

PLANNING APPLICATION NUMBER:P12/0304

Type of approval sought	Outline Planning Permission
Ward	Belle Vale
Applicant	Mr John Carroll
Location:	LAND ADJACENT TO 1 & 2, FURNACE HILL, HALESOWEN, WEST MIDLANDS, B63 3LZ
Proposal	OUTLINE APPLICATION FOR THE ERECTION OF 3 NO. DWELLINGS (ACCESS, LAYOUT AND SCALE TO BE CONSIDERED) (RESUBMISSION OF REFUSED APPLICATION P11/0338)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

INTRODUCTION

This application was deferred from the Development Control Committee Meeting on the 2nd April to allow Members the opportunity to visit the site before making a decision.

SITE AND SURROUNDINGS

1. The site is an area of overgrown vacant land accessed via a private roadway which is approximately 40m from the Furnace Hill/Halesowen Rd/Haden Hill Road junction. The site has a narrow frontage to Furnace Hill and widens out behind the rear gardens of properties on Furnace Hill and Haden Hill Road and extends towards the east bank of the River Stour. There is an open wooded area at this western (rear) end of the site. Along the southern boundary of the site there is an existing right of way which leads to residential properties on the opposite side of the river and then emerges on to Shelah Road as a footpath. Part of the road has been widened (and has encroached into the overgrown part of the site) to provide a hardsurfaced car parking area for use by workers of local businesses.

2. The northeastern corner of the site is bounded by the rear gardens of No.s 1 and 2 Furnace Hill, a pair of semi-detached houses which sit at a lower level than the site. To the north are the long rear gardens of No.s 1 and 3 Haden Hill Road. To the south are industrial buildings which are at a significantly lower level than the site and are screened from it by perimeter hedging. The site and surrounding area lie within Linear Open Space.

PROPOSAL

3. Outline consent is sought for the development of 3no. detached houses (1no. 3-bed and 2no. 2-bed) within the eastern half of the site (no development is to take place within the western half). Details of access, layout and scale have been submitted for approval, with details of appearance and landscaping reserved for subsequent approval. The proposal involves the reconstruction of the right of way within the site to adoptable standard. The application is accompanied by a tree survey, ecological survey and a flood risk assessment.

HISTORY

- 4.

APPLICATION	PROPOSAL	DECISION	DATE
P11/0338	Outline: Erection of 5no. Dwellings	Refused	May 2011

5. The above application was refused for the following reasons:

1. The siting of a parking area next to the rear gardens of no's 1 and 2 Furnace Hill and no. 1 Haden Hill Road would adversely impact, by reason of noise and disturbance, upon the amenity the occupiers of neighbouring residential properties could reasonably expect continue to enjoy. The proposed development is therefore contrary to Policy DD4 of the adopted UDP(2005).

2. Part of the proposed development lies within Flood Zone 3. Flood Zone 3 represents land which has a high risk of flooding i.e. a 1 in 100 or greater annual probability (chance) of river flooding. The Flood Risk Assessment (FRA) submitted with this application does not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS 25). The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA fails to:

1. Take the impacts of climate change into account
2. Consider the effect of a range of flooding events including extreme events on people and property.

The proposed development is therefore contrary to Policy ENV5 of the Adopted Core Strategy and PPS25 – Development and Flood Risk.

6. The proposed design means that the rear gardens would be vulnerable to attack from burglars and also provide a location for the potential for anti-social behaviour and fly tipping. As such it would be contrary to Policies DD1 and DD4 of the adopted Dudley Unitary development Plan and the Council's adopted Supplementary Planning Guidance, Design for Community Safety.

7. The proposed development would not lead to a sustainable form of development due to the potential impact upon the environment and in an area at the risk of flooding, contrary to policies DD1 and DD4 of the adopted UDP(2005), policy ENV 5 of the adopted core strategy and PPS1 – Delivering Sustainable Development.

8. The lack of a completed undertaking to make a contribution towards planning obligations would result in the proposed development increasing the demand on local facilities with no compensation or enhancement, thus resulting in harm to the wider community, contrary to policy DEL1 of the adopted Core Strategy and the Council's Planning Obligations SPD.

