

PLANNING APPLICATION NUMBER:P11/0178

Type of approval sought	Full Planning Permission
Ward	BELLE VALE
Applicant	Mrs Kate Plant
Location:	19, BANNERS LANE, HALESOWEN, B63 2SD
Proposal	DEMOLITION OF EXISTING BUILDING AND ERECTION OF 6NO. DWELLINGS AND ASSOCIATED WORKS
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The application site is 1335 sq metres in area and contains an incomplete three storey pitched block containing 11, two bedroom apartments, parking and rear garden area. The site is currently fenced off from Banners Lane as the apartment block was subject to an arson attack and has been left part completed and redundant for some time. The original developers of this site have gone into receivership and the site has been sold to the current applicants. At the rear of the apartment block there is an overgrown area that contains an abandoned caravan which has become visually untidy.
2. Adjoining the site on its eastern and southern boundaries is the new residential development by Taylor Wimpey. On the opposite side of Banners Lane to the west are residential properties and to the north is a car sales/service business.
3. Due to the appearance of the burnt out apartment block, the site is in a poor visual condition and at present detracts from the street scene.

PROPOSAL

4. The proposed development would provide for the demolition of the apartment block and the erection of 6, three bedroom houses in two terraces of three, off road parking and rear gardens. One terrace block will face onto Banners Lane with three frontage parking spaces and the second will be located at the rear of the site overlooking the main car parking area and facing south towards the existing housing development. Each property would have 2 allocated parking spaces and rear gardens would vary from a minimum 10m up to 15m in length.
5. The application is accompanied by a noise impact assessment report and a design and access statement.

HISTORY

6.

APPLICATION No.	PROPOSAL	DECISION	DATE
P05/0740	Demolition of existing public house and erection of apartment block	Allowed at Appeal	18.04.06

The development commenced under the above appeal decision, did so without the discharge of pre-commencement conditions before the expiry of the planning permission. This renders the development that exists at the site unauthorised.

PUBLIC CONSULTATION

7. The application was advertised by way of site notice and neighbour notification. Public consultation time expired 21 March 2011, no objections were received.

OTHER CONSULTATION

8. Group Engineer (Development) – No objections subject to the provision of the off street parking and the requisite planning obligations.
9. Head of Environmental Health and Trading Standards – No objections subject to conditions relating to contaminated land and the provision of an acoustic barrier.

RELEVANT PLANNING POLICY

10. Regional Planning Guidance
 11. The High Court Decision on 10th November 2010 in respect of the challenge by Cala Homes (South) Ltd (2010 EWHC 2866) quashed the Government's decision on 6th July 2010 to revoke the Regional Strategies. As a consequence the West Midlands Regional Spatial Strategy forms an ongoing part of the development plan.
 12. The Chief Planner at the Department for Communities and Local Government wrote to all local authorities setting out that the Secretary of State expected them, and the Planning Inspectorate, to have regard to his letter of 27th May 2010, announcing his intention to abolish the Regional Strategies, as a material consideration in planning decisions.
 13. However as the Regional Strategy still forms part of the development plan until it is abolished the following policies are considered relevant to the material consideration of this planning application:
 - QE3 Creating a high quality built environment for all.
- Black Country Joint Core Strategy
- DEL1 Infrastructure Provision
 - TRAN2 Managing Transport Impacts of New Development

- TRAN5 Influencing the Demand for Travel and Travel Choices
- CSP1 The Growth Network
- CSP2 Outside the Growth Network
- HOU1 Delivering Sustainable Housing Growth
- HOU2 Housing Density, Type and Accessibility

Dudley Unitary Development Plan

- DD1 Urban Design
- DD4 Development in Residential Areas
- EP7 Noise Pollution
- UR9 Contaminated Land

Supplementary Planning Document

- New Housing Development – A Guide to Establishing Urban Context
- Parking Standards and Travel Plans
- Planning Obligations
- Nature Conservation

Supplementary Planning Guidance

- Planning Guidance Note 3 – New Housing Development
- Planning Guidance Note 12 – The 45 Degree Code

National Planning Guidance

- Planning Policy Statement 1 – Delivering Sustainable Development
- Planning Policy Statement 3 – Housing
- Planning Policy Statement 23 – Planning and Pollution Control

ASSESSMENT

14. The key issues for consideration in this application are as follows:

- Principle
- Density
- Residential Amenity
- Design
- Highways & Parking
- Nature Conservation
- Planning Obligations

15. Principle

The site has a previous approval for the existing residential apartments and it is considered that the principle of residential development has been established in the past with the previous planning approval, since when no material change in circumstance has arisen. The principle of redeveloping the site for residential housing is therefore acceptable and in compliance with Policies DD4 and HOU1.

16. Density

The proposed scheme would result in development at a density of 45 dwellings per hectare (dph). The immediate area is characterised by detached, semi-detached and terraced dwellings within a range of 74dph to 89dph. As such the proposed plot sizes are considered to be appropriate to the context and character of the surroundings. The density is therefore in compliance with Policy HOU2.

17. Residential Amenity

The development comprises of 6, 3 bed houses in two rows of three with rear gardens and dedicated vehicular parking. Garden depths range from 10m up to 15m and all of the gardens would have gates to access rear gardens. The positioning of the three plots on the Banners Lane frontage would provide continuity to the existing street scene, with plot 202 providing a dual aspect elevation to add

interest and provide surveillance to the adjoining parking area. Plots 203-205 would overlook the parking area providing natural security.

18. The flank wall of plot 205 would be separated from the rear of plots 91 and 92 by 12.5m and 13m respectively. A distance of 14m would normally be expected between these dwellings, however, there is an existing 3m high boundary fence to the rear boundary of plots 91 and 92 and the proposed plot 205 would be set in 1m from the boundary to allow for a side access passageway. Given this relationship, the distance between properties is considered to be acceptable.
19. The front elevations of the proposed plots 203 – 205 would be separated from the garden and side elevation of plot 77 by the proposed parking area, 2m high boundary fence, a right of way and the boundary fencing enclosing the garden at a separation distance of between 10m and 13m. Separation between the fronts of properties is, however, considered to be of less importance to outlook and amenity. Taking into account the burnt out nature of the existing three storey apartment building and its replacement with a two storey housing scheme, the development is not considered to adversely impact upon residential amenity, in accordance with policy DD4.

