

DEVELOPMENT CONTROL COMMITTEE

MONDAY 17TH FEBRUARY 2014

**AT 6:00PM
IN COMMITTEE ROOM 2
AT THE COUNCIL HOUSE
DUDLEY**

If you (or anyone you know) is attending the meeting and requires assistance to access the venue and/or its facilities, could you please contact Democratic Services in advance and we will do our best to help you

**MANJIT JOHAL
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You can view information about Dudley MBC on
<http://www.dudley.gov.uk/>**



IMPORTANT NOTICE MEETINGS AT THE COUNCIL HOUSE

Welcome to the Council House

In the event of the alarm sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.

Please turn off your mobile phones and mobile communication devices during the meeting.

Thank you for your co-operation.

DEVELOPMENT CONTROL COMMITTEE

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 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 placed around the table and the public area. 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.

Our Ref:
MKJ170214

Your Ref:

Please Ask For:
Mrs M Johal

Telephone No:
01384 815267

5th February 2014

Dear Councillor

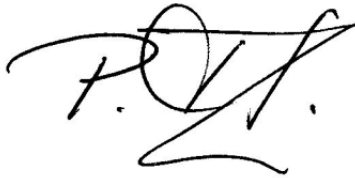
DEVELOPMENT CONTROL COMMITTEE

Monday 17th February 2014 at 6.00 p.m.

You are requested to attend a meeting of the Development Control Committee to be held on Monday 17th February, 2014 at 6.00 p.m. in Committee Room 2 at the Council House, Dudley, to consider the business set out in the agenda below.

The agenda and public reports are available on the Council's Website www.dudley.gov.uk and follow the links to Councillors in Dudley and Committee Management Information System.

Yours sincerely



Director of Corporate Resources

AGENDA

1. APOLOGIES FOR ABSENCE

To receive apologies for absence from the meeting.

2. APPOINTMENT OF SUBSTITUTE MEMBERS

To report the appointment of any substitutes for this meeting of the Committee.

3. DECLARATIONS OF INTEREST

To receive declarations of interest in accordance with the Members' Code of Conduct.

4. MINUTES

To approve as a correct record and sign the minutes of the meeting held on 27th January 2014.

5. PLANS AND APPLICATIONS TO DEVELOP (PAGES 10 – 95)

6. PROPOSAL TO APPLY AN ARTICLE 4(1) DIRECTION TO THE WATERFRONT, BRIERLEY HILL, WEST MIDLANDS TO WITHDRAW PERMITTED DEVELOPMENT RIGHTS GIVEN UNDER PART 31, CLASS A (ANY BUILDING OPERATION CONSISTING THE DEMOLITION OF A BUILDING) OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 (AS AMENDED) AND PERMITTED DEVELOPMENT RIGHTS FOR CHANGE OF USE FROM OFFICES (CLASS B1a) TO RESIDENTIAL (CLASS C3) (PAGES 96 – 101)

To consider a report of the Director of the Urban Environment.

7. CONFIRMATION OF TREE PRESERVATION ORDERS (PAGES 102 – 116)

To consider a report of the Director of the Urban Environment.

8. REVOCATION OF TREE PRESERVATION ORDERS (PAGES 117 – 128)

To consider a report of the Director of the Urban Environment.

9. TO ANSWER ANY QUESTIONS UNDER COUNCIL PROCEDURE RULE 11.8 (IF ANY)

Distribution:

To all Members of the Development Control Committee

A Ahmed

Casey

J Martin

Perks

Roberts

Mrs Westwood

C Wilson

Wright

Zada

AGENDA INDEX

Please note that you can now view information on Planning Applications and Building Control Online at the following web address:

(Upon opening this page select 'Search for a Planning Application' and when prompted input the appropriate planning application number i.e. P09/---)
<http://www.dudley.gov.uk/environment--planning/planning/online-planning-and-building-control>

PLANS AND APPLICATIONS TO DEVELOP

Pages 10 – 38	P13/1648 – Land at Satlwells Road, Brierley Hill – Construction of Single Storey Wardens/Education Facility and 5 No Dwellings with Garages and Associated Works to Existing Access Road From Pedmore Road
Pages 39 – 47	P13/1706 – 54 Kirkpatrick Drive, Wordsley, Stourbridge – Erection of Detached Outbuilding in Rear Garden (Retrospective)
Pages 48 – 55	P13/1750 – Land Adjacent to 32 Meeting Street, Netherton Dudley – Erection of Two Storey Building to Create 6 No Apartments with Associated Parking
Pages 56 – 63	P13/1844 – 6 Clifton Road, Halesowen – Erection of Outbuilding in Rear Garden (Retrospective)
Pages 64 – 78	P14/0008 – 14 Brandon Road, Halesowen – One and Two Storey Rear Extension and New Roof to Existing Garage
Pages 79 – 87	P14/0012 – A461 Birmingham Road, Dudley – Display of Non-Illuminated Lamp Post Banner Signs
Pages 88 – 95	P14/0013 – A4123 Birmingham New Road, Dudley – Display of Non-Illuminated Lamp Post Banner Signs

DEVELOPMENT CONTROL COMMITTEE

Monday 27th January, 2014 at 6.00 pm
In Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Zada (Chair)
Councillor Casey (Vice-Chair)
Councillors A Ahmed, J Martin, Perks, Roberts, Mrs Westwood,
C Wilson and Wright

OFFICERS:-

Mr J Butler, Mr T Glews, Mrs H Martin, Mr P Reed (all Directorate of the Urban Environment), Mrs G Breakwell and Mrs M Johal (Directorate of Corporate Resources)

62 **DECLARATIONS OF INTEREST**

In accordance with the Members' Code of Conduct, non-pecuniary interests were made by Councillor Casey in Planning Application Nos P13/1751 and P13/1758 relating to Dudley College as he had had detailed discussions regarding the applications and he withdrew from the meeting during consideration of the items.

63 **MINUTES**

RESOLVED

That the minutes of the meeting of the Committee held on 6th January, 2014, be approved as a correct record and signed.

64 **PLANS AND APPLICATIONS TO DEVELOP**

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

The following persons referred to had indicated that they wished to speak at the meeting and, unless indicated, spoke on the planning applications:-

Plan No P13/1751 – Mr Michael Davies (Solicitor) – on behalf of an objector) and Mr David Green – Delta Planning – on behalf of the applicant

Plan No P13/1758 – Ms Linda Power Ashman – an objector) and Mr David Green – Delta Planning – on behalf of the applicant

Plan No P13/1754 – Mrs Wakeman – an objector

Plan No P13/1755 – Mrs P Cartwright – an objector

- (i) Plan No P13/1751 – Dudley College, The Broadway, Dudley – Variation of Condition 4 of Planning Approval P13/0932 to be Revised to ‘The Existing Drive Adjacent to Number 12 The Broadway Shall not be Used at any Time for Vehicular Access or Egress from the Car Park or at any Time by Contractors’
-

Members noted the comments made by the speakers and it was considered that, as there was potential for noise and disturbance, information regarding the numbers of pedestrians that would be using the access route on a daily basis would be required.

Decision: Deferred for further detailed information on anticipated numbers of students that would be using the route for access and egress, and in particular, activity at peak times.

- (ii) Plan No P13/1758 – Evolve (Dudley College), Tower Street, Dudley – Formation of New Pedestrian Crossing
-

Members noted the comments made by the speakers and it was considered that the application should be deferred pending the outcome of Application No P13/1751.

Decision: Deferred pending the decision of Application No P13/1758.

- (iii) Plan No P13/1754 – 55 Belmont Road, Lye, Stourbridge – Single and Two Storey Rear Extensions. Conversion of Garage into Habitable Room with Bow Window and Single Storey Front Extension. Replace Existing Roof to Front Elevation with Pitched Roof. Erection of Single Storey Semi Detached Outbuilding to Rear Garden. (Resubmission of Withdrawn Application P13/0954)
-

Decision: Approved, subject to conditions, numbered 1 to 3 (inclusive), as set out in the report submitted.

- (iv) Plan No P13/1755 – 56B Belmont Road, Lye, Stourbridge – Single and Two Storey Rear Extension. (Following Demolition of Existing Extension). Conversion of Garage into Habitable Room with Bow Window and Single Storey Front Extension. Replace Existing Flat Roof to Front Elevation with Pitched Roof. Erection of Single Storey Semi Detached Outbuilding in Rear Garden. (Resubmission of Withdrawn Application P13/0955)
-

Decision: Approved, subject to conditions, numbered 1 to 4 (inclusive), as set out in the report submitted.

- (v) Plan No P13/1585 – 16 Moden Hill, Sedgley, Dudley – Erection of 1 No Dwelling (Resubmission of Refused Application P12/1127)
-

Decision: Approved, subject to conditions, numbered 1 to 9 (inclusive), as set out in the report submitted.

- (vi) Plan No P13/1743 – Green Man Entry, Tower, Street, Dudley – Erection of Bespoke Metal Archway
-

Decision: Approved, subject to conditions, numbered 1 and 2, as set out in the report submitted.

- (vii) Plan No P13/1744– Green Man Entry, Tower, Street, Dudley – Listed Building Consent for the Erection of Bespoke Metal Archway
-

Decision: Approved, subject to no call-in from the Secretary of State as a result of being notified, and subject to conditions, numbered 1 to 5 (inclusive), as set out in the report submitted.

- (viii) Plan No P13/1802 – Cottage Spring Public House, 73 Bridgnorth Road, Wollaston, Stourbridge – Demolition of Existing Garages and Erection of Single Storey Building to be used as Retail (A1) (Resubmission of Withdrawn Application P13/1285)
-

Decision: Approved, subject to conditions, numbered 1 to 11 (inclusive), as set out in the report submitted.

The meeting ended at 7.35 pm.

CHAIR

SUMMARY

PLANNING APPLICATION NUMBER:P13/1648

Type of approval sought	Full Planning Permission
Ward	Quarry Bank & Dudley Wood
Applicant	Selbourne Homes
Location:	LAND AT SALTWELLS WOOD, BRIERLEY HILL, WEST MIDLANDS, DY5 1AX
Proposal	CONSTRUCTION OF SINGLE STOREY WARDENS/EDUCATION FACILITY AND 5 NO. DWELLINGS WITH GARAGES AND ASSOCIATED WORKS TO EXISTING ACCESS ROAD FROM PEDMORE ROAD.
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SUMMARY

- Given that this site is previously developed land located within a largely residential area, it would constitute sustainable development. The application has adequately demonstrated that the physical impact of the proposed development will have a neutral impact on the significance of the SAM. The proposal makes a positive contribution to place making through high quality design without harming the setting of the Local Nature Reserve. The proposed development would not have an adverse effect on wildlife species, amenity of existing or future occupiers or highway safety. Relevant Planning Obligations can be secured by condition. The proposal would comply with the National Planning Policy Framework (NPPF), Black Country Core Strategy, Saved UDP and relevant Supplementary Planning Documents.

PLANNING APPLICATION NUMBER:P13/1706

Type of approval sought	Full Planning Permission
Ward	Wordsley
Applicant	Mr Craig Russon
Location:	54, KIRKPATRICK DRIVE, WORDSLEY, STOURBRIDGE, DY8 5TG
Proposal	ERECTION OF DETACHED OUTBUILDING IN REAR GARDEN (RETROSPECTIVE)
Recommendation Summary:	APPROVE

SUMMARY

1. It is considered that retention of the detached outbuilding would have a neutral impact on the character and appearance of the Conservation Area. There would be no demonstrable harm to neighbouring amenity despite the difference in levels with the neighbouring property to the rear. The proposal is therefore considered compliant with saved Policy DD4 (Development in Residential Areas) and HE4 (Conservation Areas) of the Dudley UDP and PGN 17 (House Extension Design Guide).

PLANNING APPLICATION NUMBER:P13/1750

Type of approval sought	Full Planning Permission
Ward	Netherton Woodside and St Andrews
Applicant	Mr R. Stokes
Location:	LAND ADJACENT TO 32, MEETING STREET, NETHERTON, DUDLEY, WEST MIDLANDS
Proposal	ERECTION OF TWO STOREY BUILDING TO CREATE 6 NO. APARTMENTS WITH ASSOCIATED PARKING
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SUMMARY

1. The layout, scale, density and appearance of the development are considered to be acceptable. The development would not adversely impact the amenities of adjacent residents. Parking provision and means of access are appropriate. As such the proposal complies with Policies HOU1 and HOU2 of the Core Strategy and Saved Policies DD1 and DD4 of the UDP.

PLANNING APPLICATION NUMBER:P13/1844

Type of approval sought	Full Planning Permission
Ward	Halesowen North
Applicant	Ms Yasmin Tahira
Location:	6, CLIFTON ROAD, HALESOWEN, B62 9HB
Proposal	ERECTION OF OUTBUILDING IN REAR GARDEN (RETROSPECTIVE)
Recommendation Summary:	APPROVE

SUMMARY

1. It is considered that the out-building is an acceptable addition in terms of size and design, and has not impacted on residential amenity for surrounding occupiers due to the separation distances involved and taking into account permitted development rights. The proposal has not increased the parking requirement of the property and has not reduced the level of parking available. The addition has therefore not impacted on highway safety.
2. As such, the development would comply with Policy DD4 (Development in Residential Areas) of the saved Dudley UDP and PGN 17 (House Extension Design Guide).

PLANNING APPLICATION NUMBER:P14/0008

Type of approval sought	Full Planning Permission
Ward	Halesowen North
Applicant	Mr R. Singh
Location:	14, BRANDON ROAD, HALESOWEN, B62 9QD
Proposal	ONE AND TWO STOREY REAR EXTENSION AND NEW ROOF TO EXISTING GARAGE
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SUMMARY

1. It is considered that the proposed one and two-storey rear and single-storey side extension would not have an adverse impact on the visual amenity of the area, despite the proposed size and wrap-around design.

2. The proposals would not impact significantly on the residential amenity of the occupiers of No. 13 Brandon Road taking into account the permitted development rights available for the side addition and the fairly modest height of the extension. The proposed rear additions would feature a stagger and have been reduced in size where adjacent to No. 15 Brandon Road. Taking into account the permitted development rights and the size and design of the extension it is not considered that there would be a significant impact on amenity for the occupiers of No 15 Brandon Road.

3. As such, the development would comply with Policy DD4 (Development in Residential Areas) of the saved Dudley UDP and PGN 17 (House Extension Design Guide).

PLANNING APPLICATION NUMBER:P14/0012

Type of approval sought	Advertisement
Ward	Castle & Priory St Thomas's
Applicant	Mr Ieuan Marsh, Bay Media Limited
Location:	A461 BIRMINGHAM ROAD, DUDLEY, WEST MIDLANDS
Proposal	DISPLAY OF NON-ILLUMINATED LAMP POST BANNER SIGNS.
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SUMMARY

1. The proposed signage would not have an adverse impact upon the amenity of the surrounding area and would not prejudice public safety compliant with advice set out in the National Planning Policy Framework, Saved UDP Policy DD14 - Advertisement Control and Planning Guidance Note 11 – Advertisement Display Guide.

PLANNING APPLICATION NUMBER:P14/0013

Type of approval sought	Advertisement
Ward	Castle & Priory
Applicant	Mr Ieuan Marsh, Bay Media Limited
Location:	A4123 BIRMINGHAM NEW ROAD, DUDLEY, WEST MIDLANDS
Proposal	DISPLAY OF NON-ILLUMINATED LAMP POST BANNER SIGNS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SUMMARY

1. The proposed signage would not have an adverse impact upon the amenity of the surrounding area and would not prejudice public safety compliant with advice set out in the National Planning Policy Framework, Saved UDP Policy DD14 - Advertisement Control and Planning Guidance Note 11 – Advertisement Display Guide.

Reports

PLANNING APPLICATION NUMBER:P13/1648

Type of approval sought	Full Planning Permission
Ward	Quarry Bank & Dudley Wood
Applicant	Selbourne Homes
Location:	LAND AT SALTWELLS WOOD, BRIERLEY HILL, WEST MIDLANDS, DY5 1AX
Proposal	CONSTRUCTION OF SINGLE STOREY WARDENS/EDUCATION FACILITY AND 5 NO. DWELLINGS WITH GARAGES AND ASSOCIATED WORKS TO EXISTING ACCESS ROAD FROM PEDMORE ROAD.
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The proposed 0.6 ha application site is on land that originally accommodated the former Saltwells House (now demolished), a 'Heritage Asset' recorded on the Council's Historic Environment Record as HER 12585. In addition, it is located within a wider area recorded on the Council's HER record as HER 3394 described as semi-natural ancient woodland called 'Lady Wood', also designated as a Local Nature Reserve and Landscape Heritage Area.
2. In very close proximity to the proposed application site, immediately west of the former Saltwells House, is a Scheduled Ancient Monument (SAM), otherwise known as a 'designated heritage asset', recorded on the Council HER as 12093. The access road running from Pedmore Road to the application site falls within the SAM. Covering a similar area to that of the SAM is another Heritage Asset, HER 7799, an area of land marked on Yates 1775 map of Staffordshire showing a number of Coal Shafts and part of Lady Dudley's plantation.
3. To the north of the access road is Enterprise Trading Estate and to the south of it are fields falling outside the extent of Saltwells Wood.

4. On the opposite side of the access point on Pedmore Road are modern dwellings which are immediately to the west of Merry Hill Shopping Centre.

PROPOSAL

5. The proposal seeks the erection of 5 four bedroom two storey houses with garages, and the construction of a new Wardens facility. Improvements to the existing road from Pedmore Road including provision of vehicular passing bays are also proposed.
6. Each dwelling would be served by 2 parking spaces on the frontage plus additional parking in the double garage.
7. The Wardens facility would be served by 4 spaces including 1 disabled parking bay.
8. There are two types of houses (A and B), both with 4 bedrooms. The finish for the dwellings would be a combination of brickwork, render and boarding. Windows, fascias and bargeboards would be timber and rainwater goods would be black UPVC.
9. The maximum lengths of rear gardens for each of the dwellings would be;
 - Plot 1 –15m long
 - Plot 2 –14m long
 - Plot 3 –14m long
 - Plot 4 –16m long
 - Plot 5 –14m longEach of the dwellings would have access to the rear gardens via a proposed gate at the side of each of the houses. There would be 2.1m high close boarded fences to all rear boundaries.
10. The layout plan shows the retention of a link with a footpath to the north of the site.
11. During the course of the application the following amendments were received;
 - Redesign of disabled parking bay to include 1.2m wide transfer areas.

- Gravel surface replaced with Breedon Gravel drive with a well compacted fine top dressing.
- Boundary fencing shown to include anti lift hinges and security measures with anti-tamper fittings.
- Access way showing the passing places increased to 6 metres overall width
- Additional window to Plot 1 so that the warden's / educational unit now has direct surveillance from plot 1 as well as plots 4 and 5.

