

Mr Chris Wardle 8 Walsall Street Wednesbury	<b>2 No. 3 bedroom dwellings.</b> Land to the rear of Churchills 8 Walsall Street Wednesbury WS10 9BZ
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**Date Valid Application Received:** 8<sup>th</sup> March 2019

**1. Recommendations**

Refusal is recommended on the following grounds that:-

- i) The development would be out of character with surrounding historic street scene by reason of its modern design, contrary to the Adopted Revised Residential Design Guide.
- ii) The development would be Detrimental to the amenities of neighbouring residential property by reason of loss of light, outlook and privacy.
- iii) The development would be contrary to the provisions of the Adopted Revised Residential Design Guide (Appendix 3 – Highways Guide) and therefore would be detrimental to highway safety on the grounds that it would (a) exceed the number of dwellings that can be served off a private drive; (b) the private drive is insufficient in width to allow two vehicles to pass, (c) that the proposed parking spaces are below recommended standard sizes, and (d) visibility on exit/egress from the drive is unsatisfactory.

**2. Observations**

At your last meeting Committee resolved to visit the site.

**Planning History**

The application is being reported to your Committee at the request of Councillor Peter Hughes due to objections raised by residents.

The application site (disused bowling green), and adjacent club premises, known as “Churchills”, has been the subject of complaints in recent years in connection with the unauthorised use of the former bowling green as a beer garden. Members may recall refusing a retrospective application in 2017 (DC/17/60987) in relation to Churchills and its associated land.

I am advised that it has been more than 5 years since the bowling green was last in use for its original purpose.

### **Application site and surroundings**

Churchills is located on the north side of Walsall Street, close to Wednesbury Town Centre. Its former bowling green, located at the rear of the club building, is surrounded by housing off Squires Walk and Hollies Drive. Only pedestrian access exists to the application site via the existing club premises. However, there is an existing private un-adopted drive serving as a vehicular access to 5 houses in Hollies Drive and Squires Walk which extends along the northern boundary of the former bowling green. There is a pedestrian gate into the application site from the private drive but no vehicular access into the site. There is a significant (2-3m) drop in levels from the access drive down to the level of the former bowling green and the embankment is covered in existing self-setting shrub and tree planting.

### **Proposal**

This is a full planning application for the construction of 2 x 3-bed two-storey detached modern houses with access and parking proposed via the un-adopted drive off Hollies Drive. Each 3-bed house would front the existing access drive, with 2 elevated off-street parking spaces and provide larger than average private rear amenity space. Most of the self-setting tree and shrub planting along the un-adopted road would be removed to gain access to the development. A landscaped buffer would be provided between the rear gardens of the houses and the existing club.

The application is accompanied by a coal mining risk assessment.

## **Publicity and consultation responses**

The application has been publicised by neighbour notification. I have received 14 objection letters together with a petition of objection signed by 20 residents in Hollies Drive, Squires Walk and one resident of Crankhall Lane. The grounds of objection are summarised as follows :-

- i) Inadequate access, narrowness and inadequate visibility;
- ii) Insufficient parking causing parking problems;
- iii) Noise;
- iv) Loss of light;
- v) Loss of privacy;
- vi) Over-shadowing and loss of outlook;
- vii) Problems with drainage and other service provision;
- viii) Loss of greenspace;
- ix) The land should only be used for recreational purposes as identified in the deeds;
- x) Residents do not believe that the applicant has a right of vehicular access over the private drive;
- xi) Concern that any new occupants would be eligible for the residents parking scheme, already at capacity;
- xii) Removal of established tree/hedge planting would damage the character of the area;
- xiii) The development would detract from this old and historical part of Wednesbury as the surrounding property are Victorian in character;
- xiv) Damage to the private access drive, particularly during construction;
- xv) Difficulty for emergency vehicles to gain access;
- xvi) The development does not constitute affordable housing;

**West Midlands Fire Service** – Neither support nor object to the proposal. The comments received state “Water supplies for firefighting should be in accordance with "National Guidance Document on the Provision for Fire Fighting" published by Local Government Association and WaterUK”.

**West Midlands Ambulance Service** – has not responded.

**Coal Authority** – No objections subject to a condition relating to site investigations.

**Highways** – Objection. The proposal would contravene the standards set out in Appendix 3 of the Council’s Adopted

Residential Design Guide in that no more than 5 dwellings can be served off a private drive and this proposal would introduce a further two dwellings which is unacceptable. In addition, the width of the drive is too narrow to allow two-way traffic at its entrance and vehicular visibility is poor due to the existence of existing development built to the back of the footpath. Also, the proposed parking spaces are too small. In addition, there is a residents parking scheme on Hollies Drive where parking permits are restricted due to the limited amount of road space available. Current parking levels already cause some servicing and delivery issues for existing residents and it is considered that this proposal could worsen the situation.

