PLANNING APPLICATION NUMBER:P11/0031

Type of approval sought		Full Planning Permission
Ward		HALESOWEN SOUTH
Applicant		Kenneth Jones
Location:	4-5, SUMMER HILL, HALESOWEN, B63 3BU	
Proposal	ERECTION OF 4 NO. DWELLINGS	
Recommendation Summary:	APPROVE SU	JBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

- The site measures 0.06 hectares and occupies a corner plot within Halesowen town centre abutting Queensway to the north, Summer Hill to the west and Powell Street to the south. The site falls from south to north with a drop of approximately 2 metres and the site slopes slightly downwards from a west to east direction with a fall of approximately 2 metres.
- 2. The site comprises two storey vacant office buildings sited on the corner of Powell Street and Summer Hill with the rest of the site forming surface level car parking associated with the former office building. Access into the car park is off Powell Street. Both Powell Street and Summer Hill are one-way streets and are subject to traffic regulation orders preventing the on-street parking of vehicles within close proximity to the site.
- 3. Located immediately to the west of the site is a modern two storey residential development (Maslen Place) built in the 1980's. Summer Hill is characterised by traditional terrace properties built at the back edge of the pavement. Powell Street comprises only one traditional rendered dwelling, sited on the south side of the street and also built on at the back edge of the pavement. Located immediately to the east of the site are a row of four terrace residential properties and a detached two storey

office building (Neville House). These properties front onto Laurel Lane, with their rear gardens backing onto the application site. Halesowen ring road (Queensway) which is a dual carriageway, runs to the north of the site.

PROPOSAL

- 4. The application seeks full planning permission for the erection of 4 detached cottage style dwellings, following the demolition of the existing office building on the site. Three dwellings would face Summer Hill and one dwelling would face towards Queensway over a wide grassed verge. Each of the dwellings would have an area of amenity space to the rear. The dwellings would be served by a communal car parking area accessed from Powell Street. The car park would provide a total of six off street parking spaces for the four dwellings. The dwellings would each have pedestrian accesses from the street and to the car park.
- 5. The dwellings would be two storeys with a similar eaves height but lower ridge height than the existing office building and the existing terraced properties on Summer Hill. The dwellings would be traditional in appearance with corbelled eaves and sash style windows with brick headers and stone cills. The elevations would be of facing brick and the roofs would comprise modern cement roofing slates.
- 6. The three dwellings facing Summer Hill would be built at the back edge of the pavement. The fourth dwelling fronting Queensway would be separated from the road by the existing highway verge and by a 0.8 metre footway that would abut the front boundary of the site. The two end units fronting Summer Hill would be L-shaped in order to provide dual aspect properties that address both the Powell Street and Queensway frontages.

HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
No.			
HB/64/236	Change of use from flat to	Approved	03/06/64
	office.	with	
		conditions	
HB/65/232	Alterations and additions to	Approved	02/06/60
	provide toilet accommodation	with	
	and additional offices.	conditions	
HB/73/1151	4 storey block of offices with	Refused	21/11/73
	car parking (Outline)		
HB/73/1152	Offices and Flats (Outline)	Refused	21/11/73
HB/73/1202	Extensions to existing building	Refused	21/11/73
	society offices (Outline)		

PUBLIC CONSULTATION

- 7. The application was advertised by way neighbour notification letters being sent out to the occupiers of thirty-one properties within close proximity to the site. The latest date for comments was the 2nd February 2011. Five letters have been received making observations on the proposed development and raising the following considerations:
 - Too many dwellings for the site.
 - Lack of car parking that would exacerbate existing on-street parking problems.

OTHER CONSULTATION

8. **Group Engineer (Development):** Raises concerns with the proposed development with respect to the parking layout and an under provision of parking.

9. **Head of Environmental Health and Trading Standards:** No objection subject to a condition to secure the submission of a scheme for approval of protecting residents from road traffic noise associated with Queensway.

RELEVANT PLANNING POLICY

National Planning Guidance

- PPS3 Housing
- PPG13 Transport

Regional Planning Guidance

- 10. The High Court Decision on 10th November 2010 in respect of the challenge by Cala Homes (South) Ltd (2010 EWHC 2866) quashed the Government's decision on 6th July 2010 to revoke the Regional Strategies. As a consequence the West Midlands Regional Spatial Strategy forms an ongoing part of the development plan.
- 11. The Chief Planner at the Department for Communities and Local Government wrote to all local authorities setting out that the Secretary of State expected them, and the Planning Inspectorate, to have regard to his letter of 27th May 2010, announcing his intention to abolish the Regional Strategies, as a material consideration in planning decisions.
- 12. However as the Regional Strategy still forms part of the development plan until it is abolished the following policies are considered relevant to the material consideration of this planning application:
 - QE3 Creating a high quality built environment for all.

Black Country Joint Core Strategy

- DEL1 Infrastructure Provision
- TRAN2 Managing Transport Impacts of New Development
- CEN2 Hierarchy of Centres
- CSP2 Outside the Growth Network

- HOU1 Delivering Sustainable Housing Growth
- HOU2 Housing Density, Type and Accessibility

Saved Unitary Development Plan Policies

- DD4 Development in residential areas
- HTC2 (XII) Established Areas
- 13. The site lies within development block 15 of the Halesowen Inset Plan. This is defined as an established area whereby the existing mix of land uses is acceptable and is expected to remain. It is stated that where new development or a change of use is proposed within these areas, that favourable consideration will be given provided that the proposal does not conflict with other policies within the Plan or will result in a loss of amenity by surrounding land users.

