

PLANNING APPLICATION NUMBER:P10/0149

Type of approval sought	Full Planning Permission
Ward	AMBLECOTE
Applicant	Mr S. JANSCO
Location:	LAND ADJACENT, 2, LORRAINER AVENUE, CLOCKFIELDS, BRIERLEY HILL, WEST MIDLANDS, DY5 3FH
Proposal	DEMOLITION OF DETACHED GARAGE AND ERECTION OF 1 NO. DWELLING AND DETACHED GARAGE
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

- 1 The application site is 0.043 Hectares in size and forms part of the curtilage to no. 2 Lorrainer Avenue: part of the rear garden area and the site of a detached double garage. The garden is enclosed by a 3 metre high conifer hedge and slopes gently to the south. That hedge line continues along the shared boundary with the adjoining dwelling (1 Lisko Close) forward of the garage towards the highway.
- 2 The host dwelling is a relatively modern detached house with pitched roof and projecting steep gabled element on the front elevation and a conservatory at the rear. There is an in and out drive/dropped kerbs in front of the garage, and an open, landscaped frontage in front of the house. The character of the area is suburban- residential, with detached dwellings predominating. There is a flange of open space which runs along the length of Clockfields Drive (and beyond), culminating at a point opposite to the site.

PROPOSAL

- 3 This is a detailed application for the erection of a 4 bedroom detached dwelling. It is shown with a gabled element on the front elevation and a single storey rear element. A detached garage is also proposed in front of the proposed plot. Part of the proposed hedge along the shared boundary with no.

1 Lisko Close is shown to be removed. Part of the front garden of the host dwelling is proposed to be removed and a new dropped kerb shown, to provide for replacement parking.

- 4 A Design and Access Statement has been submitted in support of the application. This has been revised to properly reference the adjoining streets. Photographs of the existing garage and house have been submitted, seeking to demonstrate a lack of potential bat roosting opportunities. A mining report has also been submitted. This concludes that the former mining activity including former shafts, mining voids and backfilled opencast pose no threat to the proposed development (subject to appropriate foundation design).
- 5 In addition, amended plans have been received, showing revisions to the design of the proposed dwelling and a reduction in the scale of the detached garage.

HISTORY

- 6 The relevant planning history is summarised in the table below:-

APPLICATION No.	PROPOSAL	DECISION	DATE
88/52877	Erection of 183 dwellings	Approved	13/06/89
91/50312	Erection of 15 houses	Approved	11/04/91
P06/0272	Single storey side and front extensions	Approved	23/03/06

- 7 The Design and Access Statement states that, in the original proposals for the Clockfields Estate, there was a 4 bedroom house shown on the application site, but an abandoned mineshaft was found near the boundary – that proposed house was consequently omitted from that scheme.

PUBLIC CONSULTATION

- 8 A total of six letters of objection have been received, one from a Local Ward Member. The issues of concern, in summary, are –
 - The height and proximity of the proposed dwelling to adjoining dwellings is at odds with the open plan nature of the estate;

- Overlooking will occur to neighbouring dwellings (particularly impacting on the existing dwellings in Lisko Close);
- The proposed house would adversely impact on the rear garden of the adjoining dwelling – it will have a massively overbearing visual impact;
- The proposed garage would cause overshadowing and would be forward of established building lines – thus making it out of keeping with the streetscene;
- The construction of a house on this site is not appropriate because of the presence of mineshafts – *this is not essentially a relevant planning issue – however, refer to the findings of the submitted mining report in paragraph 3 of this report;*
- This is backland development – does not comply with Council policy;
- The proposed plot would be out of kilter with established building lines at this locality – it would go against the harmonious design of the estate;
- It would create an undesirable precedent (of garden grabbing) at this locality.
- The extension of the proposed garage (as required by highways) only aggravates its impact on residential amenity – *the garage has been amended so as to be reduced in scale and further away from the shared boundary with the adjoining dwelling.*
- Neighbours have not had sufficient opportunity to comment on the revised plans – *it is not unusual practice to re-notify neighbours on amended plans, when the impact of the development, as amended, is deemed to be less.*
- The proposal will spoil the open plan nature of the estate.
- The proposed dwelling will be higher than the rest of the dwellings on the estate – *the amended plans show a reduction in the height of the proposed plot so that it is similar in height to the host dwelling.*

OTHER CONSULTATION

- 9 Group Engineer (Development) – no objections, subject to the depth of the garage being increased to 6 metres, and a revised parking layout in front of the host dwelling – *amended plans have been received, in part to address this issue.*
- 10 Head of Environmental Health and Trading Standards – no objections received.

