

## PLANNING APPLICATION NUMBER:P07/1788

Type of approval sought	Outline Planning Permission
Ward	Halesowen North
Applicant	Mr & Mrs Merris
Location:	<b>LAND ADJACENT TO 81, NARROW LANE, HALESOWEN, B62 9PB</b>
Proposal	<b>OUTLINE APPLICATION FOR ERECTION OF 14 NO. APARTMENTS (ACCESS, LAYOUT AND SCALE FOR CONSIDERATION) (RESUBMISSION OF REFUSED APPLICATION P06/1917).</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO A 106 AGREEMENT</b>

### SITE AND SURROUNDINGS

1. The application site has a site area of 0.14 hectares and accommodates a haulage contractor. There is a large shed building on the rear part of the site, with stacked mobile buildings alongside. There are smaller storage buildings in the south west corner of the site the site, with external storage in between. The remainder of the site is a hard surfaced open yard. The site is located approximately 350 metres from Shell Corner Local Centre.
2. The site slopes by approximately 3 metres down to the highway, where a 3 metre high screen wall encloses the site at the back of pavement line. An existing, gated access is situated in the north east part of the site, adjoining a Public Right of Way (PROW H6), which runs along the northern boundary, linking Narrow Lane with Beaumont Road. The boundary to that footpath is a 2 metre high screen wall (mainly comprising open patterned concrete blocks).
3. The character of the area is predominantly residential with semi detached houses to the south of the site and on the opposite side of Narrow Lane and 3 storey flats at the rear (accessed off Spiral Close). This is except for the application site, and another haulage yard on the other side of the PROW.

## PROPOSAL

- 4 The proposal is an Outline application with access, layout and scale for consideration. It is proposed that all the existing buildings be demolished and that the site be redeveloped for 14 apartments (4 no. 1 bedroom and 10 no. 2 bedroom). The site area is 0.142 hectares giving a density of 99 dwellings per hectare.
- 5 The proposed layout and scale shows a pitched roof apartment block with 4 relatively distinct elements – (on the frontage) a 2 storey block adjacent to the existing dwelling on Narrow Lane (no. 81), having the same ridge height as that dwelling – this steps up in height to a 2 ½ storey element containing a projecting gabled entrance – there is then a further 2 ½ storey element, again with an entrance and projecting gable, which has a main forward building line 2 metres further forward of the adjoining 2 ½ storey element – there is a 2 storey rear wing off that element containing a lower rear projecting component.
- 6 Vehicular access is shown off Narrow Lane which runs alongside the corner 2 ½ storey element and 2 storey rear wing, leading to a parking area at the rear of the site. This access is shown incorporating the existing PROW set out with a shared surface and additional lighting. 20 parking spaces are shown, with the row of bays nearest to the apartment block proposed as laid out with grassrete. An amenity space is proposed between those spaces and the apartment block.
- 7 A Design and Access statement accompanies the application. The scheme has been revised in response to officers' concerns on parking, design and layout. The terms of the application also have also been amended (initially it was for all matters to be revised). The community have been re-consulted on these changes.

## HISTORY

- 8 The relevant planning history is summarised in the table below:-

APPLICATION No.	PROPOSAL	DECISION	DATE
83/50578	Erection of workshop	Approved	06/06/83
P06/1917	Outline – erection of 17 apartments – all matters reserved for subsequent approval	Refused	21/12/06

- 9 P06/1917 was for an apartment block across the width of most of the Narrow Lane frontage incorporating an access in the middle of that block, with a separate apartment block at the rear of the site. That application was refused for the following reasons -

*1. The LPA consider that the submitted details will give rise to a development which would appear out of context with the general character of the local environment. This especially relates to the proposed development likely to appear incongruous when set against the existing semi-detached properties in Narrow Lane. In addition, it is considered that the proposed block of flats to the rear of the site is poorly sited in relation to existing and proposed development and lacks legibility. The proposal is consequently contrary to Policies DD1 and DD4 of the UDP.*

*2. The LPA consider that the amount of amenity space shown is inadequate in size and location to properly benefit the future occupiers of the proposed flats. This particularly relates to that area being shown markedly divorced from the proposed block on the frontage next to the existing Public Right of Way. It is considered that that distance will prevent the open space being regularly used by the potential future occupiers of those flats, and that spatial arrangement means that those flats lack an open and green outlook. In addition, inadequate separation distance is shown between the proposed flats leading to a poor and unduly curtailed outlook. The consequence of this is that the submitted details will give rise to a development with an inadequate level of amenity for future occupiers, contrary to Policy DD4 of the UDP.*

*3. The LPA consider that the submitted details in relation to the proposed block of flats at the rear of the site will give rise to the undue and significant overlooking of the rear garden of the adjoining property at 81 Narrow Lane. The proposal is consequently contrary to Policy DD4 of the UDP.*

## **PUBLIC CONSULTATION**

- 10 Two representations have been received from the same address. These state that there is no objection in principle, however concerns are raised with respect to –
- The proposed parking is inadequate – this will lead to parking on the highway in a dangerous location and potentially blocking the access to the adjoining haulage yard;
  - The apartment block is too high in comparison with other dwellings nearby;
  - The 2 storey rear wing will overlook the adjoining yard.

## **OTHER CONSULTATION**

- 11 Group Engineer (Development): raised initial concerns about the level of parking – the applicants have submitted amended plans to address those concerns.
- 12 Head of Environmental Health: – recommend conditions on contaminated land and soil gases, on noise – the proposed development is adjacent to an existing haulage yard where lorries depart in the early morning – there is serious potential for disturbance from noise from lorry engines and vehicle movements and activities within that yard. If the application were approved, a relevant noise mitigation condition is recommended.

## **RELEVANT PLANNING POLICY**

- 13 Unitary Development Plan (adopted 2005)

The following UDP policies are relevant:-

DD1 (Urban Design);

DD4 (Urban Design in residential areas);

DD6 (access and transport infrastructure);

DD7 (planning obligations)  
H3 (housing assessment criteria)  
H6 (housing density)  
EE3 (existing employment uses)  
EP1 (incompatible land uses)

14 Supplementary Planning Documents (SPDs)

Planning Obligations  
Open Space, Sport and Recreation;  
Parking and travel plans.

## ASSESSMENT

15 The key issues are –

the principle of the development;  
density;  
design;  
amenity of future occupiers;  
amenity of existing occupiers;  
parking and access;  
planning obligations.