**Environmental Health** – (Air Quality Team) Recommends the installation of electric vehicle charging points per house. (Noise Team) has no objections subject to construction hours limitations.

**Planning Policy** – The site is unallocated within the development plan and would therefore be assessed as Windfall Development (Policy SAD H2) and is considered acceptable from this policy context. The development is liable to the Community Infrastructure Levy.

**Urban Design** – Although there is space to accommodate the development, the units would be isolated, some 35m away from the highway.

**Healthy Urban Living** – Recommends the installation of electric vehicle charging points and that consideration of bin storage should be incorporated into the development.

### **Responses to objections received**

In addressing objections received I comment as follows:-

- i) Highways share these concerns.
- ii) The development as proposed provides two off-street spaces per dwelling which accords to adopted standards. However, the spaces are substandard in size and this has been raised by Highways.
- iii) It is not considered that a small residential redevelopment of the site would cause undue noise in the long term. There would undoubtedly be some disruption during construction, but this would be temporary.

- iv) It is agreed that the proposals would adversely impact on light and this is discussed later in the report.
- v) As iv above.
- vi) As iv above.
- vii) Drainage of the development would be dealt with by planning condition and via Building Regulations should your Committee be minded to approve the application. Any other issues arising with other underground services fall outside the remit of the determination of this application.
- viii) Whilst the loss of the bowling green is unfortunate it is not a publicly accessible or designated green space. It was a private bowling green linked to the Churchills and has become overgrown due to lack of use. There is no requirement for Sport England to be consulted on the matter given that it has been out of use for 5 years. The owner is attempting to find a suitable alternative use/development for the land as would be expected.
- ix) Specific clauses contained in private property deeds cannot be challenged by the local planning authority. This would be a matter for the objectors to pursue with the applicant from a legal perspective.
- x) Refer to response ix above.
- xi) Addressed by Highways.
- xii) The self-setting hedging/trees within the application site are unprotected. They do support wildlife, but the applicant could remove this landscaping without prior planning consent. The proposal does show that some planting would be retained and could be enhanced with a landscaping condition if Committee were minded to approve.
- xiii) I share these concerns relating to character and this issue is addressed later in this report.
- xiv) Any damage caused to the private access drive during construction phase would be a private matter for the applicant and residents concerned to resolve.
- xv) Emergency Services have been consulted on the application.
- xvi) This development does not constitute affordable housing. Affordable Housing policy applies where the development proposed is 15 dwellings or more.

### **Comments and conclusions**

I have several issues with this proposal and consider that it should be resisted.

Firstly, I am concerned about character. This part of Wednesbury has a unique and special character made up of Victorian buildings with a design code that characterises the area. It is not considered that the proposed modern houses would complement the positive historic distinctiveness that this locality presents, and the houses would appear incongruous in the street scene, notwithstanding the fact that they would sit at the rear of nearby houses. I therefore conclude that the proposal would be contrary to the provisions of the Residential Design Guide in this regard.

Secondly, the development would have an adverse impact on the light, outlook and privacy of nearby residents. 4 Hollies Drive would suffer from loss of outlook and light due to the position and height of plot 2 in relation to it and the existence of a main habitable room on the rear wing of no. 4 Hollies Drive at ground level. Furthermore, the gap between plot 2 and a kitchen window at no. 4 Squires Walk is deficient thus causing a loss of privacy. I am also generally concerned about overlooking of nearby residential property even with the oblique angles shown on the submitted plans and this is due to the height of the proposed buildings, land levels and proximity of the dwellings to neighbouring property.

Finally, there are a number serious highway issues with the proposal, all of which contravene standards set out in the Residential Design Guide.

To conclude, although in principle, residential development of this site could be supported by adopted development plan policy contained in SAD H2 (Windfalls), this specific proposal falls in relation to the Council's Adopted Revised Residential Design Guide in terms of its general impact on the street scene, on loss of neighbouring residential amenity and on highway safety and should therefore be resisted.

### **3. Relevant History**

DC/17/60987	Retention of 2 bed flat, storage shed, decking and fencing at first floor, and of part of former bowling green as a beer garden/play area with play equipment at rear.	Refused 25/1/2018 No appeal.
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**4. Central Government Guidance**

National Planning Policy Framework promotes sustainable development.

