

PLANNING APPLICATION NUMBER: P09/1679

Type of approval sought	FULL PLANNING PERMISSION
Ward	HALESOWEN NORTH
Applicant	HARPER JONES DEV LTD
Location:	9/10, YATES LANE, CAKEMORE, ROWLEY REGIS, WEST MIDLANDS, B65 0RA
Proposal:	ERECTION OF 1 NO. BLOCK OF 4 NO. APARTMENTS AND 3 NO. TERRACED DWELLINGS
Recommendation summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The application site relates to two former residential dwellings built in the early 1900's, which have been recently demolished.
2. The site is located at the end of Yates Lane, which is a public footpath over which there are private vehicular rights; and leads to Hurst Green, to the south of the site. The vehicular access includes a small hard standing also used for the parking of vehicles, from which, a single gated access point leads into the site.
3. At present the site contains a cleared area with mound of rubble and building merchant materials scattered across the site. 2m fencing encloses the site and on the western boundary is a row of sycamore trees.
4. Approximately 20m east of the site is the M5 motorway, this being located within a deep cutting.
5. The site is adjoined on the northern boundary by a small group of residential dwellings built in the late 1970's and early 1980's, three having frontages onto Yates Lane and another five fronting Cakemore Road.

6. The western (rear) boundary is adjoined by playing fields, a recent planning application has been approved further into that site for the creation of the GOALS Soccer Centre.
7. A pond lies adjacent the southern end of the site within a triangle-shaped area of semi-natural broadleaved woodland, which extends southwards toward Hurst Green Park.

PROPOSAL

8. Full planning permission is sought for the erection of 1 No. block of 4 x 2 bedroom apartments and 3 x 2 bedroom terraced dwellings. There is an extant permission (P07/2288) for the erection of 8 No. 2 bedroom apartments on this site.
8. The two blocks of development would be staggered by 0.9m and separated by a gap of 1m. Block A (apartments), is shown to measure 12.2m deep by 13.3m wide, while Block B (terrace houses) is shown to measure 10m deep by 13.3m wide and 7.6m high to the ridge.
10. The single site access would run between the rear of 3 Yates Lane and the northern elevation of plot 7, leading to a parking bay for 5 cars with another 2 parking spaces located adjacent to Yates Lane, which will be upgraded as part of this scheme. 8 cycle parking spaces are also located within the rear parking area, as is a refuse store.
11. Private rear amenity area is provided for the terrace dwellings and a communal private amenity area is located to the rear of the apartments.
12. The application is accompanied by a design & access statement.

HISTORY

13.

App No.	Proposal	Decision	Decision Date
P07/2288	DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 8 NO 2 BEDROOM APARTMENTS IN TWO BLOCKS (RESUBMISSION OF WITHDRAWN	Withdrawn	05/02/08

	APPLICATION P07/2054)		
P07/2054	DEMOLITION OF TWO PRE-WAR HOUSES AND ERECTION OF 8 NO. 2 BEDROOM APARTMENTS.	Withdrawn	05/12/2007
P01/0760	FIRST FLOOR EXTENSION TO ENLARGE OFFICE ACCOMMODATION.	Approved with Conditions	13/06/01
90/50144	SINGLE-STOREY EXTENSION TO FORM EXTRA GARAGE SPACE AND STORAGE AREA AND USE OF NO. 10 FOR OFFICE PURPOSES	Approved with Conditions	09/05/90
CC/75/472	ERECTION OF GARAGE.	Approved with Conditions	03/04/75

12. Planning application P07/2054 was withdrawn following concerns with;
- the proximity of the apartment block to the rear elevation and garden of 3 Yates Lane
 - Inadequately designed parking bays
 - Parking obstructing the Public Right of Way
 - Bin store directly adjacent the rear boundary of 3 Yates Lane

PUBLIC CONSULTATION

13. Direct neighbour consultation and site notice were displayed with publicity due to expire on 1 February 2010. No letters of objection had been received at the time of writing.

OTHER CONSULTATION

14. The Head of Environmental Health and Trading Standards: has no objections to this proposal, subject to conditions.
15. The Group Engineer (Development): has no objections subject to conditions.
16. The Nature Conservation Officer: has no objections.

RELEVANT PLANNING POLICY

17. Unitary Development Plan (2005)

- DD1 – Urban Design
- DD4 – Development in Residential Areas
- DD6 – Access and Transport Infrastructure
- EP7—Noise Pollution
- H3 – Housing Assessment Criteria
- H6 – Housing Density
- AM13 – Public Rights of Way
- NC6 – Wildlife Species
- NC10 – The Urban Forest
- DD7 – Planning Obligations
- DD8 Provision of open space, sport and recreation facilities
- UR9 – Contaminated Land

18. Supplementary Planning Document

- Parking Standards and Travel Plans
- Nature Conservation
- New Housing Development
- Planning Obligations

19. Supplementary Planning Guidance

- PGN3 – New Housing Development

ASSESSMENT

20. The key issues are:

- Character and appearance of the area
- Residential amenities of nearby and future occupiers
- Highway safety
- Wildlife conservation
- Planning obligations

