

PLANNING APPLICATION NUMBER:P07/2100

Type of approval sought	Outline Planning Permission
Ward	Norton
Applicant	Mr & Mrs K Boxley
Location:	ASHTON LODGE, QUARRY PARK ROAD, STOURBRIDGE, WEST MIDLANDS, DY8 2RE
Proposal	DEMOLITION OF BUNGALOW AND GARAGES AND ERECTION OF 2 NO. DETACHED DWELLINGS AND GARAGES (OUTLINE) (ACCESS AND LAYOUT TO BE CONSIDERED) (RESUBMISSION OF WITHDRAWN APPLICATION P07/1532)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application property is a large L-shaped detached bungalow built in the early 1960's located on a plot some 0.5 acres in area. The plot is unusual in that, the side access to the dwelling leads to the rear of the dwelling, which is the main access into the property. The private garden is therefore located to the front and side of the dwelling, benefiting from maximum sunlight standards. The boundaries consist of mature trees and landscaping, protected by Tree Preservation Orders.
2. The area in which this property is located is a high-quality mature suburb, characterised by large individually designed properties on substantial plots with mature landscaping or walls to the frontages enclosing the plots. In recent years infill and subdivision of plots has taken place.
3. The site is adjoined by residential dwellings on all sides, directly opposite a private access (Brunswick Gate) leads to 'gated community' of 15 dwellings.

PROPOSAL

4. The application seeks outline approval for the erection of 2 detached dwellings, with a maximum height of 10m; access and layout are to be considered.
5. Each dwelling would have separate accesses and a single storey double garage, with a maximum height of 4.5m. Several trees would need to be removed to allow the dwellings to be erected.
6. An amended layout plan was submitted following concerns with impact on protected trees, and showed repositioning of access drives.

HISTORY

App No.	Proposal	Decision	Decision Date
P07/1532	Demolition of bungalow and garages and erection of 2 No. dwellings and 2 No. detached garages (outline - access and layout to be considered) (resubmission of withdrawn application P07/0524).	Withdrawn	21/08/2007
P07/0524	Demolition of bungalow and garages and erection of 2 No. dwellings (Outline) (all matters reserved).	Withdrawn	27/04/2007

7. Planning application P07/0524 was withdrawn following the need for a more extensive bat survey to be carried out. P07/1532 proposed large detached garages some 7m high, that would have been situated only 8m away from the public footpath, this was considered inappropriate and therefore the applicant withdrew the scheme to allow amendments to be made.

PUBLIC CONSULTATION

8. Direct notification was carried out to all adjoining properties as a result of which 1 letter of objection has been received, concerns can be summarised as follows;
- More noise and pollution.
 - Over-development on plot and out of character
 - Detrimental impact on trees and flora
 - Outside building line
9. Non planning related objections are also included in this objection;
- Building should be restricted to covenant restrictions.
 - Access to the road for construction vehicles is via a weight-restricted road.

OTHER CONSULTATION

10. The Group Engineer (Development) (GED): raises no objection.
11. The Head of Public Protection: raises no objection.
12. The Tree Protection Officer: raises no objection, subject to conditions.
13. The Nature Conservation Officer: raises no objection subject to conditions.

RELEVANT PLANNING POLICY

14. Adopted UDP (2005)
- 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 NC6 – Wildlife Species

Policy NC10 – The Urban Forest

15. Supplementary Planning Document
Parking Standards and Travel Plans
Nature Conservation
New Housing Development
16. Supplementary Planning Guidance
PGN3 – New Housing Development

ASSESSMENT

17. The key issues in determination of this application are the impact upon;
 - Character and appearance of the area
 - Residential amenities of nearby occupiers
 - Highway safety
 - Nature conservation

Character and appearance

18. Policy DD4 – Development in Residential Areas, seeks to ensure that residential development will be allowed where,
 - *there would be no adverse effect on the character of the area or upon residential amenity*
 - *the scale, nature and intensity of the use of the proposed development would be in keeping with the surrounding area.*
19. The thrust of national guidance in PPS3 maintains the emphasis on making the best use of previously developed land. It states ‘New development should be of high quality, inclusive design and layout ... and be informed by its wider context, having regard not just to neighbouring buildings but to the townscape and landscape of the wider locality.’ (paragraph 37). In this mature suburban area, characterised by low-density development the proposed dwellings to be built at a density of some 10dph

are still considered to make efficient and effective use of previously developed land and therefore is consistent with national policy and Policies H3 and H6 of the Adopted UDP.

