

PLANNING APPLICATION NUMBER:P07/2288

Type of approval sought	Full Planning Permission
Ward	HALESOWEN NORTH
Applicant	Harper Jones Ltd
Location:	9/10, YATES LANE, ROWLEY REGIS, WEST MIDLANDS, B65 0RA
Proposal	DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 8 NO. 2 BEDROOM APARTMENTS IN TWO BLOCKS (RESUBMISSION OF WITHDRAWN APPLICATION P07/2054).
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The application site relates to two former residential dwellings built in the early 1900's, which are currently used as office accommodation as part of the builders yard across 9/10 Yates Lane. These two traditional red-brick buildings are situated at back edge of a small section of pavement across the frontage. A number of extensions have been carried out to this property, the most recent being a large two-storey side extension.
2. The site is located at the end of Yates Lane, which is a public footpath over which there are private vehicular rights; and leads to Hurst Green, to the south of the site. The vehicular access includes a small hard standing also used for the parking of vehicles, from which, a single gated access point leads into the site.
3. At present several shipping containers and two sheds are on site, it is generally quite shabby in appearance, with building merchant materials scattered across the site. 2m fencing encloses the site and on the western boundary is a row of sycamore trees.

4. Approximately 20m east of the site is the M5 motorway, this being located within a deep cutting.
5. The site is adjoined on the northern boundary by a small group of residential dwellings built in the late 1970's and early 1980's, three having frontages onto Yates Lane and another five fronting Cakemore Road.
6. The western (rear) boundary is adjoined by playing fields, a recent planning application has been approved further into that site for the creation of the GOALS Soccer Centre.
7. A pond lies adjacent the southern end of the site within a triangle-shaped area of semi-natural broadleaved woodland, which extends southwards toward Hurst Green Park.

PROPOSAL

8. This application seeks redevelopment of the site, comprising of two, two storey adjoining residential blocks containing 8 no. 2-bed apartments.
9. The blocks whilst being adjoined would be staggered by 0.9m, and are shown to measure 12.2m deep by a total 26m wide, and between 7.3m and 8.1m high to the ridge.
10. The single site access would run between the rear of 3 Yates Lane and the northern elevation of the proposal, leading to a parking area for 11 cars. Another 7 parking spaces would be located adjacent Yates Lane, which will be upgraded as part of this scheme. 8 cycle parking spaces are also located within the rear parking area, as is a refuse store.
11. A communal private amenity area of approximately 245m² is located to the rear of the apartments.

PLANNING HISTORY

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

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

PUBLIC CONSULTATION

13. Neighbour notification was carried out to all adjoining and adjacent neighbours, and a site notice expired on the 18th January 2007, as a result of which no letters of objection have been received.

OTHER CONSULTATION

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

RELEVANT PLANNING POLICY

17. Adopted UDP (2005)
 - DD1 – Urban Design
 - DD4 – Development in Residential Areas
 - DD6 – Access and Transport Infrastructure
 - H3 – Housing Assessment Criteria
 - H6 – Housing Density
 - AM13 – Public Rights of Way
 - NC6 – Wildlife Species
 - NC10 – The Urban Forest
 - DD7 – Planning Obligations
 - DD8 Provision of open space, sport and recreation facilities
 - UR9 – Contaminated Land
18. Supplementary Planning Document
 - Parking Standards and Travel Plans
 - Nature Conservation
 - New Housing Development
19. Supplementary Planning Guidance
 - PGN3 – New Housing Development

ASSESSMENT

20. The key issues in determination of this application are the impact upon;

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

Character & Appearance

21. Policy DD4 – Development in Residential Areas, seeks to ensure that residential development will be allowed where,

- *there would be no adverse effect on the character of the area or upon residential amenity*
- *the scale, nature and intensity of the use of the proposed development would be in keeping with the surrounding area.*

22. The thrust of national guidance in PPS3 maintains the emphasis on making the best use of previously developed land. It states 'New development should be of high quality, inclusive design and layout ... and be informed by its wider context, having regard not just to neighbouring buildings but to the townscape and landscape of the wider locality.' (paragraph 37).

23. This area is mixed in character although this site itself was originally used for residential purposes. Nearby dwellings have been built at a density between 50 dph to 71 dph. As the redevelopment removes a use that is somewhat incompatible to the adjacent residential and semi-natural woodland, the slightly higher 88dph density is considered to make efficient and effective use of previously developed land and therefore is consistent with national policy and Policies H3 and H6 of the Adopted UDP.

