

# PLANNING APPLICATION NUMBER:P06/1311

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|-------------------------|--|
| Type of approval sought | Full Planning Permission   |
| Ward                    | Belle Vale   |
| Applicant               | Chase Homes plc  |
| Location:               | <b>ALL ELECTRIC GARAGE SITE, EARLSWAY, HALESOWEN, WEST MIDLANDS</b>  |
| Proposal                | <b>DEMOLITION OF EXISTING GARAGES AND SHOWROOM AND ERECTION OF 121 APARTMENTS (RESUBMISSION OF WITHDRAWN APPLICATION P05/1850)</b> |
| Recommendation Summary: | <b>APPROVE SUBJECT TO A 106 AGREEMENT</b>  |

## SITE AND SURROUNDINGS

- 1 This is an existing car showroom site. The main showroom/ sales building is in the western part of the site. This building is single storey with a pitched roof, sited near the back of pavement line, and with the entrance onto the display area. There are other, smaller temporary buildings in the eastern and northern parts of the site: a mobile building used as an office, a valeting bay and a tent like structure used for display purposes.
- 2 The site is approximately triangular in shape with long frontages onto Earls Way and the River Stour Valley. There is a shorter frontage onto an adjoining electricity control station. That adjoining site contains a 3 storey building and an open yard with transformers. It is approximately 2 metres lower than the application site.
- 3 There is a fall in levels across the site from the Earls Way frontage of approximately 600 mm. The River Stour is in a densely wooded cutting, some 10 metres deep at the rear of the site.
- 4 The character of the area is relatively mixed in an edge of centre location. There are a variety of uses on the island of land between Earls Way and Whitehall Road, opposite the site, including a taxi base and car lots. There is an office block

(Whitehall House) on the opposite side of Whitehall Road to that site, and relatively large office blocks further west towards Halesowen Town Centre. The River Stour runs in a culvert under Earls Way and open land to the west of the site.

- 5 Earls Way is a 2 lane carriageway running in a single direction (east), with Whitehall Road running west. There is a crossing point across Earls Way immediately to the west of the site. Further west, Earls Way feeds onto a roundabout at the junction of the A456 and A458. The distance from the site to the Town Centre is approximately 500 metres.

## PROPOSAL

- 6 This is a full application for the erection of 121 (1 and 2 bedroom) apartments accommodated in 3 blocks, 3 – 4 storeys high. The site area is 0.67 hectares, giving a housing density of 181 dwellings per hectare.
- 7 The design of the proposed development is in the form of mainly 4 storey blocks (with some 3 storey elements on the main block), with flat roofs, recessed and projecting elements to frontages, rounded corner features, and balconies on some of the flat roofed sections.
- 8 The main block of 75 apartments is shown fronting Earls Way (annotated block a/b), set back from the back of pavement line by 1 to 3.5 metres. It has 2 wings off that frontage, one angles back in to run parallel with the rear boundary of the site to the River Stour valley, the other wing angles back into the site along the access drive.
- 9 The effect of this is to form an almost enclosed central area, with flats facing one another across a roof top garden above a basement car park, which has spaces for 91 cars.
- 10 There are pedestrian entrances to the flats shown directly off Earls Way and rounded features at either end of the block. A gated entrance is shown to the roof garden off Earls Way, with that area being able to be viewed from the highway through an arch in the façade. There is a small area of amenity space in the western corner of the site.
- 11 The vehicular access into the site is shown between block a/b and the adjacent block on the Earls Way frontage (block c). That block is proposed to accommodate

24 flats. It is shown as 4 storey, inverted L shaped, again with an area of amenity space shown between the block and the boundary with the electricity control station.

- 12 The final block (annotated as block d) is shown in the north eastern part of the site, in which it is proposed to accommodate 22 flats. This block is shown as 4 storey, and again of a similar design to the other proposed blocks. An archway is shown with an access way underneath leading to a parking area to the rear (with 18 spaces). There are a further 5 spaces shown within the undercroft. An area of amenity space is shown in front of the western elevation of this block.
- 13 There are a total of 129 car parking spaces shown across the site.
- 14 A proposed new wall and railings is shown on the Earls Way frontage.
- 15 The proposal has been amended to address design issues, including seeking to help assimilate the blocks into the existing landscape, and also with regard to access and parking considerations.
- 16 The applicants have submitted the following documents in support of the application:-
- an economic case for reduced affordable housing;
  - an assessment of low frequency magnetic fields;
  - design statement;
  - ecological and protected species survey;
  - noise survey;
  - transport assessment;
  - ground investigation report.
- 17 This is a resubmission of a withdrawn scheme (P05/1850) – see below.

