

PLANNING APPLICATION NUMBER: P08/0399

Type of approval sought	Full Planning Permission
Ward	NORTON
Applicant	Heritage Oak Developments
Location:	3, PEARTREE DRIVE, PEDMORE, STOURBRIDGE, DY8 2LB
Proposal	ERECTION OF 2 NO. 4 BEDROOM DETACHED DWELLINGS (RESUBMISSION OF WITHDRAWN APPLICATION P07/1794)
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The site is situated within a well established residential area. The site is currently occupied by one large detached bungalow with two storey houses on either side. Peartree Drive slopes down from its junction with Love Lane. As a result No 1 Peartree Drive is set at a higher level than the application site, which itself is slightly higher than No 5 Peartree Drive. The detached houses on the opposite side of Peartree Drive are also set at a higher level than the application site.

PROPOSAL

2. The application is for the erection of 2 No 4 bedroom detached houses. Both would have hipped roofs and front gables but with different architectural styles. Despite this both would be 9.5m wide, have maximum depths of 10.2m and have a maximum height of 7.4m.
3. An amended scheme has been submitted which indicates off-street parking for 3 No vehicles for each dwelling.

HISTORY

4.

APPLICATION No.	PROPOSAL	DECISION	DATE
SB/63/138	Outline: residential development	Approve	06/06/63
SB/66/491	Outline: development of Oakleigh Estate	Approve	29/11/66
SB/67/184	One detached bungalow and garage	Approve	25/05/67
P07/1794	Demolition of existing dwelling and erection of 2No four bedroom detached dwellings	Withdrawn	07/11/07

PUBLIC CONSULTATION

5. There have been 8 letters of objection received to the original application which make the following comments:

- Loss of privacy;
- Out of character with area;
- Higher housing density and smaller frontage inconsistent with the surrounding area;
- Set a precedent for higher density housing, other houses on the estate could do the same and the character of the area would change;
- Increase in cars and traffic and resultant adverse impact on community;
- Already on-street parking from this bungalow which poses a traffic hazard and reduces visibility when leaving driveway;
- Insufficient parking, parking on footway will take place putting public safety at risk;
- Loss of outlook and light from side facing bedroom and lounge windows which would look onto brick wall;
- Development would damage a TPO Larch Tree in garden of No 5;

- Hedges, shrubs and trees which provide privacy would be destroyed by the development;
 - No shortage of 4 bedroom houses in the area;
 - A profit making exercise.
6. 3 No letter of objection has been received to the amended scheme which reiterate many of the above comments and make the additional comments:
- There would be constant manoeuvring of cars. Cars parked on the driveway would have to be moved to let the other out, this is unworkable;
 - A three bedroom bungalow would be replaced by two houses with eight bedrooms. There would be regular on street parking. There is already on-street parking in Peartree Drive from Love Lane residents.
 - Less ground absorption, more water going down drains, more risk of flooding

OTHER CONSULTATION

7. Group Engineer - Development – original scheme – insufficient parking provision due to insufficient garage and driveway sizes would lead to an obstruction of public highway due to inadequate driveway lengths displacing vehicles from the development onto Peartree Drive.

Amended scheme: The necessary amendments have been made. No objections subject to conditions.

8. Head of Public Protection and Trading Standards – no objection received at time of writing report

RELEVANT PLANNING POLICY

9. National Planning Guidance
Planning Policy Statement 3 – Housing

10. Adopted Dudley Unitary Development Plan

- Policy DD1 Urban Design
- Policy DD4 Development in Residential Areas
- Policy DD6 Access and Transport Infrastructure
- Policy AM14 Parking
- Policy H1 New Housing Development
- Policy H3 Housing Assessment Criteria
- Policy H6 Housing Density
- Policy NC1 – Biodiversity
- Policy NC6 – Wildlife Species
- Policy HE1 Local character and distinctiveness
- Policy S5 Local distinctiveness