**5. Development Plan Policy**

ENV3 – Design Principles

SADEOS9 – Urban Design Principles

SADH2 – Housing Windfalls

**6. Contact Officer**

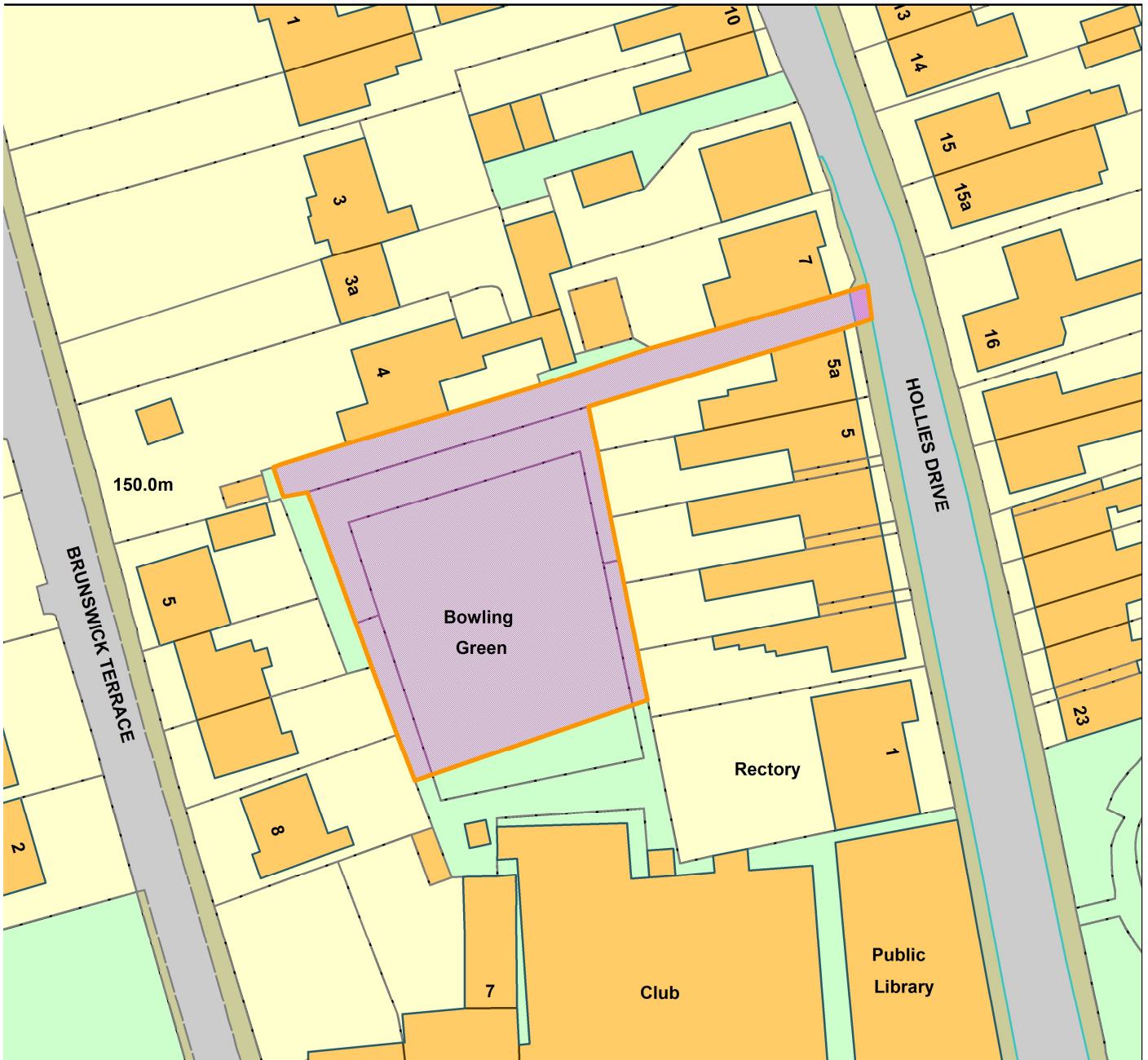
Mrs Christine Phillips

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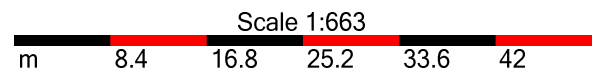
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Land to the rear of Churchills, 8 Walsall Street



