

Meeting of the Development Control Committee

Wednesday 13th October 2021 at 6.00pm
In the Council Chamber at the Council House, Priory Road,
Dudley

Agenda - Public Session

(Meeting open to the public and press)

1. Chair's Announcement.

Let me first inform you that this is a Committee Meeting of the Council, members of the public are here to observe the proceedings and should not make contributions to the decision-making process.

Applications are taken in numerical order with any site visit reports first, followed by applications with public speaking, then the remainder of the agenda. Officers have explained the public speaking procedures with all those present who are addressing the committee. Will speakers please make sure that they do not over-run their 3 minutes.

There will be no questioning by Members of objectors, applicants or agents, who will not be able to speak again.

All those attending this Committee should be aware that additional papers known as the "Pre-Committee Notes" are available to view on the Council's Committee Management Information System (CMIS). These contain amendments, additional representations received, etc, and should be read in conjunction with the main agenda to which they relate. They are fully taken into account before decisions are made.

2. Apologies for absence.

3. To report the appointment of any substitute members serving for this meeting of the Committee.

4. To receive any declarations of interest under the Members' Code of Conduct.



5. To confirm and sign the minutes of the meeting held on 13th September 2021 as a correct record.
6. Plans and Applications to Develop
 - (a) Planning Application No. P20/1834 – 28 Pargeter Street, Stourbridge – Demolition of existing dwelling, and erection of 2 no. dwellings (resubmission of withdrawn application P20/1126) – Pages 1 – 28.
 - (b) Planning Application No. P21/1399 – 22 Linden Avenue, Halesowen – Side and rear extension to provide 1 no. additional care service user (following demolition of existing utility). New single storey outbuilding in rear garden to provide staff meeting facility. Rendering to all extension and new building external walls – Pages 29 – 41.
 - (c) Planning Application No. P21/1423 – 148 Wolverhampton Street, Dudley – Variation of Conditions 2 and 9 of planning permission P19/1312 in relation to first floor windows to eastern elevation – Pages 42 – 58.
7. To consider any questions from Members to the Chair where two clear days' notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).



Chief Executive

Dated: Tuesday 5th October 2021

Distribution:

Councillor A Goddard (Chair)

Councillor D Harley (Vice-Chair)

Councillors D Corfield, M Hanif, S Mughal, C Neale, W Sullivan, E Taylor and M Westwood.



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**Minutes of the Development Control Committee
Monday 13th September, 2021 at 6.00 pm
In the Council Chamber, Council House, Dudley**

Present:

Councillor A Goddard (Chair)
Councillor D Harley (Vice-Chair)
Councillors J Clinton, D Corfield, M Hanif, S Mughal, W Sullivan, E Taylor and
M Westwood.

Officers: -

H Benbow – Principal Planning Officer, L Benbow – Planning Officer, J Hindley – Highways Officer, C Mellor – Planning Manager, P Mountford – Head of Planning and Regeneration, J Pilkington – Principal Historic Environment Officer, P Reed – Principal Planning Officer (All Directorate of Regeneration and Enterprise); T Glews – Public Protection Manager (Directorate of Public Health and Wellbeing); G Breakwell – Solicitor and H Mills – Democratic Services Officer (Directorate of Finance and Legal).

Also in Attendance: -

Councillors K Ahmed (For agenda item no. 6 – Site Visit)

21. **Apology for Absence**

An apology for absence from the meeting was submitted on behalf of Councillor C Neale.

22. **Appointment of Substitute Members**

It was reported that Councillor J Clinton had been appointed to serve as substitute for Councillor C Neale for this meeting of the Committee only.

It also was reported that Councillor K Ahmed had been appointed to serve as substitute for Councillor M Hanif in relation to agenda item no. 6 – Site Visit, in accordance with the Code of Practice for Members and Officers dealing with planning matters.

23. **Declarations of Interest**

The Chair advised that there were three applications for consideration which involved Members of the Council as applicants. It was reported that whilst the Members were known to the Committee in a Council capacity, all applications would be considered impartially on material planning grounds.

Councillor A Goddard declared a pecuniary interest in relation to Planning Application No. P21/0533 – 1 Lodge Close, Halesowen and would withdraw from the meeting during consideration of this agenda item. It was also noted that as she had been absent during the initial consideration of Agenda item no. 6 – Site Visit, she would not serve as Chair for this item of business.

Councillor S Mughal declared a pecuniary interest in relation to Planning Application No. P21/1486 – 36 St Marks Road, Dudley, as she was the applicant and would withdraw from the meeting during consideration of this agenda item.

24. **Minutes**

Resolved

That the minutes of the meeting held on 18th August, 2021, be approved as a correct record and signed.

(At this juncture Councillor A Goddard withdrew from the meeting and Councillor D Harley was in the Chair)

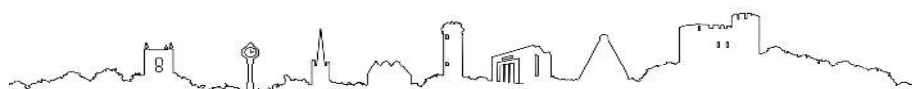
25. **Site Visit**

- a.) **Planning Application No. P21/0178 – 11 Hagley Road, Stourbridge – Change of use from Hair Salon (E) to Hot Food Takeaway (sui generis) with alterations to elevations to include extract flue and fresh air intake grills and new shop front and door.**

Resolved

That the application be approved subject to conditions numbered 1 to 11 (Inclusive) as set out in the report submitted.

(At this juncture Councillor M Hanif returned as the substantive Member, in place of his substitute Councillor K Ahmed.)



26. **Change in Order of Business**

Pursuant to Council Procedure Rule 13(c) it was: -

Resolved

That the order of business be varied and the agenda items be considered in the order set out in the minutes below.

27. **Plans and Applications to Develop**

A report of the Director of Regeneration and Enterprise was submitted on the following plans and applications to develop. Where appropriate, details of the plans and applications were displayed by electronic means at the meeting. In addition to the reports submitted, notes known as Pre-Committee notes had also been circulated prior to the meeting updating certain information given in the reports submitted. The content of the notes were taken into account in respect of the applications to which they referred.

The following persons were in attendance at the meeting, and spoke on the planning applications as indicated: -

<u>Application No.</u>	<u>Objectors/Supporters who wished to speak</u>	<u>Agent/Applicant who wished to speak</u>
P21/0533	Councillor D Vickers Mrs M Haycock	
P21/0177	Mr Browne	Mrs Hall
P21/1035	Councillor P Miller Ms S McDonald	Aymen Mahgoub
P21/1063		Mr K Ahmed
P21/1326	Ms E Williams	Mrs B Dhanoa
P21/1396	Mr Bastable	

(a) **Planning Application No. P21/0533 – 1 Lodge Close, Halesowen – Two storey side extension (following demolition of existing snug and utility)**

In considering the application, Members took into account the comments made by the local Ward Councillor in support of the application, as well as the objections raised by a local resident, as outlined in the report and as reported at the meeting. Contrary to Officers recommendation, Members were of the view that the proposed development would not significantly impact upon the current street scene, neither would it infringe on the property boundary. Members were mindful of the concerns raised by the objector in relation to the impact the development would have on the highway and visibility splay, however it was acknowledged that no highway safety concerns had been raised by the relevant authority.

Resolved

- 1) That the application be approved as it was considered that the proposals were not out of character of the street scene and would enhance the local area.
- 2) That the Director of Regeneration and Enterprise be authorised to add, amend or remove conditions, as deemed appropriate.

(At this juncture Councillor A Goddard returned to Chair the meeting.)

(b) **Planning Application No. P21/0177 – 15 Sandy Road, Stourbridge – Two storey front, side and rear extensions with Juliet balconies to the rear, single storey side and rear extensions, front porch, modifications to the roof to increase the height and create new front and rear dormer windows, and rendering to the sides and rear of the dwelling, cladding to part of the rear extension (following demolition of existing garage and WC)**

Resolved

That the application be approved subject to conditions numbered 1 to 5 (inclusive), as set out in the report submitted.

(c) **Planning Application No. P21/1035 – 86 Lawnswood Road, Wordsley, Stourbridge – Change of use from washeteria to hot food takeaway (Sui Generis) with new shop front and extraction system (Resubmission of refused application P21/0492)**

In considering the application, Members took into account all of the comments made by the local Ward Councillor, resident and the applicant as reported at the meeting, together with the information contained in the report.

Members expressed concern in relation to the numerous commercial premises within the location that served hot food, although recognised that not all were classified as hot food takeaways and were also concerned that a Primary School was located directly opposite the vicinity and the impact this had on the Council's vision to promote healthy lifestyles. Comments were also made in relation to the installation of an additional extraction system in the parade of shops and the visual impact this had to the residents living above the commercial properties and within the local vicinity and the increase in Anti-Social Behaviour (ASB), litter and parking issues that would be caused from the proposed change of use.

Resolved

That the application be refused for the reason outlined below:-

The hot food takeaway increases the potential for anti-social behaviour on grounds that the proposed use does not have sufficient secure by design mitigation measures or a management plan that seek to protect users of the hot food takeaway, together with members of the public and staff within the unit. The proposed use is therefore contrary to Black Country Core Strategy Policy ENV3, Dudley Borough Development Strategy (2017) Policy D9 and guidance within the National Planning Policy Framework (2021).

-
- (d) **Planning Application No. P21/1063 – Land at the junction of Steppingstone Street and Greystone Passage, Dudley – Erection of 1 no. dwelling with associated works**

Resolved

That the application be refused for the reason set out in the report submitted.

-
- (e) **Planning Application No. P21/1326 – Hilton Lodge, High Park Crescent, Sedgley, Dudley – Change of use from residential dwelling (C3) to residential care home for children (C2) with a first floor extension and external alterations**

Resolved

That the application be approved, subject to conditions numbered 1 and 3 to 9 (inclusive), as set out in the report submitted, together with amended condition numbered 2 and an additional condition as outlined below:-

Amended Condition No. 2

The development hereby permitted shall be carried out in accordance with the following approved plans: 2107/001 Rev A; 2107/002 Rev A and 2107/003

Additional Condition

In order to minimise the impact of the development on local air quality, any gas boilers provided within the development must meet a dry NO_x emission concentration rate of <40mg/kWh.

Reason: To safeguard the air quality of the Borough which is an Air Quality Management Area in compliance with the Black Country Core Strategy Policy ENV8 and the adopted Air Quality SPD.

- (f) **Planning Application No. P21/1396 – Fairfield Road, Hurst Green, Halesowen – Telecommunications development comprising of the installation of one 15m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works**

Resolved

That the application be approved, subject to conditions numbered 1 and 2, as outlined in the report.

- (g) **Planning Application No. P21/1104 - 36 Sandy Road, Norton, Stourbridge – Single storey side and rear extensions (following demolition of existing garage), two storey rear extension and loft conversion with side dormer to form habitable use and elevational changes to include new Juliet balcony rear and loft.**

Resolved

That the application be approved, subject to conditions numbered 1 to 4 (inclusive) as set out in the report.

(At this juncture Councillor S Mughal withdrew from the meeting.)

- (h) **Planning Application No. P21/1486 – 36 St Marks Road, Dudley – Single storey rear extension**

Resolved

That the application be approved, subject to conditions numbered 1 to 3 (inclusive), as set out in the report.



28 **Adoption of the Revised Dudley Borough Local List**

A report of the Director of Regeneration and Enterprise was submitted seeking approval and adoption of the revised Dudley Borough Local List, in order to replace the Council's original 1996 version, which had become outdated.

Resolved

That the revised Dudley Borough Local List, replacing the original 1996 version, as attached as appendix 1 to the report submitted, be approved and adopted.

The meeting ended at 8.20 pm

CHAIR



DC/22

PLANNING APPLICATION NUMBER: P20/1834

Type of approval sought	Full Planning Permission
Ward	
Agent	Mr N. Ranford, NCR Architectural Design Limited
Case Officer	Catherine Golightly
Location:	28, PARGETER STREET, STOURBRIDGE, DY8 1AU
Proposal	DEMOLITION OF EXISTING DWELLING, AND ERECTION OF 2 NO. DWELLINGS (RESUBMISSION OF WITHDRAWN APPLICATION P20/1126)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site comprises of a large residential corner plot, occupying 0.09 ha, located within an established residential street at the junction of Pargeter Street and Oxford Drive. The site currently accommodates No.28 Pargeter Street, a large 1970's styled detached bungalow with a substantial garden to the side and rear of the property. There is an existing vehicular access to the frontage, that fronts onto Pargeter Street opposite No.17. The remaining boundary comprised of mature soft landscaping but some of this planting has been removed in recent months. The application dwelling is located within the 'Old Quarter' of Stourbridge Character Zone 11 as defined within the Stourbridge Area Action Plan but has been identified as having a neutral contribution to the local character within the Stourbridge Urban Historic Landscape Characterisation study. Furthermore, there are no TPO's covering the site nor is the site located within any defined area of High Historic Townscape Value or the Green Belt.
2. The surrounding area is largely residential that is defined predominantly by smaller residential plots, with a wide variety of property styles and designs being present locally, including 1070's terraces, 1980's detached dwellings, being interspersed with

traditional Late Victorian Villa styled detached dwellings and post war semi-detached dwellings.

3. On street parking within the street is prevalent, and the road is relatively narrow for a traditional residential street, however, some properties benefit from off street parking provision to the frontages or within designated parking areas to the rear.
4. There is an area of soft landscaped verge to the extreme corner of Oxford Drive and Pargeter Street that is excluded from the curtilage this application site.

PROPOSAL

5. The application is a resubmission of a previously withdrawn proposal on this site which sought permission for 3No.dwellings (under reference P20/1126). This revised proposal now seeks to reduce the number of properties to 2No. detached dwellings.
6. This application has also been amended through its progression in an attempt to overcome the concerns raised in respect of the original plans. It is noted that the Local Planning Authority has suggested the creation of two detached bungalows would be more appropriate. However, the submitted amendments that have been provided retain the principle of the two storey dwellings but with a modified layout and reduced building height in an attempt to the appease these concerns.
7. Therefore, the amended proposal now seeks to secure 2No. four bedroomed two storey detached units, each with an integral garage and additional parking areas to the frontage and private amenity areas to the rear. Each unit would provide approx. 150 sqm of living accommodation (excluding the integral garage) and would provide private amenity areas of between 170 and 190 sqm per dwelling. The dwellings would each have a brick facade and a tiles hipped roof, with a feature bay window to the front and a hipped roof integral garage to the side. Further to the garages, two additional parking areas are proposed with access off Pargeter Street, along with soft landscaped areas to the frontages.

HISTORY

8. Relevant or recent planning history:

APPLICATION NO.	PROPOSAL	DECISION	DATE
P20/1126	Demolition of existing bungalow and construction of 1x4 no. bedroom detached house and 2x no.3 bedroom semi-detached houses.	Withdrawn	30/09/2020
CC/79/1346	Erection of conservatory.	Approved with Conditions	21/06/1979
CC/78/2500	Erection of bungalow.	Approved with Conditions	16/10/1978

PUBLIC CONSULTATION

9. Two rounds of neighbour notification have been undertaken and a Site Notice has been displayed.

10. The first round of consultation was undertaken on the original scheme. This generated 24 responses. Comments were raised on the following grounds:

- Change to the Urban Landscape with the loss of the established bungalow,
- Out of keeping within the ‘Old Quarter’ of Stourbridge,
- Impact on the nearby designated Area of High Historic Townscape Area,
- The two storey dwellings are ‘poor fit’ within this context,
- The height of the properties being above the height of the existing boundary treatments and neighbouring dwellings,
- Overbearing form of development, forming an incongruous addition within the street,
- Increase in housing density with the potential to extend the proposed dwellings further in time,
- Failure to respect established building lines
- Loss of privacy and overlooking of neighbouring dwellings,
- Loss of light and overshadowing to neighbouring properties,

- Reducing the availability of properties suitable for elderly residents within the Borough.
- Loss of existing on-street parking provision and the displacement of on-street parking onto adjacent roads,
- No provision made for appropriate cycle storage,
- Increase in traffic congestion and traffic flow in the area,
- Possible impact on highway visibility and pedestrian safety along Pargeter Street and at the access of Oxford Drive,
- Inadequate parking for occupier and visitors; and garages are too small to accommodate a modern-day car,
- Loss of access to emergency vehicles and waste collection vehicles,
- The need to relocate the existing lamppost within the street,
- Increase in light and noise pollution, disturbance and dust during construction and in the long term,
- Insufficient parking provision during construction,
- Loss of ecological habitats, included protected and non-protected species,
- Loss of established landscaping and established boundary fencing,
- Inadequate landscaping proposed as part of the development,
- Possible land encroachment,
- Impact on mental health of local residents,
- Increased pressures of more housing on existing health facilities,
- Inadequate consultation has been undertaken,
- Encouragement for a replacement bungalow on the site,
- Need for appropriate conditions to retain landscaping and hedging for the lifetime of the development.

11. A second round of consultation was undertaken following the amendments to the proposal. As per the 21st September, this generated 23 responses reiterating the points outlined above but also adding the following points:

- The lower level of the foundations causing more disruption, noise and dust through the removal of the additional earth during construction,
- Concerns regarding the possible relocation of the dwellings closer to the junction of Oxford Drive,
- The removal of all fencing along the boundaries,
- Lack of chimneys being proposed as part of the proposal,
- Promoting the introduction of three bungalows onto Oxford Drive.

During the course of the consultations the following matters were raised that are not considered material planning matters in the determination of an application:

- Loss of neighbouring property values,
- Development for commercial gain to the detriment of the neighbour neighbours,
- Suspicions why the application was submitted during a Pandemic and over Christmas,
- Loss of Green Belt land, {**Officer comment:** this is not material as the site is not within or adjacent to greenbelt}

OTHER CONSULTATION

12. Head of Planning and Regeneration (Highway Engineer):

No objections subject to appropriate conditions being attached to any approval to secure appropriate access with appropriate visibility, and the provision of Electric Vehicle Charging Units are secured as part of the development.

13. Head of Environmental Health and Trading Standards:

No adverse comments or objections raised subject to conditions to ensure appropriate dust mitigation is secured, and appropriate boilers and electric vehicle charging points are installed.

14. Head of Planning and Regeneration (Land Contamination Team):

No adverse comments.

RELEVANT PLANNING POLICY

15. National Planning Policy

- National Planning Policy Framework (2021)
- National Planning Policy Guidance (2019)

Black Country Core Strategy (2011)

- DEL 1 - 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 - Local Character and Distinctiveness
- ENV3 - Design Quality

Dudley Borough Development Strategy (2017)

- S1 – Presumption in favour of Sustainable Development
- S6 - Urban Design
- S17 - Access & Impact of Development on the Transport Network
- S21 – Nature Conservation Enhancement, Mitigation and Compensation
- S22 Mature Trees, Woodland and Ancient Woodland
- L1 - Housing Development, extensions and alterations to existing Dwellings

Supplementary Planning Guidance

- Parking Standards SPD (2017)
- New Housing Development SPD (2013)
- PGN No. 12. The 45 Degree Code
- Stourbridge AAP

ASSESSMENT

16. The main issues are

- Policy
- Principle
- Density
- Design, Layout and Appearance
- Residential Amenity
- Access and Parking
- Soft Landscaping
- Ecology

- Other matters
- Financial Material Considerations

Policy

17. The current version of the National Planning Policy Framework (NPPF) was adopted in July 2021 and has retained its presumption in favour of sustainable development.
18. The main thrust of the NPPF is to create economic growth, whilst supporting strong, vibrant and healthy communities, as well as seeking to protect and enhance the natural and built environment. This presumption in favour of sustainable development outlines that decision makers should approve developments proposals that are in accordance with an up to date development plan without delay unless, and as outlined in Paragraph 11 d) ii, *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*
19. When it comes to housing, the NPPF refers to the importance of housing supply, however, it does outline in Paragraph 71 that Local Planning Authorities should consider providing appropriate policy framework to resist inappropriate development of residential gardens, a policy principle that is reflected in the New Housing SPD, which is referred to later in this report.
20. Notwithstanding this, it is appropriate to note that Paragraph 119 of the revised NPPF expresses the need to make effective use of land, by amongst other matters, promoting and supporting the development of underutilised land, especially where development would support an identified need for housing where land supply is constrained, and where development would be *“consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers”*.