## HISTORY

- 18 A summary of the planning history is set out below.

| <b>APPLICATION No.</b> | <b>PROPOSAL</b>       | <b>DECISION</b> | <b>DATE</b> |
|------------------------|-----------------------|-----------------|-------------|
| P05/1850               | Erection of 136 flats | Withdrawn       | 19/06/06    |

## PUBLIC CONSULTATION

- 19 3 objections have been received, including one from a Local Ward Member. The issues, in summary, are:-
- the proposal is out of scale / character with the local environment;
  - overlooking/ overshadowing to the existing dwellings on Dudley Road;
  - access problems on Earls Way;
  - undue impact on the urban forest and wildlife;
  - health concerns from the adjoining electricity sub-station;
  - overlooking of the school playing fields.

## OTHER CONSULTATION

- 20 **Head of Environmental Protection** – recommend conditions relating to contaminated land and soil gases, and safeguards against road traffic noise.
- 21 **Group Engineer (Development)** – the layout has been amended to address comments made with regard to the manoeuvring space associated with a number of the car parking spaces and the provision of bin stores – it is understood that concerns remain that some of the parking spaces are remote from the apartment which they are intended to serve. This is particularly the case with block C – the parking for which is shown mainly under block a/b.
- 22 **Environment Agency** – recommend conditions requiring a site investigation, with remediation measures to be approved, and conditions on drainage and the storage of oils, fuels or chemicals.

## RELEVANT PLANNING POLICY

- 23 The site is within Town Centre Development Block 10, part of the River Stour Linear Open Space network, with a proposed cycle route along Earls Way, and the River Stour cutting to the rear of the site, designated as a Site of Local Importance for Nature Conservation. Given this, and other material considerations, the following UDP policies are relevant:-

Adopted Unitary Development (2005)

S3 – green assets;  
DD1 – urban design;  
DD4 – development in residential areas;  
DD6 – access and transport infrastructure;  
DD7 – planning obligations;  
DD8 - provision of open space, sport and recreation facilities  
DD10 – nature conservation and development;  
DD11 – water courses;  
HTC2 – Town Centre development blocks;  
S02 – Linear Open Space;  
AM11 – cycle routes;  
AM14 – parking;  
H3 – housing assessment criteria;  
H5 – affordable housing;  
H6 – housing density  
NC1 - biodiversity  
NC5 – Sites of Local Importance for Nature Conservation (SLINC);

24 National Planning Guidance

Also of particular relevance are Planning Policy Statements 1 and 3.

## ASSESSMENT

25 Principle

There is general planning policy support for the redevelopment of previously developed land in the urban area for housing, particularly in sustainable locations. The site is on the edge of Halesowen Town Centre - approximately 500 metres from it and thereby within reasonable walking distance from it. It is considered that the proposal therefore fulfils these general criteria.

26 The site is within Town Centre Development Block 10, as set out in policy HTC2. Block 10 is identified as one of the established areas around the town centre where the existing mix of land uses is considered acceptable and is expected to remain.

Where new development or a change of use is proposed within such areas, favourable consideration will be given provided that the proposal does not conflict with other policies in the UDP or result in a loss of amenity by surrounding land users.

27 In applying that policy, it is considered that there is no significant conflict with any of the other policies of the UDP on the principle of the residential re-use of the site (e.g. the proposal will not result in the loss of a defined employment use), and, indeed, given the general encouragement for housing development on previously developed land in sustainable locations within the urban area (Policy H3), it is contended that there are grounds to conclude that a residential use would actually be encouraged in this location. With regard to the amenity of the surrounding users, the site's relative isolation ensures that such an impact would not arise (paragraph 50 below provides more detail on this issue).

