

PLANNING APPLICATION NUMBER:P06/0535

Type of approval sought	Outline Planning Permission
Ward	Belle Vale
Applicant	Paul. W. Johnson & Associates
Location:	LAND OFF WHITEHALL ROAD, HALESOWEN
Proposal	OUTLINE APPLICATION FOR THE ERECTION OF FOUR BLOCKS OF RESIDENTIAL APARTMENTS (DESIGN, EXTERNAL APPEARANCE AND LANDSCAPING RESERVED FOR SUBSEQUENT APPROVAL)
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

- 1 The application site is 0.4 hectares in size, of an elongated shape, forming an island around which the A458 splits, with single direction dual carriageways either side - vehicles moving in an easterly direction on the north side (Earls Way) and in a westerly direction towards Halesowen Town Centre (Whitehall Road) on the southern side of the site.
- 2 The site rises by 4 metres from the eastern boundary to the centre of the site, then from here falls by 5 metres to the western boundary. There is a relatively steep, vegetated slope, with a height difference of up to 4 metres, between the northern boundary of the site and Earls Way. There are pockets of open space, adjoining the site. These comprise council owned land to the roundabout at the bottom of Mucklow Hill to the east and a grassed undulating area, with mature trees, under which the River Stour flows in a culvert, to the west.
- 3 There are currently a variety of uses on the site, including car lots, a taxi base, caravan storage and two storey offices.
- 4 The site is on the edge of the Town Centre, approximately 300 metres from its heart. There are a variety of uses on the opposite side of Whitehall Road to the site,

including residential (nos. 61, 62 and 63), a telephone exchange, a hire depot and then apartment blocks at Corron Hill. On the opposite side of Earls Way is a car showroom and a electricity control station. The car showroom site is the subject of another current application for apartment blocks (P05/1850).

PROPOSAL

- 5 This is an Outline application with siting and means of access for consideration now.
- 6 With regard to siting, 4 blocks are shown aligned near the centre of the site, arranged so that half of each block is offset longitudinally from the other half. The blocks are shown set 5 metres in from the edge of pavement line to Whitehall Road, with parking areas between. Areas of open space are shown around the edge of the blocks, with some more substantial areas within the recesses created by the offsets in the footprints. There is an angular element proposed on the leading edges of the footprints of the blocks at either end of the site.
- 7 The blocks are shown illustratively as 3 storey, with a total of 50 dwellings: in detail, 39 no. 2 bedroom flats and 11 no. 1 bedroom flats. Pedestrian access is shown linking the blocks and linking in with the existing pedestrian crossings across Earls Way and Whitehall Road (leading to the Town Centre).
- 8 With regard to access and parking, an access point is proposed from Whitehall Road near the eastern boundary of the site leading to a 1-way, 4 metre wide internal access road, emerging as an egress onto Whitehall Road in the western part of the site. The parking courts to the flats are shown off that internal road, with a total of 60 spaces proposed across the whole site.
- 9 The plans have been amended, seeking to address concerns with regard to the siting of the blocks close to Whitehall Road, pedestrian flows through the site, other design considerations, and the parking ratio. These amendments have entailed the number of proposed dwellings reducing from 60 to 50, with a storey removed from the blocks at either end of the site - these were shown as 4 storey.
- 10 The applicants have submitted the following documents with the application: a contaminated land survey; a flood risk assessment; a noise assessment; a protected species survey; a (revised) design statement.

HISTORY

- 11 A summary of the planning history is set out below.

APPLICATION No.	PROPOSAL	DECISION	DATE
90/51873	3 storey office development	Approved	10/01/91
P01/0899	Outline – erection of 2 no. non-food retail units	Refused	29/5/02

- 12 The 1991 permission was renewed in 1995 (95/51444), 2001 (P00/51997), and 2006 (P05/2567).
- 13 The proposed non food retail units scheme which was refused on the basis that it would lead to the loss of trees, comprised retail units in an out of centre location, and compromised highway safety.

PUBLIC CONSULTATION

- 14 4 representations have been received, two of which are from Local Ward Members. The Local Ward Members object on grounds relating to: the proposed density of development being too high / out of character with the area; it would cause traffic congestion and compromise highway safety; noise and air quality unduly affecting future occupants. The two representations from residents relate to the proposed egress point being dangerous and the scheme blocking light to the apartments in Corron Hill - although one of those representations states that the proposal will remove an eyesore of old decaying buildings.

