

PLANNING APPLICATION NUMBER:P08/1738

Type of approval sought	Full Planning Permission
Ward	BROCKMOOR AND PENSNETT
Applicant	Mr & Mrs Andrews
Location:	FORUM BINGO CLUB, COMMONSIDE, PENSNETT, BRIERLEY HILL, DY5 4AE
Proposal	DEMOLITION OF EXISTING BINGO HALL AND ERECTION OF 7 NO. TERRACED HOUSES, REAR GARDENS AND ANCILLARY FRONT CAR PARKING.
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The application site is an empty/disused bingo club building, parking to the front and areas of overgrown vegetation to the side and rear. The site is 22.4m wide x 37m deep and the bingo hall is 13.8m wide and sited 3.8m from the boundary with no. 133 Commonside and 4.8m from the boundary with no. 137 Commonside.
2. Either side and to the rear of the bingo hall site are residential properties. The bingo hall is sited 8.6m forward of no. 133 Commonside and 0.6m forward of no. 137 Commonside. Its siting, height and general bulk ensures that the bingo hall is visible from either direction along Commonside. Facing the bingo hall is a garage and a social club (the west side of Commonside). The east side of Commonside is predominantly residential housing.
3. The housing directly to the north of the bingo hall comprises a row of 6 no. terraced houses, to the east (the rear) the housing in Blewitt Street is semi detached housing and the row of houses to the south of the bingo hall are also semi detached.
4. Commonside is also known as the B4179 and is a bus showcase route, and the site itself is located 500m from Pensnett Local Centre. No. 137 Commonside is sited at a

lower level than the highway and the application site. The properties at the rear in Blewitt Street are also at a lower level than the application site.

PROPOSAL

5. The proposed scheme would include a site clearance and a residential redevelopment comprising 7 no. 3 bed terraced houses with parking to the front and gardens to the rear.
6. The application is accompanied by a protected species survey, design and access statement and an environmental search.

HISTORY

7.

APPLICATION No.	PROPOSAL	DECISION	DATE
P07/1496	Conversion of former bingo hall into 21 no. apartments.	Withdrawn	28/02/08

8. The application was withdrawn as 21 residential units at this application site comprised a density of 243 dwellings per hectare (dph). It was considered that the density would be a gross over development of the site. There were also issues about direct overlooking of adjoining rear gardens.

PUBLIC CONSULTATION

9. The application has been advertised by way of neighbour notification. Public consultation time expired 15th February 2010. No objections have been received as a result of original or subsequent notifications.

OTHER CONSULTATION

10. Group Engineer (Development) – revised plans have been received, removing the tandem parking element to the scheme which would have resulted in each individual property having an access onto Commonsides. The parking layout has now been revised to enable the provision of a communal parking area with one access/exit point. There are no highway objections subject to conditions relating to a detailed parking plan and that parking is provided prior to first occupation.

Head of Environmental Health and Trading Standards – no adverse comments subject to a noise protection condition that would protect the proposed dwellings from road traffic noise in Commonsides.

RELEVANT PLANNING POLICY

11. Dudley Unitary Development Plan

S2	Creating a more sustainable Borough
S8	Housing
DD1	Urban Design
DD4	Development in Residential Areas
DD6	Access and Transport Infrastructure
DD7	Planning Obligations
AM14	Parking
H1	New Housing Development
H3	Housing Assessment Criteria
H6	Housing Density
UR9	Contaminated Land

12. Supplementary Planning Document

New Housing Development – A Guide to Establishing Urban Context
Parking Standards and Travel Plans
Planning Obligations

13. Supplementary Planning Guidance

Planning Guidance Note 3 – New Housing Development

Planning Guidance Note 12 – The 45 Degree Code

14. National Planning Guidance

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Statement 3 – Housing

Planning Policy Statement 23 – Planning and Pollution Control

ASSESSMENT

15. The key issues for consideration in this application are as follows:

- Principle
- Density
- Layout
- Residential Amenity
- Design
- Access & Highway
- Planning Obligations

Principle

16. The application site comprises an empty bingo hall and small parking area to the front, the site does not have any specific designation within the adopted UDP (2005). The site is adjoined by residential properties and the east side of Commonsidge characterised by predominantly residential dwellings. Given this, it is considered that the principle of residential development could therefore be supported, although any scheme would still have to be acceptable in respect of density, number of units, design, layout and highway/parking issues.

Density

17. The proposed scheme would result in development at a density of 86 dwellings per hectare (dph). The properties in the locality are terraced and predominately semi detached housing. The variety of the house types and in particular the depth of gardens results in the density of the local area ranges from 34dph to 71dph. Whilst it is acknowledged the density is slightly higher than the adjacent row of terraced houses (76dph), the proposed terraced housing would be similar to the adjacent terraced housing and as such would not be out of context with the local area. It is considered that the density would be at an acceptable level and in compliance with Policy H6 of the adopted UDP.

Layout/Residential Amenity

18. The application site currently comprises a bingo hall, overgrown vegetation either side of the building and frontage parking. The bingo hall is 14m wide in a plot width of 23.5m and is set back 6m from the highway. The siting of the bingo hall ensures that the hall is located 6m further forward than no. 133 Commonside and in line with no. 137 Commonside. At present the empty bingo hall is not in use and its unkempt visual condition detracts from the street scene and the setting of the residential properties either side of the bingo hall.
19. The proposed scheme would remove the derelict bingo hall and overgrown vegetation and replace with 7 no. terraced dwellings, frontage parking and rear gardens. The visual mass of the bingo hall would be removed and the proposed dwellings would be set back between 11.5 and 14m from the highway thereby reducing the visual impact of the site, enabling frontage parking and ensuring the proposed dwellings have a similar building line to the adjacent terraced properties.
20. At present the proposed bingo hall extends 13m beyond the rear elevation of no. 133 Commonside. The proposed side elevation of the nearest terraced property would

extend 2m beyond the rear elevation of no. 133 and the Council's 45° Code guidelines.

21. In regards to the impact on no. 137 the bingo hall currently extends 13m beyond the rear elevation of no. 137 and separated from the boundary with no. 137 by a 4.8m wide gap of overgrown vegetation. Revised plans now show that the nearest side elevation of the proposed terraced dwellings would extend 6m beyond the rear elevation of no. 137 (compared to the 13m of the bingo hall). However, no. 137 has a wide side garden and there is a 5m separation between the house and the boundary with the bingo hall. This separation ensures that the 45° code would again be complied with.

22. The bingo hall is 24m long and at the rear the hall is sited between 1.5m (at its closest point) and 5.5m from the rear boundaries of 94, 96 and 98 Blewitt Street. The hall has a large visual mass at the boundary and looms over these respective properties. The proposed terraced houses would be sited between 13m and 16m back from the rear boundaries with the properties in Blewitt Street, with separation distances of between 21m and 22m between the rear of the terraced house and the rear of nos. 94, 96 and 98 Blewitt Street. It is considered that the proposed scheme would remove the overbearing and detrimental visual impact of the existing bingo hall and replace with proposed dwellings that would reduce the visual impact of the site, compared to the existing bingo hall. Neighbours amenity is not considered to be detrimentally affected and is in compliance with UDP Policy DD4.

