

# PLANNING APPLICATION NUMBER:P06/2155

Type of approval sought	Full Planning Permission
Ward	Brockmoor & Pensnett
Applicant	Clover Homes Ltd
Location:	<b>FORMER JOLLY COLLIER PH, BROMLEY, PENSNETT, WEST MIDLANDS</b>
Proposal	<b>DEMOLITION OF EXISTING PUBLIC HOUSE AND ERECTION OF 5 NO. DWELLINGS.</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO A 106 AGREEMENT</b>

## SITE AND SURROUNDINGS

1. The site comprises a 2 ½ storey building on a corner plot with Bromley and Mullet Street. The building is vacant and was last used as the Acorn Dance Studio. The building fronts Bromley with its associated car parking area located to the north of the building and accessed via Mullet Street. The site is relatively flat and is enclosed with a 1.5 metre high metal railing fence with a set of double gates providing access into the car park.
2. The site is located within a predominantly residential area comprising mainly semi-detached inter-war housing and housing built in the 1960's. To the south of the site there is a small new build development (Colliers Fold) of 8 bungalows. To the north of the site is a vacant public house (The Commercial) also on the corner of Bromley and Mullett Street.

## PROPOSAL

3. The proposal seeks full planning permission for the demolition of the existing public house and the erection of 5 no. dwellings, comprising a terrace of three and a pair of semi-detached houses. Two would have side garages and the other three would be

served by parking spaces on their frontages. All the dwellings would front Mullett Street.

## HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
91/50946	Change of use from public house to living accommodation, music and dancing and teaching studios.	Approve	25/7/91
P01/1400	Erection of 2.4 m high galvanised palisade fencing to enclose car park area.	Withdrawn	27/9/01
P02/0279	Erection of boundary fence to car park.	Approve	25/3/02

## PUBLIC CONSULTATION

- The application was advertised by way of neighbour notification letters being sent to the occupiers of twenty-seven properties within close proximity to the site and through the display of a site notice. Consultation has also taken place on amended plans with the latest date for comments being the 11<sup>th</sup> January 2007. No letters have been received commenting on the proposed development.

## OTHER CONSULTATION

- The Head of Environmental Protection and the Group Engineer Development raise no objections to the proposed development subject to conditions.

## RELEVANT PLANNING POLICY

National Planning Guidance

PPS3 Housing

PPG3 Housing

**Adopted Dudley Unitary Development Plan**

- Policy DD4 Development in Residential Areas
- Policy DD6 Access and Transport Infrastructure
- Policy DD7 Planning Obligations
- Policy DD8 Provision of Open Space, Sport and Recreation Facilities
- Policy H3 Housing Assessment Criteria
- Policy H4 Housing Mix
- Policy H6 Housing Density
- Policy AM14 Parking

Supplementary Planning Guidance

- PGN No. 3 New Housing Development

Draft Supplementary Planning Documents

- Detailed Guidance on Open Space, Sport and Recreation Provision
- New Housing Development

**ASSESSMENT**

**Principle**

6. Policy H3 of the Adopted Dudley Unitary Development Plan in accordance with national planning policy seeks the re-use of previously-developed land within the urban area. The proposals would accord with this policy as it would involve a vacant site and building being brought back into an active and suitable use.

Density

7. The proposed development would result in a gross density of 55 dwellings per hectare. PPS3 seeks new development to provide a minimum of 30 dph but states that Local Planning Authorities should develop its own housing density policies. The Council is in the process of producing this document and whilst in draft only is a

useful guide in informing whether submitted schemes would result in a development at an appropriate density.

8. The Draft New Housing Development SPD seeks to define various character areas within the Borough in order to help inform appropriate densities and the type of layouts and design of future development. The site is located within a suburban area. The Draft SPD puts forward illustrations of existing development in inner suburban areas as being 31dph. In terms of the surrounding area to the application site this has a range of densities with 2-18b Mullet Street (semi-detached properties) being built at 40dph, 24-17 Bromley (semi-detached properties) being built at 33 dph and 30-34 Bromley (terraces) being built at 62.5 dph.
9. The overall density of the proposed development is high compared to the illustration given in the Draft SPD for inner suburban areas but in terms of the character of this particular area and surrounding densities 55 dph is not considered excessive especially if the proposals can demonstrate the delivery of a well designed scheme, which is discussed later in this report.

#### Public Open Space

10. The proposed development would result in the creation of 5 new dwellings. In accordance with Policy DD8 and the Draft SPD on Open Space, Sport and Recreation Provision new housing developments of less than 50 dwellings but more than 5 should provide a financial contribution towards improvements to public open space and children's play areas within the locality. This is to ensure that the proposals do not have an adverse impact on local public open space, sport or recreation facilities through increasing the users of these facilities by the proposed development. The applicant has agreed to enter into a S106 in order to secure an off site contribution.

#### Site Layout

11. The proposed development would involve the creation of five dwellings. Three dwellings would form a small terrace with the other two dwellings forming a pair of semi-detached properties. The dwellings would face Mullett Street.

