

PLANNING APPLICATION NUMBER:P21/1063

Type of approval sought	Full Planning Permission
Ward	St. James's Ward
Agent	
Case Officer	James Mead
Location:	LAND AT THE JUNCTION OF, STEPPINGSTONE STREET AND GREYSTONE PASSAGE, DUDLEY, DY1 1SB
Proposal	ERECTION OF 1 NO. DWELLING WITH ASSOCIATED WORKS
Recommendation Summary:	REFUSE

REFERRAL TO DEVELOPMENT CONTROL COMMITTEE

1. The application has been referred to Development Control Committee as the applicant is a Councillor.

SITE AND SURROUNDINGS

1. The application site relates to a landscaped piece of land at the junction of Steppingstone Street and Greystone Passage, Dudley. The site is set within a predominantly residential area and occupying a plot of some 0.026 hectares and forms part of green amenity space that defines the corner of Steppingstone Street, Greystone Passage and Dock Lane.
2. The application site is bound to the north by 79 and 81 Steppingstone Street, these are semi-detached hipped roofed two storey properties, both of which are set approximately 1.5m higher than the application site due to the land level difference between Greystone Passage and Steppingstone Street. An existing brick wall forms the boundary with these properties.

3. To the rear of the site (east) is an area of land, bound by a breeze block wall, that appears to be an area of hardstanding that has become overgrown in connection with the existing property at 79 Steppingstone Street. Beyond this is No.21 Greystone Passage a semi-detached bungalow forming part of a recently constructed row of 8 houses all to the north side of Greystone Passage.
4. To the south of Greystone Passage are two storey residential properties of varying designs and styles. Further to the south beyond the green area is a wider industrial and commercial area. To the east, further residential area and the existing Dudley Leisure Centre.

PROPOSAL

5. This proposal is for the erection of 1no. three bed detached dwelling. The property would front onto and have vehicular access to Greystone Passage. Off street parking appears to be provided to the side with a private garden area also to the side.
6. The property would measure a maximum length of 12m and 9.2m wide. It would measure They would measure 4.8m in height to the eaves and 8m in height to the main ridge to provide a two-storey detached property.
7. Internally, the house would be provided with two large receptions rooms, kitchen and WC on the ground floor and three bedrooms and bathroom at first floor.
8. The property would be designed with a pitched roof and forward projecting gable wing to the front, with small single storey addition to the side. The proposed dwellings would be finished in facing brickwork, with a tiled roof and UPVC windows and doors.
9. Site area is 0.026 hectares, which equates to a density of 38.5 dwellings per hectare.

10. This application is before Development Control committee as the applicant is an elected member.

HISTORY

APPLICATION NO.	PROPOSAL	DECISION	DATE
86/50585	Erection of building for use as children's day care centre.	Approved with conditions	03/06/1986
86/51619	Erection of building for use of day care centre	Approved with conditions	04/12/1986

PUBLIC CONSULTATION

11. Letters of notification were sent to six nearby occupiers and a site notice was posted with the final dates for comments being 19th July 2021. No comments have been received.

OTHER CONSULTATION

12. Head of Environmental Safety and Health.
No objection subject to safeguarding conditions with respect to noise and air quality.
13. Head of Planning and Development (Highway Engineer):
The application cannot be supported as the development does not maintain appropriate forward visibility across the site at this junction.
14. Land Contamination:
Consideration of land contamination and ground gas risk is required, and conditions are recommended to secure this in the event the application is approved.

15. The Coal Authority

The Coal Authority **objects** to this planning application, as currently, they consider that the LPA has insufficient information to determine this planning application.

