

# PLANNING APPLICATION NUMBER:P13/1566

Type of approval sought	Full Planning Permission
Ward	Kingswinford North and Wall Heath
Applicant	Lombard Properties Limited
Location:	<b>THE ALBION INN, 382, ALBION STREET, WALL HEATH, KINGSWINFORD, DY6 0JP</b>
Proposal	<b>ERECTION OF 4 NO. DWELLINGS ON EXISTING CAR PARK AND GARDEN TO EXISTING PUBLIC HOUSE (RESUBMISSION OF WITHDRAWN PLANNING APPLICATION P13/1115)</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

## SITE AND SURROUNDINGS

1. The Albion Public House is a vacant two storey building located on the eastern side of Albion Street, in a residential area characterised by housing of a variety of styles and ages. Immediately to the rear of the building is a yard area containing several outbuildings, to the north of which is a beer garden. Immediately adjacent to the north of the public house is the site's car park.
2. To the south of the site is 378 Albion Street, a modern style semi-detached house. The outbuildings at the rear of the public house are located along the boundary with this property and the remainder of the boundary is formed by a 2m high wall. To the east of the yard area and beer garden are the rear gardens of bungalows at 3 and 4 Maidensbridge Gardens. There are existing trees within the rear gardens which screen views of the site from the rear windows of those properties.
3. To the north of the site is a terrace of four properties – 432, 436 and 450 Albion Street and 25 Victoria Street. To the east of the site's parking area and north of the beer garden are the gardens of those properties and a communal yard area used by the occupants, separated from the site by a wall with a hedge in front which is approximately 2.5m high. The yard area and gardens are approximately 1m lower than the level of the site. The northern boundary is formed by the two storey side

wall of no.432, the side wall of a single storey extension to it, and a 1.8m high brick wall.

## PROPOSAL

4. This is an application for the erection of four detached 3-bedroom houses at a density of 31 dwellings per hectare, two within the existing parking area and the other two within the beer garden and rear yard. A separate application (P13/1567) has been submitted for the conversion of the public house to a 4-bedroom house.
5. The proposed houses on the parking area (plots 1 and 2) front Albion Street and have 12m long rear gardens. Each of the properties has a single parking space to the side and a detached garage accessed from Albion Street (the garage at plot 1 is to be sited alongside the single storey extension at 432 Albion Street).
6. Plots 3 and 4 at the rear of the site are to be accessed from Albion Street via a private drive. Each of the properties has a garage with a parking space to the front. Both properties have rear gardens which border the rear garden of 378 Albion Street. Plot 3 has a 10m long garden and plot 4 has a 17m long garden. An existing tree within the beer garden is to be retained.

## HISTORY

7.

APPLICATION No.	PROPOSAL	DECISION	DATE
P13/1115	Erection of 4 no. dwellings on existing car park and garden to existing public house	Withdrawn	September 2013

8. The above application was withdrawn due to Officer concerns relating to the siting and design of the proposed buildings and access/parking issues.

## PUBLIC CONSULTATION

9. Neighbour notification letters have been sent to 19 properties. In response 8 letters of objection have been received, raising the following concerns over the proposal:

- Loss of privacy at neighbouring properties resulting from overlooking from first floor windows;
- The proposed buildings will have an overbearing effect on neighbouring properties and their siting will result in overshadowing and loss of outlook;
- The proposal constitutes overdevelopment of the site and the buildings are not in keeping with the character of the wider area;
- The siting of plot 4 will result in damage to the roots of trees within the gardens of 3 and 4 Maidensbridge Gardens which may result in their loss;
- The development will increase on-street parking along Albion Street;
- Loss of light to communal yard area shared by 4 properties on Albion Street and Victoria Road.

## OTHER CONSULTATION

10. Group Engineer (Highways) – The development should provide 9 parking spaces to accord with the Parking SPD standards. 8 spaces are proposed, which will result in a single vehicle being parked on the highway. There is sufficient space available on-street to accommodate an additional vehicle.

Should permission be granted it is recommended that a condition be imposed which prohibits the development of this site until the conversion works to the public house sought by application P13/1567 have commenced. This is to ensure that the public house is not retained without any off-street parking provision.

11. Head of Environmental Health and Trading Standards – No objection.

## RELEVANT PLANNING POLICY

12. National Planning Guidance  
National Planning Policy Framework (NPPF) 2012

Black Country Core Strategy 2011

HOU1 Delivering Sustainable Housing Growth

HOU2 Housing Density, Type and Accessibility

ENV1 Environmental Infrastructure

Saved Adopted Dudley Unitary Development Plan 2005

Policy DD1 Urban Design

Policy DD4 Development in Residential Areas

Supplementary Planning Documents

New Housing Development SPD

Parking Standards and Travel Plans SPD

## ASSESSMENT

13. The key issues in the assessment of this application are:

- Principle;
- Impact upon the character of the area;
- Residential amenity;
- Access and highway safety;

Principle

14. The NPPF encourages the effective use of brownfield land as one of its core planning principles. The principle of the development of this site for housing purposes is also in accordance with the aim of Policy HOU1 of the Core Strategy which seeks to ensure the provision of sufficient land to provide for sustainable housing growth, to be achieved by building at least 95% of new housing on previously developed land. This site constitutes previously developed land.

Character

15. Policy HOU2 of the Core Strategy seeks the provision of high quality design in new housing developments and states that all developments should aim to achieve a minimum net density of 35 dwellings per hectare. Saved Policy DD1 of the UDP

requires that new developments should have a positive impact on the character and appearance of the area.

16. With regard to Policy HOU2 advice in terms of density, and in the context of the pattern of existing development in the immediate vicinity of the site, the density of the proposed development is considered to be appropriate. The proposed buildings are well-designed and of an appropriate scale. The buildings on plots 1 and 2 are to be built along the same build line as the public house and the properties to the north and as such would assimilate well into the existing built form along this part of Albion Street. The development of houses at the rear of the site, behind this established build line, is acceptable given that the wider street scene along the eastern side of Albion Street consists of properties which are set back varying distances from the highway. The retention of the existing tree is to be welcomed as it is an important feature of this part of Albion Street.
17. In view of the above it is considered that the development would make a positive contribution to the character of the area, in accordance with Policy HOU2 of the Core Strategy and Saved Policy DD1 of the UDP.

#### Residential Amenity

18. One of the core land-use planning principles set out in the NPPF is that a good standard of amenity should be provided for future occupants of buildings. The New Housing Development SPD sets out guidelines for the provision of rear gardens in developments, in the case of three bedroom properties this being 65sq.metres minimum area and 11m minimum length. The garden length at plot 3 is 1m less than this guidance, however given that the overall area is in excess of 65 sq.metres it is considered that there would be sufficient private amenity space for use by the future occupants with no issues of direct overlooking arising.
19. Saved Policy DD4 of the UDP requires that new developments do not have a harmful effect on residential amenity. The first floor windows of the houses on plots 1 and 2 would look towards the gardens and adjacent communal yard area of 432, 436 and 450 Albion Street and 25 Victoria Street (at distances of 14m to the

gardens and 12m to the yard). This is considered to be sufficient distance separation to ensure that no loss of privacy would result to the occupants when using the gardens and yard. Approximately 0.8m of the garage at plot 1 would be visible above a rear extension at 432 Albion Street from windows on the rear elevations, which would not result in any materially harmful impact on outlook from those properties.

