

# PLANNING APPLICATION NUMBER:P10/1649

Type of approval sought	Full Planning Permission
Ward	Cradley & Foxcote
Applicant	Mr John Horgan, Horgan Homes & Development Limited
Location:	<b>LAND ADJ. 64 SEYMOUR ROAD, SEYMOUR ROAD, WOLLESCOTE, LYE, STOURBRIDGE, WEST MIDLANDS</b>
Proposal	<b>DEMOLITION OF EXISTING FACTORY UNIT AND ERECTION OF 5 NO DWELLINGS (RESUBMISSION OF WITHDRAWN APPLICATION P10/0583)</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO A 106 AGREEMENT</b>

## SITE AND SURROUNDINGS

1. The application site measures 0.145 hectares and comprises a vacant factory unit (empty for 6 years) and an area of grassed land (former Council owned land) with mature shrubs located on the southern boundary. The site was originally a steel stockyard and the unit was last used a joinery shop in 2004. The site appears neglected, attracts fly-tipping and it experiences a steep difference in ground levels (average of 1:12.5 gradient). A public right of way runs along the southern boundary of the site.
2. Adjoining the other side of the public right of way, there is a 1970's estate of modern semi-detached dwellings. These follow a common building line and are located 6m back from the pavement. They are located at a higher ground level than the site. There is a 1.8m high fence running along the boundary of these dwellings to the public right of way.
3. At 64 Seymore Road is a modern semi-detached house set at a higher level, which has a side facing secondary bedroom window and rear facing habitable room windows. The side garage provides separation from the site, which also has a side facing window.

4. The dwellings located adjacent to the northern boundary of the site, comprise 1900 Victorian cottage semis. They are located at lower ground level than the site and follow a strong building line, located 1m back from the pavement. There is a 1.8m high fence separating their rear gardens from the site.
5. No.50 is a Victorian semi, it has a single storey rear element, which projects 10 from the main two storey element of the dwelling. The dwelling has a ground floor side facing habitable room window on the main two storey section of the dwelling house and two further ground floor side facing windows on the single storey wing.
6. Opposite the site there are modern semi-detached houses, which are part of the same estate, forming a quiet residential area.

## PROPOSAL

7. This application proposes the erection of a 5 No. detached dwellings and 1 No. detached double garage, to include 2 x 3 bedroom and 3 X 4 bedroom dwellings (resubmission of withdrawn application P10/0583).
8. The proposal would provide a new access in the form of a short cul-de-sac turning head. Plot 1 would be set perpendicular to the road, while Plots 2-5 would be staggered back from the proposed access.
9. Dwellings type A would comprise a 3 bedroom dwelling with shared double garage (internal spaces 6 x 3m) and 1 parking space each located at the front. The main building is shown to measure 9m deep by 6m wide and up to 8m high.
10. Dwellings type B would comprise four bedroom houses with integral garage (internal space 6 x 3m) and 2 parking spaces provided on the front driveway. The main building is shown to measure 8.5m deep by 9.5m wide and up to 7.5m high.
11. Gardens vary from an average length of 7- 12m and overall area of between 60 square metres (Plot 1) and 100 square metres (Plots 3 & 4).
12. The application is accompanied by a Design and Access Statement, section plans of site ground levels and ecological assessment. The covering letter accompanying the application, refers to a desktop report that has been submitted prior to the application and which was found to be satisfactory by the Environmental Protection Officers (e-mail 23 August).

13. Amended plans have been requested to insert an additional side facing window into the side elevation of Plot 1, to face Seymour Road.

## PLANNING HISTORY

App no.	Proposal	Decision	Date
SB/61/13	Workshop extension	Approved	21/1/61
SB/62/108	Workshop extension	Approved with conditions	2/5/62
SB/63/252	Offices and workshop extension	Refused	7/10/63
SB/63/405	Amended plans for warehouse extension	Approved with conditions	26/11/63
93/51765	Partial enclosure of existing loading bay	Approved with conditions	16/12/93
95/50038	Erection of perimeter security fencing and gates and single storey outbuilding	Approved with conditions	6/4/95
P10/0583	Demolition of existing factory unit and erection of 5 No. dwellings	Withdrawn	26/04/10

14. P10/0583 was withdrawn due to lack of information for the following items to determine the application:

- *No contamination assessment*
- *Levels - showing how footpath would relate to the site*
- *Inadequate visibility splays – the individual vehicular access crossings would not provide satisfactory visibility.*

## PUBLIC CONSULTATION

15. A site notice was displayed (expiry 6th January 2011) due to the proposal affecting a public right of way and direct neighbour consultation was carried out to all adjoining and adjacent neighbours, which are due to expire 4 January 2011.

## OTHER CONSULTATION

16. The Head of Environmental Health and Trading Standards: – Potentially contaminative former uses on site as steel stockholders and potentially contaminative former uses in the vicinity i.e. former collieries and unknown filled ground. Landfill Site within 250m at: Balds Lane, Wollescote. Pre-application advice was given to the applicant's agent that further works concerning land contamination would be required if any application is approved. No objection subject to conditions.

17. The Group Engineer, Development: – no objections to the scheme in relation to the public right of way, parking or visibility splay.

18. Nature Conservation Officer: – No comments received at time of writing report.

## RELEVANT PLANNING POLICY

19. Adopted UDP (2005)

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

DD10 Nature Conservation and Development

EE3 Existing Employment Uses

LR1 – Open Space

H3 – Housing Assessment Criteria

H6 – Housing Density

NC6 – Wildlife Species

20. Supplementary Planning Document

Parking Standards and Travel Plans

Nature Conservation

New Housing Development

Planning Obligations

21. Supplementary Planning Guidance

PGN3 – New Housing Development

## ASSESSMENT

22. The key issues in determination of this application area the impact upon;

- Principal and character and appearance of the area
- Residential amenities of nearby occupiers
- Highway safety
- Nature Conservation and
- Whether provision is made for a Planning Obligation

### Principal and character and appearance

23. The thrust of national guidance in PPS3 maintains the emphasis on making the best use of previously developed land, however, it states that '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 (paragraph 13) and that matters to include when assessing design quality include the extent to which the development, 'Is well integrated with, and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access..' (paragraph 16). The development of an industrial site within an otherwise residential area removes a potentially non-compatible use in accordance with UDP Policy DD3.

