PLANNING APPLICATION NUMBER: P08/1871

Type of approval sought		Full Planning Permission	
Ward		CASTLE & PRIORY	
Applicant		Mr Roger Fellows	
Location:	LAND ADJACENT TO 16, MULLBERRY GREEN, DUDLEY, WEST MIDLANDS, DY1 3QF		
Proposal	ERECTION OF 2 NO. TWO BEDROOM DETACHED BUNGALOWS AND ERECTION OF A DETACHED GARAGE		
Recommendation Summary:	APPROVE SU	JBJECT TO A 106 AGREEMENT	

SITE AND SURROUNDINGS

- The 0.08 hectare site is located off the highway of Mulberry Green and formerly contained a block of 9 garages which have subsequently been demolished. This now vacant 'back land' site, which is irregular in shape, also comprises of part of the rear garden area of the recently constructed detached dwelling of No. 75A Old Park Road. The site comprises of hard standing with scrub vegetation located to the periphery.
- 2. Existing vehicular access to the site is gained via Mulberry Green whilst pedestrian access is gained from either Mulberry Green or Old Park Road via a Public Right of Way (PROW) running through the centre of the site connecting Old Park Road with Mulberry Green and a wider urban web of PROW's. This site is synonymous with anti social behaviour in its current state.
- 3. The topography of the site slopes down from west to east with a fall of approximately 1.5 metres over the sites approximate 20 metre width. This depicts the natural geographic contours of the wider area. The local character is residential in nature predominantly consisting of circa 1950's semi detached properties following a uniformed set back from their respective highway frontages to allow for

small front gardens with larger garden areas to the rear. These properties have limited off street parking with on street parking being at a premium. Within the wider vicinity and positioned to the north east is located a parade of shops fronting Beech Green and providing a service and amenities to the local area.

PROPOSAL

- 4. This is a full planning application for the erection of a 2 No. two bedroom detached bungalows and the erection of a detached garage. The scheme would be served by the existing vehicular access whilst the PROW running through the site would remain without deviating from its existing course.
- 5. The bungalows would be positioned abutting the western boundary of the site with private rear amenity areas adjoining the respective northern and southern flank elevations. The bungalows would each measure a maximum of 8.6 metres in width and 7.8 metres in depth whilst measuring 2.3 metres to the eaves and 5.8 metres to the ridge providing 53 metres squared of accommodation. The bungalows would each adopt a forward projecting gable feature with bay window and a decorative gable feature to the frontage as well as each bungalow benefiting from a forward facing pitched roof dormer. The dwellings would also benefit from brick quoining detailings and pitched roofs over. The dwellings would each be served by two tandem parallel off street parking spaces forming a shared block paved driveway. A further four off street parking spaces would be provided adjacent to the eastern boundary of the site as would associated soft landscaping.
- 6. The double garage with pitched roof over would measure a maximum of 6.45 metres in width and 6.4 metres in depth whilst measuring 2.5 metres to the eaves and 4.5 metres to the ridge whilst also benefiting from decorative brick quoining detailing to allow the garage to marry up to the rest of the development as well as the recently constructed detached dwelling of No. 75A Old Park Road.
- 7. The application is accompanied by a design and access statement and a biodiversity survey.

HISTORY

Application Site

APPLICATION	PROPOSAL	DECISION	DATE
No.			
CO/48/2	Full planning permission for	Withdrawn	11
	housing development		August
			1948
CO/50/430	Full planning permission for	Approved	18
	the construction of roads and	with	April
	sewers	conditions	1950
P08/1106	Full planning permission for	Withdrawn	15
	the erection of 3 No. 2		August
	bedroom detached bungalows		2008
P08/1490	Full planning permission for	Withdrawn	17
	the erection of 3 No. 2		November
	bedroom detached bungalows		2008

Adjacent Site at No. 75A Old Park Road

APPLICATION	PROPOSAL	DECISION	DATE
No.			
P03/0965	Full planning permission for	Withdrawn	15
	the erection of 1 No. 3		July
	bedroom detached dwelling		2003
	with garage		

