PLANNING APPLICATION NUMBER:P12/0022

Type of approval sought		Full Planning Permission
Ward		NETHERTON WOODSIDE & ST ANDREWS
Applicant		Mr Pardeen Singh
Location:	CROWN INN P H, 73, HIGHGATE ROAD, DUDLEY, WEST MIDLANDS, DY2 0SN	
Proposal	CONVERSION OF PUBLIC HOUSE INTO 4 NO. APARTMENTS AND ERECTION OF 3 NO. DWELLINGS WITH NEW ACCESS TO HIGHWAY (RESUBMISSION OF WITHDRAWN PLANNING APPLICATION P11/1172)	
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS AND SECTION 247.	

SITE AND SURROUNDINGS

- The application site measures approximately 0.16 hectares and comprises a currently disused public house known as The Crown Inn. The public house, built in the 1970s, is located centrally within the site, with the remainder of the site comprising parking areas.
- 2. The site is located on the eastern side of Highgate Road, (A4036), an arterial route which provides access to the industrial areas and Merry Hill Centre to the south. Whilst the locality is mixed use in nature, with a school and community centre being situated immediately to the west across Highgate Road, the surrounding properties on this side of the A4036 are predominantly residential, having been built in the in the 1960s under a comprehensive Local Authority scheme. Consequently the neighbouring properties vary in type, including bungalows, flats and houses. The semi-detached houses immediately to the north of the site have a density of approximately 35 dwellings per hectare, whilst the flats to the east across Wood Street have a density of approximately 64 dwellings per hectare.

- 3. To the north, the site adjoins two semi-detached residential houses, No. 71 Highgate Road, and No. 34 Wood Street. To the south the site is bound by public footpaths, beyond which there is a cluster of ten residential bungalows. The public footway to the west of the site splits towards the south, with a dedicated footpath providing access to the bungalows.
- 4. The main vehicular access to the site is provided to the front of the building off Highgate Road, however, access is also available to the rear from Wood Street, the residential street which runs along the eastern side of the site. The public house is surrounded on all sides by hard standing which is marked out for parking spaces.
- 5. Whilst the original building was conventionally rectangular in shape, over the years various single storey extensions have been added to the north of the building, both to increase the floor space within the public house itself, and to re-site toilet and storage facilities. These additions have been piecemeal in nature and as a consequence, vary in appearance and state of repair. In particular, to the north of the building a single storey extension has been added which has a curved façade facing north including two bay windows.

PROPOSAL

- 6. The application seeks full planning consent for the conversion of the existing public house into four residential flats, the erection of two semi-detached house to the north of the site, and the erection of a detached house to the south.
- 7. Under the proposal, the existing public house building would be converted for residential use, with the ground floor to comprise two, two-bedroom flats and the first floor comprising a further two flats, all with a single bedroom. Under the proposal, much of the ground floor extension to the north would be demolished, with a small section being retained as a bin storage area. The proposed conversion would primarily require internal works only, with no significant alterations being made to the exterior of the building, apart from the limited demolition works. The

ground floor flats would have their own independent access, and the two first floor flats would have a shared access to the west of the building via an internal staircase.

- 8. A shared amenity space for the occupiers of the flats, measuring approximately 88 square metres, would be provided to the west of the site, adjacent to the public highway in Highgate Road. In order to ensure the privacy and security of the amenity area, a 1.8m high brick wall would be erected along the site's western boundary, immediately at the back edge of the highway. Six car parking spaces would also be provided to the north of the building, with access being obtained off Wood Street. A bin store and bicycle shelters serving the flats would be provided to the north of the building.
- 9. The proposed semi-detached houses to the north of the site would be of traditional two-storey design, fronting Highgate Road and continuing the building line of the adjacent residential properties to the north. Each dwelling would have three bedrooms, with one being located in the roof space. Each dwelling would possess a rear garden backing onto No. 34 Wood Street and would have two parking spaces, laid out in tandem. The frontage of the dwellings would be laid with hard standing, in order to provide the parking spaces and adequate turning spaces to enable vehicles to access and egress the site in a forward gear.
- 10. The proposed detached house would be situated to the south of the main building in an area currently used for parking. The dwelling would again be of traditional design, having three bedrooms with one in the roof space and would be accessed via Wood Street, with two tandem parking spaces being provided. Due to the shape of the site, the amenity space for this property would be provided to the south (side) and rear of the house, again being enclosed by a 1.8m high boundary wall. In addition, the dwelling would have a front garden to the east enclosed by a 1m high boundary wall. Access to the dwelling would be provided from Wood Street.
- 11. The plans originally submitted with the application showed two semi-detached bungalows on the site now proposed for the detached house. However, following

the submission of the application, it emerged that a mains sewer pipe runs beneath the site, and that consequently no development should take place within a 5 metre wide easement zone on either side of the pipe in order to avoid damaging it. Amended plans have therefore been submitted replacing the previously proposed bungalows with a single detached house and showing a retained paved area, in order to avoid inference with the sewer mains.

12. In addition to the easement issue, when consulted on the application the Highway Authority also advised that whilst the site is in the ownership of the applicant and has been used for car parking since the existing public house was built, a section of land running across the southern section from Highgate Road to Wood Street, is designated highway which has not been 'stopped up' and cannot, therefore, be developed unless an Agreement is established between the applicant and the Highway Authority, under Section 247 of the Town and Country Planning Act 1990, to allow the existing highway to be partially 'stopped up'. It is therefore recommended that, should the application be approved, a second resolution be passed in order to allow this Agreement to be established.

