

## PLANNING APPLICATION NUMBER:P08/1608

Type of approval sought	Full Planning Permission
Ward	COSELEY EAST
Applicant	NATHAN BEDDOWS, STONLEIGH
Location:	<b>43, NORTON CRESCENT, COSELEY, BILSTON, WV14 8QS</b>
Proposal	<b>ERECTION OF 1 NO 3 BEDROOM END TERRACED DWELLING (RESUBMISSION OF WITHDRAWN APPLICATION P08/1231)</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO A 106 AGREEMENT</b>

### SITE AND SURROUNDINGS

1. The site occupies a prominent location on the corner of Norton Crescent and Flavell Avenue, Coseley. It contains one semi-detached house (43 Norton Crescent) within a relatively large curtilage.
2. The house is situated within an area characterised by two-storey semi-detached and terraced houses.

### PROPOSAL

3. The application is for the construction of a 3 No. bedroom dwelling adjacent to No. 43 Norton Crescent which would lead to the creation of a small terraced block of three properties with No. 43 Norton Crescent in the centre. It would have the same size and scale as No. 43 Norton Crescent and have similar fenestration.
4. One off-street parking space is indicated to the front of the existing and new dwelling, whilst a second parking space for each property would be located at the end of the rear garden of the new dwelling adjacent to No. 23 Flavell Avenue

## HISTORY

5.

APPLICATION No.	PROPOSAL	DECISION	DATE
P07/2208	Erection of a pair of semi-detached houses (outline) (access, layout and scale to be considered)	Withdrawn	07/01/08
P08/0042	Erection of a pair of semi-detached houses (outline) (access, layout and scale to be considered) (resubmission of withdrawn application P07/2208)	Refused	05/03/08
P08/1231	Erection of 1 No. 3 bedroom terrace dwelling	Withdrawn	07/10/08

Planning application No P08/0042 was refused for the following reasons:

*‘The form and layout of the proposed development in terms of the plot width, depth and the loss of the openness of the corner plot through introducing built development within an otherwise un-built frontage would result in a form of development that is out of context and would be detrimental to the character of the area contrary to Policy DD4 (Development in Residential Areas) of the Adopted Dudley Unitary Development Plan (2005) and the New Housing Development: Establishing Local Context Supplementary Planning Document.*

*The siting of the proposed dwelling with respect to its relationship with no. 23 Flavell Avenue would result in an unacceptable loss of light to habitable rooms and the overshadowing of the rear private garden area to the proposed dwelling and an unacceptable level of overlooking to the private garden areas serving the dwellings*

*on Norton Crescent thereby resulting in an unacceptable loss of residential amenity contrary to Policy DD4 (Development in Residential Areas) of the Adopted Dudley Unitary Development Plan (2005).*

*The resultant private garden area serving no. 43 Norton Crescent would be small compared to the size of the gardens that are characteristic of the local area and would fail to provide sufficient amenity space for a family home contrary to Policy DD4 (Development in Residential Areas) of the Adopted Dudley Unitary Development Plan (2005), the New Housing Development: Establishing Local Context Supplementary Planning Document and PGN No. 3: New Housing Development Supplementary Planning Guidance.*

*No agreement has been made by the applicant/developer to a means to provide improved off site provision of public open space/play area; library improvements; public realm improvements and transport improvements. The Local Planning Authority is not satisfied that such necessary infrastructure improvements would be provided. The proposal is therefore considered to be contrary to Policies DD7 (Planning Obligations), DD8 (Provision of Open space, Sport and Recreation Facilities), LR2 (Access to Public Open Space [errata]) and LR3 (Children's Play Area) of the adopted Dudley Unitary Development Plan and the adopted Planning Obligations Supplementary Planning Document.'*

## **PUBLIC CONSULTATION**

6. One letter of objection has been received which is concerned about the loss of light to hallway and landing windows and the garden area. There are also concerns that the new dwelling would overlook the garden and bedroom windows.

## OTHER CONSULTATION

7. Group Engineer - Development – no objections to the application subject to the width of the two parking spaces at the front of the dwellings being increased to 2.4m and the rear parking spaces increased to 3.0m in width. Rear access to the two rear parking spaces should also be provided.
8. Head of Environmental Health and Trading Standards – no objection.

## RELEVANT PLANNING POLICY

9. National Planning Guidance  
Planning Policy Statement 3 – Housing
10. Adopted Dudley Unitary Development Plan  
Policy DD1 Urban Design  
Policy DD4 Development in Residential Areas  
Policy DD6 Access and Transport Infrastructure  
Policy DD7 Planning Obligations  
Policy AM14 Parking  
Policy H1 New Housing Development  
Policy H3 Housing Assessment Criteria  
Policy H6 Housing Density  
Policy NC9 Mature Trees
11. Supplementary Planning Guidance  
Planning Guidance Note No. 3 New Housing Development
12. Supplementary Planning Documents  
New Housing Development – a guide to establishing the urban context  
Planning Obligations  
Parking standards and travel plans