20. The rear elevation of the proposed building on plot 4 would be 14.8m from the rear windows of 3 Maidensbridge Gardens to the east. The elevation contains two obscure glazed non-habitable room windows at first floor and is therefore effectively a blank gable wall where no overlooking will arise. The New Housing Development SPD requires the provision of a minimum distance of 14m metres between rear facing windows of one property and the gable of another. On the basis of this guidance it is considered that the erection of the building would not have any adverse impact on outlook from 3 Maidensbridge Gardens, with existing trees within the garden of no.3 also helping to screen views of the proposed building (a condition can be imposed to seek details of the proposed methods of construction of the foundations at plot 3, to ensure that no damage take place to the roots of the trees which may potentially lead to their loss). No loss of privacy would occur at properties on Maidensbridge Gardens as there are no habitable room windows on the rear elevations of plots 3 and 4.
21. Plot 3 has a bedroom window on the side elevation facing the garden of 378 Albion Street. Tree planting is proposed along the boundary which will screen views from the window of that garden. The window would look out onto the central part of the garden, with angled views only towards the more 'sensitive' area of the garden immediately to the rear of the house. It is therefore considered that the development will not result in any significant degree of privacy loss at 378 which may warrant refusal of the application. The retained 2m boundary wall will also prevent overlooking of the rear garden.

### Highway Safety

22. The development will result in one additional vehicle being parked on the highway. The Group Engineer has advised that this does not raise any adverse highway safety implications. In this respect the proposal complies with Saved UDP Policy DD4. The condition recommended by the Group Engineer must be imposed, to avoid a potential situation whereby the development of the four houses takes place resulting in no parking provision for the public house were it to remain in operation.

## CONCLUSION

23. The layout, scale, density and appearance of the new dwellings are considered to be acceptable. The development would not adversely impact the amenities of adjacent residents. Parking provision and means of access are considered to be appropriate. As such the proposal complies with Policies HOU1 and HOU2 of the Core Strategy and Saved Policies DD1 and DD4 of the UDP.

## RECOMMENDATION

24. It is recommended that the application is APPROVED subject to the following conditions:

### APPROVAL STATEMENT INFORMATIVE

In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Conditions and/or reasons:

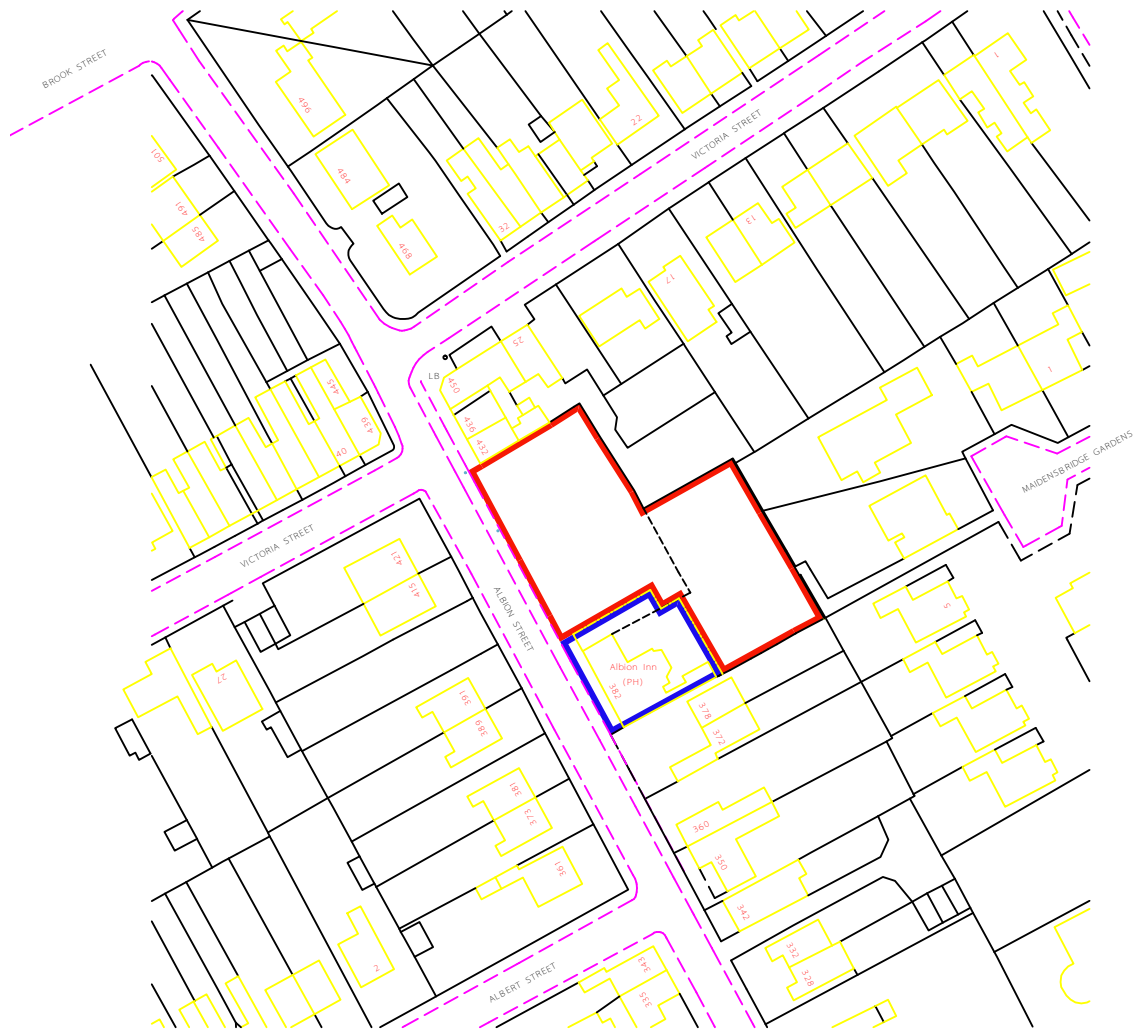
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall not commence until the conversion works to the Albion Public House approved by application P13/1567 have been implemented.
3. No development shall commence until details of the materials to be used in the external surfaces of the buildings have been submitted to and approved in writing by the local planning authority. The development shall thereafter take place in accordance with the approved details.
4. No development shall commence until details of the materials to be used for the surfacing of the parking and access areas of the development have been submitted to and approved in writing by the local planning authority. The development shall thereafter take place in accordance with the approved details.
5. The development shall not be occupied until the parking spaces shown on the approved plans have been provided. The spaces shall thereafter be retained in perpetuity and used for no other purpose than the parking of vehicles.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no development referred to in Schedule 2 Part [1] Class [A] of that order shall be carried out.
7. The existing tree indicated on the approved drawings to be retained shall be protected by suitable fencing and at a suitable distance as outlined in BS:5837 - 2005 - 'Trees in Relation to Construction', or such alternatives as may be agreed in writing by the Local Planning Authority. Such fences shall be erected before any materials are brought onto site or development commences. No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence(s), nor shall any changes in ground level be made within the fence(s) unless previously agreed in writing by the Local Planning Authority.
8. The landscaped areas shall be retained in the form shown on the approved plan throughout the life of the development and shall not be used for any other purpose, unless otherwise agreed in writing by the Local Planning Authority.
9. No development shall commence until details for the provision of external electric charging points have been submitted to and approved in writing by the Local Planning Authority. The charging points shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
10. No development shall commence until plot 3 until full details of the proposed raft type foundations with root protection facilities to be used in the construction of the building have been submitted and agreed in writing with the Local Planning Authority. The development shall thereafter take place in full accordance with the agreed details.
11. The development hereby permitted shall be carried out in accordance with the following approved plans: 13-1382/01L, 3D, 4B, 05A, 2C, 06A, 12A.