HISTORY

13.

App No.	Proposal	Decision	Decision
			Date
90/50633	Erection of thirty-nine dwellinghouses.	Approved with	24/05/90
		conditions Approved	
P04/2454	Erection of a detached two bedroom dwelling.	with Conditions	20/01/2005
P07/2009	Erection of two one-bedroom	Approved with	06/12/2007

	apartments.	Conditions	
P11/0399	Erection of one dwelling.	Refused	28/06/2011
P11/1172	Conversion of public house into five apartments and erection of three dwellings with new access to highway.	Withdrawn	15/11/2011

14. Application P11/1172 was withdrawn following the expression of concern by the Local Authority regarding the proposed site layout and highway safety issues. The current application is a resubmission of those proposals.

PUBLIC CONSULTATION

15. The application was advertised by way of neighbour notification letters sent to the occupiers of thirty-two nearby residential properties. No representations have been received.

OTHER CONSULTATION

- 16. The Head of Environmental Health and Trading Standards: Environmental Protection has no objection in principle to the proposed development. However, the site is in close proximity to a busy arterial road and residents of the proposed dwellings are likely to be exposed to high levels of road traffic noise. It will therefore be necessary to incorporate noise mitigation measures, in the form of acoustic glazing and ventilation treatments into the proposed dwellings. It is recommended that a condition requiring noise mitigation measures to be approved prior to commencement is attached to any planning approval.
- 17. <u>The Group Engineer (Development):</u> On the basis of the amendments made both to the previously withdrawn scheme and the current proposals, no objections.

RELEVANT PLANNING POLICY

18. National Planning Policy Framework (March 2012)

The National Planning Policy Framework (NPP) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions, but does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.

The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development. In respect of residential development the Framework requires that the planning system should provide for the supply of housing required to meet the needs of future and present generations and the creation of a high quality built environment.

19. Black Country Core Strategy (2011)

DEL1 – Infrastructure Provision

HOU2 - Housing Density, Type and Accessibility

TRAN5 – Influencing the Demand for Travel and Travel Choices

20. Saved Dudley Unitary Development Plan (2005) Policies

DD1 – Urban Design

DD4 – Development in Residential Areas

H6 - Housing Density

21. Supplementary Planning Documents

Draft Parking Standards

Nature Conservation

New Housing Development

Planning Obligations

22. Supplementary Planning Guidance

PGN3 – New Housing Development

ASSESSMENT

23. The key issues are:

- Character and appearance of the area
- Residential amenities of nearby and future occupiers
- Highway safety
- Planning obligations
- New Homes Bonus

Character & Appearance

- 24. Section 6 of the National Planning Policy Framework stipulates that Planning Authorities should pursue the provision of a wide choice of high quality homes in order to meet the housing demands of their local communities. Paragraph 51 of the Framework states that Authorities should, where possible, encourage the bringing back into use of empty housing and other buildings in order to achieve this aim.
- 25. Saved policy DD4 (Development in Residential Areas) of the adopted UDP, seeks to ensure that residential development will be allowed where,
 - there would be no adverse effect on the character of the area or upon residential amenity
 - the scale, nature and intensity of the use of the proposed development would be in keeping with the surrounding area.
- 26. The density of the proposed development, at 43.75 dwellings per hectare, would be broadly commensurate with that of the surrounding area and it is considered that the proposed redevelopment would represent an efficient use of this previously developed site to provide a mixture of dwelling types appropriate to the needs of the local housing market.

- 27. It is therefore considered that the proposed development would assimilate well with its immediate surroundings in terms of scale and density, and would provide residential accommodation in a manner appropriate to the wider area. The principle of the development is therefore considered to comply with the provisions of Policy HOU2 of the Core Strategy, and saved Policy DD4 of the UDP.
- 28. In relation to the design and appearance of the proposed new dwellings to the north and south of the existing public house, it is considered that whilst these would not mimic the style of the neighbouring 1960s dwellings, they would assimilate reasonably well in what is a relatively diverse area, thereby causing no harm to the visual amenity and character of the locality. It is also recommended that, should the application be approved, a condition be imposed requiring approval of the external materials prior to commencement.
- 29. Finally, it is considered that the proposed conversion of the public house would, by virtue of the required demolition of part of the existing flat roofed accommodation to the north of the property and the external redecoration and repairs required under the proposal, be highly beneficial to the appearance of this currently disused building, bringing it back into use and having a positive impact on its appearance in the street scene.

Residential Amenity

- 30. Saved UDP Policy DD4 requires that all new residential development respects the existing dwellings in the vicinity of the site and also provides a high standard of accommodation for the future occupiers of proposed new dwellings. PGN3 also sets out guideline minimum standards required to achieve this, by stipulating minimum separation distances and other design requirements.
- 31. In relation to the proposed pair of semi-detached houses to the north of the site, it is considered that the design and positioning of these dwellings would be acceptable in terms of the impact on existing occupiers. Whilst the rear windows of the new dwellings would stand approximately 18 metres from the nearest habitable windows at no. 34 Wood Street to the east (which would be short of the 22 metre

guideline generally required under PGN3), these properties would not directly face each other and have an oblique relationship which is considered to be acceptable in terms of the limited potential for overlooking or loss of privacy.

