

# Report to Planning Committee

**10 November 2021**

<b>Application Reference</b>	DC/20/63911
<b>Application Received</b>	21 January 2020
<b>Application Description</b>	Proposed residential development of up to 84 No. dwellings, associated public open space and infrastructure. (Outline Application for access).
<b>Application Address</b>	The Phoenix Collegiate, Friar Park Road, Wednesbury, WS10 0JS
<b>Applicant</b>	Phoenix Collegiate College
<b>Ward</b>	Friar Park
<b>Contact Officer</b>	William Stevens <a href="mailto:William_stevens@sandwell.gov.uk">William_stevens@sandwell.gov.uk</a>

## 1 Recommendations

1.1 That outline planning permission with access for residential development is granted subject to the further approval of Reserved Matters; appearance, landscaping, layout and scale, subject to the execution of a Section 106 agreement in terms of affordable housing and sports pitch replacement/upgrade and subject to the following conditions:

- (i) Ground investigation works;
- (ii) Details of improved access/widening to serve the new development;
- (iii) Drainage (including SUDS);



- (iv) Employment and skills opportunities;
- (v) 10% renewable energy;
- (vi) Ecological enhancement scheme/mitigation measures.
- (vii) Finished floor levels;
- (viii) Low level Nox Boilers;
- (ix) Construction management plan including hours, and dust control;
- (x) Coal Authority investigation;
- (xi) The housing density for the site shall not be less than 35 dph; and
- (xii) The submitted plans are for indicative purposes only,

Other conditions usually associated with residential schemes are covered by the above Reserved Matters.

## 2 Reasons for Recommendations

- 2.1 The proposal would provide much needed residential accommodation for Sandwell residents which would assist with meeting the Council’s housing targets.

## 3 How does this deliver objectives of the Corporate Plan?

	Quality homes in thriving neighbourhoods – The site is allocated for housing and will assist with meeting the Council’s housing targets within the Borough.
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## 4 Context

- 4.1 This application is being reported to your Planning Committee because the proposal is a major application and a Section 106 is required to secure affordable housing and contributions to the replacement existing sport pitches.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[Aerial View](#)

[Entrance to the site](#)



## 5 Key Considerations

- 5.1 The site is allocated for housing in the development plan.
- 5.2 The material planning considerations which are relevant to this application are: -

Access, and  
Planning gain (obligations, affordable housing etc)

## 6. The Application Site

- 6.1 The application site lies to the north of the former Phoenix Collegiate and adjacent to an existing sports centre and 5 aside football pitches. The site itself comprises grassed pitches.

## 7. Planning History

- 7.1 There is no relevant planning history.

## 8. Application Details

- 8.1 The application is for outline planning permission to include access for residential development. 84 residential units are shown along with a new road layout and a Local Area for Play (LAP) to the west of the site.
- 8.2 Access to the site will be from the existing access point on Friar Park Road, Wednesbury, however the existing road will be widened to accommodate the extra traffic.
- 8.3 Whilst an indicative layout has been provided, further reserved application(s) for appearance, landscaping, layout and scale would need to be submitted to secure a full planning permission.



## 9. Publicity

9.1 The application has been publicised by neighbour notification letters, site notice and press notice with objections being received which are summarised below.

## 9.2 Objections

Objections have been received on the following grounds:

- (i) Customers who use the sports facility, park along the proposed access way, causing congestion, and making passing of vehicles difficult;
- (ii) The sports facility is currently in operation and generates a level of noise and disturbance that could impact on the future occupiers, including flood lit pitches;
- (iii) Landscaping, and the potential for tree roots to damage the sports facilities football pitches; and
- (iv) Whilst not objecting to the application, a local resident has raised concerns over the impact the development may have on existing wildlife.