RELEVANT PLANNING POLICY

16. National Planning Policy

- National Planning Policy Framework (NPPF) 2021
- Technical Guidance to the National Planning Policy Framework.
- Planning Practice Guidance (2014)

17. Black Country Core Strategy (2011)

- CSP3 Environmental Infrastructure
- CSP4 Place Making
- DEL1 Infrastructure Provision
- HOU1 Delivering Sustainable Housing Growth
- HOU2 Housing Density, Type and Accessibility
- TRAN2 Managing Transport Impacts of New Development
- ENV2 Local Character and Distinctiveness
- ENV3 Design Quality

18. Dudley Borough Development Strategy (2017)

- S1 Presumption in Favour of Sustainable Development
- S6 Urban Design
- S17 Access & Impact of Development on the Transport Network
- L1 Housing Development, Extensions and Alterations to Existing Dwellings
- D3 Contaminated Land
- D4 Unstable Land

19. Supplementary Planning Documents / Guidance

- Access for All
- Design for Community Safety
- Parking Standards SPD
- New Housing Development SPD

ASSESSMENT

20. The main issues are

- Principle/Policy
- Layout and Design
- Neighbour and Occupier Amenity
- Access, Parking and Highway Safety
- Land Contamination and Stability

Principle/Policy

21. The National Planning Policy Framework (NPPF) seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF also seeks to boost housing supply and supports the delivery of a wide choice of high-quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.

22. The Black Country Core Strategy adopted in 2011 sets out The Vision, Sustainability Principles and The Spatial Objectives for future development in the Black Country to 2026. One of the Spatial Objectives of the Strategy is to help to deliver sustainable communities on redundant land, that make the most of opportunities such as public transport, are well served by residential services and green infrastructure, have good walking, cycling and public transport links to

retained employment areas and centres, are set in high quality natural and built environments and are well integrated with surrounding areas.

23. The Black Country Core Strategy (BCCS), Policy HOU1: 'Delivering Sustainable Housing Growth' also requires at least 63,000 net new homes up to 2026.
24. Policy L1 of the Dudley Borough Development Strategy states that new development will be supported on previously developed land and on sites in sustainable locations, close to public transport facilities and links. Housing development will be permitted, provided that the design of the development is of an appropriate form, siting, scale, and mass; that it would not cause unacceptable harm to the amenities of the occupiers of neighbouring dwellings; that it would provide an appropriate level of amenity for future occupiers of the development and that the development would provide adequate access, parking and provision for the manoeuvring of vehicles, with no detrimental impact on highway safety and free flow of traffic.
25. It is considered the principle of redeveloping this site for residential purposes would be broadly in line with national and local policy. The site is within an established residential area, close to public transport links and with easy access to local services. However, consideration of design and amenity also needs to be given along with other material planning considerations.

Layout and Design

26. Chapter 12 of the NPPF focuses on good design as a key element of sustainable development. Paragraph 126 states "Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities"
27. Policy S6 (Urban Design) of the Dudley Borough Development Plan identifies that new development should be designed in accordance with good urban design principles. In addition, 'The New Housing Development' SPD encourages good quality accommodation in attractive environments. It contains a series of urban

design principles and refers to minimum design and amenity guidance. Particular emphasis is given to assessing context and responding positively to local character.

28. The New Housing SPD provides detailed guidance with respect to assessing context and local character. Where a potential development site is located in the context of a broad character area, the council requires development to consider the appropriate design response to the defining characteristics of that area. It is noted that provided with the application are a number of streetscene drawings, which show the property in relation to the surrounding area. These drawings are however inaccurate and do not reflect the level differences between the site and those properties to the rear on Steppingstone Stone Street. Notwithstanding this, it is considered that the position/width of the proposed dwelling, although particularly prominent on this corner would, on balance not appear out of context. Two storey properties are a feature elsewhere and there is a mix of property styles and types apparent in the street. It results in a development that would not, on balance, be harmful to the surrounding area.
29. Despite being set close to the back edge of the pavement the house would be brick built with roof tiles. This would help to assimilate the new development with the existing surrounding area. The front projecting gable is not a feature seen elsewhere in the street and could be considered to be an alien feature and as incongruous to the street and overall character. However, taking into account the isolated position at the entrance to Greystone Passage, it is not considered that this would be a sufficient reason to warrant the refusal of the application in this instance. Conditions to ensure appropriate materials are recommended.

Neighbours and Occupier Amenity

30. The Council's New Housing SPD recommends a series of numerical standards to ensure existing and future occupiers' privacy and outlook. The development has been designed so that the front facing main habitable room windows of the proposed dwellings are orientated away from existing properties. Windows to the side elevation would either be obscurely glazed secondary windows, not serve habitable rooms, or would not overlook due to proposed boundary treatment.