21. In assessing this, the revised NPPF makes specific reference to the good design principles expressing that *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”* (Paragraph 126). In recognition of this, the Ministry of Housing, Communities and Local Government has produced National Design Guide (2019) and this document is now referred to within the revised NPPF. This Design Guide focuses on ten key characteristics that collectively contribute to well-designed places. Five of these characteristics focus on *form* (paragraph 24), *scale* (paragraph 26), *Appearance* (paragraph 27), *Materials* (paragraph 29), and *detailing* (paragraph 31) which are all particularly important in this instance as collectively they all contribute to the basis of good design and the character of a place.
22. In considering the design of any development, Paragraph 124 of this National Design Guide states that *“The creation of high quality buildings is fundamental to what the development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*
23. The above national policies are supported and reinforced at the local level by the Black Country Core Strategy, the Dudley Borough Development Strategy and subsequent SPD's which shape decision making within the Borough.
24. One of the Spatial Objectives of the Strategy of the Black Country Core Strategy is to help to deliver sustainable communities on redundant land, that make the most of opportunities such as public transport, are well served by residential services and green infrastructure, have good walking, cycling and public transport links to retained employment areas and centres, are set in high quality natural and built environments and are well integrated with surrounding areas. In recognition of this, the following policies are relevant during the consideration of this application.
25. Policy CSP4 - Place Making - of the Black Country Core Strategy outlines that, *“All development will be required to demonstrate a clear understanding of the historic character and local distinctiveness of the area and show how proposals make a*

positive contribution to place-making and environmental improvement in the following spatial terms”

26. Policy ENV2 – Historic Character and Local Distinctiveness – of the Black Country Core Strategy states that *“Development proposals will be required to preserve and, where appropriate, enhance local character and those aspects of the historic environment together with their setting which are recognised as being of special historic, archaeological, architectural, landscape or townscape quality.”*
27. Policy ENV3 - Design Quality – of the Black Country Core Strategy states: *“Development proposals across the Black Country will deliver a successful urban renaissance through high quality design that stimulates economic, social and environmental benefits by demonstrating that the following aspects of design have been addressed through Design and Access Statements reflecting their particular Black Country and local context”*
28. Policy HOU2 - Housing Density, Type and Accessibility – of the Black Country Core Strategy states requires new development *“...To achieve high quality design and minimise amenity impacts, taking into account the characteristics and mix of uses in the area where the proposal is located”*. The policy further outlines that the density of new residential developments should not prejudice historic character and local distinctiveness as outlined with ENV2.
29. Policy TRAN2 - Managing Transport Impacts of New Development – of the Black Country Core Strategy states that *“Planning permission will not be granted for development proposals that are likely to have significant transport implications unless applications are accompanied by proposals to provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development including, in particular, access by walking, cycling, public transport and car sharing.”*
30. Policy ENV1 – Nature Conservation – of the Black Country Core Strategy outlines that species which are legally protected will not be harmed by development. In doing so the policy states that *“Adequate information must be submitted with planning*

applications for proposals which may affect any designated site or any important habitat, species or geological feature to ensure that the likely impacts of the proposal can be fully assessed. Without this there will be a presumption against granting permission.”

31. Further to the above Black Country Core Strategy policies, Policy S8 – Local Character and Distinctiveness - of the of the Dudley Borough Development Strategy outlines that *“All development proposals within the Dudley Borough should take account of the locally distinctive character of the area in which they are to be sited..... and should respect and respond to its positive attributes.”*
32. Policy S17 - Access and Impact of Development on the Transport Network - of the Dudley Borough Development Strategy outlines that developments should have regard to the Councils Parking Standards SPD (referred to later in this document) and should ensure *"Adequate and safe provision for access and egress by vehicle users, cyclists, pedestrians and other users."* It also outlines that *"Developers should ensure that adequate provision is made on site for the managing of delivery operation and the servicing of new properties and businesses."*
33. Policy S21 - Nature Conservation Enhancement, Mitigation and Compensation – of the Dudley Borough Development Strategy outlines that *“Dudley Council will safeguard and enhance designated nature conservation sites, habitats and features through the development process and in accordance with the Core Strategy, in particular Policy ENV1.”*
34. Policy S22 - Mature Trees, Woodland and Ancient Woodland - of the Dudley Borough Development Strategy promotes the protection of Ancient woodland, Ancient Trees woodland and veteran trees within the Borough whilst ensuring that *“proposals involving the loss of mature and semi-mature trees will normally be required to include replacement tree planting.”*
35. Policy L1 - Housing Development, extensions and alterations to existing dwellings - of the Dudley Borough Development Strategy supports new housing on sites in

sustainable locations, close to public transport facilities and links, provided that amount other things that *“The design of the development is of an appropriate form, siting, scale, and mass, with the use of appropriate materials, which respect and are responsive to the context and character of the surrounding area”*. This policy further states that developments should be *“appropriate in its locality and would not cause unacceptable harm to the amenities of the occupiers of neighbouring dwellings, including harm arising from loss of privacy, outlook and sunlight, taking into account factors such as levels, orientation and the separation of development”*. This policy further states that developments should provide *“adequate access, parking and provision for the manoeuvring of vehicles, with no detrimental impact on highway safety”*.

36. In response to the policy framework above, the Councils New housing Development SPD (2013) was amended to include Section 5 - New Housing Development on Private Residential Garden Land. This section of the document outlines the definition and examples of inappropriate garden land development and highlights that ‘Garden Grabbing’ often *“results in the subdivision of existing dwelling plots. This can have a detrimental impact both on the character and distinctiveness of an area, as well as residential amenity.”* However, this policy goes on to outline examples of appropriate garden land development (Section 5.15) where it suggests that such developments would only be allowed in exceptional circumstances where the following can be demonstrated:

- *“Only a small proportion of the garden area would be built on, leaving a sufficient amount for residential amenity whilst still maintaining the character and layout of the area.*
- *The proposal would be within close proximity to local services, for example being located close to a town centre or a main public transport hub, meeting sustainability objectives.*
- *The proposal would be in keeping with the character of the area by reflecting the existing settlement pattern and the resulting plot sizes and ratio of built form to garden are similar to that in the existing area.”*

37. Paragraph 3.8 of New Housing Development SPD states *“The redevelopment of existing buildings and the development of land in residential areas should provide a unique opportunity to contribute to the overall urban design qualities of an area in a seamless fashion”*. However, it does outline in Paragraph 3.15 that in determining the density of new residential development *‘it is important to appreciate the relationship between urban, suburban and rural locations, the relationship between buildings and spaces, the nature of the public realm, the definition of public and private space and the character of the local townscape.’*
38. Further to the above, the policy New Housing Development SPD also provides technical details relating to minimum standards relating to the design and layout of new housing development. Appendix A of this policy document expresses the importance of ensuring new developments protect ‘amenities’ which *“relates to such matters as outlook, lack of over-shadowing, reasonable protection from overlooking, etc”*. In doing so, it outlines that *"development will only be permitted where it can be demonstrated that the privacy and visual amenities enjoyed by existing occupiers remains unaffected."*
39. The Councils Parking Standards SPD has been introduced to ensure that developments do not result in on-street parking congestion to the detriment of highway and pedestrian safety and efficient operation of the highway network.
40. Paragraph 3.1 of this document outlines the minimum residential Parking standards that will be required for new developments, it outlines that *"The Council recognises that ensuring the right amount of parking provision in the right place and to the right size is essential in the creation of new residential developments both in terms of good scheme layout and design and also highway safety."* Further expressing in paragraph 3.2 states that *"Developments that suggest likely on-street parking which would create or exacerbate issues of highway safety will not be supported."*
41. The Councils Nature Conservation SPD outlines that many rare and protected species and the habitats upon which they depend are often found outside of the network of protected sites and may only be discovered when development is proposed. However, it outlines that applications should only be supported by a Phase

1 Ecological Survey if the development site falls within specific site characteristic area. However, in this instance the development site would not fall within or adjacent to any designated or important undesignated ecological sensitive landscapes to warrant a Phase 1 Ecological Survey to be submitted in this instance.

Principle

42. In light of the policy framework outlined above, the proposed development would facilitate development of an area of underutilised garden land that is located within a predominantly residential area. As such, the principle of a residential use would be supported as this would be in keeping with the established use of the wider area. Furthermore, the resulting development would reflect the existing settlement pattern within this location, by creating plots sizes that would be reflective of the plot sizes and ratio of built form in the existing area, thereby making effective use of underutilised existing residential garden land for housing. Therefore, the development would generally meet with the national and local policy principles to use land effectively to respond to an established housing need in the Borough.

Density

43. The NPPF indicates that local authorities should set their own approach to housing density to reflect local circumstances and to protect the local distinctiveness of the area. The New Housing Development SPD as part of the Local Development Framework provides guidance in relation to design and density, ensuring that local context and distinctiveness are the drivers for successful housing development.
44. The New Housing Development SPD identifies the location of this site as “Suburban Inner” which predominantly has typical densities between 35-45 dwellings per hectare (dph). In this case, the current density of the application site only provides 11 dph which is significantly lower than that of the surrounding densities, which comprises of a density of approx. 28 dph. Whilst these densities fall short of the suggested typical densities as identified in Policy HOU2 which seeks a “*minimum net density of 35 dwellings per hectare*”, the development at a density of 22 dph would be

in more akin to the established densities of the locality, thereby reflecting the established character and urban form and local distinctiveness of the 'Old Quarter' of Stourbridge.

Design, Layout and Appearance

45. As outlined in the policy section above, the principle of good design forms a reoccurring policy focus throughout both national and local policy frameworks to support sustainable forms of development within the Borough. In this instance, amendments have been provided through the progression of the application to improve the appearance of the proposal to ensure the development assimilates well within its context.
46. It is recognised that due to the ground level differences between the application site and its immediate neighbour that a principle of two replacement bungalows would have been ideal in this location, and the principle of this appeared to gain some support from local residents. However, despite Officers requests, no such amendments were forthcoming. Notwithstanding this, although two storey nature of the dwellings has been retained, some fundamental changes have been incorporated into the design of the properties that mitigates these concerns in terms of their overbearing nature and excessive height of the proposed dwellings.
47. In light of these changes, it is considered that the amendments go some way to overcome these initial concerns in terms of the proposed built form and suggested building heights. As such and on balance, the principle of the amended scheme largely meets with the policy framework above by preserving and enhancing the character and local distinctiveness of the area whilst respecting the historic aspects of the surrounding townscapes. As such, there are no sustainable grounds for refusal of the amended scheme.
48. Further to the above, the proposal would see the properties fronting the established highway respecting the established building lines within the street, along with the inclusion of appropriate boundary treatments, soft landscaping areas and soft

landscaped boundaries, that would maintain a good relationship to the existing road network and would enhance the visual amenity of the site. Furthermore, the plot sizes and their respective gardens would be of an appropriate size and layout to provide a good standard of amenity for the future occupiers of the site and to improve the visual appearance of the dwellings within this setting.

49. The appearance of the dwellings would be in keeping with the character of the street by using traditional materials that would complement the established but varied street scene. Therefore, it is considered that the principle of a new residential development would not result in any significant adverse impact upon the character of the area and the development would broadly be in accordance with Policies ENV2, ENV3 and CSP4 of the Black Country Core Strategy, Policies S6 and L1 of the Dudley Borough Development Strategy and the New Housing Development SPD.
50. Whilst local objections are noted regarding the loss of an established bungalow within the street, there is no National or Local policies in place to resist the loss of such dwellings, and as such, there is no sustainable grounds to resist the loss of the existing bungalow.

Residential Amenities

51. In respect of the amenities for the future occupiers, the development would provide appropriately sized garden areas that far exceed the suggested garden sizes promoted within the New Housing Development SPD. Furthermore, appropriate distance separation standards would be secured to provide appropriate outlook for the future occupiers.
52. In terms of impact upon the existing neighbouring dwellings, despite the objections that have been raised, there would be no detrimental impact on the neighbouring amenities in terms of loss of light, light intrusion, outlook and overlooking. These matters are as detailed below:
53. The proposed development would comply with the 45 Degree Code to all adjoining properties along Pargeter Street and Oxford Drive and as such there would be no

detrimental impact on the neighbouring amenities in terms of loss of light and overshadowing.

54. The proposal would also exceed the suggested 11m gardens depths as suggested within the New Housing Development SPD to maintain privacy to No. 2 Oxford Drive. As a result, the proposal would have no direct overlooking implications or loss of privacy to this adjoining neighbour.
55. The proposed development would far exceed the 14m distance separation standard suggested within the New Housing Development SPD between the Plot 1 and the windows in the side elevation of No.32 Pargeter Street, thereby maintaining outlook to this neighbouring property. Furthermore, the proposal would secure the suggested 22m distance separation between opposing habitable room windows to Nos. 17 and 19 Pargeter Street and the proposed dwellings, thereby protecting the opposing occupiers from any undue overlooking implications.
56. In light of the above and despite the objections that have been received, the proposal would not result in any detrimental impact on the amenities of the existing residential properties that adjoin the application site and the proposal would comply with the policy requirements outlined in Policy L1 of the Dudley Borough Development Strategy and the New Housing Development SPD.
57. Notwithstanding the above, it is noted that the proposed dwellings propose modest windows in the side elevations of the dwellings that would look onto their immediate neighbours. However, as these windows would serve light to non-habitable spaces, an appropriate condition has been added to the approval to ensure these windows are fitted with obscure glazing to maintain privacy to these neighbouring properties.

Access and Parking

58. The proposal seeks a modest form of development that would in essence secure only one additional dwelling within the street, the nature and scale of which would have limited increase in the number of trip generations and traffic flows locally.

59. It is acknowledged that this application has generated significant highway safety concerns from local residents due to the level of on-street parking pressures already evident in this street. However, no formal objections have been raised by the Head of Planning and Regeneration (Highway Engineer) who recognises that the proposal seeks to provide an adequate level of parking and appropriately sized garages to meet with the requirements of the Parking Standards SPD. As such, it is considered that the proposal provides adequate parking to prevent the displacement of cars into the highway, exacerbating the current parking pressures locally.
60. It is acknowledged that the creation of a new access in this location would dispel the current on-street parking pressures along this immediate stretch of highway, however, the nature of this would consequently improve highway and pedestrian safety and visibility along this section of the road. Whilst the existing parking pressures are not disputed, such matters are not sufficiently detrimental to highway safety to warrant a refusal of this application. Furthermore, appropriate conditions have been attached to the approval to ensure appropriate visibility is maintained at the proposed accesses for the lifetime of the development and that the relocation of the existing street light is appropriately accommodated within the street, therefore, further protecting highway safety.
61. In light of the above and having regard to paragraph 111 of the NPPF which states that, *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”* In this instance, and as suggested by the Highway Engineer, the highway implications of the proposed development would not be ‘severe’, and as such, there are no sustainable reasons for the application to be refused on highway safety grounds.
62. Additional objections have been raised regarding the lack of visitor parking spaces or cycle storage within the proposal, but as outlined in the Parking Standards SPD, the development is not of a sufficient size to warrant or require additional parking provision for visitors to be provided or for specified cycle storage to be provided.

63. Further objections have also been raised regarding the potential obstruction of the highway for emergency service vehicles, however, the road is an established highway and the principle of the development as outlined above would mitigate the existing pressures from on-street parking along this stretch of highway, thereby improving highway safety and access for such vehicles.
64. Notwithstanding the above, it is considered appropriate to restrict permitted development rights to ensure that the suggested parking arrangements are maintained for the lifetime of the development, so the development does not give rise to additional parking demands in the future.
65. Furthermore, and in accordance with ENV8 (Air Quality) of the BCCS and the Parking Standards SPD there is a requirement to secure appropriate Electric Charging Points at the site to improve the sustainability and to encourage the adoption of ultra low emissions vehicles to assist with Air Quality improvements and infrastructure provision within the Borough. This provision is welcomed and has been conditioned as part of the approval.

Soft Landscaping

66. A number of objections have been raised regarding the loss of established landscaping from the site. However, it is noted that the site is not covered by any form of tree protection measures, and as such, no permission is required for these works to be undertaken. Furthermore, and as part of the application, it is noted that a soft landscaping is proposed as an integral part of the proposal and this provision has been conditioned accordingly to ensure appropriate landscaping is secured and maintained as part of the redevelopment of the site.

Ecology

67. Objections have been raised regarding the potential loss of protected and non-protected wildlife habitats within the site. It is noted that an ecological survey has not been submitted with the application to date, however, given the siting within an

established residential area, and the modest nature of the semi-mature garden, and the absence of any ecological designations within or in proximity of the application site it is not considered that the absence of such an assessment would reasonably warrant refusal. Notwithstanding this, in light of the semi-mature characteristics of the garden it will be necessary for further investigations to be undertaken prior to any development on site to establish what, if any, mitigation measures are required prior to any commencement of works on site. This has been conditioned accordingly so a full and comprehensive assessment and appropriate mitigation can be secured prior to the commencement of any development.

Other Matters

68. It is acknowledged that other objections that have been raised regarding disruption during construction and possible short and long-term noise pollution generated by the proposal. However, the Head of Environmental Health and Trading Standards have raised no objection to the principle of development providing appropriate dust mitigation measures are secured, and this has been conditioned accordingly as part of this recommendation to mitigate any possible impacts to neighbouring residents.
69. Objections also refer to a loss of property values and the capital gains associated with the development. These are non-material planning considerations, and as such, these matters cannot be taken into consideration as part of the formal decision making process.

Financial Material Considerations

70. Section (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' 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 the Community Infrastructure Levy (CIL).

71. The section 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'.
72. This proposal would provide two houses generating a New Homes Bonus grant of two times the national average council tax for the relevant bands.
73. The proposed dwelling is located in a Zone 1 area which has a 0 (zero) charging rate for CIL for residential development proposals. As such, a financial CIL contribution is not required on this occasion.

CONCLUSION

74. The revised development, and enhanced by the proposed amendments, would on balance form an appropriate form of residential development that would be sensitive to the unique character and specific constraints of the site. The proposed dwelling by reason of its scale, design, proportions and visual prominence would create appropriate, proportionate additions to the street that would be responsive to its unique setting and respectful of the overriding character and distinctiveness of the street. Furthermore, the proposal would subject to appropriate conditions would be responsive to the soft landscaping and ecology of the site, while preventing any sever highways safety implications. As such, the development would comply with the policy principles contained within the NPPF, the National Design Guide, Policies ENV2, ENV3, HOU1, HOU2, CSP4, and TRAN2 of the Black Country Core Strategy (2011); Policies S1, S6, S17, and L1 of the Dudley Borough Development Strategy (2017), and the advice given in the New Housing Development SPD (2013), the 45 Degree Code and the Parking Standards SPD (2017).

RECOMMENDATION

75. It is recommended that the application be APPROVED subject to the following conditions:

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following plans and amended plans: 28PS10 Rev F, 28PS/11 Rev E, 28PS/12 Rev D, 28PS/13 Rev F (as amended on the 16/06/2021).
REASON: For the avoidance of doubt and in the interests of proper planning.
3. Prior to the commencement of above ground works a written schedule 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 unless otherwise agreed in writing by the Local Planning Authority. REASON: To ensure the satisfactory appearance of the development in accordance with BCCS Policy ENV2 - Historic Character and Local Distinctiveness and Saved UDP Policies DD1 - Urban Design and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part)
4. No development shall commence (excluding demolition, site clearance and initial ground works) until detailed plans and sections showing existing site levels and proposed ground floor levels of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in complete accordance with the approved details.
REASON: In the interests of the visual amenities of the area and to safeguard the amenities of occupants of neighbouring properties and to comply with BCCS Policies CSP4 - Place-Making and ENV2 - Historic Character and Local Distinctiveness and Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part).
5. No above ground development shall begin until details of the types, sizes and locations of the boundary treatments around the site and between the proposed plots has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be carried out in complete accordance with the approved details prior to the occupation of the dwellings hereby approved and shall thereafter retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority
REASON: In order to make a positive contribution to place-making and provide a high quality public realm in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part)

This detail is required prior to the commencement of above ground works as the

required works may need to be incorporated into buildings on the site and as well as needing to protect the amenity of existing and proposed occupiers.

6. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of the accesses into the site, together with parking and turning areas [including details of lines, widths, levels, gradients, cross sections, drainage and lighting] have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the accesses into the site, together with parking and turning areas within the site have been laid out in accordance with the approved details. These areas shall thereafter be retained and not be used for any other purpose for the life of the development.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings, Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5 of the Black Country Core Strategy.

7. No part of the development shall be occupied until visibility splays to the new accesses have been provided at the junction between the proposed means of access and the highway with an 'x' set back distance of 2 metres and a 'y' distance of 43 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings, Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

8. No above ground development shall commence until details of the electric vehicle charging points, to be provided for the dwellings in accordance with the Council's standard (Parking Standards SPD), has been submitted to and approved in writing by the local planning authority. Prior to first occupation the electric vehicle charging points shall be provided in accordance with the approved details and shall be maintained for the life of the development.

REASON: In the interests of creating a sustainable form of development and to encourage the use of ultra low emission vehicles in accordance with Policies ENV8 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy.

9. Prior to the commencement of any works a method statement for the control of dust and emissions arising from the construction of the development has been submitted to and approved by the Local Planning Authority. All works which form part of the approved scheme shall be implemented throughout the construction and demolition phase of the development.

REASON: To safeguard the air quality of the Borough which is an Air Quality Management Area in compliance with the Black Country Core Strategy Policy ENV8 and the adopted Air Quality SPD.

10. In order to minimise the impact of the development on local air quality, any gas boilers provided within the development must meet a dry NO_x emission concentration rate of <40mg/kWh. The specification of the gas boilers shall be

submitted to and approved in writing by the Local Planning Authority and the approved specification of boilers shall thereafter be fitted in accordance with such details.

REASON: To safeguard the air quality of the Borough which is an Air Quality Management Area in compliance with the Black Country Core Strategy Policy ENV8 and the adopted Air Quality SPD.

11. No development shall commence (excluding demolition, site clearance and initial ground works) until full details of the soft landscaping scheme for the site have been 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 first occupation of the development. Any trees or shrubs planted in pursuance of this permission including any planting in replacement for 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 Local Planning Authority.

REASON: In order to make a positive contribution to place-making and provide a high quality landscaping in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 - Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part). This detail is required pre commencement (excluding demolition, site clearance and initial ground works) as landscaping is integral to providing a high quality and sustainable development.

12. No above ground development shall commence until details of the types, colours and textures of the materials to be used in the hard surfacing of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.

REASON: In order to make a positive contribution to place-making and provide a high quality landscaping in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) This detail is required as landscaping is integral to providing a high quality and sustainable development.

13. No development shall commence (including demolition, site clearance and initial ground works) until an Ecological Survey and Assessment of the site has been carried out within twenty-four months prior to the commencement of development, and this has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the approved recommendations and method statements of the agreed ecological survey and assessment.

REASON: In order to enhance, encourage and protect the nature conservation

value of the site and in accordance with BCCS Policies ENV1 - Nature Conservation, CSP3 Environmental Infrastructure and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S21 Nature Conservation Enhancement, Mitigation and Compensation, and Policy S1 Presumption in favour of Sustainable Development (in part).

