

# PLANNING APPLICATION NUMBER: P09/1644

Type of approval sought	FULL PLANNING PERMISSION
Ward	KINGSWINFORD NORTH & WALLHEATH
Applicant	MR MARK WILD, DIOCESE OF WORCESTER
Location:	<b>THE RECTORY, 17, PENZER STREET, KINGSWINFORD, WEST MIDLANDS, DY6 7AA</b>
Proposal:	<b>ERECTION OF ECO VICARAGE (RESUBMISSION OF WITHDRAWN APPLICATION P09/0843)</b>
Recommendation summary:	<b>APPROVE SUBJECT TO A 106 AGREEMENT</b>

## SITE AND SURROUNDINGS

1. The site forms part of the side garden of the existing vicarage. It is situated within a well established residential area. There is pre-war housing to the north, east and south of the site. The western boundary abuts former 1950's police houses which are now used as offices in association with Kingswinford Police Station. The site is located just to the north of the boundary of Kingswinford District Shopping Centre.
2. The whole frontage to the site is marked by an established brick wall. There is one existing entrance to the site, via wrought iron gates, leading to a detached, pitched roof, pre-fabricated single garage. Immediately behind the wall there are a number of trees and overgrown vegetation. Beyond, the garden is generally made up of a lawn and shrub borders. The side gable of the adjacent dwelling No 11 Penzer Street, and a brick wall mark the southern boundary of the site. The western boundary comprises wooden fencing.

## PROPOSAL

3. The application, made by the Diocese of Worcester, is for the development of a new detached dwelling referred to by the applicant as an 'eco vicarage'. It is understood that the existing vicarage on the site would become a separate, private dwelling.

4. The submitted Design and Access statement states that the building would be constructed using pioneering methods to a code for sustainable homes level 6, which would achieve a zero carbon standard.
5. The house would have a unique design which is required to facilitate the sustainable nature of the project. The main element of the dwelling would be 7.0m wide with a depth of 12.5m. The dwelling would be 2 1/2 storeys in height which would be the same height as the existing adjacent vicarage. A 3.0m wide glazed sun room/porch would be constructed along most of the south side of the building. It would have a mono-pitch roof which would have a maximum height of 5.0m. Double doors in the ground floor kitchen/dining room and first floor living room would open into this sun room. A wooden pergola running from the parking area to the entrance porch is indicated. Vegetation would be grown over it to cast shade.
6. The layout of the building has been designed to function as a home and a vicarage. The northern part of the building would contain the services zone such as the stairwell and bathrooms. The central area would contain the main part of the living and sleeping accommodation with the sun space facing southwards.

## HISTORY

7.

APPLICATION No.	PROPOSAL	DECISION	DATE
DB/69/5624	Conversion of garage into dining room and erection of detached replacement garage	Approved	19/08/69
P09/0843	Erection of eco-vicarage	Withdrawn	11/08/09

8. The application has been advertised by means of letters sent directly to neighbours. Emails and letters of objection have been received from the occupants of Nos 10, 11, 14, 16, 19 and 21 Penzer Street which make the following comments:
- Overlooking/loss of privacy,
  - Not in line with the rear of other buildings, it will cast a shadow over neighbouring gardens;
  - Out of keeping with the character of other buildings in the street,
  - Frontage trees are deciduous and the building will be clearly seen from the road,
  - There is a clause in the deeds preventing business use,
  - Increase in vehicles in area where school children use the pavement causing a hazard,
  - No need for the development as there is an existing vicarage,
  - Disruption during construction work,
  - Parking problems already exist, through traffic has been blocked at times,
  - What will happen to the existing vicarage?
  - Community rooms are indicated on the plans, there are already community rooms in the vicinity of the site and it would add to parking problems,
  - Public facilities and community rooms already exist in the purpose built church rooms erected next to the church,
  - Devalue properties
  - Not convinced that it will be eco friendly, why cannot new vicarage be made more eco-friendly?
  - Inconsistencies and mistakes made in Design and Access Statement
9. A Ward Councillor has been approached by local residents regarding the application. He makes the observation that the description of the development is unusual and that it should be purely judged as a new build. He also reiterates the above observations of the residents with regard to the unsympathetic appearance of the building, the parking problems in Penzer Street and the unusual east elevation plan which shows a tree on the plan which obscures the view of the new property. He has also noticed that on two street scene photographs and a street scene drawing in the Design & Access Statement Penzer street is incorrectly called Leswell Street and that the text on page 5 suggests there would be 7 bedrooms. The agents have confirmed that these are errors

and have submitted a corrected document and confirmed that there would be only 4 bedrooms.(It should be noted that the photographs and street scene drawing were clearly of Penzer Street and that only the street name was wrong). He concludes that if the Committee feels that a site visit would be an advantage he would support that view

10. A second Ward Councillor has objected on the following grounds:

1. The building would be out of character with nearby properties. These are of a high standard and very desirable.
2. The volume of traffic through Penzer Street and surrounding roads such as Wartell Bank, Water Street and Queen Street would not be made any easier by this development. The whole estate is used as a rat run as vehicles attempt to avoid the traffic lights at Moss Grove and cut through this small but condensed estate. This development would only add to these problems.
3. Other concerns are that the neighbourhood already suffers from the extension of the license at the nearby Arizona Crossing public house. This development would only add to these problems.

The Councillor has requested a deferment of the application.

## OTHER CONSULTATION

11. Group Engineer - Development – The visibility splay condition can be removed. A condition is required to ensure at least three spaces on the existing dwelling in Penzer Street as it is very narrow with a lot of on street parking. Changes to the height of the existing wall are suggested but not a requirement.
12. Head of Environmental Health and Trading Standards – no adverse comments.



13. **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 DD10	Nature Conservation and Development
Policy DD12	Sustainable Drainage Systems
Policy AM14	Parking
Policy H1	New Housing Development
Policy H3	Housing Assessment Criteria
Policy H6	Housing Density
Policy CS3	Community Services
Policy NC1	Biodiversity
Policy NC6	Wildlife Species
Policy NC9	Mature Trees
Policy NC10	The Urban Forest

14. **Supplementary Planning Guidance**

Planning Guidance Note No. 3 New Housing Development

15. **Supplementary Planning Documents**

New Housing Development – a guide to establishing the urban context

Planning Obligations

Parking standards and travel plans

16. **National Planning Guidance**

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Statement 3 – Housing

Code for Sustainable Homes

### Key Issues

- Principle
- Density
- Sustainability
- Scale, massing and appearance
- Impact of the development upon adjacent residents
- Trees
- Vehicular Access and Parking
- Planning Obligations

### Principle

17. The new house would be constructed upon a large area of side garden land belonging to The Rectory, No. 17 Penzer Street. This brown field land is situated within an established residential area which, in principle, is acceptable for residential development.

### Density

18. The existing vicarage is set within a large plot of land compared to its surroundings. As such, by dividing the site almost in half would create a density similar to that of existing dwellings in the immediate locality. For example, the construction of the new dwelling would lead to a density of 14.3 dwellings per hectare (dph) and the remaining vicarage would have a density of 16.6 dph. The existing detached house directly to the south of the site (No. 11 Penzer Street) would have a density of 14.3dph. The two former police houses to the rear of the site (Nos 4a and 4b Moss Grove) have a density of 18.18 dph and the houses on the opposite side of Penzer Street (Nos 6 – 14) have a density of 22.73dph. As such the density at which the building would be constructed would be very much in keeping with the density of its immediate surroundings.

