

PLANNING APPLICATION NUMBER:P10/0146

Type of approval sought	Full Planning Permission
Ward	Wordsley
Applicant	John Widdowson, Marstons Plc
Location:	FOX AND GOOSE PUBLIC HOUSE, 142, BROMLEY LANE, KINGSWINFORD, DY6 8QE
Proposal	ERECTION OF 2 NO DWELLINGS (RESUBMISSION OF REFUSED APPLICATION P09/0631)
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The application site is set within a well established residential area and is an area of land 466m². It is currently used as a car park for a public house. The public house is currently operational and is sited 19.5m to the west of the application site. The application site is accessed via an access road which serves the Public House and forms a link to Randall Close, this road is adopted highway. The properties within the surrounding area all back onto the application site and associated access road and are a mix of both semi-detached and detached dwellings all of which are two storey in nature.
2. The application site is bound to the west by the remaining car park and associated Public House. To the east is a grass verge before Randall Close. To the north is the access road serving the Public House and linking to Randall Close. To the rear is numbers 29 and 31 Randall Close. 29 Randall Close is a semi detached dwelling whereas number 31 is detached and forms the end of the row of dwellings on the north side of Randall Close. Both these properties back onto the application site.

PROPOSAL

3. The proposal is a resubmission of a previously refused application P09/0631. This application seeks approval for the erection of two semi detached dwellings. The proposed dwellings would be two storey with 3 bedrooms. The proposed dwellings would have attached garages sitting back from the front elevation. The properties would be finished with side facing gable roofs and have frontages with sufficient space available for off road vehicle parking spaces and an area of soft landscaping. The proposed development site forms part of an adopted highway. As part of the scheme the applicant intends to install a 2m wide footway in front of the application site. This area of highway would need to be subject to Section 278 of the Town & Country Planning Act 1990 (as amended) to allow the development to be enabled.

HISTORY

4.

APPLICATION No.	PROPOSAL	DECISION	DATE
P03/2091	Erection of 2 no. 3 bedroom link detached dormer bungalows	Approved with Conditions	24 th May 2004
P09/0631	Erection of 2 no. dwellings.	Refused	9 th July 2009

P09/0631 was refused for the following reasons:

- The parking provision associated with the proposed development is substandard by way of narrow width of the proposed car parking spaces in front of the proposed garages and the small internal dimensions of the proposed garage. This arrangement results in the site having a shortfall in off road vehicle parking for the proposed scheme contrary to the requirements of Policy DD6 – Access and Infrastructure of the Adopted UDP (October 2005) and Supplementary Planning Guidance – Parking Standards and Travel Plans– (March 2007).

- The proposed form, layout and appearance of the proposed development would result in a development that is inappropriate in its context which would fail to sufficiently improve the character and quality of the area and the way it functions and which would not be integrated into the existing built form contrary to the requirements of Policy DD4 – Development in Residential Areas of the Adopted UDP (2005) and Supplementary Planning Guidance – New Housing Development – (March 2007).
- The design of these one and a half storey buildings is tantamount to a two storey dwelling in height and mass and the resultant design is one with a roof which unbalances the building and consequently forms the dominant feature of the properties failing to complement the prevailing character of the area. In addition, the front elevations of the proposed dwellings are considered bland and disinteresting resulting in a development that would detract from the appearance of the street scene contrary to the requirements of Policy DD4 – Development in Residential Areas of the Adopted UDP (2005) and Supplementary Planning Guidance – New Housing Development – (March 2007).
- The lack of an undertaking to make a contribution towards recreation facilities/public open space/ Transport Infrastructure Improvements/ Public Realm/ Library and Nature Conservation is contrary to the requirements of Adopted UDP Policies DD7 – Planning Obligations, DD8 Provision of open space, sport and recreation facilities and LR1 – Open Space and the Planning Obligations SPD, and 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.

PUBLIC CONSULTATION

5. Notification letters were sent to the occupiers of 29 neighbouring properties. The consultation period expired on the 8 March 2010 and as a result: - Three letters have been received. Two are in objection to the proposed scheme raising the following points:

- Overlooking to the rear of the property
- Loss of light to the garden area

- Devaluation of property

The final letter is in support of the application.

OTHER CONSULTATION

6. Group Engineer (Development) – No objections received following amended plans and subject to a S278 agreement.
7. Head of Environmental Protection and Trading Standards – No objections subject to a condition related to an acoustic barrier to the boundary closest to the Public House.