PUBLIC CONSULTATION

9. Neighbour notification letters have been sent to 23 properties. In response 5 objection letters have been received, raising the following concerns over the proposal:

- The development must not sever the public right of way from Furnace Hill to Shelah Road;
- Loss of outlook and light at neighbouring properties;
- Overdevelopment of the site;
- Removal of the existing hedge along the southern boundary will expose an unsightly concrete panel fence;
- The development will be detrimental to pedestrian safety;
- Insufficient space within the site for vehicles to access and egress the proposed properties;
- Lack of parking provision;
- Conflict between vehicles driving along the access road and vehicles reversing out of the driveways and those exiting the industrial estate to the south;
- Increased traffic onto Furnace Hill;
- Loss of wildlife and greenery;
- The development will result in the creation of an 'alley', with fencing on either side of the entrance to the site;
- The development will destroy existing bat and vole habitat;
- Additional lighting will impact on the environment of local wildlife.

10. A Ward Councillor has objected on the grounds that the proposal constitutes overdevelopment on a backland site, and that the buildings will overshadow nos 1 and 2 Furnace Hill.

OTHER CONSULTATION

11. Head of Environmental Health and Trading Standards – no objection subject to the incorporation of measures into the development to protect future occupants from road traffic noise.
12. Group Engineer (Development) – a public footpath runs over the proposed driveway. There is no objection to the proposed dual use, subject to the details of the construction of the drive being submitted for approval prior to the development taking place.
13. Environment Agency – no objection.
14. Severn Trent Water - no objection subject to the submission of drainage details.

RELEVANT PLANNING POLICY

15. National Planning Policy Guidance (2012)
National Planning Policy Framework (NPPF)

Black Country Core Strategy (2011)

Policy HOU1 Delivering Sustainable Housing Growth

Policy HOU2 Housing Density, Type and Accessibility

Policy ENV1 Environmental Infrastructure

Policy ENV5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island

Dudley Unitary Development Plan (2005) Saved Policies

Policy DD1 Urban Design

Policy DD4 Development in Residential Areas

Policy DD10 Nature Conservation and Development

Policy NC6 Wildlife Species

Policy S02 Linear Open Space

Supplementary Planning Documents

Housing Development SPD

Parking Standards and Travel Plans SPD

Nature Conservation SPD

ASSESSMENT

16. The key issues for consideration are:

- Principle of residential development;
- Impact on the character of the area;
- Impact on residential amenity;
- Access/highway safety;
- Nature Conservation;
- Flood Risk
- Trees

Principle

17. The NPPF encourages the effective use of brownfield land as one of its core planning principles. The principle of the development of this site for housing purposes is also in accordance with the aim of Policy HOU1 of the Core Strategy which seeks to ensure the provision of sufficient land to provide for sustainable housing growth, to be achieved by building at least 95% of new housing on previously developed land.

Character

18. One of the intended functions of Linear Open Space (Saved Policy SO2 of the UDP) is to maintain the open character of the area. The proposed development site is within a built-up area and it is considered that the erection of houses here would not, in the context of the amount and form of existing buildings in the immediate vicinity, have any greater impact on the area's open character.

19. The density of the proposed development in relation to the overall site area (0.13 hectares) is 22 dwellings per hectare; given that effectively only half of the site is to be developed upon it would be more appropriate to calculate the density of development within that area only, which equates to approximately 44 dwellings per hectare . The proposal therefore complies with Policy HOU2 of the Core Strategy which requires that developments should achieve a minimum density of 35 dwellings per hectare.
20. The proposed new building at the front of the site (plot 1) would be an appropriate 'end-stop' in terms of its siting and scale to the adjacent line of dwellings along Haden Hill Road, filling in a 'gap' between the side of No.2 Haden Hill Road and the Furnace Hill junction. A 1.8m high fence or wall is to be sited along part of the plot's boundary with the access road; given that it would be prominently sited within the development details of the proposed materials should be sought by condition to ensure that it would have an acceptable appearance.
21. The development of two new dwellings at the rear of the site (plots 2 and 3) provides the opportunity to improve its appearance, by removing an unsightly overgrown area and replacing it with buildings which are of an appropriate scale and siting. The proposal is also of benefit in that it would bring with it the opportunity to increase surveillance of the access road.
22. In view of the above it is considered that the proposal complies with Saved Policies DD1 and DD4 of the UDP in that it would have a positive impact on the character of the area.

