

PLANNING APPLICATION NUMBER:P07/0442

Type of approval sought	Full Planning Permission
Ward	Belle Vale
Applicant	Hadzor Davies Residential Ltd
Location:	HICKTON STEELS, CORNER OF GEORGE ROAD, AND STOURBRIDGE ROAD, HALESOWEN, WEST MIDLANDS, B63 3QY
Proposal	DEMOLITION OF EXISTING INDUSTRIAL UNIT AND ERECTION OF 23 NO. DWELLINGS WITH ASSOCIATED ACCESS AND CAR PARKING.
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

- 1 The application site is 0.34 hectares in size, rectangular in shape. A relatively large industrial building covers most of the site, with an older 2 storey office element at the back of pavement line on Stourbridge Road with a gated access to a yard area alongside. That yard area adjoins the blank gable of a public house (The Whiteley), which has a car park to the rear that is at a higher level than the application site – there is a retaining wall (approx. 3.5 metres high) along the shared boundary. There is a single storey extension to the industrial building onto George Road, which is recessed from the highway, providing a forecourt parking area.
- 2 There are no other industrial premises within the vicinity of the site – dwellings predominate - the existing houses in George Road are relatively large terraced houses in groups of 4, with hipped roofs and largely open frontages. There is a mixture of house types on Stourbridge Road, with detached dwellings, 3 storey flats (Priory House) and terraced dwellings opposite the site. The site is also opposite the entrance to a recreation ground.

PROPOSAL

- 3 This is a full application for the erection of 23 dwellings, comprising 22 no. 3 bed terraced houses and 1 no. 2 bed flat. The dwellings are shown fronting onto the

highway, except for 4 plots which are shown internally within the site (fronting the rear of the plots onto George Road).

- 4 The proposed flat (Plot 16) is above a vehicular (gated) access leading to the 4 internally sited houses (Plots 20 – 23) and a parking area containing 24 spaces for those dwellings, the proposed plots shown on the Stourbridge Road frontage and the 2 plots on the corner of Stourbridge Road and George Road (plots 10 and 11).
- 5 On the George Road frontage, 7 no. houses are shown with individual drives leading to car ports.
- 6 Most of the plots are shown as 2 ½ storey with dormer windows on the front elevation and hipped roofs.
- 7 The applicants have submitted a Design and Access Statement, a Planning Statement, a report on the viability of, and demand for, the continued industrial use of the site, and a bat survey.
- 8 The applicants have been invited to submit amended plans to address the concerns of the Group Engineer on parking provision.

HISTORY

- 9 No relevant planning history.

PUBLIC CONSULTATION

- 10 No representations received.

OTHER CONSULTATION

- 11 Group Engineer (Development) – raised concerns about the number of car parking spaces shown. The applicant has been invited to submit revised plans to address those concerns.
- 12 Head of Environmental Protection (HEP) – no objections received.
- 13 Police Architectural Liaison Officer (PALO) – is concerned that the space underneath the flat will be used for anti-social behaviour.

RELEVANT PLANNING POLICY

- 14 Adopted Unitary Development Plan (UDP) 2005.
 - DD1 – urban design;

- DD4 - development in residential areas;
- DD6 – access and transport;
- DD7 – planning obligations;
- DD8 – provision of open space;
- DD10 – nature conservation and development;
- AM11 – cycling;
- AM14 – parking;
- H3 – housing assessment criteria;
- H4 – housing mix;
- H6 – housing density;
- EP7 – noise pollution;
- EE3 – existing employment uses

ASSESSMENT

15 The key issues are –

- ❖ The principle of the use;
- ❖ Density
- ❖ Open Space
- ❖ Ecological issues;
- ❖ The design of the development
- ❖ Access and parking;
- ❖ Residential amenity.
- ❖ Contributions

16 Principle

The applicants have submitted a survey report, seeking to justify the removal of an employment use from this site. In summary, this states that:

- ❖ The property is old and obsolete;
- ❖ There are better quality industrial premises nearby on the market;

❖ The cost of refurbishment would not add sufficient value.

17 These findings are concurred with. In addition, it is considered that the site is a relatively isolated industrial site, and also, in planning policy terms, a third tier industrial site (as opposed to it being designated as a Local Employment or Key Industrial Site) – there is therefore less onus on its retention for an employment use.