Character & Appearance

21. Policy DD4 – Development in Residential Areas, seeks to ensure that residential development will be allowed where,
 - *there would be no adverse effect on the character of the area or upon residential amenity*
 - *the scale, nature and intensity of the use of the proposed development would be in keeping with the surrounding area.*
22. The thrust of national guidance in PPS3 maintains the emphasis on making the best use of previously developed land. It states 'New development should be of high quality, inclusive design and layout ... and be informed by its wider context, having regard not just to neighbouring buildings but to the townscape and landscape of the wider locality.' (paragraph 37).
23. This area is mixed in character although this site itself was originally used for residential purposes. Nearby dwellings have been built at a density between 50 dph to 71 dph. As the redevelopment removes a use that is somewhat incompatible to the adjacent residential and semi-natural woodland, the slightly higher 88dph density is considered to make efficient and effective use of previously developed land and therefore is consistent with national policy and Policies H3 and H6 of the Adopted UDP.
24. The prevailing character, as already mention, consists of a small pocket of modern dwellings, these being detached within Yates Lane, and a single block of 5 terraced dwelling fronting Cakemore Road. The removal of the industrial buildings offer an opportunity lay out replacement buildings to respond to the urban form.
25. The proposed blocks would accommodate a similar back of footpath position to the existing buildings and to the extant permission of P07/2288.
26. External appearance of the apartments and dwellings is modern, features such as the use of projecting bays and porches, varying roof heights ensure that some elements are reflected from the existing buildings but also introduce new elements such as the

feature gable to add interest to the block and ensure that the proposal would integrate with the modern dwellings nearby.

27. The dwellings take into account the context of surrounding dwellings and do not have an adverse impact upon the character and appearance of the area, the development would therefore be compliant with Policies DD1, DD4, H3 and H6 of Dudley's Adopted UDP.

Residential Amenity

28. The current scheme maintains a distance of between 14m – 20m to be retained between the rear elevation of no. 3 Yates Lane and the side elevation of the proposal. Impacts on neighbouring properties would be comparable to the extant permission P07/2288.
29. This application will resurface the car parking area and improve visual amenities of these adjoining occupiers.
30. PGN 3 New Housing Development indicates the private rear amenity or garden area that the LPA will be seeking for new properties. All new residential development should have a reasonable amount private amenity space around them to maintain a minimum amount of privacy and an appropriate standard for the type of accommodation proposed commensurate with the area as a whole.
31. It is considered there is appropriate amenity area for future occupiers, as the proposal provides similar amenity areas than that of the P07/2288. It must also be noted that future occupiers are in very close proximity to the Hurst Green Park, which could be accessed via the Public Right of Way in front of the apartment block.
32. The Head of Public Protection considers that due to the proximity of the M5, future occupiers would be affected by road traffic noise, therefore a condition is attached for the submission of a scheme to protect future occupiers. Given the industrial nature of the site, conditions are also requested for appropriate site investigation to be carried out to accord with UDP Policy UR9.

33. In all respects, this proposal is not considered to have an adverse impact upon residential amenities of nearby occupiers, and therefore Policy DD4 of the adopted UDP is complied with.

Highway Safety & Parking

34. In line with the Parking Standards and Travel Plans SP, a total of 7 parking spaces have been provided within the application boundary. An additional 8 cycle parking spaces have also been provided.
35. The applicant has indicated on the layout plan that the whole of Yates Lane will be upgraded to Local Authority specification, and that works would be carried out to the footpath access to Hurst Green Park. This is considered an enhancement and provides better facilities for users of this Public Right of Way in accordance with UDP Policy AM13.
36. The Group Engineer, Development raises no objection. Adequate and safe provision for access and egress by vehicles, pedestrians and other road users is provided which adheres with UDP Policies DD6 and AM13.

Wildlife conservation

37. Policy NC6 of the UDP states that development will only be permitted where it can be demonstrated that measures to protect protected wildlife species are proposed as part of the scheme proposed. The recommendations made in the applicant's Protected Species Survey and Assessment Report are considered reasonable, and a condition should be imposed to ensure that the development takes place in accordance with those recommendations in order to meet the requirements of Policy NC6, Nature Conservation SPD and to ensure that no breaches in wildlife legislation will occur.

Planning obligations

38. 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 and has been calculated giving consideration to the extant permission:

- Open Space, Sport and Recreation - £10,449.56
- Management and Monitoring Charge - £1,000

Total Offsite Contribution equates to £11,449.56

38. The applicant has been notified of this principle and confirmation of their acceptance is awaited.

CONCLUSION

40. It is considered that the proposal would not have an adverse impact on highways safety, character of the area, or residential amenity. The proposal is therefore in accordance with Policy DD1 - Urban Design, Policy DD4 - Development in Residential Areas, Policy DD6 - Access and Transport Infrastructure and Policy DD7-Planning Obligations of the Adopted UDP (2005), Planning Guidance Note 3 - New Housing Development, Supplementary Planning Guidance - Parking Standards and Travel Plans.

RECOMMENDATION

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

- a) The development shall not be commenced until a scheme for the submission and approval of a planning obligation to guarantee the provision, maintenance and enhancement of off-site public open space and play provision and management and monitoring for a total charge of £11,449.56, has been submitted to and agreed in writing by the Local Planning Authority.
- a) 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.

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

Reason for Approval of Planning Permission

It is considered that the proposal would not have an adverse impact on highways safety, character of the area, or residential amenity. The proposal is therefore in accordance with Policy DD1 - Urban Design, Policy DD4 - Development in Residential Areas, Policy DD6 - Access and Transport Infrastructure and Policy DD7-Planning Obligations of the Adopted UDP (2005), Planning Guidance Note 3 - New Housing Development, Supplementary Planning Guidance - Parking Standards and Travel Plans.

