

# PLANNING APPLICATION NUMBER:P10/0404

Type of approval sought	Full Planning Permission
Ward	NETHERTON WOODSIDE & ST ANDREWS
Applicant	Miss Michelle Andrews
Location:	<b>VACANT LAND ADJACENT, 15, CROSSLEY STREET, NETHERTON, DUDLEY, WEST MIDLANDS</b>
Proposal	<b>ERECTION OF 1 NO. DWELLING (RESUBMISSION OF REFUSED APPLICATION P09/1434)</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO A 106 AGREEMENT</b>

## SITE AND SURROUNDINGS

1. The application site measures 0.02 hectares and comprises a grassed area of land with mature shrubs located on the southern boundary and is relatively flat. There is a retaining wall running along the south-east boundary of the site (rear).
2. Adjoining the eastern boundary is a newly constructed development of 2 new dwellings (P07/1441) built on the former car park that once served the recently converted Loving Lamb public house opposite. Moving south-east of this boundary there is an electricity sub-station.
3. Immediately beyond the south eastern boundary of the site are two bungalows built during the 1990's (120-121 Northfield Road). These bungalows sit at a lower level than the application site. The end gable of 121 Northfield Road faces into the site, and contains a single window serving their kitchen.
4. Adjacent to the site's south western boundary is a pair of semi-detached two storey properties built during the 1960's. Crossley Street itself drops down from Northfield Road.
5. Crossley Street itself is predominantly a residential street characterised by a mix of age, style and type of properties. The wider area comprises a range of different land uses. The application site is located opposite the recently converted Loving Lamb public house, Netherton Health Centre lies further south-west along Crossley Street

and the Northfield Road Primary School is located to the north. The site is also located within 30m (at closest) of the Netherton local shopping centre designated boundary.

## PROPOSAL

6. This application proposes the erection of a one bed detached bungalow (resubmission of refused application P09/1434).
7. The main building is shown to measure 7.5m deep by 7.5m wide and up to 4.9m high.
8. A 4.5m long garden, with an area 41m<sup>2</sup> is shown to the rear.
9. The parking provision comprises a front car parking space to be positioned to the front to measure 4.8m deep and 2.4m wide..
10. The application is accompanied by a Design and Access Statement.

## PLANNING HISTORY

App no.	Proposal	Decision	Date
P09/1434	Erection of 1 No. dwelling	Refused	11/12/09
P07/2036	Erection of 1 No. 3 bedroom detached dwelling	Refused	21/12/07
P05/1776	Outline application for erection of no. 2 starter homes (all matters reserved for subsequent approval)	Refused	15/09/05
		Dismissed at Appeal	26/06/06
P04/2081	Erection of 4 no. 2 bedroom apartments	Withdrawn	24/11/04
DB/73/12951	Erection of detached dwelling	Refused	13/12/73
<b>SITE OF 15 AND 16 CROSSLEY STREET</b>			
DB/61/118	Erection of one pair of semi-detached houses.	Approved with conditions	14/03/61

DY/60/753	Erection of one pair of semi-detached houses.	Refused	12/12/60
DY/60/572	Erection of semi-detached houses and one single house.	Refused	27/09/60

11. As the above planning history shows, a number of residential schemes have been submitted for this site, without success.

12. As part of the assessment for the appeal decision for planning P05/1776, the Inspector supported the principle of redeveloping the site for residential purposes since it would involve the redevelopment of a derelict, underused and vacant piece of land. It was considered that the proposals would not respect the character or appearance of the surrounding area and would have an unacceptable impact in terms of resulting in a loss of residential amenity. In particular the Inspector focused on the visual impact of the proposals onto the bungalow that adjoins the site (no. 121). The illustrative layout submitted in support of the appeal showed 2 no. 2 storey buildings backing onto no. 121. Given that the kitchen window to no. 121 is on the side elevation that faces into the appeal site and extends 0.25m above the retaining wall between the appeal site and no. 121 the Inspector concluded that the proposed development would be overbearing and would result in an unacceptable visual impact when viewed from the kitchen window of no. 121. The Inspector also raised concerns regarding the proposed size of the rear gardens being 5m deep and 4.5 metres wide being highly constrained between the site and no. 121.

