

# PLANNING APPLICATION NUMBER: P09/1655

Type of approval sought	FULL PLANNING PERMISSION
Ward	CRADLEY & FOXCOTE
Applicant	MR A BACON
Location:	<b>LAND ADJ. FURLONG COURT, FURLONG LANE, HALESOWEN, WEST MIDLANDS</b>
Proposal:	<b>ERECTION OF 3 NO. DWELLINGS (RESUBMISSION OF REFUSED PLANNING APPLICATION P09/1101)</b>
Recommendation summary:	<b>APPROVE SUBJECT TO A 106 AGREEMENT</b>

## SITE AND SURROUNDINGS

1. The application site is the existing car park and sloping landscaped area for the Furlong Court flats, sited between Furlong Court and No. 4 Furlong Lane. The site measures 35m wide by 24.4m deep (732sq.m) and is located within a wholly residential area of mixed dwelling types. The landscaped area surrounds the car park and contains trees, grassed areas, shrubbery and an evergreen hedge boundary to the front. Whilst the parking area is reasonably level there is a grass banked area to the rear that rises up to a bowling green which is part of Cradley Conservative Club.
2. Furlong Lane rises steeply across the site frontage from the 3 storey flats at Furlong Court to 4 Furlong Lane by some 3.35 metres. The grounds of Cradley Conservative Club and a bowling green at the rear of the site are set at a level some 2.5m higher than Furlong Lane.

## PROPOSAL

3. The proposal is for 3 no. 3 bed dwellings and a new parking layout for the Furlong Court flats. The 3 no. dwellings would be in a terrace and 2½ stories in height. The current parking area adjoining Furlong Court would be revised and extended 4m towards the flats and the rear boundary by cutting into the banked area, to create a new parking area for both flats and houses.

4. There will be 18 no. spaces in the revised parking area to include 14 no. spaces for the 14 no. flats in Furlong Court and 2 no. spaces each for Plots 1 and 2 respectively. Plot 3 will have 2 tandem spaces in a proposed side driveway adjoining Plot 3. The new parking area would have a width of 15.7 metres, whilst the 3 no. houses would have a plot width of 19.3 metres.
5. The application is accompanied by a Design & Access Statement, Bat Assessment and Tree Report.

## HISTORY

6.

APPLICATION No.	PROPOSAL	DECISION	DATE
76/678	Conversion of office into 14 no. flats and layout of car park.	Granted	13/01/77
80/50601	Continued use of land as a car park and amenity area and retention of refuse chamber for flats.	Granted	01/06/81
P09/1101	Erection of 3 no. dwellings	Refused	09/10/09

7. For background information, Furlong Court was originally built as an office block, but in accordance with Application No. 76/678, planning permission was granted for its conversion into 14 flats together with laying out of land as a car park. In order to avoid the immediate demolition of two occupied cottages which would have been necessary to obtain access to the car park a temporary planning permission expiring 31<sup>st</sup> January 1984 was granted under Application No. 76/917 for the construction of an alternative car park on land forming the site of 6-16 Furlong Lane. At the time of approval this land was affected by the A456 improvement scheme but a revision of the improvement scheme resulted in the land being surplus to highway requirements.

8. The applicants therefore submitted the 80/50601 application for the permanent retention of the car park and amenity area on the site, and also for the permanent retention of the refuse chamber which was also subject to a temporary permission.
9. The application P09/1101 was refused on highway safety grounds, impact upon the character and visual amenity of the area and the lack of a completed undertaking to make a contribution towards planning obligations.

## **PUBLIC CONSULTATION**

10. Public consultation time expired 4<sup>th</sup> January 2010. No objections have been received.

## **OTHER CONSULTATION**

11. Group Engineer (Development)

A site parking requirement of 24 parking spaces has been calculated using the maximum parking standards within the Parking Standards and Travel Plans SPD, but by providing only 20 parking spaces, the development could be considered to comply with the principles of PPG13 and the Parking Standards and Travel Plans SPD. However there is potential for highway safety concerns to arise from the vehicles, which are displaced from the site parking on the Furlong Lane.

Conclusion.

The potential displacement of 4 vehicles onto Furlong Lane could cause highway safety concerns. It is, however, considered that this is not sufficient to sustain a recommendation for refusal. If the application is approved conditions should be attached relating to the provision of the parking areas and access road prior to first occupation and payment of the planning obligations contribution.

