

PLANNING APPLICATION NUMBER:P07/2071

Type of approval sought	Full Planning Permission
Ward	ST THOMASS
Applicant	Accord Housing Association
Location:	56, JUNCTION STREET, DUDLEY, WEST MIDLANDS, DY2 8XT
Proposal	ERECTION OF 11 NO. 1 AND 2 BEDROOM FLATS (AMMENDMENT TO PREVIOUS APPROVAL P03/0777)
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

- 1 The application site is presently an area of mostly disused land which lies between Junction Street and Queens Cross. The Junction Street side is currently consists of a disused commercial building. The Queens Cross side of the site to is presently an undeveloped gap in the street frontage.
- 2 To the west of the site is residential development with their associated gardens areas. To the east of the site there are commercial uses facing onto Queens Cross with dwellings to the rear of those buildings being serviced from Junction Street.
- 3 To the north side of Queens Cross and the south side of Junction Street residential development predominates.
- 4 The site slopes to the south, with a particularly marked change in level at the northern end of the site.
- 5 The application site is approx 0.13 hectares.

PROPOSAL

- 6 This application is for the erection for a block of flats on the frontage to Queens Cross (Block A). The building will provide 11 self contained flats, two of which are one bedroom with the rest being two bedroom. The building onto Queens Cross will be three-storey, but to the rear due to the change in levels the building will be four-storey. The building would be finished in brick with a pitched tiled roof. A slight forward projection is proposed to the two principle elevations to add some interest to the building. A strong entrance feature is again proposed to the same elevations.
- 7 Pedestrian accesses are to be provided from the Queens Cross elevation and from the rear. The vehicular access will be from Junction Street, with a parking court to the rear of the main block.
- 8 The development is for affordable housing rather than market sale. The density of the proposed development is approx 85 dwellings to the hectare.
- 9 A Design and Access Statement has been submitted with the application.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
P00/51067	Erection Of Thirteen Flats.	Granted	27-Mar-2001
P03/0777	Erection Of Two Buildings For Twelve Flats.	Granted	17-Jul-2003

- 10 Planning application P03/0777 was for the erection of two blocks of apartments. Block A to the front of the site (Queens Cross) was for a three/four storey building which contained 10 flats, with a smaller two storey building (Block B) to the rear. This contained two flats. The overall density of that development was 92 dwellings to the hectare.

- 11 This application which relates to Block A only. This application is virtually identical except an additional ground floor disabled flat is being provided in what had been previously approved as a common room.
- 12 Block B to the rear does not form part of this application.

PUBLIC CONSULTATION

- 13 1 letter of objection received:
- Will affect amenity
 - Will cause noise
 - Too large for the site
 - Not regeneration
 - Should be 3 bedroom semi detached housing

OTHER CONSULTATION

- 14 Group Engineer (Development): Object. - Insufficient car and cycle parking space and a substandard turning circle.
- 15 Head of Environmental Protection: Recommend conditions covering road noise and land contamination.

RELEVANT PLANNING POLICY

Unitary Development Plan

DD1 Urban Design
DD4 Development in Residential Areas
DD6 Access and Transport Infrastructure
DD7 Planning Obligations
DD8 Provision of Open Space, Sport and Recreation
Facilities
UR9 Contaminated Land
H1 New Housing Development

HE1 Local Character and Distinctiveness

Supplementary Planning Guidance/Documents

Supplementary Planning Document on Open Space, Sport and Recreation Provision

Parking Standards and Travel Plans Supplementary Planning Document

New Housing Development Supplementary Planning Document

Design for Community Safety Supplementary Planning Guidance

ASSESSMENT

- 16 The main issuers are:
- Principle of development
 - Design
 - Neighbour Amenity
 - Ground Conditions and Traffic Noise
 - Parking and Access
 - Planning Obligations

Principle of Development

- 17 The principle of residential development on the site has been agreed previously in 2001 and 2003. There have been no material change in circumstances with DD4 and H1 of the UDP being supportive of residential development on the previously developed site, within a principally residential area.
- 18 The proposed development also assists in meeting the Councils target for affordable housing (Policy H5), as this proposal is for affordable rather than market housing.

Design

- 19 The design of the building externally is identical to that previously approved. Therefore no objection can be sustained on design grounds.

- 20 The development of the site would provide a positive contribution to the site allowing a presently derelict and untidy site to be visually improved, and filling a gap in the frontage to Queens Cross.

Density

- 21 The density of the proposal equates to 85 dwellings to the hectare and as such is fairly high. However, a similar scheme has already been agreed on the same site within the same building envelope, and such no objection can reasonably be substantiated.