P03/1544	Full planning permission for	Approved	04
	the erection of 1 No. 3	with	December
	bedroom detached dwelling	conditions	2003
	with garage		

PUBLIC CONSULTATION

 The application was advertised by way of neighbour notification letters being sent to the occupiers of thirty seven properties within close proximity to the site. The latest date for comment was the 19 January 2009. A letter of objection has been received from a local resident expressing concern relating to natural springs occurring upon the site which may be affected by the development and may potentially cause future issues to local residents. Concern is also expressed that the detached garage, may in the future, be converted into a further residential property, however, this would require further planning consent from the Local Planning Authority.

OTHER CONSULTATION

- 9. <u>Group Engineer (Development)</u>: No objection is raised.
- Head of Environmental Health and Trading Standards: No adverse comments to the scheme received.

RELEVANT PLANNING POLICY

Adopted Dudley Unitary Development Plan (2005)

Policy S2 Creating a more Sustainable Borough

Policy S8 Housing

Policy S11 Urban Renewal

Policy S16 Access and Movement

Policy DD1 Urban Design

Policy DD4 Development in Residential Areas

Policy DD6 Access and Transport Infrastructure

Policy DD7 Planning Obligations

Policy DD8 Provision of Open Space, Sport and Recreation Facilities

Policy DD10 Nature Conservation and Development

Policy DD12 Sustainable Drainage Systems

Policy H1 New Housing Development

Policy H3 Housing Assessment Criteria

Policy H6 Housing Density

Policy UR8 Derelict Land

Policy AM13 Public Rights of Way

Policy AM14 Parking

Policy LR2 Access to Public Open Space (errata)

Policy NC1 Biodiversity

Policy NC6 Wildlife Species

Supplementary Planning Guidance

Secure by Design

New Housing Development)

Supplementary Planning Document(s)

New Housing Development: Establishing Local Context

Nature Conservation

Parking Standards and Travel Plans

Planning Obligations

Regional Spatial Strategy

CF4 The reuse of land and buildings for housing

QE1 Conserving and Enhancing the Environment

QE3 Creating a high quality built environment for all

QE7 Protecting, managing and enhancing the Region's Biodiversity and Nature

Conservation Resources

T2 Reducing the need to travel

National Policy Documents

PPS1 Delivering Sustainable Development

PPS3 Housing

PPS9 Biodiversity and Geological Conservation Area

PPS11 Regional Spatial Strategies

PPG13 Transport

PPS23 Planning and Pollution Control

PPG24 Planning and Noise

ASSESSMENT

11. KEY ISSUES

- Principle
- Layout
- Scale
- Design and Appearance
- Parking
- Access
- Other Issues
- Planning Obligations

Principle

- 12. The vacant site is not designated for any particular use within the adopted Dudley Unitary Development Plan (2005). The site predominantly comprises of vacant 'back land' formerly containing a block of nine garages as well as forming part of the curtilage of the private garden area serving No. 75A Old Park Road. In accordance with government guidance, PPS3 (Housing) [Annex B] and Policy S2 (Creating a more Sustainable Borough) of the adopted Dudley Unitary Development Plan (2005), the application site falls within the definition of previously developed land, whereby the principle of development is supported in the interests of sustainability and regeneration whilst Policy H6 (Housing Density) of the adopted Dudley Unitary Development Plan (2005) states that residential development will be encouraged to take into account factors such as the requirements to make full and efficient use of land, the local context, and the principles of good residential design. However, PPS3 [Annex C] acknowledges that achieving these benefits should have regard to the important characteristics of an area. The scheme as proposed would make effective use of land, existing infrastructure and services available within the area in accordance with PPS3, Policies S2, S8 (Housing) and H6 of the adopted Dudley Unitary Development Plan (2005).
- 13. Supplementary Planning Document (SPD) (New Housing Development: Establishing Local Context) defines a number of character areas within the Borough in order to ensure that new development respects local character and context and has regard to the development that surrounds a site. The site is situated within an

inner suburban area. The New Housing Development: Establishing Local Context SPD sets out a series of development criteria for new housing development within the inner suburb areas. This includes development respecting the established building line, respecting the height and massing of surrounding development and providing car parking to the front or side of the dwelling.