- 32. In relation to the residential amenity of the future occupiers of the proposed flats to the centre of the site, it is considered that the proposed internal accommodation would be acceptable, subject to assessment under the Building Regulations, in terms of providing a reasonable habitable living space. It is also considered that the proposed external amenity areas, both to the north and west of the building, would be sufficient in terms of providing usable recreation space within the development, given the nature of the dwellings to be provided.
- 33. Towards the south of the site, it is considered that the proposed detached dwelling would be acceptable in terms of its relationship both with the existing bungalows to the south, and also relative to the newly converted flats. The nearest dwelling in a southerly direction, no. 33 Wood Street, would stand 23 metres away from the detached house and would not be adversely affected in terms of loss of light, outlook or privacy. To the north, whilst the proximity of the proposed house to the existing public house building would, at 2.2m, restrict outlook from two side facing windows in 'Flat 1' at ground floor and Flat 3' above, however, the affected windows would both be secondary light sources to those rooms, as they would also have front windows facing east towards Highgate Road. This relationship is therefore considered to be acceptable.
- 34. The proposal is therefore considered to be acceptable both in terms of the living standards to be created for the future occupants of the proposed dwellings, and also in terms of the potential impact of the development on the existing residential properties in the locality, in compliance with saved UDP Policy DD4 and PGN3.

Highway Safety & Parking

35. As noted above, the Group Engineer (Development) is satisfied that, based on the agreed amendments to the previously submitted schemes, the proposed level of parking provision, and the proposed turning spaces and access and egress

- arrangements, are satisfactory and meet the requirements set out in UDP Policy DD4, and the Parking Standards and Travel Plans SPD.
- 36. However, the southern end of the site was historically used as highway land, and despite being used as car park since the public house was redeveloped in the 1970s, this land has not been 'stopped up' and is still technically defined as highway land. It is therefore also proposed that, in order to allow the development authorised by to take place lawfully, should consent be granted the applicant be invited to apply to the Highways Authority Under S247 of the Town and Country Planning Act 1990 for an Agreement to secure the 'stopping up' of this highway.

Planning obligations

- 37. Black Country Core Strategy Policy DEL1 'Infrastructure Provision' sets out the adopted policy framework for Planning Obligations within Dudley and the Planning Obligations SPD provides further detail on the implementation of this policy; these policy documents were prepared in accordance with national legislation and guidance on planning obligations.
- 38. Policy DEL1 requires all new developments to be supported by sufficient on and offsite infrastructure to serve the development, mitigate its impact on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.
- 39. Off-site obligations potentially triggered according to the Planning Obligations SPD are for Libraries, Open Space, Sport and Recreation and Public Realm. An on-site contribution amounting to £845.52 would also be required towards Nature Conservation Enhancements. Should approval be granted, however, it is proposed that this be pursued on site via a condition.
- 40. In determining the required planning obligations on this specific application the following three tests as set out in the CIL Regulations, in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:

- necessary to make the development acceptable in planning terms;
- directly related to the development;
- fairly and reasonably related in scale and kind to the development.
- 41. Following consideration of the above tests it is considered that the off-site planning obligations triggered under the terms of the SPD would not meet the tests stipulated in Regulation 122, in that they would not be necessary to make the development acceptable in planning terms, they would not be used to finance works which related directly to the development, and would not be fairly and reasonably related in scale and kind to the development. It is therefore considered that, in this instance, the pursuit of planning obligations in a legal agreement is not appropriate.

New Home Bonus

- 42. 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. A "local finance consideration" means a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown. This may be taken to cover the payment of New Homes Bonus, or sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 43. 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.
- 44. The Bonus will sit alongside the existing planning system and 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 an 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.

- 45. Whilst the clause makes it clear that local finance matters are relevant to planning considerations can be taken into account, it does not change the law in any way. It is not a new basis for planning policy and it remains unlawful for planning permissions to be "bought".
- 46. This proposal would provide six additional dwellings generating a grant of six times the national average council tax for the relevant bands.
- 47. 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

48. The proposed development would represent an efficient use of previously developed land, and would bring back into use a building and site which are currently unoccupied and in danger of falling into dilapidation. The proposal would provide a development which would assimilate well with its immediate surroundings and the wider area in terms of scale and density, and would provide a variety of homes which would be appropriate for the local housing market. The proposal would also result in no harm to the residential amenity of the occupiers of the existing residential properties in the locality and would be acceptable in terms of parking and highway safety. The development is therefore considered to be acceptable in the context of all material planning considerations, and as assessed against the relevant national and local planning guidance.

RECOMMENDATION

- 49. (a.) That the application be approved, subject to the following conditions
 - (b.) That the applicant be invited to apply to the Highways Authority for the stopping up of highway under S247 of the Town and Country Planning Act 1990 to allow development authorised by planning permission to take place.

SECOND RECOMMENDATION

Reason for Approval of Planning Permission

The proposed development would represent an efficient use of previously developed land, and would bring back into use a building and site which are currently unoccupied and in danger of falling into dilapidation. The proposal would provide a development which would assimilate well with its immediate surroundings and the wider area in terms of scale and density, and would provide a variety of homes which would be appropriate for the local housing market. The proposal would also result in no harm to the residential amenity of the occupiers of the existing residential properties in the locality, and would be acceptable in terms of parking and highway safety. The development is therefore considered to be acceptable in the context of all material planning considerations, and as assessed against the following relevant national and local planning guidance.

