



DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning,
Regeneration
On 3rd APRIL, 2007

Contents Sheet

Item	Page	App No	Site Address	Proposal	Recommendation
1.	1	07/0046/WA/E1	HIGHFIELDS SOUTH QUARRY, LICHFIELD ROAD, SHELFIELD, WALSALL, WEST MIDLANDS	Planning Application and Environmental Statement to amend Conditions 27, 42, 43, 48 and 50 of Planning Permission Reference BC48719P dated 9 July 1997, and the development details in particular: the provision of information regarding the waste types imported to restore the site to wet and deciduous woodland, grassland and a waterbody with public access at Highfields South Quarry, Walsall.	Grant Permission subject to conditions
2.	23	07/0084/FL/W7	WILLENHALL TUBE & FORGING CO. LTD., BENTLEY LANE, WALSALL, WEST MIDLANDS, WS2 8TT	Erection of 44 dwellings and associated works following demolition of existing industrial buildings	Grant Permission Subject to Conditions and a Planning Obligation
3.	38	07/0062/FL/E11	FORMER CORBY WINDOWS SITE, MIDDLEMORE LANE WEST, REDHOUSE INDUSTRIAL ESTATE, ALDRIDGE,	Demolition of existing building and development of two new industrial buildings (to accommodate 6 individual units) for Class B1b/c, B2 or B8	Grant Permission subject to conditions

			WALSALL	purposes.	
4.	49	07/0022/FL/W5	FORMER PLECK GAS WORKS,REGAL DRIVE,WALSALL,WE ST MIDLANDS,WS2	Construction of B1, B2 & B8 Light Industrial/Warehouse building with car parking	Grant Permission subject to conditions
5.	57	07/0039/FL/E12	LAND CORNER OF LAZY HILL ROAD/,KINGSHAYES ROAD,WALSALL,WE ST MIDLANDS	Construction of new two storey dwelling with double garage and access to Kingshayes Road	Grant Permission subject to conditions
6.	66	07/0017/RM/E12	66,BROOK LANE,WALSALL WOOD,WALSALL,WE ST MIDLANDS,WS9 9NA	Reserved Matters: Erection of no.2 semi- detached bungalows	Grant Permission subject to conditions
7.	73	07/0294/FL/E9	LAND & NOS. 15/17,ROMNEY WAY,GREAT BARR,WALSALL,WE ST MIDLANDS,B43 7TL	Substitution of house types on previous planning approval 06/1116/FL/E9 to provide a master bedroom & ensuite facilities within the roof space on plots 3, 4, 5, & 6 and an additional bedroom & ensuite within the roof space of plot 1 for the first floor apartment.	Grant Permission subject to conditions



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 03 April 2007

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 07/0046/WA/E1

Case Officer: Norman Hickson

Application Type: Waste Applications

Telephone Number: 01922 652502

Applicant: Cory Environmental (Central) Ltd.

Agent: MJCA

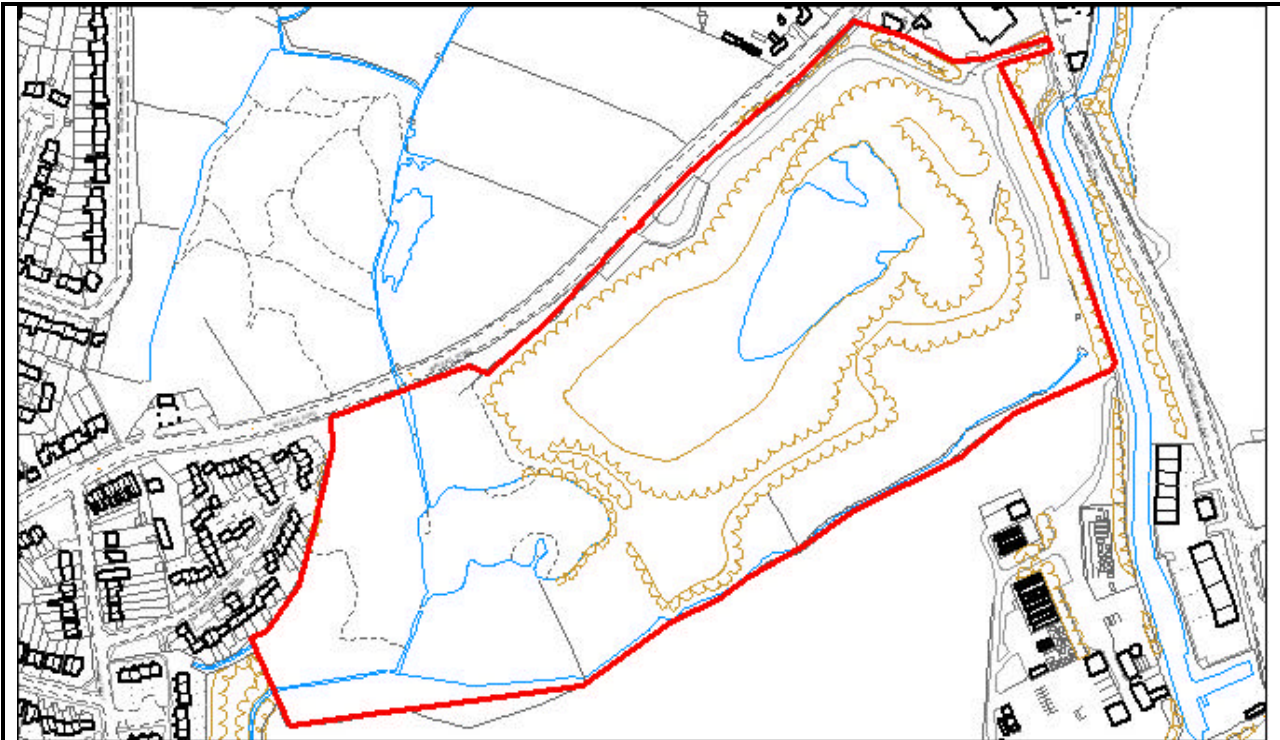
Proposal: Planning Application and Environmental Statement to amend Conditions 27, 42, 43, 48 and 50 of Planning Permission Reference BC48719P dated 9 July 1997, and the development details in particular: the provision of information regarding the waste types imported to restore the site to wet and deciduous woodland, grassland and a waterbody with public access at Highfields South Quarry, Walsall.

Location: HIGHFIELDS SOUTH
QUARRY, LICHFIELD
ROAD, SHELFIELD, WALSALL, WEST
MIDLANDS

Ward: Rushall-Shelfield

Expired: 02 May 2007

Recommendation Summary: Grant Permission subject to conditions (as may need to be amended by Officers) and no new issues being raised by outstanding consultees



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Background

This application is virtually identical to a previous one which is the subject of an appeal against the Council's failure to determine it within a reasonable timescale. Committee considered a report on the previous application at their meeting on the 21 November 2006 and resolved that:

*The Planning Inspectorate be advised that **the Council would support the grant of permission**, subject to appropriate conditions to ensure there is no significant period of concurrent waste disposal at the Vigo-Utopia and Highfields Quarry and that operations continue within a defined timescale in an environmentally acceptable way to secure early restoration of the quarry in accordance with the adopted planning policies of the Council.*

No decision could be made on that application because the appeal had taken the matter out of the Council's jurisdiction.

The current 'duplicate' application has been submitted to enable the Committee to put a planning permission in place to secure the infilling and restoration of the quarry, avoiding any undue delay, in line with its favourable resolution on the previous undetermined application.

If Committee maintains their support for the proposals then the appeal would be withdrawn.

Application and site details

Highfields South Quarry is an active clay quarry covering 12 hectares of land located south of the A461 Lichfield Road, approximately 400 metres north of Shelfield. The

surrounding uses are mixed with residential property to the west and open land to the north. Immediately to the north east is the Barons Court Hotel beyond which a new apartment development is under construction. To the south is the former landfill site owned by Veolia Environmental Services (formerly Onyx UK Ltd). In the wider area there are residential properties close by on Queen Street, Walsall Wood. The existing operational Vigo Utopia Landfill site lies to the east beyond Boatmans Lane.

Planning permission for the restoration of the quarry by infilling with wastes was granted in July 1997 under permission BC48719P. Condition 5 on the permission required the submission of the types of infill materials for approval.

Approval of the types of waste to be deposited is now sought. This application proposes that non - hazardous waste, including domestic and municipal solid wastes, and waste derived from commercial and industrial sources is tipped in the quarry. The non - hazardous waste category also includes waste classified as 'inert', such as uncontaminated soils and excavation materials. Landfill is proposed to commence this year and continue for a period of up to eight and a half years to 2015 at a fill rate of up to 300,000m³ per year.

The application also seeks the approval of details required by other conditions on the 1997 planning permission (BC48719P). These are conditions 27, 42, 43, 48 and 50 and cover the following:

- **Amendments to the final void** are proposed and the revised proposals incorporate a provision for reduction in the total area worked for mineral extraction controlled by condition 27 which specifies the slope gradients for the excavated quarry void. The final excavated void would allow for 2.16 million cubic metres of void space. (This is a small increase on the 2.1m³ void proposed in the previous application now subject of an appeal: the increase has resulted from a revised excavation profile to meet the Environment Agency requirements in relation to the provision of a mineral liner rather than a high density polyethylene geomembrane.) The proposal is supported by a geotechnical assessment of the proposed void to confirm maintenance of slope stability. Clay extraction would continue for the first few years of the infill operation and about 60,000 tonnes of clay would be extracted per annum.
- **Amended drainage discharge points** are proposed. Condition 42 defines the approved means of site drainage according to a particular plan.
- **A brook course through the site is to be amended.** This is controlled by Condition 43.
- **Amended phasing of infilling in a smaller quarry than currently approved** is proposed. This is controlled by Condition 48, which also covers restoration. In total the applicants are offering to give up approximately 500,000 tonnes of permitted clay reserves approved in 1978. The area not to be worked is at the western end of the quarry adjacent houses at Woodbridge Close, Shelfield.
- **Amended restoration contours** with a domed final landform are proposed along with planting on the surface and around the perimeter. The western area of the site is unworked and overgrown. A new pond has been constructed to assist in site drainage and this will be retained and incorporated into the final landscaping. These matters are

controlled by condition 50. The proposed after use is open amenity land with public access (but not publicly owned).

The application also includes provision for landfill gas collection and flaring (to be located on the south eastern boundary of the site). Site support facilities such as wheelwash and offices would be located on the access road along the eastern and northern boundaries leading to the main entrance and exit on the A461 Lichfield Road.

The former Brickiln Pool is to be replaced by a balancing pond at the western end of the site. It has been constructed as part of drainage remediation works that have also benefited land to the north (Highfields Farm and the Jockey Fields SSSI) along with remediation of flooding problems on the A461 Lichfield Road. (This has been approved under other conditions controlling drainage matters on the 1997 permission.)

The application is accompanied by an Environmental Impact Assessment (EIA). The findings of Great Crested Newt surveys which were carried out in Jan 05 and July 06, post dating the EIA are included in a supplementary report attached to the application.

After infilling the site would be restored to create approximately 6.5 hectares of woodland, 5 hectares of grassland and a water body with marginal vegetation. Footpaths would be created across the site to provide public access to enhance the amenity of local residents.

The applicants have submitted a Statement of Community Involvement which details meetings with the Local Liaison Group to explain the proposals.

Relevant Planning History

Planning Permission BC48719P: New conditions for mineral working permission EB593 (dating from 1954), issued in 1997 under the requirements of the Environment Act 1995. These new conditions include provision for the completed mineral excavation to be landfilled to achieve a beneficial after use. A scheme of working for the quarry was approved under consent BC5828 in 1978.

Planning permission BC54925P construction of new quarry access onto the A461 Lichfield Road granted on appeal 11 Aug 1999. (The Inspector made reference to the use of the access to serve land filling)

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

Development Plan

The site is designated as Green Belt in the UDP, and is also located within a UDP Minerals Safeguarding Area where the land is protected for possible future quarrying.

UDP Policy GP2 requires that all developments make a positive contribution to the quality of the environment and does not permit development which would have an adverse impact on the environment. It states that the factors that will be taken into account when assessing impact will include the creation of, or susceptibility to, pollution of any kind (II), potential problems of land stability, contamination or landfill gas (III), and the storage, use or manufacture of any hazardous, toxic or noxious substances, and any danger to health or the environment arising from this (IV).

UDP Policy ENV2(c) indicates that mineral extraction and controlled tipping of waste can be appropriate development in the Green Belt, subject to conformity with minerals and waste policy.

UDP Policy ENV10 seeks to control development that may release pollutants into water, soil or air giving rise to effects such as harm to health and safety or the natural environment, smoke, fumes, gases, dust, steam, heat, light, vibration, smell, noise or other polluting emissions.

UDP Policy JP8 requires that potential bad neighbour uses should not have an adverse impact on housing or other sensitive land uses and should provide effective screening, boundary treatments and stringent operational controls.

UDP Minerals Strategic Policy Statement (paragraphs 9.2 - 9.3) seeks to define Minerals Safeguarding Areas to protect known resources for future mineral extraction. Paragraph 9.8 requires mineral workings to be restored to a condition fit for an agreed after-use within as short a timescale as possible. However, restoration proposals are expected to include appropriate measures to protect the environment and ensure land stability. Particular encouragement is given to high quality restoration schemes that provide for recreation and amenity areas, new wildlife habitats, forestry or agriculture, and provision is expected to be made for any necessary after-care of the site.

Policy ENV22 states that development on sites used by species protected by European law and/or British legislation, or a species which is the subject of a national Biodiversity Action Plan will not be allowed unless it can be demonstrated that the proposed development will not have an adverse impact on local populations of the species.

UDP Policy M1 identifies four Minerals Safeguarding Areas within the Borough, including Highfields South. These areas are to be reserved for the future extraction of minerals, in line with the UDP Minerals Strategic Policy Statement (paragraphs 9.2 - 9.3).

UDP Policy M4 relates to the extraction of Etruria Marl. The reasoned justification in paragraph 9.38 acknowledges that the existing minerals permission at Highfields South includes the restoration of the site by landfill.

UDP Waste Management Strategic Policy Statement (paragraph 10.6) sets out the Council's strategic policy towards landfill. This stipulates that no further proposals for landfill will be permitted, except where capacity is needed to meet proven local needs, and/or where landfill is necessary to facilitate the regeneration of mineral workings. Proposals for landfill are also required to be accompanied by a rigorous assessment of the potential for energy recovery. Paragraph 10.7 states that attention will be given to safeguarding the environment and residential properties when considering landfill proposals.

UDP Policy WM1 sets out criteria for developing new waste management facilities, including landfill sites. All new proposals are expected to demonstrate that the facility is the best practical environmental option (BPEO) for the achievement of the Council's strategy for waste management, avoid adverse impact on the environment and health, and to include adequate screening, fencing and landscape schemes.

UDP Policy WM2 sets out detailed criteria for the control of landfill operations. Proposals are required to comply with policies WM1 and GP2, to be an adequate distance from existing development, to have a suitable method of infilling, with appropriate types of materials to achieve earliest restoration to an appropriate after use, and to include a clear commitment towards the monitoring, control, and venting of landfill gases and treatment of leachate. Use of landfill gas for energy is encouraged, subject to there being no unacceptable adverse impacts. Proposals for the re-working of deposited wastes are only permitted where they represent the BPEO, where the restoration will not be unacceptably delayed, and where there will be no unacceptable adverse impact.

Regional Spatial Strategy

Policy QE1 emphasises the importance of environmental improvement to the overall Regional Spatial Strategy, and indicates that local authority policies should support regeneration, including the restoration of degraded areas.

RSS Policy QE6 highlights the need to restore degraded landscapes, including current and proposed mineral workings and waste disposal sites.

RSS Policy M1 indicates that local authority policies relating to the restoration of mineral workings should require them to contribute towards local/ regional biodiversity targets. RSS Policy WD2 indicates that between 1989/99 and 2020/21, landfill capacity will be required within the West Midlands region for approximately 40 million tonnes of municipal waste, but that there is sufficient landfill capacity within the region to satisfy the identified need to dispose of approximately 75 million tonnes of commercial and industrial waste and 29 million tonnes of construction and demolition waste. Table 4 breaks down the requirements to sub-regional level, and indicates that capacity should be identified to dispose of approximately 16.6 million tonnes of municipal waste within the West Midlands Metropolitan area. However, there is no specific requirement for disposal in Walsall.

National Policy

Planning Policy Guidance 2: Green Belts indicates that mineral extraction need not conflict with the purposes of including land in Green Belts, provided that high environmental standards are maintained and that the site is well restored. Mineral planning authorities are expected to ensure that planning conditions for mineral working in Green Belts achieve suitable environmental standards and restoration (paragraph 3.11). All large-scale developments, including mineral extraction and the tipping of wastes, should as far as possible contribute to the objectives for the use of land in Green Belts (paragraph 3.13). These objectives are: providing access to the open countryside for the urban population, providing opportunities for outdoor sport and recreation near to urban areas, retaining attractive landscapes/ enhancing landscapes near to where people live, improving damaged or derelict land around towns, securing nature conservation interest, and retaining land in agriculture, forestry and related uses (paragraph 1.6).

Planning Policy Statement 10: Planning for Sustainable Waste Management

emphasises that positive planning has an important role in delivering sustainable waste management by providing sufficient opportunities for new facilities of the right type in the right place at the right time (paragraph 2). The guidance no longer includes a requirement for waste management proposals to demonstrate BPEO, but retains the concept of the 'waste hierarchy,' with re-use, recovery and recycling being the preferred options, and disposal to landfill being the last resort. However, PPS10 acknowledges that there will

continue to be a need for landfill, and that it must be adequately catered for (paragraph 3). PPS 10 warns that when assessing planning applications, waste planning authorities should have regard to the policies in the PPS as material considerations that may supersede the policies in their development plan, and that waste management proposals should be considered favourably when consistent with the policies in the PPS (paragraphs 5 and 24). It goes on to say that any refusal of planning permission prior to the review of development plans on the grounds of prematurity will not be justified unless it accords with the policy in 'The Planning System: General Principles' (paragraph 5). When considering applications for waste management facilities, waste planning authorities are advised to concern themselves with implementing the planning strategy in the development plan and not with the control of processes that are a matter for pollution control authorities, although impacts on the environment and amenity are matters for legitimate concern (paragraphs 26 and 29).

