

PLANNING APPLICATION NUMBER:P10/0093

Type of approval sought	Full Planning Permission
Ward	UPPER GORNAL & WOODSETTON
Applicant	Mr J. Woodall
Location:	LAND ADJ, 21, PALE STREET, DUDLEY, WEST MIDLANDS, DY3 2BN
Proposal	DEMOLITION OF EXISTING DOMESTIC GARAGE AND ERECTION OF 1 NO. DWELLING (RESUBMISSION OF REFUSED PLANNING APPLICATION P08/1797)
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

- 1 The application site consists of a detached garage and part of the garden belonging to 12 Cricket Meadow. Despite the garage and part of the garden belonging to No. 12 the garage is located between No 21 and 23 Pale Street. The garage is located on a comparatively flat area of ground although it falls away to the rear. The locality is mixed in character with the Upper Gornal local centre opposite the site.
- 2 The dwellings and the adjoining local shopping area date from the late 1950s and are of plain appearance. The majority of house types in this locality are semi detached or terraced.

PROPOSAL

- 3 The planning application is for the demolition of the existing detached garage on the site and the erection of a new detached dwelling house. The dwelling would have two bedrooms with parking for two cars to the front. The dwelling would be finished in brick and would be of simple design.

- 4 This application is a resubmission of a previously refused application (P07/1797), and is entirely identical. However the application was refused solely on the lack of an undertaking to enter into a legal agreement in respect of planning obligations.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
84/50883	Erection Of Detached Garage	Granted	26/7/1984
P08/1797	Demolition of existing domestic garage and the erection of 1 detached dwelling	Refused	30/4/2009

- 5 P08/1797 was refused solely on the grounds on the applicants unwillingness to enter into a legal agreement to cover the required planning obligations.

PUBLIC CONSULTATION

- 6 No representations received.

OTHER CONSULTATION

- 7 Group Engineer (Development): No objection.
- 8 Head of Environmental Health and Trading Standards: No objection subject to a land condition.

RELEVANT PLANNING POLICY

Unitary Development Plan

- DD1 Urban Design
- DD4 Development in Residential Areas
- DD6 Access and Transport Infrastructure
- DD7 Planning Obligations
- DD8 Provision of Open Space, Sport and Recreation
- UR9 Contaminated Land
- HE1 Local Character and Distinctiveness

Supplementary Planning Guidance/Documents

Supplementary Planning Document on Open Space, Sport and Recreation Provision

Parking Standards and Travel Plans Supplementary Planning Document

New Housing Development Supplementary Planning Document

Planning Obligations Supplementary Planning Document

PGN3. New housing development

PGN 12. The 45 degree code

ASSESSMENT

- 9 The main issues are
- Principle
 - Design
 - Neighbour Amenity
 - Occupier Amenity
 - Access and Parking
 - Planning Obligations

Principle/Policy

- 10 The application site is part of a garden to a dwelling and therefore is classified as previously developed land in accordance with the definition within PPS 3 – Housing, and as such the principle of residential development is considered to be acceptable subject to all other material planning matters.

Design

- 11 The proposed dwelling would be of a simple design which reflects the adjoining 1950s dwellings. Moreover the dwelling would be similar in height, although it would be slightly deeper, and the front elevation is aligned with the two neighbouring dwellings. Therefore the proposed development is considered to be acceptable in context.

Neighbour Amenity

- 12 The proposed dwelling is to be located between two dwellings. There are windows to the side of both of the dwellings. Two are to No. 21 and one is to No. 23. The one to No. 23 is to a bathroom, and two to No 21 are to a bathroom and a landing. Each of these rooms is considered to be non-habitable and therefore no concerns are raised with regard to amenity.
- 13 In respect of the forward and rear windows to the neighbours, the proposed dwelling would comply with the 45 degree code (PGN 12), as the nearest parts of the two adjoining dwellings are utility areas which are considered to be non habitable rooms.
- 14 In respect of the neighbours to the rear on Cricket Meadow the proposed dwelling would be no closer than the adjoining two houses, and therefore no concerns are raised.

Occupier Amenity

- 15 The proposed dwelling would have a garden length of more than 17m. This more than complies with the garden lengths outlined in PGN 3 – New Housing Development. The host dwelling, No 12 Cricket Meadow, would also continue to have a useable garden comparable to Nos. 10 and 14 Cricket Meadow.

Access and parking

- 16 The proposed dwelling would have two bedrooms, which has a parking requirement for two off road spaces as required by the Supplementary Planning Document on Car Parking Standards and Travel Plans. In this case 2 spaces are proposed and therefore the development accords with the guidance.

Planning Obligations

- 17 The proposed development has a requirement to provide planning obligations to mitigate against the consequential planning loss to the existing community. Should

permission be granted a S106 Agreement would be required in respect of the following off site contributions.

