

## PLANNING APPLICATION NUMBER:P08/0299

Type of approval sought	Outline Planning Permission
Ward	NETHERTON WOODSIDE & ST ANDREWS
Applicant	Mr M Wellings
Location:	<b>LAND ADJACENT TO, 31, GADS GREEN, NETHERTON, DUDLEY, WEST MIDLANDS</b>
Proposal	<b>OUTLINE APPLICATION FOR THE ERECTION OF 2 NO DWELLINGS (ACCESS AND LAYOUT TO BE CONSIDERED)</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO A 106 AGREEMENT</b>

### SITE AND SURROUNDINGS

- 1 The planning application site consists of an irregular shaped area of land running to approx 0.08 hectares to the rear of 31 Gads Green in Netherton. Part of the site incorporates part of the formal garden area to No. 31.
- 2 The site is bounded by the host dwelling to the south and west with area of open land to the north west, which includes a number of single storey structures along the boundary. To the north is the front garden of No. 3.  
To the east if the site is steep bank rising up to a track way, serving a number of other dwellings. The track way is also a designated public right of way. To east of the track is area of open space which forms part of a local nature reserve.
- 3 The area is mixed in terms of built development with a variety of house types, plot size and ages. The most recent development is a medium sized housing development dating from the 1990s
- 4 The site is generally set lower then the surrounding dwellings (at least 2m), with either hedges or close boarded fences along its boundaries. The site is very overgrown and is presently an unattractive addition to the locality.

## PROPOSAL

- 5 This is an outline planning application for the erection of two dwellings on an area of disused land and part garden land to the rear of 31 Gad Green. Access and siting are being considered at this stage, with all other matters reserved.
- 6 The site would be accessed by a private drive from Gads Green, between a track way and No. 31, the host dwelling, with parking on drives in front of the two integral side garages.
- 7 Initially three dwellings were proposed, one detached and two semi-detached. This number has been reduced as it was considered the site was not large enough to accommodate that number of dwellings.
- 8 The overall density of the proposed development is 25 dwelling to the hectare.

## HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
P00/51768	Erection Of Two Four Bedroomed Detached Houses.	Withdrawn	04/01/2001

- 9 The previous application was withdrawn because of ownership issues. The site edged red has been amended compared with the previous application. No representations have been received regarding ownership in respect of the current application. The previous application was for two detached four bedroom houses facing towards the track.

## PUBLIC CONSULTATION

- 10 No representations have been received.

## OTHER CONSULTATION

- 11 Group Engineer (Development): No objection from highway safety or public right of way point of view. Request condition covering retaining wall.
- 12 Environmental Health and Trading Standards: Request soil gases condition.

## RELEVANT PLANNING POLICY

### Unitary Development Plan

DD1 Urban Design  
DD4 Development in Residential Areas  
DD6 Access and Transport Infrastructure  
NC1 Biodiversity  
NC6 Wildlife Species  
HE1 Local Character and Distinctiveness

### Supplementary Planning Guidance/Documents

Supplementary Planning Document on Open Space, Sport and Recreation Provision  
Nature Conservation Supplementary Planning Document  
Parking Standards and Travel Plans Supplementary Planning Document  
New Housing Development Supplementary Planning Document  
Planning Obligations Supplementary Planning Document

## ASSESSMENT

- 13 The main issues are:
  - Policy
  - Design and Layout
  - Density
  - Access and Parking
  - Neighbour Amenity

- Ecology
- Planning obligations

### Policy

- 14 The application site is within the built up area in an area which is principally residential in character, therefore no objection is raised in principle to the development of the site for housing (policy DD4).
- 15 The site adjoins a housing renewal area (policy UR6), linear open space (policy SO2) and a local nature reserve (policy NC4).

### Layout and Design

- 16 The proposed layout is considered to be acceptable with access to the dwellings onto the private drive. The removal of the third dwelling provides the opportunity to remove the proposed integral garages which are considered to be untidy when provided in the centre of a house.

