

PLANNING APPLICATION NUMBER:P06/0608

Type of approval sought	Outline Planning Permission
Ward	St. Thomas's
Applicant	Mr Khan
Location:	LAND ADJ 15, CAROLINE STREET, DUDLEY, WEST MIDLANDS, DY2 7DZ
Proposal	OUTLINE APPLICATION FOR THE ERECTION OF 6 NO. 1 BEDROOM APARTMENTS (SITING AND ACCESS SUBMITTED FOR CONSIDERATION WITH ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION) (RESUBMISSION OF REFUSED APPLICATION P05/0727).
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

- 1 The site comprises a 71m long, 4m wide access road between residential properties which opens up into a broadly rectangular site measuring approximately 20m x 18m. The site itself is relatively flat but land immediately to the north of the site is located at a significantly lower level than the application site and land to the south and west is at a significantly higher level. The site is 0.064ha in size.
- 2 The boundaries of the site comprise a mix of mature trees and shrubs and a retaining wall between the site and the rear garden of 15 Caroline Street. The retaining wall comprises a pedestrian access gate leading to the garden of 15 Caroline Street.
- 3 To the north of the site are allotments with further housing beyond and to the east of the site is St John's churchyard. The site was formerly used for employment purposes and contained a building located within the north-eastern part of the site. The building appears to have been demolished between 2002 and 2005. The First

Edition of the OS map shows the building as a Malthouse and therefore the site is of great historical interest.

PROPOSAL

- 4 This is an outline application proposing the erection of six 1bed apartments. Details of access and siting are for consideration, and all other matters (design, external appearance and landscaping) are reserved for future consideration.
- 5 The plans show a block located centrally within the site, utilising the existing access drive. Six parking spaces would be provided at the front of the block. The application is supported by an archaeological desktop assessment.
- 6 Indicative plans have been submitted showing a three storey block of flats with six 2bed apartments in it, however these cannot be considered to form part of the application, and further, they contradict the description of the proposed development provided by the applicant on the application form. These are therefore discounted from any further consideration.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
81/52457	Outline erection of industrial building	Granted	11/1/82
P05/0727	Outline erection of six 1bed apartments	Refused	9/8/5

- 7 The recent application was refused on the following grounds:

- Overdevelopment, lack of private amenity space
- Overbearing impact on neighbouring residential amenities
- Cramped form of development

- Access unacceptable
- Insufficient historic information to allow full assessment of proposals

PUBLIC CONSULTATION

- 8 Four letters of support received
- 9 Letters of objection received raising the following concerns:
- Overlooking/loss of privacy
 - Flats out of keeping in the area
 - Concern over treatment of boundary wall
- 10 One copy of the petition against the previous application has been submitted – no reasons for objecting have been given

OTHER CONSULTATION

- 11 **Traffic and Road Safety:** No objection received
- 12 **Environmental Protection:** No objection subject to condition
- 13 **Historic Environment:** No objection received
- 14 **Tree Protection Officer:** No objection received

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

AM14 Parking

H1 New housing development

H3 Housing assessment criteria

H6 Housing density

The site lies outside any designated area in the Unitary Development Plan.

Policy Guidance/Statements

PPS1 Delivering sustainable development

PPG3 Housing and draft PPS3 Housing

ASSESSMENT

Principle

- 15 The site was previously used for employment purposes, however it has been vacant for a considerable period of time, is not allocated within the UDP for employment purposes, and would not be a suitable site for encouraging further industry due to its siting and access. Further, the previous application was not refused on the grounds of the principle of development, which has therefore been accepted.
- 16 It is therefore considered that the principle of residential development on this site is acceptable subject to the details of the proposal. The proposal would result in development at a density of 93dph, which is considered to be acceptable in such an accessible location in close proximity to the town centre.

Previous refusal

- 17 The previous application was considered prior to the adoption of the current UDP, supported by SPG. However, government guidance suggests that a more flexible approach to prescriptive SPGs should be taken, and therefore the application needs to be reconsidered in the light of the changes to policy and the development plan.
- 18 As the design of the proposal is not included for consideration at this stage, it cannot be assumed that the proposed development would result in overlooking or loss of privacy. In fact, providing it is considered that there is a way of designing the

development to prevent this, then it is appropriate to allow the outline consent if all the submitted details are considered acceptable. There were also concerns regarding a proposed residential development on the adjacent site at 15 Caroline Street, however this has since been refused and therefore does not need any consideration here in determining this application.

Siting

- 19 Taking a flexible approach to the proposed development, it is considered that the footprint of the building proposed is of a size that would allow adequate external amenity space for the residents of six small apartments – there would be sufficient space to allow the hanging out of washing and storage of rubbish. It is therefore considered that the proposal would not result in a cramped form of over-development of the site, and is considered acceptable. It is considered that space would be retained around all four sides of the proposed building due to its siting, including amenity space and parking provision, and it is therefore considered appropriate to the site and its surroundings.
- 20 It is considered that a design could be arrived at such that it would not cause harm to the amenities of the surrounding residents through overlooking or loss of light, and the proposal is therefore considered to be acceptable.

Access

- 21 It is proposed to utilise the existing access, and this is considered to be acceptable. The parking arrangement also appears to be appropriate, subject to ensuring that it is available prior to the occupation of the development in order to prevent any on-street parking causing any concerns or danger to highway safety.

Historic Environment

- 22 It is considered that the supporting information adequately addresses the previous concerns, and therefore the proposal is considered to be acceptable.

Legal agreement

23 As the proposal is for more than 5 residential units, a contribution towards off site public open space and play facilities would be required, and it is therefore recommended that the applicant be invited to enter into a legal agreement to this effect.

Other issues

24 As there are no elevational drawings available for consideration at this stage, it is not reasonable to suggest that the proposed form of development is inappropriate to the character and appearance of the surrounding area.

25 As for the treatment of the boundary wall, this would be a legal matter between the two adjacent land owners, and is not a matter for the consideration of the local planning authority.

CONCLUSION

26 The proposal is considered to be acceptable in principle, compliant with current policy guidance and unlikely to cause harm to amenities or highway safety.

RECOMMENDATION

27 It is recommended that the application be approved subject to:

- 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.

28 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.

Conditions and/or reasons:

1. Approval of the details of the design, external appearance of the buildings and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority before any development is begun.
2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later, and not prior to the granting of consent for all of the reserved matters.
4. Prior to the occupation of the dwellings hereby approved, the parking areas shown on the approved plans shall be surfaced and marked out in accordance with the approved details and thereafter maintained available for parking.
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. The developer shall afford access at all reasonable times to an archaeological organisation nominated by the local planning authority, and shall allow them to observe the excavations and record archaeological evidence that may be uncovered as a result of the development.
7. The development hereby permitted shall be built in accordance with the approved plans AZK.2467/05A, AZK.2467/05B and AZK.2467/05C, unless otherwise agreed in writing by the Local Planning Authority.
8. Notification of the commencement date and information as to who the archaeologist should contact on site shall be given in writing to the local planning authority not less than 14 days before the commencement of any development works involving ground disturbance.