

PLANNING APPLICATION NUMBER: P22/1726

Type of approval sought	Full Planning Permission
Ward	Wordsley Ward
Agent	Mr A. Adshead, Planapp
Case Officer	James Mead
Location:	PRIVATE GARAGE SITE AT REAR OF 16 TO 24, MARLBOROUGH GARDENS, WORDSLEY
Proposal	SUBSTITUTION OF HOUSE TYPES TO PLOTS 1, 2 & 3 OF PLANNING APPROVAL P20/0732 AND MINOR MODIFICATIONS TO PARKING AND DRIVEWAY AREAS (PLOT 4 RETAINED IN ACCORDANCE WITH PERMISSION P20/0732)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. This is a 0.12-hectare site, consisting of 18 garages which are to be demolished. The site is bounded by residential housing with the gardens of residential properties on Ashwood Avenue to the north; Ascot Gardens to the east and Marlborough Gardens to the south and west. The site slopes from south west to north east, with the access into the site sloping down from Marlborough Gardens.
2. The sites current land use is for private parking of vehicles.

3. The site is largely hardstanding with limited areas of greenery to the northern part of the site. Vehicular access to the site is gained via an existing access located between No's 21 and 22 Marlborough Gardens.
4. The site is bounded by a number of public rights of way, which would be unaffected by the proposals.

PROPOSAL

5. This application proposes the substitution of house types on plots 1, 2, and 3 of planning approval P20/0732 and minor modifications to parking and driveway areas.
6. Planning application P20/0732 proposed the erection of 2no. two bed semi-detached dwellings and 2no. three bed detached dwellings. This included associated works set within a new cul-de-sac development with access from Marlborough Gardens, with off street parking to the front and sides and some modest landscaping. All four dwellings would benefit from private garden areas to the rear.
7. The changes proposed are as follows
 - Plots 1 and 2 have been changed from 2 bed to 3 bed dwellings.
 - The elevation treatment of Plots 1 and 2 introduces a stepped front and gable and provides a covered porch integrated into the design.
 - The first floor bedroom window on plot 3 has been relocated to the east elevation. This removes a window at the first floor facing

the rear of 12 Ascot Gardens. A small 'dummy window' recess within the brickwork will be formed.

- Plot 1 has been moved approximately 200mm east, slightly increasing the distance to the rear elevation of the dwellings fronting Marlborough Gardens.
- This results in a slimmer design, albeit slightly longer, than originally approved.
- The gap between plots 2 and 3 is reduced to 1m.
- Plot 3 is moved slightly further from the eastern boundary.
- A shared rear access to plots 2 and 3 is removed both now have separate access to the rear.

8. There is no change to Plot 4.

HISTORY

APPLICATION NO.	PROPOSAL	DECISION	DATE
CC/78/654	Erection of 8no 1 bedrooms residential flats in a two storey block	Refused	22/05/1978
P19/01660	Demolition of existing garages and erection of 4 no. dwellings	Approved with conditions	21/04/2020*

P20/0732	Demolition of existing garages and erection of 4 no. dwellings (Re-submission of P19/1660)	Approved by Committee with conditions	03/02/2021
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*Planning Committee subsequently resolved that they would have refused the application had they been in a position to make the decision.

PUBLIC CONSULTATION

9. Letters of notification were sent to the occupiers of 58 surrounding and nearby addresses. A site notice was posted. The final date for comments to be received was 30th December 2022.
10. Two letters of objections were received from neighbouring occupiers, objecting to the application on the following grounds.
 - The proposal is overdevelopment.
 - There is no parking in the surrounding area
 - No access for emergency vehicles.

OTHER CONSULTATION

11. Engineer (Highways):

The application is for minor changes to that previously approved. Some dwellings will have additional bedrooms, however, the parking provision with one shared visitor parking space meets the Councils minimum parking standards policy.

