

PLANNING APPLICATION NUMBER:P12/0977

Type of approval sought	Full Planning Permission
Ward	Quarry Bank & Dudley Wood
Applicant	Mr Q. Davies, Q Homes
Location:	LAND ADJACENT TO 15, JUDGE ROAD, QUARRY BANK, BRIERLEY HILL, DY5 2HG
Proposal	ERECTION OF 1NO DWELLING
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site currently forms part of the side/front garden area of 15 Judge Road which is enclosed by a 2m Hawthorne hedge. The rear forms part of the garden area of 32 Dunns Bank. The existing garden at the boundary with Judge Road is higher than ground to the side of 15 Judge Road by approximately 1m.
2. Judge Road is a cul-de-sac location, consisting of modern two-storey properties constructed in the late 1960's.
3. Properties located in Dunns Bank consist of variety of house types from a range of periods. No. 32 immediately to the rear being a two-storey traditional detached property. The surrounding area is wholly residential in character.

PROPOSAL

4. The application seeks approval for the erection of a two bedroom bungalow with a lower level garage. There is an extant permission for the erection of a two bedroom bungalow approved as an extension of time application to P08/1262/E2.

5. Changes to the application since the last approval comprise a different footprint/layout, a side garage with drive to the front and the removal of a separate study room.

HISTORY

App No.	Proposal	Decision	Decision Date
P07/0037	Outline application for 1 no. bungalow (access layout and scale to be considered)	Approved with Conditions	23.02.07
P08/1262	Erection of 1 No. 2 bed bungalow	Approved with Conditions	2.10.08
P08/1262/A1	Minor amendment to previous approved application p08/1262	Approved with Conditions	21.10.10
P08/1262/E1	Extension of time of previously approved application P08/1262	Withdrawn	20.04.11
P08/1262/E2	Extension of time of previously approved application P08/1262	Approved with Conditions	15.09.11

PUBLIC CONSULTATION

6. Direct notification was undertaken, to which 7 objections were received on the following grounds:
- The proposed bungalow would be out of character with the street and would form back land development.
 - The proposal would reduce privacy to neighbouring dwellings.
 - Possible loss of hedge would reduce privacy to neighbours in Dunns Bank.

- Query in relation to proposed boundary treatments.
- There are existing traffic/parking problems and the proposal will reduce highway safety.
- The access should be from Dunns Bank, rather than Judge Road.
- The drive would cause drainage/run off issues.
- The proposal would cause disruption, damage to neighbouring properties and safety issues within the cul-de-sac.
- Depreciation of property values.

OTHER CONSULTATION

7. The Group Engineer Development (GED) - Parking Standards indicate that the minimum parking standard for a 2 bed dwelling is 2.3 spaces with 2 parking spaces allocated.
8. It appears from the drawings that the garage provided is slightly under size (5.8m x 2.9m) to be considered a potential parking space and there is a possibility that some on street parking may occur which would likely result in blocking of the turning head. However, if the garage is amended to 3m x 6m internal dimensions and the garage repositioned to allow for 2 cars to be parked externally, then on balance this would be acceptable.
9. A 1m hard service margin should be provided between the existing kerb and the driveway / site boundary. This will give a margin of safety between turning vehicles and parked vehicles on the driveway and the lighting column. The driveway area between the required 1m service margin and the garage door should be increased in length and also in width to provide room for pedestrians to access the dwelling as illustrated in figure 10.7, chapter 10 of the parking standards SPD. The driveway as shown is 9.5m and below the above requirement which will result in vehicles overhanging the highway and blocking the turning head. Without such revisions address these issues, a highway objection is raised.

10. It is noted there is a fall from the driveway to the Highway. Details of drainage should be provided to ensure that there is no surface water runoff onto the 1m service margin.
11. Electric Vehicle Charging Points: Paragraph 9.9 of the Refreshed Parking Standards states that an external charging point shall be provided adjacent to at least 1 parking space for each dwelling
12. Coal Authority –A coal mining risk assessment report should be submitted as part of the application.
13. The Head of Environmental Health and Trading Standards - raises no objection, subject to ground gas and vapour conditions.

RELEVANT PLANNING POLICY

14. National Planning Guidance

The National Planning Policy Framework was published and came into immediate effect on the 27th March 2012.

15. BCCS Policies

DEL1 - Infrastructure Provision

CSP1 - The Growth Network

CSP4 – Place Making

HOU1 – Delivering Sustainable Housing Growth

HOU2 – Housing Density, Type and Accessibility

TRAN2 – Managing Transport Impacts of New Development

ENV2 – Historic Environment and Local Distinctiveness

ENV3 – Design Quality

16. Saved UDP (2005)

Policy DD1 – Urban Design

Policy DD4 – Development in Residential Areas

17. Supplementary Planning Document/Guidance

Parking Standards

New Housing Development

Planning Obligations

ASSESSMENT

18. The key issues in determination of this application are the impact upon;

- Principle of development
- Character and appearance of the area
- Residential amenities of adjoining occupiers
- Highway Safety
- Coal Mining
- New Homes Bonus

Principle of development

19. There has been a policy change, since the previous approval. NPPF now removes residential garden land from the definition of previously developed land. However, this does not preclude these sites from development proposals, subject to compliance with the local policies of the relevant Development Plan Documents, which are considered below.