RELEVANT PLANNING POLICY

- 11 Unitary Development Plan (adopted 2005)
The following UDP policies are relevant:-
DD1 (Urban Design);
DD4 (Urban Design in residential areas);
DD6 (access and transport infrastructure);
DD7 (planning obligations)
H3 (housing assessment criteria)
NC6 (wildlife species)
- 12 Supplementary Planning Documents (SPDs)
Planning Obligations
New housing development
Parking and travel plans.
- 13 Other documents
Planning Guidance Note 3 (new housing development)

ASSESSMENT

This application was deferred from Planning Committee on the 27th April to allow Members to give due consideration to the additional information that was given to Members at the Committee Meeting by a member of the public speaking on behalf of the objectors to the scheme. Further information will be provided in the Pre-committee notes in response to any additional objections that have been raised within that information that are not contained within this report.

- 14 The key issues are –
 - the principle of the development;
 - protected species
 - design
 - amenity;

parking;
planning obligations.

15 Principle of the development

The site may be considered as previously developed land. Also, the applicants maintain that the proposal is on land on which a house was previously proposed, but ground conditions prevented it from being built out - although not a relevant planning consideration, this constraint no longer appears to be prevalent. In addition, in principle, the proposal represents the efficient and positive re-use of land in the urban area for housing. There is consequently broad planning policy support for this proposed development, especially in relation to UDP Policy H3.

16 Design issues

The plot width of the proposed house is similar to that of the host dwelling, as is the forward building line. In addition, the proposed dwelling carries through the eaves and fenestration lines (and to some extent the fenestration pattern) of the host dwelling.

17 Amended plans have been submitted showing a reduction in the height of the ridgeline, enabling the proposed dwelling to be only marginally higher than the height of the host dwelling. This helps to satisfactorily assimilate the proposed house within the streetscene and reduce its impact on the residential amenity of neighbours.

18 With regard to the siting of the garage, while this is forward of the building line on this side of the street, that building line is not an overly rigid feature on this part of the estate, with instances of nearby, existing built development close in to the back of pavement line, notably the side elevations of no. 17 Clockfields Drive (opposite the site), no. 1 Fimbrell Close and no. 9 Lorrainer Avenue. There is also already a degree of enclosure on this part of the site resulting from the existing wall and hedge. Consequently, it is considered that the proposed garage will not appear as an incongruous element within the streetscene.

- 19 Given the above, it is considered that the proposed dwelling has the potential to be appear visually appropriate when set against the design of the host dwelling and the character of the local area.
- 20 Protected Species
The applicants have submitted evidence to demonstrate that the garage to be demolished is of a modern construction with no discernable gaps at roof level which could have provided access/egress points for bats.
- 21 Amenity
Those neighbours who are likely to be most affected are the occupiers of the dwellings fronting Lisko Close, especially numbers 1 and 3.
- 22 There will be separation distances of between 14 and 17 metres between the side elevation of the proposed dwelling (containing no windows to habitable rooms) and the rear elevation of no. 1 Lisko Close. That separation distance is considered adequate to prevent any undue impact on residential amenity - the relevant separation set out in PGN3 to help safeguard amenity is 14 metres.
- 23 Amended plans have been received showing a reduction in the scale of the proposed garage, including its re-siting further away from the shared boundary with 1 Lisko Close (and the retention of the conifer hedge there). It is considered that this will help prevent the garden of no. 1 being hemmed in significantly by the proposed development.
- 24 Furthermore, a condition is recommended to ensure that the bathroom window on the facing side elevation of the proposed dwelling is obscure glazed and that no further windows are installed on that elevation without an assessment of a planning application.
- 25 It is consequently considered that, given the above reasoning and subject to the recommended measures, there will be no significant impact arising on the amenity of the occupier(s) of that adjoining dwelling.
- 26 No. 3 Lisko Close has a greater separation distance to the proposed dwelling than that between no. 1 and the proposed dwelling (between 17 and 21 metres). In addition, the fence and wall and conifer hedge are shown to be

retained along the shared boundary. While there is the potential for a degree of overlooking to arise between the windows on the rear elevation of the proposed dwelling and those on the rear of no. 3, the line of sight is angled, lessening any significant impact.

