

PLANNING APPLICATION NUMBER: P07/2354

Type of approval sought	Full Planning Permission
Ward	Netherton, Woodside & St. Andrew's
Applicant	Mr S Bates
Location:	15, BAPTIST END ROAD, NETHERTON, DUDLEY, DY2 9BX
Proposal	DEMOLITION OF EXISTING BUILDING AND ERECTION OF 9 NO. 1 AND 2 BEDROOM APARTMENTS WITH NEW ACCESS TO HIGHWAY (RESUBMISSION OF REFUSED APPLICATION P07/0387)
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The site measures 0.10 hectares and was previously used by a UPVC window-manufacturing company. The site comprises a vacant showroom and offices built in 2001 and an older industrial building located within the rear of the site that was used for the manufacture and assembly of windows. The buildings sit within an open yard used for the turning and parking of vehicles and storage. The site is accessed via a set of double gates off Baptist End Road.

2. The site is situated within a predominantly residential area abutting residential properties to the north and south. Immediately adjoining the northern boundary of the site is a detached two storey dwelling built in 2005, adjoining the southern boundary of the site is a two storey detached dwelling built during the 1970's. Located opposite the site are 1930's semi-detached dwellings and to the rear of the site is a cul-de-sac, which does not have any dwellings fronting onto it but which provides access to garages to the rear of traditional properties off Cinder Bank.

PROPOSAL

3. The proposal seeks the demolition of the existing buildings on the site including the ancillary office/showroom and the erection of 9 no. 1 and 2 bedroom apartments with the creation of a new access to the highway from Park Road.
4. The proposals would involve the erection of a two storey building fronting Baptist End Road comprising 3 no. 2 bed flats and 1 no. 1 bed flat and the erection of a 2 ½ storey building to the rear of the site which would accommodate 5 no. 2 bed flats. The proposals would remove the existing vehicular access into the site from Baptist End Road with the vehicular access provided to the rear reached via Park Road. The scheme would provide 18 car parking spaces within the site and an area of broadly rectangular communal garden area measuring 27 metres long by 5 metres wide providing an overall area of amenity space in the region of 135m².
5. The unit fronting Baptist End Road would follow a staggered building line between the existing residential dwellings at no. 9 and no. 17 Baptist End Road with the part of the building closest to no. 9 being set back 3.8 metres from the back edge of the footpath and the part nearest to no. 17 being set back 1.8 metres from the back edge of the footpath and in-line with no. 17. The building would comprise a pitched roof with side facing gables and whilst of a modern design would incorporate traditional embellishments in the form of hipped bay windows to the ground floor, gablet details within the roof, chimneys and brick arched lintels and brick cills. The windows would be of a casement style lining through with each other and being of complementary proportions. The building would comprise a centrally located walkway to enable pedestrian access into the site. The entrances to each of the flats would be via the pedestrian entrance. The pedestrian entrance would be gated from Baptist End Road for security purposes.
6. The unit to the rear of the site would be of a similar design to the unit fronting Baptist End Road with the exception that the ground floor flats would have individual entrances directly from the street frontage. The flats on the first floor would be

accessed via the rear of the site. This building would also in part be 2 ½ storeys in height in order to accommodate bedrooms within the roofspace. This would be achieved through the addition of three small pitched roof dormer windows set within the roofspace to the front and rear elevations of the building.

7. The application is accompanied by a design & access statement.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
P00/50371	Erection of retail showroom at ground floor for windows with offices at first floor.	Approved with conditions	25/08/00
P07/0387	Demolition of existing building and erection of 12 no. 1 & 2 bedroom apartments with new access to highway.	Refused	09/05/07

8. The previous application was refused for the following reasons:
- Over-development of the site.
 - Development with regards to its form, layout and architectural detail did not relate to the surrounding area and context of the site.
 - Under provision of car parking and poor car parking layout.
9. Since the refusal of the previous planning application the applicant has entered into detailed pre-application discussions with officers in order to overcome the reasons for refusal of the initial scheme.