Project: ALBION STREET, WALL HEATH

NORTH



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1 : 1250

3:  
50

Project Number:  
13-1382/L

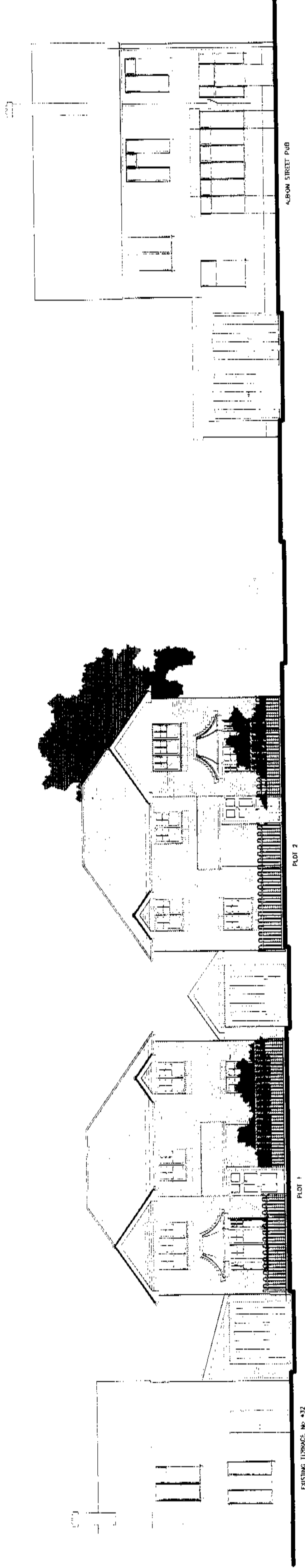
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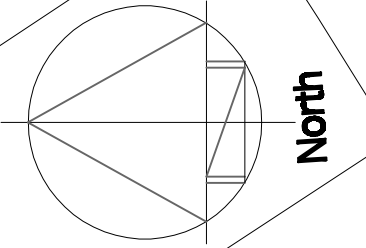
Tel: 0121 550 0359  
Fax: 0121 550 0000



STREET SCENE ELEVATION



Layout based upon  
OS sheet and minimal  
check dimensions.  
Full topographical  
survey not undertaken.



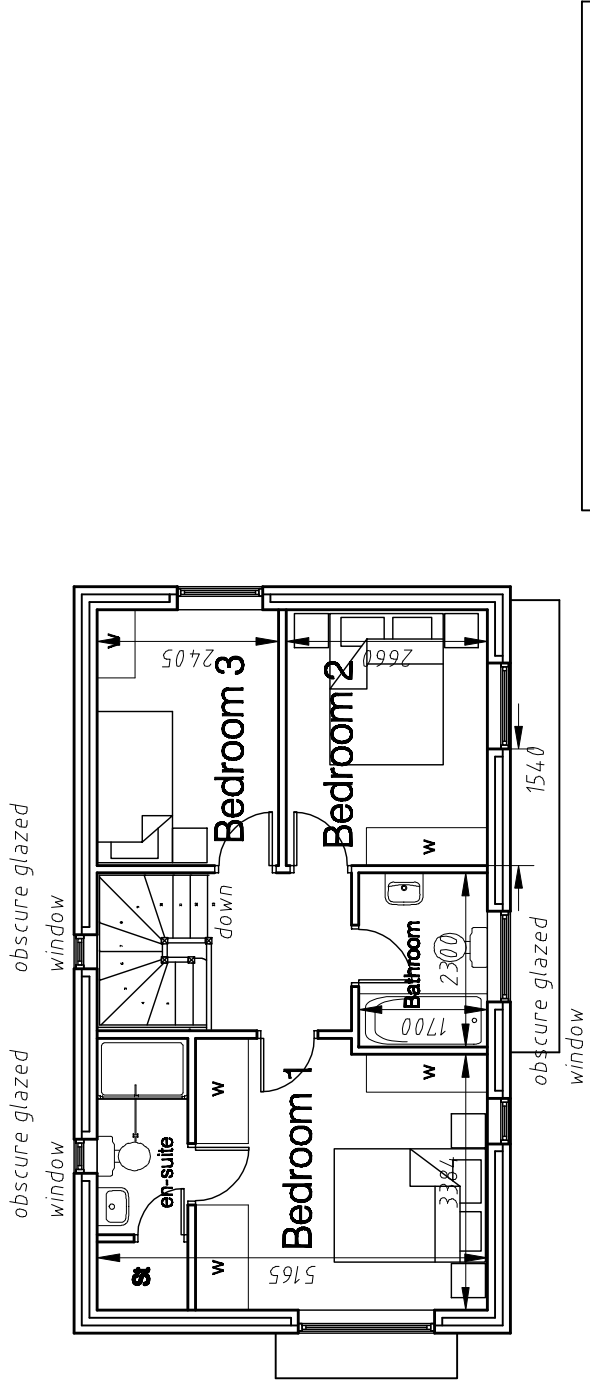
**Plots 1 & 2**  
**2no. 3 bed houses**  
**Plots 3 & 4**  
**2no. 3 bed houses**



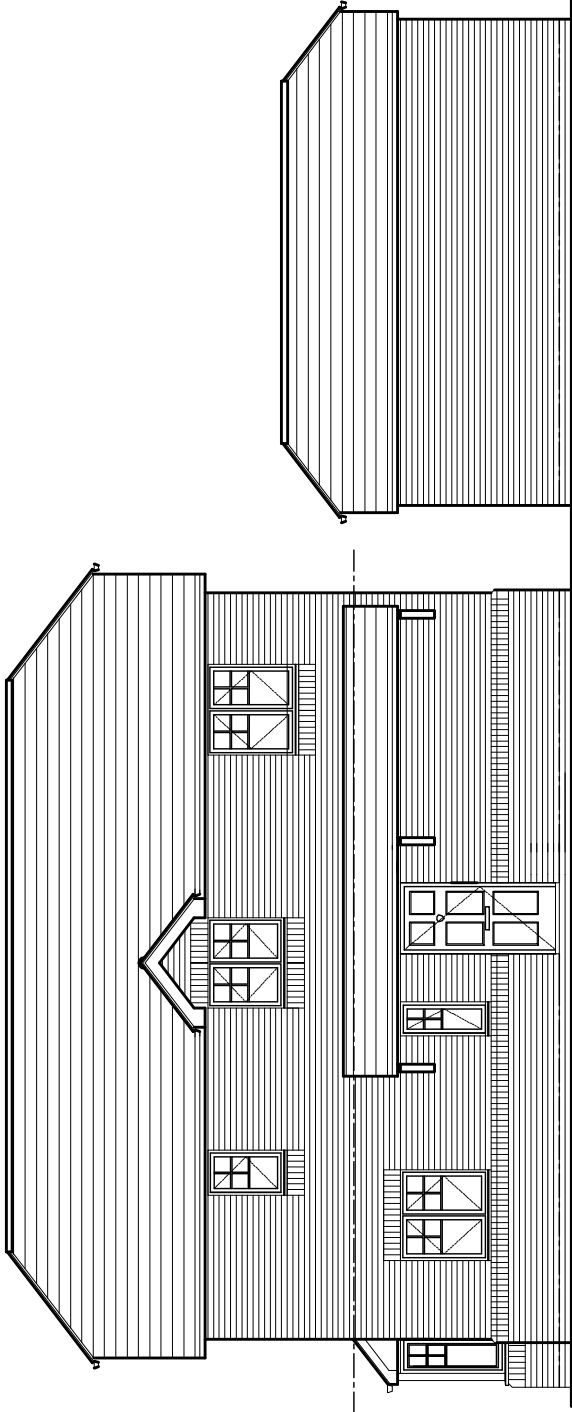
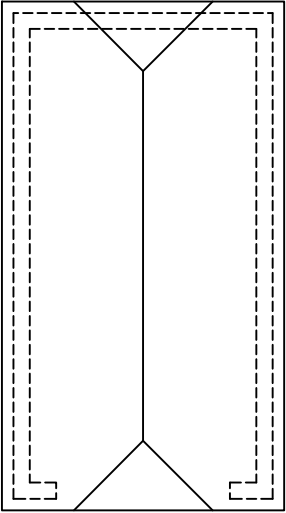
rev	date	drawn	chk'd
JG			
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TD			
TD			
MH			

