

PLANNING APPLICATION NUMBER: P08/0366

Type of approval sought	Outline Planning Permission
Ward	Gornal
Applicant	Marbara Estates Ltd
Location:	LAND ADJ., 54, DEEPPDALE LANE, UPPER GORNAL, WEST MIDLANDS, DY3 2AE
Proposal	ERECTION OF A DETACHED DWELLING (OUTLINE) (ALL MATTERS RESERVED)
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The site measures 0.03 hectares. The site formed part of the garden area associated with no. 54 Deepdale Lane but has now been separated from this site through the erection of a concrete post and close boarded panel fence running along the northern boundary. The frontage of the site measures 10 metres wide and it is 34 metres long. The front of the site is enclosed by a close boarded fence that extends approximately 1.5 metres in height and the site comprises an existing vehicular access from the highway. The site is relatively flat for the first 10 metres from the sites frontage and then it falls steeply to the west. The lower part of the site comprises a number of mature trees.

2. The site lies between no. 54 and 58 Deepdale Lane. 54 Deepdale Lane forms part of a semi-detached property fronting onto Deepdale Lane. This dwelling abuts the back edge of the pavement with land to the side of the house comprising parking for the property. The house has been extended (single storey side extension) and appears to date from around the late Victorian era with a narrow front and extending back a relatively long distance. Land to the side of the house is accessed via double gates with a dropped kerb on Deepdale Lane. The front of the property is enclosed by a brick dwarf wall.

3. To the south of the application site is 58 Deepdale Lane. There is approximately a 33 metres gap between 58 and 54 Deepdale Lane. 58 Deepdale Lane is set at a much lower level than the road and has a detached garage/workshop situated to the site nearest to 54 Deepdale Lane, the roof of which is at road level and serves as a parking area for this dwelling.
4. The site backs onto the comparatively modern housing development Winscar Croft which is a much lower ground level.

PROPOSAL

5. The proposal seeks outline planning permission for the erection of a detached dwelling on land adjacent to no. 54 Deepdale Lane. The application is submitted in outline only with all matters reserved for future consideration. An plan has been submitted in support of the proposals showing the siting of the dwelling.
6. The application is accompanied by a design & access statement and a bat survey.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
P04/1549	Outline application for the erection of one detached dwelling (all matters reserved)	Approved with conditions	04/11/04
P06/2225	Erection of two semi-detached dwellings.	Refused	16/01/07
P08/0162	Outline application for the erection of a detached dwelling (access and layout to be considered).	Withdrawn	28/02/08

7. The application for two dwellings on the site was refused due to concerns about the detrimental impact of the scheme onto the street scene by reason of the design, mass, bulk and poor relationship of the proposed dwellings with the context of the site and due to concerns about the scheme not being able to achieve an appropriate visibility splay.
8. The application for the erection of a single dwelling on the site was withdrawn due to concerns about the proposed siting of the dwelling with respect to its relationship with no. 54 Deepdale Lane and with respect to the lack of space for a sufficient provision of off street parking for the development.

Adjacent site at 58 Deepdale Lane

APPLICATION No.	PROPOSAL	DECISION	DATE
P01/1740	Proposed two storey, two bedroom detached dwelling house and replacement parking for no. 58.	Approved with conditions	15/11/01
P06/1760	Renewal of planning approval P01/1740 for erection of a two storey two bedroom detached dwelling house and replacement parking for No. 58.	Approved with conditions	17/10/06

9. The above planning application has not been implemented.

PUBLIC CONSULTATION

10. The application was advertised by way of neighbour notification letters being sent to the occupiers of sixteen properties within close proximity to the site. The latest date for comments was the 17th April 2008. No letters have been received making observations to the proposed development.

OTHER CONSULTATION

11. Group Engineer (Development): No objection to the principle of development.
12. Head of Environmental Health and Trading Standards: No objection subject to conditions relating to ground conditions.

RELEVANT PLANNING POLICY

- Unitary Development Plan

S8 Housing

H3 Housing Assessment Criteria

DD4 Development in residential areas

AM14 Parking

NC6 Wildlife Species

NC9 Mature trees

NC10 The Urban Forest

EP6 Light Pollution

13. The site is not designated for any particular use within the Adopted Dudley Unitary Development Plan (2005).

- Supplementary Planning Document(s)

New Housing Development: Establishing Local Context

Parking standards and travel plans

- Supplementary Planning Guidance

PGN3 New housing development

- Regional Spatial Strategy

QE3 Creating a high quality built environment for all

- National policy documents

PPS3 Housing

ASSESSMENT

Key Issues

- Principle
- Size of Plot
- Levels
- Impact on neighbouring properties
- Protected Species and Trees
- Planning Obligations

Principle

14. Since the granting of planning permission in 2004 for the erection of a dwelling on the site a close boarded fence has been erected between the application site and no. 54 Deepdale Lane resulting in the site now falling outside of the classification of previously-developed land as defined by PPS3. Whilst a greenfield site it does not have significant amenity value and is not publicly accessible and the loss of the site for the erection of a single dwelling would not prejudice the wider regeneration of the Borough through the delivery of new housing development on predominantly brownfield sites. The proposals would therefore be in accordance with Policies S8 and H3 of the Adopted Dudley Unitary Development Plan (2005).