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the proposed window to be installed in the west elevation of Plot 1 and the east elevation of Plot 2 shall be: i) obscure glazed, ii) and non-opening, unless the parts of the window which can be opened are top hinged and more than 1.7 metres above the floor of the room in which the window is installed. These windows shall be permanently maintained thereafter as obscure glazed and non-opening.

REASON: In the interests of the privacy and amenity of surrounding residents and in accordance with Borough Development Strategy 2017 Policy L1 Housing Development, extensions and alterations to existing dwellings.

15. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (Order) 2015 (England) (or any order revoking or re-enacting that order with or without modification) no additional openings shall be formed in the side elevations of the dwellings without the prior written approval of the Local Planning Authority.

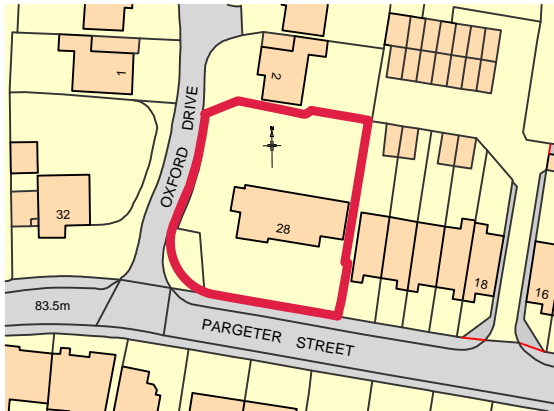
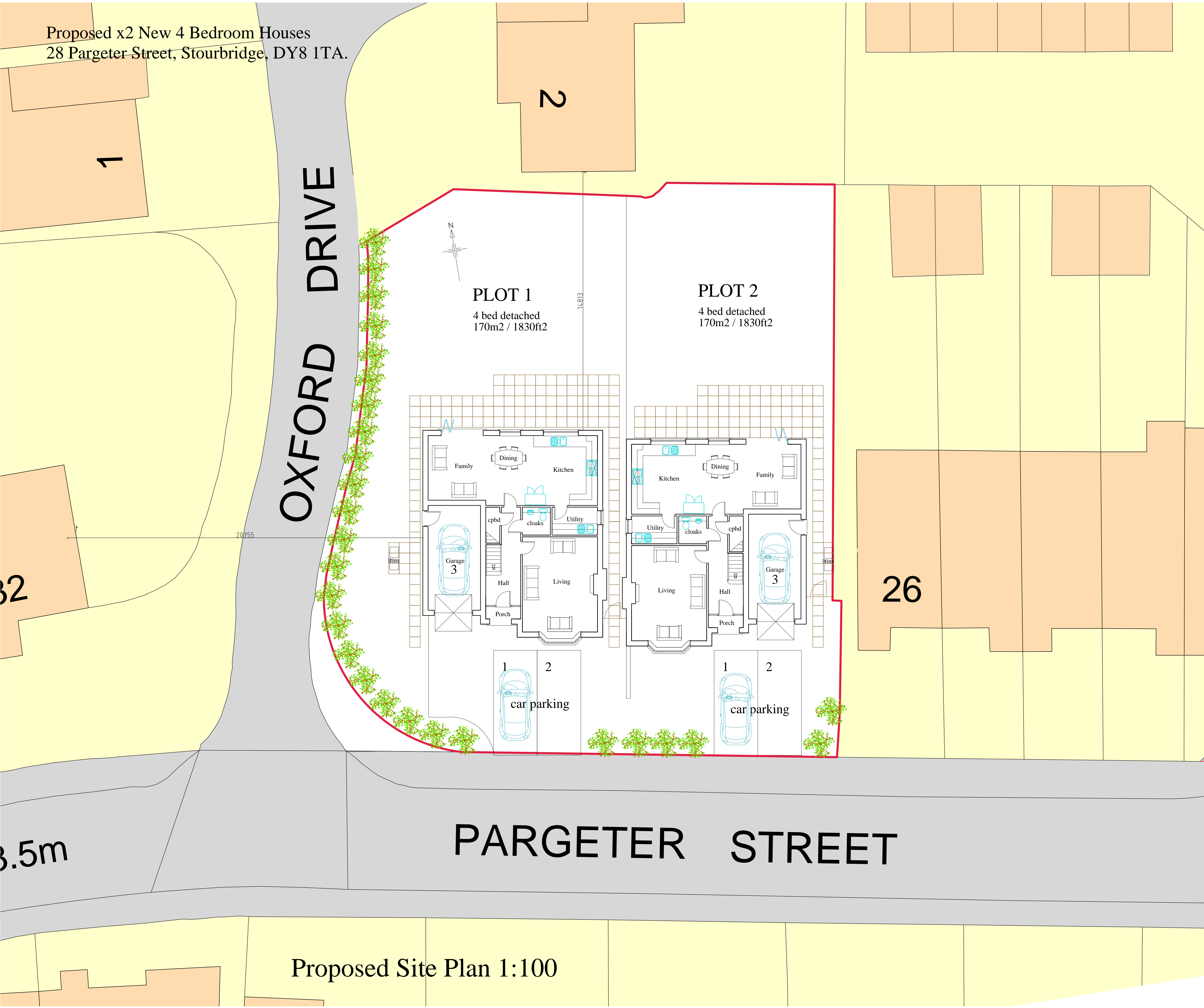
REASON: In the interests of the privacy and amenity of surrounding residents and in accordance with Borough Development Strategy 2017 Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part).

16. Prior to first occupation details of the relocation of the lighting column shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the lighting column has been relocated in accordance with the approved details.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings, Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

17. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (Order) 2015 (England) (or any order revoking or re-enacting that order with or without modification) no modifications shall be made to the garages hereby approved without the prior written approval of the Local Planning Authority.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings, Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5 of the Black Country Core Strategy.



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Location Plan 1:1250

TITLE:
Proposed x2 New 4 Bedroom Houses
28 Pargeter Street
Stourbridge
West Midlands
DY8 1AU

DRAWING NO. 28PS/11 REV: E

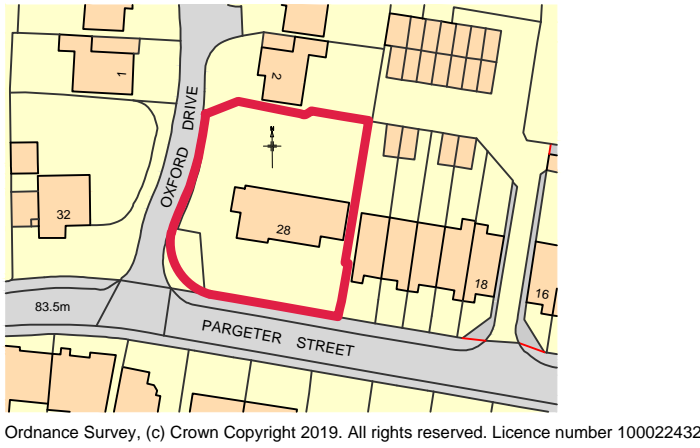
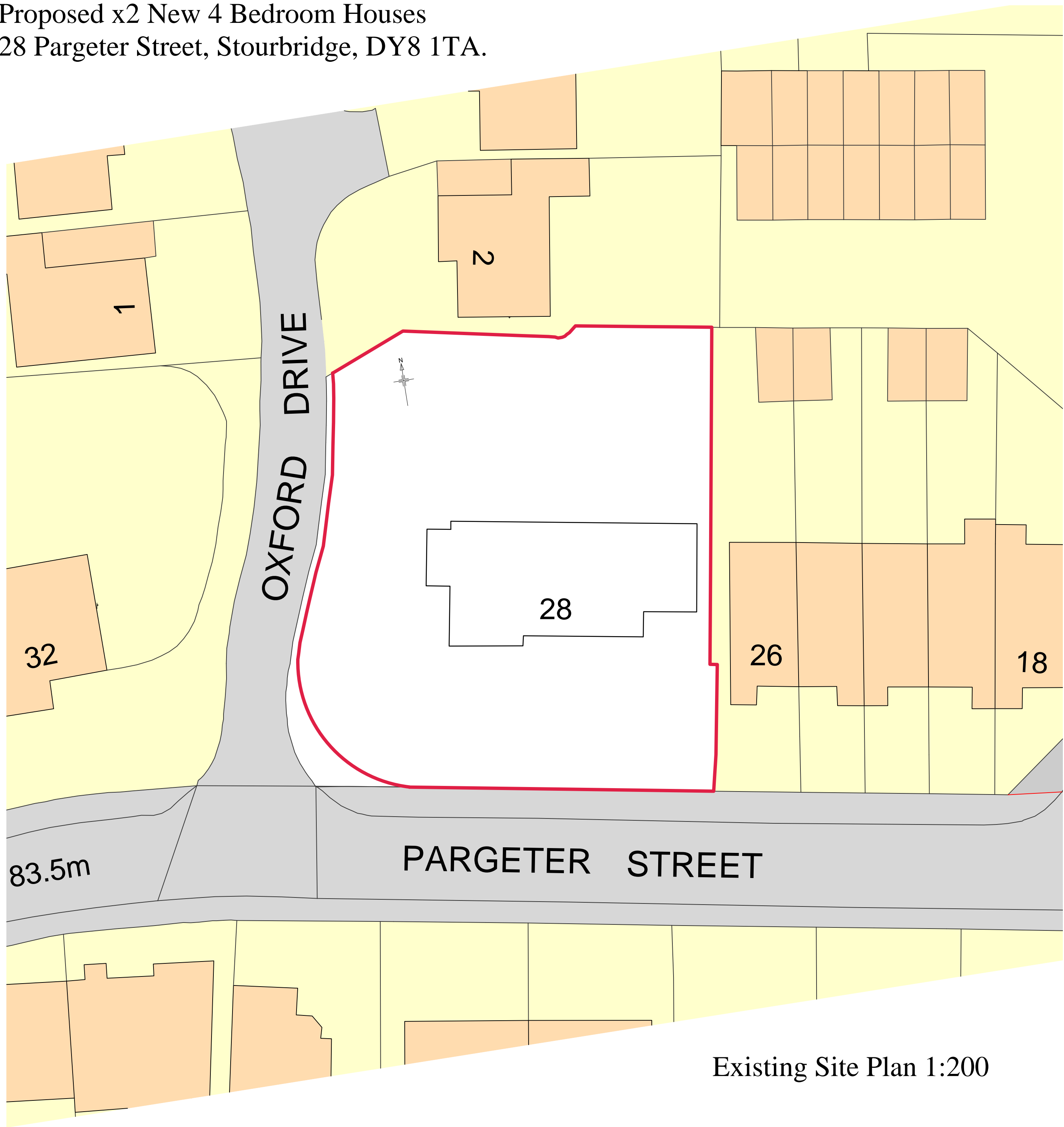
DATE: November 2019

SCALE: 1:100 & 1:1250

NCR ARCHITECTURAL DESIGN & TOWN PLANNING

1st & 2nd Floors
34 Lower High Street
Stourbridge
West Midlands
DY8 1TA

Mob : 07956 805316 neilranford@btinternet.com

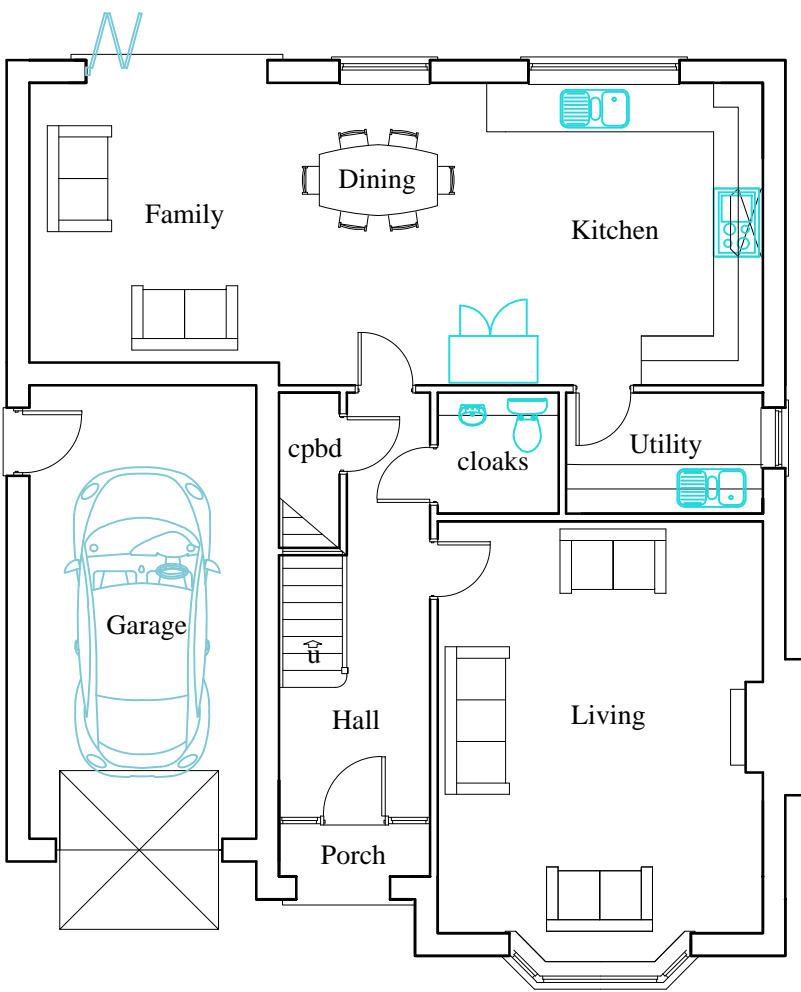


Location Plan 1:1250

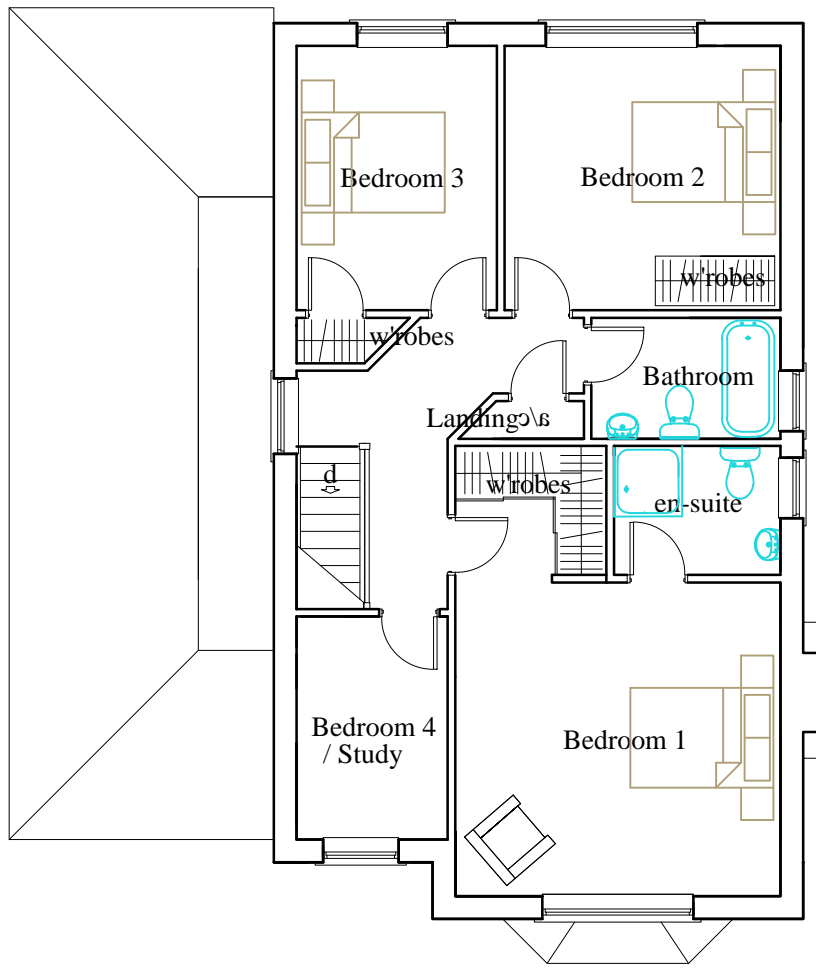
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DRAWING NO.	28PS/10	REV: F
DATE:	May 2019	
SCALE:	1:200 & 1:1250	
<div><div>NCR</div><div>ARCHITECTURAL DESIGN & TOWN PLANNING</div></div> <div>34 Lower High Street Stourbridge West Midlands DY8 1TA</div>		
Mob : 07956 805316 neilranford@btinternet.com		

Proposed x2 New 4 Bedroom Houses
28 Pargeter Street, Stourbridge, DY8 1TA.

PLOT 1

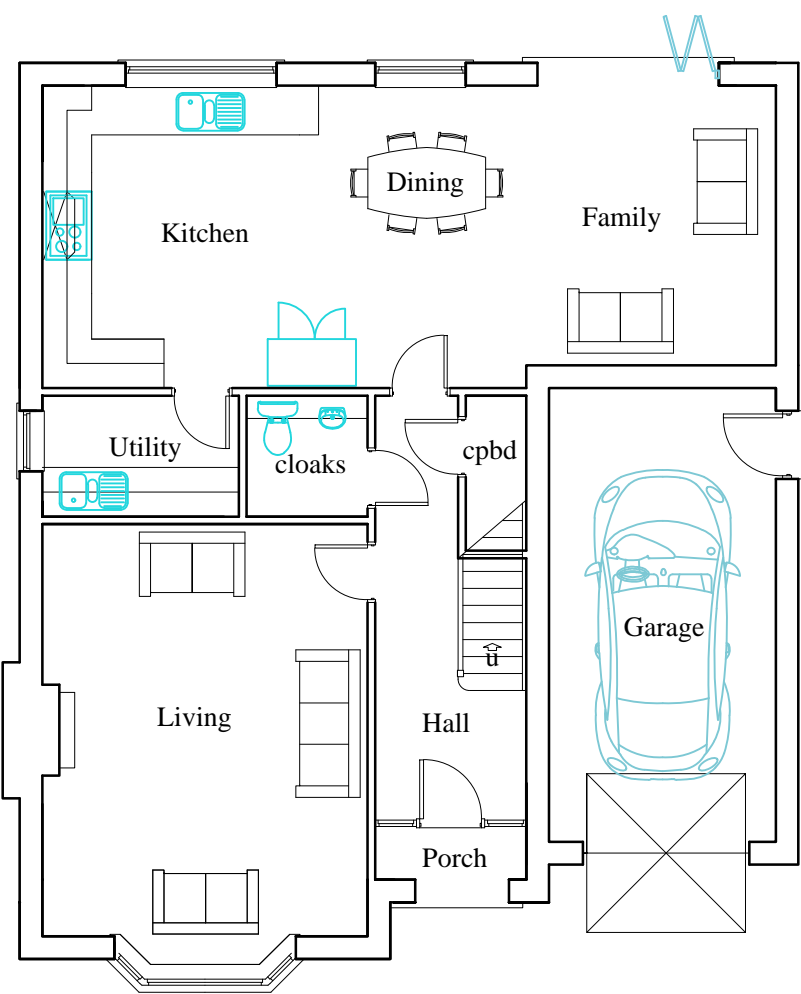


GROUND FLOOR PLAN 1:100
103m2

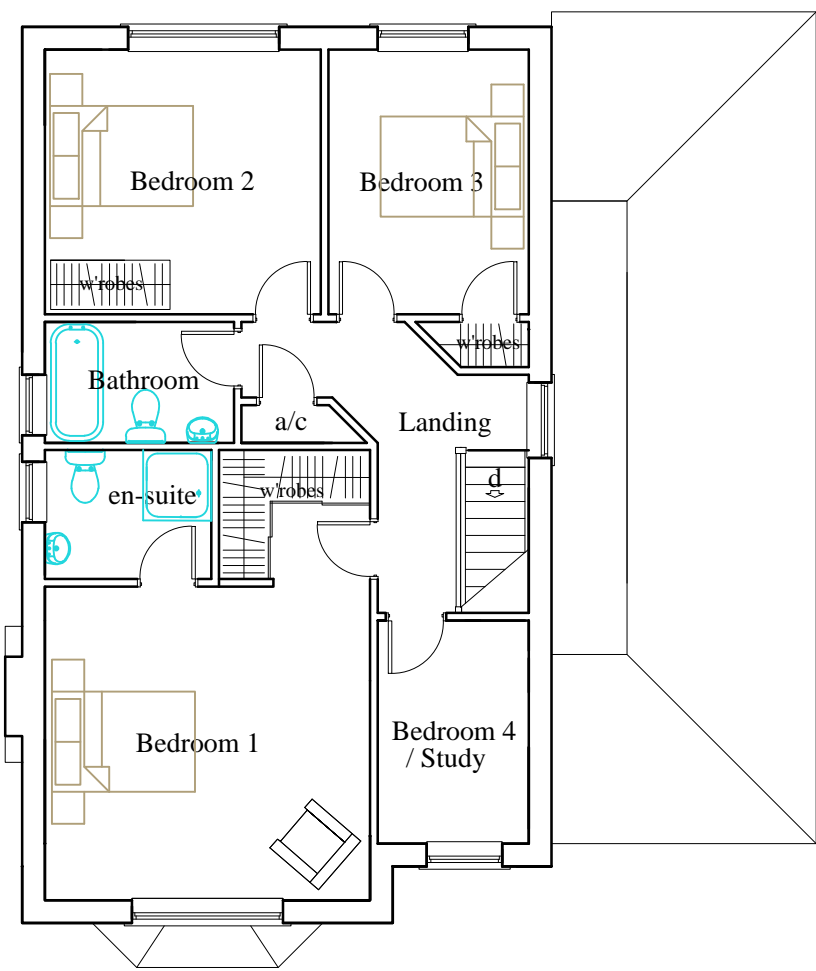


FIRST FLOOR PLAN 1:100
69m2

PLOT 2



GROUND FLOOR PLAN 1:100
103m2



FIRST FLOOR PLAN 1:100
69m2

TITLE:
Proposed x2 New 4 Bedroom Houses
28 Pargeter Street
Stourbridge
West Midlands
DY8 1AU

DRAWING NO. 28PS/12 REV: D

DATE: November 2019

SCALE: 1:100

NCR ARCHITECTURAL DESIGN & TOWN PLANNING

1st & 2nd Floors
34 Lower High Street
Stourbridge
West Midlands
DY8 1TA

Mob : 07956 805316 neilranford@btinternet.com

Proposed x2 New 4 Bedroom Houses
28 Pargeter Street, Stourbridge, DY8 1TA.



