

PLANNING APPLICATION NUMBER:P07/0362

Type of approval sought	Full Planning Permission
Ward	
Applicant	Graham Spencer, Rooftop Housing Group Ltd
Location:	NEXT TO, 28, ABBERLEY STREET, SITUATED BETWEEN ABBERLEY STREET,, BROOKE STREET AND CONNECTING ROAD, DUDLEY, WEST MIDLANDS
Proposal	ERECTION OF 6 NO 2 BED APARTMENTS AND 2 NO 1 BED APARTMENTS (RESUBMISSION OF WITHDRAWN APPLICATION P06/1788)
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The site comprises a hardstanding with overgrown grass and a number of skips for the storage and disposal of rubbish associated with the use of a workshop nearby. The site occupies a corner plot being bounded on three sides by Brooke Street and Abberley Street. The site is currently used for vehicle storage purposes associated with the nearby workshop that is used for the building of cars. The site slopes in a south-north direction with Brooke Street being at a lower level than Abberley Street and is enclosed on three sides by wire mesh fencing and with a 2 metre high brick wall adjoining the boundary with Brooke Street. The site has four mature trees on its southern boundary.
2. The site is located within a mixed use area with a car production premises located to the north and a unit guillotining metal located to the west. The remaining area is characterised by residential dwellings predominantly being Victorian terraces with some new build infill developments in the form of flats and housing.

PROPOSAL

3. The proposal seeks the erection of 6 no. 2 bed apartments and 2 no. 1 bed apartments with associated access, parking and amenity space. The apartments would 'wrap' around the site ensuring that the scheme has an active frontage to both Brooke Street and Abberley Street. The apartments would comprise their own entrances from the street with a rear parking area helping to define the buildings as appearing as dwellings to complement the scale and appearance of the terraced properties within the area. The apartments would be two storeys in height with two separate communal garden areas provided for the prospective occupiers. Good quality boundary treatment is proposed in the form of a boundary wall and railings.
4. The proposal is a resubmission of a previously withdrawn application (P06/1788) as detailed within the history section of the report. The previous application was withdrawn following concerns relating to the overall density of development, the layout of the development and the external appearance of the development. Following the withdrawal of P06/1788 the applicant has entered into pre-application discussions in order to resolve previous concerns with the scheme.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
P06/1788	Erection of 3 no. 3 bedroom houses and 4 no, 1 bedroom apartments.	Withdrawn	31/10/06

PUBLIC CONSULTATION

5. The application was advertised by way of neighbour notification letters being sent to the occupiers of 28 properties within close proximity to the site and through the display of a site notice. The latest date for comments was the 23rd April 2007. No letters have been received commenting on the proposed development.

OTHER CONSULTATION

6. The Head of Public Protection raises no objections to the proposed development subject to conditions.
7. The Group Engineer (Development) raises no overall objection to the proposals but does point out that highway safety concerns may arise from the potential displacement of vehicles onto the public highway caused through the scheme not providing the maximum parking level of 13 spaces for the development.

RELEVANT PLANNING POLICY

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 DD8 Provision of Open Space, Sport and Recreation Facilities
- Policy H3 Housing Assessment Criteria
- Policy H6 Housing Density
- Policy NC9 Mature Trees

Supplementary Planning Document

- New Housing Development – a Guide to establishing Urban Context
- Parking Standards and Travel Plans

Development Control Guidance

- Detailed Guidance on Open Space, Sport and Recreation Provision (2005)

ASSESSMENT

Key Issues

- Principle
- Density
- Design and Appearance
- Amenity Space and Landscaping
- Parking
- Noise
- Planning Obligations

Principle

7. The proposals would involve the re-use of a previously developed site within the urban area and would involve the re-use of an under-utilised site within the urban area that is not allocated for another use within the UDP. The principle of redeveloping the site for residential development is supported by Policy H3 of the Adopted Dudley Unitary Development Plan and PPS3 (Housing).

Density

8. The proposals would involve the creation of 8 apartments on 0.10 hectares creating a gross density of 80 dwellings per hectare. The site is located within an edge of centre location being within a 10 minute walk of Dudley town centre. The area is characterised predominantly by traditional Victorian terraces that reflect a tight urban grain with small front gardens and medium sized rear gardens with a high level of on street parking. The area immediately surrounding the site comprises a range of gross densities between 42 and 52 dwellings per hectare (3-7 Churchfield Street – 5 terraced properties = 42 dph, 26-27 Brooke Street – 1 detached dwelling and a pair of semi detached dwellings = 43 dph and 8-21 Brooke Street – 14 terraced dwellings = 52dph).
9. The Adopted SPD relating to New Housing Development seeks to help in assessing whether schemes represent an appropriate density having regard to the character of

the local area and taking a design-led approach in relation to new developments. The document seeks to define character areas within the Borough with illustrations of the typical form and layout of development within each of the character areas and their respective densities. The document supports development of higher densities within town and edge of town centre locations such as the application site confirming that this development is likely to be in the form of apartments and townhouses.

