

## **PLANNING APPLICATION NUMBER:P10/0265**

Type of approval sought	Full Planning Permission
Ward	KINGSWINFORD NORTH & WALLHEATH
Applicant	g.i. sykes properties ltd.
Location:	<b>190, COT LANE, KINGSWINFORD, KINGSWINFORD, WEST MIDLANDS, DY6 9QG</b>
Proposal	<b>ERECTION OF 1 NO. DWELLING WITH DETACHED GARAGE BLOCK (RESUBMISSION OF APPROVED APPLICATION P09/0205)</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO A 106 AGREEMENT</b>

### **SITE AND SURROUNDINGS**

1. The application site is 808m<sup>2</sup> and comprises a large 1950s built detached dwelling set within a generous plot. The property is currently vacant and in need of maintenance. It occupies a corner plot situated at the junction of Cot Lane and Oak Street on the edge of Kingswinford Local Centre. The dwelling is set back from Cot Lane and set in some 12.5m from Oak Street to the north. There is a ground floor window and door in the flank elevation of this property facing towards the side garden which is the only light source to a kitchen area.
2. The dwelling benefits from a large frontage with ample parking and a large side/rear garden. There are two existing vehicular access points to the frontage with a linking 'U' shaped driveway. The site is enclosed by a low level wall to the front which increases to approximately 1.8m along the boundary with Oak Street. The side and rear boundaries are lined with a variety of tall trees.
3. No. 188 Cot Lane is positioned to the south east of the site and is on the same ground level as no. 190. No. 89 Oak Street lies perpendicular to the site to the north east and shares the rear boundary with the application property. This property is on a lower ground level due to the topography of the area which slopes downwards from west to east. Nos. 104 and 106 Oak Street are positioned to the north of the site and face towards the flank boundary.

4. The site is set with a well established residential area of suburban character which comprises a broad mixture of house types from various eras.

## PROPOSAL

5. Approval has been granted to sub-divide the plot and to develop the side garden of no. 190 Cot Lane in order to provide 1 no. detached 5 bedroom house. The existing 'U' shaped driveway would be separated in order to provide two independent entrances utilising the existing vehicular access points. The house would be positioned adjacent to the host property and would not extend past the front or rear elevations of this dwelling. A side access of a minimum of 1m in width would run in between the two properties which would serve the new dwelling. The dwelling would be set back from Cot Lane with parking for three vehicles on the frontage. At its closest point a 2m distance would be retained from the flank wall of the new house to the back edge of the footpath along Oak Street.
6. It is now proposed to revise the originally approved plans by changing the integral garage feature to a study and wc with associated minor elevational changes to the front. It is also proposed to erect a detached garage in the rear garden. An existing access off Oak Street would be utilised for the proposed garage and the existing gates would be removed. The proposed garage would be set back 5.6m from the back edge of the footpath, would be set in 0.4m from the rear boundary of the site and the rear elevation would sit right on the flank boundary with no. 190 Cot Lane. The garage would be 5.1m in width, 8.5m in length and a maximum of 5.8m in height with pitched roof.
7. The application is accompanied by a Design & Access Statement, a Bat Survey and a Tree Survey.

## HISTORY

8.

APPLICATION No.	PROPOSAL	DECISION	DATE
BH/52/1025	Erection of dwelling house	Approved	24/10/52
BH/51/851	Erection of 2 houses	Approved	26/11/51
DB/71/8687	Erection of a dwelling house	Refused	27/09/71
P09/0203	First floor front/side extension to create bedroom en-suite. Creation of bedroom en-suite in roof-space with rear dormer	Approved with Conditions	15/04/2009
P09/0205	Erection of 1 no. 5 bedroom detached house	Approved with Conditions	24/07/09

9. At the time of writing this report, the extensions approved under P09/0203 at no. 190 Cot Lane have not been implemented. The approved plans indicate that the side facing kitchen window and door in the flank wall of no. 190 Cot Lane would be bricked up together with internal alterations to move the kitchen to the other side of the house. This application was submitted by the applicant who has submitted this planning application.
10. Application DB/71/8687 was an outline application (all matters reserved) refused on the grounds that the development would not allow for a 6.1m (20ft) building line along Oak Street and that development of the site would prejudice the amenities of the adjoining house by reason of its close proximity.

## **PUBLIC CONSULTATION**

11. Extensive direct notification was carried out to 33 neighbouring residential and commercial premises and no representations have been received. Any received prior to the committee meeting will be reported as a pre-committee note.

## **OTHER CONSULTATION**

12. **Group Engineer (Development):** No Objection
13. **Head of Environmental Health & Trading Standards;** No objection

## **RELEVANT PLANNING POLICY**

- Adopted Unitary Development Plan (2005)
  - AM14 Parking
  - DD1 Urban Design
  - DD4 Development in Residential Areas
  - DD6 Access and Infrastructure
  - DD10 Nature Conservation
  - DD7 Planning Obligations
  - EP6 Light Pollution
  - H1 New Housing Development
  - H6 Housing Density
  - NC1 Biodiversity, NC6 - Wildlife
  - NC10 The Urban Forest
- Supplementary Planning Document
  - New Housing Development – A Guide to Establishing Urban Context
  - Parking Standards and Travel Plans
  - Planning Obligations
- National Planning Guidance
  - Planning Policy Statement 1 – Delivering Sustainable Development
  - Planning Policy Statement 3 – Housing

## ASSESSMENT

### 14. Key Issues

- Principle
- Design
- Residential Amenity
- Highways & Parking
- Trees & Nature Conservation
- Planning Obligations

#### Principle

15. The principle of the new dwelling has already been established by the previously approved application. The only difference between this approval and the revised scheme are the internal alterations with minor elevational changes and the addition of the detached garage.

