

PLANNING APPLICATION NUMBER: P21/2052

Type of approval sought	Full Planning Permission
Ward	Sedgley Ward
Agent	Mukesh Mistry, Mistry Deisgn Services
Case Officer	Richard Stevenson
Location:	9, ALDERWOOD PRECINCT, SEDGLEY, DUDLEY, DY3 3QY
Proposal	FIRST FLOOR EXTENSION TO CREATE 2 NO. FLATS WITH ASSOCIATED WORKS AND INSTALLATION OF SOLAR PANELS ON ROOF AND ASSOCIATED PARKING.
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- 1 The application site is located within the Alderwood Precinct which includes a selection of shops, flats above shops, a public house and a doctors surgery. There are car parks which serve the Precinct which are accessed from North Way.
- 2 This application relates to No. 9 which is located on the south western corner of the wider precinct that consists of single storey, flat roofed convenience store and an adjoining two storey building which has been subject of a planning approval to convert the ground floor into 4 flats. It is understood that there are flats to the first floor as well. This element has pitched roof.
- 3 To the immediate rear (north) of the site is service road, serving area to the convenience store and parking area for the existing flats, the new flats to the ground floor.
- 4 Beyond this area, to the (north) are the rear gardens and houses located on Braemar Close.

PROPOSAL

- 5 This is full application to provide a first-floor extension above the existing single storey building which contains a convenience store, to provide two self-contained flats. The application proposes a pitched roof to match that on the main part of the buildings.
- 6 Also included within the application are alterations to the existing main building with alterations to one of the flats which involves the reconfiguration of the internal space to facilitate the development.
- 7 The application also includes the provision of solar panels to the new pitched roof and the provision of parking. A garage block which was originally proposed has been removed from the application.
- 8 The application has been submitted with a noise survey in relation to the plant associated with the convenience store.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
P19/1496	Conversion of ground floor into 4 no. flats	Granted	07-Feb-2020
P21/0765/PN20AB	Prior Notification for an upward extension to provide 2 no. residential units over 1 no. additional floor with associated works	Refused	01-Jun-2021

- 9 P19/1496 relates to the ground floor of the existing two storey element of the building and has been implemented.
- 10 P21/0765/PN20AB was refused in that the application did not meet the nationally prescribed space standards ,plus, there was potential noise conflict from the plant associated with the store below together with impact to the living conditions of an

adjoining flat. However, there were no concerns in relation to the amenity of neighbours in Braemar Close to the north.

PUBLIC CONSULTATION

- 11 4 letters of objection and a petition with 8 names has been received, following consultation with 17 adjoining neighbours. Main issues raised:
- Will impact on views and block light
 - Loss of privacy
 - Parking area is used by shop, doctors surgery and flats
 - Potential conflict with pedestrians due to parking area
 - Will be detrimental to area

OTHER CONSULTATION

- 12 Head of Planning and Regeneration (Highway Engineer): No objection. The proposals now comply with the adopted parking standards. Conditions will be required to ensure lockable bollards and electric vehicle charging points are provided.
- 13 Head of Planning and Regeneration (Land Contamination Team): No objection.
- 14 Head of Environmental Health and Trading Standards: No objection from an air quality perspective, subject to gas boiler and electric vehicle charging point conditions. The relocation of the plant will reduce the impact to amenity. However, conditions will be required to protect amenity.

RELEVANT PLANNING POLICY

- National Planning Guidance
National Planning Policy Framework (Revised 2021)
- Black Country Core Strategy (2011)
CSP2 Development Outside the Growth Network
HOU1 Delivering Sustainable Housing Growth

HOU2 Housing Density, Type and Accessibility
TRAN2 Managing Transport Impacts of New Development
ENV 3 Design Quality
ENV 7 Renewable Energy
ENV 8 Air Quality

- Dudley Borough Development Strategy (2017)
 - S1 Presumption in favour of Sustainable Development
 - S3 Renewable Energy
 - S6 Urban Design
 - S17 Access & Impact of Development on the Transport Network
 - L1 Housing Development, extensions and alterations to existing Dwellings
 - L10 Living over Shops
 - D2 Incompatible Land Uses
 - D5 Noise Pollution

- Supplementary Planning Guidance/Documents
 - New Housing Development Supplementary Planning Document (2013)
 - Parking Standards Supplementary Planning Document (2017)

ASSESSMENT

- 15 The main issues to be considered are;
- Principle
 - Design
 - Neighbour Amenity
 - Occupier Amenity
 - Access and Parking
 - Air Quality and
 - Financial Material Considerations

Principle

- 16 Whilst the application site is located outside one of the growth corridors outlined in the Black Country Core Strategy and the Dudley Borough Development Strategy, it is located in an established residential area and is well served by local services and public transport links to Dudley, Sedgley and Wolverhampton. Therefore, subject to the consideration of other planning matters the proposed development is considered to be acceptable in principle.

Design

- 17 The wider building consists in-part of a two-storey building with a pitched roof, with application area of the site currently consisting of a single storey flat roof building. Submitted plans show this element being extended upwards with a pitched roof to match the main part of the building. From a scale and design perspective, the proposed upward extension is considered to be acceptable form of development.
- 18 However, the relocation of the plant associated with the convenience store from the rear to the side elevation (to overcome potential noise and vibration issues to the proposed flats) has been a consideration from a visual point of view. Subject to appropriate screening of the plant on the side elevation as shown on the updated plans it is considered to be acceptable from a visual amenity point of view.

Neighbour Amenity

- 19 Neighbours living in the houses to the rear in Bramear Close have raised concerns in relation to overlooking and potential loss of light. The separation distance between the habitable room windows of the existing dwellings and those of the proposed dwellings at its closest point would be 25 metres. This is considered to more than adequate to comply with the councils adopted standard of 22 metres between opposing habitable room windows, as required by annex A of the New Housing Development Supplementary Planning Document. No windows are proposed in the elevation facing the doctors surgery.

- 20 Within the previous application there were concerns in relation to one of the existing flats in the main part of the building, as two of the habitable room windows would have been blocked, leading to a living room being adversely affected in terms of light and outlook. This has been resolved with this current application, with the internal space being reconfigured to ensure the living room has sufficient light and outlook. This matter will be conditioned to ensure the works are undertaken.