24. Policy H3 – Housing Assessment Criteria in line with PPS3 – Housing suggest that Local Planning Authorities should continue to make effective use of land that has

been previously developed. Policy H6 – Housing Density whilst seeking to encourage the full and efficient use of land, does require that development takes into account the local context of the area, further elaborated upon by Policy H3 which would require development that does not create unacceptable levels of conflict with neighbouring uses or amenity considerations.

25. The proposed development would result in a density of 34dph, which is similar to the surrounding area. The proposal would in principle make effective and efficient use of previously developed land. The proposed design would draw simple design cues from adjacent dwellings, and would not therefore damage the streetscene. The proposal would therefore comply with policies DD1 & DD4 of the adopted Dudley UDP (2005), SPG - New Housing Development and PGN 3 - New Housing Development.

#### Residential amenity

26. Referring to PGN3, it stresses that development will only be permitted where it can be demonstrated that the privacy and visual amenities enjoyed by existing occupiers remain unaffected and that the design of the buildings are appropriate in the context of the character of the area. The term ‘visual amenities’ relates to such matters as outlook, over-shadowing, etc. Outlook being defined as the immediate environment enjoyed by an individual property.

27. Plot 1 is 14m from the side elevation of No.50, and it considered that the proposed detached garage block and boundary treatment would provide screening to the existing ground floor side windows at this property.

28. There is 14m from the front of Plot 3 to the side elevation of Plot 1.

29. There is 13m from the first floor side window (secondary bedroom window) at No.63 from the corner of Plot 5.

30. The proposed scheme avoids directly facing habitable room windows to the existing adjacent dwellings.

31. The buildings proposed would comply with the Council’s 45 degree code.

32. While Plot 5, has an average garden length of 7m, it would provide a maximum length of 12m and a garden area of 90 square metres. This is considered to be useable garden area which would be adequate for a dwelling of this size.

33. It is therefore considered that the proposal would preserve the residential amenities of the surrounding residents and would provide satisfactory amenities for the potential occupiers of the scheme and thus the proposal would comply with Policy DD4 of the Adopted Dudley (2005), SPG - New Housing Development and PGN 3 - New Housing Development.

#### Parking and highways issues

34.

UDP Policy DD7 – Planning Obligations states: The Council will require applicants to enter into planning obligations where the scale and impact of development proposals can be shown, in accordance with government advice, to result in a consequential planning loss to the existing community.

The planning obligation must, where appropriate and necessary make appropriate provision for the infrastructure requirements of the development

35. Ensure that there is no unacceptable adverse impact on the environment, nor consequential unacceptable loss to the existing level of services enjoyed by the community.

36. Based on the trip rates contained within the Planning Obligation SPD and available from the TRICS database, the proposed residential development will generate fewer trips than the existing use on the site, so no contribution will be required.

37. The Council's Parking Standards and Travel Plans SPD states that the 3 No. 4 bedroom houses and 2 No. 3 bedroom houses will require 13 usable car parking spaces, including 5 No. garages which are accommodated. This parking provision complies with the maximum parking requirement of 13 parking spaces, as calculated using the Parking Standards and Travel Plans SPD.

38. Levels on the site layout plan show a rise of 4.62m along the site's frontage to Seymour Road, however the vertical long section survey provided shows that the vertical alignment of Seymour Road does not affect visibility.

39. The scheme is considered to be acceptable in terms of vehicular access and car parking provision, which would not have a detrimental impact on highway

safety. Therefore the proposal would be in accordance with UDP Policies DD4 and DD6, and the Parking Standards SPD.

### Nature Conservation

43. The Ecological Survey has not identified any form of protected species and simply recommends mitigation measures in accordance with the adopted planning obligations SPD. The proposal would therefore comply with policy DD10 of the Adopted UDP (2005) and Nature Conservation SPD.

### Planning Obligations

44. Policies DD7 and DD8 of the UDP and Planning Obligations SPD require that new development (1 or more units) should contribute to play provision and enhancement/public open space, transport infrastructure improvements, public realm, nature conservation and libraries in the wider area in line with the increase in users arising from the development

45. The proposed development has a requirement to provide planning obligations to mitigate against the consequential planning loss to the existing community. Should permission be granted a S106 Agreement would be required in respect of the following contributions;

#### Offsite Contributions:

The proposal attracts a requirement for a commuted sum to be paid towards the following infrastructure:

Transport Infrastructure Improvements - £0

Public Open Space/Play – £13825.82

Library Contributions - £956.95

Public Realm - £2392.65

Management and Monitoring Charge - £1000

Total Offsite Contribution equates to **£18175.42**

#### On-site contribution

Nature Conservation Enhancements - £754.00



*\*Nature Conservation enhancements should be provided on-site.*

The applicant has been notified of this principle and confirmation of their acceptance is awaited

## CONCLUSION

46. It is considered that the proposal would not have an adverse impact on highways safety, character of the area, or residential amenity. The proposal is therefore in accordance with Policy DD1 - Urban Design, Policy DD4 - Development in Residential Areas and Policy DD6 - Access and Transport Infrastructure of the Adopted UDP (2005), Planning Guidance Note 3 - New Housing Development, Supplementary Planning Guidance - Parking Standards and Travel Plans.