Supplementary Planning Document(s)

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

Supplementary Planning Guidance

• PGN3 New housing development

ASSESSMENT

Key Issues

- Principle
- Density
- Layout
- Design and Appearance
- Impact upon Residential Amenity
- Parking

• Planning Obligations

Principle

- 14. The site lies within the town centre area of Halesowen, being located to the south of the main retail core. The scheme would result in the loss of a small office building and its associated car parking area. Office development does not constitute traditional employment land and is not specifically protected from loss through either the recently adopted Black Country Joint Core Strategy (JCS) or by any of the saved policies forming part of the Dudley Unitary Development Plan (2005).
- 15. The proposed development would bring a currently vacant, under utilised and previously developed town centre site back into a suitable use serving to contribute towards the Borough's Housing Requirements in accordance with Policy HOU1 of the JCS.

<u>Density</u>

- 16. The proposed development would result in a gross density of 66 dwellings per hectare. The site is located within Halesowen town centre whereby the JCS supports densities of 60+ dwellings per hectare in the interests of creating sustainable forms of development.
- 17. Similarly, the New Housing Development SPD supports higher densities within town centres and sites that are located along transport corridors. The application site falls into both of these categories. The existing residential development within close proximity of the site is built at densities in excess of 70 dwellings per hectare. This includes the modern terraced development located to the west of the application site (Maslen Place) and the traditional terraced properties located on Summer Hill.
- 18. The proposed gross density would not be excessive having regard to the location of the site within Halesowen town centre and would result in a lower density of development than that existing within close proximity of the site, thereby being compatible with the context and surroundings in accordance with Policy HOU2 of the JCS.

Layout

- 19. The proposed development would provide for the creation of frontage development to all three sides of the site, with development facing Queensway, Summer Hill and Powell Street. The existing site comprises buildings located on the corner of Powell Street and Summer Hill only, with the rest of the site providing an open surface level car park, enclosed only by a 1 metre high brick retaining wall and bollards. The existing form of the built development fails to make a positive contribution to the street scene, with a particularly poor frontage facing Queensway.
- 20. The site is prominent on the edge of the town centre and the proposed development would serve to enhance the visual appearance of the area through the introduction of development that addresses all three frontages, as well as the rebuilding of the existing retaining wall that adjoins Queensway. The removal of the surface level car park from both the Queensway and Summer Hill frontage would significantly enhance the visual appearance of the site and would ensure that the proposed development makes a positive contribution to the visual appearance of the street.
- 21. The proposed housing would be sited at the back edge of the pavement with the exception of the dwelling fronting Queensway that would be separated from the highway by a grass verge and footway providing pedestrian access to the dwelling. Back edge of pavement development is a characteristic of the locality and would not appear out of context.
- 22. The proposed parking for the dwellings would be in the form of a communal car parking area accessed off Powell Street. This would utilise the existing access into the site. The car park would be open to Powell Street but would have improved surveillance and overlooking than existing, through each of the house plots overlooking the car parking area. The car park would be softened by landscaping and conditions can be attached with respect to its surface to ensure that is makes a positive contribution towards the visual appearance of the area.

- 23. Each of the proposed dwellings would have areas of private amenity space. The gardens would be limited in depth being between 5-6 metres with an overall area of between 31 and 57 square metres. The minimum lengths and the overall areas of the garden spaces would not meet the guidance of PGN3.
- 24. The character of the area is one of terrace properties with relatively small rear gardens. The terrace properties located along Laurel Lane that back onto the site have short gardens extending approximately 7 metres in length and being 35 square metres in area. The gardens serving the proposed development would be either the same or larger than these gardens. Whilst small, the gardens would be usable with sufficient space for planting and sitting out. In view of the fact that the scale of the gardens would be comparable to existing development immediately adjoining the site, coupled with the fact that the overall density of the proposed development would be lower than the surrounding development, the scheme would on balance, be acceptable.
- 25. The proposed layout of the site would complement the form and pattern of existing development within close proximity to the site thereby being in accordance with Policy DD4 of the Adopted Dudley Unitary Development Plan (2005) and HOUS2 of the JCS.

Design and Appearance

- 26. The proposed dwellings would be modern detached properties with traditional embellishments in the form of corbelled eaves and sash style windows with brick headers and stone cills. The elevations would be built of facing brick and the roofs would comprise modern cement roofing slates. The character of the existing dwellings within close proximity to the site is mixed, whilst the majority of the dwellings are terraced properties, they are of various ages with differing architectural treatment. The external appearance of the proposed dwellings would complement that of existing dwellings within the street.
- 27. The proposed dwellings would be two storeys with a similar eaves height but lower ridge height than the existing office building and the existing terraced properties on

Summer Hill. The scale of the dwellings would be appropriate within the street scene and would complement the height of the modern terraced properties located immediately opposite the site forming part of Maslen Place.

28. The design, appearance, scale and massing of the proposed dwellings would complement the character of the area thereby minimising amenity impacts and being in accordance with Policy DD4 of the Adopted Dudley Unitary Development Plan (2005) and Policy HOUS2 of the JCS.

Impact upon Residential Amenity

- 29. The proposed dwellings would back onto dwellings fronting Laurel Lane. The rear of plot 2 would be sited at least 25 metres from the rear of these properties therefore affording a sufficient separation distance to ensure the protection of the residential amenity of the occupiers of these properties.
- 30. The blank side gable of plot 4 would be located some 13 metres from the rear main elevation of no. 20-22 Laurel Lane. Whilst this is marginally below the normal guideline distance of 14 metres, this reflects context of the immediate streetscene where the side elevation of 9 Powell Street is located only 4.5m from the rear elevation of 7 Summer Hill. This type of relationship is therefore often typical in historic street patterns and in the context of terrace properties. The slight shortfall of the guideline is considered appropriate in this case and would not give rise to concerns regarding significant loss of outlook or loss of light to habitable rooms serving the adjoining properties located on Laurel Lane. It should further be noted that no objection is raised from the occupiers of these dwellings on this basis.
- 31. Summer Hill itself would provide suitable separation between the front of the proposed dwellings and properties forming part of Maslen Place. Similarly, whilst there are side facing windows within the gable of 7 Summer Hill which faces Powell Street, the proposed side elevation of plot 1 would be separated by this property by the road (9 metres) and there are side facing windows in the existing side elevation of the office building. Plot 1 is a dual aspect property with main habitable room windows facing the front and side of the property. The side elevation of no. 7 Summer Hill does

not form the principal elevation of this dwelling. In view of this, a separation distance of 9 metres across the street is considered sufficient to maintain residential amenities for the occupiers of this property.