## ASSESSMENT

### Key Issues

- Principle of the development.
- Density.
- Impact on the character of the area
- Impact on the amenities of adjacent residents

- Access and Parking
- Landscaping and boundary treatment
- Planning obligations

#### Principle of development

13. The new house would be constructed upon side garden land belonging to No. 43 Norton Crescent. This brown field land is situated within an established residential area which, in principle, is acceptable for residential development.
14. No 43 Norton Crescent is a property which has a large side curtilage as a result of its location on the corner of Norton Crescent and Flavell Avenue. The site is currently surrounded by an overgrown hedge which contains one large Poplar tree. A previous application (P08/0042) on the site for a detached dwelling was refused for a number of reasons (outlined in paragraph 5 above). This previous application indicated one large detached house which fronted Flavell Avenue. The current scheme however would create a new dwelling attached to the existing house fronting Norton Crescent, as such it is considered that the previous reasons for refusal have now been overcome (this is discussed in the paragraphs below).

#### Density

15. The construction of the new dwelling would lead to a density of 33.3 dwellings per hectare (dph). Adjacent to the site, Nos 33, 35, 37, 39, 41 and 43 Norton Crescent have a density of 42.9 dph as do Nos 23, 25 and 27 Flavell Avenue. On this basis, being a corner plot, the density of the new house would be slightly less than adjacent houses and would be in keeping with the character of the existing area. It would also accord with guidance contained within PPS3 Housing which encourages housing development which makes efficient use of land.

Furthermore, if developed, No. 43 Norton Crescent would retain a rear garden length of 21.4 m which would be 6.0 m wide for most of its length. This is considered to be acceptable as it would be in keeping with the sizes of other gardens within the vicinity of the site. The new dwelling would also have an ample rear garden being 18m at its longest point and up to 11 m wide.

#### Impact on the character of the area

16. The site is bounded by a large overgrown hedge at the front of the site as it turns the corner into Flavell Avenue. Beyond this is a 2.0m high close boarded fence at the back of the pavement. On the opposite side of Flavell Avenue, the other corner dwelling (No 45 Norton Crescent) has a low wall with fencing above (over 2.0m high in total) which is also at the back of the pavement. The corner therefore already has a feeling of enclosure. It is also important to take into account the position of the dwelling on the current application with respect to the previous dwelling which was refused on the basis of loss of some of the openness of the corner plot. The current application indicates a new semi-detached house fronting Norton Crescent with the retention of an area of side/rear garden, with the setting back of the side boundary fencing by 2.0m and the provision of a landscaped planting strip. The previous scheme (P08/0042) however indicated a much larger (detached) dwelling which would face Flavell Avenue thereby introducing two-storey development close to the open corner of the site. As such the current application is considered to overcome the first reason for the refusal of P08/0042.

#### Impact on the amenities of adjacent residents

17. The new dwelling would face Norton Crescent and be of a similar size and scale to the adjacent dwelling. It would also have a similar garden length (14m at its longest point) as other properties in close proximity to the site. The rear of the new dwelling would face the side gable of No 23 Flavell Lane and there would be a distance of approximately 20m between the two properties. Concerns have been raised regarding loss of light to the existing side facing hall and landing windows of this dwelling and the possibility of overlooking into the garden and bedroom windows. However, given the distance between these two dwellings issues of loss of light or privacy would not be envisaged. This therefore overcomes the second refusal reason of planning application P08/0042.
18. A third refusal reason of P08/0042 was the inadequate size of the garden which would be retained at No 43 Norton Crescent. The realigning of the new dwelling has

now enabled a more than satisfactory size of rear garden to now remain at the existing dwelling.

#### Access and Parking

19. The application indicates one parking space to be introduced at the front of the existing property and one at the front of the new dwelling. This would be acceptable provided that the width of these parking spaces remain at 2.4m. This can be covered by condition.
20. There are also two parking spaces indicated at the rear of the new dwelling which would provide an additional off-street parking space for each property. This would provide two off-street parking spaces at the existing dwelling where there are currently none. It would also provide two spaces for the new dwelling which is considered to be acceptable given the quiet nature of the immediate residential roads. The width of the rear parking spaces should be increased in width to 3m as they would be located adjacent to fences.
21. The submitted plan does not indicate any access from the rear parking spaces to each of the properties. This will be required to encourage their use and is a matter that can be secured by condition if the application is granted.

#### Landscaping and boundary treatment

22. The proposed boundary treatment along the frontage of the site is indicated as a dwarf wall and railings with planting behind. This is to be supported. At the side of the dwelling a 2.0m wide planting strip of would be planted at the back of the pavement which would be maintained by the owner of the new dwelling. Behind this would be fencing to provide security to the side garden. The Poplar tree in the corner of the site would be unaffected by the development. This is all considered to be acceptable, indeed it is envisaged that the introduction of the planting strip will help to soften the existing visually harsh boundary treatment at this point.