12. Head of Planning and Regeneration (Land Contamination Team):

The site and its immediate surroundings were open fields prior to the introduction of residential development during the 1960's onwards. Significant contamination would not generally be expected on a domestic garage site, (however careful demolition must be undertaken in the event of asbestos roofs etc. being present). A condition is recommended in the event that any unexpected contamination is encountered during the redevelopment of the site;

13. Head of Environmental Safety and Health:

No objection, subject to safeguarding conditions

14. Public Rights of Way Officer

No comments

RELEVANT PLANNING POLICY

15. National Planning Policy

- National Planning Policy Framework (NPPF) 2021
- Technical Guidance to the National Planning Policy Framework.
- Planning Practice Guidance (2014)
- Community Infrastructure Levy Regulations (as amended) (2014)

16. Black Country Core Strategy 2011

- Policy CSP3 (Environmental Infrastructure)
- Policy DEL1 (Infrastructure Provision)
- Policy HOU1 (Delivering Sustainable Housing Growth)

- Policy HOU2 (Housing Density, Type and Accessibility)
- Policy TRAN2 (Managing Transport Impacts of New Development)
- Policy ENV 3 (Design Quality)

17. Dudley Borough Development Strategy 2017

- Policy S1 (Presumption in favour of Sustainable Development)
- Policy L1 (Housing Development)
- Policy S6 (Urban Design)

18. Supplementary Planning Guidance

- Parking Standards SPD
- New Housing Development SPD

ASSESSMENT

19. The main issues are

- Principle
- Layout and Design
- Neighbour and Occupier Amenity
- Access and Parking
- Land Contamination and Stability
- Financial Material Considerations
- Planning Obligations

Principle/Policy

20. The proposal would constitute windfall development on a brownfield site. The overriding strategy is for residential led regeneration of previously development land, this is a small site providing a net gain of four dwellings and would not prejudice the overall strategy. It is considered the principle of redeveloping this site for residential purposes would be a positive step in line with national and local policy and has been firmly established by the approval of the previous applications on this site. The site is within an established residential area, close to public transport links and with easy access to local services.

Layout and Design

21. There are some layout changes from the previous application, with a slight repositioning of plots 1, 2 and 3. And some design changes to plots 1 and 2. However, as a whole, it is considered that the position/width of these proposed dwellings would not appear out of context. They are still two storey properties that are a featured elsewhere and there are mixed house types including detached, semi-detached and terraced rows. It still results in a development following a broad pattern of development and would not be harmful to the surrounding area.
22. The density of the proposed development is still 33 dwellings per hectare; this is acceptable in this case given the narrow-elongated nature of the site which restricts its development potential and reflects

the density of the surrounding residential estate. As such, it is not considered that the development results in overdevelopment of this site.

23. The dwellings would be of an appropriate scale and design. All dwellings would be brick built with slate roof tiles. The materials proposed have been set out within supporting documentation and are as follows. Walls - Forterra Russet Mixture; Roof - Marley Modern colour smooth grey; Windows - PVCU white Entry Doors - Insulated Composite door. These materials are considered appropriate for this location and help to assimilate the new development with the existing surrounding area and result in a design that would enable the creation of a high-quality residential environment that would sit comfortably within its surroundings.
24. With respect to boundary treatment, the site is bounded predominately by existing residential boundaries which will be retained. Internal boundaries would consist of 2m high close boarded fencing between properties, with a low level trip rail along more exposed footpaths. This boundary treatment accords with the character of the wider area and is acceptable.

Neighbours and Occupier Amenity

25. The Council's New Housing SPD recommends a series of numerical standards to ensure existing and future occupiers' privacy and outlook. It is noted the proposed layout changes results in no significant changes to separation distance and would on the whole marginally increase some distances from that previously approved.

26. It was noted on the previously approved development that there would be approximately 19m between rear facing windows of 14 Ascot Garden and the front of Plot 3, which was a 3m shortfall of the 22m required. This was not considered a significant matter; however, this revised application moves the habitable window to the side elevation and replaces with a 'dummy' recessed brick elevation. This is considered acceptable, as there is an appropriate separation from the side elevation to the boundaries of the site and would not impact on the wider area. The development still follows the prevailing pattern of development, and these separation distances are reflective of the surrounding area. As such, it is not considered that there would be overlooking of adjacent properties.
27. The layout shows that there would still be private gardens to the rear or side of each property. All would be afforded well over 65sqm in garden space. In addition, the properties would provide an internal layout of suitable size, with one good sized double bedroom and one further double bedroom and a furniture layout shows that ample storage can be accommodated to meet the expected requirements.
28. Applying the 45-degree code, it is noted that the properties would not breach the code, to any neighbouring property.

