

PLANNING APPLICATION NUMBER:P06/1555

Type of approval sought	Full Planning Permission
Ward	Coseley East
Applicant	G C Rickards Ltd
Location:	LAND ADJACENT TO 49, HIGHFIELDS ROAD, COSELEY, WEST MIDLANDS
Proposal	ERECTION OF 4 NO 2 BEDROOM HOUSES AND 33 NO FLATS WITH ASSOCIATED PARKING AND LANDSCAPING
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The site is situated on the north side of Highfields Road and is adjoined by the Birmingham canal (which forms the boundary between Dudley and Wolverhampton boroughs), residential properties in Udall Road and Highfields Road and vacant, unused land owned by the Council. It has an area of 0.53 hectare.
2. The site was used as a coal wharf since at least the 1880's and contains a canal basin. In the late 1950's it was used for the breaking of road tankers which ceased in the 1960's since which time the site has been used for tanker storage effectively to maintain the use but with very little activity taking place.

PROPOSAL

3. It is proposed to erect 37 dwellings on the site consisting of a terrace of four, two-storey houses fronting Highfields Road and 33 predominantly two-bedroomed flats in a three-storey block fronting Highfields Road, the adjacent canal and the canal basin. Access to the site would be from Highfields Road with the new road serving 47 parking spaces located at the rear of the buildings with some space occupying part of the ground floor of the block of flats, i.e. undercroft parking.

4. Part of the former canal basin would be infilled with the northernmost part of the site being laid out as a wildlife area which would also be accessible as an informal recreation area for the occupiers of the development.

HISTORY

5. A Certificate of Lawfulness in respect of a coal merchant's yard was granted in 1988. Otherwise, there has been no relevant planning history.

PUBLIC CONSULTATION

6. The application was publicised by way of a site notice, press advertisement and the individual notification of 67 residential occupiers in Udall Road, Davies Avenue, Highfields Road, Paul Pursehouse Road, Rounds Road, Rainbow Street and Garner Close. No representations have been received.

OTHER CONSULTATION

7. The Group Engineer (Development) raises no objections subject to the four terraced houses fronting Highfields Road having pedestrian access from the rear parking area.
8. The Head of Public Protection raises no objections subject to conditions being imposed requiring the treatment of ground contamination and insulation of the flats from noise from Highfields Road and a nearby haulage depot in Wolverhampton.
9. British Waterways raises no objection subject to the integrity of the canal being maintained during building and site remediation works and satisfactory treatment of the water's edge to maintain and enhance the wildlife corridor afforded by the canal.
10. The Environment Agency raise no objection subject to conditions being imposed regarding the treatment of site contamination and foundation design.

11. Wolverhampton Council raise no objection to the principle of residential development of the site or the scheme submitted but are concerned at the infilling of part of the canal basin and the lack of a public footpath providing access to the canal.

RELEVANT PLANNING POLICY

12. Adopted UDP (2005)

NC5 Sites of Local Importance for Nature Conservation.

EE3 Existing Employment Uses.

DD7 Planning Obligations

DD1 Urban Design

DD10 Nature Conservation and Development

UR9 Contamination Land

HE7 Canals

DD4 Development in Residential Areas

AM14 Parking

H1 New Housing Development

H6 Housing Density

H4 Housing Mix

H5 Affordable Housing

Supplementary Planning Documents

Parking Standards and Travel Plans.

Nature Conservation

ASSESSMENT

13. The key issues are:-

- * Loss of an employment site.
- * Access and parking
- * Layout, amenities and density

- * Nature conservation
- * Contamination and the canal
- * Commuted payment for open space
- * Affordable housing.

14. **Loss of an Employment Site**

Although the site has been used for industrial activity in the past, use as a coal merchant's depot and scrap/dismantling yard do not strictly fall within the categories of use that Policy EE3 seeks to safeguard and, therefore, there would be no policy objection to the site being developed for residential purposes.

15. **Access and parking**

Access to the site can only be gained from Highfields Road and needs to be sufficiently far away from the canal overbridge to maintain adequate visibility for vehicles leaving the site and traffic approaching from the bridge direction. The Group Engineer is content that the scheme satisfies these criteria.