National Planning Policy Framework (March 2012)

Section 6 – Delivering a wide choice of high quality homes

Black Country Core Strategy (2011)

DEL1 – Infrastructure Provision

HOU2 - Housing Density, Type and Accessibility

TRAN5 – Influencing the Demand for Travel and Travel Choices

Saved Dudley Unitary Development Plan (2005) Policies

DD1 – Urban Design

DD4 - Development in Residential Areas

H6 – Housing Density

Supplementary Planning Documents

Parking Standards and Travel Plans

Nature Conservation

New Housing Development

Planning Obligations

Supplementary Planning Guidance

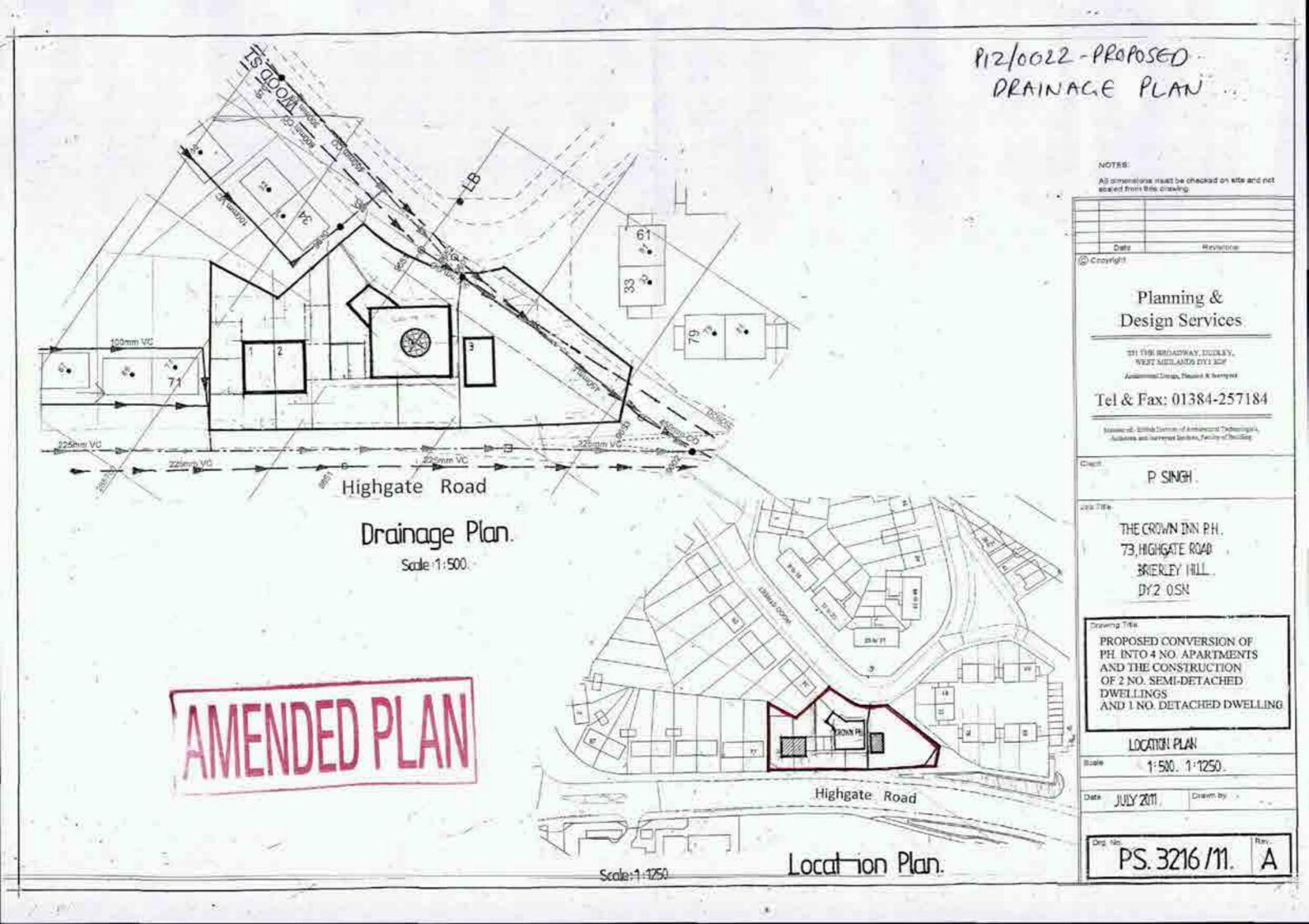
PGN3 – New Housing Development

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.

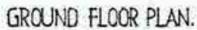
Conditions and/or reasons:

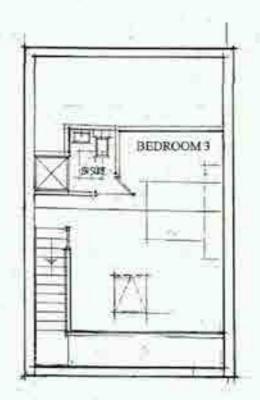
- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2. No development shall commence until the details of the types, colours and textures of the materials to be used on the external surfaces of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
- 3. Prior to commencement of development, details of the parking layout will be submitted and approved in writing by the LPA. The submitted layout will show six secure and undercover cycle storage for residents, plus one 'Sheffield' type cycle stand for visitors, and shall also show one vehicluar charging point for each of the approved houses and four vehicular charging points for the communal parking area associated with the flats. Prior to first occupation the parking area, cycle facilities and vehicular charging pointswill be provided in accordance with the approved drawing and retained for the life of the development.
- 4. Development shall not begin until a scheme for protecting residents in the proposed dwellings from noise from road traffic has been submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed before occupation of the permitted dwellings, unless otherwise agreed in writing by the Local Planning Authority. The protection measures in the agreed scheme shall be maintained throughout the life of the development
- 5. No development shall commence until details of the proposed on-site nature conservation enhancement scheme, to be provided have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be built in accordance with the approved details prior to the first occupation of the development and shall be retained for the lifetime of the development.
- 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 landscaping scheme for the site 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 and shall be retained for the life of the development unless otherwise agreed in writing with the local planning authority.
- 8. No development shall commence until details of the boundary treatments, including details of their proposed location, height, design details and materials have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details, and the approved boundary treatments 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.
- 9. The development hereby permitted shall be carried out in accordance with the following approved plans: PS.3215/11 Rev B, PS.3216/11 Rev A, PS.3218/11 Rev A, PS.3213/11, PS.3242/12 Rev A, PS.3243/12 Rev A, PS.3193/11, PS.3194/11, Proposed Ground Floor Plan, Proposed First Floor Plan.