## RECOMMENDATION

46. It is recommended that the application be approved subject to:

- a) The development shall not be commenced until a scheme for the submission and approval of a planning obligation to guarantee the provision, maintenance and enhancement of libraries, off-site public open space and play provision, public realm, enhancements and management and monitoring for a total charge of - **£18175.42**, has been submitted to and agreed in writing by the Local Planning Authority.
- b) The Scheme shall include the method, timing and arrangements including a means to guarantee a financial payment, increased through index linking from the first April each subsequent year, in accordance with the Council's planning obligations policies.

- c) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary.

#### Reason for Approval of Planning Permission

It is considered that the proposal would not have an adverse impact on highways safety, character of the area, or residential amenity. The proposal is therefore in accordance with Policy DD1 - Urban Design, Policy DD4 - Development in Residential Areas and Policy DD6 - Access and Transport Infrastructure of the Adopted UDP (2005), Planning Guidance Note 3 - New Housing Development, Supplementary Planning Guidance - Parking Standards and Travel Plans. For the reasons outlined, approval is recommended.

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.

#### 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. The development not beginning until a scheme for the provision of:
  - Libraries Improvements
  - Open space and play provision Improvements
  - Public Realm Improvements
  - Nature Conservation enhancements
  - Management and Monitoring Chargehas been submitted and approved in writing by the Local Planning Authority.
3. Prior to the commencement of development, details of the types, colours and textures of the materials to be used on external surfaces and building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

4. Prior to the commencement of development, details of the boundary treatments to be installed on the whole site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include location of boundary treatment. Elevation details shall also be supplied, or planting species/distances, as appropriate. The development shall proceed in accordance with the approved details, which shall be installed on site prior to occupation and thereafter maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
5. Prior to first occupation of the dwelling the means of access and parking area shall be provided in accordance with the approved details and graded, levelled, surfaced, drained and marked out. These areas will be maintained thereafter for no other purpose for the lifetime of the development
6. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any order revoking and re-enacting that order), no development referred to in Part 1 Class A, Part 1 Class B of Schedule 2 to that order shall be carried out.
7. No development shall begin until an assessment of the risks posed by any contamination has been submitted to and approved by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.
8. Where the approved risk assessment (required by Condition 7) identifies contamination posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the local planning authority.
9. Unless otherwise agreed in writing with the LPA, the approved scheme (required by Condition 8) shall be implemented and a verification report submitted to and approved by the LPA, before the development (or relevant phase of the development) is first occupied/brought into use.
  
10. No development shall begin until an assessment of the risks posed by any ground gases or vapours has been submitted to and approved by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.
11. Where the approved risk assessment (required by Condition 10) identifies ground gases or vapours posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the local planning authority.
12. Unless otherwise agreed in writing with the LPA, the approved scheme (required by Condition 11) shall be implemented and a verification report submitted to and approved by the LPA, before the development (or relevant phase of the development) is first occupied/brought into use.
13. Prior to the commencement of development, details of the landscaping and nature conservation enhancement schemes for the site shall be submitted to and approved in writing by the Local Planning Authority.
14. The scheme hereby permitted shall be carried out in accordance with the following approved plans:4504:8-15.



1:500 SCALE SITE LAYOUT PLAN



1:1250 SCALE SITE LOCATION PLAN



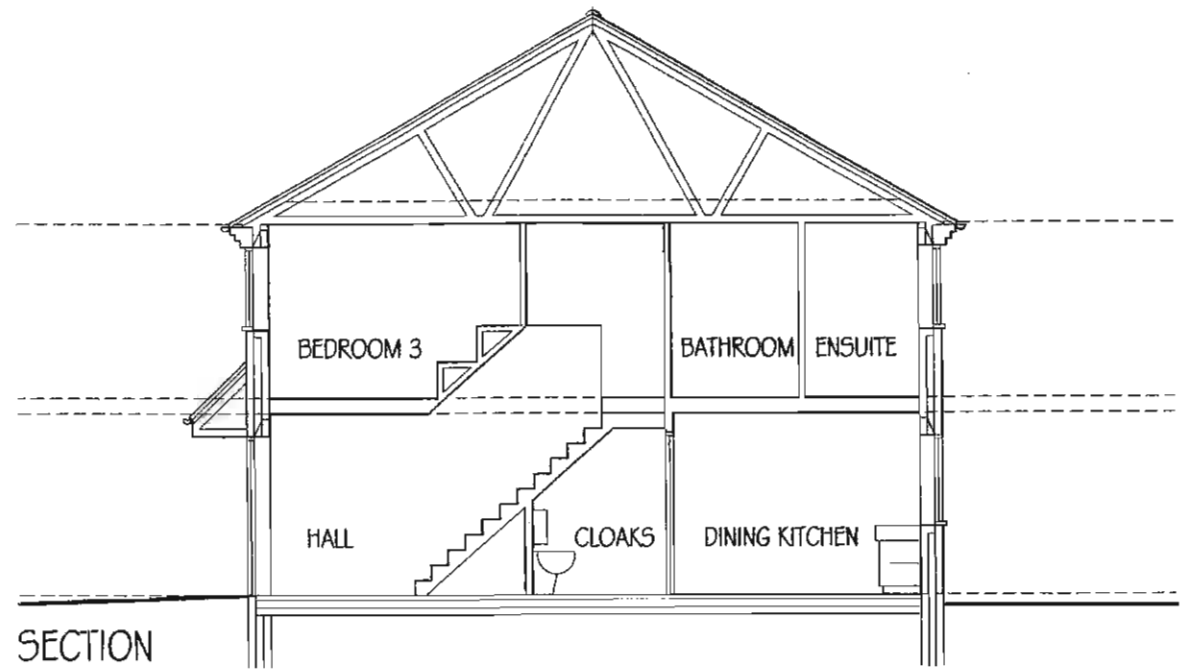
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PROPOSED DEMOLITION OF FACTORY UNIT  
+ ERECTION OF FIVE DETACHED HOUSES  
ADJ 64 SEYMOUR ROAD WOLLESCOTE DY9 8YF