Size of Plot

15. The plot is 10 metres wide by 34 metres deep and is in principle of a sufficient size in which to accommodate a single dwelling. There is currently a significant gap in the street scene between 54 and 58 Deepdale Lane. Gaps between dwellings are not characteristic of the area. The erection of the dwelling approved in 2006 adjacent to 58 and a dwelling on the application site would reduce the gap in what is an otherwise built-up frontage thereby providing an opportunity to help improve the appearance of the street scene. The application site is also of a suitable size in which to accommodate off street parking for a single dwelling and would be in accordance

with Policies DD4 and AM14 of the Adopted Dudley Unitary Development Plan (2005).

Levels

16. The main constraint to development relates to the topography of the site whereby it slopes significantly down towards Winscar Croft. This does pose concerns in terms of how a usable garden area could be created and the possible dominance of a new dwelling as viewed from the rear gardens of 7-14 Winscar Croft. However, these properties would be situated at least 40 metres from the rear of any dwelling placed on the application site thereby ensuring that there will not be any undue overlooking or a loss of privacy. The indicative layout submitted in support of the proposals shows a garden 17 metres in length and 10 metres wide thereby significantly exceeding the minimum standards set out in PGN No. 3.
17. A precedent has already been set by the granting of planning permission in 2006 for the erection of the split level dwelling adjoining no. 58 Deepdale Lane whereby the topography and characteristics are very similar to is site.

Impact on Neighbouring Properties

18. No. 54 Deepdale Lane does have windows on the ground floor that face into the site and which serve habitable rooms. The reserved matters application would need to be sensitively designed to ensure that there is no adverse impact to the occupiers of 54 Deepdale Lane by way of overlooking or a loss of light. It would be possible to achieve a suitable layout in order to address these issues therefore the scheme would be in accordance with Policy DD4 (Development in Residential Areas) of the Adopted Dudley Unitary Development Plan (2005).

Protected Species and Trees

19. There are a number of unprotected mature trees within the site. The trees are located within the lower part of the site adjoining Wrens Nest Primary School, which is designated as a Site of Local Importance for Nature Conservation. Since the trees are located on the lower part of the site and given that the upper part of the site does not contain any vegetation the presence of trees would not necessarily preclude

development. Conditions can be attached to ensure that the proposed development would not have an adverse on significant trees or protected species such as bats that are likely to use the habitat.

Planning Obligations

20. 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, a contribution towards transport infrastructure improvements, a contribution towards improvements to libraries and a contribution towards public realm improvements. This can be dealt with in a legal agreement to accompany the application. The total contribution towards the enhancement of public open space and play areas cannot be determined until the number of bed spaces is known within the dwelling but the contribution would be in accordance with the Council's current standards and the total contribution of all of the other elements (transport infrastructure improvements, libraries and public realm improvements) would be £907.43.

CONCLUSION

21. The side garden serving 54 Deepdale Lane is of a suitable size in which to accommodate a single dwelling. The erection of a dwelling within the site will help to close the gap between 58 and 54 Deepdale Lane, which is not characteristic of the local area. The site is of an appropriate scale and size to ensure that a dwelling can be accommodated within it to provide reasonable separation distances from dwellings at both sides and to the rear of the site.

RECOMMENDATION

22. 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 of an off site contribution towards the maintenance and enhancement of off-site public open space and play provision, an off site contribution towards transport infrastructure improvements, a

contribution towards improvements to libraries and an off site contribution towards public realm improvements has been submitted to and agreed in writing by the Local Planning Authority.

- b) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary

Reason for approval

The side garden serving 54 Deepdale Lane is of a suitable size in which to accommodate a single dwelling. The erection of a dwelling within the site will help to close the gap between 58 and 54 Deepdale Lane, which is not characteristic of the local area. The site is of an appropriate scale and size to ensure that a dwelling can be accommodated within it to provide reasonable separation distances from dwellings at both sides and to the rear of the site.

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.

Note to Applicant

There is a public sewer which crosses the site. The applicant may wish to apply to Severn Trent Water to divert the sewer in accordance with section 185 of the Water Industry Act 1991.

The clearance of trees and other vegetation should avoid the bird nesting season (February –August inclusive).

The development hereby permitted shall be built in accordance with the approved plans numbered 1309-P06 unless otherwise agreed in writing by the Local Planning Authority.