Character and appearance

20. In terms of plot layout, Judge Road consists of modern semi-detached dwellings situated on a strict building line to the south of the cul-de-sac, but in a more staggered formation to the north and east, reflecting the manner in which they have been designed around the turning head. All dwellings are set back from the highway to accommodate off-street parking.

21. The arrangement of this dwelling will be a complementary addition within the street scene, as it maintains the formation around the turning head, and the staggered arrangement that occurs elsewhere in Judge Road.
22. It is accepted that the bungalow would introduce a new form of development within the street scene, but this in itself should not be viewed negatively. The modern external design treatment ensures that this development would not have an adverse effect on the character of this area. Given that the siting of the property would occur on an elevated land level in relation to 20 Judge Road, a two-storey dwelling would more likely appear over-dominant and out of character within the street scene and potentially damage the residential amenities of adjacent dwellings.
23. This development takes into account the context of surrounding dwellings and does not have an adverse impact on the character and appearance of the area, complying with BCCS Policies CSP4, ENV3 and HOU2 and saved policies DD1 and DD4 – of Dudley's UDP.

Residential amenities of adjoining occupiers

24. Located to land adjacent 15 Judge Road, the proposed siting of the dwelling does not conflict with 45-Degree Code Guidelines in relation to habitable room windows. Appropriate fencing and planting already exists on the boundary, and therefore the bungalow would not impinge on the outlook from and daylight to this dwelling.
25. Dwellings located in Dunns Bank, which are positioned to the east of the application site, have rear elevations that face the proposed development. Given the single storey scale of the bungalow, a condition to require boundary treatments to be submitted and adequate separation distances between habitable rooms can be achieved in relation to this proposed bungalow and two-storey dwellings. It is anticipated that there would not be a detrimental impact upon outlook from or privacy to the occupiers of these adjoining dwellings.

26. The applicant has shown an area of private amenity area to the side of the bungalow. Planning Guidance Note 3 suggests that for a 2 or 3 bed dwelling a minimum provision of 65m² be provided with a minimum length of 11m. Although the outline scheme showed 188m² for the garden, the current proposal with an area of some 120m² shown, would still be considered to provide adequate private amenity area for future occupiers.

27. In all instances, the requirement of saved policy DD4 of the UDP to protect residential amenity of nearby and future occupiers can be achieved.

Highway Safety

28. The extant permission could still be implemented as it does not expire until 15 September 2014. The Parking Standards and Travel Plans SPD at the time of approval of P08/1262/E2 required a maximum provision of 2 parking spaces, which were provided on the front driveway. There were no highways objection at that time and it was considered that there would be no adverse impact upon highway safety.

29. Since the approval of P08/1262/E2, the Car Parking SPD has been reviewed and was adopted in June 2012. Amended plans have now been submitted to address concerns raised by the Group Engineer by providing a 1m service margin, extending the driveway to 10.8m in length and 3.2m in width and converting the former garage to a car port.

30. It is considered that the revisions now provide for appropriate car parking facilities and a condition can be applied to provide drainage to prevent water run-off into the road. As such the proposal would accord with saved policy DD4 of the UDP and Parking Standards SPD.

Coal Mining

31. The extant permission was not the subject of a coal mining risk assessment, therefore given the fall back position of this extant permission, the requirement of the Coal Authority has been addressed with a Coal Mining condition and Informative for the applicant, which would be attached to the decision notice.

New Homes Bonus

32. Clause (124) of the Localism Act states that: Local planning authorities are to have regard to material considerations in dealing with applications including any local finance considerations, so far as material to the application. A “local finance consideration” means a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown. This may be taken to cover the payment of New Homes Bonus, or sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

33. The New Homes Bonus is designed to create an effective fiscal incentive to encourage local authorities to facilitate housing growth. It will ensure the economic benefits of growth are more visible within the local area, by matching the council tax raised on increases in effective stock.

34. The Bonus will sit alongside the existing planning system and provides local authorities with monies equal to the national average for the council tax band on each additional property and paid for the following six years as a non-ring fenced grant. In addition, to ensure that affordable homes are sufficiently prioritised within supply, there will be a simple and transparent enhancement of a flat rate £350 per annum for each additional affordable home.