Head of Environmental Health & Trading Standards – no adverse comments.

### 12. Dudley Unitary Development Plan

- S2 Creating a more sustainable Borough
- S8 Housing
- DD1 Urban Design
- DD4 Development in Residential Areas
- DD6 Access and Transport Infrastructure
- DD7 Planning Obligations
- DD8 Provision of Open Space, Sport & Recreation Facilities
- AM14 Parking
- H3 Housing Assessment Criteria
- H6 Housing Density
- LR1 Open Space
- NC9 Mature Trees
- NC10 The Urban Forest

### 13. Supplementary Planning Document

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

### 14. Supplementary Planning Guidance

Planning Guidance Note No. 3 – New Housing Development

### 15. National Planning Guidance

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



16. The key issues to be assessed in this application are as follows:

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

### Principle

17. The application site is part existing parking area and part amenity area for the adjacent block of flats at Furlong Court. Furlong Lane is a predominately residential road and the application is adjoined and faces existing residential properties. The principle of redeveloping the site for residential purposes is therefore acceptable, in compliance with Policies DD4 and H3.

### Density

18. The 3 no. dwellings would result in development at a density of 64 dwellings per hectare (site area of 19.3m wide x 24.4m deep). The properties in the locality are characterised by a wide mix of property types from detached/semi detached/terraced with long gardens to a more recent development opposite that has shorter gardens. The variety in house types and garden lengths ensures the density in the local area ranges from 20dph to 70dph. As such the density of the development would be in accordance with the varied local context of the area and in compliance with Policy H6 of the adopted UDP (2005).

### Residential Amenity

19. The scheme comprises 3 no. 3 bed terraced style housing and a new parking area for the occupants of the adjacent Furlong Court flats.
20. The 3 no. houses would be built on a part grassed area with trees and part existing car park. The private amenity space for the occupants of Furlong Court is located to the rear of the block of flats and this private amenity space would remain, not being subject to this application. A tree survey has been submitted for the trees which are mainly Birch, Beech and some Hawthorn. The trees are not subject to a Tree Preservation Order. Poor specimens such as those with decay and dead wood would be removed whilst good specimens will remain and be incorporated into the new development. New landscaping would also be included into the development to further integrate the scheme into the street scene. Significant areas of the current grassed area that surround the existing car park (i.e. the area between the car park and no. 4 Furlong Lane and the bowling green to the rear) would be utilised as proposed garden areas.
21. The new parking area next to Furlong Court would replace the existing car park and would comprise a fully marked and laid out vehicular parking area for the occupants of the flat and the occupants of the proposed Plots 1 and 2.
22. In regards to the proposed housing Plot 1 would have a rear garden length of 13m, whilst Plots 2 and 3 would both have a garden length of 14m. Plot 3 itself would be separated from the side wall of no. 4 Furlong Lane by a 3m wide side driveway that would be used by the occupants of Plot 3. No adverse impacts are therefore considered likely to arise upon the occupiers of the adjacent house or flats which are located 19m away from the blank side wall of plot 1.
23. The front the 3 no. dwellings would be set in 1.5m from the pavement to allow for level access, landscaping and a front boundary wall that allows for a means of enclosure to the development.
24. The proposed dwellings would be built in an established line of residential properties along Furlong Lane. It is considered that the proposed development allows for an

appropriate redevelopment of the site and residential is not considered to be detrimentally affected, in compliance with Policies DD1, DD4 and H3.

### Design

25. There are a number of residential designs in the locality ranging from detached, semi-detached and terraced from a variety of eras. The proposed terraced development allows for a revised parking layout to that previously refused, would be of traditional style brick built 2½ storey 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 & Parking

26. The site's parking requirement of 24 parking spaces was calculated using the maximum parking standards within the Parking Standards and Travel Plans SPD and by providing only 20 parking spaces the development could be considered to comply with the principles of PPG13 and the Parking Standards and Travel Plans SPD. However there is potential for highway safety concerns to arise from the vehicles, which are displaced from the site parking on the Furlong Lane. It is, however, considered that this is not sufficient to sustain a recommendation for refusal. Conditions are attached as requested, relating to the provision of the parking areas and access road prior to first occupation.