Occupier Amenity

- 21 The proposed flats will meet the national space standards and as such, the flats are considered to be of sufficient size to provide a reasonable level of amenity for occupiers. Given the relationship described above there are no concerns from a privacy point of view.
- 22 Another concern with the previous application was the potential for impacts from existing plant, currently located on the rear of the building which service the convenience store and its position that would have an impact on amenity in relation to noise and vibration.
- 23 To overcome the previous concerns of Environmental Safety and Health, it is now proposed to relocate the plant to the side elevation where no windows are located or proposed. This raised concerns from a visual amenity perspective given their appearance and increased prominence. There is therefore a need to provide screening to reduce their visual impact which is shown on updated plans.

Access and Parking

- 24 Car parking for the proposed flats was initially proposed in block of freestanding garages which would have been provided to the east of the application site access, across what was originally envisaged as a pedestrian area, but from observations at the site visit, now appears to be used as shared area.

- 25 Due to the proposed garages not meeting the minimum internal dimensions of 3m by 6m to be considered as a parking space in accordance with the Parking Standards Supplementary Planning Document, they were removed from the application.
- 26 Parking is now shown as being within the existing service yard to the north for the wider development, with six spaces to serve the residential development within the de facto shared space area. These spaces comply with adopted standards in terms of size and manoeuvring space. To ensure the spaces are used by residents only the highway officer requires each space to be provided with a lockable bollard.
- 27 Subject to appropriately worded conditions there are no objections from a highway safety point of view.

Air Quality and Renewables

- 28 Environmental Safety and Health have no objection to the proposed development on air quality grounds subject to the imposition of conditions in relation to electric vehicle charging points and low NOX output from any gas boilers that are to be fitted.
- 29 Solar panels to be provided to the southern roof slope are considered to be a sustainable form of renewable energy and can be used for space heating and heating of water. The provision of the facility, subject to other planning considerations, is encouraged in that it has the ability to help with air quality through the burning of less gas, as well as working to national climate change goals.

Financial Material Considerations

- 30 Section (124) of the Localism Act states that: Local planning authorities are to have regard to material considerations in dealing with applications including any local finance considerations, so far as material to the application. A 'local finance consideration' may be taken to cover the payment of New Homes Bonus, or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy (CIL).

- 31 The section does not change the law in any way. It is not a new basis for planning policy and it remains unlawful for planning permissions to be 'bought'.
- 32 This proposal would provide two dwellings generating a New Homes Bonus grant of two times the national average council tax for the relevant bands.
- 33 The proposal is fully liable for CIL at a rate of £25 per square metre. Based on a CIL Liable floor space, the CIL Charge is calculated at: £3878.33
- 34 This money could be earmarked to be spent on improving the strategic infrastructure which is set out on the Regulation 123 list of infrastructure.
- 35 However, due to the scale of the development no separate planning obligations are required.
- 36 Whilst these are significant sums of money the planning merits of the proposal are acceptable in any event and therefore this is not accorded significant weight.

CONCLUSION

- 37 The proposed development is considered to be acceptable in principle and is acceptable from an amenity, highway safety and design point of view. Consideration has been given to policies within the Black Country Core Strategy (2013); and the Dudley Borough Development Strategy (2017).

RECOMMENDATION

It is recommended that the application be APPROVED subject to the following conditions:

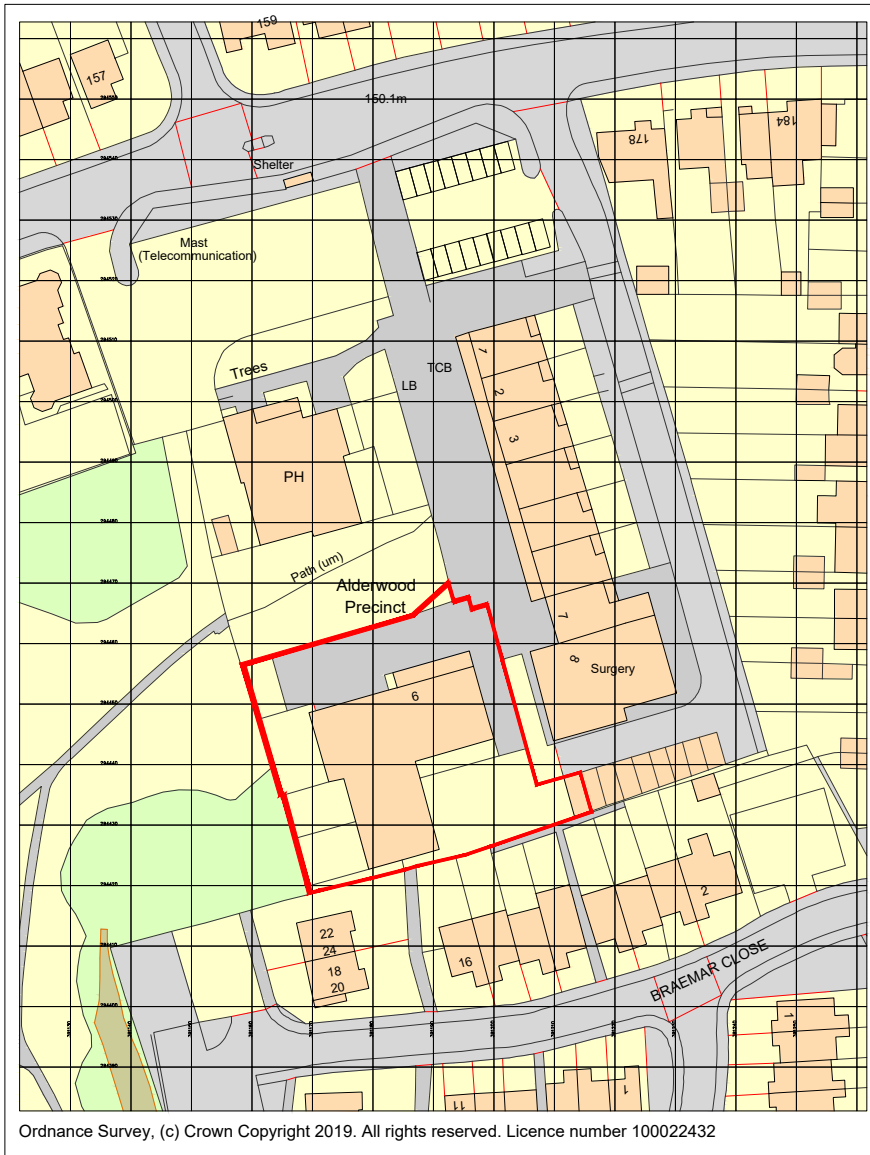
Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Block Plan (excluding garages)
201920/2M
201920/3/L
201920/7F
solar panel specification
REASON: For the avoidance of doubt and in the interests of proper planning.
3. In order to minimise the impact of the development on local air quality, any gas boilers provided within the development must meet a dry NOx emission concentration rate of <40mg/kWh.
REASON: To safeguard the air quality of the Borough which is an Air Quality Management Area in compliance with the Black Country Core Strategy Policy ENV8 and the adopted Air Quality SPD.
4. The electric vehicle charging points, shall be provided in accordance with the approved plans prior to first occupation of development and shall be maintained for the life of the development.
REASON: In the interests of creating a sustainable form of development and to encourage the use of ultra low emission vehicles in accordance with Policies ENV8 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy.
5. The development hereby approved shall not be first occupied until the parking layout including the provision of lockable bollards has been provided in accordance with plan 201920/2M. The parking area and lockable bollards shall thereafter be retained for the life of the development.
REASON; To ensure sufficient parking is provided and to comply with BCCS Policy TRAN2.
6. The dwelling(s) shall not be occupied until details of secure and covered cycle storage have be submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details prior to the first occupation of the dwelling(s) and shall thereafter be retained and maintained for no other purpose, for the life of the development.
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings

Policy D2 Incompatible Land Uses (in part)
and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

7. The materials to be used in the approved development shall match in appearance, colour and texture those of the existing building unless otherwise agreed in writing with the Local Planning Authority.
REASON: To ensure the satisfactory appearance of the development in accordance with BCCS Policy ENV2 - Historic Character and Local Distinctiveness and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part).
8. The development hereby approved shall not be first occupied until flat 3 has been reconfigured in accordance with the approved plans.
REASON To protect the amenity of future occupiers and to comply with DBDS Policy L1.
9. Before any relocated external plant associated with the development is used, a scheme to mitigate disturbance to occupiers of the application building from conducted noise and vibration arising from its operation shall be submitted to and approved in writing by the Local Planning Authority. All works that form part of the approved scheme shall be completed before use of the relocated external plant and retained during use of the plant for the duration of the development.
REASON To protect amenity and to comply with DBDS Policy D5.
10. The rating level of sound emitted from relocated external plant shall not exceed background sound levels by more than 5dB(A) between the hours of 0700-2300 (taken as a 15 minute LA90 at the nearest /any sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at the nearest sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.
Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.
Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.
REASON To protect amenity and to comply with DBDS Policy D5.
11. The development here by approved shall not be first occupied until the plant has been relocated and placed within the screening cabinet to the side elevation in accordance with the approved plans. The screening cabinet shall thereafter be maintained for the life of the development.
REASON: In the interests of visual amenity and to comply with BCCS Policy ENV2.