32. It is considered therefore, that the proposed development, on balance, would be acceptable with respect to separation distances between dwellings, thereby sufficiently minimising amenity impacts in accordance with Policy DD4 of the Adopted Dudley Unitary Development Plan (2005) and Policy HOUS2 of the JCS.

Parking

33. On the 3rd January 2011 the Government announced changes to PPG13 (Transport) to reflect localism. With immediate affect, the requirement to express 'maximum' parking standards for new residential development has been deleted and it is for Local Authorities to set parking standards for their areas based on the specific needs of communities. Paragraph 51 of PPG13 has been amended as follows:

"Policies in development plans should set levels of parking for broad classes of development. Standards should be designed to be used as part of a package of measures to promote sustainable transport choices and the efficient use of land, enable schemes to fit into central urban sites, promote linked-trips and access to development for those without use of a car and to tackle congestion."

34. In light of the changes to PPG13; the starting point in assessing the suitability of a proposed development in parking terms is the current adopted Parking Standards and Travel Plans SPD. It is this document that currently provides the local parking standards for the Borough. The changes to PPG13 are a material consideration that needs to be weighed in the balance against all other planning considerations. The amendments to PPG13 do not necessarily dictate the adoption of minimum parking standards, but standards that are relevant and appropriate to a local area. In the absence of a revised Parking Standards and Travel Plans SPD, the current standards are the local parking policies for the Borough and it is within the context of this document that the proposed development should be assessed against.

- 35. The adopted Parking Standards and Travel Plan SPD seeks the provision of a maximum of 2 parking spaces for each three bedroom dwelling. This document supports the principle of reductions from the maximum parking requirements in areas of high accessibility that have good access to public transport in the case of dwellings that have communal parking areas. Areas of high accessibility, such as the application site, could see reductions from the maximum of between 20-40%. In this case, the maximum parking requirement for the proposed development would be 8 spaces, but this could be justifiably reduced to 5, in accordance with the Adopted Parking Standards and Travel Plan SPD. This scheme would provide for 6 off-street parking spaces. This would still allow for the provision of one visitor space for the proposed development, which would be in accordance with current adopted local parking standards policy.
- 36. Given the town centre location of the site and it being highly accessible and within walking distance of the bus station, the provision of 6 off street parking spaces for four 2/3 bedroom dwellings is considered appropriate. The level of parking would be sufficient to meet the needs of the development, would serve to promote the use of sustainable transport choices given the central location of the site and would contribute towards providing a development that would make an efficient use of land whilst contributing positively towards the character of the area.
- 37. Concerns are also expressed by Group Engineer (Development) with respect to the proposed car parking layout with spaces 1 and 6 being slightly deficient in terms of their width given their position immediately adjoining a proposed wall/fence. Whilst these two spaces are slightly narrow the spaces would be suitable for occasional visitor parking and a condition requiring details to be approved with respect to boundary treatment could ensure that railings or bollards are used to enclose the site to allow the opening of car doors rather than a solid structure. The use of spaces 1 and 6 for visitor parking would leave 4 spaces with suitable dimensions for use by the occupiers of the dwellings.

38. Given the sustainable and central location of the site, the proposed car parking layout and numbers would be sufficient to meet the needs of the development and would not result in vehicles being displaced onto the highway to the detriment of highway safety. It should also be acknowledged that there are traffic regulation orders on all roads bounding the site, which prohibit parking at any time. In light of these considerations, the proposed development would be in accordance with the Council's Adopted Car Parking and Travel Plans SPD.

Planning Obligations

- 39. 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:
 - Libraries £765.56
 - Open Space, Sport and Recreation £9,251.11
 - Nature Conservation £333.84
 - Public Realm £1,914.12
 - Transport Infrastructure Improvements £455.60
 - Management and Monitoring Charge £1,000

Total Offsite Contribution equates to £13,720.23

40. The applicant has agreed to the payment of these offsite planning obligations.

CONCLUSION

41. The proposal would result in the redevelopment of a site that currently fails to make a positive contribution to the character of the area through the visual dominance of a surface level car park on a main strategic route into Halesowen town centre. The redevelopment of the site would enhance the built form and visual quality of the area

through re-introducing built development to the frontages of the site that face that street.

42. Whilst the proposed layout does not comply with all normal separation guidelines, the resultant density of the development would be less than that of existing development that adjoins the site and the scheme would still be able to provide sufficient parking to meet the needs of the development, and to provide usable areas of amenity space. In addition, the separation distances are sufficient to ensure the protection of the residential amenity of the occupiers of nearby properties. The dwellings would be of a good quality design with an appropriate scale and massing to complement existing dwellings within the street.

RECOMMENDATION

- 43. It is recommended that the application be approved subject to:
 - a) The applicant entering into a Section 106 Agreement for a contribution towards libraries, open space, sport and recreation, nature conservation, public realm, transport infrastructure improvements and a management and monitoring charge totalling £13,720.23.
 - b) The Scheme shall include the method, timing and arrangements including a means to guarantee a financial payment, increased through index linking from the first April each subsequent year, in accordance with the Council's planning obligations policies.
 - c) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary.

Reason for approval

The proposal would result in the redevelopment of a site that currently fails to make a positive contribution to the character of the area through the visual dominance of a surface level car park on a main strategic route into Halesowen town centre. The

redevelopment of the site would enhance the built form and visual quality of the area through re-introducing built development to the frontages of the site that face that street.