## 9.3 Responses to objections

I respond to the objector's comments in turn:

- (i) The road into the site will be widened to accommodate the extra flow of traffic and highways have raised no objections to the proposed access;
- (ii) Future residents will be fully aware of the existing sports centre and pitches and will be able to make an informed decision on whether to purchase a property on this estate,
- (iii) The developer or landowner will be liable for any damage to a private property,
- (iv) Whilst only outline, a significant level of existing vegetation is proposed to remain. As part of the site is allocated as a Site of



Local Importance for Nature Conservation (SLINC), an ecological survey has been submitted and concludes that mitigation measures through an ecological enhancement scheme will provide appropriate protection/mitigation for existing wildlife. Furthermore, the indicative layout shows the SLINC area to be retained and incorporates a children's play area. Therefore, the development will not negatively impact on the SLINC.

## 10. Consultee responses

### 10.1 Planning and Transportation Policy

Residential use is acceptable in this location being compliant with policy and raises no objections however the density levels should be at least 35 dwellings per hectare and the scheme as proposed is only 29 dwellings per hectare. Given that the scheme is indicative only a detailed plan should be provided to meet these standards at the reserved matters stage if outline approval is granted.

### 10.2 Highways

The access to the development site is from an existing entrance, and as such no objections have been received. Highways have made comments regarding the layout and the finer details of the proposal, but these details can be considered as part of the layout for the Reserved Matters application(s).

### 10.3 Public Health (Air Quality)

A construction management plan is recommended to minimise dust emissions during construction.

### 10.4 Public Health (Contaminated Land)

No objections raised. The topsoil's and made ground are suitable for re-use within the proposed development and hence remedial works are not



required. With regards to ground gas, installation of an appropriately validated gas resistant membrane has been proposed. The contaminated land team have recommended that this is controlled via condition.

### 10.5 Public Health (Air Pollution and Noise)

The submitted Noise Assessment's mitigation measures will reduce noise from the playing pitches if the windows remain closed. However, given that the sports centre was in place prior to this residential development, public health colleagues feel it would not be reasonable or practicable to require the operators of the soccer centre to reduce noise from activities on the existing pitches.

### 10.6 West Midlands Police

Has raised concerns over the Local Area for Play (LAP) in that the site provides no nature surveillance and could become an area where youths could congregate. In my opinion, a suitably designed scheme at the reserved matters stage could ensure that this area has good natural surveillance.

### 10.7 Sport England

Sport England had raised objections given the existing grassed sport pitches are to be built on. However, the applicant has agreed to pay for improvements of nearby pitches to mitigate for the loss of these pitches.

### 10.8 Severn Trent

Severn Trent recommend that their standard conditions are attached to any approval.



## 10.9 Coal Authority

The Coal Authority have raised no objections subject to the site being investigated for mine entries and mitigation measures put in place.

## 10.10 Construction Employment Skills Plan

Given the size of development, it would allow potential for local apprenticeships/jobs and skills as part of the construction of the development.

## 10.11 Urban Design

The Council's Urban Design Team have commented on the application and raised concerns over the masterplan layout. Again, this is for indicative purposes only and an opportunity to revisit the layout can be undertaken at the reserved matters stage if approval at outline is granted.

## 11. National Planning Policy

11.1 National Planning Policy Framework promotes sustainable development but states that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

## 12. Local Planning Policy

12.1 The following policies of the council's Development Plan are relevant:

DEL1: Infrastructure Provision

HOU1: Delivering Sustainable Housing Growth

HOU3: Delivering Affordable Housing

ENV1: Nature Conservation

ENV5: Flood Risk, Sustainable Drainage System and Urban Heat Island Effect

ENV6: Open Space and Recreation

ENV7: Renewable Energy



ENV8: Air Quality  
SAD H1: Housing Allocations  
SAD H3: Affordable Housing

- 12.2 DEL 1 aims to ensure that large development provide appropriate on and off site infrastructure to serve the development and mitigate impacts of the development. In this instance, a s106 agreement for both the provision of affordable housing and off site enhancement to other pitches complies with this policy together with the community infrastructure levy (CIL) which will be calculated as part of the detailed reserved matters scheme and payable on commencement of the scheme.
- 12.3 The site is allocated for housing under policy HOU1 and hence the proposal for new housing is compliant with this policy.
- 12.4 In respect of policies HOU3 and SAD H3, the viability appraisal has demonstrated that the scheme would not be economically viable with 25% affordable housing, however six affordable homes would still be provided and secured through a s106 agreement.
- 12.5 Severn Trent state that outstanding drainage matters can be addressed by condition (ENV5).
- 12.7 Renewable energy (ENV7) requirements can be dealt with by condition and further information as part of the Reserved Matters application(s).
- 12.8 The applicant is to provide contributions to the replacement sport pitches (ENV6), whilst the existing tree line surrounding the site and recommended ecological enhancements complies with polices ENV1.