RELEVANT PLANNING POLICY

8. National Planning Policy
 - Planning Policy Statement (PPS) 3 – Housing
9. Unitary Development Plan
 - DD4 Development in Residential Areas
 - DD6 Access and Infrastructure
 - DD7 Planning Obligations
 - H1 New Housing Development
 - H6 Housing Density
10. Supplementary Planning Document
 - New Housing Development

- Parking Standards and Travel Plans
- Planning Obligations

ASSESSMENT

11. Key issues:

- Principle of residential development.
- Density
- Highway safety.
- Character of the area.
- Impact on neighbouring properties.
- Amenity of future occupiers.
- Planning Obligations

Principal of residential development.

12. In land use terms the principal of residential development in this location is considered as acceptable. The proposed development would constitute the re-use of underused brown field land in an existing urban area. In this regard the proposed development would be consistent with the requirements of Policy H1 – New Housing Development and Policy H3 Housing Assessment Criteria of the Adopted UDP (October 2005).

13. The main issue for consideration concerns whether there have been any material changes to the scheme since the date of the previous decision, particularly addressing the reasons for refusal. Of key significance are the amended design from dormer style bungalows to two storey dwellings, the amended parking arrangements and the amended siting of the plots which have been set in from the grass verge to the east.

Density

14. The area surrounding the application site is deemed as a suburban inner area characterised with predominantly, but not exclusively semi-detached house types.

The density of the surrounding area is typically 30-50 dwellings per hectare. This is comparable to the proposed density which would be at 30 dwelling per hectare. In this regard the proposed housing development is therefore in line with the requirements set out in Planning Policy Statement (PPS) 3 – Housing (November 2006), Policy H6 – Housing Density of the Adopted UDP (October 2005) and Supplementary Planning Guidance – New Housing Development – (March 2007).

Highway Safety

15. The proposed dwellings would be accessed from the access road associated with the Public House. The Group Engineer (Development) does not raise concerns with this arrangement and the visibility splays associated with the scheme are acceptable. The provision of off road parking on the frontage of the site has been amended from the previous refusal to allow two spaces per dwelling and has satisfied the Group Engineer (Development). To enable the proposed development to be delivered the applicant would be required to enter into a section 278 agreement with the Highways Authority. This could be done by way of a second recommendation. In this regard the proposed scheme is consistent with the requirements of Policy DD6 – Access and Infrastructure of the Adopted UDP (October 2005) and Supplementary Planning Guidance – Parking Standards and Travel Plans– (March 2007).

Character of the Area

16. The application site is set within a suburban inner setting and is characterised by a uniform pattern of development by the way of regular spacing of properties, regular building lines, consistent house types and good size frontages. The New Housing SPD outlines a set of development criteria for development sites within the suburban inner setting. The proposed development has a siting which is considered to respect the building line established by 31 Randall Close and there is appropriate frontage associated with the proposed dwellings. The proposed dwellings would be set in from the grass verge ensuring they would not enclose the openness of this corner and goes some way to turn the corner with the addition of a garage access door and fenestration. The application site stands isolated from the active frontage associated with the surrounding properties as the residential units neighbouring the application

site all turn their back on the site and as a consequence does not read as part of a street scene. However, on balance it is considered that due to the buildings sympathetic siting off the highway verge and the benefits of redeveloping this piece of underused land within the urban area the proposed development would comply with the requirements of Policy DD4 – Development in Residential Areas of the Adopted UDP (2005) and Supplementary Planning Guidance – New Housing Development – (March 2007).

17. The design of the proposed dwellings is considered to be in context with the surrounding area. The surrounding properties are predominantly two storey dwellings and of a simple contemporary design which has been reflected in the proposed development. The addition of soldier courses to the windows and canopy detail to the front all assist in giving the front elevations interest. In this regard, the proposed development would comply with the requirements of Policy DD4 – Development in Residential Areas of the Adopted UDP (2005) and Supplementary Planning Guidance – New Housing Development – (March 2007).

Impact on neighbouring properties

18. The application site is bound to the rear by residential dwellings. There would be a separation distance of 22m as a minimum between the facing first floor habitable room windows. Whilst it is noted that concerns have been raised by neighbouring residents, the proposal satisfied the minimum standard set out in the relevant Guidance to ensure privacy. This combined with the existing evergreen hedge in situ results in these properties being considered as unaffected by the proposed development. The properties to the east would experience a separation distance in excess of 20m between their rear elevations and the flank wall of the proposed dwellings. These factors ensure there would be no detrimental impact on any of the neighbouring properties to the application site with regard to loss of privacy, daylight or outlook in accordance with the requirements of Policy DD4 Development in Residential Areas of the adopted UDP (2005).

19. The proposed dwellings would not result in any overshadowing to the properties to the south due to the orientation of the site. The proposed properties would run east to west and therefore no shadowing would be experienced by the properties to the south at any time of the day as a result of the proposed development. These factors ensure there would be no detrimental impact on any of the neighbouring properties to the application site with regard to loss of daylight in accordance with the requirements of Policy DD4 Development in Residential Areas of the adopted UDP (2005).