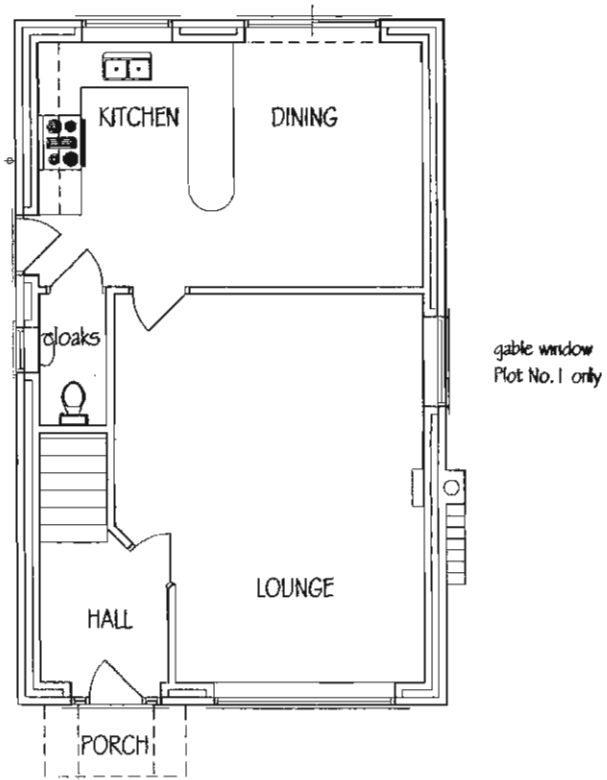
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KINGSWINFORD DY6 9XE 01384 298168