#### Design

16. The external alterations would be the removal of the garage doors within the front elevation and replacement with a flush window for the proposed study. These would be minor changes to the original design of the house and the proposed fenestration detailing would match those of the approved scheme. The proposed garage would adopt an appropriate design which would incorporate traditional embellishments that would complement the proposed dwelling. The garage would follow the building line of no. 89 Oak Street and whilst it would be quite high at 5.8m it would not appear prominently within the context of this street scene. Whilst the garage would utilise some of the rear garden area of the approved dwelling an adequately sized rear garden would remain following the addition. It is therefore considered that there would be no demonstrable harm to the street scene or character and appearance of the wider area. In this respect the proposal therefore complies with Policy DD1 – Urban Design and DD4 – Development in Residential Areas of the Adopted Unitary Development Plan (2005) and Supplementary Planning Guidance – New Housing Development (March 2007)

### Residential Amenity

17. The proposed elevational changes would have no impact on neighbouring amenity therefore the only consideration over what has already been approved is any loss of amenity that may result from the addition of the garage. There would be no implications on the amenities enjoyed by the occupiers of no. 89 Oak Street. The garage would be set in from the boundary with this property and would not extend past its front or rear elevations. The only window in the flank wall of this neighbouring property is at first floor and would be unaffected by the proposal. A small side/rear extension has been added to no. 89 Oak Street and is set in approximately 1m from the boundary. There is a door and ancillary window in the front elevation of the extension which is visible from the highway. Whilst the proposed garage would technically breach the 45 Degree Code guidelines with regard to this door/window the room is not habitable and the distance to the point of contravention would be over 3m away and there is an existing boundary treatment in place.

18. The garage would form part of the boundary with no. 190 Cot Lane. Whilst it would appear high right on this boundary, it would not appear prominently when viewed from rear habitable room windows given the depth of the rear garden. This dwelling is also currently unoccupied and falls within the ownership of the applicant. On this basis the arrangement is considered acceptable. The proposed garage would not significantly impinge on the amenities of any future occupiers of the approved dwelling and it is therefore considered that there would be no demonstrable harm to neighbouring amenity in terms of loss of light, outlook or privacy. The proposal is therefore considered to be compliant with Policy DD4 – Development in Residential Areas of the Adopted Dudley Unitary Development Plan (2005)

### Parking

19. The originally approved integral garage failed to meet the minimum internal garage dimensions of 6m by 3m and was not classed as a parking space for the development. The 5 bedroom detached house would require 3 parking spaces and

under the previous application the Group Engineer (Development) was satisfied that there would be sufficient space on the frontage to accommodate this number of vehicles. The proposed garage would meet the required internal dimensions and would utilise an existing access. The garage would increase the parking for the proposed development and whilst this would be above the maximum standards outlined within the Councils Parking Standards and Travel Plans Supplementary Planning Document this would not justify a refusal of permission. There would be no implications on highway safety subject to a satisfactory contribution to transport infrastructure. In this respect the proposal therefore complies with Policy DD6 Access and Infrastructure of the Adopted UDP (2005) and the councils Supplementary Planning Document Parking Standards and Travel Plans.

#### Trees & Nature Conservation

20. The Councils Nature Conservation Officer raised no objection to the original scheme provided that nature conservation enhancements are provided in line with the Planning Obligations SPD and subject to conditions. There would be no additional loss of trees / vegetation as a result of the proposed garage and it is therefore considered that subject to conditions that there would be no demonstrable harm to nature conservation or visual amenity. The Nature Conservation Officer states that the survey information provided is now 12 months old therefore an additional condition should be imposed ensuring that no works commence if the most recent survey is over 12 months old and that details should be submitted to and approved in writing before works commence. Subject to condition, in this respect the proposal therefore complies with UDP policies DD10 - Nature Conservation and Development, EP6 - Light Pollution, NC1 - Biodiversity, NC6 - Wildlife Species and NC10 - The Urban Forest of the Adopted UDP.

#### Planning Obligations

21. The proposed development has a requirement to provide planning obligations to mitigate against the consequential planning loss to the existing community. The original application was accompanied by a signed unilateral undertaking, however, as a new signed Unilateral Undertaking has not been submitted as part of the

revised application the application would be subject to a Section 106 Agreement to secure the following contributions;

**Offsite Contributions:**

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

- Open Space, Sport and Recreation Contribution - £3,889.42
- Library Contribution - £184.92
- Public Realm Contribution - £462.35
- Transport Infrastructure Improvements - £401.31
- Nature Conservation Enhancements - £407.00

Total Offsite Contribution = £5345.00

There would be no requirement to pay the usual management and monitoring charge as this has already been paid for the previous Unilateral Undertaking. At the time of writing this report the applicant has not agreed to the above commuted sum.