Minerals Policy Statement 1. Mineral planning authorities should consider the social, environmental and economic benefits and constraints of working minerals. Authorities should also undertake regular assessments of permitted reserves and availability of alternatives such as secondary aggregates (paragraph 12).

Mineral planning authorities should carefully consider how best to maintain an adequate supply of minerals, in line with the principles of sustainable development, and should encourage efficient use of materials.

Mineral planning authorities should take account of the need for environmental protection, such as impact of operations on character of the area, amenity, environment and human health, and should ensure that high quality restoration and aftercare takes place, and that land is reclaimed for beneficial use at the earliest opportunity

Planning for brick clay should take account of the needs of industry, including the need to provide a stock of permitted reserves to support investment in plant, need to stockpile material for future use, and need for a variety of clays at each works. Permitted reserves should be sufficient to provide for 25 years of production.

Minerals Planning Guidance 2: Applications, Permissions and Conditions advises that mineral restoration schemes should set out the time when restoration is to commence, and the timescales over which restoration and aftercare will take place. It also confirms that the importation of waste for reclamation purposes will require a licence from the Environment Agency, to ensure that there will be no unacceptable risk to the environment or harm to human health (Annex C, paragraph C31). Conditions attached to planning permissions are expected to address issues such as amenity, access, general landscaping and overall reclamation.

MPG7: Reclamation of Mineral Workings advises that mineral workings can be suitable for landfilling controlled wastes, to create new landscapes. Restoration should take into account the joint impact of extraction and landfill. Key objectives should be to minimise adverse impacts and exploit opportunities for positive contributions that a reclaimed site can make to the landscape. The intended final landform, should be designed at the outset.

Consultations

Transportation. (*Comments on the previous application*) There are no Transportation objections to the proposal.

Planning permission was granted, after appeal in August 1999, to create an access to the quarry direct from the Walsall Road - A461. This has now been constructed, at the applicant's expense, and is much safer than the previous legal access to the quarry from Boatmans Lane.

The Council, in its role as Highway Authority, supported the proposed new access, primarily to accommodate the future traffic generated during the restoration process, rather than that associated with the extraction of the remaining clay reserves. Council officers worked with the applicants on the design of the proposed access to minimise any disruption to the A461, by the creation of a ghosted right turn, and to ensure that the capacity of the access junction could accommodate the predicted traffic generated by the restoration proposals.

A Transportation Assessment has been submitted in support of these proposals, which are to restore the quarry by the importation of 2.1 million cubic metres of non-hazard waste. The restoration process is estimated to last for approximately 8 years and it is anticipated around 300,000 tonnes of waste will be imported each year, comprising 100,000 tonnes of municipal solid waste and 200,000 tonnes of commercial waste. The Transportation Assessment predicts that this will generate 24 - two way trips per hour during the working day of 11 hours per day.

Extraction of some of the remaining clay will cause an additional 4 two way trips per hour. In total, the waste import and clay export operations are predicted to generate 28 two way trips per hour (14 lorries in and 14 out). Staff working at the site will add to the generated traffic but this will be minimal.

The Transportation Assessment assumes that vehicles will arrive at the site at a uniform rate per hour each hour during the 11 hour working day and has assessed the impact of this on the highway network during the peak hours. As the origin of the waste import trips has not been established, four possible options have been assessed. These range from all vehicles travelling from / to Walsall (turning right into and left out of the site - worst case) and all vehicles travelling from / to Brownhills (turning left into / right out of the site - least case). These assessments conclude that the impact on the highway network during the peak hours will not be significant, even in the worst case scenario. The assessments have also considered the situation in 2015, using traffic growth estimates and again concluded that the proposals will not significantly impact on the highway network.

However, the assumption in the Transportation Assessment that traffic will arrive at the quarry at a uniform rate each hour every hour is un-representative and unrealistic. However, given the nature of the operations, there will be less trips in the peak hours and more in the off -peak. Consequently, there will be a greater demand to use the site access outside the peak hours but there will be a compensatory reduction in opposing traffic on the A461 and, in my opinion, the junction will operate satisfactorily. The rate of restoration is faster than anticipated in 1998 when the access junction was designed. Although this will lead to an increase in daily traffic generated, the site access junction should be able to accommodate the additional traffic. There is the added benefit

that increasing the rate of restoration will mean that the process is completed sooner, removing this traffic from the network earlier as general traffic on the network grows. [Note: the applicants submit that the export of the additional 60.000m³ of clay would generate some additional traffic it would be minimal compared with the scheme as a whole and would constitute approximately 1 additional wagon load per day.]

Pollution Control

Support approval of the application on the basis that the best practical controls can be achieved through Site Permit Conditions and management best practise providing it is understood that this does not imply there will no be detrimental impact upon local amenity.

Consideration of the details submitted with the application showed that proposals for dust management and control were reasonable and likely to be satisfactory. Additional noise assessment details submitted have demonstrated that predicted noise emissions attributable to typical site operations enable the applicant to comply with the 55dBA limitation set by Condition 20 of Planning permission BC48719P. The cumulative noise levels with landfill operations would not show a significant increase in objectively measured noise levels at assessment points outside the site boundary. Restricting the rate of fill to a smaller annual rate with a prolonged period of restoration is unlikely to make a significant difference.

Odour concerns arising from some of the gas management and dispersion modelling issues, which influence assessment of the potential for odour to impact upon local amenity, may be capable of resolution with the applicants. However matters relating to day to day working practice remain an area of some concern. 'Management Procedure' utilised to direct on site activity associated with the handling of wastes normally fall to be regulated by the Environment Agency. The applicant has indicated that they are willing to accept conditions requiring them to agree odour and fly control procedures with the Planning Authority and to meet Walsall Council representatives on a regular basis to review the effectiveness of such procedures. This course of action would enable the authority to retain some measure of control over situations likely to create 'nuisance' to local residents.

There have been some instances when odour from 'fresh waste' has been detectable outside the site boundary at Vigo - Utopia although domestic waste (directly from collection rounds) is not included in the list of waste types allowed for direct delivery to the site. It is reasonable to take the view that a similar situation may arise at Highfields South although sensitive land uses are not in such close proximity to the site boundary.

The applicant has provided a detailed description of the engineering design of the land form which adds weight to the claims by the applicant that improved levels of control of odour from landfill gas can be achieved when compared to the situation at Vigo - Utopia.

Odours will remain to be controlled by speedy laying of adequate cover onto the waste throughout the working day. In view of this there will inevitably be occasions when odour will be detectable outside the site boundary.

The matters that remain outstanding are:

Confirmation from Enviros (the Council's consultants) that there has been an exchange of information with the applicants consultant that satisfies the queries raised in their last correspondence.

Deciding on whether or not to take up the applicants offer to accept conditions relating to control of odours and flies and in the event of accepting the offer drafting appropriate conditions.

Attaching such conditions to an approval may cause conflict with other regulatory procedures that relate to the operation of waste disposal facilities and which are administered by the Environment Agency. It would however seem appropriate to include conditions that require the applicant to produce and obtain agreement from the Local Planning Authority upon the actions or additional controls to be implemented to deal with situations relating to odour or vermin (flies) should the Council receive substantiated complaints or officers judge prevailing conditions outside the site to be unacceptable. Care will need to be exercised in drafting such conditions.

Suggested condition to control odour and flies in addition to the measures set out in the Permit issued by the Environment Agency as Waste Regulation Authority.

Natural Environment

Comments are summarised on the general ecological matters and conditions 48 and 50 which relate to the restoration plan for the site (Full text of detailed comments is available for inspection).

Protected Species Issues

Great crested newts

The newt survey report indicates that great crested newts have been reliably found in ponds on the site either as eggs or as adults since 1998. This species is a European Protected Species meaning that individual newts and their habitats are protected. A key objective of the restoration plan should be to maintain and enhance the great crested newt population on the site. In the meantime a management plan for this species is required showing how a viable population will be maintained until the restoration of the quarry is complete. This should include: regular monitoring of the newt population, maintenance of amphibian fencing and further habitat creation measures.

Water voles and otter

A population of water voles has been identified along the Vigo Brook. Although no works appear to be proposed for this part of the site it is vital that the council ensures that water voles will not be affected as they are a protected species. As with the newts this is best done through a management plan detailing measures that will protect the water vole population both during quarry operations and after restoration. Otter have also been recorded on the site. Protection measures for water voles should also serve to protect this species.

Other species issues

Bithynian vetch

During an ecological survey during 2004 Bithynian vetch was found. This is a Nationally Scarce plant and sites where it occurs are considered to be nationally important. A management is required to show how this species will be protected from damage during site operations and how the population will be maintained and expanded in the long term.

The restoration scheme

Full details of the restoration scheme should be supplied at this stage rather than within twelve months before completion of the landfill phase 2b. This is so that any problems with it can be ironed out at an early stage. The current scheme is inappropriate and significant improvements can be made to maximise its ecological value in the following ways:

The amount of woodland proposed would mean that the site was out of keeping with the ecology of the surrounding landscape which contains significant species rich grassland. There is little woodland in the immediate neighbourhood.

Woodland cover should be reduced and planting should concentrate on providing fewer, more continuous, blocks of irregularly shaped woodland rather than lots of woodland edge.

The proposal to establish a meadow is welcomed and would create ecological links between Jockey Fields SSSI and grasslands in the Anchor Brook Valley. However, the restoration plan does not give enough detail on the establishment of this feature and its future management or the grassland type to be created on the rest of the site. Another option that should be explored is the potential to create heathland on the site which would be in keeping the ecological character of the wider area.

The proposals for the balancing pond could be improved by varying the profile of the banks to grade more naturally with the surrounding vegetation and potentially creating some wet grassland habitat. The planting of a reed-bed at one end of the pond could add diversity to the site.

In summary, there are some significant protected species issues with the development which need to be resolved. The finding of Bithynian vetch is nationally significant and should be a management priority. The restoration scheme lacks detail and does not fully consider the wider ecological landscape or the ecological features already present on the site including several species that are given strong legal protection. Conditions 48 and 50 cannot be satisfied until the applicant has provided a more comprehensive and coherent scheme, which resolves the issues raised above

Drainage

No objections - any work on the watercourses on this site must be approved first.

Strategic Policy.

The proposal complies with national, regional and UDP policy and we have no objections. The principle of the restoration of Highfields South by landfill has already been established through the existing minerals permission, and this is acknowledged in the UDP. With regard to planning policy, the key issues are therefore whether the proposals would restore the site within an appropriate timescale and contribute towards regional and local waste management requirements, in line with UDP Policies M4 and WM2, and whether

the proposal is likely to give rise to environmental or amenity problems that cannot be satisfactorily controlled, as required by UDP Policies ENV10, JP8, WM1 and WM2. The loss of 500,000 tonnes of brick clay must also be fully justified to satisfy the requirements of MPS 1.

The evidence provided with the application suggests that sufficient materials would be available to restore the site within the timescale required by the extant permission. Although monitoring indicates that the West Midlands region has sufficient landfill capacity to meet its requirements up to 2021, at the present time, there are only a few permitted landfill sites available within the Black Country. The only large-scale facility in Walsall, at Vigo-Utopia, is now nearing the end of its life. In national policy guidance (Waste Strategy 2000, PPS10), the disposal of waste to landfill is considered to be the least preferred option for managing waste. However, it is acknowledged that not all wastes can be re-used, recovered, recycled or composted, and that there will always be a demand for landfill sites for the disposal of waste that cannot be managed in any other way. PPS10 therefore requires waste planning authorities to make adequate provision for waste disposal. The bringing forward of this new facility now is justified, in order to maintain a local landfill facility in the short- to medium-term, in line with RSS Policy WD2 and UDP Policy WM1.

PPS10 advises that when considering proposals for waste management, waste planning authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of processes that are a matter for pollution control authorities. However, impacts on the Green Belt and on local amenity are matters for legitimate concern. In this case, we understand that a waste permit has already been issued by the Environment Agency.

With regard to impact on the Green Belt, we do not consider that the landfill operations would have a materially worse impact than the current quarrying activities. Indeed, unless the void is filled, the site cannot be fully restored to a condition that would enable it to contribute towards Green Belt objectives, in line with the requirements of PPG2.

Colleagues in Pollution Control have indicated that the measures proposed to control dust, noise and smell are adequate, and that the proposal is unlikely to give rise to local amenity problems that cannot be adequately controlled. We also note that the application includes provision for landfill gas collection (presumably to be used to generate energy), in line with UDP policy WM2.

The requirements in MPS1 to maintain valuable brick clay reserves must be weighed against the environmental benefits of avoiding disruptive extraction operations in close proximity to housing to meet the aims of UDP Policy. There are substantial clay reserves locally at the Ibstock Atlas and Sandown Quarries which can be recovered up to 2042 under current planning permissions.

Details of additional measures to be implemented in the event that unacceptable levels of odour or flies, confirmed (as perceived) by Officers of the Local Authority, are impacting upon amenity at residential or commercial properties surrounding the site shall be agreed in writing with the Local Planning Authority. Within one week of any incident requiring their implementation the effectiveness of agreed measures shall be reviewed by the applicant in conjunction with the Local Planning Authority to establish their

suitability and/or the need for modification. Confirmation of the review and any changes deemed necessary shall be confirmed in writing with the Local Planning Authority.

Natural England

The European protected species licence for great crested newts has expired and, as far as I am aware, no current licence exists. This being the case, the Council will need to be sure that the proposal includes a detailed mitigation strategy for this species which it can secure through the planning process; unfortunately, I have not been able to ascertain whether this is the case.

Regarding other aspects of the proposal, the Council will need to be sure that the proposal will have robust leachate and pest management systems in place to protect the water quality and bird interest of the nearby Sites of Special Scientific Interest.

With respect to the restoration, I would question the extent of woodland planting compared to open grassland. Jockey Fields SSSI which is located across the road from the quarry is largely open in character and supports a range of grassland types, albeit mostly of the wetter community types. Nevertheless, it is open in character as is Swan Pool and the Swag SSSI to the south and restoration to predominantly open, species-rich grassland is likely to be better in terms of an ecological link between the two SSSIs. Allied to this is the need to consider the long-term management of the site. In ecological terms, open grassland, particularly species-rich grassland, is probably best managed by grazing or a combination of mowing and grazing. This is easier with a larger area of grassland, but it would need to be fenced to facilitate grazing.

Principle concerns are:

a) that the final restoration proposals didn't maximise the area of preferred habitats in biodiversity terms. I would much prefer to see a larger area of species-rich grassland at the expense of some of the woodland.

b) with respect to protected species issues, they've not provided a detailed scheme as to what they will do. I can only endorse comments [from your Natural Environment Team] that 'Conditions 48 and 50 cannot be satisfied until the applicant has provided a more comprehensive and coherent scheme..' and I would question how the Council could approve the scheme without the information that is outstanding. Implementation of the final scheme will almost certainly require a European Protected Species Licence and what has been provided so far would, in my opinion, be insufficient in this respect.

British Waterways: (Comments on the previous application) No objection.

Environment Agency: (Comments on the previous application) No objection in principle. It should be noted that at this site it is unlikely that groundwater provides an important contribution to surface water flows. The proposed landfill will require an IPPC Permit. Technical issues relating to the stability risk assessment, hydrogeological risk assessment, and landfill gas risk assessment are incorporated and can be addressed by the Environment Agency. Certain matters of detail relating to Leachate Management, Surface Water Management, and Landfill Gas in the submission need to be addressed. The application did not contain adequate information on leachate disposal, and the location of the leachate treatment plant in the south east corner which is a sensitive area. For discharge of surface water one of the surface water collection sumps is shown as being in a tipping area and should be removed from the plan. Detailed consideration of

landfill gas issues by the Council's owned independent expert consultants should be taken account of.

Representations

One letter has been received objecting on the following grounds:
noise from machinery working 30 yards from back garden, nuisance from smells, vermin and dust

One letter has been received expressing full support to the proposals

All letters of representation are available for inspection.

Determining Issues

Committee must consider if there has been any material change in circumstances since consideration and support of the previous application in respect of whether:

- the tipping would secure appropriate restoration, within a reasonable timescale and optimise the use of this valuable landfill facility and

- the types of waste and the method of tipping proposed are environmentally acceptable.

Observations

Would the tipping secure appropriate restoration within a reasonable timescale and optimise the use of this valuable landfill facility.

Council policy seeks restoration at the earliest opportunity to remove the impact that this major site has on the amenity of the green belt. Whilst such voids are environmentally disruptive they are valuable as tipping space which should be used effectively. The applicant has indicated in this case, sufficient waste would be available annually to enable the site to be restored within the period required in the extant permission. However, it should be noted that there is potentially a tension between the need to restore sites at the earliest opportunity, and current/ emerging national waste policy, which is to reduce dependence on landfill as a means of managing waste. Waste disposal facilities are increasingly being seen as a last resort for the disposal of residual waste that cannot be managed in any other way. The site is also likely to take longer to restore if there are restrictions on the types of waste that can be deposited.

The proposal has taken into account the joint impact of extraction and landfilling, in line with the advice in MPG7 and MPS 1. The proposed reduction in the total area of clay extraction at the western end of the quarry to give a greater buffer distance from the houses on Woodbridge Close (resulting in the loss of approximately 500,000 tonnes of permitted clay reserves) is considered to be justified in order to better protect residential amenity compared to the approved scheme and in line with the aims of UDP Policies GP2, ENV10 and policy JP8. This loss of clay reserves should not have any significant impact on overall reserves to supply local brickworks. The brick industry have not lodged any objections to the proposals. The reduced void to infill would also accelerate restoration of the site. In addition this naturally overgrown area at the western end of the quarry would

be safeguarded to provide a valuable link between Sites of Special Scientific Interest in the locality.