TITLE: Proposed x2 New 4 Bedroom Houses 28 Pargeter Street Stourbridge West Midlands DY8 1AU		
DRAWING NO.	28PS/13	REV: F
DATE:	November 2019	
SCALE:	1:100	
<div><div><div>NCR</div><div>1st & 2nd Floors 34 Lower High Street Stourbridge West Midlands DY8 1TA</div></div><div>ARCHITECTURAL DESIGN & TOWN PLANNING</div></div>		
Mob : 07956 805316		neilranford@btinternet.com

PLANNING APPLICATION NUMBER: P21/1399

Type of approval sought	Full Planning Permission
Ward	Halesowen North Ward
Agent	Mr R. Todd
Case Officer	Stephanie Hollands
Location:	22, LINDEN AVENUE, HALESOWEN, B62 9EL.
Proposal	SIDE AND REAR EXTENSION TO PROVIDE 1 NO. ADDITIONAL CARE SERVICE USER (FOLLOWING DEMOLITION OF EXISTING UTILITY). NEW SINGLE STOREY OUTBUILDING IN REAR GARDEN TO PROVIDE STAFF MEETING FACILITY. RENDERING TO ALL EXTENSION AND NEW BUILDING EXTERNAL WALLS.
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site comprises of detached bungalow that is located in a residential cul-de-sac that is sited within a predominantly residential area. The application property currently comprises of a single property in use as a care home (C2) that has a large private block paved driveway to the front that is sufficient to accommodate four cars. The current care home provides care for two adults. The driveway is served by two gated access points at extreme corners of the front boundary that secure vehicle access into the highway. The property has a large private rear garden that is defined by mature hedging either side. The extreme rear part of the garden accommodates a large greenhouse and shed; however, this area of the garden has been segregated from the main garden area by new 2m high close board fencing.
2. The surrounding street comprises of a mixture of two storey dwellings and detached bungalows, all of which vary in scale, size and design and whilst terraced dwellings are present within the street most properties benefit from having an off-street

parking provision. There is a large four storey block of flats to the west of the application site with an established garage block adjoining the side boundary with the application site.

- 3. No.21A Linden Avenue is a two-storey semi-detached dwelling that is sited to the east of the application site and is set back from the front building line of the application dwelling. This property has non habitable room window/door in the side elevation of the dwelling.

PROPOSAL

- 4. The application proposes a single storey flat roof side and rear extension to provide 1 no. additional care service user (following demolition of existing utility). Also proposed is a single storey flat roof outbuilding in rear garden to provide staff meeting facility. This building would have a mono-pitched roof with a maximum height of 2.65m This would be located to the bottom of the properties garden, to the south and result in the removal of the existing shed and greenhouse. Rendering is proposed to all extension and new building external walls.
- 5. The existing parking provision to the frontage would be retained with the frontage being opened up (removal of fence and planting).

HISTORY

6.

APPLICATION No.	PROPOSAL	DECISION	DATE
P18/0960	Change of Use from dwelling house (C3) into care home (C2)	Approved with conditions	13/09/2018

PUBLIC CONSULTATION

7. The application was advertised by way of site notice and neighbour notification letters to 49 properties. The final date for representation was 25th August 2021. One objection has been received from occupiers in Linden Avenue raising the following issues:
 - Parking facilities
 - Parking on road is already extremely restricted
8. An objection has been received on behalf of Westbourne Road (3 properties) raising the following issues:
 - Development is out of character with the surrounding area
 - Loss of privacy
 - Use of residential space for business purposes
9. A petition has been received against the application containing 23 names, address and signatures raising the following issues:
 - Road blocked to emergency services/narrow road
 - No additional provision for off road parking at the time of the change of use
 - Trebling the size of the existing property
 - Lack of parking for existing properties (terraced & flats)
 - Pavements blocked
 - Staff visitors parking outside houses
 - Existing parking problems
10. Following re-consultation on the amended plans (addressing initial highway safety concerns), which expired on 10th September 2021 one objection has now been received from local occupiers objecting to the application with the following comments below:
 - We have looked at the revised plans showing parking provision. This will only allow for one more vehicle. By removing the fence, hedge and secured gates

to the front of the property would surely be putting the residents at risk when they come out of the property? The gates are currently secured at all times.

11. An additional letter has been received noted from “residents of Linden Avenue” and states that this is further to the petition already submitted. This letter highlights what it considered to be errors in the previous officer report for the change of use (P18/0960) and reaffirms the existing parking problems.

-
12. Highways – No objections following the receipt of the amended plans and recommend approval with conditions relating to access, turning area and parking, electric vehicle charging point, bin stores and kerbs.
 13. Environmental Safety and Health – Recommend that conditions be attached to any approval relating to air quality and noise.
 14. Contaminated Land Team – No adverse comments.

RELEVANT PLANNING POLICY

15. National Planning Guidance
National Planning Policy Framework
16. Black Country Core Strategy (2011)
 - DEL1 - Infrastructure Provision
 - HOU5 - Education and Health Care Facilities
 - TRAN2 - Managing Transport Impacts of New Development
 - ENV2 - Historic Character and Local Distinctiveness
 - ENV3 - Design Quality

17. Dudley Borough Development Strategy

- S6 - Urban Design
- S8 - Local Character and Distinctiveness
- S16 – Access and Impact of Development on the Transport Network
- S17 – Access & Impact of Development on the Transport Network
- L1 – Housing Development, extensions and alterations to existing Dwellings
- L2 – Supported Accommodation
- D2 – Incompatible Land Uses
- D5 – Noise Pollution

18. Supplementary Planning Documents

- Parking Standards (2012)
- PGN 10: Residential care/nursing homes and community care homes

ASSESSMENT

19. The key issues for consideration in this application are as follows:

- Principle
- Visual amenity
- Residential amenity
- Access and parking

Principle

20. Providing a range of housing tenures is fundamental in creating inclusive communities and providing a choice for new and existing residents in the Borough. Policy L2 of the Dudley Borough Development Strategy (2017) supports the provision of supported accommodation for people with specific needs such as the proposed use providing criteria such as amenity, character, access and parking can be successfully resolved.

21. In regard to the principle of use this has already been established as an acceptable use under previous planning approval P18/0960. The application property is a detached property that is located in a residential area. Notwithstanding all other material considerations, it is considered that the use as a residential care use would not adversely impact upon character of the established residential area.

Visual amenity

22. The design of both the proposed extension and detached building are functional and would not detract from the character of the wider area. The use of a flat roof to a rear extension is not uncharacteristic in a residential area such as this. In this respect the proposal complies with Policy L1. Given their single storey form and siting within the garden area relative to the sites side and rear boundaries, the extension and detached building would not have any harmful effect on existing visual amenity. The proposed detached building is tucked neatly to the bottom of the site and outbuildings and detached structures are not uncharacteristic within a residential area. The development would be of a scale which would still allow for the retention of an extensive area of private amenity space for the residents of the rest home.

Residential amenity

23. The characteristics of the use would include 3 occupiers residing at the property receiving care, staff arriving and departing on a regular basis. It is acknowledged that this level of comings and goings would not be dissimilar to what would be expected from a busy four-bedroom, family dwelling (as was prior to the change of use to a care home). The addition of one further adult resident and associated staff is not considered to increase the movements to and from the property to a level that would be detrimental to the amenity of surrounding occupiers. As such, the proposal would be considered have no detrimental impact on the neighbours' amenities than that of the existing use of the premises.
24. The large secured rear garden is enclosed by close board fencing and mature hedging either side and currently covers an area of over 200sqm that is fully overlooked by the application property. The remaining rear garden area at

137.15sqm would still exceed the minimum guidance set within the Council Housing SPD which seeks a minimum garden length of 11m (albeit in part) and a minimum area of 80sqm for a 4 bedroomed property; and the 60sqm recommended by the Planning Guidance Note 10: Residential care/nursing homes and community care homes (PGN 10). Furthermore, the garden area is sited away from the driveway, the parking area, a main road, is not overshadowed by buildings and is not directly overlooked by adjacent properties. Therefore, the garden still complies the criteria outlined in PGN 10 and is ideal for the proposed care home.

25. Vehicles entering and leaving the site can have the potential to adversely affect the amenities of the adjacent residents by reason of noise and disturbance. However, as indicated previously, the comings and goings associated with the proposed use would not be dissimilar to that of a busy four-bedroom, family dwelling. The Environmental Safety and Health Team have considered the application and have raised no concerns regarding noise issues.
26. The proposed extension would sit in line with the flank wall of the neighbouring property to the east (21a Linden Avenue) due to this neighbouring property being set back in the plot in relation to the application property. There would be no breach of the 45 degree code in relation to the rear facing habitable room windows in this property. The ground floor side facing door/window does not serve a habitable room and as such can not be afforded protection in terms of outlook and daylight.

Access and parking

27. There is an established hard surfaced parking area to the front that spans the full width of the site, at approximately 19m in width and 5.8m in depth that is sufficient in scale to accommodate four cars within the curtilage without overhanging the highway. The home would provide accommodation for three (non-driving) residents. The infrequency of visits required would not significantly increase the intensity of vehicular trips in the locality and would be akin with the number of trips that would be associated to a four bedroomed family dwelling. As such, the proposal would provide sufficient off-street parking provision within its curtilage to accommodate the day-to-day activities associated with the care facility and would not contribute to an

increase in off-street parking in the locality. Amended plan note the parking to the frontage and the removal of the existing boundary treatment to the frontage along with the planting in line with the Highway Engineer request. Following the receipt of these amended plans the Highway Engineer raises no objection to the proposed development and recommend approval with conditions relating to access, turning area and parking, electric vehicle charging point, bin stores and kerbs.

28. Of note is paragraph 111 of the National Planning Policy Framework that sets out that applications should only be refused on traffic grounds should the residual cumulative impacts of traffic be severe. However, it is considered that in this instance the level of traffic generated by the use would be akin to the number of trips that would be associated to a four bedroomed family and no significant increase from that of the existing care provision. As such, the proposal would comply with the transportation policies outlined above and there are no sustainable grounds to refuse the application on highway grounds.
29. Notwithstanding the above, it would be appropriate to condition the approval to restrict the number of residents that can be accommodated at the facility to three to prevent the further intensification of use at the premises in order to protect the amenities of the neighbouring residents.

CONCLUSION

30. It is considered that the principle of the proposed development has already been established through previous planning permission. The intensity of the activity proposed would not be dissimilar to that of a 4 bedroomed family dwelling. Furthermore, the proposal would improve the existing parking provision to the frontage. Despite the objections raised, the proposal would not have an adverse impact upon the character of the area, on residential amenities, on highway safety and would be compliant with adopted Black County Core Strategy Policies DEL1, HOU5, TRAN2, ENV2 and ENV3, Dudley Borough Development Strategy Policies L1, L2, D2, D5, S16, and S17, and the Parking Standards SPD.

RECOMMENDATION

31. It is recommended that the application be APPROVED subject to the following conditions:

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following plans and amended plans: 4003 002 Revision E, 003 Revision A and 001.
REASON: For the avoidance of doubt and in the interests of proper planning.
3. The premises shall be used for supported accommodation for adults only and for no other purpose, including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification.
REASON: In order to secure the satisfactory development of the site, in accordance with Development Strategy Policies D2, L2, and S17.
4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the General Permitted Development Order 2015 (as amended), no more than 3 occupiers receiving supported accommodation care shall reside at the property at any one time.
REASON: In order to secure the satisfactory development of the site, in accordance with Development Strategy Policies D2, L2, and S17.
5. No materials other than those indicated on the approved plans shall be used without the approval in writing of the local planning authority.
REASON: In the interests of the visual amenities of the area and to comply with BCCS Policies CSP4 - Place-Making and ENV2 - Historic Character and Local Distinctiveness and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings
Policy D2 Incompatible Land Uses (in part).
6. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of the access(es) into the site, together with parking and turning area(s) [including details of lines, widths, levels, gradients, cross sections, drainage and lighting] have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the access(es) into the site, together with parking and turning area(s) within the site have been laid out in accordance with the approved details. These area(s) shall thereafter be retained and not be used for any other purpose for the life of the development.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

7. No above ground development shall commence until details of the electric vehicle charging points, to be provided for the dwellings in accordance with the Council's standard (Parking Standards SPD), has been submitted to and approved in writing by the Local Planning Authority. Prior to first occupation the electric vehicle charging points shall be provided in accordance with the approved details and shall be maintained for the life of the development.

REASON: In the interests of creating a sustainable form of development and to encourage the use of ultra low emission vehicles in accordance with Policies ENV8 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy.

8. The development shall not be first occupied/used until details of the bin stores have been submitted to and approved in writing by the Local Planning Authority. The bin stores shall be provided in accordance with the approved details prior to the first use/occupation of the development and shall thereafter be retained and maintained for no other purpose for the life of the development.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

9. In order to minimise the impact of the development on local air quality, any gas boilers provided within the development must meet a dry NOx emission concentration rate of <40mg/kWh.

REASON: To safeguard the air quality of the Borough which is an Air Quality Management Area in compliance with the Black Country Core Strategy Policy ENV8 and the adopted Air Quality SPD.

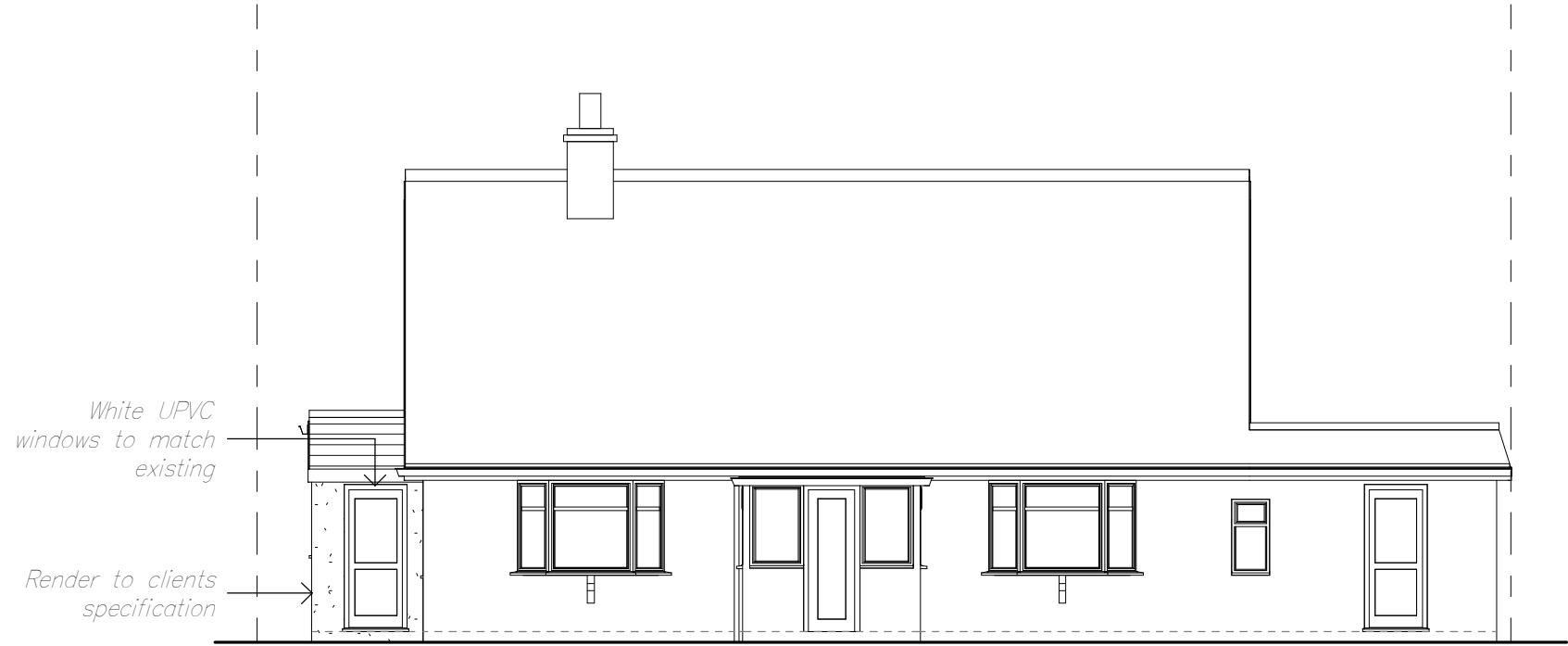
10. Demolition or construction works shall not take place outside the hours of 07:00 to 18:00 hours Mondays to Fridays and 08:00 hours to 17:00 hours on Saturdays nor at any time on Sundays or Public Holidays

REASON: To protect the amenities of nearby residents in accordance with Borough Development Strategy 2017 Policy D5 Noise Pollution, Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part).

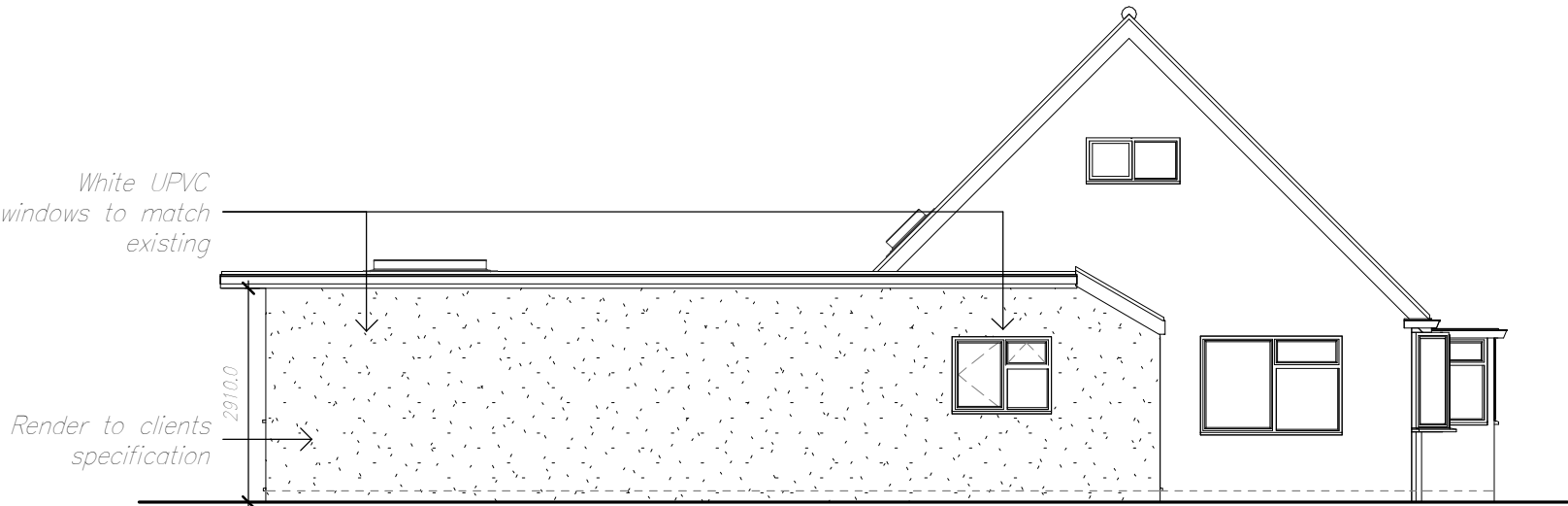
11. Prior to first occupation all redundant dropped kerbs should be replaced with matching full height kerbs and the adjacent Highway made good.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

