

PLANNING APPLICATION NUMBER:P10/1702

Type of approval sought	Full Planning Permission
Ward	BELLE VALE
Applicant	Mr David Lunnon
Location:	LAND ADJ, 104, WHITTINGHAM ROAD, HALESOWEN, WEST MIDLANDS, B63 3TP
Proposal	ERECTION OF 1 NO. DWELLING.
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The site measures 0.02 hectares and comprises the former side garden associated with no. 104 Whittingham Road. The site no longer forms part of the curtilage of no.104 being separated by a concrete post and close boarded fence. The site is relatively flat and comprises unmanaged amenity grass and an area of hardstanding. The frontage to the site is open to Whittingham Road. The southern and eastern boundaries of the site are enclosed by a chain link fence with concrete posts that extends approximately 1.5 metres high.
2. Immediately abutting the eastern boundary of the site is a Public Right of Way (Newfield Lane). The footpath is enclosed by mature vegetation, which includes Hawthorn and a Sycamore Sapling. There is a large lime tree located approximately 2 metres from the eastern boundary of the site. This tree measures 12m high with an average branch spread of 5m.
3. On the opposite side of the footpath, there is a public car park and further playing fields. To the rear of the site are playing fields. There are educational establishments (Newfield Park Primary School and Halesowen College) on the opposite side of Whittingham Road.

4. Located to the west of the site is 104 Whittingham Road. This is a hipped roof semi-detached property located on the end of a row of properties of a similar age, type and style. This property comprises a relatively recent single storey rear extension with a mono pitch roof.

PROPOSAL

5. The proposal is a full application for the erection of a 3 bedroom detached house with a gabled frontage and pitched roof to a side wing. It is shown with a hipped roof bay window on the front elevation and two parking spaces in front. The dwelling would be set back 5.6 metres to allow for the provision of a drive.
6. The application is accompanied by a design & access statement and a tree survey.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
P06/1203	Erection of detached dwelling	Approved subject to conditions	19/12/06

7. The current application is the same scheme as previously approved in 2006.

PUBLIC CONSULTATION

8. The application was advertised by way of neighbour notification letter being sent to the occupiers of six properties within close proximity to the site, the display of a site notice and the placing of an advertisement within the local press. The latest date for comments was the 26th January 2011. At the time of writing, no letters have been received raising concerns with the proposed development. If any letters are subsequently received, these would be reported in a pre-committee note.

OTHER CONSULTATION

9. **Group Engineer (Development):** No objections subject to a condition requiring the implementation of a dwarf wall separating the proposed access and adjoining public right of way and conditions to ensure the protection of the character of the adjacent public right of way.
10. **Head of Environmental Health and Trading Standards:** No adverse comments.

RELEVANT PLANNING POLICY

- Unitary Development Plan

LR1 Open Space

DD1 Urban Design

DD4 Development in residential areas

DD6 Access and transport infrastructure

DD7 Planning Obligations

H3 Housing Assessment Criteria

H6 Housing Density

S02 Linear Open Space

S03 Access and enhancement of Green Belt and Linear Open Space

AM13 Public Rights of Way

AM14 Parking

NC9 Mature Trees

11. The site is not designated for any particular use within the Adopted Dudley Unitary Development Plan (2005). Land immediately to the east and south of the site does lie within an area of linear open space.

- Supplementary Planning Document(s)
 - Parking Standards and Travel Plans
 - New Housing Development
 - Parks and Green Space Strategy (PPG17 Audit)

Planning Obligations

- Supplementary Planning Guidance
PGN3 New housing development
- National policy documents
PPS3 Housing

ASSESSMENT

Key Issues

- Principle
- Density
- Character and appearance
- Impact on residential amenity
- Layout
- Highway safety and parking
- Impact upon public right of way and trees.
- Planning Obligations

Principle

12. The site is not considered to be previously developed land (pdl) in line with the PPS3 definition. The adopted UDP (2005) states that the Council expects to reach 90% of all its housing completions on pdl. The emerging Joint Core Strategy increases this figure in the Black Country under Policy HOU1 – Delivering Sustainable Housing Growth which requires that ‘at least’ 95% of new housing (gross) be built on pdl. Whilst priority is therefore given to development on pdl in line with PPS3, Policy S2: Housing and Policy H3 of the UDP, this does not preclude all development on Greenfield but it does lessen the weight that should be given to development of Greenfield in the balance of considerations.
13. Greater emphasis is now on local policies to aid decision making and therefore the Council’s New Housing Development Supplementary Planning Document (SPD)