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.

Informative

The development hereby permitted shall be built in accordance with the approved drawings 2713/101B & 2713/102, unless otherwise agreed in writing by the Local Planning Authority.

Conditions and/or reasons:

1. BA01 Commencement within 3 years (full)
2. The development not beginning until a scheme for the provision of:
 - a. Open space and play provision Improvements
 - b. Management and Monitoring Chargehas been submitted and approved in writing by the Local Planning Authority.
3. 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.

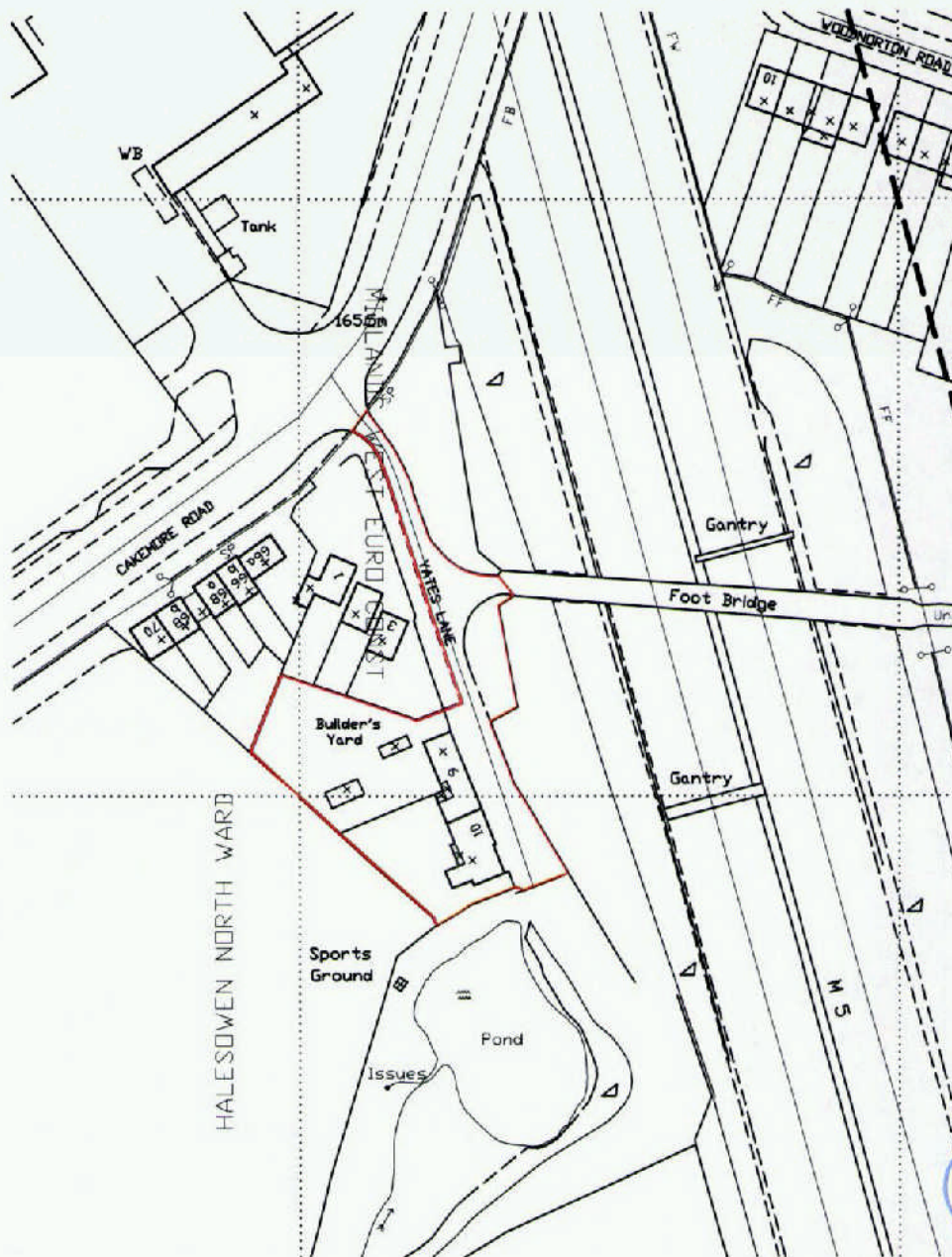
4. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied and shall be carried out in accordance with the approved details.
5. The apartments shall not be occupied until the area shown for car parking on the plan numbered 2713/101B has been graded, levelled, surfaced, drained and marked out in accordance with the agreed scheme and that area shall not thereafter be used for any other purpose unless otherwise agreed in writing with the local planning authority.
6. Prior to first occupation of the dwelling the visibility splays shall be provided in accordance with the approved details and maintained for no other purpose for the life of the development.
7. Prior to the commencement of development, a detailed landscape strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include a timetable for the implementation of the works and their ongoing maintenance, and shall be implemented in accordance with the approved details.
8. None of the dwellings shall be occupied until works for the disposal of foul and surface water drainage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Local Planning Authority.
9. 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.
10. 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.