Residential Amenity

23. The development provides sufficient private amenity space within the rear gardens for the occupants of each of the dwellings. In this respect the proposal complies with the NPPF which requires that developments should provide a good standard of amenity for future occupants.

24. Although the site is at an elevated level above No.s 1 and 2 Furnace Hill the erection of the proposed buildings on plots 2 and 3 would not have any detrimental impact on outlook from those properties or lead to overshadowing given the distances involved and the relative siting of the houses (the side elevation of the house on plot 2 being approximately 14.5m from the rear of No.2 Haden Hill Road). The siting of the building on plot 1 would not have any harmful effect on outlook from the rear windows at No.2 Furnace Hill.
25. The proposal will result in overlooking of the rear gardens of nearby properties, but this would not be to a degree which would result in a significant loss of privacy and warrant refusal of the application.
26. In view of the above it is considered that the proposal would not have any adverse effect on residential amenity and therefore complies with Saved UDP Policy DD4. It is recommended that a condition be imposed removing permitted development rights for the new properties, to ensure the long-term provision of gardens of sufficient area and to minimise any potential risk to the amenities of occupants of neighbouring properties.

Access/Highway Safety

27. The proposed access road into the site will incorporate the existing public footpath which leads to Shelah Road. The submitted layout plan shows that a shared surface is to be provided and that the road will be constructed to an adoptable standard. The development will therefore allow for the unobstructed use of the right of way.
28. Parking provision for each of the houses is in accordance with the standards set out in the Parking Standards SPD and the development will not therefore lead to parking on the access road. The Group Engineer has not raised any concerns relating to potential conflicts between vehicles accessing/egressing the site and other vehicles or pedestrians. It is therefore considered that the proposal would not bring with it any adverse highway safety implications and does not contravene Saved UDP Policy DD4.

Nature Conservation

29. Policy ENV1 of the Core Strategy advises that developments will be required to safeguard nature conservation. Saved Policy SO2 of the UDP requires that the design and layout of development within Linear Open Space should complement and enhance its function as a corridor for wildlife. Saved Policy DD10 seeks to ensure that the effects of development proposals on wildlife features are taken into full account, and Policy NC6 requires that the effects of developments on habitats important to wildlife species should be adequately mitigated.

30. The applicant's habitat survey report states that there is no evidence of any protected species at the site, and that the loss of habitat on the site will have no impact on any protected species that might be found within the wider area. In terms of recommendations for the development of the site, bat boxes should be incorporated within the buildings as a benefit for any bats that there may be in the area and any external lighting should be low wattage and down lighting only.

Flood Risk

31. The site lies within Flood Zone 3 (High Risk). mPolicy ENV5 of the Core Strategy requires that proposals for development must demonstrate that the level of flood risk associated with the site is acceptable. The Environment Agency has assessed the applicant's Flood Risk Assessment and has advised that there will be no risk to the development from flooding.

Trees

32. The site contains one large TPO tree at its eastern end fronting Furnace Hill. The proposed building on plot 1 is at sufficient distance to ensure that the development would not have any impact on its long-term health. Three other (non-TPO) trees are to be removed as part of the proposal – these are of limited quality and should not prejudice the appropriate development of the site.

CONCLUSION

33. The proposed development would have a positive impact on the character of the area, and would not have any detrimental impact on residential amenity, highway safety or protected species or be at risk from flooding. As such the proposal complies with Policies HOU1, HOU2, ENV1 and ENV5 of the Core Strategy and Saved Policies DD1, DD4, DD10, NC6 and SO2 of the UDP.

RECOMMENDATION

34. It is recommended that planning permission be granted subject to the following conditions:

Reason For Approval

The proposed development would have a positive impact on the character of the area, and would not have any detrimental impact on residential amenity, highway safety or protected species or be at risk from flooding.