## **CONCLUSION**

22. The siting and external appearance of the proposed dwelling has already been established by the previously approved application and the elevation changes proposed under the revised application would be minor alterations which would cause no demonstrable harm to visual or neighbouring amenity. The proposed detached garage would be of an appropriate scale and design and there would be no demonstrable harm to neighbouring or visual amenity, highway safety or nature conservation. Subject to appropriate condition, the proposal therefore complies with the following Council policies; Policy DD1 – Urban Design, DD4 – Development in Residential Areas, DD6 – Access and Transport Infrastructure, DD10 - Nature Conservation , AM14 – Parking, H1 – New Housing Development, H6 – Housing Density, EP6 - Light Pollution, NC1 - Biodiversity, NC6 - Wildlife and NC10 – The Urban Forest of the Adopted Unitary Development Plan (2005) and Supplementary Planning Documents; New Housing Development – A Guide to Establishing Urban Context, Parking Standards and Travel Plans and Planning Obligations.



## RECOMMENDATION

23. It is recommended that the application be approved subject to;

- a) The development not beginning until a scheme for the submission and approval of a planning obligation to guarantee a contribution of £5345.00 for the provision of off site transport infrastructure improvements, Open Space, Sport and Recreation improvements, library improvements, public realm improvements and nature conservation enhancements 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

### **Reason for The Grant of Planning Permission**

The siting and external appearance of the proposed dwelling has already been established by the previously approved application and the elevation changes proposed under the revised application would be minor alterations which would cause no demonstrable harm to visual or neighbouring amenity. The proposed detached garage would be of an appropriate scale and design and there would be no demonstrable harm to neighbouring or visual amenity, highway safety or nature conservation. Subject to appropriate condition, the proposal therefore complies with the following Council policies; Policy DD1 – Urban Design, DD4 – Development in Residential Areas, DD6 – Access and Transport Infrastructure, DD10 - Nature Conservation , AM14 – Parking, H1 – New Housing Development, H6 – Housing Density, EP6 - Light Pollution, NC1 - Biodiversity, NC6 - Wildlife and NC10 – The Urban Forest of the Adopted Unitary Development Plan (2005) and Supplementary

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

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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 intended as a summary of reasons for the grant of planning permission for further detail please see the application report.

### **Note for Applicant**

The development hereby approved shall be built in accordance with the approved drawings referenced Drawing No. 1033:03B, 1033:05, 1033:06 and 1033:07 unless otherwise agreed in writing by the Local Planning Authority.

### **Informative**

Removal the window and door within the side elevation of no. 190 Cot Lane, which would front the new dwelling, shall take place prior to the commencement of development approved under this permission.

### Conditions and/or reasons:

1. The development shall not begin until a scheme for the provision of:
  - Off site transport infrastructure improvements
  - Open space, sport and recreation improvements
  - Library improvements
  - Public realm improvements
  - Off site nature conservation enhancements

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

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 occupation of the dwelling hereby approved, the parking spaces shall be marked out in accordance with the approved scheme and surfaced using a porous material or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of each dwellinghouse. The areas shall be maintained as such for the life time of the development unless otherwise agreed in writing by the Local Planning Authority.
5. 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.
6. Any outside lighting should conform to the Bat Conservation Trust and Institute for Lighting Engineers' guidance 'Bats and lighting in the UK'. It should be close to the ground and directed downwards. It should be activated by a timed sensor with a low movement sensitivity, so as not to be triggered by wildlife. A plan detailing outside lighting will be submitted and approved in writing by the Council before any works proceed. All works must be carried out in accordance to the approved plan.
7. The clearance of trees and other vegetation should avoid the bird nesting season (February – August inclusive) unless a breeding bird assessment (with recommendations) is carried out by a trained ecologist within 7 days of the works commencing. This should be submitted in writing and approved by the Council before works begin. All works must be carried out in accordance to the approved assessment's recommendations.
8. A plan detailing suitable replacement native trees, and their establishment programme, should be submitted and approved in writing by the Council before any works proceed. All works must be carried out in accordance to the approved plan and programme.
9. The recommendations of the Ecological Report by Susie Duke dated March 2009 should be carried out. Evidence of this should be submitted and approved in writing by the Council before any works proceed. All works must be carried out in accordance to the approved plan and programme.
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



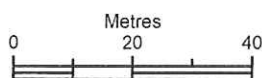
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The representation of features as lines is no evidence of a property boundary.