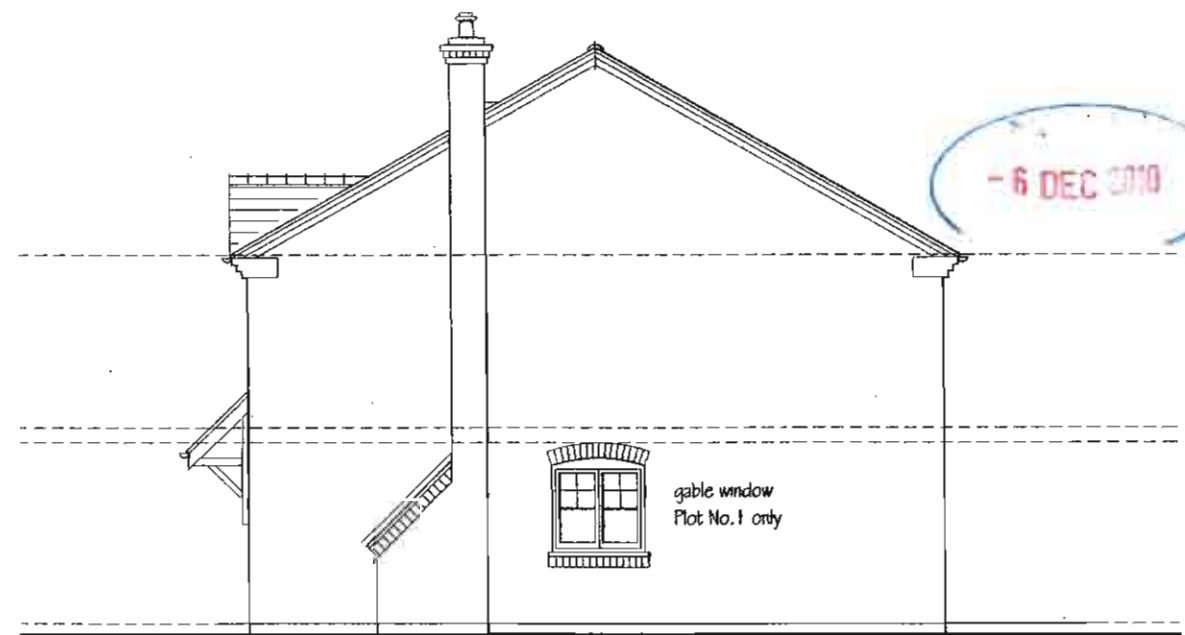
FRONT ELEVATION - PLOT Nos. 1 & 2



SECTION



GROUND FLOOR PLAN



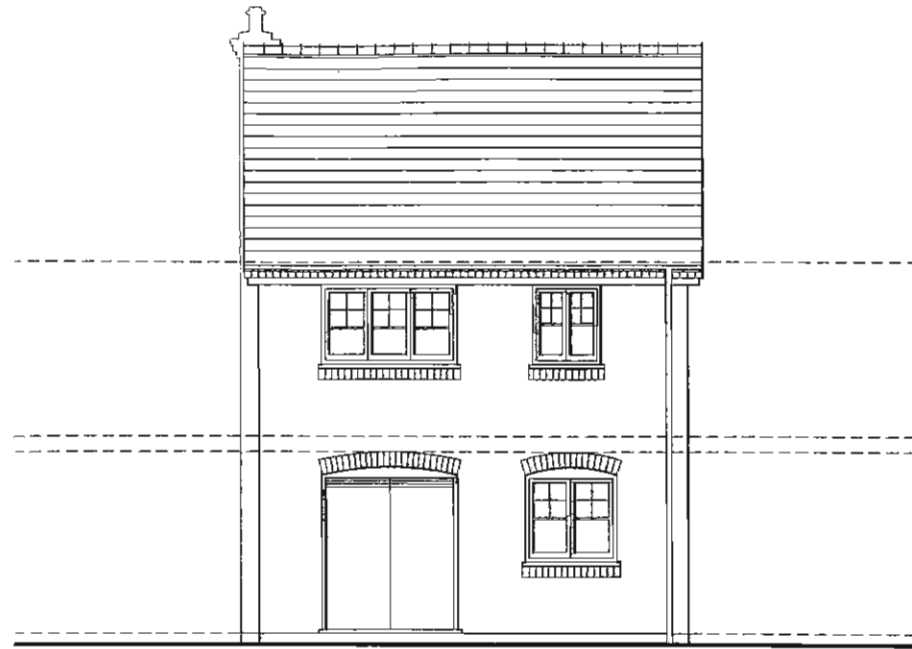
SIDE ELEVATION

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PROPOSED DEMOLITION OF FACTORY UNIT  
+ ERECTION OF FIVE DETACHED HOUSES  