Amenity of future occupiers

20. The proposed dwellings would have an amenity area of approximately 100m² for the private use of the future occupiers. In this regard, the proposed dwellings are considered acceptable with regards to the requirements of Policy DD4 – Development in Residential Areas of the Adopted UDP (October 2005) and Supplementary Planning Guidance – New Housing Development – (March 2007).
21. The proposed dwellings would be sited close to a Public House that has been subject to noise complaints. The proposed dwellings are not however any closer to the Public House than are existing dwellings on Randall Close. This combined with no objections being received from the Head of Environmental Health and Trading subject to conditions regarding the erection of an acoustic fence result in the proposed development being in accordance with the requirements of Policy DD4 – Development in Residential Areas of the Adopted UDP (October 2005)

Planning obligations.

22. The proposed development has a requirement to provide off site contributions for the additional infrastructure identified in the Supplementary Planning Document – Planning Obligations. For this application off site contributions related to Public Open

Space, Libraries, Public Realm, Transport Improvements and Nature Conservation would be required. The contributions required for this application would be:

- Public Open Space - £4452.25
- Libraries - £369.84
- Public Realm - £924.70
- Transport Improvements - £802.62
- Nature Conservation – 250.64.
- Management and Monitoring fee - £250

The applicant has agreed to pay these monies to the Local Planning Authority. The proposal is therefore consistent with the requirements of Policies DD7 – Planning Obligations, DD8 Provision of Open Space, Sport and Recreation Facilities, LR2 Access to Public Open Space and LR3 Children’s Play Areas of the Adopted UDP (October 2005) and Supplementary Planning Document – Planning Obligations (December 2007).

Further issues raised by objectors

23. One objector raises devaluation of their property as a reason for objecting to the planning application. This is not a material planning consideration and therefore can not be considered within the remit of planning legislation.

CONCLUSION

24. The proposed development would be acceptable in terms of design and siting and would have no detrimental impact on the surrounding area. The proposed development would constitute the re-use of underused brown field land in an existing urban area.

FIRST RECOMMENDATION

- 25 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 off site provision of Public Open Space, Transport Infrastructure Improvements, Libraries, Public Realm, Nature Conservation and Management and Monitoring totalling £7225.26 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

SECOND RECOMMENDATION

That the applicant be invited to apply to the Highways Authority Under S247 of the T&CP Act 1990 to allow development authorised by planning permission to take place.

Reason for Approval:

The proposed development would be acceptable in terms of design and siting and would have no detrimental impact on the surrounding area. The proposed development would constitute the re-use of underused brown field land in an existing urban area.

The decision to grant planning permission has been taken with regard to the policies and proposals in the Dudley Unitary Development Plan and to all relevant material considerations including supplementary planning guidance.

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

Note for Applicant

The development hereby permitted shall be in accordance with the drawings received in these offices and referenced 0335/101 unless otherwise agreed in writing by the local planning authority.

Conditions and/or reasons:

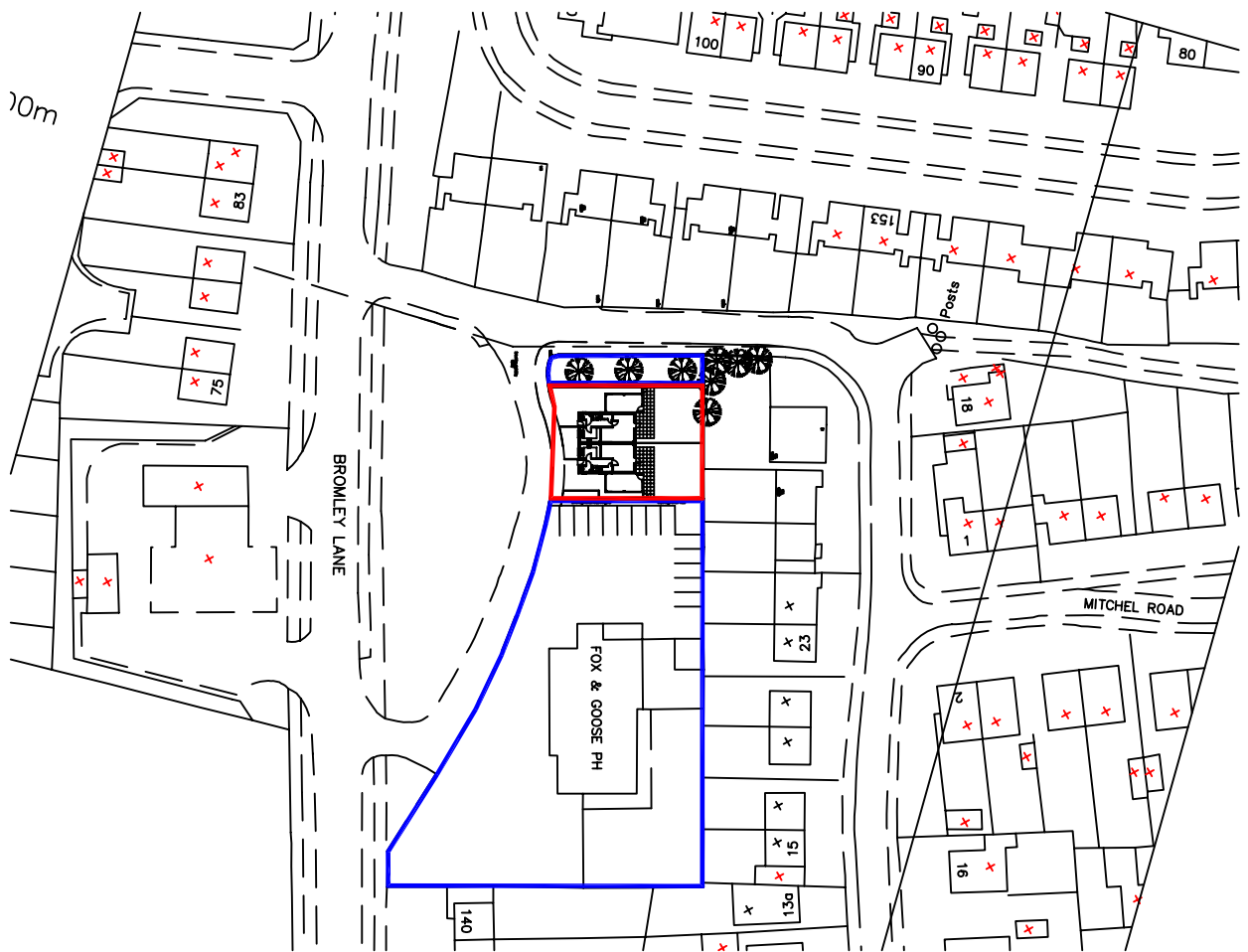
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Prior to the commencement of development, details of the types, colours and textures of the materials to be used on the external surfaces of the buildings hereby approved shall 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.
3. Prior to the commencement of development, details of the boundary treatments to be installed on the whole site, including a continuous acoustic barrier constructed along the eastern boundary of the site adjacent to the public house, of minimum height of 2 metres and minimum surface density of 10 kg/m² 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. The development hereby permitted shall not commence until details for the disposal of surface water drainage has been submitted to and approved by in writing by the Local Planning Authority. These details should include the provision for ensuring no surface water runs onto the public highway and is disposed of within the curtilage of the application site.
5. Development shall not commence until an arrangement for the provision of:

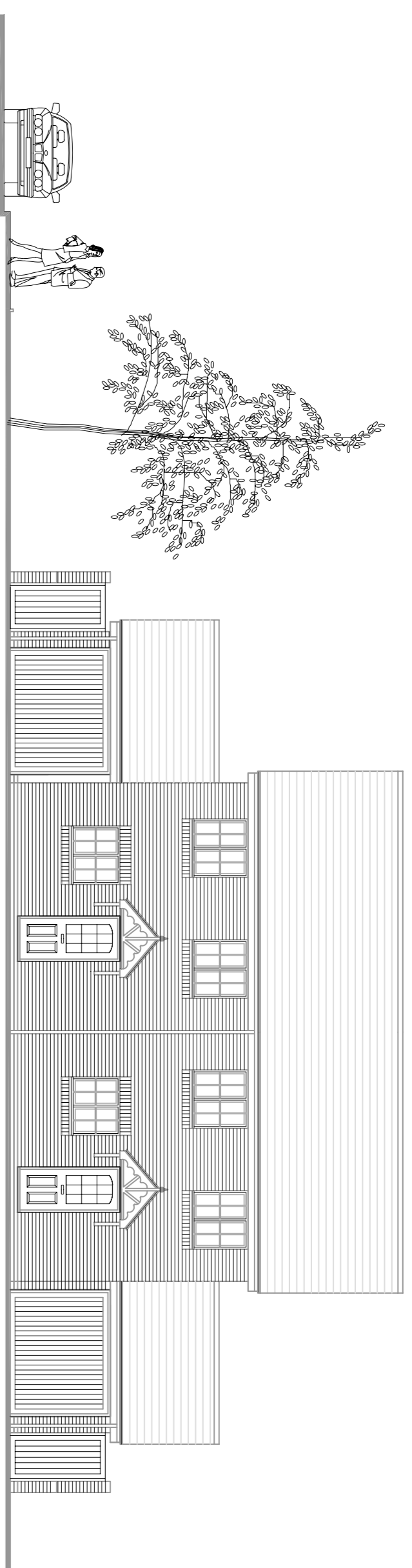
Libraries Improvements
Transport Infrastructure Improvements
Open Space, Sport and Recreation Improvements
Public Realm
Nature conservation
Monitoring and Management Charge

has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the method, timing and arrangement to comply with the Council's policies for the provision of the infrastructure required in connection with