- 27 Furthermore, the amendments to the design of the proposed dwelling, leading to a reduction in its height, helps to reduce the potential impact on these adjoining dwellings.
- 28 In terms of the potential impact on the amenities of the occupiers of the host dwelling, the proposed dwelling is shown with a main rear building line similar to that on the host dwelling. While the proposed house has a projecting single storey rear element, this is on the opposite side of the house to the host dwelling. This arrangement helps to reduce any potential impact at the rear.
- 29 In addition, both the rear garden area of the proposed house and the residual amenity area serving the host dwelling are considered to provide a satisfactory level of amenity – both garden areas are shown 15 metres deep and approximately 10 metres wide.
- 30 Parking
The Group Engineer has recommended that the parking arrangements for both the host and proposed dwellings be revised so as to properly accommodate appropriate levels of off-street parking: it is recommended that the drive be increased at the host dwelling to enable 2 cars to be able to be parked side by side, and that the garage at the proposed dwelling be increased in depth to 6 metres.
- 31 Amended plans have been received to show the garage increased in depth to 6 metres, and 2 other spaces clearly marked out for the proposed plot, along with the provision of 3 spaces at the front of the host dwelling. Given this, it is considered that no undue impact on highway safety will arise.

32 Planning Obligations

The proposed development has a requirement 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.

- a) Public Open Space enhancement - £3,181.97
- b) Transport Improvement Investment Monies - £401.31;
- c) Library contributions - £184.92
- d) Public Realm - £462.35
- e) Nature Conservation enhancement measures - £212.50
- f) Management and Monitoring Charge - £250

This gives rise to a total of £4,693.05

33 The applicants have agreed to the provision of these measures.

CONCLUSION

34 The proposed development represents the re-use of previously developed land for housing in the urban area, in a relatively sustainable location. The design and layout of the proposed dwelling is considered satisfactory, allowing for the proposal not to appear incongruous within the local environment nor impact on residential amenity. Measures are in place to ensure that any impact on the local infrastructure can be mitigated against. There is therefore concurrence with the development plan, in particular UDP Policies DD4 and DD7.

RECOMMENDATION

35 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 delivery of transport infrastructure improvement works, improvements to library provision, improvements to the public realm and Public Open Space, a financial contribution for nature conservation enhancement

measures, and a sum of money for management and monitoring 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 –

Note for applicant

A. This permission relates to the following plan – 09/67/02 revision B

Reason for approval

The proposed development represents the re-use of previously developed land for housing in the urban area, in a relatively sustainable location. The design and layout of the proposed dwelling is considered satisfactory, allowing for the proposal not to appear incongruous within the local environment nor impact on residential amenity. Measures are in place to ensure that any impact on the local infrastructure can be mitigated against. There is therefore concurrence with the development plan, in particular UDP Policies DD4 and DD7.

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 shall not be begun until a scheme for the provision of –
 - Public Open Space enhancements;
 - Transport improvement investment;
 - Library improvements;
 - Public realm enhancements;
 - Nature conservation enhancements;
 - Management and monitoring charge;has been submitted to 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 the external surfaces of the dwellings 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, the replacement parking for the host dwelling shall have been provided in accordance with details shown on the approved plan (drawing no. 09/67/02 revision B), including the provision of 2 car parking spaces and with the highway crossover agreed by the Local Highways Authority and implemented.
5. Prior to the commencement of development, details of the existing and proposed levels of the site (including finished floor levels), which should be related to those of adjoining land and highways, shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved levels.
6. Prior to the occupation of the dwelling hereby approved, the parking and turning area] shown on the approved plan [no. 09:67:02 rev B] shall be provided and thereafter maintained for these purposes for the lifetime of the development.
7. The window shown on the western elevation of the dwelling hereby approved (side elevation to the shared boundary with the dwellings fronting Lisko Close) shall be obscure glazed and no additional openings shall be formed in that elevation of the dwelling without the prior written approval of the local planning authority.
8. No development approved by this permission shall be commenced until a scheme to deal with contamination of land (including ground gases and vapours) has been submitted to and approved by the Local Planning Authority (LPA). Furthermore, no part of the development shall be occupied until the LPA has been satisfied that the agreed scheme has been fully implemented and completed.