PUBLIC CONSULTATION

10. Three letters of objection have been received, raising the following material planning issues:

- Increase in on-street parking
- Loss of employment site
- Increased noise and disturbance
- Density of flats is too high
- Development should blend in with the adjacent traditional residential properties with similar roof lines and frontages

11. Two letters of support have been received putting forward the following material planning issues:

- Reduction in traffic problems on Baptist End Road

OTHER CONSULTATION

12. Group Engineer (Development): No objections.

13. Head of Public Protection: No objection subject to conditions relating to contaminated land.

RELEVANT PLANNING POLICY

- Unitary Development Plan
 - S2 Creating a More Sustainable Borough
 - H1 New Housing Development
 - H3 Housing Assessment Criteria
 - H6 Housing Density
 - EE3 Existing Employment Use

DD1 Urban Design
DD4 Development in Residential Areas
DD6 Access and Transport Infrastructure
DD7 Planning Obligations
AM14 Parking

14. The site is not designated for any particular use but is an existing employment site.

- Supplementary Planning Document(s)
Parking Standards and Travel Plans
New Housing Development: Establishing Local Context
Planning Obligations
- Supplementary Planning Guidance
PGN3 New housing development
- Regional Spatial Strategy
QE3 Creating a high quality built environment for all
- National policy documents
PPS3 Housing

ASSESSMENT

Key Issues

- Principle
- Density
- Layout
- Design and Appearance
- Impact on Residential Amenity

Principle

15. The site was last used for employment purposes. In accordance with Policy EE3 planning permission would not be granted to redevelop an employment site into an alternative use except where certain criteria is met. It is not appropriate to retain the site in employment use due to its poor access off Baptist End Road and due to the potential impacts to the amenity of adjoining residential properties that general industrial use would cause. The site has limited space for heavy goods vehicles to manoeuvre and to turn safely into the site and the fact that the site is bounded on all sides by residential properties would mean that the continued use of the site in employment use would have the potential to result in noise and disturbance to the occupiers of nearby residential properties.
16. Whilst the applicant has not actively marketed the site for alternative employment use the site is not suitable to remain in employment use for those reasons set out above and therefore the principle of redeveloping the site for residential purposes is acceptable in this particular case in accordance with Policy EE3 of the Adopted Dudley Unitary Development Plan (2005).
17. The site comprises previously developed land as defined by national planning guidance. Government seeks the development of previously developed land in providing new residential development before the release of greenfield sites. Bringing this site forward for residential development would help contribute towards meeting the Borough's strategic housing requirements whilst also helping to contribute towards the regeneration of the area in accordance with Policies S2 and H3 of the Adopted Dudley Unitary Development Plan (2005).

Density

18. The site measures 0.10 hectares with the proposed development resulting in a gross density of 90 dwellings per hectare. New Housing Development: Establishing Local Context SPD seeks to ensure that new housing development is of an appropriate form and layout so that schemes reflect the character of the area and their local context. Whilst density is one component of assessing the suitability of schemes it is

also important to consider the existing characteristics of the local area and how this is brought forward as development criteria associated with new development.

19. The application site is situated on Baptist End Road and within a short walk of Netherton Local Centre. Baptist End Road itself is well served by public transport with bus routes providing frequent services to Dudley, Halesowen and Merry Hill. Netherton itself is served by even more bus services and Netherton comprises many local services and facilities. The site is therefore situated within a highly sustainable and accessible location. In terms of assessing the suitability of the density of new development guidance is provided in the form of both PPS3 and the New Housing Development: Establishing Local Context SPD, which support the creation of higher density development on sites located within public transport corridors.
20. In addition to this, the application site is located within a mixed residential area characterised by pre-war terraced houses, 1930's semi-detached properties and detached modern (1970's) dwellings demonstrating no overall strong pattern or form of development. In this regard, the 1930's semi-detached properties along Baptist End Road are built at a gross density of 32 dwellings per hectare whereas the terraced properties fronting Park Road are built at a gross density of 90 dwellings per hectare.
21. In light of the site's location on a public transport corridor being situated within a highly sustainable and accessible location and given that the site would be served off Park Road, which is characterised by terraced properties built at a high density the overall density of the development is appropriate having regard to its location and context thereby being compliant with Policy H6 of the Adopted Dudley Unitary Development Plan (2005) and the New Housing Development: Establishing Local Context SPD.
22. In addition, by their very nature apartment schemes will result in a higher density figure. The fact remains that this scheme would provide two buildings of 2 and 2 ½ storeys in height of a similar form, scale and massing to existing residential development that the site adjoins and have been designed to appear as houses

rather than flats. This approach to the design of the scheme would ensure that whilst being of a high density that the proposals relate to and complement the existing form and appearance of the development within the locality.

