

# PLANNING APPLICATION NUMBER:P07/1165

Type of approval sought	Full Planning Permission
Ward	BROCKMOOR AND PENSNETT
Applicant	Wolverhampton & Dudley Breweries PLC
Location:	<b>LAND CORNER OF, BRYCE ROAD &amp; COMMONSIDE, PENSNETT, BRIERLEY HILL, WEST MIDLANDS</b>
Proposal	<b>ERECTION OF 9 NO. 1 BED AND 9 NO. 2 BED APARTMENTS WITH NEW CAR PARK</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO A 106 AGREEMENT</b>

## SITE AND SURROUNDINGS

- 1 The site is located on the corner of Commonside and Bryce Road, Pensnett and appears to have related at one point to the adjoining Fish Inn public house. The site is presently vacant with some trees along the road boundaries. There is no significant planting or landscape features within the site.
- 2 To the west of the site is an existing 1990s housing development. To the south of the site is an area of open space with housing to the north of the site. Housing development in the locality is exclusively two-storey, with relatively generous rear gardens, except for the adjoining 1990s housing development. The application site is approx 0.23 hectares.

## PROPOSAL

- 3 This is a planning application to construct 18 apartments, split equally between 1 and 2 bedroom properties.
- 4 The apartment building will be three-storey with a pitched roof facing onto the junction of Bryce Road and Commonside. Behind the frontage development will be

shared amenity space and off road parking, A new vehicular access is proposed from Bryce Road approximately 50m from the junction with Commons side.

- 5 The density of the proposed development is 72 dwellings to the hectare.
- 6 A Design and Access Statement and an ecological report were submitted with the application.

## HISTORY

- 7 No relevant planning history.

## PUBLIC CONSULTATION

- 8 None received.

## OTHER CONSULTATION

- 9 Group Engineer (Development):-Some minor modifications are required. Overall no objection subject to conditions.
- 10 Head of Environmental Protection:- Recommend conditions covering contaminated land, soil gases and noise.
- 11 Building Control (Access Officer):- No comments

## RELEVANT PLANNING POLICY

### Unitary Development Plan

DD1 Urban Design  
DD4 Development in Residential Areas  
DD6 Access and Transport Infrastructure  
DD7 Planning Obligations  
DD8 Provision of Open Space, Sport and Recreation Facilities

DD10 Nature Conservation and Development  
UR9 Contaminated Land  
NC1 Biodiversity  
NC6 Wildlife Species  
NC9 Mature Trees  
HE1 Local Character and Distinctiveness  
SO1 Green Belt

Site adjoins green belt/wedge designation.

Supplementary Planning Guidance/Documents

Supplementary Planning Document on Open Space, Sport and Recreation  
Provision

Nature Conservation Supplementary Planning Document

Parking Standards and Travel Plans Supplementary Planning Document

New Housing Development Supplementary Planning Document

Design for Community Safety Supplementary Planning Guidance

## ASSESSMENT

12 The main issues relating to this site are

- Principle of Development
- Design and Layout
- Access and Parking,
- Neighbour Amenity,
- Amenity of Occupiers
- Ecological Issues
- Trees
- Planning Obligations

Principle of the Development

13 The application site appears to form land to the adjoining Fish public house and as such is considered to be previously developed. The character of the area is primarily residential and as such there is no policy objection to the proposed residential development of the site.

14 Opposite the site on the south side of Bryce Road there is an area of greenbelt/wedge. The development does not materially effect this designation.

## Design

- 15 The provision of three storey development in this location is considered to be acceptable, as the site is on a corner site at a busy road junction. Furthermore the flats are set back from the edge of footway, and the adjoining mainly two storey housing is separated from the site.
- 16 The siting of the proposed flats recognises the road frontage with the development facing onto both Commonsides and Bryce Road, with parking being located to the rear.
- 17 The site has pedestrian entrances on both the roadside and rear elevations ensuring an active frontage is provided.
- 18 The elevational treatment of the proposed flats is mostly brick. Some architectural detailing has been incorporated into the design, including string courses, some rendering, gables, bay windows and porches. The flats have also been stepped on the Bryce Road frontage to take into account the slight slope down Bryce Road.
- 19 The proposed density is a little over 70 dwellings to the hectare and as such does not strictly accord with the guidance in the SPD on new housing development. Whilst the density of the proposed development is higher than the surrounding area the built development (plot ratio) covers only part of the site with the flats being set back from the road which reflects the general character of the area.