(2007) is utilised to assess what weight should be given to the proposed development. The SPD provides detailed information on implementation of housing policy in respect of design and density, so that local character and distinctiveness are paramount. The proposed dwelling is located at the edge of a residential area, adjacent to open space and is characterised by semi detached dwellings. The proposed detached dwelling would therefore be in keeping with the character of the area, following a similar building line along Whittingham Road.

14. It is considered that the proposal is also in general conformity with Policy H3 Housing Assessment Criteria in so far that the site lies within a residential area and therefore would be compatible with surrounding uses and it is accessible by public transport, being located within close proximity to Halesowen Town Centre.
15. The site lies outside of the areas designated as falling within linear open space and therefore would not harm the function of these areas. Furthermore, due to the limited size of the site, it is not utilised for recreational purposes and therefore the development would not have an adverse impact upon the strategic provision of open space within the area, meaning the proposal would not conflict with policies LR1 or SO2 of the UDP.
16. On the basis of the above, it is considered that the principle of the detached dwelling in this location can be accepted as the local character considerations and sustainable location of the site outweigh the fact that the proposal is not on pdl.
17. The site is small, being formed of unmanaged amenity grassland and a hardstand. The site does not make a positive contribution to the street scene in terms of its visual appearance or in terms of its amenity value and it does not contribute towards local distinctiveness.
18. The limited size of the site means that it does not provide a facility for informal recreation. Halesowen is generally well provided for in terms of parks and gardens

and comprises large areas of Green Belt land that provide opportunities for informal recreation.

19. The site lies outside of the areas designated as falling within linear open space and would therefore not harm the function of these areas and would not prejudice access to the existing areas of linear open space. This would be subject to conditions ensuring the protection of the character of the adjoining public right of way.
20. Due to the limited value, small size of the site in open space terms and the wider availability of green space within Halesowen and its rural hinterland, the loss of this particular site loss would not result in an adverse impact upon the availability of the strategic provision of open space within the area or upon the function of the adjoining linear open space. The proposed development would therefore be in accordance with Policies LR1 and S03 of the Adopted Dudley Unitary Development Plan (2005) and the Adopted Parks and Green Space Strategy (PPG17 Audit) (June 2009).

Density

21. The resultant density of the proposed development would be 50 dwellings per hectare. The site is located within an inner suburban location with existing development built at a lower density in the region of 34 dwellings per hectare. Whilst the proposed density of development would be higher than the established densities, the position of the dwelling within the site, its scale, character and nature would complement the existing pattern and form of development within the locality. The higher density of the development would therefore not have an adverse impact upon the character of the area and would be in accordance Policy H6 of the Adopted Dudley Unitary Development Plan (2005) and the New Housing Development SPD.

Character and appearance

22. The proposed dwelling would be positioned so that its front elevation lines through with the existing properties along Whittingham Road therefore ensuring that the proposed development would respect the established building line. The street scene submitted in support of the application demonstrates that the proposed scale of the new dwelling would be appropriate within its context with the proposed eaves and ridge heights being similar to the existing dwellings within the street.

23. Whilst the proposed roof style would be different to the hipped roof on the adjoining dwellings, this is not considered significant. This is since the proposed dwelling would be detached with the new dwelling serving to provide a visual end stop to the existing row of dwellings. The roof would complement the roofs of the adjoining dwellings through being of a similar pitch, eaves and ridge height.
24. The proposed dwelling would not have a landscaped front garden since the frontage would serve to provide off street parking for the proposed development. The lack of a front garden and boundary treatment would reduce the ability of the scheme to make a positive contribution within the street scene but given that there are a number of other existing dwellings within the immediate area that have a similar arrangement this issue is not considered a sufficient reason to warrant the refusal of planning permission.
25. The proposed dwelling would have a number of side facing windows within its side elevation at both the ground and first floor. These windows would serve to overlook Newfield Lane and the adjoining Halesowen College overflow car park. These windows would therefore improve the natural surveillance of the adjoining public right of way and its safety.
26. The proposed dwelling would be of a modern design that would complement the existing dwellings within the street scene. The addition of a bay window on the ground floor of the front elevation would serve to add visual interest to the proposed development and the proportions and style of windows would complement those on the adjoining properties.
27. The appearance of the proposed dwelling would therefore complement the character of the existing houses within the street thereby ensuring compliance with Policy DD4 of the Adopted Dudley Unitary Development Plan and the New Housing Development SPD.

