

PLANNING APPLICATION NUMBER:P08/1146

Type of approval sought	Full Planning Permission
Ward	CASTLE & PRIORY
Applicant	Mr Paul Wootton, Jephson Homes Housing Association
Location:	FORMER WASHINGTON ARMS (DEMOLISHED), WRENS NEST ROAD, DUDLEY, DUDLEY, DY1 3LN
Proposal	ERECTION OF 14 NO. 3 BEDROOM DWELLINGS, 13 NO. 2 BEDROOM FLATS AND 3 NO. 1 BEDROOM FLATS WITH NEW VEHICULAR ACCESS AND PARKING
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

INTRODUCTION

1. At the Development Control Committee meeting of 15th October 2008, Members resolved that authority be delegated to the Director of the Urban Environment to approve this development, subject to the expiration of the public consultation period and no letters of objection being received, and subject to an additional contribution requirement of £5,000 for a Traffic Regulation Order. Any approval was also to be subject to conditions and a planning obligation to guarantee the payment of a sum of £58,453.97. Although the notification period expired without additional representations being received, the circumstances of this application have now changed, therefore a revised report follows;

SITE AND SURROUNDINGS

1. The application site encompasses the grounds of the former Washington Arms public house and an adjacent area of derelict land. The public house is now demolished and the site is becoming overgrown and is fenced off awaiting appropriate redevelopment.

2. The site in total is approximately 0.4 ha and falls in the region of 4m along the street frontage of Hillside Road and a further 2.5m along the street frontage of Wrens Nest Road.
3. Opposite the site in Wrens Nest Road is a small row of local shops with residential over and a housing office. Otherwise the locality is predominately residential.

PROPOSAL

4. The proposed development is a full application for 14 no. 3 bedroom dwelling houses, and 13 no. 2 bedroom flats and 3 no. 1 bedroom flats (in 2 no. blocks), off street parking, new vehicular access and landscaping.
5. There would be a row of 8 no. dwelling houses sited on the Hillside Road frontage with parking at the front and rear, and 6 no. dwelling houses on the Wrens Nest Road frontage with parking at the rear.
6. There are 2 no. block of flats proposed. Block 'A' is 2 storeys in height and comprises 4 no. 2 bed flats, located on the Wrens Nest Road frontage. Block 'B' would be located at the junction of Wrens Nest Road and Hillside Road, would be a mixture of 3 storey in height and comprising 9 no. bed flats and 3 no. 1 bed flats.
7. The application is accompanied by a design and access statement and a bat and bird survey.

HISTORY

8.

APPLICATION No.	PROPOSAL	DECISION	DATE
P03/0840	12 apartments (outline)	Granted	14/08/03
P04/2113	Construction of 18 no. flats and associated parking	Refused	01/12/04
P05/1092	Construction of 16 no. flats and associated parking (resubmission of refused application P04/2113)	Granted	12/07/06
P07/1821	Erection of 14 no. 3 bedroom dwellings and 9 no. 2 bedroom flats with new vehicular access and parking	Refused	19/12/07
P08/0323	Erection of 14 no. 3 bedroom dwellings and 9 no. 2 bedroom flats with new vehicular access and parking (resubmission of refused application P07/1821)	Withdrawn	17/03/08

9. The application P07/1821 was withdrawn for the following reason:

'The overall design and external appearance of the proposed development is considered not to blend in with the surrounding housing estate and would adversely impact upon the character and appearance of the area. As such the proposed development would be detrimental to visual amenity and the street scene, and is contrary to Policy DD4 of the adopted Unitary Development Plan (2005).'

PUBLIC CONSULTATION

10. No comments have been received as a result of the public consultation procedure.

OTHER CONSULTATION

11. Group Engineer (Development) – is concerned that there is a lack of usable parking provision for the development and the allocation of those parking spaces within the development could lead to indiscriminate parking on the adjacent public highway. If approved he recommends that the applicants obligate to pay the sum of £5000 for a Traffic Regulation Order to be placed in the vicinity of the site to prevent indiscriminate car parking and potential adverse impacts upon public safety.

Head of Environmental Health and Trading Standards – No adverse comments.

RELEVANT PLANNING POLICY

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
AM14	Parking
H1	New Housing Development
H3	Housing Assessment Criteria
H4	Housing Mix
H6	Housing Density
UR6	Housing Renewal
UR8	Derelict Land
UR9	Contaminated Land

13. Supplementary Planning Document

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

14. National Planning Guidance

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Statement 3 – Housing

Planning Policy Statement 23 – Planning and Pollution Control

ASSESSMENT

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

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

Principle

16. The site is vacant, in poor visual condition and there is already an existing planning approval (P05/1092) on the eastern side of the site for residential use. The application site is also located within a housing renewal area. Given this, it is considered that the residential reuse of an under utilised site within urban area that is not allocated for another use within the UDP is supported by policy H3 of the adopted UDP (2005).

Density

17. The proposed scheme of 30 no. residential units would result in development at a density of 75 dph. The properties in the locality are characterised by a mix of property types ranging from semi-detached to 'lines of 4 and 8' terraced houses and two storey blocks of flats. The variety in residential types (and lengths of rear gardens) ensures the density in the local area, ranges from 36 dph to 66 dph. It is acknowledged that the proposed density would be slightly higher; however 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

18. The proposed development would comprise 2 terraces comprising a line of 6 and 8 properties respectively, each of which is a 3 bedroom, 2½ storey house with off street parking. The line of 6 no properties would be on the Wrens Nest Road frontage and the line of 8 no. properties on the Hillside Road frontage. The two lines of terraced properties would be separated at the rear by the proposed central parking area for the development.
19. The surrounding area, in the main, is made up of either rows of terraces or pairs of semi-detached some with large gardens. Hillside Road also contains runs of 4 and 8 dwellings per terrace, providing a link to the run of 6 and 8 dwellings per terrace that are proposed. Each of the houses would have front gardens and the proposed garden lengths vary from 10-12 m and these are considered to be sufficient in depth and width to satisfy Council guidelines.
20. On the corner of Wrens Nest Road and Hillside Road there would be a three storey block of 9 no. 2 bed flats and 3 no. 1 bed flats with an amenity and drying area and a bin and cycle store. A second, two storey block of 4 no. 2 bed flats would be located between the proposed 'House 1' and no. 78 Wrens Nest Road. Due to the change in levels along Wrens Nest Road the 3 storey nature of the proposed apartment block would not appear out of scale and would offer a visual landmark at this corner location.

21. It is considered that the layout of the proposed development would not adversely impact upon neighbouring residential amenity and in fact this scheme would improve the visual appearance of the site and locality as a whole in compliance with UDP policy DD4.

Design

22. The design of houses in the Wrens Nest Estate tends to be local authority housing built in the post war era. The proposed scheme has been amended since the previous refusal on design grounds (P07/1821) and the proposed terraced dwellings would be of a traditional nature, finished in brick and with a tiled pitched roof.

The proposed apartment blocks would be predominantly finished in brick with a small area of render to break up the brickwork and introduce a visual change to the respective buildings. The designs as a whole complement and positively impact upon the character of the area, in compliance with Unitary Development Plan policies DD1 and DD4.

Highways & Parking

23. The proposed parking amounts to a total of 47 no. off street spaces for the development. There are 2 no. spaces provided for each individual dwelling house and 19 no. spaces for the 16 no. flats. The re-allocation of the rear parking spaces to ensure the respective parking spaces relate better to the individual properties and the provision of a gated entrance can be dealt with by condition. It must be iterated that current parking requirements are a maximum and not a standard to be achieved.

On balance, given the proximity of a number of bus routes to Bilston, Wolverhampton and Dudley that travel along Wrens Nest Road and the housing association nature of the site where car usage may be expected to be reduced it is considered that the number of spaces provided is acceptable in this instance. This is in conjunction with a Traffic Regulation Order required by the Group Engineer-Development

Conditions to any approval would also confirm visibility splays and the provision of vehicular parking before the occupation of any dwellings approved.

Planning Obligations

24. In accordance with Policy DD7 and DD8 of the adopted Dudley Unitary Development Plan and in accordance with adopted SPD 'Detailed Guidance on Open Space, Sport and Recreation Provision' (2005) the proposal attracts a requirement for a commuted sum to be paid towards the provision and enhancement of public open space and play areas in the locality and library improvements. This should be dealt with by a Section 106 Agreement. The contribution for this development based on the Council's current formula would be £58,453.97. The applicants had confirmed agreement to the payment of £58,453.97.
25. However, following the Committee of 15th October 2008 and the additional contribution requirement of £5,000, the applicants submitted a further letter to the Council, explaining that a reduction in the valuation of the end development had resulted from the current global financial crisis, and that the value of the development had fallen by 15% since the beginning of 2008. The applicants further explained that due to these issues the viability of the Washington Arms scheme would be compromised by the payment of financial contributions to the Council.
26. The Council was therefore unable to issue the decision notice as the agents were no longer able to agree to the planning obligation contributions.
27. In respect of planning contributions and the impact on viability the Council's SPD - Planning Obligations states:-

'If a developer considers that the level of obligations required would render their proposal unviable, then the developer will be expected to provide for the full financial details of the proposal to the Council, in a financial appraisal submitted and signed by an appropriately qualified professional. This will be handled on a confidential basis in recognition of a developers commercial interests. For the

Council to consider an “unviable” argument, it will be essential that the developer shares information substantiating this on an open book basis. If there is any disagreement on the financial appraisal, the Council will expect the developer to agree to adjudication by an independent financial body and any costs of the adjudication to be funded by the developer.

Every proposed development must be assessed against the relevant planning policy, and obligations will only be required where a development would otherwise be unacceptable in planning terms. In these instances the developer will be expected to provide the full cost of meeting the public infrastructure requirements outlined in this SPD. Only in exceptional circumstances would the Council consider a reduction in the full cost. In these cases the public infrastructure requirements may be prioritised in accordance with the Council’s policy priorities, in consultation with interested parties. Until such a time as a formal policy mechanism for apportioning a reduced level of Planning Obligation is determined (in accordance with the Council’s Objectives and Priorities) then generally the requirements will be apportioned on the ratio or percentage as if there was no reduction in infrastructure.’

28. A financial appraisal of the scheme was submitted by Jephson Housing Association (the applicants) to inform the Council that the level of the proposed contribution would have an adverse affect on the financial viability of the scheme.
29. The development appraisal is based upon a 30 year cash flow forecast based on projected rent levels for this 100% affordable housing scheme and the current financial shortfall of the scheme is principally due to the inability of the rental cash flows to support the land value paid 2 years ago. The appraisal has been audited by the Council Strategic Surveyor and the development has been agreed to be in deficit and unviable even without the planning obligation requirement of £58,453.97. The housing association have however, confirmed that they are able to obtain funding to meet a proportion of the deficit currently identified, but are unable to extend this to include the main planning contributions of £58,453.97. The applicants have confirmed that they can agree to the £5,000 for the Traffic Regulation Order.

Requirements in relation to the Planning Obligations SPD would therefore only arise in relation to the 100% affordable housing nature of this development in conjunction with the associated Traffic Regulation Order.