• POS Construction	£519.72
• POS Establishment	£750.56
• Play Construction	£0
• Play Establishment	£0
• Libraries	£184.92
• Public Realm	£462.35
• Transport Improvements	£401.31
• Monitoring Charge	£250.00
• <u>Total Monies</u>	<u>£2568.86</u>

- 18 In addition there is a need to provide onsite nature conservation enhancement up to the value of £55.10. This will be controlled by planning condition.
- 19 At the date of agenda preparation a response was awaited from the applicant as to whether he is willing to enter into a legal agreement.

CONCLUSION

- 20 The proposed development is considered to be acceptable in principle is of an acceptable design and causes no significant harm to neighbour amenity. Consideration has been given to policies DD1 Urban Design DD4 Development in Residential Areas DD6 Access and Transport Infrastructure DD7 Planning Obligations DD8 Provision of Open Space, Sport and Recreation UR9 Contaminated Land and HE1 Local Character and Distinctiveness of the Dudley Unitary Development Plan.

RECOMMENDATION

- 21 It is recommended that the application be approved subject to:
- a) The development shall not be commenced until a scheme for the submission and approval of a planning obligation to guarantee provision, maintenance and

enhancement of off-site public open space, transport infrastructure, public realm, libraries and a management and monitoring charge totalling £2568.86 has been submitted to and agreed in writing by the Local Planning Authority.

- b) The Scheme shall include the method, timing and arrangements including a means to guarantee a financial payment, increased through index linking from the first April each subsequent year, in accordance with the Council's planning obligations policies.
- c) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary

Reason for approval

The proposed development is considered to be acceptable in principle, is of an acceptable design and causes no significant harm to neighbour amenity. Consideration has been given to policies DD1 Urban Design DD4 Development in Residential Areas DD6 Access and Transport Infrastructure DD7 Planning Obligations DD8 Provision of Open Space, Sport and Recreation UR9 Contaminated Land and HE1 Local Character and Distinctiveness of the Dudley Unitary Development Plan.

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.

The development hereby permitted shall be built in accordance with the approved plans numbered 08-11-01 unless otherwise agreed in writing by the Local Planning Authority.

Conditions and/or reasons:

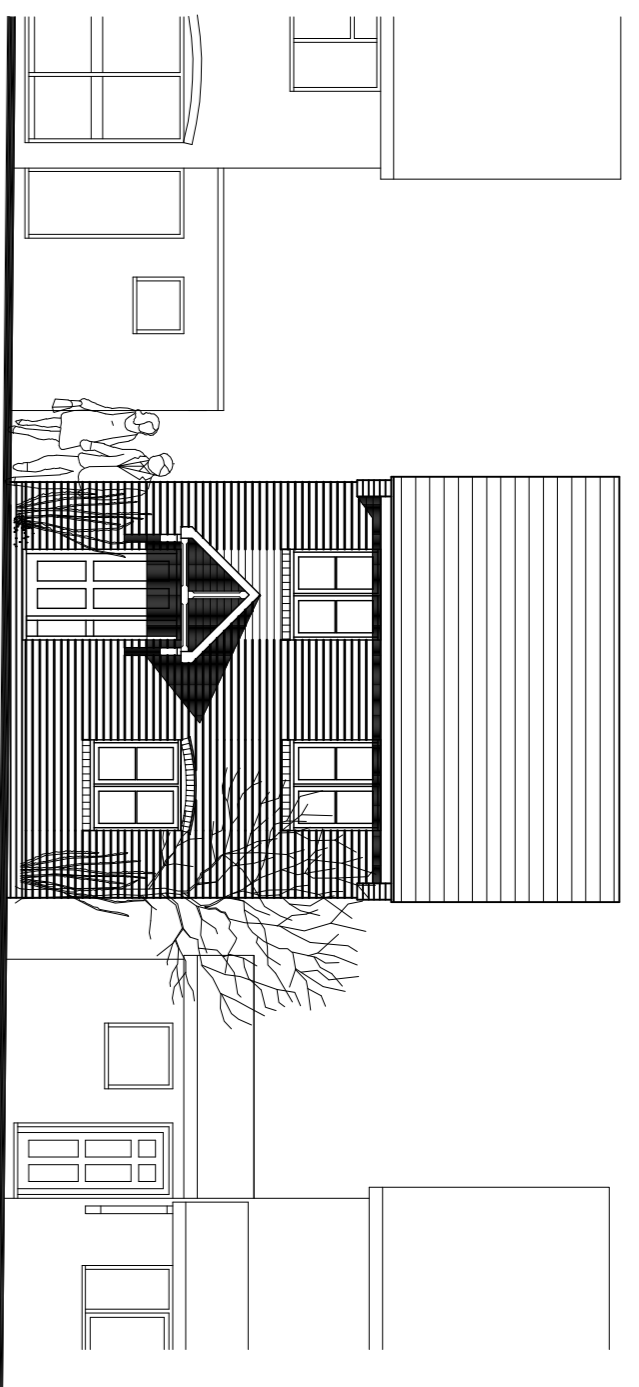
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Development shall not commence until an arrangement for the provision of off site public open space and play area improvements, public realm, transport improvements and libraries and a management and monitoring charge has been submitted to and approved in writing by the Local Planning Authority. The scheme

