

INTRODUCTION

1. This application was originally approved in October 2008 subject to conditions and the applicant entering into a Section 106 Agreement for a contribution of £2623.04 toward play/open space provision and enhancement, library, public realm and transport improvements, and a management and monitoring charge. The Section 106 Agreement has been signed and the development has been completed.
2. The application was approved prior to the adoption of the revised Planning Obligations SPD in September 2011 which raised the threshold for seeking obligations on residential developments from 1 dwelling to 5 dwellings. The applicant has now submitted a Deed of Revocation to essentially waive the obligations in light of the amended policy.
3. The report below is identical to that previously presented to Development Control Committee.

SITE AND SURROUNDINGS

4. No.21 Spring Street is a vacant end terraced property with an overgrown side and rear garden area measuring approximately 30 metres in length. The garden area forms a gap between no.21 and 19a Spring Street, a recently constructed end-terraced house. Spring Street is entirely residential, consisting primarily of terraced housing set at back of pavement. On-street parking is a key characteristic of the street.

PROPOSAL

5. The proposed development is for a two storey extension to the rear of no.21 Spring Street and the erection of a new house to be attached to it. The proposed house will have a 28 metre long rear garden. Parking is to be provided on-street. The application is accompanied by a bat survey.

HISTORY

- 6.

APPLICATION	PROPOSAL	DECISION	DATE
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P04/2281	Erection of a 2-Bed Detached Dwelling with Integral Garage and Car Port	Approved	December 2004
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7. The above application was for the erection of the dwelling at no.19a Spring Street.

PUBLIC CONSULTATION

8. Letters of objection have been received from occupants of two properties on Spring Street, expressing concern that the development will lead to additional on-street parking.

OTHER CONSULTATION

9. The Group Engineer (Development): No objection..
10. Head of Environmental Health and Trading Standards: No objection.

RELEVANT PLANNING POLICY

11. Black Country Core Strategy

Policy DEL1 (Infrastructure Provision)

Adopted UDP 2005

Policy DD1 (Urban Design);

Policy DD4 (Development in Residential Areas);

Policy NC6 (Wildlife Species)

Supplementary Planning Documents

Parking Standards SPD

Planning Obligations SPD

ASSESSMENT

12. Key Issues

- The impact of the development on the character of the area, parking provision and residential amenity;
- Protected species;
- Planning obligations

13. Policy DD4 of the UDP advises that new development in residential areas will only be allowed where there would be no adverse effect on the character of the area, residential amenity or highway safety, and where the scale and intensity of the proposed development would be in keeping with the surrounding area. Policy DD1 requires that all new development should make a positive contribution to the character of an area.

Character of the area

14. The density of the proposed development is considered to be appropriate in the context of the existing pattern of development in the surrounding area. The proposed building is of a simple design in keeping with other existing properties and is of a similar scale. The buildings are sited so as to maintain the existing building line of houses at back of pavement. The development provides sizeable back gardens of a similar length and area to those of adjoining dwellings. It is therefore considered that the proposed development would make a positive contribution to the character of the area.

Parking

15. The Parking Standards Supplementary Planning Document requires the provision of 2 off-street parking spaces for a two-bed house. The existing property does not have a dedicated parking area, and as such the proposed development will result in an additional two cars parked on street. The standards set out in the SPD are 'maximum' standards, and in the context of the area as a whole where most residential parking is

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provided on-street the proposed development would not itself cause any significant harm to the free flow of traffic along Spring Street.

Impact on Residential Amenity

16. The proposed house and the proposed rear extension at no.21 are sited so as not to breach the 45 degree code in respect of outlook from rear windows at existing properties adjacent the site, no.s 19a and 22 Spring Street.

Protected Species

17. The submitted survey recommends that bat boxes should be included within the development to encourage colonisation by any bats within the area. Suitable conditions should therefore be imposed if permission is granted.

Planning Obligations

18. Policy DD7 of the UDP requires that new residential developments should contribute to play/open space provision and enhancement, and library, public realm and transport improvements in the wider area in line with the increase in users resulting from the development. The amount to be sought in this case is £2623.04 – this can be secured by condition and subsequently dealt with in a Section 106 Agreement. The applicant has indicated acceptance of this principle and the recommendation is made on this basis.

CONCLUSION

19. The proposed development would make a positive contribution to the character of the area and would not have any adverse impact on residential amenity or highway safety. The proposal therefore complies with Policies DD1 and DD4 of the UDP.

RECOMMENDATION

20. It is recommended that the application is approved subject to:

- a) The development not beginning until a scheme for the submission and approval of a planning obligation to guarantee the payment of £2623.04 towards off site public open space/play provision and enhancement and library, public realm and

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transport improvements has been submitted to and agreed in writing by the Local Planning Authority, and

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

Reason For Approval

The proposed development would make a positive contribution to the character of the area and would not have any adverse impact on residential amenity or highway safety.

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 DD1 (Urban Design)

Policy DD4 (Development in Residential Areas)

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.

NOTE FOR APPLICANT: For the avoidance of doubt, this permission relates to drawing no 0500-002 rev.C