

PLANNING APPLICATION NUMBER:P06/2037

Type of approval sought	Outline Planning Permission
Ward	Gornal
Applicant	Ken Walmsley Homes Limited
Location:	2, COOPERS BANK ROAD, DUDLEY, DY3 2PT
Proposal	DEMOLITION OF EXISTING DWELLING AND ERECTION OF 6 NO. 5 BED AND 3 NO. 4 BED DETACHED DWELLINGS WITH ASSOCIATED ACCESS ROAD (OUTLINE) (ACCESS, LAYOUT AND SCALE TO BE CONSIDERED WITH ALL OTHER MATTERS RESERVED FOR SUBSEQUENT APPROVAL).
Recommendation Summary:	REFUSE

SITE AND SURROUNDINGS

1. The application site is approximately 0.6 hectare and comprises a 2-storey house, garden and adjoining fields. To the north of the site is a line of residential properties along Coopers Bank Road, to the east and south-west open fields, to the south residential properties and to the west the entrance to Gornal Cemetery.

PROPOSAL

2. The proposal is an outline application for the demolition of the house and the erection of 6 No. 5 bed detached houses plus 3 No. 4-bed houses and associated access road with matters of access, layout and scale to be considered at this stage, and those of appearance and landscaping to be reserved for future consideration. A Protected Species Survey Report and a Design and Access statement has also been submitted as part of the application. The scheme also proposes new foul and storm drainage connections that would enable the proposed houses and existing properties located in Coopers Bank Road to connect to the main sewer system.

HISTORY

3.

APPLICATION No.	PROPOSAL	DECISION	DATE
73/13198	Layout of golf course, construction of ancillary buildings and car parks.	Approved	19.02.74

PUBLIC CONSULTATION

4. Seven letters have been received, all from residents in Coopers Bank Road. Three of the letters are concerned about sewage and drainage, in particular that the row of properties south of the site be connected to the mains drains. The four remaining letters express concerns that include loss of Green Belt, dwellings should be single storey, drainage issues, flooding, traffic implications and responsibility for the area between the application site and one resident's house.

OTHER CONSULTATION

5. **Environmental Protection** - no objection subject to condition.

Group Engineer - Development - amendments are required to the design of the access road to comply with current design specifications, position of the footway crossing serving Plot No. 1 and reducing the number of spaces per dwelling prior to the highway authority being able to support the scheme.

RELEVANT PLANNING POLICY

6. **National Planning Guidance**
PPG2- Green Belts
PPS9- Biodiversity & Geological Conservation

Adopted Unitary Development Plan (2005)

AM14 - Parking
DD1 - Urban Design
DD4 - Development in Residential Areas
DD6 - Access and Transport Infrastructure
DD10 - Nature Conservation and Development
H1 - New Housing Development

H3 - Housing Assessment Criteria

H6 - Housing Density

HE1 - Local Character and Distinctiveness

NC1 - Biodiversity

NC4 - Local Nature Reserve and Sites of Importance for Nature Conservation

NC5 - Sites of Local Importance for Nature Conservation

NC6 - Wildlife Species

NC9 - Mature Trees

NC10 - The Urban Forest

S8 - Housing

S01 – Green Belt

ASSESSMENT

7. The application site is within the Green Belt, partially within a Landscape Heritage Area, and a Site of Local Importance for Nature Conservation (SLINC).
8. The SLINC designation means that the site is of Conservation importance to the Borough as a whole and the proposed residential development would represent a significant deterioration of the nature conservation resource of Dudley Borough.
9. The purposes of including land in Green Belts are:
 - * to check unrestricted sprawl of large built up areas;
 - * to prevent neighbouring towns from merging into one another;
 - * to assist in safeguarding the countryside from encroachment
 - * to preserve the setting and special character of historic towns; and
 - * to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The Green Belt designation of this area provides a unique and precious asset incorporating recreational and wildlife values, preventing residential encroachment into open fields and making an important contribution to the landscape character of the area. Central Government Planning Policy explains that the general policies

controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development with them. Such development should not be approved, except in very special circumstances that include the following purposes

- agricultural or forestry use;

- essential facilities for outdoor sport and recreation, for cemeteries, for uses which preserve the openness of the Green Belt and do not conflict with the purposes of the Green Belt;
- limited extension and/or alteration to buildings or the replacement of dwellings;
- limited infilling;
- the change of use of buildings within the Green Belt may be permitted if;
- the change of use or any associated alterations to the building and its surroundings would not materially affect the openness of the Green Belt;
- the buildings are of permanent and substantial construction and capable of conversion without major or complete reconstruction;
- the form, bulk and general design of the buildings are in keeping with their surroundings.