### Planning Obligation

23. 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:

- Libraries - £179.53
- Open Space, Sport and Recreation - £2,402.51
- Transport Infrastructure Improvements - £2,454.24
- Public Realm - £495.30
- Management and monitoring charge - £500

Total Offsite Contribution = £6,031.58

The applicant has agreed to the payment of these offsite planning obligations.

### CONCLUSION

24. The site is situated within an established residential area, which would utilise 'brownfield' side garden land for the development of 1 No. 3 bedroom dwelling. The density of redevelopment will be in keeping with the surrounding area. It is envisaged to have little impact upon the amenities of local residents. In addition, sufficient off-street parking would be provided. As such the application is compliant with Policies DD1, DD4, DD6 and AM14 of the adopted Dudley Unitary Development Plan, Planning Policy Statement 3 (Housing), Supplementary Planning Guidance Note No 3 (New Housing Development) and Supplementary Planning Document 'Parking Standards and Travel Plans'

### RECOMMENDATION

25. It is recommended that the application is 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 sport and recreation improvements,



libraries improvements, public realm 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 where necessary.

### **Reason for Approval**

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.

### **Note to Applicant**

The development hereby permitted shall be built in accordance with the approved plans, numbered 16/07/08/01, 16/07/08/02 and 16/07/08/03B 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. The development not beginning until a scheme for the provision of:
  - Libraries
  - Open Space, Sport and Recreation
  - Transport Infrastructure Improvements
  - Public Realm
  - Management and monitoring chargehas been submitted to and approved in writing by the Local Planning Authority.
3. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.

4. All planting, seeding or turfing comprised in the details of landscaping approved in accordance with condition 3 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees, hedgerows or plants contained in the approved planting scheme which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
5. The landscaped areas shall be retained in the form shown on the approved plan throughout the life of the development and shall not be used for any other purpose.
6. Prior to the commencement of development, details of the boundary treatments to be installed on the whole site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include location of boundary treatment. Elevation details shall also be supplied, or planting species/distances, as appropriate. The development shall proceed in accordance with the approved details, which shall be installed on site prior to occupation and thereafter maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
7. Prior to the occupation of the new dwelling the four car parking spaces shown on the approved plan shall be provided and thereafter maintained for the life of the development. The spaces at the front of the dwellings should have a minimum width of 2.4m and the spaces at the rear of the new dwelling shall have a minimum width of 3.0m.
8. Prior to the commencement of development a scheme for providing pedestrian access from each dwelling to the rear parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the new dwelling and thereafter retained for the life of the development.
9. Development shall not begin until details of the type, texture and colour of materials to be used in external elevations have been submitted to and approved by the local planning authority. Such materials shall, unless otherwise agreed in writing by the local planning authority, closely match in type, texture and colour those of the existing building.
10. 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 contaminants and permit the risk based assessment of the development site. Where the investigations identify the presence of contamination, development shall not begin until a scheme to protect the development from the effects of such contamination 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.
11. 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.

12. No development approved by this permission shall be commenced until a scheme to deal with contamination of land has been submitted to and approved by the LPA and the development shall not be occupied until the measures approved in that scheme have been fully implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically in writing:
  - i) A desk-top study to formulate a conceptual model of the site. The requirements of the Local Planning Authority shall be fully established before the desk-study is commenced;
  - ii) Once the desk study has been approved by the Local Planning Authority, a site investigation shall be carried out to identify and evaluate all potential sources and impacts of identified contamination in accordance with the conceptual model. The findings of site investigation shall be presented in report format for approval by the Local Planning Authority and shall include a risk-based interpretation of any identified contaminants in line with UK guidance;
  - iii) Following the approval of both desk-top study and site investigation reports, a written remediation scheme and method statement (the contamination proposals) shall be agreed in writing with the Local Planning Authority prior to commencement. The contamination proposals shall be implemented in full and no deviation shall be made from the contamination proposals without the express written permission of the Local Planning Authority. The contamination proposals shall include provisions for validation monitoring and sampling.
13. 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 soil 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 soil gases and vapours, 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.



Figured dimensions only to be taken from this drawing.  
north point  
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notes

Proposed site layout 16/08/08

Existing parking bays to front of properties along Norton Crescent



revision B  
scale 1:200  
drawn PMH  
date 07/08  
client

Mr. Nathan Beddows

job  
Proposed 3 bed end-terraced house attached to No.43 Norton Crescent, Bilston, Dudley

drawing  
Proposed Site Layout

no.  
16/07/08/03B  
STONELEIGH ARCHITECTURAL SERVICES LTD.

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MR. N. BEDDOWS, 43 NORTON CRESCENT, DUDLEY



Roof tiles to match existing development ribbon.  
Walls to be facing brickwork with render panels to match existing development ribbon.  
Windows and doors to be replacement white UPVC throughout.