The export of the additional 60.000m³ of clay would generate some additional traffic it would be minimal compared with the scheme as a whole and would constitute approximately 1 additional wagon load per day.

RPG 11 identifies a need to find additional landfill capacity up to 2021 and this site is identified to meet part of that forecast demand, but only for municipal waste. At the time that RPG11 was written, it was estimated that sufficient capacity existed within the Region to meet requirements for the landfilling of commercial and industrial and construction and demolition waste. The main issue facing waste planning authorities was therefore the need to identify new landfill capacity for the disposal of municipal waste in their development plans. In this case, the Walsall UDP identifies a number of active minerals sites, which will require restoration once operations cease. Paragraph 9.38 specifically refers to an extant permission at Highfields South, which includes the restoration of the site by landfill, with the types of waste to be subject to approval by the Council. In other words, the principle of restoring the site by landfill has already been established both through the existing planning permission and by the UDP.

There remains a continuing demand for new landfill facilities within the West Midlands Region. Although monitoring shows that reliance on landfill is reducing, it also suggests that at the same time, permitted landfill capacity is reducing. In March 2001, it was estimated that there were around 87.7 million cubic metres of remaining capacity in the West Midlands Region. About 17.8 million cubic metres of this was in the Black County, including about 2.2 million cubic metres in Walsall, mostly at Vigo - Utopia. In the response to the recent consultation on the Regional Spatial Strategy Phase Two Revisions, it was estimated that at April 2006, void capacity in the Black County had reduced to around 15.7 million cubic metres. In that response, it was also acknowledged that the Vigo - Utopia site has very little capacity remaining, and that the Highfields South proposal could contribute towards meeting future demand.

Landfilling at the adjacent Vigo - Utopia site is nearing completion with only 13 months' void space remaining. The UDP Waste Management Strategic Policy Statement (paragraph 10.6) stipulates that no further proposals for landfill will be permitted except where there is a proven local need. In this case, however, the principle of restoring the site by landfill at some stage has already been established through the existing permission, which is also referred to in the UDP.

It is considered that the applicant has demonstrated a proven local need exists for this site to be made available now, in order that it can be made ready to take over as the principal local facility for collected wastes when landfilling at Vigo - Utopia ceases. Whilst the present situation for the West Midlands Region as a whole is that there is currently adequate landfill capacity for most types of waste, it is important to recognise that new landfill sites can take a considerable amount of time to bring forward, given the necessary lead in time for site preparation.

It is considered that the applicant has shown that sufficient waste would be available annually to meet the projected rate of infill of 300,000m³ per year, after the completion of landfill at the nearby Vigo - Utopia Landfill site. This is currently scheduled for completion

by 31st March 2008. Therefore, in line with the UDP Strategic Policy Statement and Policy WM1, a 2008 start date for commencement of landfill at the site is considered justified.

Considered overall, the application also meets the requirements of UDP Policy WM2, provided that pollution, dust, smell, noise, and other adverse effects on the environment and adjoining uses can be satisfactorily controlled through conditions imposed upon the planning permission. It should also be noted that the day to day operation of the landfill site would be strictly controlled under the permit issued by the Environment Agency. The principal aims of the permit are to control pollution and prevent unacceptable harm to the environment or human health.

The planning conditions approved for the site in 1997, following a review of the original 1978 permission, allow for quarry working much closer to houses on Woodbridge Close than now proposed. Any attempt by the Council to enforce a reduction in the extent of the permitted working would leave a liability for a compensation claim. The applicant's offer of a reduction in the extent of working and the abrogation of some 500,000 tonnes of workable minerals should be considered as a valuable offer that actually brings a better quality environmental outcome than would be achieved by existing approvals, and more quickly.

In conclusion, it is considered that the tipping would secure restoration within a reasonable timescale, and that restoration of the site by landfill is consistent with the existing planning permission as well as being in accordance with national, regional and UDP policy. Forgoing 0.5 million tonnes of clay reserves can be justified to meet these aims and in order to avoid any undue impact on the occupants of adjacent houses.

Are the types of waste and the method of tipping proposed environmentally acceptable.

The Environment Agency has indicated that it has no objection in principle and is satisfied that matters of potential ground and ground/surface water pollution have been addressed. The proposal to operate the site as a 'non - hazardous' facility is to be welcomed. The inclusion of domestic waste and other municipal waste for disposal at this site raises the potential for an adverse impact from landfill gas and odour generation on houses in Woodbridge Close, the Barons Court Hotel and the apartments under construction on Brickyard Road. This requires careful and rigorous assessment.

A letter from a local resident expresses support for the restoration of the quarry.

The recent appeal decision at the nearby Vigo - Utopia landfill site refused permission for domestic waste due to the potential adverse impact on nearby housing. Residents at Woodbridge Close already experience odour impacts from the Vigo - Utopia site. This has occasionally arisen due to weather conditions and the topography of the area with Vigo - Utopia set at a higher level than the houses.

In this case, the applicants assert that with fewer houses at a greater distance from the void there will be a reduced risk of malodour. At Vigo-Utopia there are houses within 35 metres of the landfill but at Highfields, due to the reduced quarry site there would be no houses within 100m of the landfill void. The applicants also point out that the prevailing wind is away from the nearest properties at Woodbridge Close, whilst at Vigo-Utopia the prevailing wind is towards the adjacent properties.

The two sites are engineered differently with the opportunity at Highfields to provide improved access to phased tipping levels, allowing exposed wastes to be covered with material early to reduce nuisance risk, as part of the progressive restoration of the site. Improved early installation of landfill gas collection will further remove malodour nuisance experienced at Vigo. Site management techniques are proposed to form part of an agreed odour control plan.

The Environmental Impact Assessment with the application considers the implications for gas and odour generation and independent expert consultants (Enviros) carried out detailed technical reviews of the information and modelling of gas generation on behalf of the Council.

The site design and operational measures proposed to handle the domestic waste and other municipal waste for disposal at Highfields South Quarry would mitigate the potential adverse impact from odour generation on the occupants of houses on Woodbridge Close and the Barons Court Hotel. The Council's consultants have critically assessed the applicants proposed malodour controls. It must be recognised that the nature of waste disposal will result in some malodour impact at times, but effective and responsive site management should be able to address such occurrences under the proposed odour monitoring action plan. Furthermore condition 61 on the existing permission prohibits treatment or storage of gas or leachate which would give rise to malodour problems. Matters such as vermin and fly control are dealt with under the Waste Permit issued and enforced by the Environment Agency, who operate under legislation designed to enable immediate responses to such incidents.

If the site was to be only infilled with inert waste, the infill period would probably not be completed within the 15 year time period set by the 1997 planning permission. Most inert waste is in fact the waste residues that are left following recovery and treatment. Construction and demolition waste, which used to account for the majority of inert waste, is increasingly being recycled rather than being sent to landfill. There is a regional shortage of inert waste and sites elsewhere in the region which are dependant on inert waste are experiencing delays in achieving restoration timescales.

Pollution Control advise that noise levels arising from site operations should not exceed levels already experienced at residential property because existing 'ambient' or 'environmental' noise levels in the vicinity of houses on Woodbridge Close already exceed 55dBA - the levels that landfilling would create. This is mostly attributable to traffic on the A461 Lichfield Road. The probability is that residents could experience an adverse reaction to the slightly increased noise levels caused by landfill operations when added to the existing ambient noise levels.

The overall quality of the restoration is acceptable and the potential for nature conservation could be enhanced through consideration of detailed design schemes submitted in accordance with conditions. Natural England have confirmed their overall satisfaction with the restoration concept which remains unchanged from the previous application.

The proposed amended details relating to slope stability, drainage, site preparation, phasing of infill and final restoration contours (i.e. Conditions 27, 42, 43, 48 and 50 of permission BC48719P) are considered to be satisfactory. They would help in meeting the

overall aim of securing appropriate restoration, within a reasonable timescale and the optimum use of this valuable landfill facility, in an environmentally acceptable manner.

Concerns expressed about the extent of woodland on the restored landform and the need for further steps to safeguard protected species at the site can be satisfactorily dealt with by planning conditions.

Conclusion

Committee supported a virtually identical proposal when they considered the previous application in November last year. Committee recognised that it represents an important regenerative opportunity. The only way that this quarry can be brought into a beneficial after use is by infilling the void remaining after mineral extraction. The position remains the same.

The 1997 permission requires that the site should be filled in to remove the dereliction caused by mineral working. The proposed waste stream should ensure completion of restoration at the earliest possible time.

The Environment Agency have issued a permit to landfill which confirms that they are able to control potential nuisance from tipping operations. Potential impacts can be reduced to levels which would not be unreasonable for the local community to accommodate in order to secure the removal of this major area of dereliction which lies on their doorstep.

The proposal would provide a valuable landfill facility for locally arising wastes and secure early restoration of the site to a beneficial afteruse, without undue environmental impact.

The restored site will provide public access to a large tract of woodland and grassland, incorporating a lake, for the benefit of the local community.

Recommendation

It is recommended that Committee grant permission subject to the following conditions (as may need to be amended or added to by Officers to maximise control at the site) and no new issues being raised by the outstanding consultees.

Recommendation: Grant Permission subject to conditions

Conditions

1. The deposit of waste material at the site shall not continue concurrently with the deposit of waste at the neighbouring Vigo Utopia site for a period exceeding six months, unless otherwise previously approved in writing by the Mineral Planning Authority.

Reason: To prevent any risk of an unacceptable level of adverse environmental impact, on sensitive residential property in the area arising from the cumulative impact of simultaneous landfill operations at both the Vigo - Utopia and the Highfields South sites.

2. This permission approves the variations to the approved plans submitted in accordance with the requirements of Condition 1 of Planning Permission BC48719P.

Reason: To define the terms of this permission for carrying out the operations approved under the parent permission BC48719P.

3. This permission approves a variation to the approved period for mineral extraction under Condition 2 of Planning Permission BC48719P for a period of three years from the date of this decision and all mineral extraction shall be carried out only in accordance with the terms of this permission, unless a further extension to the period is approved in writing by the Mineral Planning Authority.

Reason: To define the period for mineral extraction to assist in securing completion of restoration within the timescales of this permission.

4. The deposit of wastes shall be carried out in accordance with the submitted progressive infilling and restoration phasing over a period of 8.5 years from the date of commencement of deposit of waste material, unless otherwise previously approved in writing with the local planning authority.

Reason: To define the period for deposit of waste material and to secure completion of restoration within the timescales proposed in the application not exceeding that required by Planning Permission BC48719P.

5. For the purposes of Condition 5 of Planning Permission BC48719P the following types of waste are approved for importing, depositing and disposal within the site:

Any waste classified as non - hazardous, domestic and municipal solid wastes and inert wastes within the European Waste Catalogue as presently constituted in the Document referenced CONSLEG: 2000D0532 - 01/01/2002 or any successor classification and for the avoidance of any possible doubt specifically excluding;

Any such non - hazardous or inert waste comprised in the form of liquids, sludges or slurries.

Any waste that is currently or that subsequently becomes, classified as hazardous, within the European Waste Catalogue.

Reason: To define the types of waste approved for the purposes of Condition 5 of Planning permission BC48719P.

6. No use, operation or activity hereby permitted shall be carried out except in accordance with the terms of and hours of operation specified by Condition 8 of Planning Permission BC48719P.

Reason: To ensure that there is no detriment to the amenity of any nearby sensitive uses arising from the duration of operations.

7. No use, operation or activity hereby permitted shall be carried out except within the terms of Conditions 21 and 22 of Planning Permission BC48719P as amended by the terms of this permission.

Reason: To ensure that there is no adverse impact from noise on sensitive uses.

8. Mineral extraction shall not take place except in accordance with the phasing of extraction and the establishment of slope profiles that produce the maximum lateral extent

and depth of the excavated and prepared void shown on the submitted plans. Such phasing shall constitute an approval to the phasing of extraction for the purposes of Conditions 26 and 27 of Planning permission BC48719P.

Reason: To ensure that mineral extraction is carried out in an orderly phased manner to achieve the final void for restoration of the site.

9. Implementation of this permission shall only be in accordance with the requirements of Condition 34 of Planning Permission BC48719P. Extracted minerals and overburden shall not be stored to levels that are higher than the rim of the quarry except for the purposes of providing surcharge material for securing the settlement of tipped waste material to the approved final restoration contours. Such storage shall only take place such that the height of any surcharge mounds does not exceed 158 metres AOD at any time.

Reason: To minimise the potential for any adverse visual impact.

10. For the purposes of condition 39 of Planning Permission BC48719P, reference to Plan HS9a in Condition 39 is hereby substituted by reference to Plans HDA6 and COR/HS/09 - 04/11782, which shall hereafter constitute the approved restoration scheme for the site.

Reason: To define the approved restoration scheme.

11. For the purposes of condition 42 of Planning Permission BC48719P, reference to Plan HS Fig 3 in Condition 42 is hereby substituted by reference to Plan COR/HS/09 - 04/11778.

Reason: To define the consented discharge points.

12. The diversion of the un-named brook referred to in condition 43 of Planning permission BC48719P is amended by the proposals approved under this permission, and those proposals shall be carried out in accordance with the approved scheme (see drawing 04/11778) unless otherwise previously approved in writing by the Local planning Authority.

Reason: To define the permitted course for the diversion of the un - named Brook.

13. Within three months of the date of this permission a detailed scheme relating to the protection of Bithynian vetch (*Vicia bithynica*) shall be submitted to the Local Planning Authority for approval. The scheme shall include the identification of the extent of the areas colonised by the vetch, measures to protect and manage the area throughout the period of mineral extraction and landfilling operations at the site and for a further period of five years following completion of restoration. The approved scheme shall be implemented in accordance with the terms set out therein.

Reason: Bithynian Vetch is a Red Data Book species of local and regional importance and its protection is essential to the successful restoration of the site.

14. Within three months of the date of this permission a detailed scheme relating to the protection of Bithynian vetch (*Vicia bithynica*) shall be submitted to the Local Planning Authority for approval. The scheme shall include the identification of the extent of the areas colonised by the vetch and measures to protect and enhance the colony throughout

the period of mineral extraction and landfilling operations at the site and for a further period of five years following completion of restoration. The approved scheme shall be implemented in accordance with the terms set out therein.

Reason: Bithynian Vetch is a Red Data Book species of national and regional importance and its protection is essential to the successful restoration of the site.

15. Within six months of the date of this permission a detailed scheme for the phased treatment and management of the restored landform shall be submitted to the Local Planning Authority for approval. The scheme shall provide for a reduction in the amount of woodland edge habitat shown on the submitted restoration plan to enable species rich grassland to be created across the site. Full details of how the grassland will be created and managed, including soils, final community type and management method should be supplied. The scheme shall be implemented and managed in accordance with the approved phasing and aftercare programme.

Reason: To ensure that the restored site will be of high ecological value and in keeping with the local landscape character.

16. Within three months of the date of this permission a detailed Management Plan, which demonstrates how the Great Crested Newt (*Triturus cristatus*) population will be maintained on site, until the final restoration phase, shall be submitted to the Local Planning Authority for approval. The scheme shall include enhanced undisturbed interim habitat provision, an annual monitoring programme working to an agreed methodology and should detail how newts will be excluded from working areas. The approved plan shall be implemented in accordance with the details contained therein.

Reason: The Great Crested Newts, which are present at the site, are a European Protected Species.

17. Within three months of the date of this permission a Management Plan for the protection of the Water Voles (*Arvicola terrestris*) shall be submitted to the Local Planning Authority for approval. The scheme shall include measures to provide for protection of the brook corridor along the site boundary and measures to exclude voles from the working area..

Reason: To avoid undue disturbance and physical harm to water voles which are a protected species.

18. This permission shall be implemented in accordance with the terms of permission BC49719P except as amended by the conditions set out herein, unless otherwise agreed in writing with the Local Planning Authority.

Reason: to define the terms of the permission, for the avoidance of any doubt.

Summary of reasons for granting permission and proposals in the Development Plan which are relevant to this decision

The proposed development is considered to comply with the relevant policies of the Development Plan, in particular policies GP2, ENV2(c), ENV10, ENV22,JP8,M1,M4,WM1,WM2, Thr Regional Spacial Strategy, PPS10, MPS 1, MPG2 and MPG7.

Further details are available by referring to the Officers report which can be viewed, subject to availability, in Planning Services. The Committee report can be viewed at www.walsall.gov.uk



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Building Control,
Regeneration
On 03 April 2007**

Reason for Bringing to Committee: Major Application

Application Number: 07/0084/FL/W7

Case Officer: Andrew Thompson

Application Type: Full application

Telephone Number: 01922 652403

Applicant: Cala Homes (Mids) Ltd

Agent: Cala Homes (Mids) Ltd.

