PLANNING APPLICATION NUMBER: P14/1787

Type of approval sought		Full Planning Permission
Ward		Gornal
Applicant		Eden Properties
Location:	LOWER GORNAL SOCIAL EDUCATION CENTRE, HOLLOWAY STREET WEST, LOWER GORNAL, DUDLEY, WEST MIDLANDS, DY3 2EF	
Proposal	DEMOLITION OF EXISTING EDUCATION CENTRE BUILDING AND BUNGALOW AND ERECTION OF 14 NO. DWELLINGS	
Recommendation Summary:	APPROVE SU	JBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- The site is a former Council-operated adult training centre occupied by a single storey building with a parking area to the frontage (on its northern side). The site is accessed from Holloway Street West, a cul-de-sac which slopes downwards from east to west. To the north of the site, on the opposite side of the cul-de-sac, are light industrial units.
- 2. The building is set back from the highway to the east (Holloway Street) behind an area of grassed verge containing a group of semi-mature trees. Holloway Street rises steeply from south to north and the site is set at a lower level, the grassed verge sloping downwards from the highway towards the building.
- To the south is a modern housing development on Haslingden Crescent, set at a significantly lower level than the site. The building is separated from the southern site boundary by a steep embankment which contains a number of semi-mature deciduous trees.
- 4. At the western end of the site is a large open grassed area, partly treed, which slopes down from the side of the building to the western boundary and an

office/bungalow located alongside the northern boundary. On the other side of the western boundary is an area of scrubland.

PROPOSAL

5. This is an application to demolish the existing buildings and to erect 14, 3 and 4-bedroom detached houses at the site. Three of the proposed houses at the eastern end of the site are to be accessed from Holloway Street, the remainder being accessed from Holloway Street West. Parking provision for each of the houses is in the form of garages and driveways. Garden lengths are between 11m and 18.5m.

HISTORY

6. None.

PUBLIC CONSULTATION

- Neighbour notification letters have been sent to 42 properties and a site notice posted.
- 8. Letters of objection have been received from six properties, raising the following concerns over the proposal:
 - Increased noise and air pollution;
 - Loss of privacy;
 - Removal of trees (loss of outlook, impact on wildlife and impact on land stability);
 - Height and siting of the buildings will have an adverse impact on outlook;
 - Loss of light.
- 9. Two letters of support for the proposal have been received.

OTHER CONSULTATION

10. Head of Environmental Health and Trading Standards: The noise impact assessment submitted with the application concludes that the site is not adversely affected by noise from the surrounding sources and that no additional mitigation, other than standard double glazing, is required.

<u>Land Contamination Team</u>: Recommend conditions relating to remediation of the site to ensure that any contamination of the site is reduced to an acceptable level.

<u>Group Engineer (Highways)</u>: Recommends approval subject to conditions requiring details of the construction of the access road and the private drive serving plots 2 to 4 have been submitted to and approved in writing by the local planning authority.

Chief Fire Officer: No objection.

RELEVANT PLANNING POLICY

11. National Planning Policy

National Planning Policy Framework (NPPF) 2012

Black Country Core Strategy 2011

Policy ENV1 (Nature Conservation)

Policy HOU1 (Delivering Sustainable Housing Growth)

Policy HOU2 (Housing Density, Type and Accessibility)

Policy DEL1 (Infrastructure Provision)

Saved 2005 UDP Policies

Policy DD1 (Urban Design)

Policy DD4 (Development in Residential Areas)

Supplementary Planning Guidance

Parking Standards SPD

ASSESSMENT

- 12. The key issues in the assessment of this application are:
 - Principle;
 - Impact upon the character of the area;
 - Residential amenity;
 - Highway safety;
 - Nature conservation;
 - Planning obligations.

Principle

13. The redevelopment of this vacant site for housing purposes accords with the advice given in the NPPF (paragraph 49) that housing applications should be considered in the context of a presumption in favour of sustainable development, to be achieved by encouraging the effective use of brownfield land. The development also accords with Policy HOU1 of the Core Strategy which seeks the provision of 95% of new build housing on previously developed land within the Borough.

Impact upon the character of the area

- 14. Policy HOU2 of the Core Strategy states that the density and type of new housing provided on each site will be informed by, amongst other things, the need to achieve high quality design and minimise amenity impacts. Saved Policy DD1 requires that developments should make a positive contribution to the appearance of an area. Policy DD4 of the UDP states that new developments should not have any adverse impact on the character of an area.
- 15. The density of the proposed development (25 dwellings per hectare) would be appropriate to the existing pattern of development in the wider area. The proposed

buildings are of a traditional design and of an acceptable scale in the context of existing dwellings in the vicinity. Following revisions to plans, garden lengths accord with the guidelines set out in the New Housing Development SPD.

- 16. The proposal involves the removal of 11 trees at the eastern end of the site in order to facilitate the development of plots 1-4 and 23 trees at the western end. None of these trees are protected by TPO. 7 new trees are to be planted along the northern boundary, supplemented by hedge planting, which will help to soften the development and to a degree, mitigate against the loss of the existing trees.
- 17. For the reasons set out above it is considered that the development will have a positive impact on the character of the area and as such it is accords with Policy HOU2 of the Core Strategy and Saved Policies DD1 and DD4 of the UDP.

Residential Amenity

- 18. Saved Policy DD4 also advises that new development in residential areas will only be allowed where there would be no adverse effect upon residential amenity. The impact of the development on the existing amenities of the occupants of Haslingden Crescent must be assessed with regard to the New Housing Development SPD, which requires that a minimum distance separation of 28 metres is provided between habitable windows where a change in levels results in a situation where the main living room of a new dwelling would be level with the first floor of an existing house.
- 19. Six of the proposed houses (plots 5-10) have their rear elevations facing the southern boundary towards Haslingden Crescent. The layout of the development provides the following separation distances between these plots and the nearest house on Haslingden Crescent:
 - Plot 5 29m;
 - Plot 6 29.3m;
 - Plot 7 29.3m;