Layout

23. The former showroom/office building associated with the UPVC window company does not have a strong presence to the street frontage with its principle elevation facing into the site and the building being enclosed by a high wall and railings having been built abutting the back edge of the pavement running along Baptist End Road.
24. The proposed development would result in the demolition of this building and the infilling of the existing gap between the existing showroom/office building and no. 17 Baptist End Road with the erection of a two storey building that extends across the sites frontage. The proposed building would help in creating a better sense of place and would improve the visual appearance of site as viewed from Baptist End Road, which is predominantly residential in character.
25. The proposed building fronting onto Baptist End Road would form a staggered building line in order to complement the siting of the existing residential units that are located either side of the site. This also provides an opportunity to ensure the provision of a suitable amount of defensible space to the front of the units and to add good quality boundary treatment and landscaping to the frontage of the site in order to help assimilate the development into the existing area.
26. The scheme provides a pedestrian link into the site from Baptist End Road. This is important in ensuring that the scheme physically connects with the existing street pattern since without it future occupiers would have to walk into the site via Park Road and to ensure that the site is accessible from Netherton Centre.
27. The rear apartment block would face the existing service road accessed off Park Road. This service road does not comprise any frontage development with the backs of houses on Cinder Park and Park Road backing onto the road. The visual appearance of the service road is poor made up of garages serving some of the

dwellings off Cinder Bank and boundary walls and close boarded fencing enclosing the rear gardens of other properties. The introduction of a building into the head of the cul-de-sac would improve the visual appearance of the area as well as improving security of the existing dwellings through improving the natural surveillance of their properties.

28. There would be a separation distance of between 25 and 29 metres between the two apartment blocks. PGN No. 3 seeks a 28 metre separation distance between buildings where there are habitable rooms at first floor level. Whilst the proposals fall short of the minimum in places due to the positioning of the units there is not a direct back to back relationship since the front unit is angled to the road. The separation distance is therefore considered acceptable especially since in places the minimum is exceeded.
29. The scheme provides 18 car parking spaces and the provision of a secure cycle store. Parking Standards and Travel Plans SPD has a baseline standard of a single parking space per single bedroom dwelling and 2 parking spaces per 2-3 bedroom dwellings with a further allowance of an addition of 1 visitor parking space per 5 dwellings. The scheme provides the maximum number of parking spaces sought by the SPD and therefore accords with this document and with Policy AM14 of the Adopted Dudley Unitary Development Plan (2005).
30. PGN No. 3 supports the provision of 30m² of communal garden space with regards to apartment schemes. The scheme provides an area of garden space within the southern part of the site situated between each of the apartment blocks and to the south of the car parking area measuring approximately 135m². The scheme therefore only provides half of the amenity space sought by PGN no. 3. Despite the deficiency, the garden would provide a usable amenity area for residents and given that the site is located within a short walk of Netherton Park, which provides both formal and informal recreation facilities the level of amenity space provision is acceptable in this case thereby being in accordance with Policy DD4 of the Adopted Dudley Unitary Development Plan (2005).

Design and Appearance

31. The front block of apartments would adjoin a detached dwelling built in 2005 (no. 17) and 1950's detached dwelling. The new build property is of a pitched roof design with its front door positioned broadly centrally within the front elevation and with the addition of a pitched roof bay window on the ground floor. The 1950's dwelling comprises a forward facing gable to the street and has been extended in the form of single storey side extensions to either side. The extensions comprise a monopitch roof, which is extended across the full width of the house. Situated immediately opposite the site are bay-fronted inter-war semi-detached properties. Park Road is largely characterised by pre-war bay fronted terraced properties with some modern infill terraced development.
32. The proposed apartments in terms of their scale and massing would complement the existing two-storey development that immediately adjoins the site. A number of traditional architectural details are proposed. These are drawn from the characteristics of the pre and inter-war housing in the form of bay windows, the style and proportions of the casement windows, chimneys to the roof and small pitched roof dormers set within the roof on the proposed buildings. The style and appearance of the block fronting Baptist End Road would complement the appearance of the adjoining modern detached dwellings as well as picking up themes from the inter-war semi-detached properties located opposite the site. The break in the building with the staggered building line and the centrally located pedestrian access would also serve to break up the building helping it appear as a pair of semi-detached properties rather than as a block of flats. Similarly the block at the rear draws on the architectural themes of the terraced properties on Park Road and with the two ground floor units having their own entrances accessed from the street frontage would help create the appearance of a pair of semi-detached properties rather than a block of flats.
33. The design and appearance of the proposed dwellings would complement the style of the existing residential development within close proximity to the site and the scale and massing of the proposed apartments would respect the local character thereby being in accordance with the New Housing Development: Establishing Local Context SPD and Policy DD4 of the Adopted Dudley Unitary Development Plan.