Whilst the proposed layout does not comply with all of the minimum separation guidelines, the resultant density of the development would be less than existing development that adjoins the site and the scheme would still be able to provide sufficient parking to meet the needs of the development and to provide usable areas of amenity space. In addition, the separation distances are sufficient to ensure the protection of the residential amenity of the occupiers of nearby properties. The dwellings would be of a good quality design with an appropriate scale and massing to complement existing dwellings within the street.

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

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

Conditions and/or reasons:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2. No development shall take place unless an obligation under Section 106 of the Town and Country Planning Act 1990 between the local planning authority and all persons interested in the land within the application site has been executed, such obligation to secure the following:

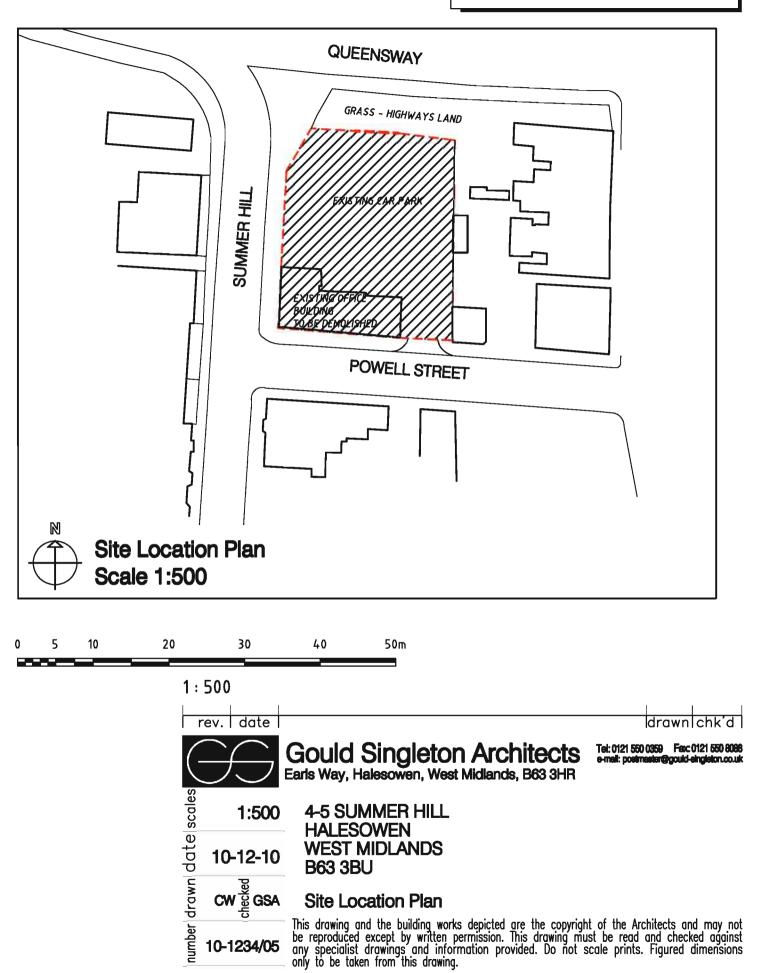
the payment of £765.56 to libraries; the payment of £9,251.11 to open space, sport and recreation ; the payment of £333.84 towards nature conservation enhancement; the payment of £1,914.12 towards improvements to public realm; the payment of £455.60 towards transport infrastructure improvements and £1,000 for the monitoring, management and implementation of the above obligations.