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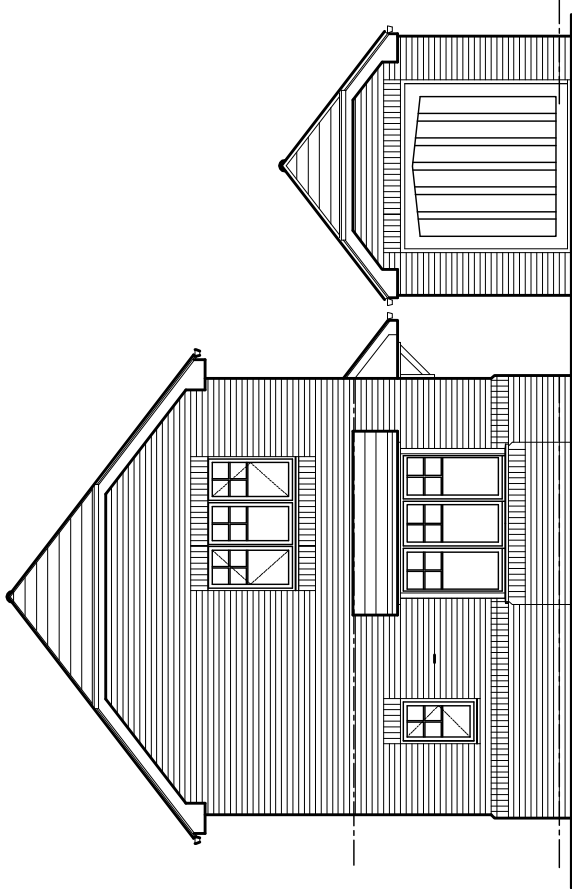
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**PROPOSED DEVELOPMENT**  
**ALBION STREET**  
**WALL HEATH for**  
**PRESTBURY LIMITED**  
**June 13**  
**13-1382/011**  
**Proposed Site Plan**  
checked  
JH GSA  
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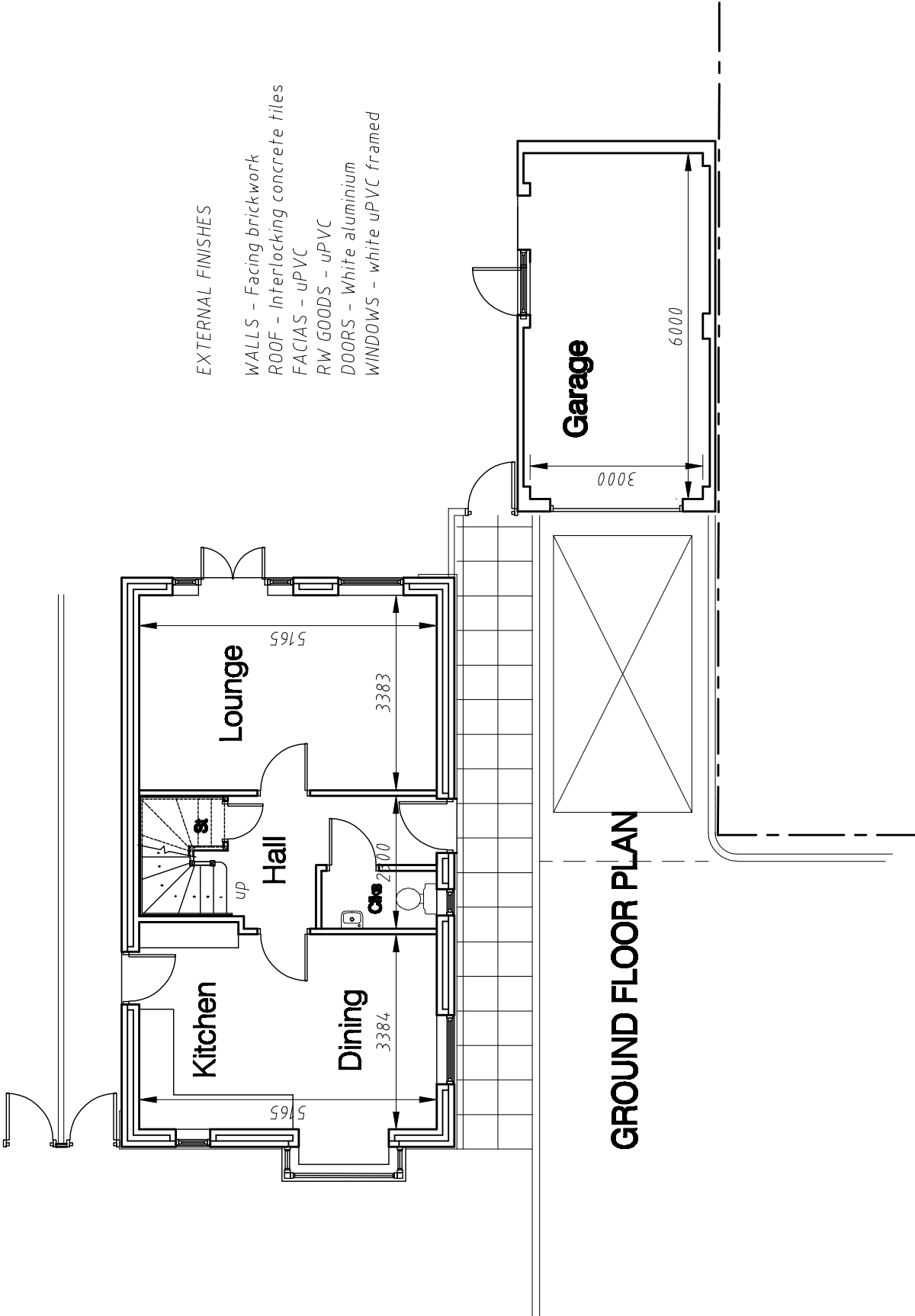
FIRST FLOOR PLAN



