

PLANNING APPLICATION NUMBER: P15/0235

Type of approval sought	Full Planning Permission
Ward	Belle Vale
Applicant	Mr Matthew Ling, Ling Developments Limited
Location:	THE RECTORY, BUNDLE HILL, HALESOWEN, B63 4AR
Proposal	ERECTION OF 4 NO. DWELLINGS WITH ASSOCIATED ACCESS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- 1 The application site forms part of the former garden area to the adjoining former rectory (located off Bundle Hill) which has now been separated from the application site. The site is defined by trees along its north eastern boundary with Richmond Street which is at least 3 metres (m) below the majority of the application site, with a retaining wall located adjacent to the footway.
- 2 As well as adjoining the former rectory and Richmond Street, the application site also adjoins part of High Leasowes which is short cul-de-sac serving a group of 1970s dwelling to the north west, with the former British Legion site to the south west (rear) of the site. There is much planting to this boundary with the land rising steeply.
- 3 The wider area is mostly residential in nature with varied house types including a number of low rise flats dating from the 1960s and 1970s.
- 4 Vehicular access to the site is presently shared with the adjoining former rectory from Bundle Hill.

- 5 A number of trees within the site including the ones which adjoin the Richmond Street boundary are subject of a tree preservation order.

PROPOSAL

- 6 This is a planning application for the provision of four, three bedroom, two storey brick built detached houses within the former garden area of the former rectory. The proposed dwellings are designed with gable projection to their front elevation which incorporates a bay window. Other detailing shows the provision of a porch, a chimney, and dentil detailing to the gables.
- 7 Access to the site would be from High Leasowes, with parking provided on part of the front gardens to the proposed houses.
- 8 The dwellings would have their rear elevations (and gardens) facing towards Richmond Road.
- 9 The application is submitted with a design and access statement and an arboriculture assessment.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
P10/0673	Demolition of existing dwelling and erection of 7 No. dwellings	Withdrawn	02-Jul-2010
P11/0294	Conversion of existing rectory to 2 No. dwellings and erection of 3 No. dwellings. (Resubmission of withdrawn application P10/0673)	Approved subject to conditions	30-Sep-2011
P14/1418	Erection of 4 no. dwellings	Withdrawn	03-Nov-2014

- 10 Planning permission was granted previously for the conversion of the existing dwelling into two dwellings together with three new building houses in 2011 (this development proposed access off Bundle Hill). More recently a further planning application was submitted for four dwellings, but this was withdrawn due to land ownership issues following the sale of the former rectory.

PUBLIC CONSULTATION

- 11 Six letters of objection (including two from the same source) have been received, following consultation with 72 adjoining neighbours, the posting of a site notice and the publication of an advert within a local newspaper. Main issues raised:
- Access from High Leasowes is unsuitable (i.e. gradient, width)
 - Access should be from Bundle Hill
 - Increased traffic and resulting noise and disturbance
 - High Leasowes becomes dangerous in snowy conditions
 - Disruption during construction process
 - Impact and loss of trees (including healthy trees)
 - Impact to wildlife
 - Concerns about through pedestrian access linking to Bundle Hill
 - Loss of privacy/security
 - Should be starter homes
- 12 Three letters of support received, advising that access from High Leasowes is more appropriate and/or design is of high quality.

OTHER CONSULTATION

- 13 Group Engineer (Highways): No objection, subject to conditions.
- 14 Head of Environmental Health and Trading Standards: No objection
- 15 Head of Planning (Land Team): No objection
- 16 West Midlands Police: General crime reduction advice

RELEVANT PLANNING POLICY

- National Planning Guidance
National Planning Policy Framework (2012)
Planning Practice Guidance (2014)
- Black Country Core Strategy (2011)
HOU1 Delivering Sustainable Housing Growth
HOU2 Housing Density, Type and Accessibility
TRAN2 Managing Transport Impacts of New Development
ENV 2 Historic Character and Local Distinctiveness
- Unitary Development Plan (2005) (Saved Policies)
DD1 Urban Design
DD4 Development in Residential Areas
NC9 Mature Trees
NC10 The Urban Forest
HE4 Conservation Areas
HE5 Buildings of Local Historic Importance
HE6 Listed Buildings
- Supplementary Planning Guidance/Documents
Design for Community Safety Supplementary Planning Guidance
Historic Environment Supplementary Planning Document
New Housing Development Supplementary Planning Document
Parking Standards Supplementary Planning Document (2012)
PGN 12. The 45 degree code