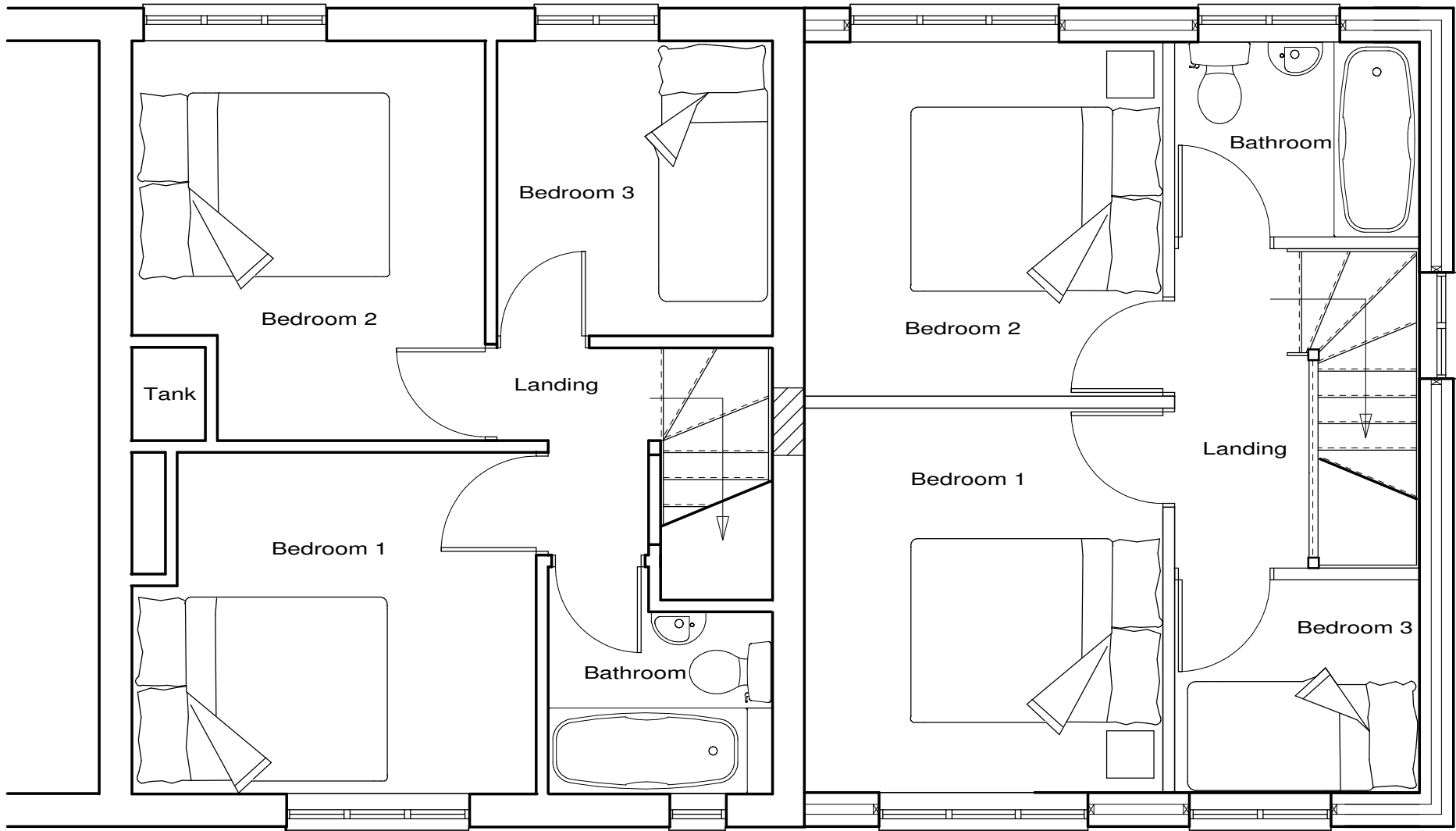
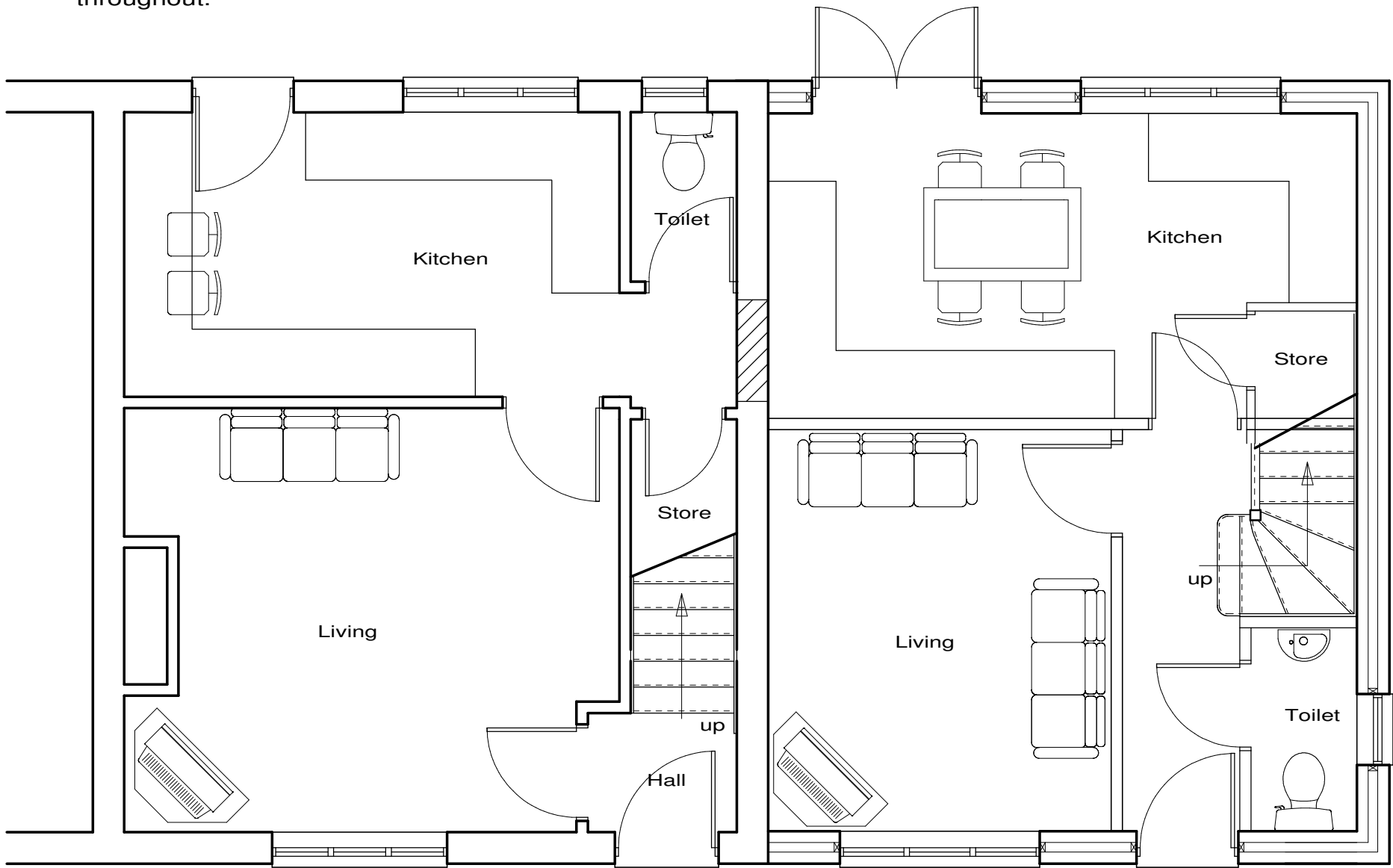
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notes