18 The change of use from an employment use to an alternative use can therefore be supported.

19 Density

The proposed density is 67 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. The site is adjacent to a bus showcase route and within walking distance of the shops in Short Cross shopping centre. This is therefore considered a sustainable location within an urban setting, capable of accommodating relatively high density development (as proposed).

20 Open Space

The proposed development is for more than 5 dwellings. This triggers a requirement for the provision of a commuted sum payment for off site open space enhancement in lieu of on-site provision. Under a recently agreed protocol, this can be achieved through the imposition of a suitably worded pre-commencement condition. Such a condition is therefore recommended, with the approach and wording of that condition, including the sums involved having been agreed by the applicants on a without prejudice basis.

21 Ecology

The submitted protected species survey revealed that there was no presence of bats within any of the buildings found. However this survey was considered limited in scope and undertaken at the wrong time of the year (January).

22 While it could be reasonably argued that as the buildings were recently in use for steel processing using heavy machinery, and therefore unlikely to harbour bats, a cautionary approach is recommended (as set out in Condition 13) to enable the

demolition works to be undertaken in a manner which is sensitive to the potential presence of bats, and provide for suitable bat mitigation measures within the scheme. Such measures would be required whether bats were present or not in order to enhance the nature conservation value of the site.

23 Design

It is considered that the positive aspects of the design of the layout are:-

- ❖ The introduction of an active frontage onto Stourbridge Road;
- ❖ That the proposed plot on the corner of George Road and Stourbridge Road is articulated so as to have habitable room windows overlooking Stourbridge Road and also onto George Road – it therefore “turns the corner” in a reasonably successful manner;
- ❖ The forward building lines of the proposed plots are similar to those of the adjoining existing development;
- ❖ The internal parking area is overlooked;
- ❖ The form of development (in the main, terraced dwellings) reflects that found in this locality.

24 To address the comments of the PALO, amended plans have been submitted showing the gates across the access way relocated to be level with the front of plot 16, therefore removing the potential for an undercroft to be created which would be accessible for anti-social behaviour.

25 Given the above, the design of the development is considered satisfactory.

26 Access and parking

The Group Engineer has raised concerns about the number of car parking spaces shown within the internal parking area on the plans as originally submitted.

27 The applicants have been invited to submit amended plans to address those concerns. Such advised revisions include ensuring that there are at least 1½ spaces per 3 bed dwelling and 1 space per 2 bed dwelling. The applicants have also been invited to the funding implementation of a Traffic Regulation Order at the junction of George Road and Stourbridge Road.

28 It is intended to provide an update at the meeting on this issue.

29 Residential amenity

In terms of the impact on the amenity of the occupiers of the dwellings near to the site, the proposal represents the removal of a general industrial use close to existing dwellings needs to be acknowledged as positive.

30 In addition, although the rear building line of Plot 19 (the plot closest to existing dwellings) is shown set 4 metres further back than the corresponding building line on the nearest dwelling (72 George Road), the separation distance of 6 metres is considered sufficient so as to prevent any impact on amenity arising.

31 There is also considered to be sufficient separation distance (32 metres) between the nearest plot (Plot 20) and the rear of the existing dwellings in Edward Road to the south of the site.

32 In terms of the level of amenity which may be afforded to future occupiers, the proposed rear gardens (at a minimum 10 metres in length) are considered satisfactory, and a condition has been recommended to require the approval of mitigation measures to prevent the occupiers being exposed to significant levels of noise emanating from the highway and public house.

CONCLUSION

33 The principle of the development is accepted as there is considered to be reasoned justification in enabling this existing employment site to be redeveloped for an alternative use and, also, the proposal represents the redevelopment of previously developed land for housing in an urban and sustainable setting. All other material issues are considered satisfactory including the design of the development, the level of amenity which may be afforded by future occupiers and that the proposal would not significantly impinge on the amenity of existing occupiers. There is therefore considered to be compliance with the development plan, in particular policies DD1, DD4, H3 and EE3.

