

PLANNING APPLICATION NUMBER:P05/2687

Type of approval sought	Outline Planning Permission
Ward	Lye & Wollescote
Applicant	Mr & Mrs K.M. Thomas
Location:	LAND ADJACENT, 39, GROSVENOR WAY, QUARRY BANK, BRIERLEY HILL, WEST MIDLANDS
Proposal	OUTLINE APPLICATION FOR A DETACHED DWELLING (DESIGN, EXTERNAL APPEARANCE AND LANDSCAPING RESERVED FOR SUBSEQUENT APPROVAL) (RESUBMISSION OF WITHDRAWN APPLICATION P05/0315).
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The proposed application site is land adjacent to Number 39 Grosvenor Way. The plot of land would measure some 23.7m (deepest) x 7.75m (widest), in total approximately 0.0146ha.
2. Grosvenor Way forms part of an estate that dates to the early 1960s. In terms of design the properties are arranged in terraces of between three and four houses, with pedestrian access at the front and vehicular access to the rear by private road. Each property benefits from a small front garden and larger garden to the rear.
3. Each property has tile hanging between ground and first floor fenestration with modest front porch. The roof consists of a mono pitch roof at the front elevation, with a mono pitch at the rear, only the later is reduced in height by some 1.5m, thus creating an interesting feature within the urban fabric.
4. In terms of the wider locality, immediately to the north of the site is Thorns School, the school cannot be viewed from the application site due its siting at a higher

elevation. Between the school and the site is a large embankment and a narrow strip of wasteland.

PROPOSAL

5. The applicant is seeking outline planning permission for the erection of a two bedroom detached property. This application is to consider the principle of such development, the siting and means of access. Design, external appearance and landscaping are reserved matters for future consideration.
6. The proposed property would measure some 8.3m (depth) x 4.1m (width) and would be flush with the front and rear of the adjacent property. The siting of the property would maintain a 1m gap between the side of the property and the northern boundary of the plot. At the rear of the property the garden would extend some 12.5m.
7. Vehicular access to the site would be achieved by extending the existing private access road at the rear of the site, with one car parking space being provided at the rear of the site.
8. Revised drawings were submitted by the applicant detailing an increase in the size of the proposed car parking space. This application will be judged against the updated drawings.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
P05/0315	Outline application for residential dwelling house.	Withdrawn	07/07/2005

PUBLIC CONSULTATION

9. In total seventeen letters of neighbour notification were sent, with five letters of objection being received. The objections and concerns can be summarised as follows:

- The development may have adverse effects on disused mines in the Area;
- An increase in traffic on an already overcrowded street;
- Poor vehicular access to the site that would be prone to flooding;
- A detached dwelling would not integrate well within the streetscene;
- The construction of the property will have a detrimental impact on neighbouring amenity;
- The road may not be able to support the weight of heavy machinery required to prepare the site for construction;
- Ensure that access to properties is not blocked by construction vehicles;
- The road at the rear of the site was only intended for light use;
- Request notification as to whether the applicant intends to sell or rent the proposed property.

OTHER CONSULTATION

10. **Head of Environmental Protection** - No objection subject to conditions.

11. **Head of Traffic and Road Safety** – No objection subject to the following standards being met:

- The proposed drive should not exceed a gradient of 1 in 10 (10%).
- One parking space to be provided within the curtilage of the site.

(This has been conditioned)

RELEVANT PLANNING POLICY

National Planning Policy

12. PPG3 – Housing.

Draft PPS 3

Unitary Development Plan Policy

13. Policy DD1 – Urban Design.

Policy DD4 – Development in Residential Areas.

Policy DD6 – Access and Transport Infrastructure.

Policy H1 – New Housing Development.

Policy H3 – Housing Assessment Criteria.

Policy H6 – Housing Density

Policy AM14 – Parking

Supplementary Planning Guidance

14. PGN3 – New Housing Development.

PGN6 – Highway Considerations in Development.

ASSESSMENT

Principle of Development

15. The Government is committed to maximising the re-use of previously-developed land in order both to promote regeneration and minimise the amount of greenfield land being taken for development.

16. The proposed application site constitutes previously developed land and therefore its development would be in compliance with the sustainable agenda of PPG3.

