

PLANNING APPLICATION NUMBER:P06/2112

Type of approval sought	Full Planning Permission
Ward	Belle Vale
Applicant	Kendrick Homes Ltd
Location:	G CLANCEY LTD, BELLE VALE, HALESOWEN, B63 3PA
Proposal	ERECTION OF 87 DWELLINGS WITH ASSOCIATED ACCESS
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The application site is 1.65 hectares in size. It is elongated in shape with long frontages onto Belle Vale to the east and the River Stour to the north. To the south of the site are existing properties (detached dwellings), fronting Belle Vale.
2. On the opposite side of Belle Vale, there is a 2.5 metre high retaining wall with an area of vegetated open space beyond leading to dwellings, including flats. There is a footpath link from this direction, which emerges onto Belle Vale near the river.
3. At the rear, the site, there are wooded steep slopes. These slopes are between 5 and 11 metres higher than the ground level on the site, and are traversed by footpaths. They continue to rise outside of the site until they reach the rear of the dwellings fronting Stourdell Road, which are sited approximately 20 metres above the site. There is a retaining wall of up to 8 metres in height between at the rear of the site next to this slope.
4. The River Stour is contained within retaining walls, with the river at a level about 3 metres lower than the site. There is a culverted watercourse (the Lutley Gutter) running south to north across the site, with an outfall into the River Stour. It is exposed for a short length in a chamber near the centre of the site.

- 5 The land on the opposite side of the River Stour is within Sandwell MBC and contains water authority storm water tanks. That land has a frontage onto Congreaves Road, which Belle Vale has a sharp bend into. On the opposite side of Congreaves Road, is the entrance to Congreaves Hall (a Listed Building) and a car park at an entrance to Congreaves Nature Reserve.
- 6 The boundary to Belle Vale is mainly a 1.2 metre high screen wall with railings on top, behind which there is a hedge approximately 2.5 metre deep with some mature trees in it.
- 7 The site has now been cleared of buildings, except for a relatively small building near the River Stour. There are two existing (gated) access points onto Belle Vale, including one in the north west corner of the site.

PROPOSAL

- 8 The proposal is for 87 dwellings, 40 houses and 47 flats. The proposed flats are mainly 2 bedrooms, primarily shown sited along the Belle Vale frontage, especially around the proposed entrance to the site, and from there along that frontage towards the River Stour.
- 9 The proposed dwellings range in size from 2 to 4 storeys in height, with flats above garages at 2 storeys, the houses are at 2 ½ or 3 storeys (3 and 4 bedrooms), and there are 4 storey blocks of flats proposed either side of the proposed access.
- 10 This gives rise to a frontage onto Belle Vale comprising a mix of houses and flats with a varied ridge line and a staggered building line.
- 11 Vehicular access is shown onto Belle Vale, approximately 70 metres to the east of the existing bridge over the River Stour. Drives are shown onto Belle Vale to serve individual houses in the southern part of the site. An estate road serving 7 dwellings is proposed running off the main access drive, parallel with the course of the River Stour. Communal parking areas are proposed for the flats with an overall ratio of 120% parking.

- 12 Planting is shown alongside the River Stour, which is identified as a green corridor. The wooded embankment at the rear of the site is proposed to be enhanced, seeking to upgrade its nature conservation value. An emergency pedestrian escape route (in the event of flooding), with a gated access between plots 74 and 75, is shown linking to a footpath leading through the wooded embankment at the rear of the site, emerging out onto Stourdell Road.
- 13 The plans have been amended, seeking to address, in the main, concerns expressed with regard to access and parking and design issues.

HISTORY

- 14 The following planning history is relevant:-

APPLICATION No.	PROPOSAL	DECISION	DATE
P05/0936	Redevelopment for 89 dwellings (69 flats and 20 houses)	Granted, with 106 Obligation.	04.04.06
P07/0015	Culvert diversion	Approved	19.03.07

- 15 The terms of the Section 106 Agreement for the above permission were in relation to affordable housing and open space enhancement.

PUBLIC CONSULTATION

- 16 3 letters of objection have been received on this application. The issues raised, in summary, are:-

- reference is made to the previous application and that in the report on that application, concerns were raised about the design of the proposal, on site open space provision and the site's contribution to the Linear Open Space network – the current application gives the LPA the ability to address those concerns, yet the current layout fails to achieve this – in particular, there is an inadequate buffer /Linear Open Space shown between the dwellings and the River Stour – this has implications for public access, habitat creation – in addition, the design of the blocks with 3 and 4 storey buildings on the Belle Vale frontage is inappropriate;
- security concerns with regard to the reopening of the footpath from the site onto Stourdell Road;

- potential impact on wildlife, woodland, increase in traffic (and loading on the road bridge, light spillage, impact on the privacy of adjoining occupiers.