- Plot 8 31m;
- Plot 9 31m;
- Plot 10 28.4m.
- 20. The applicant has submitted a site cross section between plot 10 and nos. 20 and 22 Haslingden Crescent to demonstrate the relationship between the two sets of houses in terms of overlooking. The section shows that boundary fencing will obstruct any views from the ground floor windows of the proposed house towards gardens and windows, and that from first floor windows the line of sight over the fence would be towards windows only and not directly into gardens.
- 21. Given that the separation distances are in excess of the 28m guideline figure set out in the New Housing Development SPD, and that diagrammatical information has been submitted to show that any potential overlooking will be towards first floor windows only, it is considered that the development will not result in any significant loss of privacy to a degree which would warrant refusal of the application. To further safeguard the amenities of existing nearby residents additional tree planting must take place to replace those to be removed and supplement the existing in order to provide screening. Should permission be granted a condition must be imposed seeking details of a native mix of trees to be planted within the gardens of the proposed houses (this applies also to plot 4 to reduce the potential for existing gardens directly to the south and plot 11 with regard to potential overlooking at short distances from its garden and the turning area of nos. 24-40 Haslingden Crescent). Such planting should also help to alleviate objectors concerns in respect of harm to their existing outlook.
- 22. The development will lead to a degree of light loss to Haslingden Crescent during early morning hours, however this will be for a relatively short period of the day only and in itself would not be sufficient reason to warrant refusal of the application.
- 23. With regard to the other concerns raised by the objectors it is not considered that development would result in any adverse amenity impacts by reason of increased noise disturbance or elevated levels of air pollution. Damage that may result from

the construction works to existing property in the vicinity is not a material consideration in the assessment of the application and would be a civil matter to be resolved between the developer and any affected parties.

- 24. In terms of the providing an acceptable level of amenity for the future occupants of the site the proposed layout provides gardens which, in terms of their lengths and areas, comply with the guideline standards set out in the New Housing Development SPD. The noise assessment submitted with the application demonstrates that activities at the industrial units to the north of the site will not result in any harm by reason of noise disturbance.
- 25. In view of the above it is considered that, on balance, a satisfactory form of development is proposed which would not have any adverse impact on the existing amenities of the residents of Haslingden Crescent. In this respect the proposal complies with Saved UDP Policy DD4.

Highway safety

26. Saved Policy DD4 advises that developments should be allowed where there would be no adverse impact on highway safety. Parking provision across the site accords with the guidelines set out in the Parking Standards SPD and therefore the development will not result in on-street parking. Should permission be granted the conditions recommended by the Group Engineer must be imposed to ensure that the proposed means of access to the houses are acceptable.

Nature Conservation

- 27. Policy ENV1 of the Core Strategy requires that information must be submitted with applications for proposals which may affect any important wildlife habitat or species, so that the likely impacts of the proposal can be fully assessed.
- 28. An ecological survey has been submitted with the application. The survey recommends that replacement planting is provided within the development to

mitigate against the loss of bird nesting and bat foraging habitat resulting from the removal of existing trees. In addition an existing badger sett in the south-east corner of the site will need to be closed under licence from Natural England and that a badger 'path' is maintained along the southern boundary to allow badgers to continue to cross the site during construction works. Should permission be granted it is recommended that a condition be imposed requiring that the development takes place in accordance with all of the recommendations set out in the survey.

Planning Obligations

29. In accordance with Policy DEL1 of the Core Strategy and the Planning Obligations SPD, the development triggers a requirement for the provision of improvements to air quality, public art, public realm and economic and community development. Electric vehicle charging points can be sought (by condition) for each of the houses, which will help to improve air quality, as well as details of the proposed hard surfacing and any boundary treatment to ensure that the development provides attractive features within the street scene that contribute to an improvement to the public realm. Conditions can be used to secure an economic and community development statement to ensure that locally sourced labour and materials are used in the development. It is not considered appropriate to require a form of public art within the site due to the limited visibility of the site in accordance with statutory CIL tests.

New Homes Bonus

- 30. Clause (124) of the Localism Act states that local planning authorities are to have regard to material considerations in dealing with applications including any local finance considerations, so far as material to the application.
- 31. The New Homes Bonus is designed to create an effective fiscal incentive to encourage local authorities to facilitate housing growth. It will ensure the economic benefits of growth are more visible within the local area, by matching the council tax raised on increases in effective stock. The Bonus provides local authorities with

monies equal to the national average for the council tax band on each additional property and paid for the following six years as a non-ring fenced grant. In addition, to ensure that affordable homes are sufficiently prioritised within supply, there will be a simple and transparent enhancement of a flat rate £350 per annum for each additional affordable home.

32. This proposal would provide 14 houses, generating a grant of 5 times the national average council tax for the relevant bands per annum for 6 years. Whilst this is a significant sum of money the planning merits of the proposal are acceptable in any event and therefore this is not accorded significant weight.

CONCLUSION

33. The development represents the re-use of previously-developed land within an urban area for housing at an appropriate density. The development would make a positive contribution to the character of the area, and would not have any detrimental impact on residential amenity, highway safety or wildlife interests. The proposal therefore complies with Policies ENV1, HOU1 and HOU2 of the Core Strategy and Saved Polices DD1 and DD4 of the Unitary Development Plan.

RECOMMENDATION

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

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. No development shall commence until details of nature conservation enhancement works have been submitted to and approved in writing by the Local Planning Authority. The nature conservation enhancement works 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.
- 3. No development shall commence until an Economic and Community
 Development Statement has been submitted to and approved in writing by the

Local Planning Authority. The Statement shall address as a minimum, measures to increase the number of jobs open to local people available on the site and the development of initiatives that support activities to upskill local unemployed people of working age so as to support them into sustained employment as outlined in the Council's Planning Obligations Supplementary Planning Document. The development shall be implemented in accordance with the approved Statement and retained in accordance with the Statement for the lifetime of the development.