### 13. Material Considerations

- 13.1 National and local planning policy considerations have been referred to above in sections 11 and 12. With regards to the other material considerations, these are highlighted below:



Access,  
Planning gain (obligations, affordable housing etc)

## 13.2 Access

It is considered that the existing access into the site (albeit the road is to be widened) is utilising an established access point and is acceptable.

## 13.3 Planning gain (obligations, affordable housing etc)

Six affordable houses will be provided as part the development together with contributions to upgrade an off-site playing pitch within the local area.

## 14 Alternative Options

14.1 Refusal of the application is an option if there are material planning reasons for doing so, however given that the site is allocated for housing, a housing development is compliant with policy and there are no objections to the proposed access to the site.

## 15 Implications

<b>Resources:</b>	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the Council.
<b>Legal and Governance:</b>	This application is submitted under the Town and Country Planning Act 1990.
<b>Risk:</b>	None.
<b>Equality:</b>	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
<b>Health and Wellbeing:</b>	None
<b>Social Value</b>	Opportunities for jobs and apprenticeships for Sandwell residents.



## 16. Appendices

Site Plan

Boundary Plan: RDC1120\_101

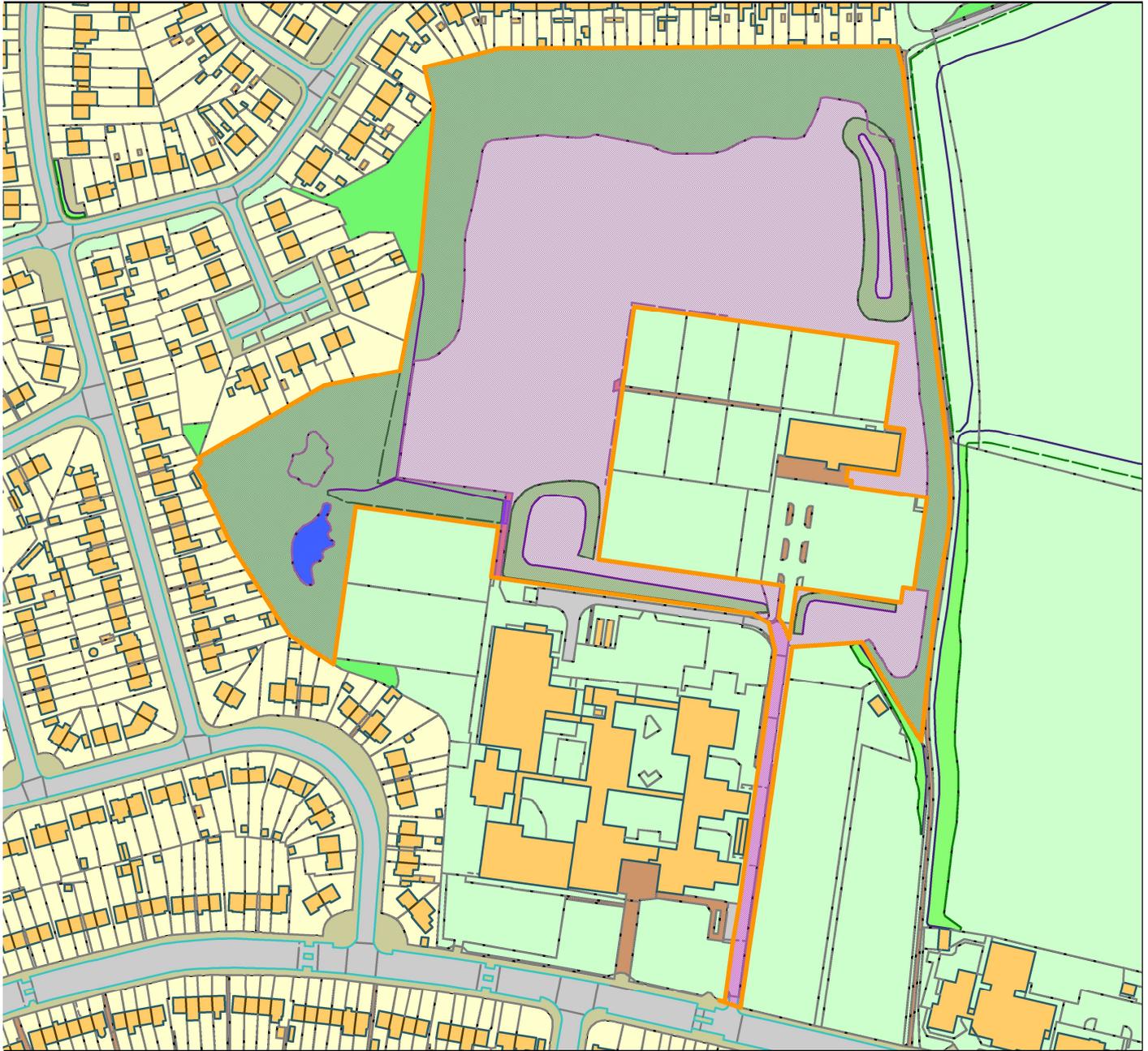
**Indicative** Landscape Masterplan: 11705-LD-01