Scale 1:1250

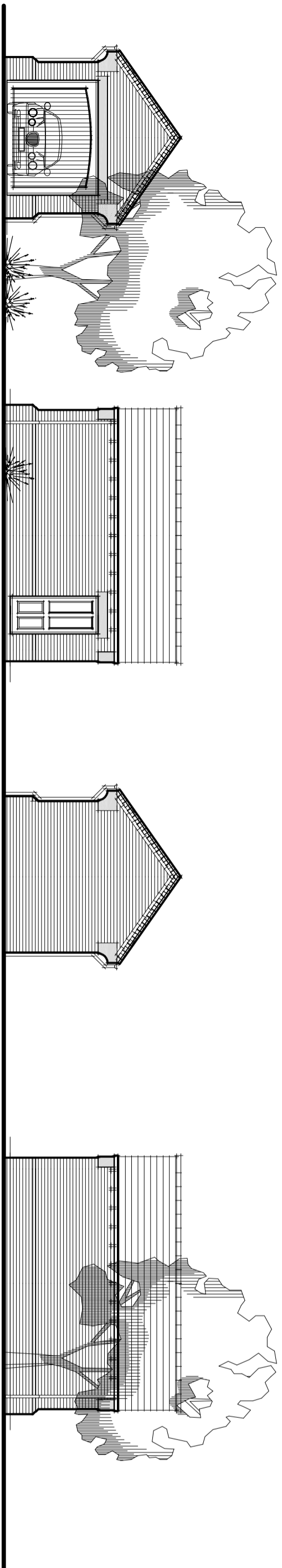
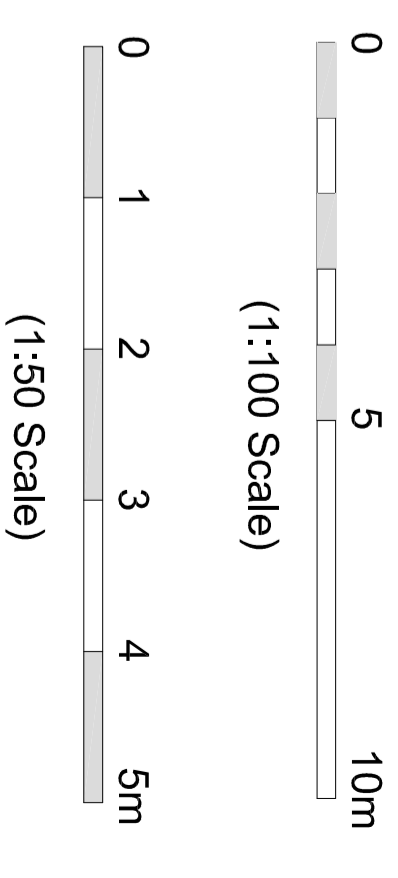
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 Serial number: 01744200  
 Centre coordinates: 388412.63 288415.5

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[www.ordnancesurvey.co.uk](http://www.ordnancesurvey.co.uk)

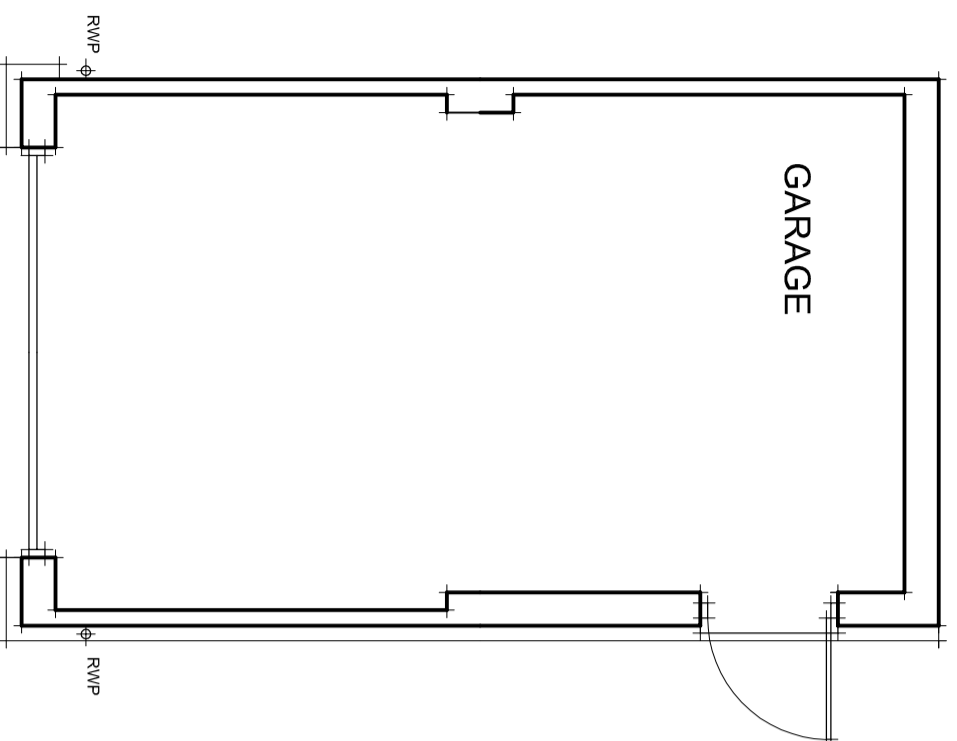
<b>190 COT LANE</b>
KINGSWINFORD
DY6 9QG



The Contractor is to check and verify all building and site dimensions, levels and sewer invert levels at connection points before work starts. This drawing must be read with and checked against any structural or other specialist drawings provided. The Contractor is to comply in all respects with the current building regulations whether or not specifically stated on these drawings.