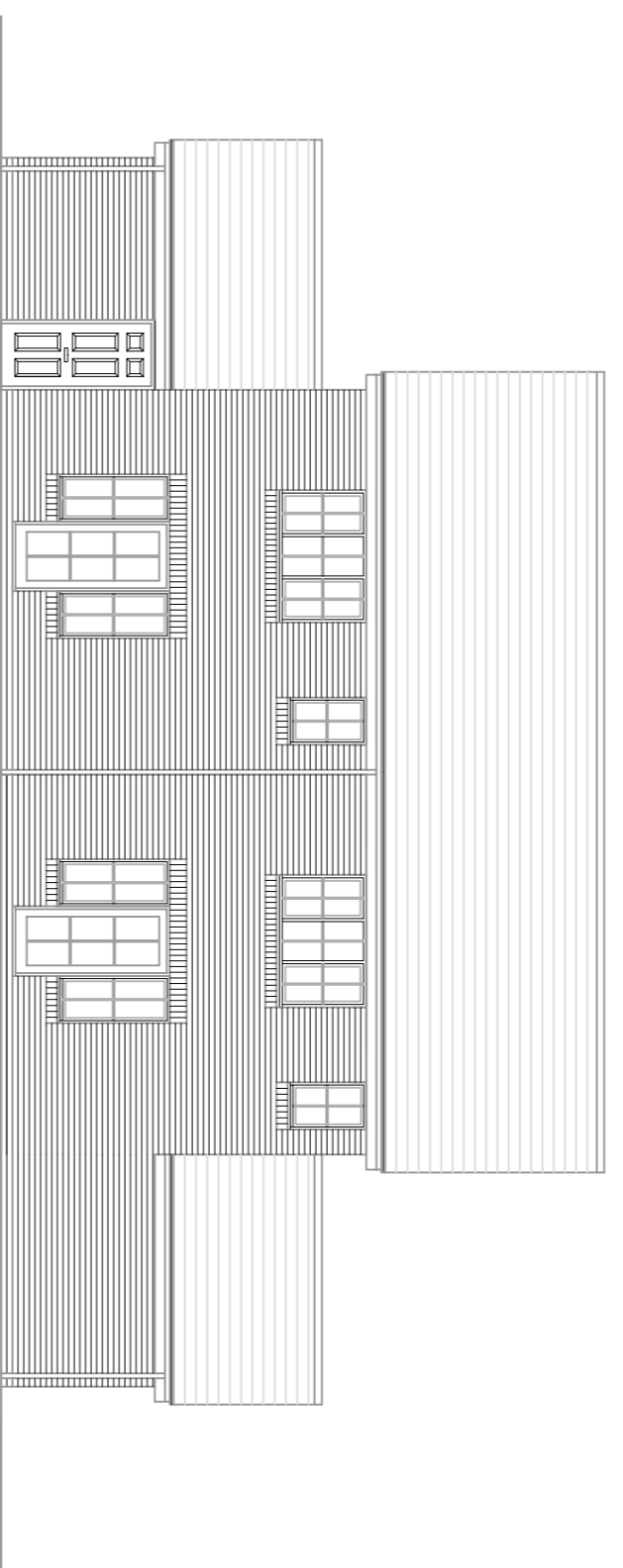
the proposed development.

6. Prior to the occupation/use of the development hereby permitted the parking area shall be surfaced and marked out in complete accordance with the approved plans, and thereafter maintained available for parking.

