

PLANNING APPLICATION NUMBER:P07/0190

Type of approval sought	Outline Planning Permission
Ward	Quarry Bank & Dudley Wood
Applicant	Mr L J T O'Dowd
Location:	25A, BRICK KILN STREET, QUARRY BANK, BRIERLEY HILL, WEST MIDLANDS.
Proposal	OUTLINE APPLICATION FOR ERECTION OF 2 NO. SEMI-DETACHED, 2 NO. DETACHED DWELLINGS, AND 2 NO. 2 BED FLATS.
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The application site is an irregular L-shaped plot of land currently occupied by a bungalow. The bungalow is located towards the front of the site. There is a small workshop building to the rear of the plot. The remainder of the site is covered with vegetation. The site is bounded to the rear and sides by the rear gardens of properties on Evers Street and Brick Kiln Street. The immediate surrounding street scene is varied in terms of the type and age of existing buildings.

PROPOSAL

2. Outline consent is sought to demolish the existing buildings at the site and to erect 6no.dwellings. Details of access to the site, layout and scale of the buildings have been submitted for approval at this stage – the appearance of the buildings and landscaping of the site are reserved for subsequent approval. It is proposed to erect a two storey building forming 2no. 2-bed apartments at the front of the site, immediately adjacent no.26 Brick Kiln Street. A grassed amenity area is to be provided to the rear and side of this building. The remainder of the development

comprises a pair of semi-detached houses and 2no.detached houses, all with rear garden areas. Access to the site will be via Brick Kiln Street and 11no. parking spaces are to be provided.

HISTORY

3.

APPLICATION	PROPOSAL	DECISION	DATE
P07/1780	Erection of a Pair of Semi-Detached Houses, 2no. Detached Houses and 2no. 2-Bed Flats With Associated Access	Refused	October 2006

4. Application P07/1780 was refused under The Director of the Urban Environment delegated authority for the following reasons:

1. The proposed dwelling on plot 1, by reason of its excessive height and proximity to existing neighbouring properties, would result in an adverse impact upon the amenity of the occupiers of those adjacent dwellings, with regards to day lighting, overshadowing and loss of outlook from the rear gardens. The proposal is therefore contrary to Policies DD1 and DD4 of the UDP in addition to PGN3.
2. The design and location of the proposed drive and parking areas would result in an overly dominant, visually obtrusive feature within the application site and street scene, adversely impacting on visual amenity. This proposal is contrary to Policy DD1 and DD4 of the UDP.
3. The proposed balcony at the rear of the proposed flats, by reason of its location would result in overlooking and loss of privacy adversely affecting the amenity of the future occupants of plot 4, and the quality and usability of the shared amenity space at the rear of the proposed flats. This is contrary to Planning Guidance Note 17 and Policy DD4 of the UDP.

PUBLIC CONSULTATION

5. Objections to the proposal have been received from the occupants of no.s 31 and 32 Brick Kiln Street and no.s 27 and 27b Evers Road. The objectors have expressed the following concerns relevant to the determination of the application:
- Over-development of the site;
 - Adverse visual impact of the buildings;
 - Additional on-street parking
 - Additional volume of traffic along Brick Kiln Street will adversely impact on highway safety;
 - The proposed buildings and trees will block sunlight to surrounding properties;
 - Overbearing impact of the dwellings and loss of outlook;
 - Loss of privacy;
 - Loss of security.

OTHER CONSULTATION

6. **The Head of Environmental Protection:** no objection to the proposal, subject to the imposition of conditions relating to contaminated land.
7. **The Group Engineer (Development):** requested the submission of the following additional information/amendments to the scheme:
- The parking layout should be amended to provide additional manoeuvring space and access for pedestrians to the dwellings;
 - Rear access should be provided to the apartments from the parking area;
 - A give way junction should be created on Brick Kiln Street with priority into the development;
 - Bin stores and cycle stores should be provided;

- Gradient information should be supplied.

RELEVANT PLANNING POLICY

Adopted Unitary Development Plan (2005)

8. DD1 (Urban Design),
DD4 (Development in Residential Areas),
DD7 (Planning Obligations),
DD8 (Provision of Open Space, Sport and Recreation Facilities),
H3 (Housing Assessment Criteria)
H6 (Housing Density).

Supplementary Planning Guidance

9. Planning Guidance Notes 3 (New Housing Development),
14 (Car Parking Standards).

ASSESSMENT

The Key Issues are

- The principle of new residential development at the site;
 - Density;
 - Impact on the character of the area;
 - Impact on residential amenity;
 - Parking provision and highway safety.
10. Policy H3 of the UDP advises that new residential development should ideally be located on previously-developed land within the urban area, and should result in the productive use of vacant sites within the urban area which are not allocated for another use. This site can be defined as being previously-developed and therefore the principle of its use for new housing is entirely acceptable.
 11. Policy H6 encourages new residential development to achieve the highest possible density, taking into account factors such as the requirement to make full and

efficient use of land and the local context. The proposed density of development in this case is 46 dwellings per hectare, which is considered to be appropriate in this area of relatively high density housing.

