

Application Details

This is an outline application, which has been amended since its original submission. It now relates to just the principle of the development along with the retention of individual buildings on the site. Indicative plans showing the layout of the site and elevations were also provided with the original submissions.

The site is roughly rectangular in shape and is bounded by roads on all four sides. Most buildings on site are to be demolished except for the group of buildings on the corner with Gower Street and Wood Street i.e Union Lock Works and 93 and 94 Wood Street.

The applicant has submitted a supporting letter and a design statement with the application. The Union Lock Building will be retained and refurbished (excluding out of keeping extensions) along with nos. 93 and 94 Wood Street. The remainder of the site will be cleared. Car parking will be provided to meet Council standards. Confirmation that the applicant is prepared to contribute towards public open space off site provision is given. It explains that the application took siting and access into account originally as buildings of local interest lie on the site. Conditions relating to archaeological matters will be accepted. Each frontage of the site is assessed in turn in design terms. Access and highway issues, key design features for future submissions and sustainable issues are commented upon. It is outlined that no building will exceed 4 storeys in height (except for the Cemetery Road frontage where it is stated that 2 - 2½ storey will be the maximum) and height and massing may need to be staggered to ensure a 'comfortable fit' on site. (These matters will be dealt with at the reserved matters stage.)

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

Part of the site falls within the Willenhall Conservation Area, including the Gower Street Union Lock Works which are also on the local list of buildings of interest.

Unitary Development Plan

Policy 3.7 seeks to protect uses from noise etc, and provides that residential development will not normally be permitted in locations which experience high levels of environmental nuisance.

Policy 6.6 states that: 'The re-use for housing of previously developed sites and the development of infill sites within the urban area (including 'windfall' sites) will be encouraged where a satisfactory residential environment can be provided, and where there is no overriding need for other uses. In considering this type of proposal, the Council will wish to ensure that the cumulative effects will not damage the character and amenity of existing residential areas. The Council will not permit new housing near to existing or potential activities which will have a significant detrimental effect on the local residential environment or on the health of residents because of noise, dust, fumes or gases'.

Policy 7.2 The protection of environment and promotion of safety are central aims of transport planning.

Policy 7.21 parking provision should be sensitively integrated, and Policy 7.23 requires all

development to provide parking to the standards.

Policy 8.4 requires new developments to provide open space for active uses. Where this is not possible appropriate improvements to facilities in the wider area may be substituted (under a non-statutory policy of the Council) controlled by a section 106 agreement.

Unitary Development Plan Review

The site is within an identified Industrial Regeneration Area and Development Opportunity Area (WH4 vi) in the UDP Review. All development in Industrial Regeneration Area areas will be expected to work towards the improvement of 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. Development in the Opportunity Area is considered to have the potential for great change, given the changing requirements of many traditional industries and general social trends. Existing employment uses will be encouraged to remain and their expansion will be facilitated where appropriate. The extent to which alternative uses could be satisfactorily accommodated within the area will be determined by a number of factors including: their functional relationship with the Primary Shopping Area; adjacent land uses; and the improvement of vehicular access to and within the area. Development must retain, and preferably enhance, public car parking.

Policy 3.12 and ENV24 The protection, management and enhancement of the natural environment is recognized as being fundamental to the well being of the Borough.

Policy 3.14 Buildings of special architectural or historic interest will be safeguarded.

Policy 3.16 Development will be considered in relation to its setting with reference to the character and quality of the existing local environment.

Policy 3.18 and 3.20 The boroughs built heritage will be protected and enhanced.

ENV28 section (a) states that 'In considering proposals for development the Council will have regard to the industrial and/or historical importance of the site or building'.

Policy H3 Encourages re-use of previously developed sites, providing a satisfactory residential environment can be achieved; they have good accessibility and are well related to community facilities; would not unacceptably constrain the development of any adjacent site for its allocated use; and be acceptable in terms of other policies of the plan.

H4 seeks affordable housing provision.