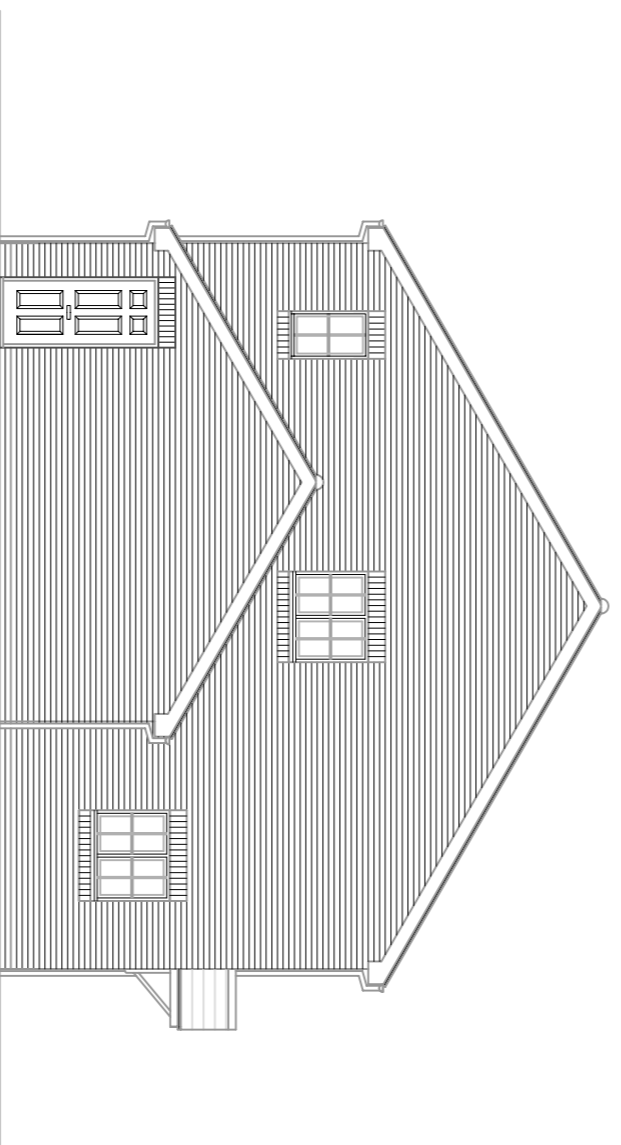




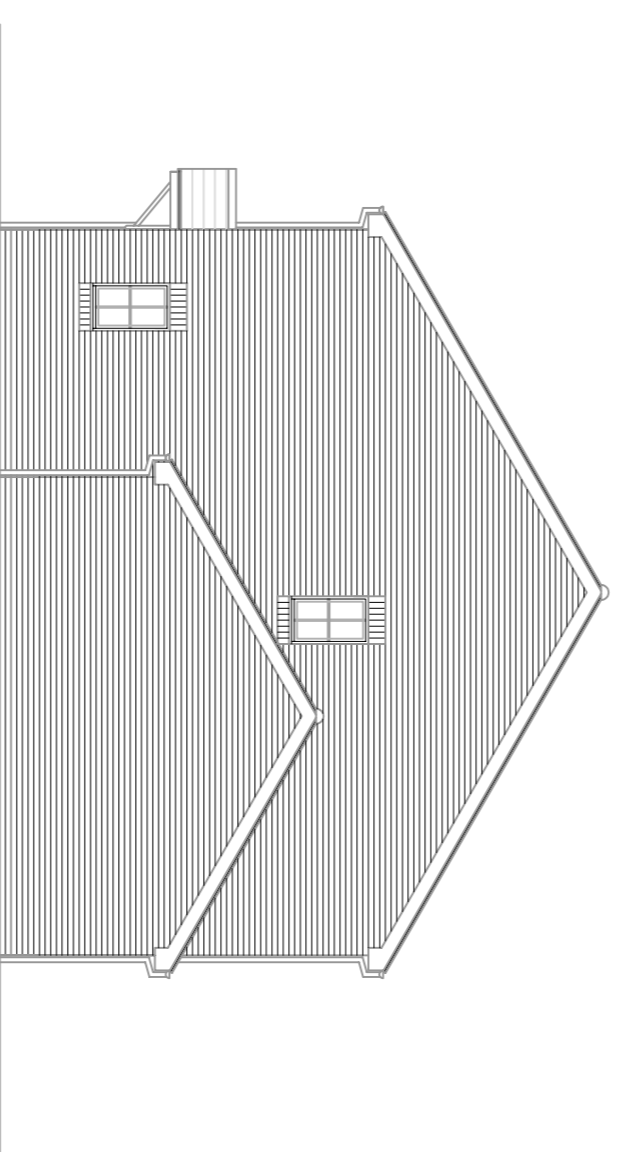
FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION



SIDE ELEVATION

NEW TREES
Prunus Avium g 1- 3x, 30cm container grown
Betula Pendula g 1- 3x, 30cm container grown

GROUND SETTLEMENT
The planting areas are to be top suited to the following depths:

Grass 100mm
Gravel 100mm
Tree area 300mm
The area to be top suited shall be certified to break up compacted areas resulting from construction works to ensure the surface drains freely.

