

PLANNING APPLICATION NUMBER:P07/0126

Type of approval sought	Full Planning Permission
Ward	Halesowen North
Applicant	Mr N Keenan
Location:	LAND AT CORNER OF NIMMINGS ROAD & CLEMENT ROAD, HALESOWEN, B62 9LR
Proposal	ERECTION OF TWO NO TWO STOREY BLOCKS OF ONE BEDROOM FLATS (10 UNITS IN TOTAL) (RESUBMISSION OF WITHDRAWN APPLICATION P06/1878)
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The application site is an existing MOT workshop with on-site car sales. The site fronts Nimmings Road, but with access to parking and MOT bays via Clement Road. The access onto their car park, is shared by 2 commercial business occupying a single storey unit north of application site), which also leads to a private garage site further west.
2. To the rear of this unit is a single storey industrial unit, in front of which is a residential dwelling fronting Clement Road. Access to this unit is via a private right of way running to the north of the application site.
3. Clement Road is a residential road, containing predominantly terraced dwellings with some semi's and detached interspersed throughout. Directly opposite on Nimmings Road is a carpet sales business, with a dental practice on the opposite corner and adjoined by residential dwellings in Nimmings Road.

4. Further south of the site, the area is commercial, containing quite a mix of uses, this is formally recognised in the adopted UDP as a Local Shopping Centre – Shell Corner.

PROPOSAL

5. This application proposes the erection of 2 no, two storey blocks of 10 one bedroom flats.
6. Block 1 is situated on the corner of Nimmings Road and Clement Road, this block is shown to consist of 6 units. Block 2 is situated on Nimmings Road, consisting of 4 units.
7. Gated access to a private parking area will utilise the existing access point on Clement Road. 10 off street parking spaces are shown (ie 1 per unit).
8. A total communal amenity area of 153m² is shown.

HISTORY

Application no.	Proposal	Address	Decision	Decision Date
P06/1878	Erection of 2 No. 2 Storey blocks of 4 No. One bedroom flats	Land at corner of, Nimmings Road And, Clement Road, Halesowen, Dudley, West Midlands	Withdrawn	17/11/2006
P06/0537	Demolition of existing stores and wc and erection of new stores. Change of use to include car sales (sui generis). (Resubmission of	Tites Garages Nimmings Road Halesowen B62 9JJ	Approved with Conditions	05/05/2006

	withdrawn application P06/0183)			
88/51952	ERECTION OF A DETACHED BUNGALOW.	CLEMENT ROAD HALESOWEN	Approved with Conditions	03/11/88
HB/60/217	TWO PETROL STORAGE TANKS REPLACEMENT OF 2 EXISTING PETROL PUMPS AND PROPOSED PARAFFIN PUMP.	NIMMINGS ROAD BLACKHEATH.	Approved	10/05/1960

9. The most recent planning application P06/1878 was withdrawn due to a number of issues, these included;
- Amenity space was shown to street frontage, not private
 - Poor parking layout, which was remote from blocks
 - Block 1 was poorly sited, needed to be in a more dominant position to reflect to prominent corner location with appropriate design

PUBLIC CONSULTATION

10. Direct notification was carried out to adjoining and adjacent premises, as a result of which 1 letter of objection has been received, concerns can be summarised as follows;
- Insufficient parking provided for residents and visitors

OTHER CONSULTATION

11. **The Group Engineer, Development:** has no objection to this scheme subject to the imposition of certain conditions and requirements which are further considered at paragraph 30.

12. **The Head of Environmental Protection:** has raised specific concerns relative to this scheme, which are addressed by the imposition of specific negative or 'Grampian' conditions.