LOCATION PLAN

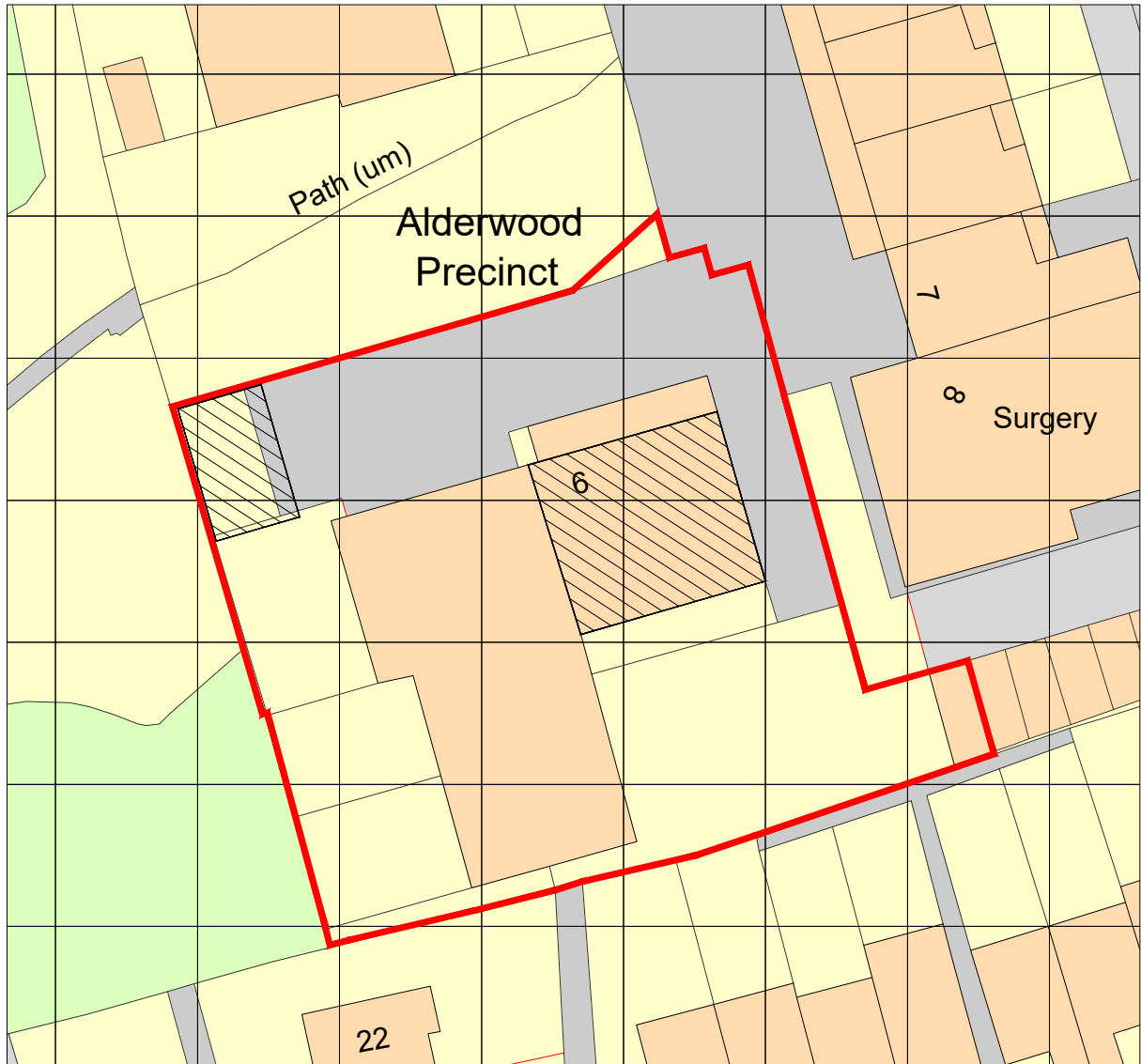


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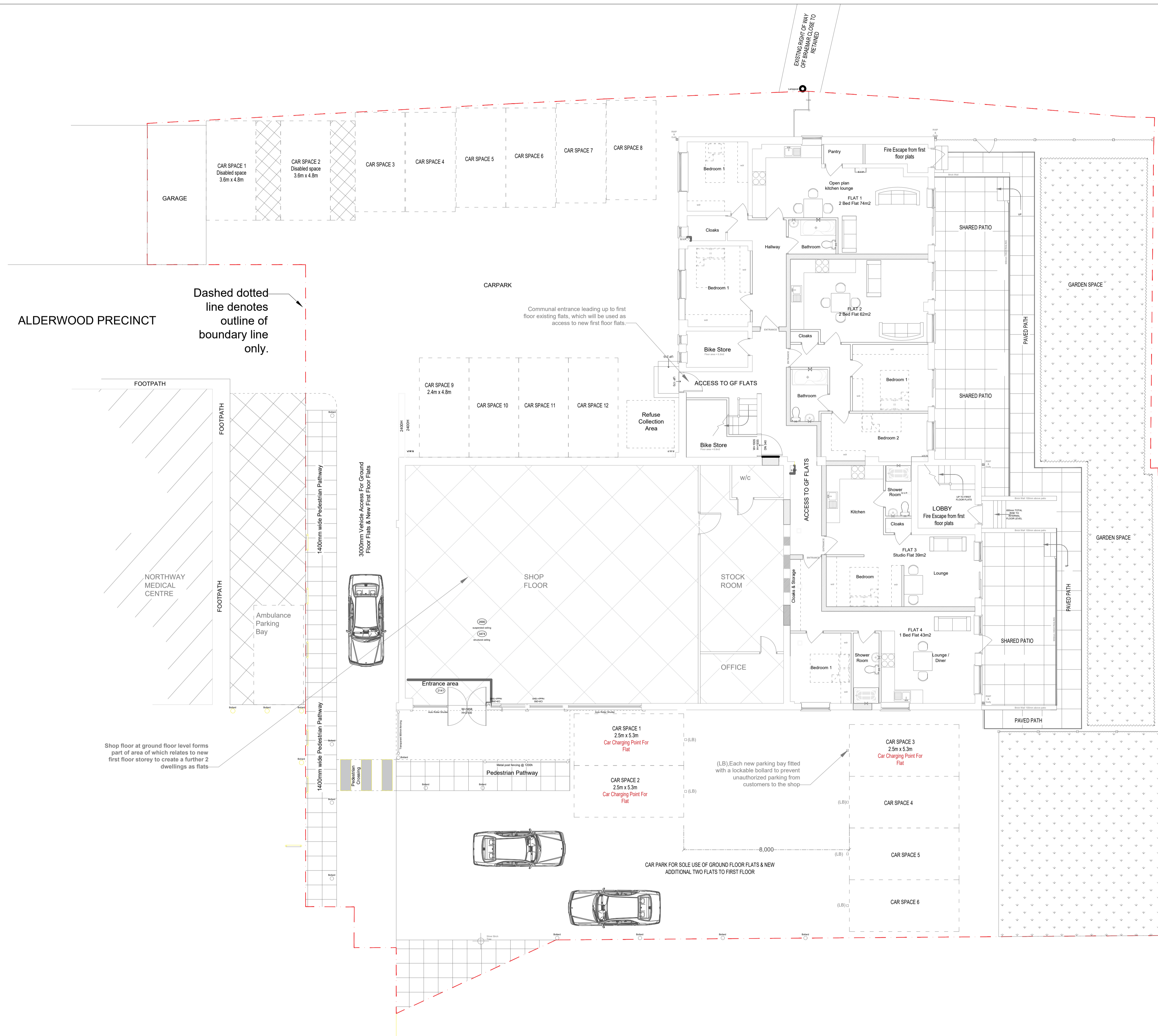
9 Alderwood Precinct,
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West Midlands.
DY3 3QY