OTHER CONSULTATION

- 17 **Head of Environmental Protection (HEP):** Full comments awaited.

- 18 **Severn Trent Water** – no objection subject to conditions on drainage and sewer exclusion zones.

- 19 **Group Engineer (Development)** – had concerns on the scheme as originally submitted, eg with regard to a footpath link shown along the River Stour, the car parking shown for the houses fronting Belle Vale and turning within the external access road. Following the submission of amended plans, the relevant outstanding concern relates to the lack of a crossing facility on Belle Vale – such a facility would be in the interests of highway safety and encourage sustainable forms of transport.

- 20 **Environment Agency** – no objection in principle, subject to conditions on: drainage; surface water run –off limitation; watercourse exclusion zone; floor levels set above flood levels; no structures next to the river; flood warnings; replacement culvert to be provided; flood risk escape route; restoration of the river corridor; uncontaminated material to be used on the site; site investigation and method statement for

contamination; ecological assessment; contaminated soil to be treated or removed from the site.

21 **West Midlands Fire Service** – no objections.

RELEVANT PLANNING POLICY

22 Adopted Unitary Development Plan (UDP) (2005) –

EE2 – Local Employment Area

H3 – Housing Assessment Criteria

H4 – Housing Mix

H5 – Affordable Housing

H6 – Housing Density

DD1 – Urban Design

DD4 – development in residential areas

DD7 – Planning Obligations

DD8 – Provision of Open Space, Sport and Recreation Facilities.

DD10 - Nature Conservation and Development

DD11 – Water Courses

UR9 – Contaminated Land

AM14 - Parking

SO2 – Linear Open Space (LOS)

NC1 - Biodiversity

NC5 – Site of Local Importance for Nature Conservation (SLINC)

NC6 – Wildlife Species

NC10 – The Urban Forest.

EP3 – Water protection

EP4 – Development in Floodplains.

23 Supplementary Planning Guidance

Planning Guidance Note (PGN) 3 – new housing development

ASSESSMENT

24 The key issues are: -

- principle
- density
- affordable housing
- flood risk
- contamination
- open space
- nature conservation
- design
- access and parking
- residential amenity

25 Principle

The recent granting of permission for a similar residential development on this site (P05/0936) is significant in influencing the assessment of the current scheme. As there have been no significant changes in planning policy emphasis since the granting of that previous permission, it would be unreasonable for the LPA not to assess the current scheme in consistency with the approach taken, and to some extent, the conclusions drawn on P05/0936.

26 The proposed number of dwellings (87) is similar to that previously approved (89). However, perhaps the main difference between the two schemes is the housing mix – previously there were 20 houses approved (22% of the total dwellings), now there are 40 houses proposed (46 % of the total dwellings). On this, it is considered that, in principle, the application scheme provides for a better mix and balance of dwelling types than was previously approved, which is also more reflective of the existing dwelling mix in the local area. There is therefore considered to be (a more attuned) compliance with UDP policies H4 and DD4.

27 The applicants have provided the same economic information with regard to the release of this site within a designated Local Employment Area for an alternative use as was submitted with P05/0936. That information was previously considered acceptable both by the LPA and the Government Office of the West Midlands, when the previous scheme was referred on under the departure regulations. It is considered reasonable to conclude that this information can be similarly viewed as being acceptable for the current scheme, subject to the same referral procedure. There is therefore considered to be compliance with UDP policy EE2.

28 Density

The reduced number of dwellings means that the scheme is at a slightly lower density than was previously approved (approximately 64 dwellings per hectare as opposed to 65). Given that this density was considered previously acceptable for the site, it is considered that the same conclusion can be similarly arrived at. This is especially given that the site is relatively isolated from existing built development and therefore has no distinctly evident existing pattern and density of development to draw from. There is therefore considered to be compliance with UDP policy H6.

29 Affordable housing

A reduced amount of affordable housing was considered acceptable on this site under the terms of the Section 106 Agreement attached to the previous permission (P05/0936) – (24 % as opposed to the 30 % normally required). This reflected the extraordinary costs involved with the remediation of the site. It is considered that a similar approach would be acceptable on this issue for the current scheme. It is also acknowledged that a significant proportion of the residential units, which are proposed to be allocated as affordable, are family houses. There is therefore considered to be compliance with UDP policy H6.