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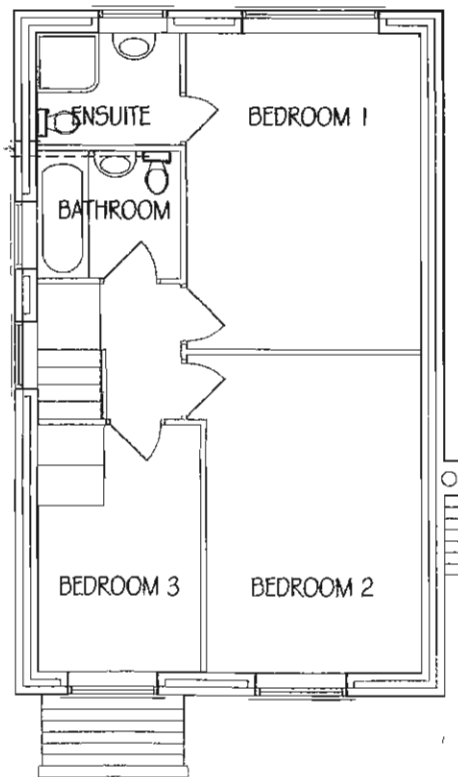
HOUSE TYPE A 1:100 SCALE 4504:9



REAR ELEVATION



SIDE ELEVATION



FIRST FLOOR PLAN

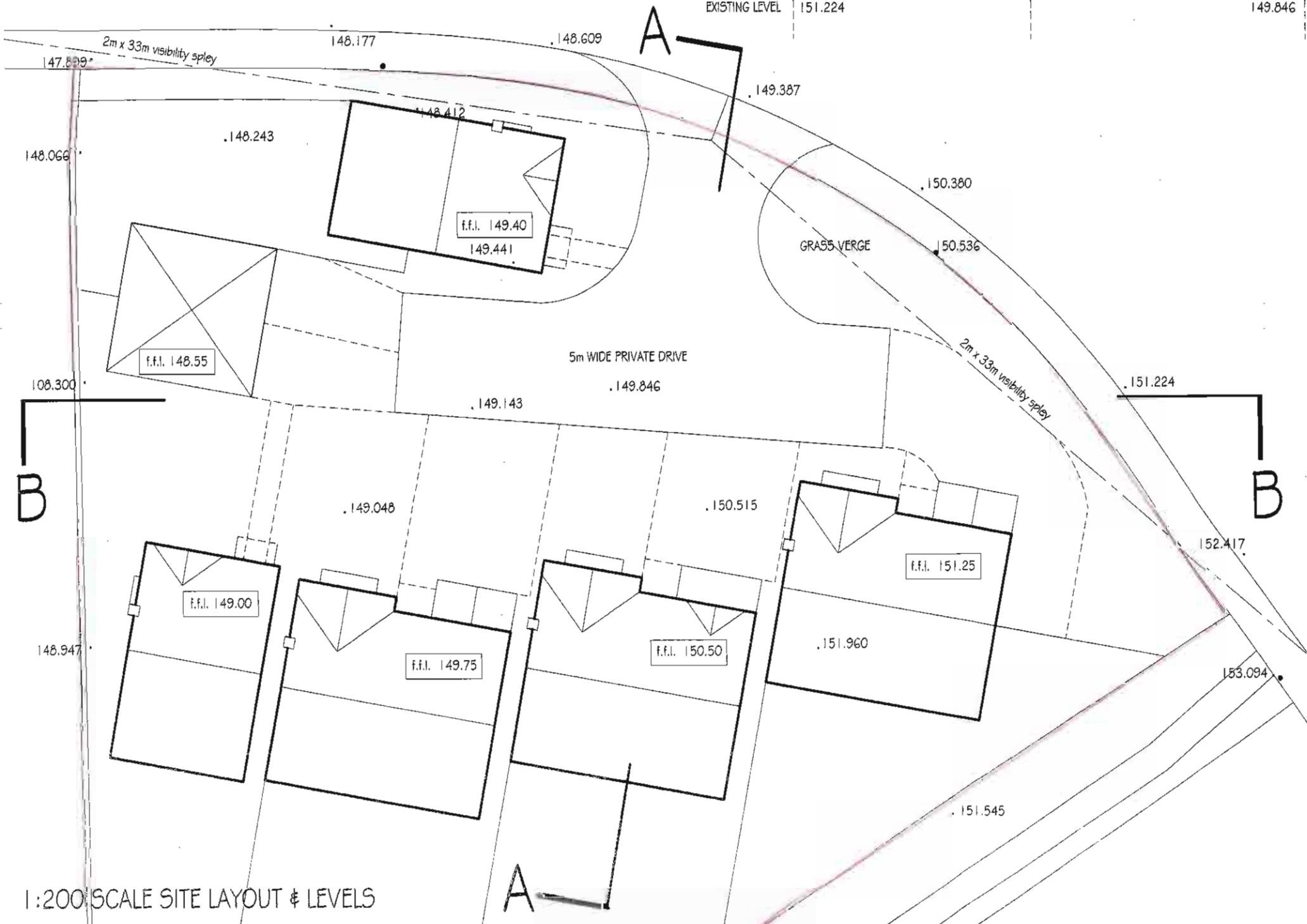
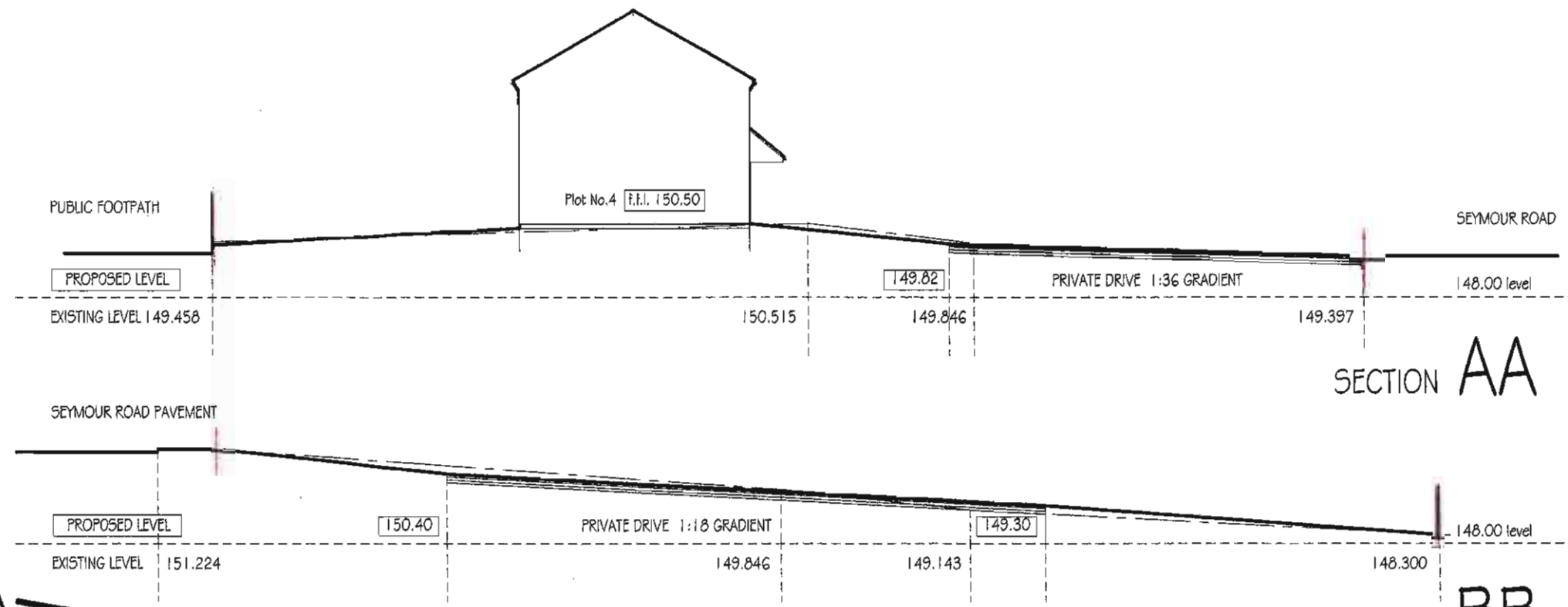