11. Supplementary Planning Guidance

Planning Guidance Note No 3 New Housing Development

12. Supplementary Planning Documents

New Housing Development – a guide to establishing the urban context

Parking standards and travel plans

ASSESSMENT

Key Issues

- Principle
- Design and Appearance
- Density
- Impact upon the amenities of the occupants of adjacent dwellings
- Nature Conservation
- Tree Preservation Order
- Access and Parking
- Planning Obligations

Principle

13. The site is situated within a well established residential area and currently contains a large bungalow. It has no specific designation within the adopted Dudley Unitary Development Plan. There are two-storey houses on either side of the existing bungalow. It is considered therefore that its demolition and replacement with two two-storey dwellings would be acceptable in principle.

Density

14. A number of local residents have raised concerns about the increased density on the site and the change in the character of the area if development takes place. The existing density on the site represents a density of 14.3 dwellings per ha as is the density of the adjacent dwelling No 1 Peartree Drive. No 5 Peartree Drive is a single dwelling on a larger plot and consequently has a density of 7.7 dwellings per ha. However, detached houses opposite (Nos 2 and 4 Peartree Drive) have a density of 22.2 dwellings per ha and further down the street the density as Nos 12 and 14 Peartree Drive would be 28.6. If the site were to be developed for two dwellings the density of development on the site would rise to 28.6 dwellings per ha. Given the range of comparatively low density housing on the estate and the fact that the development of two dwellings on this site would match the density of other development within the same street, it is considered to be acceptable.

Design and Appearance

15. The application indicates the construction of two, four bedroom detached dwellings. They would have the same width and maximum depth and be of the same maximum height. Both would have hipped roofs. They would however vary in architectural design in order to overcome existing constraints on the site which are discussed in paragraphs 16 and 21 below. On balance, given the relatively modern age of the

estate with varying architectural styles it is considered that the design of the dwellings and appearance of the houses would be acceptable.

Impact on the amenities of the occupants of adjacent dwellings

16. No 1 Peartree Drive is set at a higher level than the application site. It has three side facing windows which face onto the site. The occupant of No 1 Peartree Drive has objected to the impact of the development on these windows. Two narrow secondary lounge windows are at ground floor level and one larger bedroom window which is also a secondary light source. The ground floor windows already face the existing bungalow and therefore the impact of the development upon them would be minimal. However, the side facing bedroom window currently affords views over the roof of the bungalow to houses further down Peartree Drive and to glimpses of countryside beyond. In order to reduce the impact of the development on this window the applicant has set back the first floor element of Plot No 1 so that there would be no rooms above the garage. As such there would be a distance of almost 6.0m between the side facing bedroom window and the two-storey element of Plot No 1. Taking this into account and the fact that No 1 Peartree Drive would be set at a higher level than the new adjacent house, and that the side window is a secondary light source, it is considered that the impact on this window would, on balance, be acceptable.

17. The curtilage of No 5 Peartree Drive is located directly to the south west of the site. It is a large detached house situated in extensive grounds which contain a number of trees covered by Tree Preservation Orders. The building is set well back behind the existing building line due to frontage TPO trees. The house is also set in 4.5m from the side boundary with the application site. The juxtaposition of plot No 2 (adjacent to No 5 Peartree Drive) and No 5 Peartree Drive would be such that habitable windows would not face each other. Views from the rear first floor bedroom windows of the new property towards No 5 Peartree Drive would be of an obtuse angle and therefore unlikely to create loss of privacy. Furthermore, a TPO tree in the side garden of No 5 Peartree Drive would also assist in breaking up views into the side and rear garden of No 5 Peartree Drive.

18. The site backs on to houses in Alderlea Close. Concerns regarding loss of privacy have been received from residents of Nos 4 and 6 which abut the site at the rear. However, the distance between facing habitable room windows of these existing houses and the new dwellings would be in excess of 24m. This would be acceptable with regard to guidance contained in Supplementary Planning Guidance Note No 3 New Housing Development.