20. Design

The proposed development would be of traditionally styled brick built dwellings that would be appropriate to the context of the area and would match the house types of the adjacent Taylor Wimpey development. It is therefore considered that the proposed scheme would improve the visual appearance of the site and the locality as a whole in compliance with UDP Policies DD1 and DD4.

Highways

21. There would be 2 no. off street spaces allocated for each plot. There are no highway objections subject to a condition relating to the provision of the off street parking prior to first occupation of the dwellings.

Nature Conservation

22. The site is a neglected burnt out apartment block with unkempt rear area that has limited ecological value. With the proposed onsite/offsite planning obligation there is an opportunity to enhance the areas wildlife potential in compliance with UDP Policy NC6.

Planning Obligations

23. Black Country Core Strategy Policy DEL1 'Infrastructure Provision' sets out the adopted policy framework for Planning Obligations within Dudley and the Planning Obligations SPD provides further detail on the implementation of this policy; these policy documents were prepared in accordance with national legislation and guidance on planning obligations.

Policy DEL1 requires all new developments to be supported by sufficient on and off-site infrastructure to serve the development, mitigate its impact on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

In addition to applying Policy DEL1 and the SPD, in identifying the required planning obligations on this application the following three tests as set out in the CIL Regulations (April 2010), in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:

- (d) necessary to make the development acceptable in planning terms;
- (e) directly related to the development;
- (f) fairly and reasonably related in scale and kind to the development.

In consideration of the above the required Planning Obligations on this application have been identified as follows and would need to be secured within a S106 Agreement:

- Libraries - £1148.34

- Open Space, Sport & Recreation (Set up) - £9050.15
 - Open Space, Sport & Recreation (Maintenance) - £4660.99
 - Public Realm - £2871.18
 - Transport Infrastructure Improvements - £2492.10
 - Nature Conservation – £694.20
 - Management and Monitoring Charge - £1000.00
- Total offsite contribution contributes to £21916.93

24. The applicants, Taylor Wimpey, have stated that *'whilst in principle Taylor Wimpey is prepared to enter into a Section 106 Legal Agreement with the Council, we believe the total sum requested (£21,916.93) unreasonable in view of the special circumstances surrounding this site'*. Taylor Wimpey have submitted a financial appraisal of the proposed development and an update regarding this appraisal will be given at Committee. No discount is given to the existing structure and units on site because, as noted in paragraph 7. above, the development is unauthorised.

CONCLUSION

25. The siting and the external appearance of the dwellings are considered to be appropriate to the context of the proposed development. The proposed scheme makes full and efficient use of the land and maintains the character of the area. No adverse impact upon neighbours amenities sufficient to warrant refusal of the development will arise in accordance with adopted Core Strategy and UDP Policies.

RECOMMENDATION

26. It is recommended that the application be approved subject to the following conditions:

- a) The applicant entering into a Section 106 Agreement for a contribution towards the provision, maintenance and enhancement of off site public open space and play provision, nature conservation, libraries, public realm and transport

infrastructure improvements and a management and monitoring charge totalling £21916.93.

- b) The completion of the Agreement by 7 April 2011 and, in the event of this not happening, the application being refused if appropriate.
- c) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary.

REASON FOR APPROVAL

The siting and the external appearance of the dwellings are considered to be appropriate to the context of the proposed development. The proposed scheme makes full and efficient use of the land and maintains the character of the area. No adverse impact upon neighbours amenities sufficient to warrant refusal of the development will arise in accordance with adopted Core Strategy and UDP Policies.

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Dudley Unitary Development Plan (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 details on the decision, please see the application report.