**Indicative** Masterplan: RDC1120-105



DC/21/65829

The Phoenix Collegiate, Friar Park Road



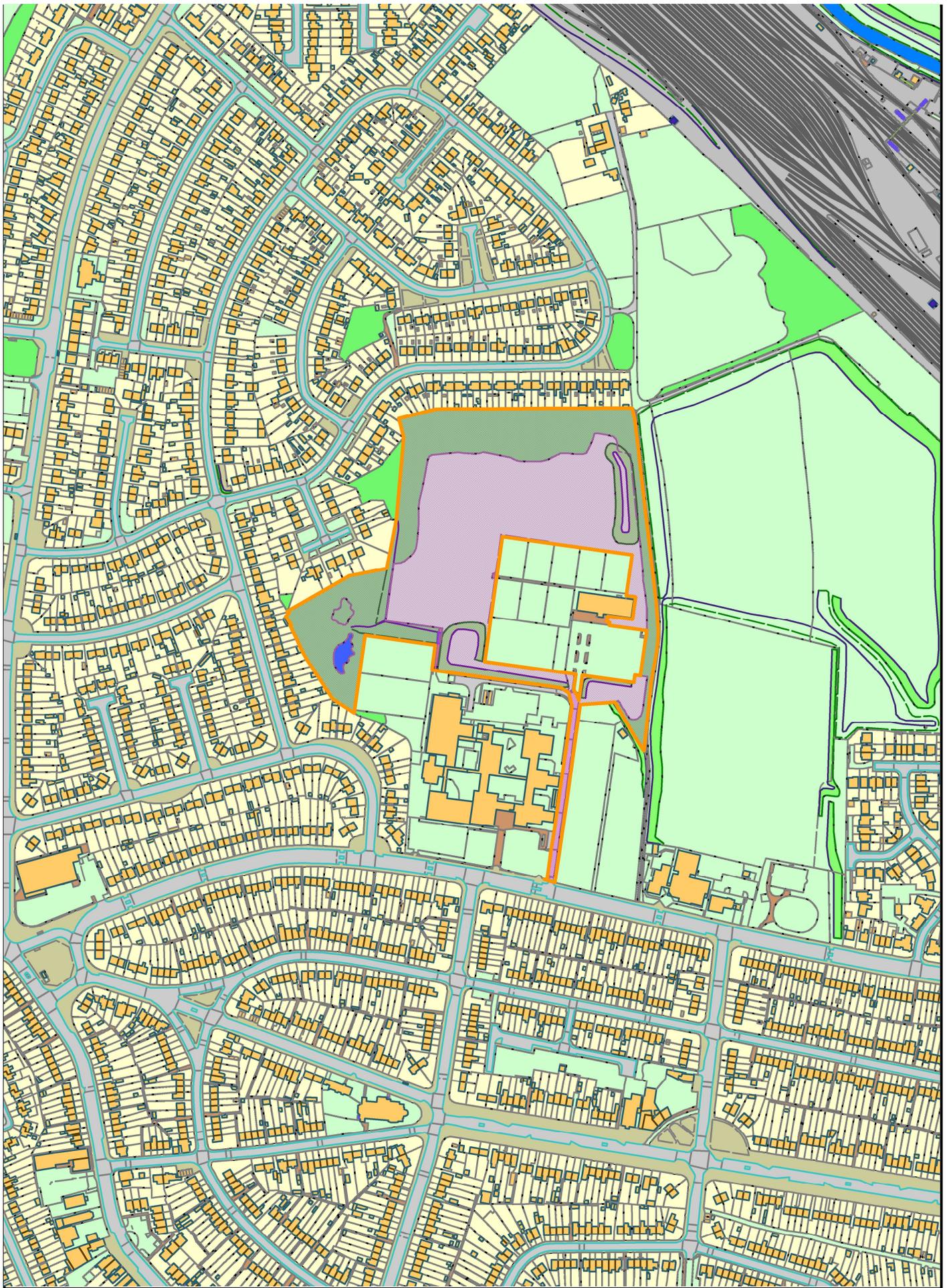
**Legend**

Sc 1:2674



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	27 October 2021
<b>OS Licence No</b>	



0m 20 40 60m  
scale 1:1000



Masterplan 1:1000 @ A2

RDC | 20-105

Former Phoenix Collegiate, Wednesbury



# KEY

-  Existing group of trees to be removed - see Arboricultural report "Former Phoenix Collegiate, Wednesbury, Arboricultural Impact Assessment and Arboricultural Method Statement" produced by ECUS Ltd
-  Existing group of trees to be retained in accordance with BS 5837. See Arboricultural report\* for further details
-  Existing tree to be retained in accordance with BS 5837. See Arboricultural report\* for further details
-  Proposed Groundcover Planting
-  Proposed Hedge Planting
-  Proposed Semi-Native Mix Shrub Planting
-  Proposed Shrub Planting
-  Proposed Bulb Planting
-  Proposed Grass - Turf. Hard wearing species mix. Shade tolerant species to be selected where required
-  Proposed Wildflower Meadow - General Purpose mix
-  Proposed Wildflower Meadow - Wetland species mix
-  Proposed Specimen Shrub
-  Proposed Tree - min 2m clear stem
-  Proposed Multi-stem Tree
-  Potential Informal Play / Nature Trail
-  Potential Location for Artwork / Signage

# KEY ELEMENTS

- 1 Gateway Feature**  
Specimen tree and or signage / artwork to provide a welcome into the development
- 2 Mound**  
Opportunity to create sculptural landform utilising surplus fill material. Informal play opportunities an opportunities for bringing biodiversity through inclusion of log piles / hibernaculars/ wildflower planting etc.
- 3 Local Area for Play (LAP)**  
Minimum 100m2 activity area intended for users less than 6 years of age. Enclosed by low native hedge (Beech). Sensory shrub planting at the entrance will extend the appeal of this area to a wider audience and create an attractive setting. Play equipment could utilise some of the felled woodland material to create climbing structures.
- 4 Native Planting**  
Native planting to integrate the development with the existing, retained woodland. The planting provides an attractive outlook for adjacent properties whilst bringing benefits to local wildlife. In the south west of the site, this planting will act as a buffer for the play area and help integrate the development with the existing pond.
- 5 SUDs**  
Area for SUDs. Meadow mixture for wetlands will respond to the wet conditions bringing a low maintenance solution which will bring year round interest and a boost to local biodiversity.
- 6 Area of Mine**  
No tree or shrub planting.
- 7 Screening**  
Tree and native hedge planting to help screen the Sports centre activities. Where space for trees is limited, native shrub planting will be planted.
- 8 Village Square**  
Feature paving to create a centre for the development. Pedestrian priority. Informal play opportunities for older children. Enhanced planting will frame the square to augment the feeling of space. Opportunities for artwork / signage.
- 9 Rear Garden Trees**  
Carefully positioned, where space permits, to be visible from the streetscene.