Nature Conservation

19. A bat and Great crested newt assessment has been provided as part of the submission. No evidence of bat roosts have been found on the site although there are bats within the locality. It is therefore considered appropriate to place conditions on an approval for the provision of bat tiles and bricks on the new dwellings and the provision of a suitable outdoor lighting scheme to prevent the disruption of bat flight paths.
20. To the southwest of No 5 Peartree Drive is a pond with a report of Great crested newts being present. However, the record is over 20 years old and may relate to a time before much of the existing housing had arrived in the surrounding area. No other Great crested newt records are known within c4km and no other connected ponds are apparent in the area from a study of aerial photographs. Having considered the matter therefore it is likely that the suitability of the pool for Great crested newts is low. In any event, the application site is reasonably disconnected from the site and suitable terrestrial habitat for the newts is located adjacent to the pond, limiting the likelihood of them entering the proposal site. On this basis, although the likelihood of Great crested newts being present on the application site is low, a condition would be prudent to ensure that a hand search is made during the clearance of the site.

Tree Preservation Order

21. There a number of trees within the curtilage of the adjacent site, No 5 Peartree Drive. Some are close to the boundary with the application site. The siting and design of Plot No 2 has been influenced by these trees. In particular, the ground floor utility has been pulled back with the first floor slightly cantilevered over to prevent root damage. This is considered to be sufficient and that the excavations of foundations would not adversely affect trees on the adjacent site. Conditions would be required however to control the excavations for the patio area and side path which would be in root protection zones of some TPO trees.

Access and Parking

22. Access to each dwelling would be via a driveway onto Peartree Drive. The Head of Public Protection has not made any objections to this which would be in accordance with Policy DD6 of the adopted Dudley Unitary Development Plan.
23. The parking requirement for each 4 No bedroom dwelling would be three off-street parking spaces. There are concerns from neighbours that the scheme would provide insufficient parking leading to on-street parking. However, the applicant has submitted an amended scheme which indicates a garage for each dwelling having internal measurements of 3.0m by 5.5m and two other parking spaces in front of each dwelling. As such the parking requirement for each house would be provided in accordance with Policy AM14 of the adopted Dudley Unitary Development Plan and Supplementary Planning Document "Parking Standards and Travel Plans".

Planning Obligations

24. The proposal attracts a requirement for a commuted sum to be paid towards the provision and enhancement of public open space and play areas in the locality; libraries; public realm and transport improvements. This can be dealt with in a legal

agreement to accompany the application. The total amount of money would be £7,682.82.

CONCLUSION

25. The site is situated within a well established residential area. It contains a large detached bungalow which is surrounded by two-storey detached dwellings. The re-development of the site for two houses would produce a similar density to other dwellings in Peartree Drive. The character of the area would therefore not be adversely affected by this development which is also supported in terms of scale and appearance. The design of the dwellings overcome issues concerning the impact upon the side facing window of No 1 Peartree Drive and the Tree Preservation Order trees in the garden of No 5 Peartree Drive. Distances between habitable room windows would be acceptable and it is considered that the privacy of adjacent residents would not be adversely affected. No obvious or immediate consequences of the development have been identified for Great crested newts or bats. Adequate off-street parking for each property would be provided. As such the application is compliant with Policies DD1, DD4, DD6, AM14, H6, HE1, NC1, NC6 and S5 of the adopted Dudley Unitary Development Plan, Supplementary Planning Guidance Note No 3 'New Housing Development' and Supplementary Planning Document 'Parking Standards and Travel Plans'.