RECOMMENDATION

34 It is recommended that, subject to the submission of an acceptable revised parking layout,

The application be approved subject to:-

- a) the development not beginning 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 has been submitted to and agreed in writing by the Local Planning Authority.
- b) the following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary -

Reason for approval

The principle of the development is accepted as there is considered to be reasoned justification in enabling this existing employment site to be redeveloped for an alternative use and, also, the proposal represents the redevelopment of previously developed land for housing in an urban and sustainable setting. All other material issues are considered satisfactory including the design of the development, the level of amenity which may be afforded by future occupiers and that the proposal would not significantly impinge on the amenity of existing occupiers. There is therefore considered to be compliance with the development plan, in particular policies DD1, DD4, H3 and EE3.

Note for Applicant

A. This permission relates to the amended plans deposited on 25/04/07 - drawing no. 06081076 02 Rev. B.

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. Development shall not begin until all existing buildings have been demolished and all rubble removed.
3. 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.

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. Before development commences, specifications for any retaining walls within or adjoining the site shall be submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until any retaining walls have been constructed or repaired in accordance with the approved details.
6. No development approved by this permission shall be commenced until a scheme to deal with contamination of land has been submitted to and approved by the LPA and until the measures approved in that scheme have been fully implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing:
 - i) a desk-top study to formulate a conceptual model of the site. The requirements of the LPA shall be fully established before the desk-study is commenced;
 - ii) Once the desk study has been approved by the LPA, a site investigation shall be carried out to identify and evaluate all potential sources and impacts of identified contamination in accordance with the conceptual mode. The findings of site investigation shall be presented in report format for approval by the LPA and shall include a risk-based interpretation of any identified contaminants inline with UK guidance;
 - iii) Following the approval of both desk study and site investigation reports, a written remediation scheme and method statement shall be agreed in writing with the LPA prior to commencement. No deviation shall be made from this scheme without the express written permission of the LPA. Such a scheme shall include provisions for validation monitoring and sampling and be retained throughout the lifetime of the development.
 - iv) No development approved by this permission shall be commenced until a validation scheme and validation criteria for the use of imported material and reuse of site-won materials is submitted to and approved by the LPA. No deviation shall be made from this scheme without the express written permission of the LPA. Such a scheme shall include provisions for validation monitoring and sampling and be retained throughout the lifetime of the development.
 - v) If during development works any contamination should be encountered which was not previously identified or is derived from a different source and/or of a different type to those considered under contamination proposals (if applicable) then the LPA should be notified and remediation proposals formulated/amended for consideration.
 - vi) If during development work, contaminants are found in areas previously expected to be clean, then the LPA should be notified and remediation proposals formulated/amended for consideration.
7. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed with the local planning authority), has been submitted to and approved by the local planning authority. Such a strategy shall facilitate the identification of methane and/or carbon dioxide gases. Where the investigations identify the presence of carbon dioxide and/or methane 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.

8. Before any dwelling hereby approved is first occupied the parking area and access thereto shall be paved with a suitable hard impervious material, and drained.
9. 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.
10. 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.
11. Development shall not begin until a scheme for protecting the proposed dwellings from noise from traffic on the adjoining highways and the adjoining public house 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 and retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.
12. 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.
13. All planting, seeding or turfing comprised in the details of landscaping approved in accordance with condition 12 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.
14. Unless otherwise agreed in writing by the Local Planning Authority -
 - a) within a 15 day period prior to the demolition of any buildings on the site, all accessible roof spaces and external surfaces shall be examined for signs of bat activity;
 - b) within the 5 day period prior to the demolition of any buildings on the site, a bat emergence survey shall be undertaken;
 - c) a licensed bat specialist shall be in attendance during demolition works;
 - d) should bats be found on the site, then the Local Planning Authority and English Nature shall be alerted and demolition shall cease until suitable mitigation measures have been agreed in writing by these parties, and implemented as necessary;
 - e) no development shall commence until details of bat mitigation measures to be incorporated within the development have been submitted to and approved in writing by the Local Planning Authority, with such approved measures to be implemented prior to the occupation of the development or to an alternative timescale to have been previously agreed in writing by the Local Planning Authority.
15. The development shall not be begun until an arrangement for the submission and approval of a means to guarantee the financial payment of
 - (a) a total sum of £47,009.23 to the Council together with the timing of the payment for the-

provision of off site public open space and play area improvements,
- and the managing and monitoring of the spend of those monies has been submitted to and agreed in writing with the Council

(b) a sum, to be agreed by the Director of the Urban Environment, for the funding of the implementation of a Traffic Regulation Order at the junction of George Road and Stourbridge Road.