Impact on residential amenity

28. The adjoining property (no. 104) has a rear extension, the rear building line of which is set further back than the rear building line of the proposed dwelling. While there is a side facing window to a habitable room on the facing elevation of no. 104, this is considered to be a secondary window to the front room. Given this and noting the

lack of objection from the occupier of this house to the proposed development, it is considered that the impact of the proposal would not unduly impact on the amenity of the occupier of the adjoining dwelling.

Layout

29. The proposed rear garden at 9 metres in length is less than that suggested in PGN3 to ensure the provision of an adequate level of amenity. However, the length of the garden would be similar to that of the gardens of the adjoining dwellings. This demonstrates that the proposed development would complement the existing form and layout of development within the street. In addition, it should be noted that the proposed area at 81 square metres is in excess of that suggested in PGN3 (65 square metres) for a 3 bedroom dwelling. In this regard, the proposed development would be in accordance with Policy DD4 of the Adopted Dudley Unitary Development Plan (2005), PGN3 and the New Housing Development SPD.

Highway safety and parking

30. The proposed development would provide two parking spaces to its frontage. The spaces would be of sufficient dimensions to accommodate two parking spaces and would be of a sufficient depth to ensure that vehicles would not overhang the footway. The development would also ensure the retention of two off street parking spaces for no. 104 Whittingham Road. The proposed development would therefore be in accordance Policy AM14 and DD6 of the Adopted Dudley Unitary Development Plan (2005) and the Parking Standards and Travel Plans SPD.

Impact upon public right of way and trees.

31. The site lies immediately adjacent to a public right of way. It is important that the proposed development would not have an adverse impact upon the character of this public right of way. The proposed development would retain the existing hedgerows and trees that form part of the boundary treatment to the public right of way along Newfield Lane. This would ensure that the existing character of the public right of way is retained. Conditions can be attached to ensure that these are protected.
32. There is a mature lime tree positioned to south east of the site and located within the public right of way. The south eastern corner of the proposed dwelling would fall within the Root Protection Area of this tree but it is outside the allowable 20% offset. On this basis, the dwelling would have a minimal impact on the health of the tree

thereby ensuring the protection of the character of the public right of way. Conditions can be attached to ensure that the construction of the dwelling would sufficiently protect existing trees that adjoin the site throughout the development.

33. In light of the above, the proposed development would be in accordance with Policy AM13 and NC9 of the Adopted Dudley Unitary Development Plan (2005).

Planning Obligations

34. The proposed development has a requirement to provide planning obligations to mitigate against the consequential planning loss to the existing community. Should permission be granted a S106 Agreement would be required in respect of the following contributions.

Offsite Contributions:

The proposal attracts a requirement for a commuted sum to be paid towards the following infrastructure:

- Libraries - £191.39
- Open Space, Sport and Recreation - £2561.14
- Transport Infrastructure Improvements - £415.35
- Nature Conservation Enhancement - £104.00
- Public Realm - £478.53
- Management and Monitoring Charge - £250.00

Total Offsite Contribution equates to £4000.41

35. At the time of writing the report, the applicant has not agreed to the payment of these offsite planning obligations.

CONCLUSION

36. Whilst government and local policy seeks to deliver housing on previously developed land (pdl), this does not preclude all development on Greenfield sites subject to other

material considerations outweighing the fact that the development is not located on pdl. Due to the limited value, small size of the site in open space terms and the wider availability of green space within Halesowen and its rural hinterland, the loss of this particular greenfield site would not result in an adverse impact upon the availability of the strategic provision of open space within the area, upon the function of the adjoining linear open space and would not have an adverse impact upon the character of the area.