CONCLUSION

30. The proposed development would bring forward a new residential scheme on a previously developed site thereby supporting the creation of a sustainable form of development and helping to meet the strategic housing requirement for the delivery of housing within the plan period thereby complying with both national and local planning policy. The scheme proposes 30 no. affordable housing units and would deliver much needed affordable housing with a mixed tenure of rented and shared ownership accommodation. In terms of prioritisation of the Planning Obligations SPD, the provision of affordable housing is a key factor and delivered in this instance.
31. The proposed development would involve the redevelopment of an under-utilised previously developed site for residential purposes and the siting and external appearance of the proposed buildings 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. The street scene would be improved by this development and neighbours amenity is not considered to be detrimentally affected, and the proposed scheme is in compliance with policies DD1, DD4, DD6, DD7, AM14, H3, H4, H6, UR6 and UR8 of the adopted UDP (2005).

RECOMMENDATION

32. That the application be approved subject to:-
- a) the development not beginning until a scheme for the submission and approval of a planning obligation to guarantee the sum of £5,000 has been submitted to and agreed by the Local Planning Authority; and

- b) the following conditions, with delegated powers to the Director of the Urban Environment to make the necessary amendments to these as necessary.

REASON FOR APPROVAL

The proposed development would bring forward a new residential scheme on a previously developed site thereby supporting the creation of a sustainable form of development and helping to meet the strategic housing requirement for the delivery of housing within the plan period thereby complying with both national and local planning policy. The scheme proposes 30 no. affordable housing units and would deliver much needed affordable housing with a mixed tenure of rented and shared ownership accommodation. In terms of prioritisation of the Planning Obligations SPD, the provision of affordable housing is a key factor and delivered in this instance.

The proposed development would involve the redevelopment of an under-utilised previously developed site for residential purposes and has regard to the character of the area and the context of the site. The street scene would be improved by this development and neighbours amenity is not considered to be detrimentally affected and is in compliance with 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 no's A1/A06740/200 Rev C, A1/A06740/401 Rev C, A1/A06740/402 Rev B,

A1/A06740/403 Rev C, A1/A06740/404 Rev, A1/A06740/405 Rev B and A1/A06740/406.

NOTE FOR 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.

Section 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:

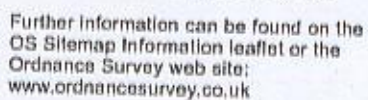
1. The development shall not begin until a scheme for the provision of:
- Transport Infrastructure Improvements
has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the method, timing and arrangements to comply with the Council's policies for the provision of the infrastructure required in connection with the proposed development.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. Prior to first occupation of a dwelling the turning head, means of access and parking areas will be provided in accordance with the approved details, drained, levelled, surfaced and marked out and will be retained for no other purpose and maintained for the life of the development.
4. Development shall not begin until details of the paving scheme for the parking areas have been submitted and approved in writing by the Local Planning Authority. Prior to first occupation the paved parking areas shall be completed, in accordance with the approved details, and maintained for the life of the development.
5. Development shall not begin until details of the type, texture and colour of the brickwork to be used in the construction of the external walls, and the roofing tiles 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.
6. 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.

7. All planting, seeding or turfing comprised in the details of landscaping hereby approved 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.
8. Development shall not begin until details of the visibility splays to be provided at the junction between the proposed means of access and the highway have been submitted to and approved by the local planning authority and no building shall be occupied until the visibility splays have been provided in accordance with the approved details.
9. Landscape plans (including establishment and maintenance programme), taking to account appropriate improvements for nature conservation should be submitted and approved by the Council's Ecological Advisors before any work commences. All works must be carried out in accordance to the approved plans and programmes.
10. Any outside lighting should be close to the ground and directed downwards. It should be activated by a timed sensor with a low movement sensitivity, so as not to be triggered by wildlife. A plan detailing outside lighting will be submitted and approved in writing by the Council before any works proceed. All works must be carried out in accordance to the approved plan.
11. A plan detailing suitable provision and location of 17 bat bricks, 17 woodcrete bat boxes and 17 woodcrete bird boxes incorporated into the new buildings on site will be submitted and approved in writing by the Council before any works proceed. All works must be carried out in accordance to the approved plan.
12. The clearance of trees and other vegetation should avoid the bird nesting season (February – August inclusive) unless a breeding bird assessment (with recommendations) is carried out by a trained ecologist within 7 days of the works commencing. This should be submitted in writing and approved by the Council before works begin. All works must be carried out in accordance to the approved assessment's recommendations.
13. Any trenches, including foundations, should be covered with boards and ramps placed in them overnight to limit their hazard to badgers. A protocol detailing this will be submitted to and approved in writing by the Council before any works proceed. All works must be carried out in accordance to the approved protocol.
14. A plan detailing suitable replacement native trees, and their establishment programme, should be submitted and approved in writing by the Council before any works proceed. All works must be carried out in accordance to the approved plan and programme.
15. Development shall not begin until details of the boundary treatment have been submitted to and approved in writing by the Local Planning Authority. Prior to first occupation the boundary treatment shall be completed, in accordance with the approved details, and maintained for the life of the development.
16. Development shall not begin until a detailed scheme for the parking of vehicles has been submitted to and approved in writing by the local planning authority, and no

buildings shall be occupied until the car park has been constructed in accordance with the approved details and shall thereafter be maintained available for use.

17. Development shall not begin until details of a gated entrance to the rear parking area (including location and external appearance) have been submitted to and approved in writing by the Local Planning Authority. Prior to first occupation with gated entrance shall be completed, in accordance with the approved details, and maintained for the life of the development.

DIRECTORATE OF THE
URBAN ENVIRONMENT

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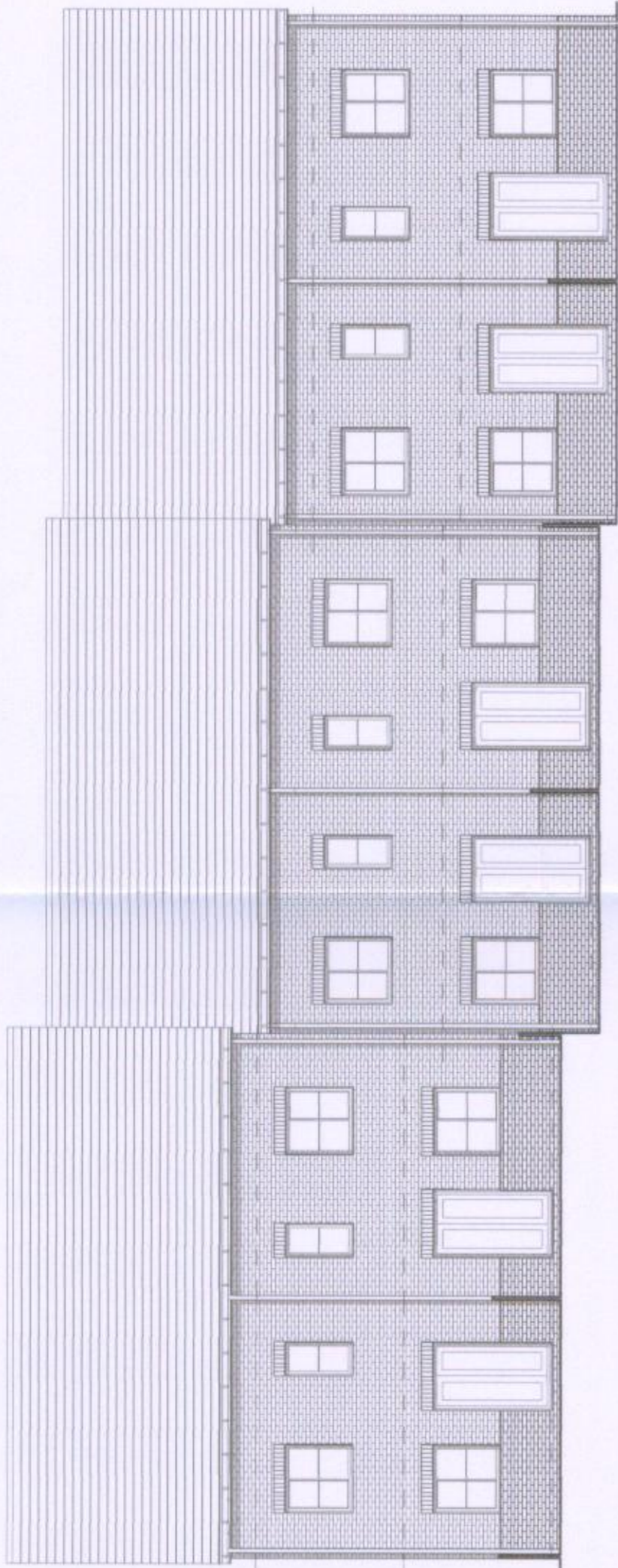
REV	DESCRIPTION	DATE
A	General Amendments	09.07.08
B	General Amendments	15.07.08