shall include the method, timing and arrangements to comply with the Council's policies for the provision of the infrastructure required in connection with the proposed development.

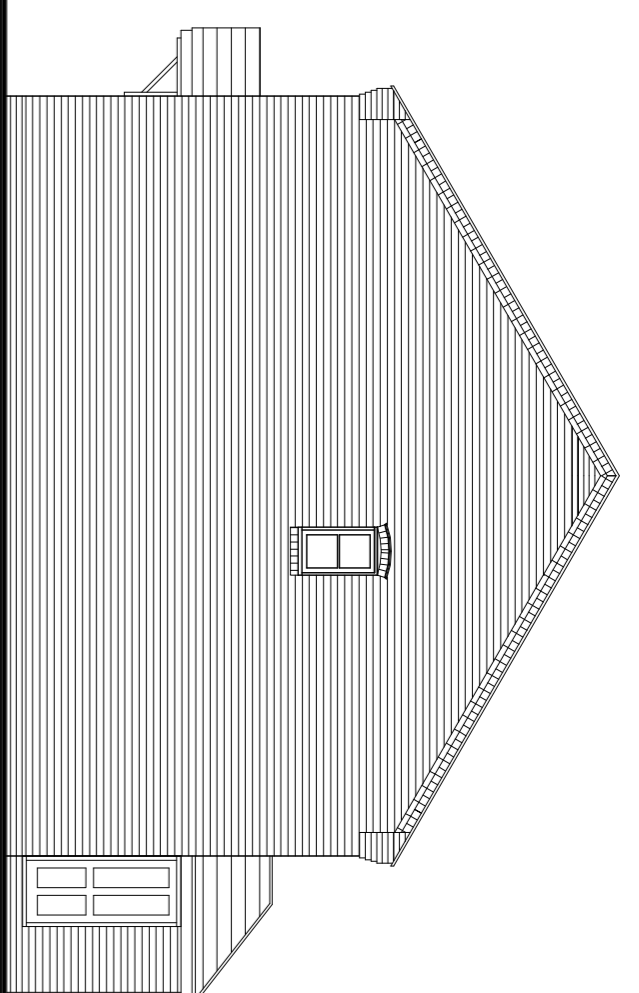
- 3.
4. No part of the development hereby permitted shall be commenced until a schedule of all materials to be used on the walls and roof of the building has been submitted to and approved in writing by the Local Planning Authority and thereafter the development shall only be constructed in accordance with these details.
5. No part of the development hereby permitted shall be commenced until full details of soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details must include, where appropriate, planting plans, written specifications, a schedule of plants including species, plant sizes and proposed numbers/densities and a programme of implementation. Plans must also include accurate plotting of all existing landscape features.
The works approved as part of this condition shall be completed within the first planting season following the first occupation of any part of the development

Any trees or shrubs planted in pursuance of this permission including any planting in replacement for it which is removed, uprooted, severely damaged, destroyed or dies within a period of five years from the date of planting shall be replaced by trees or shrubs of the same size and species and in the same place unless otherwise agreed in writing by the Local Planning Authority.

