

PLANNING APPLICATION NUMBER: P10/1459

Type of approval sought	FULL PLANNING PERMISSION
Ward	AMBLECOTE
Applicant	MR CHRIS PEARSON
Location:	63, BROMPTON DRIVE, BRIERLEY HILL, BRIERLEY HILL, DY5 3NZ
Proposal:	DEMOLITION OF EXISTING GARAGE AND ERECTION OF 1 NO. DWELLING (RESUBMISSION OF WITHDRAWN APPLICATION P10/1270)
Recommendation summary:	APPROVE SUBJECT TO A 106 AGREEMENT

INTRODUCTION

This application was deferred for a site visit by the Development Control Committee on the 13th December 2010. This report has been updated to include all of the information that was provided in the pre-committee note.

SITE AND SURROUNDINGS

1. The application site measures 230m² and is currently occupied by a detached garage situated adjacent to No.63 Brompton Drive. The rear part of the site is laid with grass as it forms part of the rear garden of No.63 and the front is predominantly hard-surfaced and provides a parking space. The application site is a plot of land measuring 7.25m wide and 31.5m deep and is located at the end of an access driveway located off Brompton Drive. The site is enclosed by a 1.8m high close boarded fence along the western and northern elevations and the topography on-site is generally flat.
2. The surrounding area is an established residential estate characterised predominantly by semi-detached properties with pitched roofs built on a fairly staggered building line. The houses were built during the early 1970s and No.63 Brompton Drive is a brick-built two storey semi-detached house which currently benefits from a detached garage to the west of the property. No.63 Brompton Drive benefits from a fairly wide plot with a pedestrian pathway directly to the south of the site.
3. A local park is situated to the east of this row of houses.

PROPOSAL

4. This proposal seeks full planning permission for the erection of a detached three bedroom dwelling with a pitched roof following the demolition of the existing detached garage. The dwelling would be set back by 0.95m from the front elevation of no. 63 Brompton Drive and would project 1.45m past the rear elevation of this adjacent property. The amended plans show that the dwelling would measure 5.65m in width and 7.75m in length with a ridge height of 7.1m. The property would benefit from two car-parking spaces that would be provided on hard-standing at the front of the proposed dwelling. The house would be accessed from Brompton Drive and two car parking spaces would also be provided for No.63 Brompton Drive. The new dwelling would benefit from a private garden surrounding the property which would be approximately 87m² in size and 12m in length.
5. The property would feature a front facing gable measuring 6.45m in height on the front elevation as well as a front pitched roof porch with mono-pitched canopy measuring up to 3.2m in height. The property would be set 0.5m from the western boundary and 1m from the eastern boundary.
6. The application has been accompanied by a design and access statement in support of the application.

HISTORY

7. This property has one previous relevant application.

App No.	Proposal	Decision	Decision Date
P10/1270	Demolition of existing garage and erection of 1 no. dwelling	Withdrawn	26.10.2010

PUBLIC CONSULTATION

- Direct notification was carried out to thirteen surrounding properties and a site notice displayed adjacent to the site. Two written representations objecting to the scheme have been received. The latest date for comments is the 7th December 2010 and any further objections will be relayed to the Committee by way of a pre-committee note.

- The two objections were based on the following material planning considerations:
 - The front facing gable and other design features such as brick-work detail would be out of keeping with the surrounding houses;
 - The rear projection past the houses on this row would mean that the dwelling would be out of proportion;
 - Impact on daylight provision to the rear facing habitable room windows;
 - The estate has an open and spacious feel and this dwelling would not comply with that;
 - This would set a precedent for other new build properties on the estate;
 - The character and layout of the area would be compromised;
 - Some level of privacy would be lost along the access road;
 - There is a lack of green landscaped areas at the expense of parking space;
 - Insufficient parking distance at the front of the property on the original plans submitted as well as a lack of space between the parking spaces.

Other non-material planning considerations have also been discussed within the letters.