### Density

- 17 The density of the proposed development at 25 dwellings to the hectare is below the indicative minimum density requirement of 30 dwellings to the hectare outlined in PPS3. However, this is considered to be acceptable as a number of the adjoining dwellings are below this figure with the figure being further reduced as a significant part of the site consists of the access drive.

### Access and Parking

- 18 The access to the site is by way of a proposed private drive from Gads Green. The Group Engineer has raised no objection to the proposed development as there is sufficient visibility onto the adopted highway with room within the site for turning.

- 19     Parking is provided in one garage to each house with a further space in front of each garage. The proposed garages and spaces comply with the indicative dimensions outlined in Manual for Streets.

### Neighbour Amenity

- 20     The proposed development is not considered to cause any significant harm to neighbour amenity. The distance between the proposed windows and the dwellings on St Peter Road is at least 30m which more than satisfies the guidance in PGN3. The distance to No. 3 Gads Green is also considered acceptable.
- 21     The relationship with the host dwelling is more complicated. The distance between windows would be about 14m which is less than required by PGN3. However, the relationship is not directly back to back, and due to the levels change between the host dwelling (a bungalow) and the proposed dwelling, the new dwellings would be set some 2-2.5m lower than the host dwelling the relationship would be more like bungalow to bungalow and therefore the distance proposed would be sufficient to maintain privacy, with the provision of a fence or planting. Therefore no objection is raised.

### Ecology

- 22     The site adjoins a local nature reserve and therefore ecological considerations are of paramount importance. An ecological survey has been submitted with the application. The survey concludes that there are no protected species on site and that no specific mitigation measures are required. It does note that Japanese Knotweed is present and an informative bringing this to the attention of the applicants is proposed.
- 23     There are no significant trees within the site, however, there are hedges around some of the boundaries and a condition is proposed to retain as much of the hedges as practical.

## Planning obligations

- 24 The planning application was submitted after mid December 2007 and as such the Planning Obligations Supplementary Planning Document is material in this case.
- 25 The written agreement of the applicant has been received agreeing to enter into a legal agreement covering public open space, children play, local libraries, public realm and local transport infrastructure improvements.

## CONCLUSION

- 26 The proposed development is acceptable from a policy point of view. It also causes no undue harm to neighbour amenity, highway safety or local wildlife. The siting is also considered to be acceptable as well. Regard has been given to policies DD1 DD4 DD6 NC1 NC6 and HE1 of the Dudley Unitary Development Plan.

## RECOMMENDATION

It is recommended that the application be approved subject to the following conditions:

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, maintenance and enhancement of off-site public open space and play provision, improvements to local libraries, public realm and local transport infrastructure has been submitted to and agreed in writing by the Local Planning Authority.
- b) The following conditions with delegated powers to the Director of the Urban Environment to make necessary amendments to these as necessary.

### Reason for approval

The proposed development is acceptable from a policy point of view. It also causes no undue harm to neighbour amenity, highway safety or local wildlife. The siting is also considered to be acceptable as well. Regard has been given to policies DD1 DD4 DD6 NC1 NC6 and HE1 of the Dudley Unitary Development Plan.

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Dudley 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.

The development hereby permitted shall be built in accordance with the approved plans numbered 1229-OP-01A received 8 April 2008 unless otherwise agreed in writing by the Local Planning Authority.

### Informatives

In discharging the landscape condition the applicant should have regard to the use of planting which is native and encourages wildlife.

It should be ensured that work (including site clearance work) does not disturb nesting birds. Birds can nest in many places including buildings, hedgerows, trees and open grassland. Nesting birds are protected under the 1981 Wildlife and Countryside Act. The main nesting season lasts approximately from March to September, so any work to the site should take place outside these dates if at all possible. N.B. birds can nest at any time, and the site should ideally be checked for their presence immediately before work starts.

Bats and their roost sites are protected under the 1981 Wildlife and Countryside Act. In the event of bats being present, Natural England must be contacted on 01453 764450 immediately for advice on the best way to proceed.

Japanese Knot Weed is present on site and under the Countryside and Wildlife Act 1981 it is an offence to plant or cause to grow in the wild. Cut knotweed material and soil containing rhizomes must be disposed of as a controlled waste.