ASSESSMENT

17 The main issues are

- Principle
- Design

- Neighbour Amenity
- Occupier Amenity
- Access and Parking
- Trees
- National Homes Bonus

Principle

- 18 As started above planning permission has previously been granted for three dwellings in 2011, and such the principle of residential development at the site is considered to be acceptable in that there have been no significant changes in policy or other circumstances since that application was granted planning permission.

Design

- 19 The proposed layout consists of four detached houses facing onto to a proposed new roadway. In terms of the relationship with the proposed road and the existing character of the area the proposed site layout is considered acceptable. Moreover, the layout of houses is similar to that previously proposed at the site.
- 20 In terms of the design of the proposed dwellings this is considered to be acceptable with traditional detailing including chimneys, a forward gable and bay windows.

Neighbour Amenity

- 21 The closest dwellings to the site include the former rectory which immediately adjoins the site, No. 1 High Leasowes and flats on the other side of Richmond Street.
- 22 The former rectory immediately adjoins the site and plot 4, would be the closest dwelling. In terms of privacy there are no concerns of overlooking in that the there are no windows proposed to the side elevation of the plot.

- 23 In terms of light and outlook there are no significant concerns in that the habitable room windows on the rear wing to the former rectory face onto the garden of that property, and those that face towards plot 4 are at first floor level and would be at 13.5m, which is considered to be an acceptable distance.
- 24 With regard to No. 1 High Leasowes, the proposed development is not considered to cause any harm in that the plot 1 and would have no windows to its side elevation which could lead to any loss of privacy.
- 25 In terms of the relationship with Richmond Street the majority of the site either looks towards the side elevation of flats which face toward Islington. Plot 4 would look towards some of the flats which face onto Richmond Street; however, this would be at some 30m distance and towards the public front elevation of the flats. This is further mitigated by protected boundary trees and trees which are located between the developments. As such the relationship is considered to be acceptable as there is a similar relationship as the former rectory, whilst additionally, planning permission has been previously been granted for housing in this location.

Occupier Amenity

- 26 The area is generally residential in character and such there are no external noise sources which could cause harm to amenity.
- 27 In terms of the garden length, the proposed rear gardens would have a length of around 14m. This is in excess of the minimum garden length of 11m required by Appendix A of the New Housing Development Supplementary Planning Document.
- 28 Whilst the rear gardens would bound Richmond Street, the provision of appropriate fencing, together the retention of the protected trees would ensure that adequate privacy can be maintained to this area. Moreover, this area has historically formed part of the garden of the former rectory which is also a significant consideration.

Access and Parking

- 29 The proposed access to the site for this application would be from High Leasowes, rather than Bundle Hill as previously proposed. The reason for this change relates to land ownership issues as the former rectory is now in separate ownership and the former planning approval had difficulties in securing appropriate access visibility improvements without relocation of a significant section of historic boundary wall.
- 30 In terms of the revised access the Group Engineer (Highways) is satisfied that the safe and convenient access and egress arrangements serving the site can be maintained and that the proposed development would have no detriment to highway safety.
- 31 In terms of the car parking (2 spaces per dwelling) and manoeuvring space within the site the Group Engineer (Highways) confirms that the development complies with the Councils adopted standards.
- 32 Therefore, the proposed development raises no concerns regarding highway safety.

Historic Environment Issues

- 33 The application site is not considered to have any impact on the listed Halesowen Parish Church which sits some 300m away from the site. Similarly the relationship with the non conformist cemetery, which is just off Hales Street (not listed) is also considered to be acceptable.
- 34 The relocation of the access from Bundle Hill means that an existing section of stone wall will no longer need to be removed.

Trees

- 35 The site in question was a previously heavily treed site that formed the garden of the former rectory. The currently confirmed Tree Preservation Order (TPO) on the

site protects two large lime trees and a line of holly trees along the boundary with Richmond Street and a mature yew tree on the boundary with High Leasowes.