## Sustainability

19. On 13<sup>th</sup> December 2006 the Code for Sustainable Homes was launched by Central Government. This guidance set the new national standard for the design and construction of sustainable new homes. It incorporates a sustainable rating system ranging from one to six based upon levels of achievement in specific categories. Minimum standards must be met in such categories as energy and water efficiency, the impact and sourcing of materials, surface water run-off and waste disposal. Other, categories such as pollution (e.g. global warming potential), health and wellbeing (e.g. daylight, sound insulation, private space), management (e.g. construction site impacts, security) and ecology can influence an overall rating for a scheme but are not mandatory. The applicant states that the scheme is designed to achieve level six which is the highest level reflecting exemplar development in sustainability terms.
20. Although the rating system is a fundamental tool for building control, it is acknowledged that the concept of sustainability underpins Central Government policies. In particular Planning Policy Statement 1: Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. With specific reference to this application Planning Policy Statement 3: Housing (PPS 3) seeks to secure objectives for planning for housing within the context of sustainable development objectives.
21. Should this building be constructed to level 6 it is understood that it would be only one of a handful of buildings to do so in the country and the first to achieve it in Dudley. PPS3 states that Local Planning Authorities should encourage sustainable new housing development.

## Scale, Massing and Appearance

22. The general philosophy behind the design of the building is to achieve a carbon neutral, sustainable dwelling. Obviously the use of pioneering building techniques and design requirements has led to the creation of a building of modern appearance. The architect has however taken full account of the immediate surroundings in which the building would be set and has formulated a design which would reflect certain aspects of its surroundings. These include:

- The height of the building would be no higher than the surrounding development;
- The façade would have similar proportions with surrounding dwellings;
- The window head and cills would align with the height of those at the adjacent vicarage;
- The roof would have a stepped appearance with one large south facing plane which would accommodate solar panels. The angle however has been adjusted so that it is not dissimilar to neighbouring properties;
- the choice of materials would include brick cladding and render with a grey slate roof which reflect building materials found within the locality.

#### Impact of the development on adjacent residents

23. The front of the building would follow a similar building line to the existing dwellings on either side. It would however have a greater depth. The dwellings however would be well spaced apart, there would be approximately 3.5m between the new building and the vicarage and 9.0m between the new dwelling and No 11 Penzer Street to the south. Following the orientation of the sun some shading would take place to the existing vicarage however the vicarage itself is set back in relation to the dwelling directly to the north (No 19 Penzer Street).
24. The northern elevation of the new building which would face the existing vicarage would have two tall panes of obscure glazing. One would provide light to a stairwell and the other would provide light to a utility area on the ground floor and bathrooms on the first and second floor. As such no overlooking would take place. It also has a set of high level roof lights which would maintain the privacy of neighbours. The existing vicarage has two ground floor side facing habitable room windows, however these are small secondary light sources to the rooms and therefore would not warrant a refusal of the application. New fencing along the boundary would prevent overlooking from the existing vicarage onto the new house.
25. The rear of the dwelling would face the side of two former police houses which are now used as offices in association with the adjacent Kingswinford Police Station. There would be 15m between the rear of the new dwelling and the side gable of No 4b Moss

Grove and the rear garden length would be 13.0m. Both distances accord with the space around dwellings standard required within Planning Guidance Note No. 3 New Housing Development

26. The southern elevation would face the side gable and high brick wall of the adjacent dwelling No. 11 Penzer Street. This dwelling has one side facing window at first floor level which serves a bathroom. The ground floor and the side facing roof lights have no potential for overlooking. One area of concern with regard to the new dwelling is that there are large side facing living room windows indicated at first floor level. As the building would be set back with regard to No. 11 Penzer Street there is the potential for overlooking, albeit that the closest lounge window would open into the glass roof area of the sun room. The agent has agreed however to accept a condition that the roof panels of the sun room be obscure glazed to overcome the difficulty.

#### Trees

27. There are a number of trees on the site particularly along the site frontage. A tree survey has been produced which retains, in the main, most of the trees on the site and introduces positive management towards them. This is considered to be acceptable.

#### Vehicular Access and Parking

28. Access to the site would be via the existing access point. This is acceptable in highway terms. There is a brick wall along the site frontage which in visual terms should be retained provided that the required 2.4m by 33m visibility splay can be achieved.
29. A four bedroom dwelling would be expected to provide parking for 3 No. vehicles. There is an existing pre-fabricated detached garage and a short drive. Although the submitted plans indicate the retention of this garage, the driveway is of insufficient length to accommodate two cars. The agent has agreed to the demolition of the garage and a condition requiring the submission of a parking layout for three cars should the application be granted.

## Planning Obligations

30. 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 off site contributions.

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

- Off site public open space/play improvements - £3,181.97
- Libraries - £184.92
- Transport Infrastructure Improvements - £401.31
- Public Realm - £462.35
- Nature Conservation - £348.50
- Management and Monitoring - £250

Total Offsite Contribution = £4,829.05

31. The agent has confirmed in an email dated 7<sup>th</sup> January 2010 that his client is prepared to enter into an arrangement for the provision of planning infrastructure as outlined in paragraph No. 30 of the report.

## CONCLUSION

32. This eco vicarage is designed to achieve a carbon zero status and, as the first such building within the borough, could become a flagship building for promoting sustainable living. Although by nature it would be modern in appearance, attention to detail, reflecting the characteristics found within the current street scene, has led to a design which is considered to be in keeping with the character of the area. The density of the dwelling would accord with adjacent development. There would not be a lack of privacy for adjacent residents and sufficient parking would be provided. The impact on trees on the site would be acceptable. As such the application is compliant with Planning Policy Statement 1 – Delivering Sustainable Development, Planning Policy Statement 3 – Housing and Code for Sustainable Homes, Policies DD1, DD4, DD6, DD7, DD12, AM14, H1, H6, NC9 and NC10 of the adopted Dudley Unitary Development Plan,

## RECOMMENDATION

33. 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, nature conservation and transport improvements and monitoring and management charge totalling £4,829.05 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**

This eco vicarage is designed to achieve a carbon zero status and, as the first such building within the borough, could become a flagship building for promoting sustainable living. Although by nature it would be modern in appearance, attention to detail, reflecting the characteristics found within the current street scene, has led to a design which is considered to be in keeping with the character of the area. The density of the dwelling would be accord with adjacent development. There would not be a lack of privacy for adjacent residents and sufficient parking would be provided. The impact on trees on the site would be acceptable. As such the application is compliant with Planning Policy Statement 1 – Delivering Sustainable Development, Planning Policy Statement 3 – Housing and Code for Sustainable Homes, Policies DD1, DD4, DD6, DD7, DD12, AM14, H1, H6, NC9 and NC10 of the adopted Dudley Unitary Development Plan, Planning Guidance Note No. 3 New Housing Development, New Housing Development – a guide to establishing the urban context.

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 for Applicant**

The development hereby permitted shall be built in accordance with the approved plans, numbered 3014 SK 001, 3014 SK 002, 3014 SK 004, 3014 SK 005, 3014 SK 006, 3014 AL(0) 010 B and 3014 AL(0) 013 unless otherwise agreed in writing by the Local Planning Authority.

**Conditions and/or reasons:**

1. A05A Commencement within 3 years - Full
2. The development not beginning until a scheme for the provision of:
  - Libraries improvements
  - Open Space, Sport and Recreation improvements
  - Transport Infrastructure Improvements
  - Public Realm improvements
  - Nature Conservation
  - Management and monitoring chargehas been submitted to and approved in writing by the Local Planning Authority.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Part One Class A (or any order revoking or re-enacting that order with or without modification) no development referred of that order shall be carried out.
4. The vehicular access to the site shall utilise the existing gated access indicated on the approved plans. No new access points to the site shall be inserted and the front boundary wall shall be retained for the life of the development.
5. AD03 Parking layout submission required
6. AI03I Boundary treatments to be agreed
7. Prior to the occupation of the dwelling, the two long panes of glass in the northern elevation and the angled roof of the sun space on the southern elevation shall be fitted with obscure glazing and thereafter maintained in that condition for the life of the development.