RECOMMENDATION

26. It is recommended that the application is 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, libraries, public realm and transport improvements} 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 amendments to these as necessary

Reason for Approval

The site is situated within a well established residential area. It contains a large detached bungalow which is surrounded by two-storey detached dwellings. The re-development of the site for two houses would produce a similar density to other dwellings in Peartree Drive. The character of the area would therefore not be adversely affected by this development which is also supported in terms of scale and appearance. The design of the dwellings overcome issues concerning the impact upon the side facing window of No 1 Peartree Drive and the Tree Preservation Order trees in the garden of No 5 Peartree Drive. Distances between habitable room windows would be acceptable and it is considered that the privacy of adjacent residents would not be adversely affected. No obvious or immediate consequences of the development have been identified for great crested newts or bats. Adequate off-street parking for each property would be provided. As such the application is compliant with Policies DD1, DD4, DD6, AM14, H6, HE1, NC1, NC6 and S5 of the adopted Dudley Unitary Development Plan, Supplementary Planning Guidance Note No 3 “New Housing Development” and Supplementary Planning Document “Parking Standards and Travel Plans”

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.

Note for Applicant

The development hereby permitted shall be built in accordance with the approved plans, numbered 1078.P01g rev g unless otherwise agreed in writing by the Local Planning Authority.

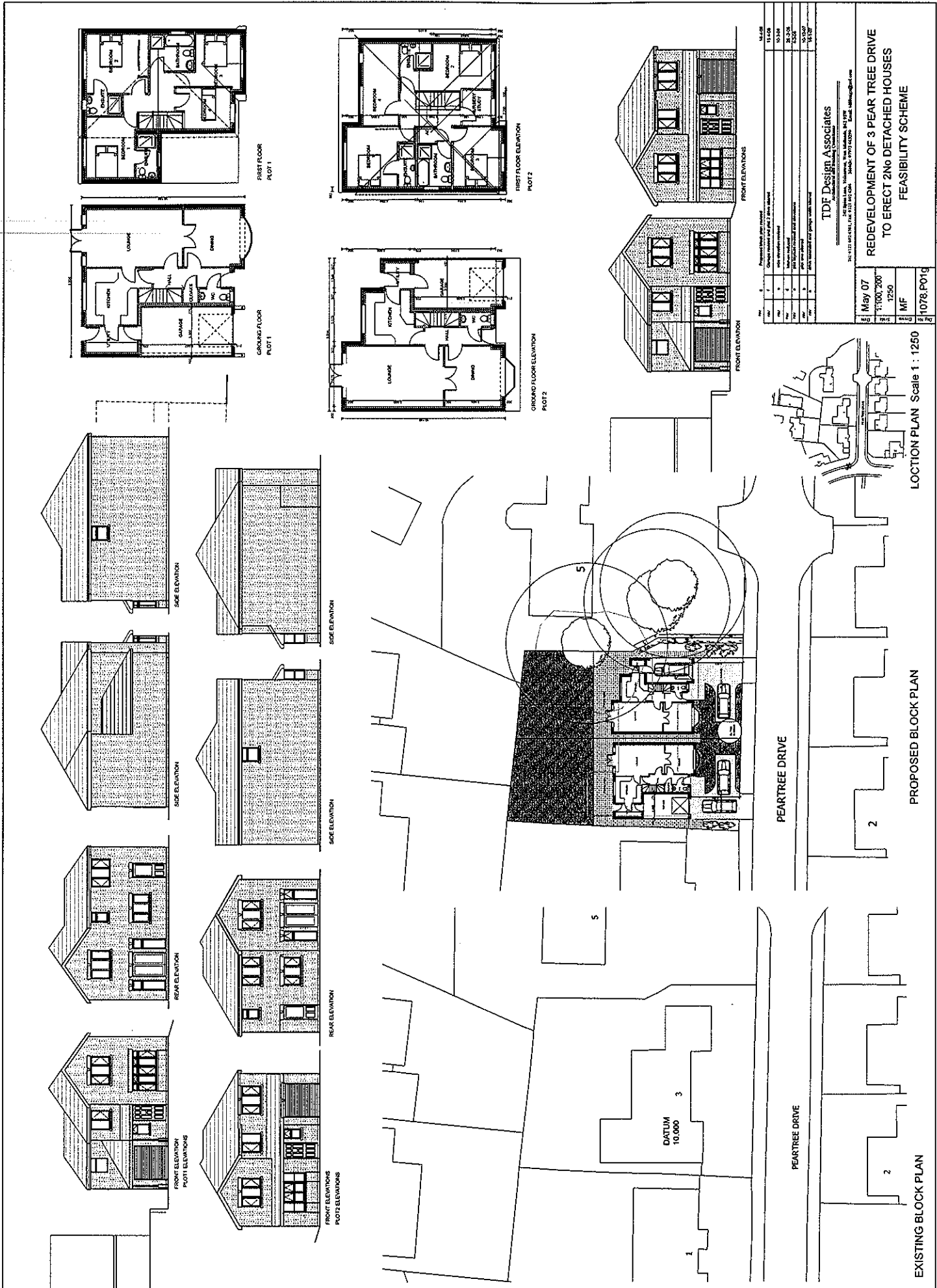
Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Before any dwelling hereby approved is first occupied the parking areas and accesses thereto shall be paved with a suitable hard, impervious material, and drained.
3. The windows to be installed in the side elevations of both dwellings hereby approved shall be fitted with obscuring glass and the only opening lights shall be at high level and top hinged. The obscuring glass shall be maintained in the said windows throughout the life of the development.
4. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.
5. All planting, seeding or turfing comprised in the details of landscaping approved in accordance with condition 4 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees, hedgerows or plants contained in the approved planting scheme which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
6. The landscaped areas shall be retained in the form shown on the approved plan throughout the life of the development and shall not be used for any other purpose.
7. Prior to the occupation of the dwelling a scheme indicating boundary treatment for the whole site which has been approved in writing by the local planning authority, shall be implemented and thereafter retained for the life of the development.
8. During clearance of the site hand searches shall be made for Great crested newts. If any are found during any stage of the development all works must stop immediately and Natural England and the local planning authority 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 local planning authority.
9. Prior to the commencement of development a scheme for outside lighting within the site shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be installed prior to the occupation of the first dwelling on the site and thereafter retained for the life of the development.
10. Prior to the commencement of development on the site a scheme for the incorporation of one bat brick and one bat tile for each dwelling shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be installed prior to the occupation of the first dwelling on the site and thereafter retained for the life of the development.
11. Notwithstanding the terms of Schedule 2 Part 1 Class A, of The Town and Country Planning (General Permitted Development) Order 1995, no extensions to the