- 36 The internal area of the site has been recently cleared with the removal of a number of mature pine trees and a mature yew tree amongst other trees. The removal of the trees was considered justified as the mature pine trees were showing symptoms of an established needle case disease with significant portions of their canopies having already died. As such it is was not considered that their remaining life expectancy was appropriate for them to be retained and to pose a constraint to the next development cycle of the land. The other trees were not considered to provide sufficient public amenity to justify their retention as a constraint on the site.
- 37 The removal of these trees has already been considered under the previous application to develop the site in 2011.
- 38 Having viewed the submitted plans and the detailed Arboriculture Impact Assessment the tree officer considers the proposed development can be undertaken in an appropriate manner so as not to have any significant impact on the trees to be retained on, or adjacent to the site.
- 39 The separation distances between the houses, hard landscaping, roads and the trees are considered appropriate, and even where there are some slight incursions into the root protection areas (RPA's) of the trees, the level of incursion is acceptably small and well within tolerable limits.
- 40 Overall, it is considered that subject to appropriate tree protection conditions, there will be no detrimental impact on the trees on or adjacent to the site and as such, it is not considered that there is any arboriculture reason to object to the application.
- 41 Therefore subject to the imposition of tree related planning conditions the proposed development is considered to be acceptable.

New Home Bonus

- 42 Clause (124) of the Localism Act states that: Local planning authorities are to have regard to material considerations in dealing with applications including any local finance considerations, so far as material to the application. A “local finance consideration” means a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown. This may be taken to cover the payment of New Homes Bonus, or sums that a relevant authority has received, or will or could receive, in payment of CIL.
- 43 The New Homes Bonus is designed to create an effective fiscal incentive to encourage local authorities to facilitate housing growth. It will ensure the economic benefits of growth are more visible within the local area, by matching the council tax raised on increases in effective stock.
- 44 The Bonus will sit alongside the existing planning system and provides local authorities with monies equal to the national average for the council tax band on each additional property and paid for the following six years as a non-ring fenced grant.
- 45 Whilst the clause makes it clear that local finance matters are relevant to planning considerations can be taken into account, it does not change the law in any way. It is not a new basis for planning policy and it remains unlawful for planning permissions to be “bought”.
- 46 This proposal would provide four houses generating a grant of four times the national average council tax for the relevant bands
- 47 Whilst this is a significant sum of money the planning merits of the proposal are acceptable in any event and therefore this is not accorded significant weight.

CONCLUSION

- 48 The proposed development is considered to be acceptable in principle, would cause no undue harm to neighbour amenity of highway safety. Consideration has been given to the retention of healthy protected trees at the site. Consideration has been given to policies HOU1 Delivering Sustainable Housing Growth HOU2 Housing Density, Type and Accessibility TRAN2 Managing Transport Impacts of New Development and ENV 2 Historic Character and Local Distinctiveness of the Black Country Core Strategy and saved policies DD1 Urban Design DD4 Development in Residential Areas NC9 Mature Trees NC10 The Urban Forest HE4 Conservation Areas HE5 Buildings of Local Historic Importance and HE6 Listed Buildings of the Dudley Unitary Development Plan.

RECOMMENDATION

- 49 It is recommended that the application be APPROVED subject to the following conditions:

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. The development hereby permitted shall be carried out in accordance with the following approved plans: 'Location Plan', RG001 Rev B, RG003, RG004 and RG005.
3. 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.
4. No development shall commence until details for the provision of external electric vehicle charging point(s) have been submitted to and approved in writing by the Local Planning Authority. The Electric Charging point(s) shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
5. Prior to the commencement of development details of the visibility splays to be provided at the junction between the proposed means of access and the highway have been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of the development hereby permitted, the

agreed visibility splays shall be provided on site and thereafter maintained free from obstruction for the lifetime of the development.