Siting & Amenity

17. Although neighbouring properties in the vicinity of the site are terraced houses, it is not considered that the proposed detached property would have any adverse impact on the streetscene. The application site is at the end of the terrace, largely out of site when viewed from Grosvenor Way and as such, ensuring that the proposed property is of a sound design, would not detract from the quality of the urban fabric.
18. The property would be sited to enable the required 1m access way down the side of the property and would conform with the minimum 22m separation distance from habitable room windows of properties to the front and rear, as advocated in PGN3.
19. PGN3 requires that the rear garden for a two bedroom detached property be a minimum length of 11m. That proposed would measure some 12.5, satisfying this requirement.
20. In terms of impacts on neighbouring amenity, due to the proposed property being flush with the front and rear of the adjacent property, it is not considered that there would be any detrimental impacts.

Access and Parking

21. The Head of Traffic and Road Safety has stipulated that the proposed driveway should not exceed a maximum gradient of 1 in 10 (10%).
22. Gradients exceeding this maximum value will only be permitted in short lengths and where it is impossible to avoid because of the shape and topography of the development site. Gradients flatter than those stated will create drainage problems and will need artificial crowning of the kerb channel to achieve satisfactory drainage. Ensuring that these standards are met, the means of access to the site is considered satisfactory.

23. PPG3 sets a minimum requirement of one off-street car parking space. This requirement would be met with the provision of a car parking space at the rear of the property within the curtilage of the site. This car parking space is of an appropriate size, meeting the minimum required size of 5m x 3m.

Neighbour Concerns

Area Prone to Flooding

24. It is acknowledged that the area may be prone to some flooding as a result of the embankment to the north of the site, however this risk is only considered slight and as such it is not considered that the proposed development would exacerbate any existing issues. It should also be noted that the Head of Traffic and Road Safety has stipulated certain criteria which the proposed access must adhere to, to maximise drainage and mitigate against flooding. This requirement will be a condition for development.

Disused Mines

25. It has come to light that the proposed development would be sited in an area of past mining activity. Before any development can take place conditions require a detailed mining report will have to be carried out before any building can take place.

Increase traffic

26. Concerns were expressed that the existing rear access could not support the extra traffic that would be generated by the proposed development. Any increase in traffic would be considered to be only slight and therefore the access would be able to sustain the additional volume. It should be noted that the Head of Traffic and Road Safety expressed no concern with regard this issue.

Impact upon Streetscene

27. It has been suggested that a detached dwelling would not harmonise well within the current urban fabric. It is accepted that the proposed dwelling would differ from the existing type of properties in the area, however its location at the end of the terrace, largely shielded from public view would result in very little detrimental impact on the

visual amenity of the area. What should be noted is that the design and external appearance of the property are reserved matters for later consideration, at this stage consideration of an appropriate design of property that reflects the style of neighbouring properties to increase assimilation within the streetscene can be made.

Impacts from Construction

28. Any detrimental effects caused on amenity as a result of construction are not subject to planning control but through other legislation. Concerns were raised by residents that the rear access road would not be able to support the weight of construction machinery. Ownership of the road is unclear, however the neighbours have highlighted that they paid for the land to be converted for vehicular use. It therefore seems appropriate that if any damage to the access does occur that the matter be resolved between the neighbours and the applicant, however this is a private matter covered by other legislation.

Tenure of the Property

29. This is a matter for the applicant and not a material planning consideration.

CONCLUSION

30. The principle for a residential property is considered to be acceptable. The proposed property would be sited to minimise visual impact on the streetscene and would not prejudice neighbouring amenity and is therefore considered to be appropriate.

RECOMMENDATION

31. It is recommended that the proposed development be approved subject to the following conditions.

Reason for Approval

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;

National Planning Policy

PPG3 – Housing.

Draft PPS 3

Unitary Development Plan Policy

Policy DD1 – Urban Design.

Policy DD4 – Development in Residential Areas.

Policy DD6 – Access and Transport Infrastructure.

Policy H1 – New Housing Development.

Policy H3 – Housing Assessment Criteria.

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Policy AM14 - Parking

Supplementary Planning Guidance

PGN3 – New Housing Development.

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Conditions and/or reasons:

1. Approval of the details of the design and external appearance of the building(s), and the landscaping of the site (hereafter called the ('reserved matters') shall be obtained from the Local Planning Authority before any development is begun.
2. Application for reserved matters approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission; and the development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years

from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4. Development shall not begin until details of plans and sections of the lines, widths, levels, gradients and form of construction of the service road and parking spaces and drainage systems have been submitted to and approved by the local planning authority.
5. Development shall not begin until a detailed mining report which indicates that the site is suitable for the development proposed has been submitted to the local planning authority. This report shall include details of recommendations on foundation design and such recommendations shall be implemented concurrently with the development.
6. 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.
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 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.
8. For the avoidance of doubt, this permission relates to drawing number 1 and shall be implemented in strict accordance with these plans unless otherwise agreed in writing with the LPA