NOTE TO APPLICANT

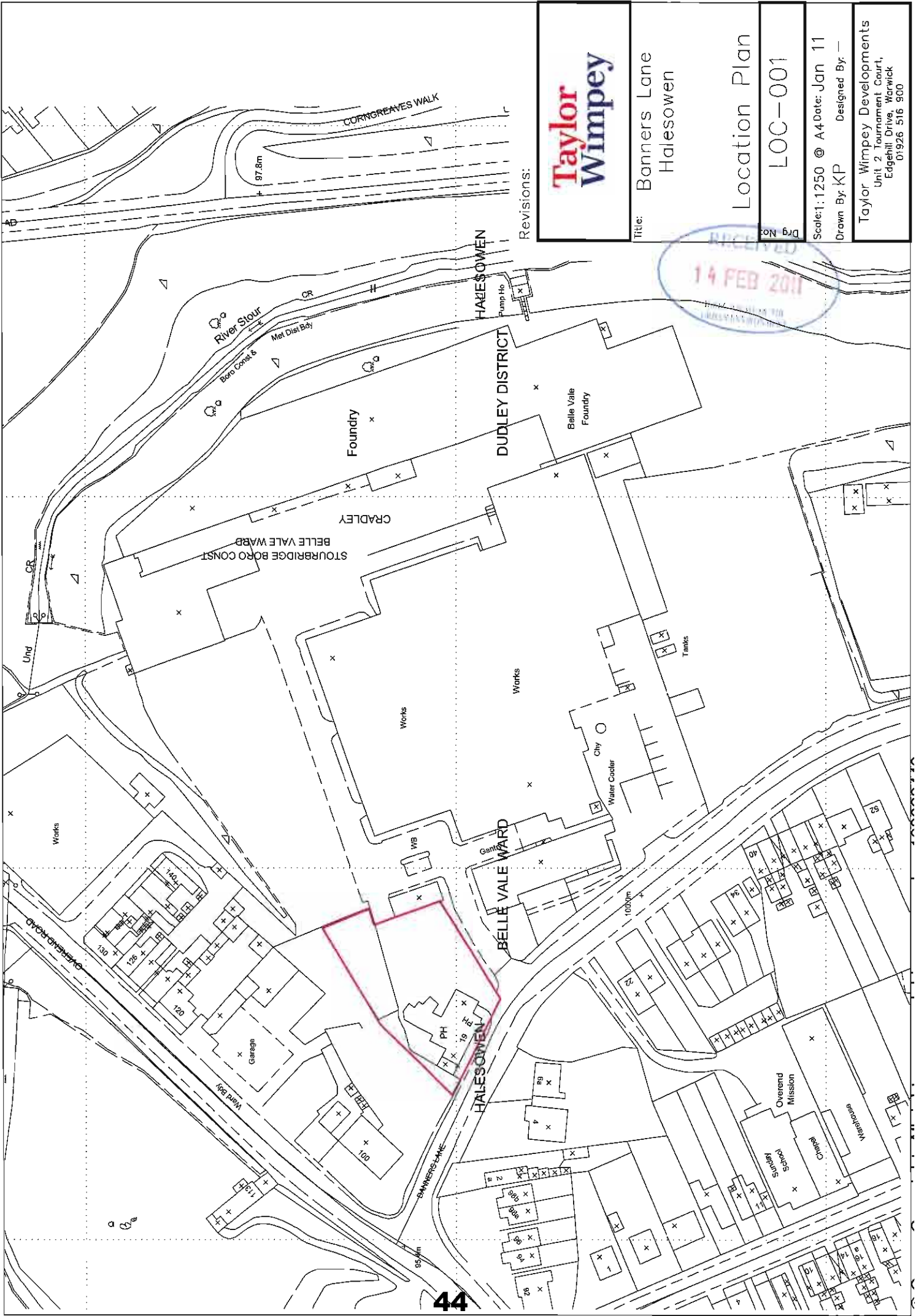
The granting of planning permission does not confirm the structural integrity of the proposed development. Local Planning Authorities do not have a duty of care to individual landowners when granting applications for planning permission and are not liable for loss caused to an adjoining landowner for permitting development. Sections 77 and 78 of the Building Act 1984, provides Local Authorities with powers to take action with respect to dangerous buildings/structures. Therefore, should the development raise concerns in the future with respect to its structural stability there

are powers under separate legislation to planning that would enable the situation to be rectified.

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. Prior to the commencement of development, details of the landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before the end of the first planting season following initial occupation of the development.
3. Prior to the commencement of development, details of the types, sizes and locations of the boundary treatments around the site and between the proposed plots shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be carried out in complete accordance with the approved details prior to the occupation of the dwellings hereby approved and thereafter retained for the lifetime of the development unless otherwise agreed in writing with the local planning authority.
4. Prior to first occupation of the dwelling, the means of access and parking areas will be provided in accordance with the approved details and graded, levelled, surfaced, drained and marked out. These areas will be maintained for no other purpose for the life of the development.
5. Prior to the commencement of development, details of the types, colours and textures of the materials to be used on the external surfaces of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
6. Prior to commencement of the permitted use, a scheme for a continuous acoustic barrier constructed along the western boundary of the site adjacent to the existing commercial premises of minimum height of 2 metres and minimum surface density of 10 kg/m² shall be submitted to and approved in writing by, the Local Planning Authority. All works which form part of the approved scheme shall be completed before first residential occupation and the barrier shall be retained throughout the life of the development.
7. The development hereby permitted shall be carried out in accordance with the following approved plans: 1A1276-01-01A, LDS178-01, CON-20-01, CON-30-01, WES-20-01, WES-30-01, SAL-20-01, SAL-30-01 and the 1:1250 Location Plan
8. No development shall begin until an assessment of the risks posed by any contamination has been submitted to and approved by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.
9. Where the approved risk assessment (required by condition 8) identifies contamination posing unacceptable risks, no development shall begin until a

- detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the local planning authority.
10. Unless otherwise agreed in writing with the LPA, the approved scheme (required by Condition 9) shall be implemented and a verification report submitted to and approved by the LPA, before the development (or relevant phase of the development) is first occupied/brought into use.



Revisions:



Title: Banners Lane
Halesowen

Location Plan

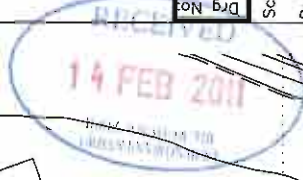
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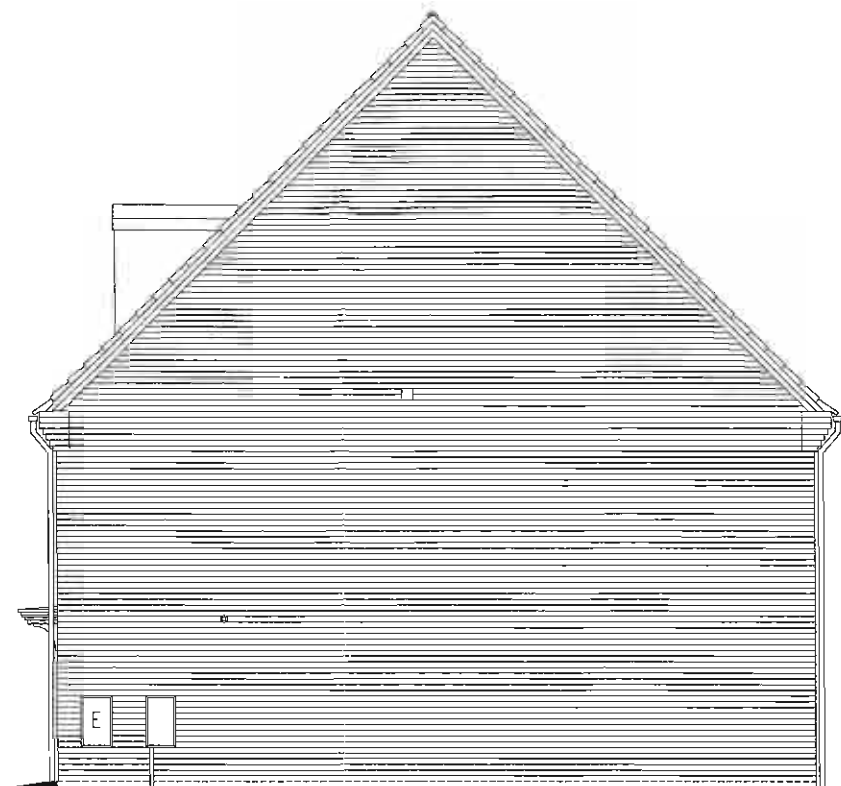
Taylor Wimpey Developments
Unit 2, Tournament Court,
Edgeshill Drive, Warwick
CV35 9DF