A further objection from a neighbour has been received following receipt of the amended plans. The letter makes regard to the following material planning considerations:

- The layout of the area
- 'Garden grabbing' being to the detriment of the neighbourhood
- The frontage depth being inadequate for parking and access
- The outlook from no. 65 Brompton Drive would be impeded if vehicles are parked at the front of no. 63.

The layout and principle of development of this site are considered within paragraphs 12-15 of the original report.

The amended layout (job number 879:01C) ensures that sufficient space at the frontage of the dwelling has been provided for parking and access. The Group Engineer (Development) has no objections to the proposed frontage depth.

The parking at the front of no. 63 Brompton Drive could be achieved without planning consent and would not be considered to impact on the outlook from the windows of the neighbouring property.

OTHER CONSULTATION

- Group Engineer (Development): no adverse comments subject to a contribution towards planning obligations and satisfactory frontage depth for two car parking spaces.
- The Head of Environmental Health and Trading Standards: no adverse comments in terms of noise or disturbance. Conditions have been suggested to ensure that any possible land contamination and ground vapour issues can be solved prior to development.
- Tree Protection Officer: No comments.
- Nature Conservation Officer: No comments.

RELEVANT PLANNING POLICY

- Adopted Unitary Development Plan (2005)

S2 Creating a more Sustainable Borough

S8 Housing

S16 Access and Movement

DD1 Urban Design

DD4 Development in Residential Areas

DD6 Access and Transport Infrastructure

DD7 Planning Obligations

DD10 Nature Conservation and Development

DD12 Sustainable Drainage Systems

H1 New Housing Development

H3 Housing Assessment Criteria

H6 Housing Density

LR2 Access to Public Open Space (errata)

AM14 Parking

NC1 Biodiversity

NC6 Wildlife Species

- Supplementary Planning Document(s)

New Housing Development: Establishing Local Context

Parking Standards and Travel Plans

Planning Obligations

Nature Conservation

PGN 12 – The 45 Degree Code

- Supplementary Planning Guidance

New Housing Development

Parking Standards and Travel Plans

- National Planning Guidance

PPS1 Delivering Sustainable Development

PPS3 Housing

PPS9 Biodiversity and Geological Conservation

PPS23 Planning and Pollution Control

ASSESSMENT

8. The proposed development must be assessed with regard to the following key issues:

9. Key Issues

- Principle
- Design and Siting
- Residential amenity
- Access and Parking
- Nature Conservation
- Planning Obligations

Principle

10. This plot of land is situated within a residential area and in land use terms the principal of residential development in this location is considered as acceptable. The proposed development would primarily constitute the re-use of brown field land in an existing urban area. Whilst the recent change to PPS3 – Housing removes residential garden land from the definition of previously developed land the footprint of the proposed dwelling would not be significantly larger than that of the existing detached garage. On this basis any encroachment onto the previous garden land would be classed as minimal and the main emphasis should be on whether the proposal would be

appropriate in terms of the relevant UDP Policies and Supplementary Planning Documents. The general principle of new residential development on the site is therefore acceptable subject to all other material planning considerations. In this regard the proposed development would be consistent with the requirements of Policy H1 – New Housing Development, Policy H3 - Housing Assessment Criteria of the adopted UDP (October 2005) and PPS3 – Housing.

11. The housing density of the plot would be 35 dwellings per hectare and it is considered that this would be appropriate as it would relate to the existing character and overall context of the surrounding area. The plot width for the existing and proposed dwellings would also be acceptable and comparable with other plot widths on the residential estate. The proposal would therefore be in accordance with Policy DD4 – Development in Residential Areas and the New Housing Development SPD.

Design and Siting

12. The design of the proposal would relate to the surrounding properties by reason of the replication of the pitched roof and fenestration design of nearby dwellings. The size of the property would be fairly modest in scale and mass in comparison to the site area and surrounding dwellings. The amended plan shows that the footprint, height, mass and overall size of the dwelling would also be appropriate to the plot and the house would not appear out of keeping with the area.