Conditions and/or reasons:

1. Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto 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. The development shall not be begun until a scheme for the provision of-

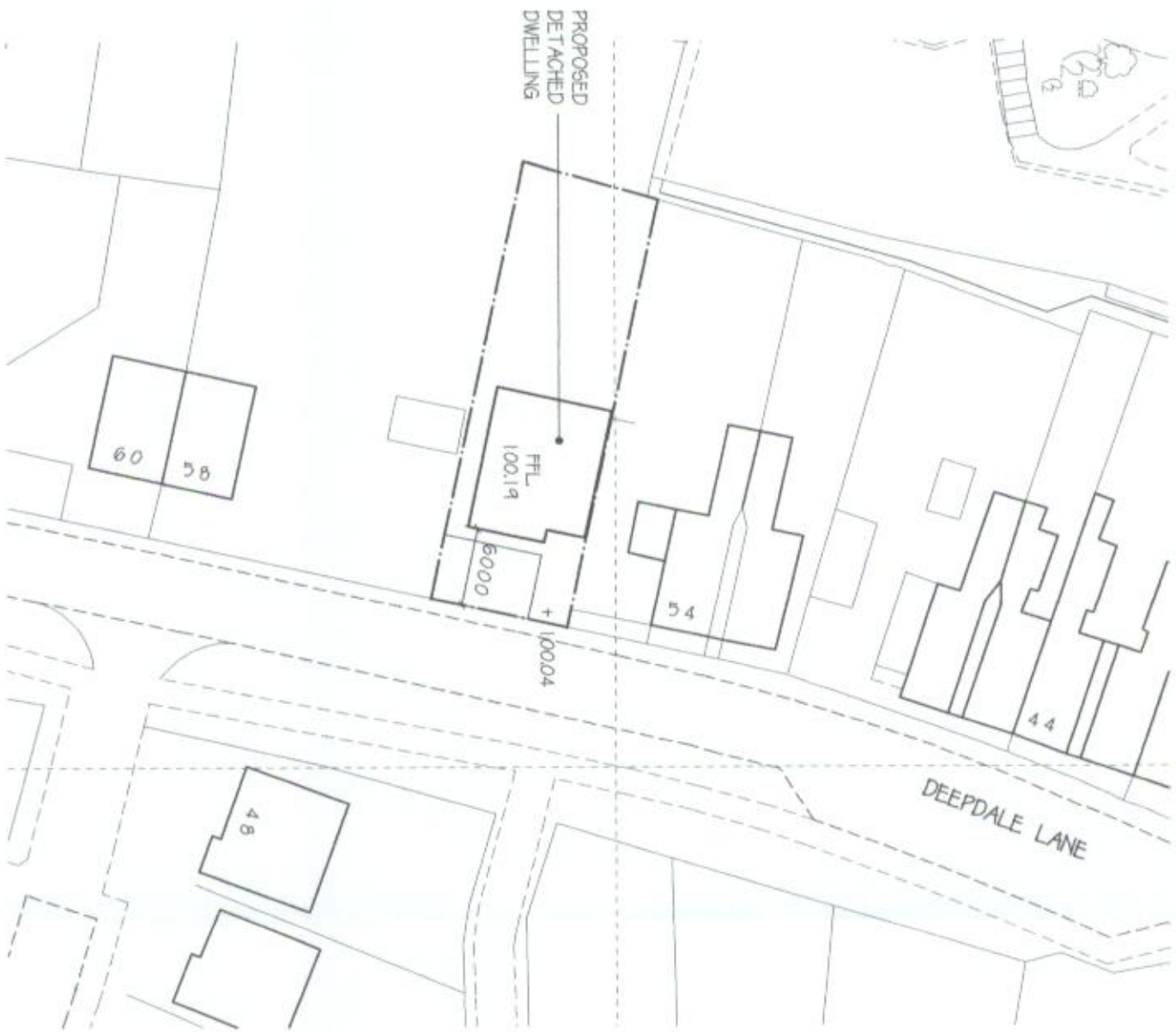
Off site public open space and play area improvements
Off site Library improvements
Off site Public Realm improvements
Off site Transport Infrastructure improvements

Has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the method, timing and arrangements to comply with the Council's policies for the provision of the infrastructure required in connection with the proposed development.

4. This outline permission does not relate to the layout, or authorise the erection of any buildings, shown on the plans accompanying the application.
5. 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.
6. Prior to the commencement of development details shall be submitted (elevations and materials) of the proposed boundary treatment to be erected on the site. The scheme shall be implemented in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
7. 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.
8. 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.

9. No trees, shrubs or hedgerows on the application site shall be felled without the prior written consent of the Local Planning Authority.
10. 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’.
11. Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority of the proposed design and specification of any outside lighting to be installed associated with the dwelling hereby approved. The lighting shall be installed in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
12. Prior to the commencement of development a plan showing the location and detailing the specification of 2 bat boxes to be incorporated into the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. All works must be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

This drawing is copyright and should not be reproduced without permission. The drawings are for information only and should not be used for any other purpose. All dimensions are in millimetres unless otherwise stated. All measurements are subject to confirmation following a detailed topographical survey and ground investigation work. It has been assumed that all other than what is shown on the site is essentially for with no alterations to doors or below ground services. All our proposals are subject to confirmation following liaison with the relevant local authorities. The details contained on this drawing have been reproduced from archive information and arrangements are to be verified.



client
 MARBARA Estates Ltd.
 project
 proposed detached dwelling on land adj.
 54 Deepdale Lane, Upper Gornal, Dudley
 drawing title
 proposed block and location plans
 scale
 1:500/1:1250 02-08 GMD
 drawing no.
 1309-P06