The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically in writing:

- i) A desk-top study to formulate a conceptual model of the site. The requirements of the LPA shall be fully established before the desk-study is commenced;
- ii) Once the desk study has been approved by the LPA, a site investigation shall be carried out to identify and evaluate all potential sources and impacts of identified contamination in accordance with the conceptual model. The findings of site investigation shall be presented in report format for approval by the LPA and shall include a risk-based interpretation of any identified contaminants in line with UK guidance;
- iii) Following the approval of both desk-top study and site investigation reports, a written remediation scheme and method statement (the contamination proposals) shall be agreed in writing with the LPA prior to commencement. The contamination proposals shall include provisions for validation monitoring and sampling, including a scheme and criteria for both the use of imported materials and reuse of site-won materials, and be retained throughout the lifetime of the development.
- iv) The contamination proposals shall be implemented in full and no deviation shall be made from the contamination proposals without the express written permission of the LPA.

v) If during development works any contamination should be encountered which was not previously identified or is derived from a different source and/or of a different type to those considered under the contamination proposals then the LPA should be notified immediately and remediation proposals formulated/amended for consideration.

vi) If during development work, contaminants are found in areas previously expected to be acceptable, then the LPA should be notified immediately and remediation proposals formulated/amended for consideration.

vii) A completion report confirming the objectives, methods, results and conclusions and demonstrating that the contamination proposals have been fully implemented and completed shall be submitted to the LPA for approval.