13. With the location of the proposed dwelling being at the end of the access drive and due to the house being set back by 1m from the front of No.63 Brompton Drive the dwelling would not appear dominant within the street scene. Setting back the front elevation of the dwelling from this building line would be acceptable and the dwelling would relate well to the existing layout and character of the area. The dwelling would generally line through with the buildings already on this access driveway (Nos.63, 65, 67 and 69 Brompton Drive) so as not to appear dominant or out of keeping. The proposed dwelling would have access directly onto the driveway which leads to Brompton Drive with vehicular parking to the front of the building. The proposal would replicate the design elements of the surrounding properties and it would be constructed in materials that would be appropriate within this location. The proposal would therefore be acceptable and would not appear out of keeping with the area so would therefore comply with Policy DD1 – Urban Design and DD4 – Development in Residential Areas of the Adopted Unitary Development Plan (2005).

Residential amenity

14. The application site would be accessed from a private driveway off Brompton Drive. The development would be set in a side garden location where there is an existing detached garage. The proposed house would be surrounded by residential gardens and other properties.
15. The rear projection of the proposed dwelling would not contravene the 45 degree code guidelines with regards to No.63 Brompton Drive. The front elevation would also be set back from the front of this property so would not impact on daylight provision or outlook for the occupiers. The side facing window facing towards this property would be obscurely glazed and top opening to ensure no impact on privacy for the occupiers.
16. The western facing side elevation would be a sufficient distance of 18.25m from the rear of No.10 Rosemoor Drive. This would be a satisfactory distance to ensure that the rear facing windows of that property did not experience any loss of daylight provision or outlook due to the development. The proposed side facing window on the new dwelling would be conditioned to be obscurely glazed and non opening to ensure that privacy would not be impacted for the occupiers of this house.
17. The rear conservatory extension to No.9 Rosemoor Drive would not directly face onto the side elevation of the proposed dwelling and would be 16.5m from the development. The rear facing windows on the proposed dwelling would also not directly overlook the rear garden of this property so there would be no detrimental impact on amenity for the occupiers.
18. No. 11 Rosemoor Drive would be a distance of at least 26m from the proposal and no overlooking would be possible between these properties.
19. The side elevation of No.61 Brompton Drive would be a distance of 17.5m from the front facing windows on the proposed dwelling. There are no windows within this side elevation that could be impacted on through a loss of daylight or outlook. The front facing windows on the proposed dwelling would not enable overlooking of the rear garden of this property due to the separation distance.

20. The rear garden of No.71 Brompton Drive would be a distance of 12.25m from the proposed rear facing windows on the dwelling. This would be a sufficient distance to ensure that privacy would not be impacted on for the occupiers due to overlooking. The house would be no closer to the proposed dwelling than the existing properties on this access road.
21. All other properties would be at least 25m from the proposed dwelling or not in direct line of sight. These separation distances are in excess of the dimensions required by Planning Guidance Note No. 17 and would ensure that no direct overlooking would occur. The first floor windows in the eastern and western facing elevations would be obscurely glazed and top opening to ensure that there would be no impact on privacy for the properties nearby. The permitted development rights to enable replacing the windows or extending the property should be removed via a suitably worded planning condition to ensure that residential amenity for surrounding dwellings would be maintained for the life of the development.
22. The Head of Environmental Health and Trading Standards has raised no objections to the proposal which they consider would not adversely impact on residential amenity for neighbouring properties and would comply with Policy DD4 – Development in Residential Areas.
23. The dwelling would also be served by an adequate garden area measuring over 11m in length in accordance with the Supplementary Planning Guidance – New Housing Development.