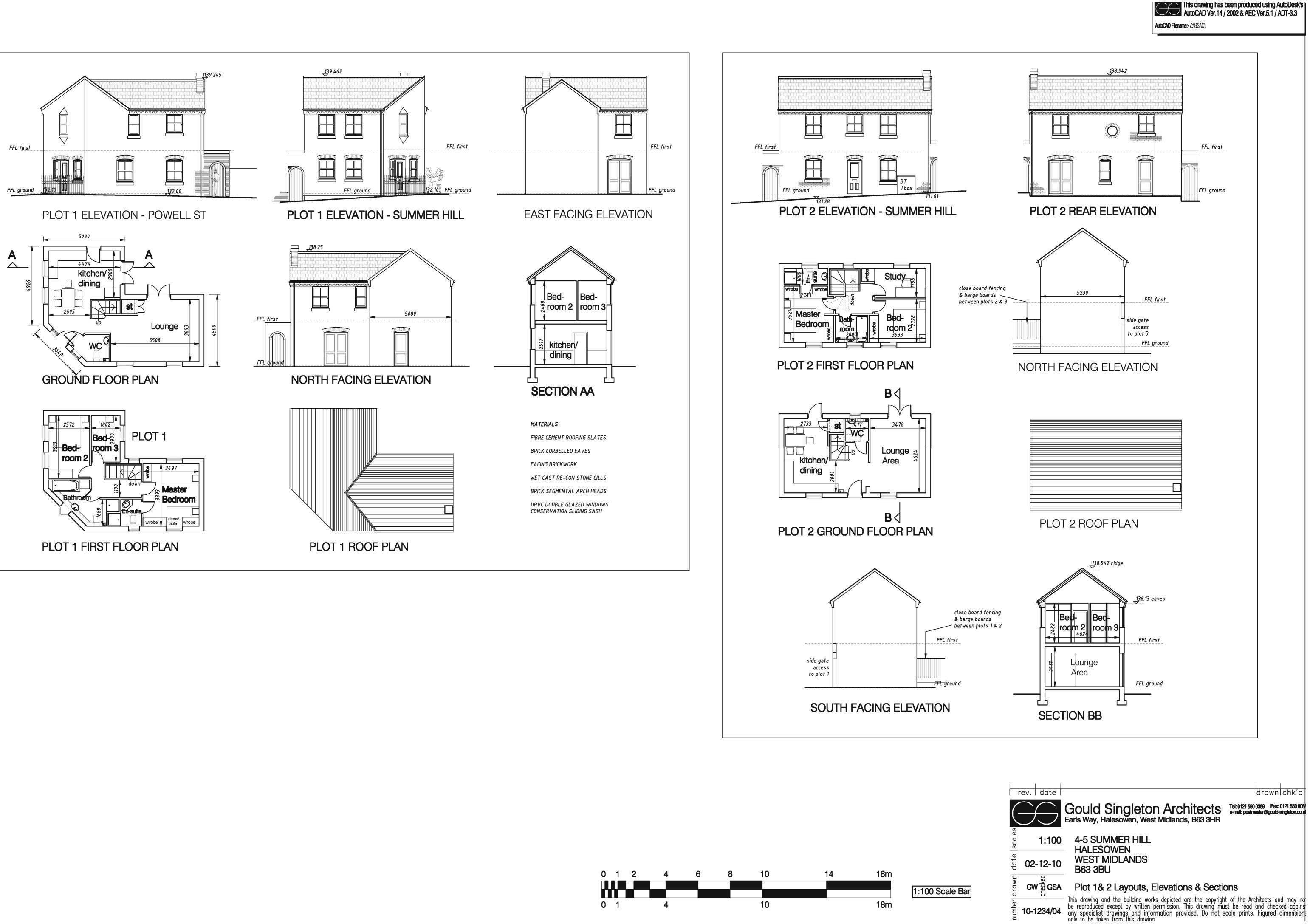
- 3. The development hereby permitted shall be carried out in accordance with the following approved plans: 10/1234/01B, 10-1234/02, 10-1234/03A, 10-1234/04, 10-1234/05 and 10-1234/06
- 4. Development shall not begin until a scheme for protecting residents in the proposed dwellings from noise from road traffic on Queensway 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.
- 5. Prior to the commencement of development, details of the works for the disposal of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. All works shall be completed in accordance with the approved details prior to the occupation of the dwellings hereby permitted.
- 6. Prior to the commencement of development, details of the existing and proposed levels of the site (including finished floor levels), which should be related to those of adjoining land and highways, shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved levels.
- 7. Prior to the occupation of the dwellings hereby permitted the parking area shall be surfaced and marked out in complete accordance with the approved plans, and thereafter maintained available for parking.
- 8. Prior to the commencement of development, details of the types, colours and textures of the materials to be used in the hard surfacing of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The hard surfacing shall be permeable or the hard surfacing scheme shall include drainage to limit surface water runoff. The development shall be carried out in complete accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing with the local planning authority.
- 9. Prior to the commencement of development, details of the types, colours and textures of the materials to be used on the external surfaces of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
- 10. Prior to the commencement of development, details of the landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before the end of the first planting season following initial occupation of the development.
- 11. Prior to the commencement of development, details of the boundary treatments to be installed on the whole site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include location of boundary treatment. Elevation details shall also be supplied, or planting species/distances, as appropriate. The development shall proceed in accordance with the approved details, which shall be installed on site prior to occupation and thereafter maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
- 12. The landscaped areas shall be retained in the form shown on the approved plan throughout the life of the development and shall not be used for any other purpose, unless otherwise agreed in writing by the local planning authority.



