

## **PLANNING APPLICATION NUMBER:P05/2759**

Type of approval sought	Full Planning Permission
Ward	Halesowen South
Applicant	The Automobile Association
Location:	<b>FANUM HOUSE, DOG KENNEL LANE, HALESOWEN, WEST MIDLANDS</b>
Proposal	<b>OUTLINE RESIDENTIAL (DETAILS OF SITING, DESIGN, EXTERNAL APPEARANCE OF THE BUILDINGS AND LANDSCAPING OF THE SITE RESERVED FOR SUBSEQUENT APPROVAL).</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO A 106 AGREEMENT</b>

### **SITE AND SURROUNDINGS**

1. The application site is located approximately 300m from the junction of Grange Road and Dogkennel Lane, within a predominantly residential area, and is within walking distance of Halesowen town centre. The site, 1 hectare in area and within an area of Linear Open Space, is currently occupied by a vacant 1970's four storey flat-roofed office building surrounded by large areas of car parking. To the north of the site is a car park and open grassed area belonging to a police station/magistrates court, whilst to the east mature landscaping separates the site from the River Stour. Opposite the site, to the south, is a row of bungalows on Dogkennel Lane, and to the west are the long rear gardens of detached houses on Laurel Lane. The site slopes from north to south and also west to east towards the River Stour.

## PROPOSAL

2. Outline consent is sought for residential development at the site, with all matters reserved for subsequent approval except for access. An indicative layout has been submitted to demonstrate how a development could be achieved at the site – this plan shows 78 units of varying type ( houses and apartments ) and storey heights ( from 2 storey up to 4 storey ). Access into the site is proposed to be provided by utilising the existing access points into the site. The layout has been prepared in order to demonstrate how development can take place at the site taking into account the character of the surrounding area and . Whilst permission is not sought for the layout, it is being sought for the principle of high density development at the site.
3. The application is accompanied by a report commenting on the marketability of the existing office building for continued office use and the future potential for redevelopment for employment purposes. The report concludes that there is currently an oversupply of office accommodation in the Halesowen area and that the loss of the use would have an insignificant overall effect on office accommodation provision within the Borough. A Transport Assessment has also been submitted which concludes that the proposal will not result in any significant material increase in vehicular movements at the site and is likely to result in an overall reduction.
4. A bat survey has been submitted which identifies that there is a roost in the existing building. The roost is classed as of relatively low nature conservation significance. A licence will be required from DEFRA for the demolition of the building. The licence application will require a mitigation strategy to be prepared with the objectives of avoiding harm to the bats during demolition works and providing an alternative roost site that are secure for the long term use of the local bat population. A flood risk assessment has also been submitted which concludes that, in respect of potential flood risk, the site is suitable for most types of development.

## HISTORY.

5.

APPLICATION No.	PROPOSAL	DECISION	DATE
P04/1423	Erection of 108 Apartments	Withdrawn	April 2005

6. Application P04/1423 sought consent for an apartment development at this site which Officers considered to be unacceptable because of its adverse impact on the character of the area ( due to the mass, scale, layout and design of the scheme ). The application was withdrawn by the applicants and therefore not reported to Committee for determination.

## PUBLIC CONSULTATION

7. 11 letters of representation have been received in response to the neighbour notification exercise. The following comments, material to the determination of the application, have been made:

- no objection in principle to a development consisting of a mix of housing types;
- the scheme shown on the submitted plans is an overintensive form of development of the site;
- the development of apartments at the site would not be in keeping with the area;
- potential loss of privacy at nearby properties;
- the development will lead to increased traffic movements and on-street parking in the vicinity of the site.

## OTHER CONSULTATION

8. **The Head of Environmental Protection**: no objection to the proposal.

9. **The Environment Agency:** no objection in principle to the proposal, but recommends the imposition of a number of conditions to mitigate against flood risk and contamination, if permission is granted.

## RELEVANT PLANNING POLICY

10. **National Planning Policy**

PPG3 (housing

PPS3 draft

11. **Adopted UDP**

Policy S2 ( Creating A More Sustainable Borough )

Policy DD6 ( Access And Transport Infrastructure )

Policy DD8 ( Provision of Open Space, Sport and Recreation Facilities )

Policy NC6 ( Wildlife Species )

Policy EE3 ( Existing Employment Uses )

Policy H3 ( Housing Assessment Criteria )

Policy H4 ( Housing Mix )

Policy H5 ( Affordable Housing )

Policy EP4 ( Development In Floodplains )

Policy S02 ( Linear Open Space )

Policy H1 (new housing development)

Policy H6 (Housing Density)

Policy DD1 Urban Design

Policy DD4 (Development in Residential Areas)

Policy DD7 (Planning Obligations)

## ASSESSMENT

12. Policy EE3 of the UDP states that planning permission will not be granted to redevelop for another use sites in employment uses except where the applicant can

demonstrate that there is no demand for such premises or sites. The loss of the existing office building at the site is acceptable as the applicants have satisfactorily demonstrated that there is an oversupply of office accommodation in the Halesowen town centre area, and that there is little demand to reuse the building for office purposes. The proposal therefore conforms with Policy EE3 in this respect. Policy S2 of the UDP advises that the Council's aim of creating a more sustainable Borough can be achieved by promoting the reuse and regeneration of underused and vacant land for beneficial use. The redevelopment of this site for housing purposes is consistent with the aims of this policy.