Impact on Residential Amenity

34. The rear apartment block would not face directly onto the front or rear of any existing dwellings and is situated a sufficient distance away from nearby residential properties to ensure that there would be no adverse impact with respect to overlooking or a loss of light.
35. The proposed apartment block to be erected to the front of the site would be positioned between two existing dwellings. The southern elevation of the apartment block would extend 1.4 metres beyond the rear elevation of no. 9 Baptist End Road and the northern elevation of the apartment block would extend 4 metres beyond the rear elevation of no. 17 Baptist End Road. The siting of the proposed apartments would not breach the 45-degree code and would therefore not result in a loss of light to habitable rooms serving either of these properties.
36. Windows are proposed within each of the side elevations on the front block. These windows are small serving bathrooms and would therefore be obscure glazed. Both of the side elevations would face onto the blank side elevations of no. 9 and no. 17 Baptist End Road and therefore these windows do not raise any issues with respect to the overlooking of adjoining properties.
37. In respect of a loss of light and overlooking, the proposals are therefore in accordance with Policy DD4 of the Adopted Dudley Unitary Development Plan (2005).

Planning Obligations

38. It is important that any new development provides for its infrastructure requirements and does not a loss of capacity in the availability of infrastructure to those living within close proximity to the site. In accordance with Policy DD7 of the Adopted Dudley Unitary Development Plan (2005) and the Planning Obligations SPD this proposal attracts a requirement for a commuted sum to be paid towards the provision and enhancement of public open space and play areas, improvement to the public realm

and improvements to library facilities and provision. This can be dealt with in a legal agreement and amounts to a total sum of £19,367.15.

CONCLUSION

39. Whilst the site is an existing employment site it is not suitable for continued employment use due to its poor access and location within a predominantly residential area. The proposals would result in a high density of development but this is acceptable having regard to its location on a public transport corridor and in view of the fact that the resultant density would be the same as traditional terraced housing that immediately adjoins the site. The scale, form and massing of the development as well as the appearance of the apartments has regard to the characteristics of the existing dwellings that adjoin the site thereby ensuring that the scheme would not look out of context or character. The proposed development provides the maximum numbers of car parking spaces in accordance with policy and whilst the area of communal amenity space is substandard the site is within a short walk of Netherton Park that could be used by future occupiers.

RECOMMENDATION

40. It is recommended that the application be approved subject to:
- c) The development not beginning 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 and play provision, improvements to the public realm and improvements to library facilities* and has been submitted to and agreed in writing by the Local Planning Authority.
 - d) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary.

Reason for approval

Whilst the site is an existing employment site it is not suitable for continued employment use due to its poor access and location within a predominantly residential area. The proposals would result in a high density of development but this is acceptable having regard to its location on a public transport corridor and in view of the fact that the resultant density would be the same as traditional terraced housing that immediately adjoins the site. The scale, form and massing of the development as well as the appearance of the apartments has regard to the characteristics of the existing dwellings that adjoin the site thereby ensuring that the scheme would not look out of context or character. The proposed development provides the maximum numbers of car parking spaces in accordance with policy and whilst the area of communal amenity space is substandard the site is within a short walk of Netherton Park that could be used by future occupiers.

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.

