

# PLANNING APPLICATION NUMBER:P14/0162

Type of approval sought	Full Planning Permission
Ward	Halesowen North
Applicant	Mr Adam Goulding
Location:	<b>CORNER SITE OF CLEMENT ROAD AND NIMMINGS ROAD, BLACK HEATH, WEST MIDLANDS, B62 9JJ</b>
Proposal	<b>ERECTION OF A TWO STOREY BUILDING TO CREATE 6 NO. APARTMENTS</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

## SITE AND SURROUNDINGS

1. The site is located on the corner of Clement Road and Nimmings Road, Halesowen just within the boundary of Shell Corner Local Shopping Centre. It is a prominent, vacant site, situated within a mixed use area comprising housing and commercial uses. Clement Road, from which the site gains access, is a residential road, containing predominantly terraced dwellings with some semi's and detached interspersed throughout. Directly opposite on Nimmings Road is a carpet sales business and terraced houses. There is a vacant, former dental practice on the opposite corner of Clement Road. Abutting the site to the south-west is an electricity sub-station with an MOT garage beyond which gains rear access off the driveway to the application site off Clement Road. This access drive also serves a single storey industrial unit which is to the rear of 'Hazeldine' which is a residential dwelling fronting Clement Road.

## PROPOSAL

2. This application proposes the erection of one, two storey block of six, one bedroom flats. The building would be situated on the corner of Nimmings Road and Clement Road.

3. Gated access to a private parking area would utilise the existing access point on Clement Road. Seven off- street parking spaces are indicated.
4. An amenity area for residents is provided behind the sub-station adjacent to the parking spaces.

## HISTORY

### 5. Relevant history

Application no.	Proposal	Decision	Decision Date
P06/0537	Demolition of existing stores and erection of new stores. Change of use to include car sales (sui generis)	Approved	05/05/2006
P06/1878	Erection of two, two storey blocks one bedroom flats	Withdrawn	17/11/2006
P07/0126	Erection of two, two storey blocks of one bedroom flats (re-submission of withdrawn application P06/1878)	Approved	12/10/2007

## PUBLIC CONSULTATION

6. The application has been advertised by means of a site notice and thirty three letters have been sent directly to adjacent and nearby residents and commercial premises. Five letters of objection have been received which make the following points:
  - There are already on-street parking problems within the vicinity of the site in the day and during the evening;
  - There are double yellow lines and a one way system has been installed:

- The scheme indicates seven parking spaces for six flats. It is unlikely that every resident will only have one car meaning further pressure on available space in Clement road and Nimmings Road;
- There is only one way in and out of the site and there is a business which also uses this access. How will traffic flow cope;
- No need for more flats, there are plenty for sale and rent in the area;
- Small one bedroom flats, on the corner of a one way system and next door to a sub-station, garage and workshops would not appeal to tenants or owners;
- Disruption to the area during construction;
- Shell Corner should regenerate for business as there are plenty of residential dwellings

## OTHER CONSULTATION

7. The Group Engineer, Highways: Table 2 of the Parking Standards SPD requires that 6 No 1 bed apartments have 7.2 parking spaces. There are 6 independently accessible parking spaces which is a slight shortfall below the minimum standard. Should the application be approved then a condition that the parking bays remain unallocated for the life of the development is required.

The parking area should be 10.3m deep and each space 2.5m wide the parking layout will require amending. End bays should be 3m wide. The access road should be a minimum of 4.5m to comply with the SPD Parking standards. overlooked, well lit, secure and undercover cycle parking facilities should be incorporated into any developments that have the potential to attract cyclists. Cycle parking should be located in positions that will encourage their use and where possible within the building. Electric charging points will also be required.

8. The Head of Environmental Health and Trading Standards: I have reviewed the Walkover Survey and Desk Study Report by Sub Surface Midlands Limited (Dated January 2014) and agree with the recommendations for site investigation to be undertaken for both land contamination and ground gases. I therefore recommend conditions be attached regarding land contamination and ground gases and vapours. No adverse comments in terms of noise.