Access and Parking

24. The layout of the proposed development would see the provision of two off road car parking spaces on the frontage of the property to serve the proposed three bedroom dwelling. The existing three bedroom property would also benefit from two car parking spaces at the front of the dwelling. These spaces would be accessed off the private access road at the front of this row of properties. The Group Engineer (Development) is satisfied that there would be sufficient space on the proposed hard-standing to accommodate the required number of vehicles for each property and there would be a sufficient distance to enable access and egress. The development would therefore accord with the standards required within the Parking Standards and Travel Plans

SPD and Policy AM14 – Parking of the adopted Dudley UDP to ensure that the development would not prejudice highway safety.

Planning Obligations

25. Policy DD7 (Planning Obligations) of the adopted Dudley Unitary Development Plan (2005) and the Planning Obligations Supplementary Planning Document require that new residential developments should mitigate against the consequential planning loss to the existing community. This proposal attracts a requirement for a contribution to be made in accordance with the Planning Obligations SPD. 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:

Open Space, Sport and Recreation Contribution - £2561.14

Library Contribution - £191.39

Public Realm Contribution - £478.53

Transport Infrastructure Improvements - £415.35

Nature Conservation Enhancements - £119.60

Management and monitoring charge - £250

Total Offsite Contribution = £4016.01

Onsite Contributions:

No onsite contributions would be required for this development.

Confirmation has been received that the applicant is willing to pay the required Section 106 contributions.

CONCLUSION

26. It is considered that the siting and design of the dwelling would be acceptable and that it would not result in a detrimental impact on visual amenity within the area. The property would not have a detrimental impact on residential amenity for the occupiers of neighbouring properties due to adequate separation distances and it is considered that the proposal would not prejudice highway safety due to the two off road car parking spaces provided on-site. Subject to the appropriate conditions the proposal

therefore complies with the following Council policies; Policy DD1 – Urban Design, DD4 – Development in Residential Areas, DD6 – Access and Transport Infrastructure, DD7 – Planning Obligations, AM14 – Parking, H1 – New Housing Development, H6 – Housing Density, NC1 - Biodiversity, NC6 - Wildlife and Supplementary Planning Documents; New Housing Development – A Guide to Establishing Urban Context, Parking Standards and Travel Plans and Planning Obligations.

RECOMMENDATION

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

- a) The development not beginning until a scheme for the submission and approval of a planning obligation to guarantee the provision of contributions towards transport infrastructure improvements, Open Space, Sport and Recreation Contributions, Library Contributions, Public Realm Contributions, Nature Conservation Enhancements and a Management and monitoring charge totalling £4016.01 has been submitted to and agreed in writing by the Local Planning Authority.
- a) 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;

Reason for The Grant of Planning Permission

It is considered that the principle of a detached dwelling in this location is acceptable in principle as it constitutes re-use of the previously developed urban land. The siting of the dwelling would be at the end of an access driveway in line with the existing properties and the design of the proposed dwelling would be in-keeping with the surrounding properties. The property would not impact on residential amenity for neighbouring houses due to sufficient separation distances and it is considered that

the proposal would not prejudice highway safety due to the provision of two car parking spaces and adequate manoeuvring space. Subject to the appropriate conditions the proposal therefore complies with the following Council policies; Policy DD1 – Urban Design, DD4 – Development in Residential Areas, DD6 – Access and Transport Infrastructure, DD7 – Planning Obligations, DD10 - Nature Conservation, AM14 – Parking, H1 – New Housing Development, H6 – Housing Density, EP6 - Light Pollution, NC1 - Biodiversity, NC6 - Wildlife and NC10 – The Urban Forest of the Adopted Unitary Development Plan (2005) and Supplementary Planning Documents; New Housing Development – A Guide to Establishing Urban Context, Parking Standards and Travel Plans and Planning Obligations.

The decision to grant planning permission has been taken with regard to the policies and proposals in the Dudley Unitary Development Plan and to all relevant material considerations including Supplementary Planning Guidance.

The above is intended as a summary of reasons for the grant of planning permission for further detail please see the application report.

Conditions and/or reasons:

1. Development shall not commence until an arrangement for the provision of:

Libraries Improvements
Open Space, Sport and Recreation Improvements
Public Realm
Transport Infrastructure improvements
Nature conservation
Monitoring and Management Charge

has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the method, timing and arrangement to comply with the Council's policies for the provision of the infrastructure required in connection with the proposed development.

