

PLANNING APPLICATION NUMBER: P09/1652

Type of approval sought	FULL PLANNING PERMISSION
Ward	ST THOMASS
Applicant	MISS CAROLINE DAVIS, CARO INTERIORS
Location:	65, HIGHFIELD ROAD, DUDLEY, WEST MIDLANDS, DY2 7QE
Proposal:	DEMOLITION OF EXISTING DWELLING AND ERECTION OF 4 NO DWELLINGS (RESUBMISSION OF REFUSED APPLICATION P09/1249)
Recommendation summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The 0.08ha site is the location of a detached, purpose built, inter-war retail unit with residential accommodation above which is located on the corner of French Road, Highfield Road and Mons Road. There is a detached garage to the side and off street parking to the front and side.
2. The site measures 25m across the French Road frontage and 10m across the Mons Road frontage and is 42m deep. The site drops from French Road to Mons Road by 3m. The majority of the land to north of the building is currently overgrown and has conifer planting.
3. Located within an established former local authority built estate, the adjoining properties to the east of the site along French Road comprise of short terraced blocks, two of which have distinctive end stop gables. On the opposite side there are similar terraced blocks, with some semi-detached houses interspersed.
4. Along Highfield Road there are mainly semi-detached dwellings, set on a uniform building line, with no's 19-28 set back further providing deeper parking courts. The side elevation of the development has been built to observe the building line of dwellings on the east side of Highfield Road, having a set in of approximately 5m from the footway.
5. Turning to the rear of the site, properties in Mons Road are short block of terraced dwellings located at back edge of pavement, to the east of these blocks there is a parking court. Directly opposite these dwellings there is a strip of Council maintained amenity space.

PROPOSAL

6. This application is a resubmission of refused planning application P09/1249 which sought the erection of 6 dwellings.
7. It is proposed to demolish the existing detached building and erect 4 three-bed dwellings.
8. A block of three terraced dwellings (Plots 1-3) would front French Road, measuring 16m wide by 9m deep and up to 8m high. 2 parking spaces to the front of the dwellings would be access via French Road, with a further 3 to the side of Plot 1, accessed via Highfield Road. garden lengths are between 8m-10m.
9. A single detached dwelling on the corner of Mons Road/Highfield Road, measuring between 5m and 6.2m wide by 9m deep and up to 8m high.
10. This dwelling (Plot 4) would be served by 2 parking spaces accessed via Highfield Road. Garden length would be between 8m to 9m.
11. A 1m high retaining wall with 1.8m fencing above would separate the two aspects of the development site, as well as private gardens.
12. A 1.8m high brick wall would partly enclose Plots 1 and 4 along Highfield Road.
13. The application is accompanied by a Design and Access Statement and a Bat Survey.
14. The main difference between this current application and the previous refusal, is that the development has been reduced from 6 to 4 no. dwellings.

PLANNING HISTORY

App No.	Proposal	Decision	Decision Date
P09/1249	DEMOLITION OF EXISTING DWELLING AND ERECTION OF 6 NO. DWELLINGS.	Refused	26/10/09
DB/66/850	CHANGE OF USE FROM RETAIL SHOP TO FRIED FISH AND CHIP SHOP.	Refused	20/12/66
DB/66/528	ERECTION OF 3 GARAGES.	Withdrawn	31/10/66