30 Flood Risk

The applicants have been in discussions with the EA on how to address this issue which became particularly apparent as a significant constraint on development during the assessment of the previous application (P05/0936). They have also submitted a Flood Risk Assessment.

- 31 Flood risk mitigation measures have been incorporated into the application scheme, which were either shown on the previous scheme or required by conditions attached to that scheme. These include an emergency escape route in the event of the site flooding. This is shown through the back of the site, emerging out into Stourdell Close. The amended plans show that routed to be gated off within the site, preventing unrestricted public access – this addresses a concern raised by one of the local residents on the scheme.
- 32 There is a separate planning application for the diversion of the existing culvert accommodating the Lutley Gutter on the site (P07/0015) – this culvert is shown replaced by a more capacious culvert alongside. These works were required as part of the terms of the previous permission. The EA consider the detail shown on P07/0015 to be satisfactory and fit for purpose.
- 33 It is therefore considered that, subject to the relevant recommended conditions that the impact of the potential flooding of the site is capable of being successfully mitigated against, with the proposal consequently in compliance with UDP policy EP4.
- 34 Contamination
Again, this was a significant issue in the assessment of the previous scheme. It was concluded on that scheme that, notwithstanding the relevant technical information submitted, in the absence of a viable remediation scheme to reduce risks to an acceptable level, there was further work required before all the issues surrounding contamination and risks to health could be resolved. However, it was considered that this could be achieved through the imposition of suitable conditions.
- 35 A full response is currently awaited from Head of Environmental Protection on this issue. It is anticipated that, that response will be reported at the meeting. It is likely that this issue will be addressed with a similar approach to the one adopted on the previous scheme ie - through a series of relevant planning conditions. On this, it is acknowledged that the buildings on the site have been demolished and that a

certain amount of remediation works have already taken place, including a degree of ground gas monitoring – any recommended conditions are likely to reflect this situation.

36 Open space

It was accepted on the previous scheme that, although the site was relatively isolated and poorly served by accessible open space, being severed from Haden Hill Park on the opposite side of Congreaves Road (a busy road with poor visibility for a crossing at this location), the securing of a commuted sum payment for off site open space enhancement through a Section 106 Obligation was considered reasonable in lieu of on site provision. The applicants on the current scheme have offered the same. This approach is therefore considered satisfactory, in compliance with UDP policies DD7 and DD8.

37 The site falls within the River Stour Linear Open Space network. Concerns were expressed on the previous scheme that that layout did not sufficiently complement and enhance the function of the linear open space (as an open, linking area of open space, catering for wildlife and with a formal footpath link). However, it was acknowledged that the removal of factory buildings from the bank of the river, and therefore the opening up of this area, together with enhancement works to the wooded slopes at the rear of the site, went some way to meeting the requirement of the relevant linear open space policy (S02).

38 It is considered that the current scheme similarly opens up the river corridor and provides for the enhancement of the sloping land at the rear of the site. However, in addition, it is considered that the proposed layout, in comparison with the previously approved one:-

- ❖ provides more scope for planting alongside the river;
- ❖ more clearly defines a pedestrian link through the site;
- ❖ shows more dwellings fronting onto the river.

In this respect, the current scheme is considered to accord more with the site's linear open space designation than the previously approved one.

39 *Nature Conservation*

Relevant conditions were attached to the previously approved scheme requiring the enhancement of the nature conservation value of the wooded slopes at the rear of the site, the provision of bat roosting sites and bat foraging habitats and a scheme for the protection of badgers. Similar conditions have been recommended on the current scheme, seeking to safeguard and enhance the SLINC and LOS, to ensure compliance with UDP policies NC4 and SO2.

40 There were also conditions attached to the previous scheme requiring further ecological survey work prior to the demolition of the buildings on the site. This was although the ecological report submitted with that application did not identify the presence of any habitats within structures on the site. Clearly, given this and with the site already cleared, it is no longer reasonable to require such actions.

41 *Design*

In general, it is considered that the relative isolation of the site from existing built development provides for limited existing design threads for the proposed development to draw from, and leaves scope for the dwellings to be set out in an interesting manner, responsive to the landscape and making the most of a site with a relatively shallow depth and subject to a number of development constraints.