12. The following documents accompany this application;

1. Design and Access Statement
2. Archaeological Desk-Based Assessment
3. Phase 1 Habitat Survey & Protected Species Survey Assessment
4. Preliminary Assessment of Existing Trees

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
DB/68/3881	Erection of a timber prefabricated classroom.	Approved	21/05/68
DB/68/3519	Erection of extension.	Approved with Conditions	28/02/68
DY/64/222	Lobby and office extension.	Approved with Conditions	23/04/64
DY/63/636	Alteration of store room into metalwork room and garage.	Approved with Conditions	16/10/63
DY/62/354	Change of use from children's reception home to boy's remand home.	Approved with Conditions	14/06/62

13. The application was advertised by way of neighbour notification letters being sent to the occupiers of 58 properties within close proximity to the site, a site notice and newspaper advert. 1 objection has been received raising the following planning considerations:

- Should residential development be considered in such important and sylvan environments?
- Historic significance of the site may progressively diminish.
- Potential loss of wildlife and habitat
- Potential increase in pollution and contamination
- Biomass deliveries will be frequent basis causing more vehicular traffic
- Will access road be maintained as a public road/right of way
- If approved, will set disastrous planning precedent for further development into important urban woodland
- Will development attract ideal nature minded potential buyers with regard to woodland management service on their doorstep.
- The development will discourage and restrict enjoyment of walkers and visitors.
- Could have negative impact on potential woodland expansion
- Residential development in Saltwells Wood not be a good advertisement for important woodland site.
- Although site built as 19th Century residence, not used for many decades as such, poor planning argument to justify replacing one dwelling with several dwellings
- Better to locate wardens accommodation to southern edge of the wood
- Could the site be left for nature to take over?
- Design extremely poor in relationship to heritage of the site and location - should be re-designed valuing vernacular and distinctive building styles.
- High density of homes appear overcrowded

14. An additional representation has been received making the following comment;

- Agree with Crime prevention observations, due to isolation of site and anti social behaviour history, proposal should include 'razor wire' on top of perimeter rear fence of the Wardens unit as visible deterrent.

OTHER CONSULTATION

15. Group Engineer (Highways): No objection subject to parking management condition.

16. Head of Environmental Health and Trading Standards: No objections.

17. West Midlands Police – Concerns raised about anti-social behaviour occurring across the nature reserve. Suggestions to be improve the safety of the Wardens Unit and residential properties have been sent to the applicant, and appropriate amendments made.

18. West Midlands Fire Service: Objection originally raised. The site should meet the criteria for fire service access as per The Approved Document B of the Building Regulations. An amendment showing the passing places increased to 6 metres overall width has been submitted.

19. English Heritage: No objection.

RELEVANT PLANNING POLICY

20. The National Planning Policy Framework (NPPF) 2012

21. Black Country Core Strategy (2011)

CSP2 Development Outside the Growth Network

CSP4 Place Making

HOU1 Delivering Sustainable Housing Growth

HOU2 Housing Density, Type and Accessibility
ENV1 Nature Conservation
ENV2 Historic Character and Local Distinctiveness
ENV3 Design Quality
ENV8 Air Quality
TRAN2 - Managing Transport Impacts of New Development
TRAN5 - Influencing the Demand for Travel and Travel Choices

22. Unitary Development Plan (2005)

DD1 Urban Design
DD4 Development in Residential Areas
DD10 Nature Conservation and Development
CS3 Community Facilities
NC1 Biodiversity
NC6 Wildlife Species
NC10 The Urban Forest
HE5 Buildings of Local Historic Importance
HE8 Archaeology and Information
HE11 Archaeology and Preservation
SO2 – Linear Open Space
EP6 – Light Pollution

23. Supplementary Planning Guidance/Documents

Nature Conservation SPD (2006)
Historic Environment SPD (2006)
New Housing Development SPD (2013)
Planning Obligations SPD
Parking Standards SPD (2012)
Design for Community Safety Supplementary Planning Guidance (2002)
PGN7. The development of derelict, contaminated and unstable land
PGN 8. Archaeology

ASSESSMENT

24. The main issues are the principle of development and the impact upon;

- Character and appearance
- Scheduled Ancient Monument
- Nature Conservation
- Neighbour Amenity
- Occupier Amenity
- Parking and Access

Principle of development

25. The National Planning Policy Framework encourages LPA's to boost significantly the supply of housing in sustainable locations.

26. BCCS Policy HOU1 states that at least 95% of new housing (gross) will be built on previously developed land. This location of the site is on former Saltwells House, and therefore considered to be previously developed land. Although explored in more detail below, in accordance with BCCS Policy ENV1, the proposed development does not harm the Local Nature Reserve which is a regionally designated nature conservation site.

27. BCCS Policy HOU2 outlines criteria that density/type of new housing needs to be informed by;

- Need for a range of types and sized of accommodation to meet identified sub-regional and local needs.
- Level of accessibility by sustainable transport to residential services.
- The need to achieve high quality design and minimise amenity impacts.

28. The introduction of a mix of house types and tenures, to create diverse communities is a key strand of government policy. Policy HOU2 also states that a minimum net density of 35 dph should be achieved, except where higher densities prejudice historic character and local distinctiveness as defined in Policy ENV2. A balance

must be struck between the policy aims of making the most effective use of previously developed land by higher densities and the need to achieve high quality housing by good design that is appropriate to its context.

29. The replacement Wardens facility is also on previously developed land. This building would function as an educational facility for pre-arranged visitors, such as local schools. In line with Saved UDP Policy CS3, this community facility would meet a local need, is located within the community it is intended to serve and is easily accessible by public transport. The siting of the Wardens facility has been subject to pre-application discussion with the Environmental Management section, and is considered to be most appropriate location.

30. The proposal on this site would constitute sustainable development. It is clear that the presumption in favour of sustainable development contained in the NPPF is not intended as a blanket justification for all such development. The extent to which other factors are dealt with, are explored below.

Character and appearance

31. BCCS policy HOU2 'Housing Density, Type and Accessibility' sets out the objectives for density and types of new housing, promoting the need 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.

32. BCCS policies CSP4 'Place Making', ENV2 'Historic Character and Local Distinctiveness' and ENV3 'Design Quality' requires that all development demonstrates a clear understanding of historic character and local distinctiveness and demonstrates how proposals make a positive contribution to place-making and environmental improvement through high quality design.

33. The Council's New Residential Development SPD (Revised 2013) is a useful tool in establishing a character led approach to new development based on identifiable context and characteristics. The development criteria for 'rural fringe' has been

used to assess whether these dwellings are designed within their context, these include;

1. respect for the local character of space around the dwellings
2. spacious gardens in width and length.
3. maximum of 2 storey dwellings
4. Individual designs encouraged
5. provision of off street parking
6. development should respect the landscape character of the area.
7. redevelopment of existing plots should reflect the dispersed arrangement of dwellings in the vicinity.

34. The NPPF suggests that Council's should set out their own approach to housing density to reflect local circumstances. The overall density of the 5 dwellings in place of Saltwells House, would be 8 dph. This is considered to be appropriate, making efficient use of land in a manner that respects this unique location within a Local Nature Reserve.

35. The proposed dispersed layout of development is a departure from a rigid structured layout resulting in a fluid building line. Both the dwellings and Wardens unit are arranged around the shared vehicular access, this offers good natural surveillance.

36. The scheme has a unique position away and from any immediate architectural context and within a green/woodland setting, not surprising given it is located within a Local Nature Reserve. The design of the scheme has been developed during pre-application discussions, with a palette of materials including a mixture of brickwork, render, timber boarding and glazed panels. The combination of traditional materials accented by natural elements reflects the setting for the development and helps create a scheme with an individual cohesive identity. The submitted plan shows that majority of trees will be retained on site, further helping the development to blend into the natural setting of this area. The Tree Survey incorporates Root Protection Areas to prevent any adverse impact on retained trees.

37. On the ground, there is a mix of tarmacadam, Breendon gravel and small slabs, broken up by soft landscaping and new grass planting. This careful choice of materials provides a clear delineation of private and shared spaces.
38. The current plans involve the removal of twelve trees on the site, 6 of which are of relatively low value. The other 6 form a group of large, mature sycamore that are a relatively prominent feature on the site at the edge of the wider woodland. Whilst large they have a drawn up form, and overall it is accepted that the retention of these trees would be inappropriate with the currently proposed layout. Given that the site is located with woodland it is considered that the loss of these trees would not have any undue impact on the public amenity of the area.
39. The new warden's base is adjacent to some retained trees, at the bottom of a bank which is partially retained by a small wall. Given the topography of the site and the presence of the small wall it is considered that the proposed construction of the new wardens' base will not have any detrimental impact on the adjacent trees.
40. As the site is situated within a wider woodland construction activities will need to be carefully managed both on the site, and also along the access route to the site. Conditions should be used to secure this.
41. With regard to the formal tree planting that fronted the original house, whilst considered highly valuable, the trees have been heavily vandalised in the past. As such it is considered that they may need some restorative works. Any landscaping proposals should take account of this.
42. The proposal makes a positive contribution to place making through high quality design without harming the setting of the Local Nature Reserve. It would therefore comply with BCCS Policies CSP4, ENV1, ENV2, ENV3 and HOU2, and Saved UDP Policies DD1 and DD4.

Impact upon the Scheduled Ancient Monument (SAM)

43. In addition to a planning application, Scheduled Monument Consent (SMC) is required where development would have a direct impact on the legally protected

area of a monument. The applicant made an application for SMC to English Heritage which was granted on 29th January 2014.

44. The SAM (List Entry No.1020539) includes the earthwork and buried remains of medieval and post- medieval coal extractions located immediately to the west of Saltwells House. Coal and iron extraction is recorded in the area from at least the 1300s onwards. The earliest phase of coal extraction is visible as a series of shallow depressions and hummocks which represent the remains of out-cropping. A number of bell pits are visible as a series of closely spaced pits surrounded by mounds of spoil. Bell pits are characteristic of medieval coal extraction. Several large shaft mounds are associated with gin circles which provide evidence of post-medieval coal extraction. In addition, evidence for other structures such as pit head gear, ventilation shafts and engine and winding houses can be expected to survive as buried features.

45. In order to understand the impact of the proposed development on both the on-site Heritage Assets and the setting of Heritage Assets in close proximity – the applicant has provided an Archaeological Desk-Based Assessment, the purpose of which was to describe and assess the significance of the above and below ground heritage assets within the application site and to consider the impact of the proposals upon them and their setting. The DBA also considered what mitigation may be required in order to implement the scheme. The general conclusion reached in the report was that;

- the proposed scheme would have a neutral impact on the setting of the heritage assets,
- no archaeological features within the SAM itself would be directly or indirectly impacted (although because there will be work undertaken within the legally protected area SMC will be required)
- and that within the site of Saltwells House, the majority of any potentially surviving archaeology remains will have been truncated with the construction of Saltwells House in the early 19th century leaving only a small area within the site that may possibly be undisturbed and that accordingly an

archaeological watching brief would be appropriate during construction ground works.

46. The information submitted in support of the application has adequately demonstrated that the physical impact of the proposed development will have a neutral impact on the significance of the SAM.

Nature Conservation

47. The Phase 1 Habitat Survey concludes that the site has limited ecological value; however, recommendations are set out to protect wildlife species during the construction phase. It also suggests that post development enhancement of the site for wildlife should be undertaken. This would be a requirement of the Nature Conservation Enhancements planning obligation.

48. A condition will need to be included to control the type and positioning of any lighting to avoid a detrimental impact upon the Local Nature Reserve.

49. The proposed development would therefore not have an adverse effect on wildlife species and would therefore be in accordance with Saved UDP Policy NC6 and the Nature Conservation SPD.

Residential Amenity

50. Given the stand alone nature of the development, the proposed development would not cause undue harm to amenity of adjacent land users and would be in accordance with Saved UDP Policy DD4 and the New Housing Development SPD.

51. Enterprise Trading Estate is at least 180m from the proposed dwellings; this substantial distance ensures no adverse impact upon the future occupiers. A view confirmed by Head of Environmental Health and Trading Standards who raises no objection to this proposal.

52. The amount of private amenity space required for a new dwelling outlined in the New Housing Development SPD is 65m² and 11m in length. Garden areas in

excess of 65m² and 11m long would be provided for each plot. Whilst some of the gardens would be abutted by retained trees, the presence of such and its woodland setting is what would make this development desirable for future occupiers, shading from trees should therefore be expected.

53. Whilst some concern has been raised by the inter-relationship of the Wardens facility and the residential dwellings, it is likely that during daytime hours when the Wardens facility would be operational, residential occupiers are likely to be out working. In any case the Head of Environmental Health and Trading Standards does not consider this to be a significant issue.

54. There has been some security concerns expressed in terms of the apparent isolation of the development. It is considered that the private drive arrangement would not be welcoming to intruders, and in any case would be under natural surveillance from the occupiers of the new dwellings and staff based at the Wardens facility. The security considerations are not of sufficient weight to refuse this application.

55. The proposal would ensure the amenity of future occupiers would not be harmed in accordance with Saved UDP Policy DD4.

Parking and Access

56. The vehicular access to the development site from Pedmore Road has been subject to considerable discussion during the pre-application process. The highway layout including the provision of 3 No. passing bays accurately reflects these discussions and as such the design of the site access is acceptable.

57. The development provides sufficient car parking for the dwellings to comply with the Local Authorities minimum parking standards for residential development.

58. The Parking Standards SPD requires that an electric charging point be provided adjacent to at least 1 parking space for each dwelling, this can be secured by condition.

59. Access to the Wardens facility will be by a gated entrance and will provide 4 off-street parking spaces (including 1 disabled space). Separate access is provided to the workshop for tractors, deliveries and access to the biomass boiler and fuel store.

60. The Group Engineer (Highways) has raised some concern that the activities at the Wardens facility may result in parking problems for the residents and possibility obstruct access to the site from the public highway. However, the Wardens service advise that this would not be an operation with unrestricted opening. The facility would only be used by targeted groups, such as local schools. On occasions of bigger groups attending Saltwells Nature Reserve, they would still be directed to utilise the larger visitor car park accessed off Saltwells Lane, this being better designed for mini-buses. A condition would be required to provide cycle parking for both staff and visitors.

61. The site layout has been designed to allow pedestrian and maintenance traffic for forestry operations through the site with a gated link to the woodland maintained at the northern end of the site. The gate will allow uninterrupted access for pedestrians and maintenance access when needed.

62. It is considered the proposed development would not be detrimental to highway safety in accordance with BCCS Policies TRAN2 and TRAN5, and Saved UDP Policy DD4 and the Parking Standards SPD.

Planning Obligations

63. Black Country Core Strategy Policy DEL1 'Infrastructure Provision' sets out the adopted policy framework for Planning Obligations within Dudley and the Planning Obligations SPD provides further detail on the implementation of this policy; these policy documents were prepared in accordance with national legislation and guidance on planning obligations.

64. Policy DEL1 requires all new developments to be supported by sufficient on and off-site infrastructure to serve the development, mitigate its impact on the environment,

and ensure that the development is sustainable and contributes to the proper planning of the wider area.

65. In determining the required planning obligations on this specific application the following three tests as set out in the CIL Regulations, in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development;
- c) fairly and reasonably related in scale and kind to the development.

66. Following consideration of the above tests the following planning obligations are required for this application:

On-Site Provision (to be secured by condition)

- Nature Conservation Enhancements
- An Historic Interpretation Panel
- Air Quality Improvements

67. It is considered that these contributions meet the necessary tests as stated above in that they contribute to the delivery of a sustainable development, will be provided directly on the development site itself and are deemed to be in scale and kind to the proposed development and may be required by condition as appropriate.

68. This development complies with the requirements of BCCS Policy DEL1 and the Planning Obligations SPD.

New Homes Bonus

69. Clause (124) of the Localism Act states that: Local planning authorities are to have regard to material considerations in dealing with applications including any local finance considerations, so far as material to the application.

70. The New Homes Bonus is designed to create an effective fiscal incentive to encourage local authorities to facilitate housing growth. It will ensure the economic

benefits of growth are more visible within the local area, by matching the council tax raised on increases in effective stock.

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

72. This proposal would provide 5 houses generating a grant of 5 times the national average council tax for the relevant bands per annum for 6 years.

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

CONCLUSION

74. Given that this site is previously developed land located within a largely residential area, it would constitute sustainable development. The application has adequately demonstrated that the physical impact of the proposed development will have a neutral impact on the significance of the SAM. The proposal makes a positive contribution to place making through high quality design without harming the setting of the Local Nature Reserve. The proposed development would not have an adverse effect on wildlife species, amenity of existing or future occupiers or highway safety. Relevant Planning Obligations can be secured by condition. The proposal would comply with the National Planning Policy Framework (NPPF), Black Country Core Strategy, Saved UDP and relevant Supplementary Planning Documents.

RECOMMENDATION

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

INFORMATIVE NOTE – THE COAL AUTHORITY

ALL DEVELOPMENTS WITHIN COALFIELD STANDING ADVICE AREAS

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

APPROVAL STATEMENT INFORMATIVE

In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 132-P-01/Rev D, 132-P-02/Rev C, 132-P-03/Rev C, 132-P-04/Rev B, 132-P-05/Rev A, 132-P-08, 132-LP-01.
3. No works of construction, levels changes, re-grading or other site clearance or infrastructure works involving ground disturbance shall begin until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has first been submitted to and approved in writing by the local planning authority. The WSI shall include details of the landscape survey that will be undertaken in order to accurately record and plot the archaeological features visible above ground and located within the SAM. The WSI shall also include details of proposed general archaeological monitoring and recording in relation to the ongoing development. Following approval of the WSI all such works will be carried out in accordance with the agreed details.
4. Notwithstanding the roofing material indicated on plan, prior to the commencement of development, details of the types, colours and textures of all the materials to be used on the external surfaces of the buildings hereby approved and in hard landscaped areas on the site shall be submitted to and approved in writing by the Local Planning Authority. Details/samples of the type, texture, colour and bond of the bricks to be used and a sample panel measuring not less than 1m² shall be erected on site and approved in writing by the local planning authority. The panel shall be retained on site for the duration of the development and thereafter new brickwork shall only be constructed in accordance with these approved details. The development shall be carried out in complete accordance with the approved details.
5. Development shall not begin until details of the all windows and doors and their finish/colour have been submitted to and approved in writing by the local planning authority. Large scale architectural drawings (at 1:1, 1:2 or 1:5) and sections and profiles of jambs, heads, sills, glazing bars, and headings together with their relationships to masonry apertures.
6. Notwithstanding the details shown on the submitted plans and stated in the submitted Design and Access Statement, prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of the proposed materials for the context of the development site and associated with the boundary treatments or means of enclosure. This should include details of colour, texture and type of materials to be used for the boundary enclosure. The scheme shall be implemented in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development unless otherwise agreed in writing.
7. Notwithstanding the details shown on the submitted plans and stated in the submitted Design and Access Statement, prior to the commencement of development, detailed Engineers drawings shall be submitted to and approved in writing by the Local Planning Authority of the proposed passing places and their methodology for construction. The drawings shall also provide full details of all the materials to be used in the construction and final finish of the passing

places including the provision of any bollards/fences. The scheme shall be implemented in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development unless otherwise agreed in writing.

8. Prior to the commencement of development, details of the landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before the end of the first planting season following initial occupation of the development. Any new trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
9. Prior to the commencement of development, details of the existing and proposed levels of the site (including finished floor levels), which should be related to those of adjoining land and highways, shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved levels.
10. Development shall not commence until details of plans and sections of the lines, levels, gradients, traffic calming measures, form of construction and drainage systems have been submitted and agreed in writing by the LPA. The works shall then be implemented as per the agreed details and retained for the life of the development.
11. No development shall commence until details of secure cycle parking facilities in accordance with the Council's parking standards have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be provided in accordance with the approved details prior to first occupation of the development, shall be made available at all times and be maintained for the life of the development.
12. No development shall commence until details for the provision of external electric charging points have been submitted to and approved in writing by the Local Planning Authority. The Electric Charging point(s) shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
13. Prior to first occupation the parking area shown on drawing number 132-P-01/Rev D shall be provided and maintained for no other purpose for the life of the development.
14. No development shall commence on site until a scheme has been submitted to, and agreed by the Council in consultation with West Midlands Fire Service, for the provision of suitable water supplies for fire fighting. No dwelling shall be occupied until the agreed scheme has been provided to the satisfaction of the Council in consultation with West Midlands Fire Service.
15. Prior to the proposed development being brought into use details shall be provided and agreed in writing by the LPA of the measures to be taken in order to enable the local community to interpret the historic context of the site and its environs (e.g. provision of interpretation panel(s)) and they shall be installed and thereafter retained.
16. Biodiversity measures to be incorporated into the development in line with those recommended in the Phase 1 Habitat Survey & Protected Species Survey

Assessment dated June 2012 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and maintained in accordance with the approved details.