BLOCK PLAN

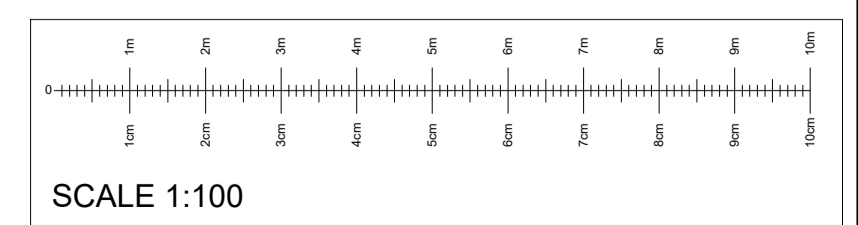


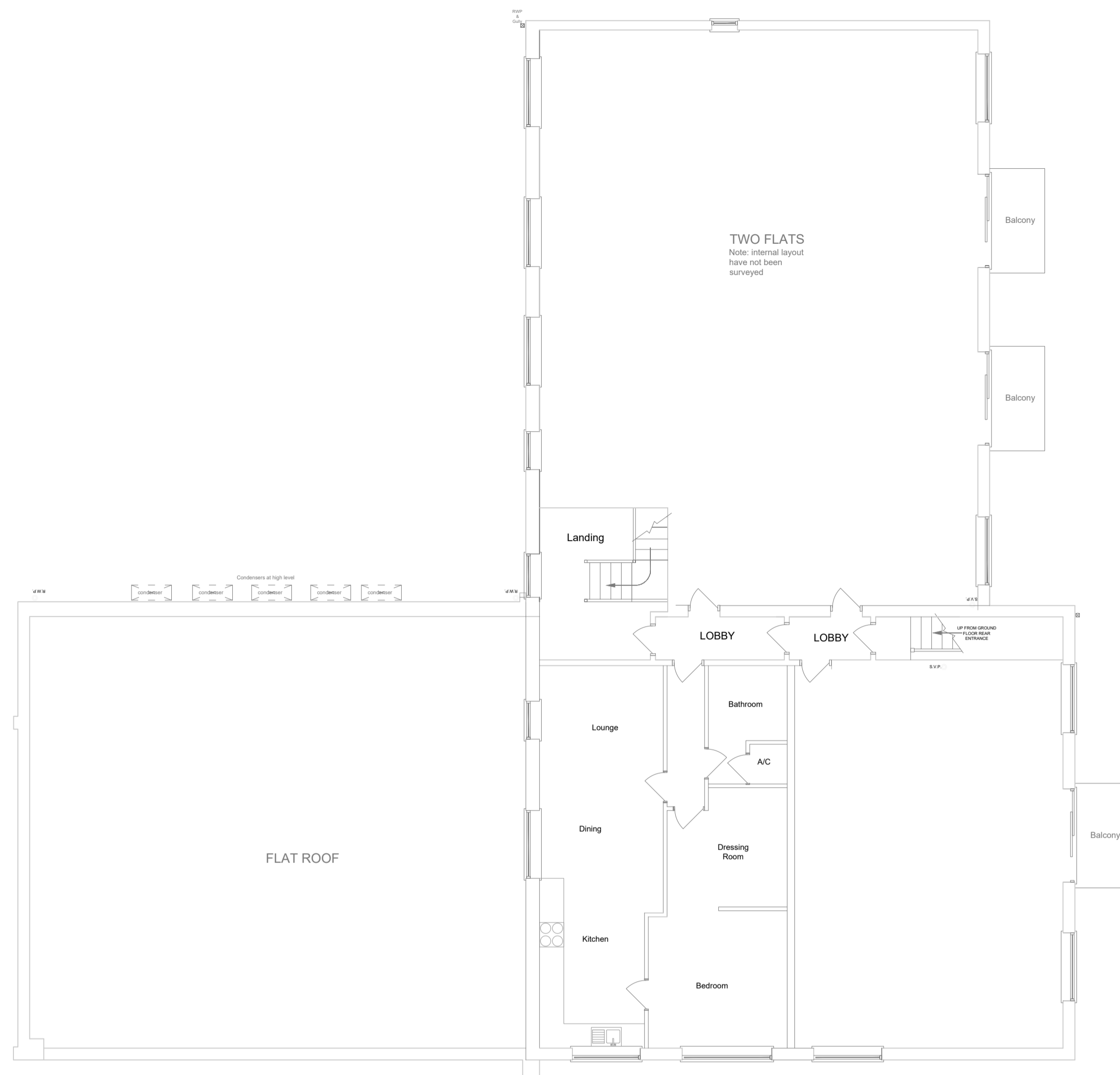
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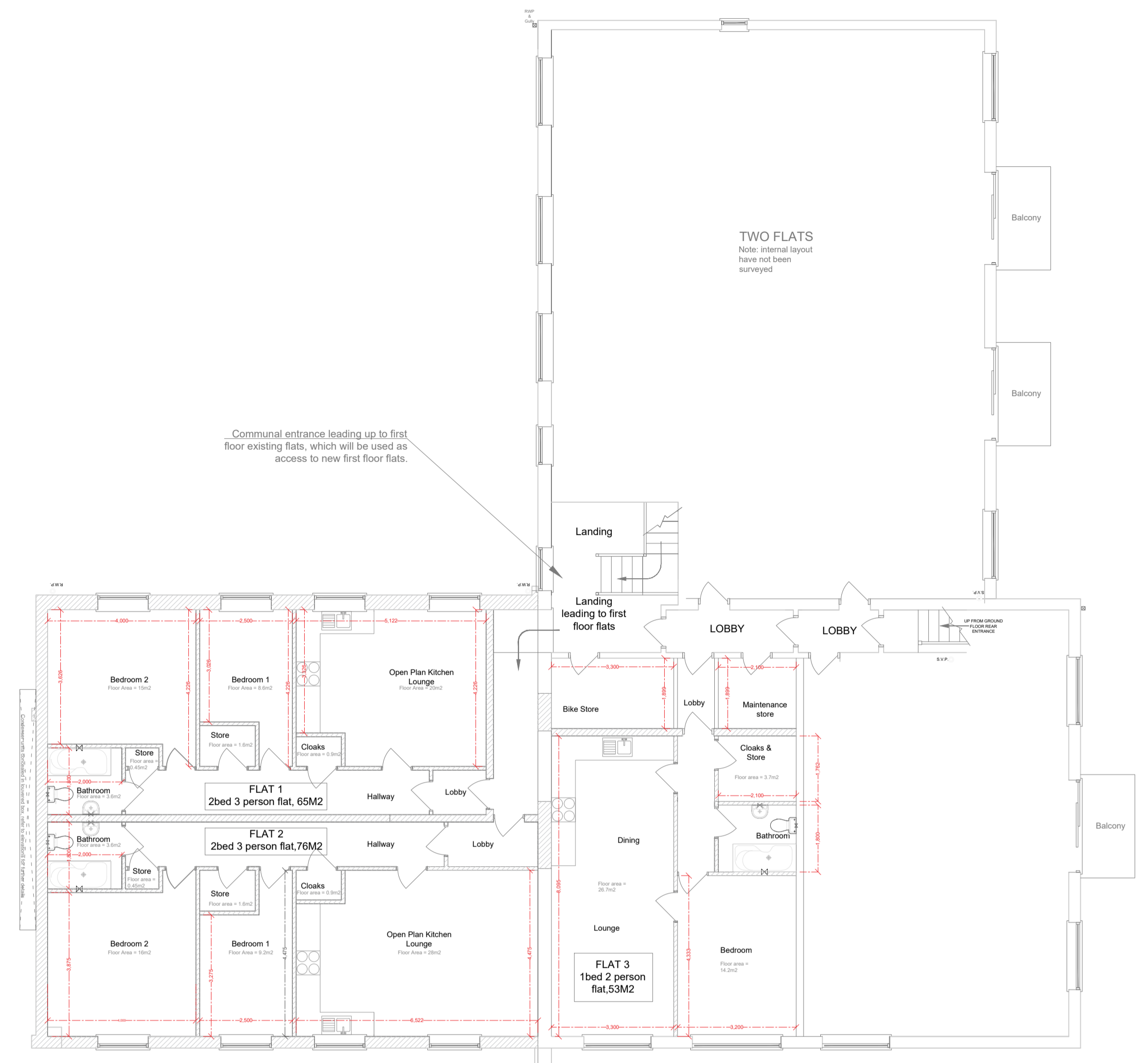