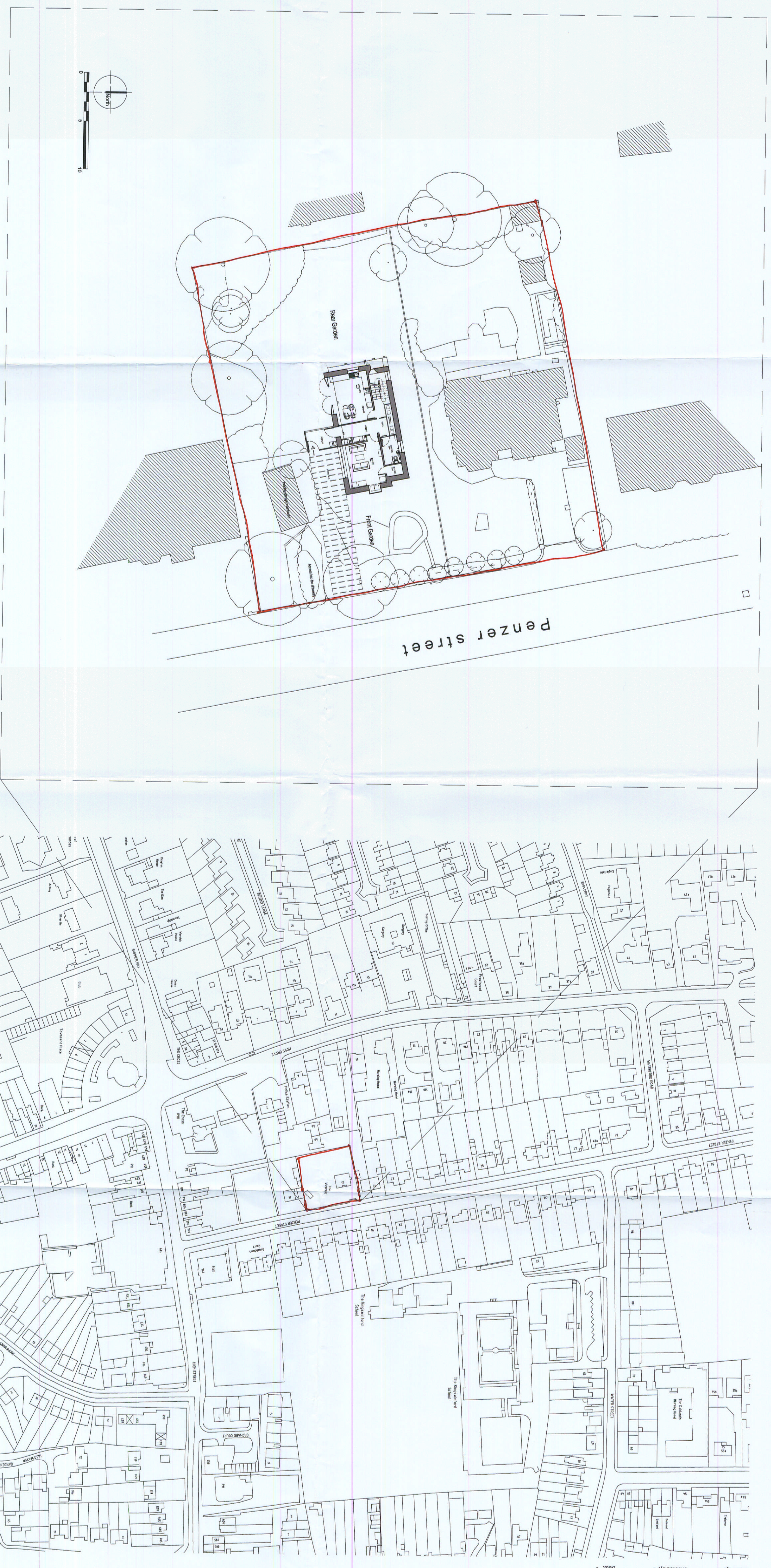


8. AE03 Submission of materials samples
9. Prior to the commencement of development a parking layout for the existing Vicarage on the site enabling 3 No. cars to be parked off-street in front of the building shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the adjacent eco-vicarage and thereafter retained for the life of the development.
10. No development shall take place until there has been submitted, and approved in writing by the local planning authority details of the tree protection measures on site. The details shall include:
  - a. A plan showing the location and identification (with reference to a survey schedule if necessary) of all trees on, or directly adjacent to the development site, that are to be retained during construction. These trees are to be marked with a continuous outline.
  - b. A plan showing the location and identification (with reference to a survey schedule if necessary) of all the trees on, or directly adjacent to the development site that are to be removed prior to, or during development. These trees are to be marked with a dashed outline.
  - c. A plan showing the extent of the Root Protection Area, which is to be protected by physical barriers during development. The extent of the area that is to be protected will be calculated in accordance with Clause 5.2 of British Standard BS: 5837 – 2005 ‘Trees in Relation to Construction – Recommendations’.
  - d. Design details of the proposed protective barriers to be erected around the trees during development. Any protection barriers should be designed and constructed in accordance with the provisions set out in section 9.2 of British Standard BS:5837 – 2005 ‘Trees in Relation to Construction – Recommendations’.
11. No development or other operations shall commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall commence on site until the approved tree felling and pruning works have been completed. All tree felling

and pruning shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998 (1989) Recommendations for Tree Work.

12. The existing trees shown on the approved plans to be retained shall not be damaged or destroyed, uprooted, felled, lopped or topped during the construction period of the development without prior written consent of the local planning authority. Any trees removed without such consent or dying or being seriously damaged or diseased during that period shall be replaced with healthy trees of such size and species as may be agreed in writing by the local planning authority.
13. All excavations to be undertaken within 6 metres of the stem of existing trees on site shall be undertaken in accordance with NJUG Publication number 10 'Guidelines for the Planning, Installation and Maintenance of Utility Services in proximity to Trees'
14. No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed service (gas, electricity and telecoms) and foul and surface water drainage layout has been submitted to and approved in writing by the Local Planning Authority. Such layout shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved service/drainage layout.
15. No development shall take place until there has been submitted to and approved in writing by the local planning authority technical details of any proposed pathway / hard surfacing / driveway / parking area within 3 metres of the outer canopy spread of any existing tree situated on or off the site. The details of the vehicular access and parking areas shall include existing and proposed ground levels, materials to be used and the relative time of construction within the whole development and must be in accordance with appropriate guidelines, namely BS 5837:2005 'Trees in Relation to Construction' and Arboricultural Advisory & Information Service Practice Note 'Driveways Close to Trees' (1996). Any driveway / parking areas within 3 metres of existing trees must be constructed using 'no-dig' techniques incorporating appropriate surfaces to avoid damage to trees and to prevent any potential direct or indirect damage caused by trees.





# Site Plan

scale 1:200 @A1

# Site Location Plan

scale 1:1250 @ A1

B	A
Existing Garage re-instated, Sunspace removed	Issued For Tender

PD	10-07-09
PD	16-06-09

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3014 AL (0) 010 B LOCATION PLAN

