

PLANNING APPLICATION NUMBER:P06/1465

Type of approval sought	Reserved Matters
Ward	Belle Vale
Applicant	George Wimpey North Midlands Ltd
Location:	FORMER HENLEY'S FOUNDRIES SITE, BANNERS LANE, /OVEREND ROAD, HALESOWEN, WEST MIDLANDS
Proposal	RESERVED MATTERS APPLICATION FOR THE ERECTION OF 181 DWELLINGS AND ASSOCIATED WORKS FOLLOWING APPROVAL OF OUTLINE APPLICATION P04/1829.
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- 1 The application site is 3.26 hectares in size. It is bounded by Banners Lane to the west, and the River Stour Valley to the east. It has a small, open frontage onto Overend Road to the north. The remainder of that northern boundary is onto the rear of buildings (dwellings and commercial premises) fronting Overend Road. This is except for a small terrace of residential dwellings off a cul-de-sac off Overend Road, which are side on onto the application site.
- 2 The southern boundary of the site is onto industrial premises (Electromech), which, in turn, adjoin an industrial estate. There are two telecommunication masts on the Electromech site, visible from the application site.
- 3 The site adjoins a Public House to the north on the Banners Lane frontage (The Black Horse), and also Hughes' Garage (showroom, MOT and repairs), which is on the corner of Banners Lane and Overend Road.
- 4 There are dwellings on the opposite side of Banners Lane to the application site. These are a mixture of house types: there is a row of terraced houses (nos. 40 to 48), set back behind a dwarf wall with front gardens, and then semi detached and

detached dwellings further north along Banners Lane towards the junction with Overend Road – some of those dwellings have a more open frontage with front lawns.

- 5 The site slopes generally towards the boundary with the River Stour Valley – the difference in levels between that part of the site on Banners Lane and the top of the River Stour embankment is roughly 6 metres. There is a plateau of land on the part of the site adjacent to the southern boundary with Electromech which is approximately 6 metres higher than the main flatter central area.
- 6 The River Stour itself is in a wooded valley some 10 metres deep adjoining the eastern boundary of the site. It then disappears under a culvert in the northern part of the site, emerging the other side of Overend Road.
- 7 As well as the wooded edge to the River Stour Valley, there are a group of mature trees along the boundary with the rear of the buildings fronting Overend Road and also around the edges of the flat open frontage onto that highway. There are some trees along the southern boundary, however much of the vegetation and slope has been removed here.
- 8 The site has been cleared of the former foundry buildings and some earthworks and other site preparatory works carried out.

PROPOSAL

- 10 This is a Reserved Matters application following on from the granting of an Outline permission, with all matters reserved earlier this year (P04/1829). That Outline permission was subject to a Section 106 Agreement requiring:-
 - a) the provision of on site affordable housing;
 - b) the payment of a commuted sum for the enhancement of off site open space;
 - c) highway works – the improvement of the junction of Banners Lane and Overend Road to provide a traffic signal controlled junction;
 - d) the provision of a noise attenuation barrier along the southern boundary of the site (with the adjoining industrial premises).