28 *Density*

The proposed net density of the site is 181 dwellings per hectare. While this is relatively high, it is considered that the proposal will make the full and efficient use of land, with the site within walkable proximity to the Town Centre. It is considered that the proposal therefore meets the criteria set out in policy H6 in allowing for a higher density of development in a sustainable location.

29 *Affordable housing*

The applicants have offered 20% of the units as affordable dwellings. This is below the usually required ratio of 30% on suitable sites, as set out in UDP policy H5. Within policy H5, suitability is gauged, for instance, on where there is an identified housing need in the locality and when a site is in close proximity to local services and facilities.

30 In assessing this reduced amount, the applicants argue that there will be a degree of abnormal development costs in relation to the foundation work associated with the physical characteristics of the site (particularly in relation to the underground parking). They have also produced evidence to show that the residential redevelopment of the site is only viable with that amount of affordable housing.

31 It is therefore considered that, in applying policy H5, the reduced amount of affordable housing offered by the applicants can be viewed as adequate. It is recommended that the wording of the Section 106 Agreement reflects this.

32 Design

The site is considered to be relatively isolated from surrounding development. There is therefore limited justification for the proposal to take design cues from the local environment. Instead, the applicants are seeking to introduce a relatively unique design, the boldness of which is arguably justified by the site's sustainable location, and siting at a gateway to the town centre.

33 It is also considered that the design of the proposed development works well by drawing in the dense vegetation around the River Stour cutting into the site via "green fingers", including the proposed roof top garden.

34 It is considered that the massing of the proposed frontage onto Earls Way is broken up by the proposed blocks being of different heights and containing recessed elements. This also adds interest to this frontage, which is further heightened by the views through a proposed arch within block a/b to the roof garden beyond. The applicants have shown a series of entrance points into the flats here, providing for an active frontage onto Earls Way and natural surveillance over the public realm.

35 The proposed 4 storey semi- circular element at the eastern end of block a/b is reflected in a similar element at the western end of block c, providing a degree of design and helping to emphasise the vehicular entrance into the site, running between those two blocks.

36 Furthermore, it is considered that the provision of a significant amount of basement car parking helps to reduce the potential for vehicles to dominate the external space, and, in general, the layout clearly defines public and private space.

37 In summary, given that the site is relatively isolated from existing development, responds well to the existing landscape context, and contains elements which enable the development to interact well with the highway frontage, the design is considered acceptable, in compliance with UDP policy DD1.

38 Access and parking

The submitted transport statement concludes that:-

- daily traffic generation from the proposed development is likely to be very similar to traffic generated by the existing car showroom use;
- sufficient visibility is available;
- the parking ratio of approximately 1 space per flat is considered appropriate, especially given the site's sustainable location.

- 39 There is general concurrence with these conclusions. In relation to parking provision, it is considered that the site's accessible, and thereby sustainable, location, provides sufficient grounds for considering a reduced number of parking spaces to be acceptable on this site (the guidelines would normally suggest 145 spaces be provided for a development of this scale).
- 40 The Group Engineer has commented that the parking spaces proposed to serve the flats in block C are too remote from that building, with potential overspill parking on the highway resulting. In relation to this, it is considered that given:-
- a) the parking on the site is relatively contained and secure (all external spaces are overlooked by at least one apartment and access to the undercroft parking area can be easily restricted),
  - b) there is an entrance to the basement car park under block a/b shown a relatively short distance from block c (approximately 20 metres), across an internal access road, and
  - c) it is likely that spaces will be allocated and marked out for each individual flat, this issue is not considered and to be of significant concern.
- 41 Conditions have been recommended to require details of the internal access road, and the provision of cycle facilities – subject to this the proposed parking and access arrangements are considered adequate.
- 42 Open space
- Each of the proposed blocks is shown with an area of open space adjoining it. This includes a relatively enclosed area at the rear of block c and the roof garden at the rear of block a/b. That area of open space, and the proposed terrace of open space adjoining block d, is contiguous with the densely vegetated cutting of the River Stour valley, forming green fingers into the site. The outlook from the rear of those proposed blocks over these areas to the cutting beyond helps to compensate for any deficiency in the amount of open space shown.