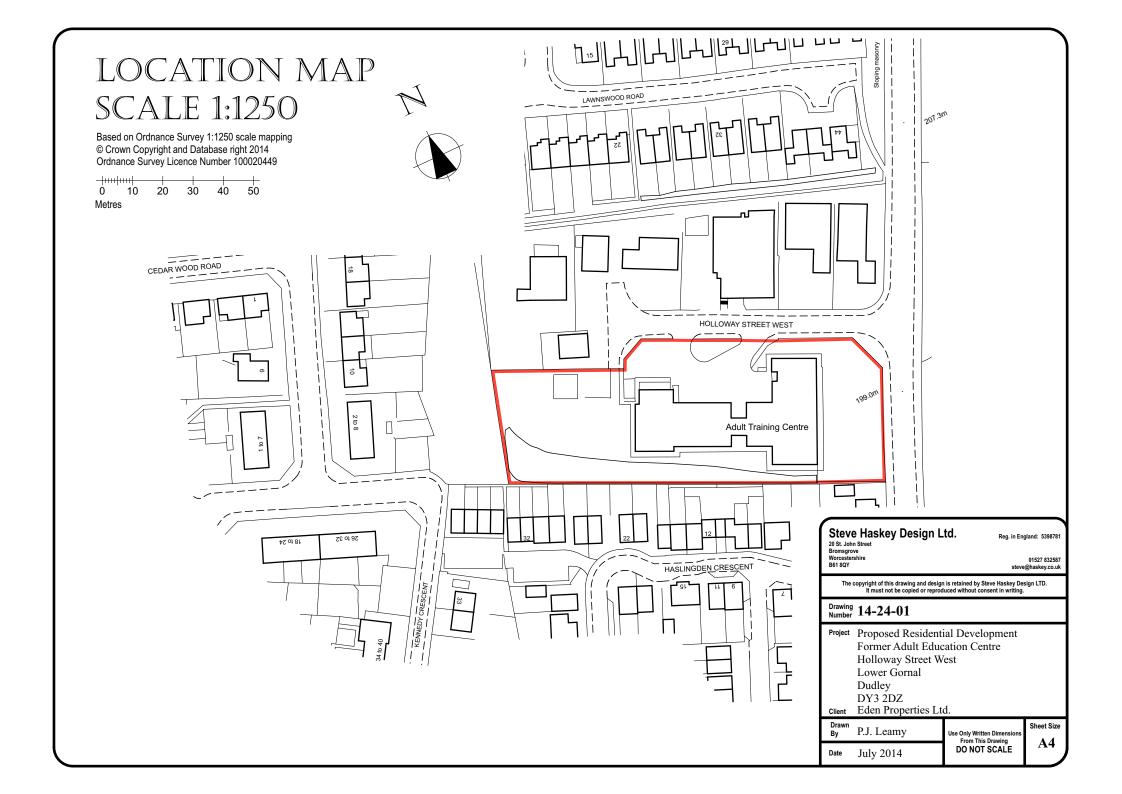
- 4. No development shall commence until details for the provision of external electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. The charging points shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
- 5. Prior to the commencement of development, details of the existing and proposed levels of the site (including finished floor levels), which should be related to those of adjoining land and highways, shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved levels.
- 6. Prior to the commencement of development, details of the types, colours and textures of the materials to be used in the hard surfacing of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.
- 7. Prior to the commencement of development, details of the types, colours and textures of the materials to be used on the external surfaces of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
- 8. Prior to the commencement of development, details of the landscaping scheme for the site, to include details of new tree planting along the southern boundary, shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before the end of the first planting season following initial occupation of the development.
- 9. Prior to the commencement of development details of the boundary treatments to be installed on the whole site shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details, which shall be installed on site prior to occupation and thereafter maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
- 10. No development shall take place until there has been submitted to, 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.

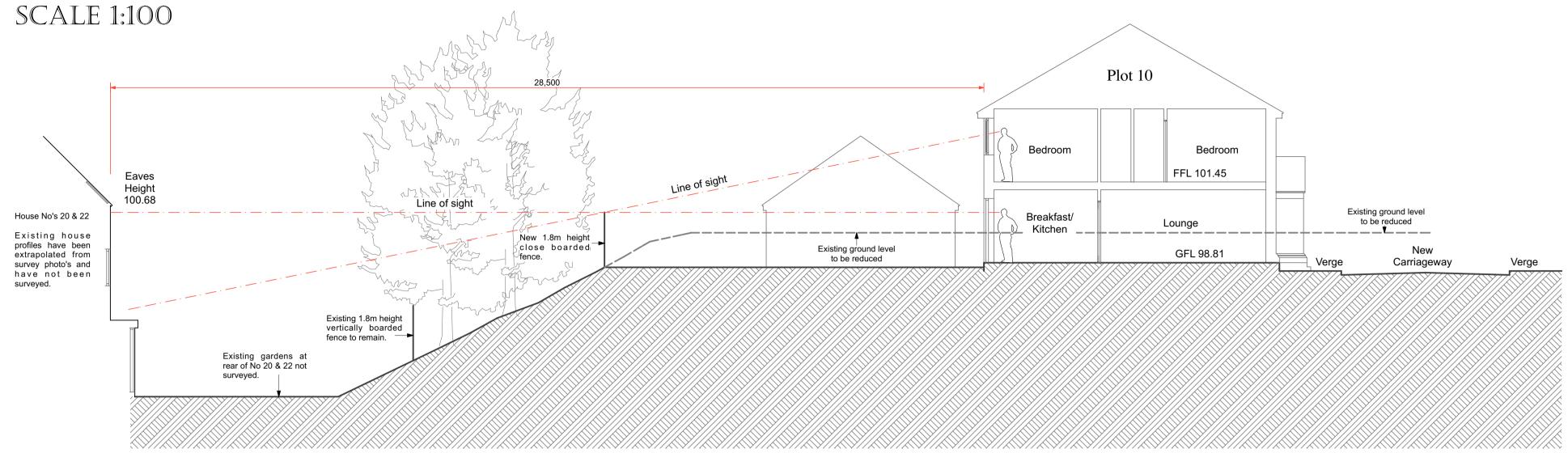
- b. A plan showing the location and identification (with reference to a survey schedule if necessary) of all the trees on, or directly adjacent to the development site that are to be removed prior to, or during development. These trees are to be marked with a dashed outline.
- c. A plan showing the 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 is to 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. 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.
- 12. The development hereby permitted shall be carried out in accordance with the following approved plans: 14-24-05B, 14-24-06, 14-24-07A, 14-24-08A, 14-24-11A, 14-24-10A.
- 13. All the existing trees and hedges 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.
- 14. Development shall not begin until details of the existing and proposed levels of the site, which should be related to those of adjoining land and highways, have been submitted to and approved by the Local Planning Authority.
- 15. The development hereby approved shall take place in accordance with the recommendations set out in the January 2015 Updated Baseline Ecological Survey and Bat Assessment submitted with the planning application.
- 16. No development approved by this permission shall be commenced until a scheme to deal with contamination of land (including ground gases and vapours) has been submitted to and approved by the Local Planning Authority (LPA). Furthermore, no part of the development shall be occupied until the LPA has been satisfied that the agreed scheme has been fully implemented and completed.