2. BA01 Commencement within 3 years (full)
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 buildings 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 occupation of the dwelling hereby approved, the parking spaces shall be marked out in accordance with the approved scheme and surfaced using a porous material or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of each dwellinghouse. The areas shall be maintained as such for the life time of the development unless otherwise agreed in writing by the Local Planning Authority.
5. A101I Landscaping scheme to be submitted
6. A103I Boundary treatments to be agreed
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, or any order revoking or re-enacting that order with or without modification, no development referred to Schedule 2, Part 1 Classes A, B, C, D, E, F, G, H and I shall be carried out without the prior written approval of the local planning authority.
8. BE01I Obscurely glazed windows
9. An investigation of contamination must be completed in accordance with the following requirements:

a: Risk assessment

No development shall begin until an assessment of the risks posed by any contamination has been submitted to and approved by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.

b: Submission of remediation scheme

Where the approved risk assessment identifies contamination posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the local planning authority.

c: Implementation of approved remediation scheme

Unless otherwise agreed in writing with the LPA, the approved scheme shall be implemented and a verification report submitted to and approved by the LPA, before the development (or relevant phase of the development) is first occupied/brought into use.

10. An investigation of ground gases and vapours must be completed in accordance with the following requirements:

a: Risk assessment

No development shall begin until an assessment of the risks posed by any ground gases or vapours has been submitted to and approved by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.

b: Submission of remediation scheme

Where the approved risk assessment identifies ground gases or vapours posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the local planning authority.

c: Implementation of approved remediation scheme

Unless otherwise agreed in writing with the LPA, the approved scheme shall be implemented and a verification report submitted to and approved by the LPA, before the development (or relevant phase of the development) is first occupied/brought into use.

11. The development hereby approved shall be carried out in accordance with the details shown on labelled drawing nos. '879:01C' and '879:02B'
12. Prior to occupation of the dwelling hereby approved, the parking spaces from no. 63 Brompton Drive shall be marked out in accordance with the approved scheme and surfaced using a porous material or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of each dwellinghouse. The areas shall be maintained as such for the life time of the development unless otherwise agreed in writing by the Local Planning Authority.



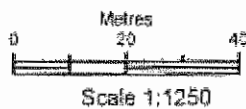
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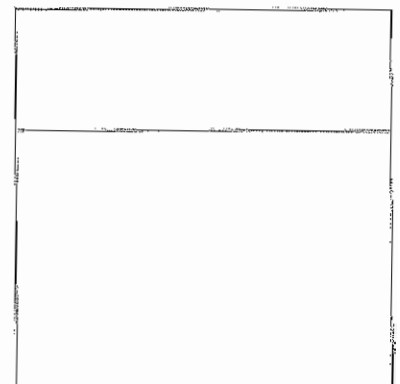
The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.



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 Centre coordinates: 390957 285429

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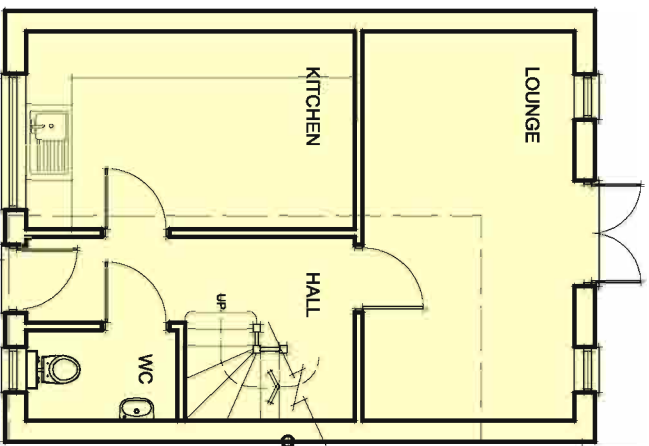
1.8m HIGH TIMBER FENCE