H10 development should provide a high quality living environment, well integrated with surrounding uses and local character; provide adequate open space; appropriate dwelling mix; give careful attention to ways of reducing the impact of noise and vibration.

T7 (e) All parking provision should be well designed and sensitively integrated into the townscape.

Current Status of Unitary Development Plan

Although the 1995 UDP is still the adopted Plan at the present time, it is intended that the UDP Review will be adopted by the Council on 7th March 2005 and that will then replace the 1995 Plan. The UDP Review, although not yet formally adopted, can therefore now be given very considerable weight. The version of the UDP Review to be adopted will be based on the Revised Deposit Draft as amended by the Proposed Modifications published in November 2004.

National policy

Planning Policy Guidance Note 24 : Planning and Noise outlines the considerations to be taken into account in determining planning applications both for noise sensitive developments and for those activities which will generate noise. The impact of noise has a material consideration in the determination of planning applications and guidance given in this Note relates to whether or not the site is feasible for development even though there is a level of noise nuisance which will be experienced at the site.

Planning Policy Guidance Note 3: Housing, seeks higher densities, to control urban sprawl.

Relevant Planning History

None

Consultation Replies

Transportation - There are no transportation objections in principle however, the access arrangement, internal site layout and parking provisions would have to comply with current design guidance/standards.

Pollution Control - Noise.

Minded to recommend refusal of the application.

The development will be subject to a variety of noise sources that include the metro link that is proposed to run adjacent to the development along Gower Street. There are many industrial noise sources in the area in particular Wedges Galvanizing Limited. This company has access doors immediately opposite the proposed development that are generally left open for the ingress and egress of heavy goods vehicles with internally generated noise clearly audible off-site. Noise from extraction fans located on the roof may also be a source of noise. I am not aware of any operational restrictions.

The proposed buildings would not protect future occupants from noise. The design of the development is flawed from an acoustic engineering standpoint, on account of habitable rooms having elevations onto Gower Street and Wood Street.

If the application is to be approved conditions are suggested relating to the need for a noise survey; a noise control scheme; ground contamination survey and site investigation and remedial measures

Air Quality.

The proposed site is immediately adjacent to some heavy industry and close to a foundry.

These companies are authorised for emissions to air under the Environmental Protection Act. Air pollution is a material planning consideration, as although emissions are controlled, this does not mean that such emissions are zero.

Black Country Archaeologist -A medieval mansion house lies within the south east corner of the development area. A condition should require a scheme of archaeological work comprising a desk based assessment to gather information as to the precise extent and nature of the moat and any associated buildings, and the excavation of any buried archaeological deposits affected by the development. The work should be monitored.

Police Architectural Liaison Officer - No comments at present.

Environment Agency - No objections in principle. Conditions suggested regarding site investigation and remediation. Records suggest that there was a landfilled area of the site some years ago.

Severn Trent Water Authority - No objection subject to conditions relating to drainage details.

National Grid - Not affected.

Drainage - Satisfactory.

Building Control (demolition) - Informative recommended regarding demolition information.

Property and Development Team - The site is within an identified Development Opportunity Area in the UDP Review. This policy states that when existing industrial sites are vacated other uses e. g. residential - might be acceptable subject to a number of caveats. The nature of adjacent land uses will be taken into account when judging proposals. Residential use is acceptable, in principle if a satisfactory residential environment can be provided. Main concern is B. E. Wedge (galvanisers) adjacent. Comprehensive redevelopment for residential has previously been promoted in this area but the cost of relocating B. E. Wedge appears to be prohibitive. The views of pollution control are crucial to the consideration of the application. Given the possibility of residential development highlighted in the UDP Review and the fact that there is little demand for other uses for the site it would be unfortunate if the application were to be refused and a compromise with pollution control should be sought. The developer should enter into discussions with Council officers prior to the submission of a detailed application regarding design, this should address relationship with open space (i.e. the cemetery on Cemetery Road) reducing impact of nearby industrial uses and improvement of road junctions.