13. PPG3 advises that, in order to increase housing densities on previously-developed land in urban areas and to provide more sustainable forms of development, local planning authorities should seek greater intensity of development ( above 50 dwellings per hectare ) at places with good public transport accessibility such as near town centres or within the walkable catchment of town and local centres and public transport corridors. The proposed development as shown on the illustrative layout, on a site which is within walking distance of Halesowen Town Centre and close to public transport routes, has a density of 78 dwellings per hectare. High density development at this site therefore conforms in principle with the requirements of PPG3. At the reserved matters stage the scheme will be assessed with regard to the aims of Policy H4 of the UDP which requires new developments of 20 dwellings or more to provide a mix and balance of dwelling types and sizes to cater for a range of household needs.
14. Policy S02 advises that new development proposals will not be permitted if they would prejudice the character or intended function of Linear Open Spaces. The existing Linear Open Space Corridor along the River Stour would be maintained by a development similar to that shown on the indicative layout and as such there is no conflict in principle with Policy S02. Policy NC6 seeks the submission of measures to protect rare and vulnerable wildlife species from development that is likely to have adverse effects on their habitat - the submitted bat survey contains mitigation measures to be incorporated into the development to compensate for the loss of the bat roost in the existing building at the site. There are a number of significant trees at the site, primarily at the site's frontage and on the boundary with the River Stour.

At the reserved matters stage an assessment will be made of the likely impact of the development on these trees, which contribute to the character of the area and should, as far as possible, be retained as part of any redevelopment proposals.

15. Policy DD6 requires that all new development should be appropriate in scale to the existing transportation infrastructure of the immediate area, and should make adequate and safe provision for access and egress by vehicles. The applicant's submitted Transportation Assessment concludes that residential development at the site of the scale shown on the submitted layout plan would not result in increased traffic generation at the site, and that no mitigating sustainable transport measures would not be required to serve the development as the site is well located to make use of local facilities and public transport facilities. The HTRS has not commented on the scheme and it is therefore assumed that the proposed reuse of the existing access into the site is acceptable.
16. The Environment Agency has confirmed that the conclusions of the applicant's flood risk assessment are sound. The mitigation measures set out in the report and conditions suggested by the Agency should ensure that any future development should not be at risk from flooding of the River Stour. Policy EP4 of the UDP states that development will not be permitted in areas liable to flood unless appropriate mitigation measures can be incorporated into the development proposal. The Environment Agency has confirmed that a risk-free development can be achieved in this case.
17. Policy H5 advises that on 'suitable' housing sites ( i.e. of more than 25 dwellings or greater than 1 hectare ) 30% of the dwellings to be provided should be 'affordable'. Policy DD8 requires that new developments ( above 5 units ) should contribute to recreation facilities/open space in the wider area in line with the increase in users caused by the development. Should permission be granted a Section 106 Agreement will be required in respect of contributions to both affordable housing and recreation/open space facilities.

18. Policy H3 sets out criteria against which the suitability of a residential proposal should be assessed, which include the re-use of vacant sites that are not required for any other use, accessibility in relation to public transport, cycling and walking, ability to contain physical and environmental impacts to an acceptable level, and ability of the development to avoid creation of unacceptable levels of conflict with existing site, or neighbouring uses or environmental attributes. The proposed redevelopment of the site for residential purposes is considered to be acceptable in respect of all of these criteria.

## CONCLUSION

19. The application constitutes the re-use for residential purposes of previously-developed, vacant land close to a town centre and is therefore entirely appropriate in principle. The proposal complies with Policies S2, DD6, NC6, EE3, H3 and EP4 of the adopted UDP and the relevant advice given in PPG3, and as such approval is recommended.

## RECOMMENDATION

20. It is recommended that the application be approved subject to:
- a) The applicant entering into a Section 106 Legal Agreement for 1) a contribution to off-site public open space enhancement and the provision of childrens play area, and 2) affordable housing in accordance with the Council's approved policy or as agreed by the Director of the Urban Environment in the event of this affecting the financial viability of the development;
  - b) in the event that the Section 106 agreement has not been completed within two months of the resolution to grant approval, the application will be refused if appropriate);
  - c) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary:

Conditions and/or reasons:

1. Approval of the details of the siting, design and external appearance of the buildings and the landscaping of the site ( hereafter called the 'reserved matters' ) shall be obtained from the local planning authority before any development is begun.
2. Application for reserved matters approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission; and the development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
3. This outline permission does not relate to the layout, or authorise the erection of any buildings, shown on the plans accompanying the application.
4. None of the dwellings shall be occupied until works for the disposal of foul and surface water drainage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Local Planning Authority.
5. Development shall not begin until details of plans and sections of the lines, widths, levels, gradients and form of construction of service/access roads and drainage systems have been submitted to and approved by the local planning authority.
6. Development shall not begin until details of the existing and proposed levels of the site, which should be related to those of adjoining land and highways, have been submitted to and approved by the local planning authority.
7. None of the dwellings hereby approved shall be occupied until the parking spaces at the site have been surfaced and marked out. The spaces shall thereafter be retained in perpetuity and used for no other purpose than the parking of vehicles
8. Development shall not begin until details of the type, texture and colour of materials to be used in the external elevations have been submitted to and approved by the local planning authority.
9. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.
10. All planting, seeding or turfing comprised in the details of landscaping approved in accordance with condition 9 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees, hedgerows or plants contained in the approved planting scheme which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
11. No buildings or structures ( including gates, fences and walls ) shall be erected or ground levels raised within a) 8m of the top of any bank of watercourses and/or b) 5m of any side of an existing culverted watercourse, inside or along the boundary of the site unless otherwise agreed in writing by the local planning authority



12. Prior to being discharged into any watercourse, surface water sewer or soakaway systems, all surface water drainage from parking areas and hardstandings shall be passed through gullies with an overall capacity compatible with the site being drained
13. No development shall commence until details of the proposed boundary treatment of the site have been approved in writing by the local planning authority