### Nature Conservation

27. A bat survey has been submitted with the application which confirms that none of the trees or shrubs appear to be suitable to support roosting bats and there are no obvious and immediate implications for the proposed development as regards bats. No adverse comments have been received from the Tree Officer with regard to the removal of tree specimens. Nature Conservation enhancements have however been required as part of the planning obligation and with appropriate conditions and mitigation there is an opportunity to enhance the areas wildlife potential in compliance with UDP Policy NC6.

### Planning Obligations

28. 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

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

- Libraries - £554.76
- Open Space, Sport & Recreation - £6783.70
- Public Realm - £1387.05
- Transport Infrastructure Improvements - £1203.93
- Nature Conservation - £414.00
- Management and Monitoring Charge - £1000.00

Total Offsite Contribution equates to £11343.44

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

## **CONCLUSION**

30. The siting, external appearance of the dwellings and the layout of the car park are considered to be appropriate in the context of the site and to serve the needs of both existing and proposed users with the scheme making full and efficient use of land. Neighbours amenity and street scene are not adversely affected and the scheme is considered to be in accordance with adopted UDP Policy.

31. 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 £11343.44 for the provision, maintenance and enhancement of site public open space and play provision, nature conservation, transport improvements, library and public realm 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, external appearance of the dwellings and the layout of the car park are considered to be appropriate in the context of the site and to serve the needs of both existing and proposed users with the scheme making full and efficient use of land. Neighbours amenity and street scene are not adversely affected and the scheme is considered to be in accordance with adopted UDP Policy.

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.

## **INFORMATIVE**

The development hereby permitted shall be built in accordance with Drawing Nos. 1076.P01, 1076.P02 and 1076.P03, unless otherwise agreed in writing by the Local Planning Authority.