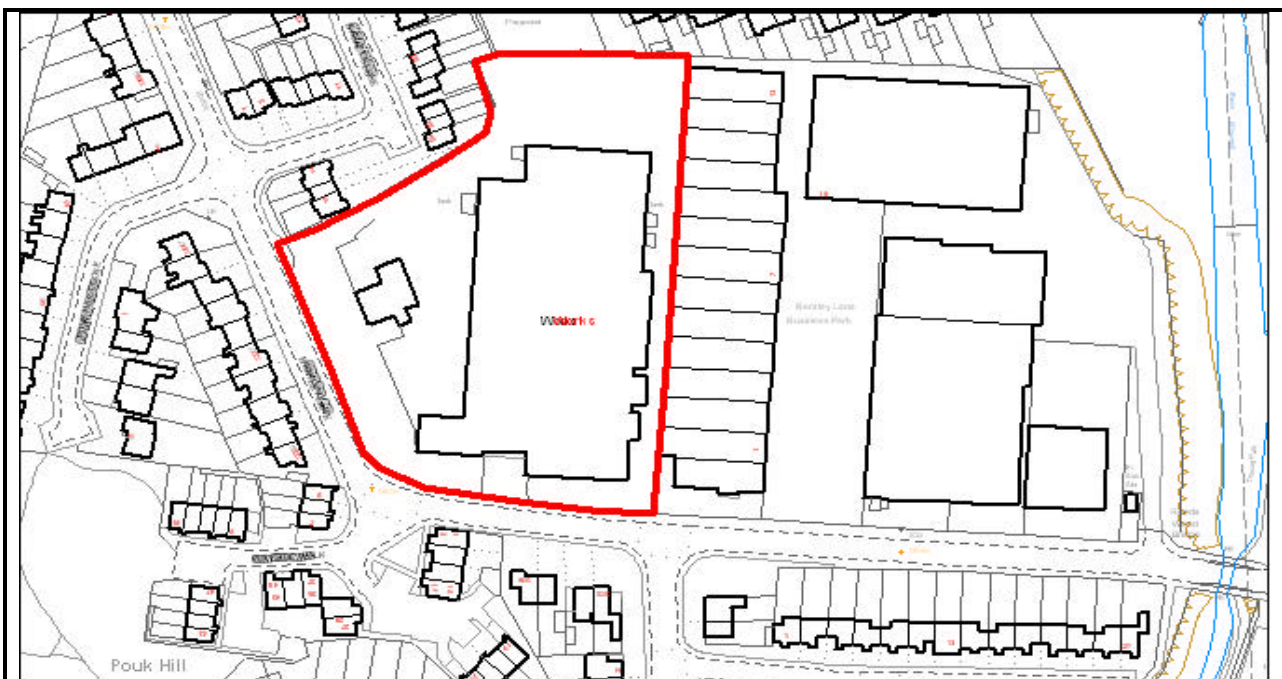
Proposal: Erection of 44 dwellings and associated works following demolition of existing industrial buildings

Location: WILLENHALL TUBE & FORGING CO. LTD., BENTLEY LANE, WALSALL, WEST MIDLANDS, WS2 8TT

Ward: Birchills Leamore

Expired: 19 April 2007

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



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Current Status

Councillor Tim Oliver has called in the application for the following reasons:

1. Overbearing aspect and elevation of Plot 13 and its impact on the amenity of neighbours in Basalt Close.
2. Previous problems which have arisen for residents of Parkview Crescent in terms of runoff/flooding, and appropriate measures to ensure this does not repeat.
3. Concerns in terms of the impact on traffic safety on this section of Bentley Lane.

Application and Site Details

The application site is the former Willenhall Tube and Forging Co Ltd. factory on the north side of Bentley Lane. The site is located approximately 200 metres to the west of Reedswood Park. The site is bordered to the southeast by Bentley Lane Industrial Estate and residential properties to the northwest (Basalt Close). Further residential properties are to the north (Parkview Crescent) and on the opposite side of Bentley Lane, including Wayside Walk, Pouk Hill Close, and Naunton Road.

The factory has now been vacated with the company relocating to new premises in the Borough. The existing buildings on the site are principally two storey office buildings on the site frontage with a delivery area at the southeast part of the site (close to the roundabout junction with Wayside Walk). The existing delivery area is directly off Bentley Lane with no turning facilities.

Levels slope down significantly to the rear (northern boundary) of the site by approximately 5 metres from the site frontage. To the rear of the buildings on the site frontage a large industrial building, approximately 5m tall, continues north to south, covering a large proportion of the site. The building is approximately 100 metres long, including the frontage buildings, and is approximately 50 metres in width. There is an existing mineshaft under the principal factory building.

The plans have been amended since submission reflecting objections from neighbours, Transportation Officers and design improvements sought by officers.

There are four principal existing accesses off the site. The first is on the northwestern boundary (adjoining 4 Basalt Close) which was previously used for collections from the factory. This access leads to the rear of the site and to a hardsurfaced car parking area in front of the factory on the Bentley Lane frontage. The second access is at the opposite end of the above car parking area, located to the northeast of the roundabout junction with Wayside Walk. Due to its width, this access would have been used by cars only. Immediately adjacent to this access, to the southeast, is the delivery access for the factory, there are no turning facilities available for delivery vehicles in this location. The final access is close to the south-eastern boundary of the application site and allows entrance and exit to a further hardsurfaced area which was formerly used for car parking and the workers entrance.

Bus services on Bentley Lane are the number 340 and 341 providing half hourly services and the 342 providing an hourly evening service. Bus stops are in close proximity to the site but are unaffected by the proposals.

Bentley Lane Industrial Estate currently has several vacant units however, many of the smaller units are occupied and includes the local Aluminium Can Recycling Centre. The industrial buildings run the entire length of the eastern boundary of the application site.

Basalt Close is a relatively new housing development, and comprises two storey family dwellings. Due to the change in site levels, an existing retaining wall is located at the rear of numbers 16, 18 and 20 Basalt Close. This retaining wall is proposed to remain as part of the proposals.

The application site is 1.16 hectares and therefore the development density is 38 dwellings per hectare.

The proposals comprise 44 dwellings in a mix of 2, 4, and 5 bedroom dwellings. The scheme has been designed to accommodate 85 car parking spaces (193%) on parking areas in front of properties and within integral and detached garages.

The proposals are designed to be a mix of 2 and 3 storey buildings with the three storey element at the site entrance and at the centre of the scheme. The designs are styled in a traditional brick built design.

The application is supported by a Design and Access Statement, Transport Statement, Bat Survey, Flood Risk Assessment, Acoustic Assessment, and a Ground Contamination and Geotechnical Assessment.

Relevant Planning History

None relevant

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

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

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

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

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

In considering high quality design, PPS3 (paragraph 16) progresses the criteria by which high quality development is considered. This includes requiring development to be well integrated with, and complements the neighbouring buildings and the local area more generally in terms of scale, density, layout and access and to create a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity.

PPS25 considers Development and Flood Risk. The application has been supported by a flood risk assessment and the comments of the Environment Agency are salient in this regard.

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

Consultations

Transportation: No objection to amended plan subject to conditions

Pollution Control: No objection subject to conditions

Environment Agency: No objection subject to conditions. Flood Zone 1 is an area with little or no flood risk as defined in Table D1 of PPS25. These are areas where there is a less than 1 in 1000 (0.1%) chance of flooding from rivers or the sea in any one year.

Centro: No objection. Consideration should be given to develop a Travel Plan.

Education: A contribution of £103,244.20 is sought towards secondary school education in accordance with the Adopted UDP and SPD.

Greenspace: A contribution of £102,346 is sought in line with the Adopted UDP and SPD.

Housing: The applicant has demonstrated through a financial assessment that abnormal costs exist on the site and on this basis we are prepared to lower the amount sought for affordable housing, we therefore seek 8 units for affordable housing on the basis of shared equity compared to 11 units to normally sought.

Fire Service: No objection

Building Control: No objection to the proposals in relation to the existing retaining wall.

Public Participation Responses

Six letters of objection were received from local residents in relation to the original plans, the residents concerned have all written to the amended plans and are as follows:

One letter of objection has been received to the amended plans submitted jointly from two local residents on Basalt Close, this letter raises the following issues:

1. The separation distance from the gable end of proposed plot number 13 to the existing retaining wall which supports the foundations of 16 to 20 Basalt Close is too small. This is likely to cause later partial ground-slip and ground subsidence resulting in structural failure to the foundations.
2. Would like a much greater buffer distance to be included between Plot 13 and the boundary of the properties of Basalt Close.
3. The proposals are not in accordance with PPS1 and PPS3 which seek high quality residential design.
4. Flood Risk need to be considered with regard to the application As point six above. Sustainable Drainage Systems (SUDS) should be considered.
5. Concerns with regard to highway safety, for residents leaving Basalt Close and the new residential development, having regard to the existing situation on the highway. Would like a speed camera to be installed in this location.

Five letters have been received from residents on Bentley Lane objecting to the amended plans raising concerns of being overshadowed and overlooked by four, three storey houses at the site entrance. Also residents are concerned about highway safety and the position of the principal access. In addition a joint letter from these residents and an additional resident has been received raising the following points of objection:

1. Impact of proposed plot numbers 4, 5, 33 and 34 and three storey ridge height construction. Harming the outlook and visual amenity and will be too visually intrusive and over-bearing to existing Bentley Lane residential occupiers (numbers 333, 335, 337, 339, 343 and 345). As a result, we consider that our 'residential amenity' and outlook currently available to our properties will be permanently harmed in a substantial and adverse way.
2. Outlook and long distance special views (views available at first floor level from our properties) currently available from the above Bentley Lane existing residential occupiers across to the distant Reedswood Park wooded urban green space will be permanently severed, lost, harmed and disrupted.
3. Proposed three storey dwellings are not in any way suitable in any part of the proposal site given their over-bearing and domineering height.
4. Given its scale, its dense urban form and over-intensive, high density nature, combined with inappropriate building heights, do not consider that development proposal is in keeping with the character and appearance of the surrounding local area and its built form.
5. The proposed car parking arrangements and main access point remains very poor.
6. Access should be relocated opposite to Naunton Road in order improve highway safety and poor off-street car parking arrangements within the layout.
7. Highway safety fears along Bentley Lane and nearby junctions with Basalt Close. To further reinforce the view of Basalt Close residential occupiers (numbers 20 and 18), currently, particularly during the late evenings, reckless drivers. The developer should make a financial contribution (as part of a planning obligation) towards the inclusion of a new speed camera along Bentley Lane (near to the Basalt Close junction) to address highway safety concerns.

8. Object to light pollution generated from vehicles leaving the new estate entrance in the dark evenings will frequently flood into Bentley Lane properties with light when they are leaving the estate onto Bentley Lane which is likely to create an adverse impact on our health and well-being due to the increased stress caused.
9. The proposals are not in accordance with PPS1 and PPS3 which seek high quality residential design.

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

Determining Issues

It is considered that the determining issues are:

- Loss of employment land to housing;
- Impact of the proposals on highway safety;
- Flood risk from the development;
- Impact on the amenities of neighbouring residents;
- Relationship to Bentley Lane Industrial Estate;
- Design and layout of the proposals;
- Abnormal Costs of the Development and Impact on Section 106 Contributions.

Observations

Loss of employment land to housing

PPS 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, all new residential development to be on previously-developed 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 in part (d) recognises that there may be circumstances in which it will be more appropriate to consider other uses, such as housing.

With housing on three sides of the development it is noted that the historic use of the site would now be considered to be poorly related to the surrounding residential properties and therefore the loss of the existing factory is not resisted.

National policy is that applications for residential development on employment land should be given favourable consideration, even on sites allocated for employment uses, subject to appropriate demonstration. In the context of PPS3 there is no overriding need for this site to be retained for employment use.

Impact of the proposals on highway safety

The existing commercial premises comprises approximately 5,000 square metres of industrial and commercial floorspace with four entrances and accesses. The existing site has poor quality delivery areas and a lack of turning facilities in a location close to the roundabout junction with Wayside Walk. The proposals would be an improvement in the type of traffic movement in the area, reducing the number of potential HGVs and delivery vehicles and their need to manoeuvre on the road, when considered against the fallback situation which are the existing accesses to the site considered above in the site description.

The proposed principal access to the application site would be at the midpoint of the two mini roundabout junctions at Pouk Hill Close and Wayside Walk. This approach would allow for maximum visibility and would regularise and improve the access situation from the existing access situation.

The location of the main access to the site is therefore considered to be a logical solution to gaining access to the site and the best location to gain maximum visibility. The alternative, suggested by residents, of locating the access near Naunton Road would raise conflict with the nearby access to Bentley Lane Industrial Estate and Naunton Road itself.

In addition the proposals have been designed to minimise the number of direct accesses onto Bentley Lane. Whilst the comments of neighbouring residents on Bentley Lane are noted, it is considered that taking into account the existing highway accesses and visibility from the proposed access, the proposals will not cause an adverse impact on highway safety. It is also important that this is an improvement on the fallback position of retaining the existing accesses and use.

Flood risk from the development

The applicant has submitted a Flood Risk Assessment (FRA) in accordance with PPS25 (Development and Flood Risk). The Assessment concludes that the application site is located within a Flood Zone 1 and is at low risk of flooding.

The flooding issue is surface water run-off. It is acknowledged that the area of impermeable hard surfacing will decrease significantly from the previous use and development, improving the soakaway ability in the ground.

With regard to the drainage from the site the FRA proposes attenuation storage for a 1 in 100 year storm event will be provided in oversized pipes. This would be a greater event than required under PPS25 and satisfies the flood risk identified by the Environment Agency. The details would be agreed in consultation with the Environment Agency and the Council. The design of the drainage system is to include sustainable drainage systems. A condition is proposed.

All surface water run-off from roofs and hardstanding areas will be drained in to the proposed on-site sewer system and then to the existing public sewer network located in Bentley Lane. Residents and Cllr Oliver have pointed to surface water run-off from an adjacent residential development causing flooding. They are concerned to avoid it happening here. This will be prevented by the installation of a land drain along the appropriate length of the site boundary. Any surface run-off would then be picked up by the land drain, which in turn would connect in to the aforementioned proposed on-site sewer network.

The Environment Agency has no objection, in principle, to the surface water drainage options detailed in Section 8.3 of the FRA. The proposals represent a significant reduction in run-off as compared to the existing situation. It is therefore considered that the proposals would satisfy the requirements of PPS25 (Development and Flood Risk) and would have no adverse impact on drainage in the area.

Impact on the amenities of neighbouring residents

The original application proposals, included a three storey dwelling at Plot 13. Following amendments the proposals are now for a two storey development in this area (now Plot 13). The distance between the side wall of the proposed plot 13 and 18 Basalt Close, the closest

of the properties on Basalt Close to the built form of Plot 13, would be 12.5 metres (the Residential Design Standards Document guides 13metres). It is noted that Plot 13 would be several metres lower than the properties on Basalt Close and therefore it is considered that the proposals, as amended would not have an adverse impact on the amenities of the occupiers of Basalt Close and would not be an overbearing form of development and would form a satisfactory relationship.

It is noted that the neighbouring residents have raised issues with regard to the structural stability of their properties and the nearby retaining wall. The existing retaining wall is structurally sound and Building Control Officers are satisfied that a design solution can be achieved without harming the structural integrity of the retaining wall. They have raised no objection to the proposals. The proposals are also subject to the provisions within the Party Wall Act and structural stability would be covered. Officers are satisfied therefore that the proposals will not adversely affect the retaining wall.

In addition it is considered that the proposals have taken into account the change in levels from the neighbouring residential properties on Basalt Close and have therefore had full regard to topography and neighbouring residential properties in regard to the design of the proposals. This is discussed in greater detail later in the report.

With regard to the 3 storey development at the site entrance, the separation distance from the properties on the opposite side of Bentley Lane is approximately 20metres. It is therefore considered that there is adequate separation distance between properties on the opposite side of Bentley Lane.

Two storey dwellings would be 8.2metres in height and the three storey dwellings would be 10.4metres in height, it is considered therefore that the increase in height to three storeys at the site entrance would not cause an adverse impact on the outlook of residents opposite with the increase in height being modest and approximately 20metres away from properties opposite. The proposals would represent a significant improvement to the visual outlook of the derelict industrial units on the site. Taking into account the benefits of defining the site entrance and creating a sense of place in addition to the regeneration benefits of the development, the scheme is supported by officers.

With regard to light pollution from vehicles entering and exiting the site, it is considered that when compared the backdrop of Bentley Lane, the proposals would not cause an adverse impact to the amenities of neighbouring residents.

With regard to the use of three storeys within the development, it is noted that 2.5 storey houses (with loft conversions) exist opposite Reedswood Park with 3 storey 1970s flats exist on Moorside Gardens to the southeast of the application site. It is therefore considered that whilst two storey dwellings are the dominant feature of the surrounding area, three storey development designed in a traditional manner at the site entrance and within the development will not be out of keeping with the character of the area and will help to define the sense of place and character of the area.

Relationship to Bentley Lane Industrial Estate

Plots 18 to 28 and Plot 44 are adjacent to Bentley Lane Industrial Estate. The proposals have been designed to take account of the built form of the industrial estate with the back gardens being 12m and incorporating landscaping along the boundary to accommodate the

relationship to the built form of the industrial estate. These back gardens therefore exceed guidance for garden length in the Council's Residential Design Guideline Document.

In addition, it is noted that Bentley Lane Industrial Estate is approximately 1 metre below the site levels of the application site. As such the main bulk of the wall facing the residential properties would be approximately 3 metres tall with the triangular shaped eaves rising a further 2metres.

It is therefore considered that the proposals, with a suitable landscaping screen, will have a satisfactory relationship to the neighbouring industrial estate.

Design and layout of the proposals

The density at 38 dwellings per hectare would meet the standards set out in Policy H9 of the Council's Unitary Development Plan which progresses a density of 30-50 dwellings per hectare. The proposals are a similar density to the surrounding area and in keeping with the overall character of the area.

The proposals have been designed to create a street frontage to Bentley Lane, turning the corner and reducing the number of access points directly off Bentley Lane. The proposals use the topography and site levels and create front gardens and active frontages to Bentley Lane. A mix of smaller (2 bed) and larger (4 and 5 bedroom) is found on the Bentley Lane frontage.

At the principal site entrance the applicant, on advice of officers and following good urban design principles, has sought to create a feature defining the entrance to the development. This has been created, in this instance, by proposing four, 3-storey, 4-bedroom houses fronting Bentley Lane. As previously stated in this report it is considered that the separation distance between the properties opposite on Bentley Lane is sufficient to accommodate three storeys and the increase in height from a two-storey dwelling to the three storeys proposed is not significant. It is considered therefore that the proposed buildings at the entrance and the use of three storeys are appropriate in this location.