15. The most recent planning application (P09/1249) was refused on the following grounds;

- *The layout of the proposed dwellings would protrude past a prominent building line along Highfield Road, and its close proximity to the footway would give rise to an overbearing and prominent feature when viewed in the wider streetscene, not at all responding to the established urban form. The layout fails to take into account the context of surrounding dwellings and would not make a positive contribution to the character and appearance of the area, contrary to Adopted UDP Policies DD1 – Urban Design, DD4 – Development in Residential Areas and H6 – Housing Density.*
- *The lack of usable and convenient parking provision for plots 5 & 6 will result in residents parking vehicles in close proximity to the junction of Highfield Road/Mons Road, to the detriment of highway safety and convenience of other road users and is therefore contrary to Adopted UDP Policies DD4 – Development in Residential Areas and DD6 Access and Transport Infrastructure and the Parking Standards and Travel Plans SPD.*
- *The lack of an undertaking to make a contribution towards recreation facilities/public open space, transport infrastructure improvements, nature conservation, public realm and library improvements would result in an increase in the demand on local facilities with no compensation or enhancement, thus resulting in harm to the wider community around the site. This would be contrary to the requirements of Adopted UDP Policies DD7-Planning Obligations, DD8-Provision of open space, sport and recreation facilities, LR1-Open Space, NC6-Wildlife Species and DD10 Nature Conservation and Development, and the Planning Obligations and Nature Conservation SPD.*

PUBLIC CONSULTATION

16. Direct neighbour consultation was carried out to all adjoining and adjacent neighbours, as a result of which no letters of objection have been received.

OTHER CONSULTATION

17. **The Head of Environmental Health and Trading Standards** raises no objection, subject to a condition about ground gases and vapours.
18. **The Group Engineer, Development** raises no objection.

RELEVANT PLANNING POLICY

19. Adopted UDP (2005)

DD1 – Urban Design

DD4 – Development in Residential Areas

DD6 – Access and Transport Infrastructure

DD7 – Planning Obligations

DD8 - Provision of open space, sport and recreation facilities

DD10 Nature Conservation and Development

LR1 – Open Space

H3 – Housing Assessment Criteria

H6 – Housing Density

NC6 – Wildlife Species

20. Supplementary Planning Document

Parking Standards and Travel Plans

Nature Conservation

New Housing Development

Planning Obligations

21. Supplementary Planning Guidance

PGN3 – New Housing Development

ASSESSMENT

22. The key issues in determination of this application area the impact upon;

- Character and appearance of the area
- Residential amenities of nearby occupiers
- Highway safety
- Nature Conservation and
- Whether provision is made for a Planning Obligation

Character and appearance

23. The thrust of national guidance in PPS3 maintains the emphasis on making the best use of previously developed land, however, it states that ‘design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted (paragraph 13) and that matters to include when assessing design quality include the

extent to which the development, 'Is well integrated with, and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access..' (paragraph 16).

24. It is important to ensure that infill development maintains the urban fabric which characterises this area, which as already mentioned, the immediate context is characterised by a mix of semi-detached and semi-detached on uniform building lines. The type of dwelling proposed should not detract from the character or the area, by ensuring appropriate layout, massing, scale, materials and detailing.
25. The development would result in 50dph, the surrounding area is characterised by development up to 92dph (Mons Road), and therefore the development can be considered to make efficient use of previously developed land.
26. With the reduction of 2 dwellings, effectively dropping a dwelling on both corner of the development site, regard has been paid to the building line along Highfield Road (north to south). This retains a minimum distance of 5m from the side elevation of Plot 1 to Highfield Road, and approximately 4.4m from the side elevation of Plot 4. This would respect the Highfield Road frontage, where some dwellings have a set back of approximately 5m. It also keeps the corner plots open, which is characteristic in this area.
27. The development does not incorporate a hipped roof that predominates in this area, however, cues have been taken from the existing building. The use of the pitched roof allows the dwelling to have two active frontages, facing the front and an additional outlook to the side. Whilst the block fronting French Road does not have a symmetrical front elevation, unlike the adjacent terraced blocks, it does at least contain projecting gables to act as end stops.
28. The amended layout and design of the proposed dwellings takes into account the context of surrounding dwellings and would make a positive contribution to the character and appearance of the area, in accordance with Policies DD1, DD4 and H6 of the Adopted UDP.

Residential amenity

29. Referring to PGN3 sites, it stresses that development will only be permitted where it can be demonstrated that the privacy and visual amenities enjoyed by existing occupiers remain unaffected and that the design of the buildings are appropriate in the context of the character of the area. The term 'visual amenities' relates to such matters as outlook, over-shadowing, etc. Outlook can be defined as the immediate environment enjoyed by an individual property.