20. It is considered that two dwellings on this plot have been laid out to reflect the pattern of development in this area. For instance, on immediate access to Quarry Park Road (east of the development site), narrower plots of 16m to 23m are located. The layout plan submitted show similar sizes. The layout would retain a sympathetic building line with adjacent dwellings, and although the garages would protrude further forward than the dwellings, the limited scale of these, coupled with the landscaping around this and adjacent dwellings would ensure that these are not prominent.
21. With a distance of some 15m from the single storey detached garages and the front boundary, the characteristic large front gardens are retained. Each garden would be 22m long providing an approximate area of 400m², ample for future occupiers.
22. With careful design treatment in the reserved matters stage, it is considered that this development would not have an adverse effect on the character of this area. Two-storey dwelling predominate in this area, and therefore it is considered that a sympathetic scheme which takes into account the context of surrounding dwellings can be achieved.
23. An important feature in this area is the prevalence of mature trees and landscaping. Indicative plans shows that majority of trees will be retained on site, particularly important are those on the frontage of the site, which inform the natural setting of this area. The Tree Protection Officer recommended that a BS 5837 – Tree Survey be carried out at an early design stage to ensure no adverse impact on the retained trees. This has been carried out and has incorporated Root Protection Areas, on this basis Policy NC10 has duly been complied with.

24. 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 Policies H3, H6, DD1, DD4 and NC10 – of Dudley's Adopted UDP.

Residential Amenity

25. There is approximately 16.5m between the gable to gable relationship of Plot 2 and Richmond Lodge. There can be no objection on grounds of loss of privacy or outlook in this respect, especially as boundary treatment between these properties will be retained. At this stage window positions are not shown and therefore should this application be approved, they would need to be considered as part of future reserved matter schemes.
26. Plot 1 does protrude further back than rear elevation of The Orchard, however, as there is 17m retained between gable elevations, there would be no conflict with 45-Degree Code guidelines, thereby protecting outlook, daylight and privacy.
27. In all instances, the requirement of Policy DD4 of the UDP to protect residential amenity of nearby occupiers can be achieved.

Highway Safety

28. The GED has raised no objections; ample off-street parking would be provided, ensuring that no adverse impact upon highway safety would occur in accordance with Policy DD6.

Nature Conservation

29. The Bat Survey submitted under the requirements of Policy NC6, conclude that the survey of the existing property found trace of bat activity, and therefore it is likely that bats use this property for shelter. A number of conditions are therefore attached to comply with Policy NC6 and Nature Conservation SPD.

CONCLUSION

30. Consistent with national planning guidance, the proposal makes efficient and effective use of land within the urban area for residential development. Whilst several matters are reserved for subsequent approval, the principle of the two dwellings in the position shown are acceptable, with careful design treatment, the character of the surrounding area, residential amenities of the adjacent neighbours and highway safety will not be adversely affected. With appropriate conditions nature conservation interests would be protected. Therefore the proposal complies with Policies DD1 – Urban Design, DD4 – Development in Residential Areas, DD6 – Access and Transport Infrastructure, H3 – Housing Assessment Criteria and H6 – Housing Density, NC6 – Wildlife Species, NC10 – The Urban Forest of the Adopted Unitary Development Plan (2005), Supplementary Planning Documents: Parking Standards and Travel Plans, Nature Conservation and New Housing Development and PGN 3– New Housing Development.

ECOMMENDATION

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

REASON FOR GRANT OF PLANNING PERMISSION

Consistent with national planning guidance, the proposal makes efficient and effective use of land within the urban area for residential development. Whilst several matters are reserved for subsequent approval, the principle of the two dwellings in the position shown are acceptable, with careful design treatment, the character of the surrounding area, residential amenities of the adjacent neighbours and highway safety will not be adversely affected. With appropriate conditions nature conservation interests would be protected. Therefore the proposal complies with Policies DD1 – Urban Design, DD4 – Development in Residential Areas, DD6 – Access and Transport Infrastructure, H3 – Housing Assessment Criteria and H6 – Housing Density, NC6 – Wildlife Species, NC10 – The Urban Forest of the Adopted

Unitary Development Plan (2005), Supplementary Planning Documents: Parking Standards and Travel Plans, Nature Conservation and New Housing Development and PGN 3– New Housing Development.

INFORMATIVE

For the avoidance of doubt, this permission relates to plans marked 1, 2, 3, 4, 5, 6 and 7 and shall be implemented in strict accordance with this plan unless otherwise agreed in writing with the LPA.