Notes	
No.	Description



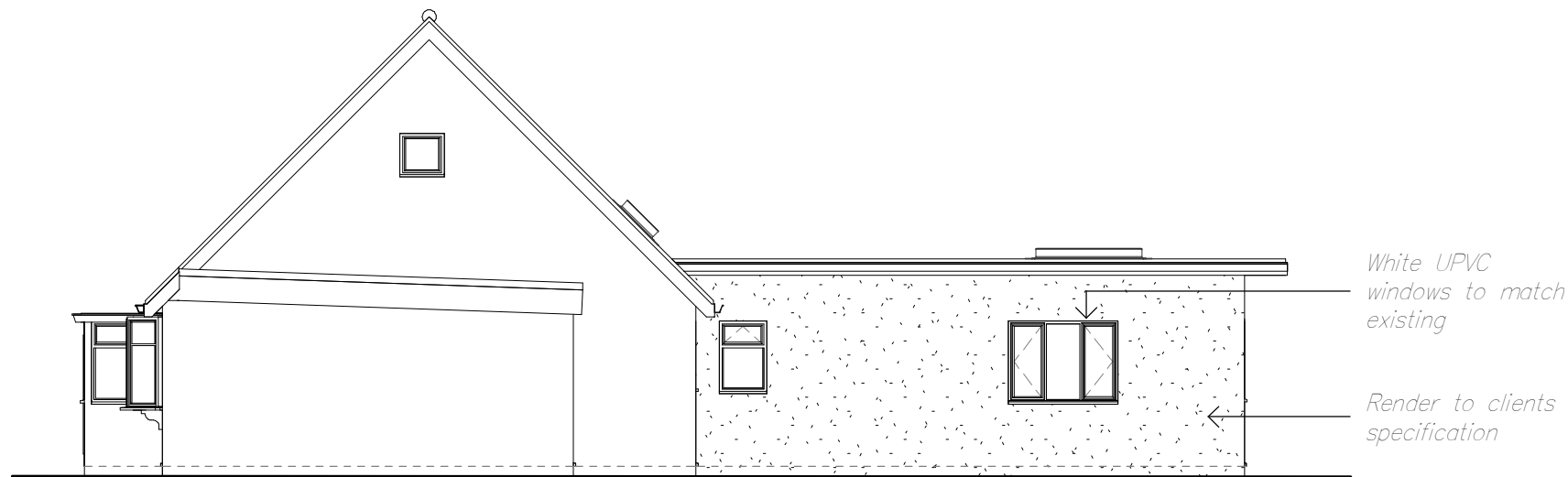
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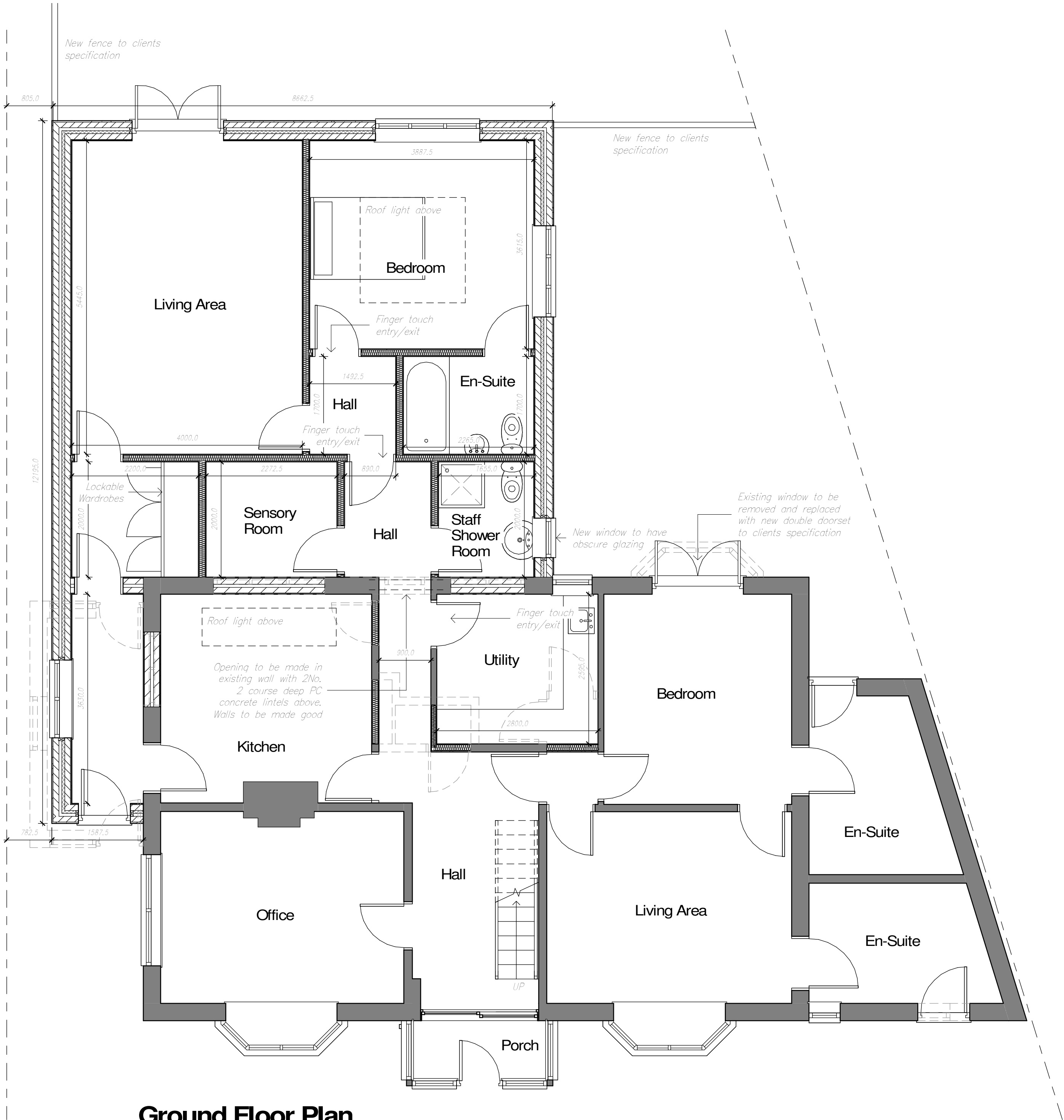
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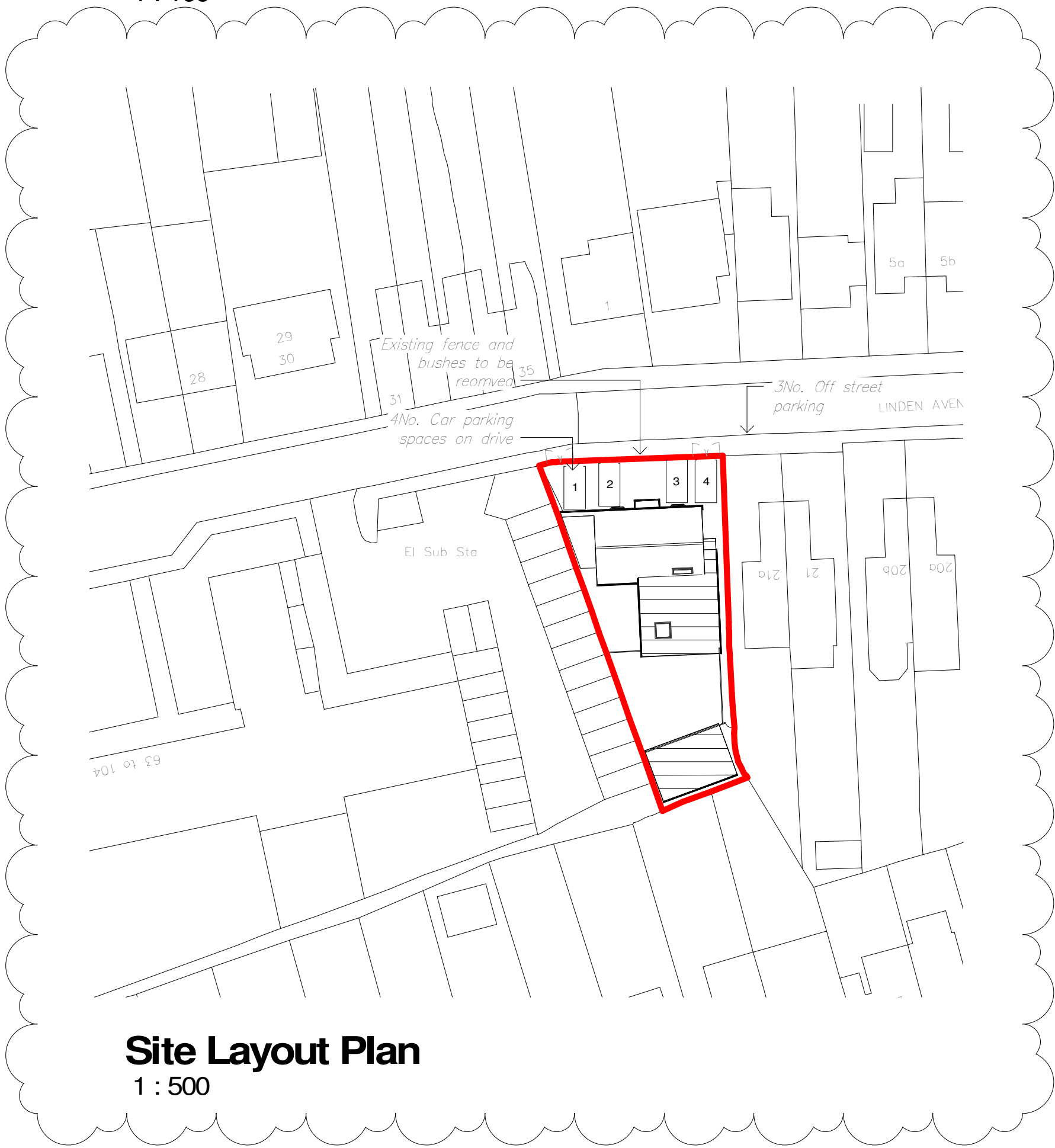
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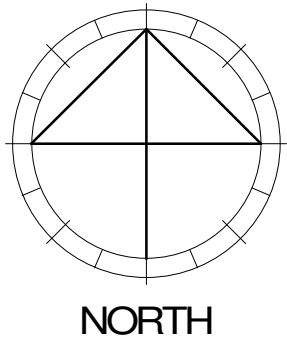
Side Elevation 1
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Ground Floor Plan
1 : 50

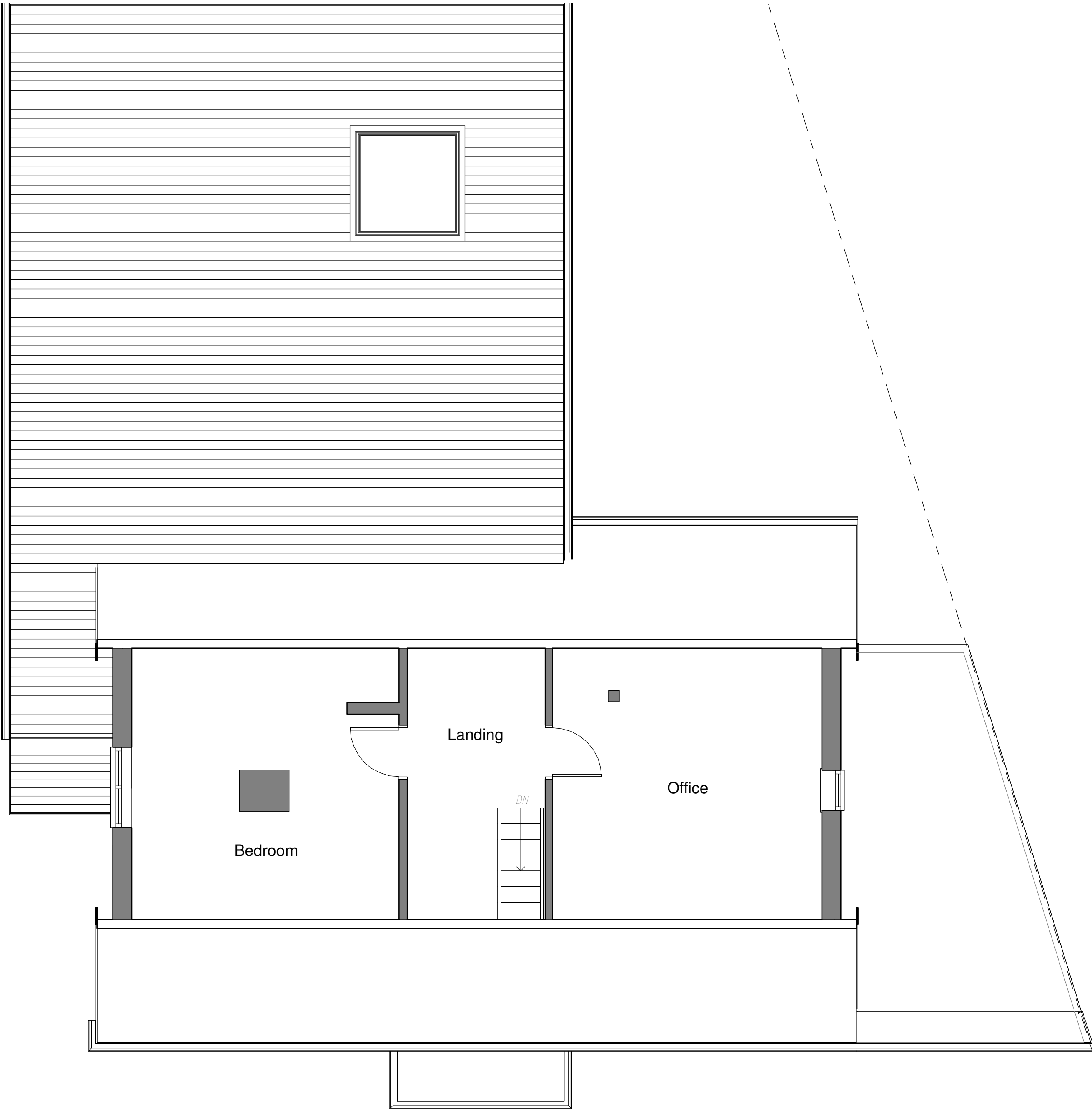


Site Layout Plan
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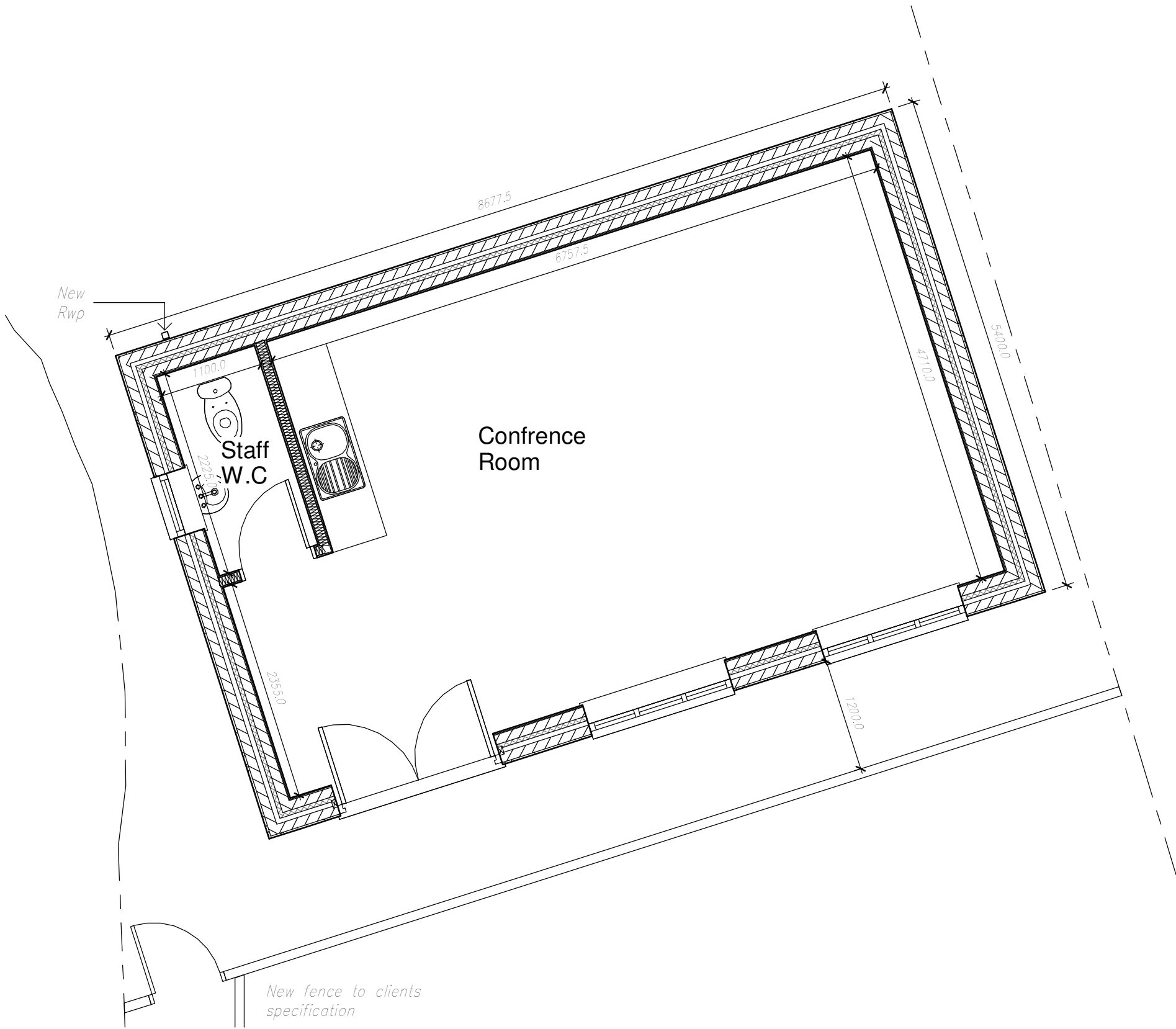


E	24.08.21	Parking plan added to site layout plan
D	15.07.21	Amendments made following phone conversation 15.07.21
C	15.07.21	Amendments made as per clients request
B	14.07.21	Amendments to layout following meeting 14.07.21
A	14.07.21	Amendments made as per clients request
Revision	Date	Description
<div><div>CR8</div><div>ARCHITECTURAL</div></div>		
Client Mr & H Singh		
Project Single Storey Rear Extension		
Location 22 Linden Avenue, Birmingham, B62 9EL		
Drawing Title Proposed Ground Floor Plan & Elevations		
Status PLANNING		
Scale As indicated	Date 06.07.21	Drawn SA
Job No. 4003	Drawing No. 002	Checked RST
		Revision E

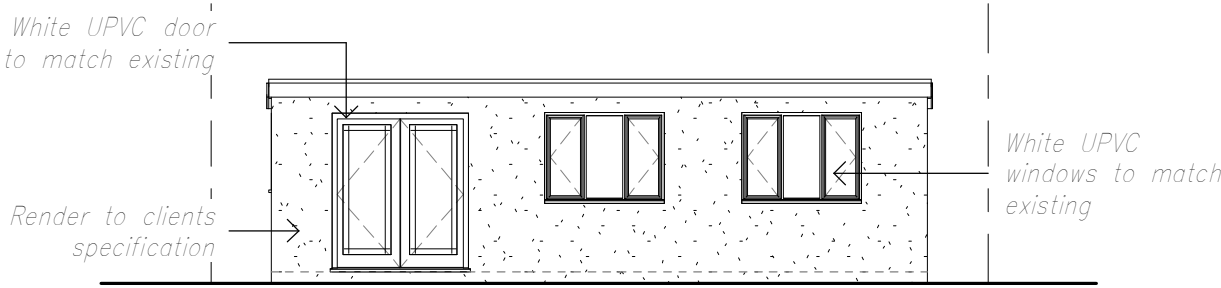
Notes	
No.	Description



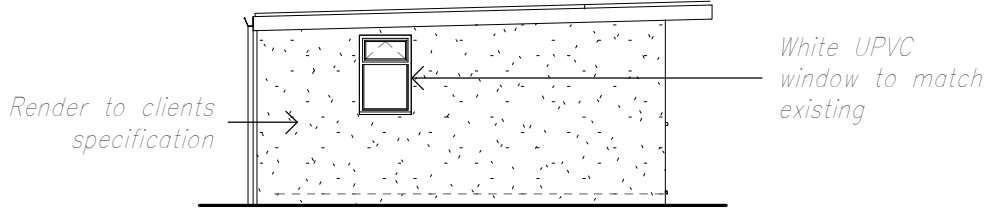
First Floor Plan
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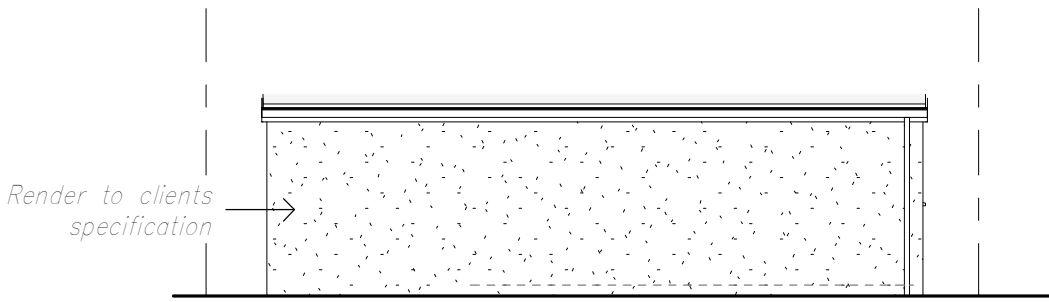
Ground Floor Plan - Rear Building
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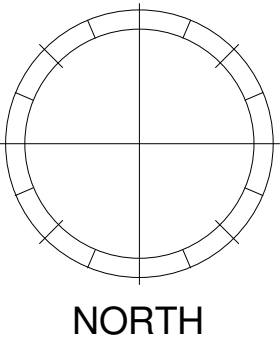
Front Elevation - Rear Building
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Side Elevation - Rear Building
1 : 100