- dwelling shall take place or the garages used for any other purpose without the requirement for planning permission.
12. 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’.
13. 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 Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such method statement shall include full detail of the following:
- Implementation, supervision and monitoring of the approved Tree Protection Plan.
 - Implementation, supervision and monitoring of the approved Treework Specification.
 - Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Plan.
 - Timing and phasing of arboricultural works in relation to the approved development.
14. 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.

15. 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.
16. All excavations to be undertaken within 6 metres of the stem of existing trees on or adjacent to the site, including works for the laying of the side path and patio area to Plot No 2 shall be undertaken in accordance with NJUG Publication number 10 'Guidelines for the Planning, Installation and Maintenance of Utility Services in proximity to Trees'.
17. 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.
18. 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.



NO.	DATE	DESCRIPTION
1	15/06/07	Issue for planning
2	15/06/07	Issue for planning
3	24/05/07	Issue for planning
4	25/05/07	Issue for planning
5	15/07/07	Issue for planning

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**REDEVELOPMENT OF 3 PEAR TREE DRIVE
 TO ERECT 2 NO DETACHED HOUSES
 FEASIBILITY SCHEME**

15 May 07
 1:1000, 200
 1:1250
 MF
 1078.P010

LOCATION PLAN Scale 1 : 1250

PROPOSED BLOCK PLAN

EXISTING BLOCK PLAN