## RELEVANT PLANNING POLICY

### 9. National Planning Policy Framework 2012

The National Planning Policy Framework (NPPF) has replaced all of the previous Central Government Planning Policy Guidance. It sets out the planning policies for England and how they are expected to be applied. The document states that the 'golden thread' running through both plan making and decision taking is a presumption in favour of sustainable development. In making decisions planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

### 10. Black Country Core Strategy (2011)

ENV2 - Historic Character and Local Distinctiveness

HOU1 – Delivering Sustainable Housing Growth

HOU2 – Housing Density, Type and Accessibility

HOU3 – Delivering Affordable Housing

CEN1 – The Importance of the Black Country Centres for the Regeneration Strategy

CEN2 – Hierarchy of Centres

CEN5 – District and Local Centres

DEL1 – Infrastructure Provision

TRAN2 – Managing Transport Impacts of New Development

Regeneration Corridor 13 – Jewellery Line-Rowley Regis-Stourbridge  
Junction

### 11. Saved Dudley Unitary Development Plan (2005)

Policy DD1 – Urban Design

Policy DD4 – Development in Residential Areas

EP7 – Noise Pollution

### 12. Supplementary Planning Documents

New Housing Development (2013)

Parking Standards (2012)

## ASSESSMENT

### Key Issues

- Principle
- Design and Appearance
- Residential Amenity
- Access and Parking
- The adjacent substation
- Planning Obligations

### Principle

13. The application site comprises an area of hard standing which, according to the application form, was last used for car sales. As such the site is an urban brownfield site which would deliver new housing in accordance with the National Planning Policy Framework. The site occupies a prominent location on the corner of Clement Road and Nimmings Road just within the boundary of Shell Corner Local Shopping Centre. The site is also located within Regeneration Corridor 13 – Jewellery Line – Rowley Regis – Stourbridge Junction where Shell Corner Local Shopping Centre has ‘.. opportunities for appropriate scale retail and housing growth’
14. A previous planning approval was granted (P07/0126) for the erection of two, two storey blocks of one bedroom flats which was approved on 12<sup>th</sup> October 2007. The site area of that application was larger than the current application which included this site and the site known as ‘Tites Garage’ which operates from the other side of the electricity sub-station. The previous scheme indicated two separate blocks of apartments and it is relevant to note that the current scheme for consideration is very similar to that which was approved for this part of the site.
15. On the basis of the above it is considered that the development is acceptable, in principle.

### Scale & Appearance

16. The apartments are proposed to be built at a density of some 60 dwellings per hectare (dph). Given the relative mix of dwelling types that surround the application site, with densities ranging from approximately 30dph (dwellings on Clement Road) to 70dph (terraced dwellings located on Nimmings Road), it is considered that 60dph, would be appropriate for this highly urbanised local centre and would therefore be in accordance with the New Housing Development Supplementary Planning Document.
17. The building would be two storey and would turn the corner with Clement Road and Nimmings Lane. There is a mix of both the modern and traditional building forms on different sized plots within the vicinity of the site, especially along Clement Road. A continuation of the established building line with the properties within Nimmings Road has been incorporated into the plot layout. The development would project 2.5m forward of the nearest residential property 'Hazeldine' in Clement Road however, similar relationships of varied building lines are already apparent within Clement Road.
18. The built frontage would further add enclosure to this part of the street scene, which unlike elsewhere in the area, is currently rather fragmented and lacks definition. Therefore it is considered that the proposed siting and appearance of the apartments would be compliant with Policy ENV2 (Historic Character and Local Distinctiveness) of the Black Country Core Strategy and Saved Policies DD1 and DD4 of the adopted Dudley Unitary Development Plan.

### Residential Amenity

19. Although the position of the building is situated forward of Hazeldine, there is no conflict with the 45-Degree code guidelines and as there would be separation of 5m between these buildings, it is not therefore anticipated that any loss of residential amenity would occur to the residents of that dwelling.