Design

23. The height and roof design reflect the height of the existing properties either side. The properties at either end of the row of proposed terraced housing and the property in the middle would be rendered whilst the remaining four properties would be brick. The contrast in finishes would bring visual and help to give relief to a row of terraced properties. Otherwise the properties would be of a traditional construction and with appropriate brick and render finish would not look out of place or adversely impact upon the street scene, in compliance with UDP Policies DD1 and DD4.

Parking

24. The scheme would provide an open frontage parking area very similar to the adjoining terraced scheme with one access point and a shared parking. The scheme would be interdispersed with appropriate landscaping and low boundary fencing for a sense of enclosure. There are no highway objections subject to a detailed parking plan and that the parking area is provided prior to first occupation.

Nature Conservation

25. A new ecological report has been submitted with the application which confirms that the ecological value of this site is limited and the report states that the low quality of bat habitat onsite and the lack of bats or any evidence of bats found during a systematic search, the building is unlikely to provide suitable roosting habitats. The removal of the derelict bingo hall to be replaced by a scheme of housing with 13-16m long rear gardens would allow for a more viable opportunity to enhance with areas wildlife potential in compliance with UDP Policy NC6.

Planning Obligations

26. 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

27. The proposal attracts a requirement for a commuted sum to be paid towards the following infrastructure:
- Libraries - £1256.71
 - Open Space, Sport & Recreation - £15611.37
 - Public Realm - £3467.10

- Management and Monitoring Charge - £1000.00

Total Offsite Contribution equates to £21335.18

The applicant has agreed to the provision of these planning obligations.

CONCLUSION

28. The siting and the external appearance of the dwellings are considered to be acceptable. The proposed scheme has made full and efficient use of the land and the scheme conforms to the local context of the area. Neighbours amenity and street scene are not considered to be detrimentally affected and the scheme is in accordance with adopted UDP Policy.

RECOMMENDATION

29. 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 sum of £21335.18 for the provision, maintenance and enhancement of site public open space and play provision, library, public realm and management and monitoring fee 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 siting and the external appearance of the proposed dwellings are considered to be acceptable. The proposed scheme has made full and efficient use of the land and the scheme conforms to the local context of the area. Neighbours amenity and street scene are not considered to be detrimentally affected and the scheme is in accordance with adopted UDP Policy.

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Dudley Unitary Development Plan (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 details on the decision, please see the application report.

INFORMATIVE

The development hereby permitted shall be built in accordance with the amended drawings P001, P012, P013, P014, P015, P016, P017, P018, P019, P020 and the 1:1250 Location Plan, unless otherwise agreed in writing by the Local Planning Authority.

NOTE TO APPLICANT

The granting of planning permission does not confirm the structural integrity of the proposed development. Local Planning Authorities do not have a duty of care to individual landowners when granting applications for planning permission and are not liable for loss caused to an adjoining landowner for permitting development. Sections 77 and 78 of the Building Act 1984, provides Local Authorities with powers to take action with respect to dangerous buildings/structures. Therefore, should the development raise concerns in the future with respect to its structural stability there are powers under separate legislation to planning that would enable the situation to be rectified.

Conditions and/or reasons:

1. The development shall not begin until a scheme for the provision of:
 - Off site Public Open Space and play area improvements
 - Off site Library improvements
 - Off site Public Realm
 - Management and Monitoringhas been submitted to and approved in writing by the Local Planning Authority
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 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.
4. Prior to the commencement of development, parking layout details shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details and all parking shall be provided on site prior to the occupation of the development hereby approved.
5. Prior to first occupation of the dwelling, the means of access and parking areas will be provided in accordance with the approved details and graded, levelled, surfaced, drained and marked out. These areas will be maintained for no other purpose for the life of the development.
6. Prior to the commencement of development, details of the types, sizes and locations of the boundary treatments around the site and between the proposed plots shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be carried out in complete accordance with the approved details prior to the occupation of the dwellings hereby approved and thereafter 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.
8. The landscaped areas shall be retained in the form shown on the approved plan throughout the life of the development and shall not be used for any other purpose, unless otherwise agreed in writing by the local planning authority.
9. Development shall not begin until a scheme for protecting the proposed dwellings from road traffic noise from Commons side has been submitted to and approved in writing by the local planning authority and all works which form part of the scheme shall be completed before the permitted dwellings are occupied, unless otherwise agreed in writing by the Local Planning Authority.

10. No works should commence, or continue, if the most recent protected species survey and assessment is over 12 months old. These surveys and assessments must be of, or above, the standard detailed within the Nature Conservation SPD. They must include the whole of the site and be carried out by an experienced and qualified ecological consultant and integrated into a site mitigation plan. All of these must be submitted to and approved in writing by the Council before any works commence (or continue). All works must be carried out in accordance to the approved plan.
11. If protected species are found during any stage of the development all works must stop immediately and Natural England, the project's ecologist and the Council's Nature Conservation Officer must be contacted immediately. Works should not recommence until relevant licences have been obtained and written permission is granted by Natural England and the Council.

P0811738 location
Plan
P07 / 1496.

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24-7-07

AMENDED PLAN

Notes and References

Refer to the following drawings:

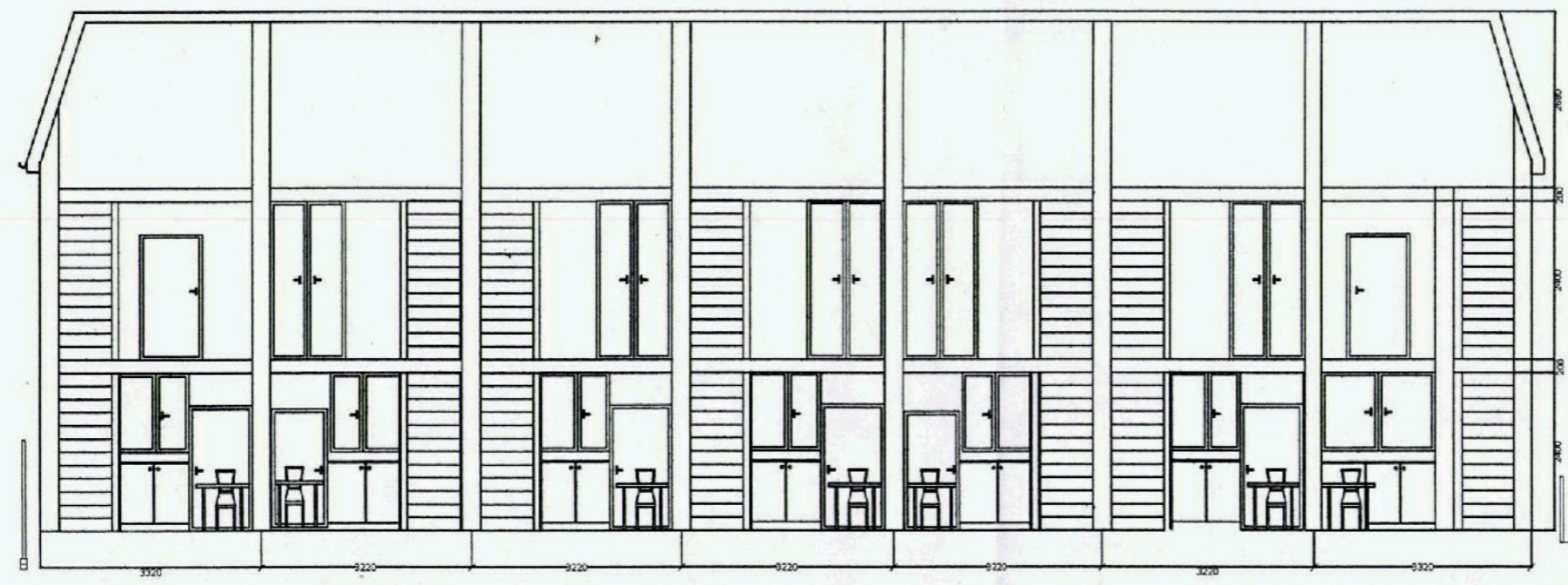
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- Existing Front Elevation
- Existing Rear Elevation
- Existing Side Elevation - A
- Existing Side Elevation - B