16 Principle of the development

The site can be regarded as previously developed land within the urban area - there is general planning policy support for the development of such land for housing, providing that other material considerations do not outweigh this.

17 In addition, as the current use may be regarded as a sui generis use, this is not considered as a typical employment use (the loss of which to an alternative use would have to be assessed against the criteria set out in UDP policy EE3).

18 Density

It is considered that the density of development at 99 dwellings per hectare, while relatively high can be supported in this inner urban area, near to Shell Corner Local Centre and Blackheath Town Centre. The existing 72 no. 3 storey flats at the rear of the site also point to existing relatively high density development within the vicinity of the site.

19 Design issues

In terms of the impact on the character of the area, the proposed development is considered to reflect the design/massing of the 3 storey flats at the rear of the site. The existing enclosure of the site, provided by the screen wall at the back of pavement line, will also be maintained by the strong frontage of the proposed apartment block.

20 In terms of the manner in which the proposed apartment block relates to the adjoining dwelling (at 81 Narrow Lane), the nearest element of the block has the same ridge as that dwelling and similar eaves and forward building lines.

21 Other positive aspects of the design of the proposed apartment block include: the breaking up of the frontage onto the highway with the introduction of a staggered building line; the proposed projecting gabled elements on the frontage, enabling the frontage to possess some vertical emphasis (reflecting similar features on the adjoining semis); the siting shown enabling the potential for a heightened design emphasis at the end of the block; the opening up of the PROW (to be part of a shared surface with the access drive); the 2 storey rear wing providing enclosure, and consequently, a degree of privacy to the rear amenity space; a green/open frontage to the highway.

22 While there are some concerns with the external appearance of the apartment block, for instance, the lack of symmetry between the proposed projecting elements, and the fenestration at the rear, it is recognised that these concerns can be addressed at the Reserved Matters stage.

23 The proposed layout and scale of the apartment block is therefore considered satisfactory and would not lead to a development which would cause undue visual harm.

24 Level of amenity available for future occupiers

The Head of Environmental Health has raised concerns about the proximity of another haulage yard to the application site (on the other side of the PROW) and the noise and disturbance emanating from that yard, potentially impacting on the amenity of future occupiers of the proposed development. This is with particular reference to lorry engine noise in the early hours.

25 However, on this, it is recognised that the office building in that haulage yard will help shield the proposed flats from the operational area of the yard, and the distance between that yard and the existing flats in Spiral Close is similar to that between the yard and the proposed flats (7 metres). There is also no reported history of complaints. Furthermore, the projecting wing of the proposal screens the main block from noise and there are no noise sensitive bedroom windows proposed facing the haulage yard.

26 A communal area of amenity space is shown at the rear of the block amounting to approximately 270 square metres. While this is below that which the guidance suggests to provide an adequate area of amenity for a development of this scale (420 square metres), it is acknowledged that that area is relatively private (enclosed between the projecting rear wing and the shared boundary with no. 81) and a high quality landscaping scheme is illustratively shown to be provided there, with the adjoining parking spaces set out using grasscrete. There is also an open/grassed area proposed at the frontage of the block.

27 Given this, it is considered that an adequate level of amenity space will be provided for future occupiers, which is well placed to benefit from afternoon and evening sunlight.

28 Impact on the amenity of existing occupiers

The only dwelling likely to be affected is the adjoining dwelling on Narrow Lane (no. 81). That adjoining property has a relatively long rear garden (27 metres). The rear building line of the proposed apartment block projects 2 metres further back than that at no. 81, however this is a relatively minor comparative projection and the garage to no. 81 intervenes. There is a separation distance of 22 metres between the windows of the facing elevation of the 2 storey wing and the boundary of the site

with no. 81, along which planting is proposed. Given this relationship, it is not considered that the proposal will unduly impact on the occupier of that adjoining dwelling.

29 Access and parking

The layout plan is conflictingly annotated – 20 parking spaces are shown on the site, while the legend refers to 22. It is considered that 22 spaces would be necessary to prevent significant overspill parking on the highway – a condition is therefore recommended seeking amendments to the parking layout to provide those additional spaces.

- 30 The shared surface access/footpath is considered of sufficient width (4.5 metres), a disabled parking bay, cycle parking and a bin store are shown to be provided, and adequate visibility is proposed. In addition, that there is an existing access on this frontage used by HGVs is significant. Furthermore the opportunity to reduce the enclosure of the PROW is considered a positive aspect of the scheme. Therefore, subject to amendments to the parking layout, there are no concerns in relation to this issue.

31 Planning Obligations

This application was registered prior to the adoption of the SPD on Planning Obligations. It would therefore be unreasonable to level the requirements contained within that SPD on this proposal. However, it was registered post adoption of the SPD on Open Space, Sport and Recreation, which requires housing developments of 5 units or more to provide a commuted sum payment for off site open space enhancement in lieu of on site provision. It would therefore be reasonable to require such a payment from this proposal, but utilising the formula and protocol contained within the Planning Obligations SPD.

## CONCLUSION

- 32 The loss of the existing haulage yard use is not considered significant in terms of safeguarding employment opportunities. The scheme has been revised so as to better assimilate the development in with the surrounding townscape and to provide a satisfactory amenity space and adequate parking provision. There is also no significant impacts arising on the amenity of the occupiers of existing dwellings.

## RECOMMENDATION

33 It is recommended that the proposal be approved subject to –

1. The development not beginning until a scheme for the submission and approval of a means to guarantee a payment of £19,293.64, plus officers' costs, for off site public open space improvements;
2. The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these conditions.

### Reason for approval

The loss of the existing haulage yard use is not considered significant in terms of safeguarding employment opportunities. The scheme has been revised so as to better assimilate the development in with the surrounding townscape and to provide a satisfactory amenity space and adequate parking provision. There are also no significant impacts arising on the amenity of the occupiers of existing dwellings. The proposal is consequently in accordance with the provisions of the development plan, in particular policies H3, DD4 and DD6 of the adopted Unitary Development Plan.

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.