13. Planning application P07/2036 sought to address these concerns, by reducing the development to 1 dwelling. However, with a distance of only 6.2m between the rear of the proposed house and the side elevation kitchen window at 121 Northfield Road, there was still an objection. The application was again refused on the following ground;

- *The two storey dwelling would result in an overbearing impact to the occupiers of no. 121 Northfield Road resulting in an unacceptable visual impact from the kitchen window of this dwelling and the proposed garden area would be highly constrained between the site and no. 121 Northfield Road raising concerns regarding whether a usable garden area would be*

*created being contrary to Policy DD4 (Development in Residential Areas) of the Adopted Dudley Unitary Development Plan (2005).*

14. Planning application P09/1434 was refused on the following grounds:

- *The two storey dwelling would result in an overbearing impact to the occupiers of no. 121 Northfield Road resulting in an unacceptable visual impact from the kitchen window of this dwelling, contrary to Policy DD4 - Development in Residential Areas of the Adopted Dudley Unitary Development Plan (2005).*
- *The development fails to provide adequate off-street parking provision. Neither the proposed garage nor driveway space is of sufficient size to accommodate a vehicle, which would result in displacement of vehicles onto the highway to the detriment of highway safety and the convenience of other highway users. This would be contrary to Policies DD4 – Development in Residential Areas and DD6 – Access and Transport Infrastructure of the Adopted Dudley Unitary Development Plan (2005), and Parking Standards and Travel Plans Supplementary Planning Document.*
- *The lack of an undertaking to secure a contribution towards recreation facilities/public open space, transport infrastructure improvements, nature conservation, public realm and library improvements would result in an increase in the demand on local facilities with no compensation or enhancement, thus resulting in harm to the wider community around the site and is contrary to the requirements of UDP Policies DD7 – Planning Obligations, DD8 Provision of open space, sport and recreation facilities DD10 Nature Conservation and Development and LR1 – Open Space, and the Planning Obligations and Nature Conservation Supplementary Planning Documents.*

## **PUBLIC CONSULTATION**

15. A site notice was displayed (expires 5 May 2010) and direct neighbour consultation was carried out to all adjoining and adjacent neighbours, as a result of which no letters of objection have been received.

## OTHER CONSULTATION

16. **The Head of Environmental Health and Trading Standards** raises no objection.
17. **The Group Engineer, Development** – Concerns are raised that the depth of the frontage is less than 5m, however, this could accommodate the minimum size car parking space of 4.8 X 2.4m that is indicated.
18. **Arboriculturist** - no comments at time of writing report.

## RELEVANT PLANNING POLICY

19. Adopted UDP (2005)
  - DD1 – Urban Design
  - DD4 – Development in Residential Areas
  - DD6 – Access and Transport Infrastructure
  - DD7 – Planning Obligations
  - DD8 - Provision of open space, sport and recreation facilities
  - DD10 Nature Conservation and Development
  - LR1 – Open Space
  - H3 – Housing Assessment Criteria
  - H6 – Housing Density
  - NC6 – Wildlife Species
20. Supplementary Planning Document
  - Parking Standards and Travel Plans
  - Nature Conservation
  - New Housing Development
  - Planning Obligations
21. Supplementary Planning Guidance
  - PGN3 – New Housing Development

## ASSESSMENT

22. The key issues in determination of this application area the impact upon;

- Character and appearance of the area
- Residential amenities of nearby occupiers
- Highway safety
- Nature Conservation and
- Whether provision is made for a Planning Obligation

### Character and appearance

23. The thrust of national guidance in PPS3 maintains the emphasis on making the best use of previously developed land, however, it states that 'design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted (paragraph 13) and that matters to include when assessing design quality include the extent to which the development, 'Is well integrated with, and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access..' (paragraph 16).

24. Policy H3 – Housing Assessment Criteria in line with PPS3 – Housing suggest that Local Planning Authorities should continue to make effective use of land that has been previously developed. Policy H6 – Housing Density whilst seeking to encourage the full and efficient use of land, does require that development takes into account the local context of the area, further elaborated upon by Policy H3 which would require development that does not create unacceptable levels of conflict with neighbouring uses or amenity considerations.

25. The proposed development would result in 50dph, which is similar to the surrounding area. The proposal would in principle make effective and efficient use of previously developed land.

26. Whilst the design is bland in appearance, it does draw simple design cues from adjacent dwellings, and would not therefore damage the streetscene.