17. No development shall commence until details of nature conservation enhancement works have been submitted to and approved in writing by the Local Planning Authority. The nature conservation enhancement works shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
18. No external lighting shall be installed on site unless details of the type and positioning of such lighting, which shall accord with the recommendation as set out in the Bat Conservation Trust's and the Institute of Lighting Engineers guidance (Bats and Lighting in the UK, Bats and the Built Environment Series May 2009), has been first submitted to, and approved in writing by the Local Planning Authority.
19. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008, or as subsequently amended, no development shall be carried out within the terms of Classes A to H of Part 1 of Schedule 2; and Part 2 Minor Operations of Schedule 2 of the Order, without the prior written approval of the Local Planning Authority.
20. No development shall take place until there has been submitted, and approved in writing by the local planning authority details of the tree protection measures on site. The agreed tree protection measures shall be erected / installed prior to the commencement of the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery), and shall not be taken down moved or amended in any way without prior written approval of the local planning authority. The tree protection details shall include:
 - a. A plan showing the location and identification (with reference to a survey schedule if necessary) of all trees on, or directly adjacent to the development site, that are to be retained during construction. These trees are to be marked with a continuous outline.
 - b. A plan showing the location and identification (with reference to a survey schedule if necessary) of all the trees on, or directly adjacent to the development site that are to be removed prior to, or during development. These trees are to be marked with a dashed outline.
 - c. A plan showing the extent of the Root Protection Area, which is to be protected by physical barriers during development. The extent of the area that is to be protected will be calculated in accordance with Clause 4.6 of British Standard BS:5837 – 2012 'Trees in Relation to Design, Demolition and Construction– Recommendations'.
 - d. Design details of the proposed protective barriers and ground protection to be erected around the trees during development. Any protection barriers should be designed and constructed in accordance with the provisions set out in section 6.2 of British Standard BS:5837 – 2012 'Trees in Relation to Design, Demolition and Construction– Recommendations'.
21. No development or other operations shall commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning,

demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such method statement shall include full detail of the following:

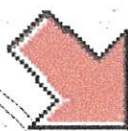
- Implementation, supervision and monitoring of the approved Tree Protection Plan.
- Implementation, supervision and monitoring of the approved Treework Specification.
- Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Plan.
- Timing and phasing of arboricultural works in relation to the approved development.

22. No development or other operations shall commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall commence on site until the approved tree felling and pruning works have been completed. All tree felling and pruning shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998 (2010) Recommendations for Tree Work.
23. All excavations to be undertaken within the Root Protection Area (as defined by Clause 4.6 of British Standard BS:5837 – 2012 ‘Trees in Relation to Design, Demolition and Construction– Recommendations’) of any existing trees on site shall be undertaken in accordance with NJUG Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (NJUG Volume 4).
24. No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed service (gas, electricity and telecoms) and foul and surface water drainage layout has been submitted to and approved in writing by the Local Planning Authority. Such layout shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved service/drainage layout.
25. No development shall take place until there has been submitted to and approved in writing by the local planning authority technical details of any proposed pathway / hard surfacing / driveway / parking area within the Root Protection Area (as defined by Clause 4.6 of British Standard BS:5837 – 2012 ‘Trees in Relation to Design, Demolition and Construction– Recommendations’) of any existing tree situated on or off the site. The details of the vehicular access and parking areas shall include existing and proposed ground levels, materials to be used and the relative time of construction within the whole development and

must be in accordance with appropriate guidelines, namely Clause 7.4 of British Standard BS:5837 – 2012 'Trees in Relation to Design, Demolition and Construction– Recommendations' and Arboricultural Advisory & Information Service Practice Note 'Driveways Close to Trees' (1996). Any driveway / parking areas within the Root Protection Area of existing trees must be constructed using 'no-dig' techniques incorporating appropriate surfaces to avoid damage to trees and to prevent any potential direct or indirect damage caused by trees.

26. Before the development hereby permitted is implemented, a Parking Management Plan shall be submitted to and agreed in writing by the local planning authority detailing measures to control visitor parking to the Wardens facility, to ensure unauthorised parking does not occur and discourage parking on the residential development. The plan shall be implemented in accordance with the approved details.
27. Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of the proposed gate to link with the woodland at the northern end of the site. The scheme shall be implemented in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development unless otherwise agreed in writing.

THE SITE



Road

Saltwells House

Scheduled Ancient Monument.
List Entry No. 1020539
"coal mining remains at Saltwells Wood,
immediately west of Saltwells House"

Boro Canal & Waterway

Boro Canal & Waterway

102.7m

Path (unp)

Path (unp)

Outfalls

The Firm
Creative
Architecture
Design
01482 716024
info@architectanddesign.com

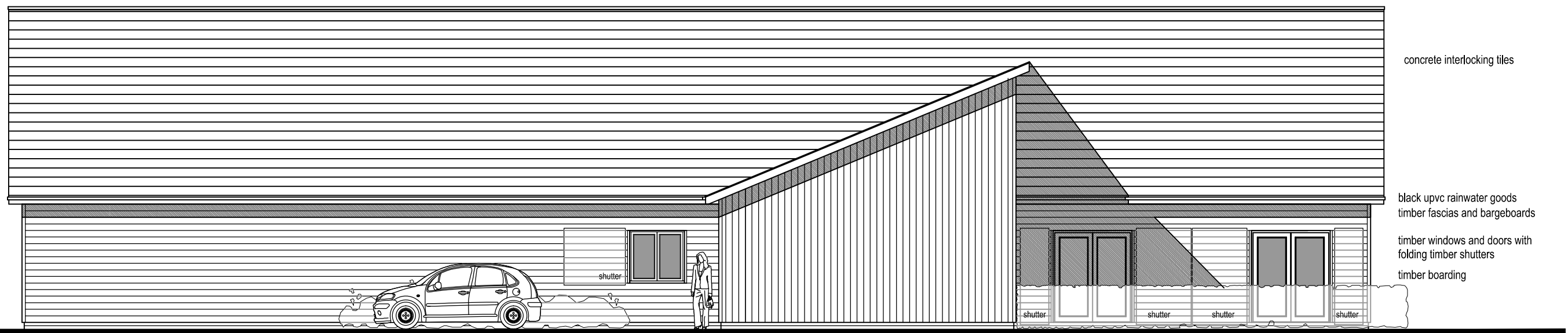
architecture
and design

project Land at Saltwells Wood,
Brierley Hill,
Dudley

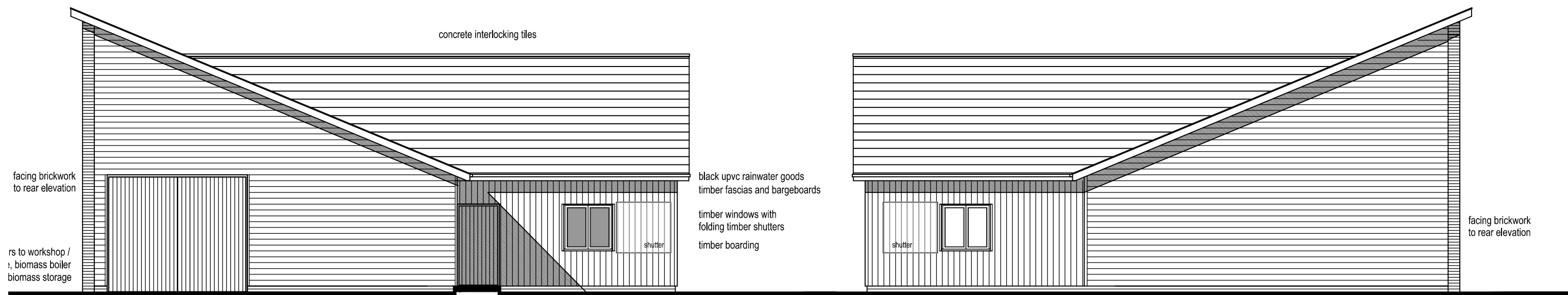
drawing

Location Plan

date	March 2013	dwg no.	132-LP-01
scale	1:1250	revision	

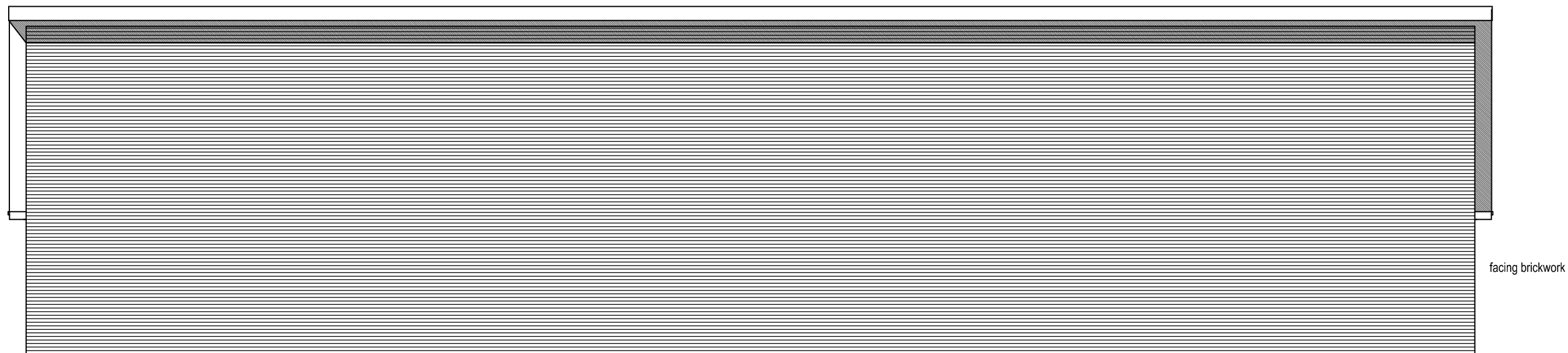


front elevation



side elevation

side elevation



rear elevation

Rev C nov 2013 amended to Access Officer comment
 Rev B Jan 2013 amended to client comment
 Rev A Sept 2012 garage door size amended

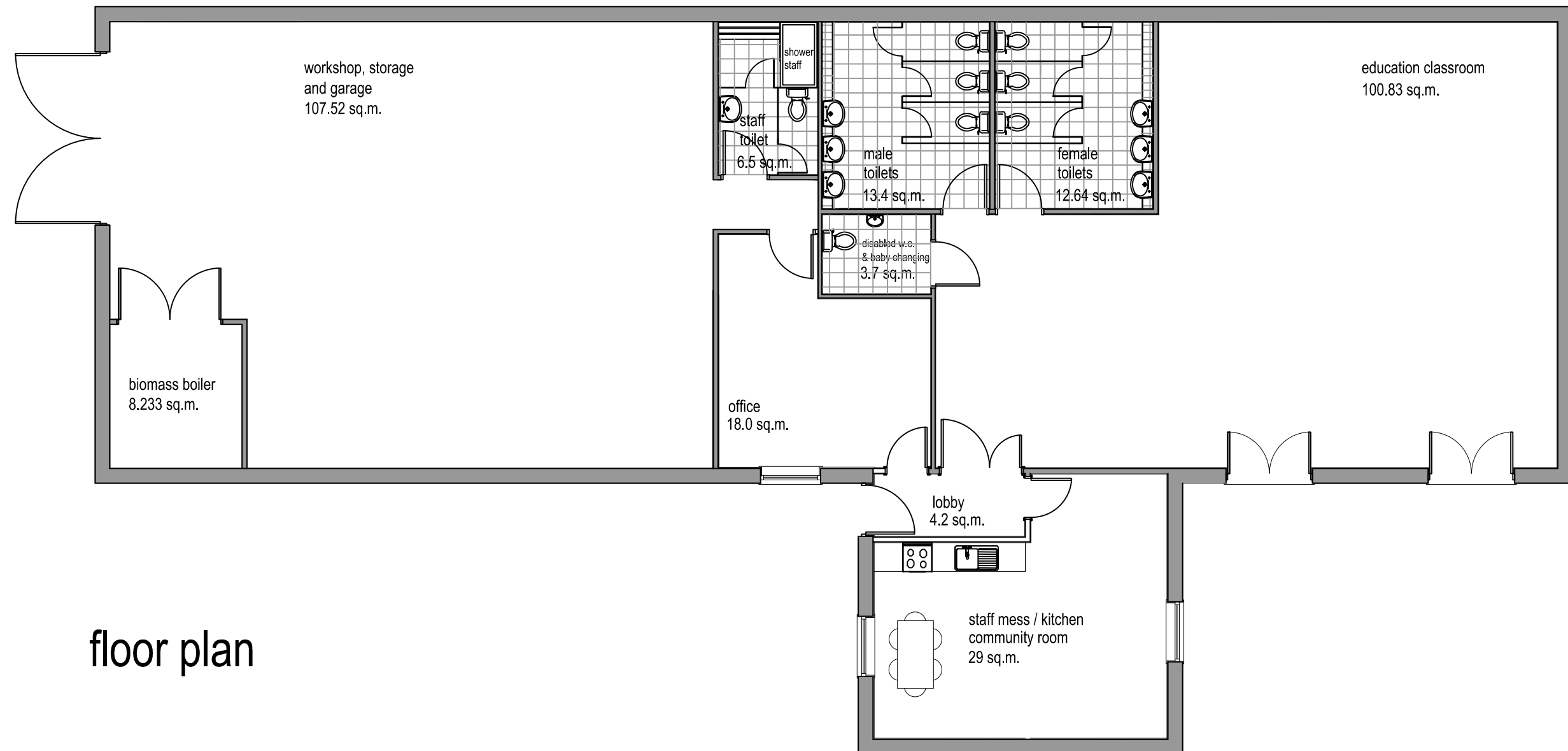
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project Land at Saltwells Wood,
Brierley Hill,
Dudley

drawing Warden's unit
Elevations

date September 2012 dwg no. 132-P-03
 scale 1:100 revision C



floor plan

Rev C nov 2013 amended to Access Officer comment
 Rev B Jan 2013 amended to client comment
 Rev A Sept 2012 garage door size amended

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project Land at Saltwells Wood,
 Brierley Hill,
 Dudley

drawing Warden's unit
 Plan

date September 2012 dwg no. 132-P-02
 scale 1:100 revision C



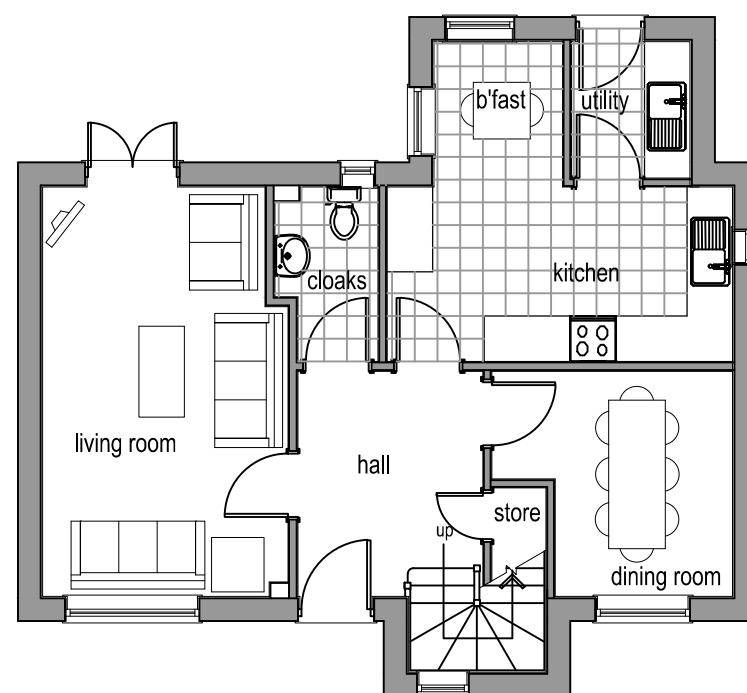
front elevation

side elevation

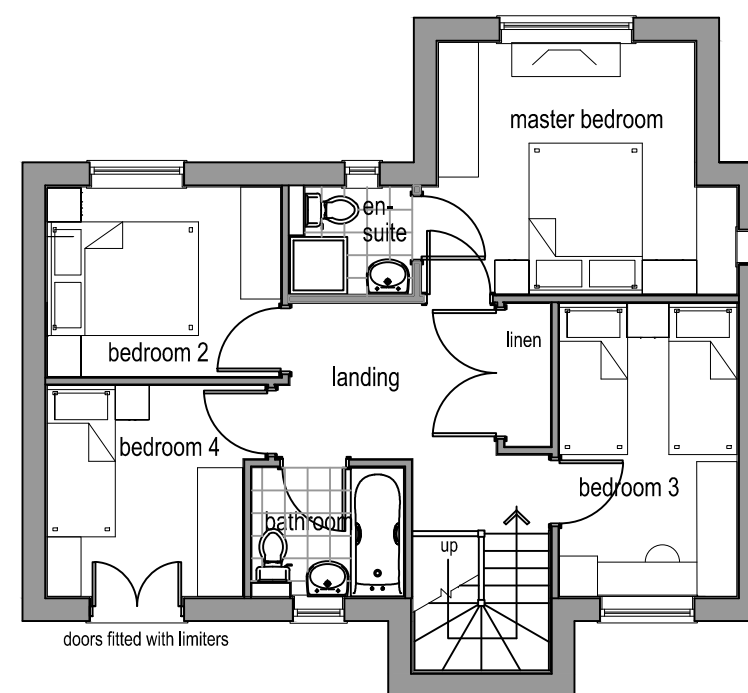
rear elevation



side elevation



ground floor plan



first floor plan

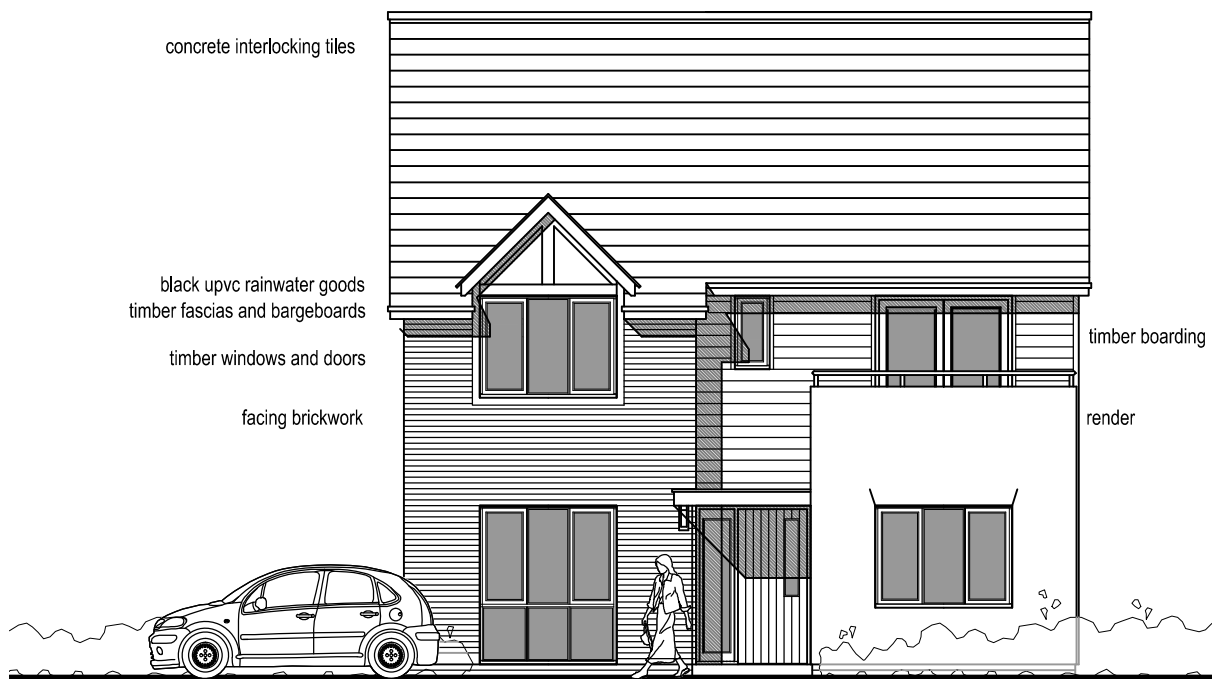
rev a note added re limiters to doors in bedroom 4 nov 2013

