

PLANNING APPLICATION NUMBER: P08/1189

Type of approval sought	FULL PLANNING PERMISSION
Ward	NETHERTON WOODSIDE & ST ANDREWS
Applicant	MRS TRUDY REES-MARKLEW
Location: 5, QUEENS GARDENS, NETHERTON, DUDLEY, DY2 0JP	
Proposal: DEMOLITION OF EXISTING DWELLING AND ERECTION OF 3 NO. DORMER BUNGALOWS WITH DETACHED GARAGE AND ASSOCIATED PARKING.	
Recommendation summary: APPROVE SUBJECT TO A 106 AGREEMENT	

INTRODUCTION

1. Following the adoption of the revised Planning Obligations Supplementary Planning Document at the full Council meeting of 18th March 2009, the applicant for this planning application has requested that the Council renegotiate transport contributions based on the newly adopted Planning Obligations Supplementary Planning Document.
2. This application was previously granted planning permission at the meeting of the Development Control Committee on 3rd November 2008. Such approval was subject to conditions and a planning obligation to guarantee the payment of a sum of £10,482.56. This sum included £5800.93 for Transport Infrastructure Improvements. Following the adoption of the revised Planning Obligation Supplementary Planning Document, the formula for calculating the Transport Infrastructure Improvement has been amended downwards. In this case, the reduction of Transport Infrastructure Improvement monies from £5800.93 to £802.62 arises. A revised report follows that incorporates the reduction of such monies.

SITE AND SURROUNDINGS

3. The application site is a detached bungalow that is empty and in a state of deterioration. The garden area is overgrown and untidy.

4. Towards the southern boundary of the site there is a sudden and significant drop in levels down towards the boundary with no. 10 Monarch Way. The adjoining gardens on the west elevation in Alpine Drive also drop in levels to their respective properties.
5. Residential gardens border the application site on all sides and the surrounding area is predominantly residential.

PROPOSAL

6. The proposal comprises the following:
 - Demolition of the existing empty bungalow
 - Erection of 3 no. bedroom dormer style bungalows with associated garaging, access road and gardens.
7. The application is accompanied by a Design & Access Statement and an Ecological Survey Report.

HISTORY

8.

APPLICATION No.	PROPOSAL	DECISION	DATE
80/50088	Erection of car port	Granted	12/02/80

PUBLIC CONSULTATION

9. Six letters of objection have been received, raising the following issues:
 - Siting of dormer style bungalows
 - Responsibility of boundary fencing
 - Increase in traffic
 - Loss of privacy

- Area is severely overgrown and requires tidying
- Overlooking
- Hawthorn hedging adjoining boundary to remain
- Position of trees

OTHER CONSULTATION

10. Head of Environmental Health & Trading Standards – No adverse comments
Group Engineer (Development) – Amended plans have been received that satisfactorily address previous internal garage dimension and access road width issues. No objections subject to provision of parking areas and access road before first occupation.

RELEVANT PLANNING POLICY

11. Dudley UDP (2005)

AM14 - Parking
DD1 - Urban Design
DD4 - Development in Residential Areas
DD6 - Access & Transport Infrastructure
DD7 - Planning Obligations
DD10 - Nature Conservation and Development
H1 - New Housing Development
H3 - Housing Assessment Criteria
H6 - Housing Density
H7 - Housing on previously developed land
NC6 - Wildlife Species
UR9 - Contaminated Land

12. Supplementary Planning Documents

Nature Conservation
New Housing Development
Parking Standards & Travel Plans

13. Supplementary Planning Guidance

PGN3 - New Housing Development

14. National Policy Documents

PPS1 - Delivering Sustainable Developments

PPS3 - Housing

PPS23 - Planning and Pollution Control

ASSESSMENT

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

- Principle
- Density
- Residential Amenity
- Design
- Highways and Parking
- Planning Obligations

Principle

16. The application site is an existing residential plot in an established residential estate. The principle of redeveloping the site for residential purposes is therefore acceptable, in compliance with policies DD4 and H3 of the adopted UDP (2005).

Density

17. The proposed scheme would result in development at a density of 20dph. This figure is relatively low due to the shape and characteristics of the site and that any additional units could begin to adversely impact upon adjoining residential amenity. The immediate area is characterised by plots of differing styles and size, ranging from detached to semi-detached. The variety in house types and garden sizes ensures that

the density, in the local area, ranges from 18 dwellings per hectare (dph) to 45dph. As such the proposed plot sizes are considered appropriate for the site and character of the surroundings and the density is considered to be in compliance with UDP policy H6.