Access and Parking

29. Policy L1 also requires that development should provide adequate access and parking to ensure that there would be no detrimental impact on highway safety. Concerns were raised previously regarding matters of highway safety and manoeuvring within the site and the lack of

parking. Plans provided show how the development can provide an adequate level of parking, including the provision of an additional parking space for visitors.

30. Each property is provided with two off street car parking spaces. Therefore, the proposal accords with the minimum standards as set out in the Car Parking Standard SPD. The SPD also requires 0.2 visitor spaces per dwelling. (This figure is derived and based on Government Guidance and research, Residential Car Parking Research 2007). Based on 4 properties the requirement would be 0.8 of a visitor space, and therefore the development provides the appropriate amount of parking in accordance with policy and guidance and there would not be sufficient reason to warrant the refusal of the application on the lack of parking in this instance.
31. In terms of manoeuvring, the access road area adjacent the dwellings is also some 15m long, a minimum of 6.5m wide with sections 10m wide and 8.2m wide. New residential streets are designed and given technical approval by the Highway Authority at 5.5m wide carriageway, the design therefore provides a substantial amount of turning space for vehicles above that normally approved. The Council Highways Engineer previously noted that a turning circle for a family type of vehicle is typically some 5m radius, therefore there is ample space within the access area fronting the dwellings for manoeuvring.
32. The proposed means of access to the site is well established by the garage use. It is wide enough for a vehicle and a pedestrian to pass. Given the limited number of dwellings that the site could accommodate, the Highway Engineer concluded that the likelihood of conflict at the

narrow access was minimal. Marlborough Gardens is not considered to be a busy road and reversing would not be a significant issue in any case.

33. As with the previous application, the objection raised in relation to car parking refers to the limited parking available along the roads adjacent to this site, specifically Marlborough Gardens and Ascot Gardens.
34. The Local Planning Authority cannot legally refuse this proposed development on the grounds of loss of existing, informal car parking. Nor can it require that the applicant mitigates against that loss. The Local Planning Authority can however require that the proposed scheme provides sufficient car parking for the potential occupiers of the new properties so as not to cause any additional harm to highway safety or significant increase in traffic, which this proposal does.

Other Matters

35. Residents have raised concerns about site drainage. Given the small-scale nature of the development SuDs are not a requirement. This is a matter for consideration at building control stage and not for consideration in the planning process.
36. Concerns about access to the site for Emergency Vehicles have been raised, in particular access for the Fire Service. In this case the applicant has stated that each property will be fitted with a domestic sprinkler system, and with each property less than 90m from the access a fire hose would reach. In any event, this is a matter for consideration and approval under Buildings Regulations.

37. There is also ample room for the residents of the new properties to place their bins on the shared surface pavement at the top of the access so that they can be collected.

Financial Material Considerations

38. Clause (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). The clause 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'.
39. This proposal would provide 4 dwellings generating a New Homes Bonus grant of 4 times the national average council tax for the relevant bands. Whilst this is a significant sum of money the planning merits of the proposal are acceptable in any event and therefore this is not accorded significant weight.
40. The proposal is liable for CIL but the site falls within Zone 1 which has a £0 rate thus no CIL charge is required.

CONCLUSION

41. This revised application demonstrates that the redevelopment of the site for housing accords with both national and local policy. The development would provide new housing to help meet the boroughs demand for new homes, and the proposed type, tenure, layout and design are appropriate for the area and can be accommodated without any significant adverse impact on existing residents, trees and ecology, on safety or traffic on the local highway network. The proposals would provide a high-quality development, which is considered would make a positive contribution to the area and which constitutes sustainable development.

RECOMMENDATION

42. It is recommended that the application be APPROVED subject to the attached 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: Location Plan 001; Proposed Site Plan 002 Rev A; Plots 1/2/3 Plans and Elevations 003 Rev A; Proposed Levels 004 Rev A; Highway Layout 005 Rev A; Site Sections 006 Rev A; 3742-05A (Proposed Development Plot 4).
REASON: For the avoidance of doubt and in the interests of proper planning.