31. Amenity space for proposed house is to the side, providing approximately 55sqm of space, which is less than guideline figures of 65sqm outlined in the New Housing Development SPD. The SPD recommends at least an 11m distance at the rear, which is met in this case. Given this, it is not considered that this would be sufficient reason to warrant the refusal of the application in this instance.
32. The property would provide an internal layout of suitable size, with at least one good sized accessible double bedroom and a furniture layout shows that ample storage can be accommodated to meet the expected requirements.
33. Applying the 45-degree code, it is noted that the properties would not breach the code, to any neighbouring property. Therefore, it is not considered there would be any undue loss of light to any adjacent property.

Access, Parking and Highway Safety

34. As outlined within policies TRAN2 of the Black Country Core Strategy and Policy S17 of the Dudley Borough Development Strategy there is a requirement to ensure that development proposals do not result in significant transport implications. In support of these policies, the Parking Standards SPD recognises the need to provide the *“right amount of parking provision in the right place and to the right size”* to support the *“creation of new residential developments both in terms of good scheme layout and design and also highway safety”* (para. 3.1). In doing so paragraph 3.2 outlines that *“Developments that suggest likely on-street parking which would create or exacerbate issues of highway safety will not be supported.”*
35. To ensure that developments respect the above, the Parking Standards SPD specifies minimum parking standards for new residential developments, seeking a minimum of two adequately sized parking spaces for any three bedroomed dwelling. In this instance, the proposed development seeks to secure two parking spaces. The parking would be considered remote from the house as it is suggested this would be adjacent to the boundary with 21 Graystone Passage. However, no parking layout has been provided and it is not possible to establish if these spaces

would be adequate in terms of their size to provide the required parking for this development. In the event of the application being approved a condition to require a car parking layout would be necessary.

36. There was some concern that the position of the house at this corner impedes the appropriate visibility required at junction of Steppingstone Street and Greystone Passage, due to the nature of the road at this point. However, after visiting the site, the Highways Engineer is satisfied that with appropriate conditions to ensure appropriate forward visibility at the bend and onto the footpath and highway that there would not be any detrimental impact to highway safety.

Land Contamination and Stability

37. The Council's Land Contamination Officer has reviewed the submitted documents. Due to the previous uses of the site, it is recommended that further assessments regarding ground contamination and gases is required. Conditions to secure this is recommended.
38. The Coal Authority objects to the application due to the absence of appropriate information to assess that the site is safe, stable and suitable for development.
39. The NPPF at paragraph 183 states that "*Planning policies and decisions should ensure that:*
 - a) *a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
 - b) *after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
 - c) *adequate site investigation information, prepared by a competent person, is available to inform these assessments.*

40. Paragraph 184 goes on to state “Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
41. In addition, Policy D4 (Unstable Land) of the Dudley Borough Development strategy (2017) states “*Where it is known or suspected that land stability may have an impact on any development or works to upgrade the local environment, planning applications must be accompanied by sufficient proportionate information to determine the extent of the instability. The developer will be required to undertake an assessment of the potential of such works to mitigate against, or ensure that there are no significant adverse impacts on controlled waters and geological features of value*”
42. The application site falls within the defined Development High Risk Area. The Coal Authority’s information indicates that the application site lies in an area where historic unrecorded underground coal mining activity is likely to have taken place at shallow depth. The applicant has submitted some coal mining information to accompany the planning application; such as a Coal Mining Report, Consultants Report or Enviro All in One Report. However, these are factual reports only and this information does not provide any assessment of the potential risks posed to the specific development proposal by past coal mining activity.
43. In accordance with the agreed risk-based approach to development management in the defined Development High Risk Areas, the applicant was informed of the need to submit a Coal Mining Risk Assessment, or an equivalent report, to support this planning application. However, such a report was not provided to the Local Planning Authority.
44. The applicant should be aware that a Coal Mining Risk Assessment is required to inform the principle of the development and should demonstrate how coal mining risks have been considered in the context of the proposed development and how the developer will ensure that the proposed development will be safe and stable. In

the absence of this report the Local Planning Authority does not have sufficient information to determine this planning application and therefore as submitted fails to comply paragraphs 183 and 184 of the NPPF and policy D4 of the Dudley Borough Development Strategy (2017)