- 11 This application is for the erection of 181 dwellings, comprising 109 apartments (mainly in 3 storey blocks, with 2 bedrooms per flat) and 72 houses (mainly 3 bedroom terraced and semi-detached houses with groups of 4 bedroom terraced dwellings near the middle of the site [17 in total]). Of the total 181 dwellings, 27 affordable housing units are shown (15% of the total).
- 12 There is a linear area of open space shown along the site's eastern boundary with the River Stour Valley. This contains a 3.5 metre wide walkway / cycleway enclosed by trip rail fencing. It is shown leading into a rectangular area of open space onto the Overend Road frontage. That area is approximately 0.21 hectares, and a landscape plan shows it to be mostly open and grassed, with trees on the road frontage and the boundary in front of the run of existing terraced houses, and a stand of trees near its centre.
- 13 In more detail, the proposed residential layout comprises:-
- 6 no. three storey blocks containing 12 flats in each - these are shown sited near the rear of the site alongside the proposed linear open space walkway / cycleway;
 - 2 no. 3 storey blocks containing 12 flats in each – these are shown in the northern part of the site continuing the line of the other 3 storey blocks, with one of the blocks fronting onto the rectangular area of open space on the Overend Road frontage;
 - of the houses, 20 are shown as 2 storey, 32 at 2½ storey and 20 at 3 storey;
 - 18 plots are shown onto Banners Lane – in the main, these are shown as 2½ storey (with a shared parking area in front and dwarf walls to the edge of pavement), with 2 storey dwellings either side of the access into the site (these are shown with feature gables) and alongside the southern boundary of the site – the applicants have provided street scenes for this frontage;
 - There is a central square of a mixture of 20 no. 2, 2 ½ and 3 storey dwellings, and 2 flats above garages, shown arranged backing onto a central parking area;

- In the southern, central part of the site, a cul de sac is shown with a mixture of 2 and 2 ½ storey dwellings and flats above garages fronting onto it.
- 14 There is a single access point shown onto Banners Lane, which leads into a relatively straight section ending in a hammerhead in front of the 3 storey flats at the rear of the site – parking areas for those flats, and a pedestrian link to the footpath / cycleway adjoining the River Stour cutting, branch of that hammerhead.
- 15 Two culs –de sac are shown branching branch off the main estate road – the one branching to the north corners and leads to proposed parking areas for the 3 storey flats, as well as linking up with the proposed footpath / cycleway in the northern part of the site.
- 16 The parking shown amounts to 1.2 spaces per flat, and minimum 1 ½ spaces per house – 238 spaces in total.
- 17 Other, detailed aspects of the proposal comprise:
- a) The retention of the mature trees along the top of the River Stour cutting and wooded slopes and along the shared boundary with the rear of the premises fronting Overend Road;
 - b) Walkways alongside the communal parking areas to the flats, which are shown passing between the 3 storey blocks at the rear of the site to lead to the footpath / cycleway at the rear of the site;
 - c) The boundary to the adjoining industrial estate to the south is shown as a retaining feature (a wall up to 7 metres high, consisting of blocks laid out in a series of terraces with the potential for accommodating planting) with a 2 metre high acoustic fence on top;
 - d) some of the blocks of flats are shown with projecting rounded corner features;
 - e) a feature elevated bat box is shown at the head of the path which comes off the hammerhead off the main estate road.
- 18 The following supporting information has been submitted:-
- A Planning Statement;

- Tree and ecological survey;
- Access statement;
- Access strategy report.

19 The plans have been revised to show:-

- A reduction in the number of flats across the site from 132 to 109 units - most of the flats were shown as 4 storeys in height, these are now 3 storey – this was to seek to achieve the parking requirement of 1.2 spaces per flat (previous versions of the scheme showed 1 space per flat);
- The relocation of some of the blocks of flats – this gave rise to an increase in the rectangular area of open space and boundary treatment to the proposed plots onto Banners Lane`.

The local community were re-consulted on amendments to the layout of the scheme.

HISTORY

20 A summary of the planning history is set out below.

APPLICATION No.	PROPOSAL	DECISION	DATE
P04/1829	Outline – residential development (all matters reserved)	Approved, subject to a 106)	12/07/06
P05/1623	Full – erection of 204 dwellings	No decision – seeking withdrawal	

PUBLIC CONSULTATION

21 Seven letters have been received, including two from Local Ward Members. The letter re-iterates the concerns of residents in the area in terms of the associated extra traffic that such a development would attract – Banners Lane is a narrow and winding road and there is already a rapid build up of traffic waiting to get out of

Banners Lane at busy times – this will be compounded by the increase in traffic from the new estate – the constituents feel that it is imperative that a second vehicular access is made on Overend Road, which would allow for a better distribution of traffic, with a ‘rat-run’ situation being avoided by the installation of a pedestrian link in the middle of the estate.