### Residential amenity

27. Referring to PGN3, it stresses that development will only be permitted where it can be demonstrated that the privacy and visual amenities enjoyed by existing occupiers remain unaffected and that the design of the buildings are appropriate in the context of the character of the area. The term 'visual amenities' relates to such matters as outlook, over-shadowing, etc. Outlook can be defined as the immediate environment enjoyed by an individual property.
28. The proposed single storey dwelling is shown to be within 4.5m metres from the retaining wall located at the rear of the site. This has moved the dwelling 3.5m nearer to no. 121 Northfield Road, than the layout submitted as part of the recent refusal (P09/1434), however the height has been reduced from 7m to 4.9m. This is an overall improvement, although there would be only a distance of 5.7m between the kitchen window to the rear elevation of the single storey dwelling, it is considered the reduction in height would overcome the overbearing impact to the occupiers of no. 121 Northfield Road. Furthermore the dwelling would be located to the north-west of the kitchen window of no. 121, therefore no overshadowing would occur as a result. It is therefore considered that that the proposal would comply with Policy DD4 of the Adopted Dudley Unitary Development Plan (2005).
29. The proposed dwelling would not contravene the Council's 45-Degree Code, measured from the nearest habitable room windows of the adjacent dwellings. This would comply with the Council's 45-Degree Code, therefore preserving the residential amenities of these neighbours.
30. The proposal reduces the depth and area of the private amenity space. Whilst this would be slightly short of the desirable 11m length of garden, advocated by PGN3, it would still provide 41 square metres of useable garden area which would be adequate for a dwelling of this size, and therefore would comply with UDP Policy DD4.

### Parking and highways issues

31. The Council's Parking Standards and Travel Plans SPD states that 1 parking should be provided for a one-bed dwelling.
32. The desirable size of an off-street parking space is 6m by 2.4m with an absolute minimum size of 4.8m by 2.4m. The off-street parking space in front of

the proposed garage would be sited centrally on the frontage and not constrained tightly between boundary fences. It is considered that this arrangement would provide satisfactory parking provision, which would not have a detrimental impact on highway safety. It is further noted that this bungalow does not provide for a family dwelling and is not likely to attract a large family vehicle. Thus the proposal is considered to be in accordance with UDP Policies DD4 and DD6, and the Parking Standards SPD.

### Planning Obligation

33. Policies DD7 and DD8 of the UDP and Planning Obligations SPD require that new development (1 or more units) should contribute to play provision and enhancement/public open space, transport infrastructure improvements, public realm, nature conservation and libraries in the wider area in line with the increase in users arising from the development
34. 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 contributions;

#### Offsite Contributions:

The proposal attracts a requirement for a commuted sum to be paid towards the following infrastructure:

Transport Infrastructure Improvements - £401.31

Public Open Space/Play – £1270.28

Library Contributions - £184.92

Public Realm - £462.35

Nature Conservation Enhancements £80

Management and Monitoring Charge - £250

Total Offsite Contribution equates to **£2398.86**

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



## CONCLUSION

36. It is considered that the proposal would not have an adverse impact on highways safety, character of the area, or residential amenity. The proposal is therefore in accordance with Policy DD1 - Urban Design, Policy DD4 - Development in Residential Areas and Policy DD6 - Access and Transport Infrastructure of the Adopted UDP (2005), Planning Guidance Note 3 - New Housing Development, Supplementary Planning Guidance - Parking Standards and Travel Plans.

## RECOMMENDATION

37. 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 the provision, maintenance and enhancement of libraries, off-site public open space and play provision, transport improvements, public realm, nature conservation enhancements and management and monitoring for a total charge of - £2398.86, 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 of Planning Permission

It is considered that the proposal would not have an adverse impact on highways safety, character of the area, or residential amenity. The proposal is therefore in accordance with Policy DD1 - Urban Design, Policy DD4 - Development in Residential Areas and Policy DD6 - Access and Transport Infrastructure of the Adopted UDP (2005), Planning Guidance Note 3 - New Housing Development, Supplementary Planning Guidance - Parking Standards and Travel Plans. For the reasons outlined, approval is recommended.

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Dudley UDP (2005) and to all other relevant material considerations.

The above is intended as a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report.