AMENDED PLAN

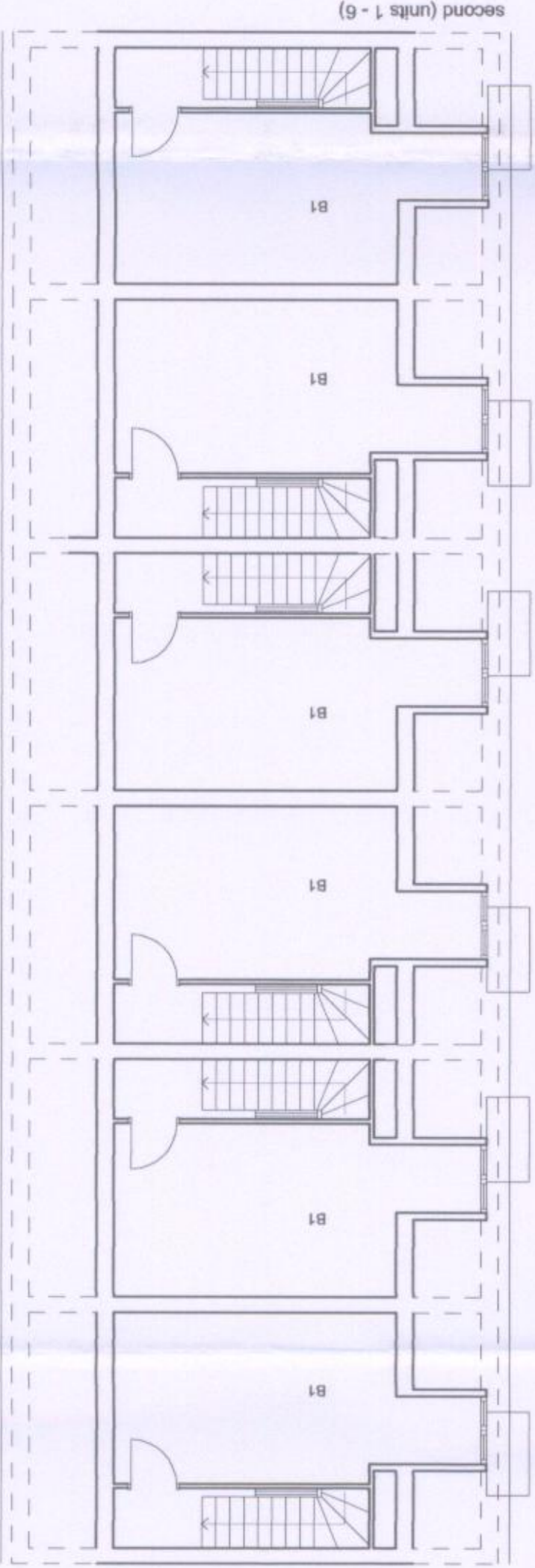
MATERIAL SCHEDULE

Walls
Face brickwork with a darker contrasting mock plinth below

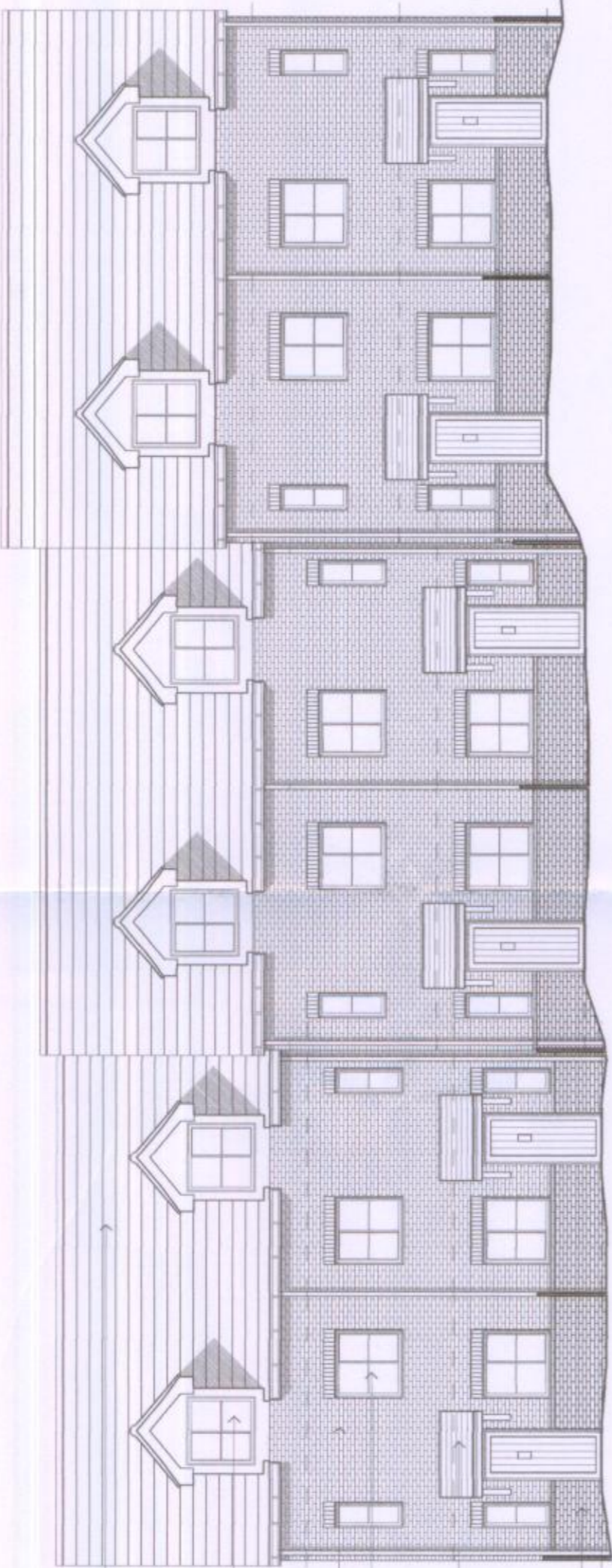
Roof
Concrete roof tiles
Windows
White uPVC
Doors
White uPVC
Rainwater goods
Black uPVC
Bargeboards
White uPVC