In the centre of the site the proposals incorporate a similar emphasis to the site entrance, using 3-storey, 3 bedroom houses to create a sense of place and define the centre of the development. The proposals use shared surfacing and reduce the proposed dwellings to two storeys and put larger family dwellings away from the centre of the site. This allows for a softer, residential environment to be created that is not dominated by the car and in proposing alternative 'softer' materials, the proposals will use hard and soft landscaping to good effect, echoing good urban design principles.

In terms of the quality of public realm, the plans indicate shared surfaces that will act simultaneously as traffic speed deterrents whilst also adding variety to the built environment, both of which will be positive in terms of raising the standard of the public realm and the way in which people will use it. Thoughtful choice of materials, both for the residential units and the landscaping treatments, will add further character to the development and strengthen the positive aspects of urban design that the revised plans achieve.

The site layout has taken into account the relationship to Basalt Close and neighbouring residential properties in designing the proposals. They follow good urban design principals in reducing car dominance and creating a sense of place and therefore will be in compliance with Adopted UDP guidance and National Planning Policy Statements seeking high quality design. As such officers are satisfied with the proposals.

Abnormal Costs of the Development and Impact on Section 106 Contributions

The applicant has agreed to enter into a Section 106 agreement for Education and Public Open Space contributions. The application was submitted prior to the Healthcare SPD being adopted and therefore this contribution is not sought.

With regard to affordable housing the applicant has submitted a financial assessment for a reduced level of affordable housing. The applicant seeks to provide 8 units as opposed to 11 units which would be sought by adopted policy.

On the basis of the total abnormal costs of £700,000 relating to an existing mine shaft on site, removal of asbestos and bioremediation of the site, officers are satisfied that a suitable case for a reduced level of affordable housing has been demonstrated in accordance with Circular 05/2005. Therefore the Section 106 agreement will seek 8 units to be provided for shared equity housing.

Conclusion

Considering all aspects of the above, it is considered that the proposals will not have an adverse impact on highway safety, amenities of neighbouring residents and will create a high quality residential environment.

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 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.

3. 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 and thereafter maintained in working order.

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. 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.

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

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. Control of surface water run-off is also necessary.

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. Prior to the development being brought into use, noise mitigation measures to protect internal areas shall be installed in accordance with the Acoustic Report, prepared by RW Gregory, submitted in support of the proposals hereby approved. Any amendment to the details submitted shall be submitted to and agreed in writing prior to the development being brought into use.

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:

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

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

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

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

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

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

*British Standard BS 4142: 1997 - Method for Rating industrial noise affecting mixed residential and industrial areas
Calculation of Road Traffic Noise, 1988*

Calculation of Railway Noise, 1995

This is not an exhaustive list.

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

surveys will be required by the local planning authority in some instances to corroborate a continuous single noise survey.

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

7. No development 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.

8. 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.

9. 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;
- (b) planted areas shall be maintained in a tidy condition;
- (c) any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted;
- (d) any damage to protective fences shall be made good.

Reason: To ensure the satisfactory appearance of the development.

10. Prior to the commencement development elevational details of proposed garages associated with plots 4, 5, 11, 17, 18, and 33 to 38 are submitted to and agreed in writing by the Local Planning Authority. The garages shall be completed in accordance with the approved plans prior to the development being brought into use.

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory functioning of the development.

12. 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.

13. Prior to the commencement of development a plan showing all visibility splays for new principal access onto Bentley Lane shall be submitted to, and approved in writing by the Local Planning Authority. The visibility splays at the proposed access point with Bentley Lane, shall be maintained clear of any structure over 600mm.

Reason: In the interests of highway safety

14. Prior to the first dwelling being occupied on the development hereby approved, a Residential Travel Plan developed in partnership with this Council's Travel Wise co-ordinator shall be submitted to, and agreed in writing by the Local Planning Authority. This shall identify a package of proposed measures consistent with the aim of reducing reliance on the car, and should include details on:

- a) Public transport information and ticket details;
- b) Cycle provision, showers and lockers; and
- c) Walking initiatives.

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

Reason: To ensure the satisfactory functioning of the development

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 03 April 2007

Reason for bringing to Committee: Major Application

Application Number: 07/0062/FL/E11

Case Officer: Alison Deakin

Application Type: Full application

Telephone Number: 01922 652487

Applicant: Shaylor Developments Ltd

Agent: DTZ

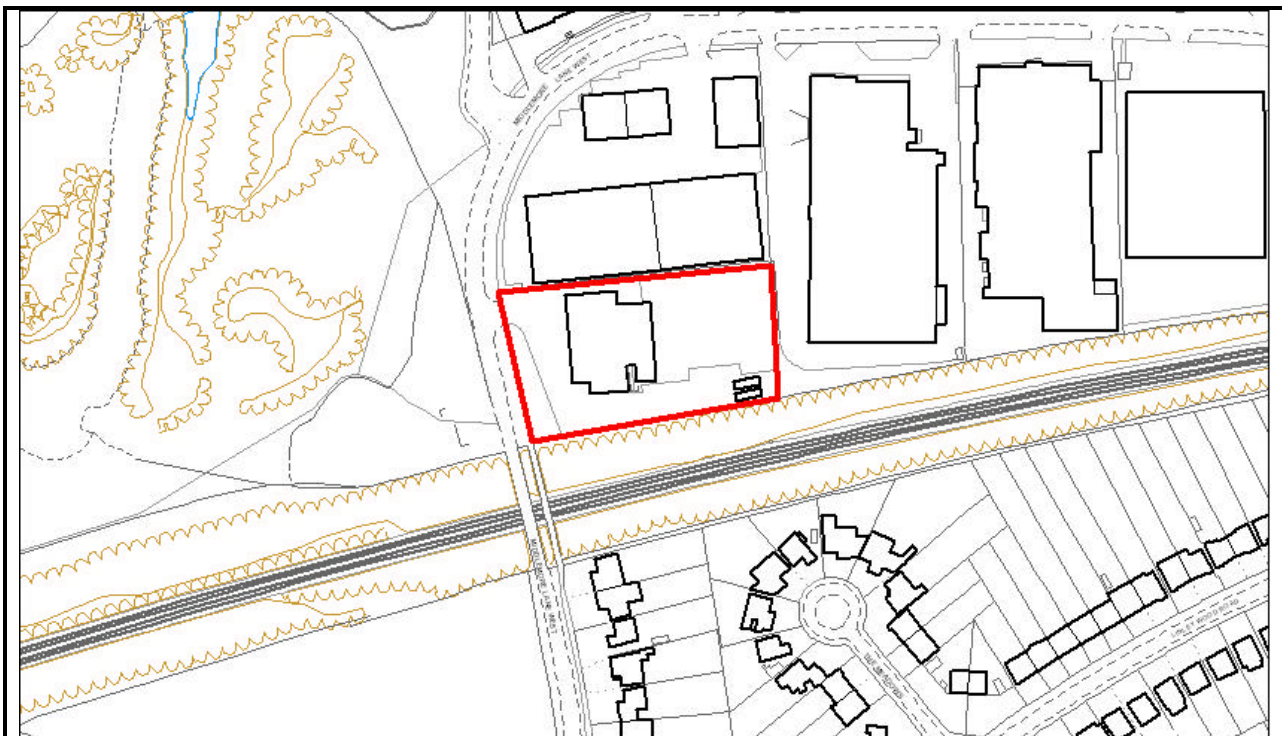
Proposal: Demolition of existing building and development of two new industrial buildings (to accommodate 6 individual units) for Class B1b/c, B2 or B8 purposes.

Location: FORMER CORBY WINDOWS SITE, MIDDLEMORE LANE WEST, REDHOUSE INDUSTRIAL ESTATE, ALDRIDGE, WALSALL

Ward: Aldridge/Central & South

Expired: 09 May 2007

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

The application relates to an existing industrial site located in an established industrial area on the eastern side of Middlemore Lane West, close to the point where the highway bends round to the east. There are industrial units to the north and east of the site within Middlemore Lane West, Green Belt and Site of Special Scientific Interest (SSSI) woodland opposite and a railway cutting to the south. There are residential properties opposite the site to the south of the railway at The Meadows and Middlemore Lane West. The site is flat although the railway and adjacent industrial units to the north and east are at a lower ground level.

The site is currently occupied by a single vacant industrial unit located parallel to the road set back between 17-22 metres from the frontage with hardstanding parking/servicing areas to the front and rear of the building. The main part of the building is single storey with a pitched roof although there are flat roof extensions at the rear. The existing vehicle access is located in the north-west corner of the site frontage with lockable gates and there is palisade fencing around the entire perimeter of the site. Access to the rear of the site is gained from the south side of the building. The site area is 0.467 hectares.

The proposal is to demolish the existing industrial unit and erect 6 new units, in two blocks for Class B1b/c, B2 or B8 purposes. These uses are research and development, light industry, general industry and storage or distribution centres.

As the development is speculative the eventual occupiers are unknown at this stage, hence the application seeks an open permission for the proposed uses to allow flexibility when marketing the site to potential occupiers. The submitted drawings show two buildings, one along the eastern end of the site boundary which is split into 4 separate units and the other on the south-west corner of the site, split into two units (6 units in total). The total gross floorspace after completion of development is identified as 2012.7m².

The proposed unit near the front of the site is 42.8m long and 23.2m deep and is split into two larger units which each have 46.45m² office space incorporated within the building at a mezzanine level. The proposed unit at the rear of the site is 42m long and 21m deep and is split into 4 smaller units which have no office space provision. Both units are 8.5m in overall height. The design of the units incorporates canopies above main entrances, loading bay doors and shallow pitched roofs to the main buildings. The proposed materials are micro rib flat cladding with a contrasting colour band at higher level and horizontal composite cladding at the lower levels.

Fencing and gates along the Middlemore Lane West frontage are to be replaced to match the existing fencing. It is evident that an existing conifer hedge along this frontage has recently been removed and the 2m high palisade fencing has already been erected to replace the original fencing along the frontage. This replacement of the fencing like for like is considered to be permitted development. The internal circulation, parking and access space between the units form an 'L' shape and shows parking provision for 36 parking spaces, 4 of which are for the disabled. The location of refuse storage and cycle storage is also shown on the submitted plans.

A Transport Statement has been provided in support of the application.

Relevant Planning History

02/2334/FL/E3 - Change of use from B1 and B8 to B2 - Refused 14/03/03 for the following reason: '*The proposed use of the premises would introduce an unacceptable intrusion on the*

amenities of adjacent residents, arising from the potential for noise and general disturbance from activities at the site and the movement of heavy goods vehicles. As such the proposal is contrary to Unitary Development Plan Policy 3.7.

03/1612/FL/E3 - Change from B1 and B8 use to B2 (general industrial) to make PVC doors - Granted subject to conditions on 06/11/03. This included conditions restricting the use to manufacture of doors only and restrictions on operating hours and use of the site.

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

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

GP2: Development schemes should, as far as possible, help to improve the environment of the Borough whilst not allowing development that has an adverse impact.

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

ENV10: Development of an industry or facility which may cause pollution will not be permitted if the health, safety or amenity of its occupants or users would be unacceptably affected by pollution.

ENV11: New lighting should seek to minimise glare and light spillage from the site.

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

ENV32: Poorly designed development which fails to take account of the context or surroundings will not be permitted. The quality of the proposal will assess appearance, height, proportion, scale, mass, materials, external space, safety, security and local character.

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.

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

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

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

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'.

ENV35: The design of frontages to shops and other commercial premises should be appropriate to their setting and sympathetic to the building.

Para 4.2: A supply of employment land and buildings will be maintained that will meet the needs of both inward investors and existing firms.

Para 4.3: Defines core employment uses

JP5: Core employment areas will be safeguarded for core employment uses.

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

T13: Use Class B1b/c - 1 car park space per 30m² of gross floor space. 1 bike locker for every 10 car parking spaces. Taxi Facilities.

Use Class B2 - 1 car park space per 50m² up to 250m², then 1 space for every additional 100m² of gross floor space. 1 bike locker for every 10 car parking spaces. Taxi Facilities.

Use Class B8 - 1 car park space per 50m² of gross floor space up to 250m², then 1 space per 100m² up to 2500m²; then 1 space for every 500m² of gross floor space. 1 bike locker for every 10 car parking spaces. Taxi facilities.

Regional Spatial Strategy

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

National Policy

PPS1 Delivering Sustainable Development, PPG9 Nature Conservation, PPS10 Planning for Sustainable Waste Management, PPG13 Transport, PPG14 Development on Unstable Land, PPS23 Planning and Pollution Control, PPS24 Planning and Noise, PPS25 Development and Flood Risk, Safer Places- The Planning System & Crime Prevention.

Consultations

Transportation - No objection subject to conditions. The position of the gates, access visibility and parking provision shown on the additional plans are all acceptable. The applicant has not demonstrated that articulated and large commercial vehicles can negotiate the building at the rear to service a potential B8 use. In the circumstances a restriction of these units for Class B1c and B2 uses only is recommended.

Pollution Control - No objections to the application subject to conditions to address potential contaminated land issues arising from the previous use of the site.

Natural Environment - No objection as the site will have no impact on the adjacent SSSI.

Tree Officer - No objection - the proposal has no direct arboricultural impact.

Building Control - No objection.

Network Rail - No objection in principle. Conditions are recommended to protect trespass or adverse impact on the adjacent railway.

Fire Officer - Fire service access satisfactory.

Representations

8 letters of objection have been received. The objections relate to the following:

- Noise disturbance from operations carried out on site such as machinery, materials handling, vehicle manoeuvring etc would adversely affect residential amenities
- There have been previous problems of occupiers exceeding set operating hours at the site
- Adverse visual impact upon the outlook of residential properties opposite particularly during winter months when foliage on adjacent trees is lost
- Increase in traffic by creation of 6 units

- Potential highway safety problems from vehicles using the site entrance which is near a single file bridge, a bend in the road and proximity to the junctions of Bosty Lane and Middlemore Lane West not suited to use by heavy vehicles. A build up of traffic may block the single file bridge
- If permission is given the number of units should be reduced and all units should face north away from residential properties
- Pollution and noise from units and cars and lorries servicing the units
- The exact use of the units should be specified for consideration
- Loss of amenity to gardens of residential properties due to noise and disturbance
- The height of the proposed industrial building if greater than the existing would tower above adjacent residential properties resulting in an invasion of privacy
- Query whether works have already commenced on site
- Staff parking for industrial occupiers in the vicinity already creates a hazard for pedestrians
- The houses and bungalows were built before the industrial units

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

Determining Issues

- Principle of proposed development
- Layout and Design
- Access and Parking
- Impact on neighbouring properties

Observations

Principle of proposed development

The proposals relates to an established industrial site located within a Core Employment Area in the adopted Unitary Development Plan. Policy JP5 specifies that such areas will normally be safeguarded for uses that fall with Classes B1b, B1c, B2 and B8 of the Use Classes Order (industry and distribution). The proposal is for redevelopment of this existing site for new units to be occupied for uses that fall within the defined categories and therefore in principle the development complies with policy.

Layout and Design

The existing building is approximately 34m wide and 29m deep and occupies the central part of the site with hardstanding parking and servicing areas to front and rear. The proposed units are located along the rear and side boundaries of the site with parking and serving areas between, whereby the buildings will partially screen some of the activities on site from the adjacent railway and dwellings.

The proposed units are of a comparable scale to other units in the vicinity and although there is little opportunity for incorporation of landscaping this is no different to the existing situation. The design of the buildings has been guided by the need to provide more modern industrial accommodation with higher ceiling heights and an uncomplicated footprint. However, the shallow pitched roofs, colour of proposed materials, windows, door openings and canopies should assist in reducing the scale of the proposed units. The incorporation of offices at first floor level to the larger units also improves articulation of the building facing Middlemore Lane West.

Although the palisade fencing has already been installed along the site frontage this replaced original fencing in this location and does match existing fencing around the perimeter of the site. This development has been carried out under permitted development rights as it replaced original 2m high fencing.

Access and Parking

Clearer plans have been submitted that show the visibility to the vehicular access as it is proposed is to utilise the existing site access. This is located approximately 50m from the railway bridge. The revised plan shows the visibility splay on a northerly and southerly direction of 44m and 47m respectively. The guidance on visibility splays are based on the fact that a 'Y' distance is set on the ability to project a sight line to the required distance i.e. 70metres in this particular instance. This will be subject to topography and horizontal alignment of the road. In the case of the current site the bridge and opposite bend in the road does allow this. Furthermore the 'Y' distance is the 'stopping' distance, and is recommended in relation to the speed of traffic on the road. The current physical features of the road and bridge assists in retaining road speeds. It would be unreasonable to request a 'Y' distance that cannot be achieved and given that this is an existing access point the proposed visibility is therefore acceptable.

The transport statement says that the anticipated split of the use classes will be 30% B1(c), B2, and 70% B8. Total 1886m² (566 + 1320m²). The UDP therefore requires the following parking provision: B1(c) 566m² = 19 spaces, B2 566m² = 11 spaces, B8 1320 = 16 spaces. The applicant is unsure at this time the precise split, and therefore the best case scenario for parking would be 27 spaces + 10% disabled (3 Spaces) = 30 spaces. The worst case scenario would be 35 spaces + 10% disabled (4 Spaces) = 39 spaces. The applicant is providing 32 + 4 disabled = 36 spaces which is considered acceptable.

An area for a cycle shelter and refuse store is detailed on the amended plans and is acceptable.