35. Whilst the clause makes it clear that local finance matters are relevant to planning considerations can be taken into account, it does not change the law in any way. It is not a new basis for planning policy and it remains unlawful for planning permissions to be “bought”.

36. This proposal would provide 1 additional new residential unit generating a grant payment of 1 times the national average council tax for the relevant bands.

37. Whilst this is a significant sum of money the planning merits of the proposal are acceptable in any event and therefore this is not accorded significant weight.

CONCLUSION

38. The principle of residential development on this site would be acceptable. The proposal is sympathetic to the character of the surrounding area, while preserving the residential amenities of the adjacent neighbours and highway safety would not be adversely affected. Therefore the proposal complies with ENV 2 & ENV 3 of the Black Country Core Strategy, saved UDP Policies DD1 and DD4 of the UDP, the Design For Community Safety SPG and Parking Standards Supplementary Planning Document.

RECOMMENDATION

39. It is recommended that this application be approved subject to the following conditions;

Reason for Approval

The principle of residential development on this site would be acceptable. The proposal is sympathetic to the character of the surrounding area, while preserving the residential amenities of the adjacent neighbours and highway safety would not be adversely affected. Therefore the proposal complies with ENV 2 & ENV 3 of the Black Country Core Strategy, saved UDP Policies DD1 and DD4 of the UDP, the Design For Community Safety SPG and Parking Standards Supplementary Planning Document.

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Black Country Core Strategy (2011), the saved UDP (2005) and to all other relevant material considerations.

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.

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 hereby permitted shall be carried out in accordance with the following approved plans: 1212.002, 1212.003 rev B, 1212.004 rev B and 1212.005.
3. No development shall be carried out until a Coal Mining Risk Assessment has been carried out to identify the risks to the development proposal posed by past coal mining activity, which should be based on up-to-date coal mining information.
4. 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.
5. Where the approved risk assessment (required by Condition 4) 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.
6. Unless otherwise agreed in writing with the LPA, the approved scheme (required by Condition 5) 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.
7. 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.
8. Prior to the commencement of development, details of the landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before the end of the first planting season following initial occupation of the development.
9. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment

shall be completed before the dwelling is occupied, development shall be carried out in accordance with the approved details and retained for the life of the development.

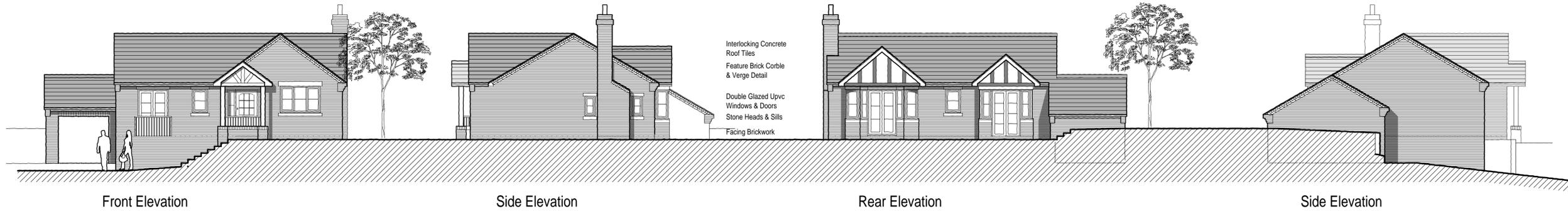
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order), no development referred to in Part 1 Classes A, B, and E of Schedule 2 to that order shall be carried out due to the limited garden depth and width available.
11. 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.
12. No front garage door(s) of any form shall be added to the carport on the plans hereby approved. The approved scheme shall be retained as such for the lifetime of the development.