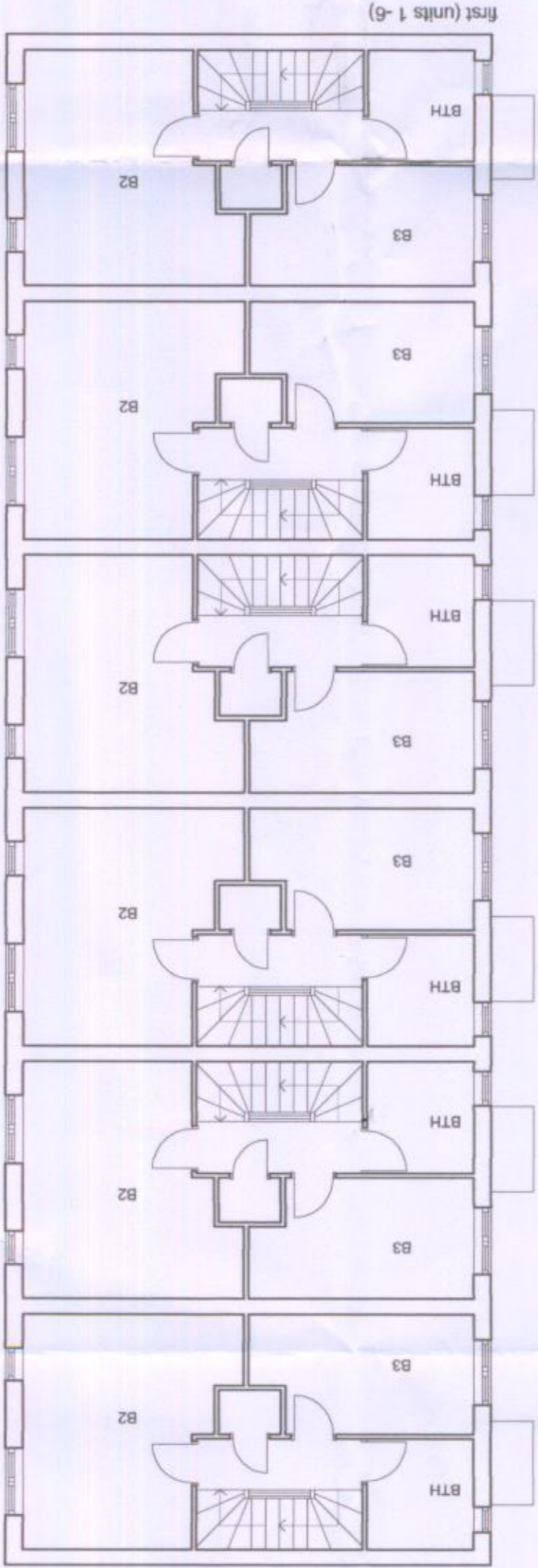
Rear Elevation



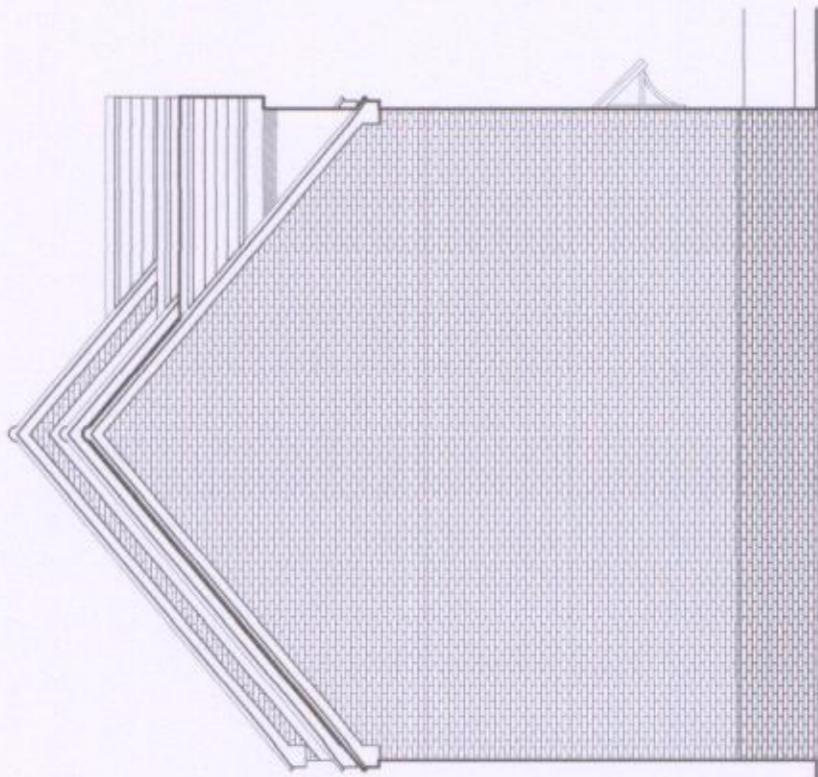
Second Floor



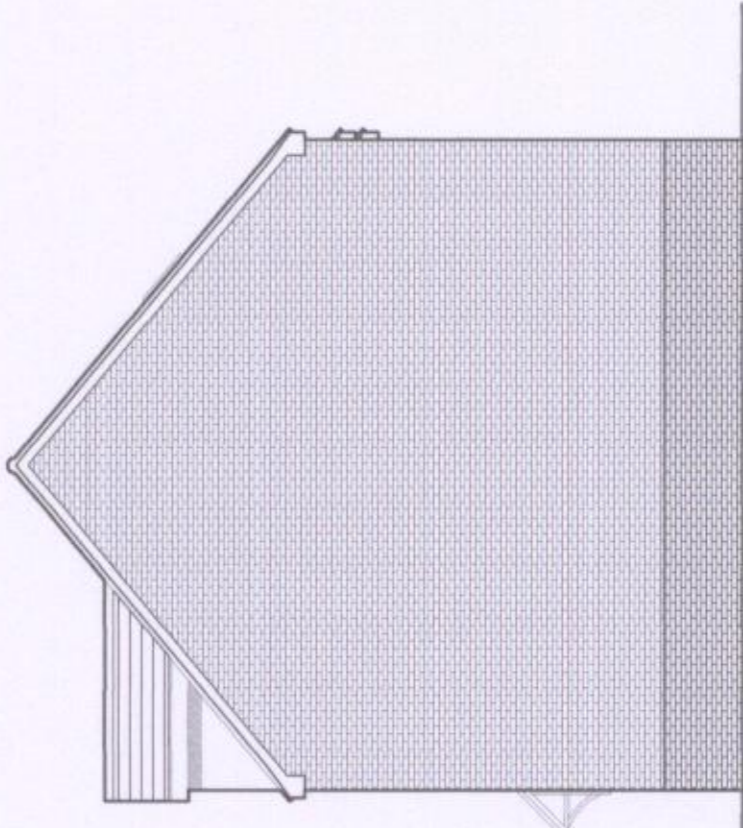
Front Elevation



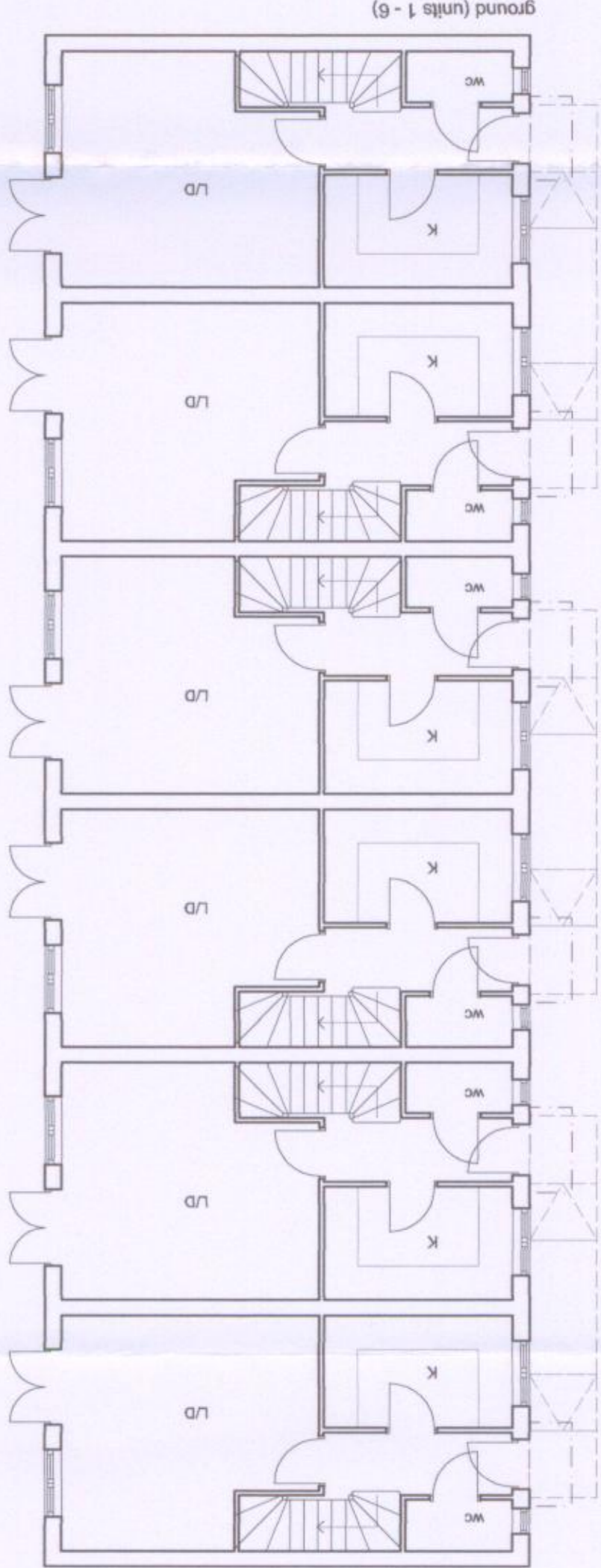
First Floor



Side Elevation



Side Elevation



Ground Floor

Chartered Architects

5 Shrivvenham Hundred
Business Park
Majors Road, Shrivvenham
Oxfordshire SN6 8TZ
T 01793 780006
F 01793 780759
gordon@aricab.co.uk
www.aricab.co.uk

Aricab

job title

RESIDENTIAL DEVELOPMENT
WASHINGTON ARMS
DUDLEY

drawing

HOUSE TYPE 1 (units 1 - 6)
FLOOR PLANS AND ELEVATIONS

scale (at A1)

1:100

drawing no.

A1/A06740/404

date

JULY 2008

revision

B

P08/1146

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REV	DESCRIPTION	DATE
A	Levels amended, ramp and new retaining wall shown	03.07.08
B	Cycle and Bin stores added	10.07.08
C	Levels amended	24.07.08

AMENDED PLAN



SITE PLAN 1:1000

Aricab

Chartered Architects

5 Shrivvenham Hundred
Business Park
Majors Road, Shrivvenham
Oxfordshire SN6 8TZ
T 01793 780006
F 01793 780759
gordon@aricab.co.uk
www.aricab.co.uk

job title

RESIDENTIAL DEVELOPMENT
WASHINGTON ARMS
DUDLEY

drawing

SITE SECTIONS
CYCLE AND BIN STORE PLANS AND
ELEVATIONS

scale (at A1)

1:200

drawing no.

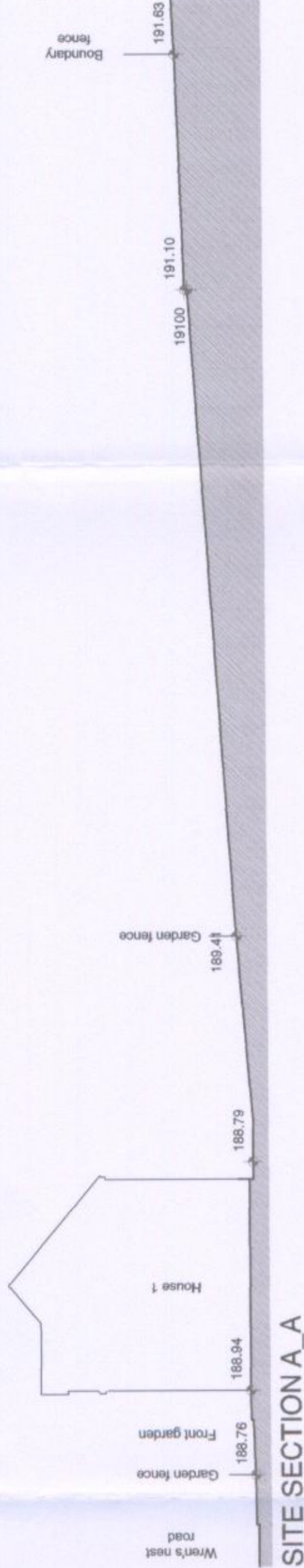
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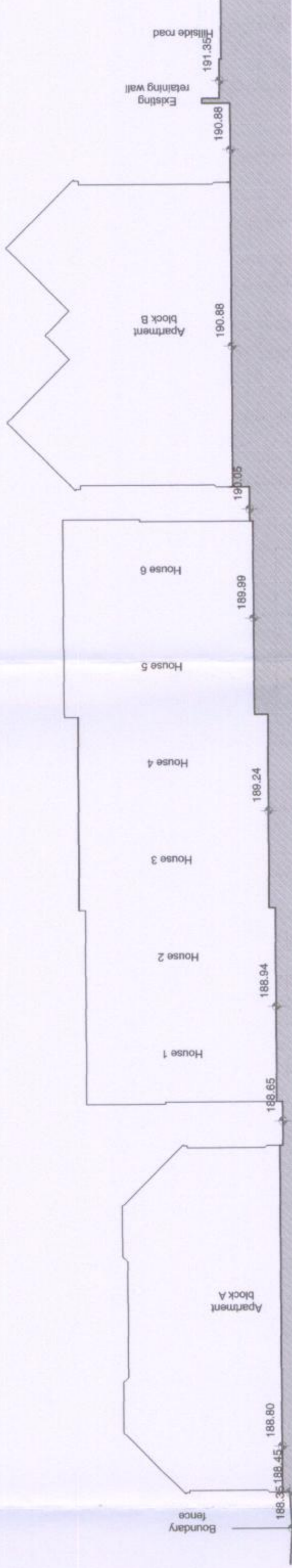
JUNE 2008

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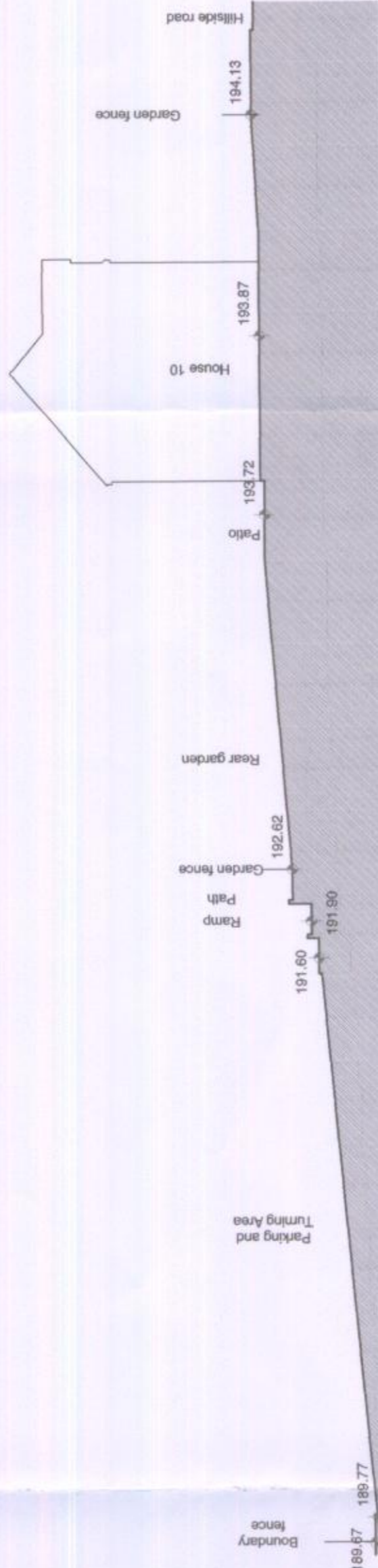
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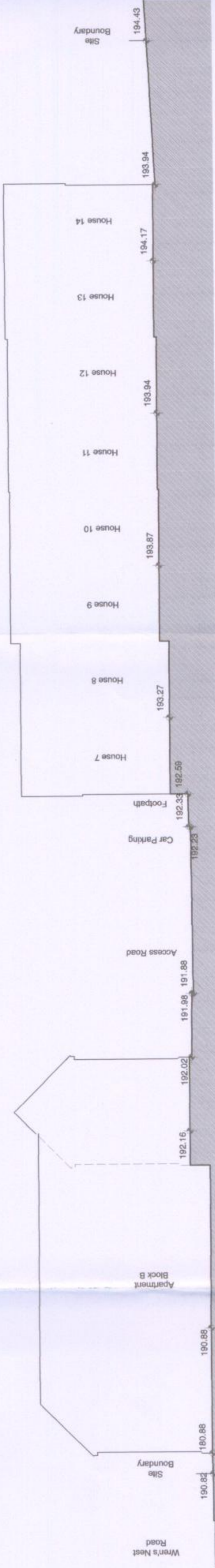
SITE SECTION A_A



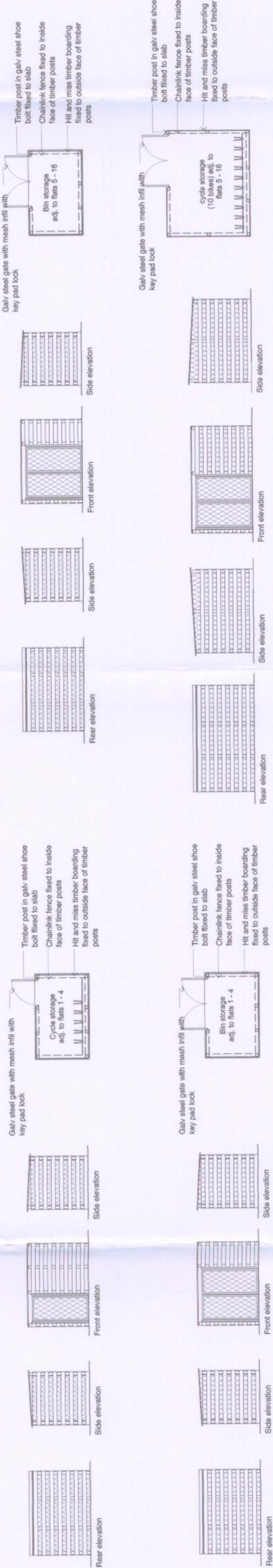
SITE SECTION B_B



SITE SECTION C_C



SITE SECTION D_D



Apartment Block B
202/1146

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REV	DESCRIPTION	DATE
A	Amended as per comments from Design Team	03.07.08
B	General Amendments	10.7.08