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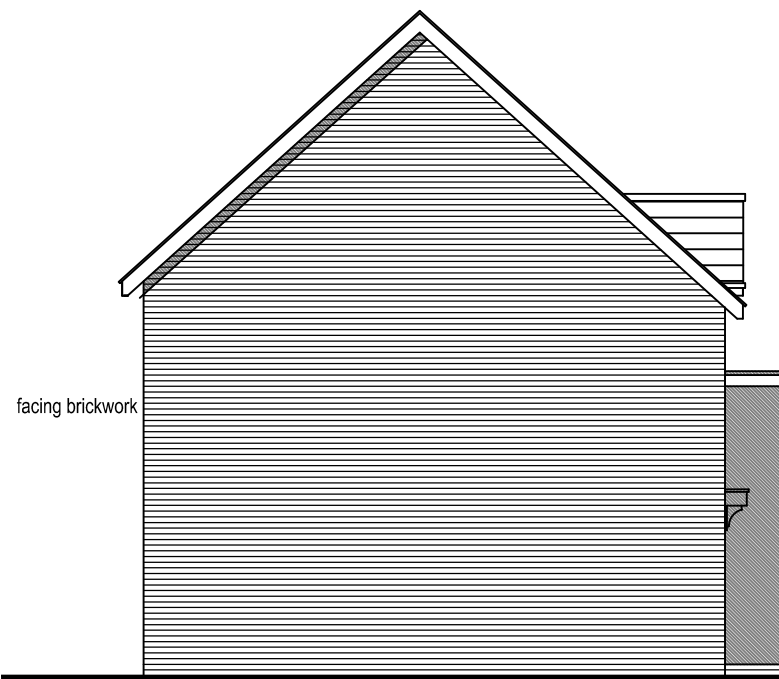
project Land at Saltwells Wood, Brierley Hill, Dudley

drawing House Type B Plans and Elevations

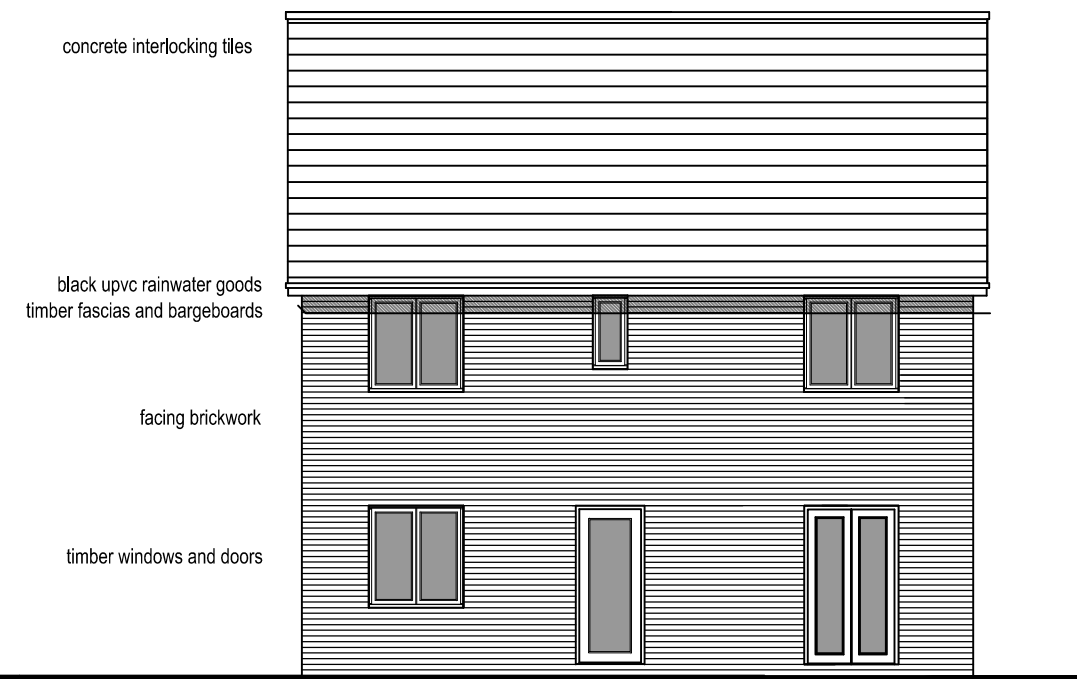
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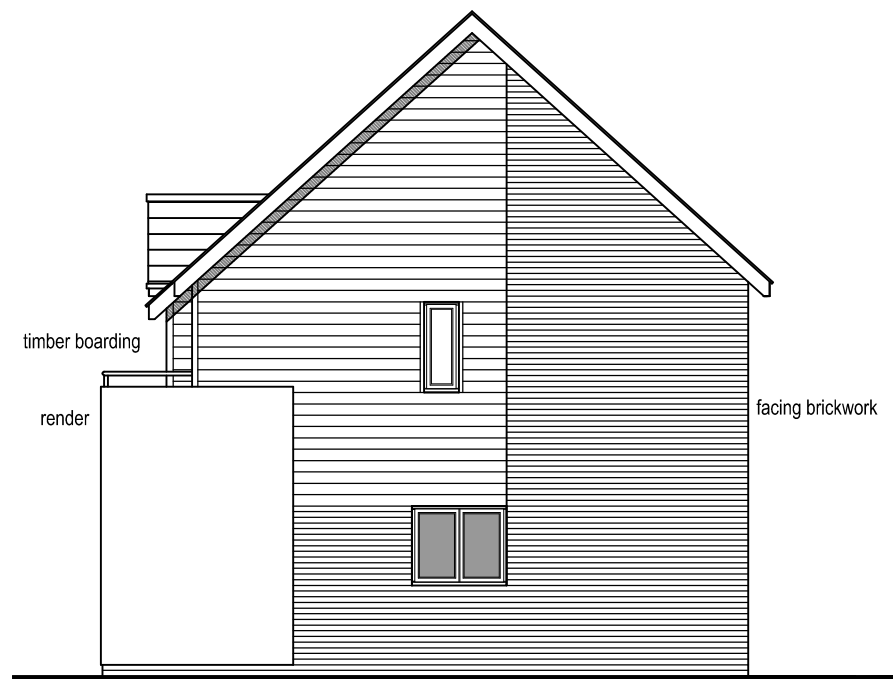
front elevation



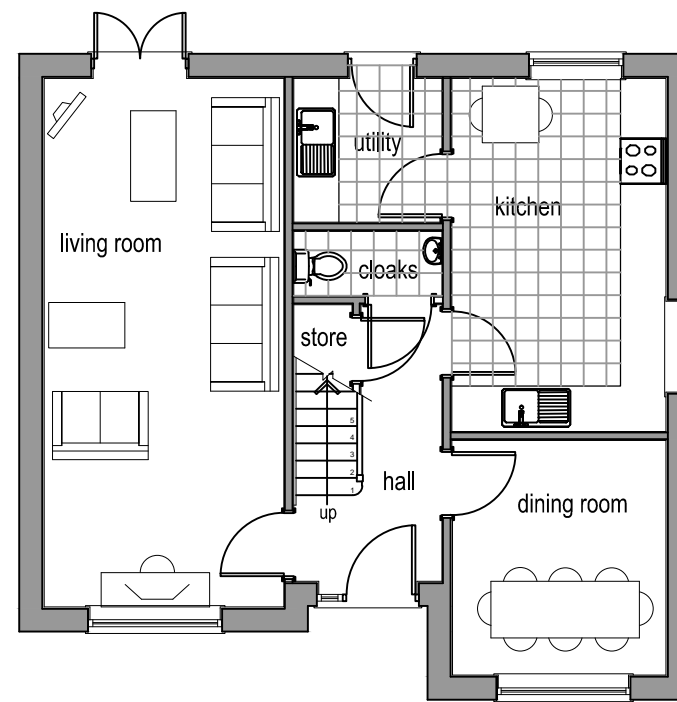
side elevation



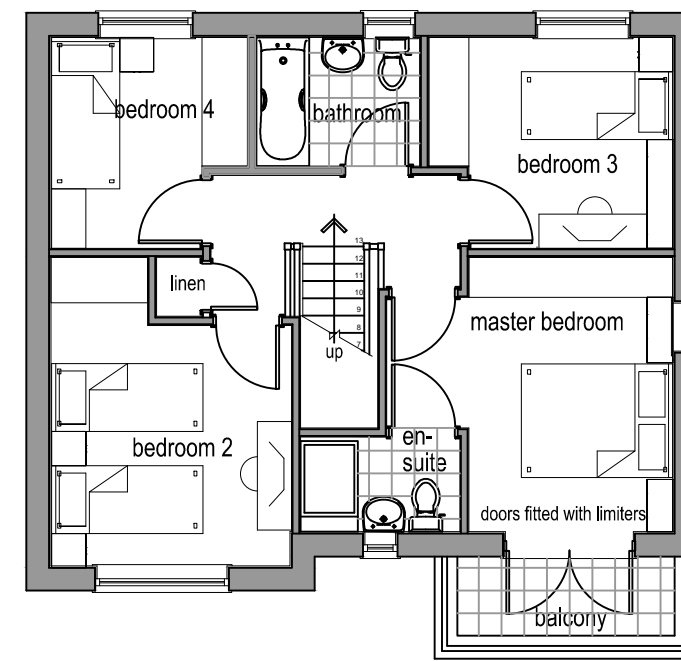
rear elevation



side elevation



ground floor plan



first floor plan

rev b note added re limiters to doors
in master bedroom. drawing
specifically for plot 3
rev a amended to client comment

nov 2013
mar 2013

**architecture
and design**

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Brierley Hill,
Dudley

drawing House Type A plot 3
Plans and Elevations

date	September 2012	dwg no.	132-P-04
scale	1:100	revision	b

PLANNING APPLICATION NUMBER:P13/1706

Type of approval sought	Full Planning Permission
Ward	Wordsley
Applicant	Mr Craig Russon
Location:	54, KIRKPATRICK DRIVE, WORDSLEY, STOURBRIDGE, DY8 5TG
Proposal	ERECTION OF DETACHED OUTBUILDING IN REAR GARDEN (RETROSPECTIVE)
Recommendation Summary:	APPROVE

SITE AND SURROUNDINGS

1. The 266m² application site comprises a modern detached house with red facing brickwork and red plain tiles. The rear garden is roughly west facing and a detached outbuilding has recently been constructed in the rear garden towards the south west corner. The rear garden is enclosed by boundary fencing of approximately 1.8m in height. The site is covered by a blanket Tree Preservation Order, however, there are no preserved trees within the site.

2. 56 Kirkpatrick Drive is a detached property adjacent the site to the south. This property is approximately 3.5m further forwards than the application property. 52 Kirkpatrick Drive is another detached property adjacent to the north and is approximately 4.5m further back than the application property. The site backs onto the rear garden of 16 Clock Tower View to the west, which is at a lower ground level.

3. The property sits in the centre of a modern housing estate and a wholly residential street. It is situated within Wordsley Hospital Conservation Area.

PROPOSAL

4. It is proposed to retain the outbuilding which has been erected without the benefit of planning permission. The outbuilding is 7300mm in length, 2480mm in width and 3100mm in height with pitched roof. It is situated approximately 500mm from the garden boundaries with the neighbouring properties to the south and west and is some 6.5m from the boundary with the property to the north. The outbuilding has been clad in timber and has white painted timber framed windows and door and tiled pitched roof with velux windows. The outbuilding is located a minimum of 10 metres away from the rear elevation of 16 Clock Tower View.
5. The application is accompanied by a Heritage Statement.

HISTORY

6. None relevant

PUBLIC CONSULTATION

7. Direct notification was carried out to three neighbouring properties and a site notice was also displayed. The final date for receipt of objection letters was 23rd January 2014 and one letter of objection has been received from the occupier of 16 Clock Tower View which raises the following issues;
 - That the outbuilding is more than 2.5m in height
 - That it has been constructed right up to the boundary fence
 - That it is extremely high and visible above neighbouring fences and is an 'eyesore'.
 - That it overshadows neighbouring gardens and will be worse during the spring and summer months.
 - That the outbuilding is completely out of character with surrounding properties
 - That it is large in comparison to the size of the garden.
 - Concerns are also raised regarding the use of the outbuilding for residential purposes.

OTHER CONSULTATION

- None relevant

RELEVANT PLANNING POLICY

National Planning Policy Framework (NPPF) (2012)

Black Country Core Strategy (2011)

- ENV2 Historic Environment and Local Distinctiveness
- ENV3 Design Quality

Saved Unitary Development Plan Policies (2005)

- DD1 Urban Design
- DD4 Development in Residential Areas
- HE4 Conservation Areas

Supplementary Planning Documents / Guidance

- PGN 12 The 45 Degree Code
- PGN 17. House extension design guide

ASSESSMENT

8. Key issues;

- Design & Conservation Area
- Neighbour Amenity
- Other Matters

Design & Conservation Area

9. Saved Policy DD4 of the UDP states that extensions to residential dwellings will be allowed provided they do not adversely affect the character of the area or residential

amenity. Saved UDP Policy HE4 states that the Council will safeguard and seek to enhance approved Conservation Areas.

10. Glimpses of the outbuilding are visible from Kirkpatrick Drive given the staggered building line and the spaces between dwellings. The structure is not, however, read within the context of the street scene and is wholly confined to the rear garden. The outbuilding has a high quality modern finish which sits comfortably within the context of a modern housing estate albeit a Conservation Area. The submitted Heritage Statement demonstrates that consideration was given to the use of appropriate materials given the sensitivity of the site and surroundings.
11. Whilst the outbuilding is large, sufficient rear amenity space has been retained to serve the occupiers of the application property. It is considered that the development has a neutral impact on the character and appearance of the Conservation Area and in this respect the proposal is therefore considered compliant with saved Policy DD4 and HE4 of the UDP (2005) and Planning Guidance Note 17 – House Extension Design Guide.

Neighbour Amenity

12. The outbuilding requires planning permission as it is situated within 2m of the boundary of the site and its height exceeds 2.5m. Given the fall in levels to the west the structure appears higher when viewed from the property backing onto the site and is set approximately 1.5m above the fence line. The structure is, however, narrow and is viewed against the backdrop of the application property. It is approximately 10m from habitable room windows in the rear of this neighbouring property and has a high quality finish. It is considered that the outbuilding does not appear unduly overbearing or incongruous to this adjacent neighbour despite the level difference. There would be no significant overshadowing of the rear garden associated with this neighbouring property given the orientation to the north-west.
13. At 7300mm, the outbuilding runs along a significant length of the boundary with the neighbouring property to the south and is visible approximately 1m above this fence line. No loss of immediate outlook has arisen given the staggered building line and

no loss of light would be experienced by this neighbouring property given the orientation. The roof of the outbuilding has been designed sympathetically and again the structure has a high quality finish.

14. The outbuilding is set in significantly from the boundary with the property to the north and no loss of amenity is envisaged in this respect. It is considered that there would be no demonstrable harm to the general amenities of neighbouring properties which adjoin the site through retention of the outbuilding and the proposal is therefore considered to comply with saved Policy DD4 – Development in Residential Areas of the UDP (2005)

Other Matters

15. The application has been submitted to retain a domestic outbuilding which is incidental to the enjoyment of the main dwelling house. Speculations regarding its use are non-material and any material change of use would require planning permission.

CONCLUSION

16. It is considered that retention of the detached outbuilding would have a neutral impact on the character and appearance of the Conservation Area. There would be no demonstrable harm to neighbouring amenity despite the difference in levels with the neighbouring property to the rear. The proposal is therefore considered compliant with saved Policy DD4 (Development in Residential Areas) and HE4 (Conservation Areas) of the Dudley UDP and PGN 17 (House Extension Design Guide).

RECOMMENDATION

It is recommended that the application is APPROVED.

APPROVAL STATEMENT INFORMATIVE

In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.



29 NOV 2013

El Sub Sta

63

KIRKPATRICK DRIVE

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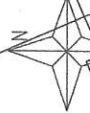
48

16

Chimney

46

26



54 Kirkpatrick Drive
Wordsley, Stoubridge
DY8 5TQ,

Length - 7300mm

Width - 2480mm

Height - 3100mm.



PLANNING APPLICATION NUMBER:P13/1750

Type of approval sought	Full Planning Permission
Ward	Netherton Woodside and St Andrews
Applicant	Mr R. Stokes
Location:	LAND ADJACENT TO 32, MEETING STREET, NETHERTON, DUDLEY, WEST MIDLANDS
Proposal	ERECTION OF TWO STOREY BUILDING TO CREATE 6 NO. APARTMENTS WITH ASSOCIATED PARKING
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. This is a vacant and overgrown site on the eastern side of Meeting Street. Immediately adjacent the site to the south and on the opposite side of Meeting Street are traditional terraced houses. To the north is a garage. Along the northern boundary of the site is a 2.5m high brick wall which separates the site from the rear gardens of properties on Church Street. The site is also bound to the west by the long rear gardens of properties on Church Street. Meeting Street rises steeply from south to north.

PROPOSAL

2. This is an application for the erection of a two storey buildings to create six, one-bedroom apartments, with access through to a parking area at the rear with eight parking spaces. The building will be set back at an angle from the highway with small landscaped areas to the front enclosed by a boundary wall and railings. To the rear, each of the three ground floor flats has a 12sqm amenity area. The density of the proposed development is 150 dwellings per hectare.

HISTORY

3. Permission was granted in 2007 for the erection of four one-bedroom dwellings at the site (application P07/0180). The permission was not implemented.

PUBLIC CONSULTATION

4. Neighbour notification letters have been sent to 18 properties. In response one letter of objection has been received, raising the following concerns over the proposal:
 - the proposal constitutes overdevelopment of the site;
 - flats are inappropriate for this area;
 - appropriate materials should be used and design elements incorporated to ensure the development compliments the heritage of the area.
5. The occupant of 25 Church Street has requested that the brick wall along the site boundary with her property is replaced by a brick wall of a similar height rather than a fence.