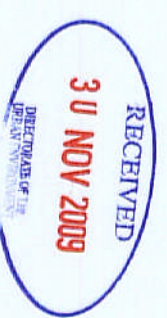
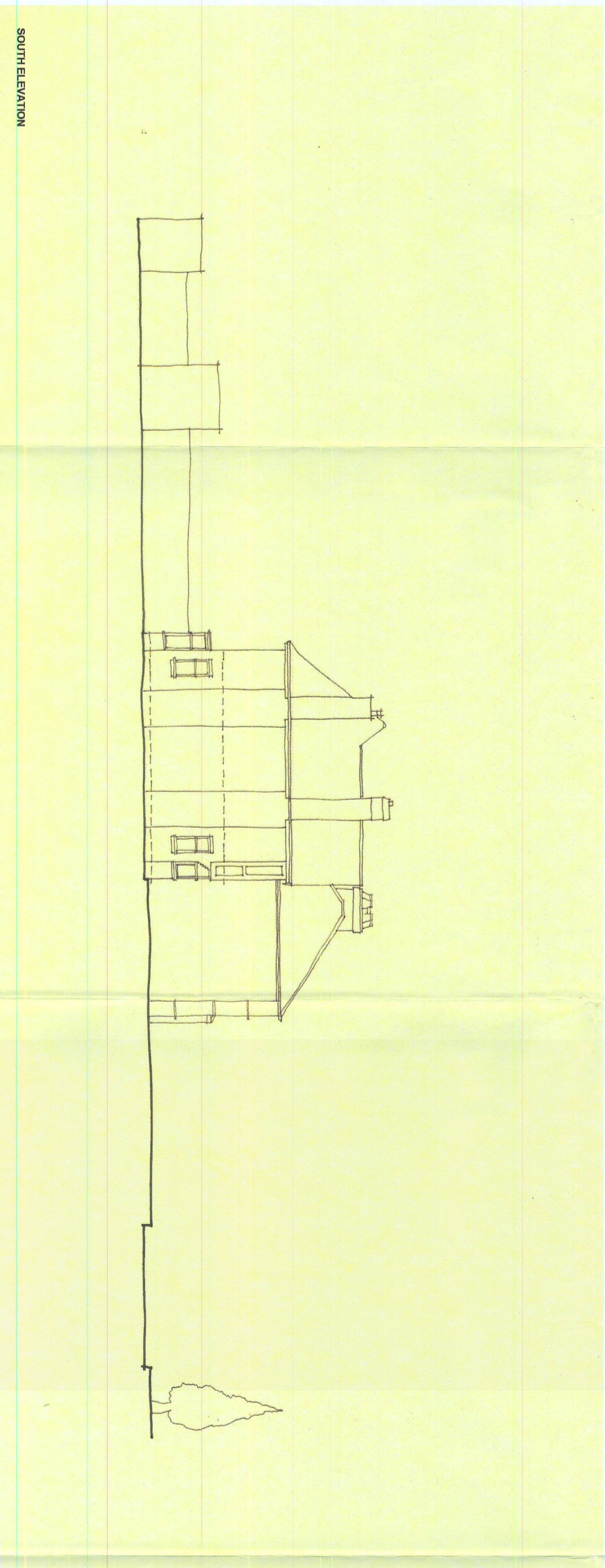
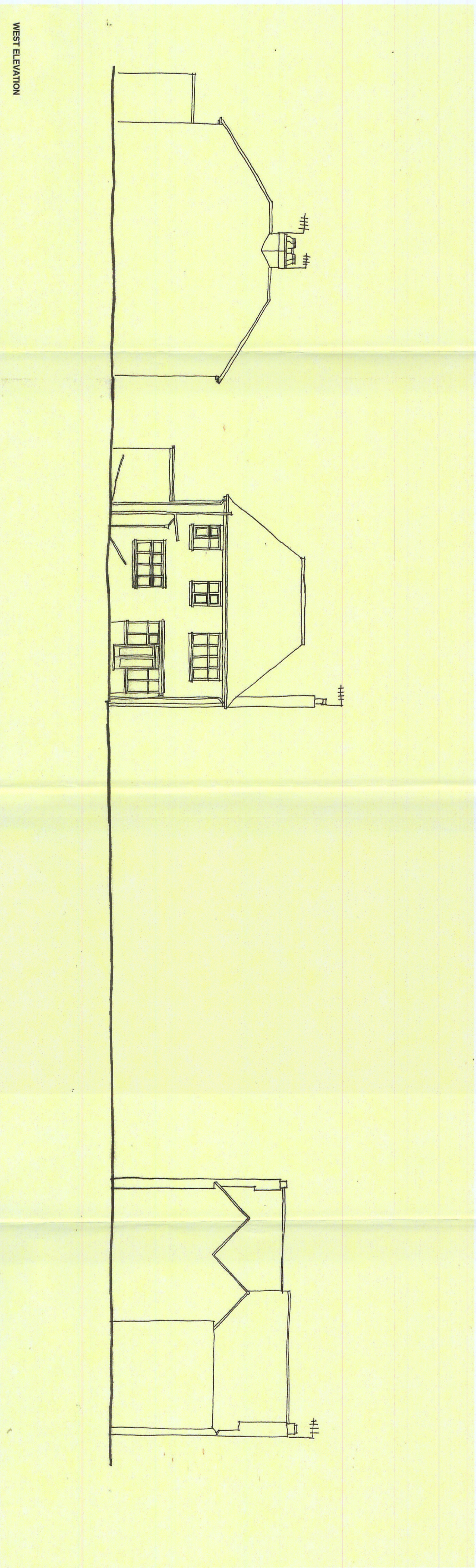
**DIOCESE OF WORCESTER**  
**ECO VICARAGE PENZER STREET, KINGSWINFORD**

1:200 @ A1

United Liability Partnership OCC30450



Existing South + West  
Elevations - Redlinch

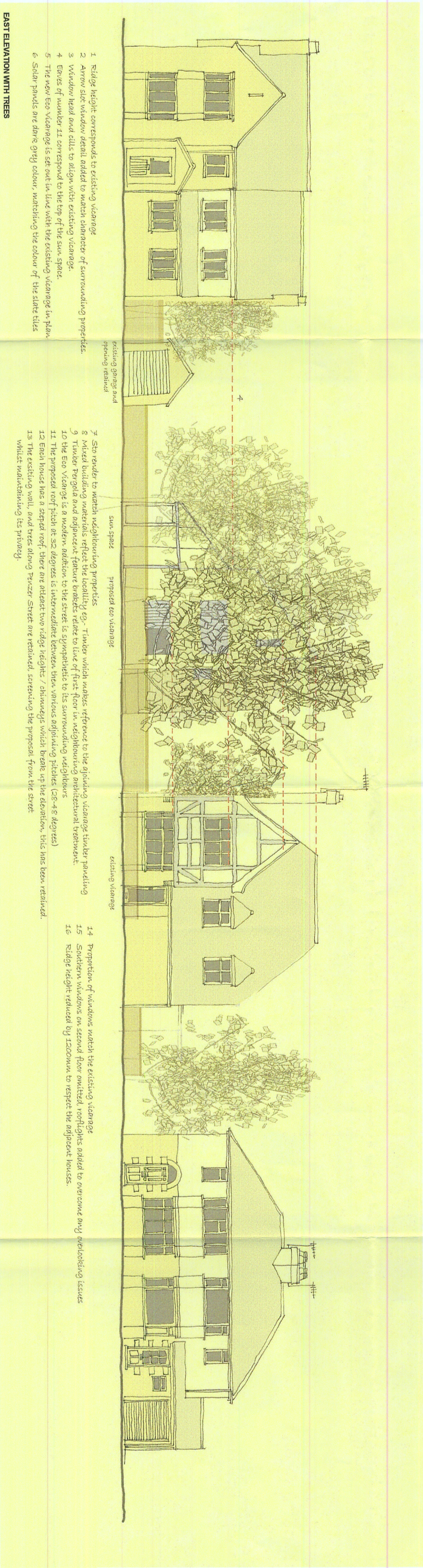
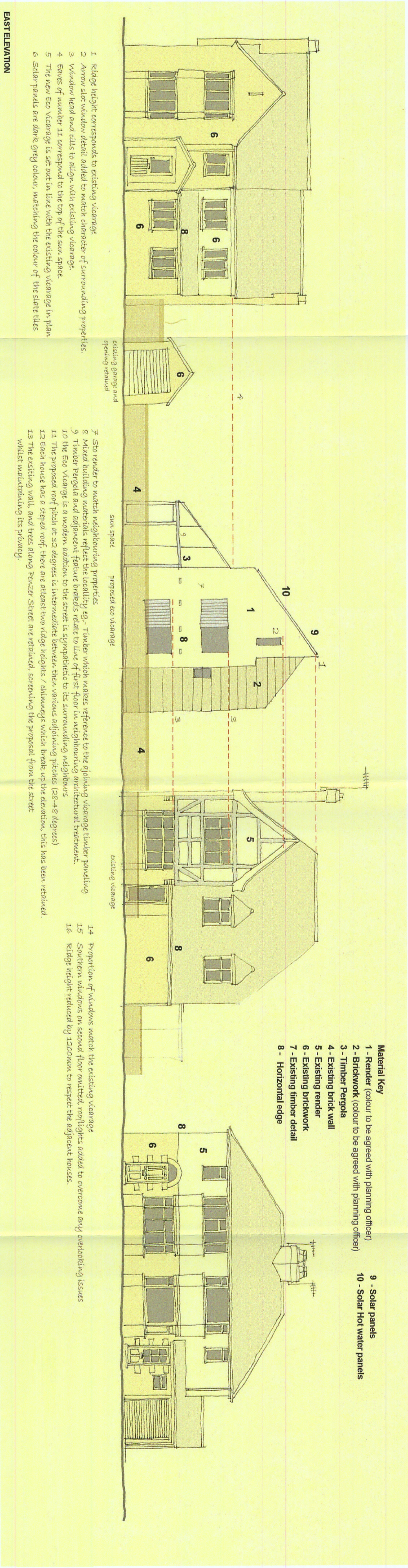