6. The development hereby approved shall not commence until the details of the access road and parking areas including cross-sections, lines, widths, levels, gradients, drainage and lighting have been submitted to and agreed in writing and the agreed details implemented and retained for the life of the development.
7. Prior to the occupation/use of the development 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, sizes and locations of the boundary treatments around the site and between the proposed plots shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be carried out in complete accordance with the approved details prior to the occupation of the dwellings hereby approved and thereafter 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 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.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no development referred to in Schedule 2 Part 1 Classes A, B, C, or E of that order shall be carried out.
11. No development shall take place until there has been submitted, and approved in writing by the Local Planning Authority details of the tree protection measures on site. The agreed tree protection measures shall be erected/installed prior to the commencement of the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) and shall not be taken down, moved or amended in any way without prior written approval of the Local Planning Authority. The tree protection details shall include:
 - a. A plan showing the location and identification (with reference to a survey schedule if necessary) of all trees on, or directly adjacent to the development site, that are to be retained during construction. These trees are to be marked with a continuous outline.
 - b. A plan showing the location and identification (with reference to a survey schedule if necessary) of all the trees on, or directly adjacent to the development site that are to be removed prior to, or during development. These trees are to be marked with a dashed outline.
 - c. A plan showing the extent of the Root Protection Area, which is to be protected by physical barriers during development. The extent of the area that is to be protected will be calculated in accordance with Clause 4.6 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction- Recommendations'.

- d. Design details of the proposed protective barriers and ground protection to be erected around the trees during development. Any protection barriers should be designed and constructed in accordance with the provisions set out in section 6.2 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction- Recommendations'.
12. No development or other operations shall commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such method statement shall include full detail of the following:
- Implementation, supervision and monitoring of the approved Tree Protection Plan.
 - Implementation, supervision and monitoring of the approved Treework Specification.
 - Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Plan.
 - Timing and phasing of arboricultural works in relation to the approved development.
13. No development or other operations shall commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed tree felling/pruning specification has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall commence on site until the approved tree felling and pruning works have been completed. All tree felling and pruning shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998 (2010) Recommendations for Tree Work.
14. All excavations to be undertaken within the Root Protection Area (as defined by Clause 4.6 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction- Recommendations') of any existing trees on site shall be undertaken in accordance with NJUG Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (NJUG Volume 4).
15. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority technical details of any proposed pathway/hard surfacing/driveway/parking area within the Root Protection Area (as defined by Clause 4.6 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction- Recommendations') of any existing tree situated on or off the site. The details of the vehicular access and parking areas shall include existing and proposed ground levels, materials to be used and the relative time of construction within the whole development and must be in accordance with appropriate guidelines, namely Clause 7.4 of British Standard

BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction- Recommendations' and Arboricultural Advisory & Information Service Practice Note 'Driveways Close to Trees' (1996). Any driveway/parking areas within the Root Protection Area of existing trees must be constructed using 'no-dig' techniques incorporating appropriate surfaces to avoid damage to trees and to prevent any potential direct or indirect damage caused by trees.

16. The existing trees shown on the approved plans to be retained shall not be damaged or destroyed, uprooted, felled, lopped or topped during the construction period of the development without prior written consent of the Local Planning Authority. Any trees removed without such consent or dying or being seriously damaged or diseased during that period shall be replaced with healthy trees of such size and species as may be agreed in writing by the Local Planning Authority.
17. Prior to commencement of the development a scheme to prevent through pedestrian or vehicular access from Bundle Hill shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details prior to the dwellings being first occupied. The approved scheme shall thereafter remain for the life of the development.