20. Furthermore, the removal of the commercial car sales from the site is likely to improve the amenities of residents in Clement Road, and therefore is deemed to conform with Policy DD4 of the Adopted UDP. No issues of noise have been raised by the Head of Environmental Health and Trading Standards.
21. The applicant has shown a total area of private amenity space of some 77.6m<sup>2</sup>. New Housing Development SPD suggests that 30m<sup>2</sup> amenity space per flat should be provided for a communal area. Whilst the provision on this site would fall short of the guidelines it is considered to be acceptable within such a highly urbanised centre. It must also be anticipated that the potential occupiers of these 1-bed apartments are unlikely to consist of families requiring greater amounts of amenity space.

#### Access and highway safety

22. The proposed development would utilise the existing vehicular access from Clement Road. This access serves an MOT business fronting Nimmings Road, a single storey industrial unit and a small group of garages. The Group Engineer, Highways has considered the application and does not object to the scheme provided that the driveway is increased to 4.5m wide. An amended plan is awaited which indicates this and will be available in the form of a Pre-Committee note. It is also relevant to note that the site could revert to a car sales business, where vehicular movements into and out of the site would be significantly greater than the development of the site for six one bedroom flats.
23. Five objections have been received to the application. The recurring theme of concern is the lack of parking in the vicinity of the site and the possibility that the development would lead to further pressure for on-street parking. Parking Standards SPD requires that six, one bedroom apartments have 7.2 parking spaces. The scheme indicates 6 independently accessible parking spaces and one tandem parking space which is slightly below the minimum standard. However, provided that the dimensions of the bays are slightly increased in size and remain unallocated for the life of the development the Group Engineer, Highways is satisfied with the level of parking provision. He has also requested conditions to secure cycle parking and electric charging points.

#### The adjacent sub-station

24. As the site is adjacent to an electricity sub-station a condition with respect to electro-magnetic fields to prevent adverse impacts upon health is required.

#### Planning Obligations

25. Black Country Core Strategy Policy DEL1 'Infrastructure Provision' sets out the adopted policy framework for Planning Obligations within Dudley and the Planning Obligations SPD provides further detail on the implementation of this policy; these policy documents were prepared in accordance with national legislation and guidance on planning obligations.
26. Policy DEL1 requires all new developments to be supported by sufficient on and off-site infrastructure to serve the development, mitigate its impact on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.
27. The obligations potentially triggered according to the Planning Obligations SPD are Nature Conservation, Open Space, Sport and Recreation and Public Realm.
28. In determining the required planning obligations on this specific application the following three tests as set out in the CIL Regulations, in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:
  - (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development;
  - (c) fairly and reasonably related in scale and kind to the development.

Following consideration of the above tests on-site Nature Conservation and Public Realm works could be justified as they are deemed to be in scale and kind to the proposed development.



29. On this basis, this change of use complies with the requirements of BCCS Policy DEL1 and the Planning Obligations SPD.

## CONCLUSION

30. Consistent with national planning guidance, the proposal makes efficient use of land within the urban area for residential development in a highly sustainable location. The design of the proposed apartments complements the character and appearance of the surrounding area. With the imposition of necessary conditions, it is considered that the residential amenities of the adjacent neighbours can be protected and avoid any adverse impact upon highway safety. Having taken regard for the Council's policies controlling such development and other material considerations, for the reasons set out above it is considered that the proposed development would satisfy the National Planning Policy Framework, Policies ENV2, HOU1, HOU2, HOU3, CEN1, CEN2, CEN5, DEL1, TRAN2 and Regeneration Corridor 13 – Jewellery Line-Rowley Regis-Stourbridge Junction of the Black Country Core Strategy, Saved Policies DD1, DD4 and EP7 of the adopted Dudley Unitary Development Plan and Supplementary Planning Documents New Housing Development and Parking Standards.