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

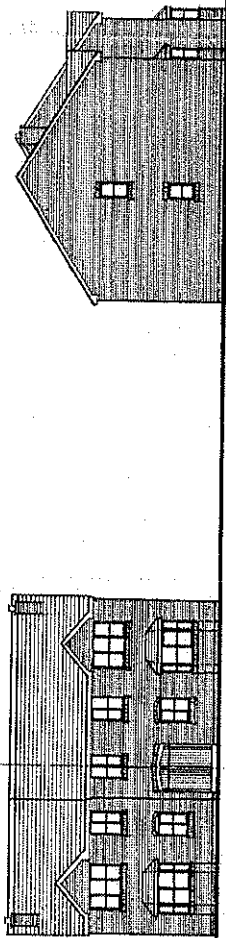
The development hereby permitted shall be built in accordance with the approved plans numbered SB/07/200C, SB/201/A and SB/07/202 unless otherwise agreed in writing by the Local Planning Authority.

Conditions and/or reasons:

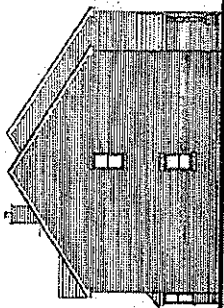
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The means of access and parking areas will be provided in accordance with the approved details and graded, leveled, surfaced, drained and marked out. The areas should be maintained thereafter for no other purpose for the life of the development.
3. Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority of the proposed boundary treatment. The details shall include plans and elevations providing information on the location, height, design and appearance of the proposed boundary treatment. The boundary treatment shall be implemented in accordance with the approved details and retained for the lifetime of the development.
4. Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority of the type, texture and colour of the materials to be used on the elevations and roof. The dwellings shall then be built in accordance with the approved details and retained for the lifetime of the development.
5. 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.
6. All planting, seeding or turfing comprised in the details of landscaping approved in accordance with condition 6 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.
7. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 or any order revoking and re-enacting that Order) at no time during the life of the development shall the areas approved for landscaping be used for any other purpose.
8. 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.
9. 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.

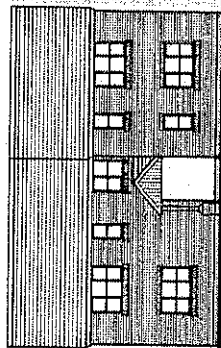
10. Prior to the commencement of development details shall be submitted to and agreed in writing by the Local Planning Authority of the proposed siting and design of secure cycle parking. The scheme shall be implemented in accordance with the approved details and retained for the lifetime of the development.