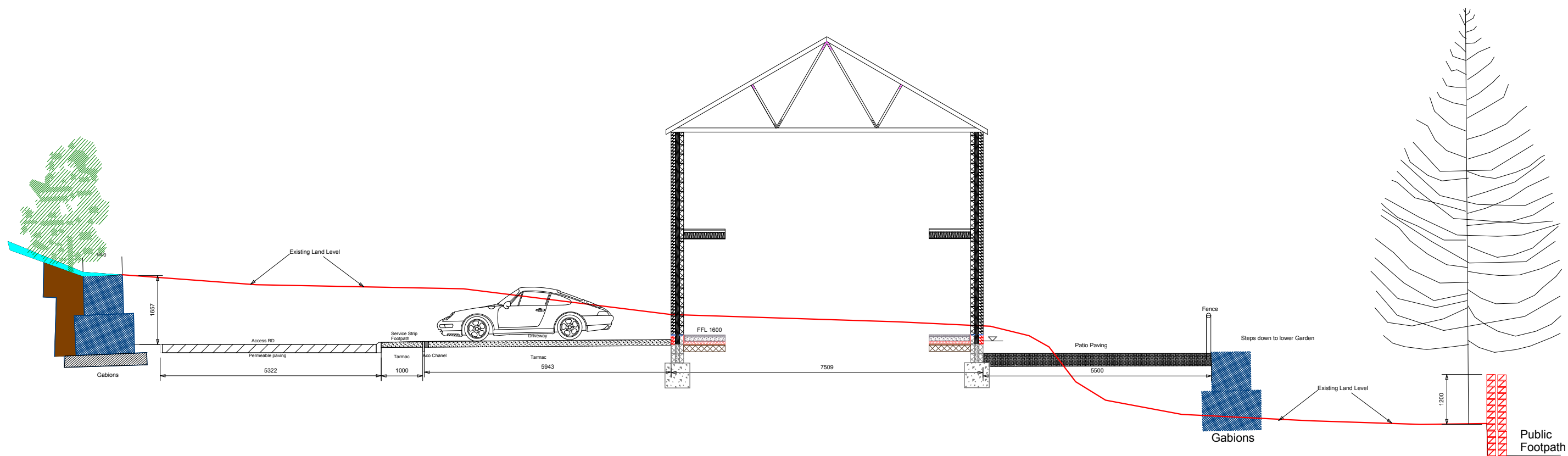
The Rectory, Bundle Hill, Halesowen, B63 4AR



Map shows area bounded by: 396239.28,283501.28,396380.72,283642.72 (at a scale of 1:1250) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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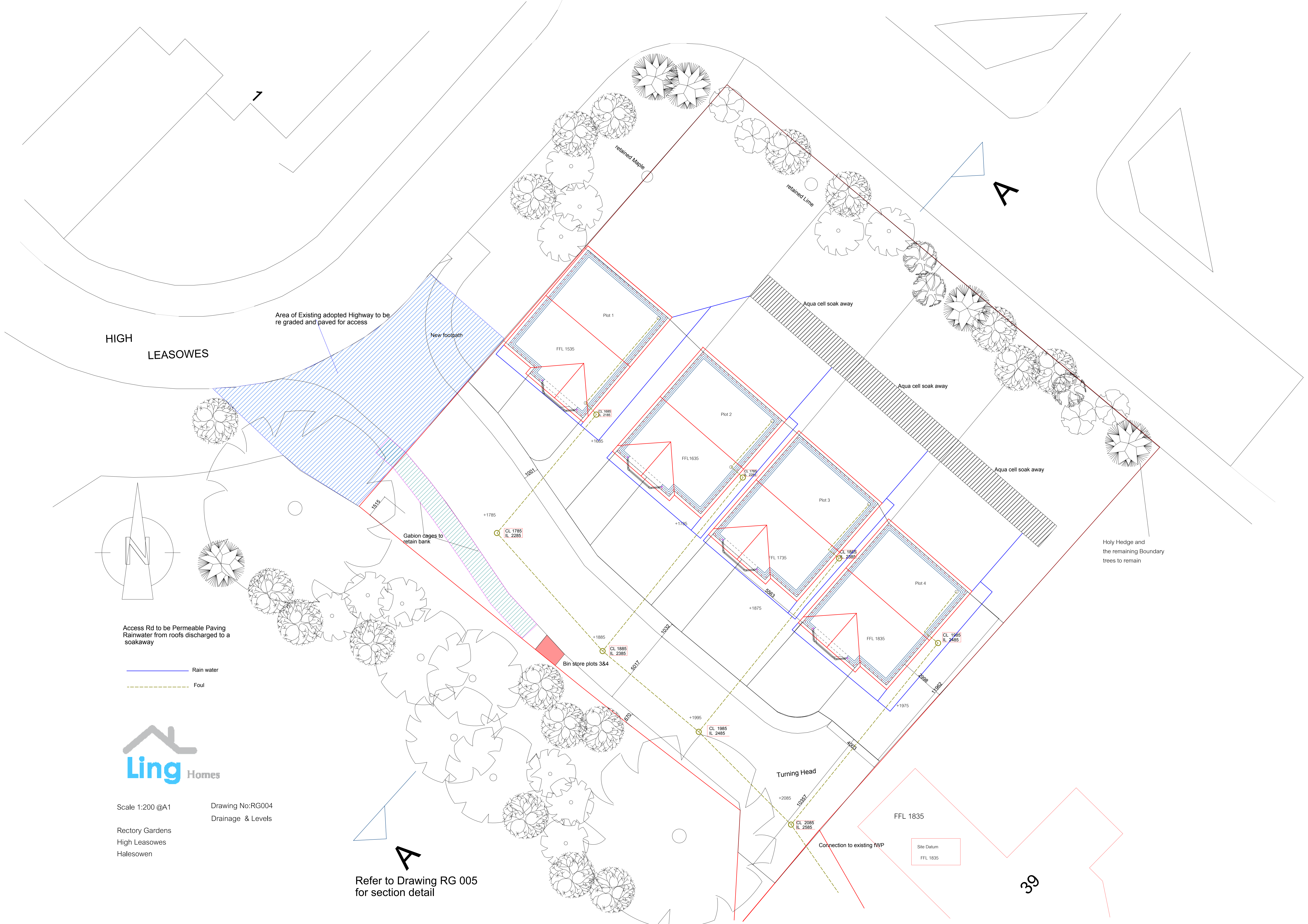