CONCLUSION

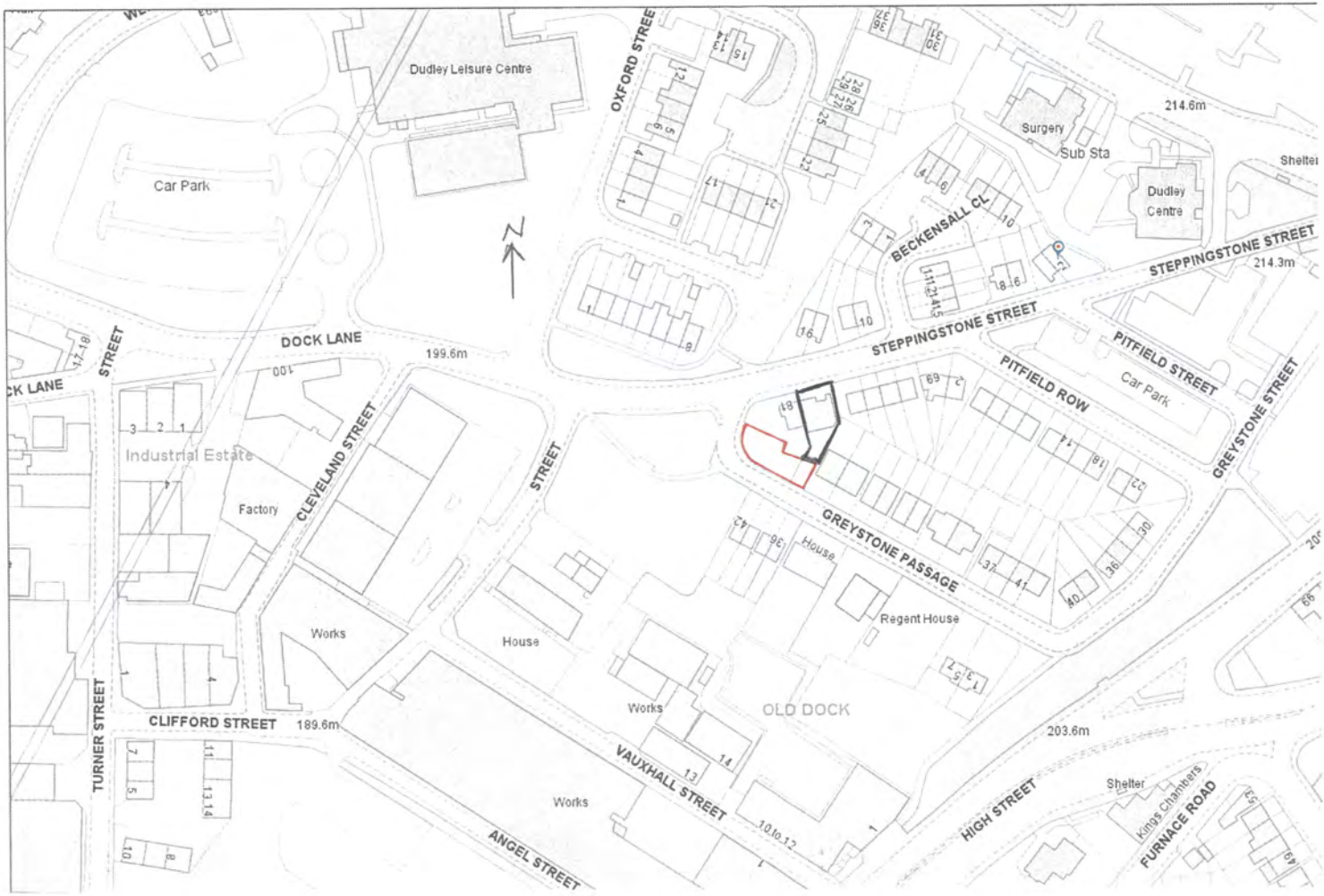
45. Information in respect to Coal Mining Legacy has not been provided. As such, the proposal would be contrary to the policy guidelines contained within the NPPF, the Black Country Core Strategy (2011); the Dudley Borough Development Strategy (2017), and the advice given in the New Housing Development SPD (2013) and Parking Standards SPD (2017).