The proposal seeks an open permission for the premises to be occupied for B1b/B1c, B2 or B8 purposes. Although details have been provided to demonstrate how articulated and large commercial vehicles can negotiate the larger units on southern boundary at the front of the site, no such details have been provided to demonstrate how they can negotiate the smaller units at the rear of the site. The applicant considers that as these units are smaller they are less likely to attract larger commercial vehicles and requests the open use permission to give greater flexibility for marketing purposes. However, class B8 storage and distribution uses by their very nature are serviced by larger vehicles and in the absence of details to demonstrate how these negotiate the smaller units a condition is recommended to restrict use of these units to B1b/c and B2 uses only.

Impact on neighbouring properties

It is inevitable that as the proposed buildings are closer to the boundaries of the site they will be more visible from residential properties opposite the site in The Meadows and Middlemore Lane West, particularly during winter when trees and vegetation on the railway embankment lack foliage. However, the proposed buildings are almost 43 metres away from the nearest residential gardens and 47 metres away from houses, and the railway line intervenes between the two. It is considered that the position of the proposed buildings limits the view of activities at the site and provides a partial screen along the southern boundary which in the past had been used as access to the rear of the site. This will assist in reducing potential noise and disturbance to neighbours.

The design of the proposed buildings reflects the character of similar units in the vicinity and seeks to achieve a flexible yet modern accommodation for potential businesses. The proposed materials and shallow roof design attempt to reduce the height and bulk of the buildings and given the separation to residential properties are considered not to harm the outlook or visual amenities to the dwellings.

It is recommended that conditions are imposed on the units to that reflect those restricting operation of the site for Class B2 use granted under permission 03/1612/FL/E3 when the premises were converted to use for window manufacturing. This will protect residential amenities further.

The proposed buildings are located approximately 2m from the boundaries of the site and will not have any adverse impact on adjacent railway land. However, conditions are recommended to protect the railway including details of drainage, provision of a barrier to prevent vehicles accidentally trespassing onto this land and to control installation of any lighting that may result in glare to train drivers.

Recommendation: Grant Permission subject to conditions

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

Reason: Pursuant to the requirements of Section 91 of the Town & 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 & Site (drwg. No. ABA4812/003 Rev A) Plan received 16/03/07
- Units 1 & 2 Ground Floor Plan (drwg. no. ABA4812/004 Rev A) received 16/03/07
- Units 1 & 2 First Floor Plan (drwg. no. ABA4812/006 Rev A) received 16/03/07
- Units 1 & 2 Elevations (drwg. no. ABA4812/008) received 16/03/07
- Units 3,4,5 & 6 Ground Floor Plan (drwg. no. ABA4812/005 Rev A) received 16/03/07
- Units 3,4,5 & 6 High Level Plan (drwg. no. ABA4812/007 Rev A) received 16/03/07
- Units 3,4,5 & 6 Elevations (drwg. no. ABA4812/010) received 16/03/07
- MVA Consultancy plan showing visibility splays to site access (C35269/00 Figure 3) received 16/03/07
- Design & Access Statement received 12/01/07
- MVA Consultancy Transport Assessment dated February 2007 received 07/02/07

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 design of the vehicle access gates have been 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.

6. The visibility splay shown on MVA Consultants drawing CF35269/00 shall be kept clear up to 0.6 metres from ground level, 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.

7. No development shall be carried out until a 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 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. All planted and grassed areas and associated protective fencing shall be maintained for a period of 5 years from the full completion of the approved scheme. Within this period:

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

Reason: To ensure the satisfactory appearance of the development.

9. 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.

10. Prior to the first occupation of the buildings hereby approved details of the design of the cycle shelter 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.

11. 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 ensure the satisfactory development of the site.

12. 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 (as identified under condition 11) and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure the satisfactory development of the site.

13. 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.

14. Approved remedial measures identified under condition 12 shall be implemented to the satisfaction of the Local Planning Authority in accordance with the agreed timetable. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use.

Reason: To ensure the satisfactory development of the site.

15. The premises shall not be operational outside the hours of 07.00 to 19.00 Mondays to Fridays, 07.00 to 17.00 on Saturdays, and shall not operate at all on Sundays and Public Holidays.

Reason: To safeguard the amenities of occupants of nearby residential properties.

16. No materials, goods or refuse shall be stored or deposited in the open external to the buildings hereby approved, other than in the bin store as identified on the approved plan.

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

17. All windows and doors on the southern façade(s) of the buildings facing residential properties must remain closed except when in use for ingress and egress or emergency purposes.

Reason: To safeguard the amenities of occupants of nearby residential properties.

18. No fabrication, production, manufacturing, repair, servicing, (other than necessary building and fixed plant maintenance), recycling, processing, re-processing or associated operations shall take place external to the building structures.

Reason: To safeguard the amenities of occupants of nearby residential properties.

19. No handling of materials external to the buildings on the site shall take place on any weekday outside the hours 07.00 - 19.00; on any Saturday outside the hours 07.00 - 17.00; and not at all on Sundays or Bank or Public holidays.

Reason: To safeguard the amenities of occupants of nearby residential properties.

20. Notwithstanding condition 15, noise levels generated by activities at the site shall not exceed a rated level of 5dB above background level at any time at or within the boundary of any residential premises, as determined in accordance with British Standard BS4142:1997 'Method for rating industrial noise affecting mixed residential and industrial areas' or its successor. The assessment can be carried out by calculation to the satisfaction of the Local Planning Authority.

Reason: To safeguard the amenities of occupants of nearby residential properties.

21. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 (as amended) none of the units within the building along the eastern boundary of the site (units 3,4,5 & 6) shall be occupied for Class B8 Storage or Distribution purposes without the prior approval of a planning permission from the Local Planning Authority.

Reason: In the interests of highway safety.

22. No external lighting shall be installed on any part of the buildings hereby approved or within the curtilage of the site unless details have been first submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory development of the site, safeguard the amenities adjacent occupiers and in the interests of safety.

23. Prior to first occupation of the buildings hereby approved details shall be provided showing a vehicle barrier against the southern site boundary (adjacent the railway) shall be submitted to and approved in writing by the Local Planning Authority and then implemented in accordance with the agreed details.

Reason: To ensure the satisfactory development of the site and in the interests of safety.

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, ENV10, ENV11, ENV32 and JP5 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.

Note for applicant:

If the 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. Help Line Number 01922 652408.

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.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 03 April 2007

Reason for bringing it to committee - Major Application

Application Number: 07/0022/FL/W5

Case Officer: Karon Hulse

Application Type: Full application

Telephone Number: 01922 652492

Applicant: St. Mowden Developments Ltd.

Agent: Hing and Jones Limited

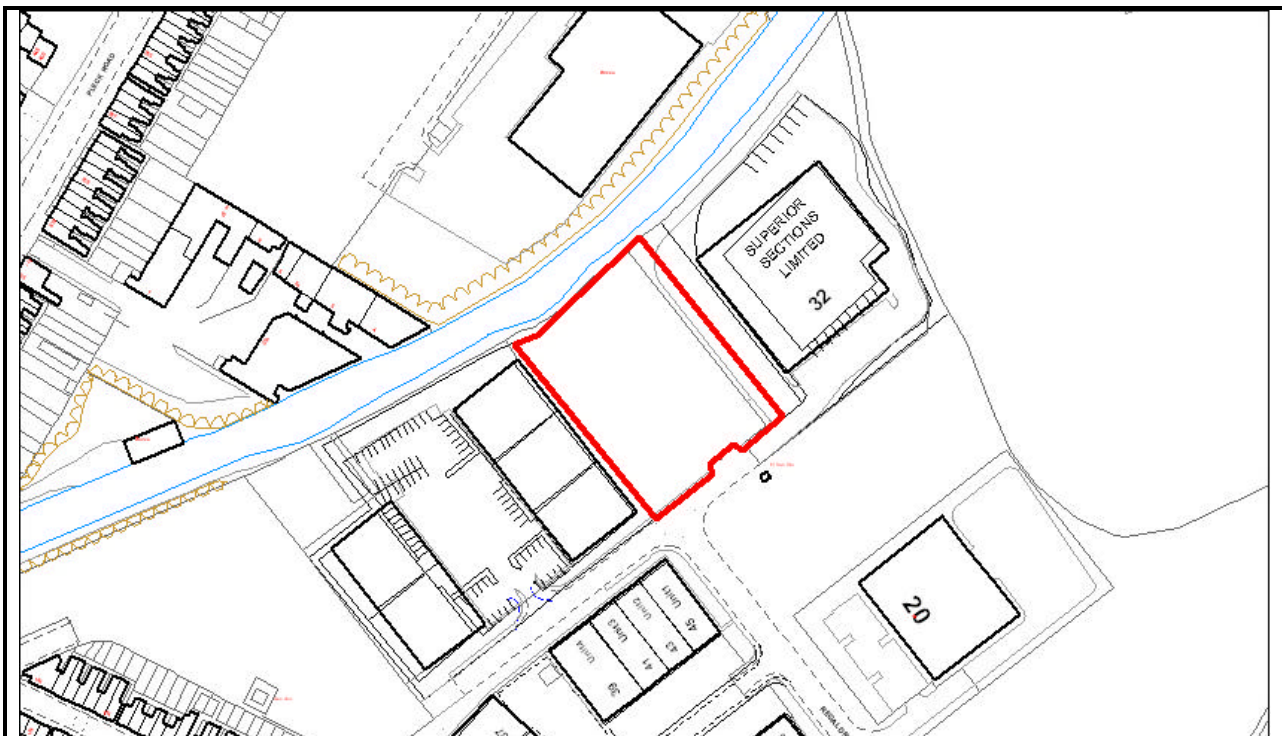
Proposal: Construction of B1, B2 & B8 Light Industrial/Warehouse building with car parking

Location: FORMER PLECK GAS WORKS, REGAL DRIVE, WALSALL, WEST MIDLANDS, WS2

Ward: Pleck

Expired: 08 May 2007

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

This application seeks consent to amend a previous approval for the construction of an industrial unit on plot 9 of Walsall Enterprise Park, Regal Drive off Wednesbury Road, Walsall (formerly the Pleck gas works site).

The proposal now seeks permission for a building of floor area 1,494 sq metres for a B1, B2, B8 use class building with an overall roof height of 14 metres, this is an increase of 4 metres from the previous approval. This increase is as a result of a specific requirement by the end user to accommodate specialist machinery within the building.

The buildings either side of this site are 9 metres tall (east) and 6.5 metres (west). There are tall industrial buildings on the other side of the canal to the rear of the site.

The site is currently one of a few remaining undeveloped plots on this industrial estate and is located at the head of the estate driveway. The design is similar to those units already erected around this site.

The building will be constructed with vertical bands of coloured cladding which will reduce the overall appearance of the height of the building as well as a brick base.

The front of the site would provide for car parking (10 spaces including 2 for disabled parking), secure cycle storage and bin stores and a manoeuvring area to accommodate a 26 metre articulated vehicle.

The application also includes a small office block to the front, existing security fencing and access gates into the site and further ground cover planting and hedge planting to enhance that which already exists.

Relevant Planning History

Outline permission for the creation of this industrial estate was given in 1995.

There have been a number of applications for units since that time, and a series of variations of conditions.

Most relevant to this particular plot is a previous application on the site for the construction of a building of floor area 1,579 sq metres (17,000 sq ft) for a speculative B1(b) and (c), B2 and B8 use class warehouse with a new access road off the existing estate road. The unit measured 36 metres by 45 metres across the rear of the application site at a height of 10 metres to the ridge. The design again was similar to those units already erected around this site. (04/2366/FL/W5 granted consent on 6th January, 2005 refers).

Planning Policy

Unitary Development Plan

3.6...improve the environment of the Borough

3.7...protect from unacceptable noise, pollution and other environmental

problems...encourage relocation of bad neighbour uses from residential and other sensitive areas

3.16...consider development in relation to its setting, character and quality of the existing local environment and require a high quality of built and landscape design.
ENV14...encourage reclamation and development of derelict and previously developed land where feasible,
4.1...seek to improve the local environment and enhance the image of the area, introduce security improvements to reduce crime and vandalism and create new, and safeguard existing, job opportunities.
4.2...promotes investment and diversification to meet the needs of both inward investors and existing firms
4.4...Core employment uses defined as industry and distribution in Classes B1b, B1c, B2 and B8...in locations of strategic importance and good accessibility...better quality buildings and/or development opportunities... safeguarded for core employment uses.
JP1...New Employment Sites...sites (of at least 0.4 hectares) are allocated for employment use as defined in Policies JP5 and JP7.
JP5(a and b)... areas safeguarded for core employment uses...windfall sites or buildings in core employment areas will be safeguarded for core employment uses according to the above policy
JP6...Best Quality Sites : (a) sites will be safeguarded for core employment uses. Development of these sites will be expected to achieve a high quality of design and landscaping
GP1... location of development guided by principles of sustainable development
GP2... expect all developments to make a positive contribution to quality of the environment...development having adverse impact on environment will not be acceptable
GP4...promote and encourage comprehensive local area regeneration

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

Policy QE1 - Environment

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

National Policy

PPG4...seeks a positive approach to the location of new business developments and assisting small firms...economic growth and high-quality environment to be pursued together...the importance of industrial and commercial development to be considered with that of maintaining and improving environmental quality.

Consultations

Transportation - no objections

Pollution Control - no objections

Environment Agency - no objections

Fire Service - no objections

Inland Waterways - no objections

Drainage - no objections

Representations

None.

Determining Issues

- Principle of the development within the context of the approved outline permission
- Landscaping / design

Observations

Principle of the development within the context of the approved outline permission

The outline permission specified the location of use classes across the site by zones. These provide separation distances between the rear boundaries of residential properties in Princes Street and any new built development on the site.

The proposed use of this plot is for B1, B2 or B8 which accords with that outline approval and will have no detrimental impact on those residents in Princes Street, the nearest one being approximately 150 metres away.

Landscaping / design

This plot is one of the few which remains undeveloped and runs across the rear boundary with the canal. It will complete the development which runs across the rear of this site and provide a completed estate boundary.

The two plots either side of this were required to provide substantial landscaping in the area between the sites and the canal. A landscaping scheme has been provided and will assist to help screen the development from the canal.

The design of the unit will stand above the units either side however it has been specifically designed so as to have minimum impact. The use of bands of colour wrapping around the building will reduce the appearance of the building's height. Additional planting to reinforce that which already exist will also soften the front appearance of the building. It has been set back into the site and therefore against the buildings either side its overall height will be lessened.

On the other side of the canal is the Brineton Street industrial estate this forms the backdrop to this site. There are a number of tall buildings on that site which stand on a higher ground level to this site, the building would therefore be seen level if not below those buildings in the background.

Conclusion

I consider the development of this site will further maintain the growth of this high quality industrial estate and the details as submitted are acceptable.

Recommendation: Grant Permission subject to conditions

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

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

2. 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 development permitted is provided with a satisfactory means of drainage.

3. 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 ensure the satisfactory appearance of the development.

4. 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 ensure the satisfactory appearance of the development.

5. 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 ensure the satisfactory appearance of the development.

6. The landscaping scheme shown on the approved plans 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.

7. No development shall be carried out until details of the provision of secure cycle storage per every ten parking spaces have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use, and thereafter retained..

Reason : To encourage the greater cycle use and thereby reduce the number of car borne journeys to and from the site.

8. 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 powder coating and colour finishes. The approved scheme shall be implemented before the development is brought into use and shall thereafter be retained.

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

9. No development shall be commenced until a full scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include floodlighting for the realigned public footpath to the rear of the approved units, the lights shall be installed in accordance with the recommendations issued by *The Institution of Lighting Engineers* for the reduction of light pollution and thereafter retained in accordance with the approved details.

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

10. No industrial process shall take place in the open on any part of the site.

Reason: To safeguard the amenity of adjoining and nearby occupants

11. 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 shall have been clearly marked out.

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

12. 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 functioning of the development and in the interests of highway safety.

13. There shall be no parking other than in the designated spaces, except for loading and unloading of goods which shall take place within the curtilage of the site, unless otherwise agreed in writing by the Local Planning Authority.

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

14. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall at least be equivalent to the capacity of the largest tank, vessel or combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework,

vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason : To prevent pollution of the water environment.

15. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason : To prevent pollution of the water environment

16. All drainage associated from the service yard areas must be directed to the foul water sewer. There shall be no discharge whether direct or via soakaways to the surface or ground water systems.

Reason : To prevent pollution of the water environment

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

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

Reason : To ensure the satisfactory appearance of the development.

18. No amplification equipment shall be installed in the premises until details of the equipment and any necessary soundproofing have been submitted to and approved in writing by the Local Planning Authority and the soundproofing works shall be carried out before the amplification is brought into use.

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

19. 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 and functioning of the development.

20. The materials used shall be those indicated on the approved plans.

Reason : To ensure the satisfactory appearance of the development.

21. The premises shall only be used for uses within Classes B2 and B8 of the schedule of the Town and Country Planning (Use Classes) Order 1987, or succeeding orders and B1(b) and B1(c) of that Order..

Reason: To exclude use of the site for offices (which are a town centre use in planning policy terms).

Note for Applicant : This permission does not grant consent for any signs or advertisements, illuminated or non-illuminated. A separate application may be required under the Town and Country Planning (Control of Advertisements) Regulations 1992 or subsequent legislation.

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.

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.

