

PLANNING APPLICATION NUMBER:P07/0089

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| Type of approval sought | Full Planning Permission |
| Ward | Halesowen South |
| Applicant | George Wimpey Midland |
| Location: | FANUM HOUSE, DOG KENNEL LANE, HALESOWEN, WEST MIDLANDS |
| Proposal | DEMOLITION OF EXISTING BUILDING AND NEW RESIDENTIAL DEVELOPMENT CONSISTING OF 85 DWELLINGS |
| Recommendation Summary: | APPROVE SUBJECT TO A 106 AGREEMENT |

SITE AND SURROUNDINGS

1. The application site is located approximately 300m from the junction of Grange Road and Dog Kennel Lane, within a predominantly residential area, and is approximately half a mile from Halesowen town centre. The site, 1 hectare in area and within an area of Linear Open Space, is currently occupied by a vacant 1970's four storey flat-roofed office building, formerly used by the AA, surrounded by large areas of car parking. The building is partly screened by mature TPO trees within the site. To the north of the site is a car park and landscaped area (part of the police station/magistrates court site), whilst to the east mature landscaping separates the site from the River Stour. Opposite the site, to the south, is a row of bungalows on Dog Kennel Lane, and to the west are the long rear gardens of detached houses on Laurel Lane. The site slopes downwards from north to south and also west to east towards the River Stour.

PROPOSAL

2. Permission is sought to erect 85 no. dwellings at the site, consisting of 20 no. 3 and 4 bed two storey houses and 65 no. 1 and 2 apartments, at a density of 83 dwellings per hectare. Four apartment blocks are proposed, two of which are three storey and the other two, located at the rear of the site, being four storey. A single

access point off Dog Kennel Lane is proposed, with part of the existing carriageway outside the site being widened to accommodate two-way traffic (currently one-way only). The existing TPO trees at the front of the site are to be retained. 116 parking spaces are to be provided, predominantly in the form of dedicated spaces in parking courts.

3. A bat survey has been submitted which identifies that there is a roost in the existing building. The roost is classed as of relatively low nature conservation significance. A licence will be required from DEFRA for the demolition of the building. The licence application will require a mitigation strategy to be prepared with the objectives of avoiding harm to the bats during demolition works and providing an alternative roost site that are secure for the long term use of the local bat population. A flood risk assessment has also been submitted which concludes that, in respect of potential flood risk, the site is suitable for most types of development, including residential.

HISTORY.

4.

| PROPOSAL | DECISION | DATE |
|--|-----------------|-------------|
| Erection of 108 Apartments (P04/1423) | Withdrawn | April 2005 |
| Outline Residential Development (P05/2759) | Approved | June 2006 |

5. Application P04/1423 sought consent for an apartment development at this site which Officers considered to be unacceptable because of its adverse impact on the character of the area (due to the mass, scale, layout and design of the scheme). The application was withdrawn by the applicants.
6. Application P05/2759 was granted permission subject to conditions and a Section 106 Agreement in respect of a contribution to open space improvements and the provision of affordable housing.

PUBLIC CONSULTATION

7. The occupants of six properties on Dog Kennel Lane and Laurel Lane have expressed concern about increased traffic on surrounding roads, both during construction works and when the development is occupied.
8. The occupant of no.36a Dog Kennel Lane objects to the proposal on the grounds that it is out of character with the area and that the proposed apartments would 'dominate the area and change its rural character'.
9. The occupants of 'Sunflowers' on Dog Kennel Lane (immediately adjacent the site) have requested that the proposed apartment block to the north of their property is relocated to ensure that a) potential overlooking from it is minimised, b) excavation work on the building does not affect the stability of their own land, and c) sufficient space is available to plant trees and allow room for their growth.
10. The occupant of The Glen, Laurel Lane, objects to the proposal on the grounds that a) the density of development is excessive for the area, b) the four storey blocks will be an 'eyesore', overlook surrounding properties and dominate the development, c) insufficient parking, and d) lack of amenity space provision.