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Committee location plan



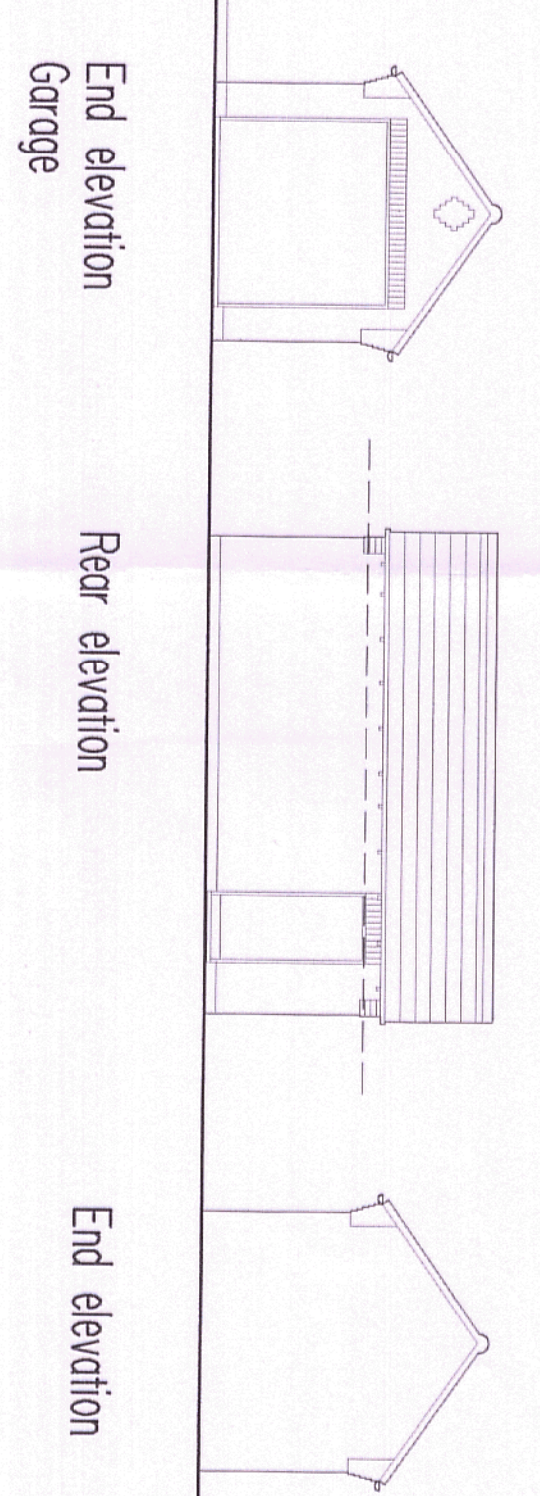


Front elevation

Side elevation

Rear elevation

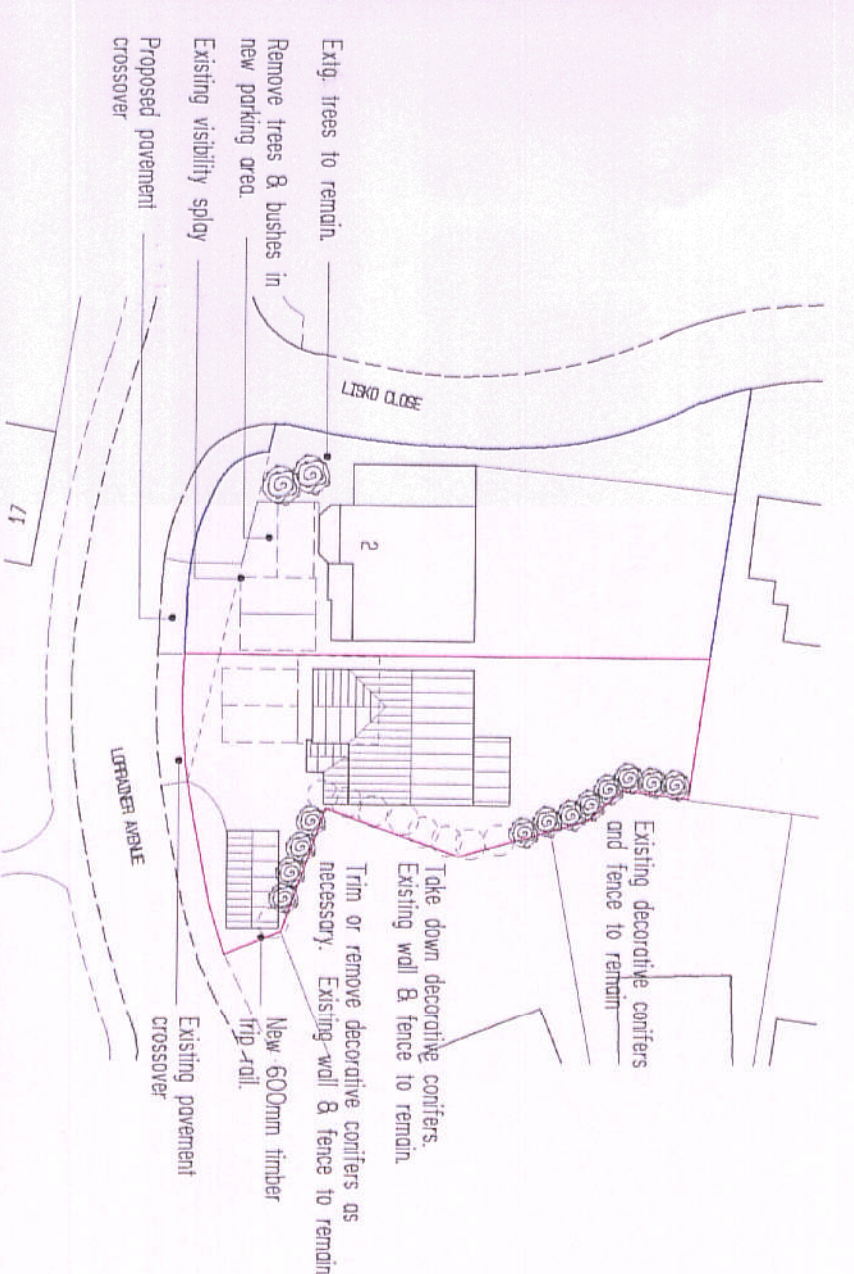
Side elevation



End elevation Garage

Rear elevation

End elevation



Site plan

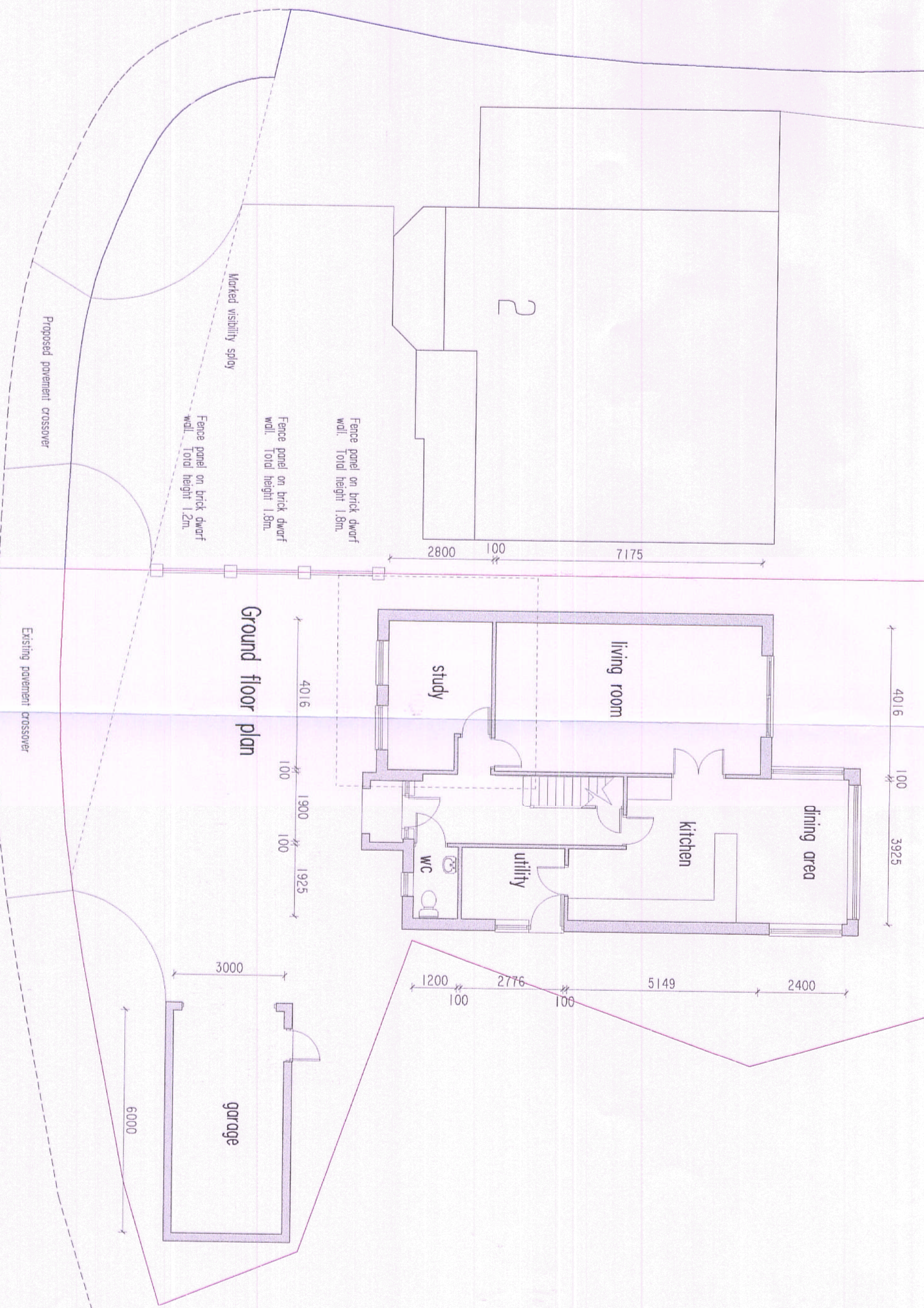


Location plan

P1010149
AMENDED PLAN