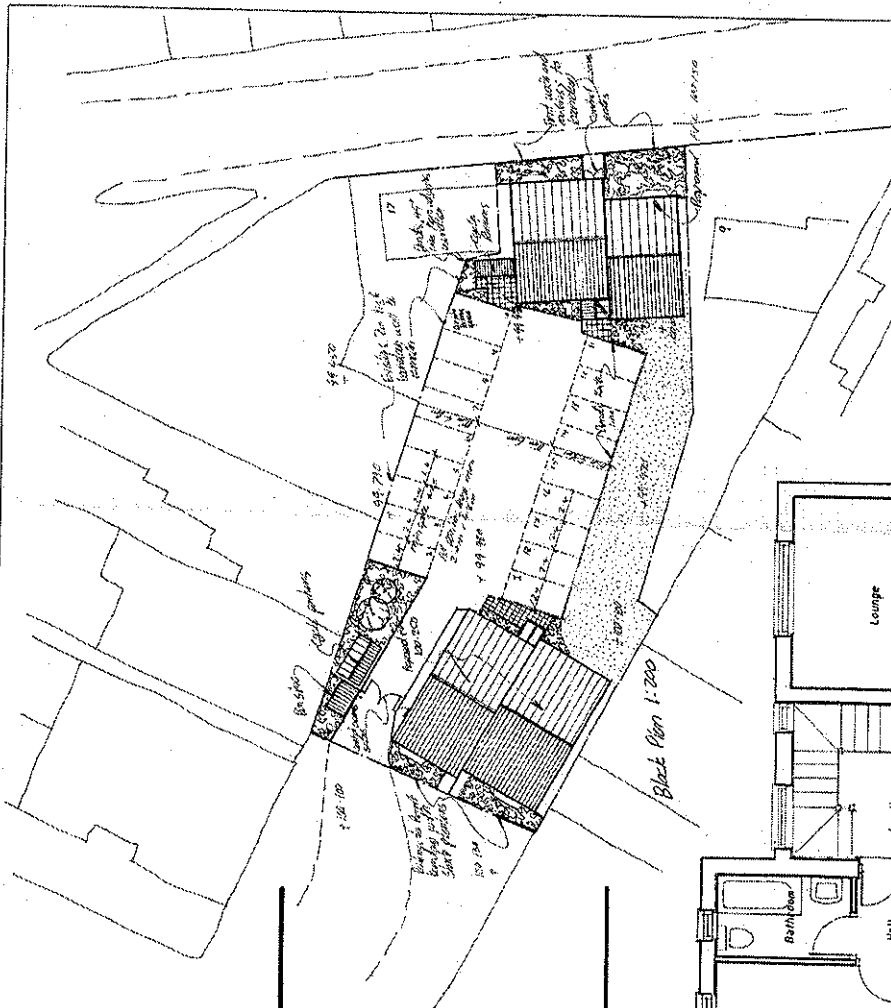
Front



Side

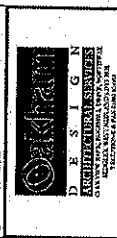


Rear courtyard

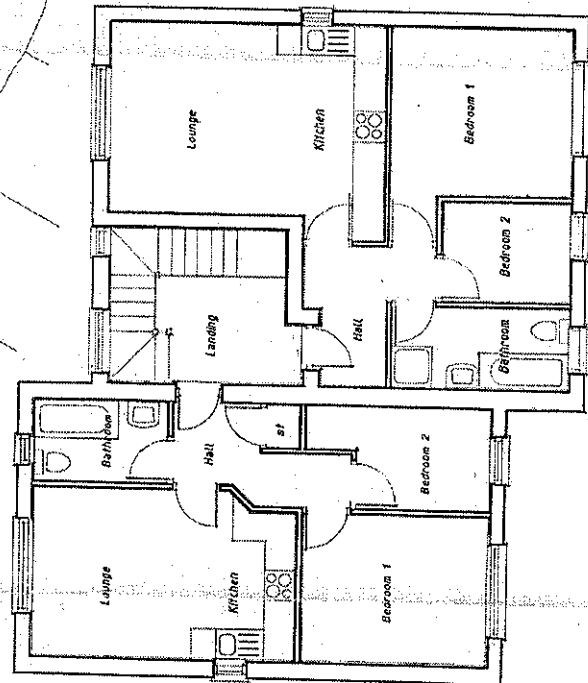


AVENUE PLAN

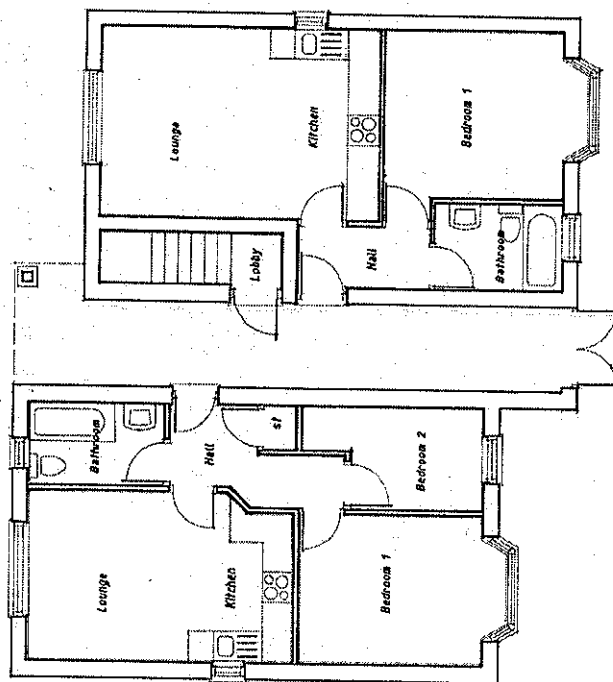
C. Bennett & Partners Limited
18, Grosvenor Road, London, W.1
In accordance with the provisions of the
Town and Country Planning Act, 1947



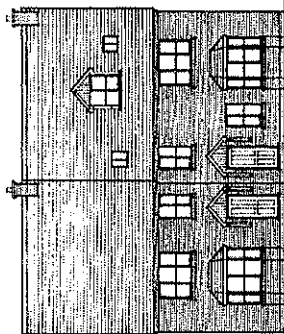
DATE	10/10/2007	SCALE	1:500
CHECKED			
DRAWN			
PROJECT	Land at 15 Baptist End Road Netherthorpe Dudley		
PROPOSED	Proposed 9 No one and two bedroom apartments		
APP. NO.	58/07/1990	APPROVED	