10. It is important to recognise that density alone does not in itself indicate the quality of design within a development or whether the proposals have responded to local character. Higher densities in the right location can be appropriate if a scheme has regard to local character and the context of a site.

Design and Appearance

11. The proposed scheme would involve the erection of apartments on an edge of town centre site. Whilst the gross density of the scheme is relatively high compared to the existing densities within the area the design and layout of the scheme is such that it has regard to the form and layout of surrounding development and in urban design terms would make a positive contribution to the area.
12. The area is characterised by two storey terraced properties. The proposed development would comprise a block of two storey apartments with individual entrances to each of the units from the street frontage. This design feature along with the architectural detailing of the units (fenestration, wall and railings to define each of the entrances, use of render on the two corner apartments and over the main entrance into the site, stepped roofline to help define each apartment and to have regard to the change in levels across the site and small front gardens with dwarf wall and railings) makes the apartments appear as dwellings thereby complementing the built form within the local area.
13. The proposed apartments front each of the street frontages that wrap around the site thereby providing an active frontage on all sides and ensuring the creation of a cohesive form of development that would make a positive contribution to the character and appearance of the area.

Amenity Space and Landscaping

14. The proposed apartments would comprise two areas of amenity space, one located on the northern boundary of the site adjoining Abberley Street and one located on the southern boundary of the site adjoining Brooke Street. The communal garden areas would comprise 337m² of garden to serve the occupiers of 8 apartments.
15. PGN No. 3 seeks the provision of 30m² per apartment where schemes provide communal garden areas. This would mean that the proposals would need 240m². The scheme exceeds the minimum area of garden required for the development. It would provide two areas of usable outdoor space for the occupiers and would also help to soften the impacts of the development through introducing soft landscaping within close proximity to the street frontage.
16. The proposals indicate some areas of landscaping within the communal garden areas and along the site's frontages. The proposals would also retain two existing mature trees that are located along the southern boundary of the site. The scheme would involve the removal of two mature trees. A condition can be attached in order to ensure the provision of replacement trees within the site.

Parking

17. The baseline standard (low accessibility) for residential development set out within the Parking Standards and Travel Plans SPD states that one space per single bedroom dwelling is required and 2 parking spaces per 2-3 bedroom dwelling. For apartment schemes with communal parking layout an additional 1 visitor parking space per 5 dwellings should also be provided. In this context, the scheme should comprise a total of 16 parking spaces.
18. The baseline standard is subject to reductions based on an accessibility assessment. This is based on walking distances to bus stops and railway stations, proximity of cycle route, frequency of bus and rail services and accessibility to local facilities including retail outlets, crèches, post offices, banks and parks etc. This development has a medium accessibility standard and therefore the baseline standard can be

reduced by 20% bringing the total requirement for the development to 13 parking spaces. The scheme also requires the provision of 7 cycle parking spaces. The scheme shows the provision of 4 cycle parking spaces.

19. The requirement for 13 parking spaces uses the maximum parking standards within the Parking Standards and Travel Plans SPD. The site is located within an accessible location being on the edge of the town centre. The provision of one car parking space per unit (8 spaces) is considered acceptable given the sustainable location of the site being within walking distance of the town centre and therefore to local services and facilities. This and the fact that the scheme is slightly short of the provision for cycle parking is not considered a sufficient reason to warrant the refusal of planning permission.

Noise

20. The metal works (Stoneleigh House) and the car production workshop do have the potential to create noise and disturbance to the future occupiers of the apartments. The planning permission associated with the operation of Stoneleigh House enables it to operate between 8am-6pm Mondays to Fridays and until 1pm on Saturday. The workshop appears to have unrestricted opening hours. These issues can be dealt with by a condition requiring the implementation of appropriate mitigation measures prior to the occupation of the residential units (2m high noise barrier between the site and Stoneleigh House and a noise mitigation scheme to be submitted and approved in relation to the potential impacts of the workshop on Abberley Street).
21. In any event the nature of Abberley Street is that industrial and residential uses sit side by side. Therefore redeveloping this site for residential use is no different from the relationship between existing residential developments within the area.

Planning Obligations

22. In accordance with Policy DD7 and DD8 of the Adopted Dudley Unitary Development Plan and in accordance with Development Control Guidance entitled 'Detailed Guidance on Open Space, Sport and Recreation Provision (2005)' schemes involving the creation of more than five dwellings are required to contribute towards

improvements to public open space and children's play areas. This is in order to offset the impacts of the development through resulting in an increase in the users of nearby public open space and children's play areas and to offset the lack of provision on site.

23. In accordance with established formula this scheme requires a contribution of £8,674.61 towards improvements to nearby public open space and children's play areas and for an establishment and maintenance fee covering a 10 year period.