- 43 It is considered reasonable to require further details on the proposed landscaping through the site, particularly on the proposed roof garden and the sculpture and gazebo shown there, and to ensure the planting of native species, conducive to wildlife, throughout the site.
- 44 In addition, the applicants have agreed to provide a commuted sum payment for off site open space enhancement works. Given this, it is considered that the proposal provides for sufficient open amenity space for future occupiers of the proposed development.
- 45 Nature conservation  
The submitted ecological survey revealed that there were no obvious and immediate implications for protected species. In addition, it is considered that the recommended landscape conditions can be used as a means of enhancing the site for nature conservation to bolster the adjoining river cutting, reflecting the status of that land as a SLINC.
- 46 Amenity of future occupiers  
In addition to a sufficient level of open space and outlook being provided, the proposed development has been revised from the withdrawn scheme (P05/1850) to prevent direct overlooking between habitable room windows in block a/b across the proposed roof garden.
- 47 The submitted study of low frequency electric and magnetic fields originating from the electricity sub station adjoining the site revealed all field values to be below the ICNIRP public and occupational reference levels.
- 48 A condition has been recommended on mitigation measures to address road noise to reflect that required by HEP.
- 49 Subject to conditions, it is therefore considered that an adequate level of amenity has been shown to be provided for future occupiers.
- 50 Impact on the amenity of existing occupiers and the nearby school  
The proposed development is considered to be sufficiently divorced from any existing dwellings so as to prevent any adverse impact – the nearest dwellings are approximately 60 metres away from the site, with dense vegetation intervening. This

is similar to the spatial relationship between the site and the games court at the Earls High School (approximately 120 metres away).

## CONCLUSION

51 It is considered that the proposal is sufficiently removed from existing development so as not to appear incongruous with the character of the surrounding area and not impact on existing amenity, with the sustainable location of the site helping to support a high density of development and reduced parking provision. The scheme has also been designed to provide an active frontage onto Earls Way and integrate with the existing landscaping around the River Stour. This also helps to provide an adequate level of amenity for future occupiers.

## RECOMMENDATION

52 It is recommended that permission be granted, subject to

- a) The owners entering into a Section 106 Obligation for
  - i) a contribution to off-site recreational public open space enhancement;
  - ii) affordable housing provision.
- b) In the event that an 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 Local Planning Authority consider that the proposal is sufficiently removed from existing development so as not to appear incongruous with the character of the surrounding area not impact on existing amenity, with the sustainable location of the site helping to support a high density of development and reduced parking provision. The scheme has also been designed to provide an active frontage onto Earls Way and integrate in with the existing landscaping around the River Stour. This also helps to provide an adequate level of amenity for future occupiers. The proposal is consequently in accordance with the provisions of the development plan, in particular policies DD1, DD4 and H3 of the Unitary Development Plan.

Conditions and/or reasons:

1. Development shall not begin until a scheme for protecting the proposed dwellings from noise from traffic on the adjoining highway has been submitted to and approved in writing by the local planning authority, and all works which form part of the scheme shall be completed before any of the permitted dwellings is occupied.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. Development shall not begin until all existing buildings have been demolished and all rubble removed.
4. Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority, to address the site investigation for contamination and remediation measures as contained within Environment Agency letter reference SV/2006/009668 - 1/1 of 21st July 2006. The development shall proceed in accordance with the approved details.
5. None of the dwellings hereby permitted 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 in writing by the Local Planning Authority.
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 in writing by the local planning authority. The development shall proceed in accordance with the approved 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. Before development commences, details of the internal access road shall be submitted to, and approved in writing by, the Local Planning Authority. The internal access road shall be laid out in accordance with the approved details prior to the first occupation of any dwelling on the site or to an alternative timescale to have previously been agreed in writing by the Local Planning Authority.

10. 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.
11. 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.
12. 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.
13. Notwithstanding the details already submitted, no development shall commence until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. That scheme 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 development;
  - suitable landscaping and features to enhance the nature conservation value of the site;
  - details of the proposed sculpture and gazebo within the roof garden.The landscaping shall be implemented in accordance with a timetable to be agreed with the Local Planning Authority.
14. All planting, seeding or turfing comprised in the details of landscaping approved in accordance with condition 13 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.