- Existing Plan Floor
- Existing First Floor Plan

- Ground Floor Plan
- First Floor Plan
- Loft Conversion Plan

- Front Elevation
- Side Elevation - A
- Side Elevation - B
- Rear Elevation

- Section a-a
- Section b-b
- Proposed Section c-c
- Proposed Section d-d



Proposed Section c-c
135, Commonsides Pensnett

Scale 1:100

Date 5th September 2009

Drawing by SMN Andrews

Client Sweet Spring Developments Ltd

Drawing title Proposed Section c-c

Modification
Height Reduction
Length Reduction
Removal of facing windows
in loft keeping skylights only

Job title 135, Commonsides
Pensnett

Drawing no P019

AMENDED PLAN

Notes and References

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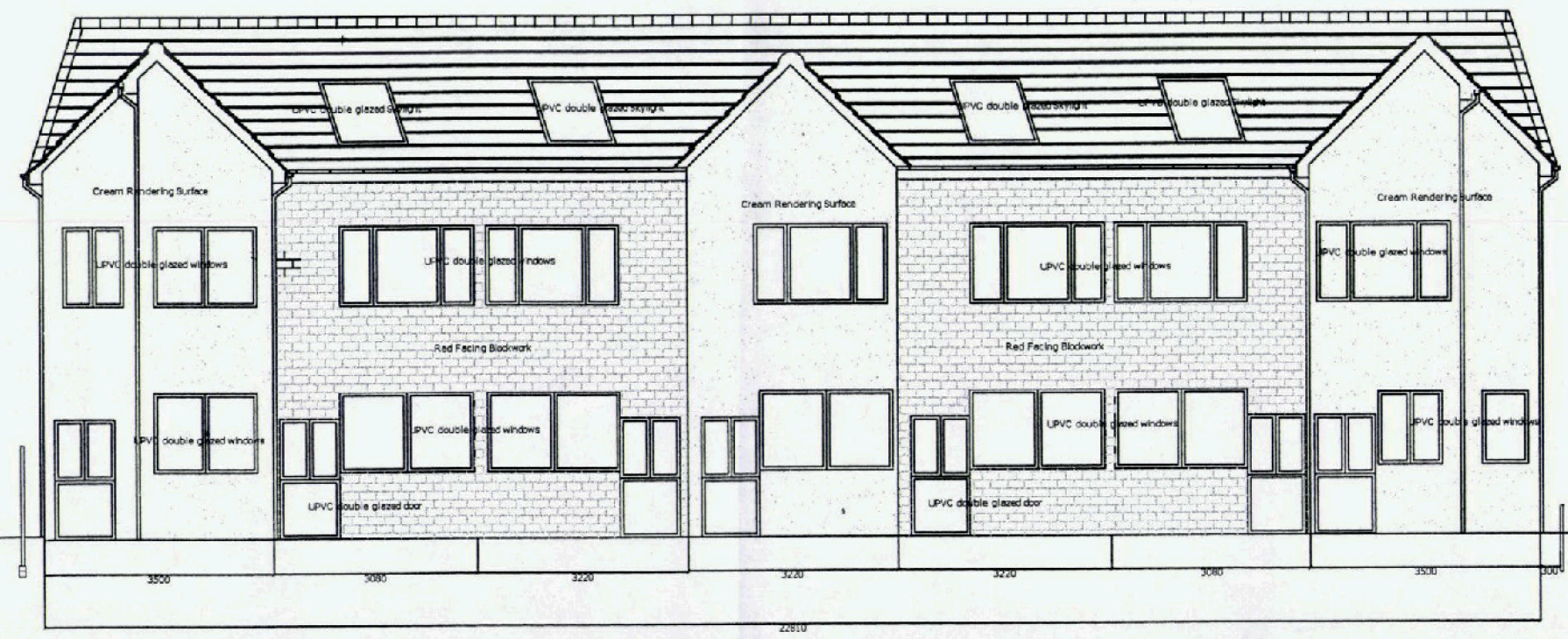
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- Existing Front Elevation
- Existing Rear Elevation
- Existing Side Elevation - A
- Existing Side Elevation - B

- Existing Plan Floor
- Existing First Floor Plan

- Ground Floor Plan
- First Floor Plan
- Loft Conversion Plan

- Front Elevation
- Side Elevation - A
- Side Elevation - B
- Rear Elevation

- Section a-a
- Section b-b
- Proposed Section c-c
- Proposed Section d-d



Proposed Rear Elevation
135, Commside Pennsett

Notes and References

Refer to the following drawings:

- Existing site
- Existing Front Elevation
- Existing Rear Elevation
- Existing Side Elevation - A
- Existing Side Elevation - B

- Existing Plan Floor
- Existing First Floor Plan

- Ground Floor Plan
- First Floor Plan
- Loft Conversion Plan

- Front Elevation
- Side Elevation - A
- Side Elevation - B
- Rear Elevation

- Section a-a
- Section b-b
- Proposed Section c-c
- Proposed Section d-d

AMENDED PLAN



Proposed Front Elevation
135, Commside Pennsnett

Scale 1:100

Date 5th November 2008

Drawing by SMN Andrews

Client Sweet Spring Developments Ltd

Drawing title Proposed Front Elevation

Modification Height Reduction
Length Reduction
Removal of facing windows
in loft keeping skylights only

