

PLANNING APPLICATION NUMBER: P08/0220

Type of approval sought	Full Planning Permission
Ward	LYE & WOLLESCOTE
Applicant	Mr J Newall
Location:	34, CEMETERY ROAD, LYE, STOURBRIDGE, DY9 7EF
Proposal	DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF 1 NO BLOCK OF 4 NO ONE BEDROOM APARTMENTS
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The application site is a rectangular shaped plot of land measuring 14m wide and 52m deep within a predominantly residential area. The plot contains a vacant bungalow, detached garage and rear garden area that have been left to deteriorate over time.
2. 34 Cemetery Road is a bungalow set on a common building line with semi detached houses either side. The existing bungalow is 7.2m wide with a 4.2m wide drive adjacent to 32 Cemetery Road. The bungalow is located 2m from the boundary with 36 Cemetery Road.
3. 32 Cemetery Road is located 1m from the boundary with 34 Cemetery Road. It has a side facing secondary window that serves the kitchen area of a combined dining kitchen with a rear facing patio window (primary window).
4. 36 Cemetery Road is located 3m from the boundary with 34 Cemetery Road. It has a primary side facing bedroom window, which serves as the sole source of natural light and a primary side facing kitchen window with a secondary rear facing window.
5. The character of the immediate surrounding area is predominantly traditional semi-detached houses that are distinctly characterised by front gardens enclosed with low front boundary walls. Opposite the site there are low rise flats and a sports ground.
6. There is a mixture of 1.5m and 1.8m high closed board fencing to the boundaries with neighbouring properties.

PROPOSAL

7. Full planning permission is sought for the demolition of the existing bungalow and erection of 1 No. block of 4 No. one bedroom apartments (resubmission of refused application P07/2220). Each of the apartments would have 1 off-street parking space provided by the proposed development to be arranged in a row of 4, which would be broken up into pairs with landscaping between on the frontage of the property with direct vehicular access from Cemetery Road. There would be provision for bin storage at the front of the building and footpath at the side.
8. The proposal would follow the common building line and would be positioned 0.5m and 0.1m from the boundaries with 32 and 36 Cemetery Road respectively.
9. The existing boundary treatments would remain. The existing detached garage to the rear of the property would be demolished. The shared amenity area of the proposed flats would be 420 square metres.
10. The design of the proposed apartments would be two and half storey at the front to a maximum height of 9m (6.5m to eaves) with single storey rear element, that would project 8m to a maximum height of 4.5m (2.2m to eaves). The front elevation would have a gable end roof shape with front gable end features to either end of the structure, while the rear extension would have a hipped roof shape. The building would be constructed of combined brick and painted render finish with tiled roof. The windows of the proposed dwellings would pick out architectural features of the adjacent dwellings.
11. The plans have been amended since submission to remove the front dormer windows and lower the level of the eaves.
12. The application is accompanied by a design & access statement and a bat survey.

HISTORY

13.

APPLICATION No.	PROPOSAL	DECISION	DATE
P07/1777	Demolition of existing bungalow and erection of 3 No. 2 bedroom terraced houses	Withdrawn	1/11/07
P07/2220	Demolition of existing bungalow and erection of 1 No. block of 4No. one bedroom apartments. (Resubmission of withdrawn application P07/1777)	Refused	18/01/08

14. P07/1777 was withdrawn because of the inadequate parking provision, visibility splay and incompatible design to blend with the character of the area.
15. P07/2220 was refused on the grounds of:
 - detrimental impact on residential amenity by reason of loss of privacy, outlook, light and overshadowing to side facing habitable room windows of neighbouring properties.
 - detrimental impact on highway safety by reason of obstructed visibility splay, overlong footway crossing and loss of dwarf walls detrimental to the distinct character of frontage and streetscene.

PUBLIC CONSULTATION

16. A site notice was displayed and direct neighbour consultation was undertaken, to which there were 3 objections received on the grounds:
 - Overdevelopment of the site
 - A three storey building would appear out of keeping within the streetscene of semi detached houses
 - Density and scale
 - Reduction in light to habitable room windows at the side and rear of the neighbouring properties, due to increased height and closer positioning of the proposed building to the boundary line.
 - Proposal would be likely to lead to on-street visitor parking.
 - Proposed parking and access would be detrimental to road safety.

