

PLANNING APPLICATION NUMBER:P05/2415

Type of approval sought	Full Planning Permission
Ward	Hayley Green & Cradley South
Applicant	Marklew Smith Homes Ltd
Location:	CORNER OF UFFMORE AND, HAGLEY ROAD, HALESOWEN, WEST MIDLANDS, B63 1DG
Proposal	RESIDENTIAL DEVELOPMENT OF 18 APARTMENTS WITH ASSOCIATED PARKING
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The application site, located at the junction of Hagley Road and Uffmoor Lane, is currently occupied by a car showroom and ancillary buildings. This is a typically suburban area characterised by predominantly semi-detached housing, although there is a small industrial unit immediately adjacent the application site to the west. The site area is 0.2 hectares.

PROPOSAL

2. It is proposed to demolish the existing buildings at the site and to erect 2no. two storey apartment blocks forming 18no. 2-bed apartments (at a density of 85 dwellings per hectare), with frontages to both Hagley Road and Uffmore Lane. Vehicular access to the site is from Uffmoor Lane,. The submitted plans show a total of 21 parking spaces for the proposed apartments.

HISTORY

3.

P05/0035 Development 18no.units	Residential of	Refused	March 2005
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4. Application P05/0035 proposed a two/three storey apartment block on the corner of Hagley Road and Uffmore Lane, and a two storey block on the Uffmoor Lane frontage, forming 18no,apartments in total. The application was refused by Committee for the following reasons:

'The proposed scheme, by reason of its scale and density, would be an overintensive form of development at this site thereby having an adverse impact on the street scene. Additionally the scheme fails to make adequate and safe provision for access and egress by vehicles. As such the proposal is contrary to Policies 39, 53, 85 and 98 of the adopted Unitary Development Plan'.

PUBLIC CONSULTATION

5. Two letters of objection from residents of Uffmoor Lane have been received, raising the following concerns:

- The proposed buildings are out of keeping with the area;
- The scheme fails to provide sufficient off-street parking;
- The development would adversely impact on residential amenity.

6. Two letters of support for the scheme have been received from residents of Uffmoor Lane, who consider that the existing garage building at the site is an 'eyesore'. The

residents wish to see the garage removed from the site because of problems with noise disturbance and on-street parking from customers.

OTHER CONSULTATION

7. **Head of Traffic and Road Safety:** no objection to the proposal.
8. **Head of Environmental Protection:** advised that the B2 use adjacent the application site has the potential to cause noise nuisance to future occupants of the proposed buildings, and has therefore requested that a noise survey be submitted to demonstrate that the site is suitable for residential use. It was also recommended that contaminated land conditions are attached (conditions 7 & 8).

RELEVANT PLANNING POLICY

9. **Unitary Development Plan**
Policies DD1, DD4, and H6 of the Revised Deposit UDP.
10. **Planning Policy Guidance**
PPG3 (Housing)

ASSESSMENT

11. PPG3 encourages the redevelopment of previously-developed land within the urban area for housing purposes, whilst Policy H6 of the UDP states that residential development will be encouraged to achieve the highest possible density taking into account factors such as the requirements to make full and efficient use of land, the local context, and the principles of good residential design. By their very nature applications for flatted development are high density, and at this particularly small and constrained site any proposal which makes full use of the land available will be of a high density. With regard to the advice given in PPG3 and Policy H6 of the UDP it is therefore considered that the principle of the redevelopment of this site for high density development is entirely acceptable. The proposal offers the opportunity

to remove a non-conforming use from this residential area, with obvious benefits to the amenities of nearby residents and the visual quality of the environment. The site is located on a good quality public transport corridor.

12. The site occupies a prominent position. The previous application at the site was partly refused due to Members' concerns over the scale of the development in relation to existing properties in the area. This proposed development is entirely two storey, with roof pitches matching those of houses in Uffmoor Lane, whilst the design of the buildings maintains the appearance of individual properties. It is therefore considered that this development is more in keeping with the wider area in terms of its scale and design than the previous scheme.
13. Parking provision is in accordance with supplementary planning guidance requirements. The HTRS has confirmed that that the proposed site access is acceptable.
14. PPG3 advocates the relaxation of development plan standards where a proposal involves the re-use of previously-developed land in order to ensure that the area of the site available for housing is maximised. In this case the lack of amenity space provision is acceptable given that the site is so constrained, and to provide any meaningful amenity space in accordance with supplementary planning guidance standards would reduce the area of the site available for the built form of development.
15. The UDP does not set a standard for minimum distances between front-facing habitable rooms at new developments and existing properties. In this case the proposed apartments and houses on the opposite side of Uffmoor Lane are approximately 21m apart. It is considered that the distance separation proposed is sufficient to ensure that the development would not have any adverse privacy impacts on occupants of properties on Uffmore Lane.
16. The applicant has submitted a noise survey as requested. At the time of producing this report Environmental Protection Officers are assessing the submitted

information – their comments on the survey will be reported to Members in the pre-committee note.

CONCLUSION

17. Policy DD1 of the UDP requires all development to apply principles of good urban design and to make a positive contribution to the character and appearance of the area. Policy DD4 states that development in residential areas will only be allowed where there would be no adverse effect on the character of the area or upon residential amenity, and where the scale of the development would be in keeping with the surrounding area. The proposed scheme is in accordance with the aims of these policies and Policy H6 in respect of density.

RECOMMENDATION

17. It is recommended that the application be approved subject to:
 - a) Confirmation from the Head of Environmental Protection that the submitted noise survey demonstrates that a satisfactory living environment can be provided at the site in respect of the adjacent B2 use;
 - b) The applicant entering into a Section 106 Legal Agreement for a contribution to off-site recreational public open space enhancement;
 - c) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary;
 - d) 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:

18. Reason for Approval

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Unitary Development Plan and to all other material considerations.

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. 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.
3. 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.
4. The buildings shall not be occupied until the area shown for car parking on the plan attached hereto has been graded, levelled, surfaced, drained and marked out, and that area shall not thereafter be used for any purpose other than the parking of vehicles.
5. 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.
6. No development shall commence until details of the methods of disposal of surface water and foul sewage works have been submitted to and approved in writing by the local planning authority, and the works shall only be carried out in accordance with the approved plans.
7. The development hereby approved shall only take place in accordance with plan drawing No.s xxxx unless otherwise agreed in writing by the Local Planning Authority.
8. Development shall not begin until a scheme for protecting the proposed dwellings from noise from traffic using Hagley Road 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.
9. Mechanical background ventilation to comply with the requirements of current building regulations shall be provided to all habitable rooms located within 15 metres of any window in the façade of the adjacent factory.
10. 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.
11. 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.