

PLANNING APPLICATION NUMBER: P05/1430

Type of approval sought	FULL PLANNING PERMISSION
Ward	HAYLEY GREEN & CRADLEY SOUTH
Applicant	ORWELL DEVELOPERS LTD
Location:	144-148, HAGLEY ROAD, HAYLEY GREEN, HALESOWEN
Proposal:	DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 23 NO DWELLINGS AND ASSOCIATED ACCESS
Recommendation summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The application site is currently occupied by:
 - No.144 Hagley Road and 'Adria', a pair of semi-detached houses;
 - A vehicle repair garage/petrol filling station sited immediately adjacent the semi-detached houses;
 - A vacant bungalow sited directly to the rear of the garage, set within neglected and derelict grounds;
 - 2no. detached bungalows with long rear gardens, no.s 146a and no.148 Hagley Road.
2. This 0.4 ha site is bounded to the east by residential properties on Hagley Road, to the north by houses on Long Mynd, and to the west by houses on Foxlea Road. There are a number of mature trees at the site, both along the Hagley Road frontage which screen views of no.s 146a and 148 and also along the northern boundary, which partly screen views of the site from houses on Long Mynd. Uninterrupted views of the garage and the adjacent semi-detached pair of houses can be gained from Hagley Road. Foxlea Road to the east is a cul-de-sac, with the end properties being 'side-on' to the application site. The character of the surrounding area is mixed in terms of type, design and age of housing,

PROPOSAL

3. It is proposed to demolish the existing buildings on the site and to erect 19no. 1 and 2-bed houses and a three storey high building forming 4 apartments, at a density of 58 dwellings per hectare. All but two of the houses are terraced, and the 2-bed houses include room in the roofspace to accommodate habitable rooms. The site layout is a

courtyard arrangement, with parking spaces provided centrally within the development. The sole access to the site will be from Hagley Road.

- 4 The application is accompanied by a tree survey which identifies that many of the small and insignificant garden trees and bushes at the site will be removed. The larger trees will remain largely intact, with the exception of five trees which will have to be removed to facilitate development. The majority of the major trees are to be retained, although these will be subject to deadwood removal and crown raising in some instances.
- 5 A bat survey has been submitted which concludes that there is no evidence of any bat species at the site in the recent past.

HISTORY

6. None.

PUBLIC CONSULTATION

7. Letters of objection have been received from the occupants of eight properties on Hagley Road, Foxlea Road and Long Mynd. A petition of objection signed by the occupants of eight properties on Foxlea Road has also been received. The following concerns, material to the determination of the application, have been raised:
 - Loss of privacy and overshadowing of nearby properties resulting from the erection of three storey dwellings and removal of existing trees;
 - The proposal constitutes an over-intensive form of development which is out of character with the area;
 - The development is poorly designed;
 - Loss of wildlife, including bats;
 - Increased traffic on Hagley Road;
 - Access to and from the busy Hagley Road would be a hazard to highway safety;
 - The proposed pathways to the rear of the dwellings would result in a loss of security to existing properties
8. Councillor Burston objects to the development on the grounds of the development being overintensive, loss of privacy, removal of trees, and highway safety implications.

OTHER CONSULTATION

9. The HEP recommends the imposition of conditions relating to a) noise protection to the proposed dwellings from road traffic noise, and b) the submission of details in relation to the removal of contaminated land and fuel storage tanks from the site.

10. The HTRS has no objection to the proposal.
11. The Highways Agency has no objection to the proposal.

RELEVANT PLANNING POLICY

12. Policies DD1, DD4, and H6 of the Revised Deposit UDP.
13. Design For Community Safety Supplementary Planning Guidance.
14. PPG3 (Housing)