### Notes for Applicant

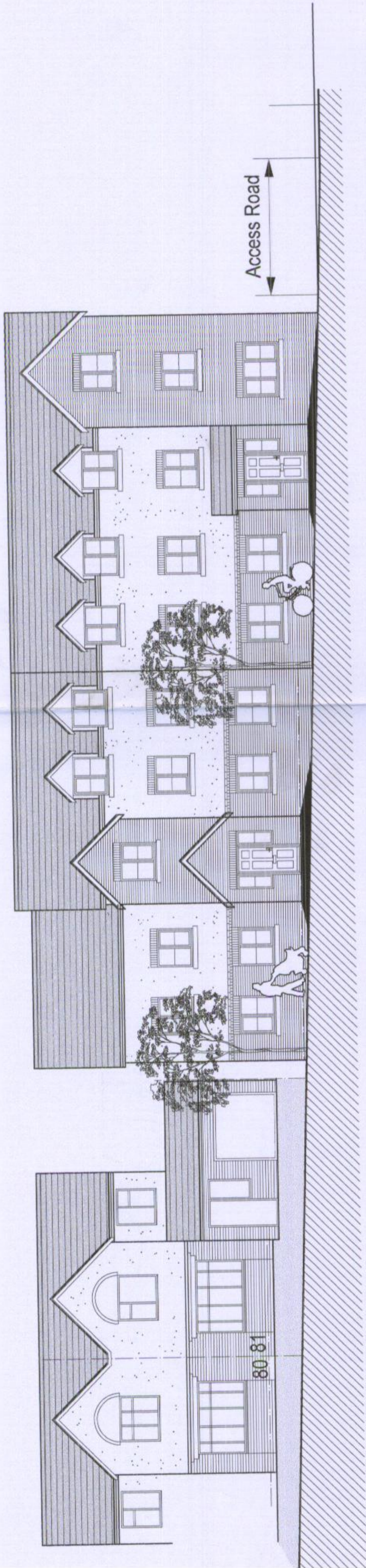
A. This permission relates to the following plans – GD0441/08F, GD0441/09B, GD0441/06E, GD0441/10C, GD0441/11C, GD0441/12.

Conditions and/or reasons:

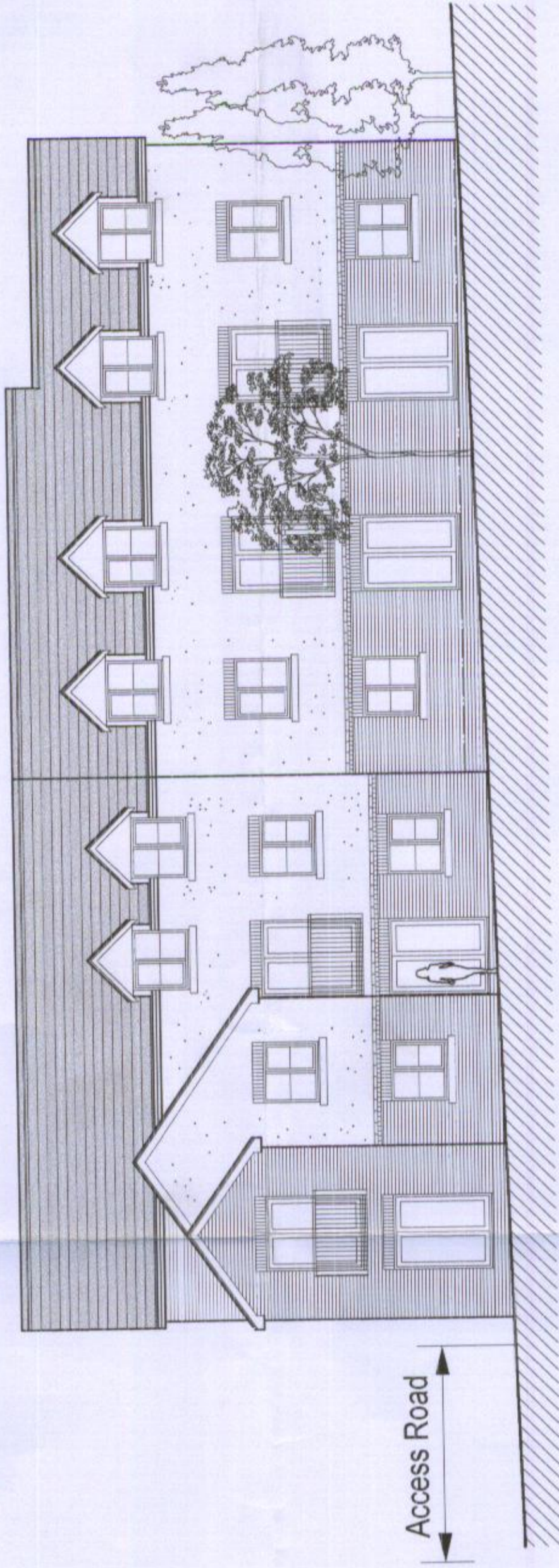
1. Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
2. Approval of the details of appearance and landscaping [of the site (hereinafter called 'the reserved matters')] shall be obtained from the Local Planning Authority before any development is begun.
3. The development shall not be begun until an arrangement for the submission and approval of a means to guarantee a financial payment, increased through index linking from the 1st April each subsequent year in accordance with the Council's policy, to the Council for the-
  - provision of off site public open space and play area improvements
  - managing and monitoring of the spend of those monies
  - timing of the paymenthas been submitted to and agreed in writing with the Council.
4. Development shall not begin until a scheme for protecting the proposed dwellings from engine noise, vehicle movement noise and activities within the adjoining haulage yard has been submitted to and approved in writing by the Local Planning Authority and all works which form part of the scheme shall be completed before the permitted dwellings occupied, unless otherwise agreed in writing by the Local Planning Authority. All provisions made to control noise shall be retained for the life of the development.
5. Notwithstanding the notation on the approved layout plan, no development shall commence until a revised parking scheme has been submitted to, and approved in writing by the Local Planning Authority. That parking scheme shall show the provision of an additional 2 spaces at the rear of the site.
  - b) Prior to the occupation of the dwellings hereby approved, the parking and turning areas shown on the approved, revised plan (required under the terms of Condition 5a attached to this permission) shall be provided and thereafter maintained for these purposes for the lifetime of the development.
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 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.
8. No development approved by this permission shall be commenced until a scheme to deal with contamination of land has been submitted to and approved by the LPA and the development shall not be occupied until the measures approved in that scheme have been fully implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement

specifically in writing:

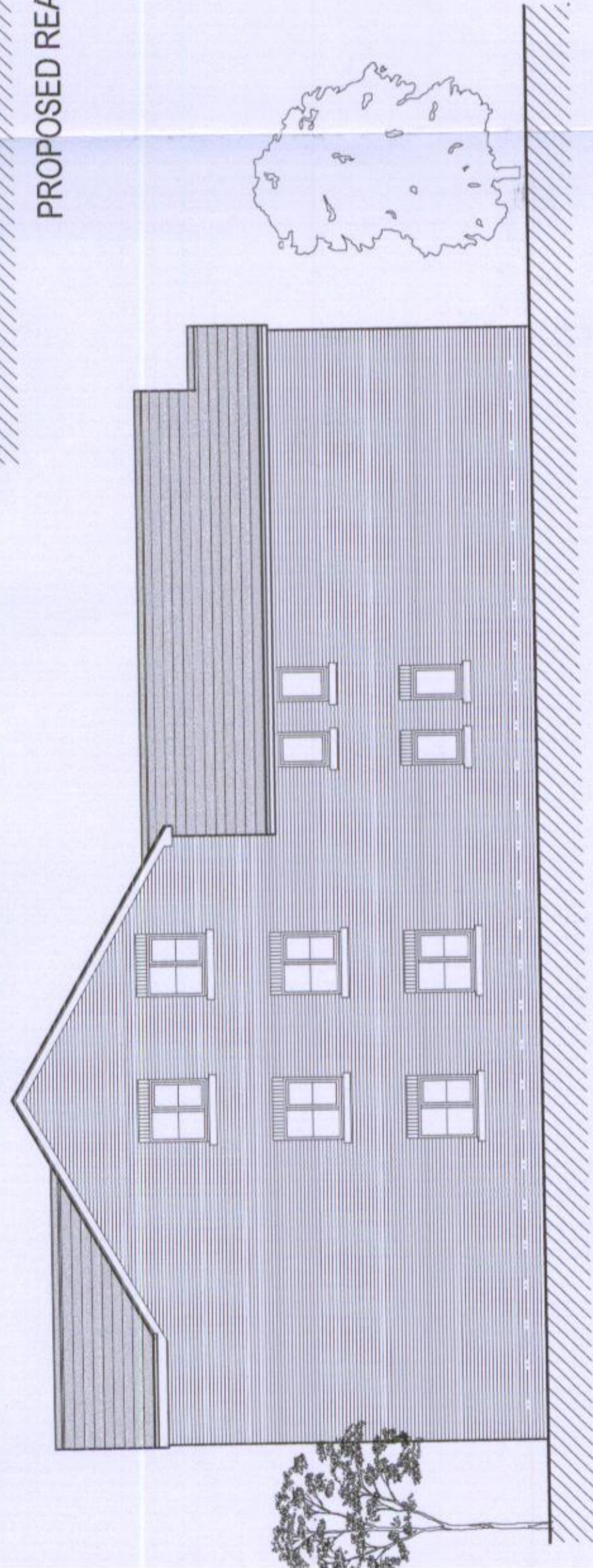
- i) A desk-top study to formulate a conceptual model of the site. The requirements of the Local Planning Authority shall be fully established before the desk-study is commenced;
  - ii) Once the desk study has been approved by the Local Planning Authority, a site investigation shall be carried out to identify and evaluate all potential sources and impacts of identified contamination in accordance with the conceptual model. The findings of site investigation shall be presented in report format for approval by the Local Planning Authority and shall include a risk-based interpretation of any identified contaminants in line with UK guidance;
  - iii) Following the approval of both desk-top study and site investigation reports, a written remediation scheme and method statement (the contamination proposals) shall be agreed in writing with the Local Planning Authority prior to commencement. The contamination proposals shall be implemented in full and no deviation shall be made from the contamination proposals without the express written permission of the Local Planning Authority. The contamination proposals shall include provisions for validation monitoring and sampling.
  - iv) No development approved by this permission shall be commenced until a validation scheme and validation criteria for the use of imported material and reuse of site-won materials is submitted to and approved by the Local Planning Authority. No deviation shall be made from this scheme without the express written permission of the Local Planning Authority. Such a scheme shall include provisions for validation monitoring and sampling and be retained throughout the lifetime of the development.
9. i) If during development works any contamination should be encountered which was not previously identified or is derived from a different source and/or of a different type to those considered under contamination proposals (if applicable) then the Local Planning Authority should be notified and remediation proposals formulated/amended for consideration.
- ii) If during development work, contaminants are found in areas previously expected to be clean, then the Local Planning Authority should be notified and remediation proposals formulated/amended for consideration.
10. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed with the local planning authority), has been submitted to and approved by the local planning authority. Such a strategy shall facilitate the identification of soil gases and vapours that have the potential to pose a risk to human health and the wider environment. Where the investigations identify the presence of soil gases and vapours, 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. No development shall commence until details of the boundary treatment for the site have been submitted to, and approved in writing by the Local Planning Authority. These shall include details of retaining structures as necessary. The approved boundaries shall be retained, made good and or provided in accordance with the approved details, prior to the occupation of the development.