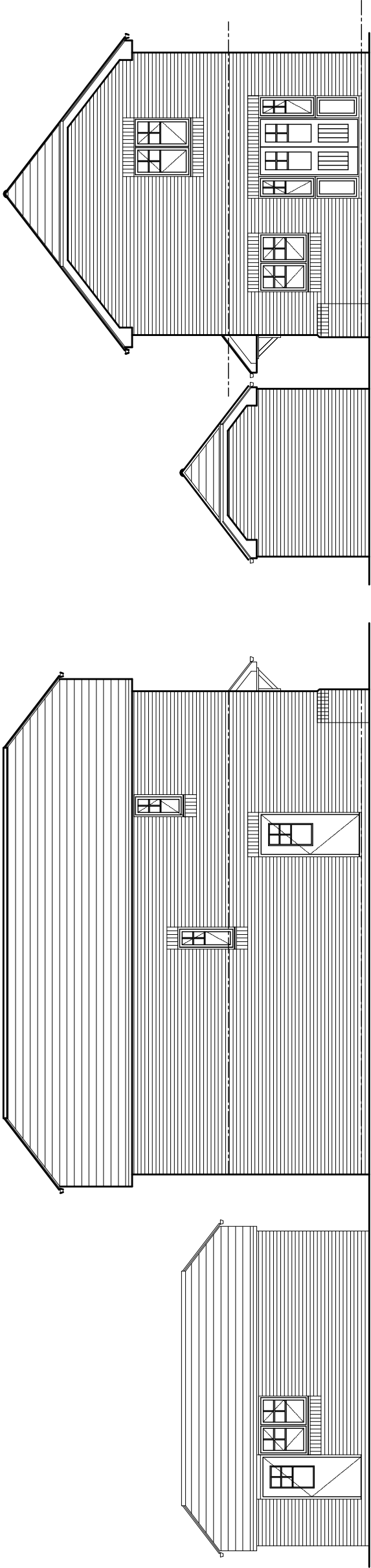
SIDE ELEVATION



FRONT ELEVATION



Plot 3  
3 bed house area 1040sq ft plus  
garage



SIDE ELEVATION

REAR ELEVATION

D	20.11.13	Revised to planners requirements.	JG
C	04.10.13	Garage moved.	TD
B	26.07.13	Layout amended.	TD
A	16.07.13	Redrawn	TD
rev.	date		drawn chk'd



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1:100@A2  
scales  
PROPOSED DEVELOPMENT  
ALBION STREET  
WALL HEATH for  
PRESTBURY LIMITED

July 13  
date

TD GSA  
checked  
HOUSE TYPE - PLOT 3

13-1382/3D

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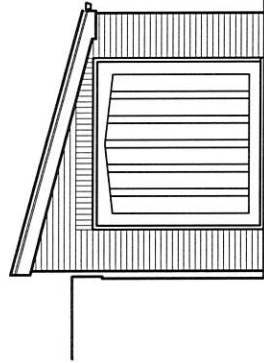


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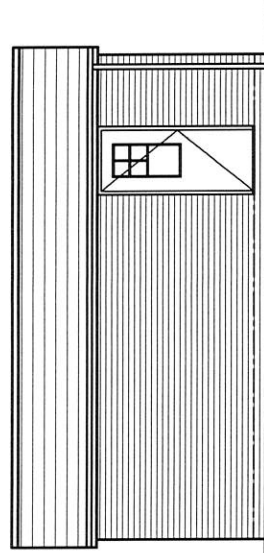


ROOF PLAN

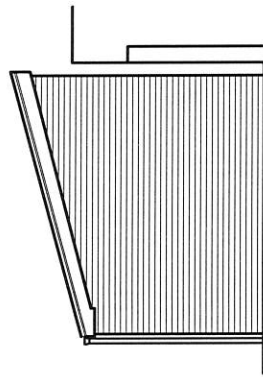


up and over garage door

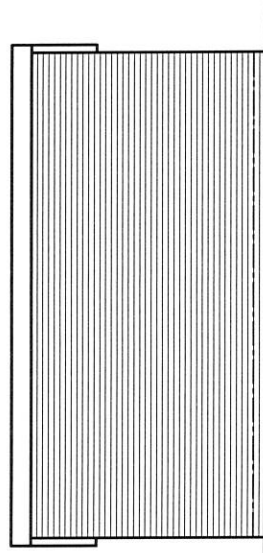
FRONT ELEVATION



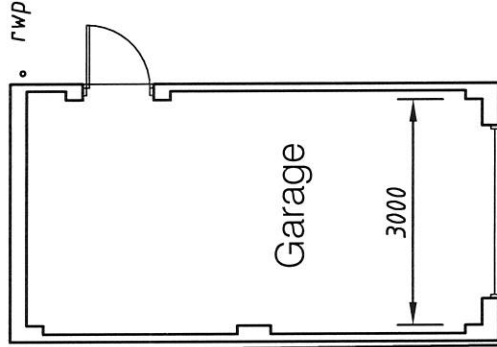
SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



Drive

GROUND FLOOR PLAN

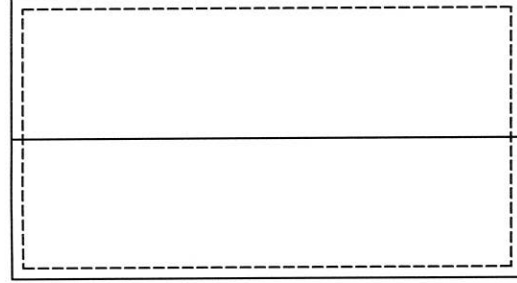
PLOT 1

EXTERNAL FINISHES

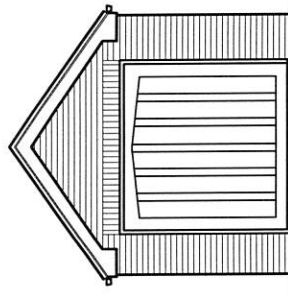
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ROOF - Interlocking concrete tiles  
FACIAS - uPVC  
RW GOODS - uPVC  
DOORS - White aluminium



1 : 100

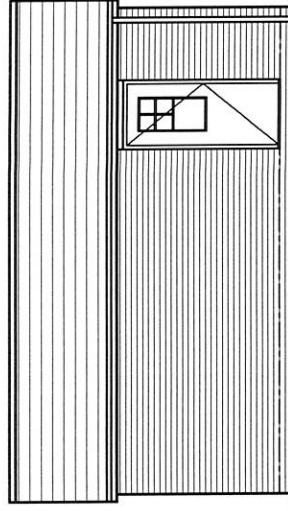


ROOF PLAN

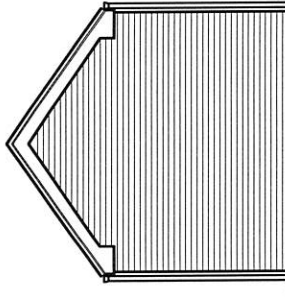


up and over garage door

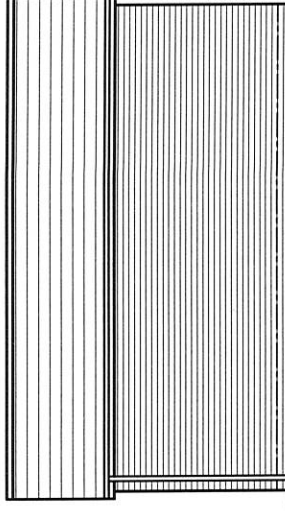
FRONT ELEVATION



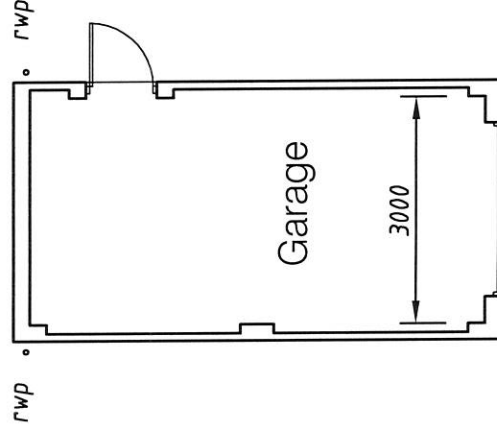
SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