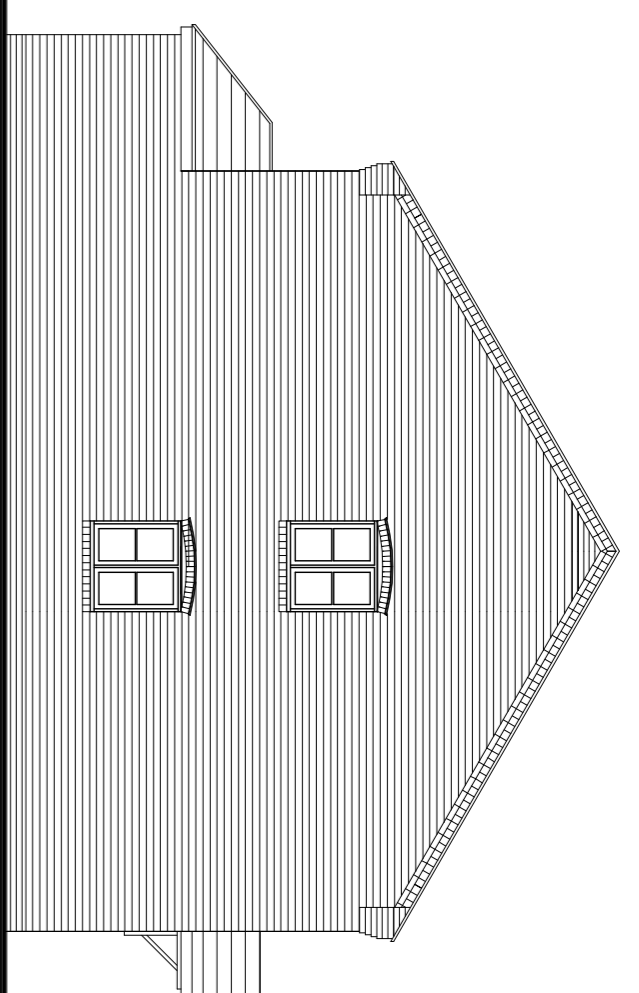
6. No part of the development hereby permitted shall be commenced until details of the positions, design, materials and type of boundary treatment or means of enclosure have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until these works have been carried out in accordance with the approved details.
7. No part of the development hereby permitted shall be occupied until space has been laid out in accordance with details to be submitted to and approved by the Local Planning Authority for the parking of 2 cars. The area shall thereafter be made available for parking at all times and shall be retained for the life of the development.
8. 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.
9. Prior to the commencement of development details of the nature conservation enhancement of the site shall be submitted to and approved in writing by the Local Planning Authority. The nature conservation enhancement shall be completed before first occupation of the dwelling and shall be retained and maintained for the life of the development.