The decision to grant planning permission has been taken with regard to the policies and proposals in the Black Country Core Strategy and Saved 2005 UDP Policies a set out below and to all relevant material considerations including supplementary planning guidance:

Policy HOU1 Delivering Sustainable Housing Growth
Policy HOU2 Housing Density, Type and Accessibility
Policy ENV1 Environmental Infrastructure
Policy ENV5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island
Policy DD1 Urban Design
Policy DD4 Development in Residential Areas
Policy DD10 Nature Conservation and Development
Policy NC6 Wildlife Species
Policy S02 Linear Open Space

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.

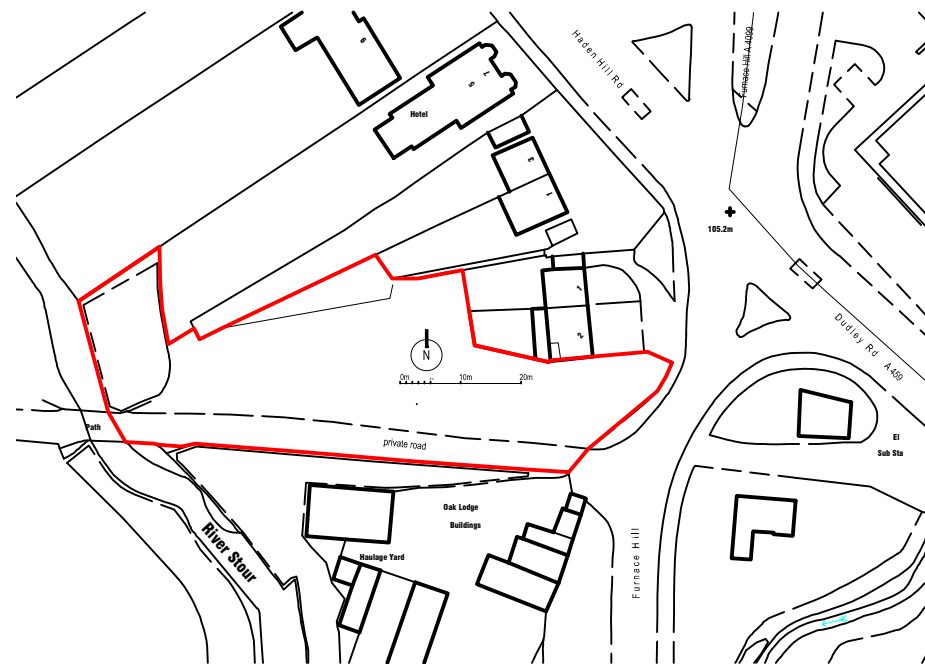
INFORMATIVE

In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Conditions and/or reasons:

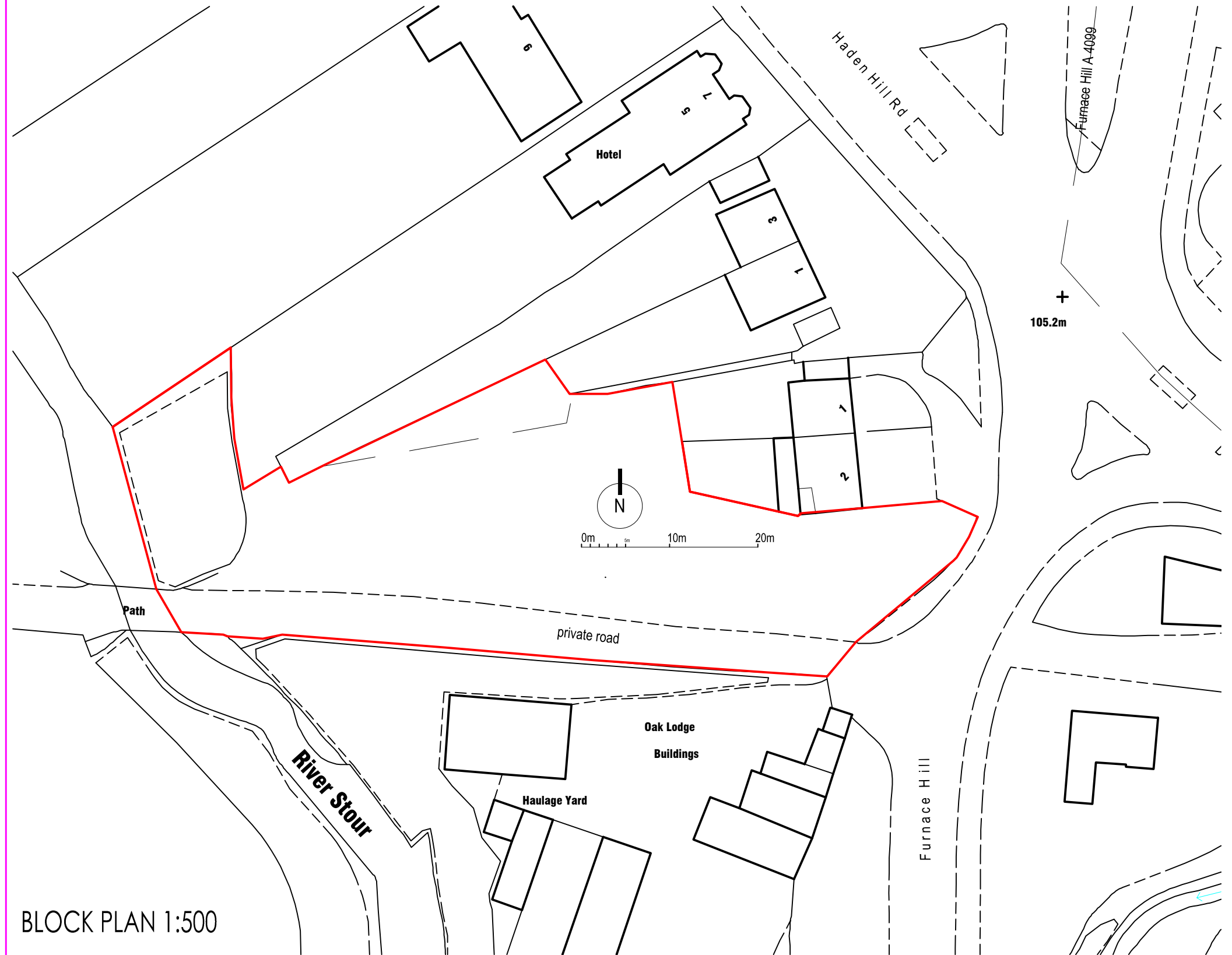
1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved 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. 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 [A] Class [1] of that order shall be carried out.
4. Development shall not begin until a scheme for protecting the proposed buildings from noise from road traffic 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 buildings are occupied and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.
5. Prior to the commencement of development details of the proposed boundary treatment to be erected along the southern boundary of plot 1 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved details and the boundary treatment shall thereafter be retained.
6. All the existing trees and hedges indicated on the approved drawings to be retained shall be protected by suitable fencing and at a suitable distance as outlined in BS:5837 – 2005 - 'Trees in Relation to Construction', or such alternatives as may be agreed in writing by the Local Planning Authority. Such fences shall be erected before any materials are brought onto site or development commences. No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence(s), nor shall any changes in ground level be made within the fence(s) unless previously agreed in writing by the Local Planning Authority.
7. Prior to the commencement of development, a plan detailing the type and location of bat roost provision on the site shall be submitted to and approved in writing by the local planning authority. Prior to the occupation of the development hereby approved, the agreed provision will be installed on site and thereafter maintained available for use for the lifetime of the development.
8. Development shall not begin until details of the construction of the access road and public right of way at the site have been submitted to and approved in writing by the local planning authority. The buildings shall not be occupied until that access has been constructed in accordance with the approved details.

9. Prior to the commencement of development, details of the works for the disposal of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. All works shall be completed in accordance with the approved details prior to the occupation of the dwellings hereby permitted.
10. The development hereby permitted shall be carried out in accordance with the following approved plan: 546/10b.