RELEVANT PLANNING POLICY

13. Adopted UDP (2005)
Policy CR1 – Hierarchy of Town Centre and Regeneration Areas
Policy CR5 – Regeneration and Development of Centres
Policy CR13 – Residential Development in Centres
Policy DD1 – Urban Design
Policy DD4 – Development in Residential Areas
Policy DD6 – Access and Transport Infrastructure
Policy DD8 – Provision of open space, sport and recreation facilities
Policy H3 – Housing Assessment Criteria
Policy H6 – Housing Density
Policy AM14 – Parking
Policy UR9 – Contaminated Land
14. Supplementary Planning Guidance
PGN3 – New Housing Development
PGN14 – Car Parking Standards

ASSESSMENT

15. The main issues in determination of this application is whether the principle of residential development in the centre is acceptable, the impact upon the character and appearance, highway safety and residential amenity.

Principle of development

16. The site is within a Local Shopping Centre (Policy CR1) as defined by the Adopted UDP, 2005 referred to as Shell Corner. The Policy itself states that, *'in assessing new proposals the protection of these centres' vitality and viability will need to be*

paramount'. Policy CR5 goes on to state that *'appropriate uses such as...residential uses will be encouraged to locate within the Borough's town centres in order to both diversify and maintain their future role at the heart of economic, social and community life'*.

17. Policy H3 and H6 encourages the re-use of previously developed land within the urban area and higher densities where there is good accessibility to local facilities and public facilities, given the town centre location, this site in principle is deemed acceptable for housing.
18. Clearly, the LPA would still look to applicants to demonstrate how they have taken into account the need for good urban design, to avoid creation of unacceptable levels of conflicts with existing site or neighbouring uses and containing physical and environmental impacts and that poor design should be rejected, these issues will be dealt with below.

Scale & Appearance

19. Policy DD4 – Development in Residential Areas, seeks to ensure that residential development will be allowed where,
 - *there would be no adverse effect on the character of the area or upon residential amenity*
 - *the scale, nature and intensity of the use of the proposed development would be in keeping with the surrounding area.*
20. This is further supported by national planning guidance. PPS1 (Delivering Sustainable Development) confirms that, 'Good design is indivisible from good planning' and paragraph 34 states,

'Planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings...design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted'.

21. The apartments are proposed to be built at a density of some 80dph. Given the relative mix of dwelling types that surround the application site, with densities ranging from approximately 30dph (dwellings on Clement Road) to 70dph (terraced dwellings located on Nimmings Road), it is considered that 80dph, would be appropriate for this highly urbanised local centre.
22. As stated that there is an intermingling of both the modern and traditional building forms on different sized plots, especially along Clement Road. In taking cues from the surrounding dwellings, it is immediately apparent the proposed apartments have been designed to reflect the appearance of the two-storey vernacular and as such it would not be detrimental to the character and appearance of the surrounding area.
23. A continuation of the established building line with the properties within Nimmings Road has been incorporated into the plot layout. However, Block 1, projects 2.5m forward of the nearest residential property Hazeldine in Clement Road occurs. Very similar relationships of varied building lines, are already apparent within Clement Road and given the corner location, the opportunity to locate this building will particularly emphasise strong elements of the existing streetscene.
24. The built frontage would further add enclosure to this part of the streetscene, which unlike elsewhere in the area, is currently rather fragmented and lacks definition. Therefore it is considered that the proposed siting of the apartment blocks which are located in a similar position to established terraced dwellings would enhance the character of the area, compliant with Policies DD1 and DD4 of the Adopted UDP.

Access and highway safety

25. The proposed development utilises the existing vehicular access from Clement Road. Given that the site is an MOT garage with a car sales lot, it is considered that the proposed vehicular movements into and out of the site are likely to be fewer and therefore will not harm highway safety.