OTHER CONSULTATION

17. The Head of Environmental Protection: No adverse comments subject to condition.

Group Engineer, Development: The site's parking requirement would be 4 spaces (as per P07/2220), which have been provided. There is an obstructed visibility splay, due to the splay crossing land outside the applicant's control and a physical obstruction to the splay by the boundary treatment of 28 and 30 Cemetery Road.

RELEVANT PLANNING POLICY

18. Unitary Development Plan (2005)
 - Policy DD1 (Urban Design)
 - Policy DD4 (Development in Residential Areas)
 - Policy DD6 (Access and Transport Infrastructure)
 - Policy DD7 (Planning Obligations)

- Policy DD8 (Provision of open space, sport and recreation facilities)
- Policy DD10 (Nature Conservation)
- Policy EP6 (Light Pollution)
- Policy H3 (Housing Assessment Criteria)
- Policy H6 (Housing Density)
- Policy NC1 (Biodiversity)
- Policy NC6 (Wildlife Species)
- Policy NC9 (Mature Trees)
- Policy NC10 (The Urban Forest)
- Policy UR6 (Housing Renewal Areas)

19. Supplementary Planning Guidance

- Parking Standards and Travel Plans
- PGN 3 - Housing
- Planning Obligations

20. National Policy Documents

- PPS3 – Housing
- PPS9 – Biodiversity and Geological Conservation

ASSESSMENT

21. The key issues are whether the proposals would have any adverse impacts upon:

- The character of the area
- Residential amenity
- Access and highway safety
- Planning obligations

22. Impact on the character of the area

The proposal would replace a detached bungalow and would follow a consistent building line with direct vehicular access from Cemetery Road. The density of the proposal would be equivalent to 54 dwellings per hectare and is considered to be efficient re-use of previously developed land in accordance with policy guidelines.

The character of the immediate surrounding area is predominantly semi detached houses of various design. The proposal seeks to follow design elements of bay windows, front gable end features and gable end roof shape from the surrounding semi detached houses nearby.

There are 3 storey flats opposite the site, therefore it is considered that the proposed two and a half storey building would not appear out of character with the surrounding area and would not form an over intensive development. It is thus considered that the proposal would comply with Policies DD1, DD4, H3 and H6 of the adopted Dudley UDP (2005).

23. Impact upon residential amenity

The proposal would be two and half storey and 5m wider at the front of the building than the existing bungalow, however the rear of the development would be single storey with a hipped roof that would be roughly comparable to the height and footprint of the original bungalow. The single storey rear part of the development would be adjacent to side facing habitable room windows of No.s 32 & 36 Cemetery Road and it is considered that by lowering the height and width of the rear element of the proposal, the refusal reason on P07/2220 relating to the loss of outlook and light, and overshadowing to side facing habitable room windows of neighbouring properties would be sufficiently overcome.

There are no side facing habitable room windows proposed for the apartments, with the exception of a ground floor kitchen window, which would be located in a similar position as a side window to the existing bungalow and would be largely screened by the 1.8m high fence. Given the presence of existing windows at the side of the bungalow and the screen fencing, it is considered that the side facing windows of the neighbouring properties would not be unduly affected by the proposal (over and above the existing situation). It is therefore considered that the proposed development would not have a significant impact upon residential amenity in terms of loss of outlook, privacy, light and overshadowing, in accordance with policy DD4 of the adopted Dudley UDP (2005) and Supplementary Planning Guidance Note 3 Housing.

24. Highway safety

The proposed apartments would each be required to provide 1 off-street car parking space and a visitor space.

However, as the Council's car parking standards are maximum standards and the site has a medium accessibility standard, the requirements can be reduced by 20%. Therefore the proposal can be considered to comply with policy guidelines (as per comments for P07/2220).

The Head of Traffic and Road Safety expressed concerns about pedestrian and highway safety, relating to the obstructed visibility splay outside the applicant's control. However, this issue is tempered with the fact that the existing bungalow has a driveway in a similar position, which serves access to the detached garage. In addition, some of the surrounding dwellings are in a comparable situation, with low structures blocking visibility splays. It is therefore considered that although the development would provide parking for 4 apartments, that on balance, the proposal would not intensify use significantly enough for it to be reasonable to refuse the

application on these grounds alone. It is therefore considered that the proposal would not be likely to result in a significant detrimental impact on highway safety in accordance with Policies DD4 and DD6 of the adopted UDP and the Council's Parking Standards and Travel Plans.