north point

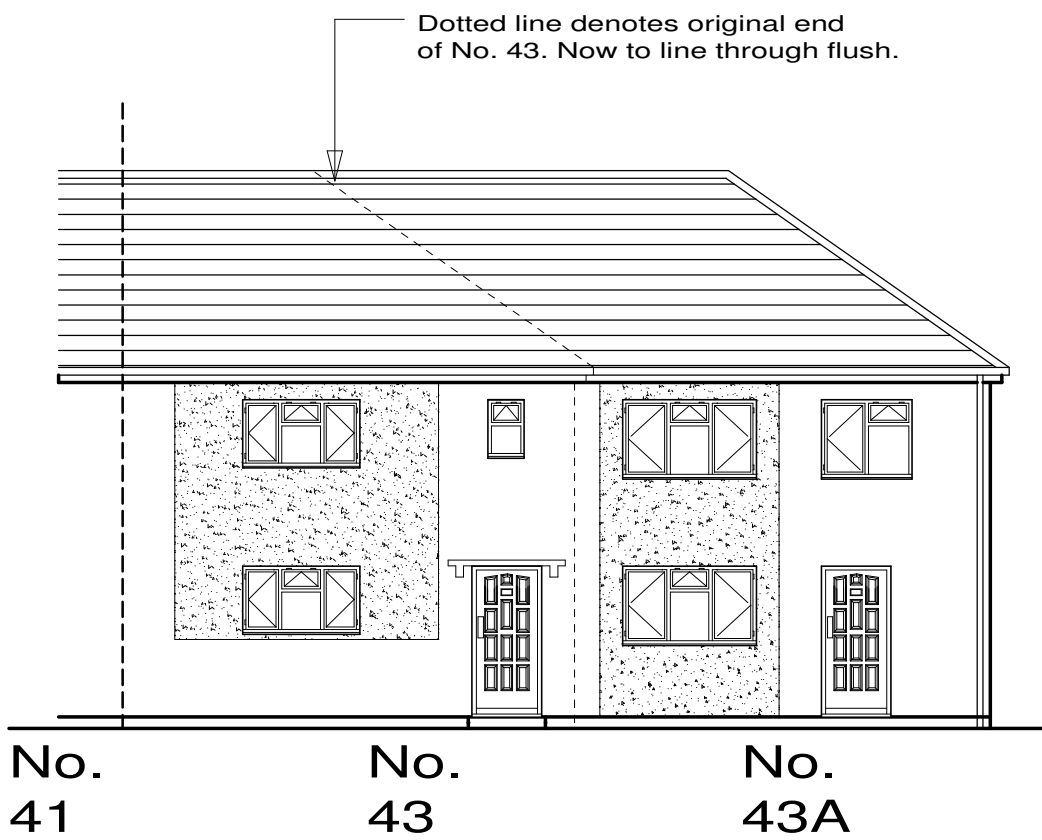


Proposed Ground Floor Plan No. 43

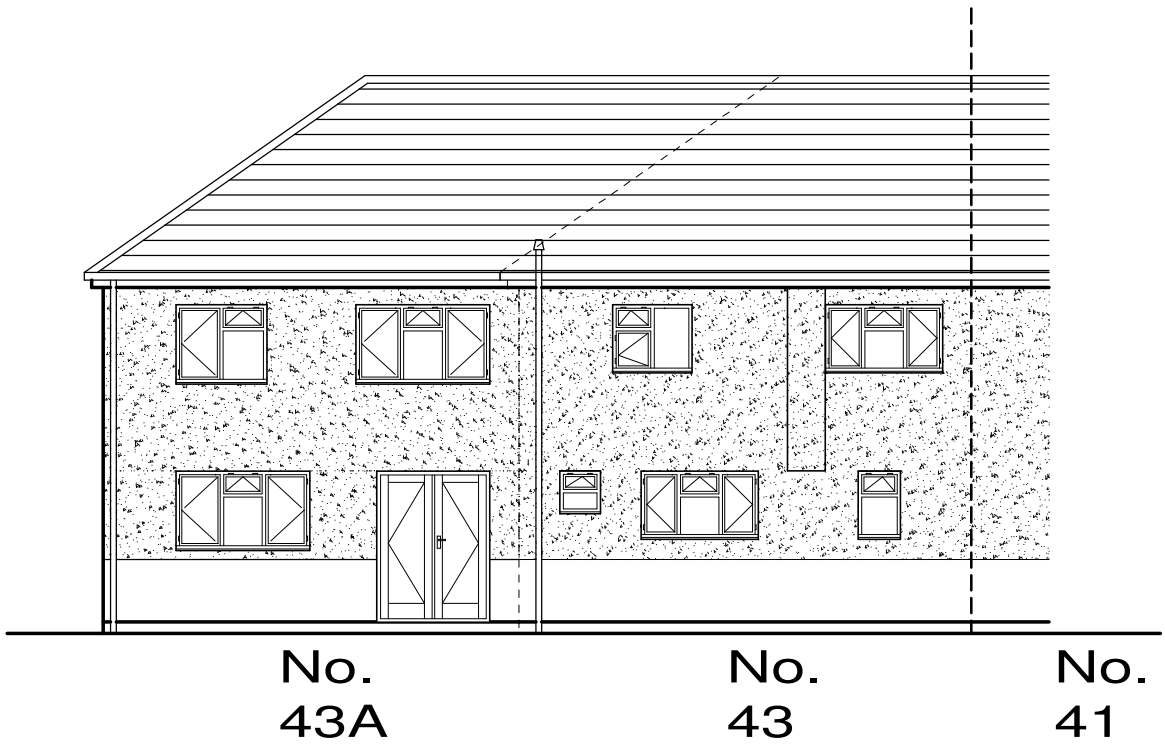
Proposed Ground Floor Plan No. 43A

Proposed First Floor Plan No. 43

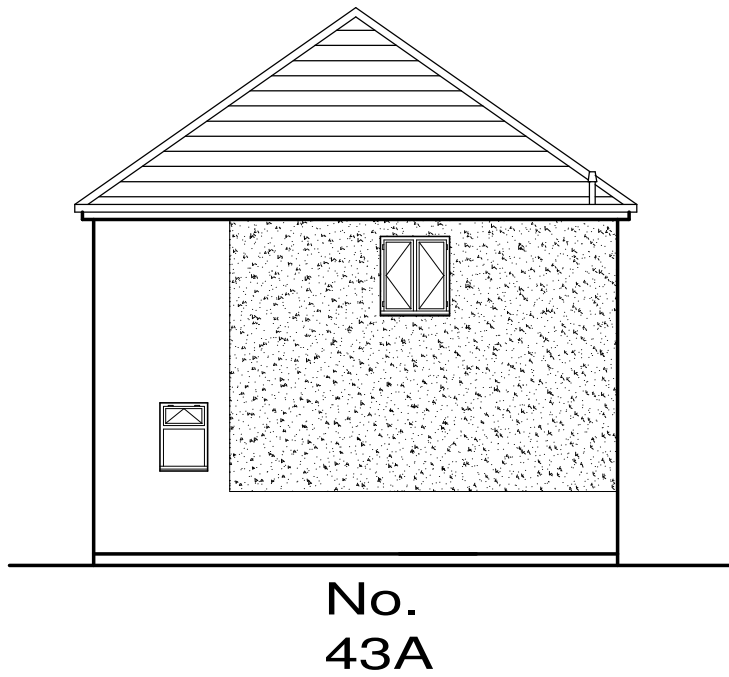
Proposed First Floor Plan No. 43A



Proposed Front Elevation



Proposed Rear Elevation



Proposed Side Elevation

revision

scale 1:50 1:100

drawn JOS

date 07/08

client

Mr Nathan Beddows

job

Proposed additional 3 bed end-terrace house attached to existing No.43 Norton Crescent, Bilston, Dudley, WV14 8QS.