PLOT 1
87.0 SQ.M

1.8m HIGH TIMBER FENCE

1.8m HIGH TIMBER FENCE

45 DEG. SIGHT LINE



DEMOLISH EXTG.
GARAGE

No.63

No.65

GRASS

No.67

No.69

NEW LANDSCAPED BED

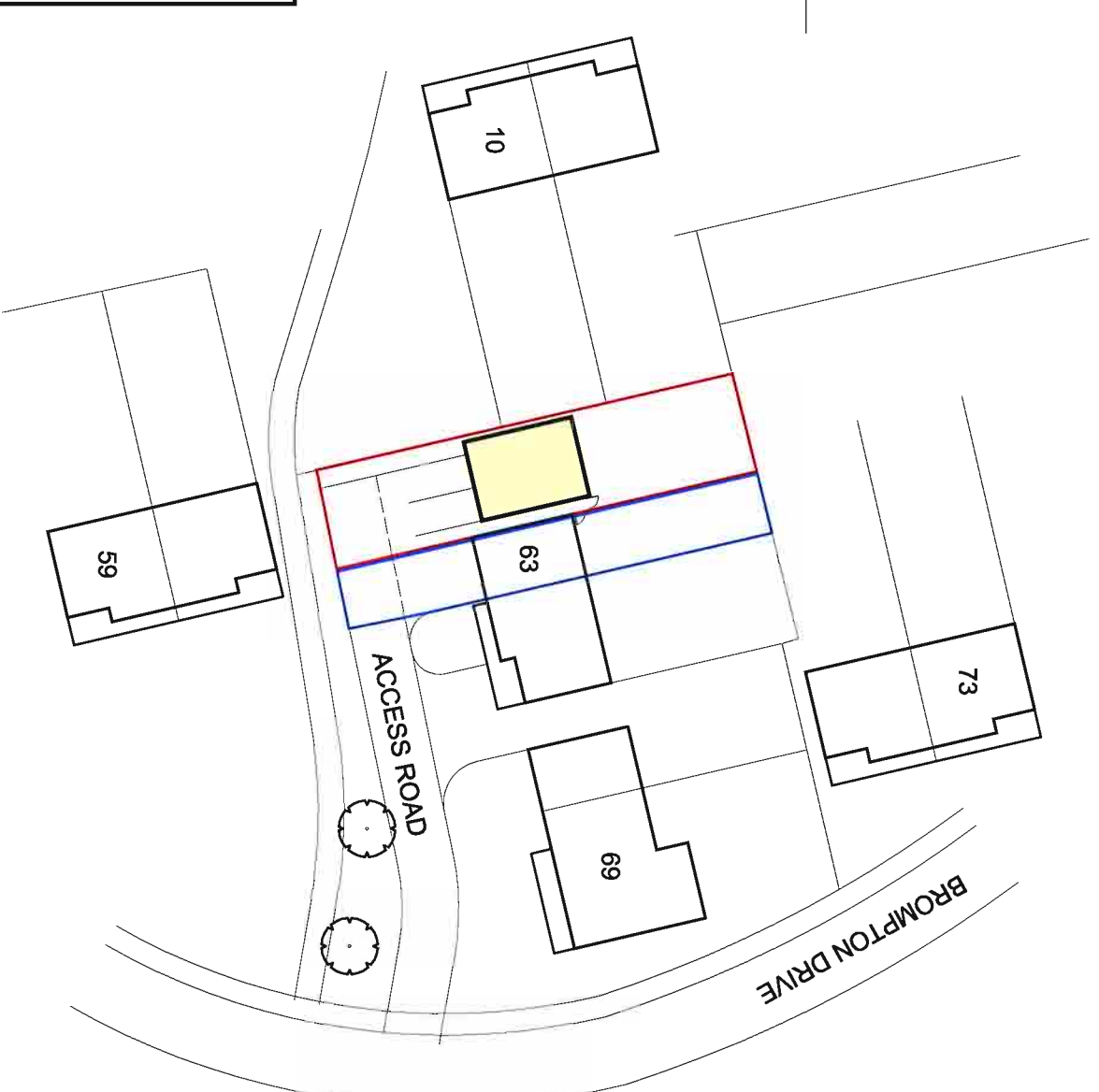
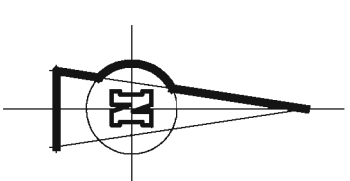
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PRIVATE ACCESS ROAD
(TARMAC)