3. The development shall take place in full accordance with the submitted Construction Method Statement.
REASON: To protect the amenity of residents in the vicinity of the site during construction of the development and to comply with Borough Development Strategy 2017 Policy L1 Housing Development, extensions and alterations to existing dwellings.
4. In order to minimise the impact of the development on local air quality, any gas boilers provided within the development must meet a dry NO_x 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.
5. Prior to first occupation the electric vehicle charging points shall be provided in accordance with the approved details 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.
6. No materials other than those indicated on the approved plans shall be used without the approval in writing of the Local Planning Authority.
REASON: In the interests of the visual amenities of the area and to comply with BCCS Policies CSP4 - Place-Making and 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).
7. In the event that contamination is found at any time when carrying out the approved development which was not previously identified, development shall STOP on that part of the site affected by the unexpected contamination and it must be immediately reported in writing to the Local Planning Authority. An additional investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared, which shall be submitted to and approved in writing of the Local Planning Authority. Following approval, such remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that the risks associated with any contamination are reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that

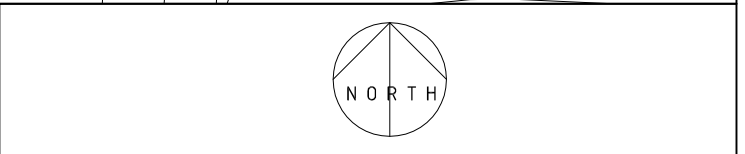
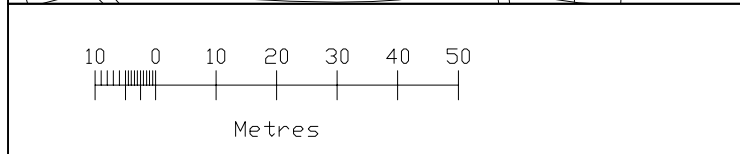
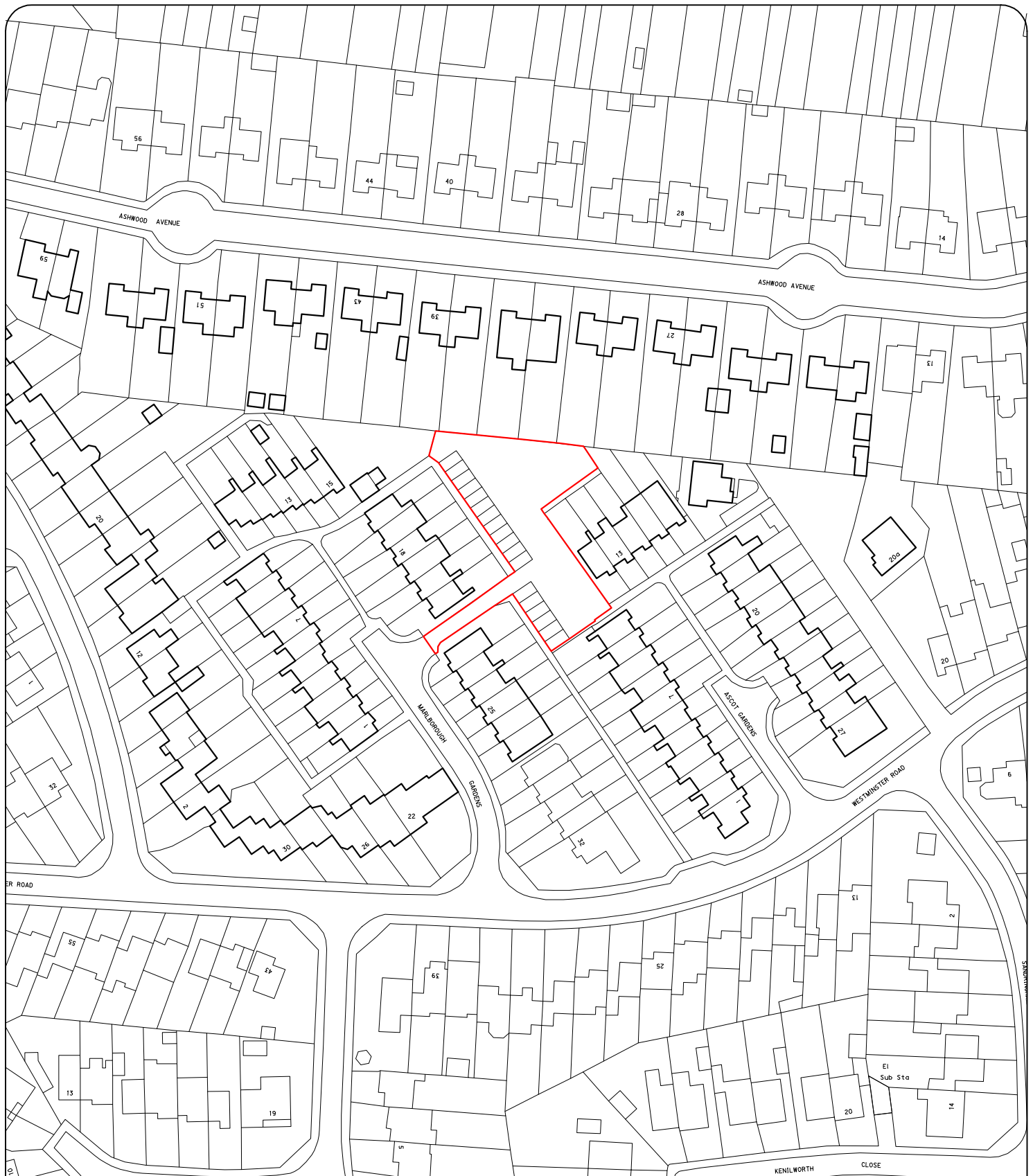
the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land and the NPPF.