25. Planning Obligations

Policies DD7 and DD8 of the UDP and Planning Obligations SPD require that new development (1 or more units) should contribute to play provision and enhancement/public open space, libraries, public realm and transport improvements in the wider area in line with the increase in users arising from the development. This can be dealt with in a legal agreement (S106) to accompany the application. The applicant has indicated their acceptance of this principle and the recommendation is made on this basis.

CONCLUSION

26. It is considered that the proposal would not have a significant impact on highway safety, visual or residential amenity. Therefore the proposed development would comply with policies DD1 - Urban Design, DD4 -Development in Residential Areas, DD6 - Access and Transport Infrastructure, H3 - Housing Assessment Criteria, H6 - Housing Density of the adopted Dudley UDP (2005), Planning Guidance Note 3 - New Housing Development, Parking Standards and Travel Plans and PPS3 – Housing.

RECOMMENDATION

27. It is recommended that the application be approved subject to S106:
- a) The development not beginning until a scheme for the submission and approval of a planning obligation to guarantee the provision off site public open space and play area, library, public realm and transport 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 proposal would not have a significant impact on highway safety, visual or residential amenity. Therefore the proposed development would comply with policies DD1 - Urban Design, DD4 -Development in Residential Areas, DD6 - Access and Transport Infrastructure, H3 - Housing Assessment Criteria, H6 - Housing Density, Planning Guidance Note 3 - New Housing Development, Parking Standards and Travel Plans and PPS3 – Housing.

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.

Informative

The development hereby permitted shall be in accordance with the approved plans numbered 02 Revision A and received on 11 March 2008, unless otherwise agreed in writing by the Local Planning Authority.

Conditions and/or reasons:

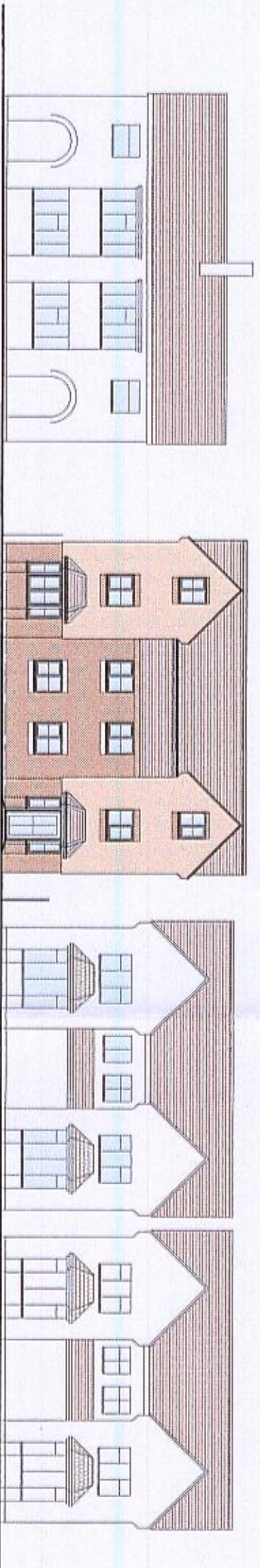
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Development shall not commence until an arrangement for the submission and approval of a means to guarantee the financial payment of a total sum of £6869.32 to the Council together with the timing of the payment 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 improvements
 - The managing and monitoring of the spend of those monieshas 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.
3. 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.
4. 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.
5. Prior to first occupation of the dwelling the means of access and parking areas shall be provided in accordance with the approved details and graded, levelled, surfaced,

drained and marked out. These areas will be maintained thereafter for no other purpose for the lifetime of the development.

6. Prior to the occupation of the development hereby permitted, the agreed splays shall be provided on site and thereafter maintained free from obstruction for the lifetime of the development.
7. The 4 vehicle parking spaces indicated on the approved plan shall be retained as such throughout the life of the development.
8. Prior to the commencement of development, a landscaping scheme, taking into account appropriate improvements for nature conservation and including an establishment and maintenance programme, and the provision of replacement native trees shall be submitted and approved by the Local Planning Authority. All works must be carried out in accordance to the approved plans and programmes.
9. Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of development, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such details shall have due regard to bats, with the approved details implemented prior to the occupation of the dwellings hereby approved.
10. Prior to the commencement of development, a plan detailing suitable provision and location of 4 bat bricks and 4 bat tiles to be incorporated into the new buildings on site will be submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the dwellings hereby approved.
11. Prior to commencement of development details of secure undercover cycle parking should be submitted to and approved in writing by the LPA. Prior to first use the cycle parking should be implemented in accordance with the approved plan and maintained for no other purpose for the life of the development.