Layout

- 14. The area is characterised by circa 1950's semi detached properties set within uniformed plots and set around large open green areas. The properties are characterised by a uniformed set back from their respective highway frontages to allow for open small front gardens. Rear garden areas within the vicinity are typically long and narrow. Off street parking for these premises is a rare commodity with on street parking being at a premium.
- 15. Whilst the respective garden areas serving the proposed bungalows are not necessarily long, 9 metres in length, they would still provide 76 metres squared of private rear amenity space which satisfies the requirements of Supplementary Planning Guidance Note 3 (New Housing Development) for properties of this size and type. The remainder of the enclosed rear garden area serving No. 75A Old Park Road is considered adequate for a property of this size and type (3 bedrooms) in accordance with Policy DD4 of the adopted Dudley Unitary Development Plan (2005).
- 16. The layout of the proposed bungalows with habitable rooms to the respective bungalow frontage's would allow natural surveillance of the PROW on this otherwise vacant 'back land' site which currently attracts anti social behaviour. The scheme would not impact upon access to or the path of the PROW. The scheme would therefore accord with the principals of good urban design and would comply with the guidance contained within Supplementary Planning Guidance: Secure by Design and Policies DD4 and Policy AM13 (Public Rights of Way) of the adopted Dudley Unitary Development Plan (2005).

Scale

- 17. The scheme proposes the erection of two bungalow properties on 0.08 hectares creating a gross density of 25 dwellings per hectare. A detached garage is also proposed. The overall height of the proposed structures would be significantly lower than the context of the buildings in which they would sit, therefore complementing the scale of the adjoining buildings. Furthermore, the proposed buildings would not be widely visible within the street scene.
- 18. The massing of the proposed garage, as well as the scale, gives the appearance of an ancillary building within the boundary of No. 75A Old Park Road whilst the proposed bungalows would not be widely visible within the locality and given the 'back land' site would not form part of any street scene. The scheme would result in a form of development that reflects the character and context of the surrounding area in accordance with Policies DD1 (Urban Design) and DD4 (Development in Residential Areas) of the Adopted Dudley Unitary Development Plan (2005) and the New Housing Development: Establishing Local Context SPD.

Design and Appearance

19. The dwellings and garage would be constructed with facing brickwork with a pitched dormer roof over. The dwellings would be predominantly screened from the wider street scene given the 'back land' nature of this site. The scheme would only be visible by users of the PROW. All the windows to the frontage of the properties would line through with each other, ensuring the dwelling would address the locality. Windows positioned to the rear of the site are designed to ensure that no overlooking would occur to the private rear amenity spaces serving the properties fronting Cherry Green. The site, on balance, is therefore of a sufficient size in which to accommodate the dwellings whilst ensuring no adverse impact upon the PROW or in terms of resulting in a loss of residential amenity for the surrounding occupiers in accordance with Policy DD4 of the adopted Dudley Unitary Development Plan (2005).

Parking

20. The layout of the proposed development would see the bungalows each benefiting from two tandem car parking spaces measuring a width of 2.6 metres and a depth of 6 metres to the side of each bungalow. The adopted Supplementary Planning Document relating to Parking Standards and Travel Plans requires two car parking spaces for two bedroom dwellings. The proposed development could comfortably accommodate on site turning and satisfactory off street parking provision in the form of 8 car parking spaces for the proposed and existing dwelling units, ensuring no additional burden on the existing highway infrastructure through on street parking. The PROW running through the site would remain without deviating from its existing course. Group Engineers raise no objection to the scheme. The scheme therefore complies with the principles of Policies DD4, DD6 (Access and Transport Infrastructure) and Policy AM13 (Public Rights of Way) of the adopted Dudley Unitary Development Plan (2005) and the Parking Standards and Travel Plans SPD.