Parking and Access

- 22 The Group Engineer has raised objection principally relating to the under provision of car parking and secure cycle parking when compared to the SPD on Parking Standards and Travel Plans. He also has concerns relating to the size of the turning area within the site which will be required to accommodate refuse collection vehicles.
- 23 Amended Plans have been requested from the applicant overcoming these concerns. An update will be provided at committee. However, the parking provision on the site has to be considered against the previous scheme which had seven spaces (58% - based on 12 units) compared to this one which has 13 (100% - based on 13 units, which includes the other two units which are not part of this application)

Neighbour Amenity

- 24 The proposed development is not considered to cause any additional harm to neighbour amenity above that previously approved.

Ground Conditions & Traffic Noise

- 25 Due to the nature of the sites last use the potential for ground contamination is highly probable. Conditions requiring ground investigation reports will be imposed as requested by the Environmental Protection (EP) team. The part of the site facing onto to Queens Cross is affected by traffic noise. A condition requiring noise mitigation has also been requested.

Planning obligations

- 26 The proposal attracts a requirement for a commuted sum paid towards the provision and enhancement of public open space and play areas in the locality. This can be dealt with by way of a legal agreement to accompany the application. The written agreement of the applicant to this request was awaited at the time of agenda preparation. An update will be provided at committee.

CONCLUSION

- 27 The proposed development is considered to be of an acceptable design, causes no significant harm to neighbour amenity and/or to highway safety. Regard has been given to policies DD1 DD4 DD6 DD7 DD8 UR9 H1 H4 and HE1.

RECOMMENDATION

Subject to the written acceptance by the applicant of their willingness to enter into a legal agreement to cover off site open space and play equipment contributions together with the receipt of amended plans overcoming the Group Engineers objection it is recommended that the application be approved subject to:

- b) The development not beginning until a scheme for the submission and approval of a planning obligation to guarantee the provision, maintenance and enhancement of off-site public open space and play provision submitted to and agreed in writing by the Local Planning Authority.

Reason For approval

The proposed development is considered to be of an acceptable design, causes no significant harm to neighbour amenity and/or to highway safety. Regard has been given to policies DD1 DD4 DD6 DD7 DD8 UR9 H1 H4 and HE1.

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.

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

The development hereby permitted shall be built in accordance with the amended plans 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. 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.
3. No part of the development hereby permitted shall be commenced until full details of soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details must include, where appropriate, planting plans, written specifications, a schedule of plants including species, plant sizes and proposed numbers/densities and a programme of implementation. Plans must also include accurate plotting of all existing landscape features. The works approved as part of this condition shall be completed within the first planting season following the first occupation of any part of the development. Any trees or shrubs planted in pursuance of this permission including any planting in replacement for it which is removed, uprooted, severely damaged, destroyed or dies within a period of five years from the date of planting shall be replaced by trees or shrubs of the same size and species and in the same place unless otherwise agreed in writing by the Local Planning Authority.
4. None of the development hereby approved shall be first commenced until plans (including details of the proposed facing materials) showing the provision of 600mm high walls adjacent to the vehicular highways have been submitted to and approved

in writing by the Local planning Authority. The walls shall thereafter be provided in accordance with the approved details. The walls shall thereafter be retained.

5. None of the development hereby approved shall be first commenced until details of a screen fence along the boundary to no. 41 Junction Street has been submitted to and approved in writing by the Local Planning Authority. The fence shall thereafter be erected within 14 days of the existing building to Junction Street being demolished.
6. No part of the development hereby permitted shall be commenced until details of the retaining walls to the boundaries have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until these works have been carried out in accordance with the approved details.
7. None of the development hereby approved shall be first commenced until 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.
8. No part of the development hereby permitted shall be commenced until a scheme for the disposal of sewage and surface drainage has been submitted to and approved in writing by the District Planning Authority and thereafter no part of the development shall be occupied until the approved works have been carried out.
9. 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.
10. 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.
11. Development shall not begin until a scheme for protecting the proposed dwellings from noise from ***** 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.

12. Development hereby approved shall not be first commenced until a detailed mining report which indicates that the site is suitable for development proposed which should include details of foundation design shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
13. The development not beginning until a scheme for the submission and approval of a planning obligation to guarantee the provision, maintenance and enhancement of off-site public open space and play provision submitted to and agreed in writing by the Local Planning Authority.
14. Prior to commencement of development details of the parking area and means of access will be submitted to and approved in writing by the Local Planning Authority. Prior to first use, the means of access and parking areas will be provided in accordance with the approved details, graded, levelled, surfaced, drained and marked out and will be retained for no other purpose for the life of the development
15. Prior to commencement of development details of secure and undercover cycle parking facilities will be submitted to and approved in writing by the Local Planning Authority. Prior to first use, these facilities will be provided in accordance with the approved details and will be retained for no other purpose for the life of the development.