

PLANNING APPLICATION NUMBER:P05/2407

Type of approval sought	Full Planning Permission
Ward	Kingswinford North & Wall Heath
Applicant	Gilkes Homes Ltd
Location:	FORMER GARAGE SITE, MOSS GROVE, BACK ROAD, KINGSWINFORD, WEST MIDLANDS
Proposal	ERECTION OF NO 9 HOUSES AND NO 1 BRIDGE APARTMENT WITH ASSOCIATED PARKING
Recommendation Summary:	APPROVE SUBJECT TO 106 AGREEMENT

SITE AND SURROUNDINGS

1. The site occupies a prominent location on the corner of Moss Grove and Back Road. It was once the site of a former petrol station. The structures above ground have been demolished and the site has a large fence around it.
2. The site is located within a well established residential area.

PROPOSAL

3. The application comprises the construction of a mixture of seven, three storey townhouses, two detached, two-storey houses which turn the corner of Moss Grove/Back Road and one bridge apartment above the entrance to the rear of the site.
4. The townhouses are indicated as having three to four bedrooms, the detached properties would have three bedrooms and the apartment would have two. With the exception of the apartment, all properties have private rear gardens. A garage space and one parking space is allocated for each property within a parking court to the rear of the gardens.

HISTORY

5.

APPLICATION No.	PROPOSAL	DECISION	DATE
P04/1403	Three storey building with retail (Class A1 & A3) on ground floor and 16no flats above	Withdrawn	26/10/04
P05/0580	22no flats	Refused	06/06/05

PUBLIC CONSULTATION

6. I have received 9 letters of objection from local residents which make the following points:

- . out of keeping with character of the area – 3 storeys high and will look like a single block of dwellings, close to frontage particularly fronting Moss Grove;
- . the rear and side aspects will be oppressive to residents in Waterford Road and Penzer Street and to one house in Moss Grove. The Back Road aspect would be oppressive to residents in Moss Grove and Penzer Street;
- . overdevelopment;
- . contrary to Townscape, Housing and Development Control Policies within the Unitary Development Plan;
- . Back Road is narrow and used by school children this will increase the danger to pedestrians, is a footpath to be provided?
- . local residents who have no off-street parking park their cars in Back Road;
- . visibility splay at access to the site not satisfactory;
- . increased congestion on local roads;

- . insufficient car parking provided within the site;
- . access to site off Back Road doesn't allow two vehicles to pass

OTHER CONSULTATION

7. Severn Trent – No objection subject to one condition
8. Traffic and Road Safety- the amended scheme is acceptable, previous concerns regarding the internal layout and visibility splays have been addressed subject to conditions.
9. Environment Agency – No objections subject to conditions
10. Environmental Protection – No objection subject to conditions.

RELEVANT PLANNING POLICY

11. Adopted Dudley Borough Unitary Development Plan
 - Policy DD1 – Urban Design
 - Policy DD4 – Development in Residential Areas
 - Policy DD6 – Access and Transport Infrastructure
 - Policy DD7 – Planning Obligations
 - Policy AM14 – Parking
 - Policy EP3 – Water Protection
 - Policy EP7 – Noise Pollution
 - Policy UR9 – Contaminated Land

Planning Guidance Note no 3 : New Housing Development

Planning Policy Guidance Note 3: Housing

ASSESSMENT

12. The site has no specific allocation within the adopted Dudley Borough Unitary Development Plan. It is however surrounded by residential development and as such is acceptable, in principle, for residential development.

13. The development would comprise nine houses and one bridge apartment which would be located above the vehicular access to the site off Back Road. Seven of the houses are townhouses with front and rear dormer windows and balconies at first floor level. Two detached, two-storey houses are indicated on the corner of Back Road and Moss Grove.
14. The previous scheme (P05/0580) which was refused on this site was for 22 flats. This generated a high level of objection from neighbours (39 letters and a petition containing 521 signatures). There have been 9 letters of objection to the present scheme which reduces the number of units on the site by over half and provides houses with gardens rather than flats with amenity space. The density of the current application would be 53 dwellings per hectare, although this would be slightly higher than the guidance offered in Planning Policy Guidance Note 3: Housing the site fronts on to Moss Grove (A491) which is a public transport corridor.
15. One of the reasons for refusal of the previous application (P05/0580) was that the development would adversely affect both the architectural frontage of which the site forms a part and the visual amenity of the locality because of its scale and appearance. The height of the townhouses would be similar to this previous application however the previous rather bland facade indicated in the previous application has been improved with the introduction of houses which present a completely different appearance having for example individual front doors with canopies above. In addition, the two-storey detached houses which turn the corner around the junction of Moss Road and Back Road introduce a mix of roof height and design which sufficiently breaks up the appearance of the development. The development therefore accords with Policy DD1 of the adopted Dudley Borough Unitary Development Plan.