OTHER CONSULTATION

11. **The Head of Environmental Protection:** no objection to the proposal.
12. **The Group Engineer (Development):** no objection subject to conditions
13. **The Environment Agency:** no objection in principle to the proposal, but recommends the imposition of a number of conditions to mitigate against potential flood risk.

RELEVANT PLANNING POLICY

14. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that any determination of planning applications 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.

15. Adopted Unitary Development Plan (2005)

Policies AM14 (Parking)

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)

NC6 (Wildlife Species),

EP4 (Development in Floodplains)

H4 (Housing Mix)

H5 (Affordable Housing)

H6 (Housing Density)

SO2 (Linear Open Space)

16. National planning

PPG3 (Housing) and emerging PPS3

ASSESSMENT

17. Principle

The principle of residential development at this site has been established by the granting of application P05/2759. The determining issue therefore is whether the form of development proposed is appropriate at this particular site, in respect of density, layout, impact on the character of the area, highway safety, residential amenity and nature conservation issues.

18. With regard to residential development, the Regional Spatial Strategy requires that urban locations should support a significant increase in overall housing densities. Both PPG3 and Policy H6 of the UDP advise that, in order to increase housing

densities on previously-developed land in urban areas and to provide more sustainable forms of development, high density of development (of above 50 dwellings per hectare) should be sought at places with good public transport accessibility such as near town centres or within the walkable catchment of town and local centres and public transport corridors. The site is within walking distance of Halesowen Town Centre and close to public transport routes, and therefore high density development at this site conforms in principle with the requirements of PPG3 and Policy H6.

19. Policy H4 of the UDP requires new developments of 20 dwellings or more to provide a mix and balance of dwelling types and sizes to cater for a range of household needs. The proposed form of development is compliant with this policy.

20. *Layout and Design*

In terms of layout and design, the development provides a satisfactory transition in storey heights from the bungalows on the opposite side of Dog Kennel Lane by proposing two storey housing at the front of site, followed by three storey apartments further into the site and four storey buildings at the rear. The buildings at the front of the site are set behind the mature retained trees and continue the existing built form of development on Dog Kennel Lane. Each of the houses has its own rear garden area. The proposed apartment blocks are well designed, providing a mixture of projections, gables, roof pitches and materials to add visual interest to the development. Amenity space for the apartment blocks is provided in the form of balconies, soft landscaped areas around the buildings, and hard surfaced areas created by the use of different surfaced areas to act as a pedestrian public realm. The apartments on the eastern boundary are orientated to overlook the River Stour, in accordance with the principles of good urban design. Policy DD1 of the UDP seeks to ensure that new residential development makes a positive contribution to the character and appearance of the area – it is considered that this proposal satisfactorily achieves this aim.

21. *Amenity*

Policy DD4 states that development in residential areas will be allowed where there would, amongst other things, be no adverse effect upon residential amenity. The houses at the front of the site are approximately 38m from the bungalows on the opposite side of Dog Kennel Lane. The three storey apartment block on the site's western boundary is 35m from the rear of the nearest property on Laurel Lane, whilst the corresponding distance for the four storey block immediately to the north of it is 43m. Existing mature trees within the rear gardens of properties on Laurel Lane will to a large extent screen views from those blocks. Given the existence of these trees and the distance separations involved the development would not lead to any loss of privacy at properties on Laurel Lane to a level sufficient to warrant refusal of the application. With regard to the concerns of the occupants of Sunflowers the apartment block at the end of their garden is approximately 30m from their property and orientated such that no views could be gained from it towards Sunflowers. On this basis the relationship between the two buildings is considered to be satisfactory. The development as a whole would not have any detrimental impact on residential amenity resulting from loss of privacy or outlook and therefore does not contravene Policy DD4 of the UDP.

22. *Open Space and Nature Conservation*

Policy S02 advises that new development proposals will not be permitted if they would prejudice the character or intended function of Linear Open Spaces. The existing Linear Open Space Corridor along the River Stour would be maintained by the development as shown on the submitted layout plan and as such there is no conflict in principle with Policy S02.