A petition against the proposal has also been received with 242 signatories. The issues in summary are:-

- opposition to a single access onto Banners Lane – a second road entrance and exist onto Overend Road is required;
- the proposed traffic lights at the junction of Banners lane and Overend Road are likely to divert traffic problems into Banners Street and Corngreaves Road due to impatient drivers;
- the build up of traffic in Banners Lane and Overend Road will make it impossible for articulated lorries to get around in either direction;
- there is a history of road safety issues attached to Banners Lane, Banners Street, Overend Road and Butchers Lane – the problems will become worse as a result of the development;
- far better to have an access point onto Overend Road – possibly reducing traffic in Banners Lane by 50%;
- traffic lights are not the answer at the bottom of Banners Lane – there is a lack of space at this junction with pedestrians having to walk in the highway – the junction needs widening instead;
- the 2 ½ storey dwellings proposed for the Banners Lane frontage are out of character with the street;
- concern over public access onto the riverbank.

OTHER CONSULTATION

- 22 Environment Agency – recommend conditions on drainage, the restoration of the (Site of Local Importance for Nature Conservation - SLINC), surface water run off limitation, exclusion zone around the watercourse, restrictions on soakaways, and contamination.

- 23 Severn Trent – no objection, subject to a drainage condition and an exclusion zone around the sewer which crosses the site.
- 24 Sandwell MBC – there is an issue over the quality of the boundary treatment along Overend Road and along the pedestrian / cycle path.
- 25 Centro – no objections in principle – however recommend a Residential Travel Plan, and the provision of cycle facilities – *it is considered unreasonable to recommend a condition requiring a Travel Plan as this was not required as part of the terms of the Outline permission, however a condition has been recommended requiring the provision of cycle facilities (Condition 3).*
- 26 Group Engineer (Development) - the layout has been amended to address initial concerns with regard to the shortfall in parking in the parking courts for the flats, footway crossings, and visibility around bends within the internal road layout. *Confirmation is awaited as to whether those amendments are acceptable.* In addition, the findings of the transport assessment in relation to a single access onto Banners Lane and traffic lights at the junction of Banners Lane and Overend Road are supported.
- 27 Head of Environmental Protection requires conditions on contaminated land and soil gases, which are attached to outline approval P04/1829 and remain to be addressed.

RELEVANT PLANNING POLICY

- 28 The site is designated as a Local Employment Site, within the River Stour Linear Open Space (LOS), with the wooded banks of the Stour, a Site of Local importance for Nature Conservation (SLINC).
- 29 The following Unitary Development Plan (UDP) policies are relevant:-
- DD1 – urban design;
 - DD4 - development in residential areas;
 - DD6 – access and transport;
 - DD8 – provision of open space;
 - DD10 – nature conservation and development;
 - DD11 – water courses;

- EE2 – Local Employment Areas;
- AM14 - Parking
- AM16 – Travel Plans;
- H4 – housing mix;
- H5 – affordable housing;
- H6 – housing density;
- NC1 – biodiversity;
- NC5 – SLINCS
- NC6 – wildlife species;
- HE11 – archaeology and preservation;
- S02 – Linear Open Space;
- S03 – access and enhancement of Green Belt and LOS;
- EP7 – noise pollution.

ASSESSMENT

30 Principle

Clearly, the broad principle of the residential redevelopment of this site has been accepted following the granting of the outline permission (P04/1829) on this site. This would include the release of this designated Local Employment Site for an alternative use.

31 Affordable housing

The proportion of affordable housing shown (27 units at 15% of the total) and the dwelling types involved complies with the requirements set out in the Section 106 Agreement. These units are shown spread across the site, with a cluster near the southern boundary. This is considered acceptable.

32 Density

The proposed gross density is 55 dwellings per hectare. The net density of development, excluding River Stour Valley, is considered to be 62 dwellings per hectare. In the interests of making the efficient re-use of land, planning policy promotes densities at above 50 dwellings per hectare on urban sites in sustainable

locations, particularly close to existing centres and around major transport corridors and nodes.