8. Demolition or construction works shall not take place outside the hours of 07:00 to 18:00 hours Mondays to Fridays and 08:00 hours to 17:00 hours on Saturdays nor at any time on Sundays or Public Holidays

REASON: To protect the amenities of nearby residents in accordance with Borough Development Strategy 2017 Policy D5 Noise Pollution, Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part).

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any order revoking or re-enacting that order with or without modification) no development referred to in Schedule 2, Part 1, Classes A, B, C, D and E of that order shall be carried out without the express grant of planning permission.

REASON: In the interests of the privacy and amenity of surrounding residents in accordance with Borough Development Strategy 2017 Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part).



revision	initial	Revision notes		date	
drawing		Location Plan			
project		Marlborough Gardens			
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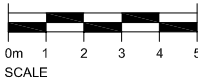
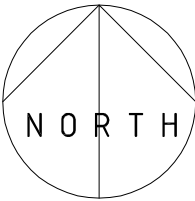


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Rev.	Revision notes	Date

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	contract/site <input type="checkbox"/>	H&S file <input type="checkbox"/>

Client
DY9 Limited

Project
**Marlborough Gardens
Wordsley**

Drawing
Proposed Site Plan

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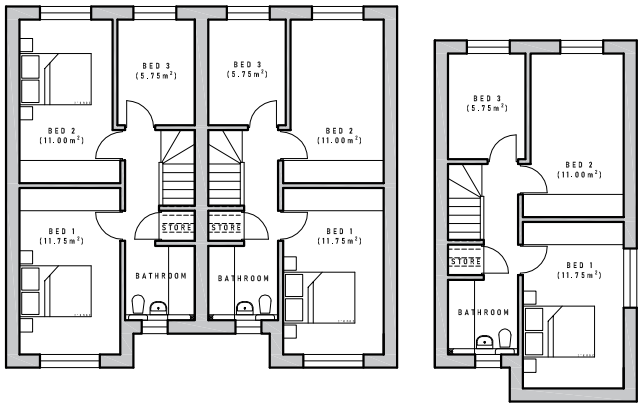
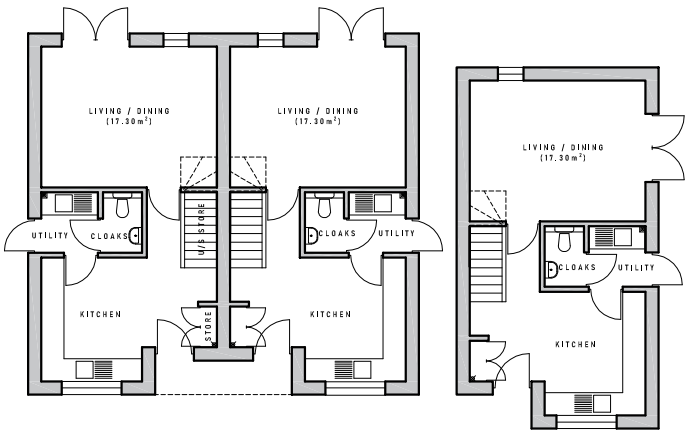
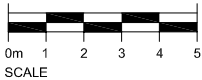
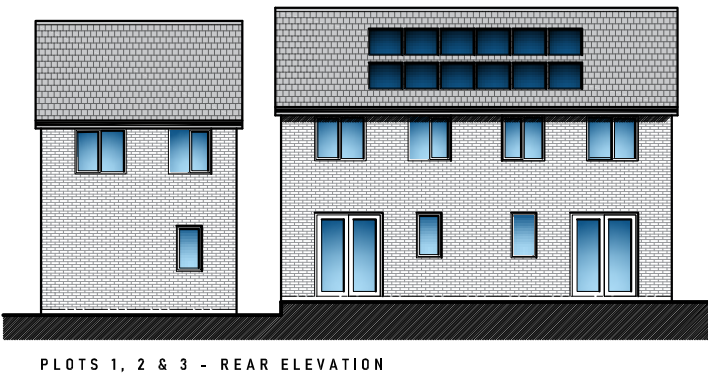
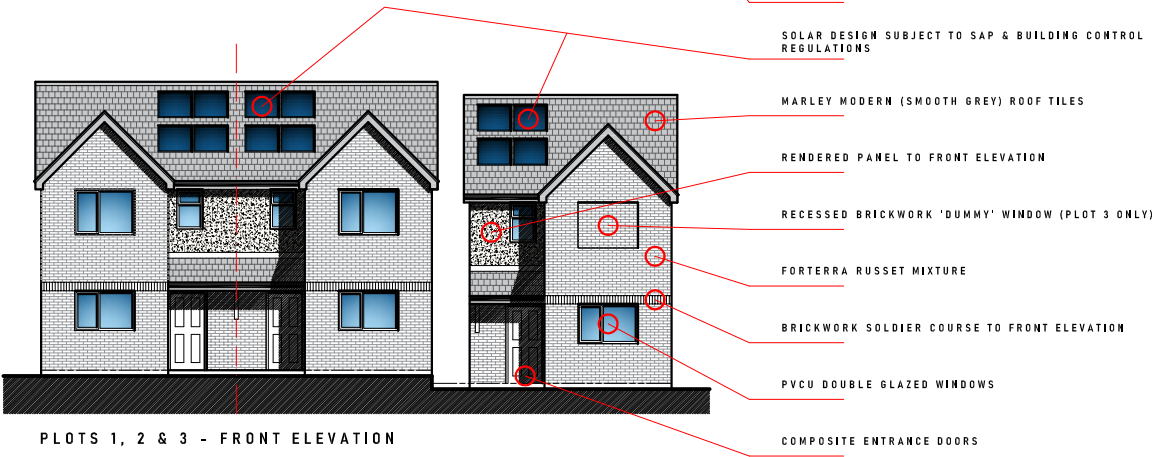
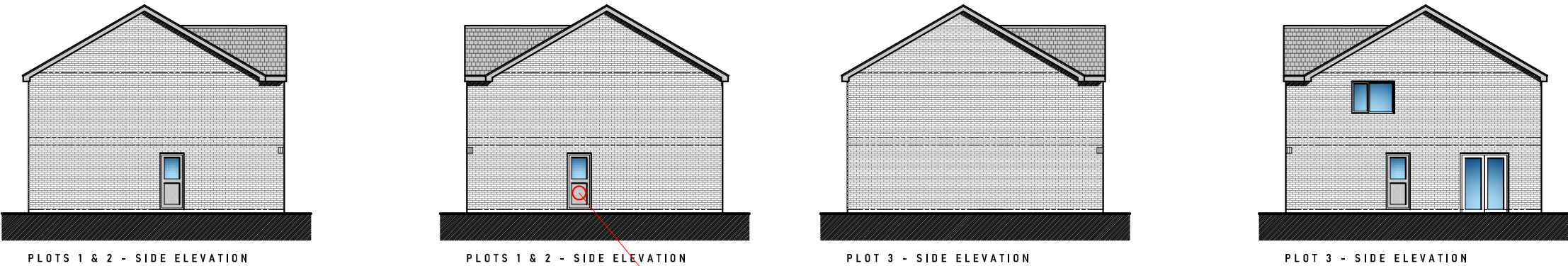
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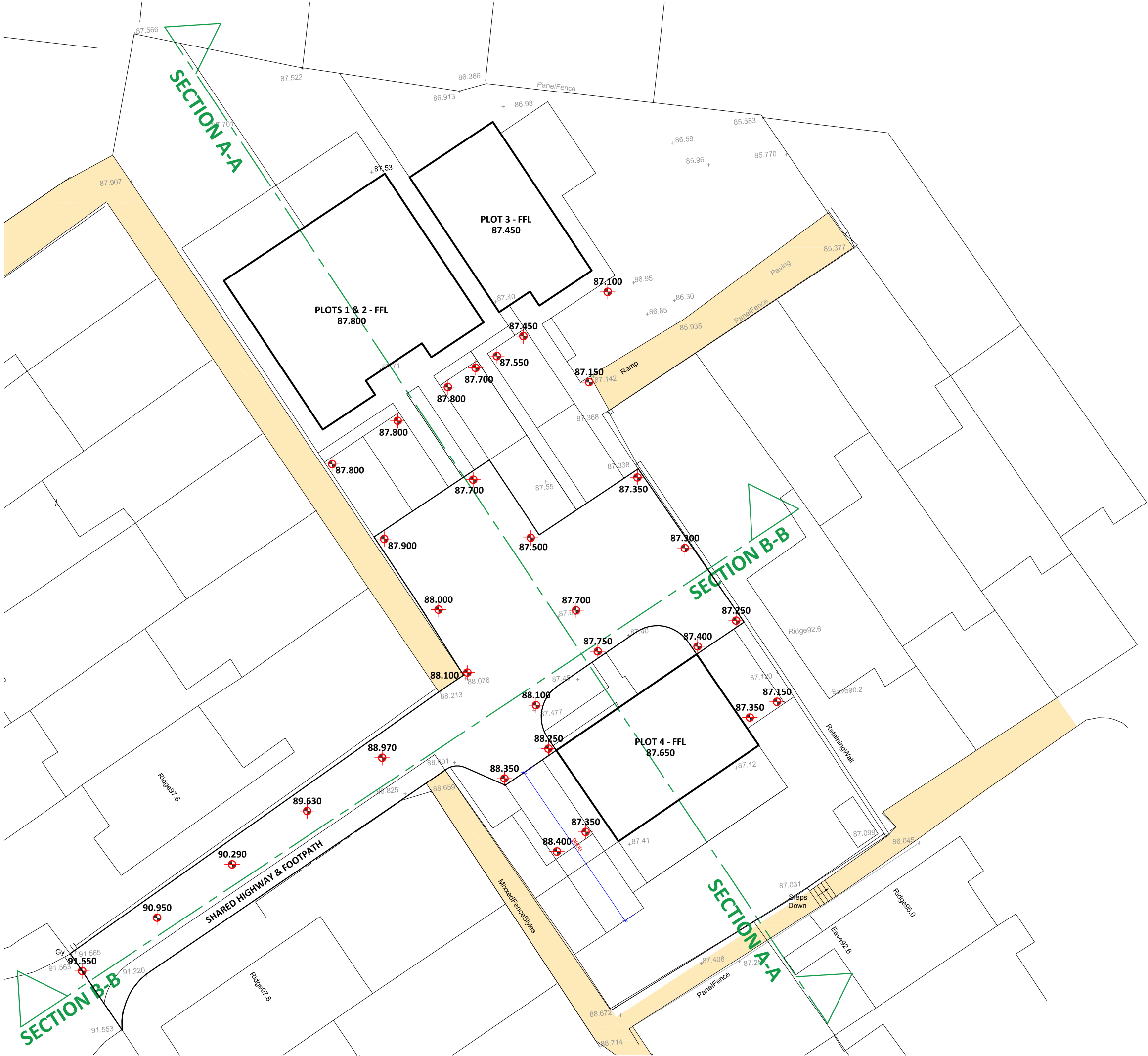
Project
**Marlborough Gardens
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Drawing
Plots 1/2/3 Plans & Elevations