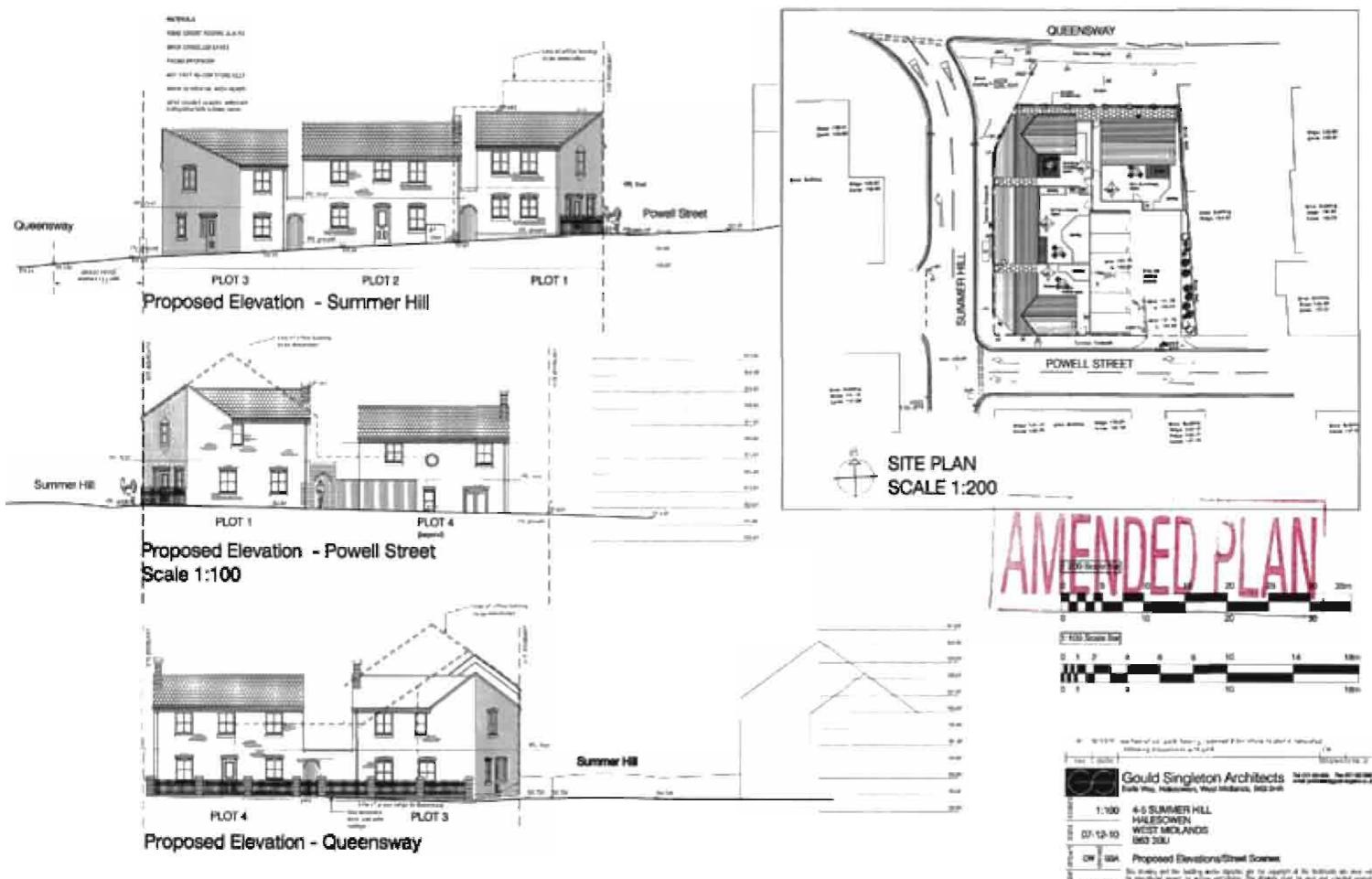
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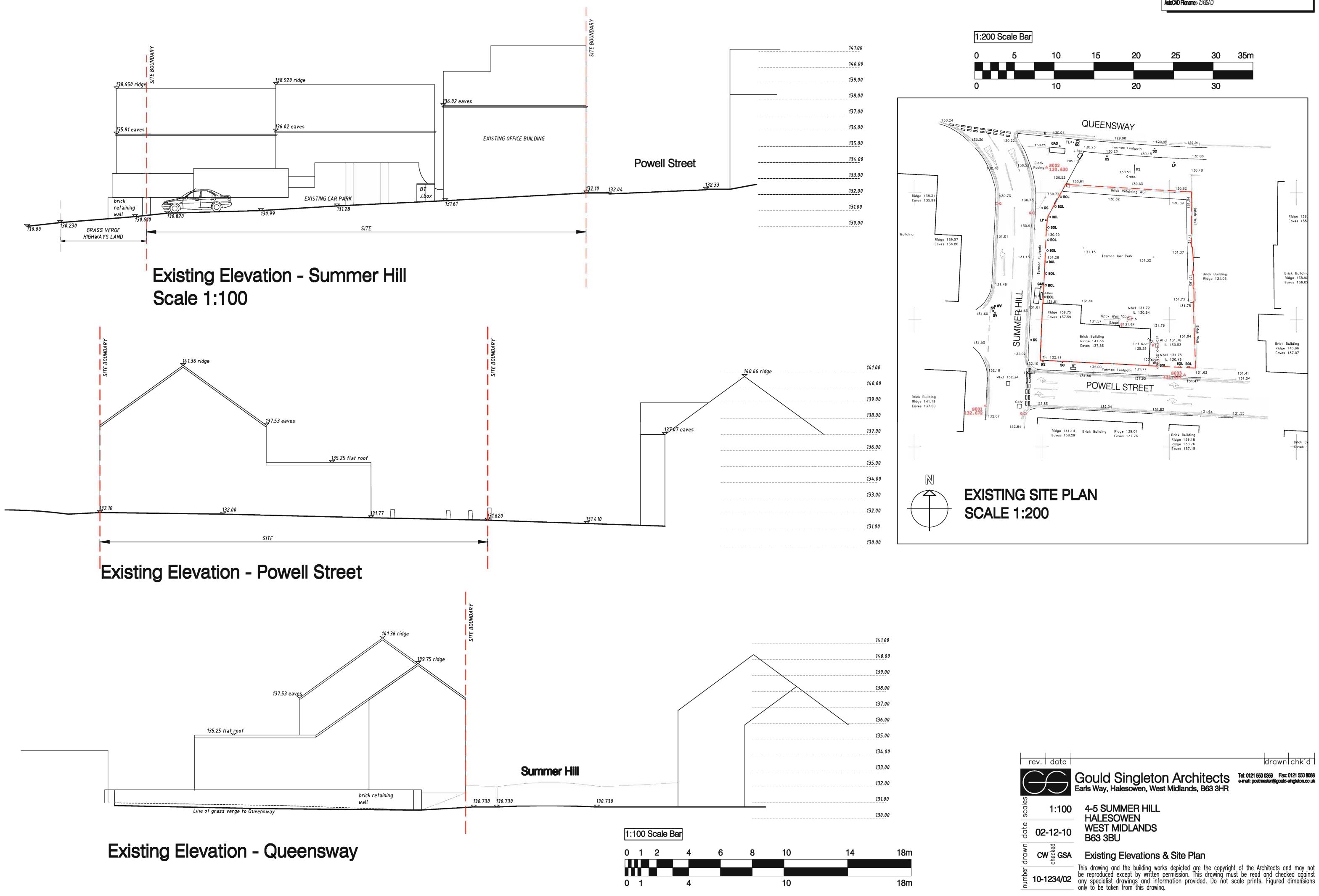