MATERIAL SCHEDULE

Walls
Brickwork with a darker contrasting mock plinth below
Through colour render with a contrasting brick mock plinth below

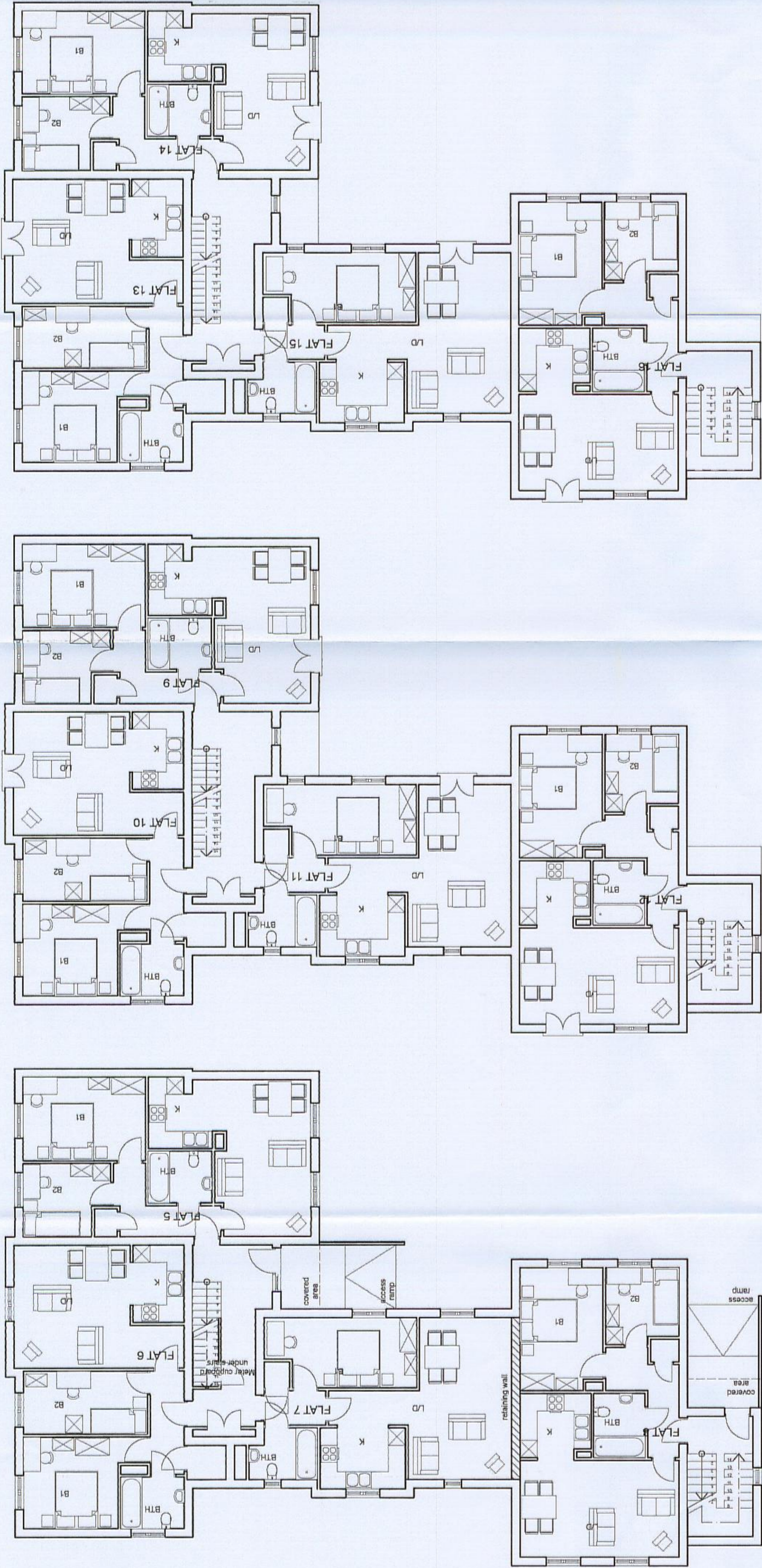
Roof
Concrete roof tiles

Windows
White uPVC

Doors
White uPVC

Rainwater goods
Black uPVC

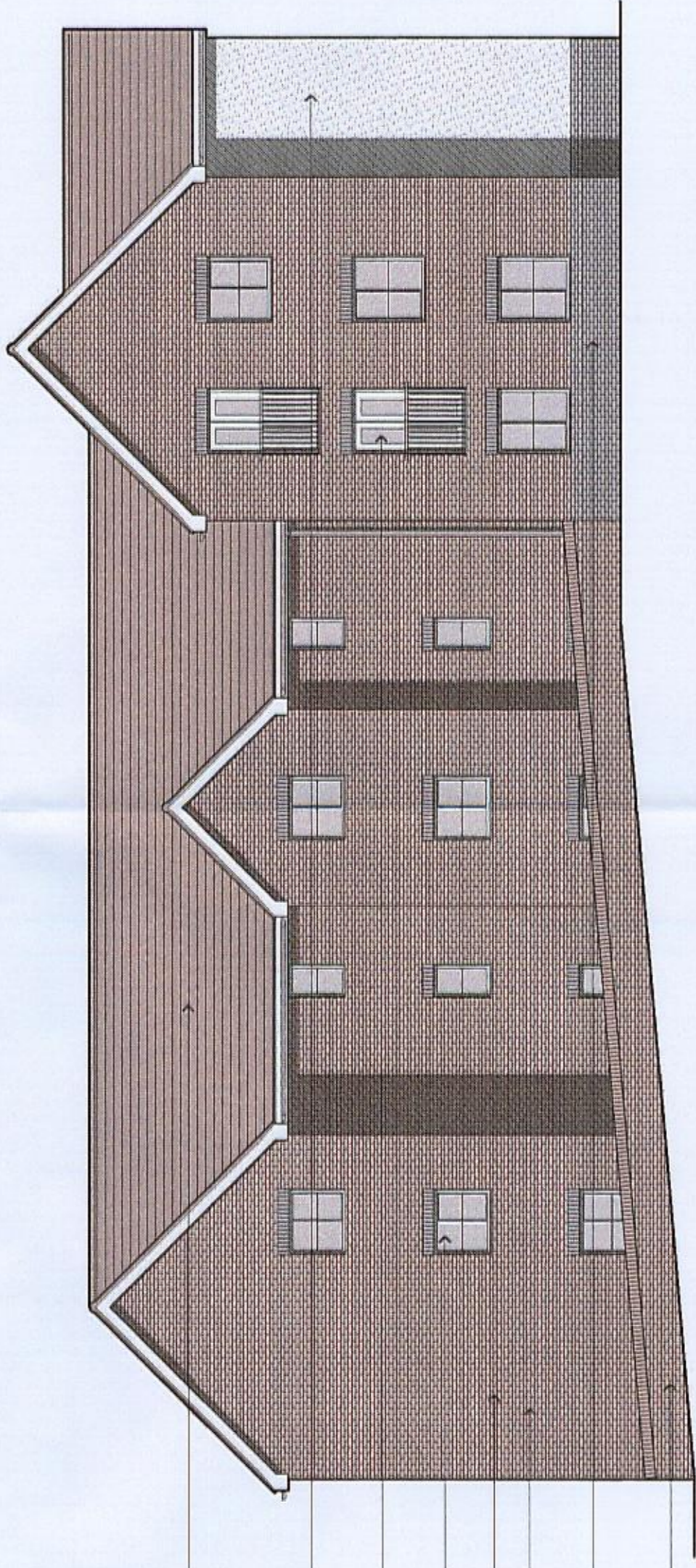
Bargeboards
White uPVC



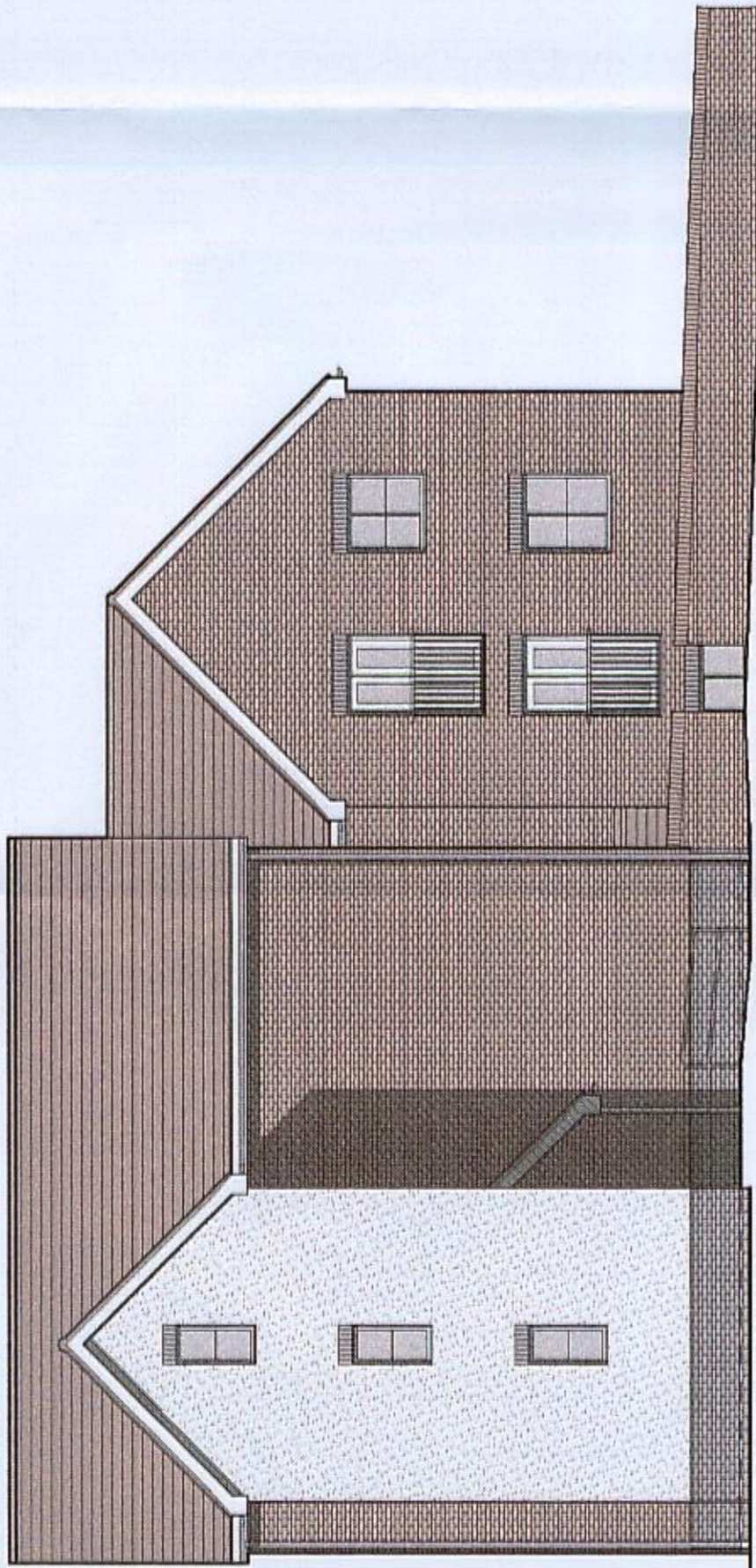
Ground Floor

First Floor

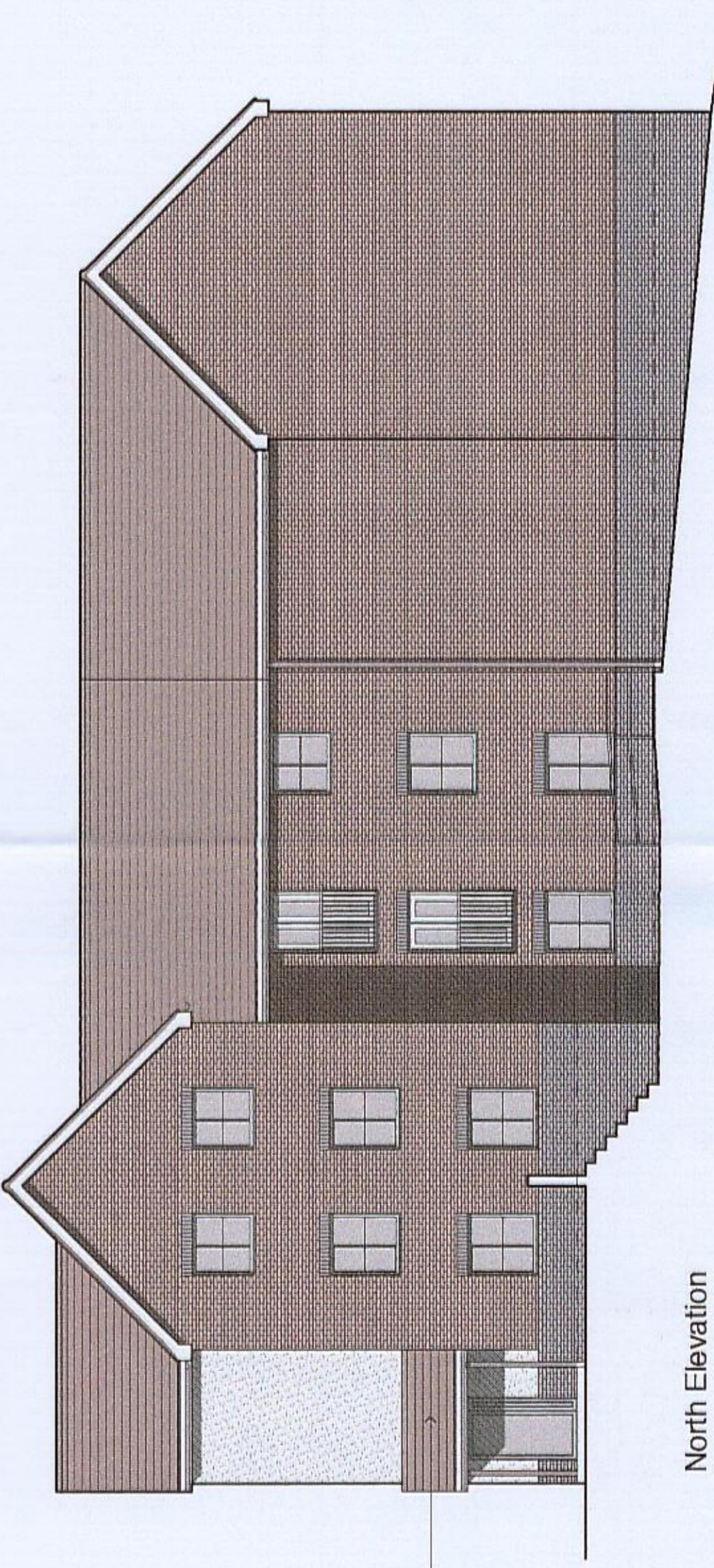
Second Floor



South Elevation



East Elevation



North Elevation



West Elevation

ARicab

Chartered Architects

5 Shrivernham Hundred
Business Park
Majors Road, Shrivernham
Oxfordshire SN6 8TZ
T 01793 780006
F 01793 780759
gordon@aricab.co.uk
www.aricab.co.uk

job title

RESIDENTIAL DEVELOPMENT
WASHINGTON ARMS
DUDLEY

drawing

APARTMENT BLOCK B
FLOOR PLANS AND ELEVATIONS

scale (at A1)

1:100

drawing no.

A1/A06740/402

date

MAY 2008

revision

B



Apartment Block A
Pos/1146

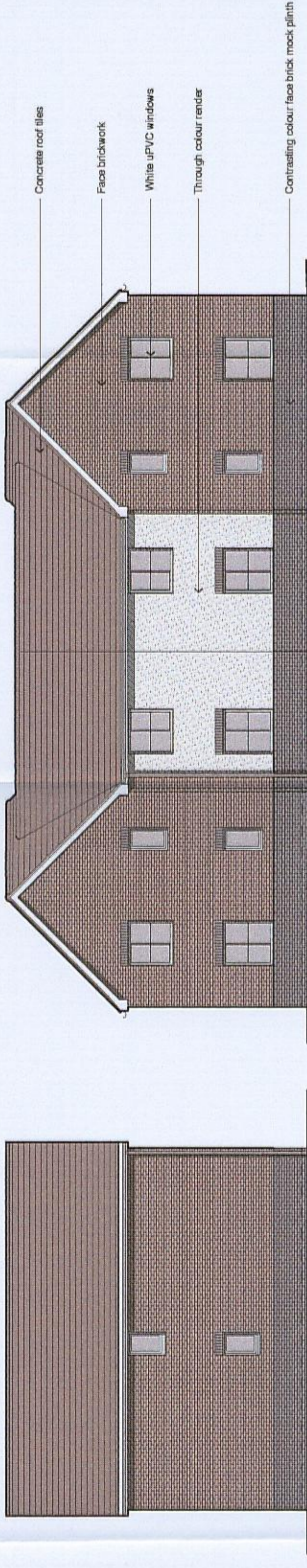
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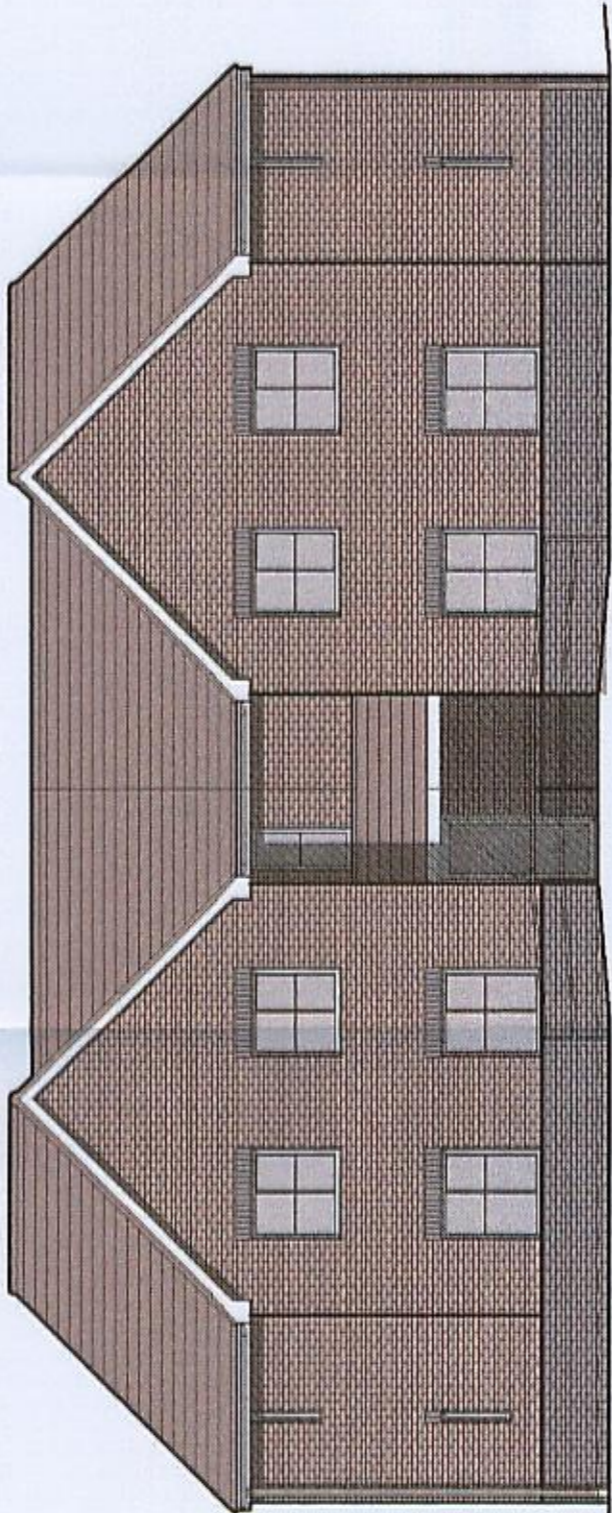