PROPOSED STREET SCENE Scale 1:100



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION

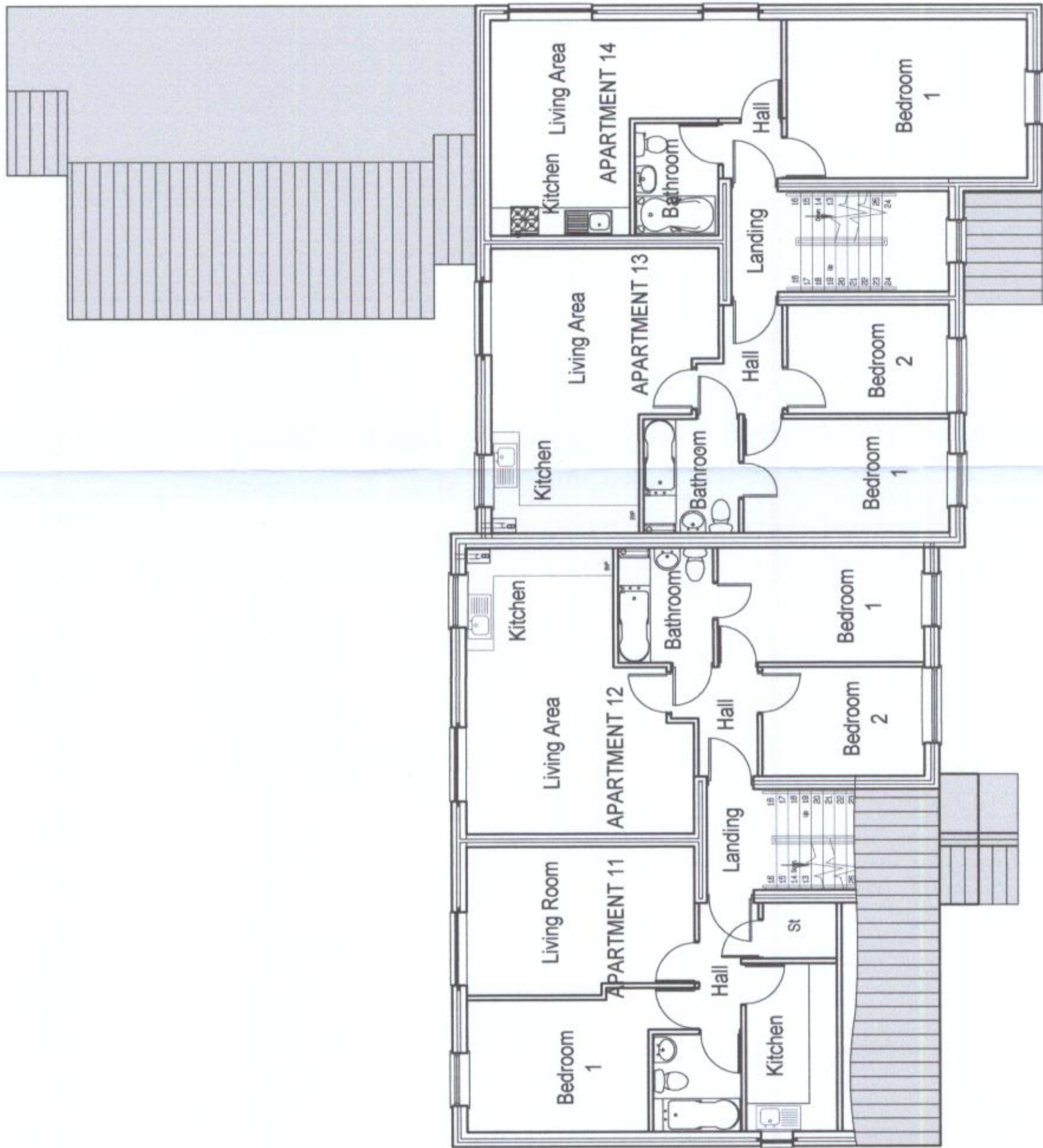
LOGGED & SCANNED

REV.	DATE	DESCRIPTION	BY
<p><b>GD Designs</b> Architectural Services</p> <p>7. Uplands Avenue, Rowley Regis, West Midlands. B65 9PS Tel 0121 533 0212</p>			
<p>CONTRACT RESIDENTIAL DEVELOPMENT, NARROW LANE, HALESOWEN</p>			
<p>DRAWING ELEVATIONS</p>			
<p>CLIENT MR &amp; MRS MERRIS</p>			
<p>SCALE 1:100</p>			
<p>DATE FEB 2008</p>			
<p>DRAWN BY GCD</p>			
<p>DRAWING NO GD0441/12</p>			
<p>REV</p>			
<p>PLOT</p>			
<p>END LINES</p>			

*PO7/1788  
Amended Plan  
deposited 7.2.08.*

RECEIVED  
- 1 FEB 2008  
MERRIS

# Second Floor Plan



*Approved Plan*  
 17/1/18  
 12/1/18

RECEIVED  
 1 FEB 18  
 10:00 AM '18

REVISION C 04.02.08 REVISED FOLLOWING PLANNERS COMMENTS GCD  
 REVISION B 05.11.07 REVISED FOLLOWING PLANNERS COMMENTS GCD  
 REVISION A 12.09.07 APARTMENTS ACROSS LINK OMITTED GCD

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client  
 MR & MRS MERRIS  
 contract  
 RESIDENTIAL DEVELOPMENT, NARROW LANE,  
 HALESOWEN