23. Policy NC6 seeks the submission of measures to protect rare and vulnerable wildlife species from development that is likely to have adverse effects on their habitat. The bat survey submitted with the outline application contained details of mitigation measures to be incorporated into the development to compensate for the loss of the sole bat roost in the existing building at the site. The applicant has indicated that, should permission be granted, a further bat survey will be carried out prior to demolition of the building so that the mitigation strategy can be updated in the event that more bats have populated it.

24. Access

Policy DD6 requires that all new 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. The applicant's Transportation Assessment concludes that residential development at the site of the scale shown on the submitted layout plan would not result in increased traffic generation at the site (over and above the previous office use), and that no mitigating sustainable transport measures would be required to serve the development as the site is well located to make use of local facilities and public transport facilities. For this same reason it is considered that the level of parking provision (1.4 spaces per dwelling) is appropriate, as Policy AM14 of the UDP advises that levels of off-street parking in new development should reduce reliance on car usage, reduce congestion and encourage the use of other travel modes.

25. Flood Risk

The Environment Agency has confirmed that the mitigation measures set out in the applicant's flood risk assessment should ensure that any future development should not be at risk from flooding of the River Stour. Policy EP4 of the UDP states that development will not be permitted in areas liable to flood unless appropriate mitigation measures can be incorporated into the development proposal. The Environment Agency has confirmed that a risk-free development can be achieved in this case.

26. Planning Obligations

Policy H5 advises that on 'suitable' housing sites (i.e. of more than 25 dwellings or greater than 1 hectare) 30% of the dwellings to be provided should be 'affordable'. Policy DD8 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 would be required in respect of contributions to both affordable housing and recreation/open space facilities.

CONCLUSION

27. The proposed form of development is of an appropriate density, layout and design which would make a positive contribution to the character of the area, and would not have any detrimental impact on residential amenity, highway safety, protected species or the wider environment. The proposal therefore complies with Policies DD1, DD4, DD6, H4, H6 and SO2 of the adopted UDP.

RECOMMENDATION

28. It is recommended that the application be approved subject to:
- a) The applicant entering into a Section 106 Legal Agreement for 1) a contribution to off-site public open space enhancement and the provision of childrens play area, and 2) affordable housing in accordance with the Council's approved policy
 - 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 Approval

The proposed form of development is of an appropriate density, layout and design which would make a positive contribution to the character of the area, and would not have any detrimental impact on residential amenity, highway safety, protected species or the wider environment. The proposal therefore complies with Policies DD1, DD4, DD6, H4, H6 and SO2 of the adopted UDP.

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 details of the surfacing materials to be used in the parking and meeting areas shown on the approved plans have been submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the agreed details.
3. Prior to demolition works at the site a further bat survey shall be carried out to establish the presence of bat roosts at the site. Should roosts be found, the survey shall include a mitigation strategy to be incorporated into the development to compensate for the loss of the roosts. No development shall commence until the survey has been submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the agreed details.
4. No development shall commence until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved by the local planning authority, and the scheme shall subsequently be implemented in accordance with the approved details.
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. The development shall proceed in accordance with the agreed details.
6. None of the dwellings hereby approved shall be occupied until the parking spaces at the site have been surfaced and marked out. The spaces shall thereafter be retained in perpetuity and used for no other purpose than the parking of vehicles.
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. The development shall proceed in accordance with the agreed details.
8. 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.
9. All planting, seeding or turfing comprised in the details of landscaping approved in accordance with condition 8 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.
10. No buildings or structures (including gates, fences and walls) shall be erected or ground levels raised within a) 8m of the top of any bank of watercourses and/or b) 5m of any side of an existing culverted watercourse, inside or along the boundary of the site unless otherwise agreed in writing by the local planning authority
11. No development shall commence until details of the proposed boundary treatment of the site have been approved in writing by the local planning authority and development carried out in strict accordance with those details approved and retained as such for the life of the development.