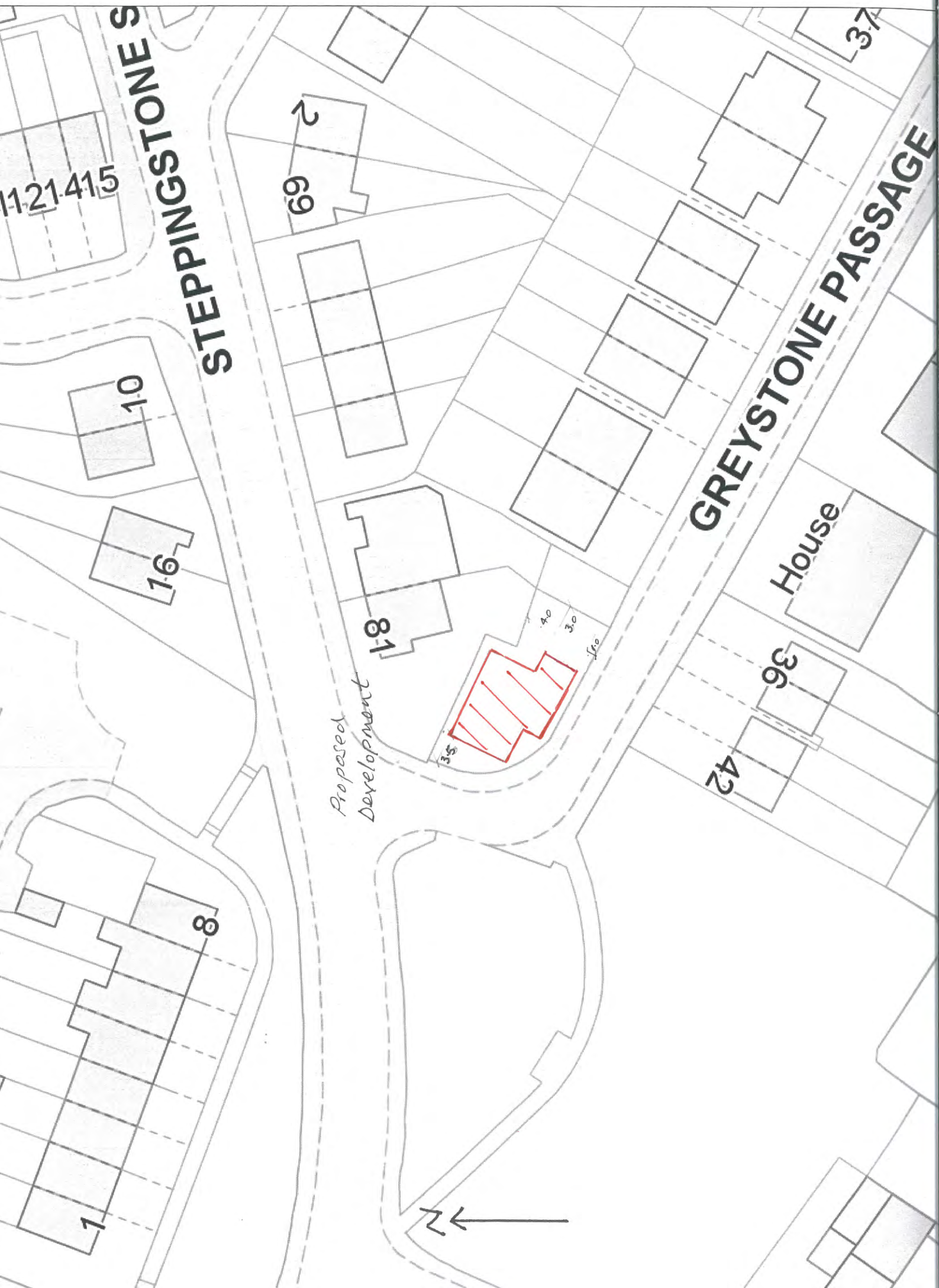
RECOMMENDATION

46. It is recommended that the application be REFUSED.

Conditions and/or reasons:

1. The application site falls within the defined Development High Risk Area; therefore, within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. Insufficient information has been submitted to make an informed decision in this regard. As such the proposal is contrary to Policy D4 (Unstable Land) of the Dudley Brough Development Strategy (2017) and Paragraphs 183 and 184 of the National Planning Policy Framework (2021).





