

PLANNING APPLICATION NUMBER:P07/1407/E1

Type of approval sought	Full Planning Permission
Ward	HAYLEY GREEN & CRADLEY SOUTH
Applicant	Mrs Thelma Dovey
Location:	CORNERWAYS, THE DRIVE, CRADLEY, HALESOWEN, B63 2DS
Proposal	EXTENSION OF TIME OF PREVIOUSLY APPROVED APPLICATION P07/1407 (DEMOLITION OF EXISTING DWELLING AND ERECTION OF 4 NO. DETACHED HOUSES)
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The application site is currently the site of a single large bungalow constructed in the late 1940's situated on a substantial plot, some 0.1ha on the corner of The Drive and Dencil Close. A 2m high brick wall and mature conifers on the southern boundary surround it. The property is accessed via a single point off The Drive, leading to an off-street parking area behind gates.
2. The surrounding area can be described as residential in character, consisting of a variety of dwelling types. The properties directly to the south appear to be former council built semi-detached bungalows occupied predominantly by elderly residents, which continue along much of Dencil Close to the west on a uniform building line.
3. Properties to the west and north consist of a variety of architecturally designed two-storey dwellings. Properties to the eastern boundary are bungalows situated on a lower land level than the application site.
4. Within the site, the ground level rises by 1.2m from south to north, whilst the garden area of the bungalow drops significantly from west to east by approximately 2m.

5. Vehicular access to the site is from The Drive, but bollards prevent further access into Dencil Close. Similarly, access into Dencil Close from Drews Holloway, is limited to a private drive and is closed off so as to prevent direct access toward the application site.

PROPOSAL

6. This application was submitted for a new planning permission to replace an extant planning permission in order to extend the time limit for implementation. Full planning permission was granted for the demolition of the existing bungalow and construction of 4 No. detached houses (Planning Permission Ref: P07/1407) in December 2007 following a site visit by Members of the Development Control Committee. This original permission was subject to the standard condition requiring that the permission be implemented within 3 years of the decision date: *(Condition 1) - The development hereby permitted shall be begun before the expiration of three years from the date of this permission.*
7. This application is for the extension of time for the implementation of that permission. No amendments or alterations to the scheme are being sought.

HISTORY

8. Application Site

Application no.	Proposal	Decision	Decision Date
P07/1407	Demolition of existing dwelling and erection of 4 No. detached houses	Approved with Conditions	28/12/07
P06/2198	OUTLINE APPLICATION FOR THE DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF 4 NO DWELLINGS (APPEARANCE, LANDSCAPING AND SCALE RESERVED FOR SUBSEQUENT APPROVAL) (RESUBMISSION OF	Approved with Conditions	12/01/07

	REFUSED APPLICATION P06/1012)		
P06/1012	OUTLINE APPLICATION FOR THE DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF 7 NO. DWELLINGS (DESIGN, LANDSCAPING AND EXTERNAL APPEARANCE RESERVED FOR SUBSEQUENT APPROVAL)	Refused	11/07/06
HB/72/1089	3 FEET HIGH FENCE ON BOUNDARY WALL.		01/12/72
HB/72/636	DOUBLE BRICK WALL WITH FENCE ON TOP.	Refused	09/08/72
HB/48/145	A BUNGALOW.	Approved	3/11/48

9. Planning approval P07/1407, consisted of 4 detached 3 bedroom dwellings. Each dwelling accommodated 2 parking spaces, with the exception of Plot 4, which also had 1 garage space.

PUBLIC CONSULTATION

10. The application was advertised by way of neighbour notification letters being sent to the occupiers of nearby properties to the site. The consultation period is due to expire on 8 February 2011.

OTHER CONSULTATION

11. Group Engineer (Development): No objections.
12. Head of Environmental Health and Trading Standards: No comments received.

RELEVANT PLANNING POLICY

13. Unitary Development Plan
Policy DD1 Urban Design
Policy DD4 Development in Residential Areas

Policy DD6 Access and Transport Infrastructure
Policy DD7 Planning Obligations
Policy AM14 Parking
Policy H3 Housing Assessment Criteria
Policy H6 Housing Density
Policy DD10 Nature Conservation and Development

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

Parking standards and travel plans

Planning Obligations

16. National Planning Guidance

Planning Policy Statement 3 – Housing

ASSESSMENT

17. Key Issues

- Principle
- Planning Policy Statements
- Development Plan Documents
- Planning Obligations
- Saved Policies
- Changes to the local environment

Principle

18. The determining issues are whether there have been significant changes in planning policy or changes to the form or character of the local environment since the previous approval so as to provide sufficient justification for the Local Planning Authority to consider it no longer appropriate that the scheme can potentially be implemented.

Planning Policy Statements

19. In terms of Planning Policy Statements (PPS), it is considered that the only relevant change to the PPS regime which is directly relevant to the particulars of the development and which have been published since the 2007 permission is PPS3. The site is partly previously developed land, comprising the existing bungalow and hardsurfaced frontage and partly undeveloped greenfield land, comprising the rear garden area.
20. The adopted UDP (2005) states that the Council expects to reach 90% of all its housing completions on previously developed land. The emerging Joint Core Strategy increases this figure in the Black Country under Policy HOU1 – Delivering Sustainable Housing Growth which requires that ‘at least’ 95% of new housing (gross) be built on previously developed land. Whilst priority is therefore given to development on previously developed land in line with PPS3, Policy S2: Housing and Policy H3 of the UDP, this does not preclude all development on greenfield land, but it does lessen the weight that should be given to development of greenfield land in the balance of considerations.
21. Greater emphasis is now on local policies to aid decision making and therefore the Council’s New Housing Development Supplementary Planning Document (SPD) (2007) is utilised to assess what weight should be given to the proposed development. The SPD provides detailed information on implementation of housing policy in respect of design and density, so that local character and distinctiveness

are paramount. The proposed dwellings are located within a residential area, comprising a mixture of semi and detached house types, some of which are comparable in design, scale, layout and plot size to the proposed scheme. The proposed detached dwellings would therefore be in keeping with the character of the area, following a similar building line along The Drive.