P08/2220

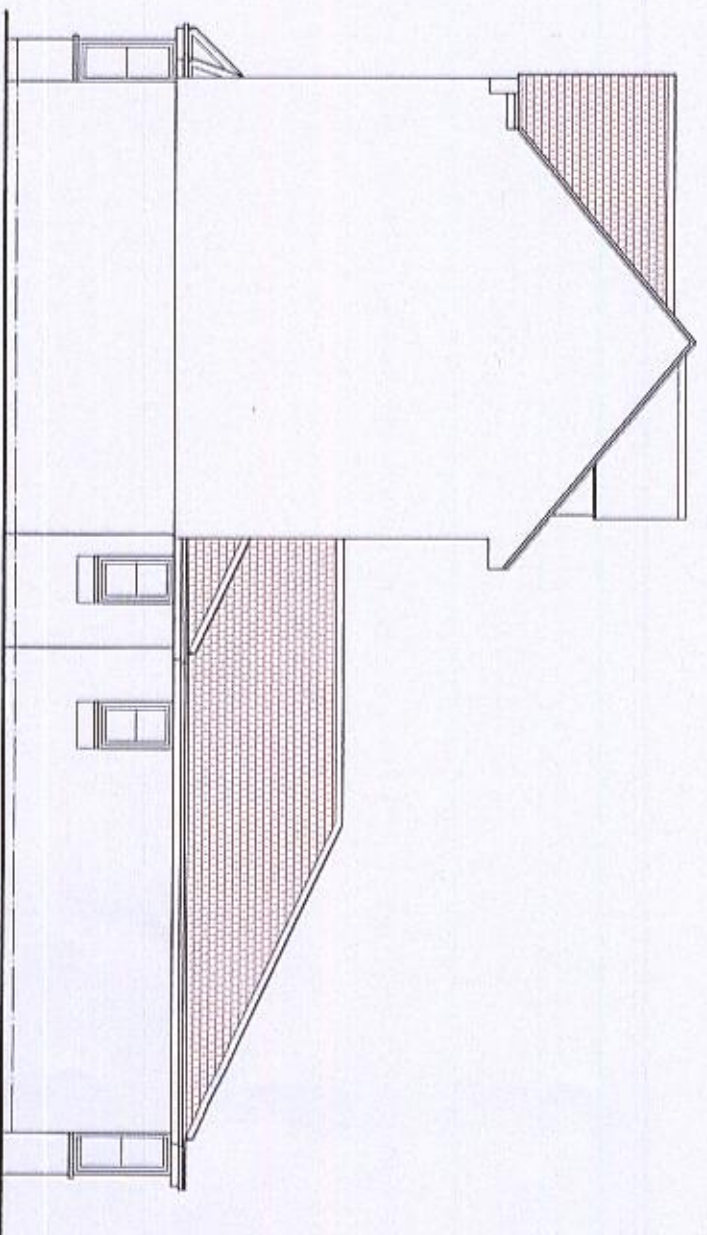




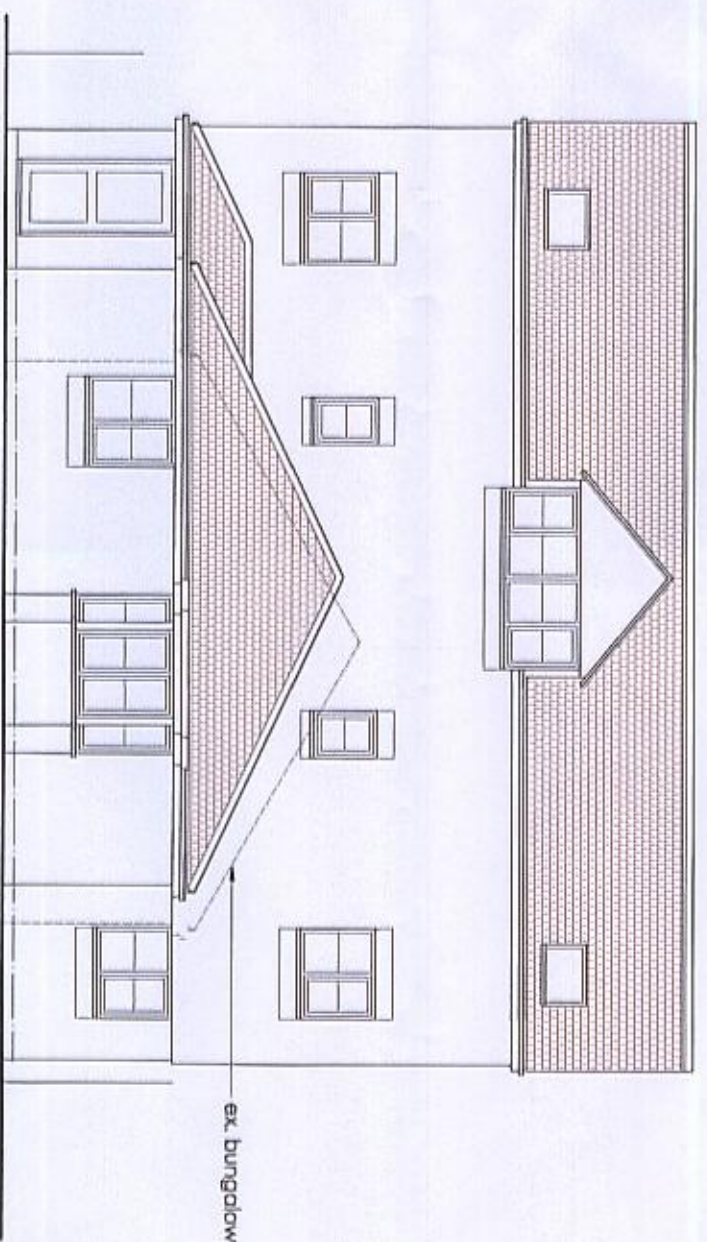
Cemetery Road Street Scene 1:200



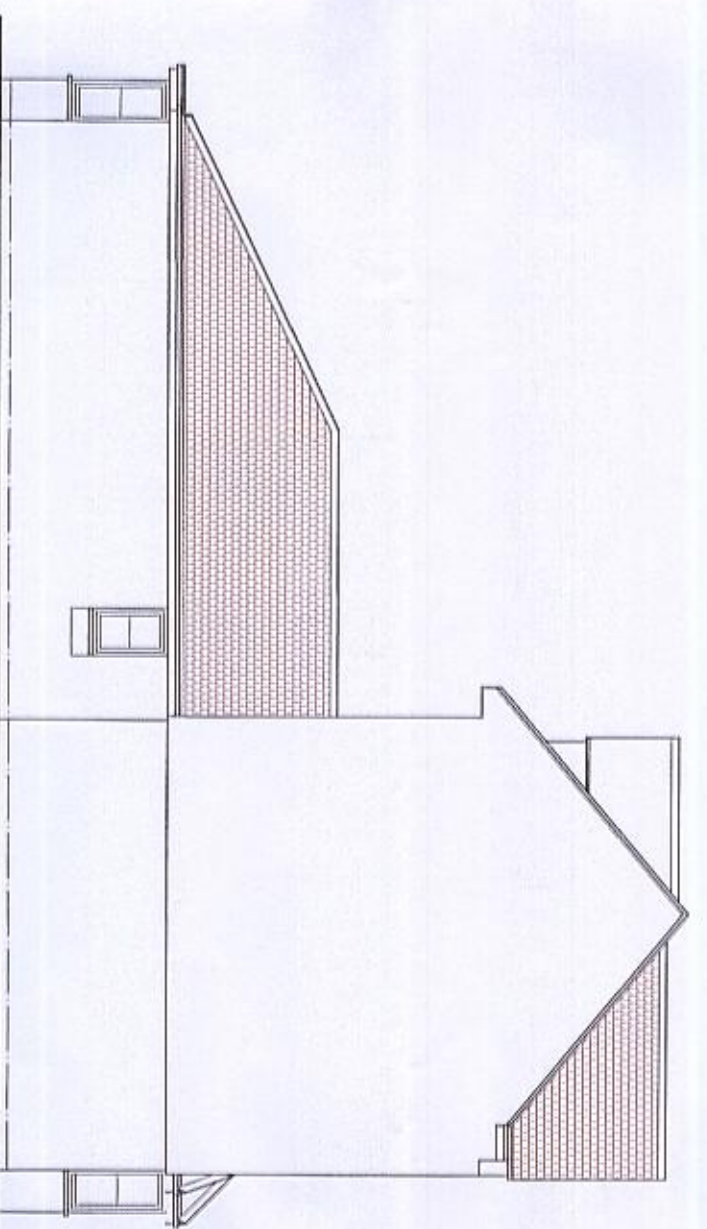