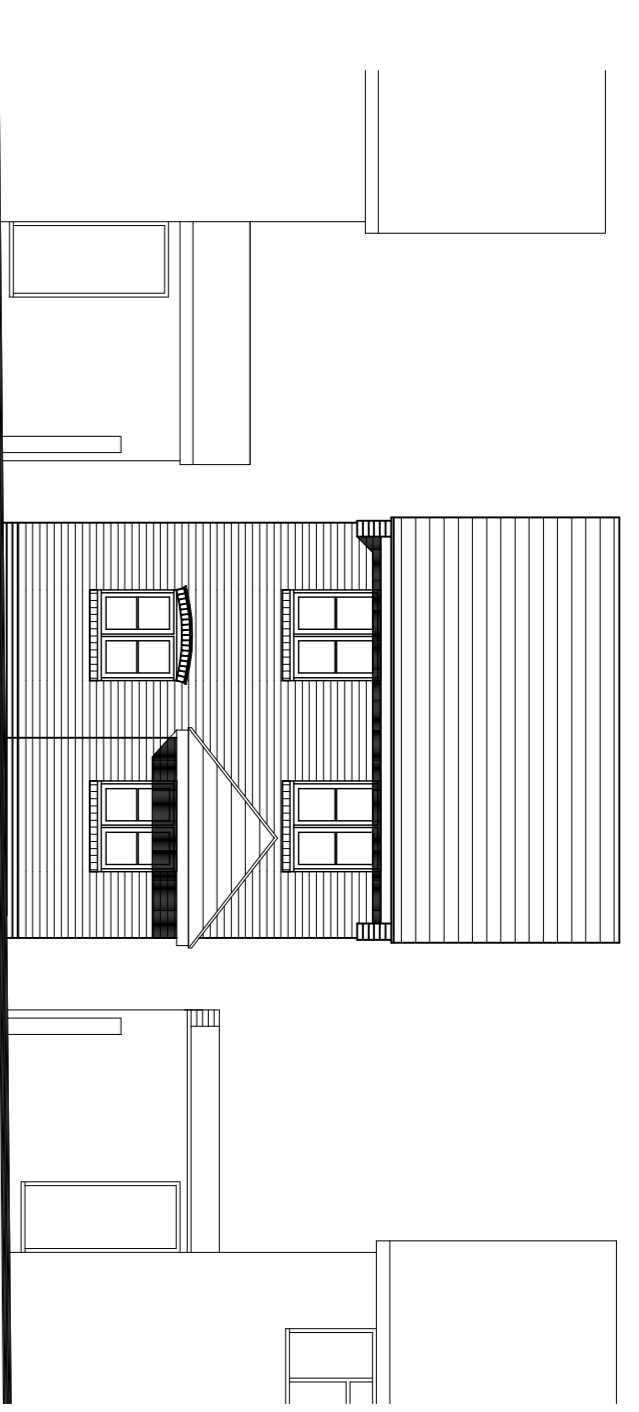
FRONT ELEVATION



SIDE ELEVATION

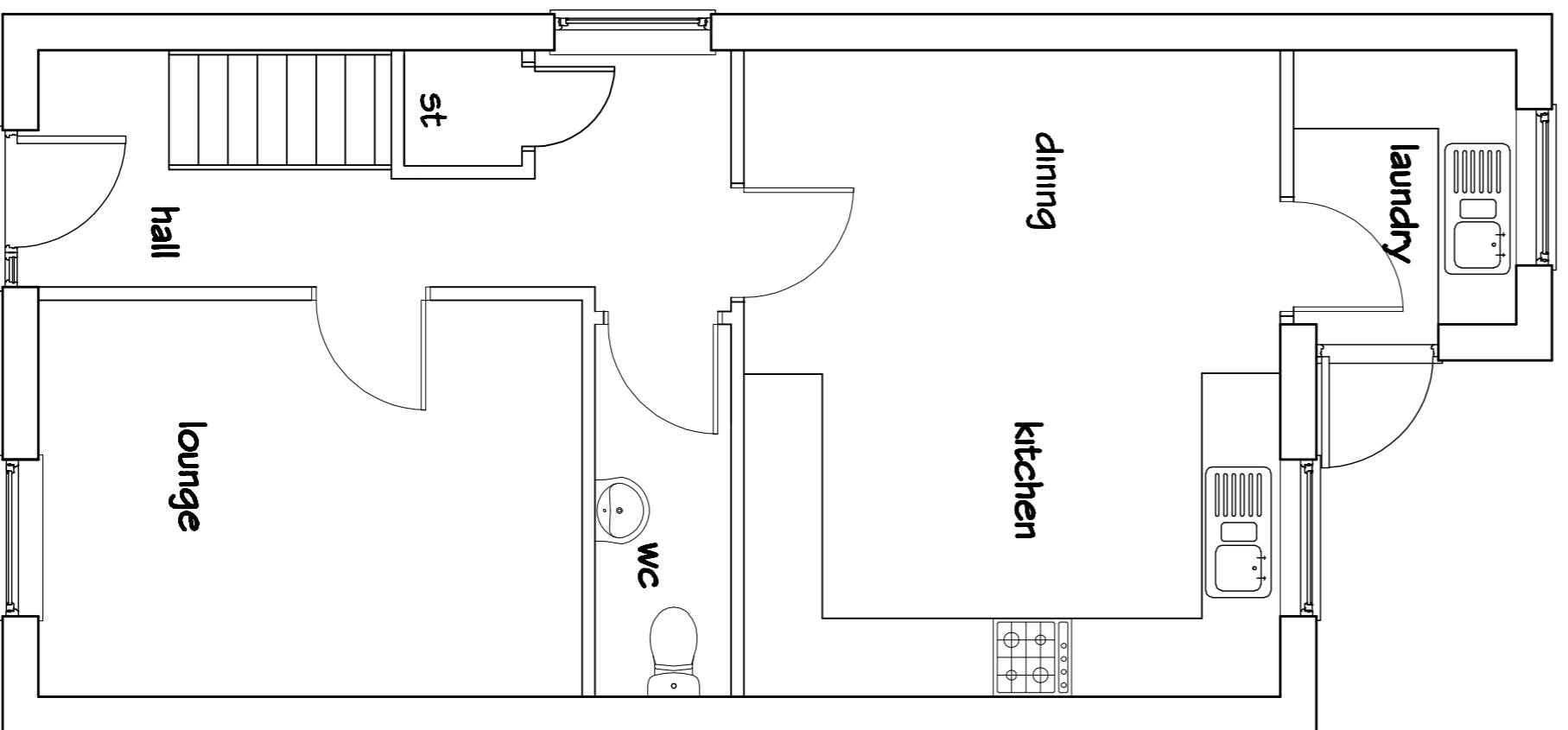


SIDE ELEVATION

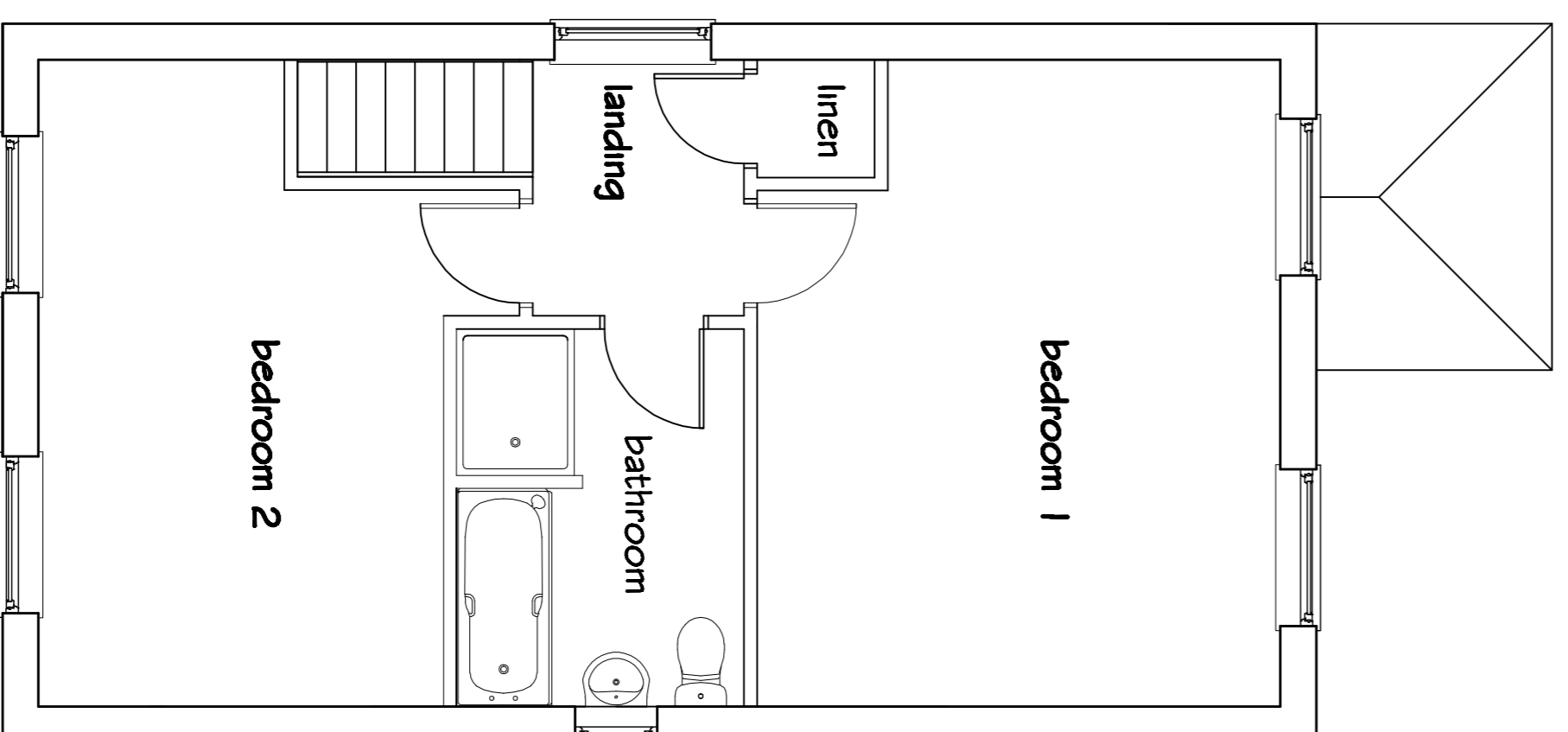


REAR ELEVATION

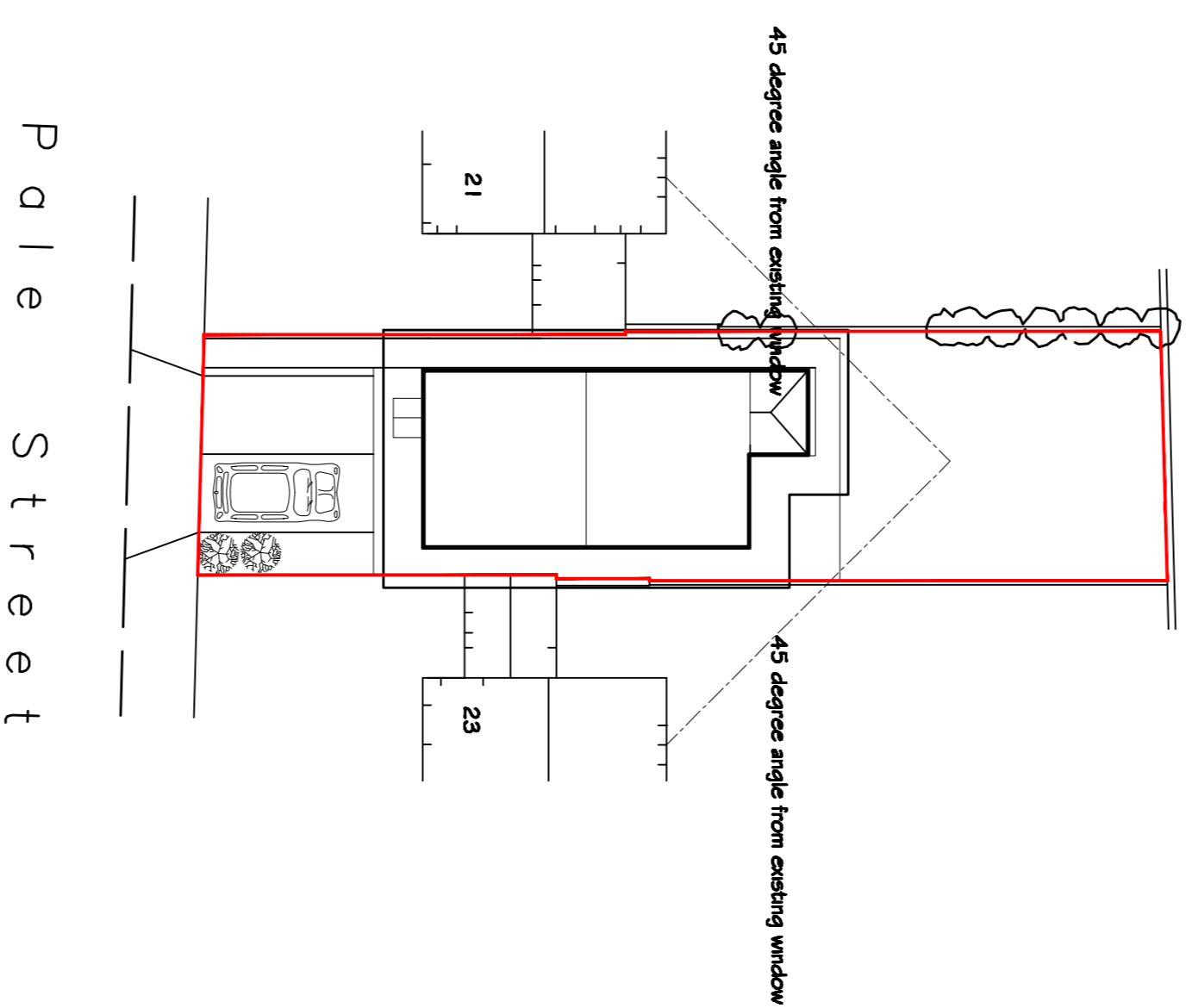