FRONT ELEVATION SIDE ELEVATION REAR ELEVATION SIDE ELEVATION  
SCALE 1 : 100



FLOOR PLAN  
SCALE 1 : 50



159 Ivyhouse Lane, Coseley  
Dudley West Midlands WV14 9LX  
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Job: proposed development at  
190, COT LANE,  
KINGSWINFORD

Title:  
scheme drawing :-  
detached garage details

Client:  
G.I. SYKES PROPERTIES LTD.

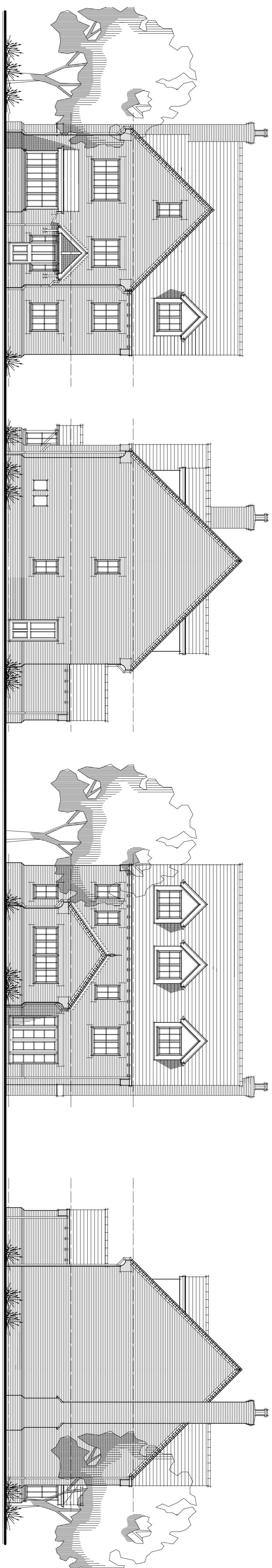
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Scale: 1:50/100 @ A1 Date: feb 2010

Drawn By: SPG

Drawing No.