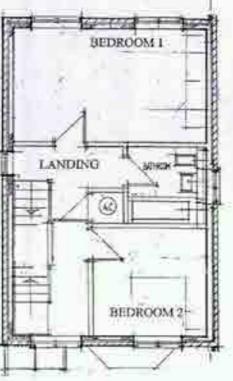
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LOFT PLAN.

P12/0022 - DETACHED MOUSE FLOOR PLANS.



FIRST FLOOR PLAN.

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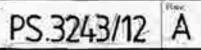
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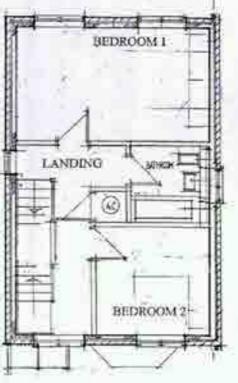
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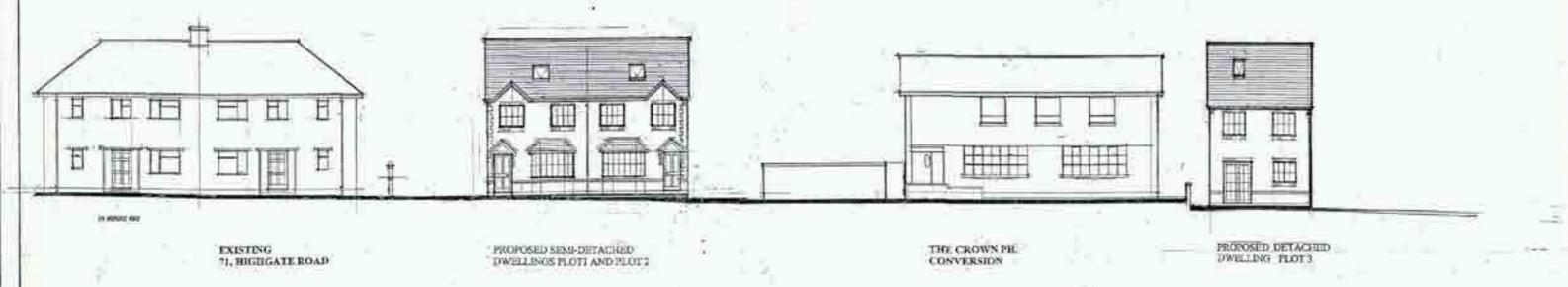
FLOOR PLANS

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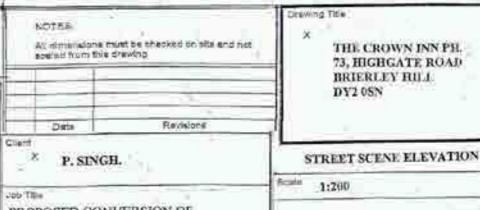