## AssociatedArchitects

Client Name DIOCESE OF WORCESTER  
Contract PENZER STREET  
Drawing Title EXISTING SOUTH AND WEST ELEVATIONS  
Scale 1:100@A1  
Drawing Number 3014 SK 002

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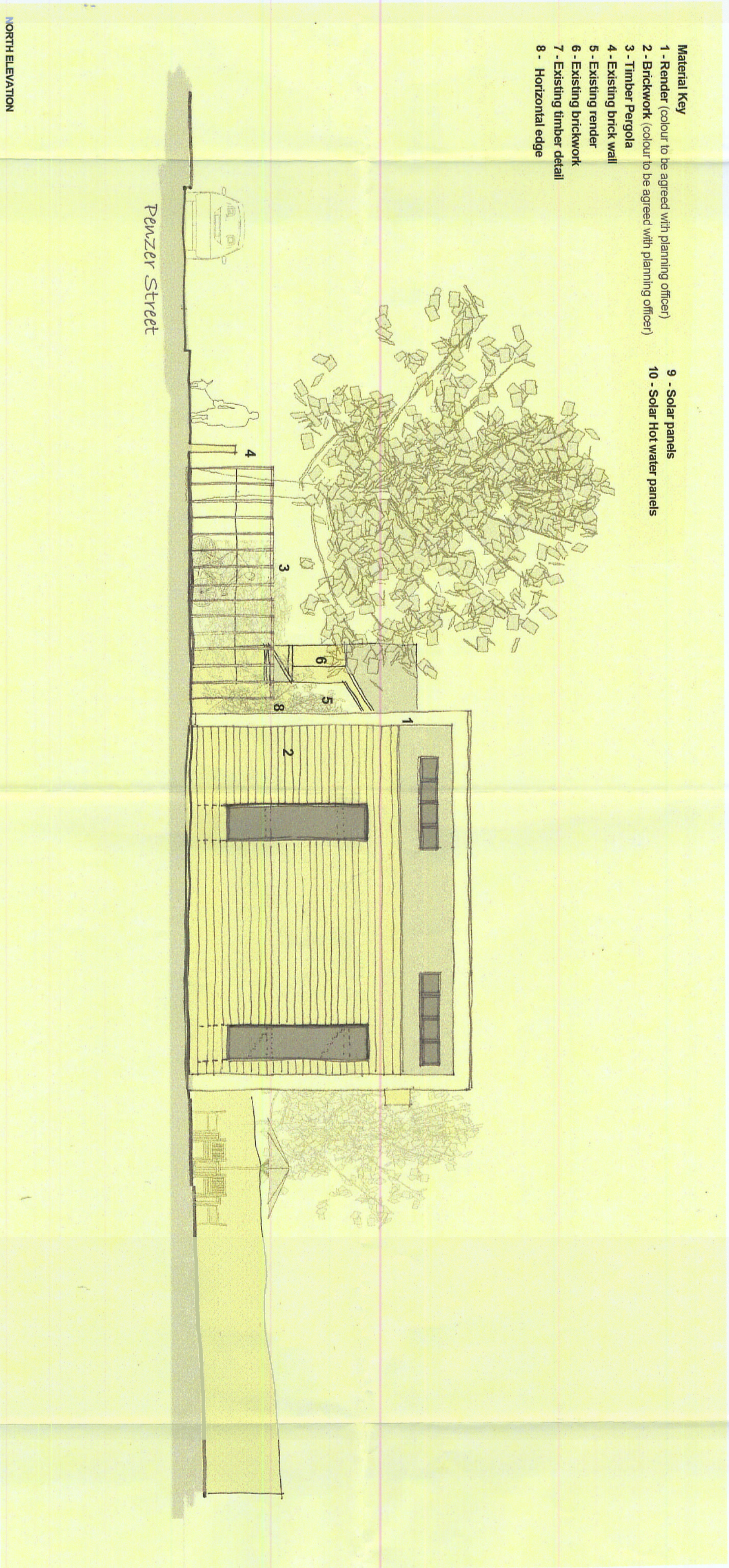
# AssociatedArchitects

Client Name DIOCESE OF WORCESTER  
Contract PENZER STREET  
Drawing The PROPOSED EAST ELEVATIONS  
Scale 1:100@A1  
Drawing Number 3014 SK 004

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Proposed North  
Elevation - 16/11/14