Drive

GROUND FLOOR PLAN

PLOT 2

EXTERNAL FINISHES

WALLS - Facing brickwork  
ROOF - Interlocking concrete tiles  
FACIAS - uPVC  
RW GOODS - uPVC  
DOORS - White aluminium

A 07.10.13 Garages redrawn

TD

rev. | date |

drawn | chk'd |



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1:100@A3  
scales  
date  
drawn  
number

PROPOSED DEVELOPMENT

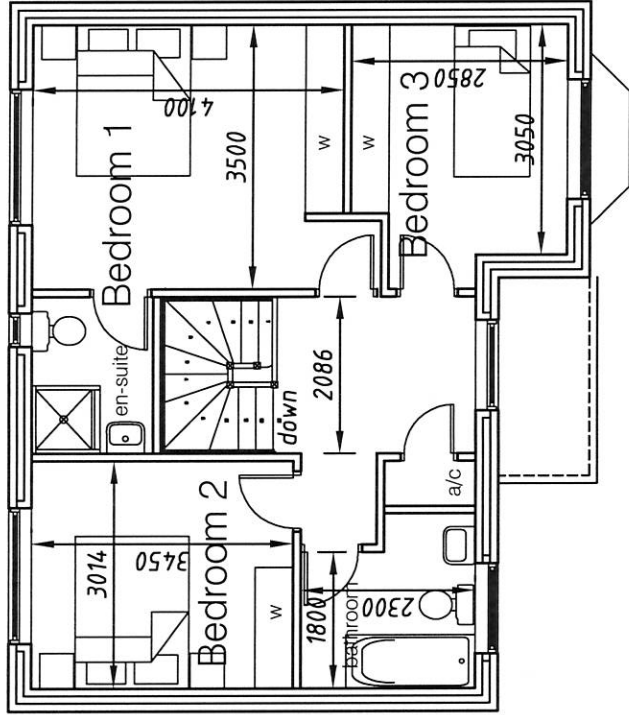
ALBION STREET

WALL HEATH for

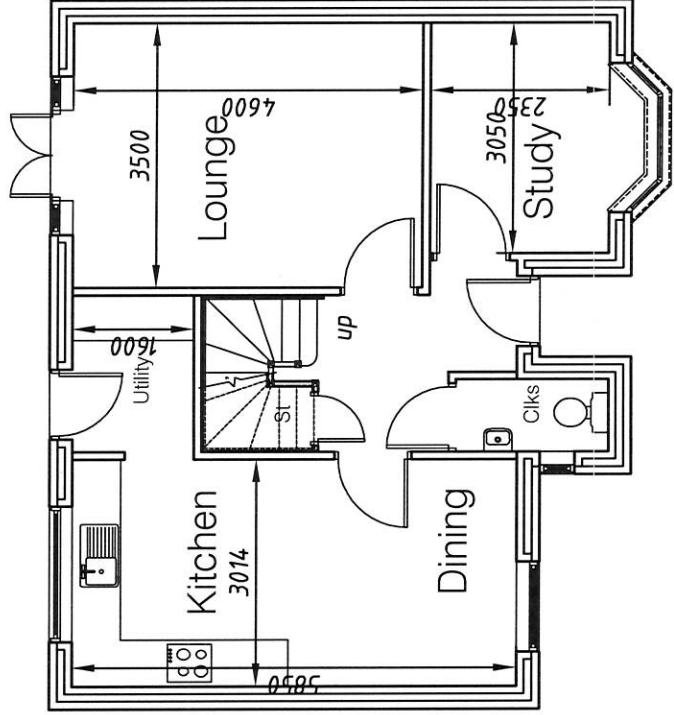
PRESTBURY LIMITED

GARAGES TO PLOTS 1 & 2

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FIRST FLOOR PLAN

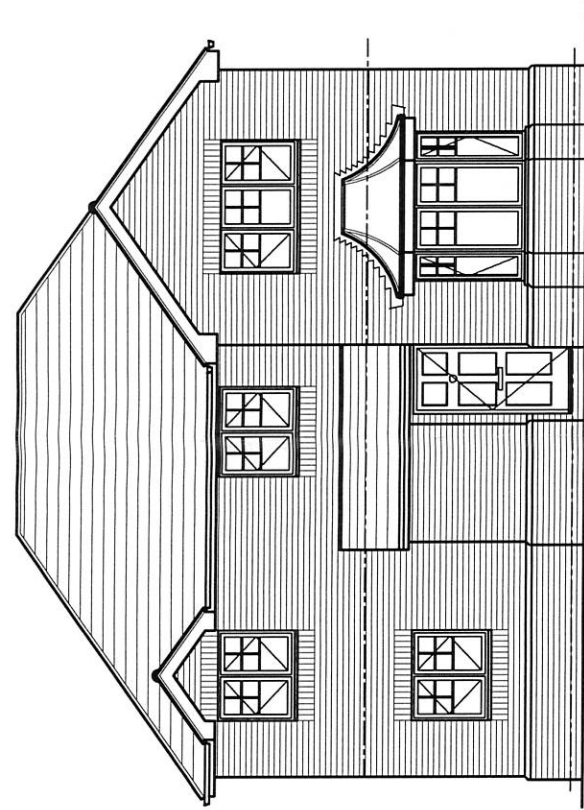


GROUND FLOOR PLAN

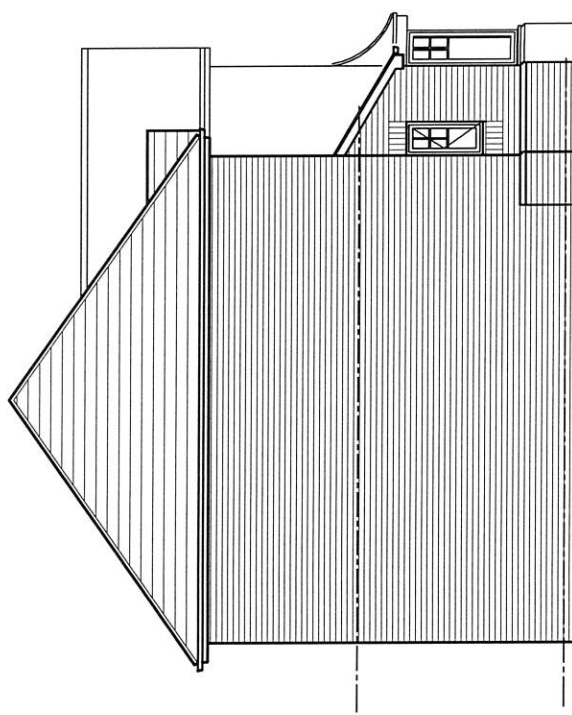
Plot 2  
3 bed house area 1200sq ft plus  
garage