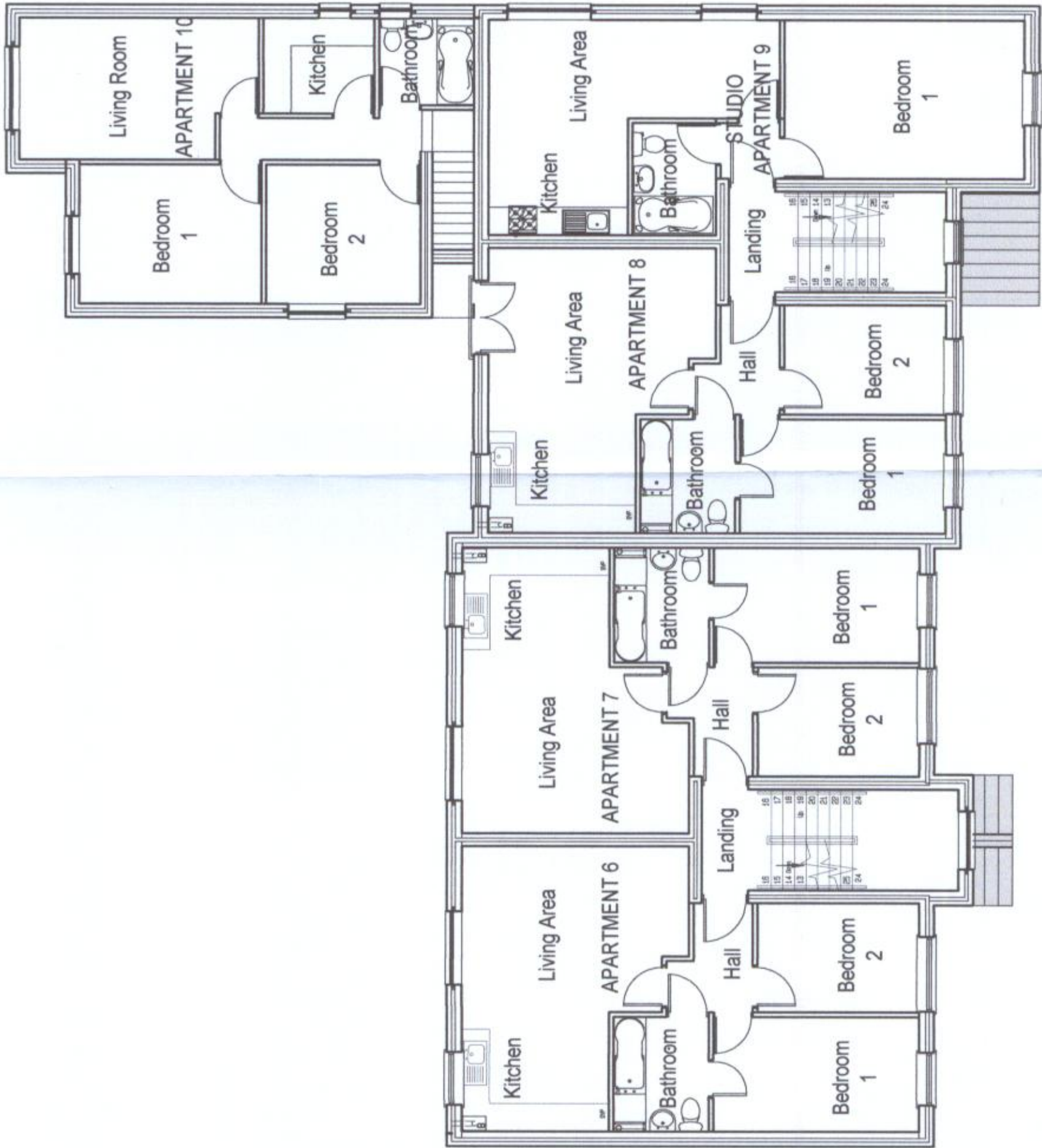
drawing  
 SECOND FLOOR PLAN

date  
 JAN 07  
 scale  
 1:100  
 drawing no  
 GD0441/11C

**GD**  
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 Architectural Services  
 7, Uplands Avenue,  
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 Tel 0121 533 0212

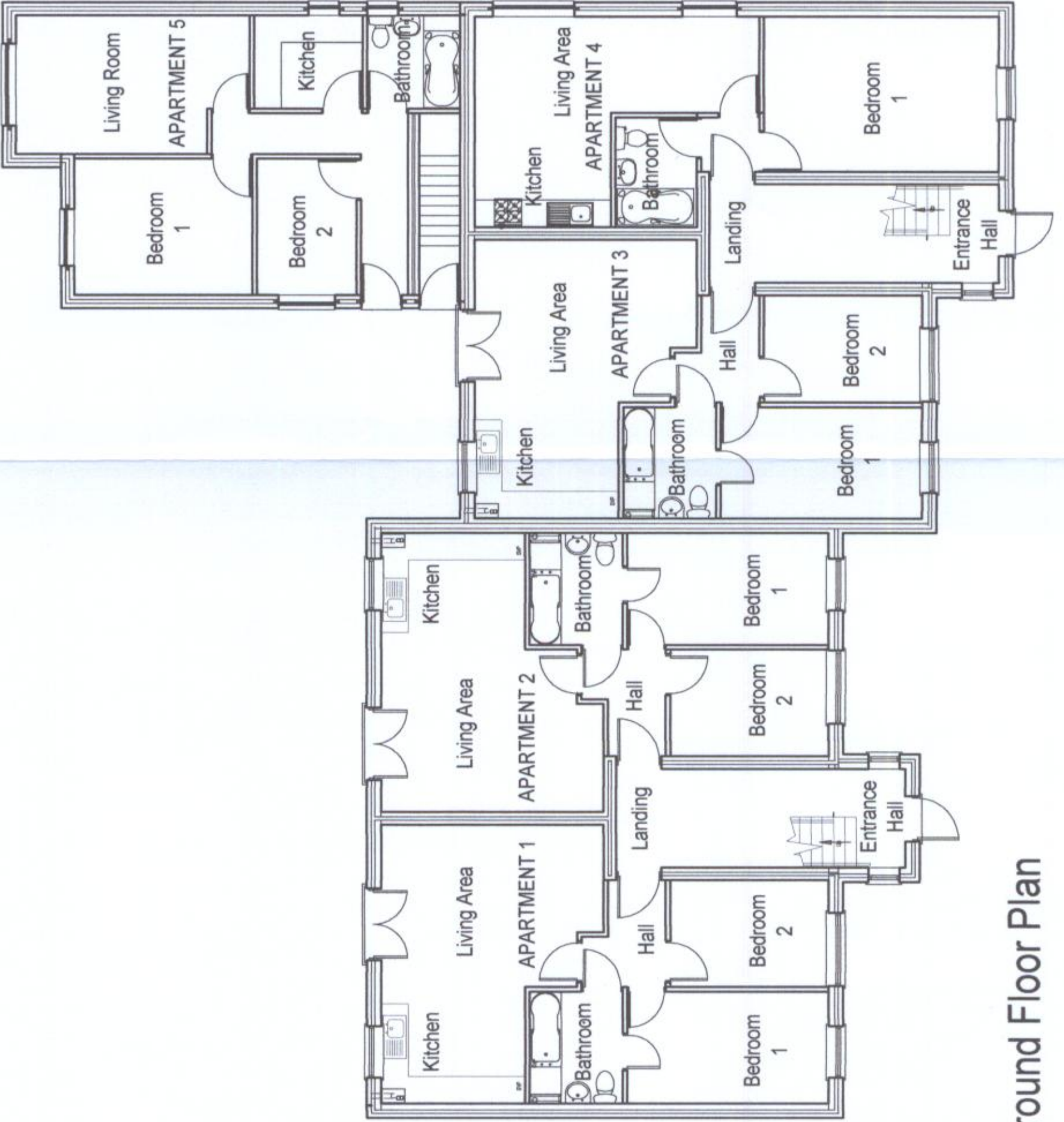
REVISION A 12.09.07 APARTMENTS ACROSS LINK OMITTED GCD  
 REVISION B 05.11.07 REVISED FOLLOWING PLANNERS COMMENTS GCD  
 REVISION C 04.02.08 REVISED FOLLOWING PLANNERS COMMENTS GCD  
 APPROVED 17.08.08  
 17.08.08  
 APPROVED plan

client  
 MR & MRS MERRIS  
 contract  
 HALESOWEN  
 RESIDENTIAL DEVELOPMENT, NARROW LANE,  
 drawing  
 FIRST FLOOR PLAN  
 date  
 JAN 07  
 scale  
 1:100  
 drawing no  
 GD0441/10C



First Floor Plan

Ground Floor Plan



Approved Plan  
Po 7/1788  
Deposited 7.2.08.