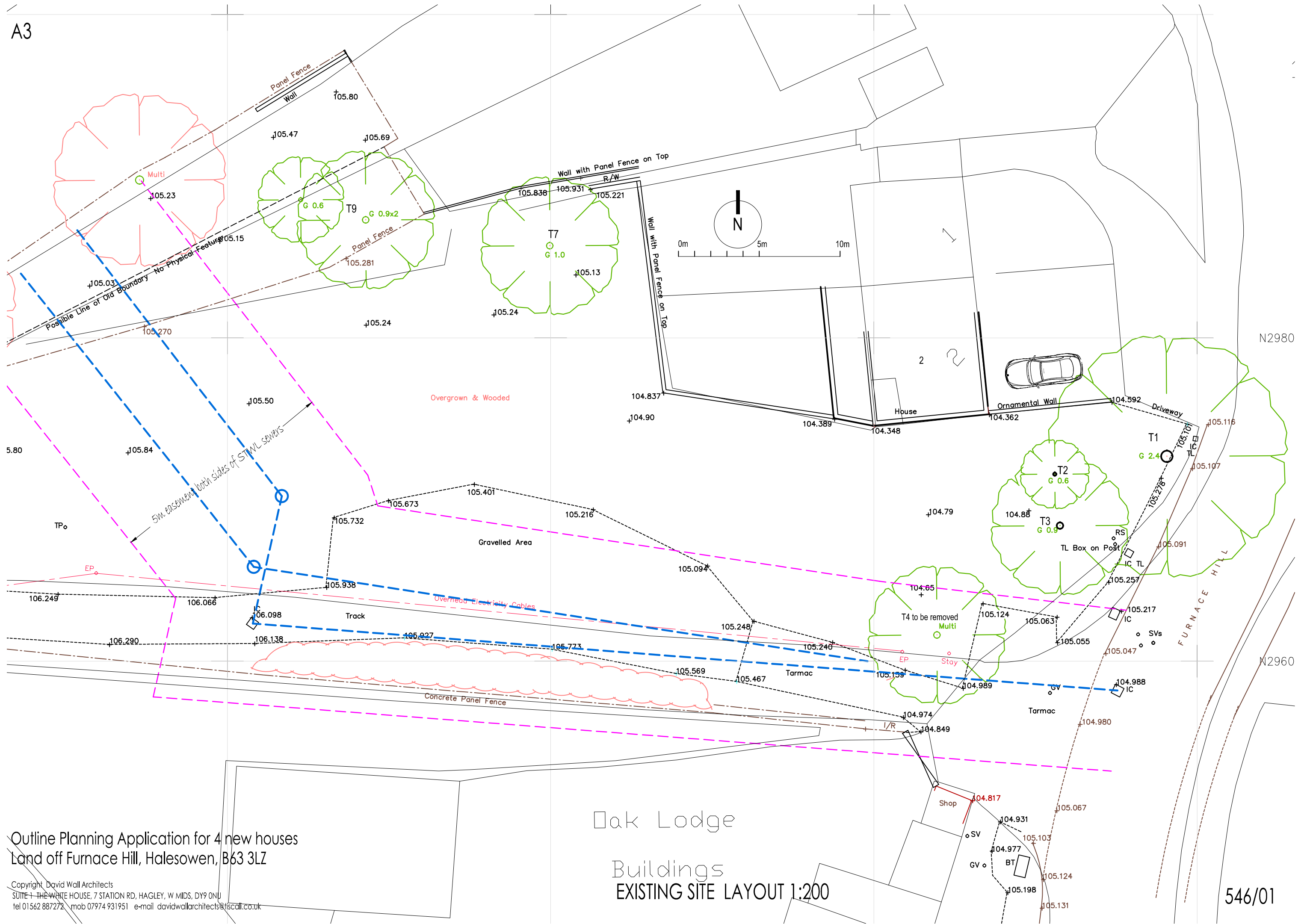
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LOCATION 1:1250