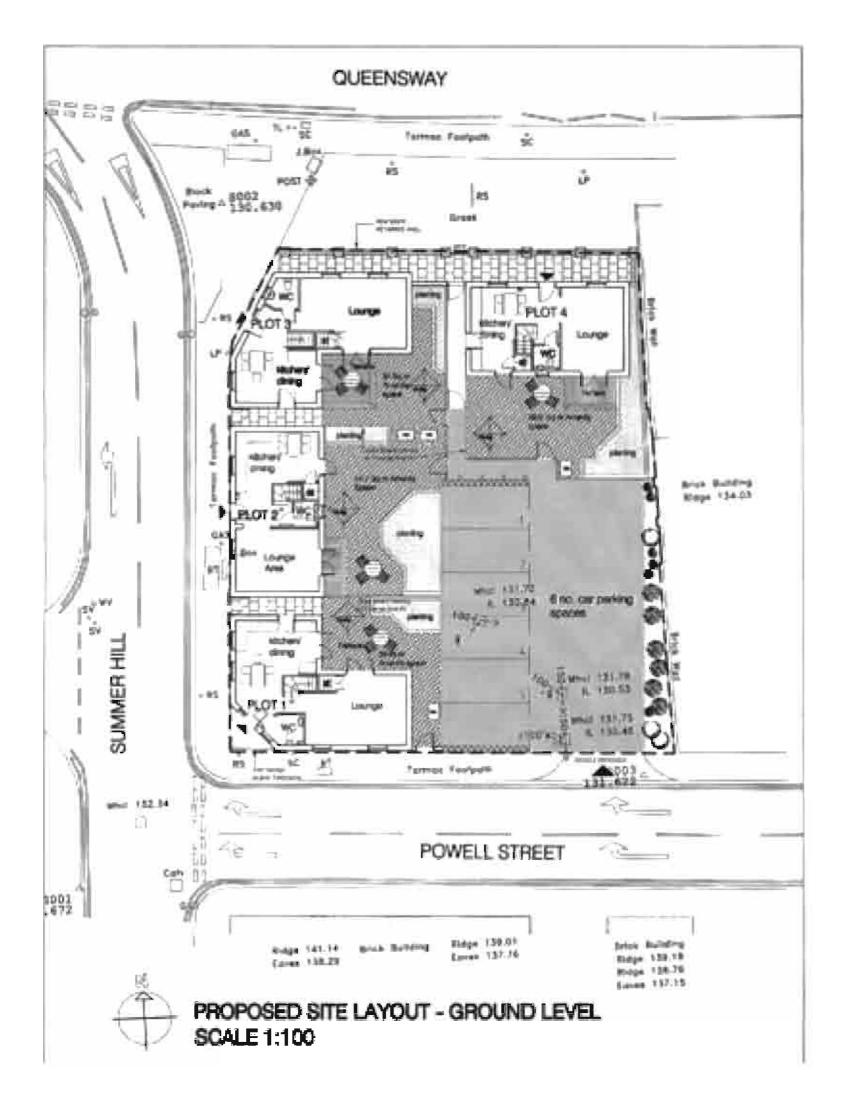


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PROPOSED FIRST FLOOR LAYOUT

4 NO. 3 BED DWELLINGS

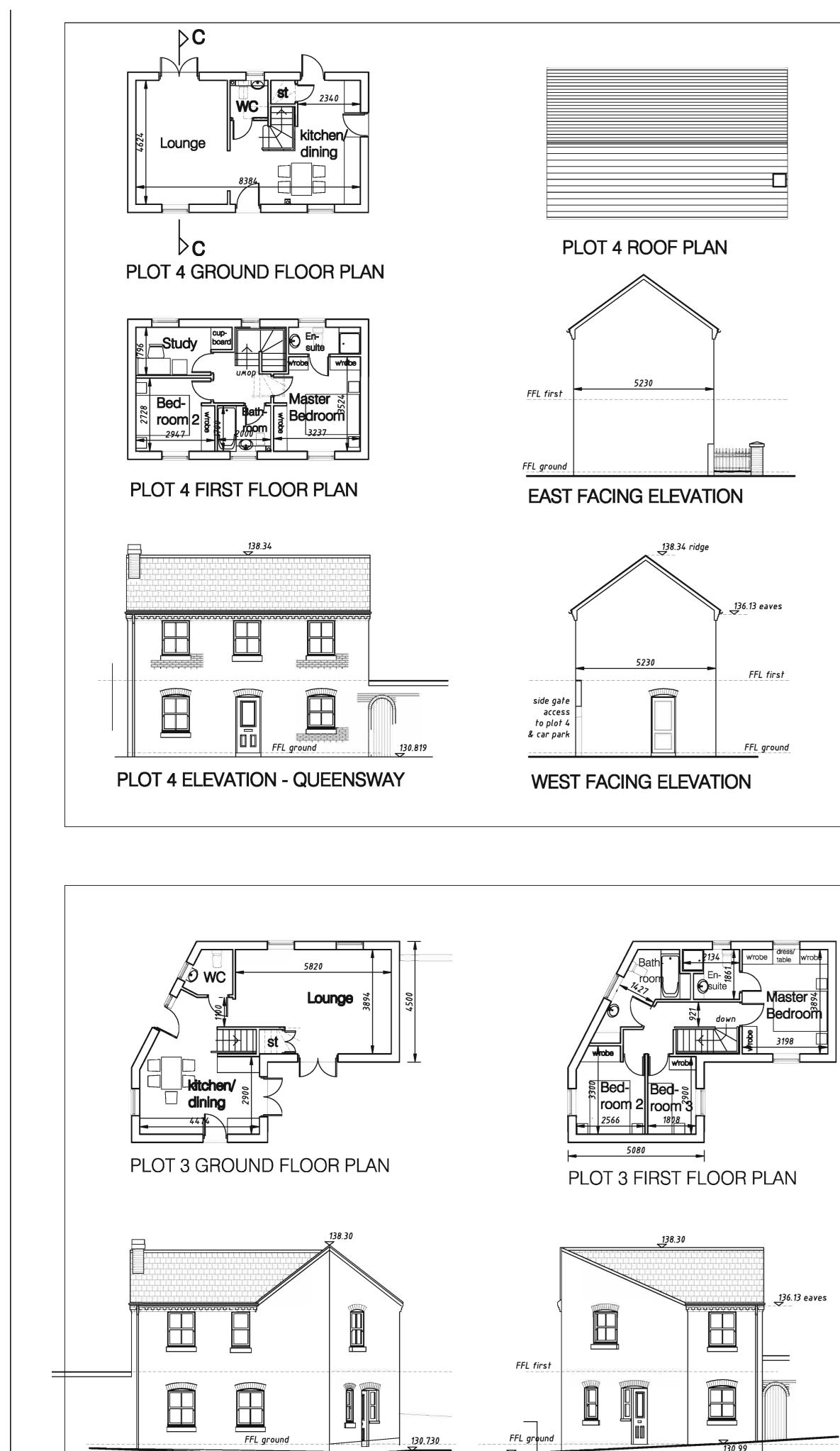
PLOT 1 GA 56.92m²/ 612 sq ft PLOT 2 GA 49.36m²/ 531.3 sq ft PLOT 3 GA 54.52m²/ 586.8 sq ft PLOT 4 GA 47.00m²/ 506 sq ft A