PROPOSED STREET SCENE ELEVATION (facing Highgate Road) Scale 1:200



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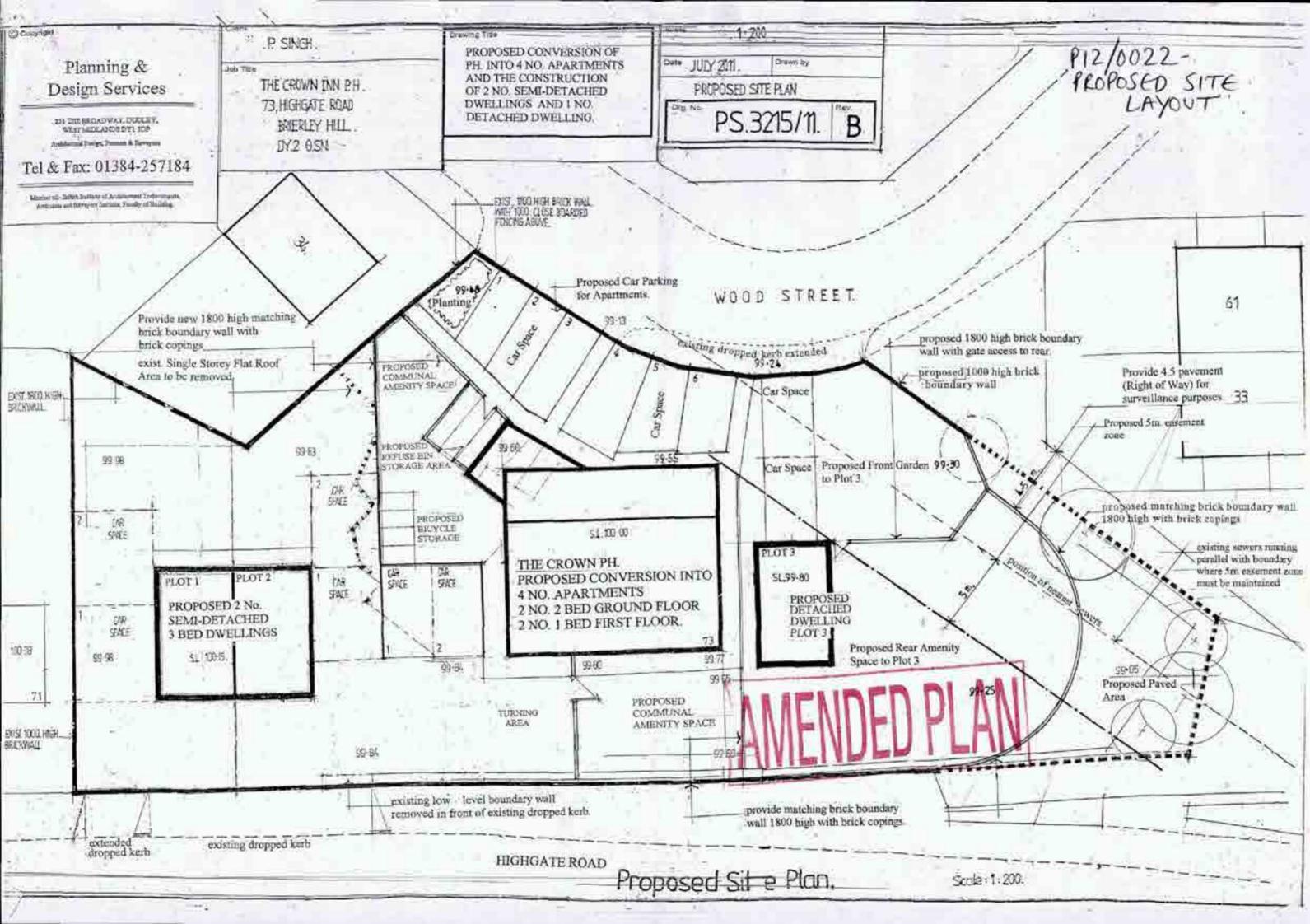
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Date × JULY 2011

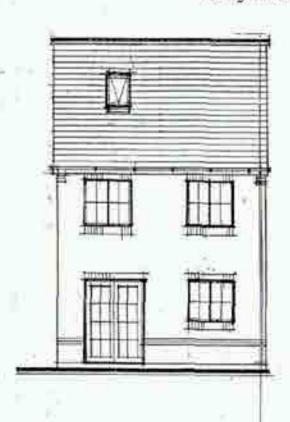
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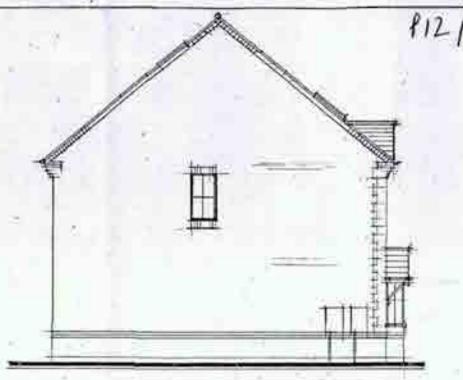
FRONT ELEVATION.

(facing Wood Street...)



REAR ELEVATION.

(facing Highgat e Road.)



SIDE ELEVATION.

(facing 71 Highgat e Road.)



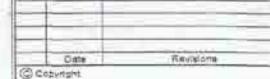
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112/0022 - PROPOSED DETACHED HOUSE ELEVATIONS

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P. SINGH.

THE CROWN INN. P.H. 73, HIGHGATE ROAD BRIERLEY HILL DYZ OSN

PROPOSED 3.BED DETACHED DWELLING, PLOT 3

ELEVATIONS.

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The Contractor is to check and verify all building and size dinensions, levels and sewer invertievels at connection points before work starts

The Contractor is to comply in all respects with current building legislation - British Standard Specifications, Building Regulations, C.D.M. Regulations and Party Wall Act 1996 vets, whether or not specifically stated on this

This drawing must be read with and checked against any structural, geotechnical or other specialist documentation

This drawing may not show final design details of foundations, ground conditions or ground contaminants. Each area of ground relied upon to support any structure depicted (including drainage) must be investigated by the Contractor. A suitable method of foundation should be provided allowing for existing ground conditions. Any suspect or fuld ground, contaminants on or within the ground; should be further investigated by a suitable expert. Any earthwork constructions shown indicate typical slopes for guidance only and should be further investigated by a sultable expert.

Where existing trees are shown to be retained they should be subject to a full Arbonicultural inspection for safety.

All trees are to be planted so as to ensure they are a minimum of 5 metres from buildings and 3 metres from drainage and services. A suitable method of foundation is to be provided to accompdate the proposed tree planting.

The drawings and the building works depicted are Copyright and may not be reproduced or amended except by written permission.