Access

21. Vehicular access to the site would be gained via the existing vehicular access to the site. Satisfactory visibility splays would be achieved from the access and egress serving the properties from Mulberry Green. It is considered highway safety would not be prejudiced nor would continued access or the route along the existing PROW. The scheme accords with Policies DD4 and DD6 of the adopted Dudley Unitary Development Plan (2005).

Other Issues

22. The biodiversity surveys submitted in support of the application indicate that the development would not prejudice any protected species. Furthermore, it is considered through robust conditioning that any biodiversity loss can be mitigated through adequate landscaping conditions.

Planning Obligations

23. Policy DD7 (planning Obligations) of the adopted Unitary Development Plan (2005) and the Planning Obligations SPD require that new residential developments should mitigate against the consequential planning loss to the existing community. Should permission be granted a Section 106 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 - £359.06

Open Space, Sport and Recreation - £3120.60

Transport Infrastructure Improvements - £6693.41

Public Realm - £990.60

** Management and Monitoring Charge -

£1000.00

Total Offsite Contribution equates to £12,163.67

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

CONCLUSION

24. The proposal would bring forward a scheme that has regard to the character and context of the area which is unlikely to cause harm to either visual or residential amenity. The site is of a sufficient size in which to accommodate two bungalows and a detached garage that would provide satisfactory access and egress and off street parking provision whilst ensuring highway safety or the existing PROW would not be prejudiced. The proposed bungalows would also be served by suitably sized gardens whilst adequate separation between adjoining properties would be maintained to ensure no demonstrable harm to neighbouring properties. The scheme as proposed therefore accords with the relevant Policy criteria.

RECOMMENDATION

- 25. It is recommended that the application is approved subject to:
 - a) the development not be beginning until a scheme for the submission and approval of a planning obligation to guarantee the payment of £12,163.67 for off site public open space/play provision and enhancement; library transport improvements and public realm as well as monitoring, management and implementation costs has been submitted to and agreed in writing by the Local Planning Authority; and
 - 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; and

Reason for Determination of Planning Permission

The proposal would bring forward a scheme that has regard to the character and context of the area which is unlikely to cause harm to either visual or residential amenity. The site is of a sufficient size in which to accommodate two bungalows and a detached garage that would provide satisfactory access and egress and off street parking provision whilst ensuring highway safety or the existing PROW would not be prejudiced. The proposed bungalows would also be served by suitably sized gardens whilst adequate separation between adjoining properties would be maintained to ensure no demonstrable harm to neighbouring properties. The scheme as proposed therefore accords with the relevant Policy criteria.

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 detail on the decision please see the application report.

Note to Applicant

The development hereby permitted shall be built in accordance with the approved plans numbered RF.2936/08 Rev A, RF.2981/08 Rev C, RF.3007/08, RF.2934/08 Rev A and RF.2932/08 Rev A unless otherwise agreed in writing by the Local Planning Authority.