24. The prevailing character, as already mention, consists of a small pocket of modern dwellings, these being detached within Yates Lane, and a single block of 5 terraced

dwelling fronting Cakemore Road. The removal of the industrial buildings offer an opportunity lay out replacement buildings to respond to the urban form.

25. The proposed block would accommodate a similar back of footpath position to the existing buildings. The mass and scale of the block has been reduced by incorporating the set back between the blocks and varying the ridge heights, giving the impression of two blocks rather than one monolithic structure.
26. External appearance of the apartments is modern, features such as the use of projecting bays and porches, varying roof heights ensure that some elements are reflected from the existing buildings but also introduce new elements such as the feature gable to add interest to the block and ensure that the proposal would integrate with the modern dwellings nearby. The external appearances of these apartments are similar to a pair of semi-detached dwellinghouses.
27. The apartments take into account the context of surrounding dwellings and do not have an adverse impact upon the character and appearance of the area, the development would therefore be compliant with both Policies DD1, DD4, H3 and H6 of Dudley's Adopted UDP.

Residential Amenity

28. At present the neighbouring properties are located adjacent to commercial premises, the builders yard subjecting the residents to a constant flow of vans/cars visiting the site, potential noise from deliveries and loading, and a generally poor outlook from habitable rooms and private garden areas. This application offers the opportunity to remove this potentially conflicting use.
29. The current scheme pushes the block further away from the rear elevation of 3 Yates Lane, this being the nearest dwelling. With the property being splayed away, a distance of between 14m – 20m would be retained between the rear elevation of no. 3 Yates Lane and the side elevation of the proposal.

30. Side windows serving the kitchen on the ground floor, for the most part would be obscured by the boundary fencing, and therefore have little impact upon the occupiers of the adjacent dwelling. Although there would be a similar kitchen window at first floor, the plans indicate that this would be obscured. It is considered that ample separation distance would be provided, and that the residential use is much preferable to the builders yard. No adverse impact upon the residential amenities of these adjacent occupiers would arise in accordance with UDP Policy DD4.
31. Other boundaries of dwellings in Yates Lane and Cakemore Road would adjoin the proposed rear parking area, which would be an improvement to the existing relationship, whereby building materials rest up against the boundary fencing. This application will resurface the car parking area and improve visual amenities of these adjoining occupiers.
32. PGN 3 New Housing Development indicates the private rear amenity or garden area that the LPA will be seeking for new properties. All new residential development should have a reasonable amount private amenity space around them to maintain a minimum amount of privacy and an appropriate standard for the type of accommodation proposed commensurate with the area as a whole.
33. In line with PGN3, which requires the provision of 30m² per apartment (30m² x 8 = 240m²) a communal amenity area of some 245m², is considered appropriate for future occupiers. It must also be noted that future occupiers are in very close proximity to the Hurst Green Park, which could be accessed via the Public Right of Way in front of the apartment block.
34. The Head of Public Protection considers that due to the proximity of the M5, future occupiers would be affected by road traffic noise, therefore a condition is attached for the submission of a scheme to protect future occupiers. Given the industrial nature of the site, conditions are also requested for appropriate site investigation to be carried out to accord with UDP Policy UR9.

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

Highway Safety & Parking

36. In line with the Parking Standards and Travel Plans SP, a total of 18 parking spaces (including 2 visitor spaces) have been provided within the application boundary. An additional 8 cycle parking spaces have also been provided.
37. Previous concerns raised by the Group Engineer, Development about the size of the parking bays have been addressed, such that these meet the minimum sizes. Ensuring that any parked vehicles do not obstruct the Public Right of Way and that vehicles can safely manoeuvre in and out of spaces.
38. The applicant has indicated on the layout plan that the whole of Yates Lane will be upgraded to Local Authority specification, and that works would be carried out to the footpath access to Hurst Green Park. This is considered an enhancement and provides better facilities for users of this Public Right of Way in accordance with UDP Policy AM13.
39. The Group Engineer, Development raises no objection. Adequate and safe provision for access and egress by vehicles, pedestrians and other road users is provided which adheres with UDP Policies DD6 and AM13.

Wildlife conservation

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

Other issues

40. Policies DD7 and DD8 of the UDP require that new developments (5 or more units) should contribute to recreation facilities/open space in the wider area in line with the increase in users arising from the development. This can be dealt with in a legal agreement (S106) to accompany the application. The applicant has indicated their acceptance of this principle and the recommendation is made on this basis.

