

PLANNING APPLICATION NUMBER:P05/2474

Type of approval sought	Full Planning Permission
Ward	Brierley Hill
Applicant	Steve Hill, Fone Fashion
Location:	174-176, DELPH ROAD, BRIERLEY HILL, DY5 2TZ
Proposal	ERECTION OF 3 NO 2 BEDROOM APARTMENTS WITH GARAGES
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site comprises of an existing 2 storey dwelling (no's 174-176) which originally was two separate dwellings, seemingly converted to one larger dwelling.
2. This is attached immediately to the south-east by The Bell Public House, which is a partly rendered Victorian designed building.
3. The site also includes an out-building attached to that dwelling, and the remains of what appears to be further dwelling which fronts onto the drive at the side of 176.
4. There is gated access between that building, and the shared boundary with no's 178/180 Delph Road, which adjoin the western boundary of the site. The slab level of no's 178/180 is approximately 1.2m higher than the level of the highway in Delph Road (whereas no 174-176 is at the same level as the highway), and shares a crossover with no. 176.
5. To the rear of no. 176 is a paved garden area, with a retaining wall to an area of public open space to the rear accessed by Rocks Hill south of Little Potter Street.

The shared boundary with the beer garden at the rear of the public house is a screen wall, which is up to 4m in height.

6. Opposite the proposed site, there is a residential development, granted planning approval for 9 no. detached dwellings in 2001 (P01/1719) which is now near completion.
7. The immediate vicinity can therefore be described as quite mixed, Delph Road has a varied frontage in terms of land uses, including industrial, public house and a significant number of residential dwellings

PROPOSAL

8. The proposal is to demolish the existing buildings on the site and erect a two-three storey building to create three 2-bed apartments.
9. The Delph Road frontage: The proposed building essentially 'turns the corner', thereby proposing a 2½ storey, with rooflights in the second floor fronting Delph Road. As the building turns the corner, this increases to three storey height to the side elevation to no's 178/180 Delph Road. Balconies are shown at the first and second floor on the rear of the 3 storey block, and at the first floor on the rear of the 2½ storey element.
10. An arched, gated access is shown off Delph Road, leading to a car parking area and amenity area at the rear. There are three garages depicted on the ground floor of the three storey apartments which are accessed via that yard. An additional three car parking spaces are also shown in that area. The amenity area is shown alongside the shared boundary with the public house.

HISTORY

Application no.	Proposal	Address	Decision	Decision Date
P04/1926	Erection of 3 No. 2 bedroom apartments	174-176, Delph Road, Brierley Hill, DY5 2TZ	Refused	29-Nov-2004
P05/0276	Erection of 3 no two bedroom apartments	174-176, Delph Road, Brierley Hill, DY5 2TZ	Refused	25-Apr-2005

11. As the above displays, this application is a result of two previous refusals for similarly described development, which were refused (at Development Control Committee), overturning officers' recommendation) on the dates shown.
12. Planning Application P04/1926 was refused on the following grounds;
 1. *The Local Planning Authority, consider that the proposed development fails to take any cues from the local environment, and would thus introduce development which will appear incongruous to the general streetscene. In addition the proposed density of the development is not reflected elsewhere within the immediate local environment. Therefore the proposal does not fully respect the design context of the streetscene, and fails to make a positive contribution to the local environment, contrary to Policies 53 and 85 of the Unitary Development Plan, Policy DD1 of the Revised Deposit Unitary Development Plan and Supplementary Planning Guidance Note 3.*
 2. *The Local Planning Authority consider that the parking layout within the site is inadequate. This will lead to congestion on the site, and overspill parking on the highway, with vehicles, associated with the development, impeding visibility and the freeflow of traffic along Delph Road, thereby unduly compromising highway safety. Consequently, the proposal is contrary to Policies 85 and 99 of the Unitary Development Plan.*

13 Planning Application P05/0276, made several changes to address the reasons for refusal which included;

- Reduction of three storey element to two storey at side/rear
- Removal of 4 no. dormer windows in the Delph Road frontage
- 5 car parking spaces were shown (2 visitor parking spaces, and 3 garage spaces), this was reduced to 4 spaces (3 surface parking and 1 garage space)
- Garage space shown with inward opening doors, with 6.1m to the surface parking, previously only 5.5m with 'up and over' garage doors.
- Reduced number of balconies
- A projecting gable feature at the eaves level on the Delph Road frontage.