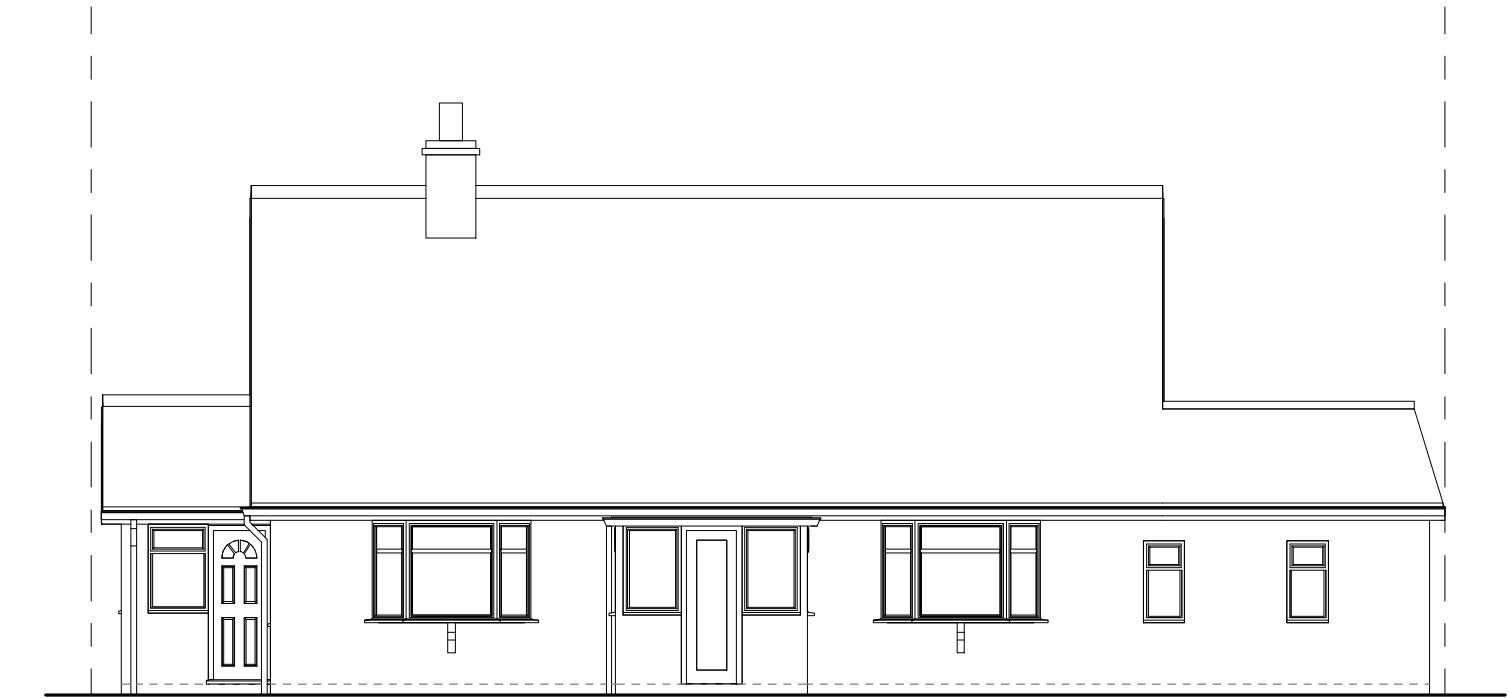


Rear Elevation - Rear Building
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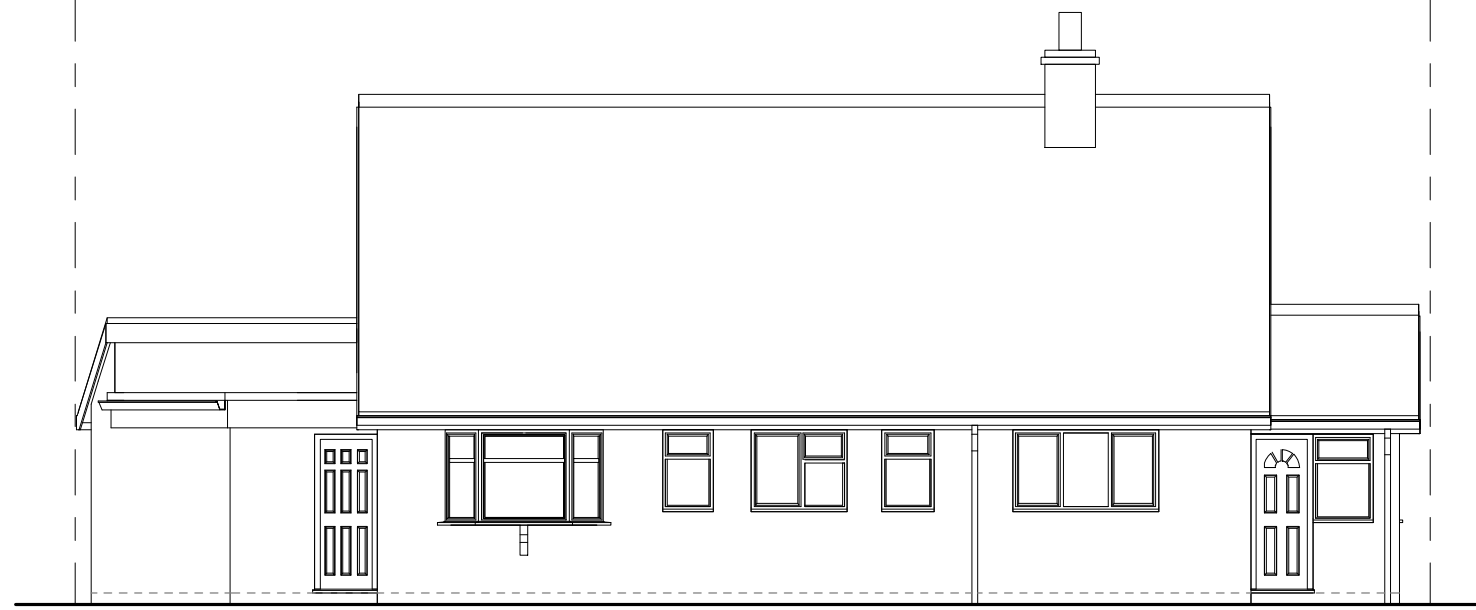


A	14.07.21	Amendments to layout following meeting 14.07.21	
Revision	Date	Description	
<div> CR8 ARCHITECTURAL</div>			
Client [REDACTED]			
Project Single Storey Rear Extension			
Location 22 Linden Avenue, Birmingham, B62 9EL			
Drawing Title First Floor Plan & Proposed Ground Floor Rear Plan & Elevations			
Status PLANNING			
Scale As indicated	Date 06.07.21	Drawn SA	Revision A
Job No. 4003	Drawing No. 003	Checked RST	

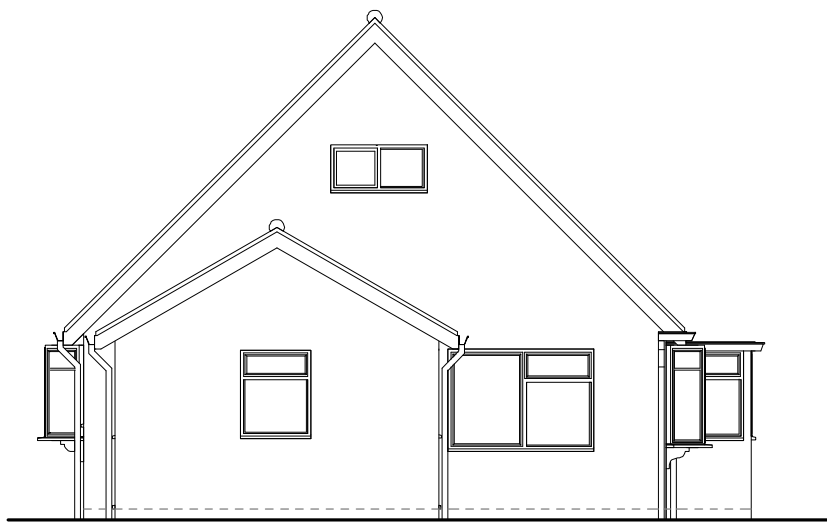
Notes	
No.	Description



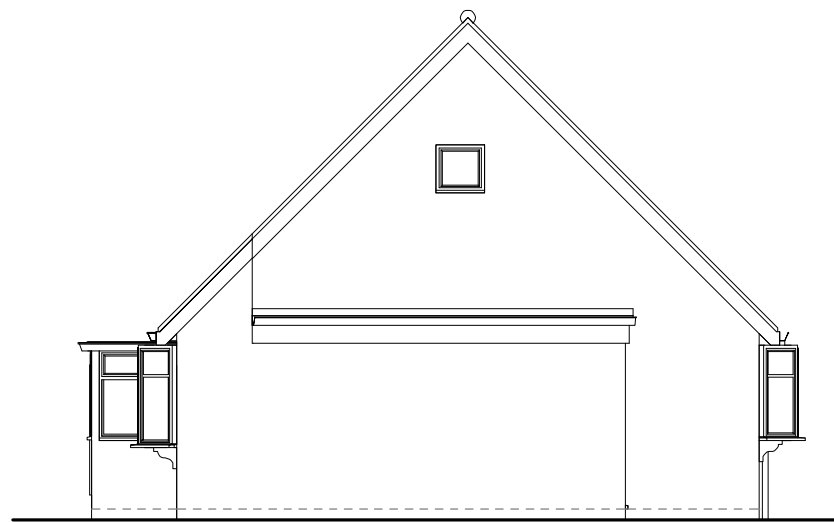
Front Elevation
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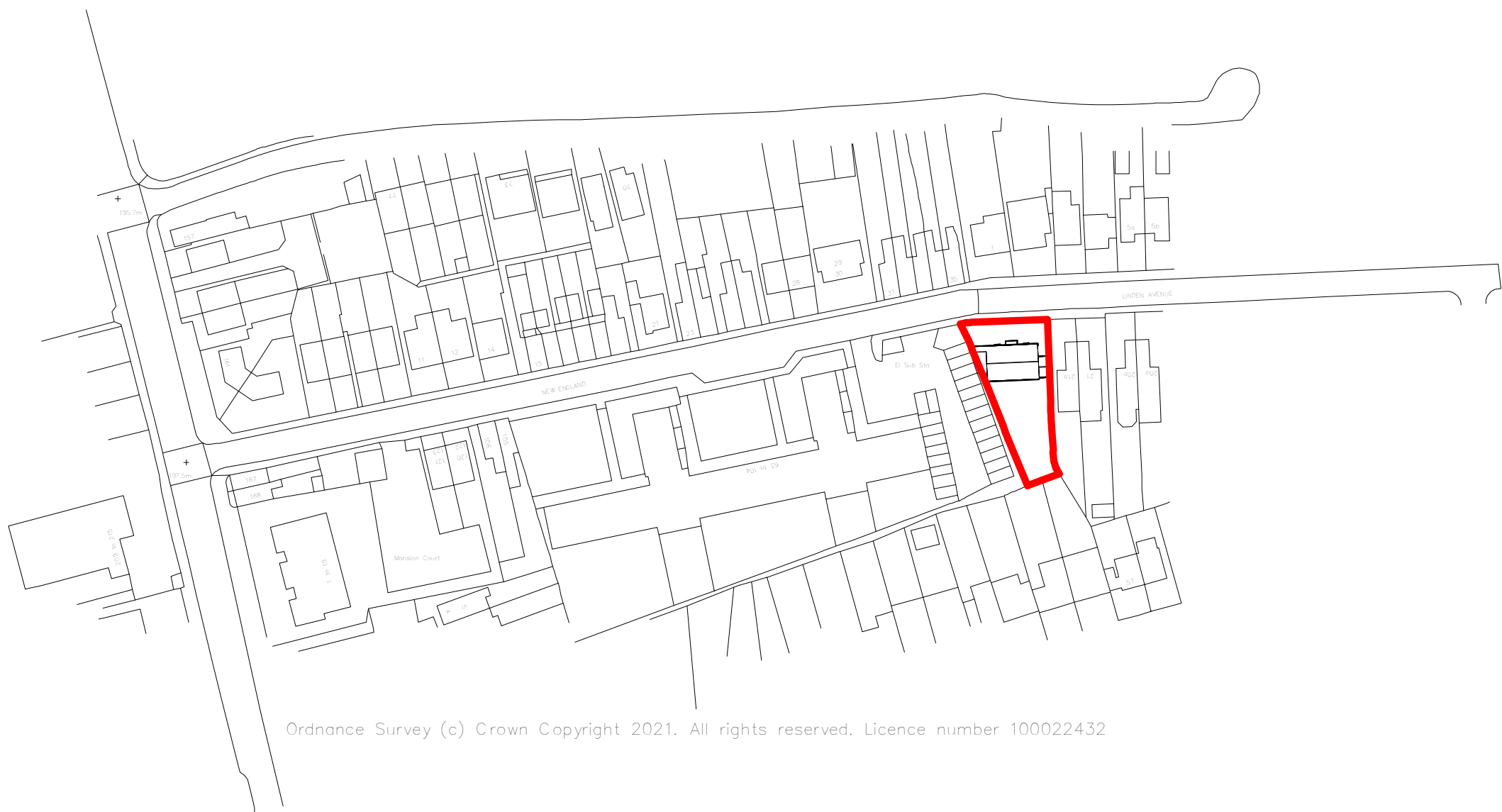
Rear Elevation
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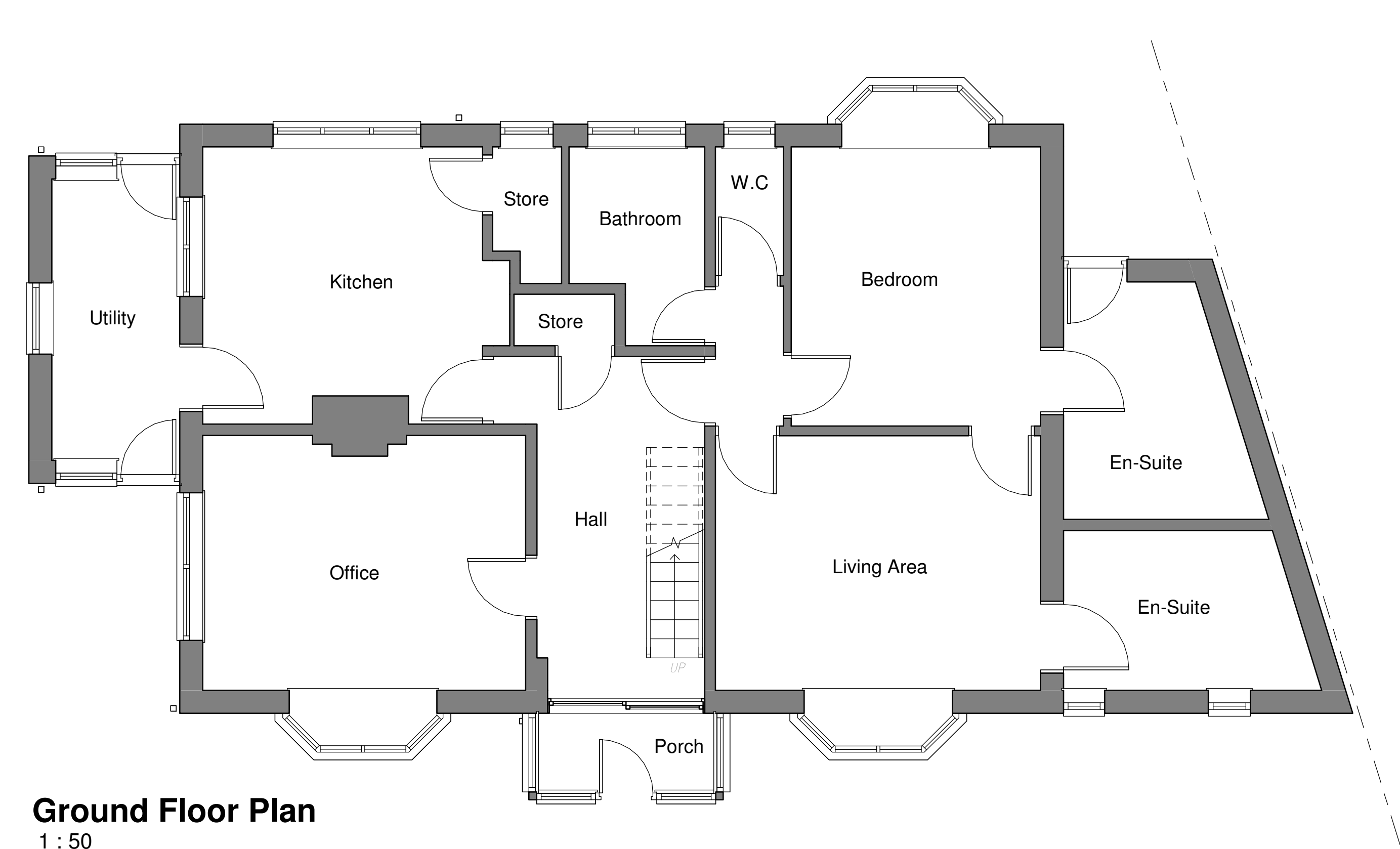
Side Elevation
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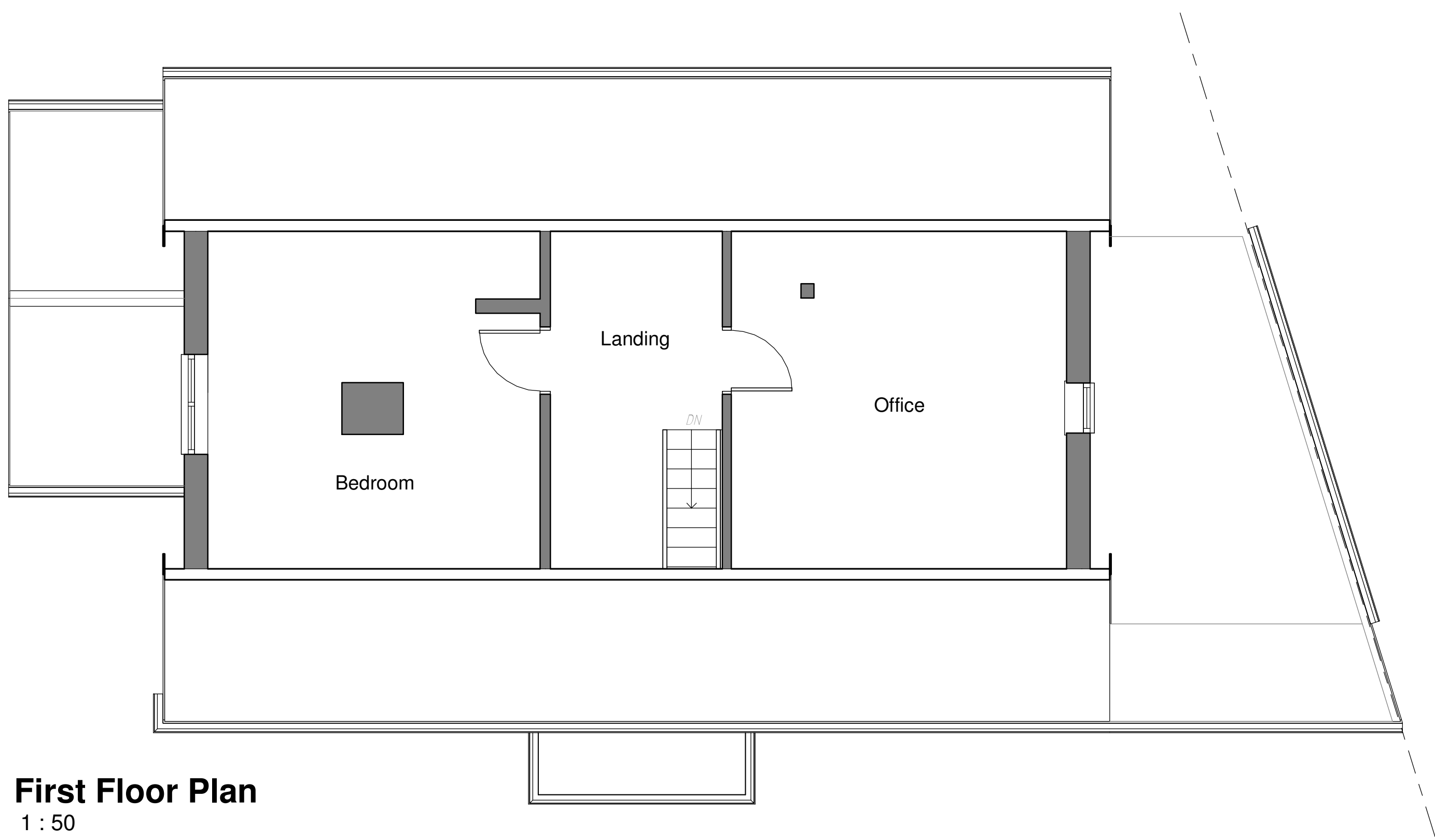
Side Elevation 1
1 : 100



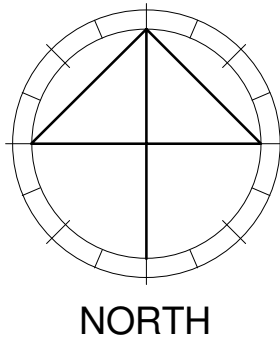
Site Location Plan
1 : 1250



Ground Floor Plan
1 : 50



First Floor Plan
1 : 50



Revision	Date	Description
<div><div>CR8</div><div>ARCHITECTURAL</div></div>		
Client [REDACTED] S		
Project Single Storey Rear Extension		
Location 22 Linden Avenue, Birmingham, B62 9EL		
Drawing Title Existing Plans & Elevations		
Status PLANNING		
Scale As indicated	Date 06.07.21	Drawn SA
Job No. 4003	Drawing No. 001	Checked RST
		Revision

PLANNING APPLICATION NUMBER: P21/1423

Type of approval sought	Full Planning Permission
Ward	St James's St. James's Ward
Agent	Mr R. Staien
Case Officer	Richard Stevenson
Location:	148, WOLVERHAMPTON STREET, DUDLEY, DY1 3AH
Proposal	VARIATION OF CONDITIONS 2 AND 9 OF PLANNING PERMISSION P19/1312 IN RELATION TO FIRST FLOOR WINDOWS TO EASTERN ELEVATION.
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- 1 The application site includes an area of land to the rear of No 146 and 148/149 Wolverhampton Street on the edge of Dudley town centre. Access is presently through a gap site where No. 147 once stood.
- 2 No. 146 has a hot food takeaway use to the ground floor with established residential accommodation on the upper two floors.
- 3 Nos. 148 and 149 are a retail shop and hot food takeaway respectively to the ground floor with residential accommodation above.
- 4 There is a secondary access through the site to land at the rear owned by Dudley College where it has its motor repair teaching facility. The college buildings here are comparatively modern and have the appearance of small industrial sheds. There is also an area of car parking associated with this use.