OTHER CONSULTATION

- 15 Environment Agency – the findings of the Flood Risk Assessment are accepted – there are no objections subject to conditions relating to drainage, surface water run-off, sustainable urban drainage methods and an exclusion zone around the watercourse.
- 16 Severn Trent – no objections, subject to conditions on drainage, and an exclusion zone around the sewer which crosses the site.
- 17 Group Engineer (Development) – the findings of the transport assessment have been accepted, disabled parking bays and bin stores need to be provided.

- 18 Head of Environmental Protection (HEP) -
- there are a number of potentially contaminative previous uses associated with this site, including a garage and engineering works – the information submitted comprises a desk top study report only, a preliminary site investigation is required prior to a recommendation being made as to whether the proposal was suitable with regards to contamination risk.
 - with regard to noise and contamination, refusal is recommended on the basis that future occupiers will be exposed to undue levels of road noise (unless they live in a sealed environment). Due to the location of blocks at least 5 metres from the Highway, no concerns regarding air quality are raised.

RELEVANT PLANNING POLICY

- 19 The site falls within the River Stour Linear Open Space (LOS) network, within Town Centre Development Block 10, with the River Stour flood plain cutting through part of the site.
- 20 The following Unitary Development Plan (UDP) policies are relevant:-
- 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;
 - DD11 – water courses;
 - AM14 – parking;
 - H3 – housing assessment criteria;
 - H4 – housing mix;
 - H5 – affordable housing;
 - H6 – housing density;
 - S02 – Linear Open Space;
 - S03 – access and enhancement of Green Belt and Linear Open Space;
 - EP7 – noise pollution;
 - HTC2 – Town Centre development blocks.

ASSESSMENT

21 Principle

The site falls within Development Block 10 as defined in Policy HTC2 of the UDP. That policy states that that area represents a mix of both commercial and retail uses and that such uses are to be retained and encouraged to ensure strengthened links with the Town Centre. It also requires development to present a strong frontage onto the A458, and to take into account the presence of the River Stour Valley.

22 In applying this, it is considered that there are no preferred or acceptable uses specified for this Development Block. Furthermore, it is considered that the proposed redevelopment of this site for housing meets the criteria set out in Policy H3 of the UDP in that it represents the re-use of an underused site in an accessible location (within walking distance of the Town Centre).

23 Based on the siting shown, it is considered that the proposed scheme will present a strong frontage onto Whitehall Road, with the potential for the details to be submitted on the external appearance of the blocks reinforcing this. In addition, the retention of the trees and open space around the site ensures that the character and open setting of the River Stour corridor would not be unduly compromised.

24 Furthermore, it is considered that the proposed development would provide more spatial order than the existing arrangement of uses, providing for an enhanced environment at this location, on an approach to the Town Centre.

25 On this basis, the re-use of the site for residential development is considered acceptable.

26 Density

The proposed density is 125 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.

27 The site is considered to be within walking distance of Halesowen Town Centre, and the facilities and alternative transport options available there. This is therefore

considered a sustainable location within an urban setting, capable of accommodating relatively high density development.

- 28 This is providing that it can be demonstrated that the design of the proposal is not unduly out of keeping with the local context (see assessment below).

29 Siting / design

It is considered reasonable to base this part of the assessment on the siting of the proposed blocks, supplemented by the illustrative material showing the blocks to be 3 storeys.

- 30 In relation to the character of the existing area, it is noted that there are existing 3 storey apartment blocks accessed off Corron Hill on the opposite side of Whitehall Road to the application site. There is also a mix of uses on the opposite side of Whitehall Road, including a large 3 storey office block (Whitehall House). Given this, the site's edge of centre location and that it is relatively isolated from adjoining existing development, it is considered that the 3 storey development as proposed would not appear out of context in this location.

- 31 It is considered that by breaking the proposed development into separate blocks, this allows views through to the environment beyond, particularly the open space / wooded area around the River Stour. It is considered that this design approach provides for more visual interest than a single building mass would. The angled edges to the footprints of the blocks proposed at either end of the site allows scope for corner features to be part of those blocks, thereby helping to announce the site / this gateway to the town.

- 32 Amended plans have been submitted which show entrance doors to the flats facing Whitehall Road. It is considered that this would enable the proposal to present an active frontage onto this street (where there is little at the moment) and help to give the proposed use/development legibility.