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REV	DESCRIPTION	DATE
A	Porch added to house	16.06.08
B	Amended as per comments from design team	03.07.08
C	General Amendments	10.07.08

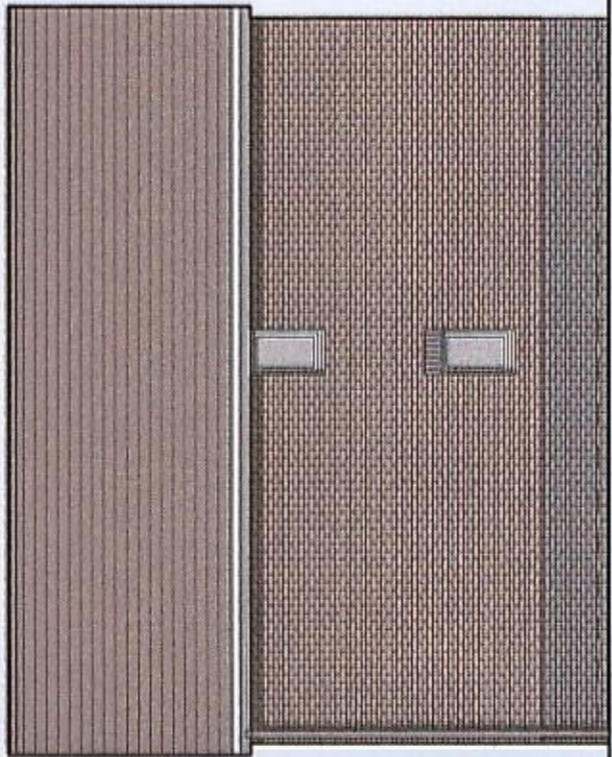
For details of house type 1, please refer to drawing
A1/A06740/401 and 405



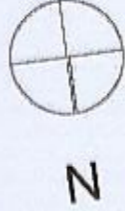
West Elevation



East Elevation



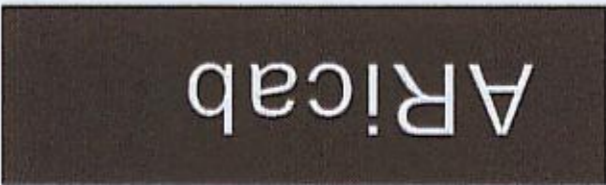
South Elevation



MATERIAL SCHEDULE

Walls
Face brickwork with a darker contrasting mock plinth below
Through colour render with a contrasting brick faced mock plinth below

Roof
Concrete roof tiles
Windows
White uPVC
Doors
White uPVC
Rainwater goods
Black uPVC
Bergadoards
White uPVC



Chartered Architects

5 Shrivernham Hundred
Business Park
Majors Road, Shrivernham
Oxfordshire SN6 8TZ
T 01793 780006
F 01793 780759
gordon@aricab.co.uk
www.aricab.co.uk

job title

RESIDENTIAL DEVELOPMENT
WASHINGTON ARMS
DUDLEY

drawing

HOUSE TYPE 1 AND
APARTMENT BLOCK A
FLOOR PLANS AND ELEVATIONS

scale (at A1)

1:100

drawing no.