### Informative

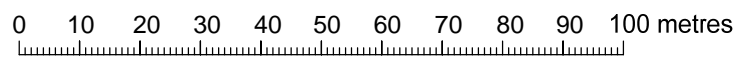
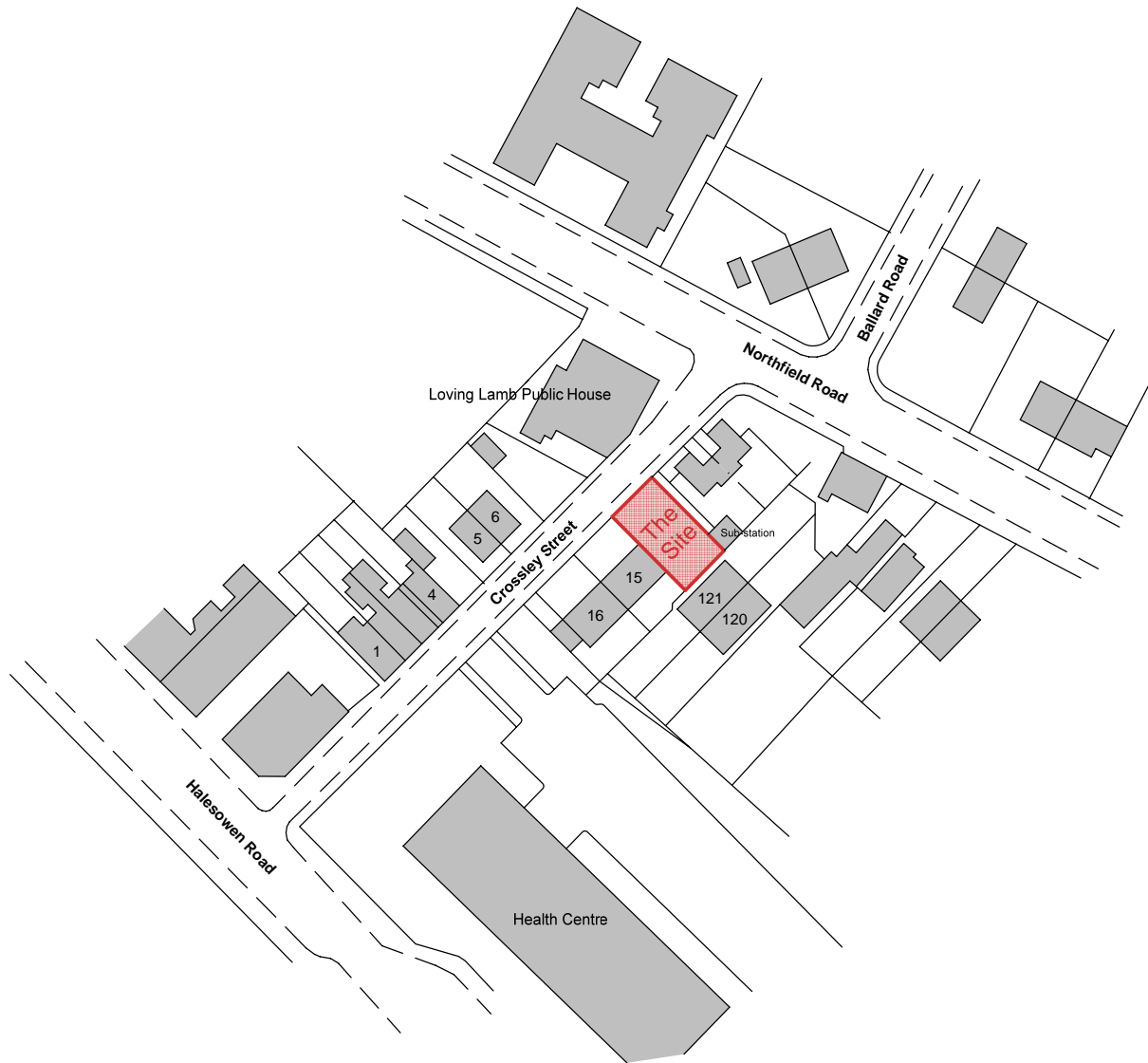
The development hereby permitted shall be built in accordance with the approved drawings numbered 420/9 & 420/4, unless otherwise agreed in writing by the Local Planning Authority.

#### Conditions and/or reasons:

1. Prior to first occupation of the dwelling the means of access and parking area shall be provided in accordance with the approved details and graded, levelled, surfaced, drained and marked out. These areas will be maintained thereafter for no other purpose for the lifetime of the development.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. 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. These details shall include location of boundary

treatment. Elevation details shall also be supplied, or planting species/distances, as appropriate. 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.

4. Prior to the commencement of development, details of the types, colours and textures of the materials to be used on external surfaces and building 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.
5. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any order revoking and re-enacting that order), no development referred to in Part 1 Class A, Part 1 Class B of Schedule 2 to that order shall be carried out.
6. The development not beginning until a scheme for the provision of:
  - Libraries Improvements
  - Open space and play provision Improvements
  - Transport Improvements
  - Public Realm Improvements
  - Nature Conservation enhancements
  - Management and Monitoring Chargehas been submitted and approved in writing by the Local Planning Authority.