PLOT 1 GIA 94.24m/91014 sq ft PLOT 2 GIA 81.68m/9879sq ft PLOT 3 GIA 88.6m/9894 sq ft PLOT 4 GIA 77.52m/9834 sq ft





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PLOT 3 ELEVATION - QUEENSWAY

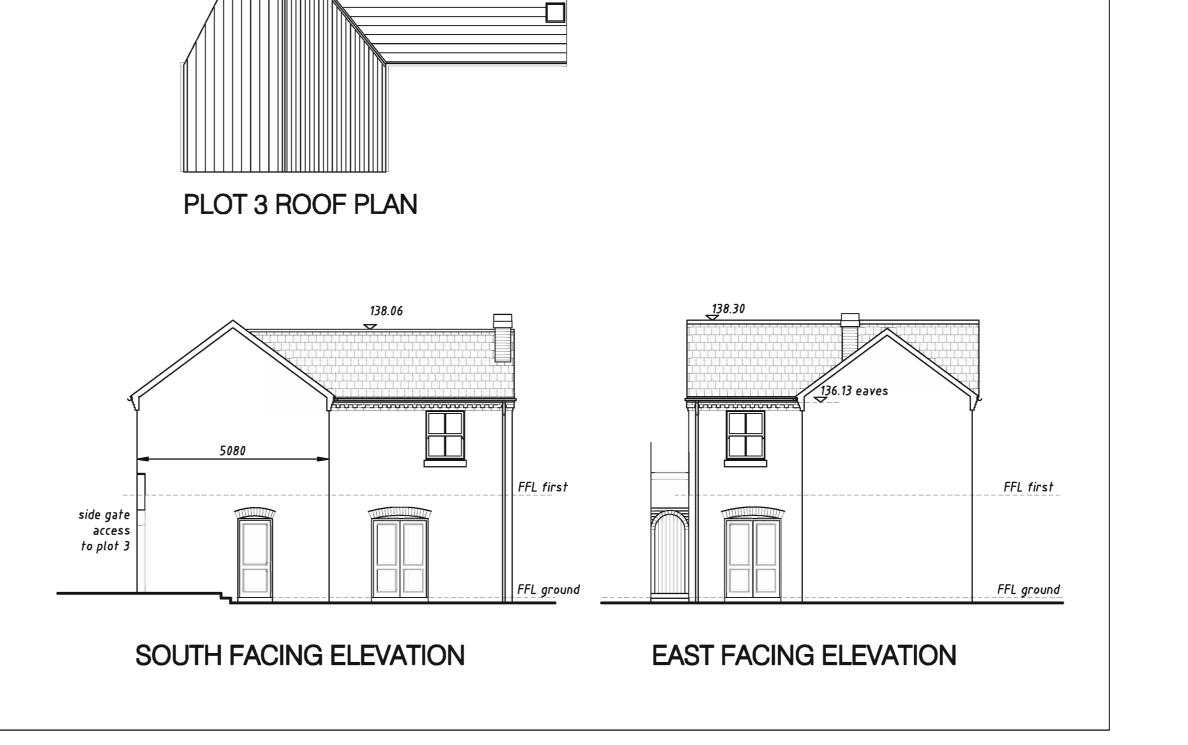
ELEVATION - SUMMERHILL

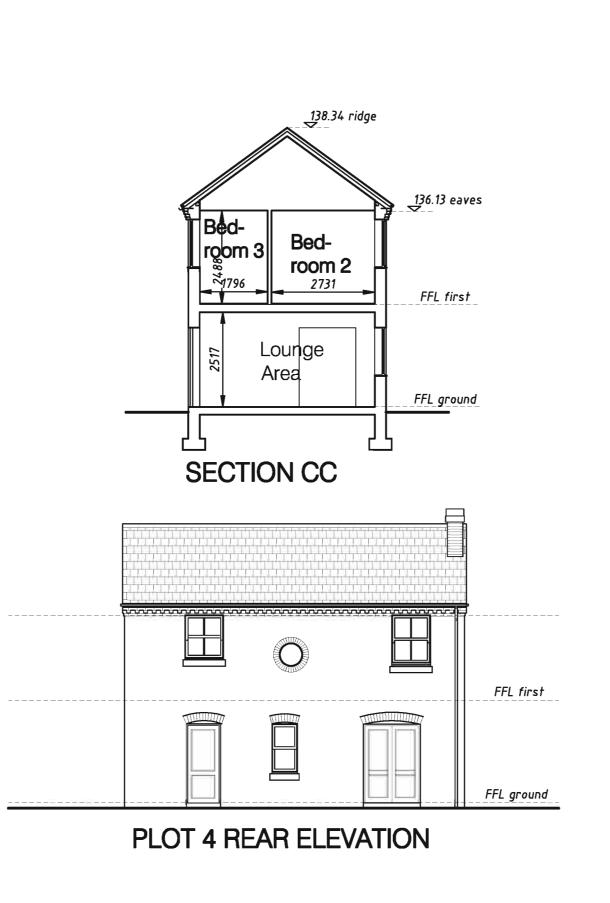
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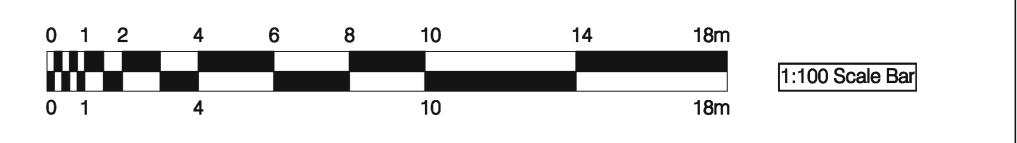
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