**Legend**

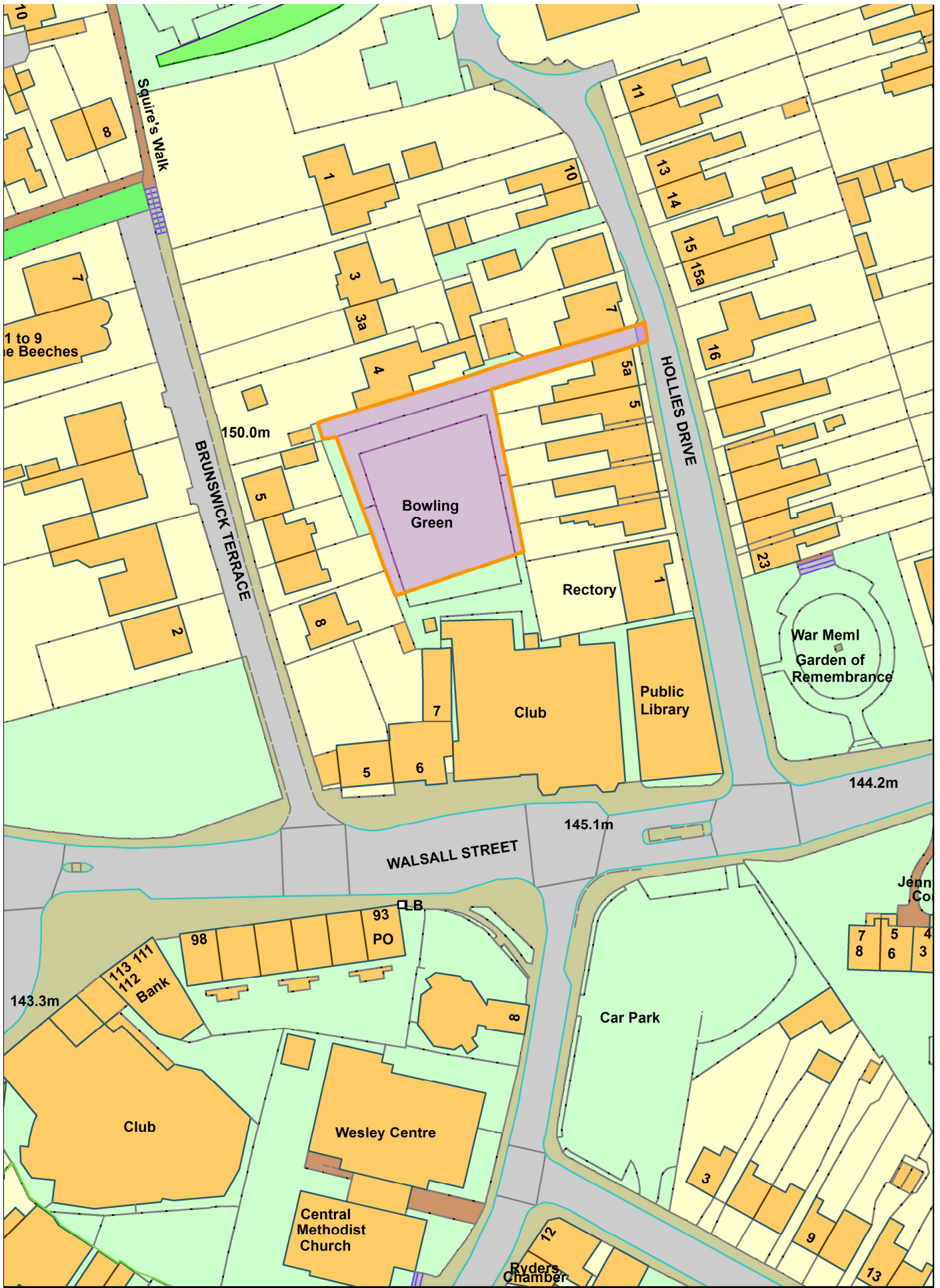
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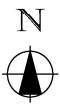
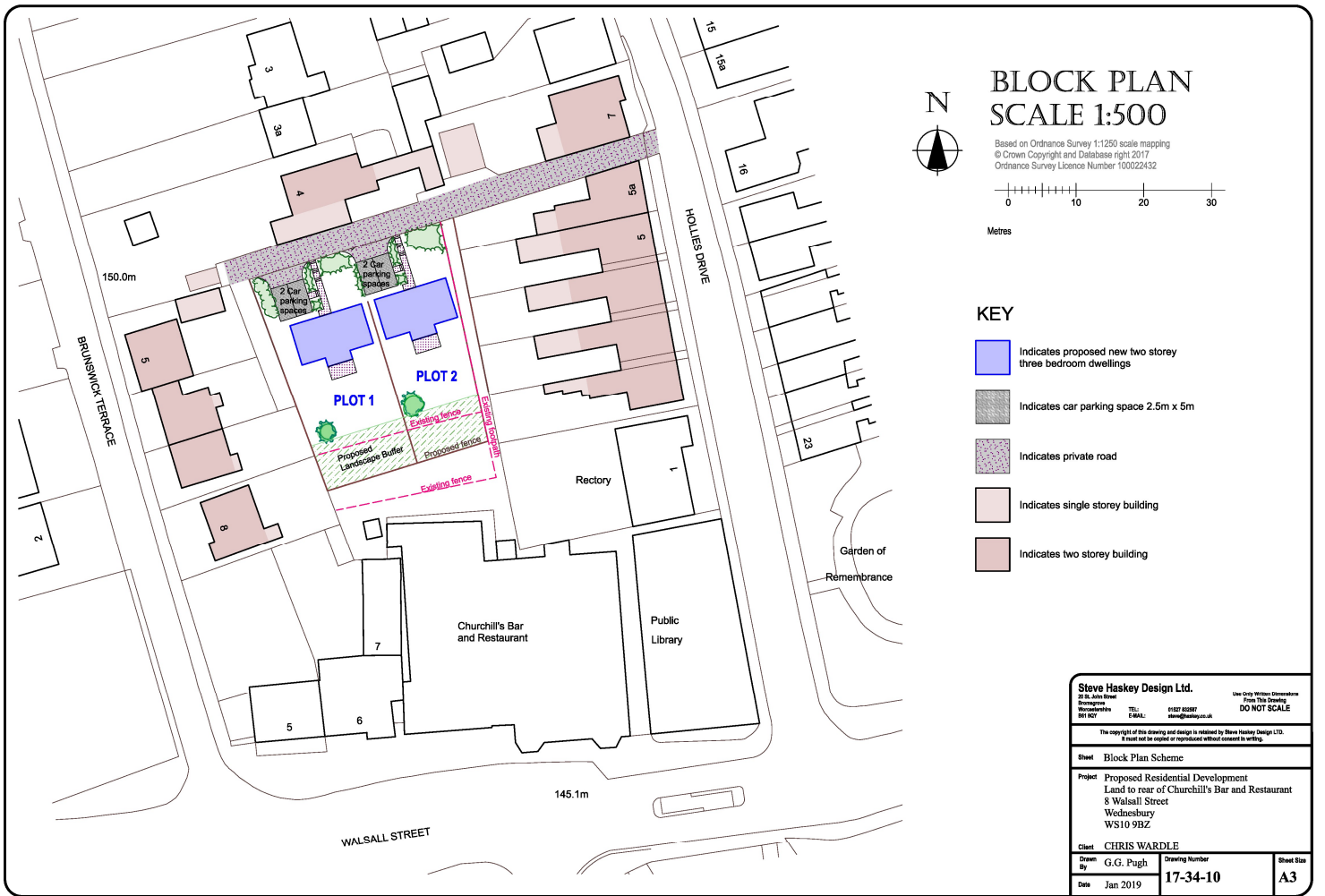