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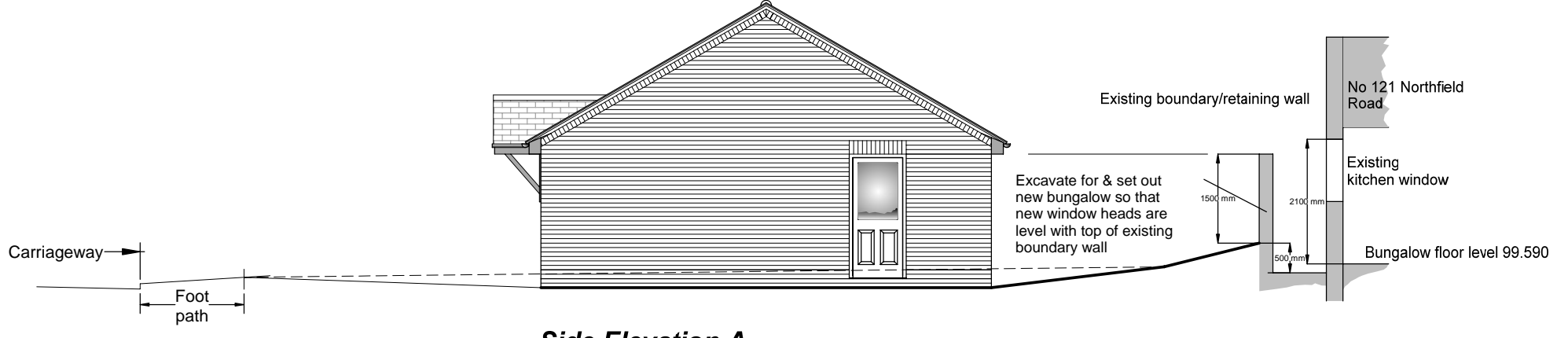


**P W Peacock**  
 Architectural Project Planning & Management

**57 Stourbridge Road Fairfield Bromsgrove Worcestershire B61 9LY**  
 Tel (01527) 878945 Fax 01527 837146  
 Mobile 07813 943858 E-mail PPeacock1@aol.com

**Proposed 1 Bedroom Bungalow**  
**Adjacent to 15, Crossley Street, Netherton**

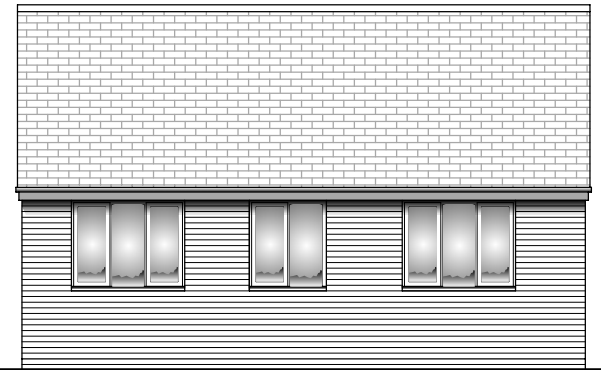
Scale 1:1250 October 2009 Drawing No 420/4 Site Plan