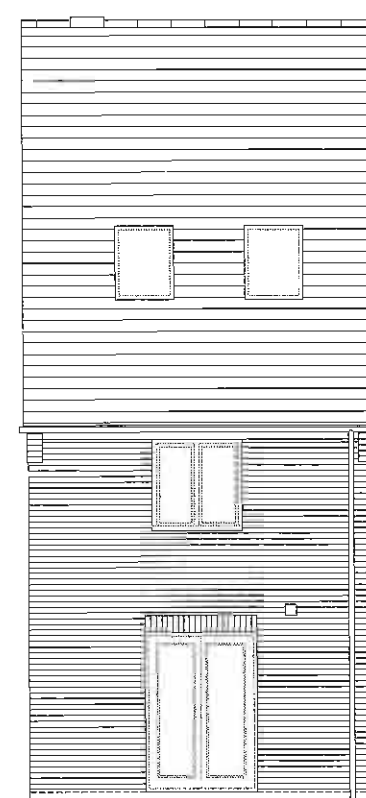
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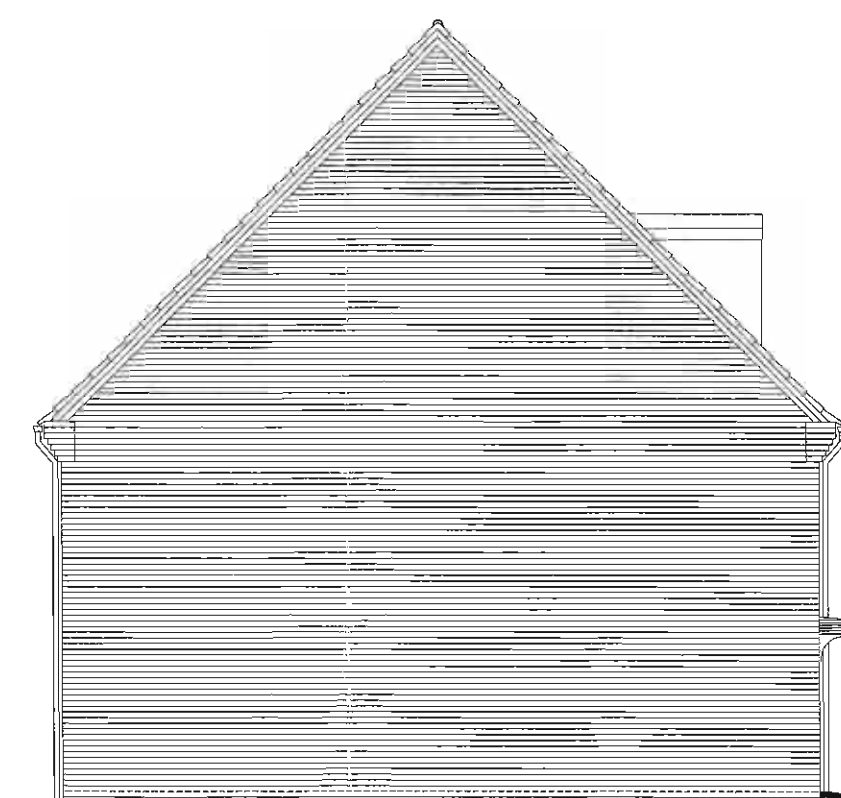
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

Revisions:

Taylor Wimpey

Title: Banners Lane
Halesowen
6 Plots

Salisbury Elevations

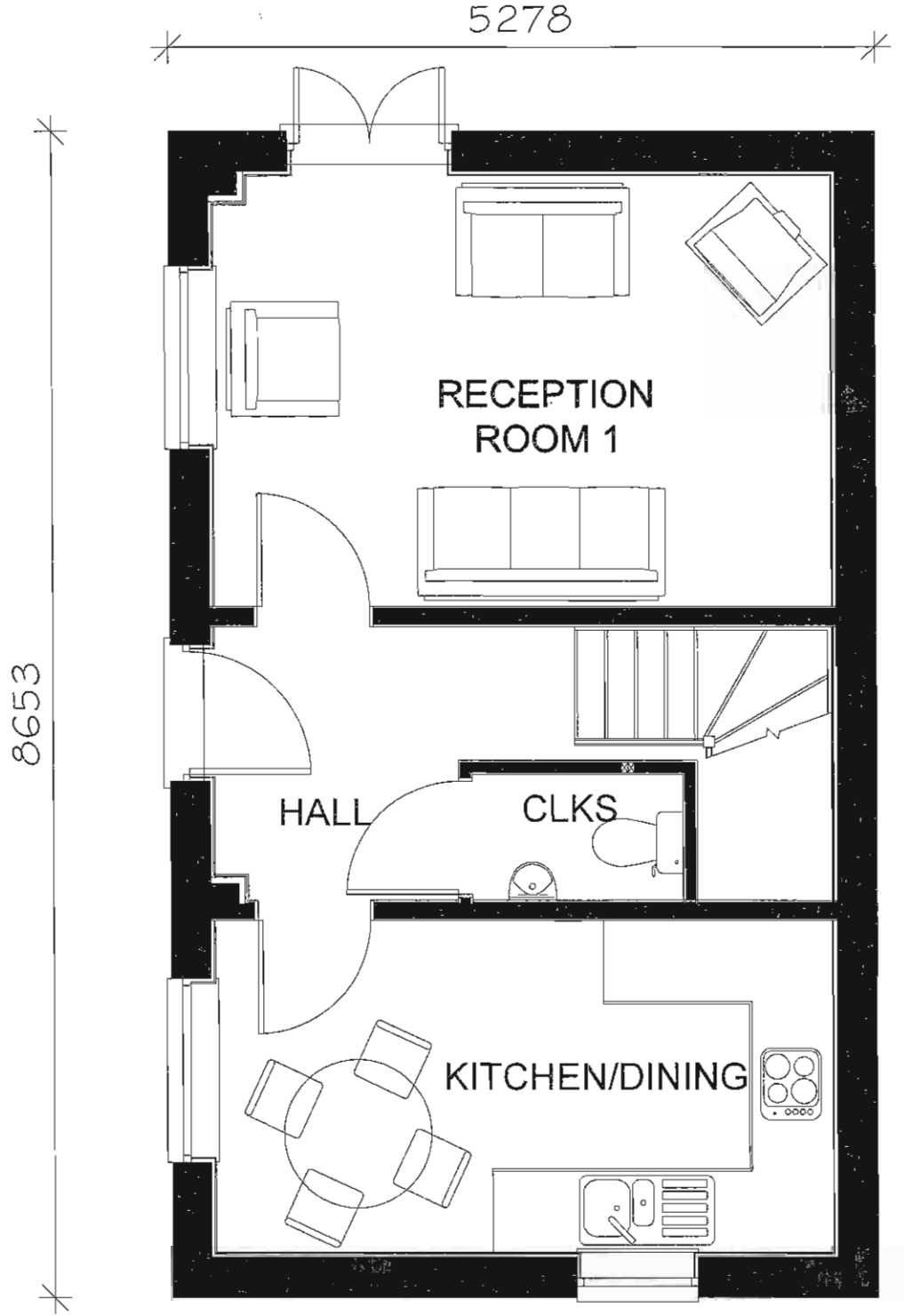
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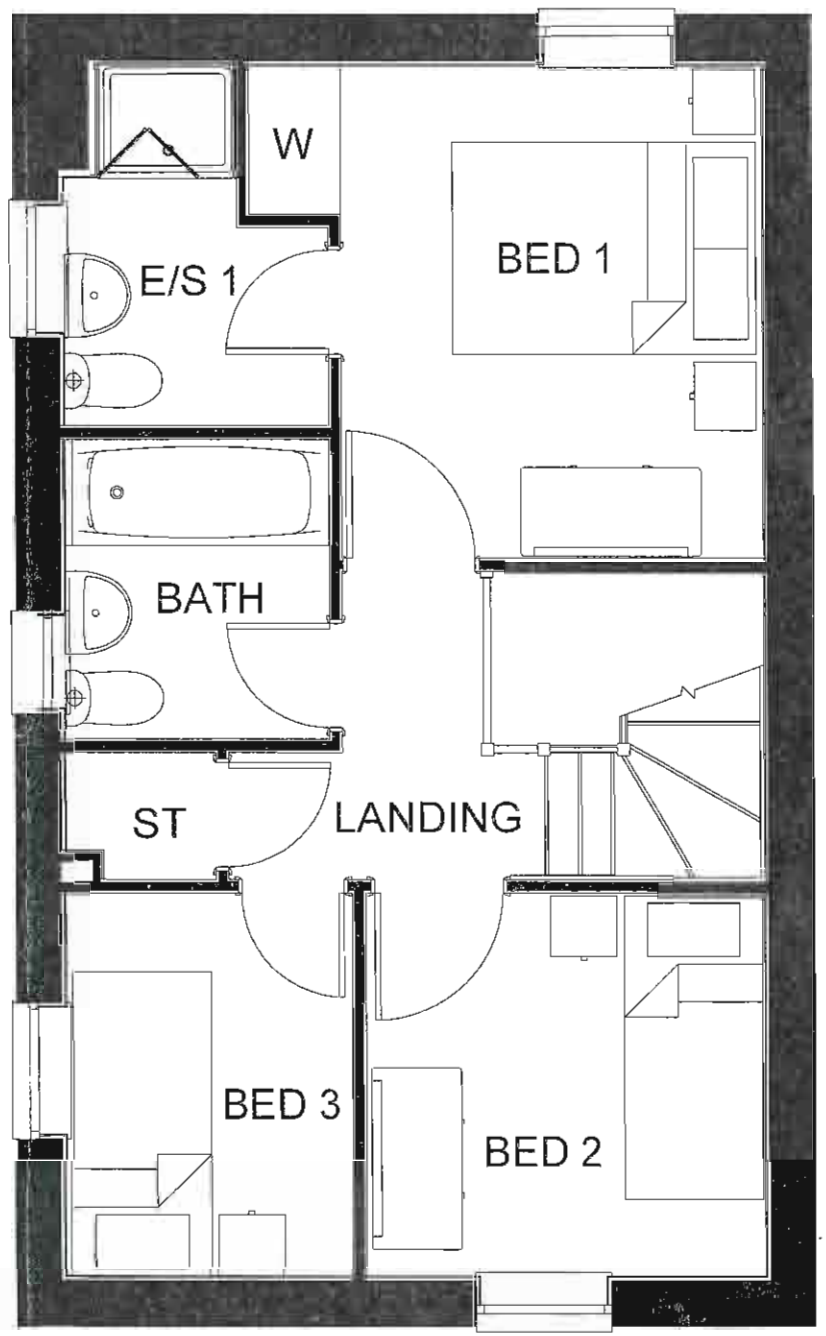
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CONSTRUCTION