 deposited 7/4/10

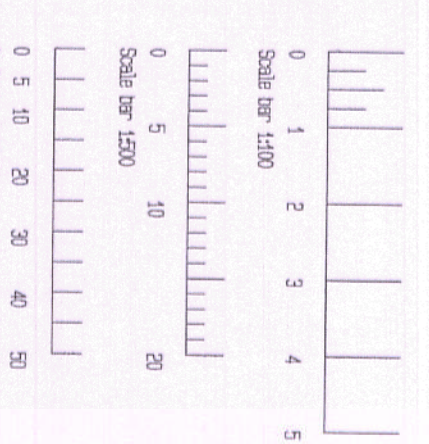
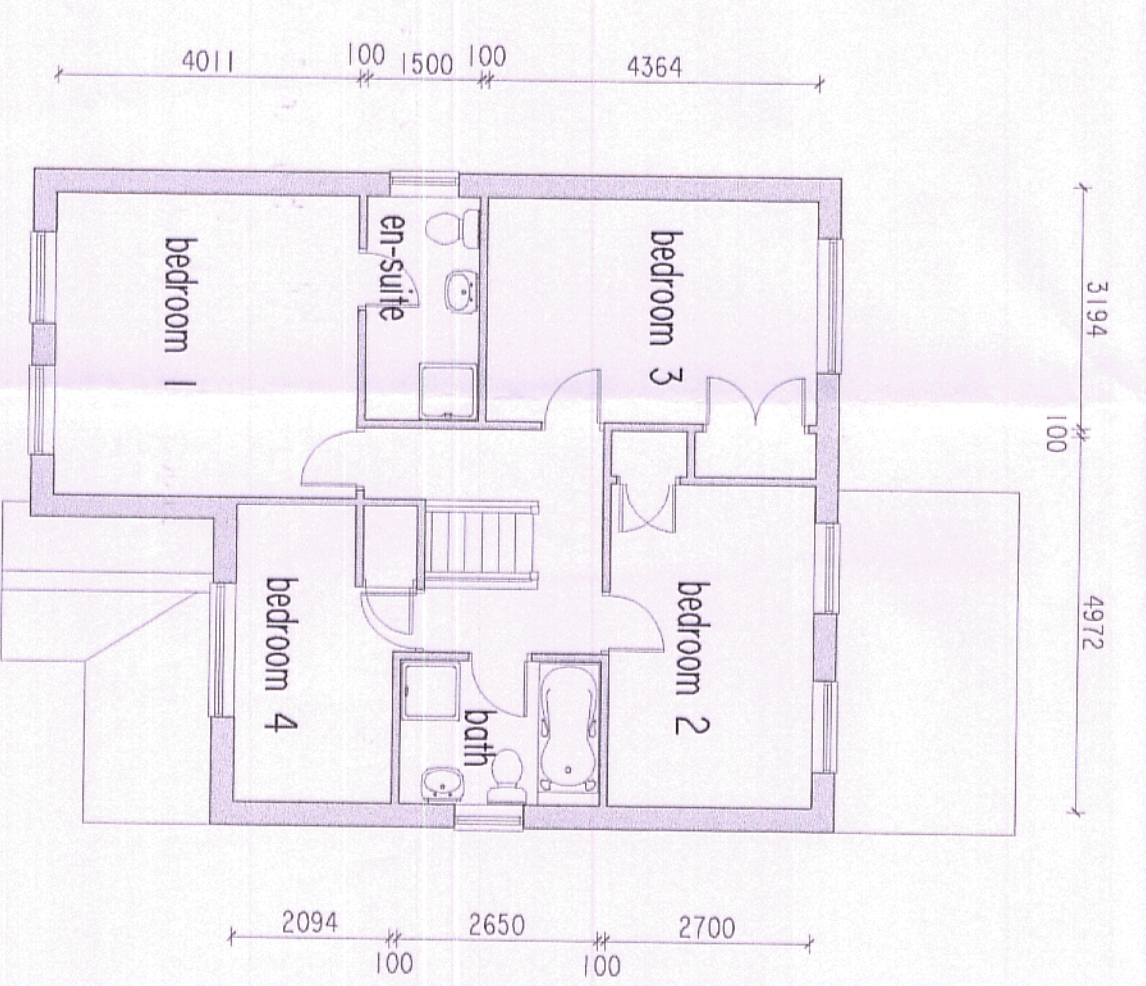
B : 07/04/10 : George unmarked
 A : 24/03/10 : George unmarked
 Revised

EXTERNAL MATERIALS
 Roofs - interlocking concrete tiles
 Walls - red/brown facing brick with blue brick
 solder courses, cornels and verges
 Windows - white pvc
 Note: all of the above are to match existing
 houses and to Local Authority approval.



Ground floor plan

First floor plan



S. JANSCO ESQ
 PROPOSED HOUSE
 land adjacent to
 2 LORRAINER AVENUE,
 CLOCKFIELDS, BRIERLEY HILL
 SKETCH SCHEME 2
 09:67:02B
 Scale 1:100 1:300 1:1250
 Date March 2010

MFL Design

Architectural Design Service
 5 Gym, Crescent,
 Hove, East Sussex,
 BN3 2JL
 Tel: 01394 561334