drawing

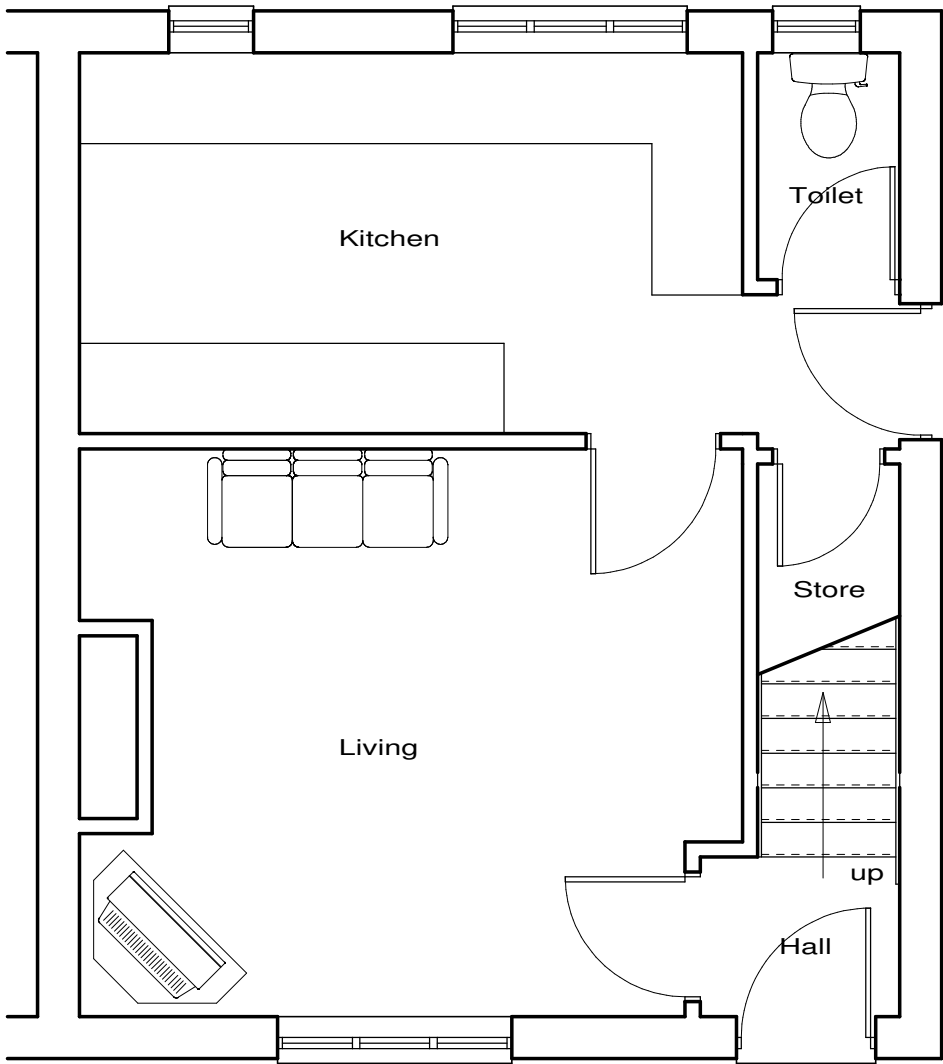
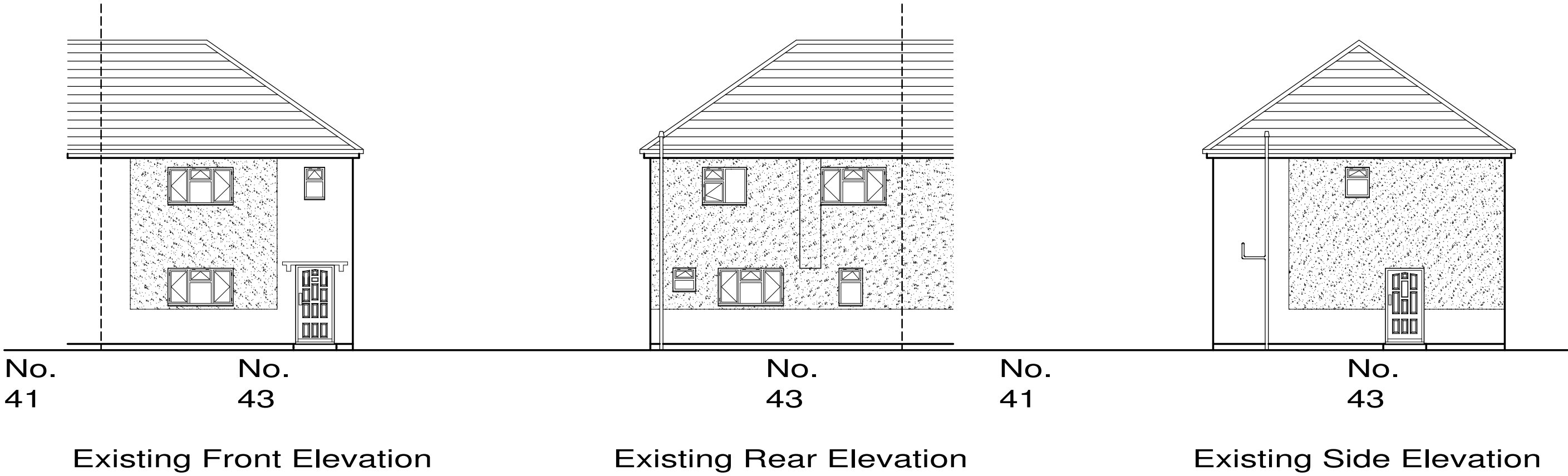
Proposed Plans and Elevations No. 43 Norton Crescent, Dudley.