OTHER CONSULTATION

6. Group Engineer (Highways) – Following receipt of a plan showing increased access width there are no objections subject to a condition requiring the submission of a revised car parking layout plan and unallocated parking provision.

Head of Environmental Health and Trading Standards – No objection.

Police Crime Prevention Design Advisor – The rear courtyard should be protected by security gates to prevent unauthorised parking and access for criminal purposes.

RELEVANT PLANNING POLICY

7. National Planning Guidance
National Planning Policy Framework (NPPF) 2012

Black Country Core Strategy 2011
HOU1 Delivering Sustainable Housing Growth
HOU2 Housing Density, Type and Accessibility

Saved Adopted Dudley Unitary Development Plan 2005

Policy DD1 Urban Design

Policy DD4 Development in Residential Areas

Supplementary Planning Documents

New Housing Development SPD

Parking Standards and Travel Plans SPD

ASSESSMENT

8. The key issues in the assessment of this application are:

- Principle;
- Impact upon the character of the area;
- Residential amenity;
- Access and highway safety;

Principle

9. The NPPF encourages the effective use of brownfield land as one of its core planning principles. The principle of the development of this site for housing purposes is also in accordance with the aim of Policy HOU1 of the Core Strategy which seeks to ensure the provision of sufficient land to provide for sustainable housing growth, to be achieved by building at least 95% of new housing on previously developed land. This site constitutes previously developed land.
10. Policy HOU2 of the Core Strategy advises that the density and type of housing at a site should be informed by, amongst other things, the need for a range of types and sizes to meet identified local needs. A Housing Needs and Market Intelligence Survey of the borough carried out in 2011 identifies that the future delivery of housing has to bias, to a degree, in favour of smaller units to create a more balanced housing market than there is at present, to meet the needs of single, couple and small family households. The proposal accords with this requirement and is therefore considered to be in accordance with Policy HOU2 in terms of meeting a identified local housing need.

Character

11. Policy HOU2 also seeks the provision of high quality design in new housing developments and states that all developments should aim to achieve a minimum net density of 35 dwellings per hectare. Saved Policy DD1 of the UDP requires that new developments should have a positive impact on the character and appearance of the area.
12. With regard to Policy HOU2 advice in terms of density, and in the context of the pattern of existing development in the immediate vicinity of the site, the density of the proposed development is considered to be appropriate. The proposed building is of an appropriate scale and has staggered ridge heights to ensure that it follows the rise in street level from south to north. Whilst the siting of the building does not strictly adhere to the existing build line of the existing adjacent properties, the set back from the highway is required to provide a satisfactory visibility splay for vehicles leaving the site and is therefore considered to be acceptable. The front elevation of the building incorporates some of the features of existing properties, including window cills and heads and fenestration of a similar size. A condition will be imposed to ensure the materials to be used are appropriate to the setting.
13. In view of the above it is considered that the development would assimilate well into the existing built form and would make a positive contribution to the character of the area, in accordance with Policy HOU2 of the Core Strategy and Saved Policy DD1 of the UDP.

Residential Amenity

14. One of the core land-use planning principles set out in the NPPF is that a good standard of amenity should be provided for future occupants of buildings. Amenity space is provided for each of the three ground floor flats and whilst none is provided for the remaining first floor flats, this is often the case and is not considered to be a sufficient reason to warrant refusal of the application, given that this is a relatively

constrained site within which an appropriate amount of parking and turning space must also be provided to serve the number of flats proposed.

15. Saved Policy DD4 of the UDP requires that new developments do not have a harmful effect on residential amenity. 32 Meeting Street to the south has no habitable room windows on its side elevation and the proposed building would not project beyond its rear elevation. As such the development would not have any impact on outlook from the property. The northern (side) blank flank wall of the building would be sited approximately 20m from the rear elevation of 23 Church Road and 25m from 19 and 21 Church Road. This is sufficient distance separation to ensure that there would be no loss of outlook from those properties and comfortably exceeds the normal 14m distance required.
16. With regard to the comments of the occupant of 25 Church Street, the applicant has submitted a revised plan which shows that all existing brick boundary walls are to be rebuilt in brickwork.

Highway Safety

17. The development provides on-site parking numbers in accordance with the standards set out in the Parking Standards SPD. An amended layout plan showing the provision of gates and the access widened to 4.5m has been received. The provision of a gate within the access drive will ensure that the parking area is secure.
18. The location of car the parking spaces is relatively close to the building and is not considered to be remote. The access to the three first floor flats is from the rear car park and surveillance will be provided from the three bedroom windows on the rear elevation of the building. The residents of the flats will not therefore be discouraged from using the parking area and the development will not give rise to additional on-street parking to the detriment of highway safety. In this respect the proposal complies with Saved UDP Policy DD4. It must also be considered that to accommodate frontage car parking, the development would need to be set back

within the site which would be inappropriate given the context of properties within the street scene.

CONCLUSION

19. The layout, scale, density and appearance of the development are considered to be acceptable. The development would not adversely impact the amenities of adjacent residents. Parking provision and means of access are appropriate. As such the proposal complies with Policies HOU1 and HOU2 of the Core Strategy and Saved Policies DD1 and DD4 of the UDP.

RECOMMENDATION

20. It is recommended that the application is 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.
2. No development shall commence until a revised parking layout, showing parking spaces of the required widths as set out in the Council's Parking Standards Supplementary Planning Document, has been submitted to and approved in writing by the local planning authority. The parking area shown on the approved plan shall thereafter be maintained for these purposes for the lifetime of the development and none of the spaces shall be allocated to individual dwellings.
3. Prior to the commencement of development, details of the existing and proposed levels of the site (including finished floor levels) which should be related to those of adjoining land and highways, shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved levels.
4. Prior to the commencement of development, details of the types, colours and textures of the materials to be used in the hard surfacing of the development 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 and retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.
5. Prior to the commencement of development, details of the types, colours and textures of the materials to be used on the external surfaces of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

6. The development hereby permitted shall be carried out in accordance with the following approved plan: 0721-01-rev F.
7. The flats shall not be occupied until gates have been installed across the access drive at the site, in accordance with a scheme to have firstly been submitted to and approved in writing by the local planning authority. The gates shall thereafter be retained for the lifetime of the development.

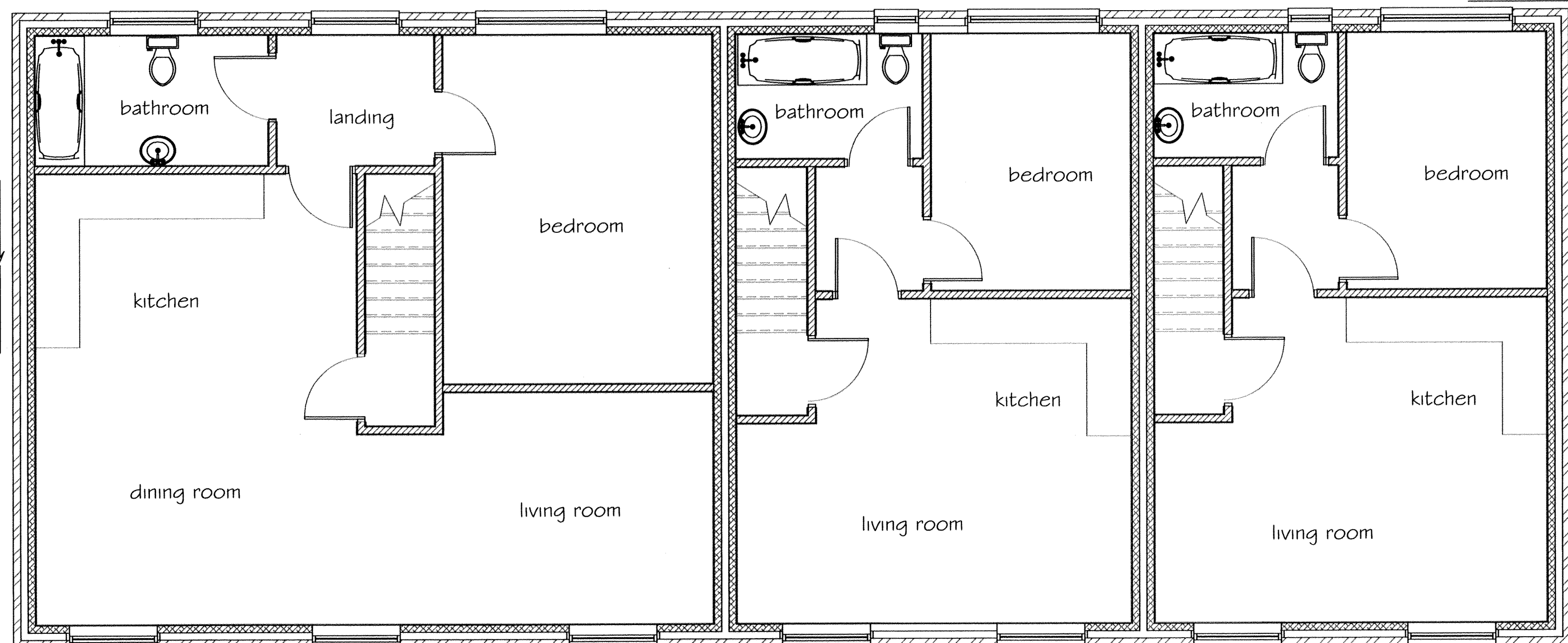
All dimensions and levels to be checked on site by contractor prior to commencement of work.



