

# PLANNING APPLICATION NUMBER:P06/1490

Type of approval sought	Outline Planning Permission
Ward	Belle Vale
Applicant	Directorate of Law and Property
Location:	<b>LAND AT, TENLANDS ROAD, HALESOWEN</b>
Proposal	<b>OUTLINE RESIDENTIAL (ALL MATTERS RESERVED)</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO A 106 AGREEMENT</b>

## SITE AND SURROUNDINGS

- 1 The application site is a vacant garage court, with 2 garages left standing (there used to be 50 garages on this site). The site is flat, 0.27 hectares, with a small central area of open space, and fringed by vegetation, including a large mature tree at the rear of 8/10 Albrighton Road. Except for this, the remainder of the site is hardstanding. There is fly tipping evident across the site. The site is surrounded by existing dwellings, some of which have a gated access onto the site. There is an existing vehicular access between numbers 2 and 4 Tenlands Road into the site.
- 2 Tenlands Road is a suburban street, with largely open frontages, with a doctor's surgery and nursery at the junction with High Farm Road. There is a 3 storey block of flats (Walton Court) opposite that junction. There is a similar garage court with an access opposite to the one serving the application site. That garage court is still in use.

## PROPOSAL

- 3 This is an Outline application, with all matters reserved, for residential redevelopment.
- 4 An indicative layout has been provided which shows the potential redevelopment of the site for 10 no. 2 storey dwellings – 8 terraced properties across the rear of the

site and two semi detached dwellings facing that row, and the existing access shown to be utilised. This cannot be considered at this stage.

## HISTORY

5 There is no relevant planning history.

## PUBLIC CONSULTATION

6 A letter of objection has been received from local resident. This is on the basis that that neighbour is alleging that he has a right of access across the site, used so that he can store a caravan in his rear garden – he is concerned that this “right” would be taken away from him if the site was redeveloped.

## OTHER CONSULTATION

7 **Head of Environmental Protection** – recommend conditions in respect of contaminated land and soil gases. No adverse comments on noise and air quality.

8 **Group Engineer (Development)** – it would be possible to provide an access to adoptable standards to serve in excess of 5 dwellings.

## RELEVANT PLANNING POLICY

9 *Unitary Development Plan (UDP)*

- DD4 - development in residential areas.
- DD6 – access and transport infrastructure
- DD7 – planning obligations
- DD8 – Provision of open space, sport and recreation facilities
- H3 – housing assessment criteria
- AM14 - parking
- NC9 – mature trees

10 *Supplementary Planning Guidance*

- Planning Guidance Note 3 (Housing)

## ASSESSMENT

- 11 The proposal represents the re-use of vacant, previously developed land in an accessible urban location for housing. The proposal therefore meets the general criteria set out in Policy H3 and is considered acceptable in principle.
- 12 The proposal would develop a vacant, fly-tipped site in a residential area, and thereby, be of benefit to the local community and environment.
- 13 There are examples of similar infill development nearby: Wassell Court (5 bungalows granted permission in 1973); Hasbury Close (5 bungalows granted permission in 1971); rear of 25-39 Wall Well (permission granted subject to a Section 106 Obligation in 2006 for 5 bungalows). The proposal will therefore not represent an isolated example of development disrupting the original settlement pattern.
- 14 It would be possible to create an acceptable vehicular access in the location of the current access to point to the site, however some modifications to the current arrangements would be required. These would be dealt with at the reserved matters stage.
- 15 Layout is also a reserved matter. Notwithstanding this, while there are concerns about the siting shown on the indicative layout (in terms of the form /pattern of the dwellings and the amount of amenity space available for future residents), it is considered that the site is sufficiently commodious to accommodate in excess of 5 residential units without prejudicing the amenity of the adjoining occupiers. (There is the potential for sufficient separation distances between existing and proposed dwellings to prevent overlooking), whilst providing an adequate level of amenity for future occupiers.
- 16 Given this potential capacity, of 5 or more dwellings the provision of measures to enhance an area of off site open space close to the site is required. It is recommended that a Section 106 Obligation be entered into to give effect to this.
- 17 In terms of landscaping, there is existing vegetation considered worthy of protection (particularly the large mature tree on the site). A condition has been recommended requiring a landscaping scheme to be submitted for approval.