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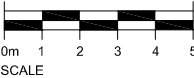


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Project
Marlborough Gardens Wordsley

Drawing
Proposed Levels



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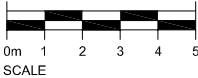


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Highway Layout

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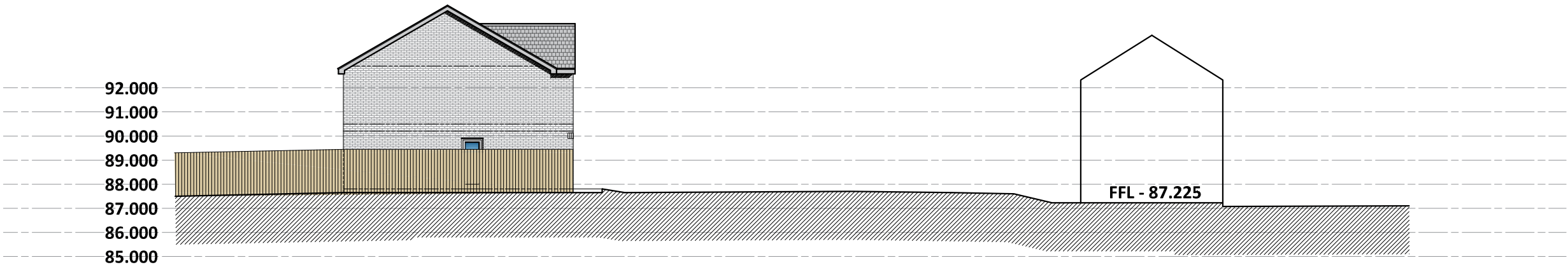
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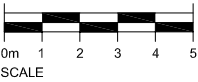
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SECTION A - A



SECTION B - B

A	PLANNING APPLICATION ISSUE	29 10 22
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Project
Marlborough Gardens
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Drawing
Site Sections

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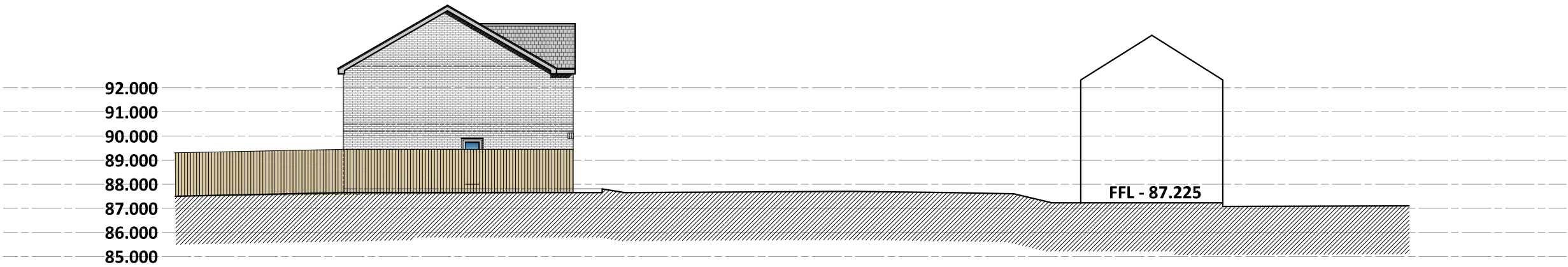
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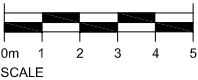
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SECTION A - A



SECTION B - B

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