11. Development shall not begin until a scheme for protecting the proposed dwellings from noise from road traffic noise from the adjacent motorway has been submitted to and approved 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.
12. The development hereby approved shall only take place in accordance with the recommendations set out in the Protected Species Survey and Assessment Report dated October 2007 commissioned by BC Ecology.
13. Development shall not commence until details of the reconstruction of Yates Lane have been submitted to and agreed in writing by the LPA. The development shall not be occupied until all works have been constructed in accordance with the approved details.

PROJECT : Yates Lane, Rowley Regis

NORTH



17 DEC 2009

RECEIVED
- 2 NOV 2009

Scale:
1:1250

Project Number:
2713/L

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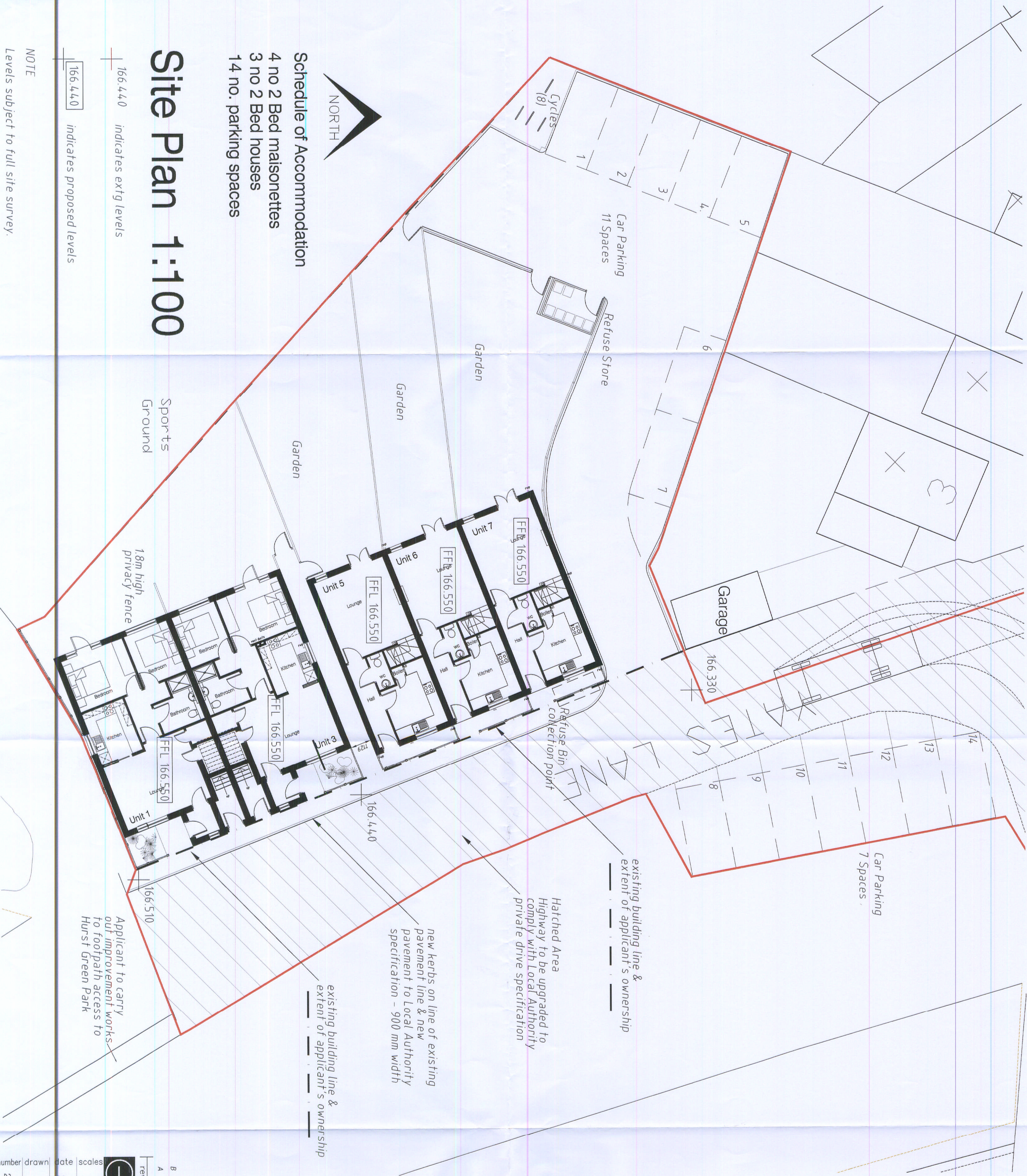
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17 DEC 2009



NOTE
Levels subject to full site survey

Schedule of Accommodation

4 no 2 Bed maisonettes
3 no 2 Bed houses
14 no. parking spaces

Site Plan 1:100

166.440 indicates extg levels

166.440 indicates proposed levels

Sports Ground

1.8m high
privacy fence

Applicant to carry out improvement work to footpath access to Hurst Green Park

date	B	01/09	Gardens and Unit 5 layout amended	MH
	A	01/09	Building Position and parking amended	MH
scale	rev.	date	[drawn] [chk'd]	
1:100				

