

PLANNING APPLICATION NUMBER:P06/1771

Type of approval sought	Full Planning Permission
Ward	Coseley East
Applicant	Mukhtiar Kaur
Location:	LAND ADJACENT TO 24, PICKRELL ROAD, COSELEY, BILSTON, WEST MIDLANDS, WV14 9QW
Proposal	CHANGE OF USE OF LAND FROM HIGHWAY/PUBLIC AMENITY SPACE TO RESIDENTIAL GARDEN SPACE
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site is located in front and to the side of no. 24 Pickrell Road, Coseley close to its junction with the Birmingham New Road. The application site itself had been a grass verge occupying the area between the front boundary of No. 24 and the footway in Pickrell Road. At present it is partially fenced off and within the curtilage of no. 24 Pickrell Road. Opposite No. 24 is a wide grassed open area that separates residential dwellings from the Birmingham New Road. The immediate locality is predominantly residential.

PROPOSAL

2. The proposed development is to change the use of the land from public highway/open space to residential garden for inclusion within the curtilage of No. 24 Pickrell Road.

HISTORY

3. No previous planning applications have been submitted in respect of the application site.

PUBLIC CONSULTATION

4. The public consultation period expired 10th October 2006 and three letters of objection have been received, two from local residents and one from a ward member for Coseley East. Concerns include loss of green space, which contributes to a sense of openness, restricts the view of the road, loss of access to the general public, existing pavement is steep and narrow and that the land is already being used by the applicant during current building works. Also, that this land has been considered for sale to the applicant and refused by the Area Committee.

OTHER CONSULTATION

5. Environmental Protection – no objection.
6. Highways Agency – no objection
7. Estate Services – In April 2003 the North Dudley Area Committee considered the sale of the land and recommended refusal. The planning application ought to be refused on the basis that the land is part of the adopted highway.
8. Group Engineer - Development - The section of land to be incorporated into the garden of no. 24 Pickrell Road forms part of the adopted public highway and as such would need to be stopped up/extinguished as a public highway, prior to any development taking place. No objection is raised to the stopping up of the highway.

RELEVANT PLANNING POLICY

9. Adopted Unitary Development Plan (2005)

AM14 – Parking

DD4 – Development in Residential Areas

LR1 – Open Space

ASSESSMENT

10. This parcel of land, which is in the ownership of the Council and is adopted highway, has been fenced off for some time and has been used by the applicant to store building materials and building waste in connection with the rebuilding of his property at No. 24 Pickrell Road. The application for the new house is reported elsewhere on the agenda.
11. At present, the area of open space/highway is still partially fenced off (with temporary mesh fencing) though the land has now been cleared of building waste and materials.
12. There is a wide expanse of grass verge opposite the site that separates properties from the Birmingham New Road, and provides a sense of openness to the locality generally. It is considered that the application site has no worthwhile recreational value or urban green space visual amenity value in itself and, therefore, from a planning policy standpoint, no objection would be raised to its inclusion within the frontage of No. 24. Also, the application site immediately adjoins the curtilage of No. 24, is a relatively small area, and, if suitably treated with a boundary and landscaping scheme, would not detract from the immediate locality. The Group Engineer raises no objection to the closure of the highway over the land.
13. The application site is still in the ownership of the Council and, even if planning permission is granted, the applicant would have to gain approval from the Council to purchase the land. The planning application must be considered on its planning merits.

CONCLUSION

14. It is considered that, the loss of this small area of open space to residential garden use would not adversely affect the appearance of the locality, neighbours' amenity or the street scene. No objection has been raised to the closure of the highway over the land from the Group Engineer in his capacity as representative of the local

highway authority. Should planning permission be granted, a separate application for the enclosure of the land would be required.

RECOMMENDATION

15. Approve subject to conditions.

Second Recommendation

The section of land to be incorporated into the garden of no. 24 Pickrell Road forms part of the adopted public highway and as such would need to be stopped up/extinguished as a public highway, prior to any development taking place. Highway closures instigated by development should be pursued under Section 247 of the Town & Country Planning Act 1990. Therefore before development begins the applicant must undertake the required works through a Section 247 agreement to 'stop up/extinguish' the highway to the written satisfaction of the Local Highway Authority.

Reason for Approval

It is considered that the inclusion of this small area of open space within the applicant's residential garden would not adversely affect the appearance of the locality, neighbours' amenity or the street scene. There would be no objection to the closure of the highway over it.

The decision to grant permission has been taken with regard to the policies and proposals in the Adopted Dudley Unitary Development Plan (2005) set out below and to all relevant material considerations including supplementary planning guidance:

AM14 – Parking

DD4 – Development in Residential Areas

LR1 – Open Space

Informative

The development hereby permitted shall be in accordance with the location plan drawing submitted on 11th September 2006.

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.