16. Forty-seven parking spaces would be provided for the 37 units (of which 34 are 2-bedroomed and 3 are 1-bedroomed) giving a parking ratio of 1.27 spaces per dwelling. This accords with the Council's standard and the principles of PPS3 Housing and PPG13 Transport.

17. **Layout, amenities and density**

The layout and type of development reflect the canalside location of the site and the nature of the adjoining housing development. The erection of a terrace of four, two-storey houses to the east of the site access road mirrors the mass and character of the adjoining terrace fronting Highfields Road. The access road itself provides a visual gap to the three-storey flats. These have been well designed and would have their principal elevations facing the road, the canal and the canal basin. The scheme is clearly primarily flats but it is considered that such development would be

preferable adjacent to a waterway and avoids the difficulty posed by private rear gardens which would otherwise have to back onto the canal or the new access road presenting a poor frontage to both.

18. The parking area would be well screened by the new buildings which would be set back from the water's edge behind an open landscaped area which would be accessible to the occupiers of the flats and would be free of fences or other boundary markers to maintain a uniform 'green' open frontage to the canal. The more extensive open area at the northern (basin) end of the site would also be available as an amenity area for the occupiers of the development as well as providing a wildlife haven.
19. The density of development is 69 dwellings per hectare which is considered appropriate in this particular location.
20. The development would not adversely affect any existing residents and no objections have been received following extensive publicity.
21. **Nature Conservation**

Part of the site is a designated Site of Local Importance for Nature Conservation (SLINC) in the UDP reflecting its canalside location and the extensive colonisation by nature that has taken place over many years of relative inactivity. The canal itself is a wildlife corridor and the water's edge is particularly important for wildlife.

22. An ecological report was submitted with the application and, since submission, a landscape layout has been prepared in conjunction with British Waterways which seeks to maximise the potential for habitat protection and creation whilst permitting the site to be developed.

23. **Contamination and the canal**

Information submitted has confirmed there is contamination on the site which would have to be dealt with. The low-lying nature of the site relative to the canal and the high water table would present difficulties but, if carried out with adequate safeguards, the necessary remediation of the site to facilitate the development could take place. The conditions recommended by the Head of Public Protection and the Environment Agency would provide such safeguards.

24. **Commuted payment for open space**

A sum of £30,000 would be required under the Council's policy as a contribution towards upgrading and maintaining existing public open space in the area. This sum has been included in the draft Section 106 Agreement.

25. **Affordable housing**

It is proposed that 11 of the proposed flats would be made available as discounted market dwellings. This represents 29.7% of the total number of units and is acceptable to the Strategic Housing Officer. This figure has been included in the draft Section 106 Agreement.

CONCLUSION

26. The proposed development would bring an underused, brownfield site into beneficial use and is considered appropriate and well designed for its canalside location. Due regard has been taken of its ecological importance and the scheme provides for the enhancement of the canal corridor. Following extensive publicity of the proposals, no public objections have been received and no existing residents would be adversely affected. Access, parking and the suitability of the site for residential use have been agreed by the technical consultees. A draft Section 106 Agreement covering a public open space contribution and affordable housing has been prepared. It is, therefore,

considered that the development accords with all the relevant Council policies and national guidance.

RECOMMENDATION

27. It is recommended that the application be approved subject to:-

- a. The applicant entering into a Section 106 Obligation for (1) a contribution to off-site recreational public open space enhancement and (2) affordable housing.
- b. In the event that an Obligation is not entered into/completed within a two month period of the resolution to grant approval, the application may be refused if appropriate.
- c. The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary:-

Reason for approval

The proposed development would bring an underused, brownfield site into beneficial use and is considered appropriate and well designed for its canalside location. Due regard has been taken of its ecological importance and the scheme provides for the enhancement of the canal corridor. Following extensive publicity of the proposals, no public objections have been received and no existing residents would be adversely affected. Access, parking and the suitability of the site for residential use have been agreed by the technical consultees. A draft Section 106 Agreement covering a public open space contribution and affordable housing has been prepared. It is, therefore, considered that the development accords with all the relevant Council policies and national guidance.

Adopted UDP (2005)

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Informative

The development shall be constructed in accordance with the approved plans numbered 2K5-B13/051, 2K5-B13/106, 2K5-B13/050, 2K5-B13/100, 2K5-B13/101, 2K5-B13/102, 2K5-B13/103, 2K5-B13/104, 2K5-B13/105, 2K5-B13/150.