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REDEVELOPMENT OF 9-10 YATES LANE
 ROWLEY REGIS
 for HARPER JONES Ltd

number	drawn
2713/101B	CW GSA checked

PROPOSED SITE LAYOUT

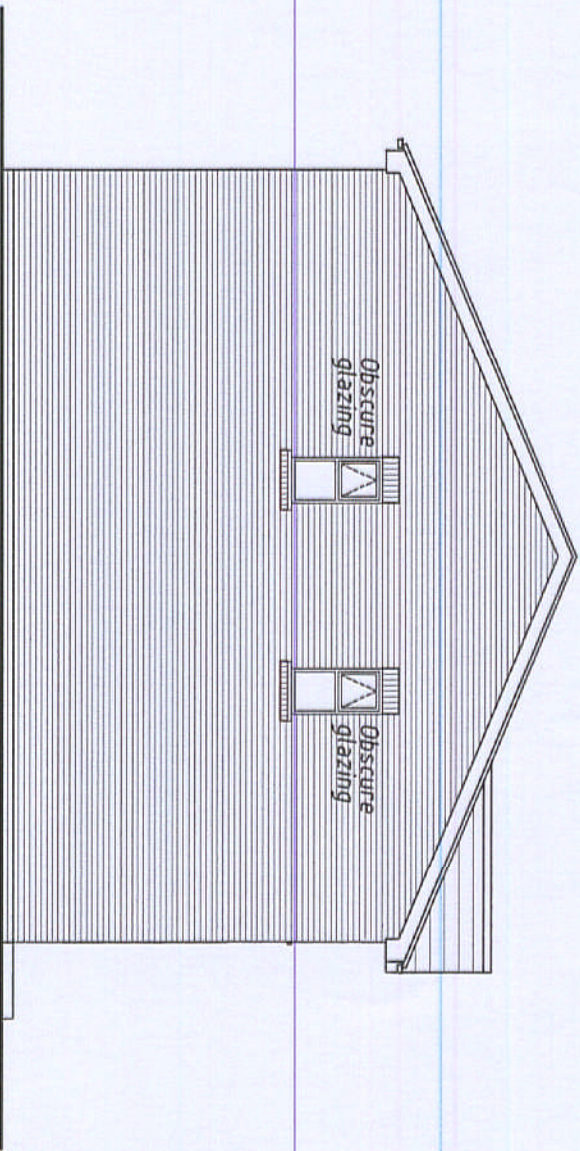
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FRONT ELEVATIONS 1:100 (STREET SCENE)