CONCLUSION

41. Consistent with national planning guidance, the proposal makes efficient use of land within the urban area for residential development. The layout, scale and design of the proposed apartments do not have an adverse impact upon the character and appearance of the existing street scene. No harm will arise upon the residential amenities of the adjacent neighbours, highway safety or wildlife species. Providing a suitable legal agreement is arrived at and 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 Adopted UDP Policies DD1 – Urban Design, DD4 – Development in Residential Areas, DD6 – Access and Transport Infrastructure, H3 – Housing Assessment Criteria, H6 – Housing Density, AM13 – Public Rights of Way, NC6 – Wildlife Species, NC10 – The Urban Forest, DD7 – Planning Obligations, DD8 Provision of open space, sport and recreation facilities, UR9 – Contaminated Land, Supplementary Planning Document's: Parking Standards and Travel Plans, Nature Conservation and New Housing Development, and Supplementary Planning Guidance PGN3 – New Housing Development

RECOMMENDATION

42. It is recommended that 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 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 GRANT OF PLANNING PERMISSION

Consistent with national planning guidance, the proposal makes efficient use of land within the urban area for residential development. The layout, scale and design of the proposed apartments do not have an adverse impact upon the character and appearance of the existing street scene. No harm will arise upon the residential amenities of the adjacent neighbours, highway safety or wildlife species. Providing a suitable legal agreement is arrived at and having taken regard for the Councils policies controlling such development and other material considerations, for the reasons set out above it is considered that the proposed development would satisfy Adopted UDP Policies DD1 – Urban Design, DD4 – Development in Residential Areas, DD6 – Access and Transport Infrastructure, H3 – Housing Assessment Criteria, H6 – Housing Density, AM13 – Public Rights of Way, NC6 – Wildlife Species, NC10 – The Urban Forest, DD7 – Planning Obligations, DD8 Provision of open space, sport and recreation facilities, UR9 – Contaminated Land, Supplementary Planning Document's: Parking Standards and Travel Plans, Nature Conservation and New Housing Development, and Supplementary Planning Guidance PGN3 – New Housing Development

INFORMATIVE

For the avoidance of doubt, this permission relates to drawing numbers 2631/L and 2631/003G and shall be implemented in strict accordance with these plans unless otherwise agreed in writing with the LPA.

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 commence until an arrangement for the submission and approval of a means to guarantee the financial payment of a total sum of £12,296.05 to the Council together with the timing of the payment for the:
 - Provision of off-site public open space and play area improvements and their future maintenance
 - The managing and monitoring of the spend of those monies has been submitted to and agreed in writing with the Council.
3. Development shall not begin until details of the type, texture and colour of materials to be used in the external elevations have been submitted to and approved by the local planning authority.
4. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied and shall be carried out in accordance with the approved details.
5. The apartments shall not be occupied until the area shown for car parking on the plan numbered 2631/003G has been graded, levelled, surfaced, drained and marked out in accordance with the agreed scheme and that area shall not thereafter be used for any other purpose unless otherwise agreed in writing with the local planning authority.
6. Prior to first occupation of the dwelling the visibility splays shall be provided in accordance with the approved details and maintained for no other purpose for the life of the development.
7. Prior to the commencement of development, a detailed landscape strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include a timetable for the implementation of the works and their ongoing maintenance, and shall be implemented in accordance with the approved details.
8. None of the dwellings shall be occupied until works for the disposal of foul and surface water drainage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Local Planning Authority.
9. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed by the local planning authority), has been submitted to and approved by the local planning authority. Such a strategy shall facilitate the identification of contaminants and permit the risk based assessment of the development site. Where the investigations identify the presence of contamination, development shall not begin until a scheme to protect the development from the effects of such contamination has been submitted to and approved by the local planning authority. Such a scheme shall: include provisions for validation monitoring & sampling; be implemented in accordance with the approved details before the development is first occupied; and be retained throughout the lifetime of the development.
10. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed by the local planning authority), has been submitted to and approved by the local planning authority. Such a strategy shall facilitate the identification of methane & carbon dioxide. Where the investigations identify the presence of methane and/or carbon dioxide the development shall not begin until a scheme to protect the development from the effects of such gases has been

submitted to and approved by the local planning authority. Such a scheme shall: include provisions for validation monitoring & sampling; be implemented in accordance with the approved details before the development is first occupied; and be retained throughout the lifetime of the development.

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