

PLANNING APPLICATION NUMBER:P06/1924

Type of approval sought	Full Planning Permission
Ward	Pedmore & Stourbridge East
Applicant	Mr B Ashworth
Location:	LAND TO THE REAR OF 232 -240, HAGLEY ROAD, PEDMORE, WEST MIDLANDS
Proposal	ERECTION OF 5 NO DETACHED DWELLINGS WITH DETACHED DOUBLE GARAGES AND ASSOCIATED ACCESS
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. This is a 0.35 hectare site comprising part of the long rear gardens of no.s 232 – 240 Hagley Road. The site is bounded by the rear gardens of properties on Whitehall Road to the south and west and Hagley Road to the north and by a railway line to the east. The surrounding area in the immediate vicinity of the site is characterised by two storey detached 1930's houses.

PROPOSAL

2. Permission is sought to erect 5no.detached houses at the site at a density of 14.3 dwellings per hectare. A new access road is to be created between no.s 238 and 240 to serve the development (the road will also provide access to no.s 238 and 240). Each of the dwellings has a double garage. The application is accompanied by a bat survey.

HISTORY

3. None relevant to the determination of the application.

PUBLIC CONSULTATION

4. A letter signed by the occupants of 21 properties on Whitehall Road and Hagley Road has been received, objecting to the proposal on the following grounds:
- The site layout is out of keeping with the existing form of development in the area;
 - The proposed buildings pay no respect to the architectural character of existing buildings in this area;
 - Three storey buildings are not appropriate to this area;
 - Loss of privacy to neighbouring properties;
 - Noise disturbance from vehicular movements within the site;
 - Light pollution;
 - Removal of trees and established shrubs and hedges;
 - Loss of wildlife habitat;
 - Potential presence of greater crested newts at the site;
 - The required visibility splays along Hagley Road from the site access road are not provided;
 - Conflict at the new road junction between the existing vehicular access drive serving no.240 and the proposed new access road;
 - The access road is not wide enough to accommodate both vehicles and pedestrians.
5. Nine individual letters of objection have been received, raising similar concerns to those set out in paragraph 4 above.
6. A ward councillor objects to the proposal on the grounds that it is out of character with the surrounding area, adversely affects privacy at surrounding properties, reduces security at those properties, and would represent a risk to highway safety.

OTHER CONSULTATION

- 7 **The Group Engineer – Development:** no objection to the proposal subject to the turning area within the site being amended to properly accommodate a refuse vehicle. The Group Engineer is satisfied that the required 2.4 m x 120m visibility splay at the site access can be achieved.

8. **The Head of Environmental Protection**: no objection to the proposal.

RELEVANT PLANNING POLICY

9. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that the determination of a planning application must be made in accordance with the development plan for the Borough unless material considerations indicate otherwise. The 'development plan' consists of the Regional Spatial Strategy for the West Midlands region and Dudley's Unitary Development Plan.
10. Policies DD1 (Urban Design), DD4 (Development in Residential Areas), DD6 (Access and Transport Infrastructure), DD8 (Provision of Open Space, Sport and Recreation Facilities), DD10 (Nature Conservation and Development), H3 (Housing Assessment Criteria), H6 (Housing Density) and Policy DD7 (Planning Obligations) of the UDP are relevant to the determination of the application.
11. National planning policy on new housing development is contained in PPG3 (Housing) and emerging PPS3.

ASSESSMENT

12. PPG3 advises that sustainable patterns of development can be achieved by concentrating most additional housing development within urban areas and by maximising the re-use of previously developed land. The Regional Spatial Strategy requires that urban locations should support a significant increase in overall housing densities. Policy H3 of the UDP also encourages the development of housing on previously-developed land in urban areas in order to promote urban renaissance and meet sustainability aims. Therefore in policy terms the principle of new residential development at this brownfield site is entirely acceptable.
13. PPG3 advises that new housing developments should ideally be of a density of between 30 and 50 dwellings per hectare. To achieve this density in this case would require that the site be developed for between 10 and 15 dwellings. It is considered that this site could not be developed for that number of dwellings without potentially

unduly impacting on the amenities of occupants of surrounding properties and the character of the surrounding area. Instead, the proposed density of development, although well below the required minimum, is acceptable in this case given that Policy H6 of the UDP advises that the local context must be taken into account when assessing what may constitute an acceptable level of density for a particular site.