PUBLIC FOOTPATH

LANDSCAPED

No.71



BLOCK PLAN
SCALE 1 : 5 0 0

KEY :

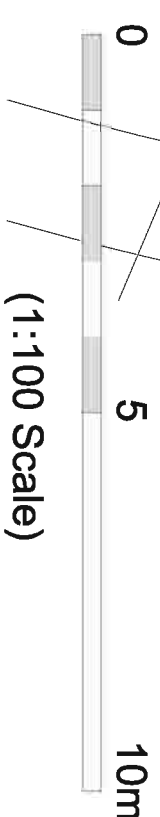
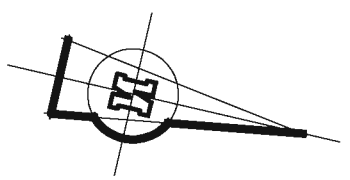
+102.00

EXISTING LEVELS

+100.00

PROPOSED LEVELS

BROMPTON DRIVE



(1:100 Scale)

REV 'C' - AMENDED TO SUIT PLANNERS REQUIREMENTS - NOV. 2010

Job
Proposed dwelling at land adjacent to
63 BROMPTON DRIVE

Client
STOURBRIDGE

MR C. PEARSON

S C H E M E

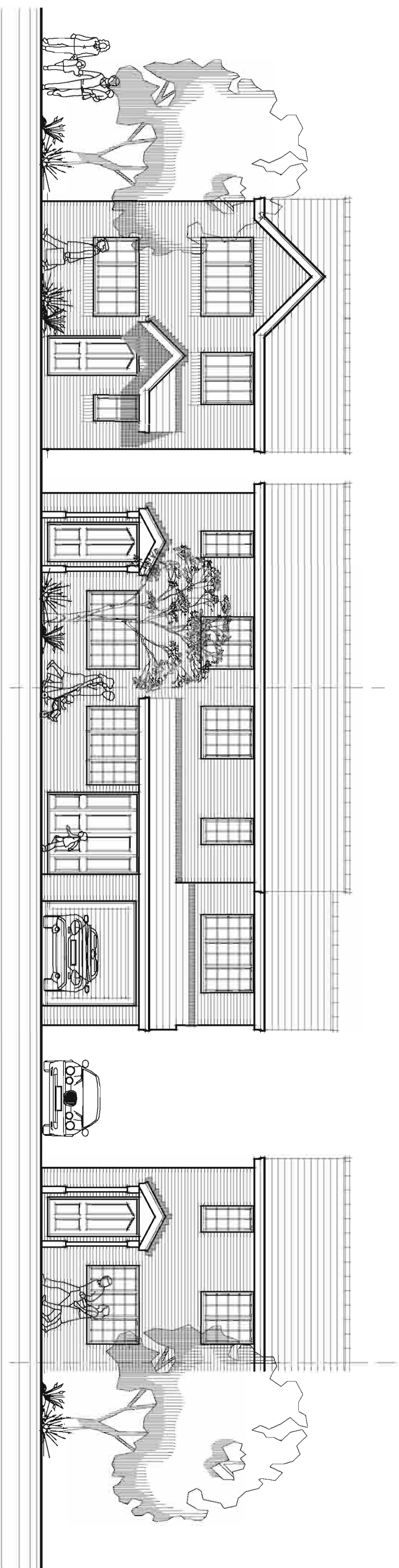
Date
SEPT. 2010

Scale
1:100 @ A2 SCALE

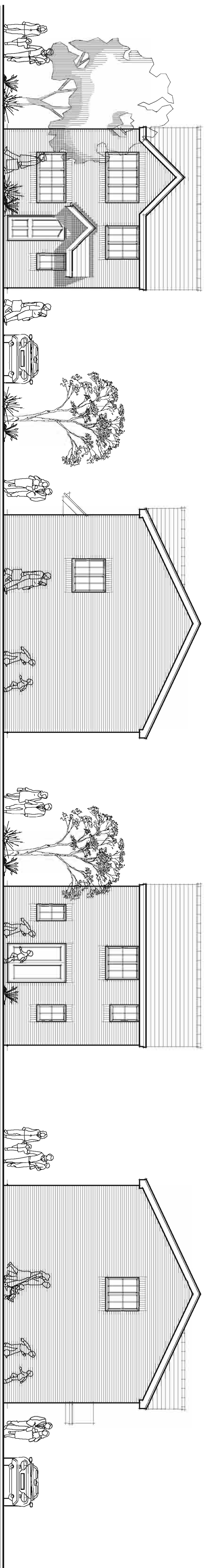