Site & Ground Floor Plan As Proposed.
Scale 1:100





First Floor Plan As Existing,
Scale 1:100



First Floor Plan As Proposed,
Scale 1:100

Revised:
 A, 22/04/2021, Plans revised as requested by planner.
 B, 14/06/2021, Plan revised in line with comment made by PO.
 C, 04/11/2021, Plan revised to show existing and proposed roof plans and new position of condensers.
 D, 10/12/2021, Revised to show new position of condensers.
 E, 18/1/2022, Plan revised to show solar panels.
 F, 18/02/2022, Plan revised to show new position of condensers.
 Dimensions given in mm as a guide only.
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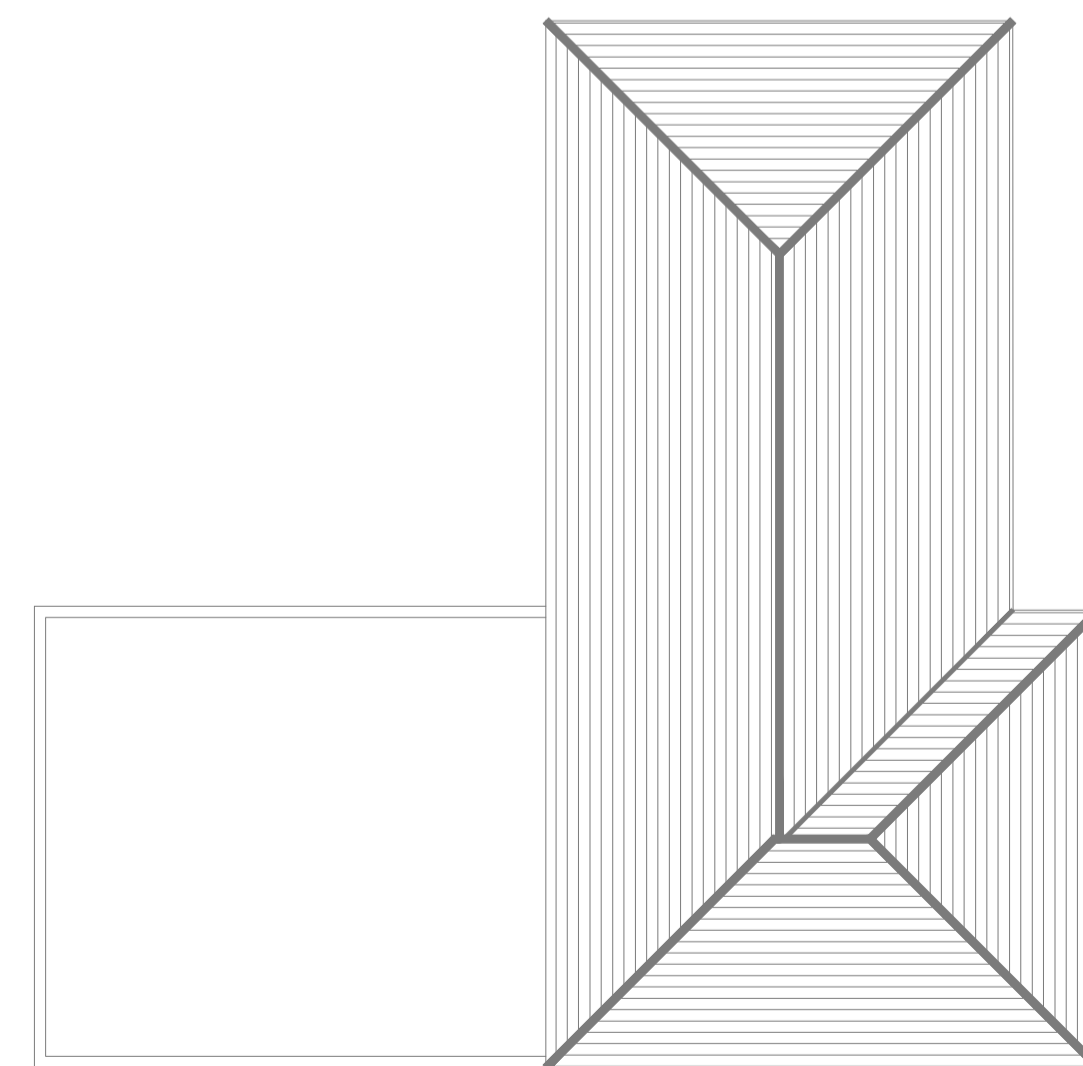
Carpenter's House, 52 Himley Crescent,
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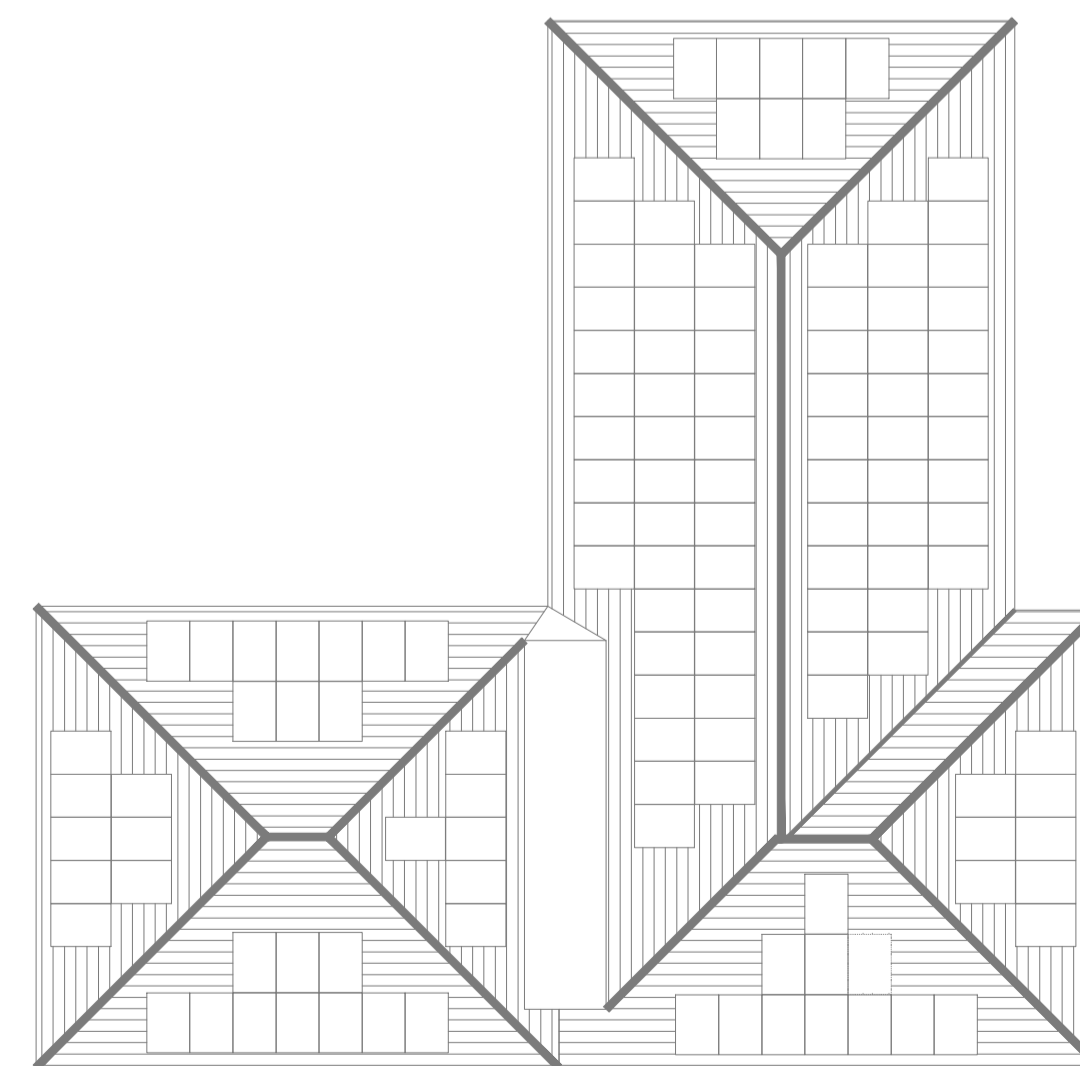
Client:
 Mr A Singh
 Title:
 Proposed FF Plan