37. The proposed density; scale; design and siting of the dwelling would complement existing dwellings within the street and would not detract from the character of the area. The proposed development would raise no highway safety concerns and would provide a sufficient level of off street parking. No impact would occur to the amenity of the occupiers of the existing dwellings around the site, and adequate levels of amenity would be achieved for the future occupiers of the proposed dwelling.
38. The proposed development would improve the safety of the adjoining public right of way through increasing its natural surveillance through the insertion of windows within the side elevation of the proposed house. Subject to appropriate conditions, the proposed development would protect the existing character of the adjoining public right of way through the retention of existing hedgerows that adjoin the southern and eastern boundaries of the site and through ensuring that the health of the nearby mature lime tree would be protected.

RECOMMENDATION

39. It is recommended that the application be approved subject to:

aThe development shall not be commenced until a scheme for the submission and approval of a planning obligation to guarantee the provision of a total of £4000.41 for off site contributions towards improvements to libraries, open space, sport and recreation, transport infrastructure, nature conservation enhancement, public realm and management and monitoring charge has been submitted to and agreed in writing by the Local Planning Authority.

b)The Scheme shall include the method, timing and arrangements including a means to guarantee a financial payment, increased through index linking from the first April each subsequent year, in accordance with the Council's planning obligations policies.

c)The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary.

Reason for approval

Whilst government and local policy seeks to deliver housing on previously developed land (pdl), this does not preclude all development on Greenfield sites subject to other material considerations outweighing the fact that the development is not located on pdl. Due to the limited value, small size of the site in open space terms and the wider availability of green space within Halesowen and its rural hinterland, the loss of this particular greenfield site would not result in an adverse impact upon the availability of the strategic provision of open space within the area, upon the function of the adjoining linear open space and would not have an adverse impact upon the character of the area.

The proposed density; scale; design and siting of the dwelling would complement existing dwellings within the street and would not detract from the character of the area. The proposed development would raise no highway safety concerns and would provide a sufficient level of off street parking. No impact would occur to the amenity of the occupiers of the existing dwellings around the site, and adequate levels of amenity would be achieved for the future occupiers of the proposed dwelling.

The proposed development would improve the safety of the adjoining public right of way through increasing its natural surveillance through the insertion of windows within the side elevation of the proposed house. Subject to appropriate conditions, the proposed development would protect the existing character of the adjoining public right of way through the retention of existing hedgerows that adjoin the southern and eastern boundaries of the site and through ensuring that the health of the nearby mature lime tree would be protected.