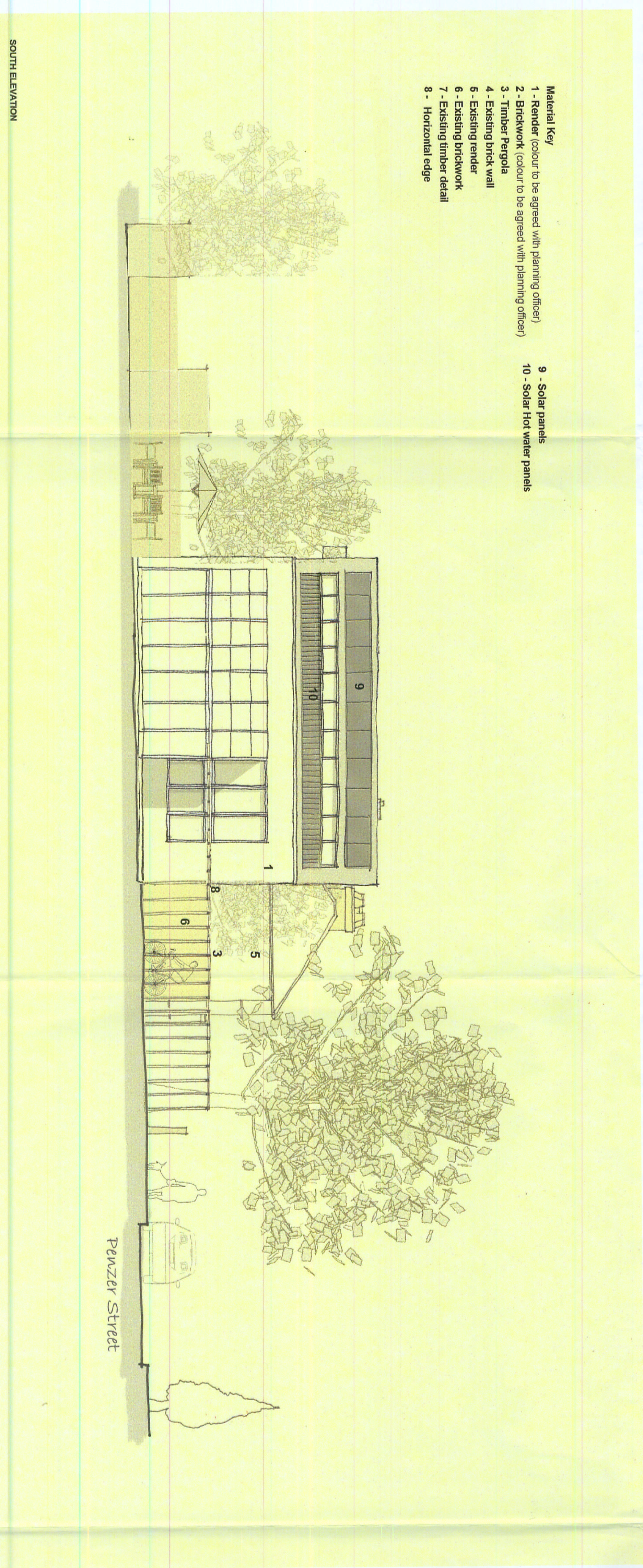
# AssociatedArchitects

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Contract PENZER STREET  
Drawing Title PROPOSED NORTH ELEVATION  
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Drawing Number 3014 SK 006

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Proposed South West  
Beacon - Ref 11/444



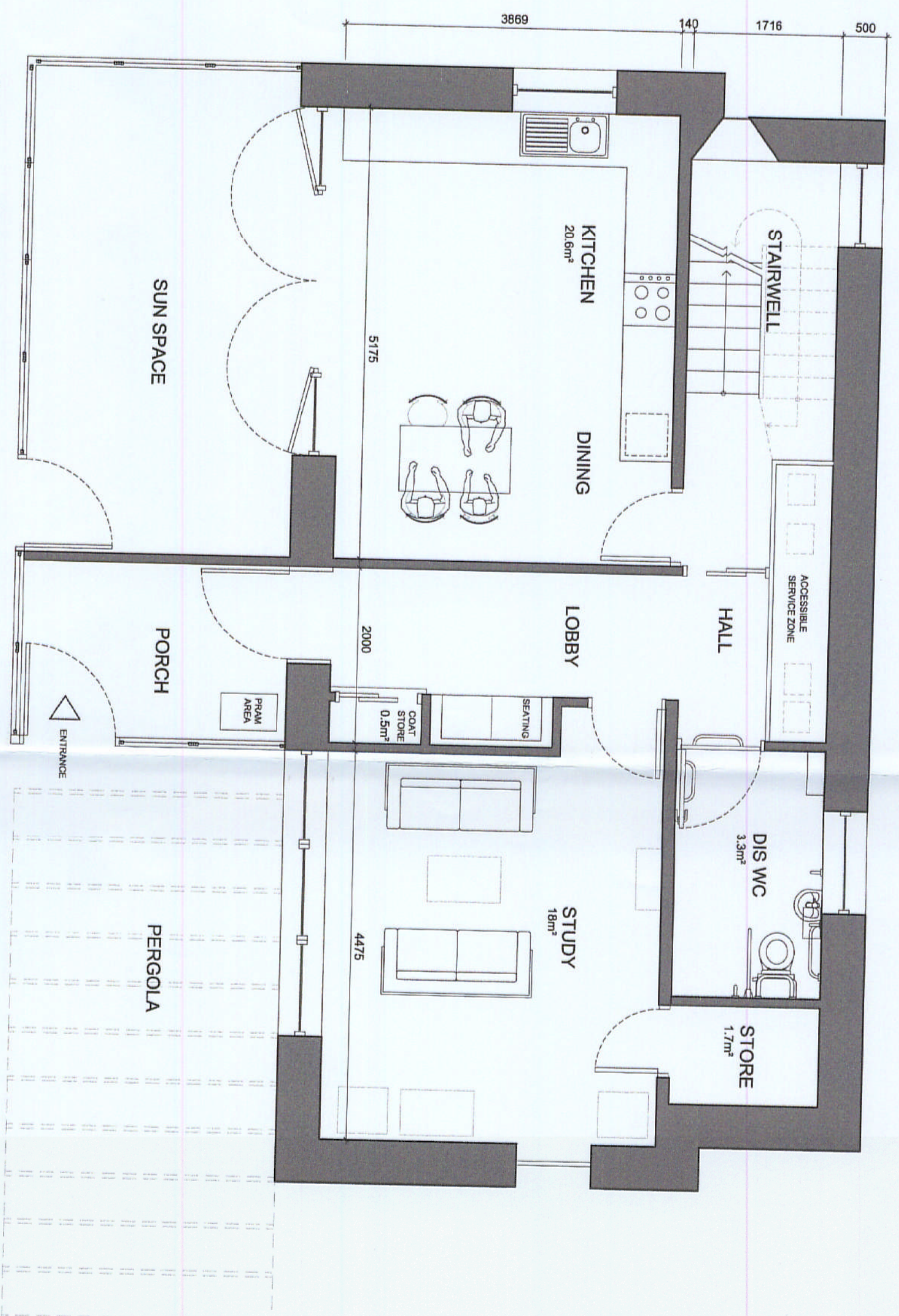
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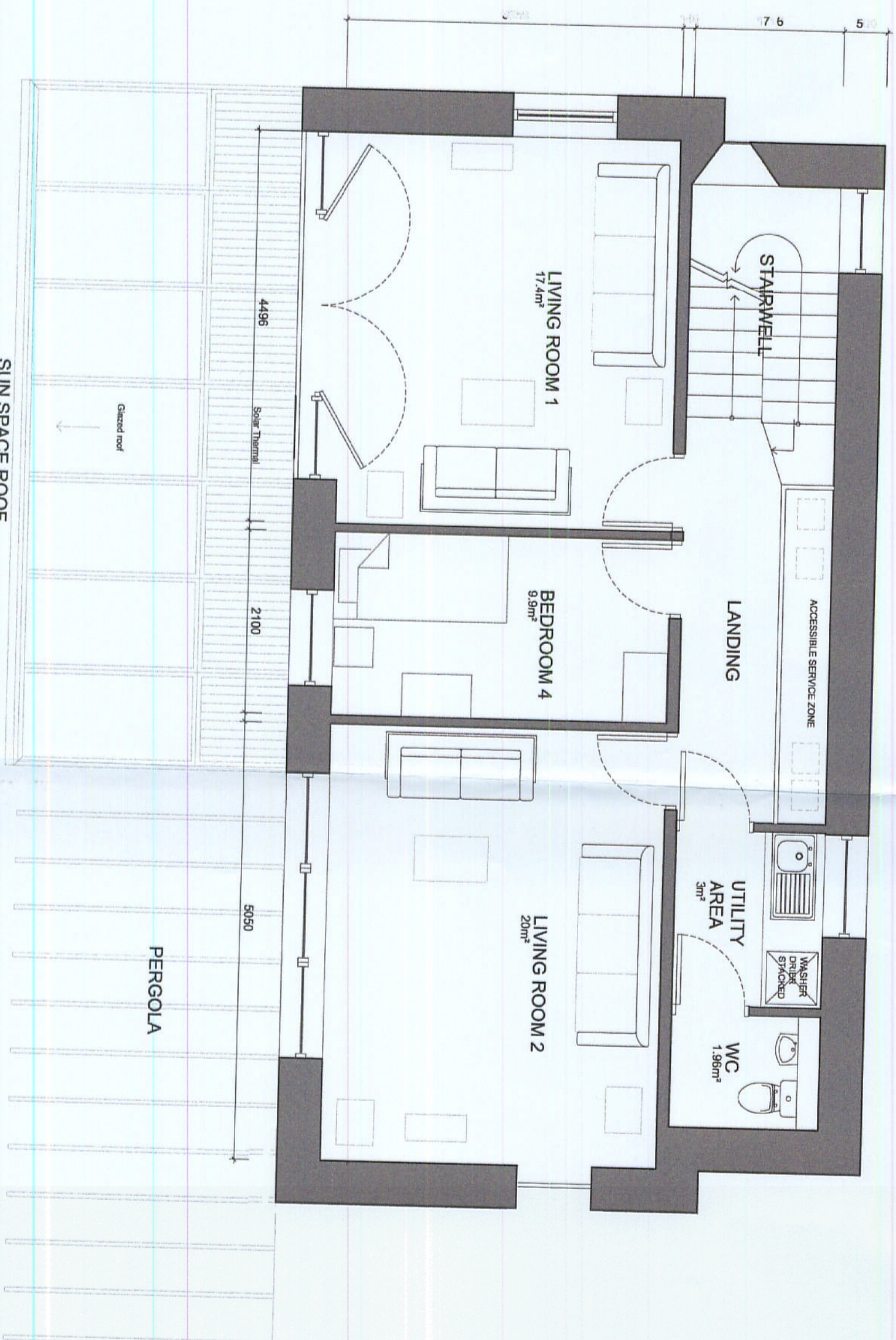
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Contract PENZER STREET  
Drawing Title PROPOSED SOUTH AND WEST ELEVATIONS  
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Drawing Number 3014 SK 005