Conditions and/or reasons:

1. Approval of the details of the scale and appearance of the buildings, and the landscaping of the site (hereinafter 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 matters to be approved.
3. 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.
4. 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.
5. Development shall not begin until details of the existing and proposed levels of the site, which should be related to those of adjoining land and highways, have been submitted to and approved by the local planning authority.
6. Prior to first occupation of the dwellings the means of access and parking areas will be provided in accordance with the approved details and graded, levelled, surfaced, drained and marked out. These areas will be maintained thereafter for no other purpose for the life of the development.
7. No works should commence, or continue, if the most recent protected species survey and assessment is over 12 months old. These surveys and assessments must be of, or above, the standard detailed within the Nature Conservation SPD. They must include the whole of the site and be carried out by an experienced and qualified ecological consultant and integrated into a site mitigation plan. All of these must be submitted to and approved in writing by the Council before any works commence (or continue). All works must be carried out in accordance to the approved plan.

8. Landscape plans (including establishment and maintenance programme), taking into account appropriate improvements for nature conservation should be submitted and approved by the Council's Ecological Advisors before any work commences. This should include provision of bat 'friendly' plantings. All works must be carried out in accordance to the approved plans and programmes.
9. A plan detailing suitable provision and location of two brown long-eared bat lofts and 4 number woodcrete style bat boxes/tubes/bricks/tiles incorporated into the new buildings on site. Modifications to the structure and provision of these artificial roosts will be carried out by experienced professionals, informed by a suitable monitoring programme. Details of the plans will be submitted and approved in writing by the Council before any works proceed. All works must be carried out in accordance to the approved plan. Monitoring reports and details of amendments will be provided to the Council as soon as they become available.
10. If protected species are found during any stage of the development all works must stop immediately and Natural England, the project's ecologist and the Council's Nature Conservation Officer must be contacted immediately. Works should not re-commence until relevant licences have been obtained and written permission is granted by Natural England and the Council.
11. Tiles and other features where bats or birds could be present (see the ecological reports for details) should be removed carefully by hand. If bats or nesting birds are found or suspected all works must stop immediately and Natural England, the project's ecologist and the Council's Nature Conservation Officer must be contacted at once. Works should not re-commence until relevant licences have been obtained and written permission is granted by Natural England and the Council. All works must be carried out in accordance to any licences obtained.
12. The demolition of the buildings and the clearance of trees and other vegetation should avoid the bird nesting season (February – August inclusive) unless a breeding bird assessment (with recommendations) is carried out by a trained ecologist within 7 days of the works commencing. This should be submitted in writing and approved by the Council before works begin. All works must be carried out in accordance to the approved assessment's recommendations.
13. Any outside lighting should be close to the ground and directed downwards. It should be activated by a timed sensor with a low movement sensitivity, so as not to be triggered by wildlife. A plan detailing outside lighting will be submitted and approved in writing by the Council before any works proceed. All works must be carried out in accordance to the approved plan.
14. No development shall take place until there has been submitted, 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 will 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'.
15. No development or other operations shall commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall commence on site until the approved tree felling and pruning works have been completed. All tree felling and pruning shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998 (1989) Recommendations for Tree Work.
 16. The existing trees shown on the approved plans to be retained shall not be damaged or destroyed, uprooted, felled, lopped or topped during the construction period of the development without prior written consent of the local planning authority. Any trees removed without such consent or dying or being seriously damaged or diseased during that period shall be replaced with healthy trees of such size and species as may be agreed in writing by the local planning authority.
 17. All excavations to be undertaken within 6 metres of the stem of existing trees on site shall be undertaken in accordance with NJUG Publication number 10 'Guidelines for the Planning, Installation and Maintenance of Utility Services in proximity to Trees'.
 18. No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed service and foul and surface water drainage layout has been submitted to and approved in writing by the Local Planning Authority. Such layout shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved service/drainage layout.
 19. No development shall take place until there has been submitted to and approved in writing by the local planning authority technical details of any proposed driveway / parking area within 3 metres of the outer canopy spread of any existing tree situated on or off the site. The details of the vehicular access and parking areas shall include existing and proposed ground levels, materials to be used and the relative time of construction within the whole development and must be in accordance with appropriate guidelines, namely BS 5837:2005 'Trees in Relation to Construction' and Arboricultural Advisory & Information Service Practice Note 'Driveways Close to Trees' (1996). Any driveway / parking areas within 3 metres of existing trees must be constructed using minimum excavation techniques incorporating appropriate surfaces to avoid damage to trees and to prevent any potential direct or indirect damage caused by trees.