42 Positive aspects of the design are considered to be:-

- ❖ the varied ridge and building line of the propose dwellings fronting Belle Vale;
- ❖ the proposed plots nearest to the existing dwellings on Belle Vale are similar in form and scale to those dwellings;
- ❖ the entrances to houses and flats on the Belle Vale frontage, providing for an active street frontage;
- ❖ the four storey blocks on the site are shown either side of the access into the site, helping to emphasise this entrance point;

- ❖ there is overlooking of the communal parking areas and open space;
- ❖ the proposed dwellings in the northern part of the site are shown overlooking the river.

43 Indeed, it is considered that, in comparison with the previously approved scheme (P05/0936), the current proposal provides for a more interestingly designed scheme which responds better to the riverside.

44 The proposed scheme is therefore considered acceptable in design terms, in compliance with policies DD1 and DD4 of the UDP.

45 Access and parking

The scheme has been amended to reflect concerns raised by the Group Engineer with regard to this issue. These concerns were particularly in connection with the lack of parking for plots 1 to 10 fronting Belle Vale and other plots throughout the site, along with the need for a turning facility for pantechnicons in the access drive in the northern part of the site alongside the river. The applicants have submitted amended plans, seeking to address those concerns.

46 The only relevant outstanding highway concern with regard to the amended scheme relates to the lack of a pedestrian crossing facility across Belle Vale. While it is considered unreasonable to require this directly, as such a facility was not required as part of the previously approved scheme, a condition has been recommended requiring a safety audit – it may be that that audit reveals the need for a pedestrian crossing. It could therefore be provided by these means.

47 Subject to the above, and other relevant conditions, including a condition requiring a number of spaces to be marked out as disabled bays and further cycle storage is provided. The scheme is considered acceptable in terms of parking and access, and therefore in compliance with Policy DD6 of the Unitary Development Plan.

48 Residential amenity

The site's relative isolation from existing development implies that any impact on amenity will be limited. Indeed, there is only one point where proposed plots adjoin

existing development. This is in the southern part of the site, where plot 1 is shown adjoining no. 13 Belle Vale. Plot 1 is shown on a similar building line as no. 13, with a rear building forward of no. 13s. There is therefore considered to be no impact on the amenity of the occupier of that existing dwelling.

- 49 In terms of the level of amenity available for future occupiers, most of the houses are shown with rear garden lengths of 10 metres or more, and although amenity space is limited around the proposed flats, it is considered that the outlook from those flats (across the river and/or to the wooded slopes at the rear) help compensate for any shortfall.
- 50 It is therefore considered that there will be no significant impact on the amenity of the occupiers of existing dwellings, and that the level of amenity shown for future occupiers is adequate, in compliance with UDP policy DD4.

CONCLUSION

- 51 The proposal is similar to a recently approved scheme for the residential redevelopment of the site (P05/0936). Indeed, in comparison with that previous scheme, certain aspects of the current proposal are considered to be more in conformity with the development plan. These aspects relate to housing mix, design and the site's Linear Open Space designation. In all other respects including access, amenity and nature conservation issues the proposal is considered acceptable.

RECOMMENDATION

- 52 It is recommended that the proposal be granted permission, subject to:-
- a) Referral to the Government Office of the West Midlands under the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999 (and Circular 07/1999) as a potential call-in application, and
 - b) The owners entering into a Section 106 Obligation for
 - i) A contribution to off-site recreational public open space enhancement;

- ii) Affordable housing provision.
- c) In the event that that Obligation is not entered into / completed within a reasonable period of the resolution to grant approval, the application will be refused if appropriate:
- d) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary;

Note For Applicant

A. This permission relates to the amended plans deposited on 13/3/07 – 207/1.01 B/ 287-03-01 A/ 287-03-02 A/287-04-01/ 287-05-01 A/ 287-05-02/287-06-01 A/287-06-02 A/ 287-07-01 A/287-08-01/287-09-01 A/ 287-10-01/ 287-13-01/287-16-01/

Reason for approval

The Local Planning Authority consider that the proposal is similar to a recently approved scheme for the residential redevelopment of the site (P05/0936). Indeed, in comparison with that previous scheme, certain aspects of the current proposal are considered to be more in conformity with the development plan. These aspects relate to housing mix, design and the site's Linear Open Space designation. In all other respects including access, amenity and nature conservation issues the proposal is considered acceptable. The development is therefore in compliance with the development plan, in particular policies H4, DD4, DD10, S02, NC5

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. All surface water drainage must be passed through a suitably sized oil interceptor prior to being discharged into any watercourse, surface water sewer, or soakaway system. Roof water should not be passed through the interceptor.
3. Unless otherwise agreed in writing by the Local Planning Authority, no buildings shall be erected, or trees planted within 5 metres of the public sewers which cross the site, details of which are attached to this permission.