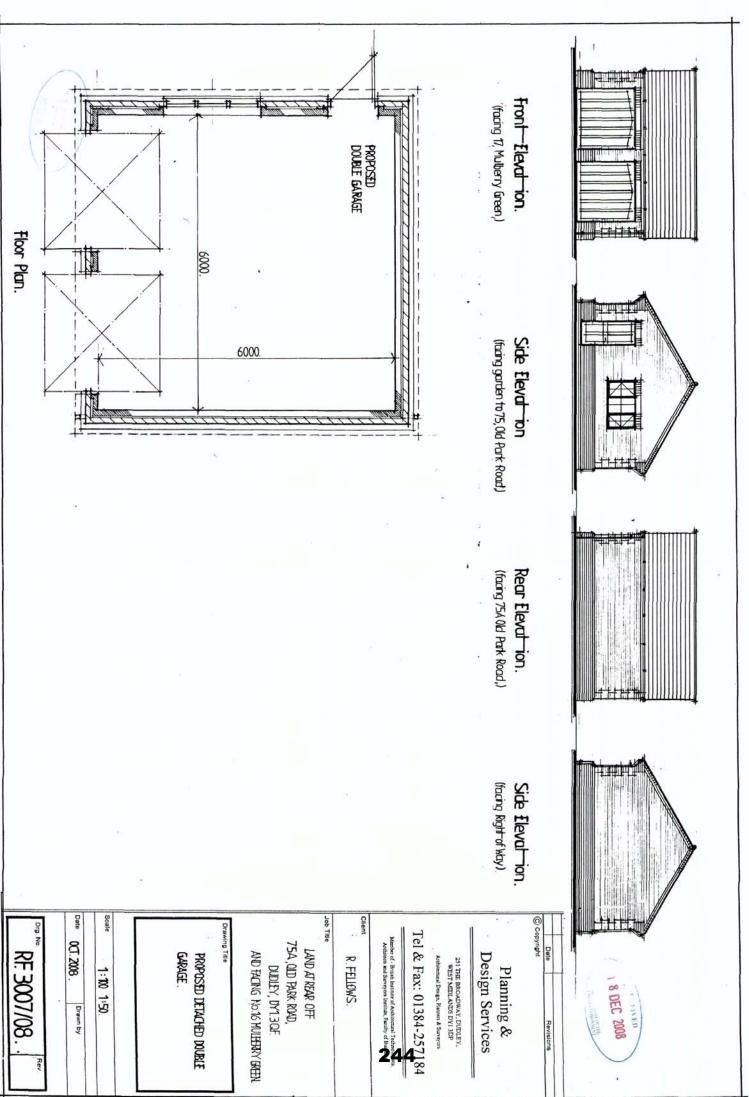
Conditions and/or reasons:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2. Prior to first occupation of the dwellings and garage, the means of access and parking areas shall be provided in accordance with the approved details and

- graded, levelled, surfaced, drained and marked out. These areas will be maintained thereafter for no other purposes for the life of the development.
- 3. At no time during the life of the development shall the area approved for combined parking and manoeuvring for the sites be divided by any physical treatment.
- 4. The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with the details to be submitted to and approved by the LPA in writing.
- 5. Prior to the commencement of development details shall be submitted of the proposed type, texture and colour of the facing brickwork to be used on the elevations and the type, texture and colour of the proposed roof tiles to be used on the proposed dwellings and garage. Following approval of the materials the dwelling shall be built in accordance with the approved details.
- 6. Prior to the commencement of development, details of the landscaping scheme for the site shall be submitted to and approved in writing by the LPA. The agreed scheme shall be implemented in accordance with the approved details before the end of the first planting season following initial occupation of the development and the scheme shall be retained for the life of the development unless otherwise agreed in writing by the LPA.
- 7. Prior to the commencement of development details shall be submitted and approved in writing by the Local Planning Authority of the proposed position, height and materials including details of the type, colour and texture of the proposed boundary treatment to be erected on the site. The development shall be built in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Client Job Title © Copyright Date MAR. 2008 ON LAND ADJ. 16, MULBERRY GREEN '
OLD PARK FARM ESTATE,
DUDLEY, DY1 3QF
AND AT REAR OF 75A, OLD PARK
ROAD, DUDLEY, DY1 3NE **Drawing Title** Tel & Fax: 01384-257184 All dimensions must be checked on site and not scaled from this drawing. Member of. - Briush Institute of Architectural Technologists, Architects and Surveyors Institute, Faculty of Building. DETACHED BUNGALOWS PROPOSED 2 NO. 2 BED. 1:1250 RF 2937/08 MR R. FELLOWS Design Services 251 THE BROADWAY, DUDLEY, WEST MIDLANDS DY1 3DP Architectural Design, Planners & Surveyors PROPOSED Planning & Drawn by Scale 1:1250 LOCATION PLAN PROPOSED ₩2.661 क् 0616 N Ø06/65N ets dus 13 broboses cocallon Ö NSasopo NS92000 CHERRY GREEN Б392900-からし 1 8 DEC 2008 BLACKTHORNE ROAD RECEIVED 608/18J1 E393000 N 243 N292100

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