Rectory Gardens
High Leasowes
Halesowen

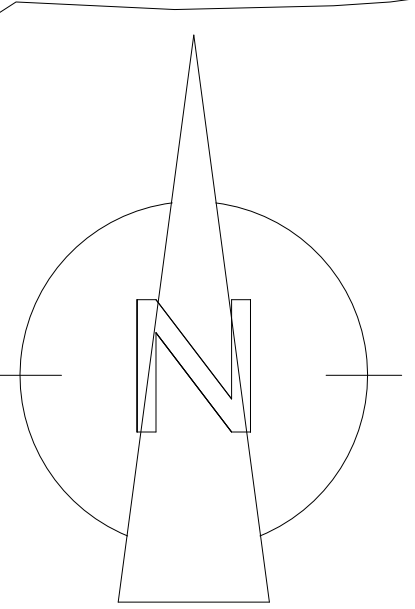
Drawing NO : RG005

Scale 1:100 @A3

Section A_A



HIGH
LEASOWES



Access Rd to be Permeable Paving
Rainwater from roofs discharged to a
soakaway

— Rain water
- - - Foul

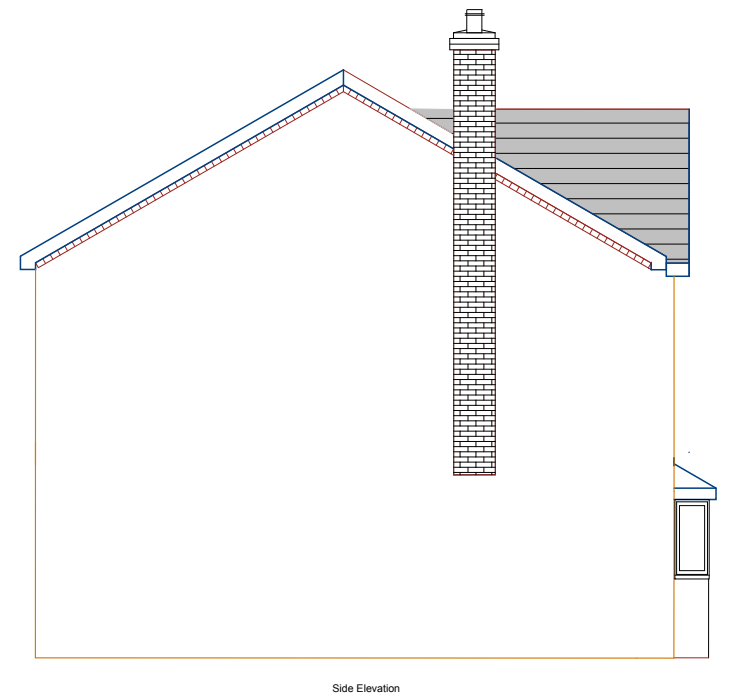
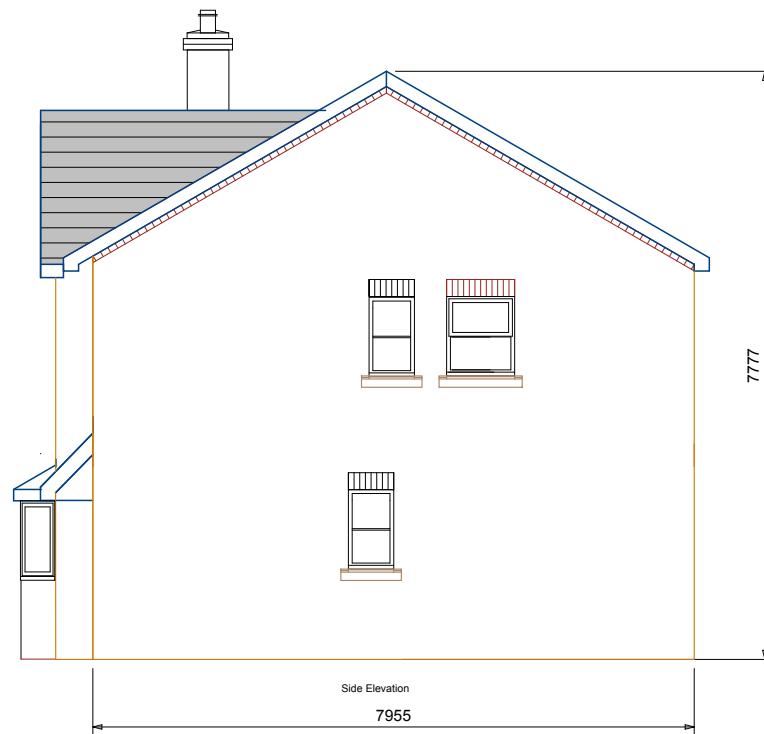
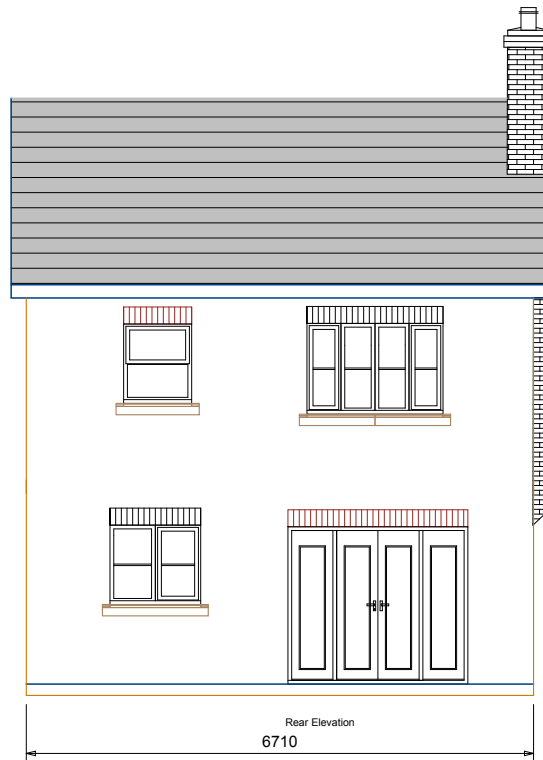