Conditions and/or reasons:

1. To prevent pollution of groundwater in accordance with Policy EP3 of the adopted Dudley UDP.
2. Development shall not begin until details of the type, texture and colour of materials to be used in the external elevations have been submitted to and approved by the local planning authority. Development shall be in accordance with the approved details.
3. No development shall take place until there has been submitted to and approved by the local planning authority in writing a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.
4. All planting, seeding or turfing comprised in the details of landscaping approved in accordance with condition 3 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the

development whichever is the sooner; and any trees, hedgerows or plants contained in the approved planting scheme which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

5. The landscape scheme to be submitted under Condition 3 shall be based upon the Landscape Layout produced by Landscape Cubed and numbered 2K6-L4002/001 subject to the following revisions:-
 - i) only partial infilling of the canal basin shall take place
 - ii) the provision of appropriate shrubs along the frontage to Highfields Road (subject to visibility requirements)
 - iii) any changes to the canal edge required by British Waterways
6. A management and maintenance plan for the open/communal areas of the site including the area around the canal basin shall be submitted to and agreed in writing by the Local Planning Authority before any of the dwellings are occupied. Such agreed plan shall be observed and carried out for the life of the development.
7. No development approved by this permission shall be commenced until a scheme to deal with contamination of land has been submitted to and approved by the Local Planning Authority and until the measures approved in that scheme have been fully implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically in writing:-
 - i. a desk-top study to formulate a conceptual model of the site. The requirements of the Local Planning Authority shall be fully established before the desk-study is commenced;
 - ii. once the desk study has been approved by the Local Planning Authority, a site investigation shall be carried out to identify and evaluate all potential sources and impacts of identified contamination in accordance with the conceptual model. The findings of the site investigation shall be presented in report format for approval by the Local Planning Authority and shall include a risk-based interpretation of any identified contaminants in line with UK guidance;
 - iii. Following the approval of both desk study and site investigation reports, a written remediation scheme and method statement shall be agreed in writing with the Local Planning Authority prior to commencement. No deviation shall be made from this scheme without the express written permission of the Local Planning Authority. Such a scheme shall include provisions for validation monitoring and sampling and be retained throughout the life of the development;
 - iv. No development approved by this permission shall be commenced until a validation scheme and validation criteria for the use of imported material and reuse of site-won materials is submitted to and approved by the Local Planning Authority. No deviation shall be made from this scheme without the express written permission of the Local Planning Authority. Such a scheme shall include provisions for validation monitoring and sampling and be retained throughout the lifetime of the development.

8. If during development works any contamination should be encountered which was not previously identified or is derived from a different source and/or of a different type to those considered under contamination proposals (if applicable) then the Local Planning Authority should be notified and remediation proposals formulated/amended for consideration. If during development work, contaminants are found in areas previously expected to be clean, then the Local Planning Authority should be notified and remediation proposals formulated/amended for consideration.
9. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed with the Local Planning Authority), has been submitted to and approved by the Local Planning Authority. Such a strategy shall facilitate the identification of methane and/or carbon dioxide gases. Where the investigations identify the presence of carbon dioxide and/or methane the development shall not begin until a scheme to protect the development from the effects of such gases has been submitted to and approved by the Local Planning Authority. Such scheme shall: include provisions for validation monitoring and sampling; be implemented in accordance with the approved details before the development is first occupied; and be retained throughout the lifetime of the development.
10. No development approved by this permission shall be commenced until:- (a) the application site has been subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved by the Local Planning Authority; (b) detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved by the Local Planning Authority; (c) for each part of the development contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such developments appropriate; (d) if during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then revised 'Contamination Proposals' shall be submitted to the Local Planning Authority; (e) if during development work site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed 'Contamination Proposals'.
11. Nothing other than uncontaminated excavated natural materials shall be deposited on the site.
12. The construction of the site foundations shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before the development commences.
13. Development shall not begin until a scheme for protecting the proposed dwellings from noise from traffic noise and the haulage yard opposite has been submitted to and approved by the local planning authority, and all works which form part of the scheme shall be completed before any of the permitted dwellings is occupied.