The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically in writing:

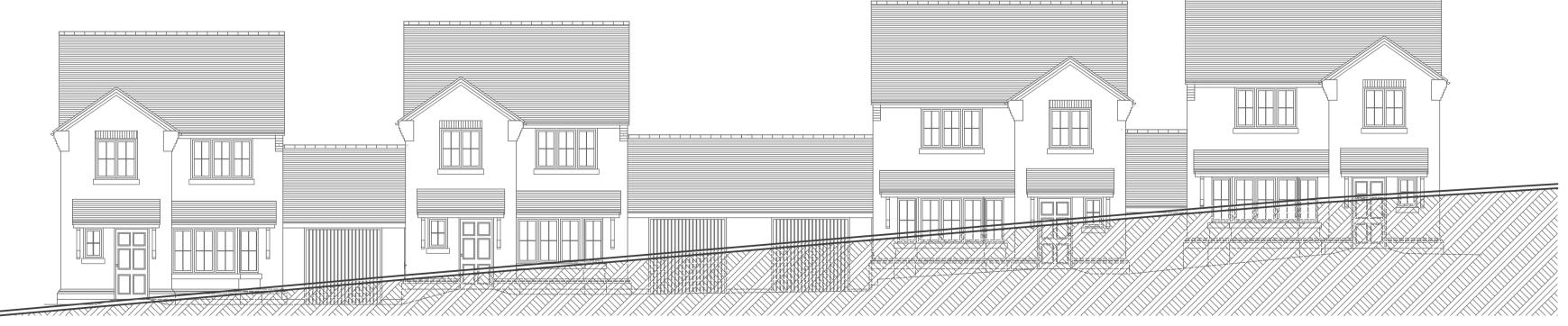
- i) A desk-top study to formulate a conceptual model of the site. The requirements of the LPA shall be fully established before the desk-study is commenced;
- ii) Once the desk study has been approved by the LPA, a site investigation shall be carried out to identify and evaluate all potential sources and impacts of identified contamination in accordance with the conceptual model. The findings of site investigation shall be presented in report format for approval by the LPA and shall include a risk-based interpretation of any identified contaminants in line with UK guidance;
- iii) Following the approval of both desk-top study and site investigation reports, a written remediation scheme and method statement (the contamination proposals) shall be agreed in writing with the LPA prior to commencement. The contamination proposals shall include provisions for validation monitoring and sampling, including a scheme and criteria for both the use of imported materials and reuse of site-won materials, and be retained throughout the lifetime of the development.
- iv) The contamination proposals shall be implemented in full and no deviation shall be made from the contamination proposals without the express written permission of the LPA.
- v) If during development works any contamination should be encountered which was not previously identified or is derived from a different source and/or of a different type to those considered under the contamination proposals then the LPA should be notified immediately and remediation proposals formulated/amended for consideration.
- vi) If during development work, contaminants are found in areas previously expected to be acceptable, then the LPA should be notified immediately and remediation proposals formulated/amended for consideration.
- vii) A completion report confirming the objectives, methods, results and conclusions and demonstrating that the contamination proposals have been fully implemented and completed shall be submitted to the LPA for approval.
- 17. No development shall commence until details of the access roads including, lines, widths, levels, gradients, form and phasing of construction, cross sections, traffic calming, lighting and drainage have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the access roads have been implemented in accordance with the details and shall thereafter be maintained for the life of the development or until such time that they have become highway maintainable at public expense.
- 18. Development shall not commence until details of the proposed levels and vertical alignment of the private drive serving plots 2 to 4, have been submitted to and approved by the LPA. No dwelling shall be occupied until the private drive has been implemented in accordance with the agreed details.



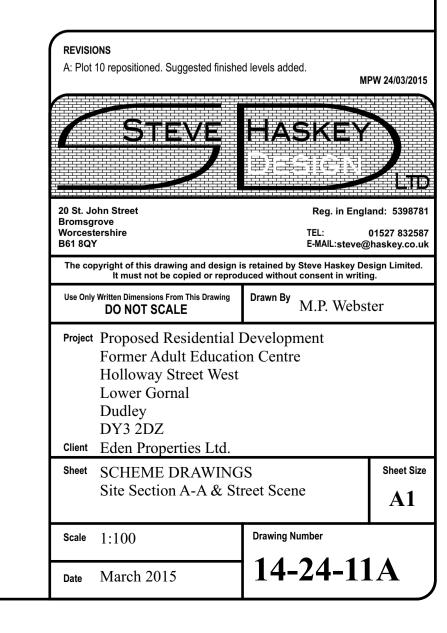
TOPOGRAPHICAL CROSS SECTION A-A THROUGH PROPOSED SITE & EXISTING HOUSE NO'S 20 & 22 HASLINGDEN CRESCENTS



STREET SCENE - HOLLOWAY STREET SCALE 1:100

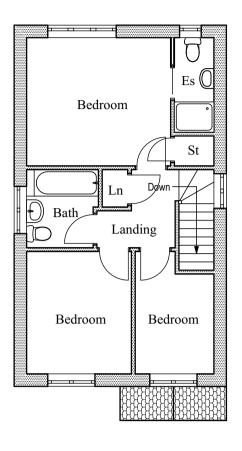


Holloway Street

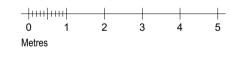


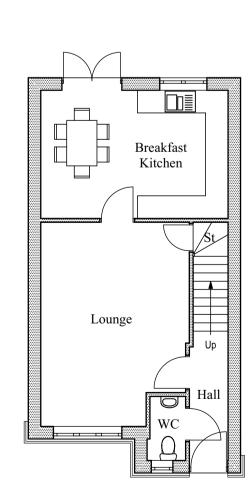


TYPE G FIRST FLOOR PLAN SCALE 1:100



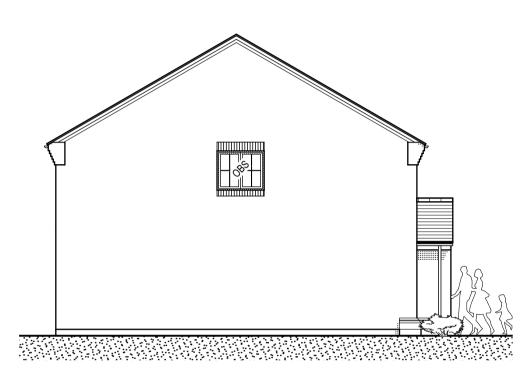
TYPE G (PLOTS 7 & 10) GROUND FLOOR PLAN SCALE 1:100