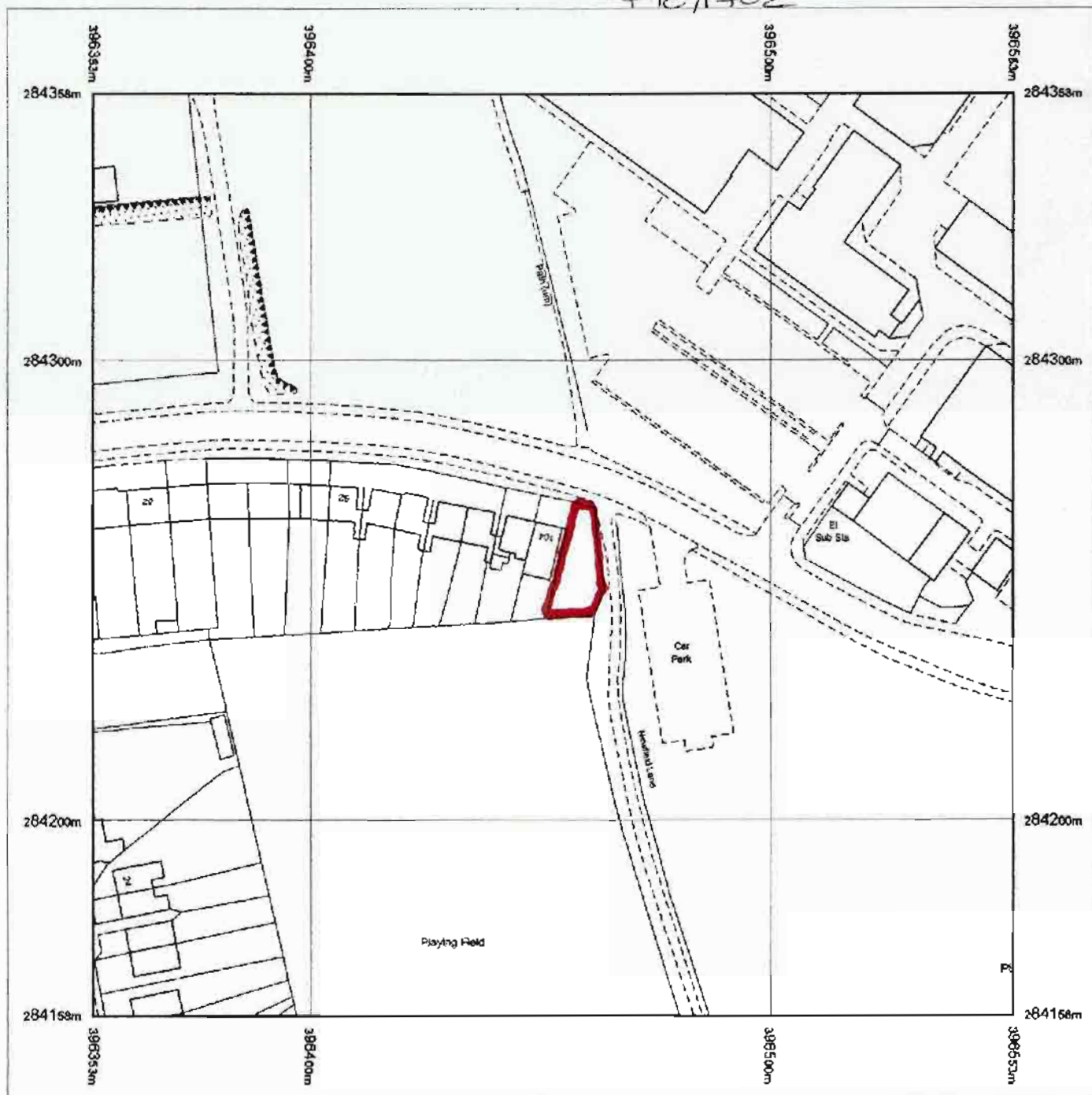
The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Dudley UDP (2005) and to all other relevant material considerations.

The above is intended as a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report.

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. The development shall not be commenced until a scheme for the submission and approval of a planning obligation to guarantee the provision of off site contributions towards improvements to libraries, open space, sport and recreation, transport infrastructure, nature conservation enhancement, public realm and management and monitoring charge has been submitted to and agreed in writing by the Local Planning Authority. The Scheme shall include the method, timing and arrangements including a means to guarantee a financial payment, increased through index linking from the first April each subsequent year, in accordance with the Council's planning obligations policies.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: Genplan proposed elevations Sept 2010.
4. 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.
5. 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.
6. Before the dwelling hereby approved is first occupied the parking area shall be paved with a suitable hard impervious material, and drained and thereafter maintained for the life of the development.
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 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 6 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. None of the existing trees or hedgerows on the site shall be lopped, felled or root pruned before the landscaping scheme to be submitted in accordance with condition 6 has been approved