Job Title 135, Commside
Pennsnett

Drawing No P017

AMENDED PLAN

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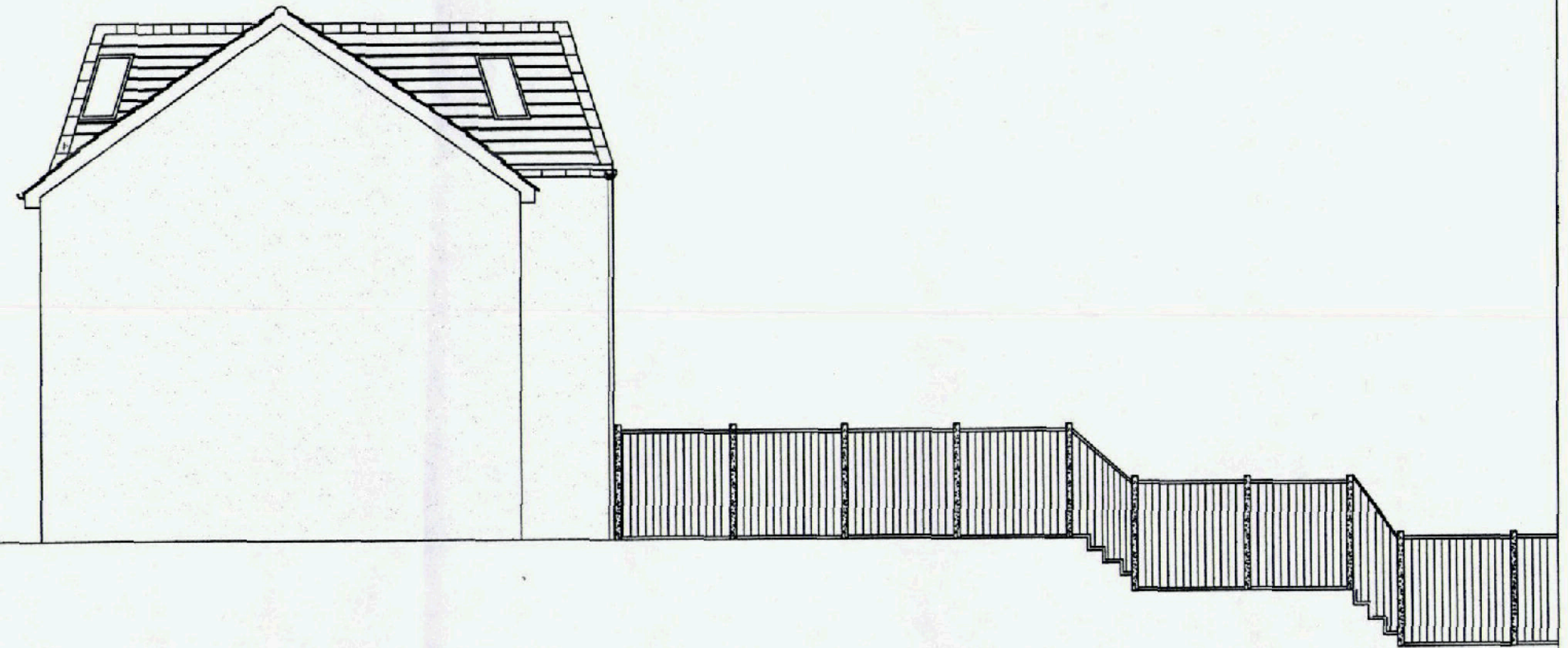
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- Existing Front Elevation
- Existing Rear Elevation
- Existing Side Elevation - A
- Existing Side Elevation - B

- Existing Plan Floor
- Existing First Floor Plan

- Ground Floor Plan
- First Floor Plan
- Loft Conversion Plan

- Front Elevation
- Side Elevation - A
- Side Elevation - B
- Rear Elevation

- Section a-a
- Section b-b
- Proposed Section c-c
- Proposed Section d-d



Proposed Side Elevation - B
135, Commonside Pensnett

Scale 1:100

Date 5th September 2009

Drawing by SMN Andrews

Client Sweet Spring Developments Ltd

Drawing title Proposed Side Elevation - B

Modification Height Reduction
Length Reduction
Removal of facing windows
in loft keeping skylights only

Job Title 135, Commonside
Pensnett

Drawing No P016

Notes and References

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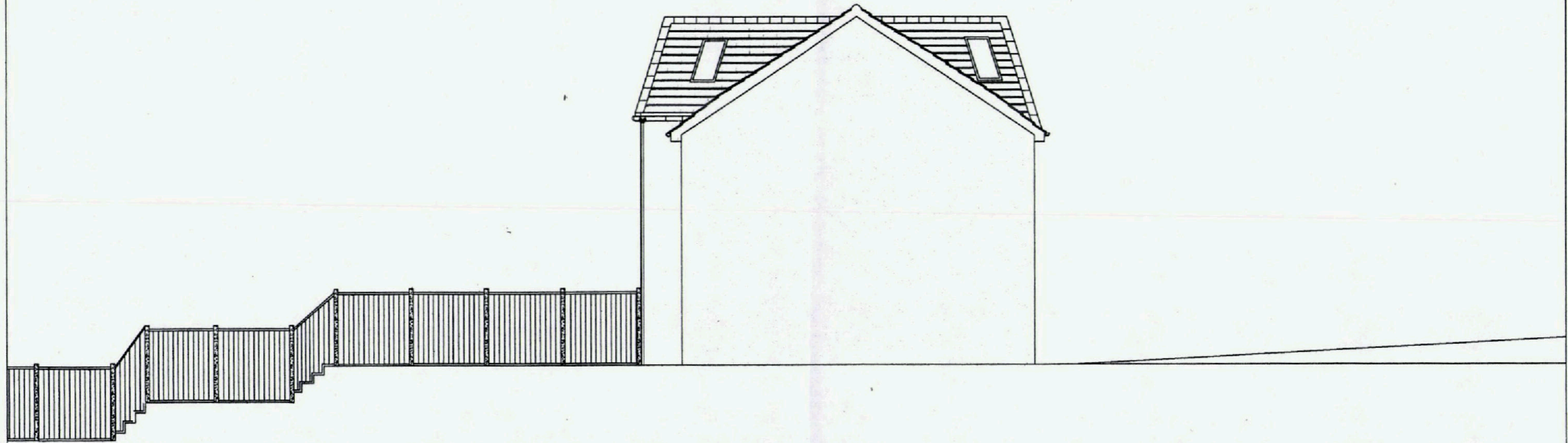
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- Existing Front Elevation
- Existing Rear Elevation
- Existing Side Elevation - A
- Existing Side Elevation - B

- Existing Plan Floor
- Existing First Floor Plan

- Ground Floor Plan
- First Floor Plan
- Loft Conversion Plan

- Front Elevation
- Side Elevation - A
- Side Elevation - B
- Rear Elevation

- Section a-a
- Section b-b
- Proposed Section c-c
- Proposed Section d-d



Proposed Side Elevation - A

135, Commonsie Pennsnett

Scale 1:100

Date 5th September 2009

Drawing by SMN Andrews

Client Sweet Spring Developments Ltd

Drawing title Proposed Side Elevation - A

Modification

- Height Reduction
- Length Reduction
- Removal of facing windows in loft keeping skylights only

Job Title

135, Commonsie Pennsnett

Drawing No P015

AMENDED PLAN

Notes and References

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Existing Rear Elevation
Existing Side Elevation - A
Existing Side Elevation - B