Proposed Elevation



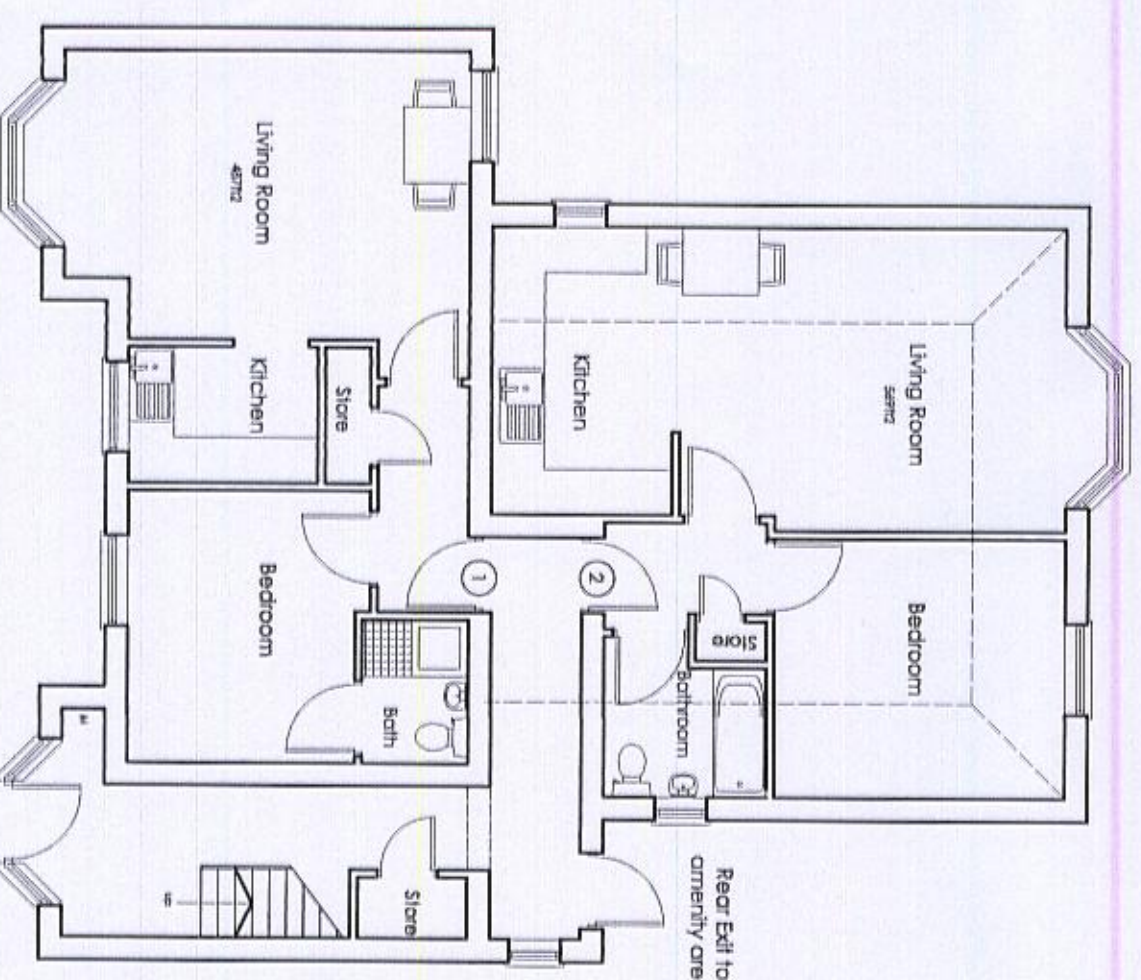
Side Elevation



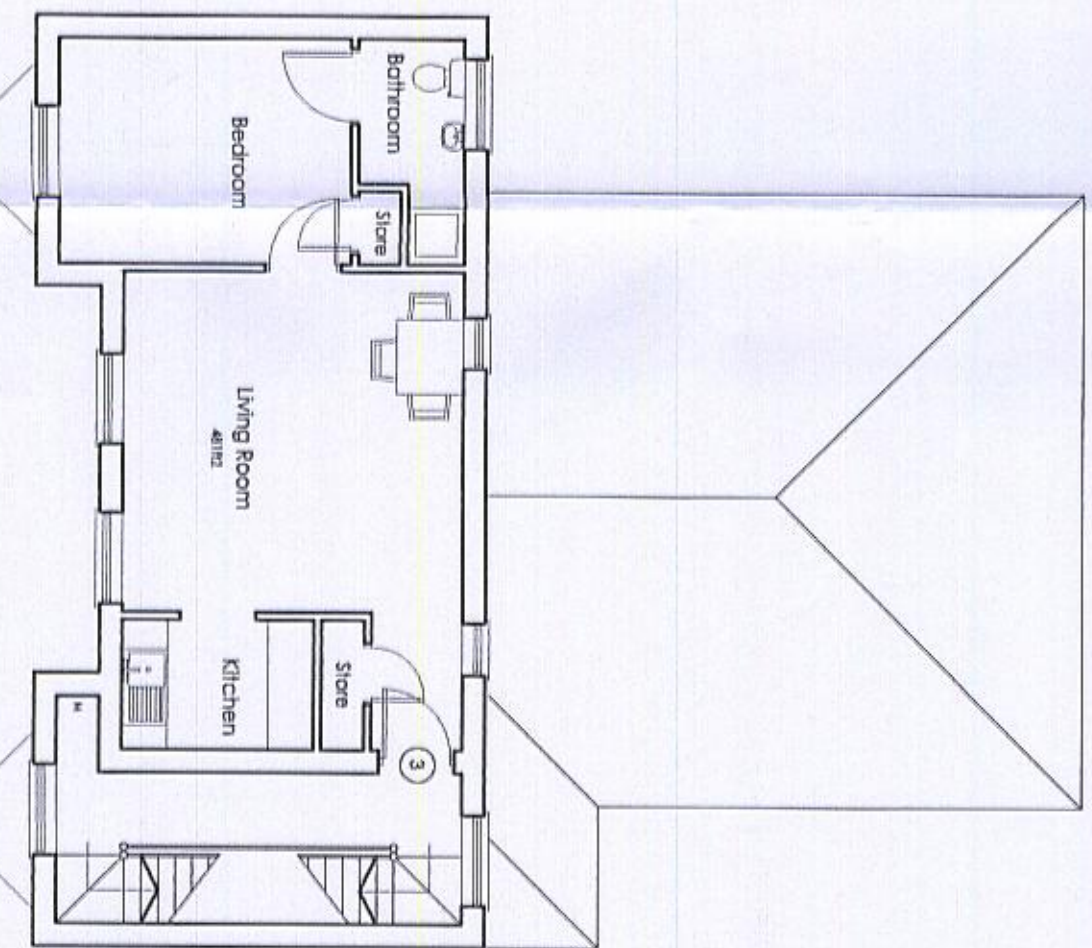
Rear Elevation