P12/0977



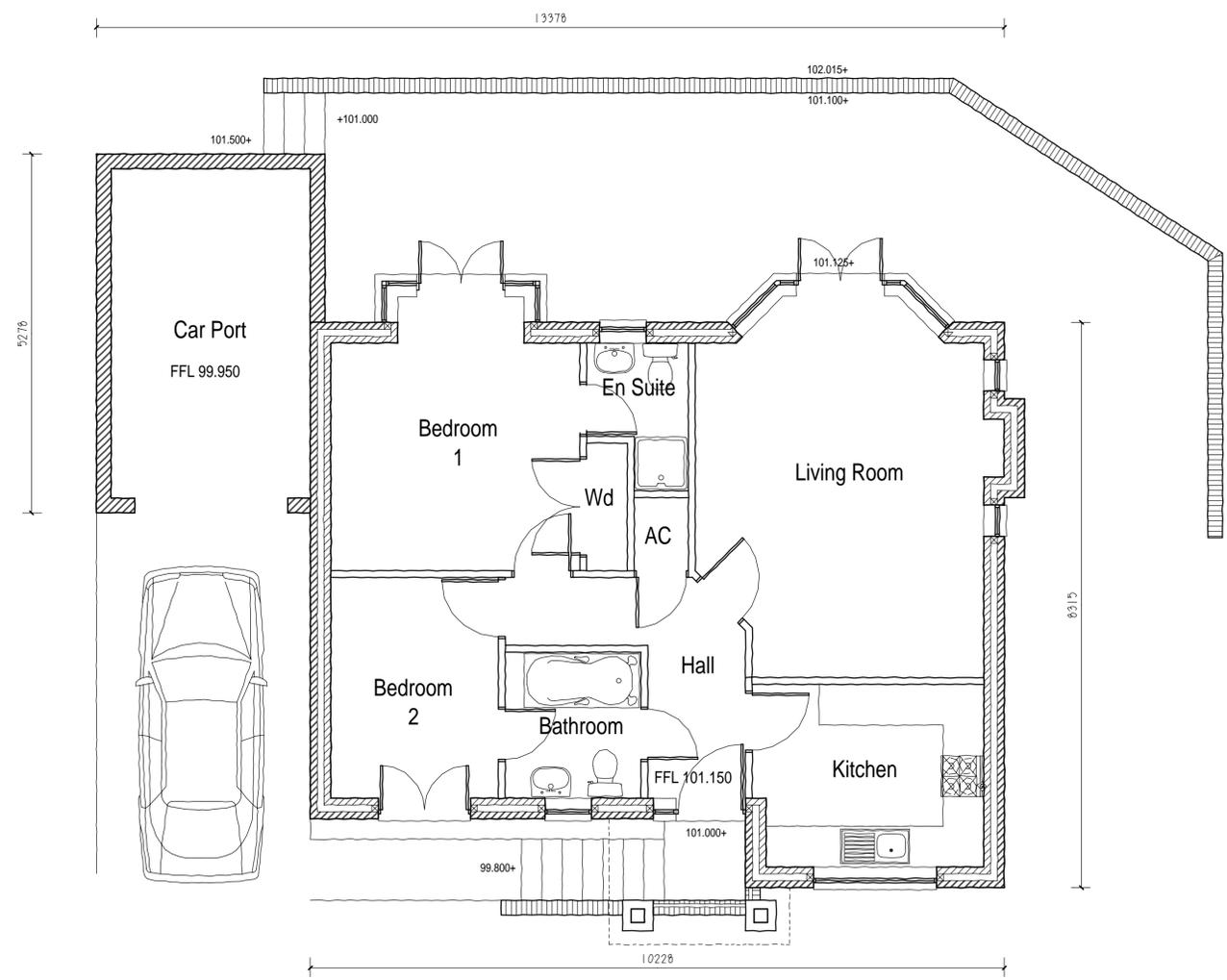
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1st Floor 161 Lower High Street Stourbridge West Mids DY8 1TS
 Telephone and Fax: 01384 371705
 All dimensions to be checked on site Do Not Scale
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 Rev. Description Drawn Chk Date
 A PLANS & ELEVATIONS REVISED & MATERIALS ADDED GCD 25.07.12
 B GARAGE REVISED FOR CAR PORT AND RE LOCATED GCD 26.09.12



SCHEDULE OF PROPOSED EXTERNAL FACING MATERIALS

- Walls**
 Field Brick :- Hanson Lindum Cottage Red Multi
 Corbel Detail :- Blue Engineering Brick
 Window Head/Cill :- Reconstituted Buff Stone
- Roofs**
 General Tiles :- Quinn Western Slate, Colour Black.
 Ridge Tiles :- Universal Angle, Colour Red.
 Bay Window Detailing :- Timber Facades, Painted.
- Windows, External Doors, Fascias And Soffits :- White Pvcu
- Rainwater Goods :- Black Pvcu



FLOOR PLAN
 Floor Area = 70.8m² (Excluding Car Port)

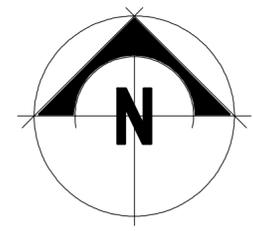
Proposed Bungalow At Land Off
 Judge Road, Quarry Bank,
 Brierley Hill
 client
 Q Homes

dwg.title Proposed Plans & Elevations			
scale 1:50/1:100 A1	rev	drawn GCD	
date June 2012	1212.004 B	checked	
Plot File:		Plot Date:	

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harc itecture



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Rev. Description Drawn Chk Date

DATUM
100.000
FFL 100.125

JUDGE ROAD

20

EXISTING SITE PLAN Scale 1:100

harc

DESIGN BUREAU

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Proposed Bungalow At Land Off
Judge Road, Quarry Bank,
Brierley Hill

client
Q Homes

dwg. title Existing Site Plan

scale 1:100 A2
date June 2012

1212.002^{rev}

drawn GCD
checked

Plot File:

Plot Date:

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