TYPE OF PLANTING
Mixed tree and shrub planting is recommended to bring the amenity and interest of the garden to a high level. The planting should be done in consultation with the contractor. The planting should be done in consultation with the contractor. The planting should be done in consultation with the contractor.

MAINTENANCE

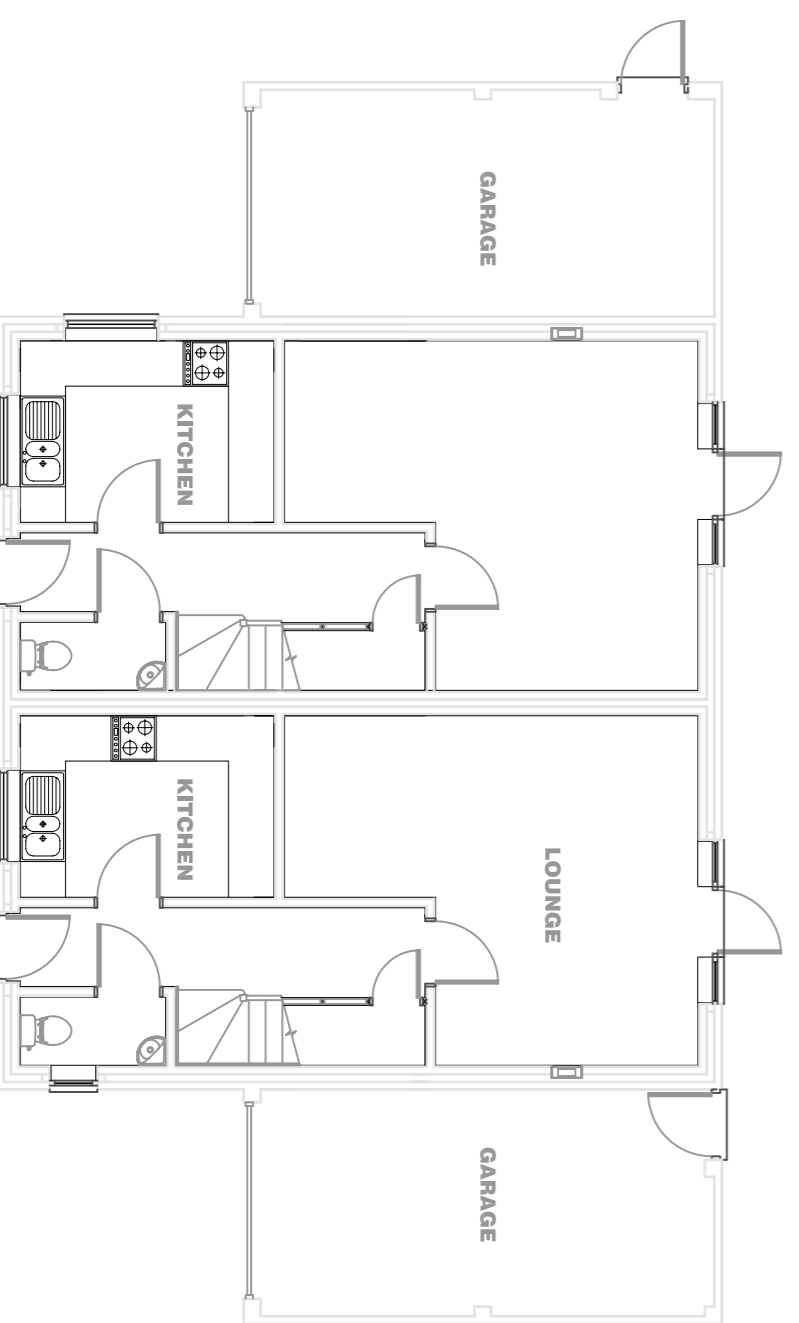
Regular watering and maintenance of the garden is essential. The contractor shall be responsible for the maintenance of the garden for a period of 12 months following completion of planting. Following this period the responsibility for the maintenance of the garden shall be the responsibility of the owner.