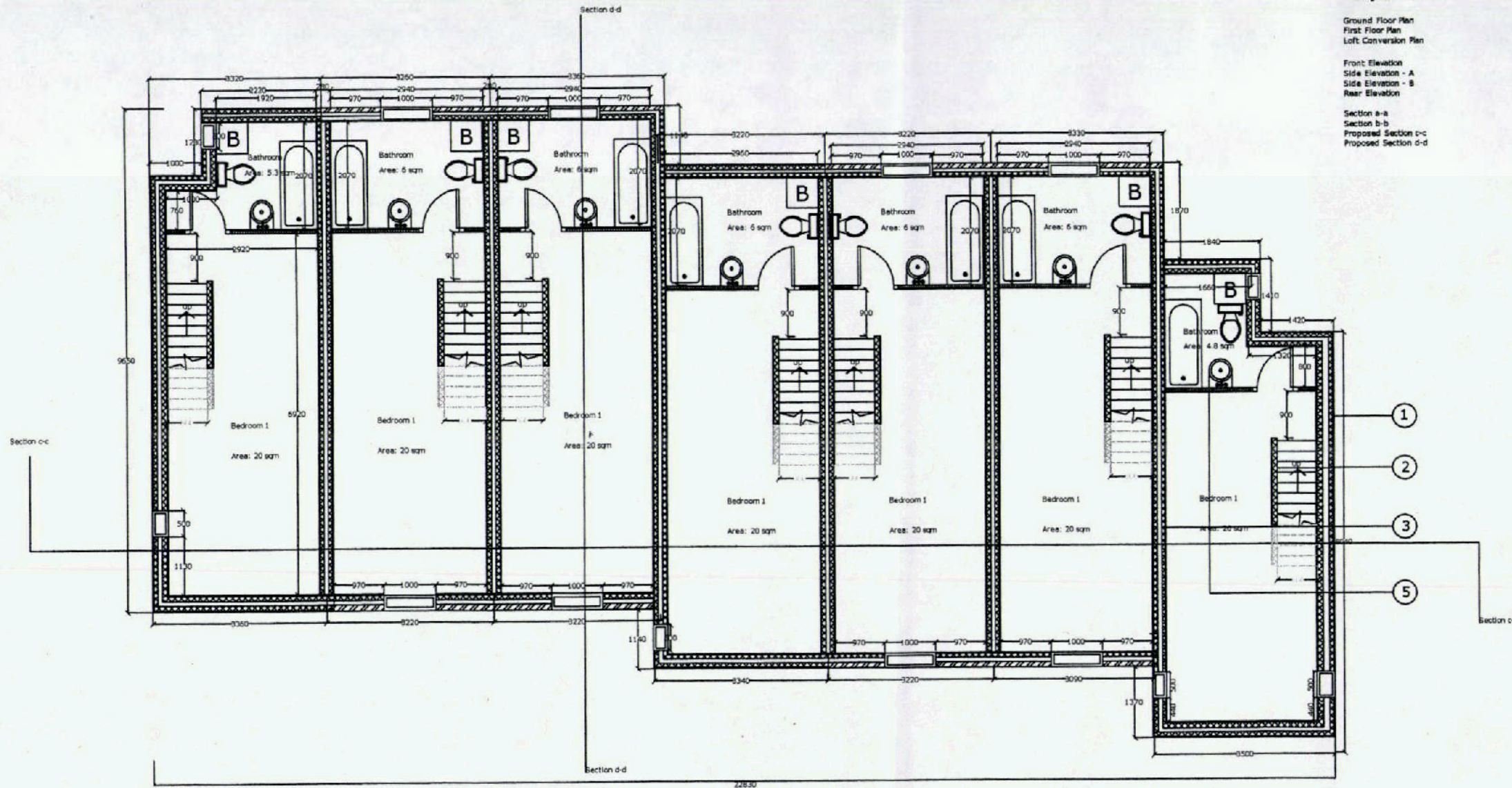
Existing Plan Floor
Existing First Floor Plan

Ground Floor Plan
First Floor Plan
Loft Conversion Plan

Front Elevation
Side Elevation - A
Side Elevation - B
Rear Elevation

Section a-a
Section b-b
Proposed Section c-c
Proposed Section d-d

	External cavity wall construction(1)	100mm facing brickwork, 50mm full fill cavity, 100mm blockwork, 10mm acoustic membrane, 15mm acoustic plasterboard with plaster skim finish
	External cavity wall construction(2)	100mm blockwork, 85mm full fill cavity, 100mm blockwork, 10mm hardwall rendering to one side, 10mm acoustic membrane, 15mm acoustic plasterboard with plaster skim finish to the other side
	Internal cavity wall construction(3)	100mm blockwork, 50mm full fill cavity, 100mm blockwork, 50mm acoustic mineral wool infilled between battens, 10mm acoustic membrane, 20mm resilient bar, 15mm acoustic plasterboard, 12,5mm acoustic plasterboard to both side with plaster skim finish
	Internal stud separation walls (4)	50mm acoustic mineral wool infilled between battens with 15mm acoustic plasterboard to both side with plaster skim finish
	stud walls (5)	Timber frame with 50mm acoustic mineral wool between battens, 12,5mm acoustic plasterboard to both side with plaster skim finish



Proposed Loft Conversion Plan
135, Commonsides Pennsnett

Scale 1:100

Date 5th September 2009 Drawing by SMN Andrews

Client Sweet Spring Developments Ltd

Drawing title Proposed Loft Conversion Plan

Modification Height Reduction
Length Reduction
Removal of facing windows in
loft keeping skylights only