### Conditions and/or reasons:

1. No development shall commence until details of nature conservation enhancement works have been submitted to and approved in writing by the Local Planning Authority. The nature conservation enhancement works shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
2. No development shall commence until details of public realm works have been submitted to and approved in writing by the Local Planning Authority. The public realm works shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
3. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
4. 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.

5. The development shall not be occupied until the area shown for access and the car parking bays on the approved plan have been graded, levelled, surfaced, drained and marked out, and that area shall not thereafter be used for any other purpose other than the parking of vehicles.
6. 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.
7. Development shall not begin until details of plans and sections of the lines, widths, levels, gradients and form of construction of service/access roads and drainage systems have been submitted to and approved by the local planning authority. Development shall thereafter be implemented in accordance with such approved plans.
8. 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.
9. No development shall begin until an assessment of the risks posed by any contamination has been submitted to and approved by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.
10. Where the approved risk assessment (required by CL01a) identifies contamination posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the Local Planning Authority.
11. Unless otherwise agreed in writing with the LPA, the approved scheme (required by CL01b) shall be implemented and a verification report submitted to and approved by the LPA, before the development (or relevant phase of the development) is first occupied/brought into use.
12. No development shall begin until an assessment of the risks posed by any ground gases or vapours has been submitted to and approved by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.
13. Where the approved risk assessment (required by CL02a) identifies ground gases or vapours posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the Local Planning Authority.
14. Unless otherwise agreed in writing with the LPA, the approved scheme (required by CL02b) shall be implemented and a verification report submitted to and approved by the LPA, before the development (or relevant phase of the development) is first occupied/brought into use.
15. Details of the following matters shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development hereby approved:
  - i. Full detailed design and construction details of the boundary fencing to the Nimmings Road and Clement Road frontage.
  - ii. Full detailed design and location of the proposed dustbin storage.
  - iii. Full detailed design and location of the proposed cycle rack

The development shall thereafter be implemented in accordance with such plans.

16. 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.
17. All planting, seeding or turfing comprised in the details of landscaping approved in accordance with condition 10 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.
18. No development shall commence until a detailed assessment and analysis of the impacts of electro magnetic fields emanating from the electricity sub-station upon human health has been undertaken to prove that the proposed development can be safely implemented with, if necessary, the building in of safeguarding measures and such has been submitted to and agreed in writing by the Local Planning Authority. Any required works shall be implemented prior to the first occupation of the development and shall be maintained for the life of the development.
19. Development shall not begin until a scheme for protecting residents in the proposed dwellings from electromagnetic fields from the adjacent electricity sub-station has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before occupation of the permitted dwellings, unless otherwise agreed in writing by the Local Planning Authority.
20. The development hereby permitted shall be carried out in accordance with the approved location, elevation and floorplan received by email on 17 March 2014.