PROPOSED ELEVATIONS



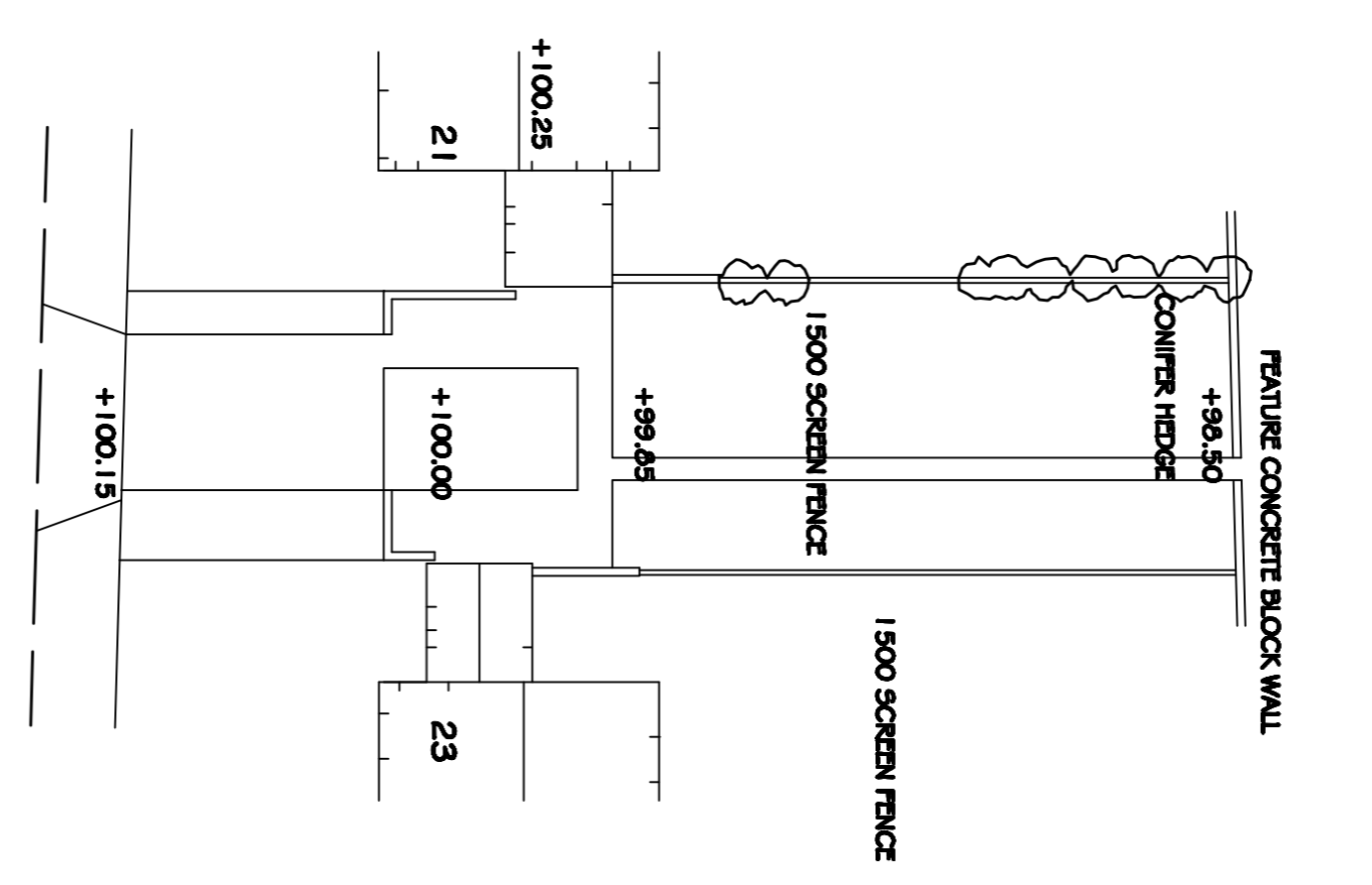
GROUND FLOOR



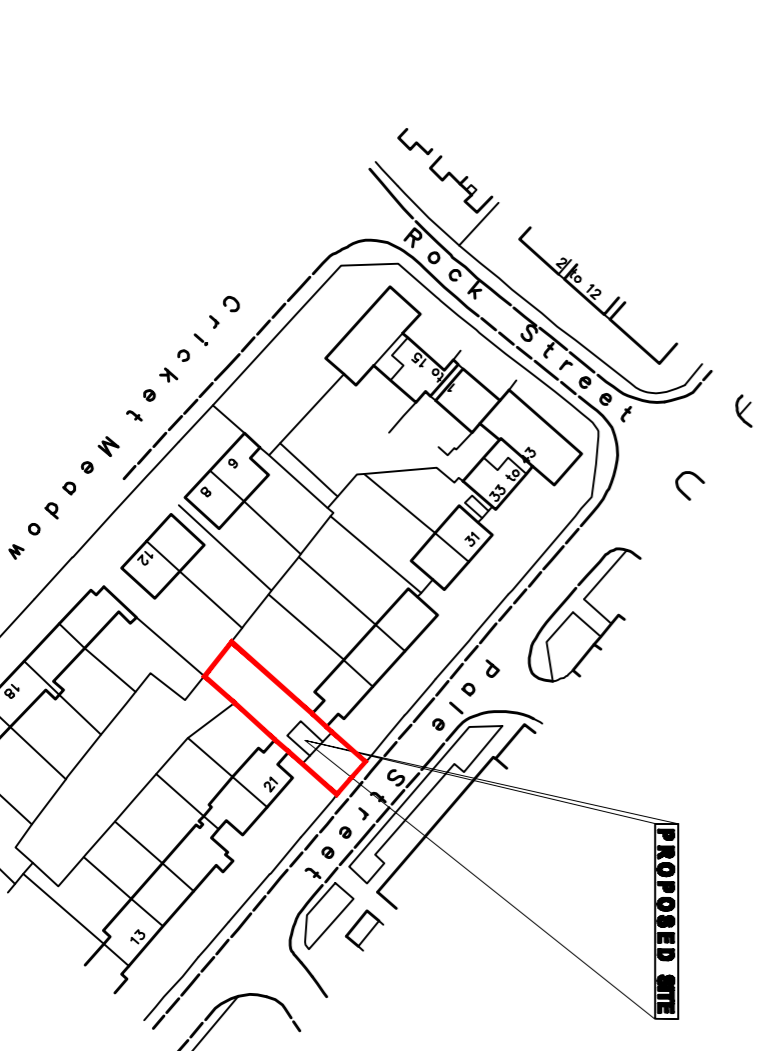
FIRST FLOOR



1:200 SITE LAYOUT



1:200 SITE SURVEY



1:1250 LOCATION PLAN

BCF Architectural Services General Arrangements For Mr J Woodall		Date: 19/10/08 Drawing No: 08-11-01	Scale: 1:100 (Site Plan) Date: 20/10/08
Project: Land Adjacent 21 Pale Street, Upper Gornall, Nr Dudley	Client: Mr J Woodall	Drawing Title: General Arrangements	Drawing No: 08-11-01
Proposed Dwelling: Land Adjacent 21 Pale Street, Upper Gornall, Nr Dudley	Client: Mr J Woodall	Drawing Title: General Arrangements	Drawing No: 08-11-01