A1/A06740/401

date

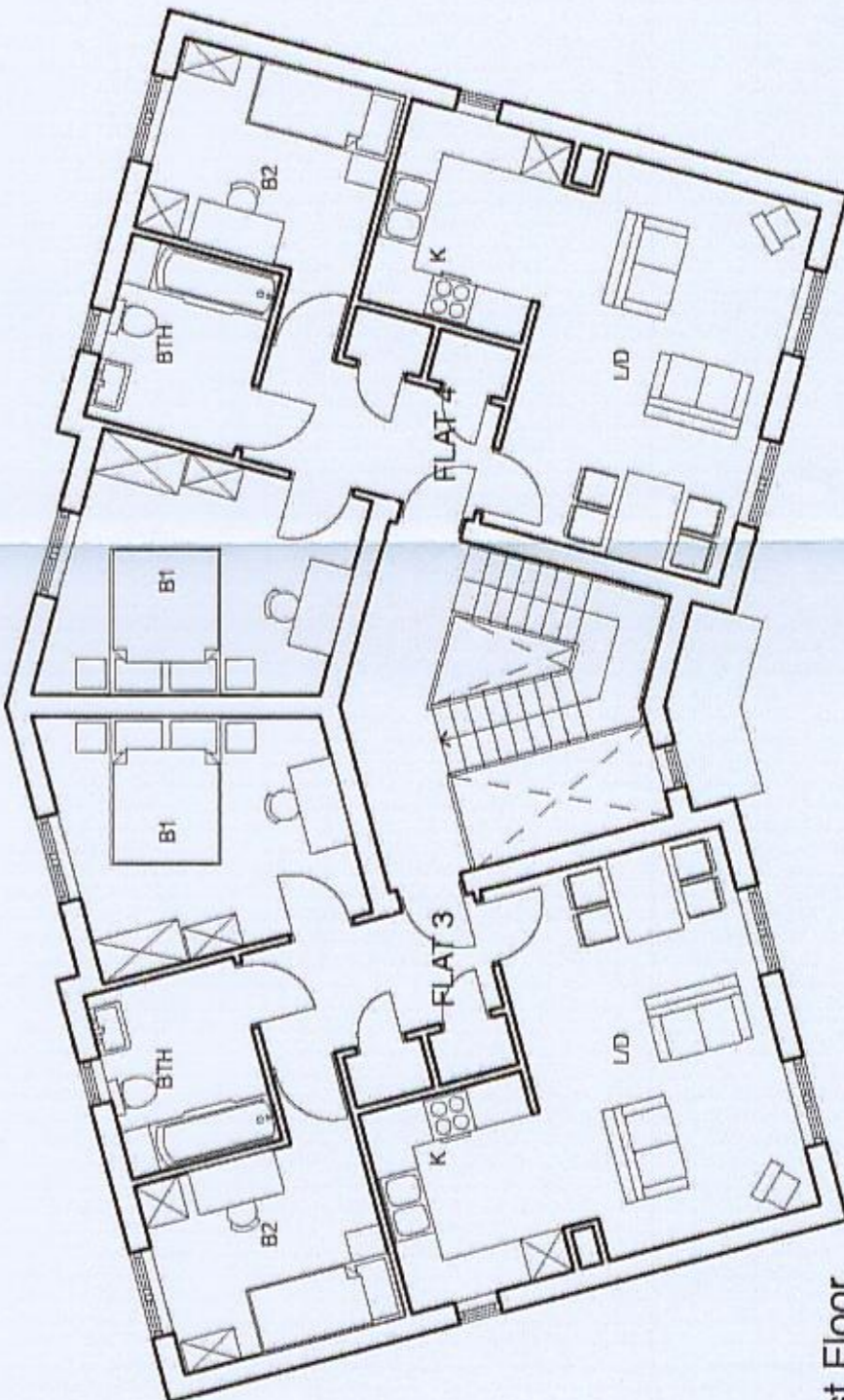
MAY 2008

revision

C



Ground Floor



First Floor

Street Scene
P28/1146

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REV	DESCRIPTION	DATE



ARicab

Job title

Chartered Architects

5 Shrivvenham Hundred
Business Park
Majors Road, Shrivvenham
Oxfordshire SN6 8TZ
T 01793 780006
F 01793 780759
gordon@aricab.co.uk
www.aricab.co.uk

RESIDENTIAL DEVELOPMENT
WASHINGTON ARMS
DUDLEY

drawing

STREET SCENE
WREN'S NEST ROAD

scale (at A1)

1:100

drawing no.

A1/A06740/406

date

JULY 2008

revision

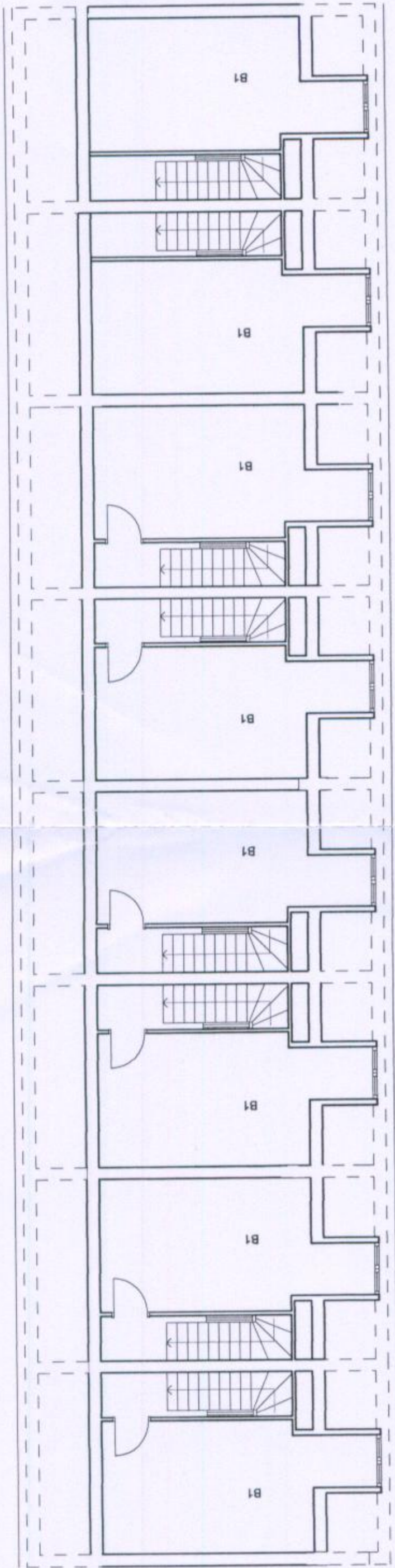
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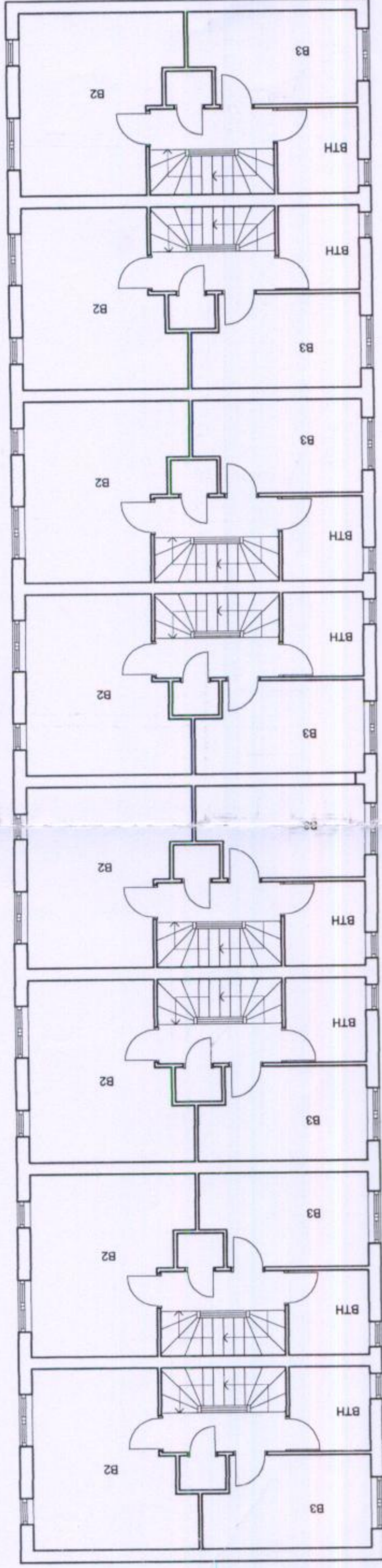
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REV/	DESCRIPTION	DATE
A	General Amendments	09.07.08
B	General Amendments	18.07.08