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BLOCK PLAN 1:500



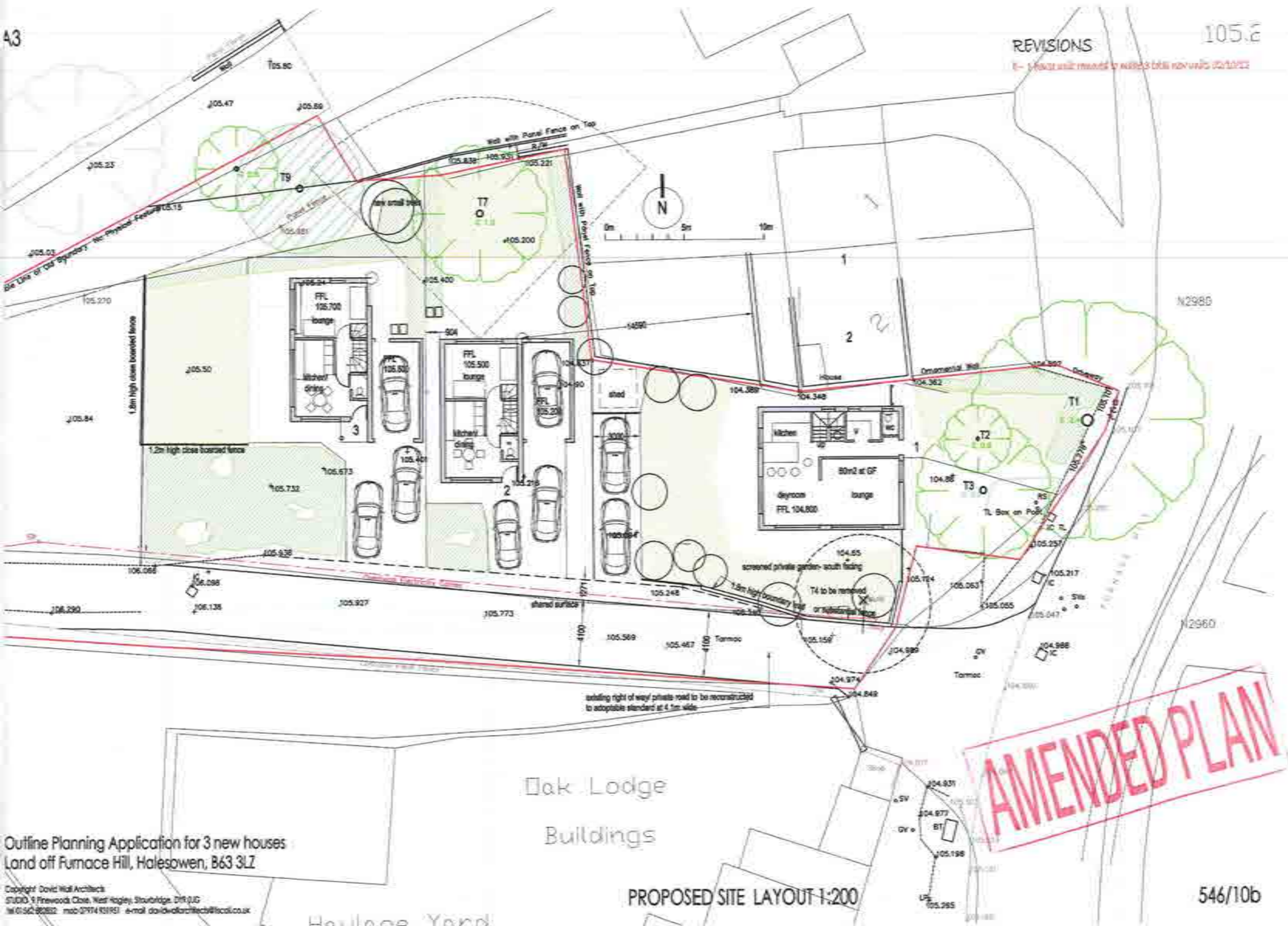
Outline Planning Application for 4 new houses
 Land off Furnace Hill, Halesowen, B63 3LZ

Oak Lodge

Buildings
 EXISTING SITE LAYOUT 1:200

REVISIONS

E- 1.0m high fence to be added to all sides of the site



Outline Planning Application for 3 new houses
Land off Furnace Hill, Halesowen, B63 3LZ

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Oak Lodge
Buildings

PROPOSED SITE LAYOUT 1:200

AMENDED PLAN

546/10b

Houloge Yard