Block A

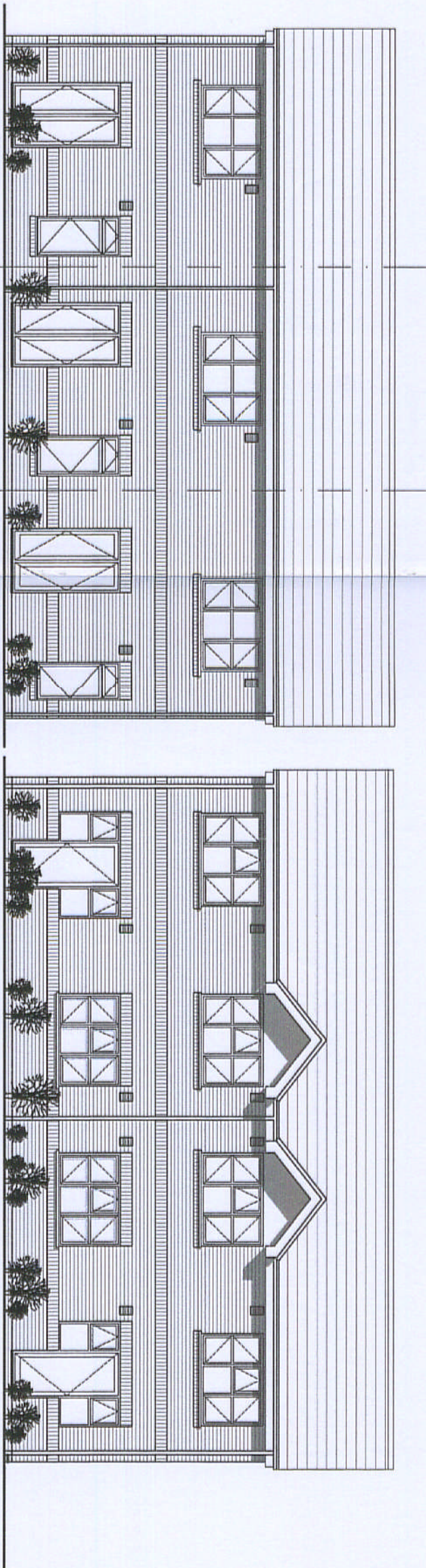
Block B



SIDE ELEVATION 1:100

Block B

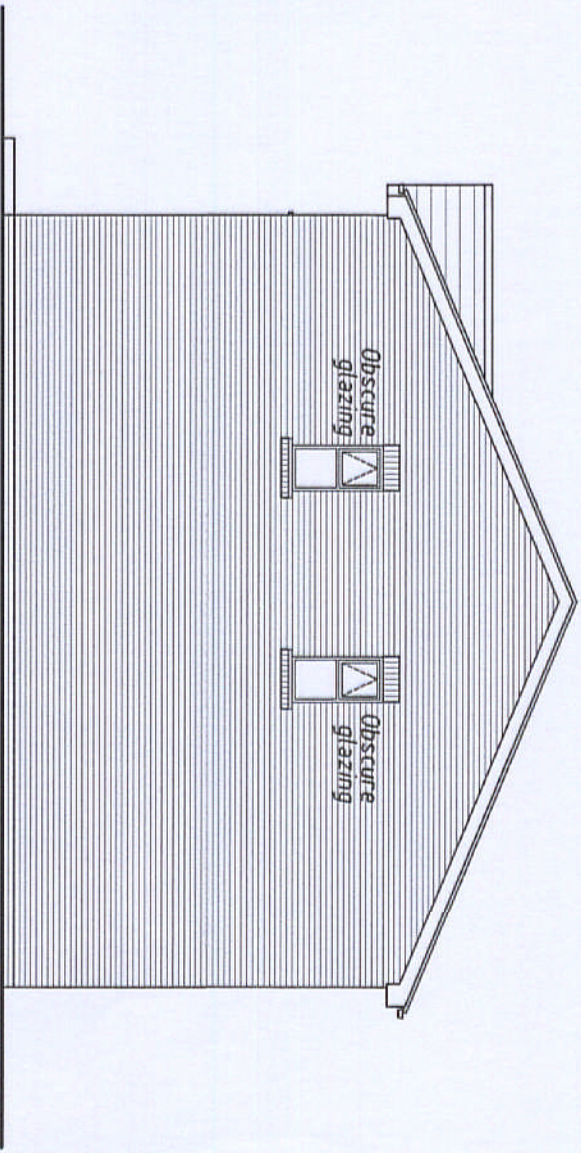
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BACK ELEVATIONS 1:100