Built Conservation and Urban Design Team - The amended application and design statement are acceptable with 2 reservations; this team will decide which extensions are out of keeping with the buildings to be retained and the Drawing entitled 'Indicative Layout Plan' is for guidance purposes only and shall not be taken to form part of the application. This is a great improvement to the original plans.

Fire Officer - No objections in principle.

Housing - Would support affordable low cost possibly shared equity development in this location. Also if specifically aimed at accommodating the elderly.

Representations

I have received 3 letters of objection from neighbouring industrial premises. The grounds of objection are:-

- a) Noise from adjacent industrial uses (casting and machine processes 24 hours a day, 7 days a week amongst others) may be detrimental to any prospective residents of the proposed development.
- b) Measures need to be incorporated into the design of the apartments to secure acceptable levels of noise attenuation;
- c) The developer should be required to provide appropriate information to the first occupiers of the apartments regarding the levels of noise attenuation.
- d) Heavy goods and commercial vehicles are entering and leaving this site at all times during the working day which can cause congestion and access difficulties.
- e) Head office employing 100 people for B. E. Wedge Holdings is opposite the development;
- f) The site is zoned industrial;
- g) The industrial activities at B. E. Wedge have evolved so that the quiet uses are on the Stafford Street frontage and the industrial activity is on the Gower Street frontage, this would be totally incompatible with residential development;
- h) This is one of the larger surviving industrial activities that takes place in Willenhall and is a substantial employer and business rates payer.

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

Determining Issues

I consider that the determining issues in this case are:-
the relationship of the development to the surrounding industrial uses and their objections to the development,
conservation issues
the provision of amenity space.

Observations

The relationship of the development to the surrounding industrial uses and their objections to the development

The Unitary Development Plan seeks to provide a satisfactory residential environment; ensuring that schemes are well integrated into the existing pattern of settlement and surrounding land use. Residential development will not normally be permitted in locations that experience high levels of environmental nuisance.

The proposal is potentially vulnerable to noise, vibration etc. Equally, if such effects arise, the commercial uses are at risk of action under the Environmental Protection Act to control their activities.

It is therefore important that the development be properly designed to avoid these effects.

Pollution Control have objected to the application as they have concerns about residential development in the location proposed. They feel that due to the surrounding noisy environment, exacerbated by unrestricted industrial uses, future occupants could suffer from potential noise intrusion. Comments relate to the indicative layout supplied with the application. However, this is meant as a guide to the development of the site only, and to show the buildings which will be retained on the site. If the development is approved pollution control have suggested measures which should be incorporated into the final layout of the site which would be satisfactory from an acoustic engineering standpoint. They have also suggested conditions concerning remedial measures to be undertaken at the reserved matters stage. Due to the conversion element of the development acoustic measures are required in accordance with approved documents. This would be the subject of conditions should the application be approved.

The surrounding industrial uses have also raised concerns about the proximity of residential development to their operations. I am however, mindful of Government guidance contained within PPG24 which advocates the use of conditions to overcome these issues where possible.

Furthermore, UDP Review policy supports the possibility of residential development of this site due to its status within a Development Opportunity Area, subject to a number of caveats. Residential use is acceptable, in principle if a satisfactory residential environment can be provided bearing in mind adjacent land uses. Given this and the fact that there is little demand for other uses for the site as indicated by the Property and Development Team I feel the application should be supported in principle bearing in mind that pollution control have suggested ways of mitigating against the surrounding noise sources in the form of design and conditions.

Conservation issues

The Black Country Archaeologist has commented that a medieval mansion house lies within the south east corner of the development area. He requires a condition which would require the implementation of a programme of archaeological work in accordance with a brief written by the council's archaeologist, and a written scheme of investigation. This will ensure that any archaeological deposits will be salvaged and saved.