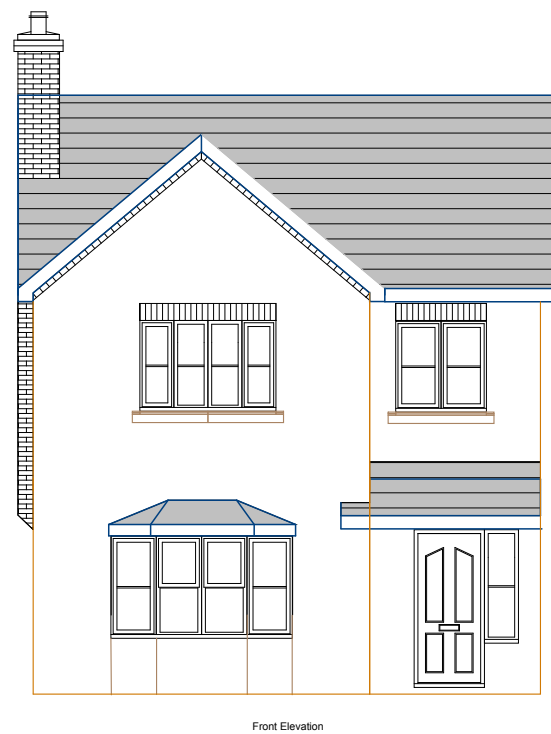
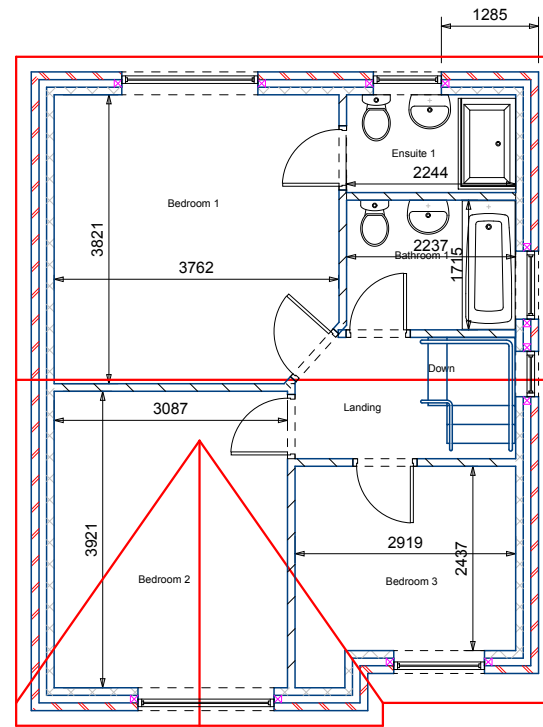
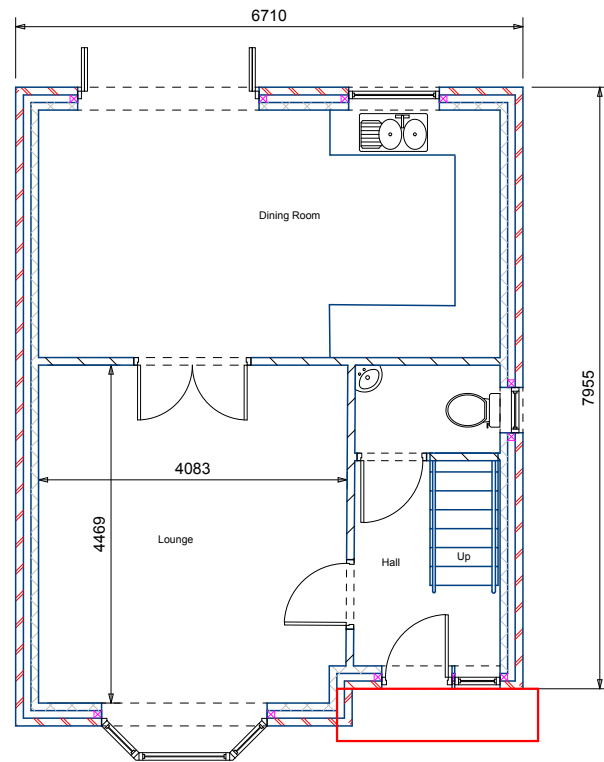


Scale 1:200 @A1

Rectory Gardens
High Leasowes
Halesowen

Drawing No:RG004
Drainage & Levels

Refer to Drawing RG 005
for section detail



104m2 Living Space

House Type B

Scale 1:100 @A3
Rectory Gardens
High Leasowes
Halesowen

Drawing No: RG003

Plot 1, 2, 3 & 4 Floor Plans & Elevations



HIGH LEASOWES

Area of Existing adopted Highway to be re graded and paved for access

New footpath

112m2

130

112m2

112m2

Pic

112m2

Bin store plots 3&4

Turning Head

FFL 1835

Parsonage House

39

Drawing No:RG001/rev b
Site Layout
Retained trees added
Red Line amended

Scale 1:100 @A1

Rectory Gardens
High Leasowes
Halesowen

Refer to Drawing RG 005
for section detail