# GENERAL NOTES

- Drawing for Planning purposes only
- Refer to Arboricultural drawings and report "Former Phoenix Collegiate, Wednesbury, Arboricultural Impact Assessment and Arboricultural Method Statement" produced by ECUS Ltd for details of existing vegetation to be retained and protection measures.
- Building layout and masterplan provided by RDC Architects on drawing number RDC1120/100A.
- Building foundations to be confirmed by Engineer with reference to planting proposals and NHBC guidance (or alternative where applicable). Tree locations to be fully co-ordinated once building foundation depth are confirmed. Requirements for root barriers to be confirmed by an engineer.
- Refer to Engineer's details for level and drainage information
- Setting out on site to be agreed with Landscape Architect
- Check all dimensions on site.
- Do not scale from this drawing
- Report any discrepancies and omissions to Ecus Ltd
- This drawing is Copyright
- All levels indicative only. Extrapolated from site levels. All require to be checked.

# 3RD-PARTY INFORMATION

NB This drawing includes information provided by independent surveyors and / or consultants, to whom all queries shall be made. Ecus Ltd can accept no liability for its context or accuracy.

# DESIGN

Unless stated otherwise, the designs shown are subject to detailed site survey, investigations, and legal definition, the CDM regulations and the comments and / or approval of the various relevant Local Authority Officers, Statutory Undertakers, Fire Officers, Engineers and the like. They are copyright, project specific and confidential. No part is to be used or copied in anyway without the express prior consent of ECUS Ltd.

# 3RD-PARTY INFORMATION

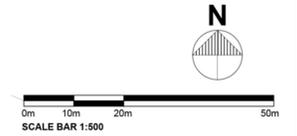
NB This drawing includes information provided by independent surveyors and / or consultants, to whom all queries shall be made. Ecus Ltd can accept no liability for its context or accuracy.

# TREE NOTES:

Note that all tree locations are subject to coordination with services, to be undertaken by others. **The requirement for root barriers is to be confirmed by an engineer.** Note that it is best practice that root barriers are required to extend 2m beyond the mature canopy spread of new trees to protect all structures and hard landscape elements, such as highways, services and buildings. In addition, root barriers are required for all new trees within 5m of highways - e.g. Greenleaf 'Reroot 2000' or similar. Depth of tree root barrier to be confirmed by an engineer once services design has been produced at construction detail.

# CDM - Risks / Hazards

1. Proposed locations of landscape elements shown are subject to the presence of below ground services. A detailed survey is to be undertaken and necessary method statements prepared and approved prior to undertaking any excavations / work within this area.
2. Care to be taken when working in proximity to the surrounding existing roads.
3. Care to be taken when working in proximity to existing areas where there are level changes - risk of slip/trips/falls.
4. Care to be taken when clearing the existing site due to the potential presence of needles, litter etc.