30. No. 1 French Road adjoins the eastern boundary and this property has carried out a large single storey rear extension. Plot 3 would extend beyond the first floor of this property by approximately 2m, however, there would be no breach of the Council's 45-Degree Code guidelines, the outlook from this property would not be adversely affected.
31. As outlined in the Design and Access Statement, no. 1 Mons Road located to the rear of Plot 3 had the potential to be overlooked by this new dwelling. However, habitable rooms have been designed out, and instead only windows serving the bathroom and hallway are located in the rear elevation. With a distance of 21m between these dwellings, no adverse impact upon privacy would arise.
32. PGN 3 advises that separation distances between the rear of dwellings should be 22m. The development as shown on plan would result in a distance of approximately 18m to 19.4m between the new dwellings. However, plot 4 has been designed with no habitable rooms at first floor level, and therefore even with the level differences, the ground floor room of plots in French Road would cause no loss of privacy. 1.8m high boundary fencing would also seek to provide privacy between adjoining gardens. On this basis, it is considered that there would be no detrimental impact upon the residential amenities of future occupiers.
33. Planning Guidance Note 3 suggests that for a 2-3-bed dwelling a minimum provision of 65m² of private amenity space be provided with a minimum length of 11m. Whilst apparent that the length and area of some of the gardens proposed are beneath the guidelines, PPS3 allows for flexibility to be shown in the application of standards to encourage the efficient use of land in the urban area. It is considered the gardens would make adequate provision of private amenity space for future occupiers.

Parking and highways issues

34. The site's parking requirement of 8 parking spaces was calculated using the maximum parking standards within the Parking Standards and Travel Plans SPD and by providing 7 usable parking spaces the development is considered to comply with the principles of PPG 13 and the Parking Standards and Travel Plans SPD.
35. The amended layout has resolved any concerns about displacement of vehicles onto the public highway, and therefore reason 2 of the previous refusal is addressed.
36. As the proposed development generates fewer trips than the existing use on the site, a Transport Infrastructure Improvements contribution would not be required.

37. The proposed development would not have an adverse impact upon highway safety and therefore complies with UDP Policies DD4 and DD6.

Nature Conservation

38. A Bat Survey was submitted under the requirements of Policy NC6, concluding that the survey of the existing property found no trace of bat activity, however, a bat was seen to cross the site. A number of mitigation measures are therefore proposed to promote future use of the site for bats.

39. The survey work is satisfactory, and as long as relevant conditions are attached, it would be in accordance with UDP Policy NC6 – Wildlife Species and the Nature Conservation SPD.

Planning Obligation

40. The proposed development has a requirement to provide planning obligations to mitigate against the consequential planning loss to the existing community. Should permission be granted a S106 Agreement would be required in respect of the following contributions;

Offsite Contributions:

The proposal attracts a requirement for a commuted sum to be paid towards the following infrastructure:

Public Open Space/Play – £6783.70

Library Contributions - £554.76

Public Realm - £1387.05

Management and Monitoring Charge - £500

Total Offsite Contribution equates to **£9225.51**

Nature Conservation (on-site improvements) - £372.05

As noted in paragraph 36 above, transport Improvements are not required due to a reduction in trip generation from the previous retail use.

41. The applicant has agreed to the payment of these offsite-planning obligations and provision of on-site nature conservation improvements, and therefore the proposal complies with UDP Policies DD7 and DD8 and the Planning Obligations SPD.