Residential Amenity

18. The scheme comprises 3 no. plots, 1 no. detached double garage, access road and garden area.
19. Plot 1 has a garden length of between 16.5m and 19m and plot 2 has a garden length of between 10m and 14m. The gardens of plots 1 and 2 have varying garden lengths due to the angle of the rear boundary. These two plots would also face in the same direction as the adjoining line of properties (nos. 6-12 Queens Gardens). There would be a distance of 28m between plot 1 and no. 17 Alpine Drive and 25m between plot 2 and no. 19 Alpine Drive. A detached double garage is also proposed and would be sited between 0.5m and 3m away from the rear boundaries of nos. 19 and 21 Alpine Drive.
20. Plot 3 has been amended so the proposed dormer style bungalow is now set in a minimum of 3 metres (rising up to 3.5m) from the boundary with no. 21 Alpine Drive. This proposed property is almost set in line with the front elevation of no. 21 Alpine Drive and although the rear elevation of the proposed dormer dwelling would face towards the side elevation of no. 21 there are no first floor rear habitable dormer windows in the proposed dwellings facing no. 21. To further reduce the impact of the proposed dwelling there is also a dense layer of trees leading up to the boundary with the application site from no. 21 which would help to visually obscure any building when viewed from the front garden area of no. 21. The siting of plot 3 is proposed very close to a steep drop in levels of 5 metres down to the boundary with no. 10 Monarch Way though the boundary with no. 10 has existing substantial screening, which helps to ensure that there would be no adverse visual impact when viewed from the rear garden of no. 10.
21. Although the application site is at a higher level than properties particularly in Alpine Drive, Queens Gardens and Monarch Way it is considered that the siting of the dwellings due to their distances from adjacent residential properties would not

prejudice the amenities neighbouring occupiers could reasonably expect to continue to enjoy. Neighbours amenities and street scene are not considered to be detrimentally affected, and the proposed scheme is in accordance with policy DD4.

Design

22. There are a number of residential designs in the locality ranging from detached, semi-detached to bungalows built predominantly in the 1960s and 1990s. The proposed development would be of traditional style brick built dormer style dwellings and would not look out of place or adversely impact upon the character of the area, in compliance with UDP policies DD1 and DD4.

Highways and Parking

23. An amended layout plan was received that provided internal garage dimensions of 6m x 3m for detached garage building and a 4.5m wide access road. Subject to conditions relating to provision of parking and the access road prior to first occupation there are no highway objections, in compliance with policy DD6.

Planning Obligations

24. 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

25. The proposal attracts a requirement for a commuted sum to be paid towards the following infrastructure:
- Libraries - £359.06
 - Open Space, Sport & Recreation - £4322.57
 - Transport Infrastructure Improvements - £802.62
 - Management & Monitoring Charge - £500.00

Total Offsite Contribution Equates to £5,984.25

The applicant has agreed to the provision of these planning obligations.

CONCLUSION

26. The siting and the external appearance of the proposed dwellings are considered to be acceptable. The proposed scheme has made full and efficient use of the land and the scheme conforms to the local context of the area. Neighbours amenity and street scene are considered to be detrimentally affected, and the scheme is in compliance with adopted Unitary Development Plan Policy. Given the downward assessment of the current Transport Infrastructure Improvement rates in the Planning Obligations SPD it is considered appropriate that such current rates are applied.

RECOMMENDATION

27. 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 sum of £5984.25 for the provision, maintenance and enhancement of site public open space and play provision, library and transport improvements 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 APPROVAL

The siting and the external appearance of the proposed dwellings are considered to be acceptable. The proposed scheme has made full and efficient use of the land and the

scheme conforms to the local context of the area. Neighbours amenity and street scene are not considered to be detrimentally affected, and the scheme is in compliance with Adopted Development Plan Policy. Given the downward assessment of the current Transport Infrastructure Improvement rates in the Planning Obligations SPD it is considered appropriate that such current rates are applied.

The decision to grant planning permission has been taken with regard to the policies and the 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.

INFORMATIVE

The development hereby permitted shall be built in accordance with drawing numbers 1014sk1, 1014sk2, 1014sk3C and 1014sk4A unless otherwise agreed in writing by the Local Planning Authority.