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 3.6, 3.7, 3.16, ENV14, 4.1, 4.2, 4.4, JP1, JP5, JP6, GP1, GP2 and GP4, of Walsall's Unitary Development Plan, and, 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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 03 April 2007

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 07/0039/FL/E12

Case Officer: Devinder Matharu

Application Type: Full application

Telephone Number: 01922 652429

Applicant: Mr. J. Evans

Agent: The Taylor John Partnership

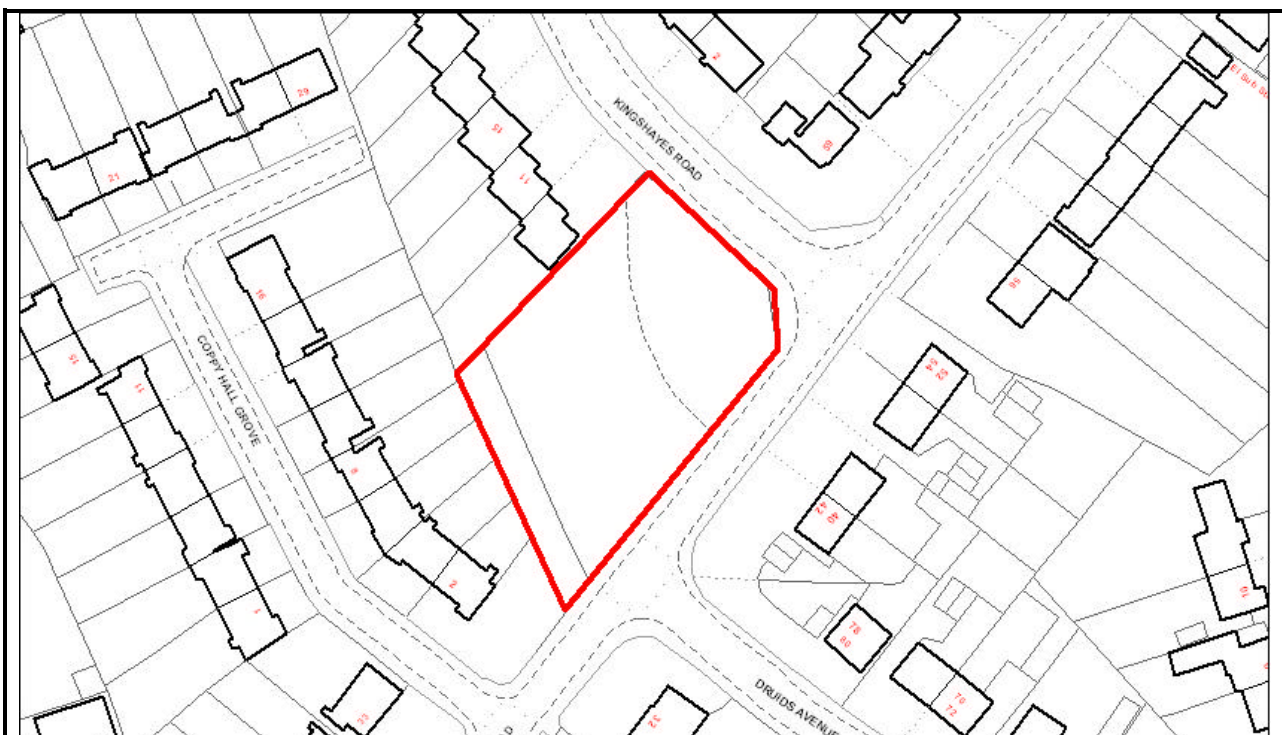
Proposal: Construction of new two storey dwelling with double garage and access to Kingshayes Road

Location: LAND CORNER OF LAZY HILL ROAD, KINGSHAYES ROAD, WALSALL, WEST MIDLANDS

Ward: Aldridge North and Walsall Wood

Expired: 06 March 2007

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

The site consists of a parcel of land at the corner of Kingshayes Road and Lazy Hill Road. It is an open site with mature trees to the rear of the site to the rear of the properties on Coppy Hall Grove. There are a variety of housing types within the area.

The application proposes the erection of a two storey house and double garage with access onto Kingshayes Road. The site is an open overgrown area, which is lower than Kingshayes Road and Lazy Hill Road and has a number of trees on the site. Some of the trees to the rear of the site close to the rear boundaries of the properties on Coppy Hall Grove are mature trees, which are protected by Tree Preservation Orders. The area is residential in character with the residential properties on Kingshayes Road and Lazy Hill Road being set a higher level and the properties to the rear of the site, Coppy Hall Grove being set at a lower level. The site slopes from Kingshayes Road to Coppy Hall Grove.

The proposed dwelling will sit more or less in line with the properties on Kingshayes Road and Lazy Hill Road. The property faces onto both Kingshayes Road and Lazy Hill Road; the design has an active frontage on both sides. A boundary wall with railings is also proposed.

An arboricultural report, a shadowing plan and a Design and Access Statement has been submitted which explain the proposal. This document states the size of the dwelling is somewhat larger in plan than the houses immediately surrounding the site, since the site is lower than the surrounding properties it is considered this will reduce the impact of the dwelling. The dwelling is far enough away from the established trees to ensure their growth is not inhibited and would have no impact on the house foundations. The mature trees protected by Tree Preservation Orders will be retained.

Relevant Planning History

03/0400/FL/E3 Residential development comprising single 4 bedroom detached dwelling. Granted subject to conditions April 2005.

06/1468/FL/E12 Construction of new two storey dwelling with double garage and conservatory and access to Kingshayes Road. Withdrawn October 2006.

Relevant Planning Policy Summary

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

Policies 2.2 and GP2 expect all developments to make a positive contribution to the quality of the environment.

Policies 3.6 and 3.7 development should help to improve the environment of the Borough and seek to protect people from unacceptable noise, pollution and other environmental problems.

Policy GP7 seeks to design out crime.

Policy ENV17 encourages new planting as part of landscape design around new developments.

Policies ENV32, 3.16, 3.116 and H10 - Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Design of residential developments should create a high quality living environment, well integrated with surrounding land uses and local character.

Policies ENV33 and 3.117 Good landscape design is an integral part of urban design.

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

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

Policy T13 car parking standards

1, 2 and 3 bedroom houses 2 spaces per unit, 4 bedroom houses and above 3 spaces per unit.

Residential Development Standards, April 2005

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

National Policy

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

PPS3: Housing (released December 2006 and supercedes 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.

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

Consultations

Transportation - No objections subject to the imposition of planning conditions relating to visibility splays.

Fire Officer - Satisfactory

Environmental Health and Consumer Services - No objection

Arboricultural Officer - No objections to the footprint of the house being moved as indicated on the revised plan. Satisfied with the BS:5837 2005 survey and its recommendations with the application. No objections to the detached house.

Landscape Officer - Do not support 1.8m high wall and railings along the Kinghayes Road frontage and there is room for replacement tree planting within the new frontage garden.

Access to proposed garage is blocked by a 1.8m high fence. Proposed 1.8m high close boarded fence is now shown 1.5m - 2.0m from back of pavement, the description of planting in front of this fence as 'ground cover shrub bed' is too vague and open to interpretation to be acceptable. Ground cover shrubs have little visual impact within the street scene, and impose a significant maintenance burden on future occupiers. Hedge planting would have the desired visual screening and with careful choice of species would not impose undue maintenance requirements.

There can be no security reason for such a 1.8m high feature along Kingshayes Road frontage.

Planting proposals: Although no size of shrubs to be planted is shown, (and the choice of species rather mundane) for a single house project such as this these details are acceptable

Regeneration, Natural Environment - The wildlife grounds for objection set out in the objectors letters are vague. Reference made to birds, squirrels, foxes, butterflies, none of these are protected species.

One concern is that any branches of the existing trees which are pruned as permitted under any planning permission should be checked for bats prior to works being carried out.

The main features of value to wildlife, the trees to be retained. The rank grassland habitats are of value and cannot be protected by any wildlife legislation or planning policy. It will be necessary to ensure that bats are not harmed if pruning works are permitted to mature trees as part of any planning permission granted to this application.

Representations

Four letters of objection have been received from three residents; the points raised are highlighted below:

- Two metre fence will be an eyesore
- Building will be positioned closer to Lazy Hill Road
- Land in the coppice is lower than the footpath and lounge window will be closer to fence, this will be an eyesore
- Why is the building positioned closer to Lazy Hill Road, it will be nearer traffic, noise, - pollution
- Plan is not to scale
- Vandalism of fence, hedge would be better
- Tree preservation orders on most of the trees and likely to suffer considerable amount of damage
- Root damage to the trees will cause heave to properties in Cobby Hall Grove

- Root damage will provide an excuse for removal of trees
- Everything should be passed and finalised for drainage and landscaping, will same conditions apply as on 03/0400/FL/E3 in particular condition 8.
- Cable junction and BT boxes at the corner of the site
- Lamppost will need to be removed
- Ample wildlife on site at present, proposal will result in loss of wildlife
- Loss of privacy, as five windows facing rear of 4 Coppy Hall Grove
- the application site is higher than properties in Coppy Hall Grove
- change the character of the green belt area to the rear of Coppy Hall Grove
- area is protected by a covenant

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

Determining Issues

- Principle of residential development
- Whether the proposal is in keeping with the character of the area
- Whether a satisfactory residential environment can be achieved for potential occupants
- Impact of the proposal on neighbouring properties.
- Impact on the trees protected by Tree Preservation Orders
- Access
- Other issues

Observations

Principle of residential development

Planning permission has already been granted for a dwelling at this site in 2004. Therefore the principle of residential development has already been accepted.

Character of the area

The area contains a mixture of detached, semi detached and link detached properties. In this context the proposal for a detached property is acceptable. The proposed dwelling would sit in line with the existing edge of development along Kingshayes Road and Lazy Hill Road in keeping with the street scene

The dwelling would have a double frontage as the site is at the corner of Kingshayes Road and Lazy Hill Road. The main frontage of the dwelling would front Kingshayes Road. The side elevation facing Lazy Hill Road has an active frontage with a bay window and secondary windows allowing surveillance of the private and public realm for the proposed dwelling.

This is a large site but the need to maintain protected trees prevents more than one house being built

The submitted scheme for walls and railings along the highway boundary would be too dominant and therefore unacceptable. A revised boundary treatment can be secured through planning conditions.

Satisfactory residential development

A concrete wall is shown to the rear of the site, as it slopes. From the rear elevation of the proposed dwelling to this wall the rear garden length is 7 metres to the concrete wall.

Although the proposal does not meet the rear garden length as outlined in the Residential Development Standards, the overall useable amenity area is 246 square metres, 3.5 times the figure specified in the RDS. The rest of the site which accommodates the mature trees extends to the rear boundary of the properties of Coppy Hall Grove, visually giving a larger amenity area for the potential occupiers.

The dwelling will be set back from Kingshayes Road giving an enclosed front garden similar to the surrounding properties.

Impact on neighbouring occupiers

The proposed garage is set 8.4 metres away from the side elevation of 9 Kingshayes Road. The garage is a single storey structure and as such would not impact on the level of amenity currently available to the occupiers of this property to warrant refusal of the scheme.

The distance from the rear elevation of the proposed dwelling to the rear boundary of the properties on Coppy Hall Road is some 30 metres. With the rear garden lengths of the properties on Coppy Hall Grove the habitable room separation distance exceeds the guideline distance as set out in the Residential Development Standards (RDS) of 24 metres. Therefore the proposal is acceptable and complies with the RDS. Although the properties on Coppy Hall Grove are set at a lower level the rear of the site contains a number of mature trees, all of which would obscure any direct views.

Impact on trees

The Arboricultural Officer has no objection to the proposal. There would be no impact on the trees. Conditions are to be imposed to protect the trees.

The objector's comments regarding damage to the tree roots have been noted. Planning conditions have been imposed to ensure protective measures are submitted to protect the trees during and after construction.

Planning conditions have been attached restricting any pruning works to the existing trees on the site without written consent.

Access

Transportation has no objection to the proposal subject to the imposition of relevant planning conditions to serve the development.

This is a four bedroomed detached dwelling, there is adequate parking provision within the site curtilage, and thus the proposal complies with Policy T13 of the UDP.

Other Issues

The plan submitted is to scale, although the buildings on the opposite side of the road have not been depicted correctly, as the square block should be divided into four to illustrate the four flats.

One of the objectors has stated that the application site is protected by a covenant. This is not a planning matter and cannot be taken into account in the decision making process.

One of the objectors states that land is classed as Green Belt, this land is not Green Belt but a brownfield site.

The cable junction boxes and lamppost are not within the application site.

The Natural Environment Manager has advised that the main features of value to wildlife, the trees will be retained and that the rank grassland habitats are of a lesser value and cannot be protected through any wildlife legislation or planning policy.

Recommendation: Grant Permission subject to conditions

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

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

2) The development shall only be carried out in accordance with the drawing number 557.06.A.2D and 557.06.A.1D submitted on 7 February 2007.

Reason: To ensure only the approved works are implemented.

3) No development shall commence on site until a method statement, which outlines storage of materials on site, construction access to the site, fuelling of machinery on site, mixing of materials on site, welfare areas, construction delivery and tree protection details and protective fencing specifications around all the trees on the site in accordance with BS5837:2005 have been submitted to and approved in writing by the Local Planning Authority. Only the approved statement shall be implemented on site whilst construction work is undertaken.

Reason: To ensure the trees on site are fully protected before and after construction.

4) No development shall commence on site until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented within 6 months of the development being brought into use. The landscaping scheme shall also include details of the surface treatments for the new driveway area.

Reason: To ensure the satisfactory appearance of the development.

5) 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 the satisfactory appearance of the development.

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

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

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

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

8) No development shall commence on site until details of all boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details which shall be retained at all times.

Reason: In the visual amenities of the area.

9) 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 included in the TPO on the site.

10) The existing soil level shall not be altered within the full extent of the canopy of each tree, group of trees or hedge to be retained or to such lesser distance as the Local Planning Authority may agree in writing.

Reason: To safeguard the trees included in the TPO on the site.

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

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

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

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

13) When this development has been completed, or appears to the local planning authority to be substantially completed, an assessment of the existing landscaping shall be undertaken in conjunction with the local planning authority. A detailed scheme of any remedial, replacement or enhancement works required by the assessment shall be submitted for the approval of the local planning authority, within 2 month of that assessment. The approved scheme shall be implemented in the first planting season (1st October - 1st April) following completion of the development, or the approval of the scheme, whichever is the earlier.

Reason: To ensure the satisfactory appearance of the development.

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

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

15) No development shall commence on site until a visibility splay has been provided to serve the new vehicular access from a point of 0.3 metres above the level at the centre of the access to the application site, and 2.4 metres back from the nearside edge of the adjoining carriageway, measured for a distance of 70 metres, and 26metres in a westerly and easterly distance respectively. Nothing shall be planted, or allowed to grow on the area of land so formed which would obstruct the visibility or exceed 0.6 metres.

Reason: In the interests of highway safety

16) Any proposed wall that fronts the highway and/or stands within a visibility splay to serve the proposed development shall not exceed a height of 0.3metres from ground level.

Reason: In the interests of highway safety.

17) Nothing shall be planted, or allowed to grow within the existing visibility splay of the junction of Lazy Hill Road, and Kinghayes Road, which fronts the highway, and the splayed area to be maintained being 4.5metres x 90metres in a south westerly direction. No wall that fronts the highway or is erected the visibility splay described shall exceed the height of 0.3 metres.

Reason: In the interests of highway safety.

18) Any vehicular access created to serve the proposed development shall be constructed in accordance with statutory requirements of Walsall Metropolitan Borough Council.

Reason: In the interests of highway safety.

19) Notwithstanding the entrance gates shown on drawing number 557.06.A.2D submitted on 7 February 2007 these gates shall be deleted from the scheme. No gates shall be installed without prior written approval from the Local Planning Authority.

Reason: In the interests of highway safety.

20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding orders:-

- A) 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, and;
- B) no extensions to the development hereby permitted shall be constructed without the prior submission and approval of a planning application.

Reason: To enable the Local Planning Authority to retain effective control over future development of this site and ensure the satisfactory appearance of the development and in the interests of highway safety.

21) Notwithstanding the notation on drawing number 557.06.A.2D submitted on 7 February 2007 no concrete wall shall be constructed. An alternative boundary treatment shall be considered details of which shall be 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 prevent flooding of the site and in the interests of tree protection.

22) Notwithstanding the notation on drawing number 557.06.A.2D submitted on 7 February 2007 the proposed 1.8 metre high fence in front of the garage shall be deleted and repositioned at the side of the proposed garage.

Reason: To ensure vehicles are able to access the proposed garage.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, ENV32, ENV18 and H10 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 03 April 2007

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 07/0017/RM/E12

Case Officer: Devinder Matharu

Application Type: Reserved Matters

Telephone Number: 01922 652429

Applicant: Alexander John Commercial Ltd.