- 5 To the north west of the site are the rear gardens of associated dwellings which face onto The Belper. These dwellings are generally late 19th century and have no off-road parking.
- 6 The south eastern boundary is to Nos. 150/151/152 Wolverhampton Street, with the boundary consisting of two storey wing to rear of No. 150/151/152, and 3m high wall. No. 150 is shop with residential accommodation and Nos. 151/152 has been converted to residential use.
- 7 The area to the rear of Nos 146, 148/149 has been developed with three terraced two storey dwellings along the south-eastern (rear) boundary of the site which are finished in brick and render.

PROPOSAL

- 8 This planning application under Section 73 of the Town and Country Planning Act 1990 (as amended) seeks to vary conditions 2 and 9 of planning permission P19/1312. Condition 2 required the development to be carried out in accordance with the approved plans. Condition 9 sought control the insertion of first floor windows in the south-eastern elevation. The reason behind condition 9 was to prevent overlooking of the dwelling (No. 150/151/152) and associated garden to the south, where concerns had been previously expressed by the neighbour.
- 9 However, three windows that serve bathrooms have been inserted in the rear elevation, which means the application deviates from the approved plans and currently conflicts with condition 9. These windows are comparatively small and have been finished in obscured glazing with top opening lights.
- 10 This application therefore seeks to regularise these breaches of planning control through a retrospective Section 73 application.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
DY/65/144	Change of Use to Lock-Up Shop (148 Wolverhampton Street).	Granted	15/03/1965
DB/69/6138	Formation of Vehicular Access (147 Wolverhampton Street)	Granted	12/12/1969
DB/73/11823	Extension to Existing Bakery and Provide Car Park.	Granted	07/06/1973
DB/73/12647	Conversion of Garage into Staff Room and Erection of Sta (147 Wolverhampton Street)	Granted	16/10/1973
DB/73/12734	Erection of Storage Building (Rear of 147 Wolverhampton Street)	Granted	17/10/1973
85/52143	Installation of Shop Front (149 Wolverhampton Street).	Granted	06/05/1986
92/51216	Change of Use from Retail Shop to Hot Food Takeaway (149 Wolverhampton Street)	Granted	08/10/1992
98/50711	Section 73 Application to Vary Condition 4 of Permission (149 Wolverhampton Street)	Dismissed	13/11/1998
P17/0574	Demolition of existing single storey storage units and erection of building to create 14 living units with associated kitchen and dining facilities and create 1 no. flat over the entrance way.	Refused	08-Mar-2018

P18/1218	Demolition of existing storage units and the erection of 4No. dwellings and associated parking	Granted	21-Nov-2018
P19/1312	Demolition of existing storage units and the erection of 4 no. dwellings and associated parking. Alterations to shop frontages. (Resubmission of granted application P18/1218)	Granted	10-Jan-2020

- 11 As noted above, P19/1312 granted full planning permission for development with the erection of three dwellings to the rear of No 146 and 148/149 Wolverhampton Street and included a standard condition requiring the development to be carried out in the accordance with the approved plans and a further condition which prevented the insertion of first floor windows in the southeastern (rear) boundary of the approved dwellings. The permission included a dwelling over the entrance between Nos. 146 and 148.
- 12 Planning permission P19/1312 was a modified version of planning permission P18/1218 which had been granted in 2018, the difference being that detached dwellings became linked detached filling the gaps between.

PUBLIC CONSULTATION

- 13 One letter of objection has been received from the adjacent resident following consultation with 10 adjoining neighbours and the posting of a site notice. Main issues raised:
- Condition was imposed to prevent windows from being installed in elation facing No. 152 and was imposed to protect privacy to dwelling and garden
 - Planning condition ignored by developer
 - Windows overlook property – have to keep curtains/blinds closed
 - Concerns about crime, have had attempted break ins and a burglary

- Windows allow surveillance of house so know when is unoccupied
- Windows should be removed

A further letter has been received from the Community Safety Team which supports this objection on information provided by the neighbour in terms of personal circumstances and recent events.

- 14 One letter of objection received from one of the ward members, Main issues raised:
- Requests application is presented to Development Control Committee.
 - Application has been significantly amended
 - Rooms were to be served by rooflights which would have caused no impact
 - Windows in inserted in the elevation which faces to the neighbour
 - Windows look directly into garden, lounge and kitchen of neighbour.

OTHER CONSULTATION

- 15 None.

RELEVANT PLANNING POLICY

- National Planning Guidance
National Planning Policy Framework (Revised 2021)
Planning Practice Guidance
Community Infrastructure Levy Regulations (as amended) (2014)
National Design Guide (Revised 2021)
National Model Design Code (2021)
- Black Country Core Strategy (2011)
CSP1 The Growth Network
HOU1 Delivering Sustainable Housing Growth
HOU2 Housing Density, Type and Accessibility
TRAN2 Managing Transport Impacts of New Development
ENV 2 Historic Character and Local Distinctiveness
ENV 3 Design Quality

ENV 7 Renewable Energy

ENV 8 Air Quality

- Dudley Borough Development Strategy (2017)

S1 Presumption in favour of Sustainable Development

S6 Urban Design

S17 Access & Impact of Development on the Transport Network

L1 Housing Development, extensions and alterations to existing Dwellings

D2 Incompatible Land Uses

D3 Contaminated Land

D5 Noise Pollution

- Dudley Area Action Plan (2017)

Policy 1 Sustainable Development

Policy 2 Design Quality

Policy 3 Urban Structure and Built Form

Policy 4 Sense of Place and Connectivity

Policy 5 Landmarks, Views, Vistas and Gateways

Policy 17 Land uses outside Dudley's Primary Shopping Area

Policy 18 Housing within the Dudley Area Action Plan Boundary

Policy 21 Conservation and Enhancement of Local Character and Distinctiveness in Dudley

Policy 28 Walking and Cycling

Policy 29 Car Parking

- Supplementary Planning Guidance/Documents

CIL Charging Schedule (2015) (updated 2017)

Design for Community Safety Supplementary Planning Guidance (2002)

Parking Standards Supplementary Planning Document (2017)

PGN 12. The 45 degree code

ASSESSMENT

- 16 As noted above planning permission (Ref P18/1218) was originally granted amongst other things for the detached two dwellings to the rear of No 146 and Nos. 148/149 by the Development Control Committee in November 2019. This was subsequently amended by further planning permission (Ref P19/1312) which proposed three larger linked detached dwellings, which was determined in January 2020 under delegated powers.
- 17 The approved plans which were controlled through condition 2, illustrated that no windows would be provided to the rear (south-eastern) elevation which faced towards the rear garden of Nos. 150/151/152. In addition, a further condition (No 9) sought to prevent the insertion of any windows to this elevation without the express grant of planning permission. The reason for the latter condition was to protect the amenity of the neighbour to the south.
- 18 It came to light that in February 2021 that three windows had been constructed in the rear (south-eastern) elevation which faces towards the rear garden of Nos. 150/151/152. As such the applicants were advised to submit a Section 73 (of the Town and Country Planning Act 1990) application to vary condition 2 (plan numbers) and condition 9 (removal of right to insert windows to rear elevation).
- 19 The three windows which have been provided to the rear (south-eastern) elevation, each serve a first-floor bathroom, which is considered to be a non-habitable room. Additionally, the windows are modest in size, have only top opening lights and are wholly obscurely glazed. The top opening lights cill levels are 1.709m above the first floor level meaning that the potential for any outlook from eye level is extremely limited. The level of the opening light is slightly above that required by the Government for the insertion of windows in side elevations of buildings and to be classified as permitted development, thus preventing potential for overlooking and loss of privacy.

- 20 Given that the windows serve non-habitable rooms and are obscurely glazed with top opening lights, it is difficult to argue that the neighbour would suffer any significant impact to amenity or privacy, in that any overlooking towards the private rear garden and dwelling would be severely restricted. As such there is no apparent planning reason why the requested amendments to the previously approved permission should not be granted.
- 21 Overall the development which is near completion, is considered to be of an acceptable design and has assisted in regenerating an unattractive and underused site, in a sustainable location close to Dudley town centre.
- 22 The concerns are noted in relation to crime prevention and crime being a material consideration. However, the provision of a rear garden to rear garden arrangement as proposed here provides added security and is an accepted principle of good urban design practice. The fact that it may be possible to discern if lights were on in the adjacent property is not considered to represent a sustainable reason to withhold retrospective planning permission.

CONCLUSION

- 23 The changes which have been made to the rear (south-eastern) elevation, subject to a planning condition requiring no further windows to be inserted in the relevant elevation and that the windows provided with high level lights and obscured glazing are retained for the life of the development, is considered to be acceptable from amenity point of view in relation to the neighbour at Nos. 150/151/152. Consideration has been given to policies within the Black Country Core Strategy (2013); and the Dudley Borough Development Strategy (2017).

RECOMMENDATION

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

Conditions and/or reasons:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
SAP.WS.18.07.GA.01B Ground Floor
SAP.WS.19.06.GA.06.B First Floor
SAP.WS. 17.04. LP.01-Location Plan
SAP.WS.18.06.EL.04C Rear Elevations
SAP.WS.21.04.EL.05C Front Elevations
SAP.WS.20.04.BR.08A Proposed Sections
REASON: For the avoidance of doubt and in the interests of proper planning.
2. The dwellings hereby approved shall not be occupied until details of the electric vehicle charging points, to be provided for the dwellings in accordance with the Council's standard (Parking Standards SPD), has been submitted to and approved in writing by the Local Planning Authority. Prior to first occupation the electric vehicle charging points shall be provided in accordance with the approved details and shall be maintained for the life of the development.
REASON: In the interests of creating a sustainable form of development and to encourage the use of ultra low emission vehicles in accordance with Policies ENV8 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy.
3. The houses shall be occupied until details of the access(es) into the site, together with parking and turning area(s) [including details of lines, widths, levels, gradients, cross sections, drainage and lighting] have been submitted to and approved in writing by the Local Planning Authority. The houses shall not be occupied until the access(es) into the site, together with parking and turning area(s) within the site have been laid out in accordance with the approved details. These area(s) shall thereafter be retained and not be used for any other purpose for the life of the development.
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.
4. Notwithstanding the details shown on the submitted plans, no works shall commence to the flat over the entry or to the Wolverhampton Street elevation until details of the detailed designs of the shopfronts, shopfront security, sliding sash windows and entrance doors in the Wolverhampton Street elevation have been submitted to and approved in writing by the Local Planning Authority. Large scale architectural drawings at 1:5 or 1:10 shall be provided along with details of their proposed colour and finish. Development shall proceed in accordance with the agreed details and be retained for the lifetime of the development.
REASON: To ensure that the Wolverhampton Street elevations are designed to reinforce and enhance local character and distinctiveness in accordance with Policy ENV 2 of the Black Country Core Strategy and Policy S8 of the Dudley Borough Development Strategy and to ensure the shopfronts, signage and shopfront security is in accordance with the Council's adopted Shopfront and Advertisement Supplementary Planning Document and Policy L12 of the Dudley

Borough Development Strategy.

INFORMATIVE: Attention is drawn to the design of sash windows used at No.42 Wolverhampton Street. We expect these to be replicated here for new windows to the Wolverhampton Street elevation.

5. No above ground development shall commence in relation to the proposed flat over the entry way between Nos. 146 and 148 Wolverhampton Street, from noise from road traffic has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before occupation of the permitted dwellings, unless otherwise agreed in writing by the Local Planning Authority. The protection measures in the agreed scheme shall be maintained throughout the life of the development

REASON: To protect amenity of future occupiers and to comply with DBDS Policy D2 Incompatible Land Uses

6. In order to minimise the impact of the development on local air quality, any gas boilers provided within the development must meet a dry NOx emission concentration rate of <40mg/kWh.

REASON: To safeguard the air quality of the Borough which is an Air Quality Management Area in compliance with the Black Country Core Strategy Policy ENV8 and the adopted Air Quality SPD.

7. The houses shall not be occupied until details of the types, colours and textures of the materials to be used in the hard surfacing of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.

REASON: In order to make a positive contribution to place-making and provide a high quality landscaping in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part)

This detail is required as landscaping is integral to providing a high quality and sustainable development.

8. The dwellings hereby approved shall not be first occupied until a scheme for the upgrade of the flue to the rear of No. 149 has been submitted to and approved in writing by the Local Planning Authority. The approved scheme which should have regard to reducing noise, odour and vibration to adjoining residents shall constructed in complete accordance with the approved details and bought in to use prior to the first occupation of any of the dwellings. The flue shall thereafter be maintained in accordance with manufactures guidance/specification for the life of the development. The existing flue to the rear of No.149 shall be removed prior to the occupation of any of the dwellings.

REASON: To protect amenity and comply with DBBS Policies D2 Incompatible Land Uses and D5 Noise Pollution.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any order revoking or re-

enacting that order with or without modification) no development referred to in Schedule 2, Part 1, Classes A, B, C and D of that order shall be carried out without the express grant of planning permission.

REASON: In the interests of the privacy and amenity of surrounding residents in accordance with Borough Development Strategy 2017 Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part).

10. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (Order) 2015 (England) (or any order revoking or re-enacting that order with or without modification) no additional openings shall be formed in the south western, south eastern or north eastern elevation of the houses to the flat over the entrance without the express grant of planning permission.

REASON: In the interests of the privacy and amenity of surrounding residents in accordance with Borough Development Strategy 2017 Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part).

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (as amended) (or any order revoking or re-enacting that order with or without modification) the dwellings hereby approved shall be used for no other purpose than as defined by Class C3 of the Town and Country Planning (use Class) Order 1987 (as amended) or any order revoking or re-enacting that order with or without modification)

REASON: In the interests of highway safety and to comply with BCCS Policy TRAN2.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the windows in the south eastern (rear) elevation of the houses facing towards the garden of Nos150/151/152 Wolverhampton Street building shall be:

i) obscure glazed,

ii) and non-opening, unless the parts of the window which can be opened are top hinged and more than 1.7 metres (TBC - from cross section from agent) above the floor of the room in which the window is installed.

The windows shall be permanently maintained thereafter as obscure glazed and non-opening.

REASON: In the interests of the privacy and amenity of surrounding residents and in accordance with Borough Development Strategy 2017 Policy L1 Housing Development, extensions and alterations to existing dwellings.



Application site
edged in Red.

Site area 559 sq.m



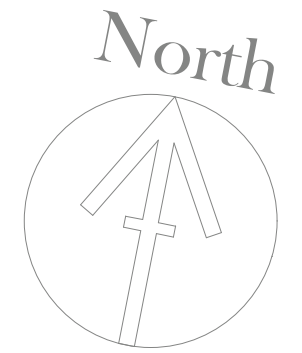
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0 20 40 60

O S EXTRACT PLAN SCALE 1:1250

Application site
edged in Red.

Site area 559 sq.m



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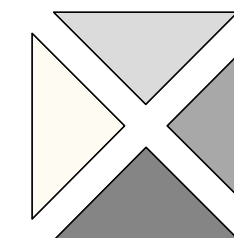
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LOCATION PLAN SCALE 1:500

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Client: Private Client			
Project: Residential redevelopment		Title: Location and OS extract Plan	
Date: April 2017	Scale: as shown	Dwg No: SAP.WS.17.04.LP.01	Rev:

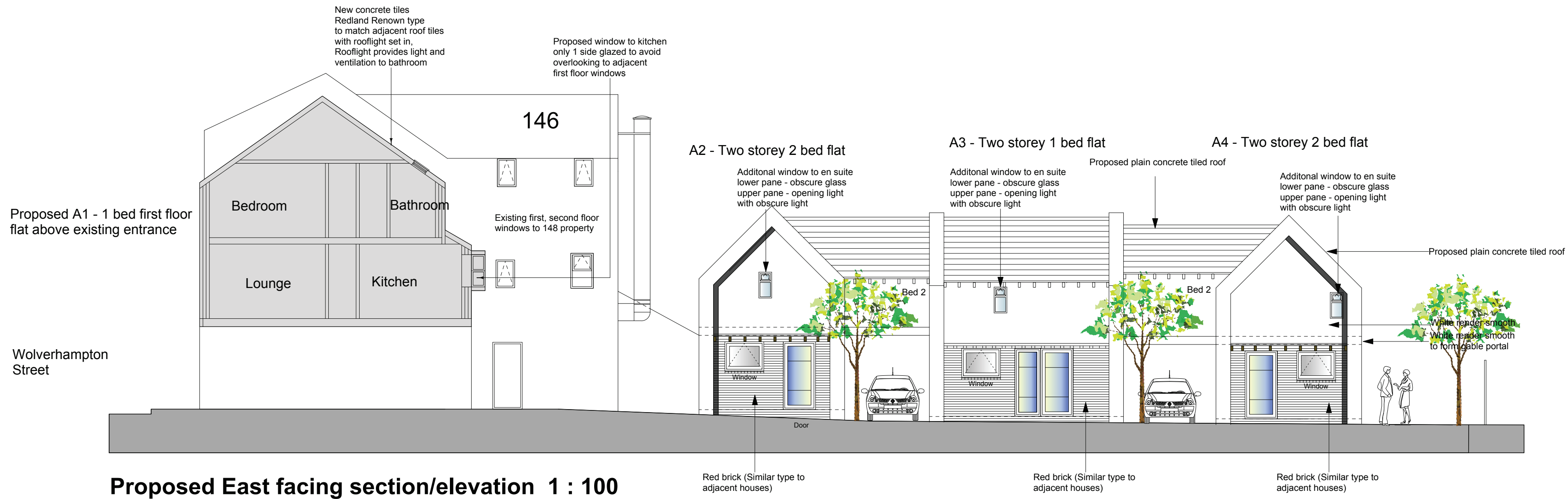


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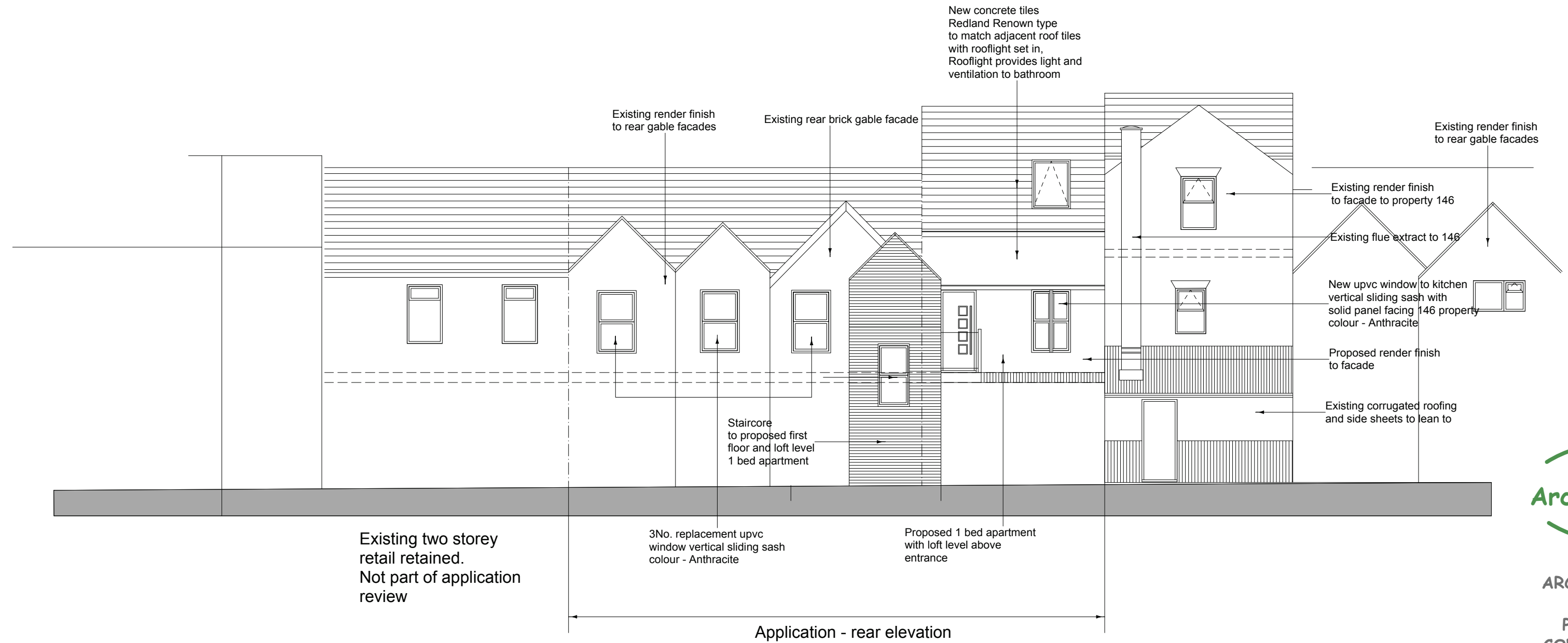
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Proposed East facing section/elevation 1 : 100