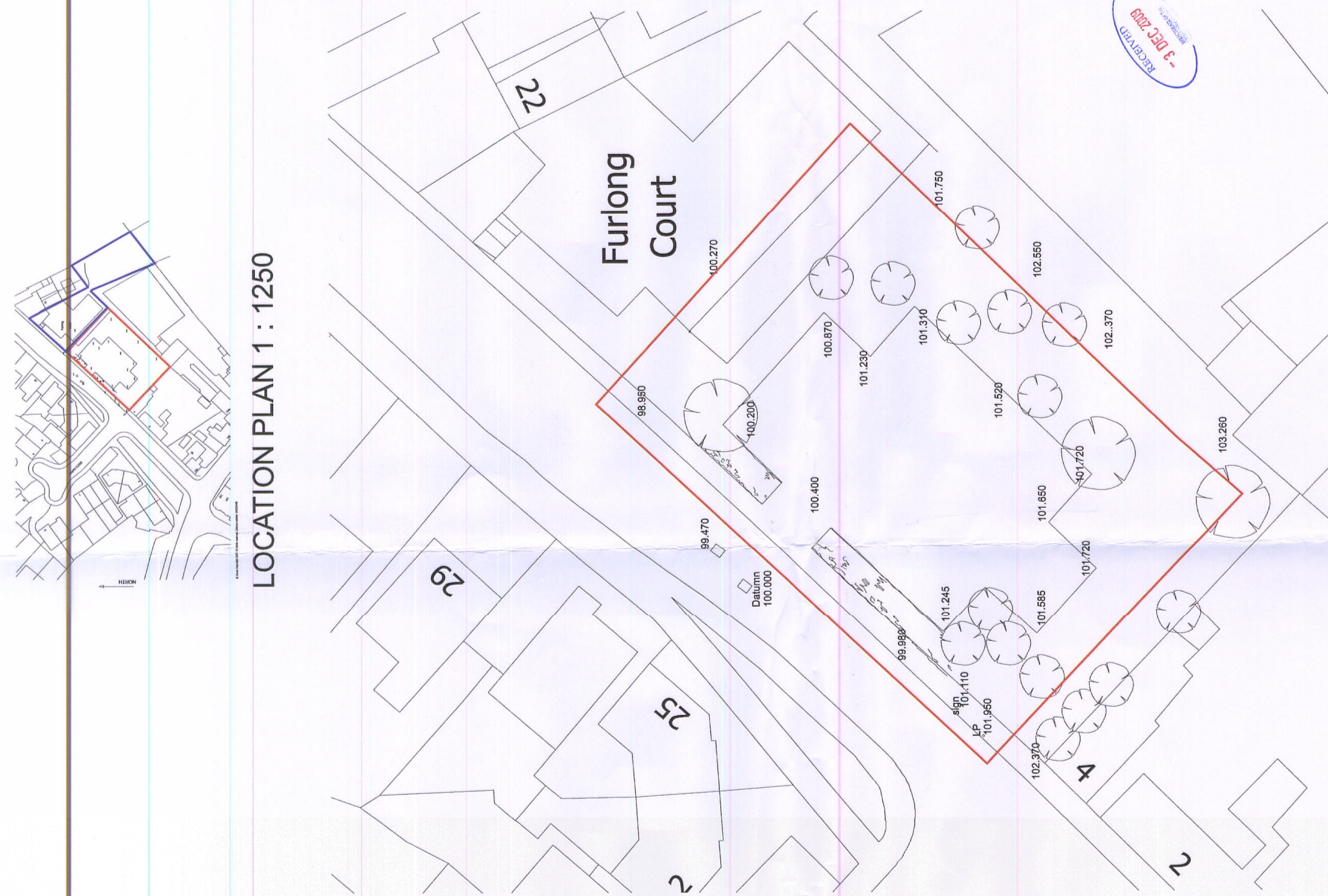
## **NOTE TO APPLICANT**

The grant 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 shall not begin until a scheme for the provision of:
  - Nature Conservation improvements
  - Off site Public Open Space and play area improvements
  - Off site Library improvements
  - Off site Public Realm
  - Transport Infrastructure Improvements
  - management and monitoringhas been submitted to and approved in writing by the Local Planning Authority
2. BA01 Commencement within 3 years (full)
3. AE03 Submission of materials samples
4. AI05 Boundary treatment details
5. Prior to first occupation of the dwellings, 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.