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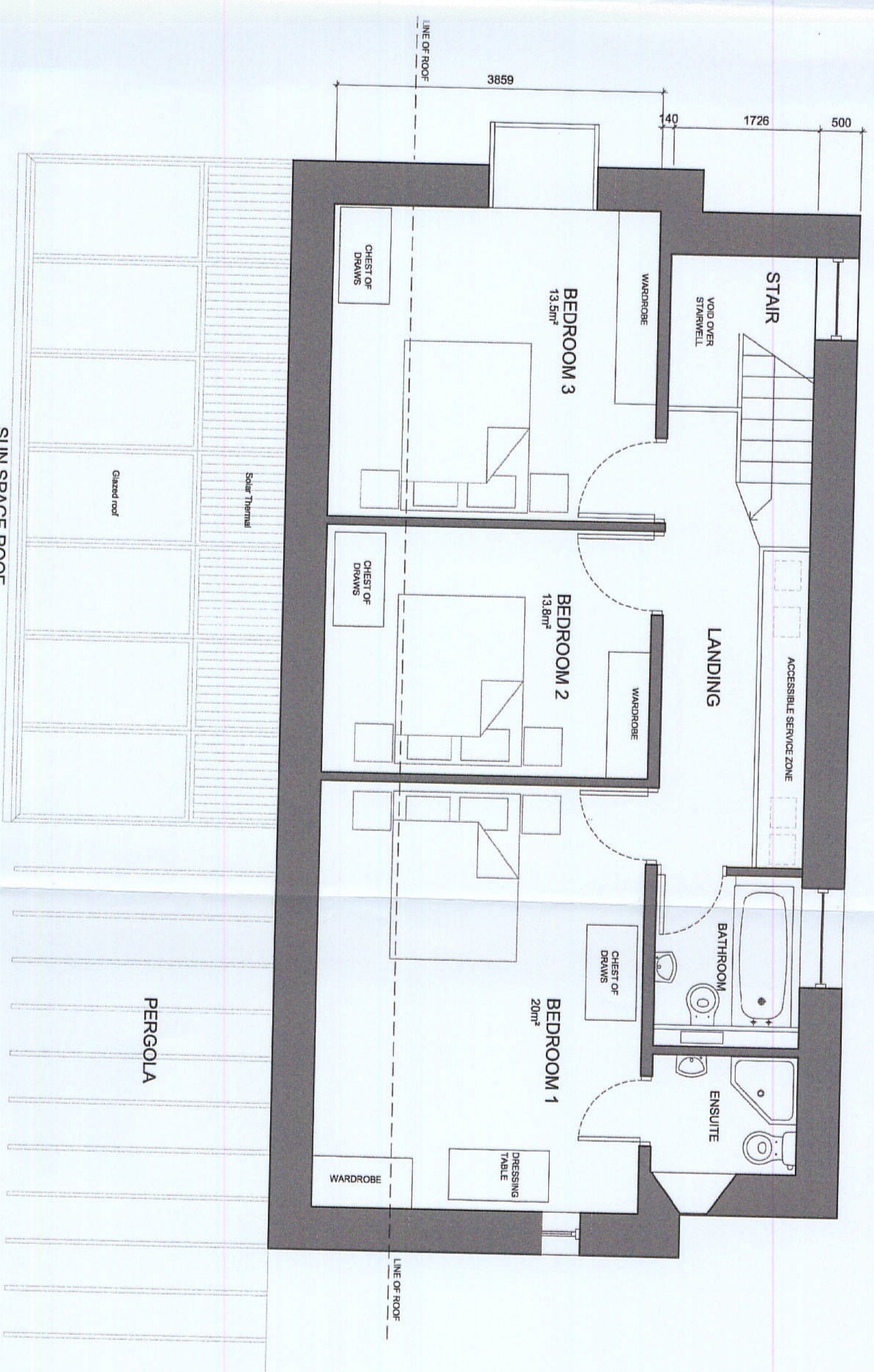