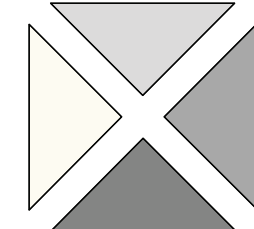


Proposed Wolverhampton Street rear elevation 1 : 100

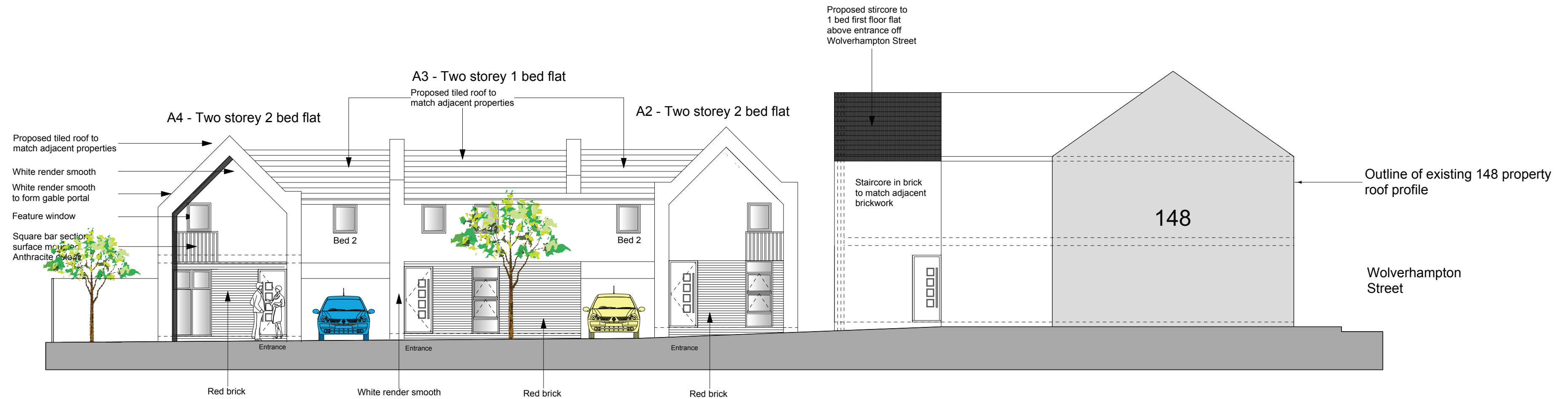
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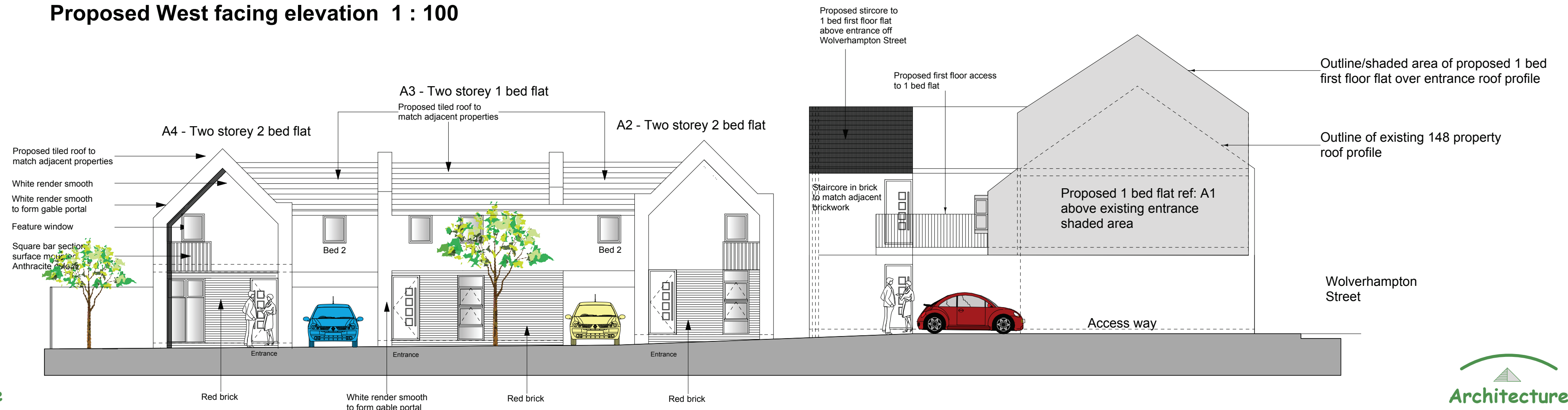
Rev C March 2021 RS En suite windows added to rear elevation
Rev B Jan 2020 RS Roof lights added to bedroom area
Rev A Oct 2019 RS Pitched roof added to Kitchen



Client: Private Client			
Project: Planning		Title: Elevations - Rear	
Date: July 2018	Scale: 1 : 100	Dwg No: SAP.WS.18.06.EL.04	Rev: C



Proposed West facing elevation 1 : 100



Proposed West facing elevation/section through proposed 1 bed flat above entrance 1 : 100

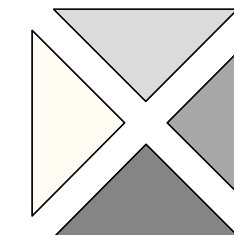
ELEVATIONS SCALE 1:100

148 Wolverhampton Street, Dudley. DY1 3AH

Rev C April 2021 RS Elevation updated to reflect as built

Rev B Nov 2019 RS Window positions amended

Rev A Oct 2019 RS 1 bed flat length amended



Client: Private Client			
Project: Planning		Title: Elevations + Bed 2	
Date: April 2021	Scale: 1 : 100	Dwg No: SAP.WS.21.04.EL.05	Rev: C



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Wolverhampton Street

Existing Retail delivery vehicles park on road. Due to size of retail units only small delivery vehicles arrive - low frequency visits

Sustainable location: Public transport enables occupants to connect to town centre and other localities. (Bus stop located outside retail unit number 150) Bike hub incorporated within scheme to encourage an alternative mode of travel. Local retail is within walking distance of proposal.

Architecture

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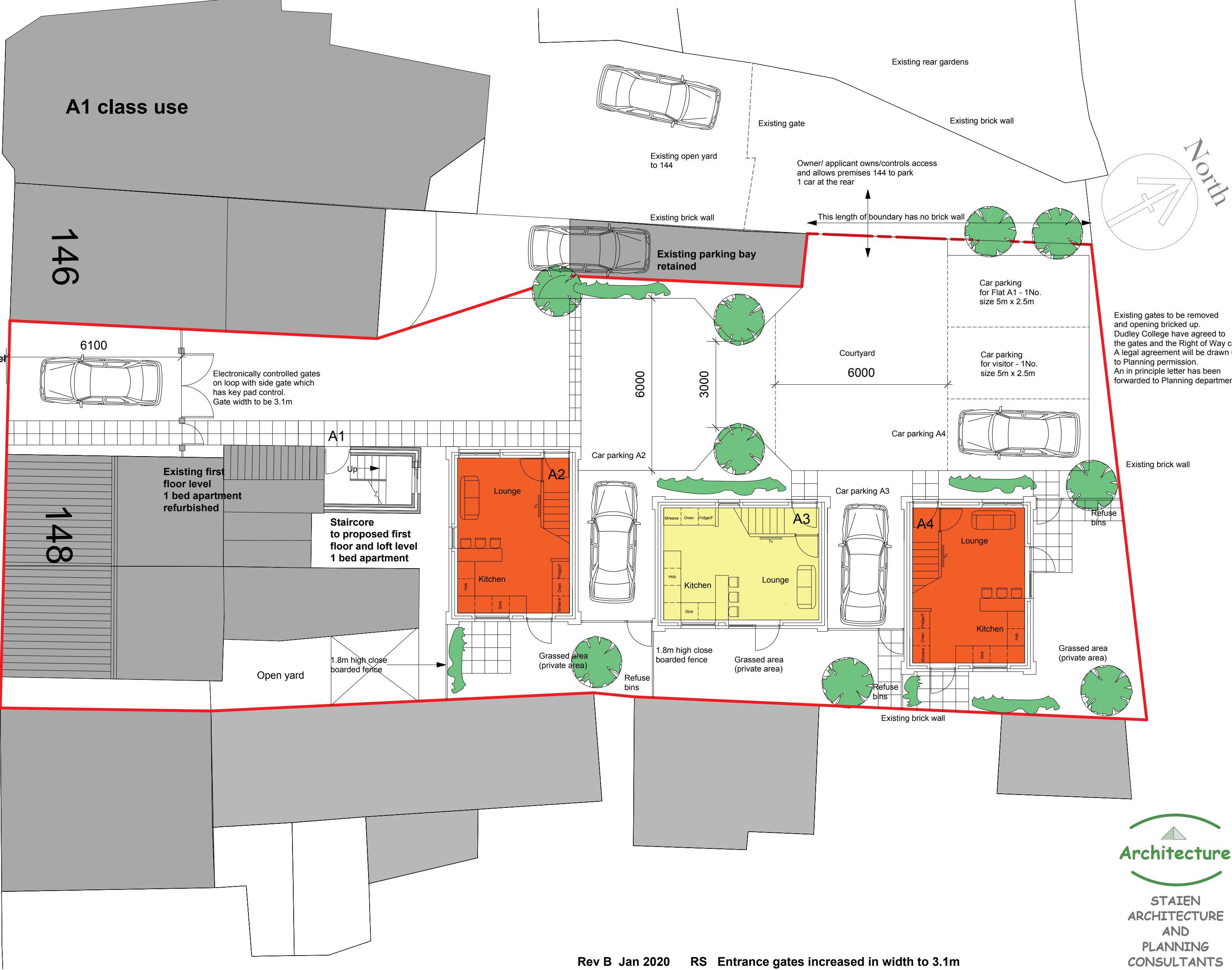
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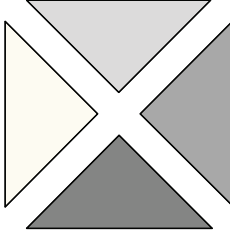
GROUND FLOOR LAYOUT SCALE 1:100

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- Rev B Jan 2020 RS Entrance gates increased in width to 3.1m
- Rev A Nov 2019 RS Window positions amended



Client: Private Client			
Project: Planning		Title: Proposed Ground floor Plan	
Date: June 2019	Scale: 1 : 100	Dwg No: SAP.WS.18.07.GA.01	Rev: B

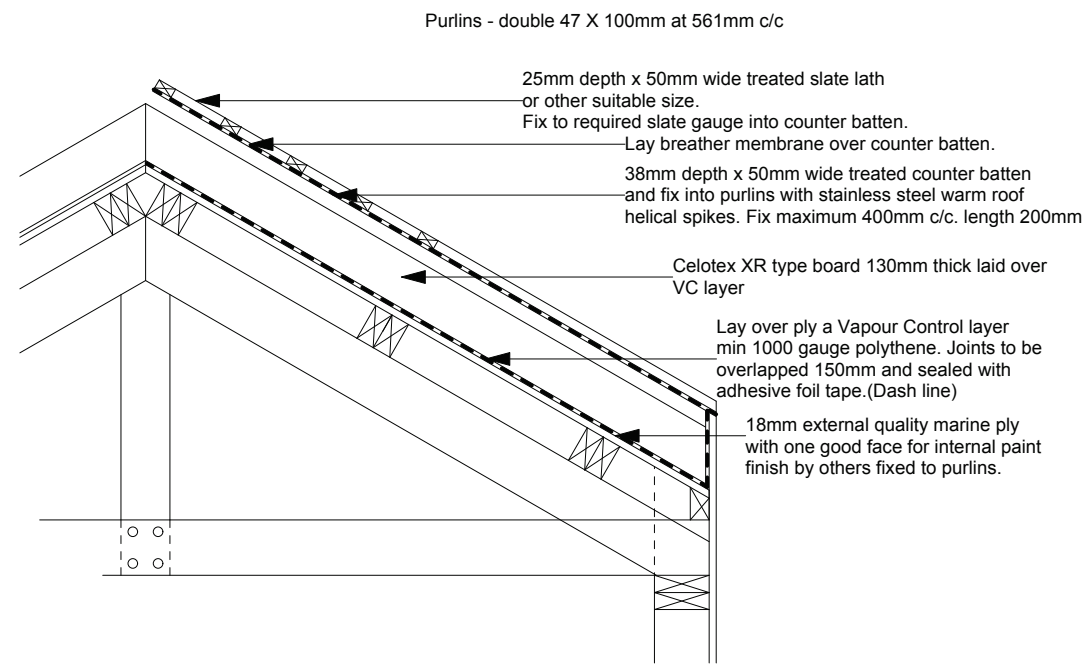
Architecture

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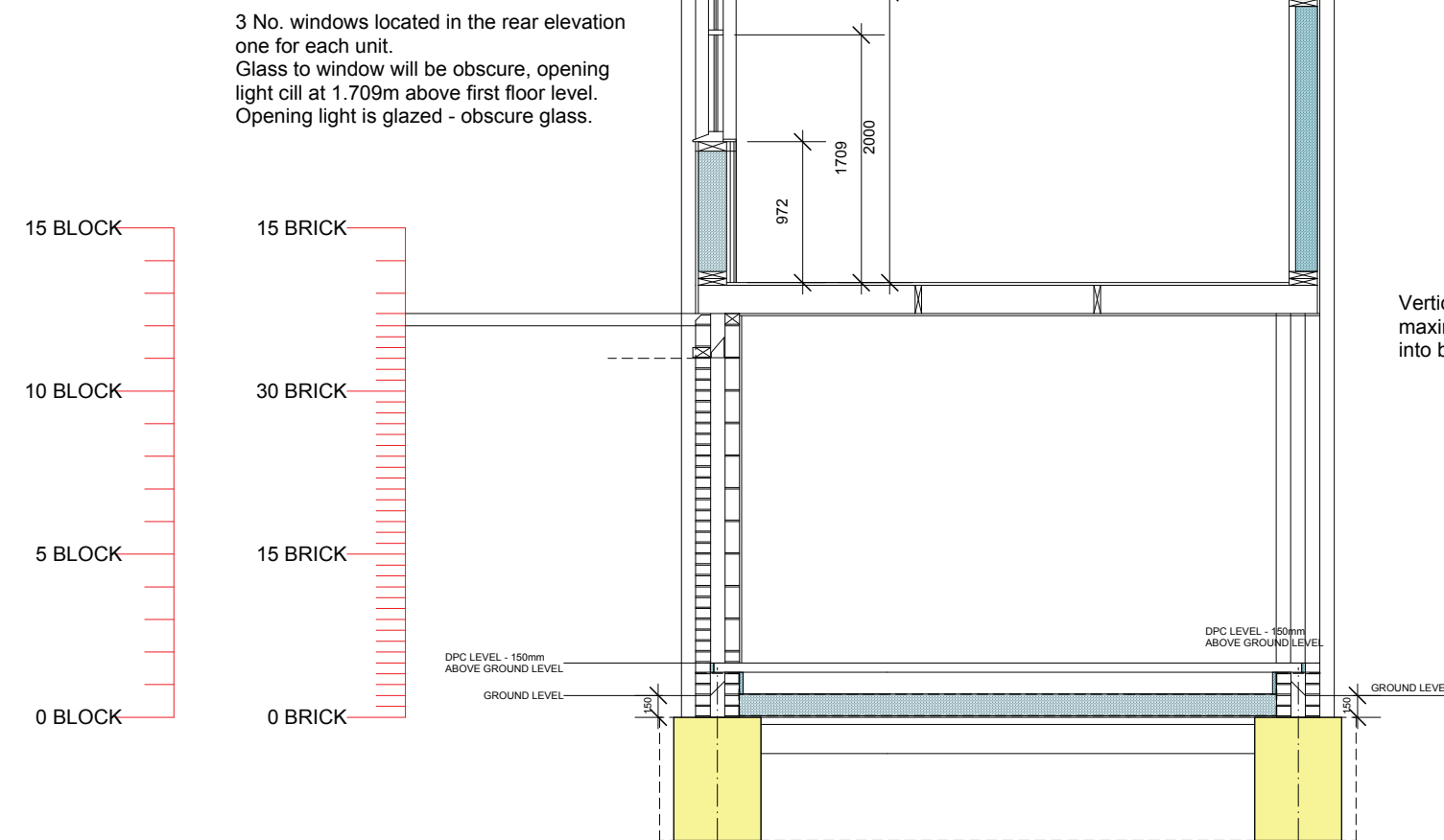
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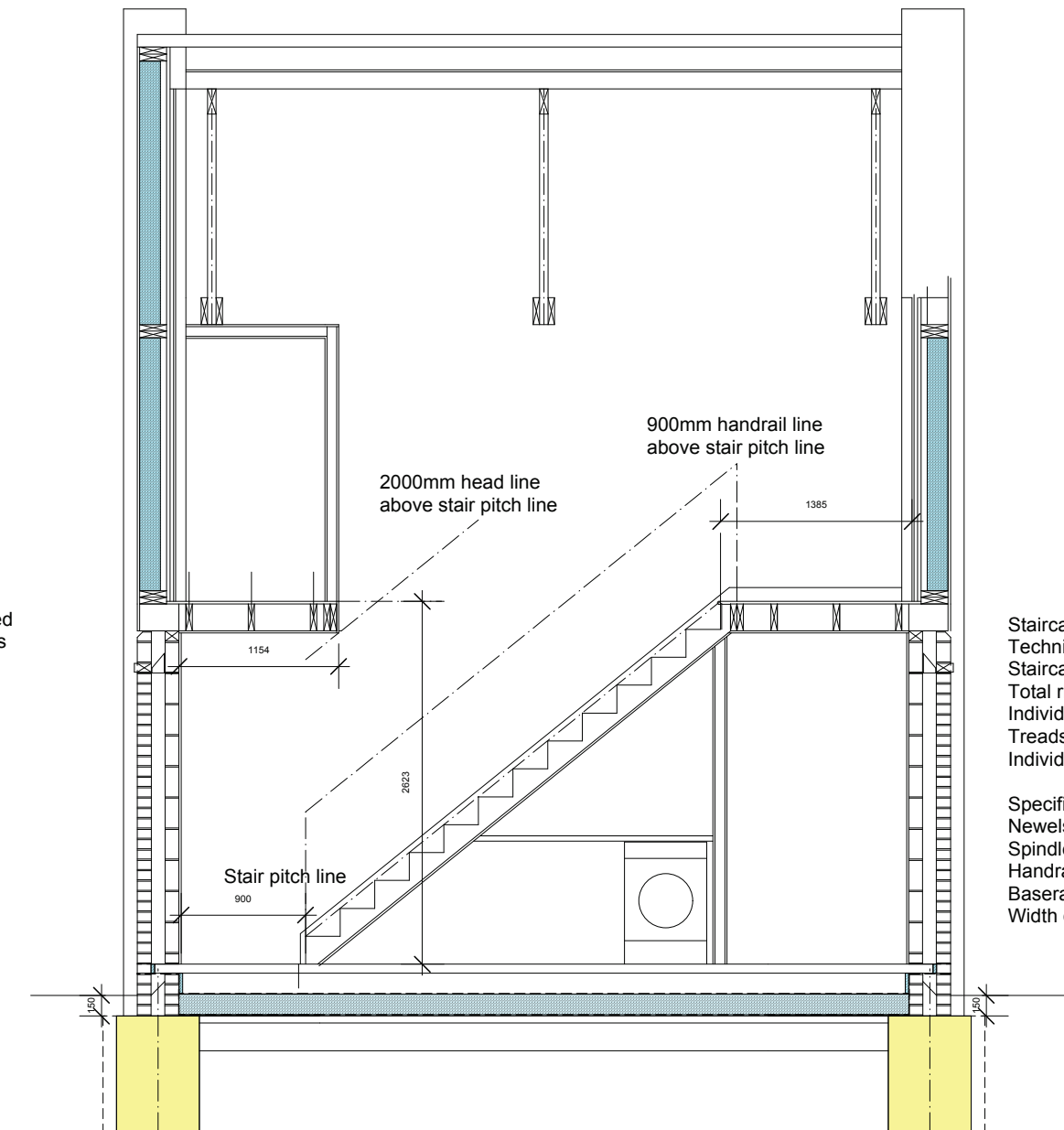
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TYPICAL ROOF SECTION
Scale 1 : 20
Applies to Units A2; A3 and A4



TYPICAL SECTION 1 - 1
Scale 1 : 50
Applies to Units A2; A3 and A4



TYPICAL SECTION 2 - 2
Scale 1 : 50
Applies to Units A2; A3 and A4



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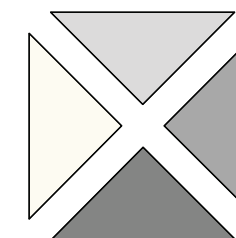
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Client: Private Client			
Project: Building Regulations		Title: Proposed Sections	
Date: Sept 2021	Scale: 1 : 50	Dwg No: SAP.WS.20.04.BR.08	Rev: A



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Material considerations	Non Material considerations
Layout: does it reflect the character of the area, does it protect existing resident's amenity, does it provide sufficient amenity space, and does it protect businesses/future residents from noise/odour/dust complaints.	Market competition (competition with centres in terms of the requirement for a sequential approach to town centre development is material, but general competition with local shops or business is not).
Design and appearance: materials, scale, massing, style of development in terms of proportions, vertical or horizontal emphasis, heights. Appropriate to host building, immediate neighbours and wider street scene.	Loss of view (unless you own all the land between you and the view you have no right to it).
Landscaping: is this appropriate, sufficient, particularly if forming a screen or providing some form of mitigation	Loss of property value
Highway safety: can safe access and egress be made, is there sufficient car parking, can the site be serviced by fire engines, bin lorries, delivery vehicles.	Matters covered by other legislation
Impact on heritage assets/nature conservation; does the development have a positive, neutral or negative impact on heritage assets. Can the impact be mitigated through the provision of enhancements elsewhere?	Matters that can be adequately controlled by the imposition of a suitably worded condition.
Planning history: has a similar scheme been approved before/refused before? Is there appeal history.	The fact the application is for a retrospective development. Development without consent is not unlawful - it only becomes so once formal enforcement action is taken and the developer fails to comply.
	The fact the application is a repeat application (repeat non amended applications can in exceptional circumstance be refused to be registered but once registered they must be

	considered on their merits).
	The fact the developer/applicant has a history of non compliance with conditions/consents. Non compliance is dealt with through planning enforcement not through decision making.
	What may or may not happen as a result of the decision in the future.