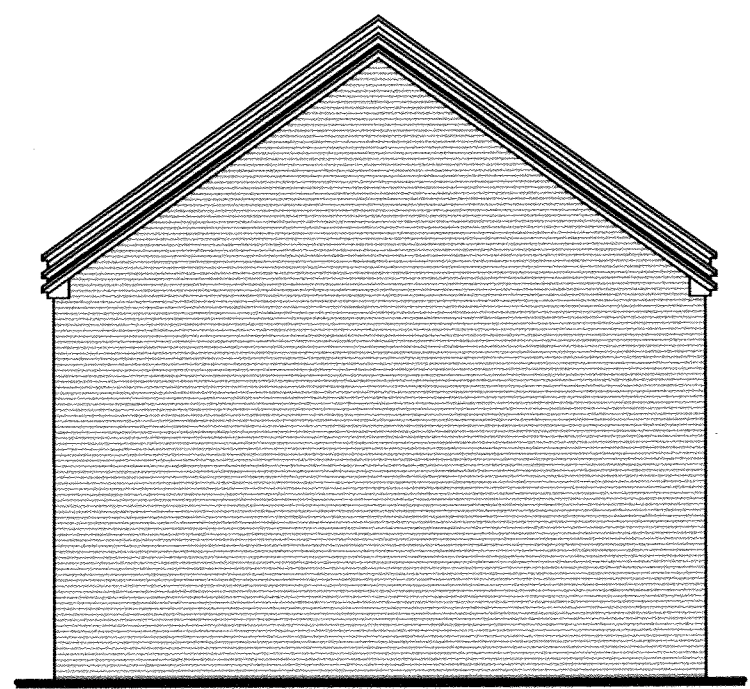
PROPOSED EAST ELEVATION



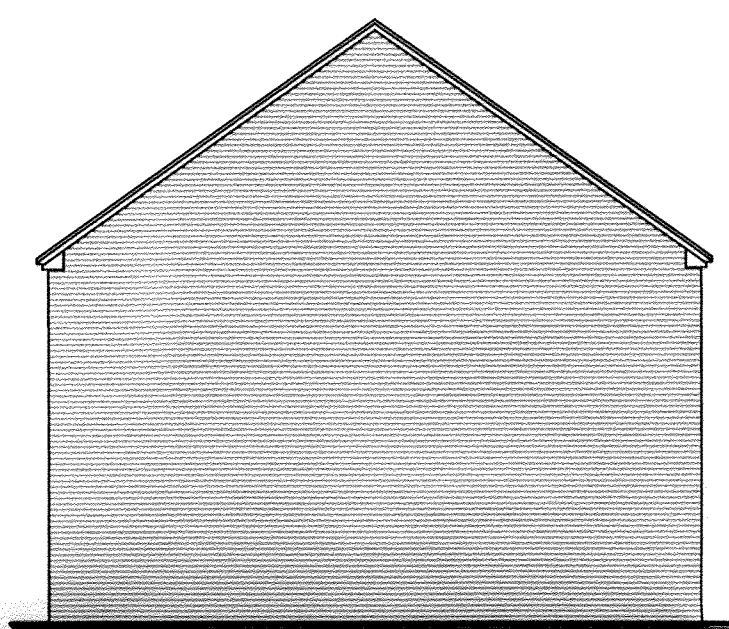
PROPOSED WEST ELEVATION



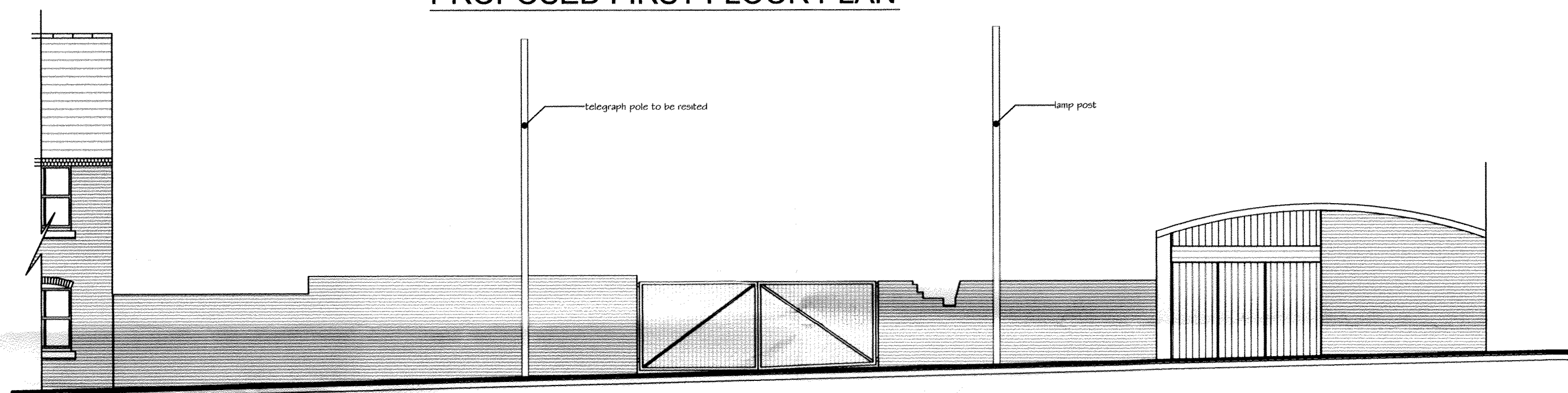
PROPOSED FIRST FLOOR PLAN



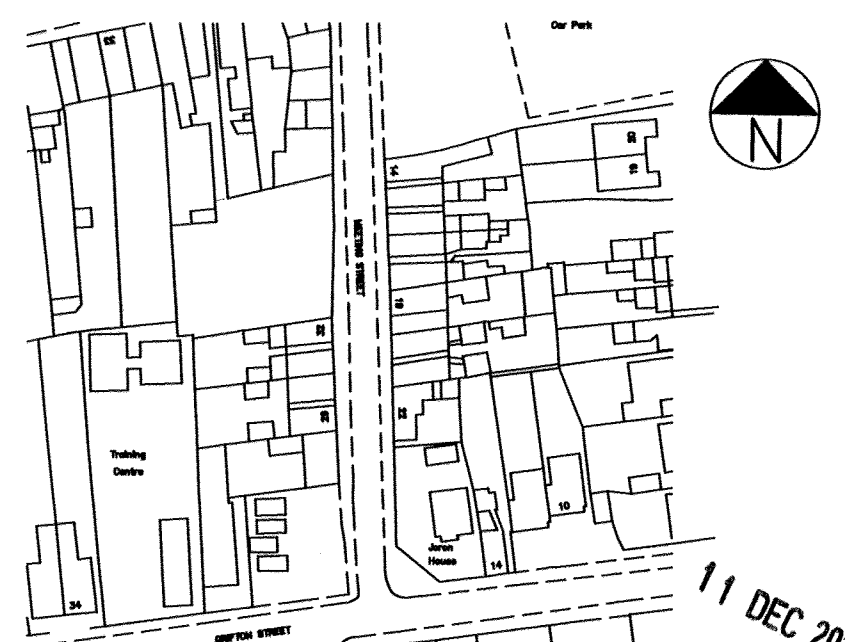
PROPOSED SOUTH ELEVATION



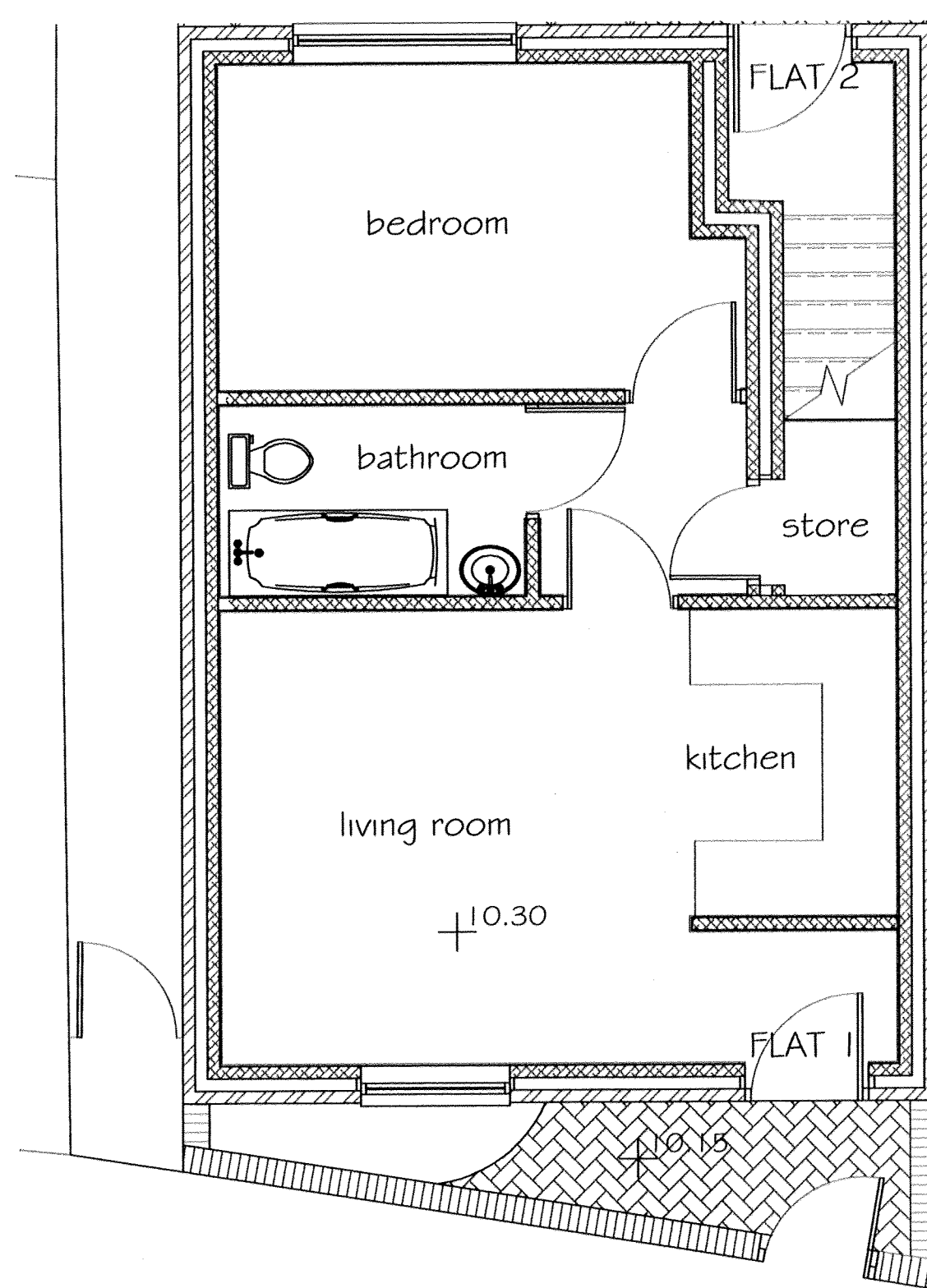
PROPOSED NORTH ELEVATION



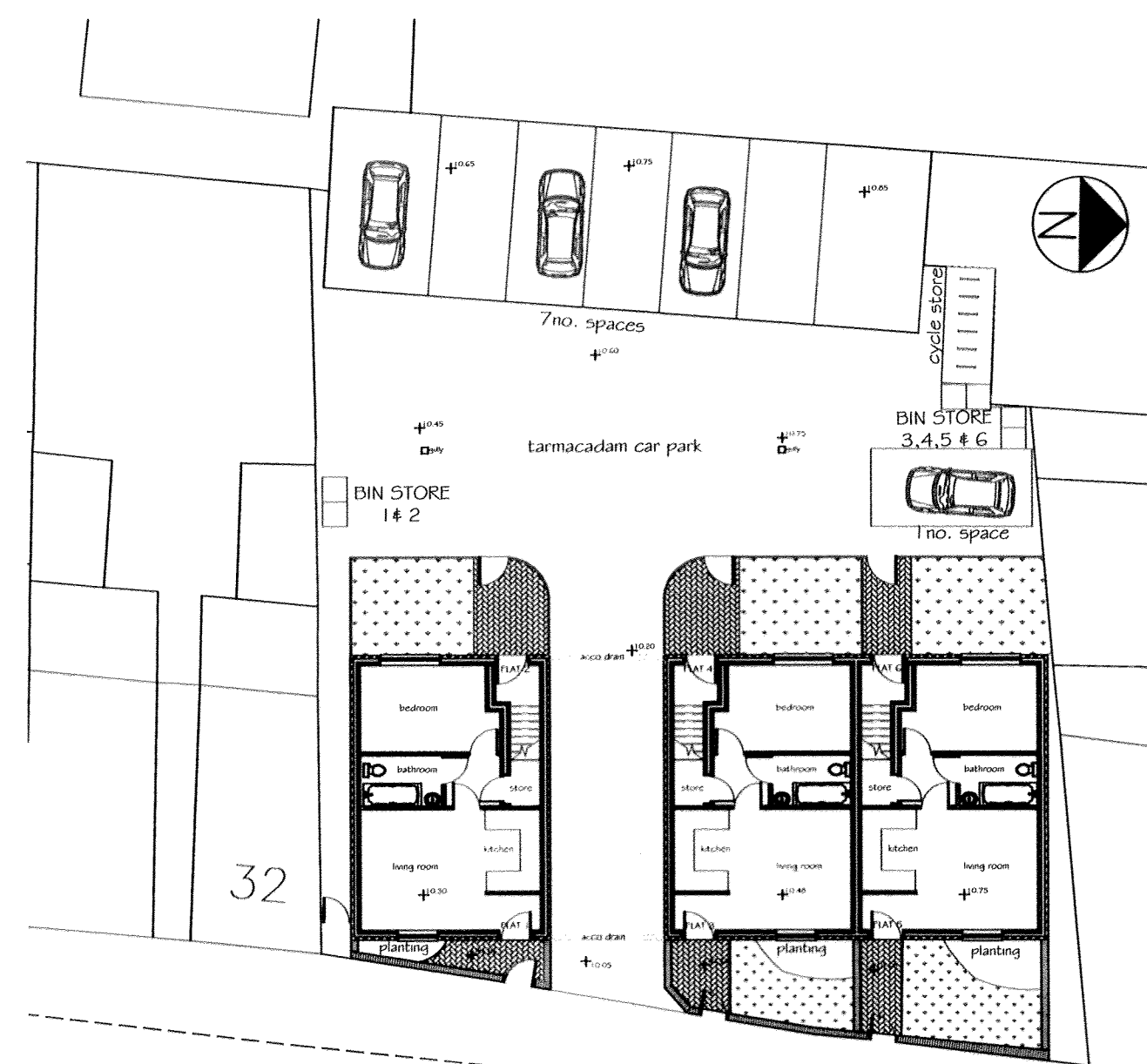
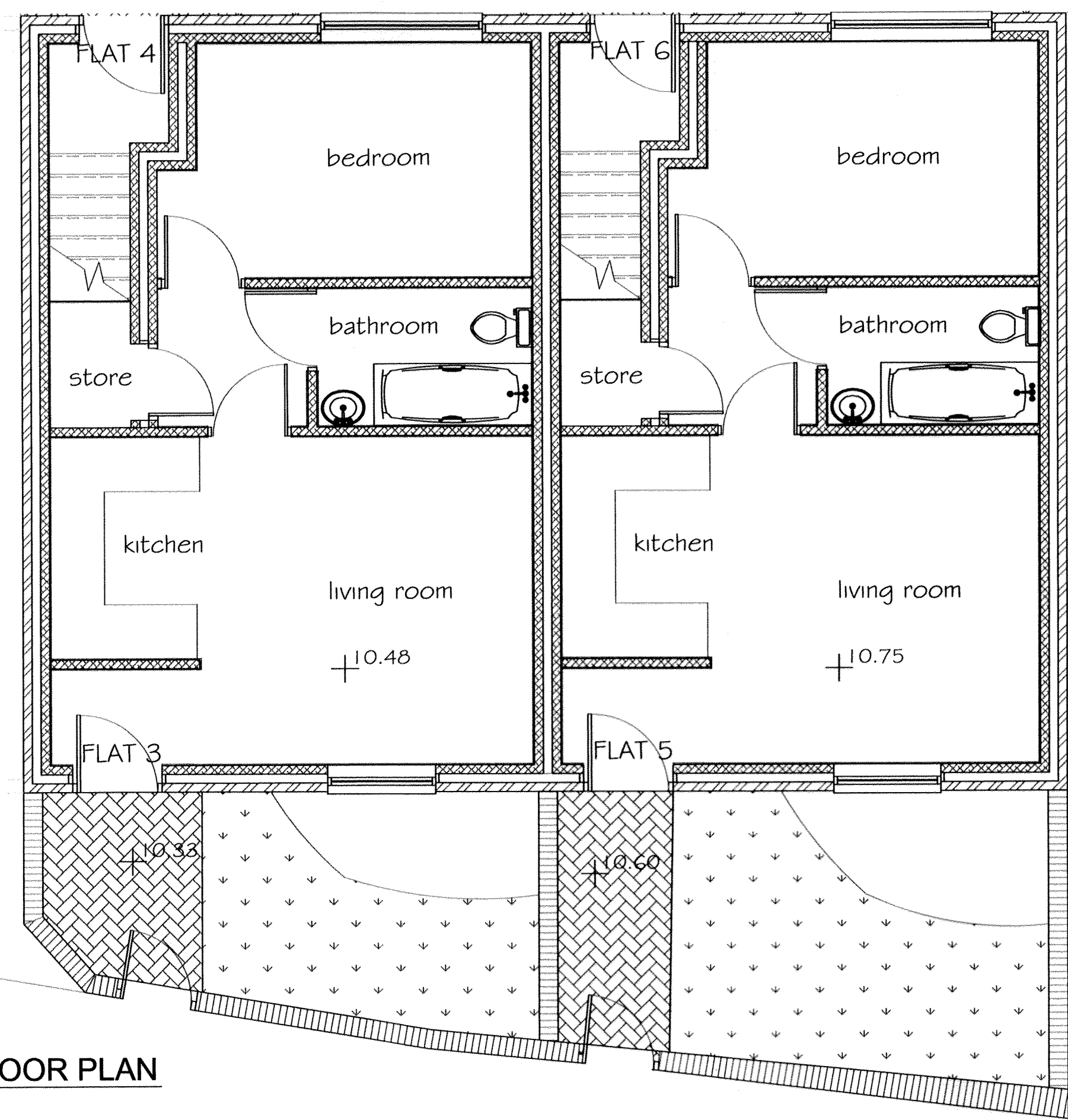
EXISTING STREET SCENE @ 1:100



LOCATION PLAN @ 1:1250



PROPOSED GROUND FLOOR PLAN



PROPOSED SITE PLAN @ 1:200

E	SITE LEVELS ADDED	07.12.13
D	NO. OF CAR PARKING SPACES INCREASED TO 8	17.11.13
C	CAR PARKING AND FLOOR PLANS AMENDED	08.11.13
B	MINOR AMENDMENTS MADE TO CAR PARKING AND DWARF WALL ADDED	28.10.13
A	FOR CLIENT REVIEW	03.10.13
REV.	COMMENT.	DATE.

PROJECT
PROPOSED RESIDENTIAL DEVELOPMENT AT:
MEETING STREET
NETHERTON
DUDLEY
WEST MIDLANDS

DRAWING TITLE
PROPOSED FLOOR PLANS, ELEVATIONS, SITE
PLAN AND LOCATION PLAN

SCALE
1:50 & 1:100

DATE
03/10/13

DRAWING No.
0721-01

REV.
E

PLANNING APPLICATION NUMBER:P13/1844

Type of approval sought	Full Planning Permission
Ward	Halesowen North
Applicant	Ms Yasmin Tahira
Location:	6, CLIFTON ROAD, HALESOWEN, B62 9HB
Proposal	ERECTION OF OUTBUILDING IN REAR GARDEN (RETROSPECTIVE)
Recommendation Summary:	APPROVE

SITE AND SURROUNDINGS

1. The application site measures 234m² and the property is a pitched roof terraced dwelling built in the 1930s. The house has been extended to the rear by way of a single storey addition and also features a first floor flying side addition. There is a canopy to the front with pillars. The house is set back 2.8m from the highway to the front and there is a garden to the rear.
2. No. 5 Clifton Road is located to the south and No. 7 Clifton Road is positioned to the north. Nos. 11, 12 and 13 Belgrave Road are located to the west with Nos. 1, 2, 3 and 4 Clifton Road to the east. The rear of the site is an area of vacant land.
3. The property is located within a predominantly residential area with semi-detached and terraced houses in evidence within the street. There are several significant rear extensions and some out-buildings within the street.

PROPOSAL

4. This proposal seeks retrospective approval for a detached out-building.

5. The detached out-building is positioned at the end of the garden abutting the rear and southern side boundary. The out-building measures 3.3m in length, 3.3m in width and features a 3.3m high mono-pitched roof; the eaves height are 2.35m.

HISTORY

6. This property has one previous relevant application.

APPLICATION	PROPOSAL	DECISION	DATE
P09/1715	Single storey side extension with mono-pitched roof.	Approved with conditions	08.02.2010

PUBLIC CONSULTATION

- Direct notification was carried out to eleven surrounding properties to advertise the proposal. Two written representations objecting to the scheme have been received; the latest date for receipt of comments was 7th January 2014.
- The objections are based on the following material considerations:
 - The proposal is an eye-sore;
 - The materials are poor.
- Other non-material planning considerations such as the ownership of the wall, the standard of workmanship of the builders, impact on the view and valuation of the property.

OTHER CONSULTATION

None required.

RELEVANT PLANNING POLICY

Saved Unitary Development Plan Policies (2005)

- DD1 Urban Design
- DD4 Development in Residential Areas

Supplementary Planning Documents / Guidance

- Parking Standards SPD (2012)
- PGN12 The 45 Degree Code guidelines
- PGN 17. House extension design guide

ASSESSMENT

7. The proposed development must be assessed with regard to its design and whether it would be compatible with the existing dwelling and the character of the area. The potential impact on the amenity of nearby neighbours must also be assessed along with the relevant parking standard requirements.
8. The key issues are
 - Design
 - Neighbour Amenity
 - Access and Parking

Design

9. Policy DD4 of the saved UDP states that extensions to residential dwellings will be allowed provided they do not adversely affect the character of the area or residential amenity.
10. The out-building would be acceptable in terms of size and scale in comparison to the size of the house and the plot size. Taking into account the fact that 50% of the curtilage can be built on under permitted development rights the modest footprint of the addition would be considered as acceptable, even considering the existing extensions to the main part of the house.
11. The overall addition would be considered as subservient to the original house and although the proposal measures a maximum of 3.3m in height, due to the mono-pitched roof design, this would ensure that the addition would not appear as

excessive in height. The mono-pitched roof lowers down to the front and would reduce the visual impact of the proposal.

12. The siting of the out-building is acceptable as the detached out-building is located entirely within the rear garden. The out-building is partly visible from the street scene to the front, through the gap below the flying side addition, but the addition is set back 32m from the highway and has had no detrimental impact on the street scene. As such, the development has had no adverse impact on the host property or the character of the area.
13. The mono-pitched roof and fenestration design relates satisfactorily to the host property. The materials used as part of the proposal also relate well enough to the original house to ensure that it does not appear out-of-keeping.
14. In these respects the proposal complies with Policy DD4 – Development in Residential Areas of the saved UDP (2005) and PGN 17 – House Extension Design Guide.

Neighbour Amenity

15. The out-building is over 27.5m from the rear of No. 5 Clifton Road and has not impacted on amenity for the occupiers due to the separation distance of 13.5m, position of the out-building and windows on the neighbouring house. The boundary treatment on-site screens the majority of the out-building and the proposal has had no adverse impact on amenity for the occupiers.
16. The out-building is 17.5m from the rear of No. 7 Clifton Road. At this distance and due to the screening by the boundary treatment on-site there has been no adverse impact on daylight provision, outlook or privacy for the occupiers.
17. The out-building is over 14m from the rear extensions on Nos. 3 and 4 Clifton Road and due to the out-building not being in direct line of sight it has not adversely impacted on amenity for the occupiers.

18. The properties to the front on Clifton Road have not been impacted. The houses to the rear on Nimmings Road are over 40m from the out-building and have experienced no impact.
19. All other properties are a sufficient distance from the proposal or not in direct line of sight to ensure there has been no adverse impact on residential amenity for these occupiers.
20. It is considered that there has been no demonstrable harm to neighbouring occupiers as a result of the proposed out-building. The development would therefore comply with Policy DD4 – Development in Residential Areas, PGN 12 – The 45 Degree Code - and PGN 17 – House Extension Design Guide.

Access and parking

21. The proposal has not increased the parking requirement of the property and has not reduced the level of parking on-site due to the position within the rear garden. No parking spaces are provided on-site and as there is no additional requirement as part of this proposal there has been no additional overspill of car parking and no impact on highway safety. The development therefore complies with the Parking Standards SPD (2012) and Policy DD4 of the saved Unitary Development Plan (2005).

CONCLUSION

22. It is considered that the out-building is an acceptable addition in terms of size and design, and has not impacted on residential amenity for surrounding occupiers due to the separation distances involved and taking into account permitted development rights. The proposal has not increased the parking requirement of the property and has not reduced the level of parking available. The addition has therefore not impacted on highway safety.

23.As such, the development would comply with Policy DD4 (Development in Residential Areas) of the saved Dudley UDP and PGN 17 (House Extension Design Guide).

RECOMMENDATION

It is recommended that the application is APPROVED

APPROVAL STATEMENT INFORMATIVE

In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Informative Note

The proposed development lies within an area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com



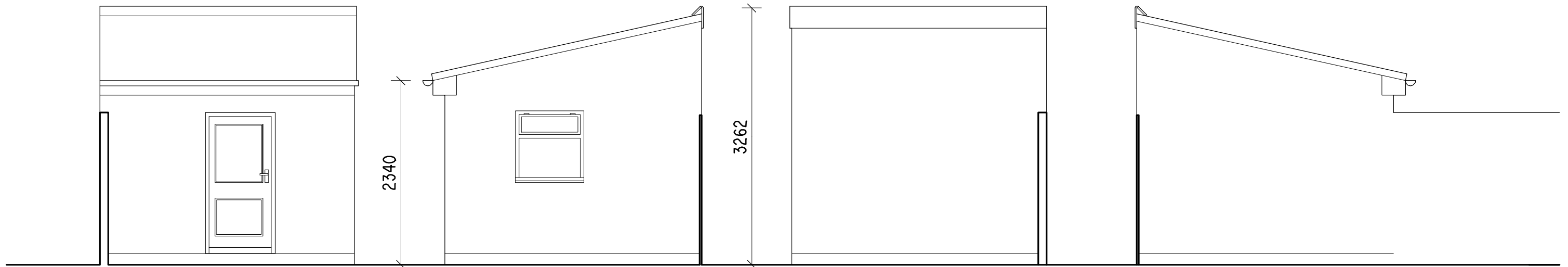
P13/1844

CLIFTON ROAD



1:500

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The contractor is to visit the site and be responsible
for taking & checking dimensions relative to this work.