- 33 Given the above assessment, it is considered that the proposed development would not appear out of context with the local area, and presents sufficient urban design quality to be acceptable, and in compliance with policy DD1 of the UDP.

34 *Affordable housing*

Policy H5 of the UDP requires 30 % of proposed dwellings on suitable sites to be affordable. No details have been provided with this proposal on the amount of affordable housing to be provided. It is recommended that this be subject to the terms of a Section 106 Agreement seeking 30 % of the dwellings as affordable.

35 *Access and parking*

The submitted transport assessment states that the proposed development would not generate material traffic increases beyond the proposed site access junctions. This broad principle is supported by the Group Engineer who raises no concerns on the access arrangements shown. In addition, the parking provision at 1.2 spaces per flat is considered acceptable in this location.

36 Conditions have been recommended to ensure that disabled bays, bin stores and cycle racks be provided. This reflects the views of the Group Engineer.

37 Pedestrian routes are shown as part of the proposed layout, around the edges of the parking courts linking the blocks together and leading to a defined, central route which meets the highway to join up with the existing pedestrian crossing across Whitehall Road leading towards the town centre.

38 Parking and access considerations, including pedestrian circulation, are therefore considered acceptable, in compliance with UDP policies DD6 and AM14.

39 *Contamination*

The submitted desk study report states that potential sources of contamination may arise on ground associated with the existing vehicle repair garage on the site, and offsite tipped waste, historic marshland, former and current land uses, including metal works. It recommends a condition requiring a full ground investigation.

40 This is not a view supported by HEP who requires preliminary investigation works in support of the application to satisfy the requirements of PPS 23. E.P. have recommended that a site investigation is carried out to demonstrate that this site is suitable for the intended development.

41 On this, it is considered that, given the evidence contained within the submitted desk survey, it is unlikely that the site would be significantly contaminated so as to prejudice its development. It is therefore considered reasonable to recommend pre-

commencement conditions requiring site investigations for contaminated land and potential ground gases, with appropriate remedial measures, be submitted for approval.

42 Noise

The submitted noise assessment report concludes that the site is subject to Noise Exposure Category (NEC) C, but, by using a suitable noise insulation package, reasonable noise levels should be comfortably achieved within living spaces.

- 43 This is not a view supported by HEP who considers that This will provide external noise levels which are unacceptable, The necessary internal noise levels can be achieved if windows are not opened, natural ventilation can not therefore be provided for. To allow room ventilation a full building forced ventilation system will need to be provided. E.P. are of the opinion that it is not acceptable to be unable to enjoy natural ventilation without adversely affecting the internal noise levels of the accommodation due to traffic noise. Unlike other similar development near to busy and noisy roads, there is not a quiet façade to the proposed buildings as there is dual carriageway to either side of the buildings, therefore it is not possible in these circumstances to arrange the more noise susceptible living accommodation to the quiet side of the building. Should future residents complain to E.P. about the adverse affect noise has on their living accommodation there would be no formal action available for Dudley MBC to take to help resolve the matter. The advice from E.P. remains that due to road traffic noise this site is unsuitable for residential accommodation, however, should Committee be minded to approve this application we would recommend that Planning Condition L01b - protection scheme for noise from road traffic is attached (as per condition 15 in the report).
44. it is considered that a recent appeal decision nearby at Dudley Road (ref. P03/2393) is relevant to the assessment of this issue on the application site. That application was similar to the current application in that it was for dwellings located alongside a main highway. However, it was potentially subject to higher levels of noise (NEC C/ D) than the current application would be. It was refused on noise (and other) grounds, but allowed at appeal, with the Inspector concluding that he saw no reason why it would not be possible to incorporate insulation and ventilation systems within

the dwellings to keep noise to within acceptable limits. It is considered that a similar approach could be applied to the current scheme.

- 45 With regard to air quality, HEP initially expressed concerns about the lack of an air quality assessment, especially given the proposed siting of the blocks less than 5 metres from the highway. The scheme was amended partly to reflect those concerns – all the blocks are now shown set back at least 5 metres from that frontage
- 46 Given the above it is considered unreasonable to refuse the application on noise . A condition has been recommended to require the approval of appropriate noise mitigation measures. It is considered that subject to this, an acceptable level of amenity for future occupiers can be provided.

47 Open space

Limited private amenity space is shown provided around each of the blocks. However, it is considered that this should be set against the flexibility allowed by planning policy in the application of standards with regard to redevelopment proposals for previously developed land in a sustainable location (such as this). In addition, it is significant that the outlook from the rear of at least two of the proposed flat blocks will be over the green fringes of the site to the open space beyond.