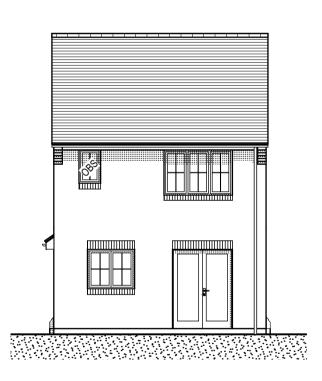




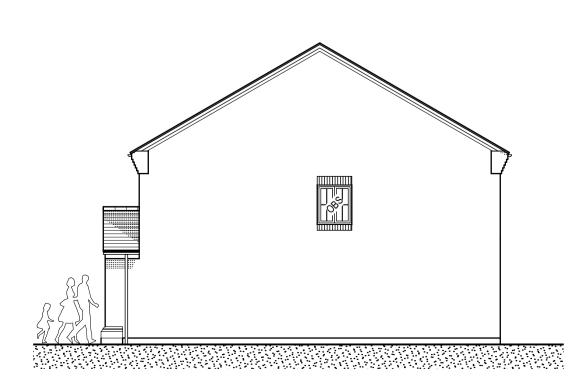
FRONT ELEVATION SCALE 1:100



LEFT ELEVATION SCALE 1:100

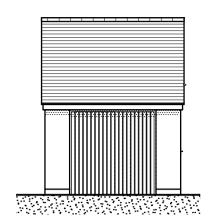


REAR ELEVATION SCALE 1:100

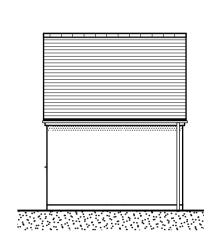


RIGHT ELEVATION SCALE 1:100

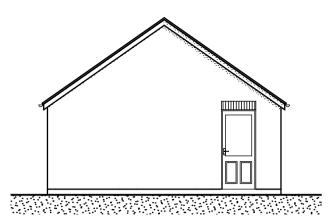
SINGLE GARAGE



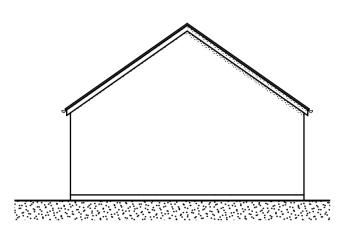
FRONT ELEVATION SCALE 1:100



REAR ELEVATION SCALE 1:100

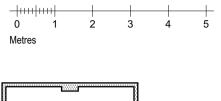


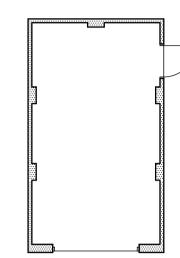
SIDE ELEVATION SCALE 1:100



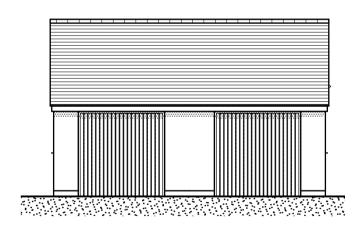
SIDE ELEVATION SCALE 1:100

SINGLE GARAGE FLOOR PLAN SCALE 1:100





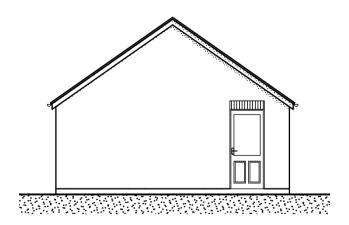
TWIN GARAGE



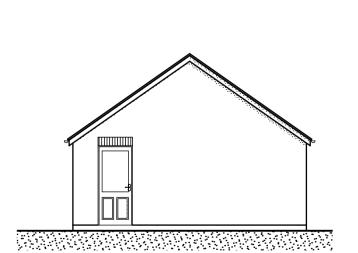
FRONT ELEVATION SCALE 1:100

SCALE 1:100

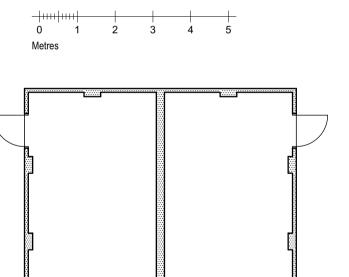