CONCLUSION

24. The proposals would involve the redevelopment of an under-utilised previously developed piece of land immediately adjoining Dudley town centre and would bring forward a well designed scheme that has regard to the character of the area and the context of the site. The density is relatively high but this is acceptable since the site is suited to apartments given its edge of town centre location and the site having three frontages facing streets. A reduction from the baseline parking standard for a medium accessible site is also considered acceptable given the edge of town centre location of the site. Any impacts associated with noise and disturbance from adjoining industrial premises can be adequately controlled by the use of conditions attached to the consent.

RECOMMENDATION

25. It is recommended that the application be approved subject to:
- a) the development not beginning until a scheme for the submission and approval of a planning obligation to guarantee a contribution towards the improvement and enhancement of off site public open space and play provision within close proximity to the site has been submitted to and agreed in writing by the Local Planning Authority. The amount is £8,674.61 and has been determined in accordance with the Council's adopted policy and published Supplementary Planning Document.

- b) An administrative charge for the drafting of the legal agreement. This is on the basis of time spent by the Council's Solicitors, though for a very simple straightforward obligation £200 may be sufficient.
- c) A charge for the monitoring, management and implementation of the S106 Agreement (£1,000 or 10% of the planning fee whichever is the greater).
- d) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary.

Reason for Determination of Planning Permission

The proposals would involve the redevelopment of an under-utilised previously developed piece of land immediately adjoining Dudley town centre and would bring forward a well designed scheme that has regard to the character of the area and the context of the site. The density is relatively high but this is acceptable since the site is suited to apartments given its edge of town centre location and the site having three frontages facing streets. A reduction from the baseline parking standard for a medium accessible site is also considered acceptable given the edge of town centre location of the site. Any impacts associated with noise and disturbance from adjoining industrial premises can be adequately controlled by the use of conditions attached to the consent.

The decision to grant planning permission has been taken with regard to the policies and proposals in the Dudley Unitary Development Plan set out below and to all relevant material considerations including supplementary planning guidance:

Policy DD4	Development in Residential Areas
Policy DD6	Access and Transport Infrastructure
Policy DD7	Planning Obligations
Policy DD8	Provision of Open Space, Sport and Recreation Facilities
Policy H3	Housing Assessment Criteria
Policy H6	Housing Density

Policy NC9 Mature Trees

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

This permission relates to drawing numbers 03-187-8 Rev P1, 03-187-3, 03-187-21 Rev P4, 03-187-24 Rev P2 and 03-187-25 Rev P2 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 development shall not be begun until an arrangement for the submission and approval of a means to guarantee the financial payment of a total sum of £8,674.61 in order to contribute towards the enhancement of off site public open space and play provision within close proximity to the site, an administrative charge for the drafting of the legal agreement based on time spent by the Council's solicitors and a charge of £1,000 for the monitoring, management and implementation of the S106 Agreement. The administration and monitoring charge shall be received upon completion of the S106 Agreement with the sum contributing towards improvements to off site public open space and play provision being received upon commencement 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 type, texture and colour of brickwork and roof tiles to be used on the external elevations of the apartments hereby permitted. This shall include details of the brick lintels and banding. Following approval of the materials the apartments shall be built in accordance with the approved details and retained for the lifetime of the development.
4. The car park and access into the site as shown on Drawing No. 03-187-24 shall be surfaced, drained and laid out prior to the occupation of the units hereby permitted.
5. Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority showing the proposed boundary treatment to be erected on the site. This shall include details of the proposed type, texture and colour of bricks and style and colour of the railings to be used to construct the boundary walls to the Brooke Street and Abberley Street frontages. The scheme shall be implemented in accordance with the approved details and retained for the lifetime of the development.

6. 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.
7. 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.
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.
9. None of the existing trees or hedgerows on the site shall be lopped, felled or root pruned before the landscaping scheme to be submitted in accordance with condition 6 has been approved
10. Development shall not begin until all existing trees to be retained on the site have been marked in such a manner as shall be clearly visible until completion of building operations.
11. Development shall not begin until barriers have been erected around existing trees to be retained on the site and the barriers shall remain in position until completion of building operations.
12. At no time shall the ground level be raised or lowered within the branch spread of trees to be retained.
13. None of the dwellings shall be occupied until works for the disposal of foul and surface water drainage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Local Planning Authority.
14. 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.
15. 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.

16. Prior to the occupation of the apartments hereby permitted details shall be submitted to and approved in writing of a 2m high noise barrier to be erected along the boundary with Stoneleigh Services. Following approval of the specification of the noise barrier it shall be constructed prior to the occupation of the units and retained for the lifetime of the development.
17. Development shall not begin until a scheme for protecting the proposed dwellings on plots 4 and 8 from noise from industry has been submitted to and approved by the local planning authority, and all works which form part of the scheme shall be completed before any of the permitted dwellings on those plots is occupied. The works shall remain in place for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.