes retailing within Brownhills centre. Planning application 05/1201/FL/E3 was approved for the subdivision of the four retail units (05/0171/FL/E2) into seven smaller units. The applicant states that the current proposal for the retail units will be used for retail (A1 non food), as previously approved.

Strategic Policy Team have supported previous planning applications on the site and considering this is an extension to existing retail units, it should be supported. Policy S4(b) encourages the creation of larger shop units in existing centres.

### **Impact on Amenity**

The proposed retail units have already been completed. This proposal relates to ground and first floor extensions and proposed sub station. Planning permission has already been granted for a single storey rear extension to unit 4 (planning reference 06/0650/FL/E3). This proposal seeks to extend the unit further and create a first floor extension to house a lift and provide storage space.

The ground floor extension is similar to the existing rear elevation of unit 4, the proposal would have no detrimental impact on the amenities of neighbouring site occupiers, which are predominantly commercial.

### **Design**

The design of the current proposal reflects the design of the existing premises. The ground floor extension would extend the existing single storey rear elevation of unit 4, to provide a continuation of the existing retail unit. The proposed first floor extension would consist of a pitched roof that is subservient to the main roof. This would ensure that the first floor extension is not visually intrusive from Silver Street and it is considered that the design is acceptable.

### **Access and Servicing arrangements**

The proposed extensions and proposed sub station would not impact on the sites ability to be serviced and accessed by lorries. The Highway Officer has no objection to the proposal.

Centro have stated that an employee travel plan should be sought if the number of employees exceeds 50. No such condition was attached on the previous planning application for the development of the 7 retail units. This application is solely for the extension to the retail unit and it is unlikely that 50 employees will be accommodated in this extension.

### **Sub station**

The proposed sub station would serve the retail units. It would be located adjacent unit 4 so that access to the servicing area is not affected. An ICNIRP certificate has been requested. The agent has submitted a letter from Northfield Environmental Consultants stating that guideline reference level quoted for public exposure by ICNIRP is 100 microteslas, from field testing of grp sub stations of a similar construction to the one proposed on this development, Energy Services has obtained readings within the range of 1-2 microteslas. Energy Services are confident that once constructed the sub station will fall within ICNIRP guidelines. The Pollution Control Officer has recommended planning conditions relating to ICNIRP certificates and upgrading of equipment. These conditions have been included.

### **Other Issues**

The drainage issue will be updated at Development Control Committee in the supplementary papers.

The drawings illustrate air conditioning units to be installed on the roof of the proposed development. Details of these units have not been submitted. However, it is considered that the position of the air conditioning units would not impact on neighbouring amenities. These details can be secured through relevant planning conditions.

A canopy over the loading bay has also been shown, but it has been clarified that this feature is to be deleted from the plans. This can be secured through an appropriate planning condition.

**Recommendation: Grant Permission subject to conditions**

That planning permission is granted subject to the following conditions:

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

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

2) The works hereby approved shall only be carried out as shown on drawing numbers M2280-54C, M2280-52B, M220-03K submitted on 30 November 2006 and plan number M2280-51C submitted on 20 February 2007, and the plan of the proposed sub station submitted on 15 February 2007.

Reason: To ensure only the approved works are implemented.

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.

4) No development shall commence on site until details of the hard surface area around the bin store have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented.

Reason: To ensure satisfactory development of the site.

5) Notwithstanding the notation on the submitted plans, no air conditioning units shall be installed on any part of the proposed extensions hereby approved unless details have first been submitted to and approved in writing by the Local planning Authority.

Reason: In the visual interest of the area.

6) Notwithstanding the notation on the submitted plans, no canopy over the loading bay shall be installed unless details have first been submitted to and approved in writing by the Local Planning. Only the approved details shall then be implemented.

Reason: To ensure satisfactory development of the site.

7) No development shall commence on site until details of the security doors and windows to the rear of the premises have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained at all times.

Reason: To secure the rear of the site in the absence of town centre CCTV.

8) 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.

9) No materials, goods or refuse shall be stored or deposited in the open on any part of the site other than refuse in a refuse container which shall be positioned to avoid interference with car parking spaces and vehicle manoeuvring on the site.

Reason: To ensure the satisfactory appearance of the development.

10) No external lighting shall be installed unless details are first submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall then be implemented.

Reason: To ensure satisfactory development of the site and in the interests of light pollution.

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

Reason: To protect the amenity of the occupiers of the development.

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

Reason: To protect the amenity of the occupiers of the development.

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

Reason: To protect the amenity of the occupiers of the development.

#### Notes for the applicant

#### **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 2.2, 3.6, GP2, ENV32, 3.116, S2, S3, 5.9, S4, BR8 and BR13 of the development plan, in particular policies



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

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