ASSESSMENT

15. The development proposes a variety of house types. This is in accordance with PPG3 advice that local planning authorities should provide wider housing opportunity and choice and a better mix in the size, type and location of housing and should seek to create mixed communities.
16. PPG3 also advises that new residential development should ideally be located on previously-developed sites within the urban area and be of a density of between 30 – 50 dwellings per hectare. Policy H6 of the Revised Deposit UDP however encourages the highest possible density for residential developments taking into account factors including the requirement to make full and efficient use of land, the local context, and the principles of good residential design. Although housing in the surrounding area is of a lower density, the proposed development would not appear to be unduly out of keeping or 'overdeveloped' in relation to the form of existing housing in the area. Therefore the density proposed is acceptable. The other primary issue for consideration is compliance with Policy DD4 of the Revised Deposit UDP which seeks to ensure that development in residential areas does not adversely affect the character of the area or residential amenity and that no detrimental impact on highway safety would result.
17. In terms of the layout of the site, the development conforms with the principles of good urban design in that it is an inward-facing scheme which provides active surveillance of the courtyard and parking areas. In street scene terms, the proposed buildings are attractively designed and would make a positive contribution to the quality of the environment. The proposal therefore complies with the requirements of Policy DD1 of the Revised Deposit UDP.
18. Ten of the proposed 19 houses have rear gardens of 11m or more length, in accordance with UDP requirements. Of the remainder, seven have gardens of 10m or 10.5m length, whilst two have 'awkwardly shaped' gardens which fail to meet the required length but do provide the minimum area suggested of 40 – 44 sq.metres. The

proposed apartments have only 50% of the 120sq.metres of private amenity space required by the UDP. PPG3 advises that, in order to maximise housing densities on previously-developed land, it may be necessary to reduce development plan standards in respect of layout and design. This scheme is consistent with this advice, and the proposed layout would not result in any adverse implications for the functioning of the development or its impact upon the character of the area.

19. Parking provision is in accordance with UDP requirements. Both the Highways Agency and the HTRS have no objection to the proposal subject to suggested conditions.
20. The proposed development includes works to be carried out to existing trees at the site in order to accommodate the dwellings and to ensure that garden areas and windows are not overshadowed by tree canopies. The Arboricultural Officer has no objection to the proposed works to be carried out to the trees. Although the development will change the outlook from existing properties surrounding the site, any visual impacts arising from the development would not be sufficient to warrant refusal of the application. With regard to potential privacy impacts, distances from habitable room windows at the proposed dwellings to windows at existing surrounding properties are in excess of minimum UDP requirements.

CONCLUSION

21. The proposed development complies with Policies DD1, DD4, and H6 of the Revised Deposit UDP and the advice given in PPG3.

RECOMMENDATION

22. It is recommended that the application is approved subject to a) the applicant entering into a Section 106 Agreement for a contribution to off-site recreational public open space enhancement, and b) the following conditions with delegated powers to the Director of the Urban Environment to make amendments to these as necessary:

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. No dwelling shall be occupied until the parking spaces shown on the approved plans have been surfaced and marked out. The spaces shall thereafter be retained and used for no other purpose than the parking of vehicles
3. This permission relates to plan drawing no.s
4. H01E Details of materials to be approved

5. No development shall commence until details of the proposed boundary treatment of the site have been submitted to and approved in writing by the local planning authority
6. J02A Landscaping scheme to be submitted
7. C02A Foul & surface water drainage
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) no tank for the storage of oils, fuels or chemicals shall be erected within the curtilage of a dwellinghouse unless it is sited on an impervious base 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%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage
9. C06A Details of levels
10. No development shall commence until the extent of proposed works to be carried out to the existing trees at the site have been agreed by the local planning authority
11. C09B Contaminated Land
12. C10C Contaminated Land (Soil Gases)
13. L01B * Noise protection scheme
14. No construction work on the dwellings shall commence until the 4.5m x. 120m visibility splay shown on the approved plan has been created, and the visibility splay kept free from obstruction throughout the works period
15. No development shall be commenced until:
 - a) a desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced;
 - b) a site investigation has been designed for the site using the information obtained from the desktop study and Conceptual Model. This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable the development of a Method Statement detailing the remediation requirements
16. If during development contamination not previously identified is found to be present at the site, then no further development shall be carried out until the developer has submitted an addendum to the Method Statement to the local planning authority and received approval for it. This addendum must detail how the unsuspected contamination is to be dealt with
17. Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the local planning authority providing verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report

18. Soakways shall only be used in areas on site where they would not present a risk to groundwater
19. No development shall commence until a scheme for the disposal of foul and surface waters has been approved by the local planning authority. The scheme shall be implemented in accordance with the approved details