Job Title 135, Commonsides
Pennsnett

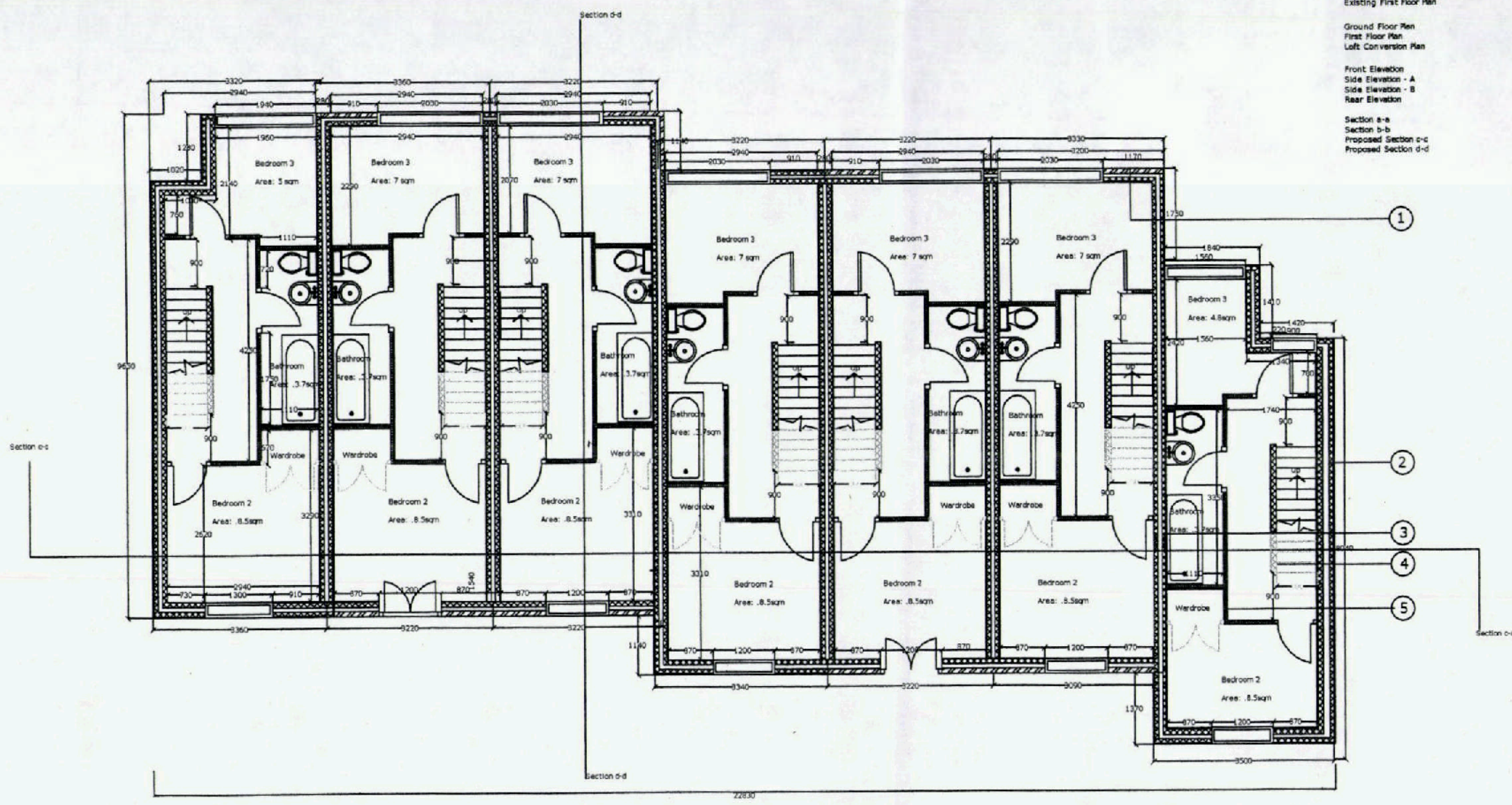
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AMENDED PLAN

Notes and References

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Existing Plan Floor Existing First Floor Plan		External cavity walls construction(2) 100mm blockwork, 85mm full fill cavity, 100mm blockwork, 10mm hardwall rendering to one side, 10mm acoustic membrane, 19mm acoustic plasterboard with plaster skim finish to the other side
Ground Floor Plan First Floor Plan Loft Conversion Plan		Internal cavity walls construction(3) 100mm blockwork, 50mm full fill cavity, 100mm blockwork, 50mm acoustic mineral wool infilled between battens, 10mm acoustic membrane, 20mm resilient bar, 19mm acoustic plasterboard, 12.5mm acoustic plasterboard to both side with plaster skim finish
Front Elevation Side Elevation - A Side Elevation - B Rear Elevation		Internal stud separation walls (4) 50mm acoustic mineral wool infilled between battens with 19mm acoustic plasterboard to both side with plaster skim finish
Section a-a Section b-b Proposed Section c-c Proposed Section d-d		Stud walls (5) Timber frame with 50mm acoustic mineral wool between battens, 12.5mm acoustic plasterboard to both side with plaster skim finish



Proposed First Floor Plan
135, Commside Pensnett

Scale 1:100

Date 5th September 2009

Drawing by SMN Andrews

Client Sweet Spring Developments Ltd

Drawing title Proposed First Floor Plan

Modification Height Reduction
Length Reduction
Removal of facing windows in loft keeping skylights only

Job Title 135, Commside Pensnett

Drawing No P013

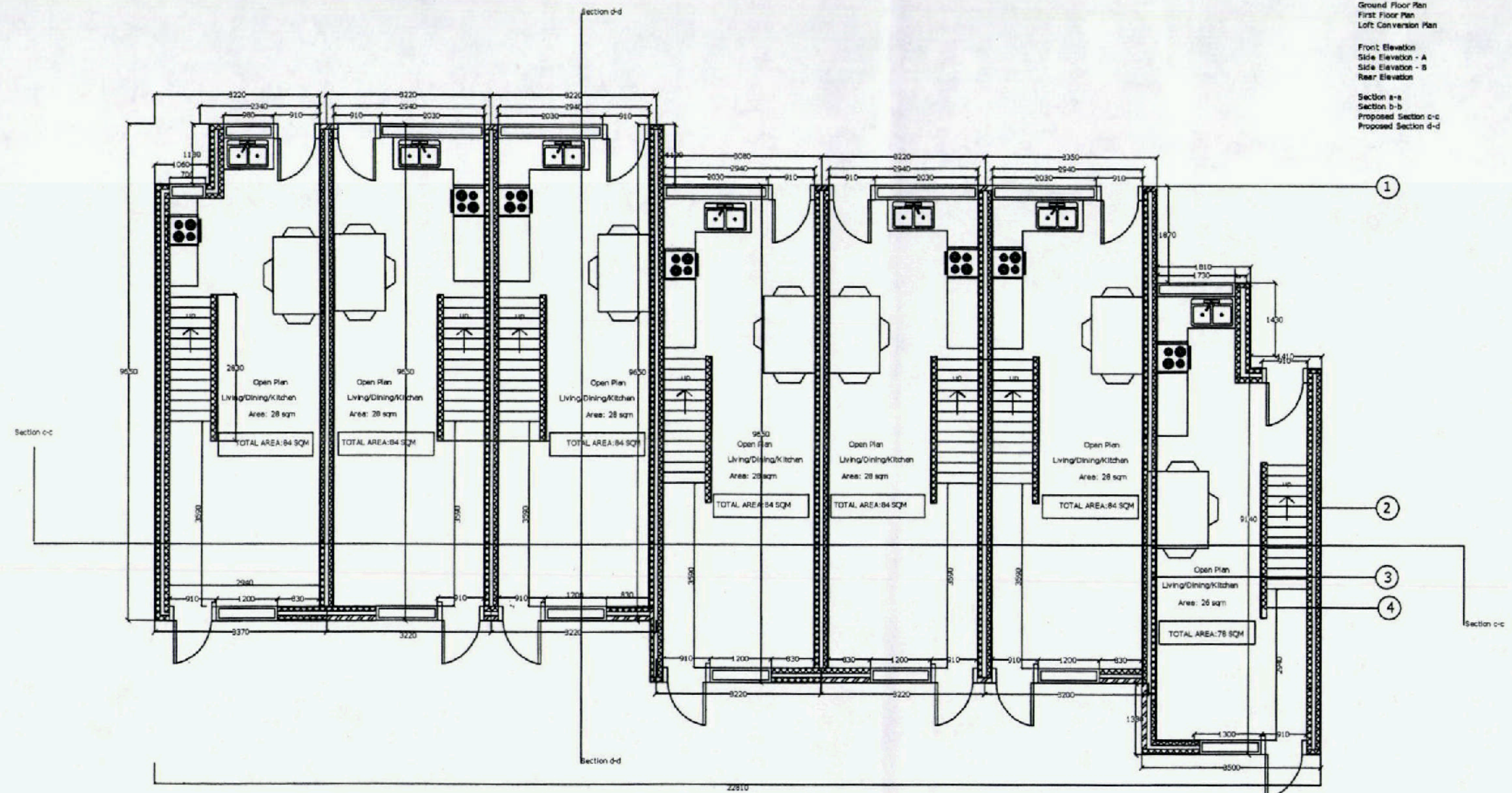
AMENDED PLAN

Notes and References

Refer to the following drawings:

Existing site		
Existing Front Elevation		
Existing Rear Elevation		
Existing Side Elevation - A		
Existing Side Elevation - B		
Existing Plan Floor		
Existing First Floor Plan		
Ground Floor Plan		
First Floor Plan		
Loft Conversion Plan		
Front Elevation		
Side Elevation - A		
Side Elevation - B		
Rear Elevation		
Section a-a		
Section b-b		
Proposed Section c-c		
Proposed Section d-d		

	External cavity walls construction(1)	100mm facing brickwork, 50mm full fill cavity, 100mm blockwork, 10mm acoustic membrane, 15mm acoustic plasterboard with plaster skim finish
	External cavity walls construction(2)	100mm blockwork, 50mm full fill cavity, 100mm blockwork, 10mm hardwall rendering to one side, 10mm acoustic membrane, 15mm acoustic plasterboard with plaster skim finish to the other side
	Internal cavity walls construction(3)	100mm blockwork, 50mm full fill cavity, 100mm blockwork, 50mm acoustic mineral wool infill between battens, 10mm acoustic membrane, 20mm resilient bar, 15mm acoustic plasterboard, 12.5mm acoustic plasterboard to both side with plaster skim finish
	Internal stud separation walls (4)	50mm acoustic mineral wool infill between battens with 15mm acoustic plasterboard to both side with plaster skim finish
	stud walls (5)	Timber frame with 50mm acoustic mineral wool between battens, 12.5mm acoustic plasterboard to both side with plaster skim finish



Proposed Ground Floor Plan
135, Commside Pensnett

Notes and References

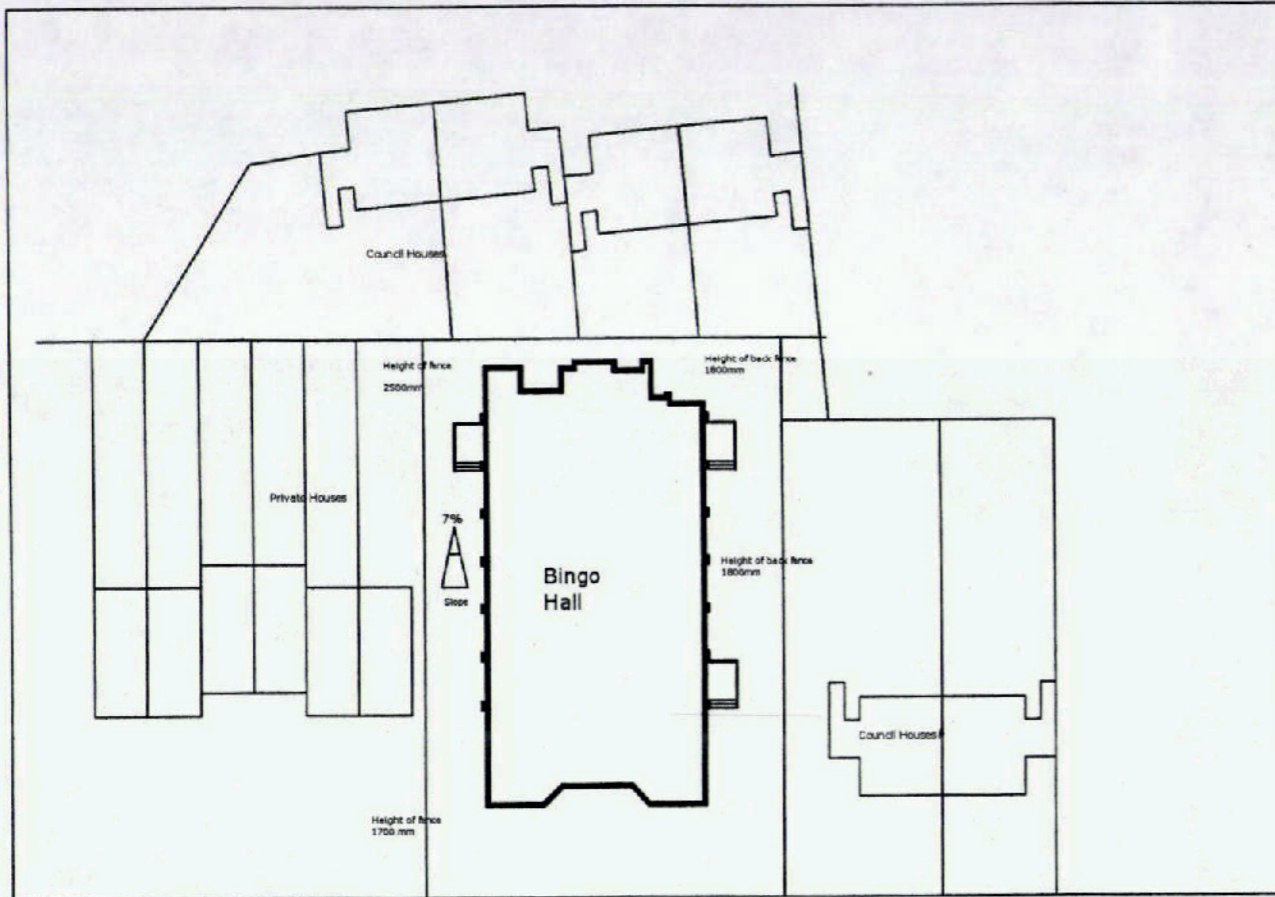
Refer to the following drawings:

- Existing site
- Existing Front Elevation
- Existing Rear Elevation
- Existing Side Elevation - A
- Existing Side Elevation - B
- Existing Plan Floor
- Existing First Floor Plan

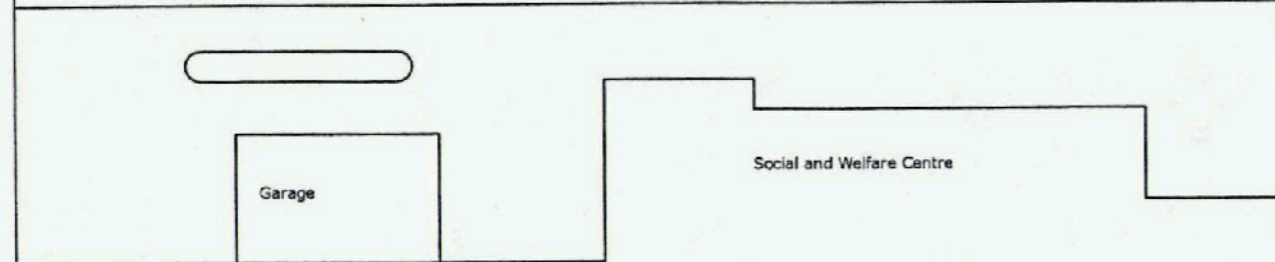
- Ground Floor Plan
- First Floor Plan
- Loft Conversion Plan