As such the residential development of the site would be highly inappropriate.

10. The site is part of a larger complex of designated wildlife sites. The development of this designated area would not only create a loss of wildlife habitat but increase the disturbance and loss of buffering for land of a higher designation, such as the adjacent Barrow Hill and Coopers Bank Site of Importance for Nature Conservation.

11. The site is partially located within a Landscape Heritage Area where the Council believes there is a need to maintain areas of particular ecological, historic and scenic importance. The proposed siting of the residential development within and adjoining a Landscape Heritage Area would significantly disrupt and adversely impact upon the character, quality and historic integrity of the landscape. The residential development

of the application site would be incompatible with the nature conservation value of the site and adjoining areas, adversely impacting upon the SLINC and adjoining site.

12. It is important that new development does not compound the decline of individual wildlife species (some that are protected by law) or their habitat requirements. A much more detailed study than that provided would be required to assess the true use and importance of the site for protected or rare species. Amongst many issues is that it notes the presence of Great Crested Newts, but this led to very little field work to assess this. No subsequent advice has been provided on how the development would affect this European protected species, which has been recorded within just 200 m of the site's boundary.
13. The site will certainly require, amongst other studies, a full bat survey, which has not yet been submitted, and a full assessment will be required in respect of the residential development and the impacts on both Great Crested Newts and bats.
14. The Council requires developments to consider and implement biodiversity improvements within their scope which echo PPS9 that calls for sensitive development and which protects and proactively improves nature conservation value. It is very difficult to see how this site could be improved or maintained in its wildlife value with the proposed layouts and scales of development within a designated Green Belt, SLINC and Landscape Heritage Area.
15. Notwithstanding the Green Belt, SINC, SLINC and landscape heritage issues the proposal would result in development at a density of 14 dph. This density and layout are considered to be appropriate taking into account the semi-rural surrounding character of the area.
16. Given that the proposal is for more than 5 dwellings, if the application were to be approved a contribution towards the provision and enhancement of public open space and equipped play facilities would be required, through the imposition of a Section 106 legal agreement.

17. If the application were to be approved further details would be required by condition, to amend the design of the access road to comply with current design specifications, position of the footway crossing serving plot No. 1 and reducing the number of parking spaces to a maximum of 2 parking spaces per dwelling.

CONCLUSION

18. Drainage improvements and the residential scheme as a whole do not outweigh the impact of the development on the Green Belt, CLINC, SINC and Landscape Heritage Area. It is therefore considered, and taking all factors into account, that the residential development of the site would be wholly unacceptable and lead to inappropriate development within the Green Belt, seriously detracting from and adversely impacting upon a SLINC, SINC and Landscape Heritage Area.

RECOMMENDATION

19. It is recommended that the application be refused for the following reasons:-

Conditions and/or reasons:

1. The Green Belt designation of this area provides a unique and precious asset incorporating an area of recreational and wildlife value, and making an important contribution to the landscape character of the area. As such, the proposed residential development would adversely impact on the openness and severely detract from the visual amenity of the area and lead to inappropriate development within the Green Belt contrary to Policies DD1, DD10, H3, S8 and SO1 of the adopted Dudley UDP (2005).
2. The proposed residential development would not only create a loss of wildlife habitat detracting from the nature conservation value of the Site of Local Importance for Nature Conservation (SLINC) but increase the disturbance to and loss of buffering for land of a higher designation, namely the adjacent Barrow Hill and Coopers Bank Site of Importance for Nature Conservation (SINC). As such; the

proposed development would be contrary to Policies DD10, H3, NC1, NC4 and NC5 of the adopted Dudley UDP (2005).

3. The location of the proposed residential development within and adjoining a Landscape Heritage Area would significantly disrupt and adversely impact upon the character, quality and historic integrity of the landscape contrary to Policies DD10, H3 and HE2 of the adopted Dudley UDP (2005).
4. Insufficient information has been received regarding the presence of legally protected species and it is not possible to fully assess the impact of the scheme in respect of Great Crested Newts and bats, contrary to Policies DD10, NC1 and NC6 of the adopted Dudley UDP (2005).
5. The lack of an undertaking to make a contribution towards public open space is contrary to the requirements of Unitary Development Plan Policies DD7, DD8 and LR1 and would result in an increase in the demand on local facilities with no compensation or enhancement, thus resulting in harm to the wider community around the site.