- 18 The issue raised by the objector is not considered directly relevant to the acceptability of the principle of the residential redevelopment of the site, and is covered by civil law rather than planning law.

## CONCLUSION

- 19 The redevelopment of this site for housing is considered acceptable in principle, as the proposal represents the re-use of previously developed land in the urban area for housing. In addition, the site is considered sufficiently commodious as to accommodate a reasonable number of dwellings (in excess of 5) without harming the amenity of the occupiers of existing dwellings around the site, providing sufficient amenity space for future occupiers, and ensuring that highway safety is not prejudiced.

## RECOMMENDATION

- 20 It is recommended that Outline permission be granted, subject to
- a) The owners / successors in title entering into a Section 106 Obligation for a contribution to off-site public open space enhancement;
  - b) In the event that that Obligation is not entered into / completed within two months of the resolution to grant approval, the application will 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 redevelopment of this site for housing is considered acceptable in principle, this as the proposal represents the re-use of previously developed land in the urban area for housing. In addition, the site is considered sufficiently commodious as to accommodate a reasonable number of dwellings (in excess of 5) without harming the amenity of the occupiers of existing dwellings around the site, providing sufficient amenity space for future occupiers, and ensuring that highway safety is not prejudiced. There is therefore compliance with the development plan, in particular policies DD4 and H3 of the Unitary Development Plan.

Conditions and/or reasons:

1. Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereafter called the ('reserved matters')) shall be obtained from the Local Planning Authority before any development is begun.
2. Application for reserved matters approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission; and the development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
3. This outline permission does not relate to the layout, or authorise the erection of any buildings, shown on the plans accompanying the application.
4. Development shall not begin until all existing buildings have been demolished and all rubble removed.
5. None of the dwellings shall be occupied until works for the disposal of foul and surface water drainage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Local Planning Authority.
6. Development shall not begin including demolition until details of the existing and proposed levels of the site, which should be related to those of adjoining land and highways, have been submitted to and approved by the local planning authority. The development shall proceed in accordance with the agreed details.
7. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed by the local planning authority), has been submitted to and approved by the local planning authority. Such a strategy shall facilitate the identification of contaminants and permit the risk based assessment of the development site. Where the investigations identify the presence of contamination, development shall not begin until a scheme to protect the development from the effects of such contamination has been submitted to and approved by the local planning authority. Such a scheme shall: include provisions for validation monitoring & sampling; be implemented in accordance with the approved details before the development is first occupied; and be retained throughout the lifetime of the development.
8. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed by the local planning authority), has been submitted to and approved by the local planning authority. Such a strategy shall facilitate the identification of methane & carbon dioxide. Where the investigations identify the presence of methane and/or carbon dioxide 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 a scheme shall: include provisions for validation monitoring & sampling; be implemented in accordance with the approved details before the development is first occupied; and be retained throughout the lifetime of the development.
9. Prior to occupation the access and parking areas shall be graded, drained, levelled, surfaced and marked out and thereafter maintained available for use.

10. 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 and developed in accordance with approved details.
11. No development shall commence until details of the proposed boundary treatment for the site have been submitted to and approved in writing by the Local Planning Authority, with the approved details installed prior to the first occupation of the approved housing on the site.
12. The landscape scheme, to be submitted as part of the Reserved Matters submission, shall include indications of all existing trees on the land, and details of any to be retained, together with measures for their protection in the course of development.
13. Prior to the commencement of the development the details of a 2.4 m x 4.5 m visibility splay shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the agreed details prior to first occupation.