REAR ELEVATION



SIDE ELEVATION SCALE 1:100



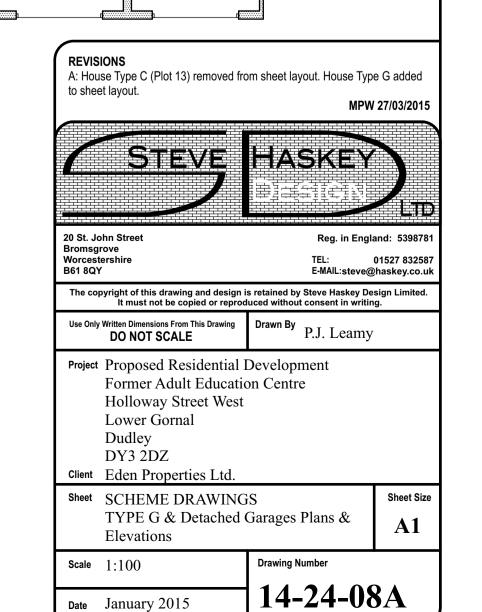
SIDE ELEVATION SCALE 1:100



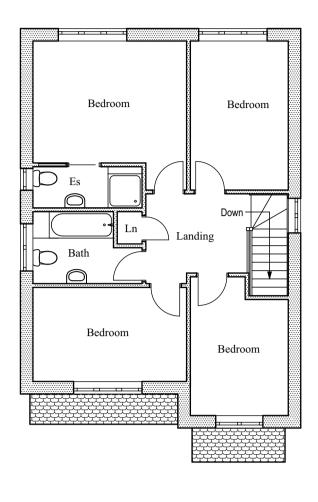
TWIN GARAGE

FLOOR PLAN

SCALE 1:100

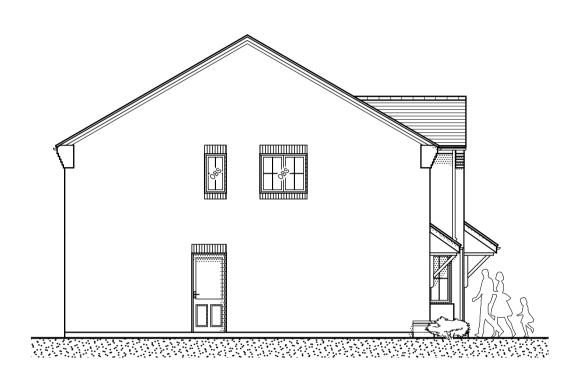


TYPE E
FIRST FLOOR PLAN
SCALE 1:100



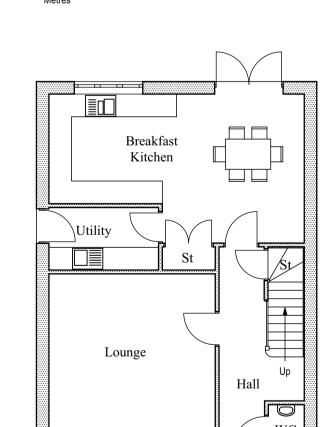


FRONT ELEVATION SCALE 1:100



LEFT ELEVATION SCALE 1:100

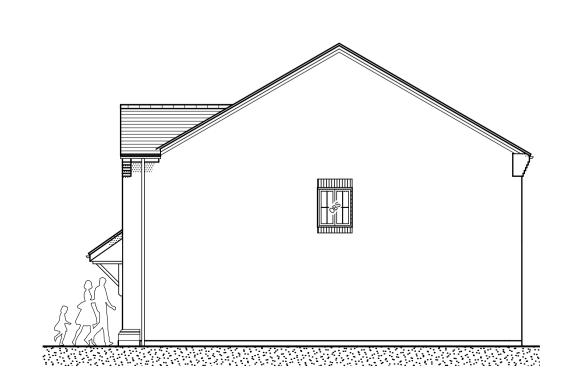
TYPE E (PLOTS 1 & 2)
GROUND FLOOR PLAN
SCALE 1:100



0 1 2 3 4 5

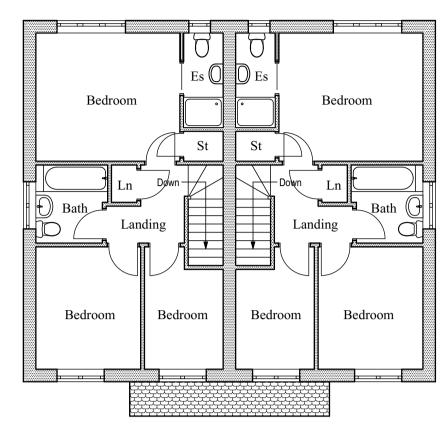


REAR ELEVATION SCALE 1:100



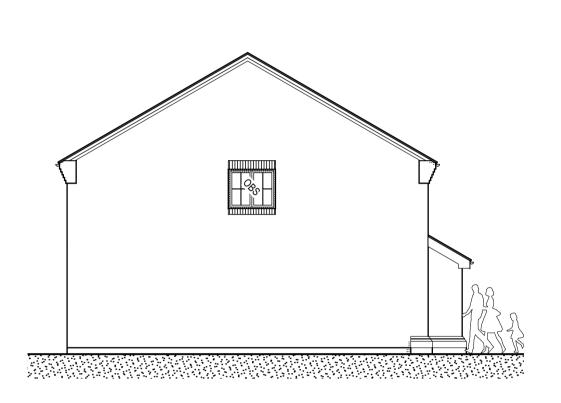
RIGHT ELEVATION SCALE 1:100

TYPE F
FIRST FLOOR PLAN
SCALE 1:100





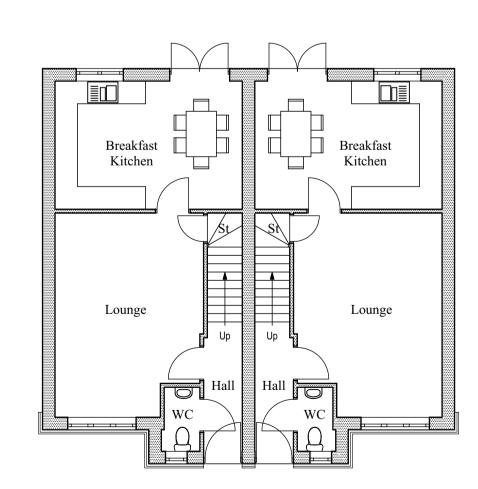
FRONT ELEVATION SCALE 1:100



LEFT ELEVATION SCALE 1:100

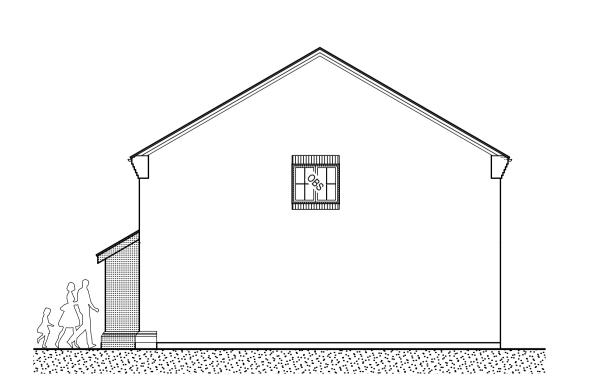
TYPE F (PLOTS 8 & 9) GROUND FLOOR PLAN SCALE 1:100