1033:05

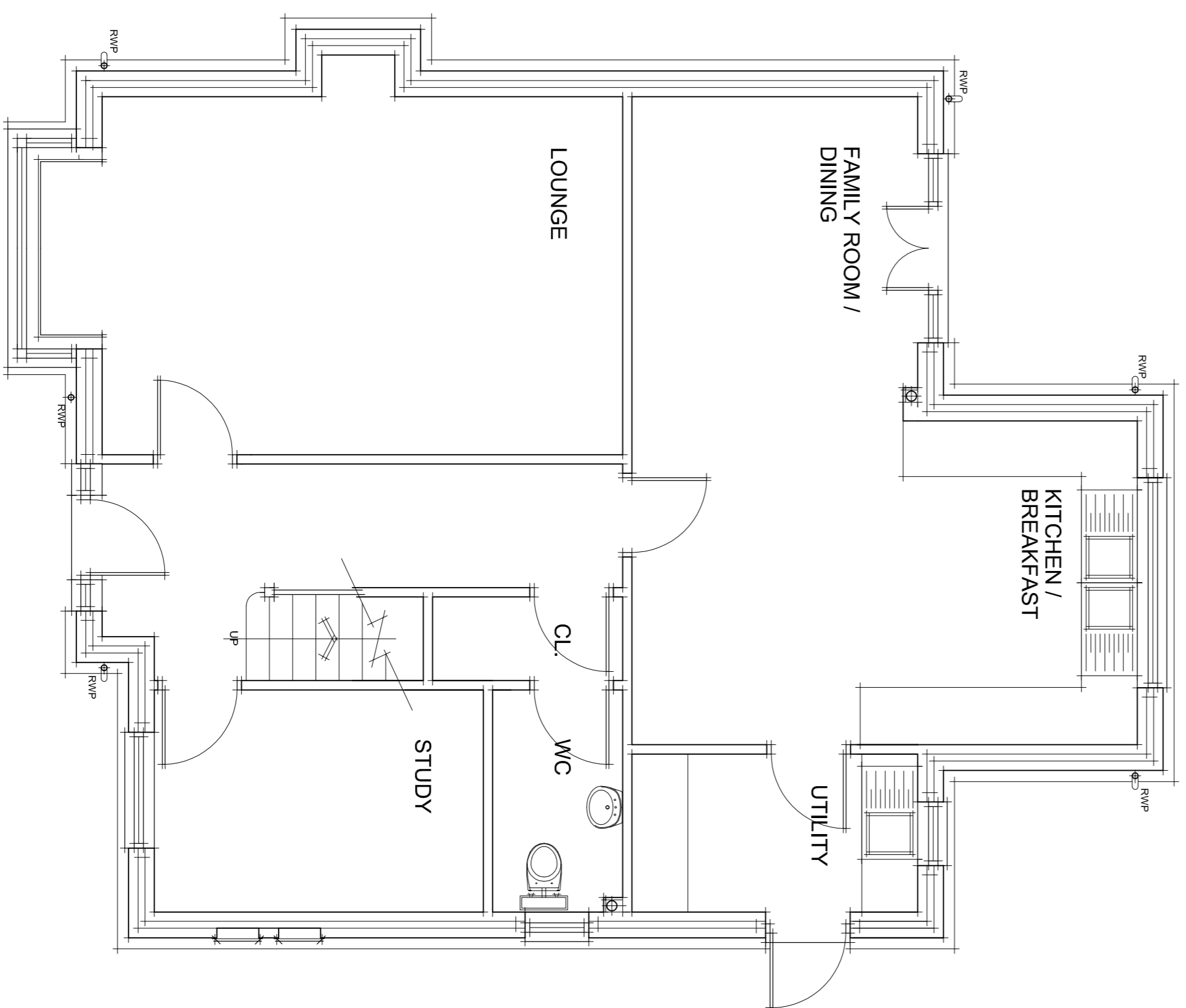


FRONT ELEVATION  
SCALE 1 : 100

SIDE ELEVATION FRONTING  
NO. 190, COT LANE

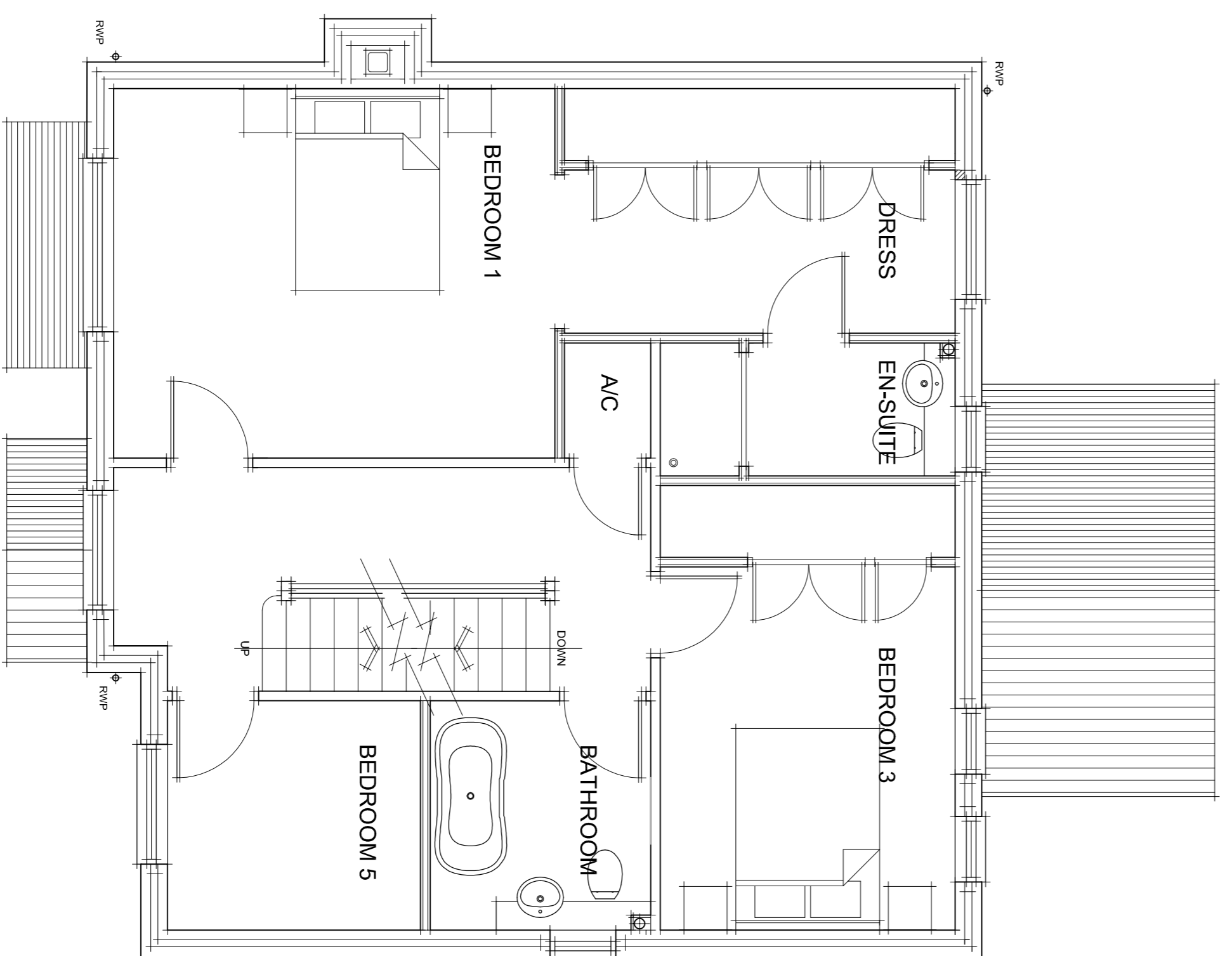
REAR ELEVATION

SIDE ELEVATION FRONTING  
OAK STREET

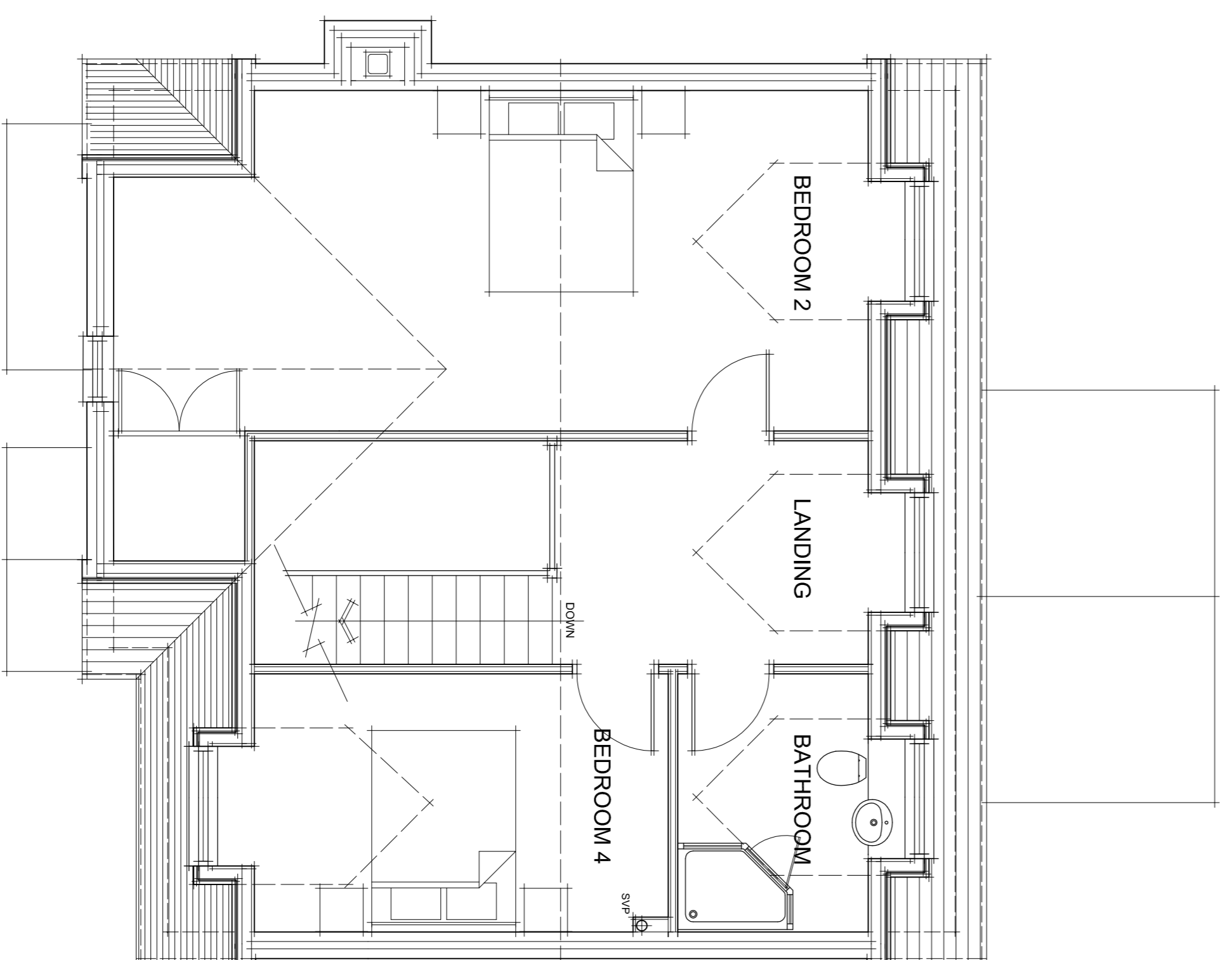


GROUND FLOOR PLAN

SCALE 1 : 50

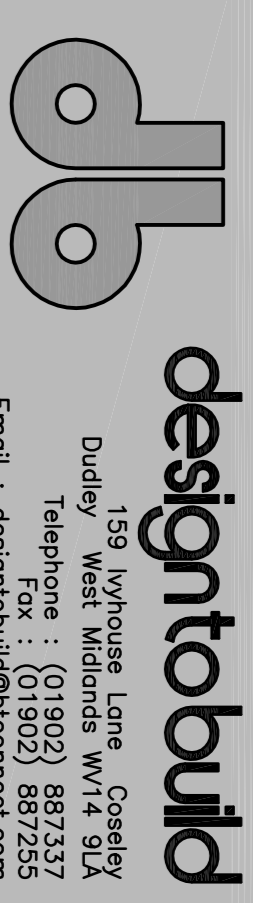


FIRST FLOOR PLAN



SECOND FLOOR PLAN

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Job:  
**Proposed development at  
190 COT LANE  
KINGSWINFORD**