33 The site is approximately 1 km from Cradley Heath Town Centre and 700 m from Cradley Local Centre. There are bus services both along Banners Lane and Overend Road. The proposed footway / cycleway links the site with the bus services in Overend Road. The site can therefore be considered to be within an urban setting at a location which may be regarded as having a degree of sustainability.

34 It is therefore considered that a density slightly in excess of 50 dwellings may be considered appropriate on this site providing that it can be demonstrated that, in particular, the design of the proposal is in keeping with the local context (see assessment below – paras. 35 – 41) and that the level of on –site parking is acceptable (see assessment below – paras 53 to 55).

35 Design

The proposed dwellings onto Banners Lane are shown in the main as 2 ½ storey – terraced dwellings with a window on the front elevation on the roof slope leading to a third bedroom.

36 There are a mixture of existing dwelling types within Banners Lane. These include a row of terraced houses opposite the site. Given the similarity between the existing and proposed house types, including the height, it is considered that the proposed dwellings will not appear significantly dissimilar from those existing houses. Furthermore, dwarf walls and planting are shown in front of the proposed plots, reflecting the treatment of the frontages of the existing dwellings, and the orientation of the proposed plots will provide an active street frontage. It is considered that the submitted photomontages demonstrate this compatibility.

37 At either side of the access point into the site, 2 storey dwellings are shown. These are sited so as to turn the corner into the site, with feature gables helping to provide a focal point /emphasise the entrance.

38 The apartment blocks are shown, in the main, arranged along the rear boundary of the site with the River Stour. It is considered that this is the most appropriate location for the siting of the apartment blocks on the site, as they are divorced from any existing dwellings / the existing design context.

- 39 The scheme has been amended to show most of the apartment blocks reduced from 4 to 3 storeys in height. This includes those blocks nearest to the Overend Road frontage and overlooking the rectangular area of open space. It is considered that the reduced height in the blocks on this part of the site, helps the development to more satisfactorily assimilate in with the existing townscape, particularly the run of terrace houses perpendicular to Overend Road, and also the surrounding proposed plots, particularly the 2 storey flats overlooking the parking area to the proposed block nearest to Overend Road.
- 40 Some of the apartment blocks are shown with projecting circular features helping to emphasise the junction of pathways across the site. The blocks are also shown with habitable rooms overlooking both the linear and rectangular areas of open space. Given this and the width of the pathways shown, the proposal is considered to have satisfactorily accommodated secure by design principles.
- 41 In general, and as borne out by detailed aspects of the design, the proposal is considered to adequately reflect the local design context and provides for a scheme which, in general, accords with acknowledged design principles.
- 42 Open space
The applicants have shown a swathe of open space on the site at the top of the River Stour cutting and also a rectangular area of open space at the Overend Road frontage. In addition, the applicants are required to pay a commuted sum for open space and play area provision as a result of the Section 106 Agreement tied to the Outline permission (P04/1829), which the current application is based on.
- 43 It is considered that in providing an open/green link with a walkway / cycleway running through it, this would accord with the site's designation within the River Stour Linear Open Space and also reinforce and protect the adjacent wooded slopes of the riverbank, including its nature conservation value. It also serves to provide a physical link to Overend Road and the facilities, including bus stops, available there.
- 44 The rectangular area of open space on the Overend Road frontage has been increased in size as a result of amendments to the layout. Although it is fairly limited in size, and thereby unable, for instance, to properly accommodate a sports pitch or

children's play area, it is considered that it would be of value as an informal area of open space, connected to and widening out the linear open space, providing a green edge to the development and an amenity area overlooked by the existing row of terraced properties on Overend Road and the proposed 3 storey apartment blocks on the site. The applicants have also provided detail on the landscaping of this area of open space, showing that it would be effectively enhanced as an informal area.