## Access and Parking

- 20 Access to the site is from Bryce Road with car parking to the rear. 25 spaces are proposed which is in line with the parking SPD.
- 21 The Group Engineer is generally happy with the proposals, with his minor concerns being overcome by with the submission of an amended plan from the applicant.

## Amenity of Neighbours

- 22 The nearest part of the development will be located 22m away from the nearest house in Fairgreen Garden to the west with the proposed new access road intervening. At this distance I have no severe concerns about privacy, loss of daylight or overbearing impact. Furthermore no letters of objection have been received from the nearest neighbours.

## Amenity of Occupiers.

- 23 The site adjoins the existing Fish Inn public house and is located near to a busy road junction. The Head of Environmental Protection in this case requires noise protection conditions to minimise the impact of the road and the adjoining public house for potential future occupiers.

- 24 Proposed amenity areas are to be provided to the front and rear of the development.

### Ecology Issues

- 25 The site adjoins a large open space and is near to Fens Pool Local nature Reserve.
- 26 An ecological assessment was submitted with the application. As part of the assessment a bat survey was carried out. The assessment concluded that the adjoining public house may be used as a roost, but the trees which are to be removed within the site are unsuitable for roosting bats. The assessment suggests a number of measures could be incorporated into the scheme to provide mitigation, such as certain types of planting.
- 27 The Nature Conservation Officer has considered the report which in his view is below the standard required by the SPD. His primary concern is the impact the development would have on bats, due to additional lighting, loss of trees and the development itself.
- 28 However he is of the view that conditions covering landscaping, which should include bat friendly species and the provision of a dark corridor would be appropriate mitigation measures.

### Trees

- 29 There are a number of mature trees along the Bryce Road and Commons side frontages. The submitted plans show three trees being removed along Commons side, but six trees retained alongside Bryce Road. The loss of the three mature trees is regrettable. However, there is room within the site for replacement trees and planting.

### Planning obligations

- 30 The proposal attracts a requirement for a commuted sum to be paid towards the provision and enhancement of public open space and play areas in the locality. The applicant has agreed to enter into a legal agreement on this matter.
- 31 As more than 15 dwellings are proposed there is a requirement to provide on site affordable housing. The Council's prescribed target is 30% of the units. A formal response from the Housing and the applicant was still awaited at the time of agenda preparation. An update will be provided at committee.

- 32 The site may potentially require contributions towards the provision of local school places. No response had been received from Children's Services at the date of agenda preparation. An update will be provided at committee.

## CONCLUSION

- 33 The design of the proposed development is considered to be acceptable, causes no harm to highway safety, neighbour amenity or local wildlife. Consideration has been given to policies DD1 DD4 DD6 DD7 DD8 DD10 UR9 NC1 NC6 NC9 and HE1

## RECOMMENDATION

Subject to the applicant agreeing in writing to enter into a legal agreement for the provision of affordable housing 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, maintenance and enhancement of off-site public open space and play provision and the provision of affordable housing units has been submitted to and agreed in writing by the Local Planning Authority.

### Reason for approval

The design of the proposed development is considered to be acceptable, causes no harm to highway safety, neighbour amenity or local wildlife. Consideration has been given to policies DD1 DD4 DD6 DD7 DD8 DD10 UR9 NC1 NC6 NC9 and HE1.

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.

The development hereby permitted shall be built in accordance with the approved plans numbered 0415/002A (block plan) received 18 December 2007, 0415/002 (floor plan) 0415/003A, 0415/004A received 12 June 2007 unless otherwise agreed in writing by the Local Planning Authority.

## Informatives

Japanese Knotweed has been identified on the northern part of the site. The Knotweed should be eradicated before development commences.

This site may be used as a roosting and nesting sites by bats. Bats and their roost sites are protected under the 1981 Wildlife and Countryside Act. In the event of bats being present, Natural England must be contacted on 01453 764450 immediately for advice on the best way to proceed.