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PROPOSED DEMOLITION OF FACTORY UNIT  
+ ERECTION OF FIVE DETACHED HOUSES  
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HOUSE TYPE A 1:100 SCALE 4504:10

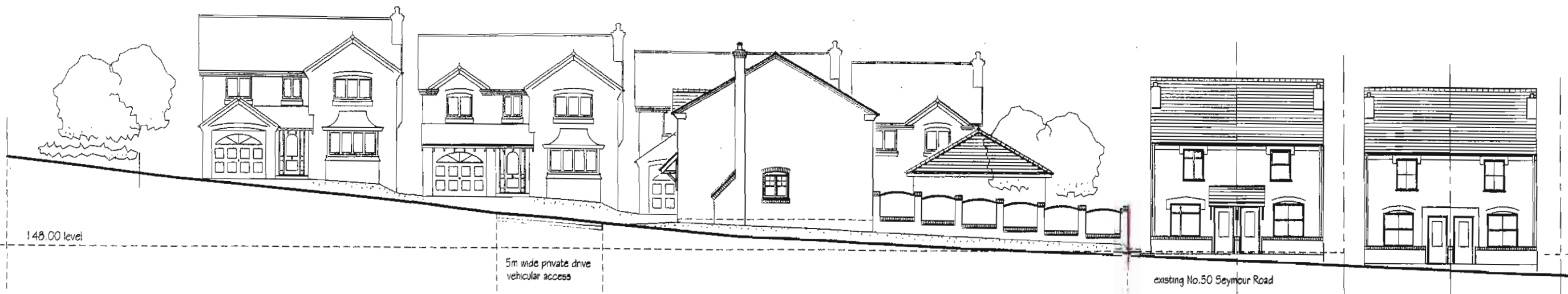


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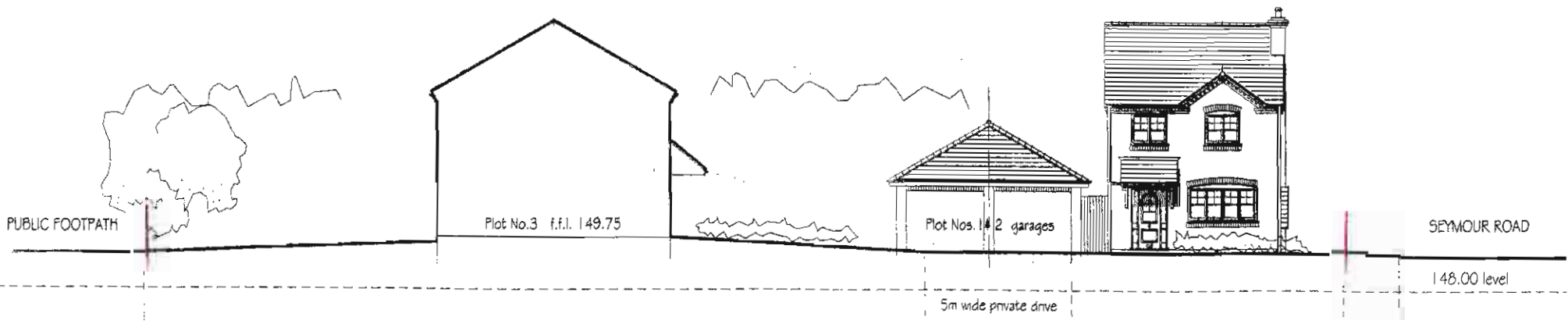
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PROPOSED DEMOLITION OF FACTORY UNIT  
+ ERECTION OF FIVE DETACHED HOUSES  
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- 6 DEC 2019