Nimmings Road



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Metres



Centre Coordinates: 397851 285909

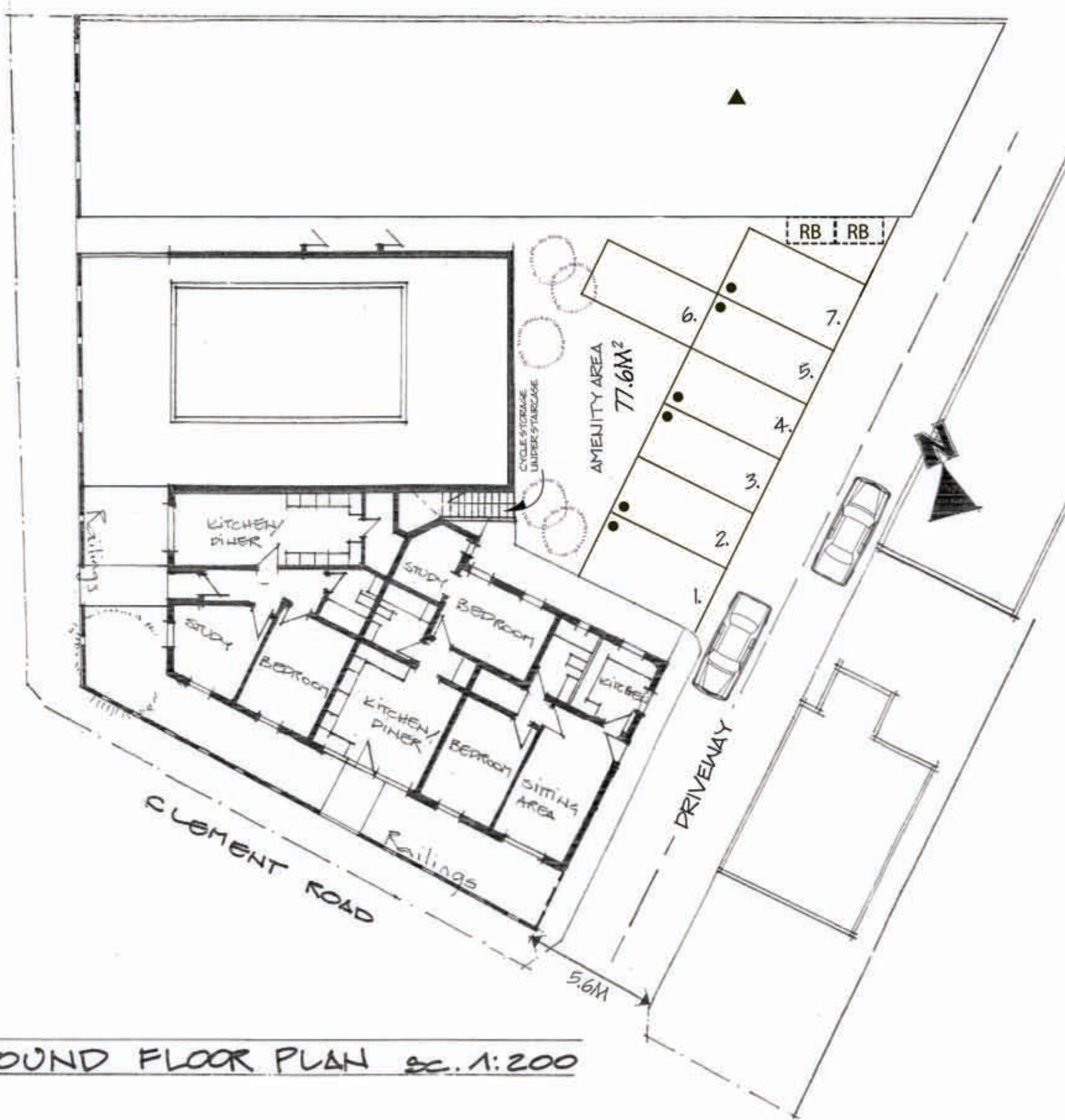
National Grid sheet reference at centre of this Siteplan: SO9785NE