14. The proposed design and appearance of the buildings differs from the existing buildings surrounding the site, although the applicant has attempted to provide 'traditional' design elements within the building to help assimilate the development into its surroundings. Similarly the plot ratios are different to the existing pattern of development (wide properties are proposed on wide plots, where as the existing buildings in the vicinity are comparatively narrow with long linear gardens). Objections have been raised by residents regarding the development of three storey buildings at the site – the incorporation of rooms into the roof space on plots 1, 2 and 3 would have no detrimental impact on the character of the area sufficient to warrant refusal of the application. On this site it is not considered that the design and layout of the site should necessarily replicate the existing characteristics of housing in the area, given that the development would not be seen from the highway. There is therefore the opportunity to provide a form of development which is different from its surroundings. The buildings and plot widths are considered to be of a scale which is appropriate to the area, and of an acceptable design which would make a positive contribution to the enhancement of the townscape of the Borough and the quality of the environment, in accordance with the requirements of Policy DD1 of the UDP.
15. Policy DD4 advises that new development in residential areas will only be allowed where there would no adverse effect on existing residential amenity. The proposed houses on plots 3, 4 and 5 face directly the rear elevations of houses on Whitehall Road. The house on plot 3 is 35m - 40m from 25 and 27 Whitehall Road, and views between the properties would be partly screened by existing trees within the rear gardens of the houses on Whitehall Road. Plots 4 and 5 are between 34m and 47m from the rear of existing properties which face them. Landscaping along the site

boundary is relatively sparse, and therefore the applicant proposes to plant new trees there to help to screen views between the properties. The supplementary planning guidance standard for distances between habitable room windows is 22m - it is considered that the distance separations shown on the submitted layout plans are sufficient to ensure that no significant loss of privacy would occur at properties on Whitehall Road as a result of the development.

16. The development of houses at this site will impact on residential amenity at surrounding properties, particularly in respect of noise from vehicular movements within the site. The level of impact would be difficult to quantify and it cannot be demonstrated that any such impacts would be so great as to warrant refusal of the application.
17. The proposal involves the removal of a number of trees at the site. These trees are not protected by Tree Preservation Order and are not considered by the Council's Arboricultural Officer to be of sufficient public amenity value to warrant protection. New tree planting is proposed, which will help to mitigate to some extent the removal of existing trees. The Tree Preservation Officer has advised that the buildings on plots 2 and 3 are at sufficient distance from existing trees within the rear gardens of properties on Whitehall Road to ensure their long-term health would not be compromised by the development.
18. Policy DD10 of the UDP states that the Council will ensure that the effects of development proposals on wildlife features are taken into account. The applicant's bat survey concludes that it is highly unlikely that the site has been used as a roost site, and that there are no records of bat roosts in the area. Consequently no mitigation measures are required to be incorporated within the development. The applicant is currently investigating whether the site is used by greater crested newts – the findings will be reported in the pre-Committee note.
19. Policy DD6 of the UDP requires that all development should be appropriate in scale to the existing transportation infrastructure of the immediate area and should make adequate and safe provision for access and egress by vehicles and pedestrians. Notwithstanding the concerns of objectors in respect of

highway safety issues the Group Engineer – Development has no objection to the proposal. The applicant has submitted an amended layout plan showing a turning area which can satisfactorily accommodate a refuse vehicle.

20. Policy DD8 of the UDP requires that new developments (above 5 units) should contribute to recreation facilities/open space in the wider area in line with the increase in users caused by the development. Should permission be granted a Section 106 Agreement will be required in respect of contributions to recreation/open space facilities.

CONCLUSION

21. PPG3 advises that sustainable patterns of development can be achieved by concentrating most additional housing development within urban areas and by maximising the re-use of previously developed land. This proposal is consistent in principle with the aims of PPG3 and Policies H3, and also Policy H6 of the UDP in terms of the density proposed.
22. The design of the buildings and site layout is considered to be acceptable and therefore the development is in accordance with Policy DD1.
23. The development would not have any significantly detrimental impact on the amenities of nearby residents and therefore does not contravene Policy DD4.
24. The development would not have any adverse highway safety implications and is therefore in compliance with Policy DD6.

RECOMMENDATION

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

- c) In the event that the Section 106 agreement has not been completed within two months of the resolution to grant approval, the application will be refused if appropriate:

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. No development shall commence until a detailed landscaping and boundary treatment scheme has been submitted to and approved in writing by the local planning authority.
3. All planting, seeding or turfing comprised in the details of landscaping approved in accordance with condition 2 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.
4. Development shall not begin until barriers have been erected around existing trees to be retained on the site and the barriers shall remain in position until completion of building operations.
5. No structure or erection exceeding 0.6m in height shall be placed within a 2.4m x 3.4m pedestrian visibility splay from the site access road.
6. 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.
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. No development shall commence until details of any proposed retaining structures to be erected along the site's boundary with the railway line have been submitted to and approved by the local planning authority.
9. An acoustic fence with a minimum height of 2m and a minimum surface density of 10 kg/m² shall be erected along the site's boundary with the railway line and maintained for the lifetime of the development.

10. None of the dwellings shall be occupied until the means of access to the site and parking spaces have been provided.
11. Prior to commencement of development the speed limit on Hagley Road in the vicinity of the site shall be reduced from 40 mph to 30 mph. The cost of this work, including advertising and the introduction of a Traffic Regulation Order, will be borne by the developer.