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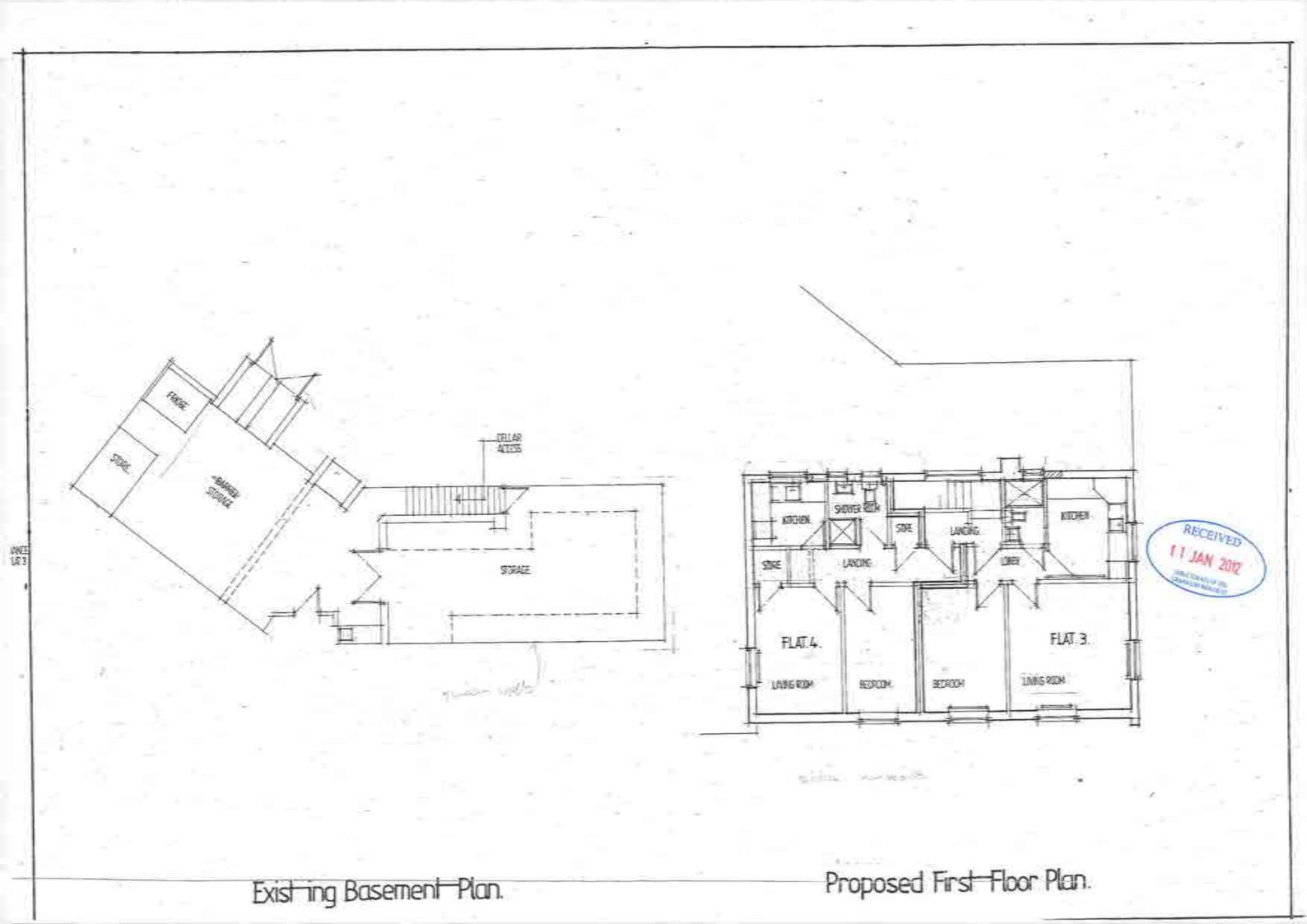
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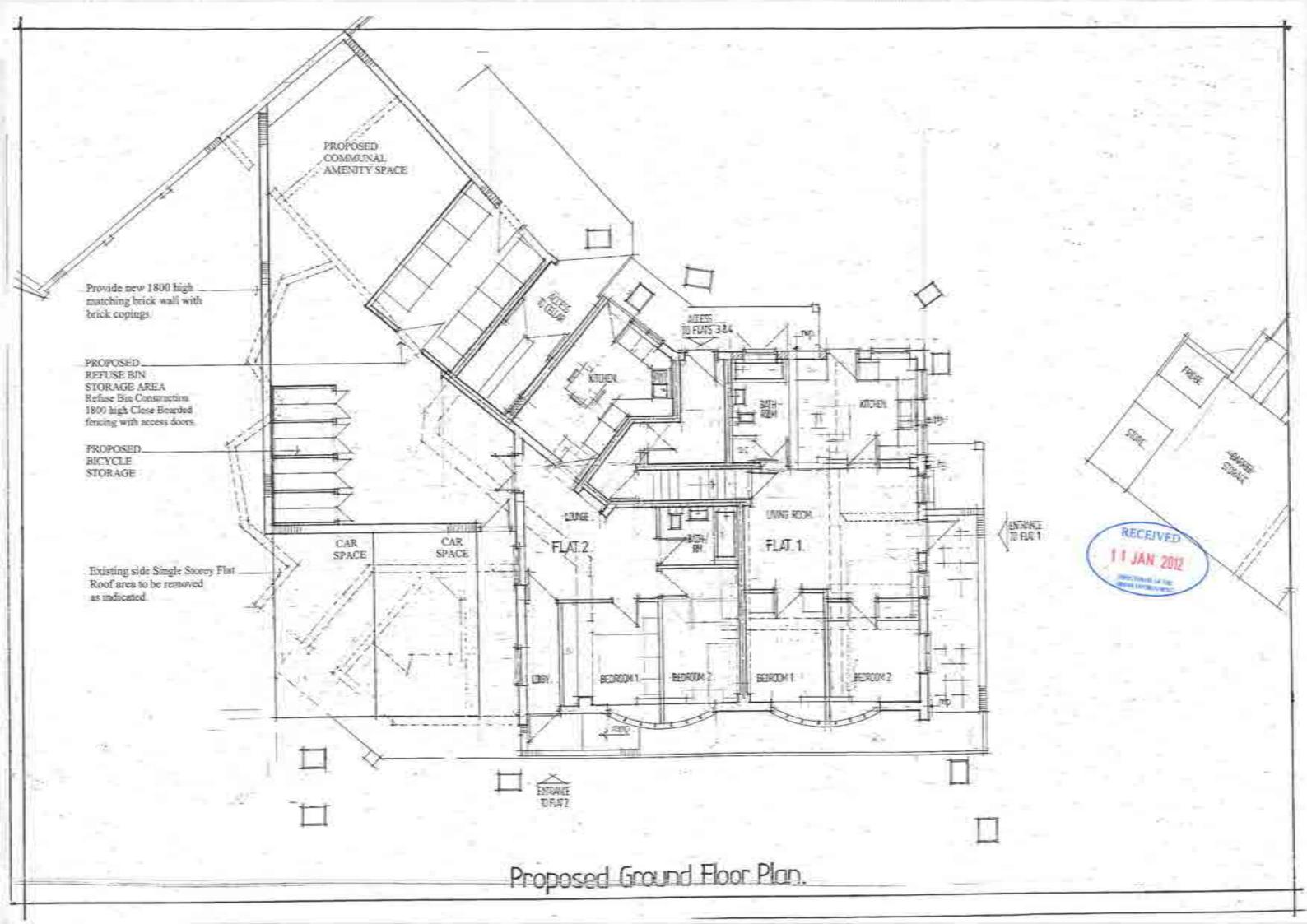
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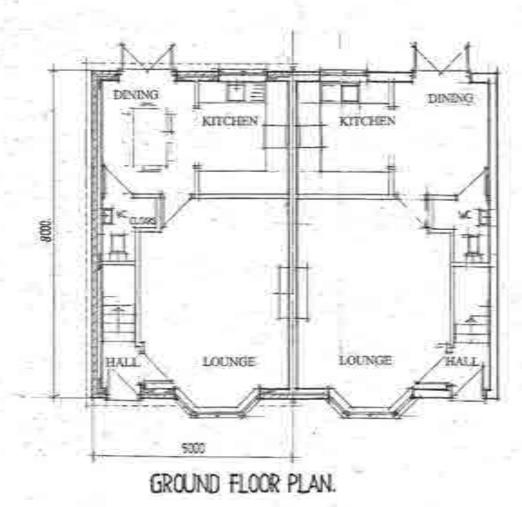
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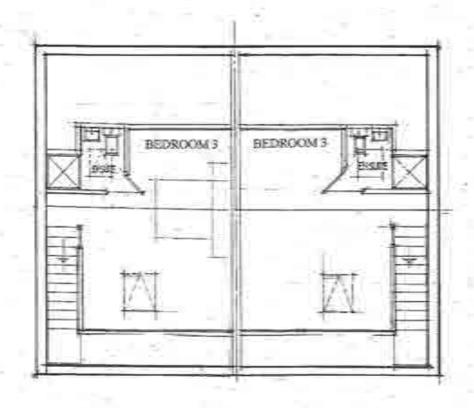
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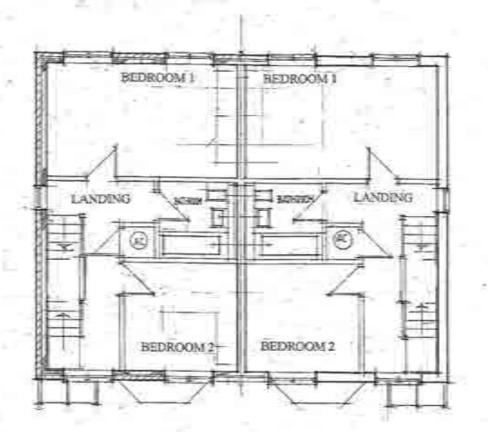
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FIRST FLOOR PLAN.