4. Development shall not begin until details of plans and sections of the lines, widths, levels, gradients and form of construction of service/access roads and drainage systems have been submitted to and approved by the local planning authority.
5. Development shall not begin 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.
6. Before any dwelling hereby approved is first occupied the parking area and access thereto shall be paved with a suitable hard impervious material, and drained.
7. 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.
8. The buildings shall not be occupied until the area shown for car parking on the plan attached hereto has been graded, levelled, surfaced, drained and marked out, and that area shall not thereafter be used for any purpose other than the parking of vehicles.
9. Before development commences, a revised parking scheme shall be submitted to and approved in writing by the Local Planning Authority. That scheme shall show the provision of disabled parking bays, cycle racks and bin stores. The revised parking scheme shall be implemented including being paved with a suitable hard, impervious material and drained before first occupation of the dwellings on the site or to an alternative timescale to have previously been agreed in writing by the Local Planning Authority.
10. 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.
11. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping course of development. Unless otherwise agreed in writing by the Local Planning Authority, the scheme shall include details of the landscape enhancement of the wooded embankment within the western part of the application site and the wooded area adjoining it which extends as far as the rear of the properties fronting Stourdell Road, specifically to enhance that area's nature conservation value. , which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.
12. All planting, seeding or turfing comprised in the details of landscaping approved in accordance with condition 11 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees, hedgerows or plants contained in the approved planting scheme which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
13. Development shall not begin until all existing trees to be retained on the site have been marked in such a manner as shall be clearly visible until completion of building operations.

14. Prior to the commencement of development, a scheme for provision of bat roosting sites and bat foraging habitats shall be agreed in writing with the Local Planning Authority. The development shall be implemented in accordance with those details agreed.
15. Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of development a scheme for the protection of badgers is to be submitted to and agreed in writing with the Local Planning Authority. The development must be implemented in accordance with those details agreed
16. No development shall take place, materials be stored or construction plant enter the Site of Local Importance for Nature Conservation, as defined on the Council's adopted Unitary Development Plan Proposals Map, without the prior written approval of the Local Planning Authority. That area shall be fenced prior to the commencement of the development and the fencing shall be maintained prior to the demolition site preparation and construction process
17. Unless otherwise agreed in writing by the Local Planning Authority, no development is to take place until a scheme for the treatment of Japanese Knotweed and the prevention of its spread, has been approved in writing by the Local Planning Authority. The development must be implemented in accordance with the approved scheme, which in turn must be fully implemented prior to the first occupation of any of the residential units
18. Prior to the commencement of development details shall be submitted to deal with the site investigation for contamination and remediation, and flood risk mitigation as contained within Environment Agency letter reference SV/2006/100124/01-L01.
19. Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of development, details of any existing retaining walls to be retained and any proposed retaining walls to be constructed within and/or adjacent to the site, shall be submitted to, and approved in writing by, the Local Planning Authority. The dwellings shall not be occupied until existing retaining walls are made good and/or new retaining walls are constructed in accordance with the approved details.
20. Prior to the commencement of the development hereby approved a scheme for public realm lighting, to include provisions to protect bat foraging habitat from light spillage, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be maintained in accordance with the approved scheme for the life of the development.
21. No development shall commence until the developer has secured the implementation of a programme of archaeological work comprising a targeted watching brief with provision for archaeological investigation and recording and including subsequent analysis, reporting and archiving.
22. Development shall not commence until a detailed scheme to provide details of visibility splays to all access roads, turning and parking areas has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall provide for a 4.5 m x 90m visibility splay to the site entrance/exit and a 2.4 m x 33 m visibility splay to internal access roads. Such facilities shall be provided in accordance with such details prior to the first occupation of any dwelling and shall be maintained for the life of the development. Visibility splays shall be kept clear of landscaping and structures over 600 mm and the entrance/exit splay shall be incorporated within the footway.

23. Prior to the commencement of development a designers risk assessment of parking areas, carriageways or footways within 10 m of the watercourse or within an area formed by a 1:3 gradient from the water course level shall be submitted. Revisions to the scheme required by the risk assessment shall be subject to the approval of the Local Planning Authority be incorporated into the development and shall be maintained for the life of the development.
24. The parking areas under plots 40,41 and 42 shall be retained as car ports for the life of the development.
25. Prior to the first occupation of the development a safety audit shall have been undertaken with such findings implemented in accordance with the audit recommendations.