12. Policy DD1 of the UDP requires that all new development proposals should make a positive contribution to the character and appearance of the area. The design and scale of the proposed buildings are acceptable in relation to the context of the existing form of development in the surrounding area.
13. Policy DD4 advises that new development in residential areas will only be allowed where there would be no adverse effect upon residential amenity. The previous application was partly refused on the grounds of the impact of the development on the amenities of both future occupants of the development and occupants of existing adjacent properties on Evers Road. For the purposes of this application the balcony on the rear elevation of the proposed flats has been removed, thereby addressing reason 3 of the refusal. With regard to reason 1, the building on plot 1 has been reduced in height by 0.5m and relocated approximately 1.5m further away from the rear of properties on Evers Road. The separation distances from those properties to the proposed building are now considered to be sufficient to ensure that no significant loss of amenity would result, sufficient to warrant refusal of the application. The proposal would not therefore contravene Policy DD4 of the UDP.
14. The occupants of no.s 31 and 32 Brick Kiln Street have expressed concern that the proximity of plot 4 will adversely affect the outlook from their properties and will lead to overshadowing. The building on plot 4 is located in the same position as proposed in the previous application. In that case Officers considered the relationship between the properties to be acceptable. The distance from the rear of no.32 Brick Kiln Street to the side elevation of plot 4 is 17m, 3m in excess of the supplementary planning guidance standard for window to two storey gable wall distance separations.
15. The amount of amenity space and parking provided for the proposed apartments is considered to be suitable to serve the needs of future occupants and ensure the

satisfactory functioning of the development. Parking provision is in accordance with supplementary planning guidance standards.

16. The proposed drive and parking area has been amended from the previous scheme by the use of block paving and the provision of landscaping to help soften its appearance and create a more attractive feature within the street scene. The amendments made have satisfactorily addressed reason 2 of the refusal of application P06/1780.
17. The amendments requested by the Group Engineer – Development, including the provision of give way markings on Brick Kiln Road, have been incorporated into the development.
18. Policy DD7 of the UDP requires that new developments (above 5 units) should contribute to recreation facilities/open space in the wider area in line with the increase in users caused by the development. Should permission be granted a Section 106 Agreement would be required in respect of contributions to recreation/open space facilities.

CONCLUSION

19. The proposal represents the re-use for housing, at an appropriate density, of previously-developed land within an urban area. The development would make a positive contribution to the character of the area, and would not have any detrimental impact on residential amenity or highway safety. The proposal therefore complies with Policies DD1, DD4, H3 and H6 of the Unitary Development Plan.

RECOMMENDATION

20. It is recommended that the application be approved subject to:
 - a) The applicant entering into a Section 106 Legal Agreement for a contribution to off-site recreational public open space 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 Approval

The proposal represents the re-use for housing, at an appropriate density, of previously-developed land within an urban area. The development would make a positive contribution to the character of the area, and would not have any detrimental impact on residential amenity or highway safety. The proposal therefore complies with Policies DD1, DD4, H3 and H6 of the Unitary Development Plan.

Conditions and/or reasons:

1. Approval of the details of the external appearance of the buildings and 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. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking and re-enacting that order), no development referred to in Part 1 Class A.1(a) of Schedule 2 to that order shall be carried out.
4. No side facing first floor windows shall be installed in the buildings on plots 1, 2 and 4 or flat 2 without the prior written approval of the local planning authority.
5. No development shall take place until details of the proposed block paving materials to be used in the development have been submitted to and approved by the local planning authority. The development shall proceed in accordance with the approved details.
6. Development shall not begin until details of the type, texture and colour of materials to be used in the external elevations have been submitted to and approved by the local planning authority. The development shall proceed in accordance with the approved details.
7. No development shall commence until details of the proposed boundary treatments of the site which shall include the provision of a wall to the rear of plot 1, have been submitted to and approved in writing by the Local Planning Authority and no

dwellings shall be occupied prior to the erection of such treatments in accordance with the agreed details.

8. Development shall not begin until details of plans and sections of the lines, widths, levels, gradients and form of construction of service/access roads and drainage systems have been submitted to and approved by the local planning authority.
9. Prior to first occupation of the dwellings the means of access and parking areas shall be graded, levelled, surfaced and marked out and shall be retained for the lifetime of the development.
10. 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.
11. 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.