Part of the site falls within the Willenhall Conservation Area, and includes the Union Lock Works. This building represents the best example of the International Modern Style in Willenhall. It makes a crucial contribution to the stock of historic buildings associated with the evolution of the internationally important Willenhall lock industry. Its retention, within the scheme, along with nos 93 and 94 Wood Street, is welcomed.

Built Conservation and Urban Design Team are satisfied that an appropriate development can be achieved. Prior to the submission of a detailed application matters of design, relationship with the cemetery on Cemetery Road, character of the conservation area and reducing the

impact of nearby industrial uses should be addressed. The applicant has indicated that these are issues which have been recognised as important and has given an undertaking to ensure they are addressed at the appropriate stage.

Amenity space.

It is UDP policy that residential development should provide amenity space (kickabout areas, open spaces etc.) Council policy is that such provision can be deleted from a development, and replaced by a financial contribution to the improvement of public spaces in the area. The standard arrangement is embodied in a section 106 Agreement, at the rate of £100 per bedroom. In this case, as the application is in outline completely conditions are appropriate

Conclusion

On balance residential use can be supported in principle providing the reserved matters details take account of the comments regarding design and layout of the site respecting the location and historic character of the remaining buildings. The site has the potential to make a valuable contribution to the housing land supply. I therefore recommend approval subject to conditions.

Recommendation: Grant Permission subject to conditions

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

i) 5 years from the date of decision.

ii) 2 years from the approval of the Reserved Matters or in

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

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

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

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

3 The reserved matters will include details of existing and proposed levels of the site, access way and floor levels, in relation to land adjoining the site have been submitted to and approved in writing by the Local Planning Authority. The 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 and functioning of the development.

- 4 No building shall be commenced until a schedule of facing materials, has been approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

- 5 No development shall be commenced until a detailed landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority., The approved scheme shall be implemented within 12 months of any part of the development in that submission 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.

6. No development shall be commenced until a scheme for the provision of both surface water and foul drainage works has been approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

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

7. A protocol shall be submitted to and approved in writing by the Local Planning Authority, before the commencement of any works on the site, to ensure that the immediately surrounding highways are not adversely affected by the deposition of materials from vehicles leaving the site. All operations on the site shall comply with the provisions of the approved protocol.

Reason: To prevent mud etc. being deposited on the public highway.

8. Following the demolition of existing structures and buildings and prior to any residential development on the site
 - (a) a specification for a ground contamination survey and site investigation to assess the likely hazards of all identified contamination on the site to the proposed development (and its future occupants), resulting from the presence of potentially toxic materials and the emission of toxic, flammable and asphyxiant gases. and having regard to appropriate advice and guidance, particularly that contained in British Standard BS10175:2001 'Investigation of potentially contaminated sites - Code of Practise'; British Standard BS5930:1999 'Code of Practise for site investigations'; Waste Management Paper No. 27 'Landfill Gas'; and the Inter-Departmental Committee on the redevelopment of Contaminated Land' document ICRCL 59/83: Second Edition 1987 'Guidance on the Assessment of Contaminated Land', Contaminated Land Exposure Assessment (CLEA) model shall be approved in writing by the Local Planning Authority

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

Reason: To ensure the satisfactory development of the site and due to the current industrial use of the site and unknown previous use that may have given rise to ground contamination.

9. Prior to development commencing, a noise survey shall be undertaken in accordance with guidance and procedures contained in Planning Policy Guidance Note, PPG24, to the written satisfaction of the local planning authority. This shall include an assessment in accordance with British Standard BS 4142 'Method for rating industrial noise affecting mixed residential and industrial areas'. The results of this survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests shall be submitted to the local planning authority within 4 weeks of completion. Prior to occupancy of the development, a noise control scheme reflecting the findings of the survey shall be implemented and thereafter maintained in accordance with this approval so that:
- a).internal noise levels within bedrooms of residential development do not exceed a Continuous Equivalent Noise Level, $L_{Aeq(5 \text{ minutes})}$, of 30 dB together with a maximum instantaneous level of 45 dB L_{Amax} , between the hours 23.00 to 07.00;
 - b).internal noise levels within living rooms of residential development do not exceed a Continuous Equivalent Noise Level, $L_{Aeq(1 \text{ hour})}$, of 40 dB between the hours 07.00 to 19.00; and
 - c).internal noise levels within living rooms of residential development do not exceed a Continuous Equivalent Noise Level, $L_{Aeq(1 \text{ hour})}$, of 35 dB between the hours 19.00 to 23.00.