- 48 Furthermore, it is considered reasonable to require a commuted sum payment for the enhancement of off site open space through a Section 106 Agreement.

49 Nature Conservation

The submitted protected species assessment stated that no bat roosts were found on the site, however the report recommends a condition that prior to demolition, a bat emergence survey be undertaken. It also recommends that the site be checked for nesting birds, that a stand of Japanese Knotweed on the northern verge (outside the site) be eradicated, and that opportunities to enhance the ecological value of the site through the planting of native species and the placement of bat and bird boxes be encouraged.

- 50 The recommendations of that report are supported and suitable conditions have been recommended. It is considered that subject to those conditions the potential

nature conservation interest of the site will be safeguarded and, potentially, its value enhanced.

51 *Flood Risk*

The submitted flood risk assessment concludes that the site is at a low risk of fluvial flooding from the River Stour. This is a view supported by the Environment Agency. It can therefore be concluded that this is not an issue of significant concern.

52 *Archaeology*

The site is an area of potential archaeological interest (the site of an 18th Century coaching inn – the New Inn). A watching brief condition on this has consequently been recommended.

CONCLUSION

- 53 The principle of the development is accepted as the proposal represents the redevelopment of previously developed land for housing in an urban and sustainable setting, helping to enhance the local environment at an approach to Halesowen Town Centre. It is considered that the siting and other details of the proposal shown will give rise to a development that will be in context with the character of the local area, and provide for design quality. In all other respects, including the level of amenity available for future occupiers, parking and open space considerations, the proposal is considered acceptable. The proposed scheme is therefore considered in compliance with the development plan, in particular policies DD1, DD4, DD6, DD8, DD10, HTC2 and AM14 of the Unitary Development Plan.

RECOMMENDATION

- 54 It is recommended that Outline permission be granted, subject to
- a) The applicants entering into a Section 106 Obligation for
 - i) a contribution to off-site recreational public open space enhancement;
 - ii) affordable housing provision.
 - b) In the event that that Obligation is not entered into / completed within two months of the resolution to grant approval, the application will be refused if appropriate:
 - 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 principle of the development is accepted as the proposal represents the redevelopment of previously developed land for housing in an urban and sustainable setting, helping to enhance the local environment at an approach to Halesowen Town Centre. It is considered that the siting and other details of the proposal shown will give rise to a development that will appear not unduly out of context with the character of the local area, and provide for design quality. In all other respects, including the level of amenity available for future occupiers, parking and open space considerations, the proposal is considered acceptable. The proposed scheme is therefore considered in compliance with the development plan, in particular policies DD1, DD4, DD6, DD8, DD10, HTC2 and AM14 of the Unitary Development Plan.

Conditions and/or reasons:

1. Approval of the details of the design, external appearance of the building(s), and the landscaping of the site (hereafter called the ('reserved matters')) shall be obtained from the Local Planning Authority before any development is begun.
2. Application for reserved matters approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission; and the development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
3. Development shall not begin until all existing buildings have been demolished and all rubble removed.
4. 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.
5. No development shall commence until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.
6. There shall be no buildings, structures or raised ground levels within
 - a) 5 metres of any side of an existing culverted watercourse,
 - b) 2.5 metres of any public sewer

inside or along the boundary of the site, unless otherwise agreed in writing by the Local Planning Authority.

7. 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.
8. 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.
9. Unless otherwise agreed in writing by the Local Planning Authority 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.
10. Before development commences, a revised parking scheme shall be submitted to and approved in writing by the Local Planning Authority. That scheme shall show the provision of 3 no. disabled parking bays, cycle racks and bin stores. The revised parking scheme shall be implemented including being paved with a suitable hard, impervious material and drained before first occupation of any dwelling on the site and thereafter maintained for the life of the development.
11. 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 and shall occur in accordance with the approved details.
12. No development shall commence until details of the proposed boundary treatments 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.
13. The developer shall afford access at all reasonable times to an archaeological organisation nominated by the local planning authority, and shall allow them to observe the excavations and record archaeological evidence that may be uncovered as a result of the development.
14. Development shall not begin until a scheme for protecting the proposed dwellings from noise from traffic on the adjoining highways 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.

15. 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) 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
- d) the details to be submitted as part of the Reserved Matters relating to landscaping shall include measures to enhance the nature conservation value of the site.