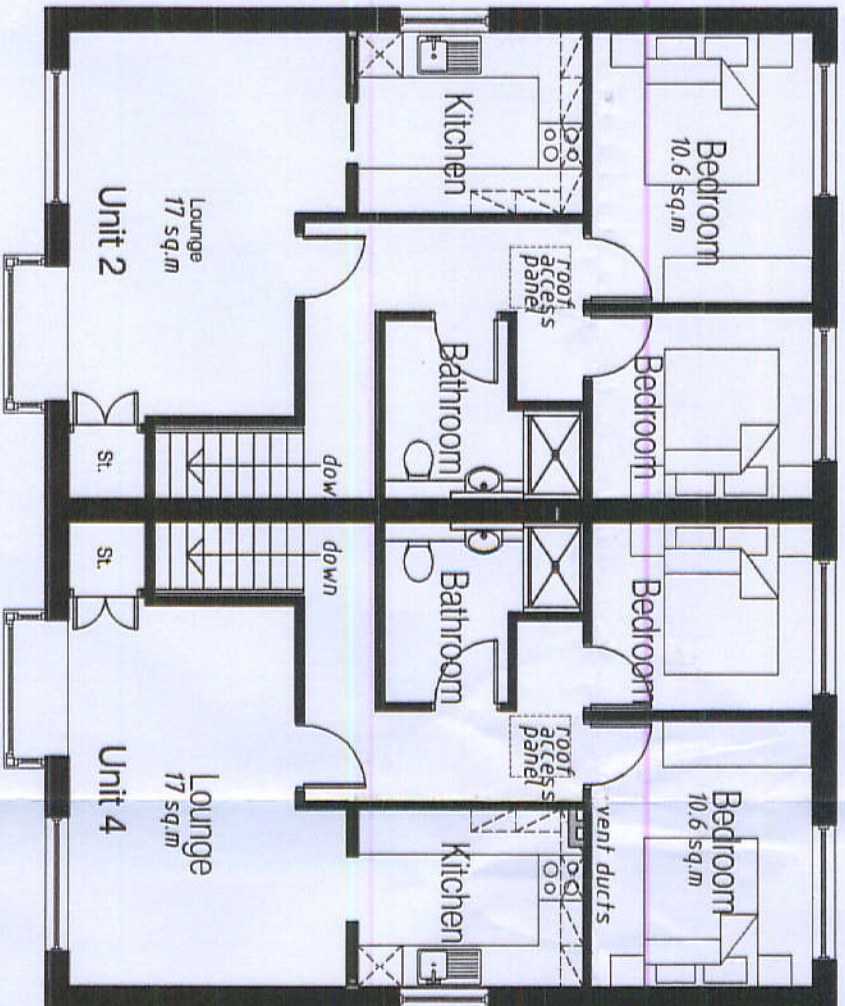
Block B

Block A



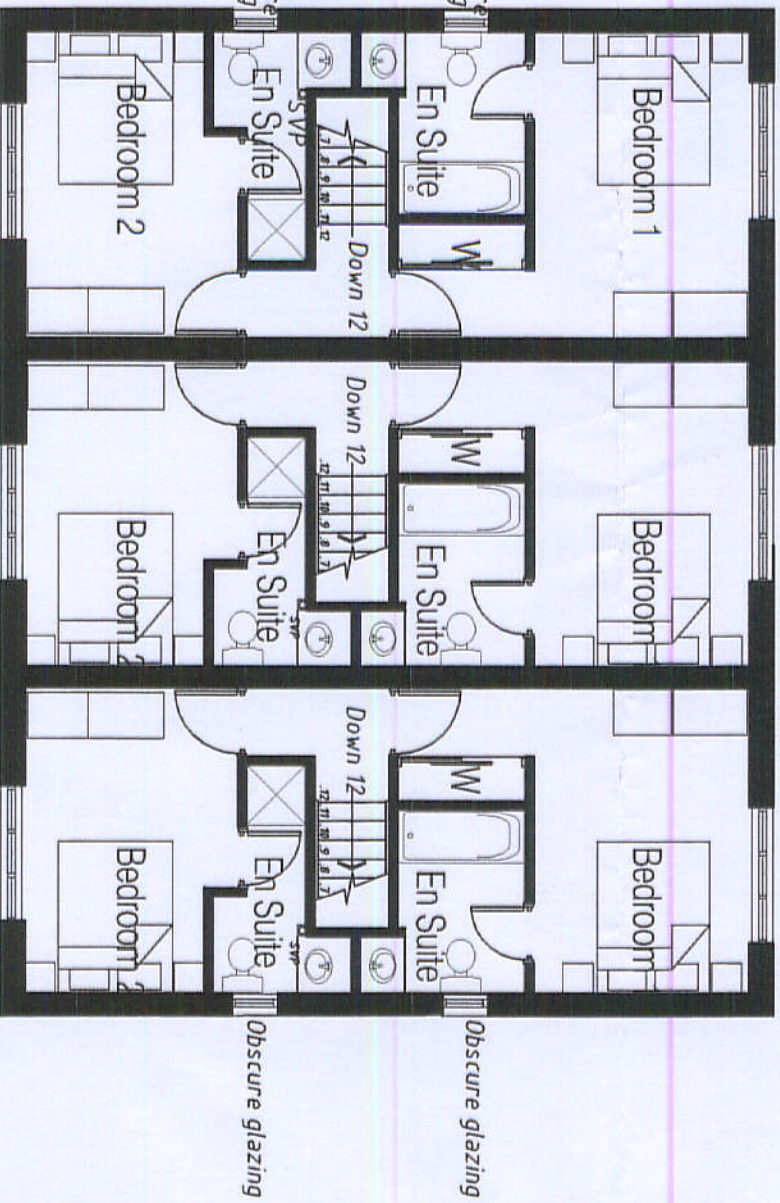
SIDE ELEVATION 1:100

Block B

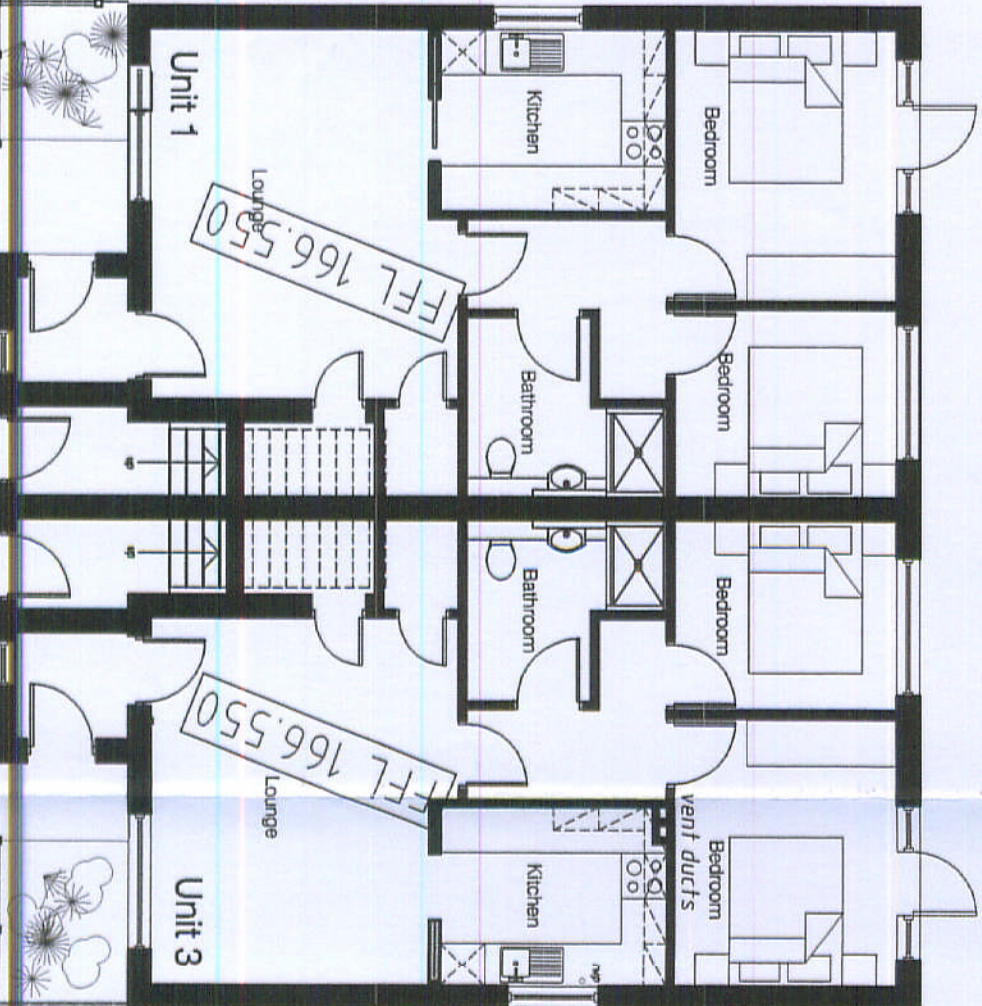


FIRST FLOOR PLANS 1:100

Block A

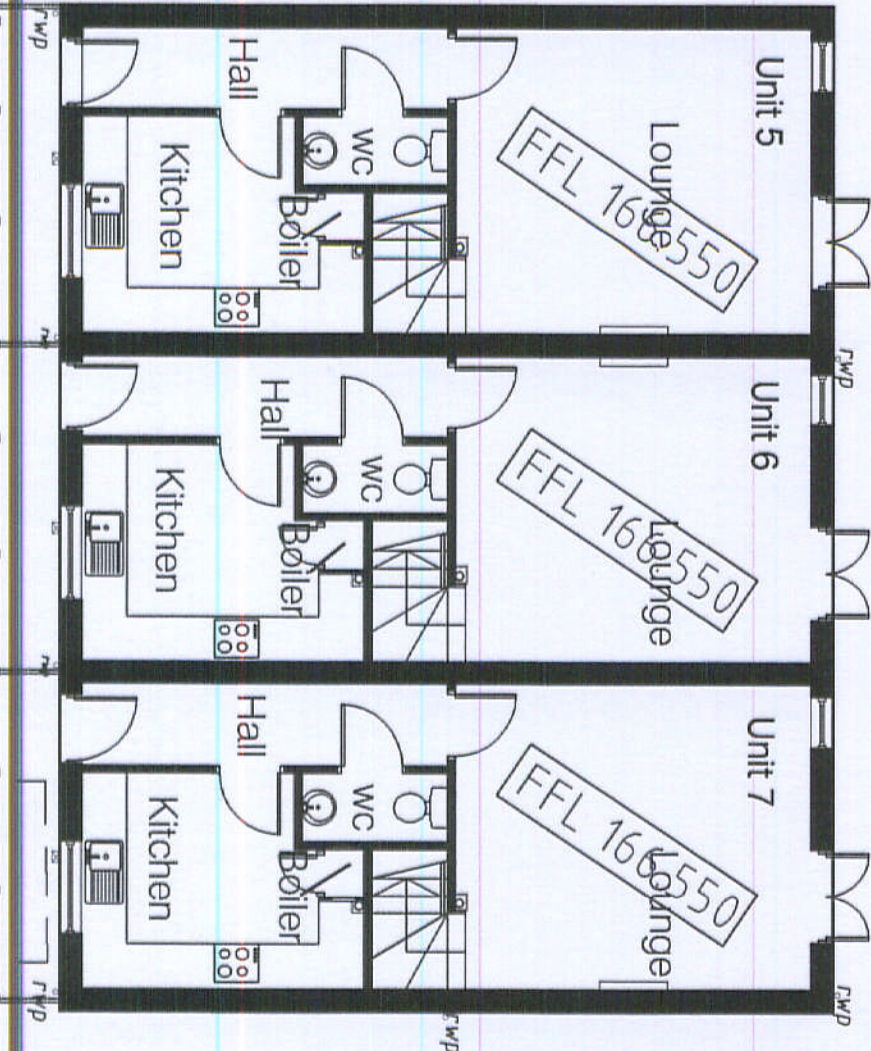


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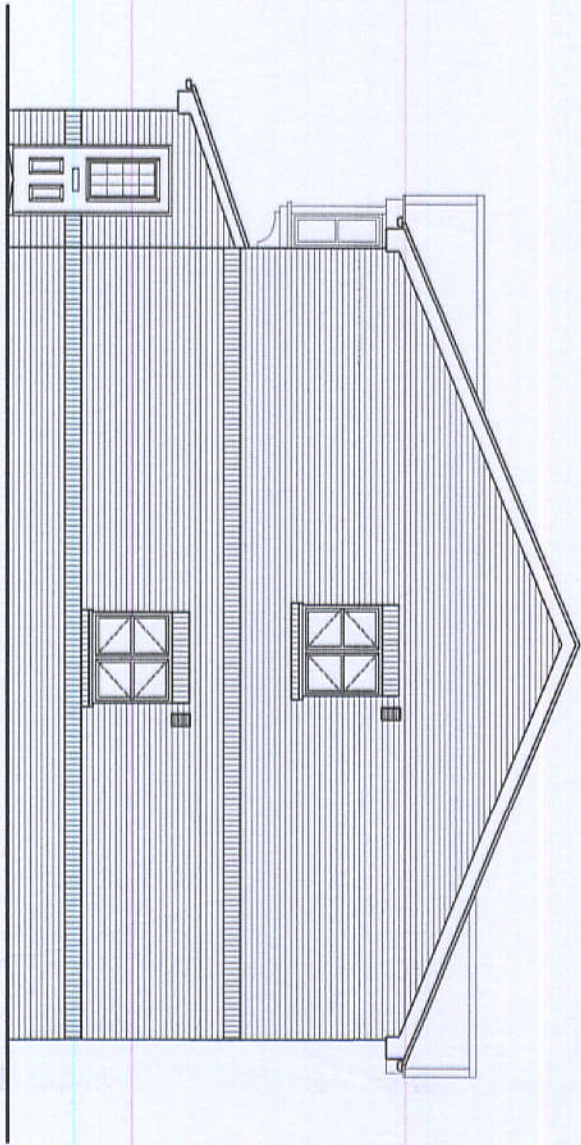


GROUND FLOOR PLANS 1:100

Block A



Block B



SIDE ELEVATION 1:100

Block A



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VARIES

REDEVELOPMENT OF 9-10 YATES LANE
ROWLEY REGIS
for HARPER JONES Ltd

27/06/07

KPD

PROPOSED PLANS AND ELEVATIONS

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