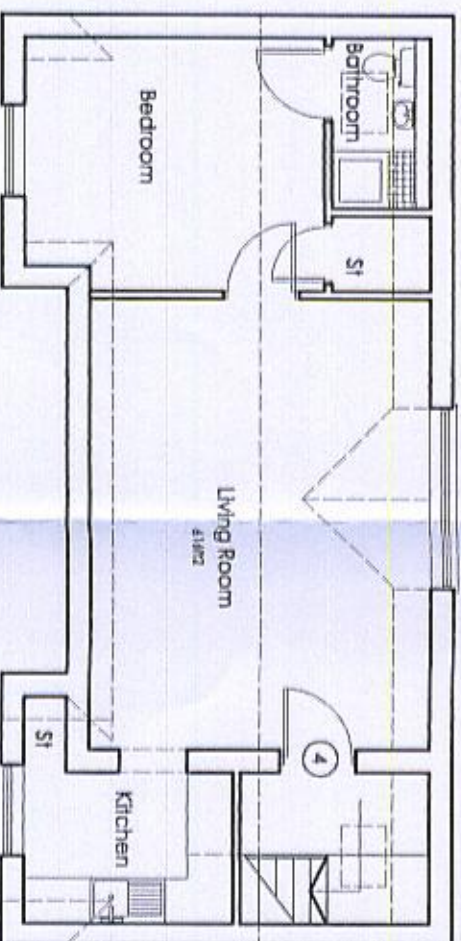
Side Elevation



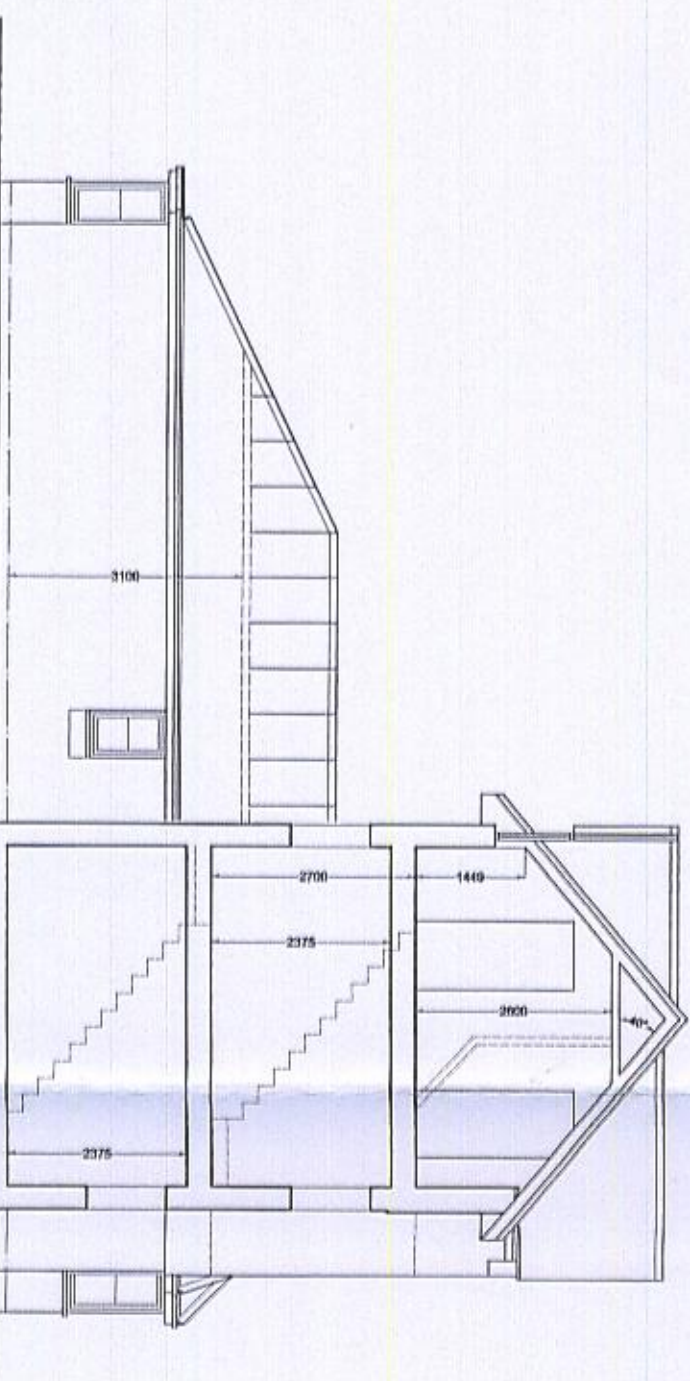
Ground Floor



First Floor



Second Floor



Section



Block Plan 1:200

AMENDMENT PLAN

PO8/0226

11 MAR 2008



19 Kildermister Road, Kington-on-Avon, West Mids. DY8 6EX

Client: Invert Surveys

Project: 4 Apartments

Land at 34 Cemetery Road, Lye, Stourbridge, DY9 7EF

Drawing Title: Feasibility Scheme- Three Storey

Scale: 1:100 1:200

Project No.: 14/01/08

Rev No: 02

Revision: A

34 Cemetery Road- Lye