14 Despite the proposed changes, the application was refused on the following grounds.

1. *The Local Planning Authority, consider that the design and layout of the proposed development fails to properly reflect the character of the development within the local environment. This is especially as a result of the proposed scheme being considered over-intensive in form, when set against the restricted size of the site and the existing vernacular. The proposal would therefore introduce development which will appear incongruous within the general streetscene, and also which fails to make a positive contribution to the local environment. It is therefore contrary to Policies 53 and 85 of the Unitary Development Plan, Policies DD1 and DD4 of the Revised Deposit Unitary Development Plan and Supplementary Planning Guidance Note 3.*
2. *The Local Planning Authority consider that the car parking layout within the site as shown is inadequate in terms of numbers, manoeuvring space and vehicular access width. This will lead to congestion on the site, and overspill parking on the highway, with vehicles, associated with the development, impeding visibility and the freeflow of traffic along Delph Road, thereby unduly compromising highway safety. Consequently, the proposal is contrary to Policies 85 and 99 of the Unitary Development Plan and Policy DD4 of the Revised Deposit UDP.*
3. *The Local Planning Authority consider that the amount and quality of amenity area shown for the proposed development is inadequate to properly provide for*

a reasonable level of amenity for the future occupiers of the proposed apartments. This being a corollary of the over-intensive nature of the proposed development. The proposal is therefore contrary to Policy 53 of the Unitary Development Plan and Supplementary Planning Guidance Note 3.

- 15 The application now being considered, is a hybrid of previous refusals, which make the following alterations;
- Reinstatement of the three-storey element 'turning the corner' to provide car parking on ground floor, with 3 surface parking areas
 - Removal of two rear dormer windows and replacement with rooflights variety
 - Removal of front gable feature along Delph Road frontage

PUBLIC CONSULTATION

- 16 Direct notification was carried out to all adjoining properties and a site notice posted on 13/12/05, as a result of which no letters of objection were received.

OTHER CONSULTATION

- 17 **The Head of Environmental Protection:** no objection subject to inclusion of a condition to increase noise protection from Delph Road to the proposed dwelling and contaminated land condition.
- 18 **The Head of Traffic & Road Safety and Engineering:** no objection subject to amendments to the position of the gates and widening of the vehicular access.
- 19 **Severn Trent Water:** no objection, subject to the inclusion of a condition relating to drainage works.

RELEVANT PLANNING POLICY

20 **National guidance**

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Guidance 3 – Housing

21 **Adopted UDP (2005)**

Policy DD1 – Urban Design

Policy DD4 – Development in Residential Areas

Policy DD6 – Access and Transport Infrastructure

Policy H1 – New Housing Development

Policy H3 – Housing Assessment Criteria

Policy H6 – Housing Density

22 **Supplementary Planning Guidance**

PGN3 – New Housing Development

PGN14 – Car Parking Standards

ASSESSMENT

- 23 The determining issue is whether the proposed modifications to the scheme now shown are sufficient to the extent that they overcome the reasons for refusal of the previous two schemes, without adversely impacting on material issues of acknowledged importance. (This is notwithstanding that approval was recommended on the previous two schemes).

Scale & Appearance

24 Policy DD4 – Development in Residential Areas, seeks to ensure that residential development will be allowed where,

- *there would be no adverse effect on the character of the area or upon residential amenity*

- *the scale, nature and intensity of the use of the proposed development would be in keeping with the surrounding area.*

25 This is further supported by national planning guidance. PPS1 (Delivering Sustainable Development) confirms that, 'Good design is indivisible from good planning' and paragraph 34 states,

'Planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings...design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted'.

26 With the two-storey element proposed along the Delph Road frontage, it is considered to be in keeping with the predominantly 2-storey vernacular. Recent residential development opposite the proposed site has introduced further two-storey development promoting a further mix in dwelling types. It is noticeable that at least one of these properties has been designed to be 2½ storeys with dormer windows in the front elevation.

27 With the removal of an unnecessary gable feature, the proposed scheme has eaves and roofline that continue on from the public house, as does the fenestration. Within the streetscene this provides continuity, rhythm and a degree of repetition in design. In addition with the development near completion on the opposite side of the road, the design is considered to be sympathetic to the local environment.

28 The three-storey element lends itself well to the general topography of the surrounding area, as the height of the building will be very similar to the adjacent property at 178/180 Delph Road. Efforts have been made to take into account the context of this building, and therefore the proposals are in keeping with the character of the area.

Inadequate internal parking

- 29 With regard to this issue, the previous applications were refused on the basis that limited space was provided within the courtyard between the garage doors and surface parking areas.
- 30 The on-site garages have doors, which open within the confines of the garage, leaving a distance of 6.1m from the garage to the parking spaces, enabling a greater amount of manoeuvrability space on the courtyard. An additional car parking space is made available, thus making a more than acceptable provision of 2 parking spaces per dwelling. These combining factors further ameliorate any adverse impact upon highway safety.
- 31 The HTRS on the planning application P05/0276 suggested that a distance of 6m should be maintained between the access gates and back of the footpath, at present it is depicted at only 3.5m. Easy resolution of this can be requested by the imposition of a condition, to provide details of an improved means of vehicular access.