It should be ensured that work (including site clearance work) does not disturb nesting birds. Birds can nest in many places including buildings, hedgerows, trees and open grassland. Nesting birds are protected under the 1981 Wildlife and Countryside Act. The main nesting season lasts approximately from March to September, so any work to the site should take place outside these dates if at all possible. N.B. birds can nest at any time, and the site should ideally be checked for their presence immediately before work starts.

### 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. No part of the development hereby permitted shall be commenced until detailed plans and sections showing existing site levels and finished floor levels of the flats have been submitted to and approved in writing by the District Planning Authority and the development thereafter shall only be carried out as approved.
3. No part of the development hereby permitted shall be commenced until a schedule of all materials to be used on the walls and roofs of the buildings has been submitted to and approved in writing by the District Planning Authority and thereafter the development shall only be constructed in accordance with these details.
4. No part of the development hereby permitted shall be commenced until full details of the soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details must include, where appropriate, planting plans, written specifications, a schedule of plants including species, plant sizes and proposed numbers/densities and a programme of implementation. Plans must also include accurate plotting of all existing landscape features. The works approved as part of this condition shall be completed within the first planting season following the first occupation of any part of the development. Any trees or shrubs planted in pursuance of this permission including any planting in replacement for it which is removed, uprooted, severely damaged, destroyed or dies within a period of five years from the date of planting shall be replaced by trees or shrubs of the same size and species and in the same place unless otherwise agreed in writing by the Local Planning Authority.
5. None of the development hereby permitted shall be first commenced until details of the lighting to the site have been submitted to and approved. The scheme should

have regard for the need to provide low level directional lighting which provides a dark corridor for bats along the corridor between the Fish Public House and the nearby open space.

6. No part of the development hereby permitted shall be commenced until details of the positions, design, materials and type of boundary treatment or means of enclosure have been submitted to and approved in writing by the District Planning Authority. No part of the development shall be occupied until these works have been carried out in accordance with the approved details.
7. No part of the development hereby permitted shall be commenced or the dwellings first occupied until a detailed scheme showing, visibility splays, the means of access, parking areas, the location of cycle stores and any other highway works have been submitted to and approved in writing by the Local planning Authority. The works shall thereafter be carried out in accordance with the approved details.

The details to be submitted should include plans and sections of the lines, widths, levels, gradients, lighting, form of construction of access roads, service roads, footways, footpaths and drainage systems.

8. The dwellings hereby approved shall not be first occupied until the access, turning and parking areas have been laid out in accordance with the plans and details as required by condition 7. The access, turning and parking areas shall thereafter be retained.
9. The visibility splay to the new vehicular access to Bryce Road shall be provided with an 'X' distance of 2.4m and a 'Y' distance of 59m. The visibility splay shall be thereafter be kept clear of landscaping, planting and other obstructions over 600mm in height.
10. The visibility splay onto Commonsides (access to Fish Inn public house) shall be provided with an 'X' distance of 2.4m and a 'Y' distance of 70m. The visibility splay shall be thereafter be kept clear of landscaping, planting and other obstructions over 600mm in height.
11. The development hereby permitted shall be first occupied until the new car park to the Fish Inn has been laid out and provided in accordance with the details shown on plan 0415/002 Rev A (block plan) received 18 December 2007.
12. 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.
13. 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.

14. Development shall not begin until a scheme for protecting the proposed dwellings from noise from \*\*\*\*\* 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.
15. 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 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 5.2 of British Standard BS: 5837 – 2005 `Trees in Relation to Construction – Recommendations'.
  - d. Design details of the proposed protective barriers 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 9.2 of British Standard BS:5837 – 2005 `Trees in Relation to Construction – Recommendations'.
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. No development or other operations shall commence on site 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 service and foul and surface water drainage layout has been submitted to and approved in writing by the Local Planning Authority. Such layout shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved service/drainage layout.
18. 13) The development shall not begin until a scheme for the submission and approval of a planning obligation to guarantee the provision, maintenance and enhancement of off-site public open space and play provision together with the

provision of affordable housing shall submitted to and agreed in writing by the Local Planning Authority.