Agent: Mrs Sara Jones

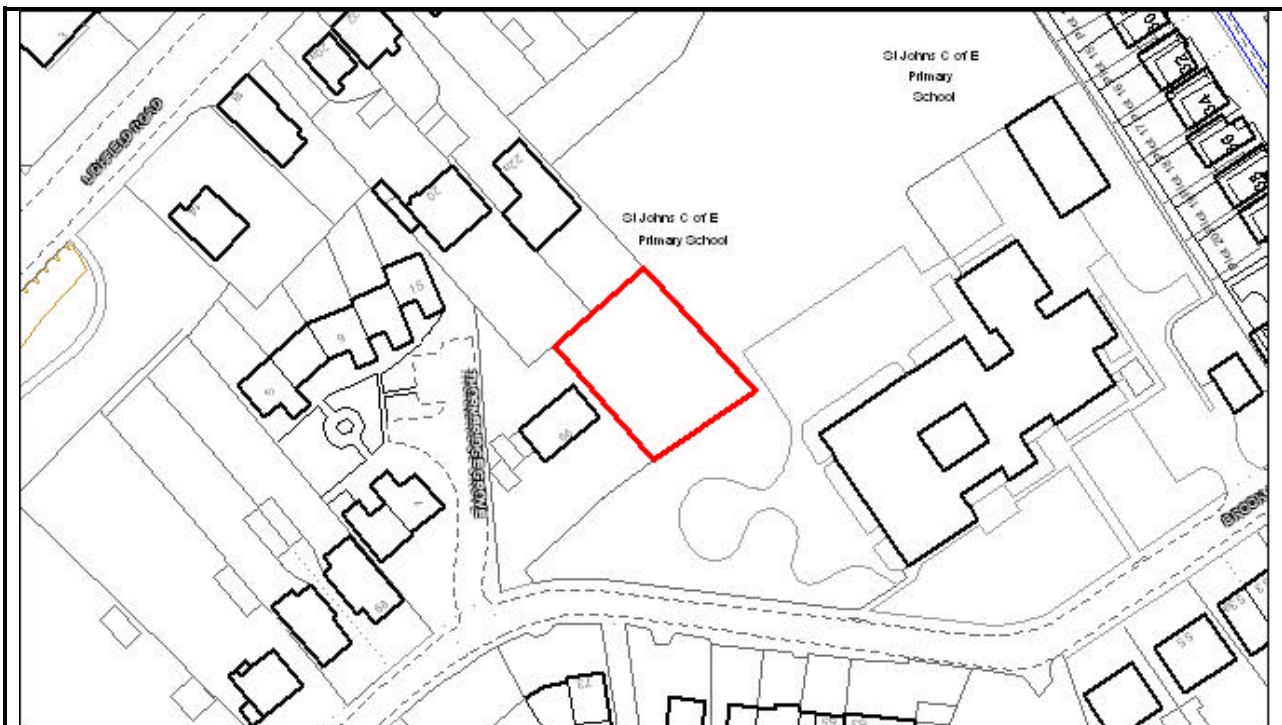
Proposal: Reserved Matters: Erection of no.2 semi-detached bungalows

Location: 66,BROOK LANE,WALSALL WOOD,WALSALL,WEST MIDLANDS,WS9 9NA

Ward: Aldridge North and Walsall Wood

Expired: 01 March 2007

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

The site lies on a parcel of land at the side of 66 Brook Lane, which once formed part of the garden to number 66 Brook Lane. The area is predominately residential in character with St Johns school to the eastern and southern boundary. The proposed access into the site will be via Thornbridge Close, which serves 7 dwellings.

This application is a reserved matters application for the erection of two semi-detached bungalows. Outline planning permission under reference 05/1796/FL/E5 was granted in 2006 for access and siting.

The proposed bungalows have a Dutch hipped roof and have two bedrooms at first floor. There are no windows on the rear elevation apart from two sky lights that provide light into the ensuite. The depth of the proposed bungalows is similar to the depth of 66 Brook Lane. The proposed bungalows are slightly higher than the existing bungalow.

The existing hedge to the rear of the site will be retained.

A planning statement has been submitted which states that the proposal falls short of the 12 m rear garden length, however achieves an overall area well in excess of the required standards. The scale of the buildings are in keeping with the character of the area.

The Design and Access Statement states that there are a number of residential properties that are a mix of detached and semi detached varying in ages and architectural styles. There are common architectural themes in the immediate area.

Relevant Planning History

05/1796/OL/E5 66 Brook Lane, Walsall. Erection of 2no semi-detached bungalows on land adj to 66 Brook Lane, Walsall. Grant Subject to conditions 19 June 2006.

BC090779 Outline erection of a bungalow, 66 Brook Lane, Walsall. GSC Nov 1983

Relevant Planning Policy Summary

Policies 2.2 and GP2 expects all developments to make a positive contribution to the quality of the environment.

Policies 3.6 and 3.7 development should help to improve the environment of the Borough and seek to protect people from unacceptable noise, pollution and other environmental problems.

Policy GP7 seeks to design out crime.

Policy ENV17 encourages new planting as part of landscape design around new developments.

Policies ENV32, 3.16, 3.116 and H10 - Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Design of residential developments should create a high quality living environment, well integrated with surrounding land uses and local character.

Policies ENV33 and 3.117 Good landscape design is an integral part of urban design.

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

Policy H9 - net density of residential development should be at least 30 dwellings per hectare. Densities below 30 dwellings per hectare may exceptionally be justified to provide larger houses to support urban regeneration.

Policy T4 (b) district distributors which are important routes connecting the main residential areas and employment areas. Street parking and direct frontage access will be strictly regulated.

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

Policy T13 car parking standards

1, 2 and 3 bedroom houses 2 spaces per unit, 4 bedroom houses and above 3 spaces per unit.

Residential Development Standards, April 2005

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

National Policy

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

PPS3: Housing (released December 2006 and supercedes 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.

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

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

Consultations

Transportation - No objections. The applicant is providing parking, closure of the existing crossing point and a visibility splay to serve the proposed development.

Fire Officer - satisfactory access for fire appliances

Regeneration, Arboricultural Officer - No objections

Regeneration, Landscape Services - No objection

Representations

Five letters of objection have been received from four residents; the points raised are highlighted below:

- Object to new entrance in Thornbridge Grove
- Gardens for Thornbridge Close not drawn correctly
- Vehicles will not be able to turn left into Brook Lane without crossing the wrong side of Thornbridge Grove
- Restricted visibility along Thornbridge Grove
- Extra traffic
- People enter Grove on foot and by car
- Parking for 1 and 3 Thornbridge Grove directly opposite new access
- Not give allow people from 66 or proposed bungalows to put bins and green boxes on private land
- Never informed of new access into the Grove
- Proposals are for a house and not a bungalow
- Out of character by means of design and height
- Loss of view from 22a Lichfield Road
- Removal of three silver birch trees protected by Tree Preservation Orders

One of the letters has six signatures on it.

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

Determining Issues

- Principle of residential development
- Whether the proposal is in keeping with the character of the area
- Private amenity space
- Impact of the proposal on neighbouring properties.
- Impact on the trees protected by Tree Preservation Orders
- Access
- Other issues

Observations

Principle of residential development

Outline planning permission has already been granted for the access and siting of two semi detached bungalows at 66 Brook Lane under planning reference 05/1796/OL/E5. The principle of residential development has already been accepted.

Character of the area

There are a number of different housing styles and types within the immediate area including dormer bungalows which vary in style and design. The proposed development is for semi detached dormer bungalows. There are dormer bungalows along Brook Lane; it is considered that the design and height of the development is in keeping with the character of the area.

Private amenity space

The previous approval 051796/FL/E5 included siting and accepted a reduced garden length below 12 metres in length, the total amenity area provided exceeds the 68 square metres, as set out in the Residential Development Standards. It is considered that the proposal would provide a satisfactory residential environment for potential occupiers.

Impact on neighbouring occupiers

The development meets the Council's habitable room separation distance of 24 metres, as set out in the Residential Development Standards. No habitable room windows are proposed at first floor on the rear elevation apart from skylights to provide light into the ensuite bathrooms. With the retention of the existing rear boundary hedge, it is considered that the hedge would continue to protect the privacy of the occupiers of 20 and 22a Lichfield Road and the potential occupier of the bungalows. A condition can be attached to ensure all boundary hedges are retained.

Impact on trees

With regards to the protected silver birch trees on the site, consent was granted by the Council's Arboricultural Officer on 7 June 2006 for the trees to be felled. The submitted plans illustrate a landscaping scheme to which the Landscape Officer has no objection.

Access

The proposed access is off Thornbridge Grove and not Brook Lane. The issue regarding the access was considered under planning reference 05/1796/OL/E5. This current proposal raises no new issues regarding the access.

The issues raised regarding access, visibility and extra traffic were dealt with under planning reference 05/1796/OL/E5.

Other Issues

The issue raised regarding the gardens for the properties of 1 and 3 Thornbridge Close not being drawn correctly has no bearing on this current application, as access issues were dealt with under planning reference 05/1796/OL/E5.

With regards to the comments made about the storage of refuse bins, a planning condition can be attached to ensure the bins are taken to the edge of the highway on collection day and taken back to the individual properties after. This is to prevent the proliferation of refuse bins and recycling boxes on the edge of the highway.

Loss of view is not a material planning consideration.

Recommendation: Grant Permission subject to conditions

That Approval of Reserved Matters is granted:

1. This approval relates to submissions under the following conditions of 05/1796/FL/E5 -
2A, 2B, 2C

And subject to the following conditions:

2) The development shall only be carried out in accordance with the drawing number 06184/P05A submitted on 1st March 2007, 06184/P03B, 06154/P02B, 06184/P04B submitted on 4 January 2007.

Reason: To ensure only the approved works are implemented.

3) The proposed development shall only be constructed in accordance with the levels shown on plan number 06184/P06 submitted on 23 January 2007, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure only the approved works are implemented.

4) 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 the satisfactory appearance of the development.

5) The proposed boundary hedges highlighted green on plan number W9701001 submitted on 4 January 2007 shall be retained at all times and protected during construction, unless otherwise agreed in writing by the local planning authority. If at any time any of the boundary hedges dies then they shall be replanted to the satisfaction of the Local Planning Authority.

Reason: To protect the amenity of neighbouring occupiers and in the visual amenities of the area.

6) Notwithstanding the access layout shown on drawing number 06184/P05 submitted on 1st March 2007, a new access layout illustrating a crossover shall be submitted to and approved in writing by the Local Planning Authority before any development commences on site. The development shall then be completed with the approved details and retained at all times.

Reason: In the interests of highway safety

7) Notwithstanding the access layout shown on drawing number 06184/P05 submitted on 1st March 2007, the proposed driveway should be sited 0.5m away from the existing boundary fence, details of which are to be submitted to and approved in writing by the Local Planning Authority. Only the approved position of the access drive shall be constructed and retained thereafter.

Reason: To protect the existing hedge boundary between the application site and the school site, as it visually enhances the area.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, ENV32, ENV18 and H10 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 03 April 2007

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 07/0294/FL/E9

Case Officer: Barbara Toy

Application Type: Full application

Telephone Number: 01922 652429

Applicant: Hamlet New Homes Ltd

Agent: Gino Lombardo Associates Ltd

Proposal: Substitution of house types on previous planning approval 06/1116/FL/E9 to provide a master bedroom & ensuite facilities within the roof space on plots 3, 4, 5, & 6 and an additional bedroom & ensuite within the roof space of plot 1 for the first floor apartment.

Location: LAND & NOS.
15/17, ROMNEY WAY, GREAT
BARR, WALSALL, WEST
MIDLANDS, B43 7TL

Ward: Pheasey Park Farm

Expired: 11 April 2007

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

The site is situated on the eastern side of Romney Way and comprises a pair of existing semi detached houses (15 and 17) and land set to the rear of 9 - 41 Romney Way which currently comprises 58 lock up garages now vacant and unused and in a poor state of repair. The site is derelict and has suffered from vandalism and misuse.

The site is surrounded by two storey residential houses in Romney Way, Queslett Rd to the south, Allingham Grove to the east and Chantry Crescent to the north, situated within a predominantly residential area.

The site slopes from north to south and is at a higher level than the existing houses within Queslett Rd, which have steep tiered rear gardens.

Planning application 06/1116/FL/E9 approved 26th September 2006 granted consent for the demolition of 15 and 17 Romney Way to form an access to the garage site to the rear to erect 11 apartments and 5 detached houses.

This application proposes the substitution of house types on plots 1, 3, 4, 5 and 6 to provide a master bedroom and ensuite within the roofspace of plots 3, 4, 5 and 6 (detached 4 bed houses) and an additional bedroom and ensuite within the roofspace of plot 1 for the first floor apartment.

The proposals would include an increase in the overall height of each plot by 0.4m providing an overall maximum height of 8.4m. Plot 1 would include a velux roof light to the frontage and 2 small roof lights to the rear whilst plots 3, 4, 5 and 6 would include a velux roof light to the front and rear elevations.

Relevant Planning History

06/0706/FL/E4, demolition of 15 and 17 Romney Way to form access to land to the rear and the demolition of existing garages and erection of 19 dwellings, refused 04-08-05.

06/0210/FL/E9, demolition of 15 and 17 Romney Way to form access to site of redundant garages and erection of 5 houses and 10 apartments Withdrawn 12-04-06.

06-1116/FL/E9, demolition of 15 and 17 Romney Way to form an access to the garage site to the rear to erect 11 apartments and 5 detached houses, approved 26-09-06 subject to conditions and S106 to secure an education contribution and small contribution to urban open space.

Relevant Planning Policy Summary

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

Walsall Unitary Development Plan March 2005

Paragraphs 2.1 and 2.2 state that the aims of the Plan include sustainable development, urban regeneration and environmental improvement, with action to include creating,

sustaining and enhancing a high quality natural and built environment, including a high standard of design, and providing for the right number, type and distribution of new homes.

GP2: Environmental Protection

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

Policy 3.6 seeks environmental improvement resulting from development.

Policy 3.9 high priority will be given to maximising the re-use and reclamation of derelict and previously developed land.

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

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

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

ENV14: Development of Derelict and Previously-Developed Land.

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

ENV32: Design and Development Proposals.

Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. Detailed criteria are listed for consideration when assessing the quality of design of any development proposal including:- the appearance, materials, height, proportion, scale and mass of the proposed buildings, the visual relationship of the proposal with adjacent areas, the street and the character of the surrounding neighbourhood, the effect on the local character of the area.

T7 - Car Parking

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

T13: Parking Provision

Flats with communal parking	1.5 spaces per unit
1, 2 and 3 bed houses	2 spaces per unit
4 bed houses and above	3 spaces per unit

Residential Development Standards, (April 2005)

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

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

National Policy

PPS1: Delivering sustainable development emphasis 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.

Consultations

Transportation - No objections, the proposals would have no impact on the required parking provision.

Fire Officer - Satisfactory access for fire appliance.

Representations

7 letters of objection received, including 1 from West Midlands Planning Aid on behalf of residents.

Objections include:

- Noise and disturbance to surrounding residents
- Apartments not needed in the area
- Additional access onto Romney Way dangerous
- Property devaluation
- Over development
- No clarification of responsibility of maintenance of the pedestrian access approved rear of properties in Queslett Rd
- Local infrastructure of medical, dental, education and shops unable to cope with influx of new residents.
- The land should be used to improve local facilities for local people.

These issues all relate to the overall development of the site for residential purposes and were reported and considered under the previous planning application 06/1116/FL/E9

- Increased adverse visual impact from increase in height, particularly to Queslett Rd properties.
- Further negative impact and reduction in quality of life to existing residents
- Overlooking and loss of privacy from the increase in height.

These issues relate specifically to the current proposals for the substitution of house type.

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

Determining Issues

The determining issues here are:

- The design and layout of the proposals
- Impact on the surrounding occupiers
- Contributions
- Parking

Observations

Design and Layout.

The approved layout and footprint under planning application 06/1116/FL/E9 would remain unchanged.

The proposals include only 1 additional bedroom within the overall development, within plot 1.

Plot 1 (which fronts Romney Way) would result in the approved 1 bed apartment at first floor becoming a 2 bed apartment, creating an additional bedroom and ensuite facility within the roof space. The increase in height of the building by 0.4m would have no adverse impact on the Romney Way street scene.

Plot 2 sits at the lowest level on the site and closest to the Queslett Rd boundary and is the smallest house within the development to reflect this, and would remain unchanged by the current proposals.

The proposals include a master bedroom and ensuite facilities within the roof space and conversion of the small box bedroom on the first floor into a study on plots 3, 4, 5 and 6. The houses would therefore remain as 4 bed detached houses. The small increase in overall height of the buildings by 0.4m would have no adverse impact on the visual impact or appearance of the proposals.

Impact on the surrounding occupiers.

The proposals would involve no change to the overall layout and footprint, with each unit remaining in its approved position, with the individual houses stepping down the site with the existing change in levels.

The proposals do however include a small increase of 0.4m in the overall height of each of plots 1, 3, 4, 5 and 6 and the inclusion of velux roof lights to the front and rear elevations.

The proposed velux roof lights by virtue of their design, following the angle of the roof would provide little opportunity for overlooking of the surrounding properties and would therefore not impact on the privacy of the surrounding occupiers.

The RDS indicates that a minimum distance separation of 24m between habitable room windows for any height of development shall be maintained. All the distance separations within the proposals would therefore continue to comply with policy as the original approval.

Plot 2, the house closest to the boundary with Queslett Rd would remain unchanged.

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

Contributions

The proposals would result in an overall increase of 1 bedroom within the development, within plot 1, creating a 2 bed apartment in place of a 1 bed.

The completed S106 Planning Obligation on the previous approval included a contribution towards Education in line with policy 8.8 of the UPD and a small contribution from the developer towards public open space, as negotiations on the proposals commenced prior to adoption of the open space policy.

It is therefore considered that the proposed increase by 1 bedroom within the development would not have a significant impact on the education provision within the area and therefore no further contribution has been requested.

Parking

The application proposes no alterations to the approved parking layout/facilities and the proposals would result in no increase in parking demand.

Recommendation: Grant Permission subject to conditions

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

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

2. Under the terms of this permission the amended plans are: 25239/A/08A and 25239/A/03A submitted on 14th February 2007. These should be read in conjunction with those plans approved under planning permission 06/1116/FL/E9, except in so far as this permission allows any amendments.

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

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

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

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

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

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 of the area and to ensure satisfactory development of the site.

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

Reason: To safeguard the visual amenities of the area.

7. No consent is given to the landscaping scheme shown on drawing number 25239/X/05.

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

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

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

9. The existing hedging along the eastern boundary with No.10 Allingham Grove shall be retained and protected during construction in accordance with details to be submitted to and approved by the Local Planning Authority. If the hedge fails in anyway within 12 months of first occupation of the apartments it shall be replaced with a mature specimen to be agreed by the Local Planning Authority.

Reason: In order to safeguard the visual amenity of the area and the amenity of the surrounding residential occupiers.

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

Reason: In the interests of securing the site.

11. 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.

12. No development shall be carried out until details of the position and design of a refuse storage area are submitted to and approved by the Local Planning Authority.

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

13. The boundary wall/fence to the rear of properties in Romney Way hereby approved shall be erected prior to first occupation of any dwelling within the development and thereafter retained.

Reason: In order to define the permission and safeguard the amenities of the surrounding occupiers.

Notes to 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 of the development plan, in particular policies 2.1, 2.2, 3.6, 3.9, 3.16, GP2, ENV14, ENV32, H3, H10 and T13 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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