Location
PC
P10/1702



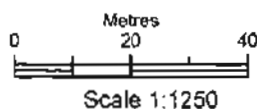
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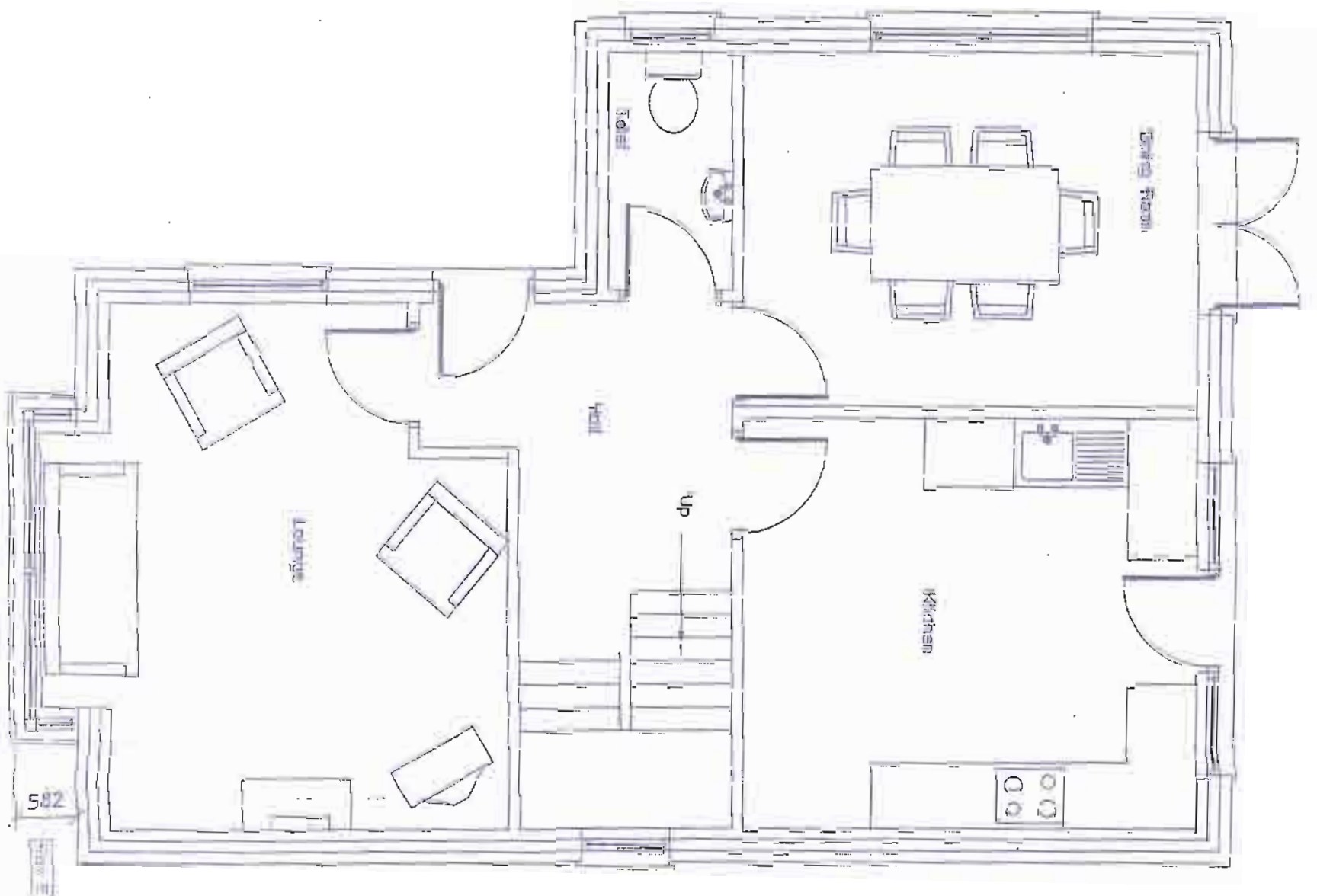
The representation of features as lines is no evidence of a property boundary.



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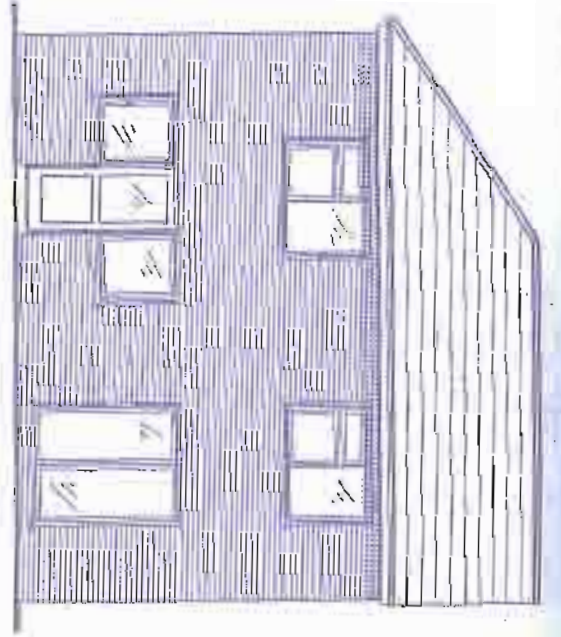