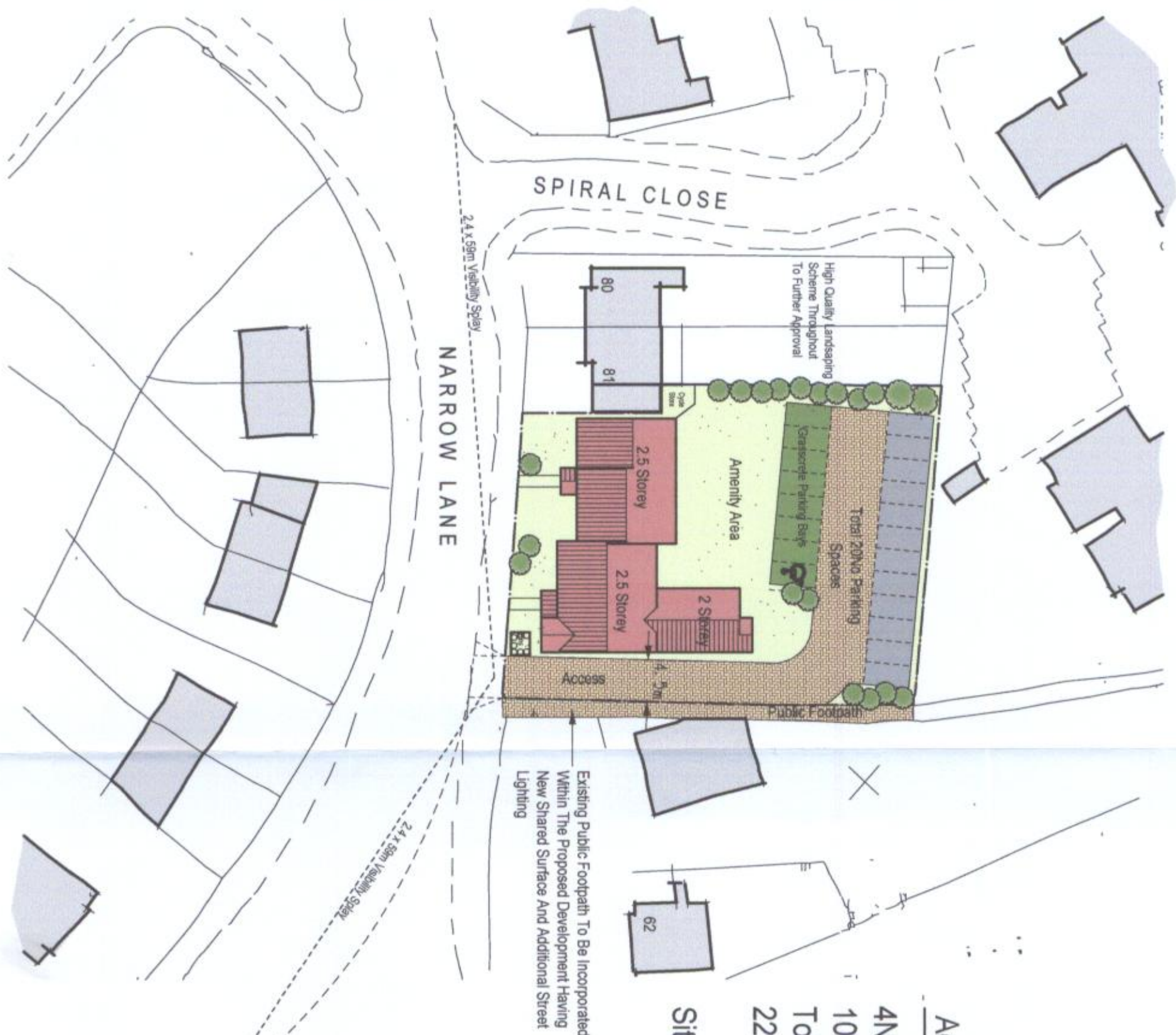
REVISION B 04.02.08 REVISED FOLLOWING PLANNERS COMMENTS GCD  
REVISION A 09.11.07 REVISED FOLLOWING PLANNERS COMMENTS GCD

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client  
**MR & MRS MERRIS**  
contract  
**RESIDENTIAL DEVELOPMENT, NARROW LANE,  
HALESOWEN**  
drawing  
**GROUND FLOOR PLAN**

date  
**JAN 07**  
scale  
**1:100**  
drawing no  
**GD0441/09B**

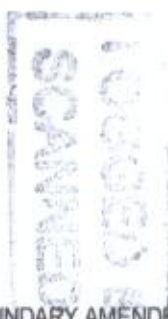
# PROPOSED SITE PLAN Scale 1:500



## Accommodation Schedule

4 No 1B 2P Apartments  
10 No 2B 3P Apartments  
Total 14 No Units  
22 No Car Parking Spaces

Site Area = 0.1422 Ha (0.35 Acres)



*Amended Plan  
Submitted  
7.2.08  
07/1/08*

RECEIVED  
- 1 FEB 08  
Planning  
Department

REVISION F 04.02.08 REVISED FOLLOWING PLANNERS REVIEW GCD  
REVISION E 21.01.08 REVISED FOLLOWING PLANNERS REVIEW GCD  
REVISION D 31.12.07 LAYOUT REVISED FOLLOWING PLANNERS REVIEW & BOUNDARY AMENDED GCD  
REVISION C 30.10.07 ADDITIONAL PARKING, CYCLE STORE AND VISIBILITY SPLAY ADDED GCD  
REVISION B 16.10.07 REVISED FOLLOWING PLANNERS COMMENTS GCD  
REVISION A 25.02.07, LAYOUT REVISED FOLLOWING PLANNERS COMMENTS. GCD