STEPPINGSTONE S

GREYSTONE PASSAGE

*Proposed
Development*

House

121-415

10

16

8

1

2
69

8-1

38

40

30

36

42

36

37





NOTES

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1 Proposed West Side Street Scene
1 : 100

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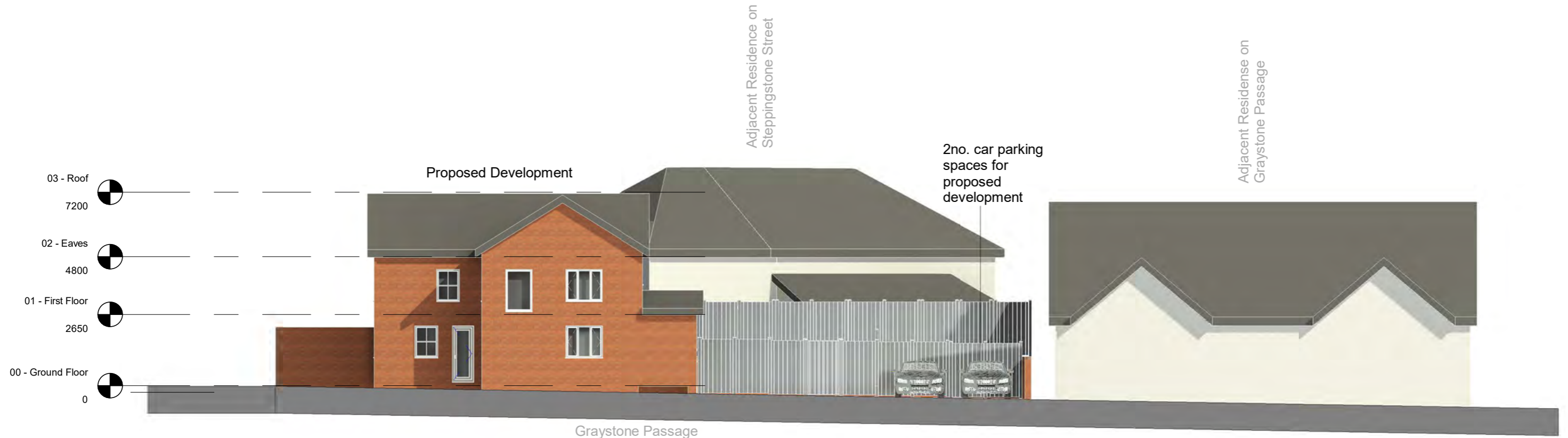
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A		car parking identified	18.8.21	mm
Rev	Description	Date	Dr by	App by
PLANNING				
Client:				
Project: Land at Junction of Greystone Passage & Steppingstone Passage				
Drawing Title: West Side Street View				
Drawn	Paper Size	Scale	Date	
mm	A3	as shown @ A3	17/05/2021	
Project No. 2021/1064		Drawing No. P102	Revision A	



NOTES

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1 Proposed South Side Street Scene
1 : 150

B	car parking identified	18.8.21	mm
A	ground & windows corrected	19.6.21	mm

Rev	Description	Date	Dr by	App by
PLANNING				

Client: _____
 Project: Land at Junction of Greystone Passage & Steppingstone Passage

Drawing Title: South Side Street View

Drawn mm	Paper Size A3	Scale as shown @ A3	Date 17/05/2021
Project No. 2021/1064	Drawing No. P103	Revision B	

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1 Proposed South Side Street Scene
1 : 150

A ground & windows corrected 19.6.21 mm

Rev	Description	Date	Dr by	App by
PLANNING				

Client:
Project:
Land at Junction of Greystone Passage & Steppingstone Passage

Drawing Title:
South Side Street View

Drawn mm	Paper Size A3	Scale as shown @ A3	Date 17/05/2021
Project No. 2021/1064		Drawing No. P103	Revision A

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