- 45 Given this, and that the applicants have entered into a Section 106 Agreement to provide a commuted sum for off site open space enhancement, it is considered that the proposed development adequately provides for and contributes to open space in line with the increase in users caused by the development. Of particular benefit is the provision and formalisation of the linear open space.

46 Nature Conservation

The applicants have submitted a tree survey and ecological survey. This ecological survey concludes that there was very little activity on the developable part of the site by protected species: there was a bat foraging amongst the wooded banks of the River Stour in the northern part of the site (*these trees are shown to be retained on the layout plan*), and a disused badgers' sett in the central / southern section of the site. The survey suggests suitable mitigation measures should such species be evident during the construction phase of development. Indeed, the applicants have shown a feature bat box at the head of the main access road within the linear open space. This approach is considered reasonable to afford adequate protection.

- 47 In addition, Condition 19 attached to the Outline permission (P04/1829) requires the applicants to submit a restoration and enhancement plan for the SLINC (the wooded slopes of the riverbank). This action is acknowledged within the ecological survey. This area has been the subject of flytipping and has clinker deposited on it from the former foundry. It is considered that its required enhancement presents the opportunity to significantly upgrade its nature conservation value in line with UDP policy NC1.

48 Access

Vehicular access is shown into the site off Banners Lane. Access considerations have been a major issue raised by objectors to the scheme: a significant number of

representations from the local community point to a concern about there being a single access point to the proposed development from Banners Lane, with no access off Overend Road.

49 On this, the Group Engineer has commented that the options for a new vehicular access onto Overend Road have been discussed in detail within the access strategy report, submitted alongside the planning application by the applicant's highways consultant.

50 The following options for an additional access there have been put forward, and rejected by the Group Engineer, as follows:-

Priority Junction - concerns arise with this layout – given the position of the private industrial access opposite the site, a staggered junction layout would be required – there are also inadequate visibility splays and insufficient carriageway width to provide a right turn lane without requiring 3rd party land;

Roundabout/Mini Roundabout: - a mini roundabout would be unable to safely accommodate the traffic currently using Overend Road, the private industrial access and the traffic expected to use the proposed access into the development site, and also the close proximity of the roundabout to the proposed traffic signals at Overend Road/Banners Lane, would more than likely cause undue delay to traffic on Overend Road.

Traffic Signals - The traffic signal scheme could take place within the existing boundary of the public highway, except on the access onto the industrial estate, which would require the permission of the land owner - Sandwell MBC have expressed their concerns with the restriction of traffic flows on Overend Road as a result of the traffic signals, and its impact on the current operation of the newsagent on the western side of the site's boundary onto Overend Road which would be likely to lead to objections to the scheme from the Newsagent.

51 In summary, the Group Engineer and Sandwell MBC's engineers consider that there are no apparent capacity or safety issues to justify pursuing a secondary access onto Overend Road, which, furthermore could be problematic legally and costly in terms of ransom strips. This is especially when a satisfactory solution to the development's highway impact is available in the form of a single access to the site from Banners Lane with traffic signals at the junction of Overend Road/Banners

Lane. A (secondary) access onto Overend Road therefore cannot be justified and would be problematic to achieve.

52 Furthermore, it is considered that the potential forging of a vehicular access off Overend Road would unduly impinge on the amount of land which could be landscaped within the proposed area of open space on that frontage, thus downgrading that area's potential quality and value.

53 In terms of the internal access roads, the applicants have amended the layout to address the initial concerns of the Group Engineer. The amended layout is now considered satisfactory in terms of this issue.

54 Car parking

The Group Engineer expressed concerns with regard to the amount of parking shown provided on earlier versions of the scheme. This was in relation to the number of parking spaces shown for the blocks of flats – earlier versions of the scheme showed 1 space per flat.