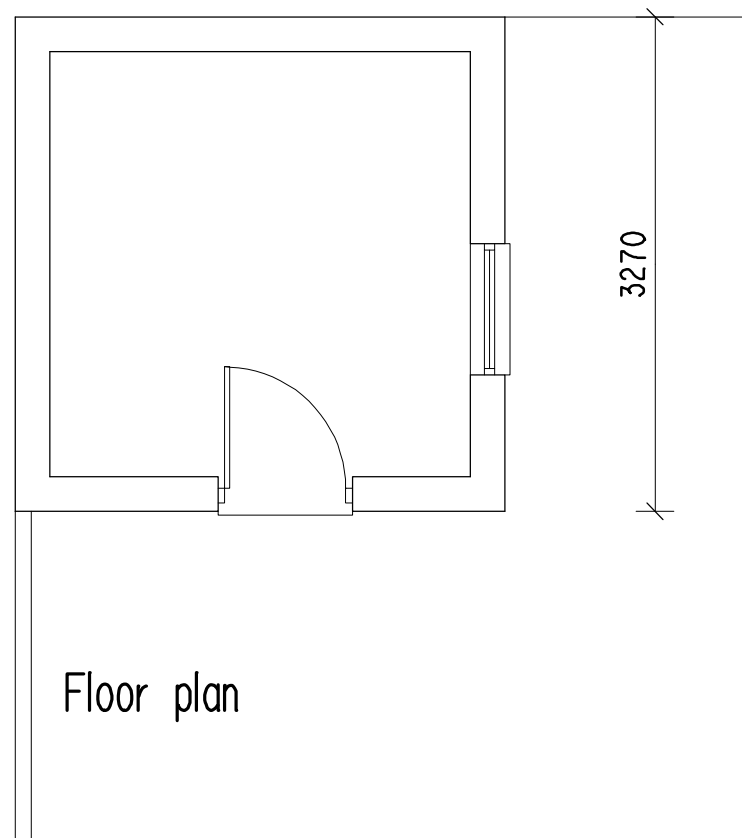
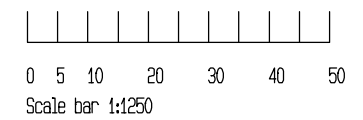
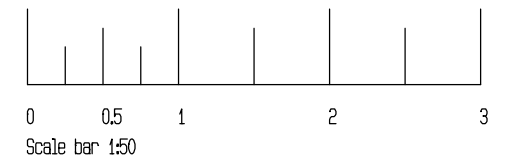
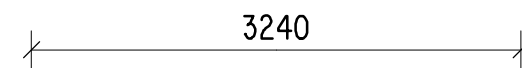


Front elevation

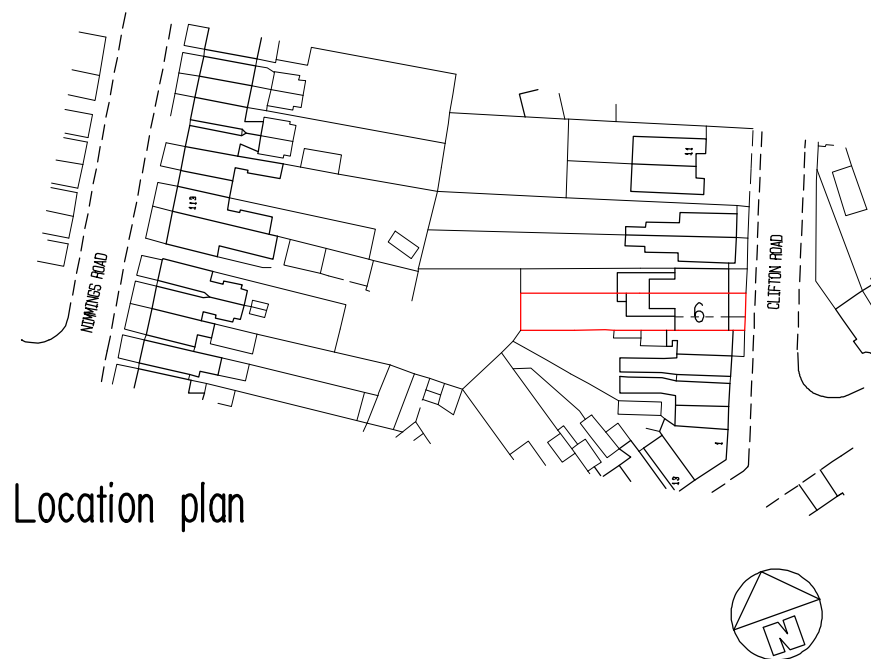
Side elevation

Rear elevation

Side elevation



Floor plan



Location plan

Ms. YASMIN TAHIRA
PROPOSED OUTBUILDING
6 CLIFTON STREET
HALESOWEN
PROPOSALS

Scale 1:100
Date November 2013

PLANNING APPLICATION NUMBER:P14/0008

Type of approval sought	Full Planning Permission
Ward	Halesowen North
Applicant	Mr R. Singh
Location:	14, BRANDON ROAD, HALESOWEN, B62 9QD
Proposal	ONE AND TWO STOREY REAR EXTENSION AND NEW ROOF TO EXISTING GARAGE
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site measures 359m² and the property is a semi-detached pitched roof dwelling built in the 1930s. The house has been extended to the side by way of a single storey lean to garage and a flat roofed rear extension with front porch canopy. The house is set back 15m from the highway to the front and there is a driveway to the front of the house with garden to the rear.
2. No. 15 Brandon Road is attached to the host property and located to the North East with No. 13 Brandon Road located to the South West. No. 13 is also set 8m further forward within the street. Nos. 28, 30 and 32 Brandon Road are located on the opposite side of the road at least 27m to the front of the application property and units 2 and 3 Fairfield Road are located over 50m to the North West.
3. The property is located within a predominantly residential area with semi-detached and terraced houses in evidence within the street.

PROPOSAL

4. This proposal seeks approval for a one and two storey rear extension with single storey side wrap-around addition. This development would provide a kitchen with

garage and W.C. at ground floor with extensions to two existing bedrooms at first floor.

5. The single storey side extension would replace the existing extension and would line through with the front elevation and would measure 2.55m in maximum width. The mono-pitched roof above would measure 3.5m in maximum height. The side addition would measure 12.8m in maximum length, projecting approximately 4.5m beyond the existing rear elevation.
6. The one and two storey rear addition would measure 4.5m in maximum projection and 3m where adjacent to No. 15 Brandon Road. At first floor the addition would project a maximum of 3m and 1.15m where adjacent to No. 15 Brandon Road. The rear addition would be 8m in maximum width.

HISTORY

7. This property has three previous relevant applications.

APPLICATION	PROPOSAL	DECISION	DATE
P13/0530	Two storey side/rear extension and single storey front extension. Erection of outbuilding to rear garden.	Refused	18.06.13
P13/1369/PNA	Prior notification for erection of a single storey rear extension with a projection of 6m from rear wall 2.6m to eaves	Prior Approval Required	06.11.13
P13/1370	Erection of outbuilding in rear garden (Resubmission of Refused application P13/0560)	Approved with conditions	10.12.13

P13/0530 was refused on the following grounds:

- The two storey side and rear extension would have a significant detrimental impact on the outlook experienced by the occupiers of No. 13 Brandon Road due to the 11.1m

long two storey wall located directly along the boundary with this property. This proposal would also create an overbearing feature which would significantly impact on outlook for the occupiers due to the 10m breach of the 45 degree code guidelines and the proposal would be contrary to Policy DD4 of the saved UDP, PGN17 and PGN12.

- The proposed single storey front extension would not be subservient to the original property at 1.8m projection, particularly as it features no design punctuation and projects across the entire front of the house. This type of development would not be characteristic of the property type or the street scene and the proposal would create an incongruous addition to the house which would have an adverse impact on the appearance of the property, semi-detached pair and street scene. The proposal would therefore be contrary to Policy DD4 of the saved UDP and PGN17 – House Extension Design Guide.

PUBLIC CONSULTATION

- Direct notification was carried out to five surrounding properties to advertise the proposal. Two written representations have been received; the latest date for receipt of comments was 3rd February 2014.
- The objections are based on the following materials considerations:
 - The impact on outlook from the occupiers of No. 15 Brandon Road;
 - The impact on outlook for the occupiers of No. 13 Brandon Road due to the long brick wall;
 - The loss of daylight to the rear facing windows on No. 15 Brandon Road;
 - The size and proportions of the extensions would not be in-keeping with the property or surrounding dwellings;
 - Overlooking of No. 15 Brandon Road and impact on privacy.
- In addition a letter of objection has been received from a Ward Councillor raising the following issues:
 - Whilst the two-storey extension has now been reduced in depth Permission has been granted for a detached out-building in the garden at No.14.

- The proposal would result in the view of a long wall for the occupiers of No.13.
- The view from No.15 would also not be improved.

Non material planning considerations such as the smell of cooking and the inconvenience of the building works have also been mentioned.

OTHER CONSULTATION

None required.

RELEVANT PLANNING POLICY

Saved Unitary Development Plan Policies

- DD1 Urban Design
- DD4 Development in Residential Areas

Supplementary Planning Documents / Guidance

- Parking Standards SPD
- PGN 17. House extension design guide

ASSESSMENT

8. The proposed development must be assessed with regard to its design and whether it would be compatible with the existing dwelling and the character of the area. The potential impact on the amenity of nearby neighbours must also be assessed along with the relevant parking standard requirements.
9. The key issues are
 - Design
 - Neighbour Amenity
 - Access and Parking

Design

10. Policy DD4 of the saved UDP states that extensions to residential dwellings will be allowed provided they do not adversely affect the character of the area or residential amenity.
11. The proposed single storey side addition would be acceptable in principle on this semi-detached house. The proposal would replace the existing garage and would be only 0.75m higher than the existing and no wider. The mono-pitched roof would relate to the main pitched roof of the property and would be of a modest size and in-keeping design. The side addition would be subservient to the original property and would not be a dominant or out of place feature. The property is set well back from the highway to the front and the side addition would not have a detrimental impact on the visual appearance of this property and would also not unbalance the semi-detached pair.
12. The one and two storey rear additions would wrap-around the property, adjoining to the proposed side addition. The development would be fairly large in scale, however taking into account the existing foot-print, what could be erected under permitted development rights on this property and the size of the plot it is not considered that the proposal would be excessive in size. The first floor additions would also be located only to the rear of the original part of the house which would reduce the overall visual impact. The existing property already features a wrap-around single storey addition and the additional footprint would not be excessive.
13. Although an out-building was approved under application P13/1370 the overall additions would be acceptable in size and scale in terms of the host building and the plot size, particularly considering the available permitted development rights. The out-building would be located at the other end of the garden from the proposed extensions and would not link with the proposed additions to the house itself.
14. Therefore, on balance, it is not considered that it would be justifiable to refuse the planning application on the design of the additions as they would not result in a

detrimental impact on the appearance of the street scene or the character of the area. In these respects, the proposal would comply with Policy DD4 – Development in Residential Areas of the saved UDP (2005) and PGN 17 – House Extension Design Guide.

Neighbour Amenity

15. The application property is set 8m further back than No. 13 and is also positioned at a slightly higher ground level. The proposed side addition, which would project directly along the boundary, would breach the 45 Degree Code guidelines to the nearest window on No. 13. However, the single storey side addition would only be 0.75m higher than the existing garage and the section of the development breaches the 45 Degree Code would constitute permitted development in its own right.
16. Taking into account these factors it is considered that the single storey addition would not result in a detrimental impact on outlook for the occupiers of No.13. The orientation of the property would also be favourable and the addition would not impact on daylight provision for the occupiers of No. 13. Although the section of the side/rear kitchen extension which is adjacent to the boundary with No. 13 would not constitute permitted development, this part of the proposal would be a significant distance from the rear elevation of No. 13 (10.5m) and as a single storey addition this part of the proposal would not be considered to result in a detrimental impact on daylight provision or outlook for the occupiers. The already approved out-building would also be a sufficient distance away to ensure there would be no further impact on amenity for the occupiers. There are no proposed ground or first floor windows which would impact on privacy for the occupiers.
17. The single storey side addition would not be visible to the occupiers of No. 15 Brandon Road. The single storey rear extension, where adjacent to No. 15, would project 3m at ground floor level. This part of the development would therefore constitute permitted development and there would be a fallback position with regards to this part of the development, despite the breach of the 45 degree code guidelines.

18. Although the rear extension would extend a maximum of 4.5m in projection, the design of the extension has been staggered so that the maximum projection is 2.2 away from the boundary with No.15 which would reduce any impact it would have on amenity.
19. The first floor addition would project only 1.15m from the rear elevation where it adjoins the boundary with No.15. This modest addition would not breach the 45 degree code guidelines and would not create an overbearing addition when viewed from this house. Whilst the overall projection increases to 3m this part of the extension has also been staggered so that it would be positioned 2.8m from the boundary with No. 15 which would reduce any impact that it could have on amenity.
20. Taking into account what could be built under permitted development rights, as well as the stagger in the extensions and subsequent screening provided, as well as the orientation of the houses, it is considered that on balance, the rear additions would not impact adversely enough on the occupiers to warrant refusal of the application on the grounds of residential amenity.
21. The already approved out-building would also be a sufficient distance away to ensure there would be no further impact on amenity for the occupiers of No. 15 when assessed in conjunction with the proposed additions.
22. There would be no proposed windows which would impact on privacy as there are no side facing windows proposed. The rear facing windows would be of a traditional relationship with the neighbouring properties which is no different from the existing situation and would therefore have no further impact on privacy.
23. The properties to the front on Brandon Road would be at least 30m from the proposed extensions and at this distance there would be no impact on residential amenity for the occupiers. The industrial units to the rear would be at least 70m from the proposed extensions. At this distance, and due to the units to the rear being industrial in nature, there would be no impact on amenity for the occupiers. All other properties would be a sufficient distance from the proposal or not in direct line of

sight so there would be no adverse impact on residential amenity for these occupiers.

24. It is considered that there would not be demonstrable harm to the occupiers of neighbouring properties as a result of the proposal. On balance, the development would therefore comply with Policy DD4 – Development in Residential Areas, PGN 12 – The 45 Degree Code - and PGN 17 – House Extension Design Guide.

Access and parking

25. The proposal would not increase the parking requirement of the property as no additional bedrooms are proposed. The existing garage is sub-standard in size but at least four spaces would remain on the frontage. There would be no additional overspill of car parking and no impact on highway safety as a result of the proposal and the development would therefore comply with the Parking Standards SPD (2012) and Policy DD4 of the saved Unitary Development Plan (2005).

CONCLUSION

26. It is considered that the proposed one and two-storey rear and single-storey side extension would not have an adverse impact on the visual amenity of the area, despite the proposed size and wrap-around design.

27. The proposals would not impact significantly on the residential amenity of the occupiers of No. 13 Brandon Road taking into account the permitted development rights available for the side addition and the fairly modest height of the extension. The proposed rear additions would feature a stagger and have been reduced in size where adjacent to No. 15 Brandon Road. Taking into account the permitted development rights and the size and design of the extension it is not considered that there would be a significant impact on amenity for the occupiers of No 15 Brandon Road.

28. As such, the development would comply with Policy DD4 (Development in Residential Areas) of the saved Dudley UDP and PGN 17 (House Extension Design Guide).

RECOMMENDATION

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

APPROVAL STATEMENT INFORMATIVE

In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Informative Note

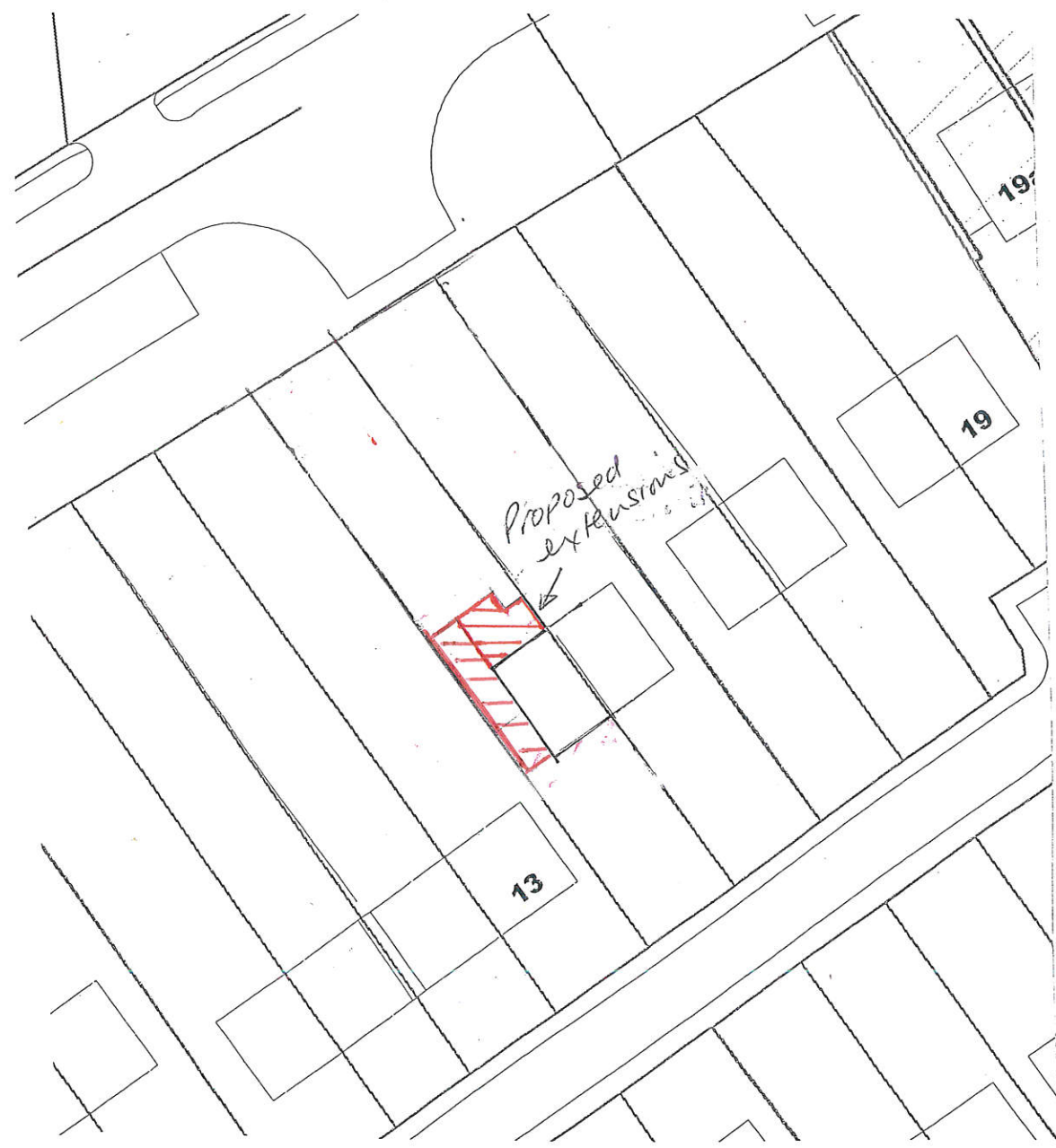
The proposed development lies within an area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The materials to be used in the approved development shall match in appearance, colour and texture those of the existing building unless otherwise agreed in writing with the Local Planning Authority.
3. The development hereby approved shall be carried out in accordance with the details shown on plan labelled '14 Brandon Rd'