Conditions and/or reasons:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
2. Approval of the details of appearance layout, and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority before any development is begun.
3. Development shall not commence until an arrangement for the provision of off site public open space and play area improvements together with improvements to local libraries, public realm and local transport infrastructure has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the method, timing and arrangements to comply with the Council's policies for the provision of the infrastructure required in connection with the proposed development.
4. No part of the development hereby permitted shall be commenced until detailed plans and sections showing existing site levels and finished floor levels of the dwellings have been submitted to and approved in writing by the Local Planning Authority and the development thereafter shall only be carried out as approved.
5. No part of the development hereby permitted shall be commenced until samples of all external materials to be used on the walls and roof have been submitted to and approved in writing by the Local Planning Authority and thereafter the development shall only be constructed in accordance with these approved details.
6. No part of the development hereby permitted shall be commenced until full details of soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details must include, where appropriate, planting plans, written specifications, a schedule of plants including species, plant sizes and proposed numbers/densities and a programme of implementation. Plans must also include accurate plotting of all existing landscape features. The works approved as part of this condition shall be completed within the first planting season following the first occupation of any part of the development.

Any trees or shrubs planted in pursuance of this permission including any planting in replacement for it which is removed, uprooted, severely damaged, destroyed or



dies within a period of five years from the date of planting shall be replaced by trees or shrubs of the same size and species and in the same place unless otherwise agreed in writing by the District Planning Authority.

7. No development shall take place until there has been submitted to, and approved in writing by the local planning authority details of the tree protection measures on site. The details shall include:

- a. A plan showing the location and identification (with reference to a survey schedule if necessary) of all trees on, or directly adjacent to the development site, that are to be retained during construction. These trees are to be marked with a continuous outline.

- b. A plan showing the location and identification (with reference to a survey schedule if necessary) of all the trees on, or directly adjacent to the development site that are to be removed prior to, or during development. These trees are to be marked with a dashed outline.

- c. A plan showing the extent of the Root Protection Area, which is to be protected by physical barriers during development. The extent of the area that is to be protected is to be calculated in accordance with Clause 5.2 of British Standard BS: 5837 – 2005 'Trees in Relation to Construction – Recommendations'.

- d. Design details of the proposed protective barriers to be erected around the trees during development. Any protection barriers should be designed and constructed in accordance with the provisions set out in section 9.2 of British Standard BS:5837 – 2005 'Trees in Relation to Construction – Recommendations'.

To ensure that those trees and hedges to be retained on the development site are not subject to damage because of either works carried out on site or during the carrying out of such works, in accordance with policy NC10 of the Dudley MBC Unitary Development Plan 2005.

8. No part of the development hereby permitted shall be commenced until details of the positions, design, materials and type of boundary treatment or means of enclosure have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until these works have been carried out in accordance with the approved details.
9. No part of the development hereby permitted shall be commenced until details of the positions, design, materials and type of boundary treatment or means of enclosure have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until these works have been carried out in accordance with the approved details.
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 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.