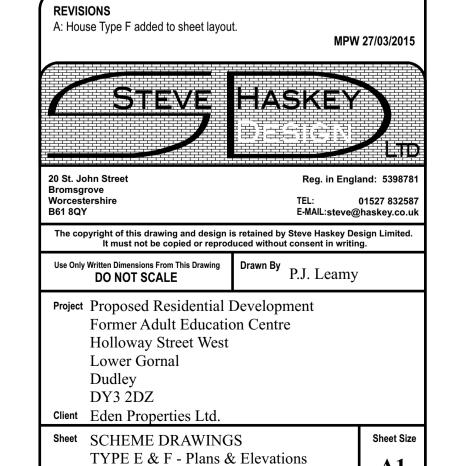




REAR ELEVATION SCALE 1:100



RIGHT ELEVATION SCALE 1:100



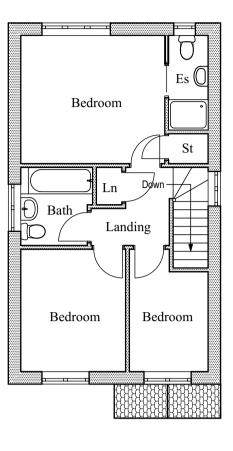
Scale 1:100

Date November 2014

Drawing Number

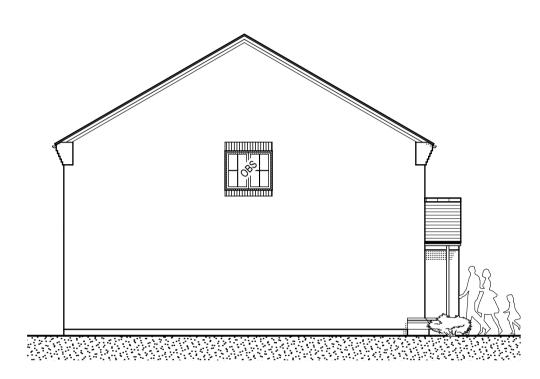
14-24-07A

TYPE C
FIRST FLOOR PLAN
SCALE 1:100



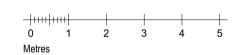


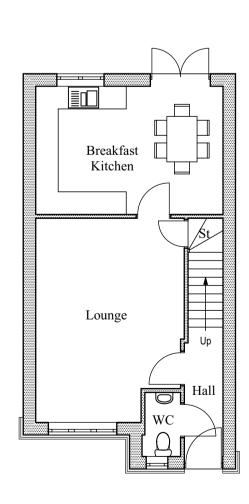
FRONT ELEVATION SCALE 1:100

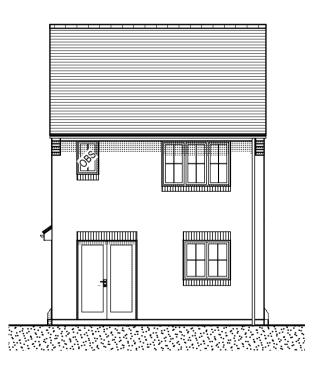


LEFT ELEVATION SCALE 1:100

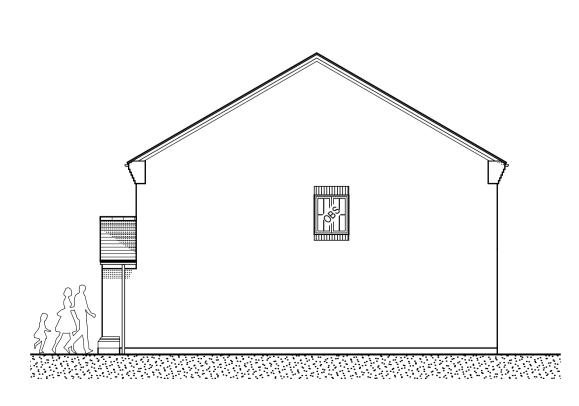
TYPE C (PLOTS 11 & 12) GROUND FLOOR PLAN SCALE 1:100





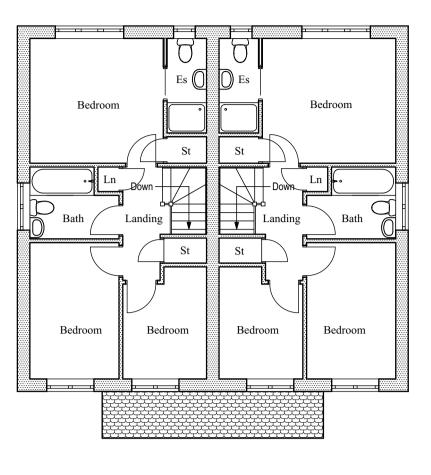


REAR ELEVATION SCALE 1:100



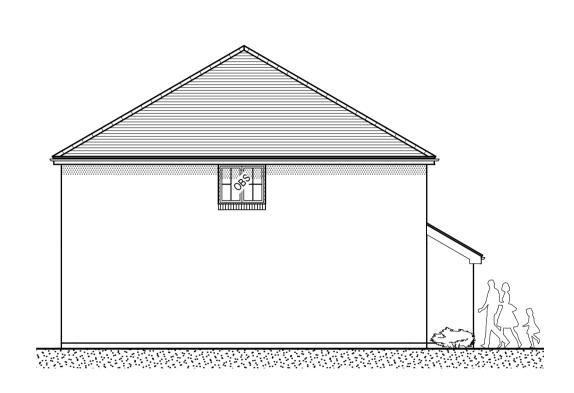
RIGHT ELEVATION SCALE 1:100

TYPE D FIRST FLOOR PLAN SCALE 1:100



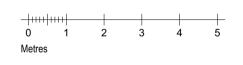


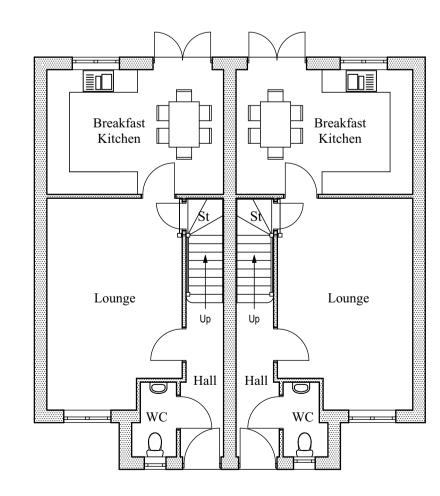
FRONT ELEVATION SCALE 1:100



LEFT ELEVATION SCALE 1:100

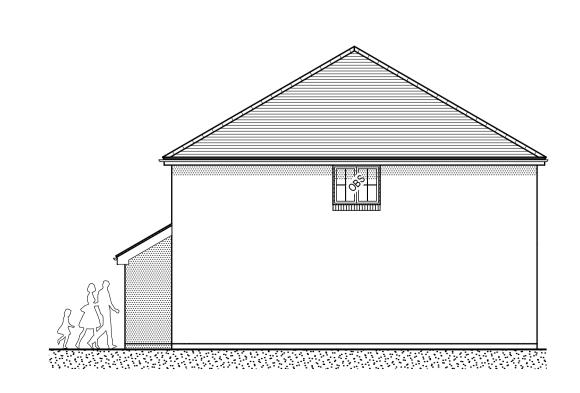
TYPE D (PLOTS 13 & 14) GROUND FLOOR PLAN SCALE 1:100