no. 16/07/08/02

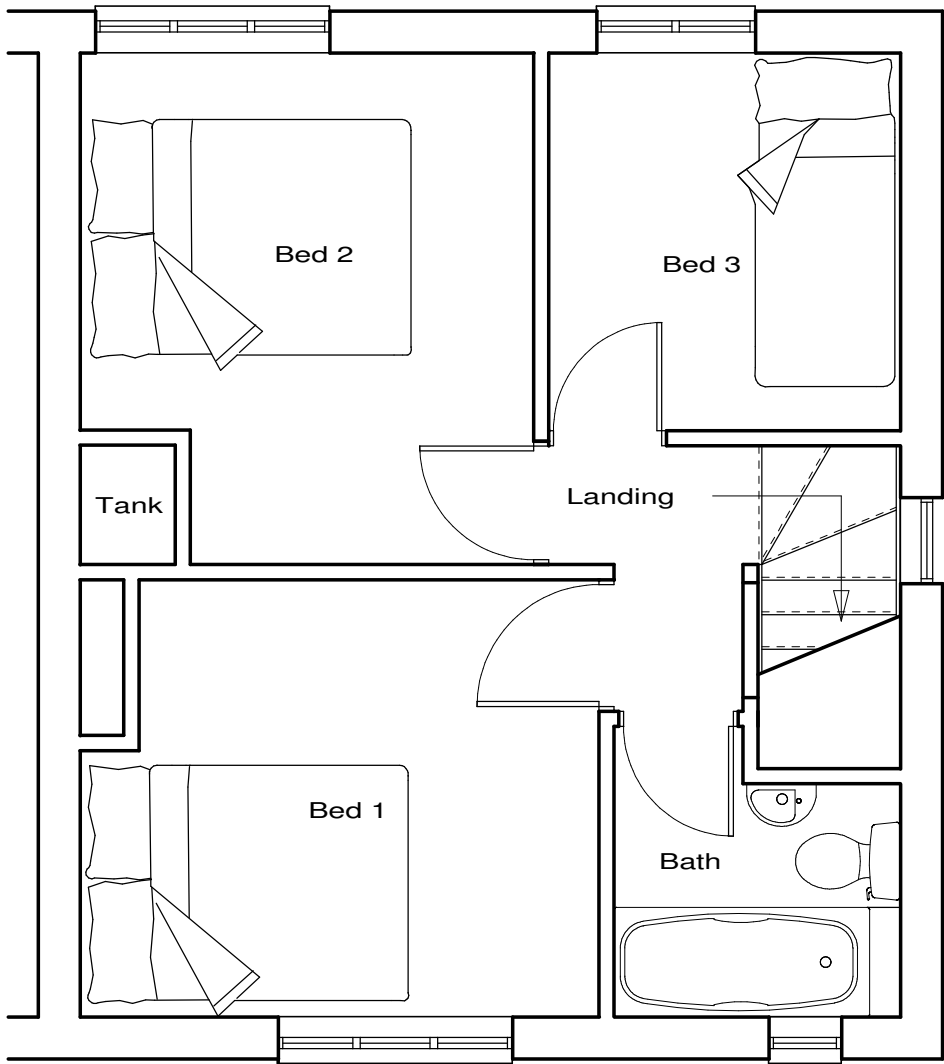
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notes



Existing Ground Floor Plan



Existing First Floor Plan

revision	
scale	1:50 1:100
drawn	PMH
date	07/08
client	

Mr Nathan Beddows

job

Proposed additional 3 bed end-terrace house attached to existing No.43 Norton Crescent, Bilston, Dudley, WV14 8QS.

drawing

Survey:  
Existing Plans and Elevations  
No. 43 Norton Crescent, Dudley.

no.

16/07/08/01

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