Drawing No: 201920/77 Scale: 1:100 Date: Feb 2021

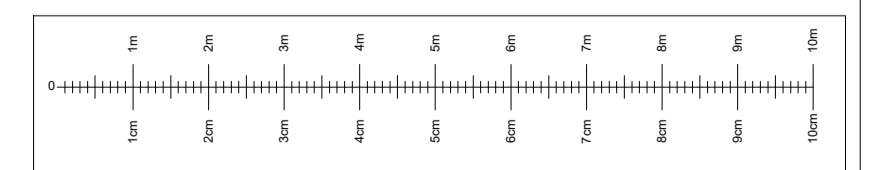
Drawn By: MPM Plan Size A1



Existing Main Roof Plan
Scale 1:200



Proposed Main Roof Plan
Scale 1:200



SCALE 1:100



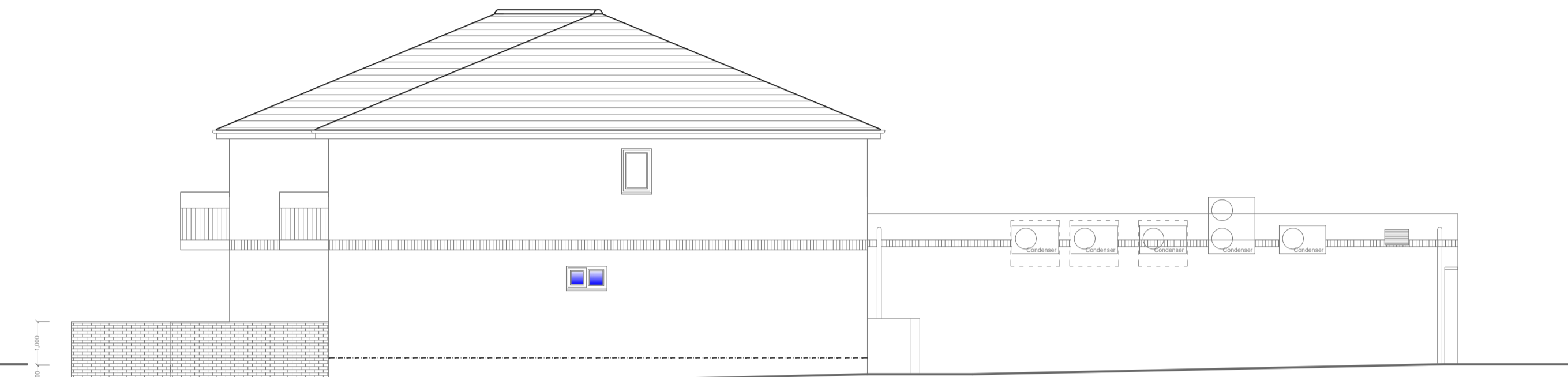
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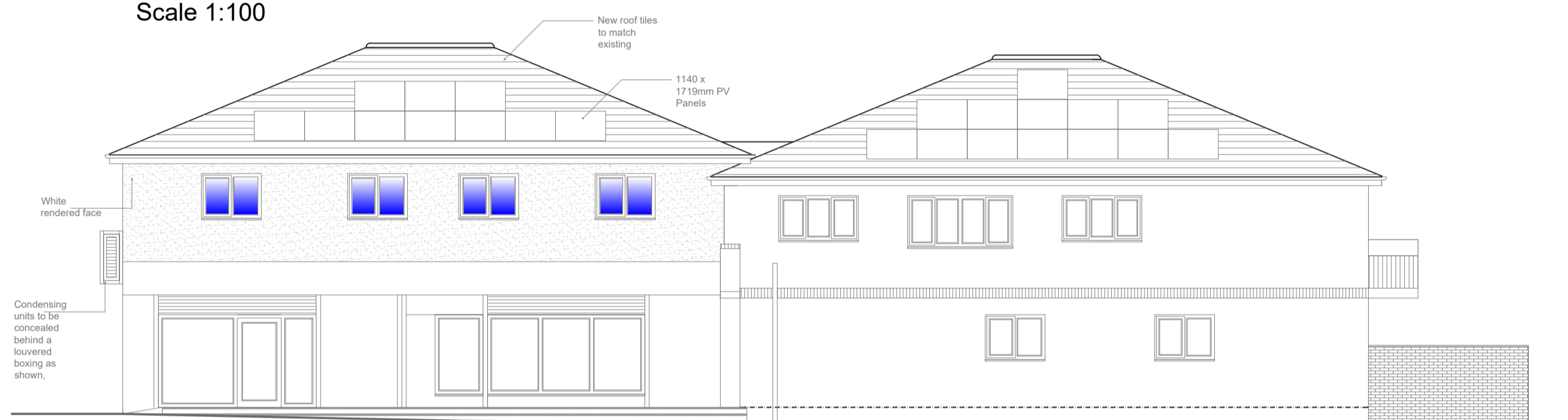
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East Facing Elevation As Existing,
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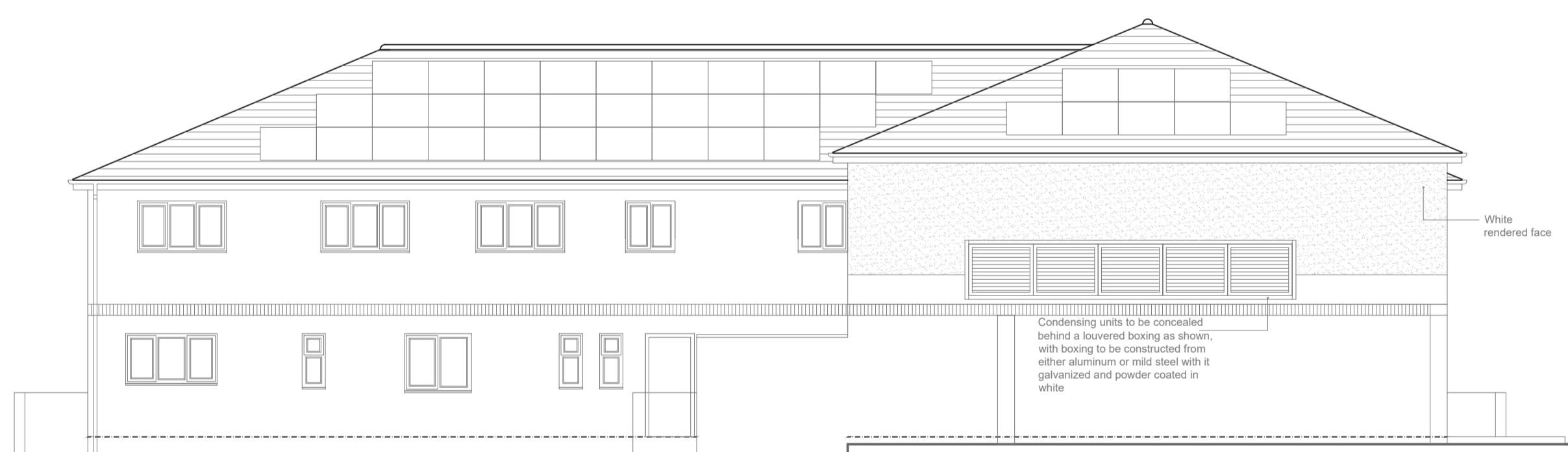
South Facing Elevation As Existing,
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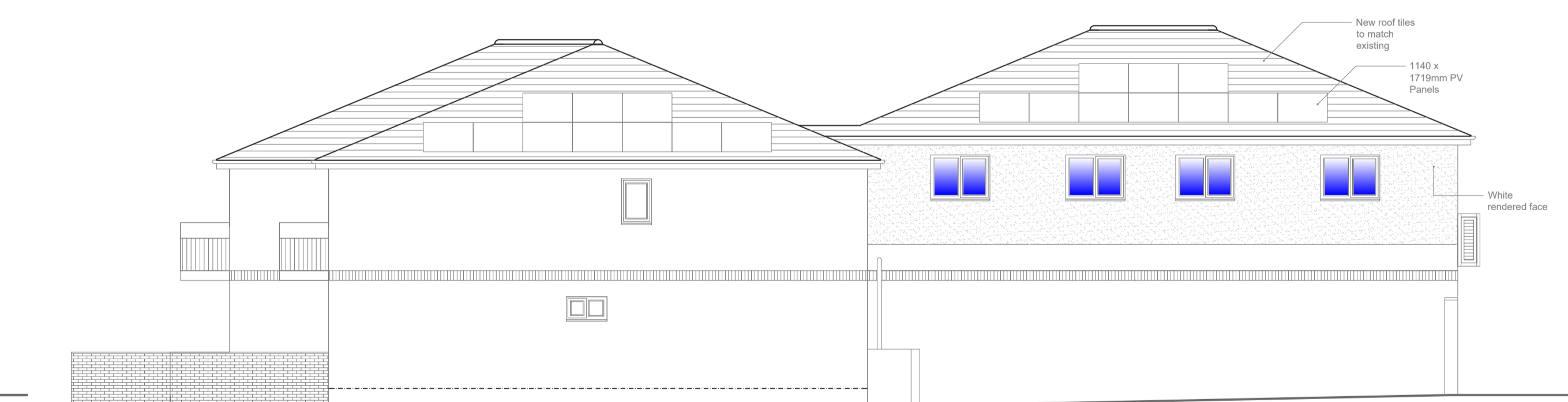
North Facing Elevation As Proposed,
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West Facing Elevation As Proposed,
Scale 1:100



East Facing Elevation As Proposed,
Scale 1:100



South Facing Elevation As Proposed,
Scale 1:100

- Revised:**
- A, 18/10/2019, Plans revised.
 - B, 19/12/2019, Plans revised with elevations revised to reflect changes on plans.
 - C, 24/03/2020, Plans revised with elevations revised to reflect changes on plans.
 - D, 26/03/2020, Plans revised to show finishes and levels.
 - E, 06/02/2021, Plans revised as client requested.
 - F, 14/04/2021, Plan revised to show changes.
 - G, 23/04/2021, Plan revised as PO requested.
 - H, 04/11/2021, Plan revised to show new position of condensers and facing materials.
 - I, 10/12/2021, Plan revised with notes revised and condensers repositioned and additional garage added.
 - J, 18/12/2021, Plan revised as requested by technical.
 - K, 17/01/2022, Garage elevations removed off plans with condensers repositioned in new plant room.
 - L, 18/02/2022, Plan revised to show reposition of condensers with screening.

Dimensions given in mm as a guide only.
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Title:
Extg & Prop Elevations

Drawing No: 201920/3L Scale: 1:100 Date: Oct 2019

Drawn By: MPM