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PROPOSED 3.BED.,
SEMI-DETACHED DWELLINGS.

FLOOR PLANS.

Scale

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LOFT PLAN.



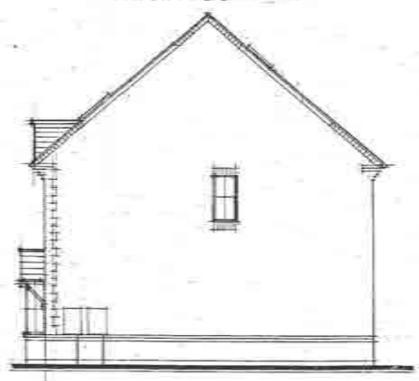
FRONT ELEVATION.

(facing Highgatte Road.)



SIDE ELEVATION.

(facing 71, Highgathe Road.)



REAR ELEVATION.

(facing 34, Wood Street.)

SIDE ELEVATION.

(facing The Crown PH)



NOTES

All dimensions must be checked on site and not socied from this drawing.

Date	Revisions	

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Planning & Design Services

20 THE EROADWAY, CLERKY, WEST MIDLANDS DYLKER

American Roman

Tel & Fax: 01384-257184

Marker of Marie Serious of Astronomy Serious per Architect and Reverse Serious Assists of Publica

Clent

P. SNGH.

Job Title

THE CROWN INN. PH.
73, HIGHGATE ROAD,
BRIERLEY HILL,
DYZ OSN

Craving Title

PROPOSED 3 HED., SEMI DETACHED DWELLINGS.

ELEVATIONS

Scale

1:100

Fate JUNE 2011.

SEAMS 2

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PS.3193/11.

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