Ground Floor



First Floor

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Halesowen
6 Plots

Conway Plans

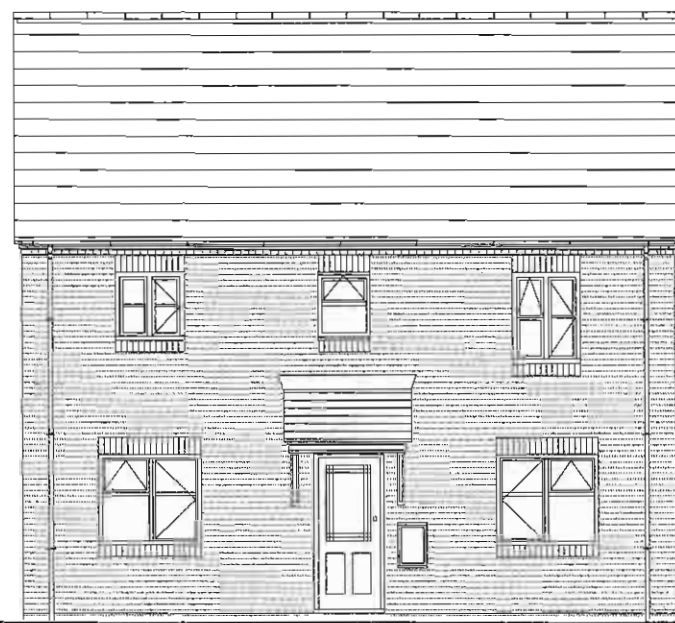
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Front Elevation



Side Elevation



Side Elevation

Revisions:

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Title: **Banners Lane
Halesowen
6 Plots**

Conway Elevations

Dwg No: **CON-30-01**

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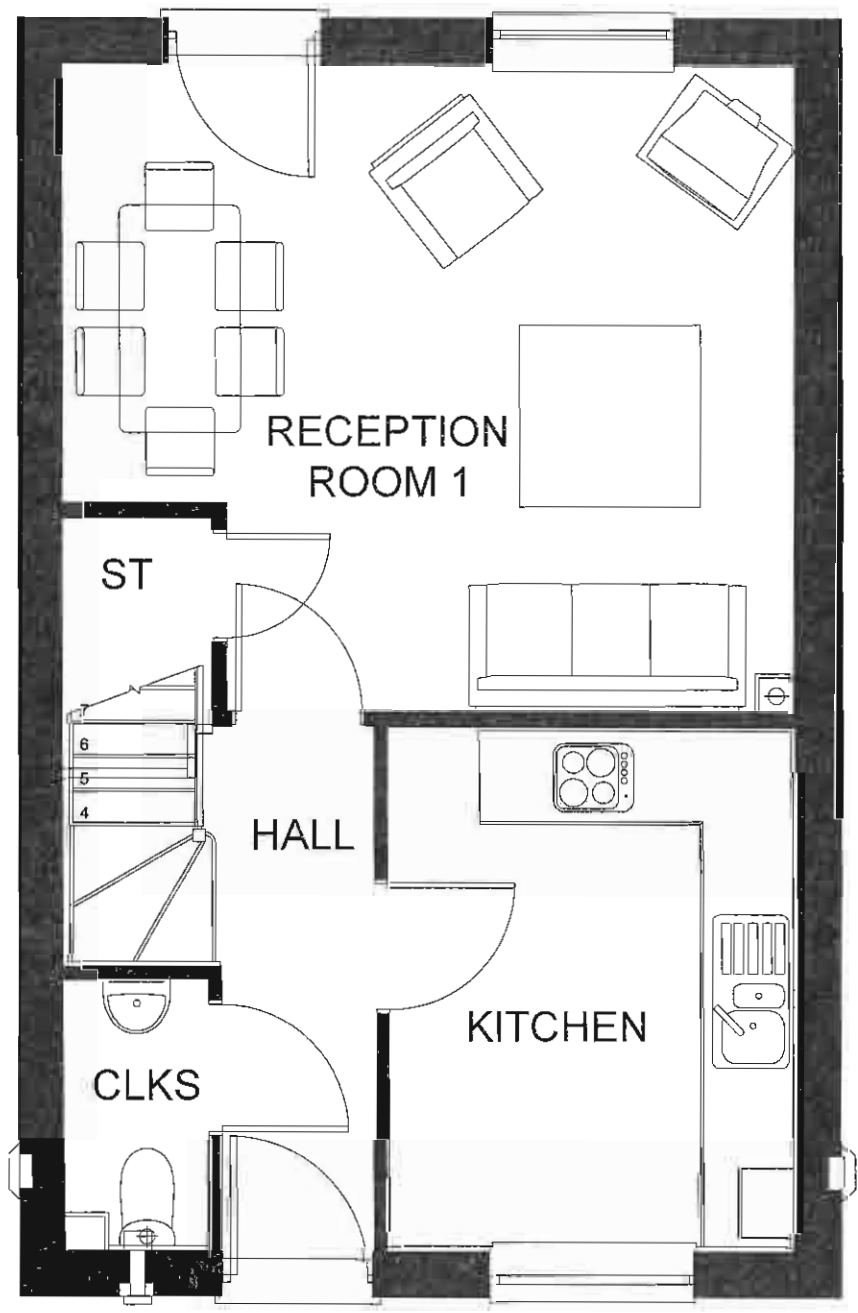
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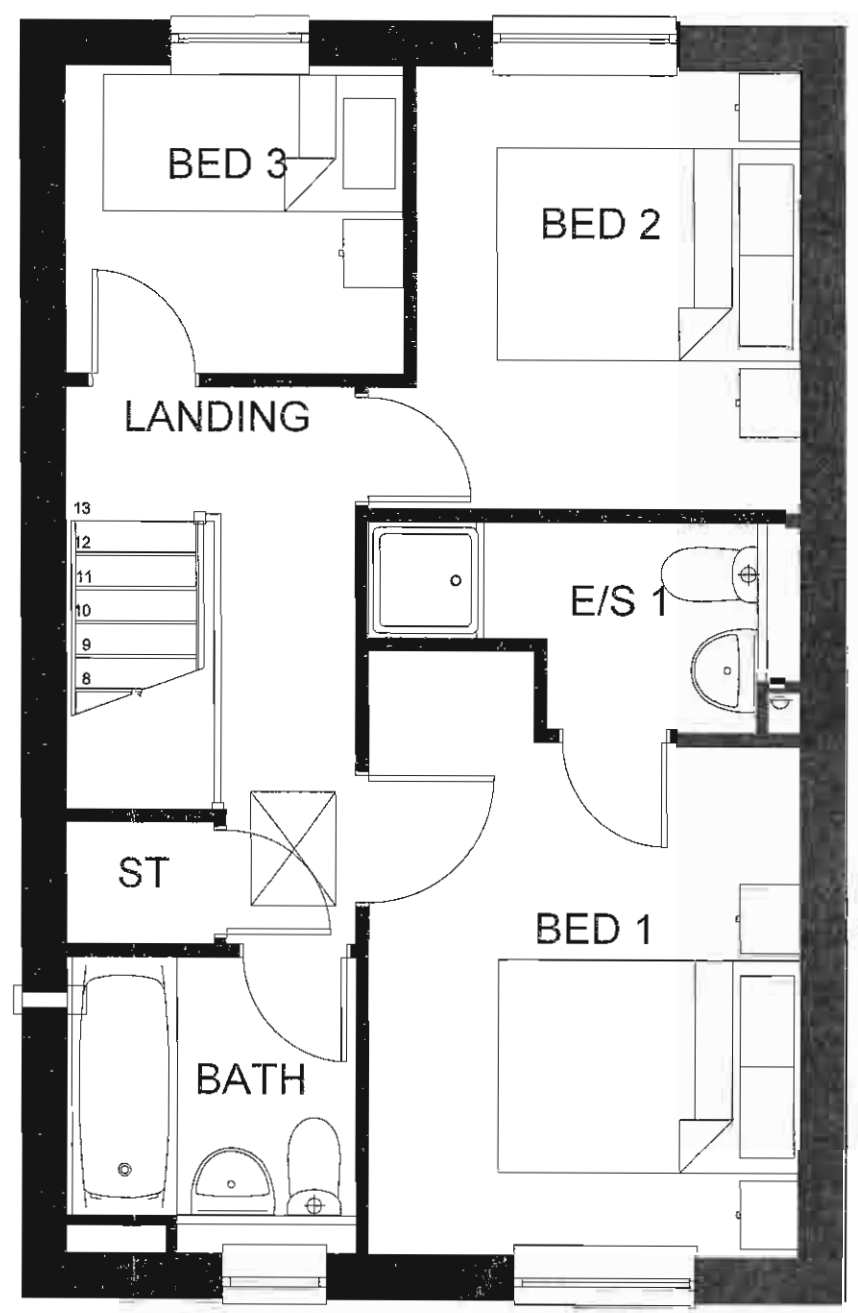