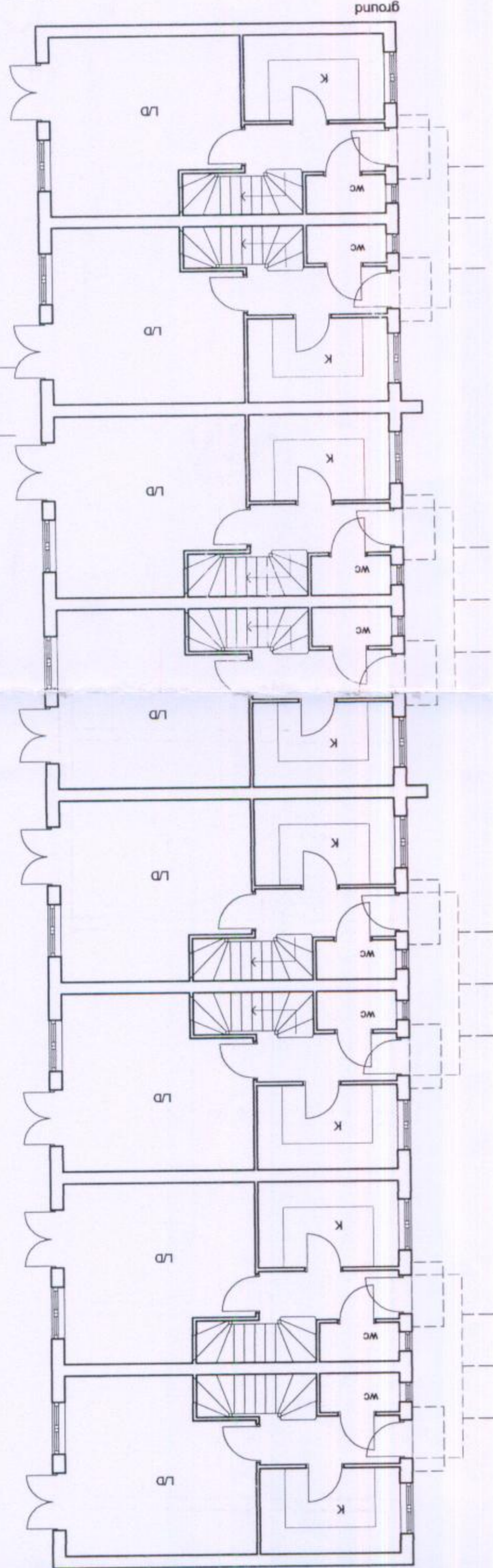
AMENDED PLAN



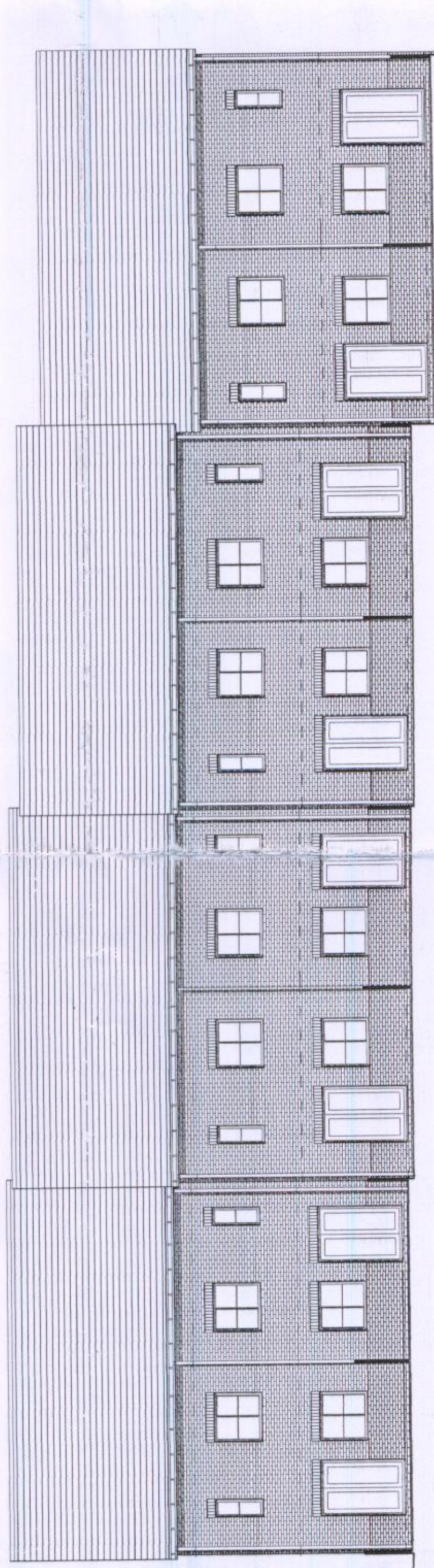
Second Floor



First Floor



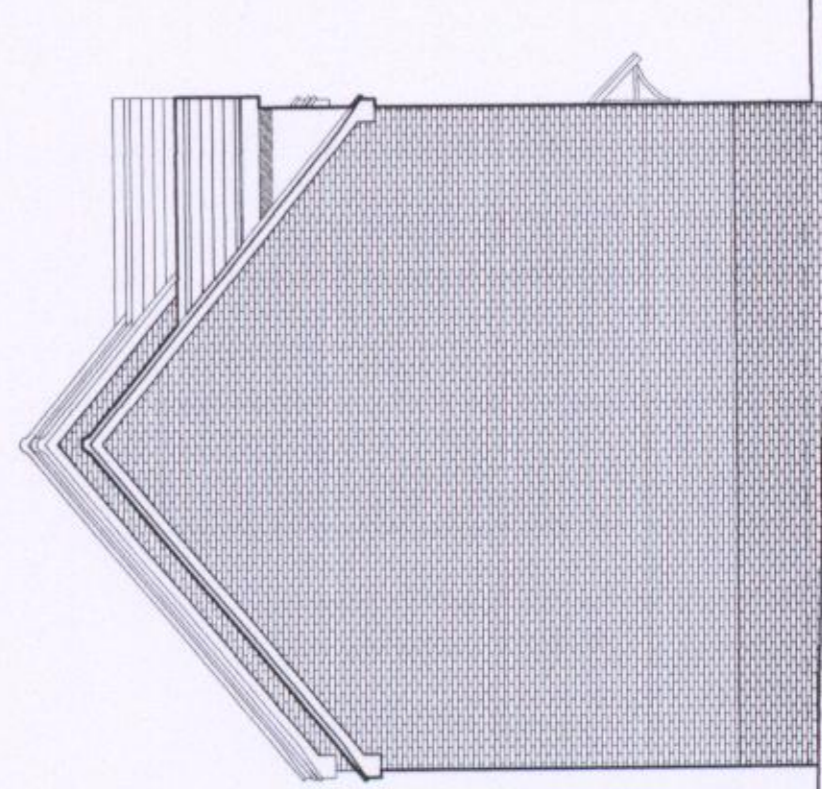
Ground Floor



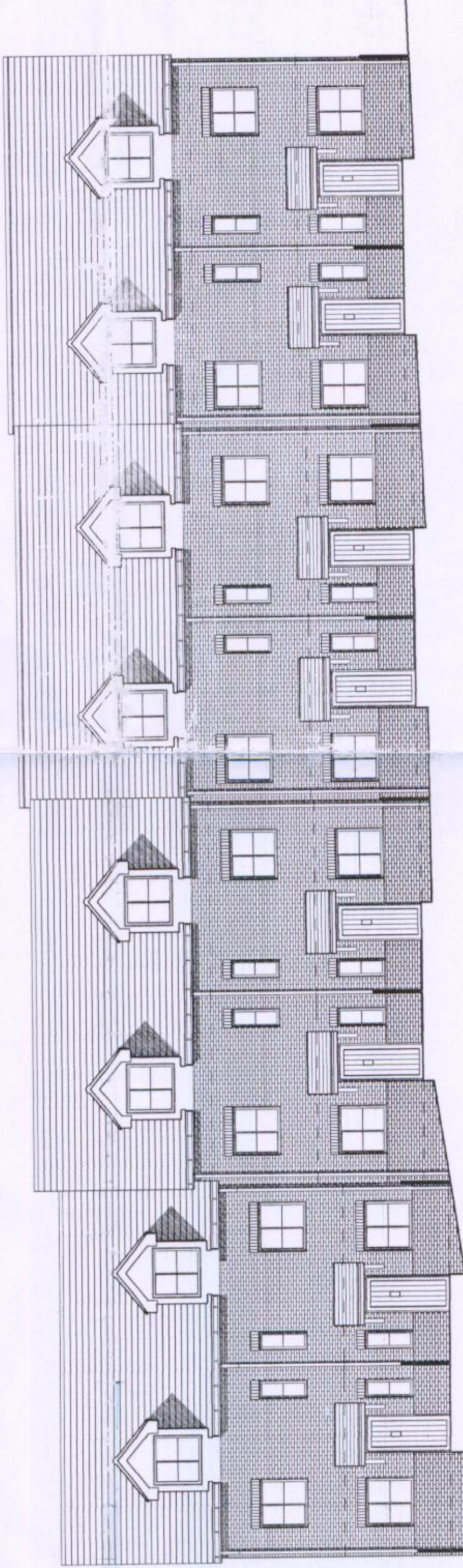
Rear Elevation

MATERIAL SCHEDULE

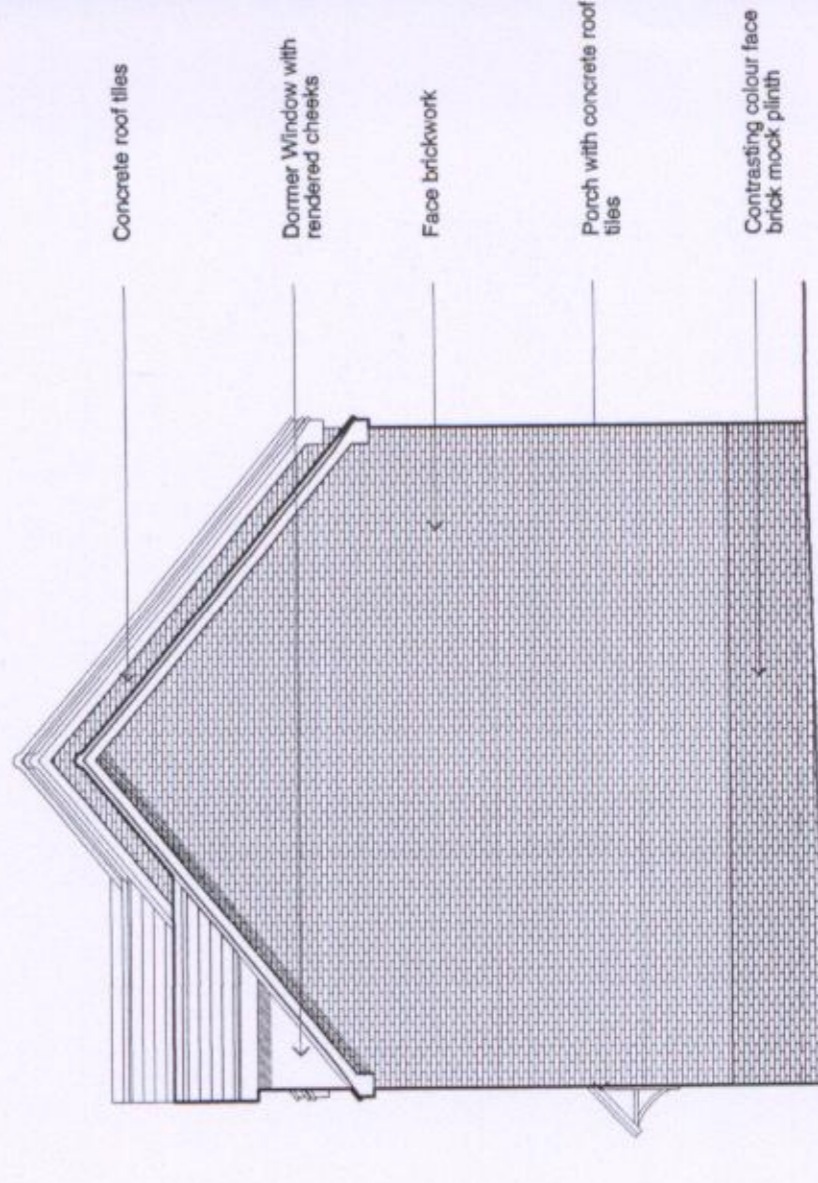
- Walls: Face brickwork with a darker contrasting mock plinth below
- Roof: Concrete roof tiles
- Windows: White uPVC
- Doors: White uPVC
- Rainwater goods: Black uPVC
- Bargeboards: White uPVC



Side Elevation



Front Elevation



Side Elevation

Chartered Architects

5 Shrivvenham Hundred
Business Park
Majors Road, Shrivvenham
Oxfordshire SN6 8TZ
T 01793 780006
F 01793 780759
gordon@aricab.co.uk
www.aricab.co.uk

ARicab

job title

RESIDENTIAL DEVELOPMENT
WASHINGTON ARMS
DUDLEY

drawing

HOUSE TYPE 1 (units 7 - 14)
FLOOR PLANS AND ELEVATIONS

scale (at A1)

1:100

drawing no.

A1/A06740/405

date

JULY 2008

revision

B