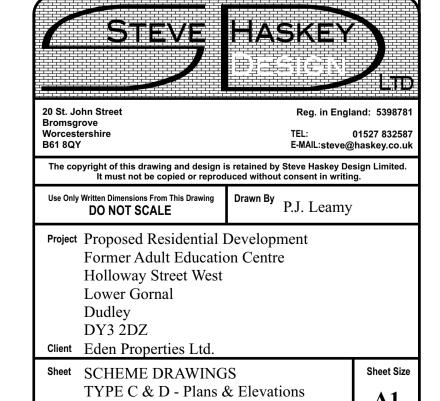




REAR ELEVATION SCALE 1:100



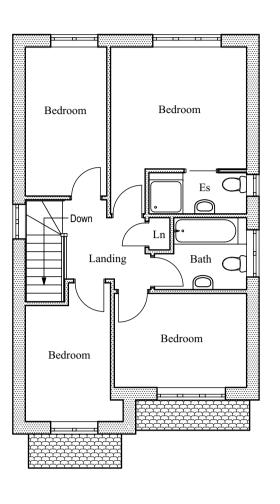
RIGHT ELEVATION SCALE 1:100



Scale 1:100 Drawing Number

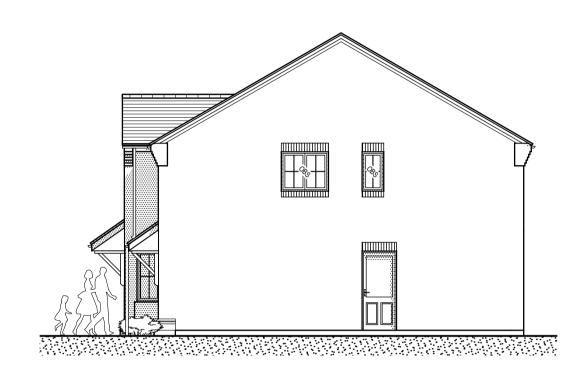
Date November 2014 14-24-06

TYPE A
FIRST FLOOR PLAN
SCALE 1:100



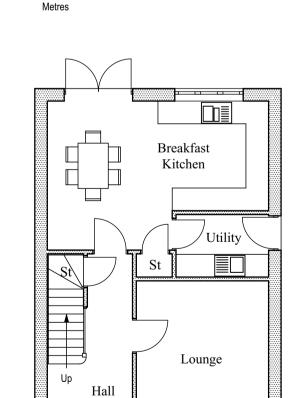


FRONT ELEVATION SCALE 1:100



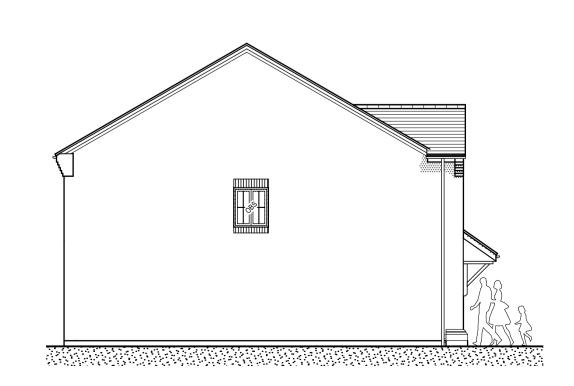
RIGHT ELEVATION SCALE 1:100

TYPE A (PLOTS 3 & 4)
GROUND FLOOR PLAN
SCALE 1:100



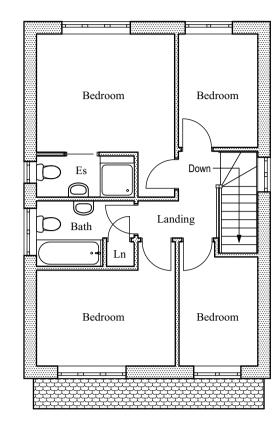


REAR ELEVATION SCALE 1:100



LEFT ELEVATION SCALE 1:100

TYPE B
FIRST FLOOR PLAN
SCALE 1:100



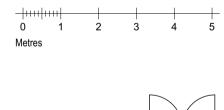


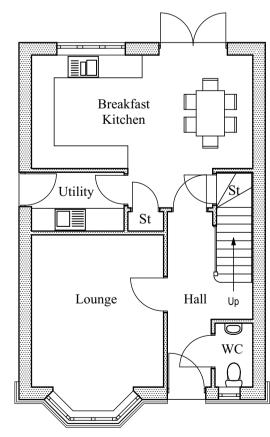
FRONT ELEVATION SCALE 1:100



LEFT ELEVATION SCALE 1:100

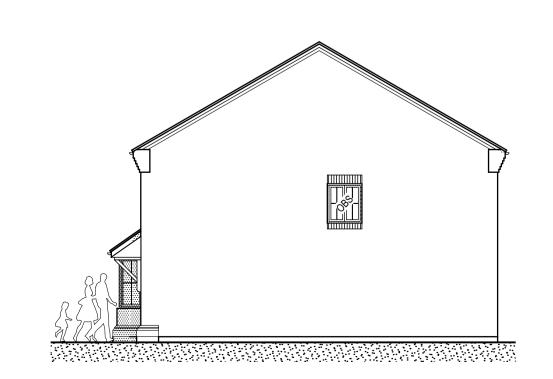








REAR ELEVATION SCALE 1:100



RIGHT ELEVATION SCALE 1:100