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# BLOCK PLAN SCALE 1:500

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### KEY

- Indicates proposed new two storey three bedroom dwellings
- Indicates car parking space 2.5m x 5m
- Indicates private road
- Indicates single storey building
- Indicates two storey building

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<b>Project</b> Proposed Residential Development Land to rear of Churchill's Bar and Restaurant 8 Walsall Street Wednesbury WS10 9BZ		
<b>Client</b> CHRIS WARDLE		
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<b>Date</b>		
Jan 2019		





SOUTH ELEVATION  
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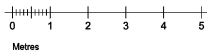


WEST ELEVATION  
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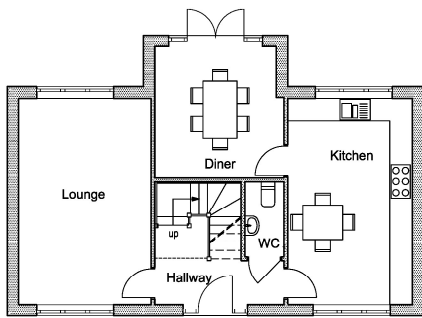
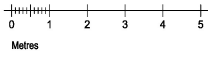
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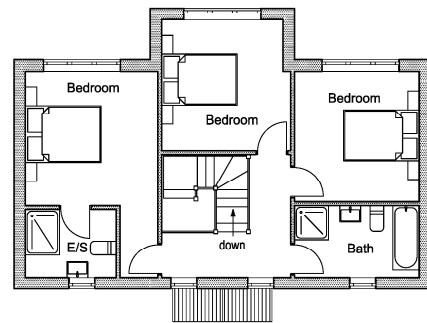
EAST ELEVATION  
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# GROUND FLOOR PLAN SCALE 1:100



# FIRST FLOOR PLAN SCALE 1:100



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