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8428



Ground Floor



First Floor

Revisions:



Title: Banners Lane Halesowen 6 Plots

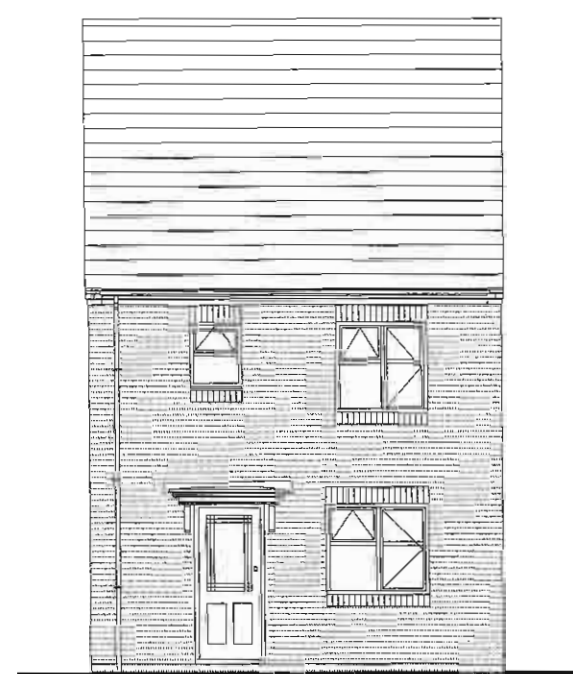
Wessex Plans

Dwg No: WES-20-01

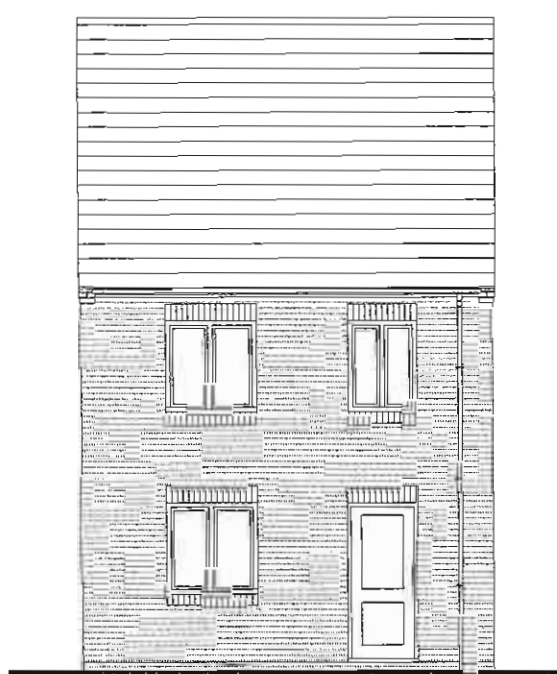
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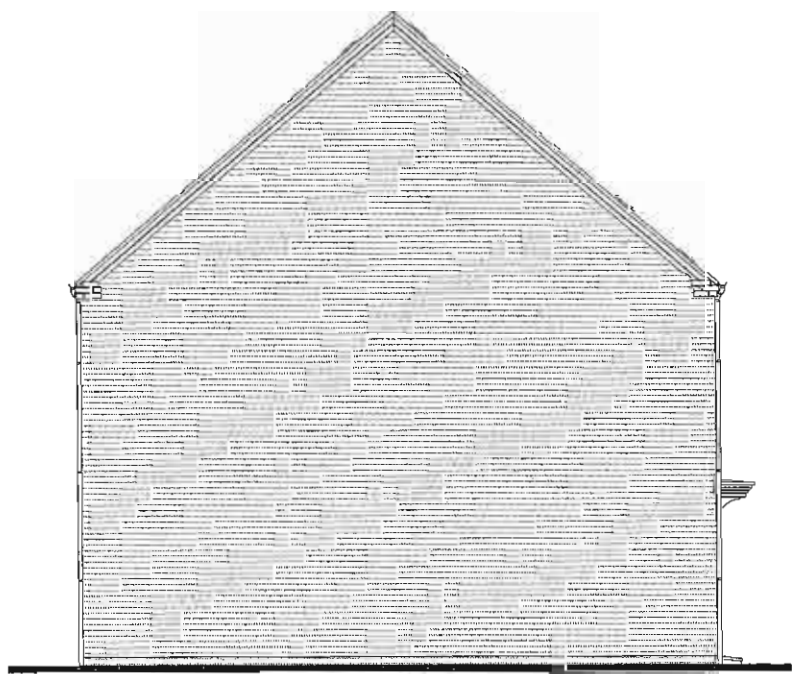
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Front Elevation