Supplied by: CENTREMAPS Malcolm Hughes  
Serial Number: 00352500

Blackheath  
Birmingham  
B62 9J

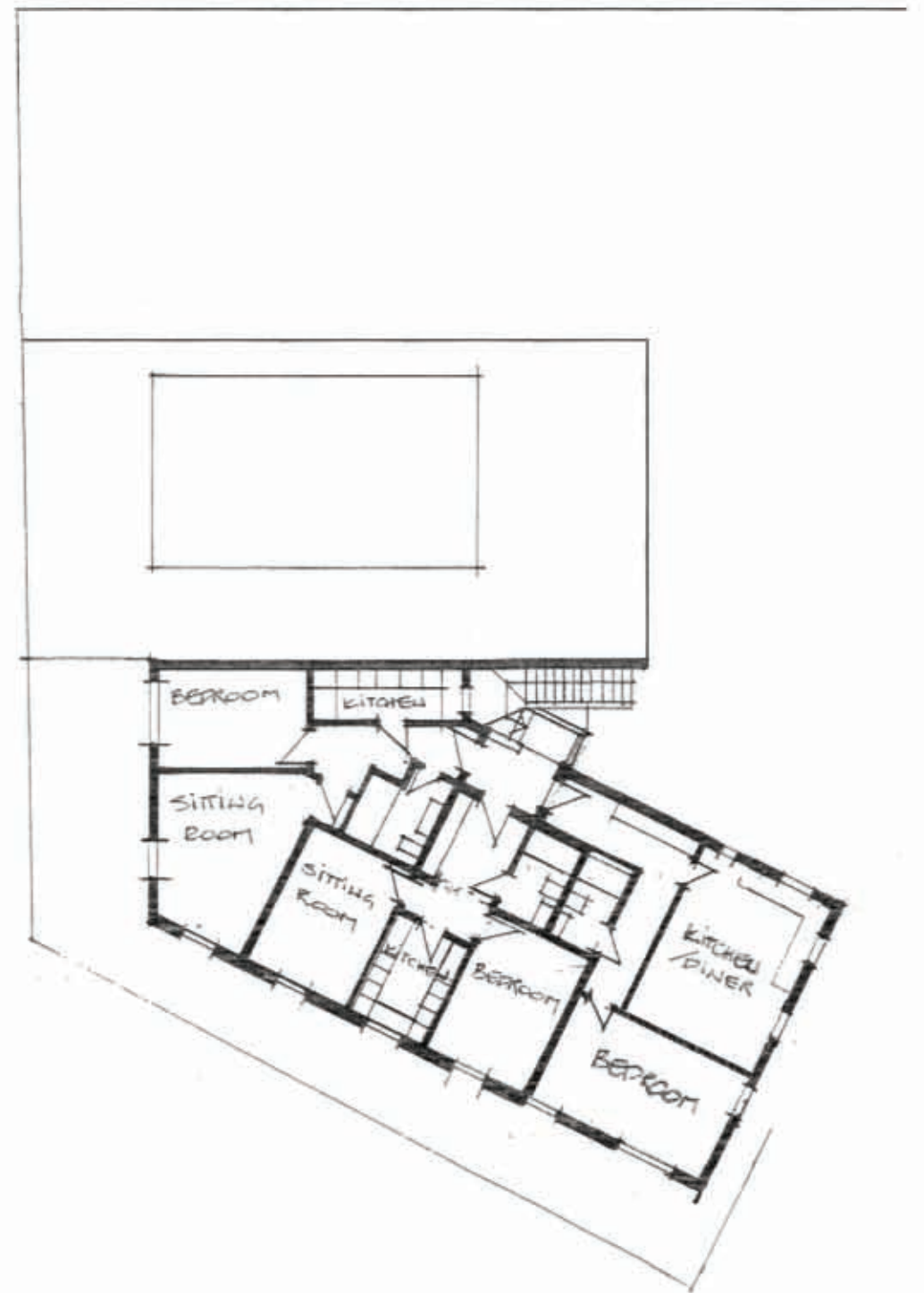


NIMING ROAD



GROUND FLOOR PLAN sc. 1:200

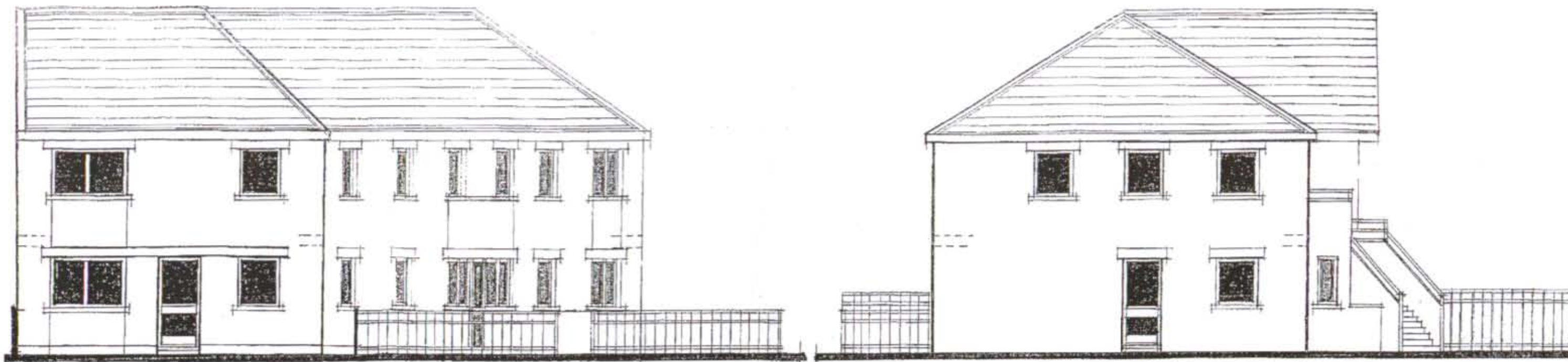
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- RB REFUGE BUNKER