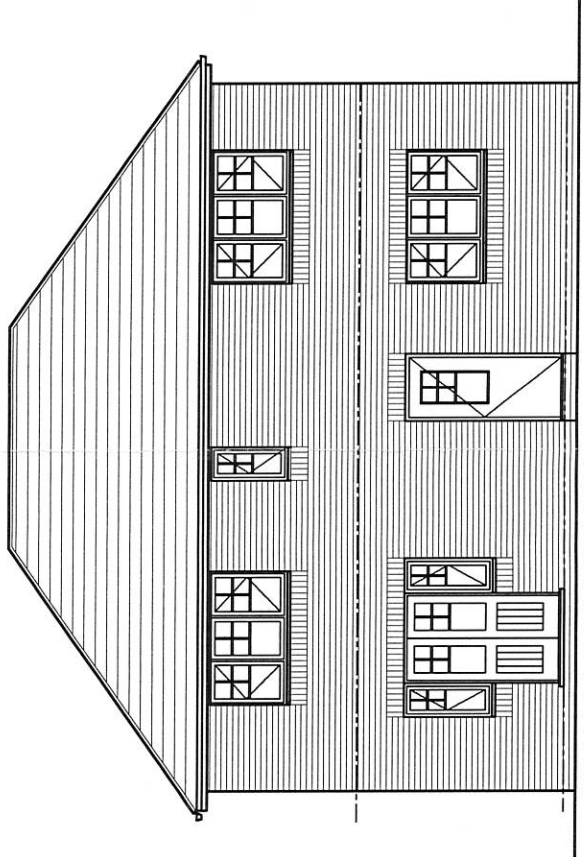
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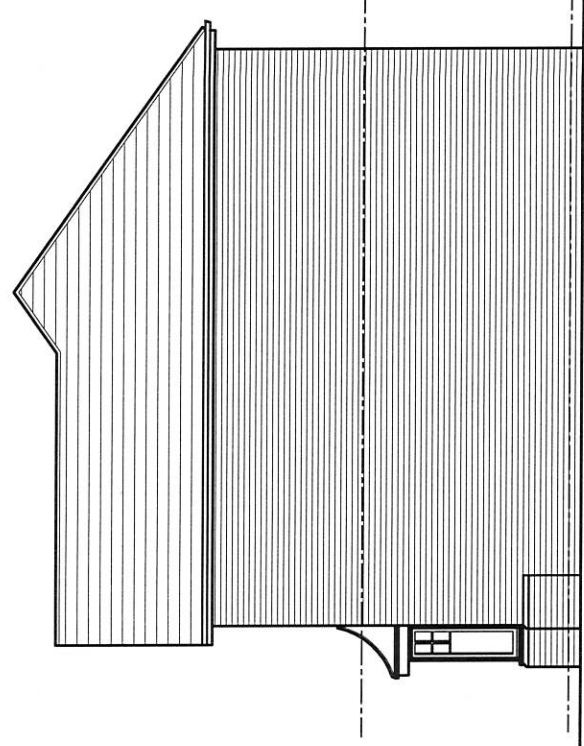
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

EXTERNAL FINISHES

- WALLS - Facing brickwork
- ROOF - Interlocking concrete tiles
- FACIAS - uPVC
- RW GOODS - uPVC
- DOORS - White aluminium
- WINDOWS - white uPVC framed