6. AI01I Landscaping scheme to be submitted
7. BI07I Retention of landscaped areas
8. BI11 Trees (Protective Fencing)
9. BI12 Retained Trees Tree Replacement
10. BI13 Trees (Excavations)





**BLOCK PLAN 1 : 200**



<b>Drawing No</b>	1076-P01	<b>Rev</b>		<b>Date</b>	July 08	<b>Scale</b>	1:1250, 1:250	<b>Drawn</b>	MF
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## TDF Design Limited

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### PROPOSED ERECTION OF 3N 3 BEDROOM TERRACE HOUSES LAND ADJACENT TO FURLONG COURT

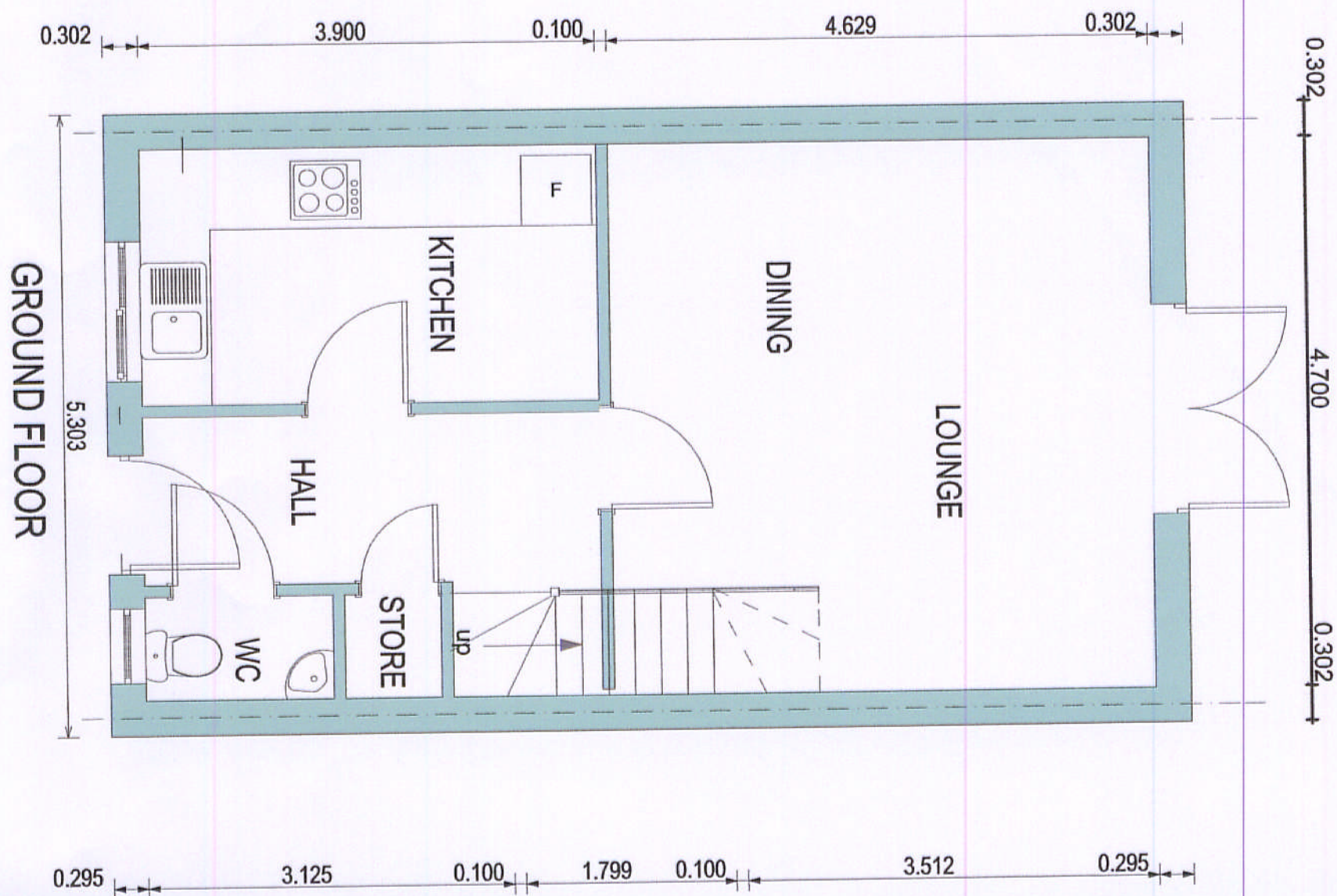
FURLONG LANE  
HALESOWEN  
WEST MIDLANDS