CONCLUSION

42. The amended layout and design of the proposed dwellings takes into account the context of surrounding dwellings and would make a positive contribution to the character and appearance of the area. The proposed development would not have an adverse impact upon highway safety, residential amenities of existing and future occupiers or nature conservation interests. The applicant has agreed to relevant on-site and off-site planning obligations. The development would comply with Adopted UDP Policies DD1 – Urban Design, DD4 – Development in Residential Areas, DD6 – Access and Transport Infrastructure, DD7 – Planning Obligations, DD8 - Provision of open space, sport and recreation facilities, DD10 Nature Conservation and Development, LR1 – Open Space, H3 – Housing Assessment Criteria, H6 – Housing Density and NC6 – Wildlife Species, and Supplementary Planning Documents - Parking Standards and Travel Plans, Nature Conservation, New Housing Development and Planning Obligations, and Planning Guidance Note 3 – New Housing Development.

RECOMMENDATION

43. It is recommended that the application be approved subject to:

- a) The development shall not be commenced until a scheme for the submission and approval of a planning obligation to guarantee the provision, maintenance and enhancement of, off-site public open space and play provision, libraries, public realm enhancements, and management and monitoring with a total cost of financial contributions amounting to **£9225.51**, has been submitted to and agreed in writing by the Local Planning Authority.
- b) The Scheme shall include the method, timing and arrangements including a means to guarantee a financial payment, increased through index linking from the first April each subsequent year, in accordance with the Council's planning obligations policies.
- c) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary;

REASON FOR GRANT OF PLANNING PERMISSION

The amended layout and design of the proposed dwellings takes into account the context of surrounding dwellings and would make a positive contribution to the character and appearance of the area. The proposed development would not have an adverse impact upon highway safety, residential amenities of existing and future occupiers or nature conservation interests. The applicant has agreed to relevant on-site and off-site planning obligations. The development would comply with Adopted UDP Policies DD1 – Urban Design, DD4 – Development in Residential Areas, DD6 – Access and Transport Infrastructure, DD7 – Planning Obligations, DD8 - Provision of open space, sport and recreation facilities, DD10 Nature Conservation and Development, LR1 – Open Space, H3 – Housing Assessment Criteria, H6 – Housing Density and NC6 – Wildlife Species, and Supplementary Planning Documents - Parking Standards and Travel Plans, Nature Conservation, New Housing Development and Planning Obligations, and Planning Guidance Note 3 – New Housing Development.

INFORMATIVE

For the avoidance of doubt, this permission relates to drawings numbered 253: 100/RevC, 101/RevB and 102/RevB and shall be implemented in strict accordance with these plans unless otherwise agreed in writing with the LPA.

Conditions and/or reasons:

1. BA01 Commencement within 3 years (full)
2. The development not beginning 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
 - The managing and monitoring of the spend of those monieshas been submitted to and approved in writing by the Local Planning Authority.
3. Development shall not commence until a detailed scheme for the provision of on-site Nature Conservation enhancements in line with the requirements of the adopted Planning Obligations and Nature Conservation SPD's has been submitted to and approved by the Local Planning Authority. All works must be carried out in accordance with the approved scheme and programme and shall be maintained throughout the life of the development.
4. AE03 Submission of materials samples
5. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed with the local planning authority), has been submitted to and approved by the local planning authority. Such a strategy shall facilitate the

identification of ground gases and vapours that have the potential to pose a risk to human health and the wider environment. Where the investigations identify the presence of ground gases and vapours, development shall not begin until a scheme to protect the development from the effects of such gases and vapours 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.

6. Prior to the commencement of development, details of the proposed levels of the site (including finished floor levels), which should be related to those of adjoining land and highways, shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved levels.
7. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment (including the retaining walls) to be erected. The boundary treatment shall be carried out in accordance with the approved details shall be and completed before the dwellings are occupied. To exposed highway boundaries such treatments shall be of brick construction
8. The dwellings shall not be occupied until the areas shown for car parking on the drawing numbered 253/101/Revision C has been graded, levelled, surfaced and marked out in accordance with the agreed scheme. These parking areas shall have a hard surface that is either made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse, and shall not thereafter be used for any other purpose unless otherwise agreed in writing with the local planning authority.
9. A1011 Landscaping scheme to be submitted
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order), no development referred to in Part 1 Classes A, B and E of Schedule 2 to that order shall be carried out.

Planning Application P09/1652