BALI BOXES

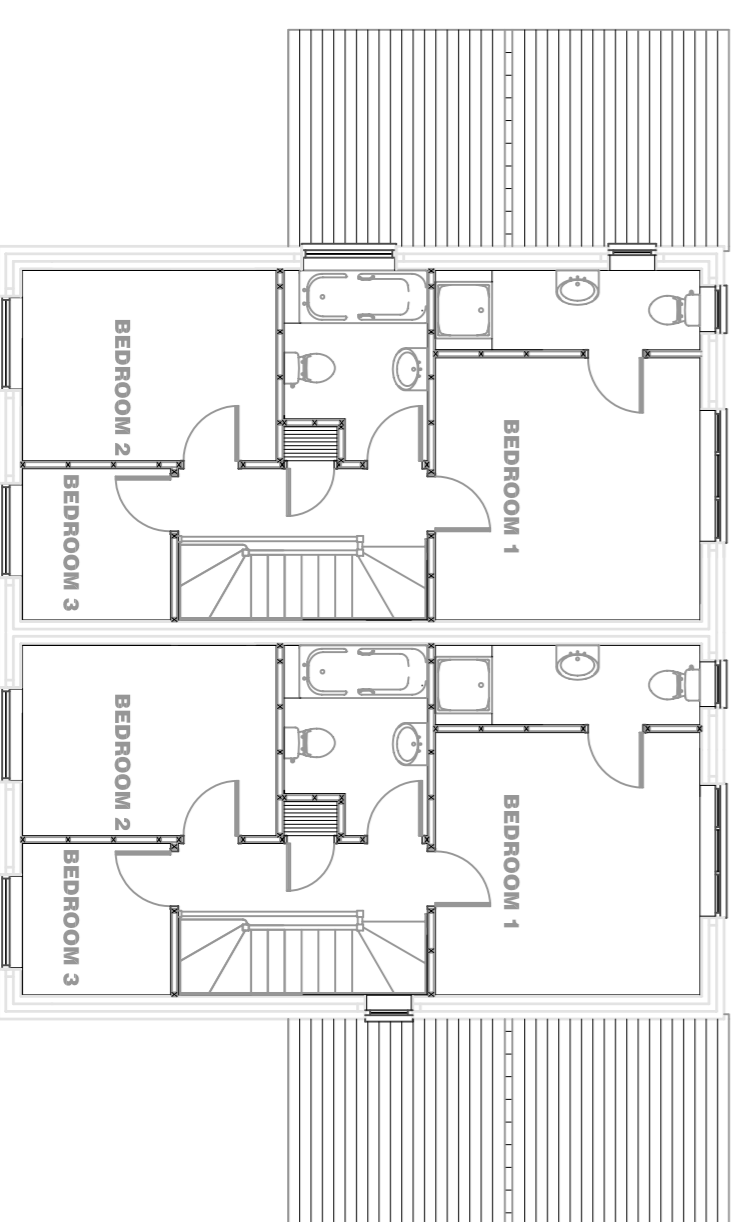
Shower tray, window sill boxes, etc. to be above ground level on approved subgrade as indicated on architect's instructions.



SITE PLAN 1/200
Note: All levels indicated are existing and proposed.

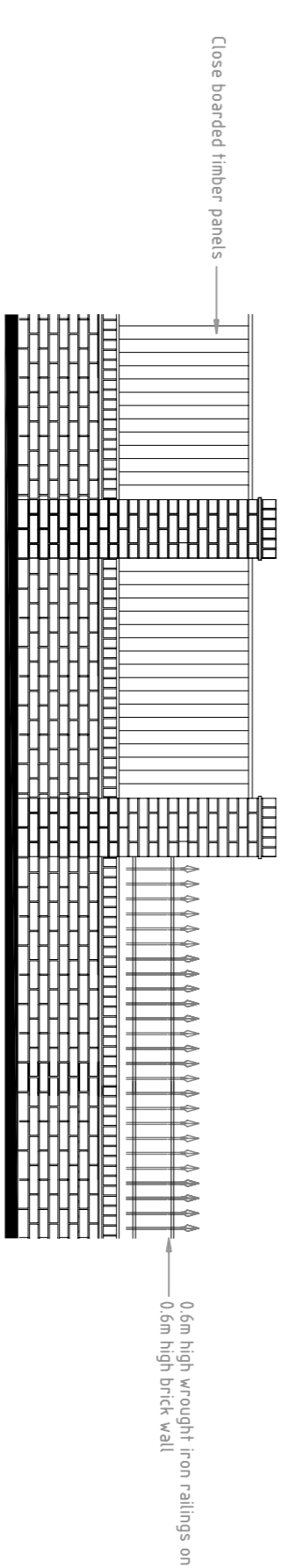


GROUND FLOOR PLAN



FIRST FLOOR PLAN

BOUNDARY WALL PLOT 1



Fox & Goose PH
Bromley Lane
Kingswinford
The
2no 3 Bed Semi-Detached Houses

EGLIPSE
HOMES (MIDLANDS) LTD
HAYWOOD HOUSE 40 NEW ROAD
STURBRIDGE WEST MIDLANDS DY8 1PA
TEL/FAX 01441 01584 392034

Scale: 1/200, 1/100
Date: October 2009

Drawn by: A.J. Deming (ISC (Ions) MBAT, MANS)
Checked by: S.J. Turner (Architect)
Notes: Please refer to the drawings for further information.
Minor amendments may occur due to printing processes.