### PROPOSED FEASIBILITY DRAWING

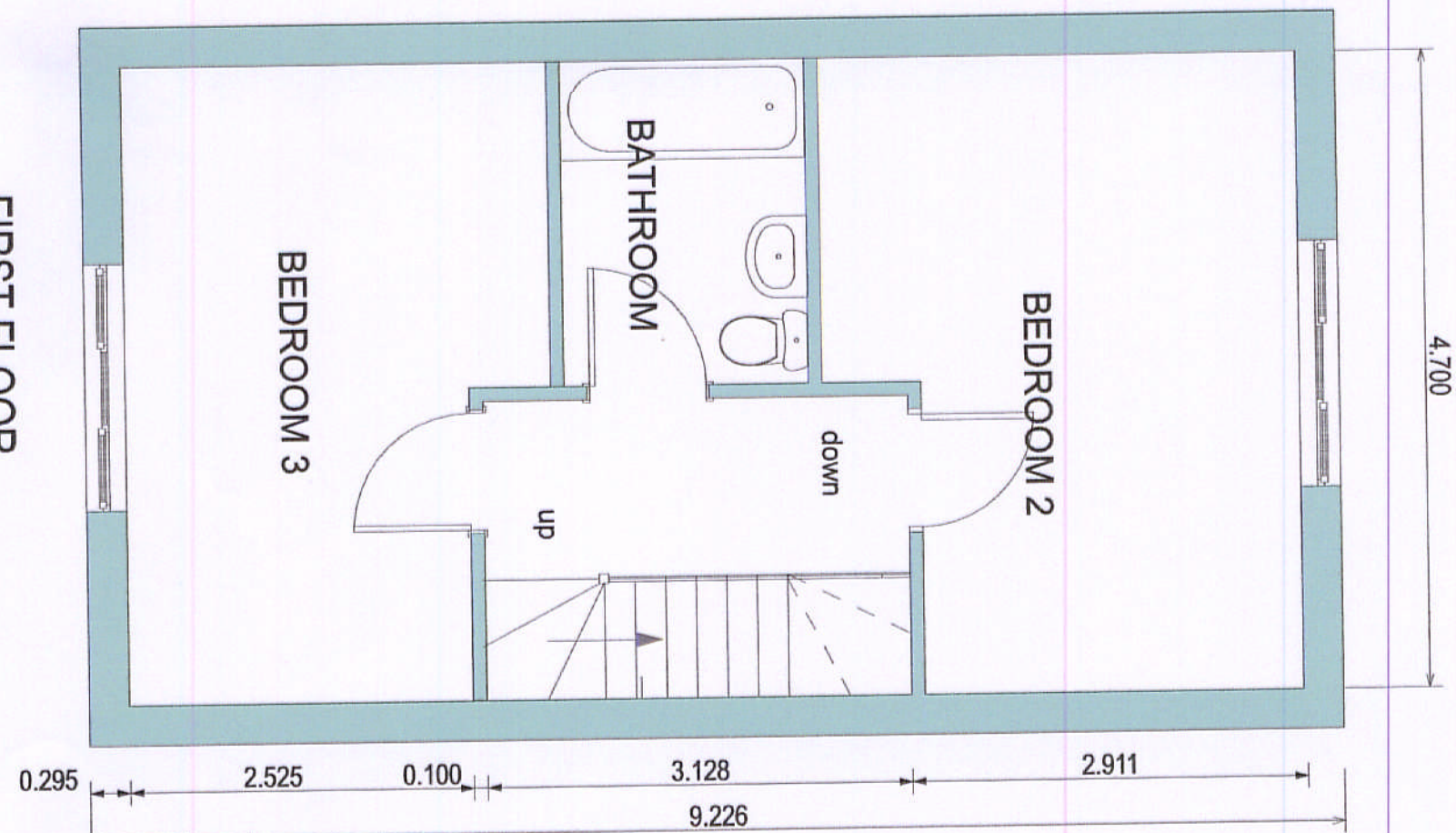




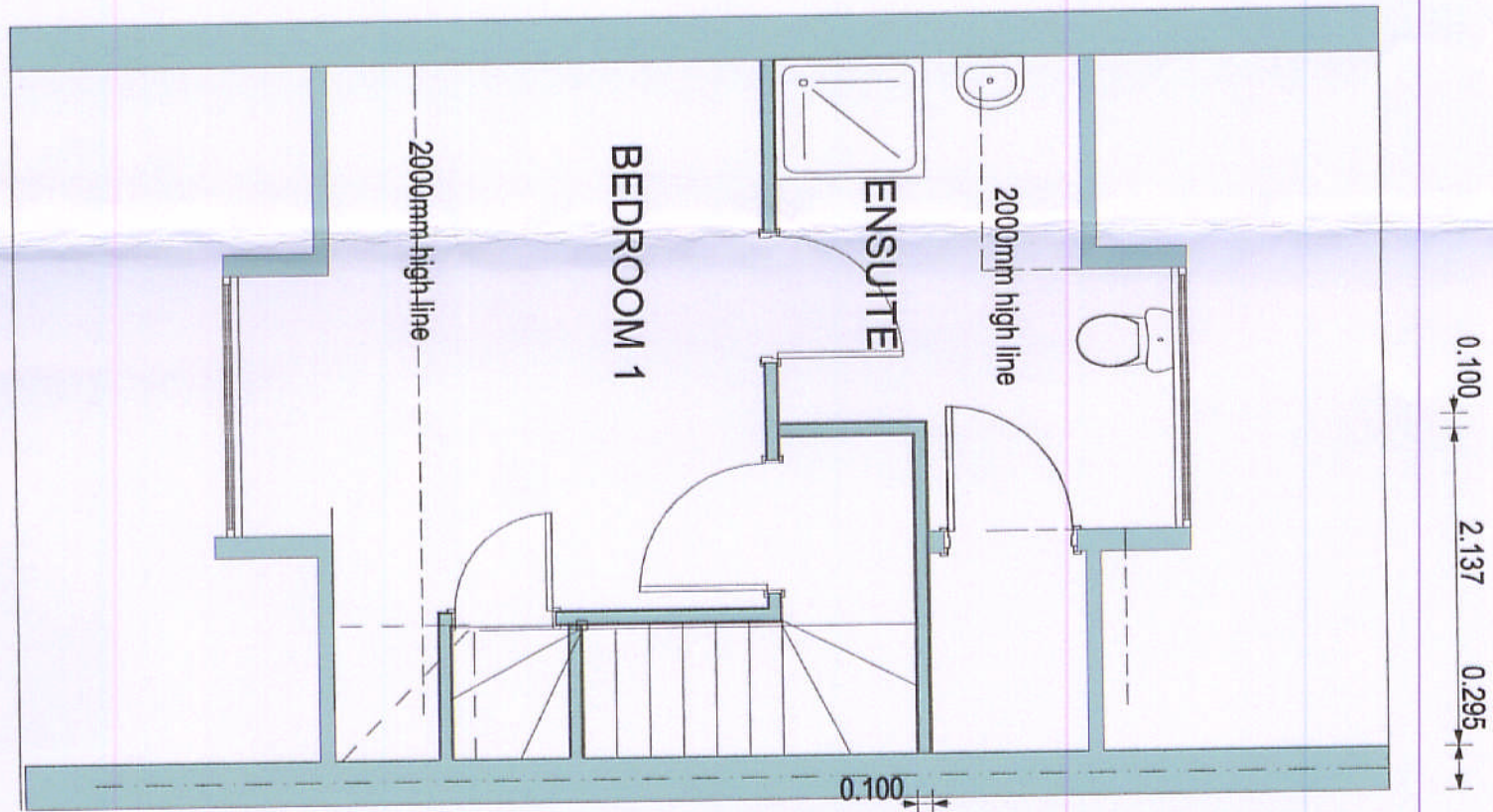




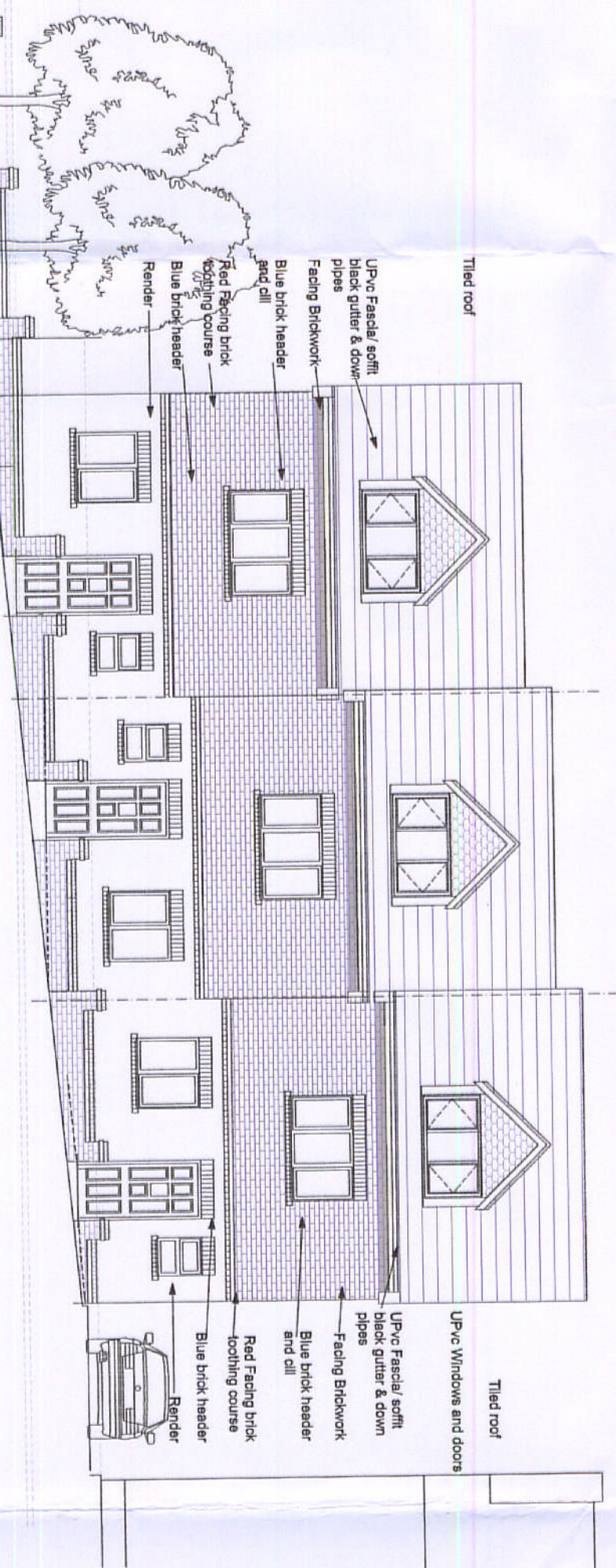
FIRST FLOOR  
TYPE 2



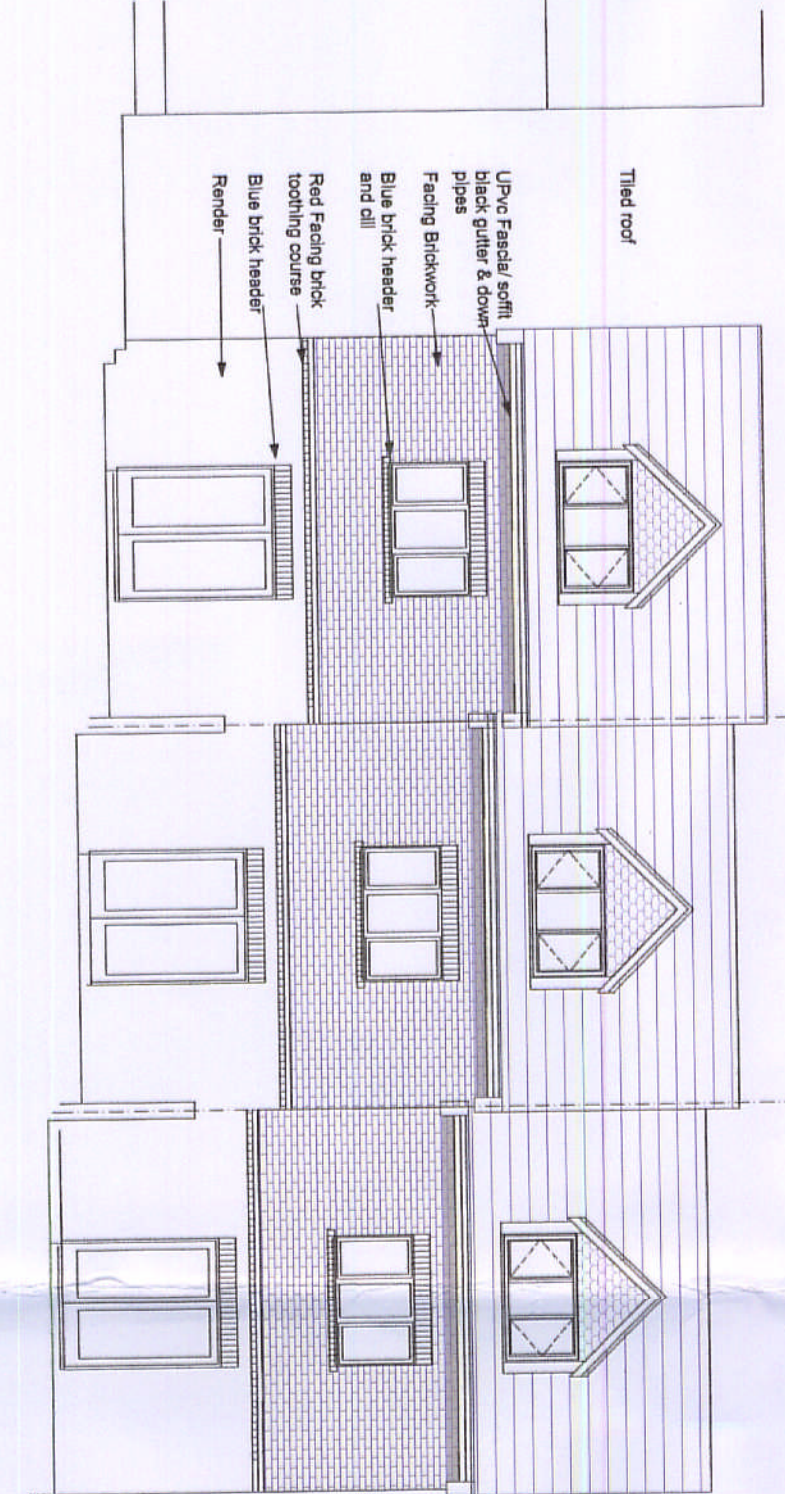
SECOND FLOOR



ELEVATION A - A



SIDE ELEVATION



SIDE ELEVATION



REV	8	Layout revised	15-11-28
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PROPOSED ERECTION OF 3N 3 BEDROOM TERRACE HOUSES LAND ADJACENT TO FURLONG COURT FURLONG LANE HALESOWEN WEST MIDLANDS			
PROPOSED FEASIBILITY DRAWING			
Drawing No	1076.P02	Rev	
Date	July 09	Scale	1:100, 1:50
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