16. Each house has a private garden. With the exception of the two corner detached houses which have wider rear gardens, the garden length of the houses reach 10m. This is slightly less than the minimum length required in Planning Guidance Note 3: New Housing Development, however given the constraints of the size of site and the requirement to provide sufficient off-road car parking it is accepted that this is an acceptable compromise.
17. The scheme as originally submitted, did not satisfy the required visibility splays for both the junction of Moss Road/Back Road and the entrance to the site off Back Road. The applicant has however submitted an amended plan which overcomes these difficulties to the satisfaction of Policy DD6 of the adopted Dudley Borough Unitary Development Plan.
18. Each dwelling has one garage space and an uncovered car parking space which is in accordance with Policy AM14 of the adopted Dudley Borough Unitary Development Plan.
19. In accordance with Policy DD7 of the adopted Dudley Borough Unitary Development Plan any approval would be subject to a Section 106 Legal Agreement for a contribution to off-site recreational public open space enhancement.

CONCLUSION

20. The housing scheme now put forward on the site is of an acceptable density, given its location and design. It provides sufficient car parking and provides acceptable access/visibility splays. The development of the site will reclaim this current contaminated site which has a rather dilapidated appearance along the prominent Moss Grove road frontage.

RECOMMENDATION

21. Reason for Approval

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Dudley UDP (2005) and to all other relevant material considerations.

22. It is recommended that the application is approved subject to the following conditions:
- a) The applicant entering into a Section 106 Legal Agreement for a contribution to off-site recreational public open space enhancement.
 - b) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary.
 - c) In the event that the Section 106 agreement has not been completed within two months of the resolution to grant approval, the application will be refused if appropriate.

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. 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.
3. The use hereby permitted shall not begin until a scheme indicating boundary treatment for the site has been submitted to and approved in writing to the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the first dwelling on the site and retained for the life of the development.
4. The use hereby permitted shall not begin until a landscape scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the first dwelling on the site and retained for the life of the development.
5. Development shall not begin until a scheme for protecting the proposed dwellings from noise from traffic using Moss Grove 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.
6. No development approved by this planning permission shall be commenced until:-
 - a. A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model) for the site of all potential

containment sources, pathways and receptors has been produced.

b. A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the LPA prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:-

- a risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

c. The site investigation has been undertaken in accordance with details approved by the LPA and a risk assessment has been undertaken.

d. A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site.

7. The development of the site should be carried out in accordance with the approved Method Statement.
8. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.
9. Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results will be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.
10. Soakaways shall only be used in areas on site where they would not present a risk to groundwater. If permitted their location must be approved in writing by the LPA.
11. Development approved by this permission shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.
12. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and

- constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
13. Development shall not begin until details of the type, texture and colour of materials to be used in external elevations have been submitted to and approved by the local planning authority. Such materials shall, unless otherwise agreed in writing by the local planning authority, closely match in type, texture and colour those of the existing building.
 14. The development hereby permitted shall be built in accordance with the approved plan numbers 05:618:00A, 05:618:01, 05:618:02, 05:618:06, and 05:618:10 unless otherwise agreed in writing by the Local Planning Authority.
 15. Development shall not begin until details of plans and sections of the lines, widths, levels, gradients and form of construction of service/access roads and drainage systems have been submitted to and approved by the local planning authority.
 16. The building shall not be occupied until the area shown for car parking on the plan attached hereto has been graded, levelled, surfaced, drained and marked out, and that area shall not thereafter be used for any purpose other than the parking of vehicles.
 17. 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.
 18. 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.
 19. Before any dwelling hereby approved is first occupied the parking area and access thereto shall be paved with a suitable hard impervious material, and drained.
 20. Prior to the commencement of development, details of the works to the highway to improve the Back Road/Moss Grove junction shall be submitted to and agreed in writing by the Local Planning Authority.

The works shall be completed in accordance with the approved details prior to the occupation of the dwellings hereby permitted.