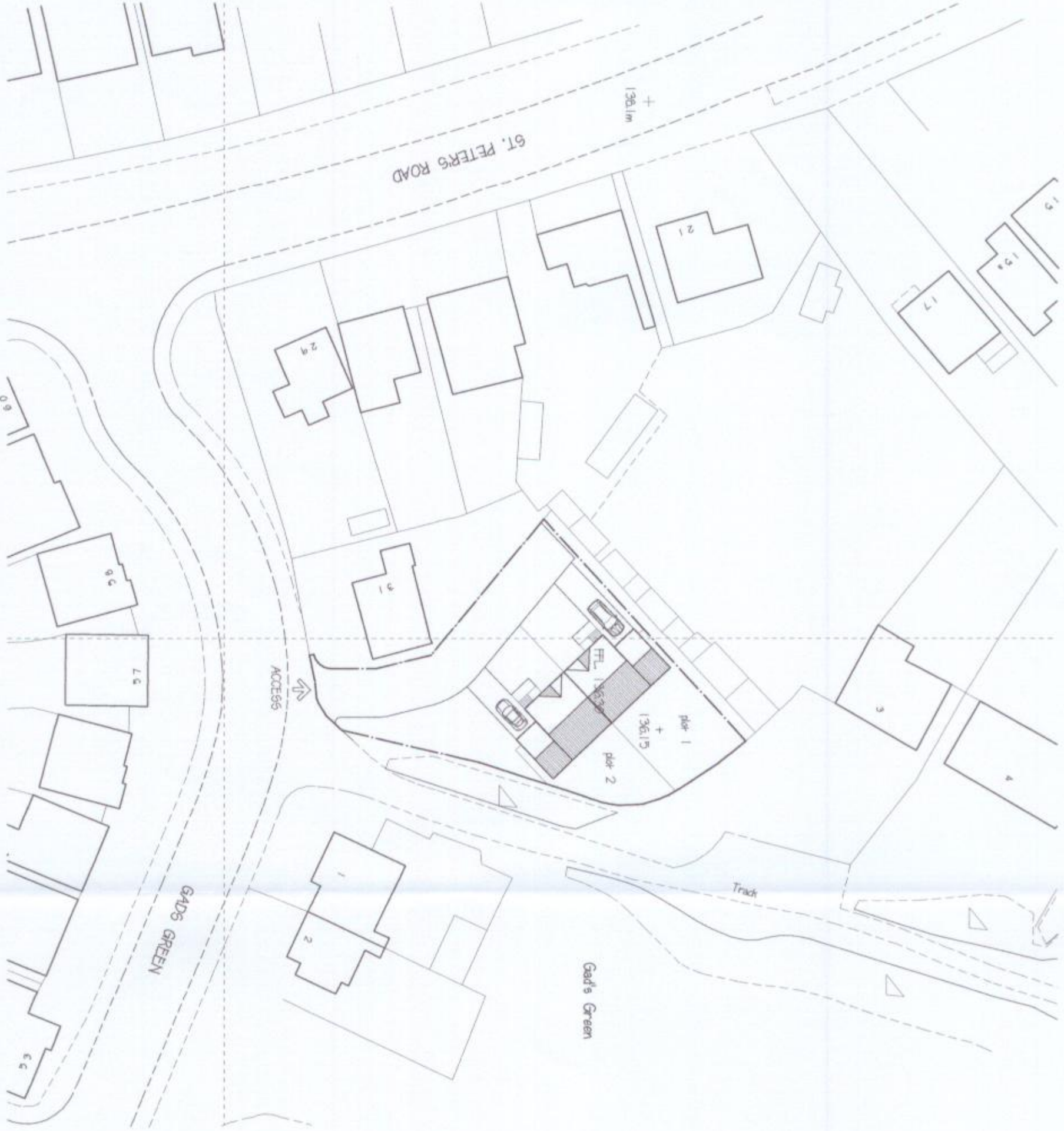
11. The development hereby approved shall not be first occupied until the access drive and parking areas has been laid out in accordance with details shown on the approved plan. The access drive and parking areas shall thereafter be retained from the life of the development.
12. The access drive and parking areas shall be surfaced in a manner to prevent extraneous material from being deposited on the public highway.
13. None of the development hereby approved shall be first commenced until details of any retaining walls or structures which are to be provided have been submitted to and approved in writing by the Local Planning Authority. The retaining walls/structures shall thereafter be provided in accordance with the approved plans.
14. The development hereby approved shall be limited to no more than two stories in height.

108/0244

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location plan 1:1250



Block plan 1:500

Site Area = c. 750m<sup>2</sup> (0.080 Pt<sup>2</sup>/0.08 ha)

plots 1 and 2 - 3 bed semi's with garage

Nbr Structure and ground levels are approx. and are to be verified.

Approved

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DATE	17/04/08		
BY	Mr M Wellings		
PROJECT	proposed housing development of 31 Gad's Green, Wokingham		
SCALE	DATE	SCALE	DATE
1:500	01-08	GWD	
drawing no.	1229-CP-01		version
			A