- CHARGING POINT



FIRST FLOOR PLAN sc. 1:200

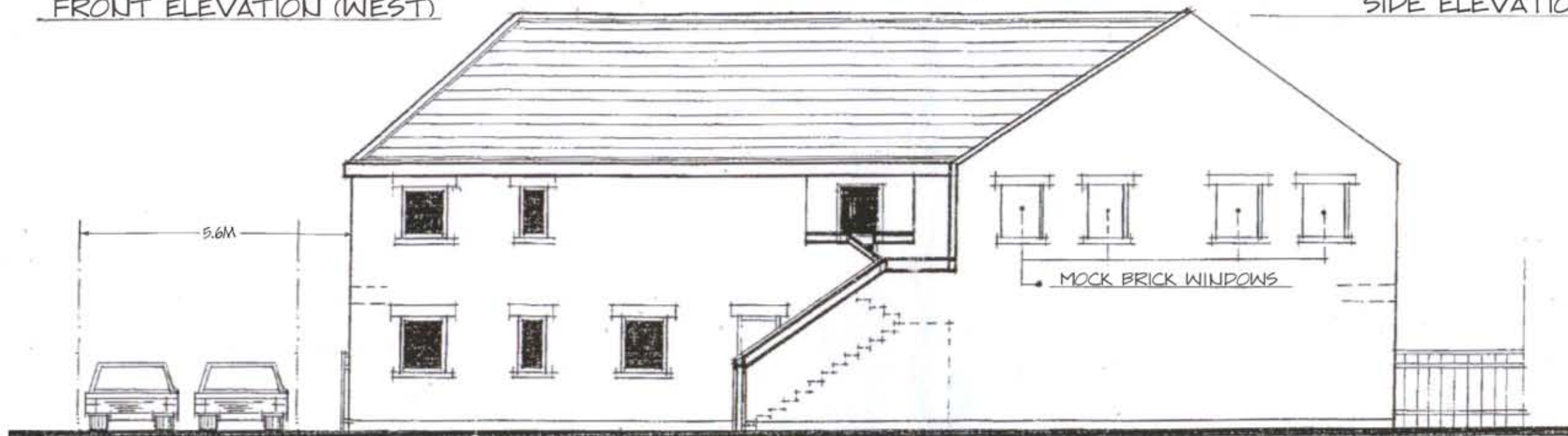
REVISED PLAN NO. P14/0162





FRONT ELEVATION (WEST)

SIDE ELEVATION



REAR ELEVATION



FRONT ELEVATION (SOUTHWEST)

DEVELOPMENT PROPOSAL - ELEVATIONS

CORNER OF NIMMINGS RD & CLEMENT RD. B62 9U

REVISED PLAN NO. P14/0162