0102 330 5 1
Gordon
Proposed elevation
16/1/2012

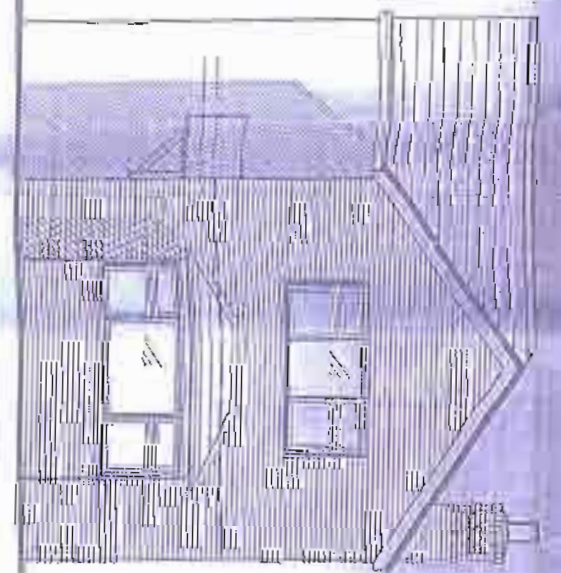
PROPOSED GROUND FLOOR

Proposed First floor

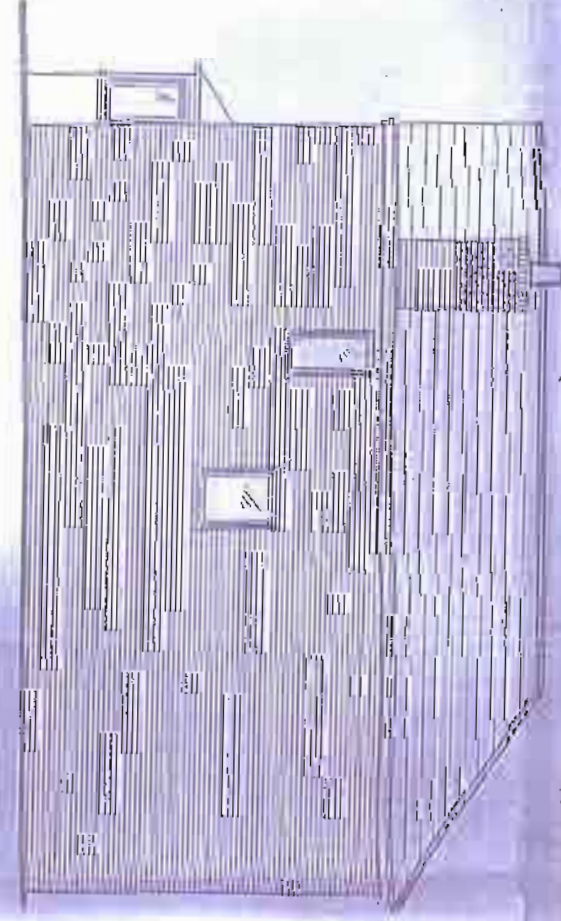
PROPOSED DETACHED HOUSE
adj 104 WHITTINGHAM ROAD, HALESOWEN,
1200