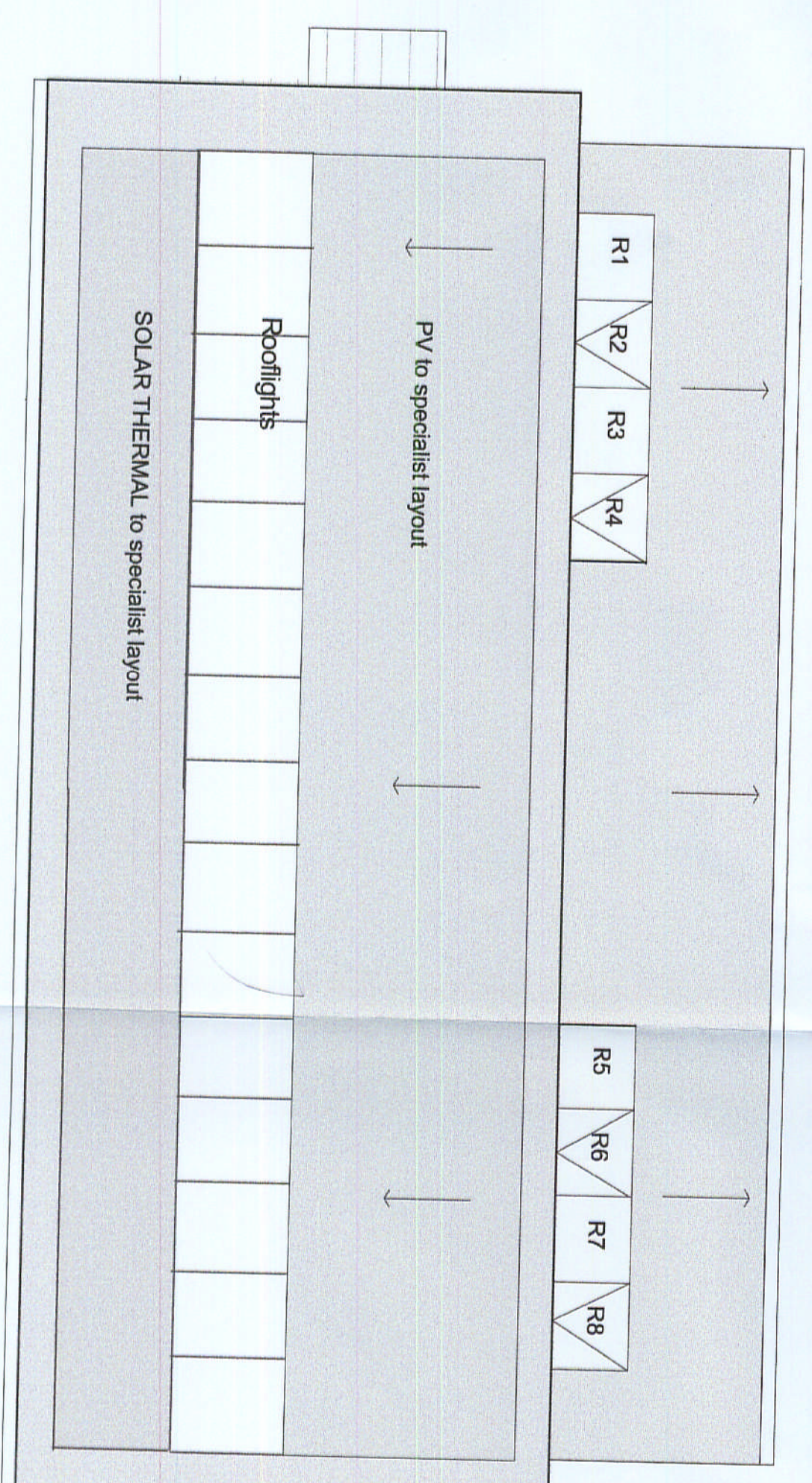
Ground Floor Plan  
scale 1:50 @ A1



First Floor Plan  
scale 1:50 @ A1



Second Floor Plan  
scale 1:50 @ A1



Roof Plan  
scale 1:50 @ A1

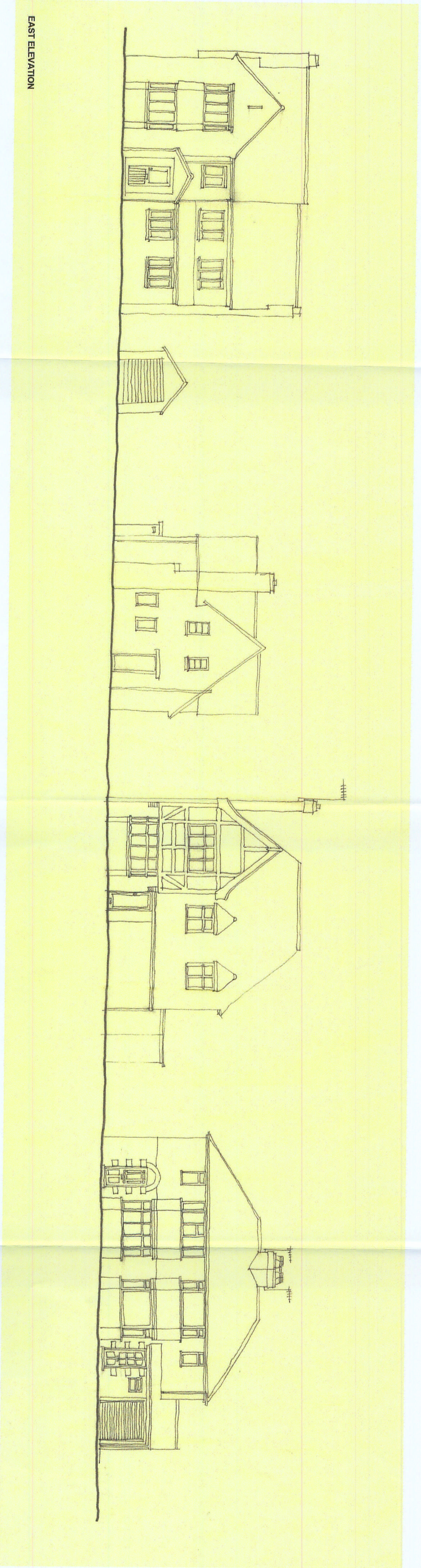
X FIRST ISSUE			
Associated Architects	19 Newnall Street Birmingham B3 3YJ Tel: +44 (0)121 233 8600 Fax: +44 (0)121 200 1564		
	Email: info@associated-architects.co.uk Website: www.associated-architects.co.uk		

3014 AL (0) 013 - PROPOSED FLOOR PLANS

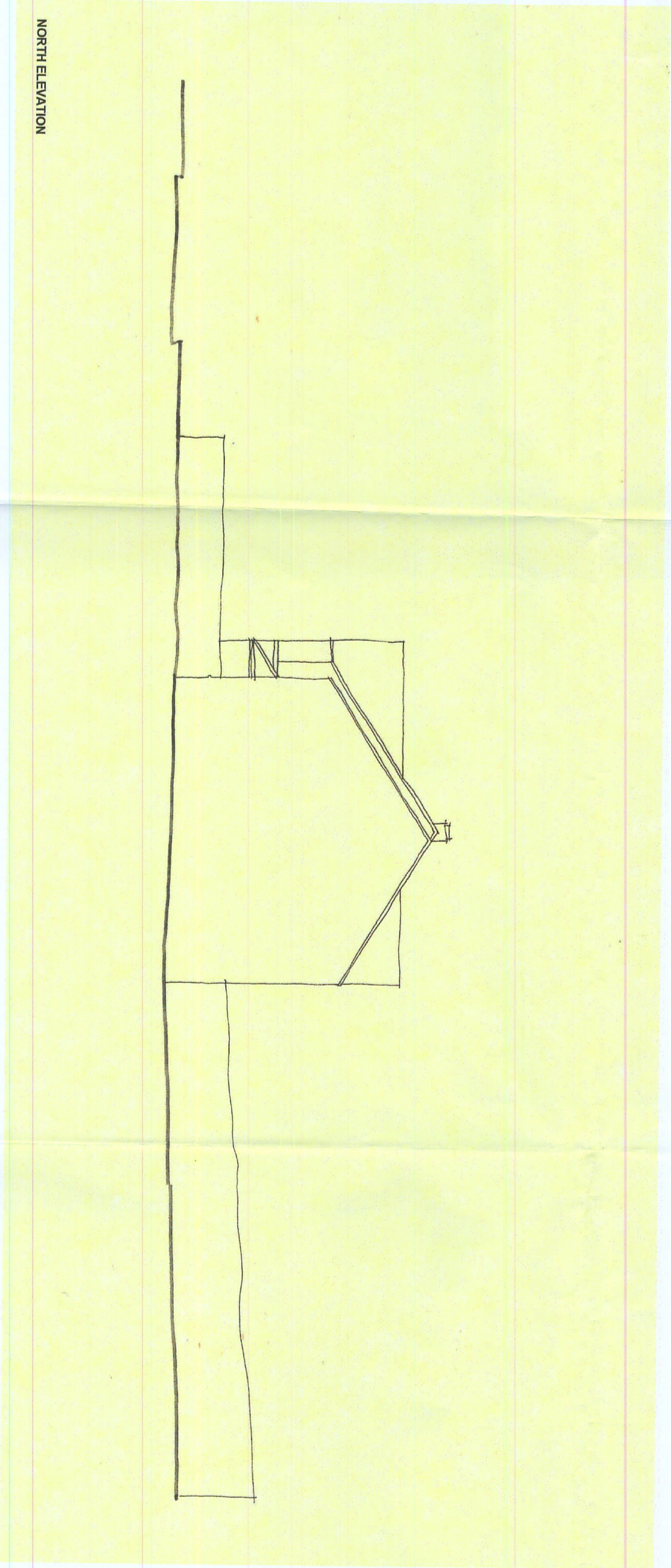
ECO VICARAGE PENZER STREET, KINSWINFORD  
DIOCESE OF WORCESTER

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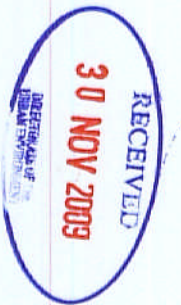




EAST ELEVATION



NORTH ELEVATION



## AssociatedArchitects

Client Name DIOCESE OF WORCESTER  
Contract PENZER STREET  
Drawing Title EXISTING NORTH AND EAST ELEVATIONS  
Scale 1:100@A1  
Drawing Number 3014 SK 001