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client  
**MR & MRS MERRIS**

contract  
**RESIDENTIAL DEVELOPMENT, NARROW LANE,  
HALESOWEN**

drawing  
**PROPOSED SITE PLAN**

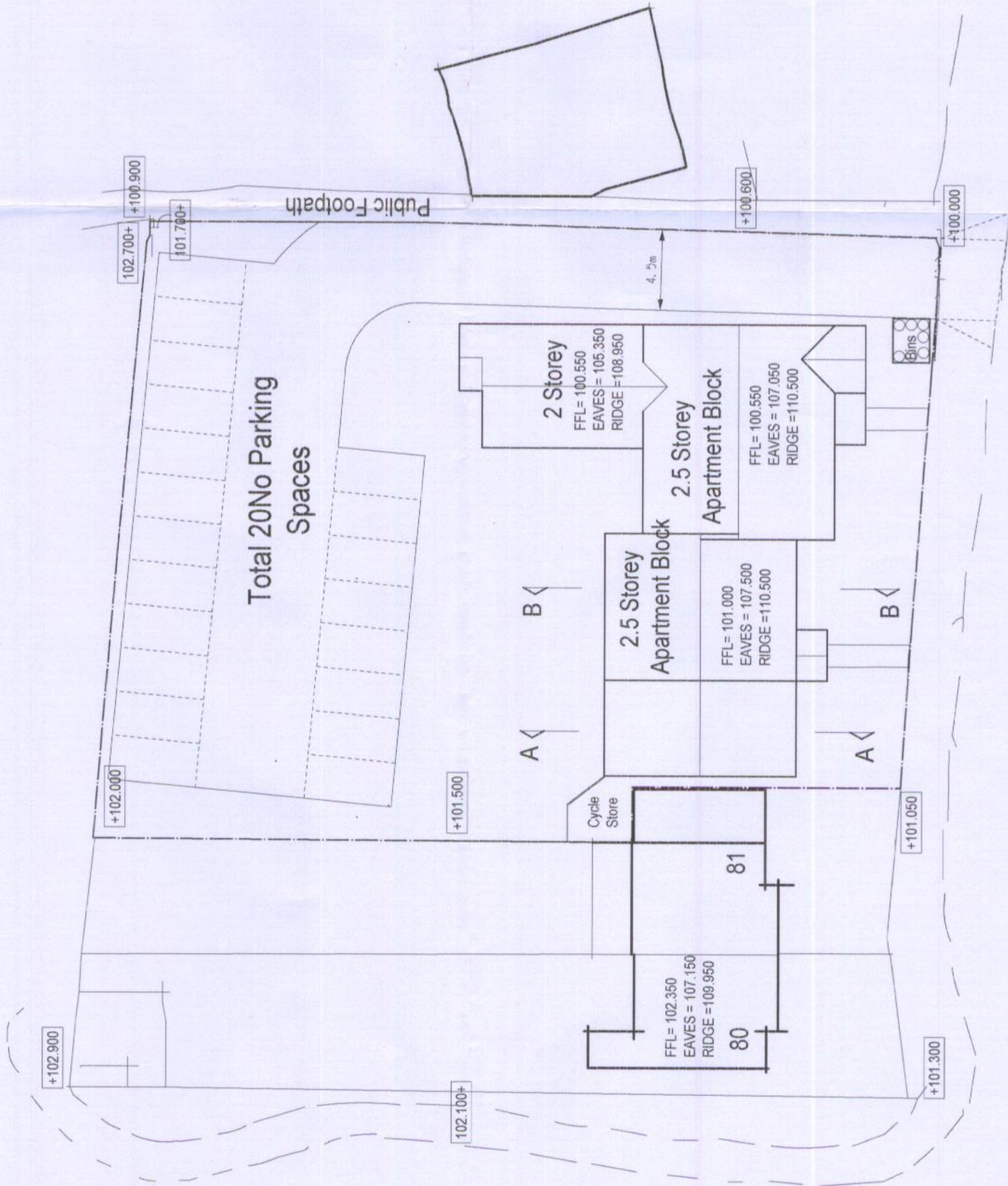
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drawing no **GD0441/08F**



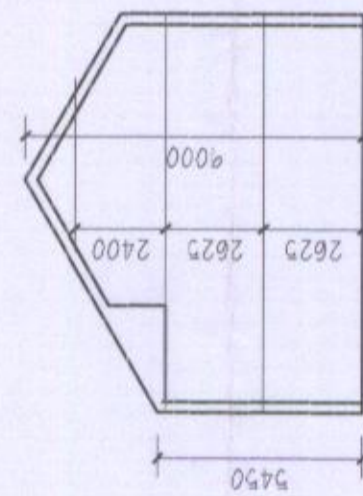
LOCATION PLAN Scale 1:1250

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- 1 FEB 2013  
SCANNED

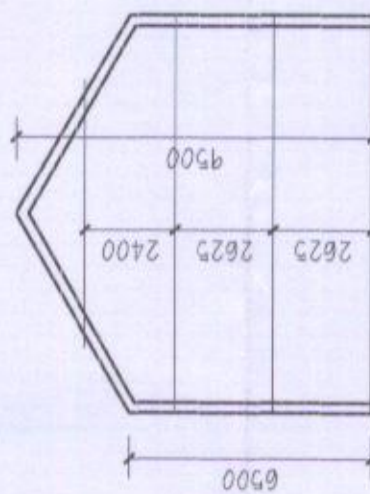
<p><b>GD</b> <i>Designs</i> Architectural Services</p>	<p>7, Uplands Avenue, Rowley Regis, West Midlands. B65 9PS Tel 0121 533 0212</p>
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**SITE LEVELS Scale 1:200**



**SECTION A-A**



**SECTION B-B**

**Layout & Levels Subject  
To Full Site Survey**

REV.	DATE	DESCRIPTION	BY
E	04/02/06	REVISED & AMENDED FOLLOWING PLANNERS REVIEW	GD
D	21/11/05	REVISED & AMENDED FOLLOWING PLANNERS REVIEW	GD
C	31/12/07	LAYOUT REVISED & AMENDED FOLLOWING PLANNERS REVIEW	GD
B	05/11/07	UPDATED FOLLOWING PLANNERS COMMENTS	GD
A	10/04/07	LAYOUT REVISED FOR NEW PLANNING APPLICATION	GD

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**contract**  
RESIDENTIAL DEVELOPMENT,  
NARROW LANE,  
HALESOWEN

**drawing**  
SITE PLAN

**client**  
MR & MRS MERRIS

**scale**  
1:200

**date**  
5 SEPT 2006

**drawn by**  
GD

**rev**  
plot

**cat lines**  
road 15  
boundary

**drawing no**  
GD0441/06E

*09.02.08  
Approved  
02/11/08 plan*