Job No.
879:01C

SITE PLAN
SCALE 1 : 1 0 0

No.61



STREET SCENE

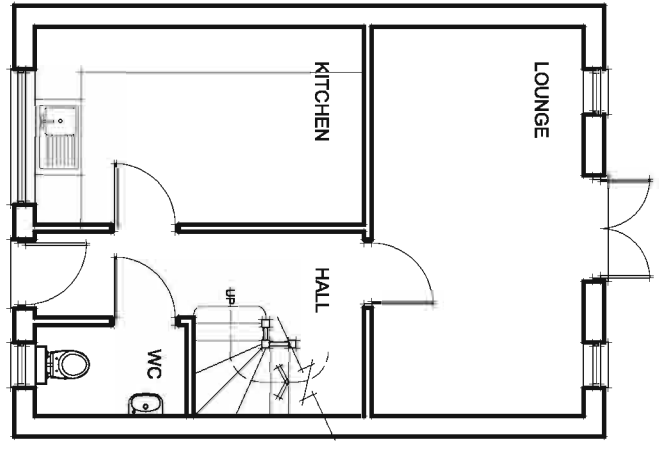


FRONT ELEVATION

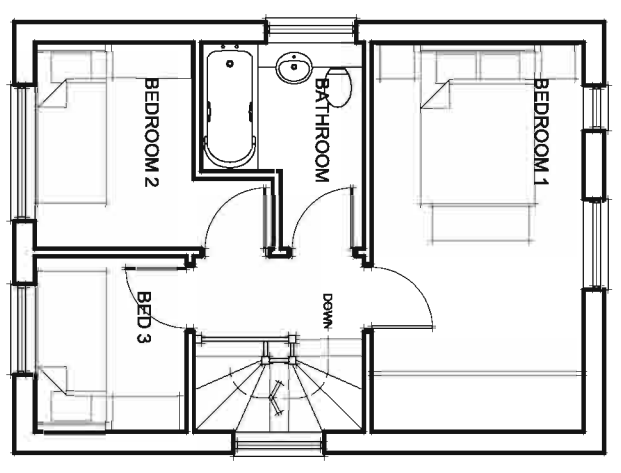
SIDE ELEVATION

REAR ELEVATION

SIDE ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN



(1:100 Scale)

REV 'B' - AMENDED TO SUIT PLANNERS REQUIREMENTS - NOV. 2010

Job
**proposed dwelling at land adjacent to
 63 BROMPTON DRIVE
 STOURBRIDGE**
 Client
MR C. PEARSON

S C H E M E
 Date
 SEPT. 2010
 Scale
 1:100 @ A2 SCALE
 Job No.
 879:02B