Title:  
**scheme drawing :  
proposed dwelling**

Client:  
**G.I. SYKES PROPERTIES LTD.**

Scale: 1:50/100 @A1 Date: DEC. 2008  
Drawn By: SPB

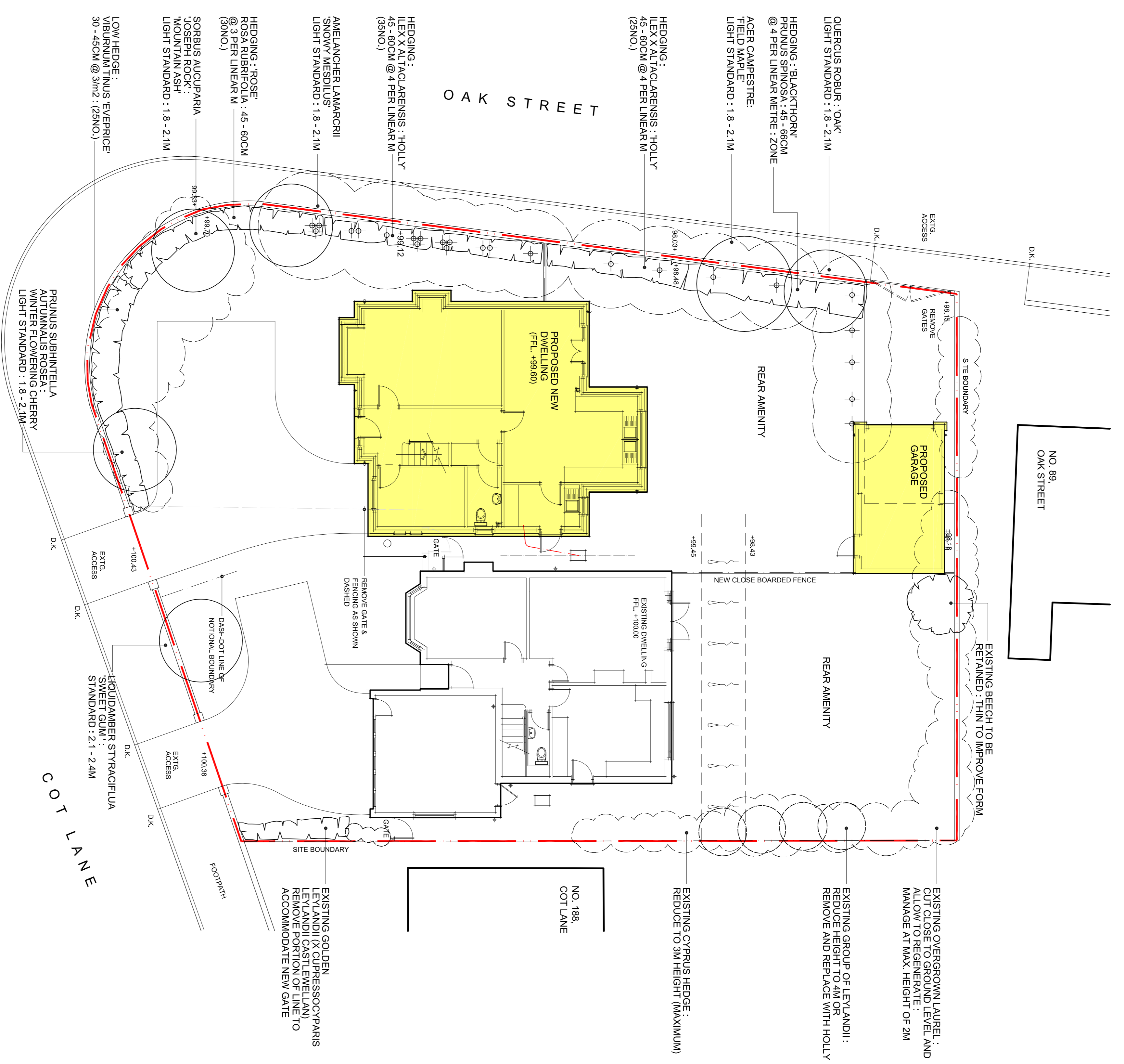
Drawing No:  
**1033:03B**

REV 'A' SCHEME AMENDED 03.02.2010.  
REV 'B' AMENDED IN ACCORDANCE WITH CLIENTS REQUIREMENTS 19.02.09.

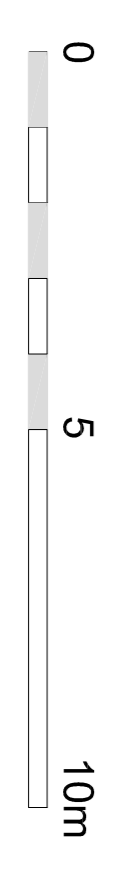
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Notes

NOTE :-  
THIS DRAWING IS TO BE USED FOR THE PURPOSES OF LANDSCAPING DESIGN ONLY - SEE DRAWING NO. 1033-05 FOR PROPOSED SITE PLAN. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE WRITTEN LANDSCAPING SCHEDULE / DETAILS AS SUBMITTED



PROPOSED SITE PLAN



**db** **design to build**  
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 Email : design@dbtdirect.com

Job: proposed development at  
 190, COT LANE,  
 KINGSWINFORD

Title: scheme drawing :  
 landscaping plan

Client: G.I. SYKES PROPERTIES LTD.

Scale: 1:100(A1) Date: Feb 2010  
 Drawing No. 1033:07  
 Drawn By: SPG

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Architects Building Management and Development Consultants