12. The eastern boundary of the site abuts a pair of bungalows. The scheme proposes the siting of a single garage in line with the bungalow followed by the row of three terrace properties with the dwelling closest to the bungalow being two storeys and the other two graduating up to 2 ½ storeys in height. The pair of semi-detached properties would also be 2 ½ storeys. The siting of the dwelling closest to 2 Mullett Street would not have an adverse impact on the occupiers of the bungalow through a loss of light or privacy.
13. The plot closest to the junction with Bromley and Mullett Street enables the scheme to turn the corner through placing the front door, windows at ground and first floor on the side elevation fronting Bromley thereby providing an active frontage to the street. The dwelling is also set in between 1 and 2 metres from the side boundary of Bromley enabling space for landscaping and allowing views of the side elevation of the dwelling from the street.
14. The dwellings would be set back between 6 and 7.5 metres from the back edge of the footpath providing parking spaces to the front of 1, 3 and 4 with a single garage to plots 2 and 5. The mix of garages and parking spaces would provide visual interest to the street scene. The scheme breaks the parking areas up by the use of landscaping helping to soften the visual appearance of the new development.
15. The proposed gardens serving the dwellings would be between 11.5 and 12.5 metres long and 4 metres wide with the exception of plots 2 and 5 that are larger. The overall area of the gardens serving plot 1, 3 and 4 are short of the Council's standards but the other plots significantly exceed the minimum standard. The gardens would still provide a usable and private garden area especially since they meet and exceed the minimum length of 11 metres as sought by PGN No. 3.
16. The proposed dwellings would be separated between 22 and 25 metres from the front of the bungalows on Colliers Fold. The normal back to back separation distance sought is 22 metres. Given that in this case this is a front to rear relationship the separation distance is sufficient to ensure that the proposed dwellings would not have

an adverse impact through a loss of privacy or daylight/sunlight. The scheme would also improve upon the existing situation. The former public house is a large bulky building and is three storeys in height and it immediately abuts the boundary to the private drive serving Colliers Fold followed by a high boundary wall. The proposed development would remove this building and place built development further away from the bungalows on Colliers Fold thereby helping to provide additional light into the bungalows especially since the bungalows are located to the south of the site.

### Design and Appearance

17. The proposed dwellings would be of a traditional design with the properties broken up by the use of monopitch porches over the front doors, brick lintels and cills, small dormer windows set within the roof on the front elevation and small casement windows with mullions. The use of these features helps to define each of the dwellings and to add visual interest to the street scene.
18. The area is characterised predominantly by traditional red brick two storey semi-detached dwellings built during the 1960s and inter-war. The design and appearance of the proposed dwellings would complement the appearance of the existing residential dwellings within the area.
19. The proposals seek the erection of a 1.8 metre high brick pillar and metal railings providing a means of enclosure facing Bromley and between the site and Colliers Fold. The proposed gardens would be separated by 2 metre high close boarded fencing and additional tree planting is indicated within the rear gardens. Landscaping is also proposed to the front of the dwellings and would be enclosed by a 0.6 metre high dwarf wall. The proposed means of enclosure and landscaping will serve to enhance the appearance of the site and help in integrating the development with the surrounding area.

### Access and Parking

20. The scheme provides 10 car parking spaces for 5 dwellings. This is sufficient in order to meet current standards. The scheme maintains sufficient pedestrian and vehicular visibility splays.

## CONCLUSION

21. The proposals would involve the re-use of an under-utilised previously developed site for residential purposes. Residential use is appropriate for the site given that it constitutes previously developed land. The density of the proposed development is appropriate having regard to the character of the area and the scheme is well designed in terms of the scale, massing, design and external appearance of the dwellings that would complement the existing character and appearance of the area. The scheme provides sufficient off street car parking provision to meet the needs of future occupiers and the layout of the dwellings maintains sufficient pedestrian and vehicular visibility splays.

## RECOMMENDATION

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

- a) The applicant entering into a Section 106 Legal Agreement for a contribution of £9,406.13 towards off-site public open space and children's play area 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.

### Reason for Determination of Planning Permission

The proposals would involve the re-use of an under-utilised previously developed site for residential purposes. Residential use is appropriate for the site given that it constitutes previously developed land. The density of the proposed development is appropriate having regard to the character of the area and the scheme is well designed in terms of the scale, massing, design and external appearance of the dwellings that would complement the existing character and appearance of the area.

The scheme provides sufficient off street car parking provision to meet the needs of future occupiers and the layout of the dwellings maintains sufficient pedestrian and vehicular visibility splays.

The decision to grant planning permission has been taken with regard to the policies and proposals in the Dudley Unitary Development Plan set out below and to all relevant material considerations including supplementary planning guidance:

Policy DD4	Development in Residential Areas
Policy DD6	Access and Transport Infrastructure
Policy DD7	Planning Obligations
Policy DD8	Provision of Open Space, Sport and Recreation Facilities
Policy H3	Housing Assessment Criteria
Policy H6	Housing Density
Policy AM14	Parking

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. Prior to the commencement of development details of the type, texture and colour of the bricks to be used on the elevations of the dwellings and garages and walls and roof tiles to be used on the dwellings and garages shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be built in accordance with the approved materials unless otherwise agreed in writing by the Local Planning Authority.
3. The railings to be attached to fence type A as shown on Drawing No. 0626/001 Rev A shall be painted black. The railings shall remain painted black for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
4. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.
5. All planting, seeding or turfing comprised in the details of landscaping approved in accordance with condition 4 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the

development whichever is the sooner; and any trees, hedgerows or plants contained in the approved planting scheme which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any order revoking and re-enacting that Order at no time during the life of the development shall the areas approved for landscaping be used for any other purpose.
7. 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.
8. 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.
9. The development shall not commence until a detailed scheme showing visibility splays, means of access and parking areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and the visibility splays shall be retained free of obstruction and used for no other purpose for the lifetime of the development.
10. Prior to the occupation of the dwellings hereby permitted the means of access and parking areas shown on Drawing No. 0626/001 Rev A shall be drained, levelled, surfaced and marked out and will be retained for no other purpose for the life of the development.
11. The development shall not commence until details of lines, widths, sections, levels, gradients of the access road, footways and drainage details have been submitted to and approved in writing by the Local Planning Authority. Following approval of these details the scheme shall be implemented in accordance with the details and retained for the lifetime of the development.