Rear Elevation



Side Elevation

Revisions:

Taylor Wimpey

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Halesowen
6 Plots

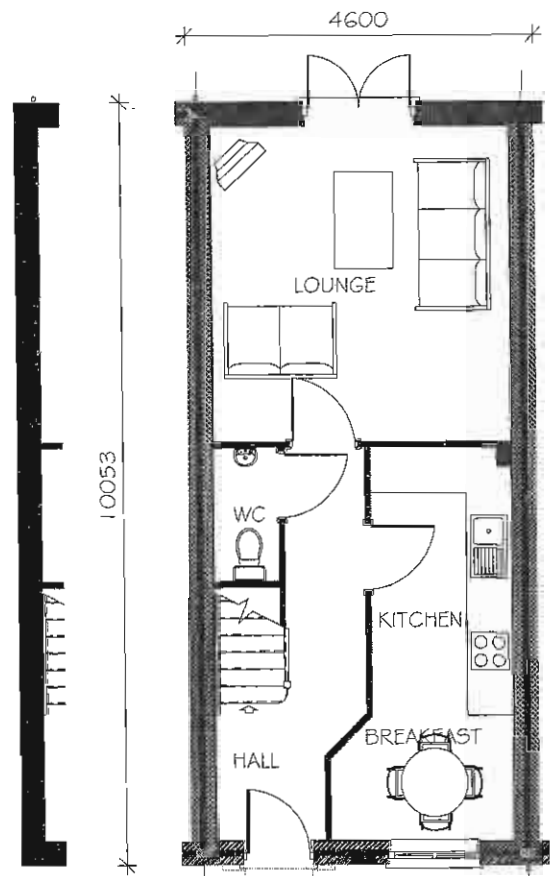
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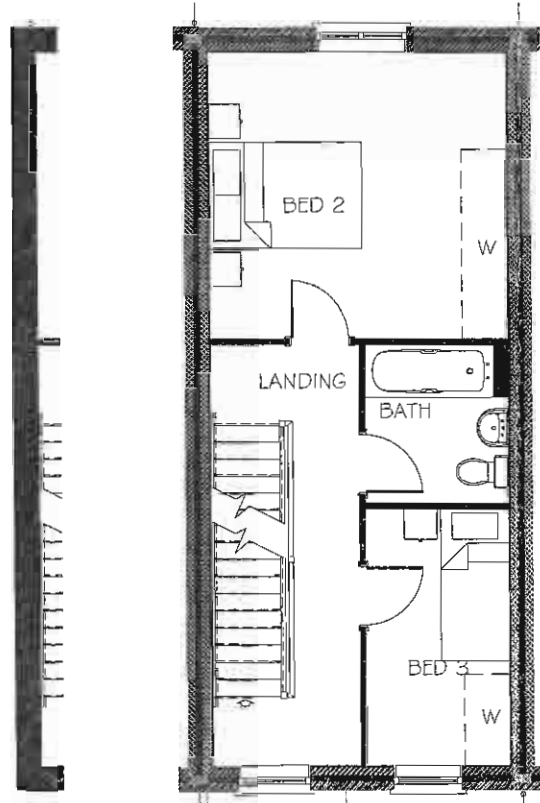
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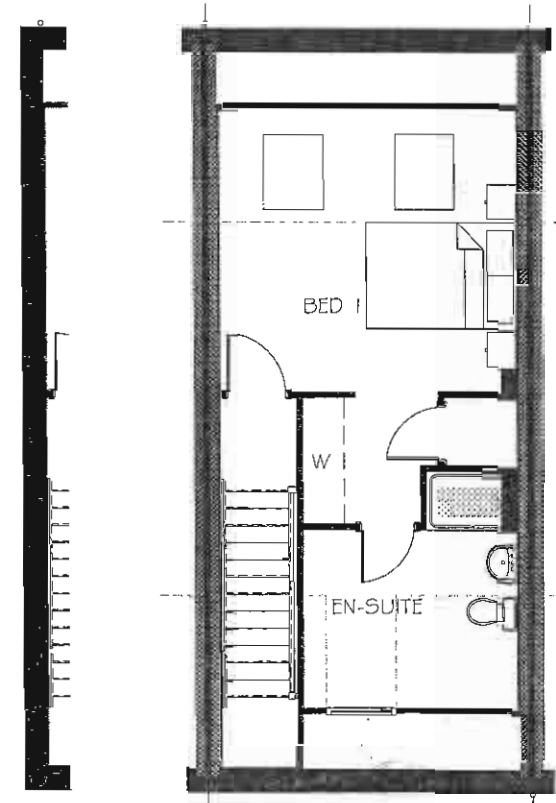
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GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN

Revisions:

Taylor Wimpey

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Halesowen
6 Plots

Salisbury Plans

Dwg No: SAL-20-01

Scale: 1:100 @ A3 Date: Feb '11

Drawn By: KP Designed By: -

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