- Front Elevation
- Side Elevation - A
- Side Elevation - B
- Rear Elevation

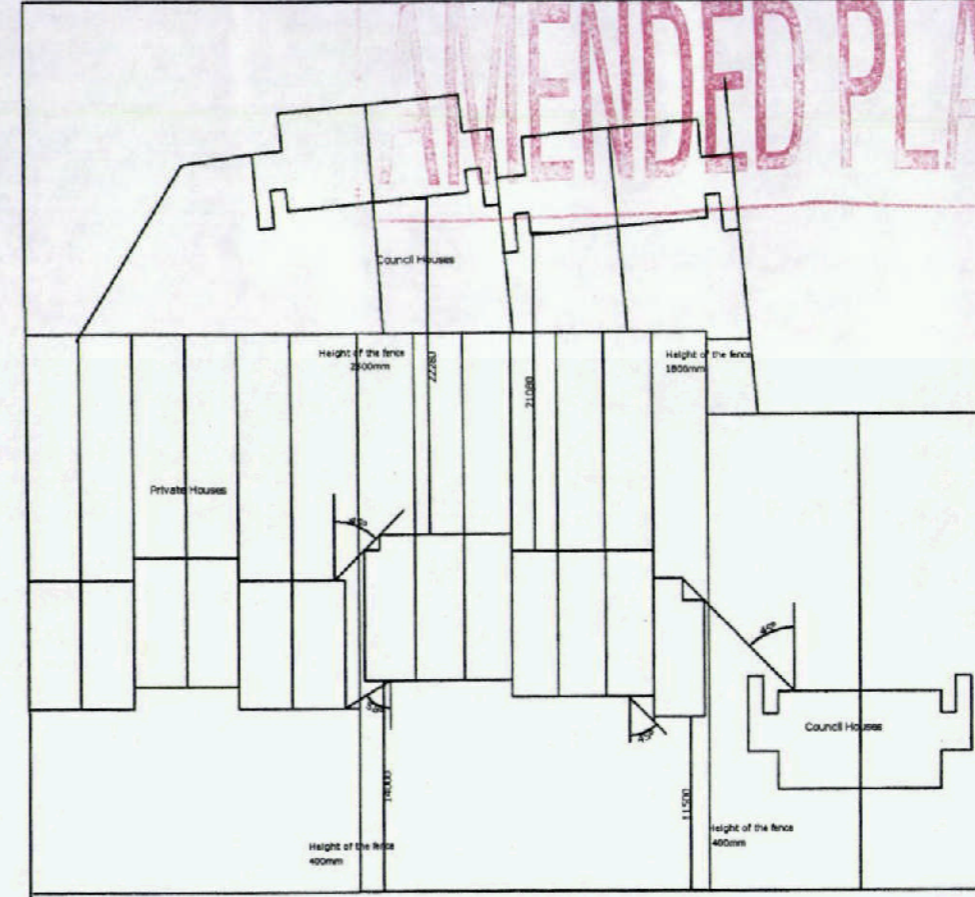
- Proposed Section a-a
- Proposed Section b-b
- Proposed Section c-c
- Proposed section d-d



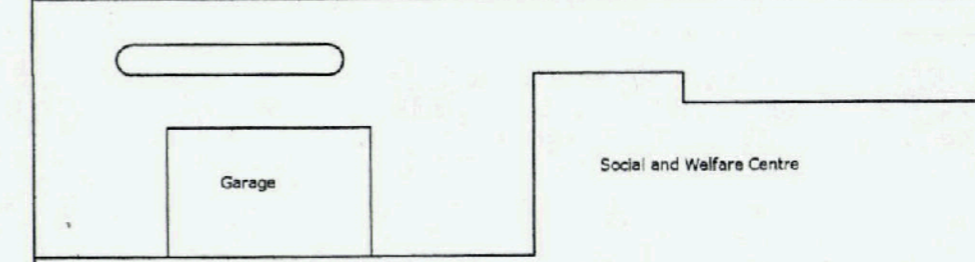
COMMONSIDES



Existing Site Plan
135, Commonsides Pennsnett



COMMONSIDES



Proposed Site Plan
135, Commonsides Pennsnett

Scale 1:500

Date 5th September 2009

Drawing by SMN Andrews

Client Sweet Spring Developments Ltd

Drawing title Existing Site Plan/ Proposed Site Plan

Modification
Height Reduction
Length Reduction
Removal of facing windows
in loft keeping skylight only

Job Title 135, Commonsides
Pennsnett

Drawing No P001

AMENDED PLAN

Notes and References

Refer to the following drawings:

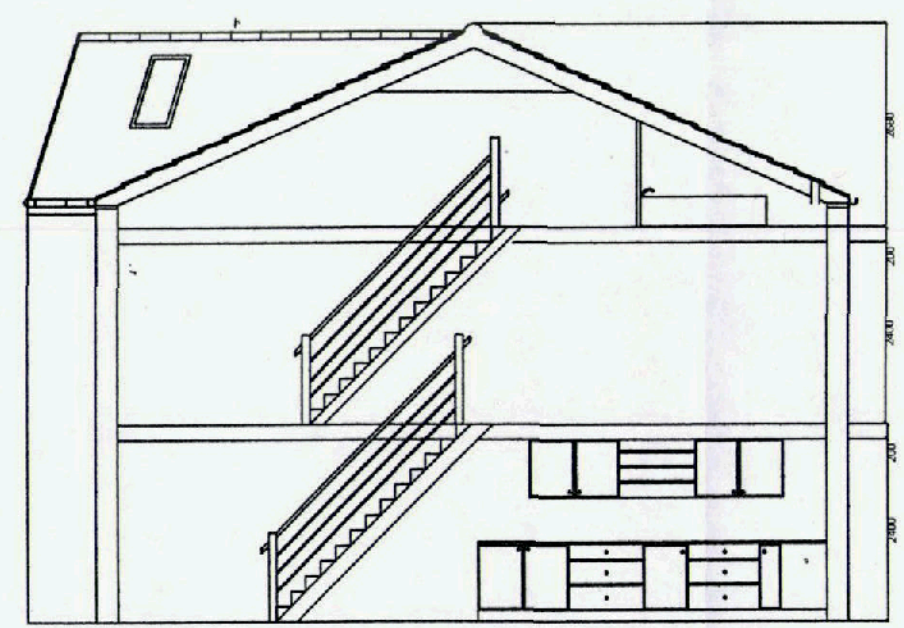
- Existing site
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- Existing Side Elevation - A
- Existing Side Elevation - B

- Existing Plan Floor
- Existing First Floor Plan

- Ground Floor Plan
- First Floor Plan
- Loft Conversion Plan

- Front Elevation
- Side Elevation - A
- Side Elevation - B
- Rear Elevation

- Section a-a
- Section b-b
- Proposed Section c-c
- Proposed Section d-d



Proposed Section d-d
135, Commonsides Pensnett

Scale 1:100

Date 5th September 2009 Drawing by SMN Andrews

Client Sweet Spring Developments Ltd

Drawing title Proposed Section d-d

Modification Height Reduction
Length Reduction
Removal of facing windows in
loft keeping skylights only

Job Title 135, Commonsides
Pensnett

Drawing No P020