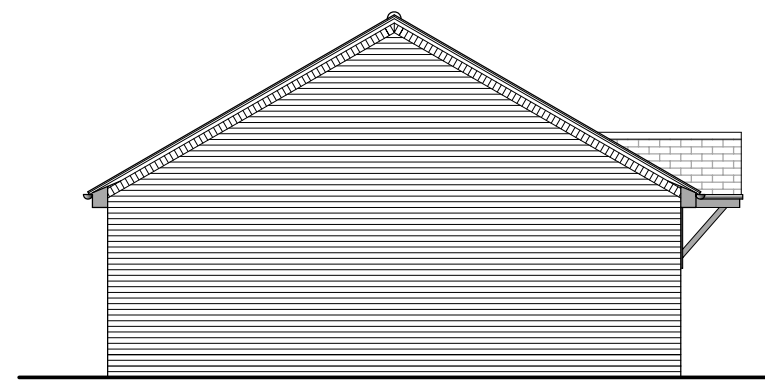
**Side Elevation A**



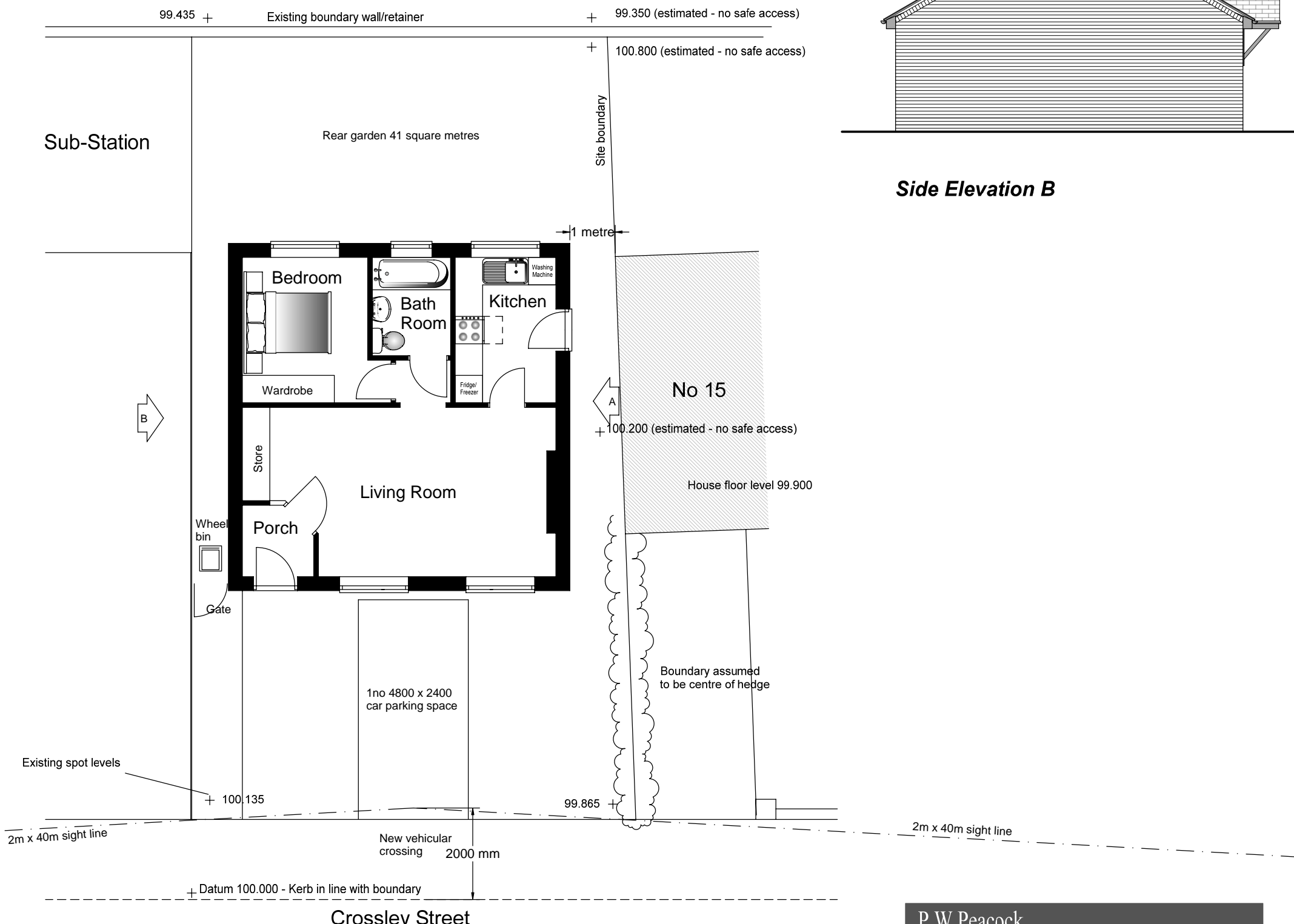
**Front Elevation**



**Rear Elevation**

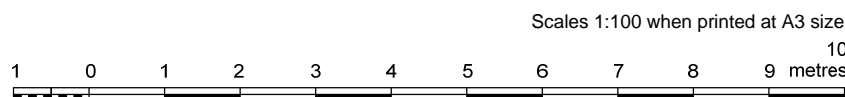


**Side Elevation B**



**Crossley Street**

**Ground Floor Plan**



**P W Peacock**  
Architectural Project Planning & Management

57 Stourbridge Road Fairfield Bromsgrove Worcestershire B61 9LY  
Tel (01527) 878945 Fax 01527 837146  
Mobile 07813 943858 E-mail PPeacock1@aol.com

**Proposed Bungalow**  
Adjacent to 15, Crossley Street, Netherton

Scale 1:100 January 2010 Drawing No 420/9 PROPOSALS