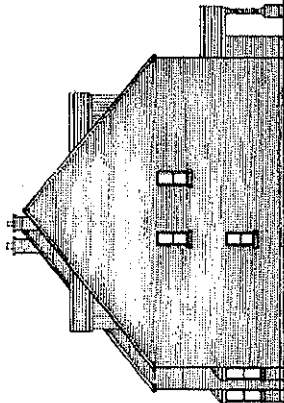
First floor plan



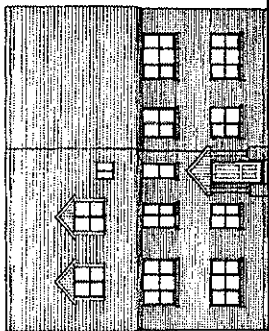
Ground floor plan



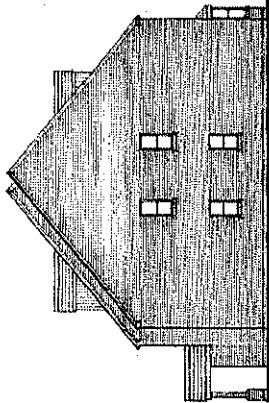
Front



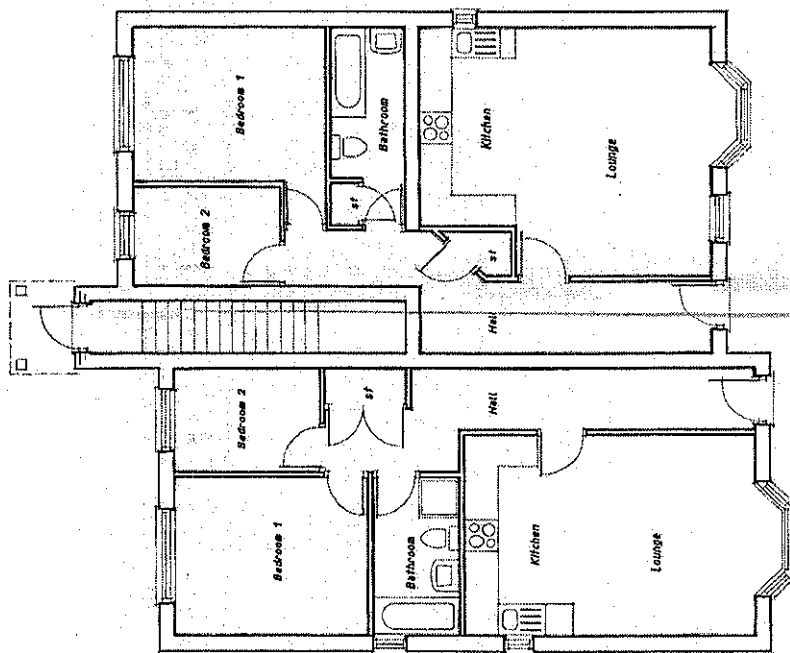
Side



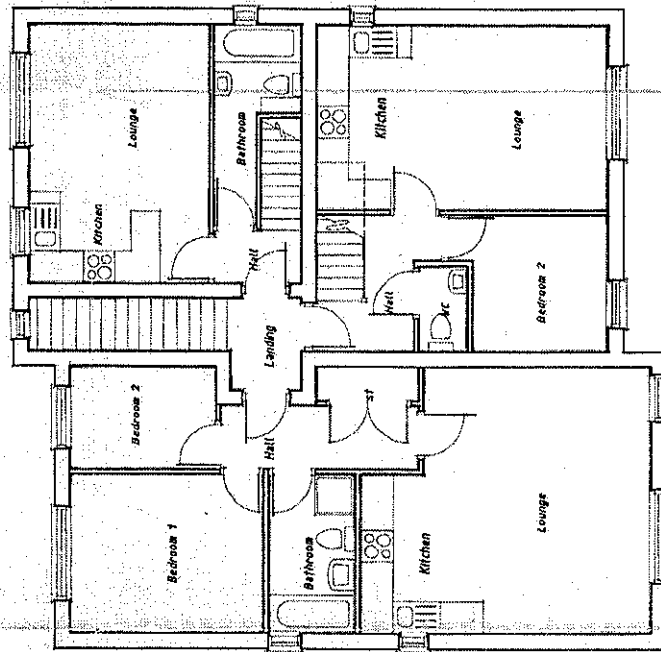
Rear courtyard



Side



Ground floor plan



First floor plan

A. Wood & Son, Architects

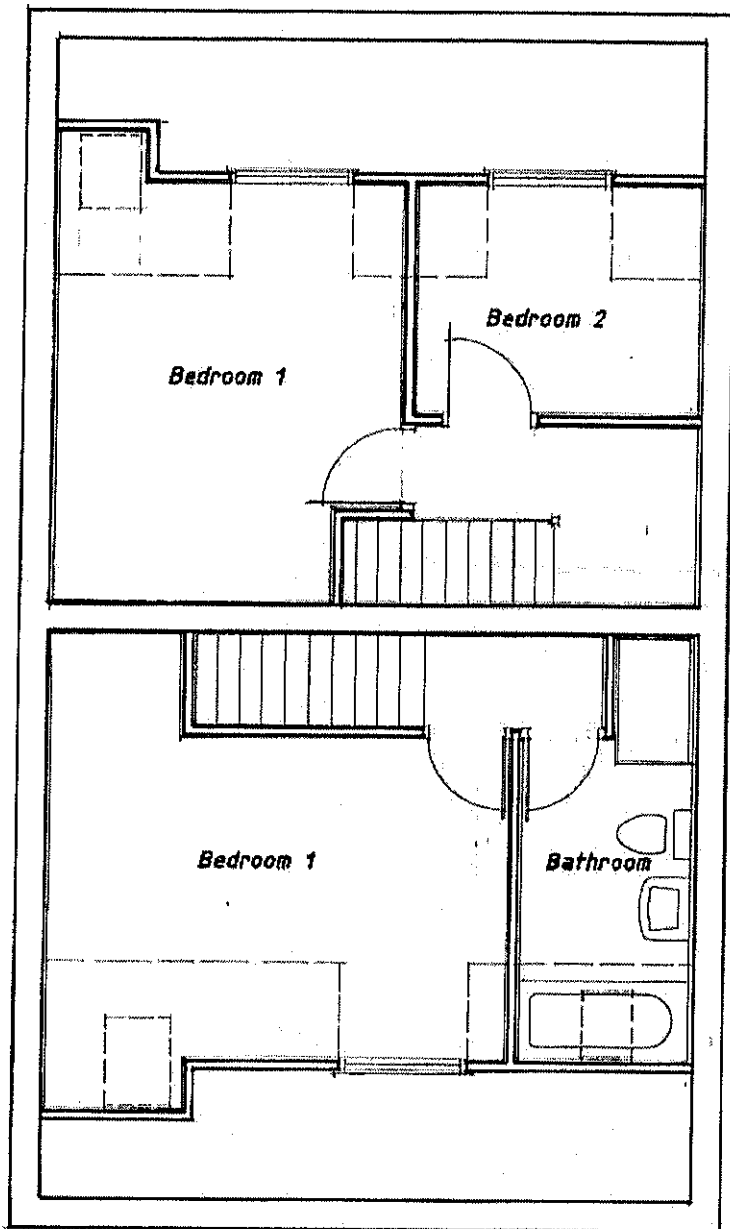
Oakham
DESIGN
ARCHITECTS
15 BAPTIST END ROAD
NATHERTON
DUDLEY

DATE: Nov 2007
SCALE: 1/50
DRAWN: JLE
PROJECT: Proposed 9/10 one and two bedroom apartments

NO. 58/07/2014

PROPOSED FLOOR PLANS
2nd Floor

P07/2354



Second floor plan

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Oakham
DESIGN
ARCHITECTURAL SERVICES
GLEBEVIEW HALL, BURGESS LANE, NETHERTON, DUDLEY, WEST MIDLANDS DY9 3HT
TELEPHONE & FAX 0901 654151

JOB TITLE
*Land at 15 Baptist End Road
Netherton
Dudley*

DESIGN	CHECKED	DATE	SCALE
		Nov 2007	1:50~1:100

DRAWING TITLE
*Proposed 9 No one and
two bedroom apartments*

JOB No.	DRAWING No.
SB/07/202	