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 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:

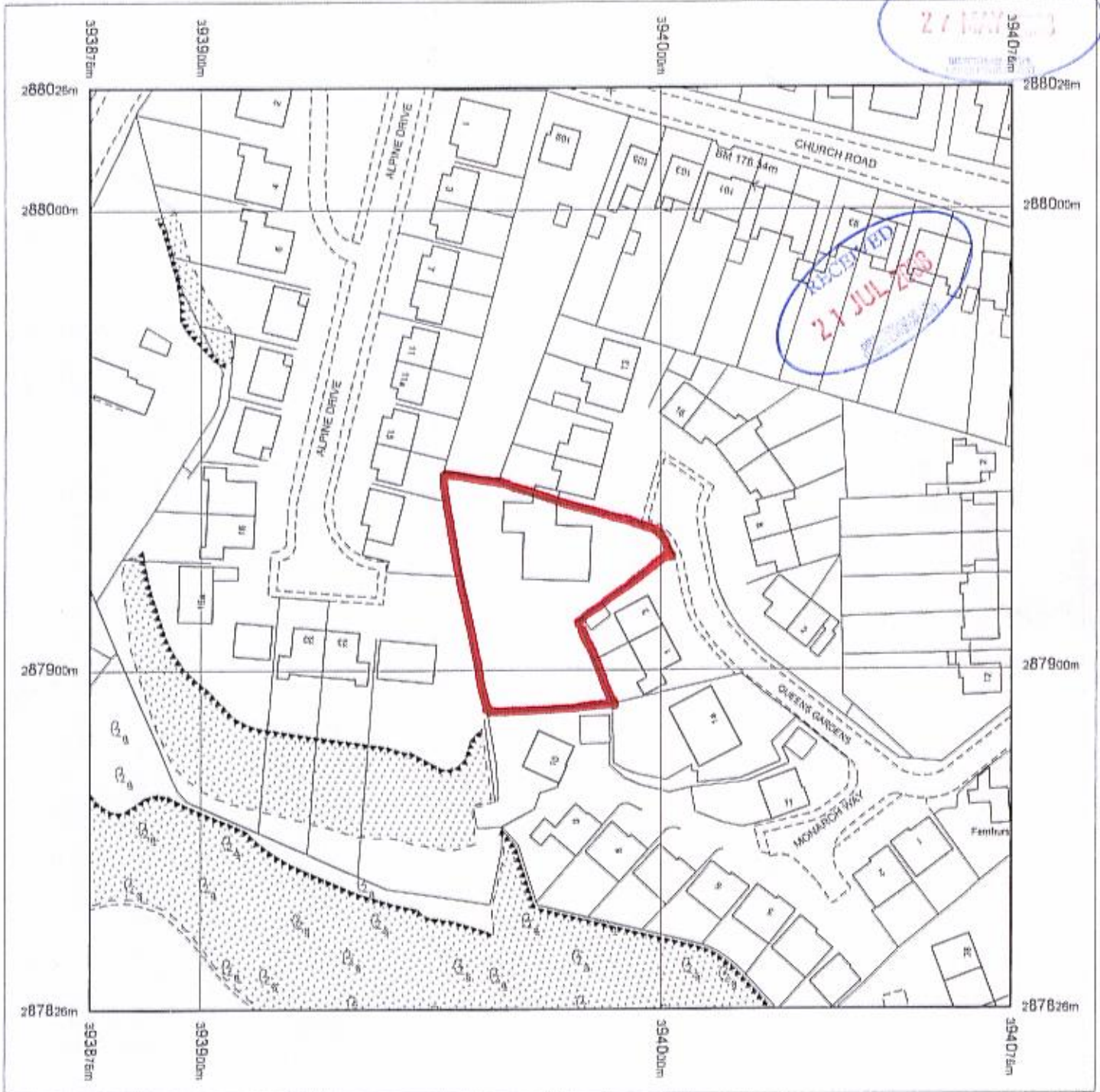
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2. The development shall not begin until a scheme for the provision of:

- Off site public open space and play area improvements
- Off site library improvements
- Off site Transport improvements
- Management and monitoring charge

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.

3. AE03 Submission of materials samples
4. AI01I Landscaping scheme to be submitted
5. AI05 Boundary treatment details
6. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking or re-enacting that order with or without modification) no development referred to in Schedule 2, Part 1, Classes A, B, C, D and E of that order shall be carried out.
7. BD12I Implementation of parking provision
8. AI08 Tree Protection Plan
9. BI12 Retained Trees Tree Replacement
10. BI13 Trees (Excavations)
11. Trees (Parking Area Construction)
12. Prior to commencement of development the details of the parking areas and means of access including lines, widths, levels, gradients, sections, lighting, drainage and permeable surfaces will be submitted to and approved in writing by the LPA. Prior to first occupation the parking area and means of access will be provided in accordance with the approved details and maintained for no other purpose for the life of the development.



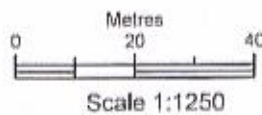
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