26. 10 parking spaces have been shown, which have been provided on the basis of 1 space per unit, whilst 12 spaces should normally be provided further consideration has to be given to this centre location and Policy AM14 of the UDP. This policy, amongst other things seeks to reduce reliance on car usage and encourage the use of other travel modes, especially important in this local centre location which is well served by public transport. Therefore it is considered that this development provides adequate off-street parking provision.
27. Car parking requirements of the two adjacent businesses; RFI Engineering and Green Oval Land Rover were previously relocated from the existing car sales area, prior to the grant of planning application (P06/0537), to the rear of the shops in Long Lane, therefore their parking requirements will not be adversely affected by this proposal.
28. There is an opportunity to improve the pedestrian footpath along Clement Road in front of Block 1. This would entail the increasing of this footpath to 2m wide, enhancing safety for pedestrians along this section of highway. A request to improve the junction radii to Clement and Nimmings Road has also been received which will be dealt with by condition.
29. It is considered reasonable to request conditions to confirm the positioning of bin storage and the design of a cycle rack.

Residential Amenity

30. On the recent planning application (P06/0537) approved for car sales at the site, the Head of Environmental Protection commented with respect to the car sales use, there would be increased disturbance from vehicle movements affecting in particular the adjacent residential property (Hazeldine) in Clement Road as well as some additional vehicular activities in the adjacent highway. Taking away this use and converting it to a residential use would alleviate this concern, especially in light of the fact that there does not appear to be any planning restrictions on the current MOT operation. Having gated access will control the flow of vehicular movement alongside this property, noise affecting this dwelling is likely to be diminished.

31. Although the position of Block 1 is situated forward of Hazeldine, there is no conflict with the 45-Degree code guidelines and as there is separation of 6m between these buildings, it is not anticipated that any loss of residential amenity would occur to these residents and therefore Policy DD4 is complied with.
32. The Head of Environmental Protection comments that there is an existing uncontrolled industrial use (operating as engineering/motor repair business) on the north-west boundary which also appears to share and use the same access as the proposed development. Concerns arise that the introduction of residential units could give rise to noise complaints from future residents and also affect the established engineering use. On this basis a negative condition is imposed to require a noise survey and mitigation measures to the proposed flats to ensure that the development will be appropriate before any development can commence.
33. The commercial unit in question is however, bounded by existing residential properties, far closer than the proposed apartments. It is likely therefore that an appropriate scheme of mitigation can be provided for the flats.
34. The removal of the existing commercial car sales and MOT use is likely to improve the amenities of residents in Clement Road, and therefore is deemed to conform with Policy DD4 of the Adopted UDP.
35. The applicant has shown a total area of private amenity space of some 150m². Planning Guidance Note 3 suggests that for a flat, 30m² per flat be provided for a communal area. Whilst this falls beneath the guidelines, Planning Policy Guidance 3 – Housing allows for flexibility to be shown in the application of standards to encourage the efficient use of land in the urban area. The site is within a highly urbanised centre location and the level of amenity space is considered appropriate to the location. It must also be anticipated that the occupiers of these 1-bed apartments are unlikely to consist of families requiring greater amounts of garden area.

36. There is an expectation that the landscape condition will make provision of a usable area of landscaping on the site, which will be adequate to meet the needs of future occupiers.

Other issues

37. The Head of Environmental Protection notes that there is potential for the site to be contaminated, as it was in part, formerly a petrol filling station in the 1960's and currently a MOT garage. A contaminated land report with remediation requirements is required by a negative condition before any development can commence in order to ensure that the principle of residential development at this site is not established before it has been proved that the land can safely be developed for residential purposes Policy UR9 of the UDP is therefore complied with.
38. The Head of Environmental Protection also requires a further negative condition respect to electro-magnetic fields from the adjacent electric substation, due to concern that health may be adversely affected. The design of the apartments have taken into account elements of this by providing an entrance corridor and no window openings in the gable elevations adjacent to the substation. However before any development can commence condition is recommended that electro-magnetic information be submitted.
39. Policy DD8 of the UDP requires that new developments (5 or more units) should contribute to recreation facilities/open space in the wider area in line with the increase in users caused by the development. For this development of 1-bed units, should permission be granted a Section 106 Agreement will be required in respect of contributions to public open space facilities.