55 That level of parking was considered inadequate, especially given that the site is not in an overtly sustainable location (e.g. within or on the edge of an existing centre / close to public transport nodes) so as to justify a reduction in the amount of parking. There would also be highway safety concerns, if as a result of that level of parking on the site, vehicles were displaced onto Banners Lane – parking there would be likely to compound the relatively high levels of on street parking, not only associated with dwellings, but also the industrial premises in that street

56 The scheme has been amended to address this – the reduction in the number of flats enabling the parking ratio to be increased from 1 space per flat to 1.2 spaces per flat. These amendments enable the scheme to be now considered to provide a satisfactory level of parking.

57 Amenity

The proposed houses are shown with rear garden lengths of, in the main, around 10 metres. The flat blocks are shown with relatively small areas of private amenity space surrounding them, however this is considered to be compensated for by the outlook over the linear open space / River Stour Valley or rectangular area of open space onto Overend Road.

- 58 The applicants have shown acoustic fencing on top of a retaining wall on the boundary to the adjoining industrial premises to the south, with specific details of that acoustic fencing required under the terms of the Section 106 Agreement attached to the Outline permission. An acoustic fence along the north western boundary of the site with Hughes Motors in Banners Lane is also shown. It is considered that given this a satisfactory level of amenity may be provided for future occupiers.
- 59 In relation to the impact on the amenity of the occupiers of the existing dwellings around the site, there is considered to be adequate separation distances between the dwellings fronting Overend Road and the nearest proposed plots, with those dwellings in the cul-de-sac off Overend Road potentially benefiting from an outlook over the rectangular area of open space shown provided on the application site.

CONCLUSION

- 60 The reduction in the number of flats on the site (from previous versions of the scheme) has resulted in an acceptable ratio of on-site parking shown to be provided. This, along with, in particular, the provision of an area of linear open space, the design of the plots onto Banners Lane being sympathetic to the streetscene, and that the scheme provides scope to enhance the nature conservation value of the River Stour Valley enable these Reserved Matters to be considered in compliance with the provisions of the development plan.

RECOMMENDATION

- 61 It is recommended that:-

The Reserved Matters be approved, subject to the following conditions. These conditions are in addition to those required to be complied with under the terms of the binding Outline permission (P04/1829) and are considered to be reasonable and necessary to address issues evident within the details of the scheme.

Reason for approval

The reduction in the number of flats on the site (from previous versions of the scheme) has resulted in an acceptable ratio of on-site parking shown to be provided. This, along with, in particular, the provision of an area of linear open space, the design of the plots onto Banners Lane being sympathetic to the

streetscene, and that the scheme provides scope to enhance the nature conservation value of the River Stour Valley enable these Reserved Matters to be considered in compliance with the provisions of the development plan. This is with particular reference to policies DD4, DD8, H5, S03 and AM14 of the Unitary Development Plan.

Conditions and/or reasons:

1. Unless otherwise agreed in writing, before development commences a timetable for the implementation of the measures, including those requiring potential mitigation actions, set out in the tree and ecological survey report dated 7th July 2006 by RAW Consulting, and the addendum to that report dated 2nd October, 2006 shall be agreed in writing with the Local Planning Authority. Those measures shall then be implemented in accordance with the approved timetable.
2. All planting, seeding or turfing comprised in the details of landscaping hereby approved 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.
3. Before development commences, details of cycle parking facilities shall be submitted to and approved in writing by the Local planning Authority. The approved facilities shall be provided before first occupation of the dwellings on the site and retained for the lifetime of the development.
4. Before development commences, details of the elevated bat box feature as shown on the approved plans, shall be submitted to and approved in writing by the Local Planning Authority.
5. Before development commences details of external lighting to be provided for public areas shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed prior to first occupation of the dwellings or to an alternative timescale to have been previously agreed in writing by the Local Planning Authority.
6. This permission does not grant approval for the details relating to the noise barrier shown on the approved plans along the boundary of the application site with the industrial site to the south, details of which remain to be approved under the terms of the Section 106 Agreement attached to the binding Outline permission (P04/1829).