A	12.12.19	JS	Ecus	Preliminary
REV	DATE	DRAWN BY	CHECKED BY	REVISION COMMENT

DRAWING STATUS: Planning



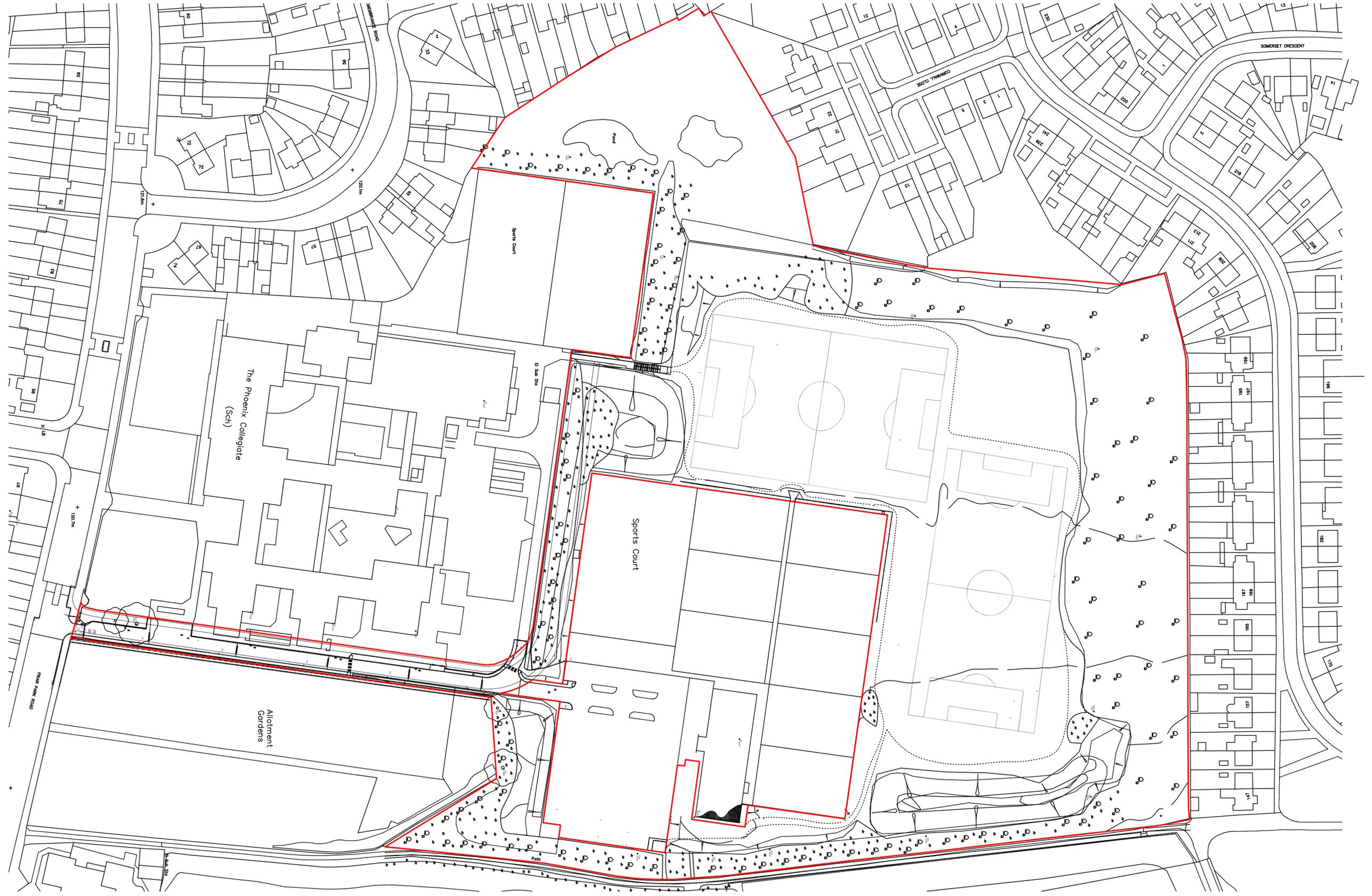
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Blackburn Road  
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Job  
**Former Phoenix Collegiate, Wednesbury**

Title  
**Landscape Masterplan**

Drawn by	Date	Scale	Drg. no.
JS	Dec 19	1:500 at A0	11705-LD-01

0m 20 40 60m  
scale 1:1000



Application Boundary Option B 1:1000 @ A2

Drq No. RDC1120\_101

Former Phoenix Collegiate, Wednesbury