PROPOSED REAR ELEVATION
1400



PROPOSED FRONT ELEVATION
1403



PROPOSED SIDE ELEVATION
1402



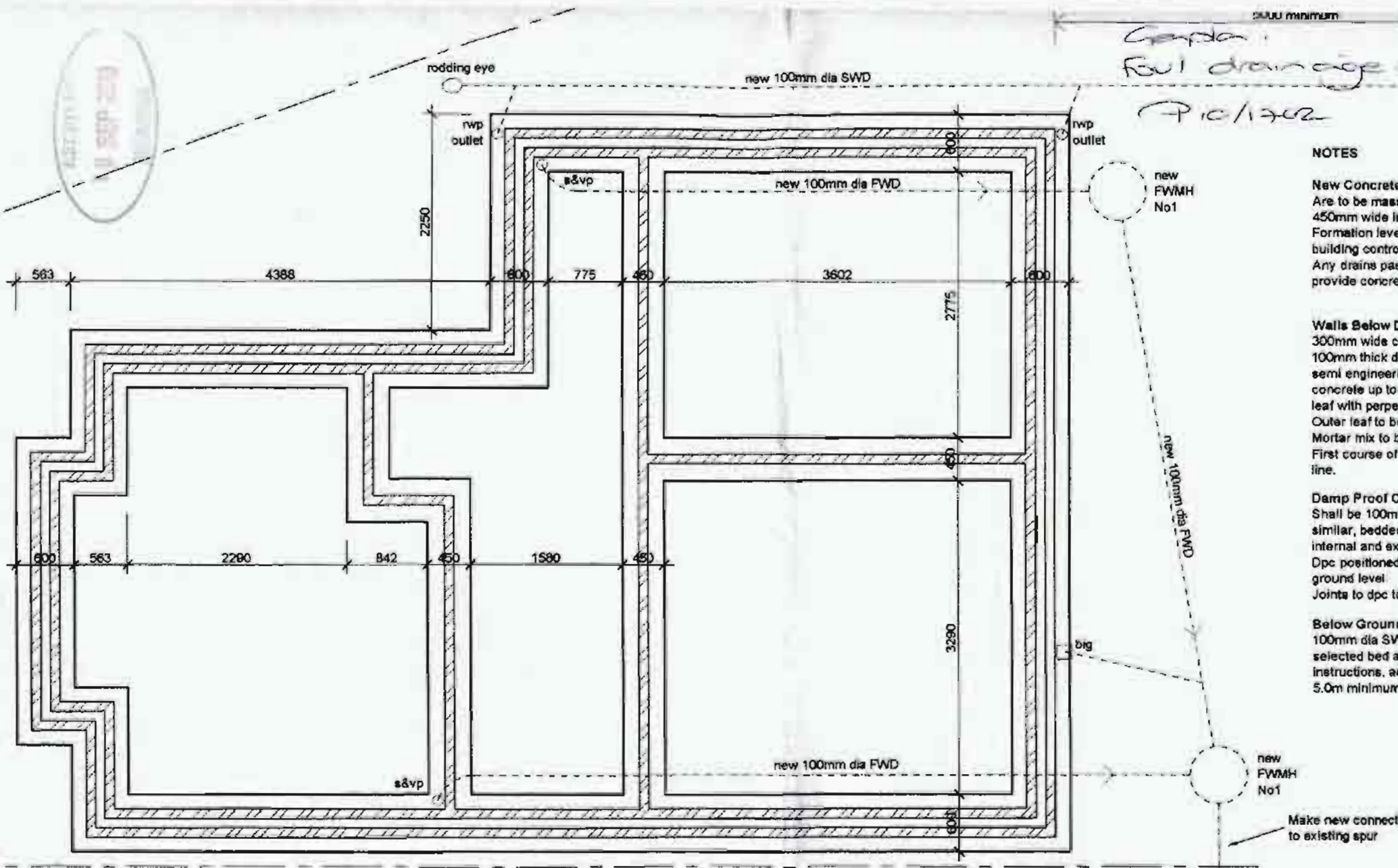
PROPOSED SIDE ELEVATION
1401



STREET SCENE
1500

1/150 1/100 1/300

Scale 1:100



NOTES

New Concrete
Are to be mass
450mm wide in
Formation level
building control
Any drains pas
provide concrete

Walls Below G
300mm wide ci
100mm thick di
semi engineeri
concrete up to
leaf with perpe
Outer leaf to be
Mortar mix to b
First course of
line.

Damp Proof C
Shall be 100mm
similar, bedder
internal and ex
Dpc positioned
ground level
Joints to dpc to

Below Ground
100mm dia SV
selected bed a
instructions, at
5.0m minimum

NOTE
Contractor to establish exact
position and level of existing
drain prior to laying new runs.

Existing manhole
with 100mm dia spur al
established, for connec
new FW drainage.

FOUL DRAINAGE CONNECTION.