Development Plan Documents

22. The only significant change in governing, local planning policy between the assessment of the 2007 application and the current one is essentially whether the UDP policies relevant to the scheme have been authorised by the Secretary of State to remain extant. On this, it can be seen that all of the policies referred to in the assessment of the 2007 scheme have been listed as extant policies.
23. In terms of Supplementary Planning Documents (SPDs), the only relevant SPD to have been adopted since the granting of the 2007 permission is considered to be that relating to Planning Obligations. That SPD was originally adopted on 17th December 2007, but could not apply retrospectively to the application which had already been submitted.

Planning Obligations

24. The implications of this SPD with respect to the scheme are now a material consideration in the determining of the extension of time planning application.
25. The proposed 4 x No. 3 bedroom dwellings would now attract Planning Obligations in line with the Planning Obligations SPD and Policy DD7 of the UDP which requires applicants to enter into planning obligations in order to safeguard the local environment and / or compensate for additional burdens placed by the development on community facilities and infrastructure. The figures would take into account the demolition of the existing bungalow, therefore the calculations are based on the erection of 3 x No. 3 bedroom dwellings. In this case, in accordance with the provisions of Planning Obligations SPD, the following contributions are to be sought:

- Open Space, Sport and Recreation Contribution - £7021.13

- Transport Infrastructure Improvements - £ 1246.05
- Library Contribution - £574.17
- Public Realm - £1435.59
- Nature Conservation Improvements - £564.20
- Management and Monitoring Charge - £1000

Total Offsite Contribution equates to £11841.14

26. The applicant has been notified of this principle and confirmation of their acceptance is awaited.

CONCLUSION

27. There are no directly relevant and significant changes in planning policy which have prevailed since the granting of the original permission and no substantial changes in the local environment. There are consequently no material considerations which can be reasonably levelled, so as to prevent the scheme from remaining extant. The proposal is therefore in accordance with the provisions of the Adopted Dudley Unitary Development Plan (2005).

RECOMMENDATION

28. The conditions attached to the previous scheme are replicated: Condition 1 (the condition which is the subject of this application) thereby allows for a further 3 years for the implementation of the permission. Furthermore, the addition of conditions securing the payment of S106 contributions and the approved plan numbers.
29. It is recommended that the application be approved subject to:
- a) the development not be beginning until a scheme for the submission and approval of a planning obligation to guarantee the Libraries, Transport Improvements, Nature Conservation, Open Space, Sport and Recreation, Public Realm Improvements and Monitoring, Management and

Implementation costs of £11841.14 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 to these as necessary;

Reason for approval

There are no directly relevant and significant changes in planning policy which have prevailed since the granting of the original permission and no substantially changes in the local environment. There are consequently no material considerations which can be reasonably levelled so as to prevent the scheme from remaining extant. The proposal is therefore in accordance with the provisions of the Adopted Dudley Unitary Development Plan (2005).

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.

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 not beginning until a scheme for the provision of:
 - Libraries Improvements
 - Transport Infrastructure Improvements
 - Open space and play provision Improvements
 - Public Realm Improvements
 - Nature Conservation enhancements
 - Management and Monitoring Chargehas been submitted and approved in writing by the Local Planning Authority. 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.
3. Development shall not begin until details of the type, texture and colour of materials to be used in the external elevations have been submitted to and approved by the local planning authority.
4. Development shall not begin until a detailed scheme incorporating the means of access, visibility splays, car parking areas including gradient details have been submitted to and approved in writing by the Local Planning Authority.
5. Prior to first occupation of the dwellings the means of access and parking areas will 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 purpose for the life of the development. These areas shall provide for permeable surfacing or sustainable on-site drainage.
6. Prior to first occupation of the dwelling the visibility splays shall be provided in accordance with the approved details and maintained for no other purpose for the life of the development.
7. Development shall not begin until details of plans and sections of the lines, widths, levels, gradients and form of construction and delineation of the turning head and drainage systems have been submitted to and approved in writing by the Local Planning Authority.
8. Details of the proposed retaining structures within or adjacent to the site shall be submitted to and approved by the Local Planning Authority before development is commenced and the development shall not be occupied until the retaining structures have been constructed in accordance with the approved plans.
9. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied, development shall be carried out in accordance with the approved details.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order), no development referred to in Part 1 Classes A, B and E of Schedule 2 to that order shall be carried out.

11. 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.
12. 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.
13. The window to be installed in the first floor side elevation of Plot 4 (facing 'Wychbury'), hereby approved shall have a high level top hinged opening fitted with obscuring glass and such window and glass shall be maintained in the said windows through the life of the development.
14. The development hereby permitted shall be carried out in accordance with the following approved plans: 0734/003 & 0734/003 Rev B