Reason: To ensure the satisfactory development of the site and a satisfactory environment for residents

10. Prior to remediation works commencing, details of plant required for any crushing and / or grading of brick / concrete shall be submitted to the Local Planning Authority for written approval. The machinery shall be operated in accordance with the approved details.

Reason: To control the environmental impact of the remediation of the site, to protect nearby occupiers.

11. Before any part of this development is brought into use, the accessways, vehicle parking and maneuvering areas (including the drives and / or car parking spaces associated with individual houses) 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.

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

12. All planted and grassed areas shall be maintained for a period of 5 years from the full completion of the approved scheme. Within this period:
 - (a) grassed areas shall be maintained in a tidy condition by regular cutting and any areas that fail to establish shall be reinstated;
 - (b) planted areas shall be maintained in a tidy condition by regular weeding and litter collection;
 - (c) any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted;
 - (d) any damage to protective fences shall be made good.

Reason: To ensure the satisfactory appearance of the development.

13. The siting of buildings to be submitted under the reserved matters application should not obstruct the 4.5m x 60m visibility splays required at the junctions of Gower Street/Moat Street, Moat Street/Cemetery Street and Cemetery Street/Wood Street.

Reason: In the interests of highway safety.

14. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a brief written by the council's archaeologist, and a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To ensure that below ground archaeological remains are recorded ahead of and during development.

15. There shall be no more than 20 dwellings built on the application site, unless the applicant has entered into a section 106 planning agreement to provide appropriate financial contributions towards
 - health and education facilities in the area
 - affordable housing on the site, or a contribution towards affordable housing off site.

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

16. There shall be no more than 4 dwellings built on the application site, unless the applicant has entered into a section 106 agreement to provide £100 per bedroom towards off site open space provision in accordance with policy 8.4 of the Adopted Unitary Development Plan.

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

NOTES FOR APPLICANT:-

- A. Drawings 'Indicative Layout Plan' and 'Plans/elevation' are for guidance purposes only and shall not be taken to form part of the application.
- B. In order to achieve a suitable noise climate it may be necessary for the developer to incorporate either one or a combination of the following measures into the design/layout of the development at Reserved Matters stage:
- Courtyard style development to include all non-habitable rooms located on external façade facing industrial premises and habitable windows facing away from industrial premises.
 - Stairwells/corridors serving the flats located on external façade facing industrial premises.
 - Brick only (i.e. 'single aspect') façade to face onto the industrial premises.
 - The layout of individual buildings to act as a noise barrier to neighbouring properties.
- C. The Environment Agency has been consulted on this application and your attention is drawn to the attached reply.
- D. 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
- E. The Fire Officer has been consulted on this application and your attention is drawn to the following comments: Detailed plans should show a clear route through the courtyard suitable for fire service vehicles to get from Wood Street entrance to Gower Street entrance.
- F. The reserved matters submission shall provide for access points to the site which require visibility splays of 2.4m x 60m and a Transportation Assessment to support the application to assess the likely implications of the proposed development on the highway network in the area. The TA should demonstrate how the development and its associated traffic can be safely integrated into the highway network.
- G. The internal site layout should be designed in accordance with DB32 and parking provisions should accord with the Council's standards.

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 Unitary Development Plan policies: 3.7, 6.6, 7.2, 7.21 and Unitary Development Plan Review Policies 3.12, ENV24, 3.14, 3.16, 3.18 3.20, ENV28, H3, H4, H10 and T7 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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