Amenity Space

- 32 Creation of an additional parking space, does reduce the amount of amenity space provided within the curtilage of the proposed dwellings. However, Planning Policy Guidance 3 – Housing allows for flexibility to be shown in the application of standards to encourage the efficient use of land in the urban area.
- 33 Both Policy H1 – New Housing Development and H3 – Housing Assessment Criteria support the intentions of national guidance; it is the Councils intention to provide housing that is accessible and meets the needs of the Borough's residents. To enable this there is a need to identify sufficient land to meet identified housing requirements and ensure all sectors of the housing market can be met.
- 34 Suffice to say, that for the type of development proposed, it is considered that the large swathe of public open space at the rear of the site to be significant in meeting

the needs of future occupants requiring amenity space. There is also an expectation that the landscape condition will make provision of a quality area of landscaping on the site.

CONCLUSION

- 35 Whilst the changes proposed for this development are to a certain extent reasonably minor, they are considered to better integrate into the local environment without having any adverse consequential impacts. It is a form of development that addresses the reasons for refusal on the previous schemes.
- 36 Having taken regard for the Councils policies controlling such development and other material considerations, for the reasons set out above it is considered that the proposed development would satisfy Council policy.

RECOMMENDATION

- 37 It is recommended that this application be approved subject to the following conditions

38 REASON FOR APPROVAL

The proposed development is considered to comply with Planning Policy Statement 1- Delivering Sustainable Development, Policy DD1 – Urban Design, Policy DD4 – Development in Residential Areas, Policy H1 – New Housing Development and Policy H3 – Housing Assessment Criteria of the Adopted Unitary Development Plan (2005).

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. Development shall not begin until details of the existing and proposed levels of the site, which should be related to those of adjoining land and highways, have been submitted to and approved by the local planning authority.
3. Unless otherwise agreed in writing with the Local Planning Authority, plans showing details including sections of existing retaining walls on the site shall be submitted to and approved by the Local Planning Authority before the development is commenced, and calculations provided to prove that the walls as shown will be capable of supporting the likely future loading from the proposed development, and where work is required to the existing retaining walls to ensure that they will sustain the future loading, the development shall not be occupied until such work has been carried out in accordance with the approved plans.
4. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed by the local planning authority), has been submitted to and approved by the local planning authority. Such a strategy shall facilitate the identification of contaminants and permit the risk based assessment of the development site. Where the investigations identify the presence of contamination, development shall not begin until a scheme to protect the development from the effects of such contamination has been submitted to and approved by the local planning authority. Such a scheme shall: include provisions for validation monitoring & sampling; be implemented in accordance with the approved details before the development is first occupied; and be retained throughout the lifetime of the development.
5. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed by the local planning authority), has been submitted to and approved by the local planning authority. Such a strategy shall facilitate the identification of methane & carbon dioxide. Where the investigations identify the presence of methane and/or carbon dioxide the development shall not begin until a scheme to protect the development from the effects of such gases has been submitted to and approved by the local planning authority. Such a scheme shall: include provisions for validation monitoring & sampling; be implemented in accordance with the approved details before the development is first occupied; and be retained throughout the lifetime of the development.
6. Before any dwelling hereby approved is first occupied the parking areas and accesses thereto shall be paved with a suitable hard, impervious material, and drained.
7. Development shall not begin until details of the type, texture and colour of materials to be used in the external elevations have been submitted to and approved by the local planning authority. The development shall proceed in accordance with the approved details.
8. Development shall not begin until a scheme for protecting the proposed apartments from road traffic on Delph Road and nearby commercial noise has been submitted to and approved by the local planning authority, and all works which form part of the scheme shall be completed before any of the permitted dwellings is occupied.
9. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.
10. All planting, seeding or turfing comprised in the details of landscaping approved in accordance with condition 9 shall be carried out in the first planting and seeding

seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees, hedgerows or plants contained in the approved planting scheme which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

11. None of the dwellings shall be occupied until works for the disposal of foul and surface water drainage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Local Planning Authority.
12. The building shall not be occupied until the means of vehicular access has been improved to provide an adequate width for two way traffic in accordance with the approved plans, details to be submitted to show the following requirement; a distance of 6 metres should be maintained between the gates and the back of the footway.
13. For the avoidance of doubt, this permission relates to drawing numbers 176DR/1(A), 176DR/3(B) and 176DR/2(D) and shall be implemented in strict accordance with these plans unless otherwise agreed in writing with the Local Planning Authority.