CONCLUSION

40. Consistent with national planning guidance, the proposal makes efficient use of land within the urban area for residential development in a highly sustainable location. The design of the proposed apartments complements the character and appearance of the surrounding area. With the imposition necessary conditions, it is

considered that the residential amenities of the adjacent neighbours can be protected and avoid any adverse impact upon highway safety. Having taken regard for the Councils policies controlling such development and other material considerations, for the reasons set out above it is considered that the proposed development would satisfy Policies CR1 – Hierarchy of Town Centre and Regeneration Areas, CR5 – Regeneration and Development of Centres, CR13 – Residential Development in Centres, DD1 – Urban Design, DD4 – Development in Residential Areas, DD6 – Access and Transport Infrastructure, DD8 – Provision of open space, sport and recreation facilities, H3 – Housing Assessment Criteria, H6 – Housing Density, AM14 – Parking and UR9 – Contaminated Land

RECOMMENDATION

41. 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 public open space maintenance and enhancement;
 - b) 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;
 - c) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary;

REASON FOR GRANT OF PLANNING PERMISSION

Consistent with national planning guidance, the proposal makes efficient use of land within the urban area for residential development in a highly sustainable location. The design of the proposed apartments complements the character and appearance of the surrounding area. With the imposition of relevant conditions, it is considered that the residential amenities of the adjacent neighbours can be protected and avoid any adverse impact upon highway safety. Having taken regard for the Councils policies controlling such development and other material

considerations, for the reasons set out above it is considered that the proposed development would satisfy Policies CR1 – Hierarchy of Town Centre and Regeneration Areas, CR5 – Regeneration and Development of Centres, CR13 – Residential Development in Centres, DD1 – Urban Design, DD4 – Development in Residential Areas, DD6 – Access and Transport Infrastructure, DD8 – Provision of open space, sport and recreation facilities, H3 – Housing Assessment Criteria, H6 – Housing Density, AM14 – Parking and UR9 – Contaminated Land

INFORMATIVE

For the avoidance of doubt, this permission relates to drawings marked 'Layout of Flat and rooms - ground and first floor plan', 'Elevations Block 1' and 'Elevations Block 2, and shall be implemented in strict accordance with these plans unless otherwise agreed in writing with the LPA.

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. 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.
3. The development shall not be occupied until the area shown for car parking bays on the plan attached has been marked out, and that area shall not thereafter be used for any other purpose other than the parking of vehicles.
4. 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.
5. 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. Development shall thereafter be implemented in accordance with such approved plans.
6. 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.

7. No development shall commence until a comprehensive site investigation (in a form to be agreed by the local planning authority), has been submitted to and approved by the local planning authority. Such investigation shall facilitate the identification of contaminants and permit the risk based assessment of the development site to establish if the site is suitable for the purposes of residential development. Where the investigations identify the presence of contamination, no development shall commence 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. Details of the following matters shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development hereby approved:
 - i. Full detailed design and construction details of the boundary fencing to the Nimmings Road and Clement Road frontage.
 - ii. Full detailed design and location of the proposed dustbin storage.
 - iii. Full detailed design and location of the proposed cycle rack

The development shall thereafter be implemented in accordance with such plans.

10. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, 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.
11. All planting, seeding or turfing comprised in the details of landscaping approved in accordance with condition 10 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.
12. No development shall commence until a detailed assessment and analysis of the impacts of electro magnetic fields emanating from the electricity sub-station upon human health has been undertaken to prove that the proposed development can be safely implemented with, if necessary, the building in of safeguarding measures

13. No development shall commence until a detailed scheme showing radius improvement on the corner of Nimmings Road and Clement Road and footway widening to 2m along Clement Road has been approved in writing by the local planning authority. The development shall thereafter be carried out in full compliance with the approved drawings and details and the development shall not be occupied until the road layout has been constructed in accordance with the approved plans.
14. Prior to first occupation a detailed scheme showing parking areas and means of access should be submitted to and approved in writing by the local planning authority.
15. Prior to first occupation the means of access and parking areas will be graded, leveled, surfaced, drained and marked out and will be retained for no other purpose for the life of the development.