A 04.10.13 rev. date

TD

drawn|chk'd|



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1:100@A3 scales

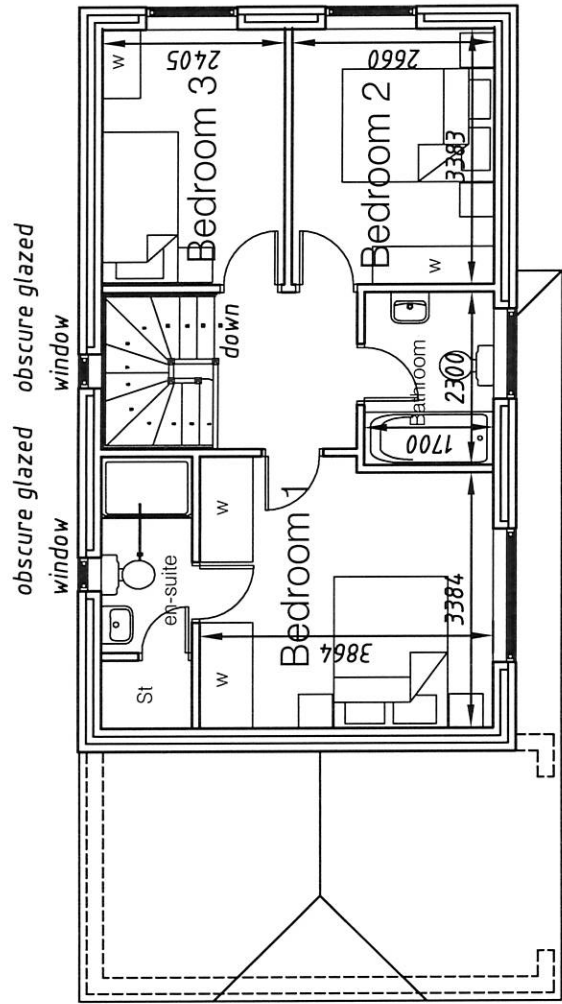
JULY 2013 date

TD GSA checked

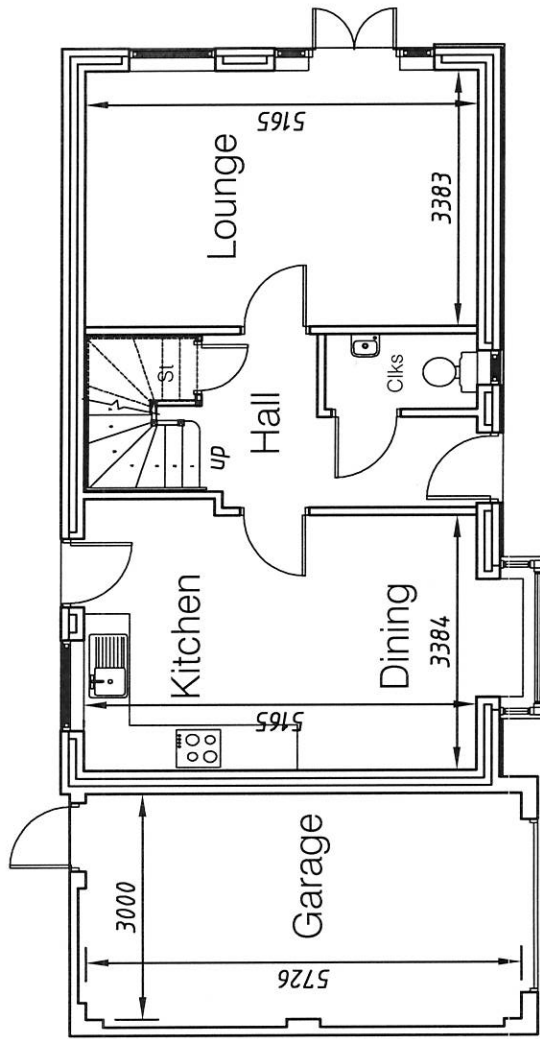
13-1382/05A number

HOUSE TYPE PLOT 2

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FIRST FLOOR PLAN



GROUND FLOOR PLAN

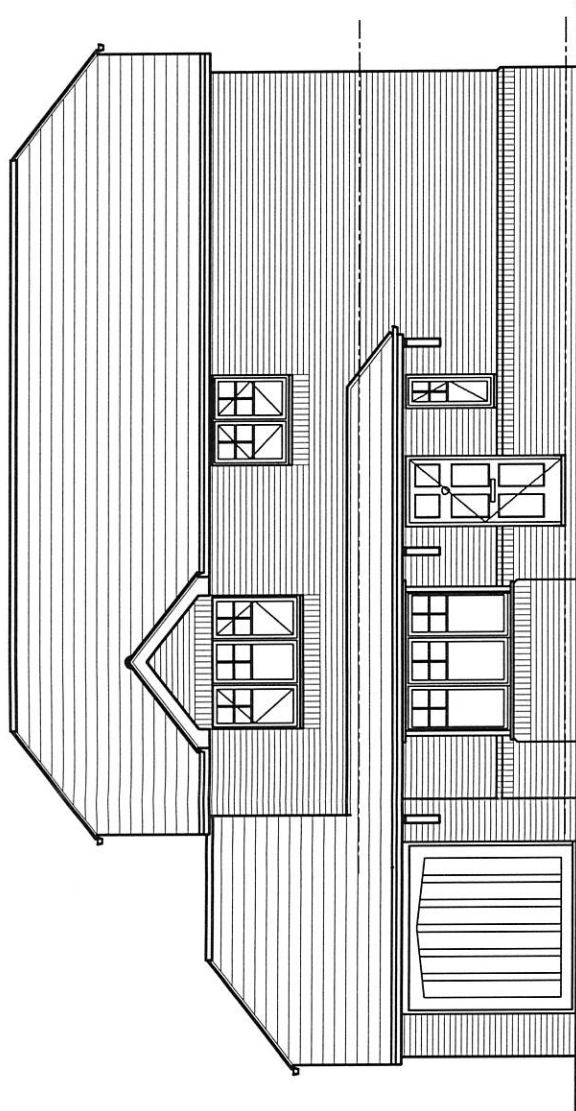
Plot 4  
3 bed house area 1040sq ft plus  
garage

EXTERNAL FINISHES

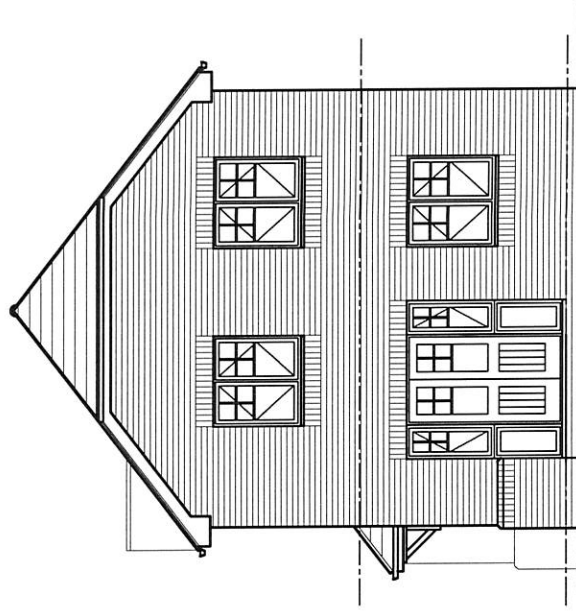
WALLS - Facing brickwork  
ROOF - Interlocking concrete tiles  
FACIAS - uPVC  
RW GOODS - uPVC  
DOORS - White aluminium  
WINDOWS - white uPVC framed



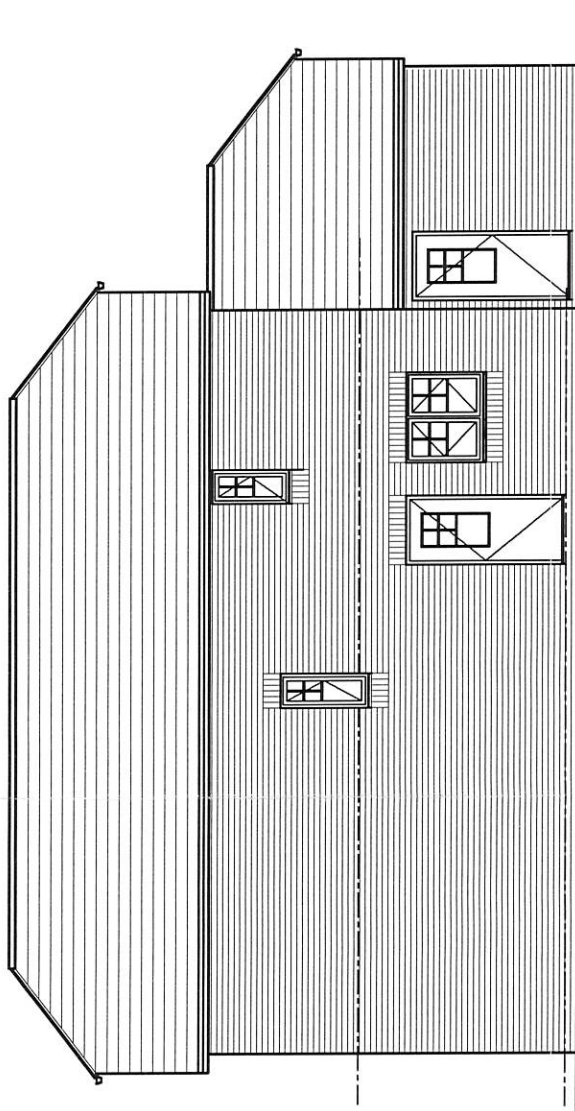
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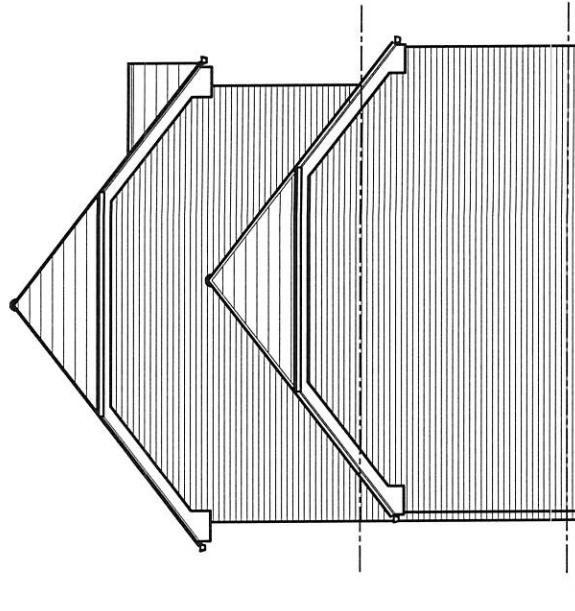
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

B	26.07.13	Layout amended.	TD
A	16.07.13	Redrawn	TD
rev.	date		drawn chk'd



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1:100@A3  
scales

JULY 2013  
date

TD GSA  
checked

13-1382/4B  
number drawn

PROPOSED DEVELOPMENT  
ALBION STREET  
WALL HEATH for  
PRESTBURY LIMITED

HOUSE TYPE - PLOT 4

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