1:200 SCALE STREETSCENE

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PROPOSED DEMOLITION OF FACTORY UNIT  
+ ERECTION OF FIVE DETACHED HOUSES  
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STREETSCENE.....1:200 SCALE 4504:13

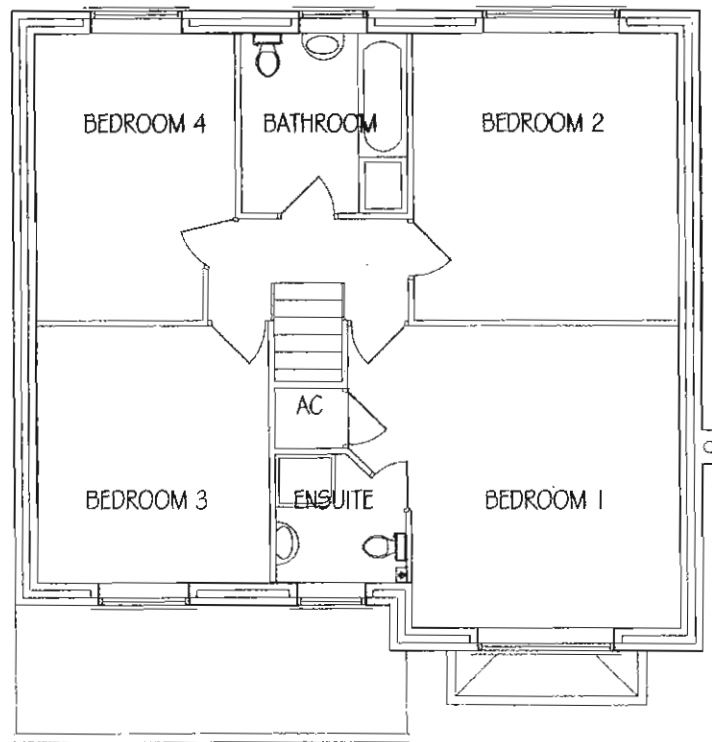




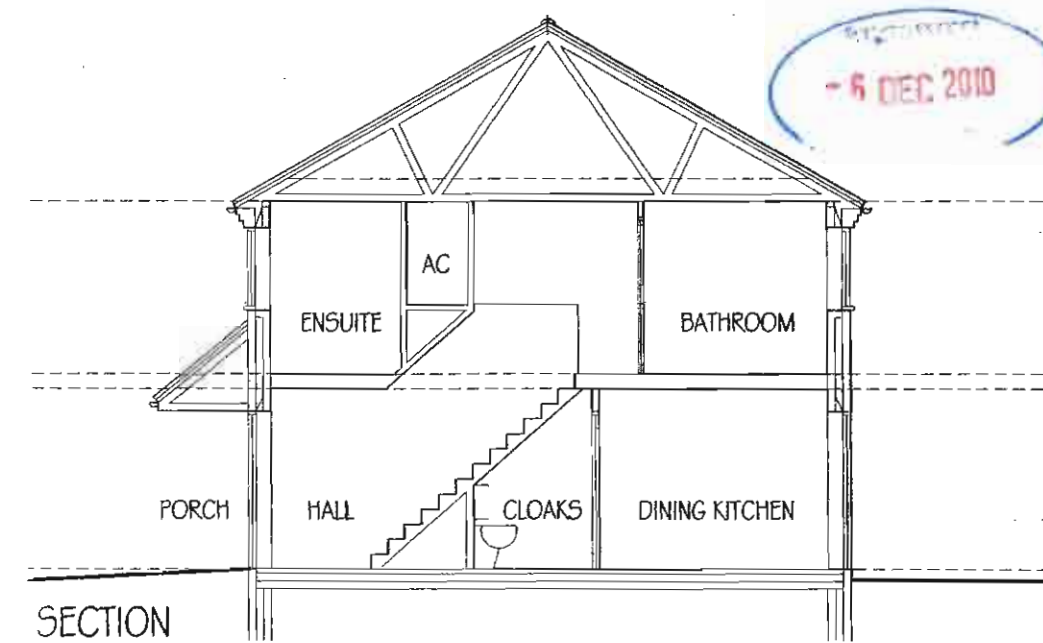
FRONT ELEVATION -PLOT No. 4



REAR ELEVATION



FIRST FLOOR PLAN



SECTION

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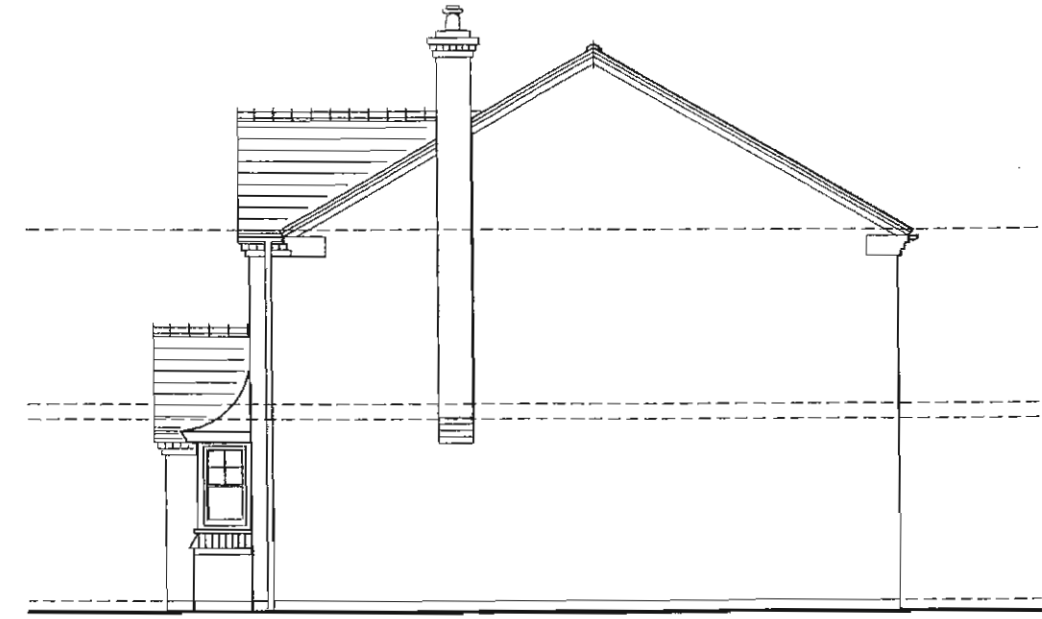
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ADJ 64 SEYMOUR ROAD WOLLESCOTE DY9 8YF

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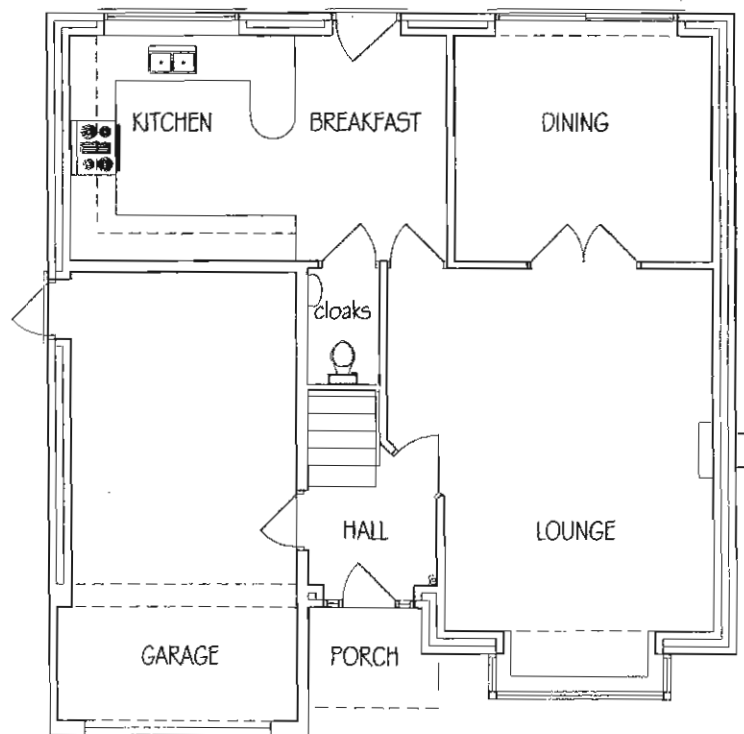
HOUSE TYPE B 1:100 SCALE 4504:12



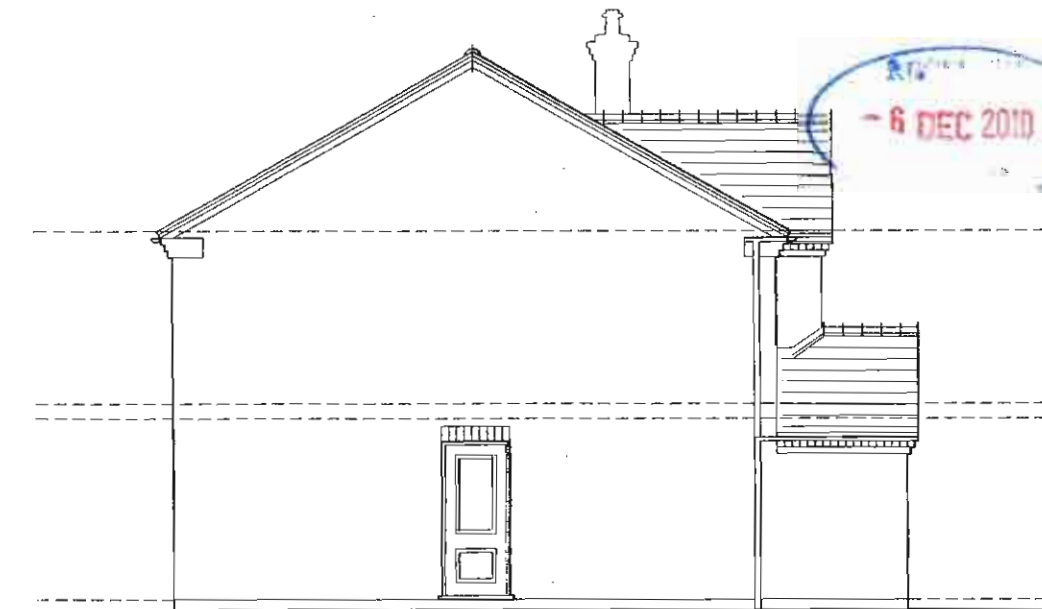
FRONT ELEVATION -PLOT Nos. 3 & 5



SIDE ELEVATION



GROUND FLOOR PLAN



SIDE ELEVATION

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+ ERECTION OF FIVE DETACHED HOUSES  
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**HOUSE TYPE B** 1:100 SCALE 4504:11