1:500



1:1250

P14/0008

KEY

/// = GROUND FLOOR
/// = TWO STOREY

19a 19b

19

13

26

7

33

1:500

75

BRANDON ROAD

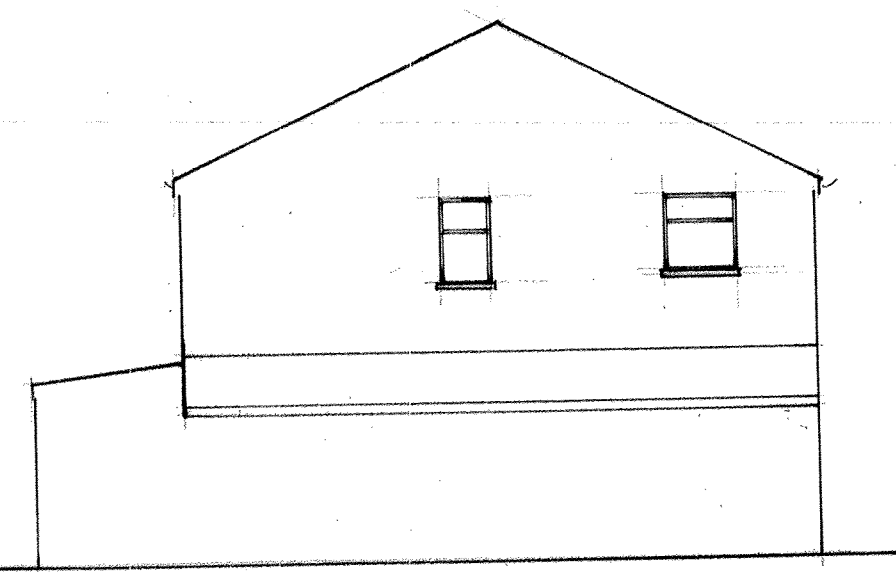


6 JAN 2014

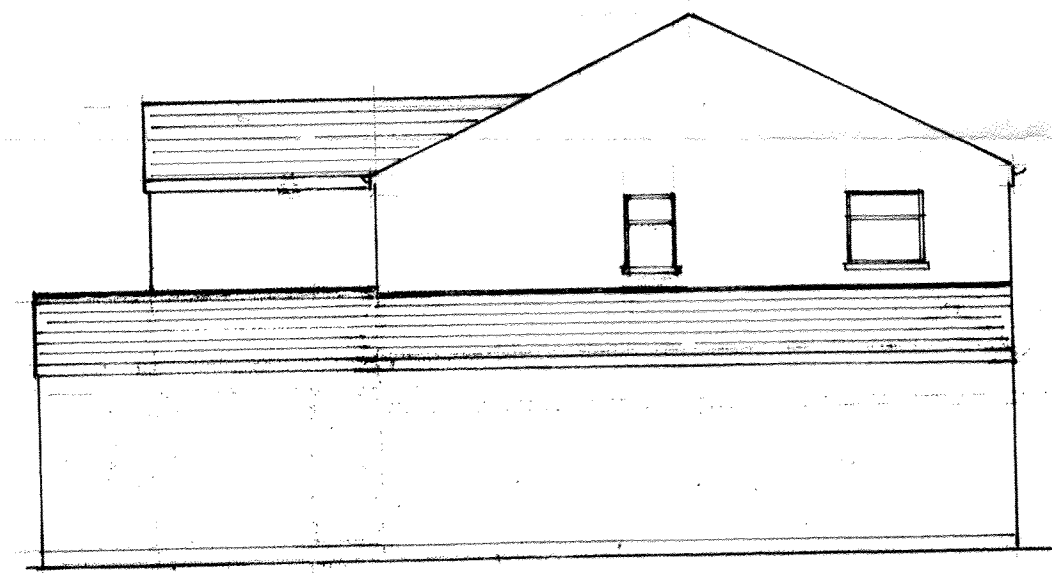
14 BRANDON RD

HALESOWEN

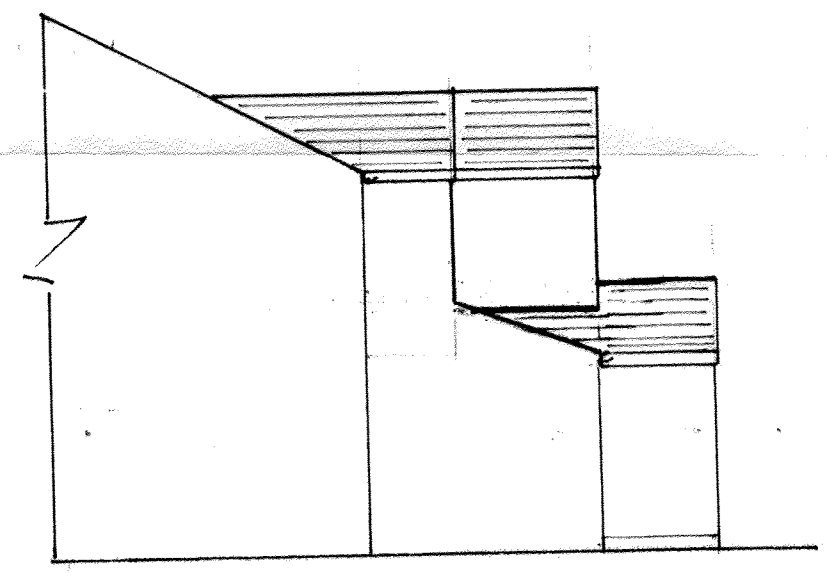
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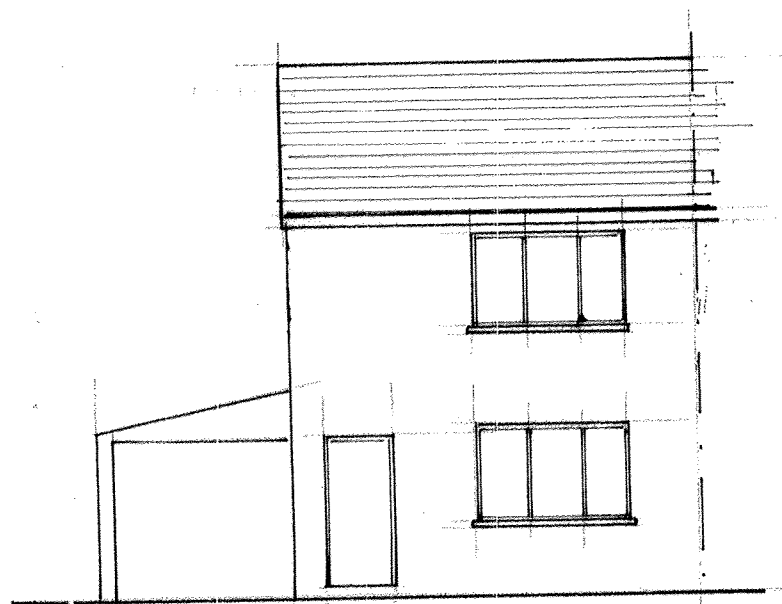
EXISTING LHS ELEVATION



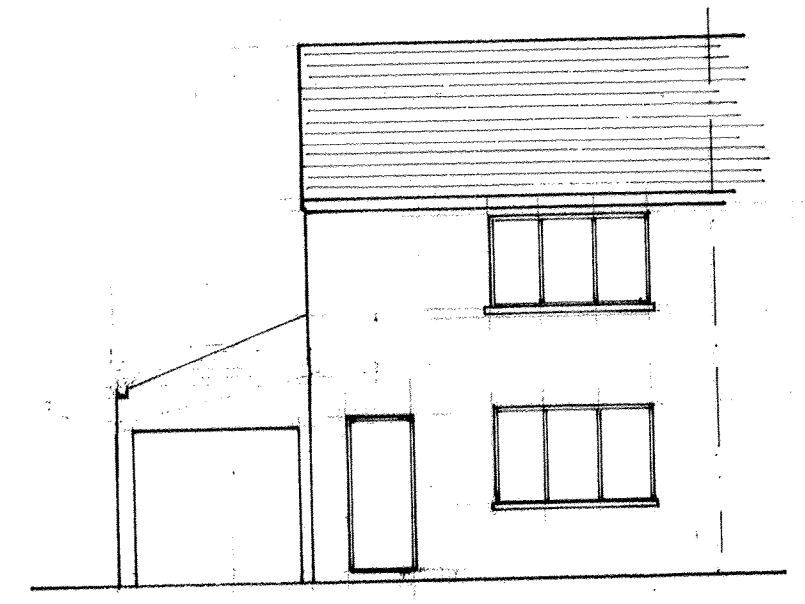
PROPOSED LHS ELEVATION



PROPOSED RHS ELEVATION



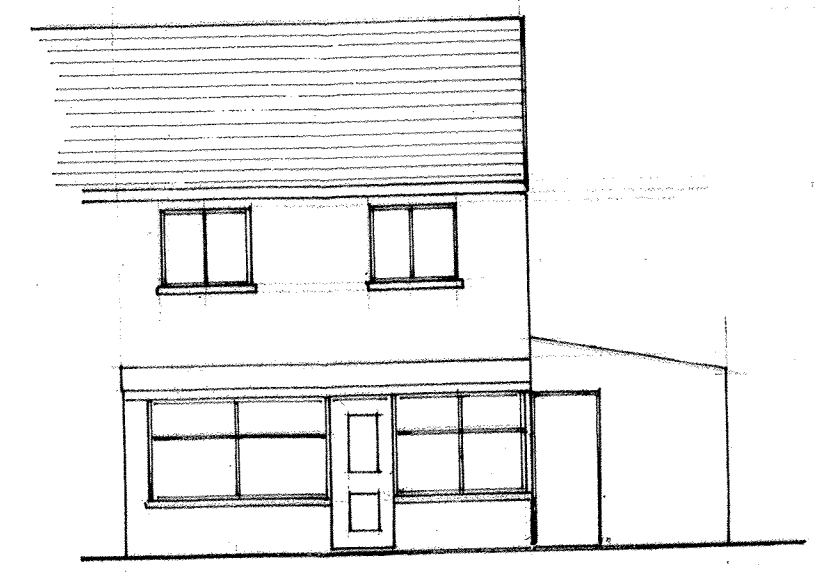
EXISTING FRONT ELEVATION



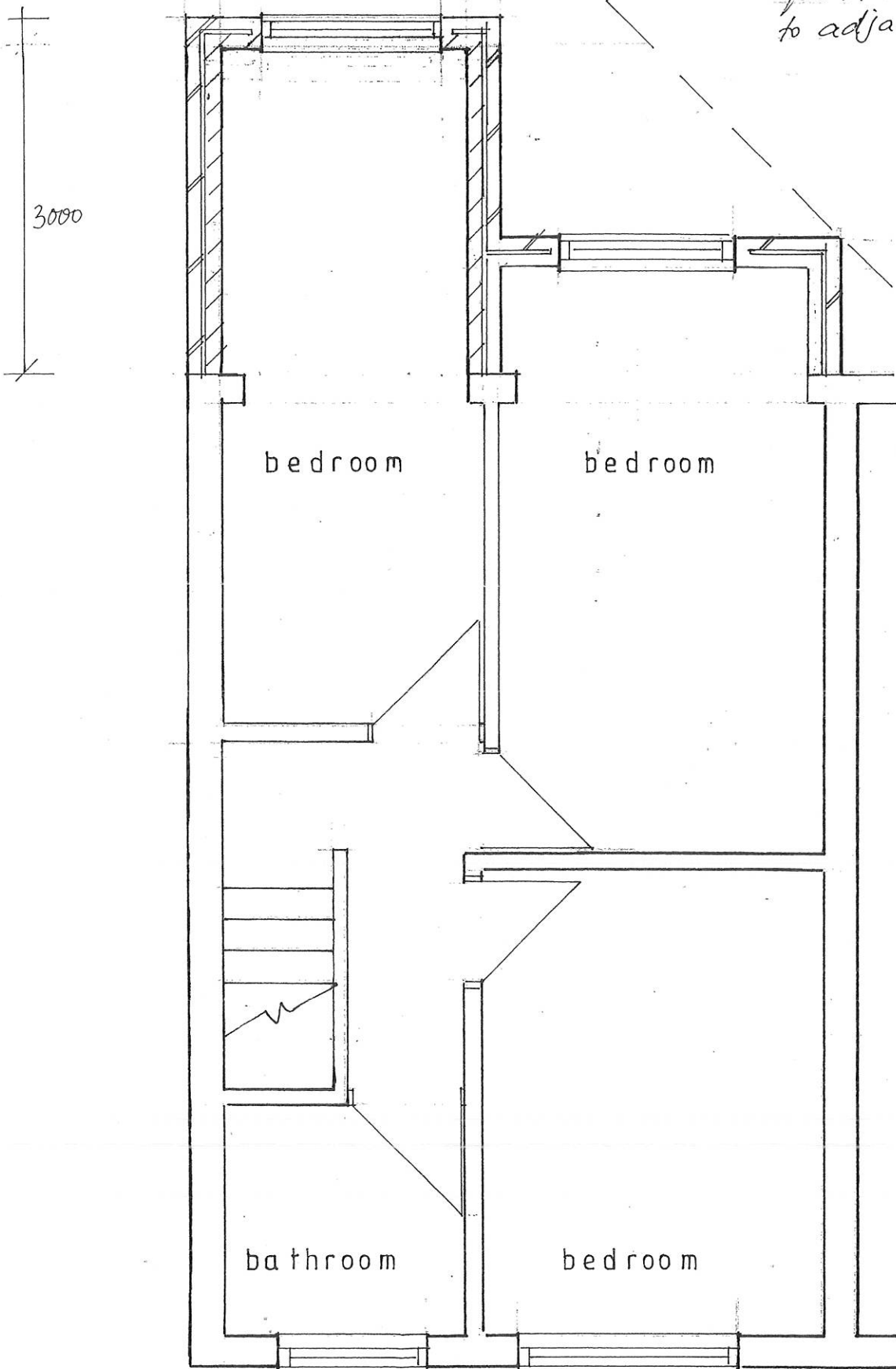
PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION



EXISTING REAR ELEVATION



45° degree line from
quarter point of window
to adjacent property.

- 6 JAN 2014

proposed f.floor

14 BRANDON RD
HALESOWEN
1:50

14 BRANDON RD

HALESOWEN

6 JAN 2014

SCALE 1:50

5050

2200

1500

3000

kitchen

w.c/
shower

garage

lounge

proposed g.floor plan

PLANNING APPLICATION NUMBER:P14/0012

Type of approval sought	Advertisement
Ward	Castle & Priory St Thomas's
Applicant	Mr Ieuan Marsh, Bay Media Limited
Location:	A461 BIRMINGHAM ROAD, DUDLEY, WEST MIDLANDS
Proposal	DISPLAY OF NON-ILLUMINATED LAMP POST BANNER SIGNS.
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site relates to a total of 18 lampposts located along Birmingham Road (A461), relating to the stretch of highway between the Castle Gate Island and the Burnt Tree junction.
2. On the northern side of the Birmingham Road, the uses comprise of Premier Inn, Village Hotel and the Tesco Superstore.
3. On the southern side of Birmingham Road, there are residential dwellings situated on an elevated position relative to the highway. Further east there is hotel and commercial units before more residential dwellings up to the Burnt Tree junction.
4. Most the lampposts are located within Regeneration Corridor 11a Dudley-Brierley Hill of the Black Country Core Strategy.

PROPOSAL

5. Advertisement consent is sought for 18 double sided PVC lamppost banner adverts measuring 2.2m high by 0.785m wide, the height from the ground to the base of the advert being 2.8m.

RECENT HISTORY

6. None relevant

PUBLIC CONSULTATION

7. None required.

OTHER CONSULTATION

8. Group Engineer (Highways): No objection, subject to ensuring that signs B, C and D do not overhang third party land. The applicant has confirmed that the three sites in question can be installed so that they do not overhang the third party land. There is enough clearance for the banners to be installed facing towards the carriageway without themselves overhanging and impeding the carriageway.

RELEVANT PLANNING POLICY

9. National Planning Policy Framework (NPPF - 2012)
10. Saved UDP Policies (2005)
DD14 - Advertisement Control
11. Planning Guidance Note 11 – Advertisement Display Guide

ASSESSMENT

12. The impact upon amenity and public safety, taking into account cumulative impacts will be the main considerations in determination of this application.
13. The applicant currently has lamppost banners displaying advertisements for the Castle Hill and Local Visitor Attractions along Tipton Road, these were recently approved under planning application P13/1101.
14. This current proposal is for a revenue generation scheme which has been developed in conjunction with Dudley Council. The use of the sites is for the advertising of commercial clients which have been pre-approved by Dudley Council.
15. The NPPF states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.
16. Lamppost banner advertising is a unique form of street media dressing, which innovatively brands an area.
17. The extent of this non-illuminated signage within the context of this mixed use area would be appropriate in terms of scale, design and position, and therefore would not have a detrimental impact upon visual amenity.
18. The signage is well positioned to ensure that no harm to public safety would arise.
19. The proposals would not have an adverse impact upon the amenity of the surrounding area and would not prejudice public safety in accordance with the NPPF and Saved UDP Policy DD14.

CONCLUSION

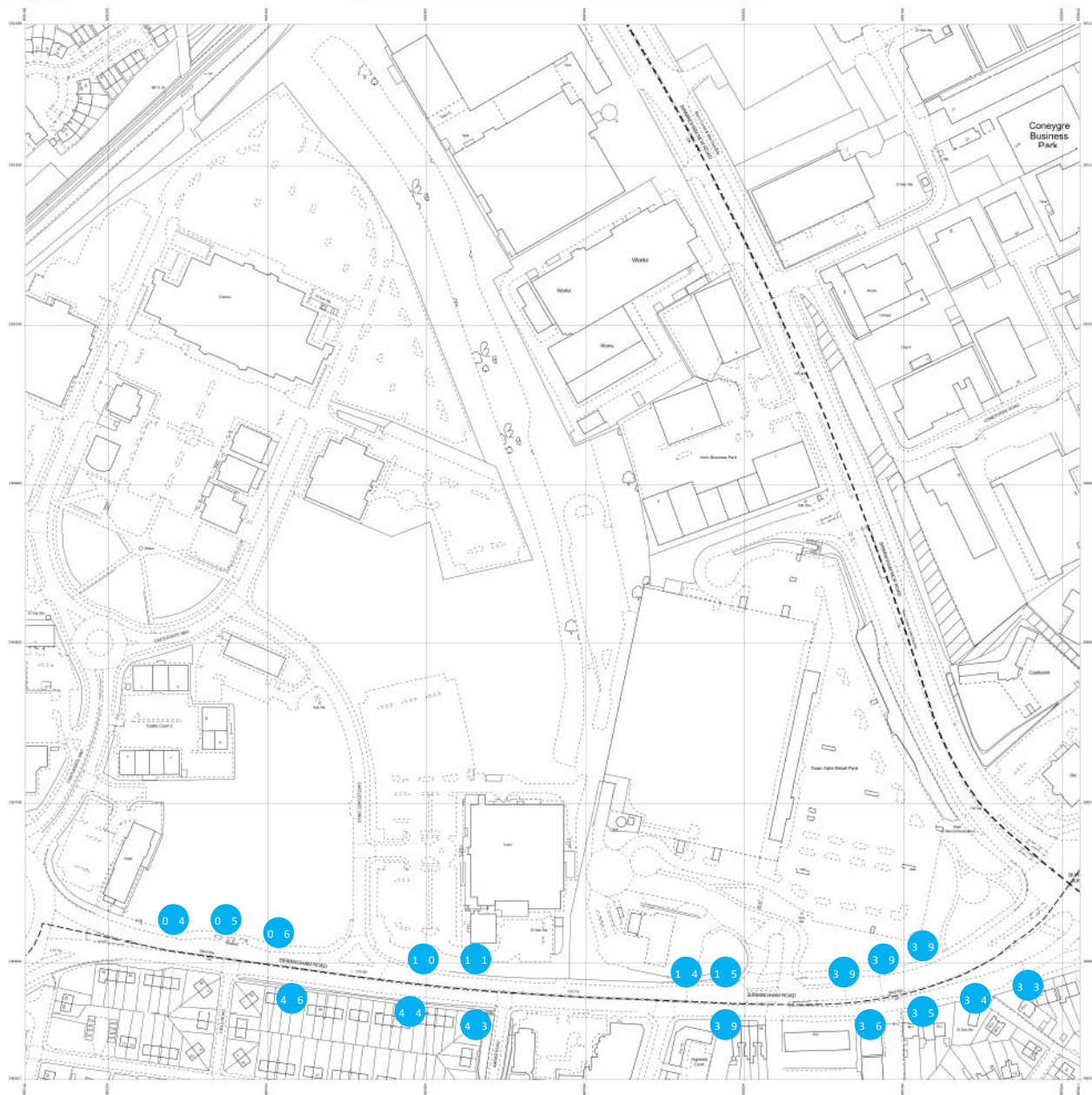
20. The proposed signage would not have an adverse impact upon the amenity of the surrounding area and would not prejudice public safety compliant with advice set out in the National Planning Policy Framework, Saved UDP Policy DD14 -

RECOMMENDATION

21. It is recommended that this application is APPROVED subject to the following conditions;

Conditions and/or reasons:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:
 - a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) Obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required to be removed under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the site shall be left in a condition that does not endanger the public or impair visual amenity.
6. This consent shall remain valid for a period of five years from the date hereof.
7. The development hereby permitted shall be carried out in accordance with the following approved plans: A461 Birmingham Road (1/2 and 2/2), Stanfords 1:1250 location plan and the banner advert measurement plan.



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Meters

1:1250



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Meters

1:1250



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Centre coordinates: 395479 290858

Site Information

Descriptive text/figures here.
Ideally two lines only

Technical Information

Descriptive text/figures here.
Ideally two lines only

Proximity

Descriptive text/figures here.
Ideally two lines only

OTS

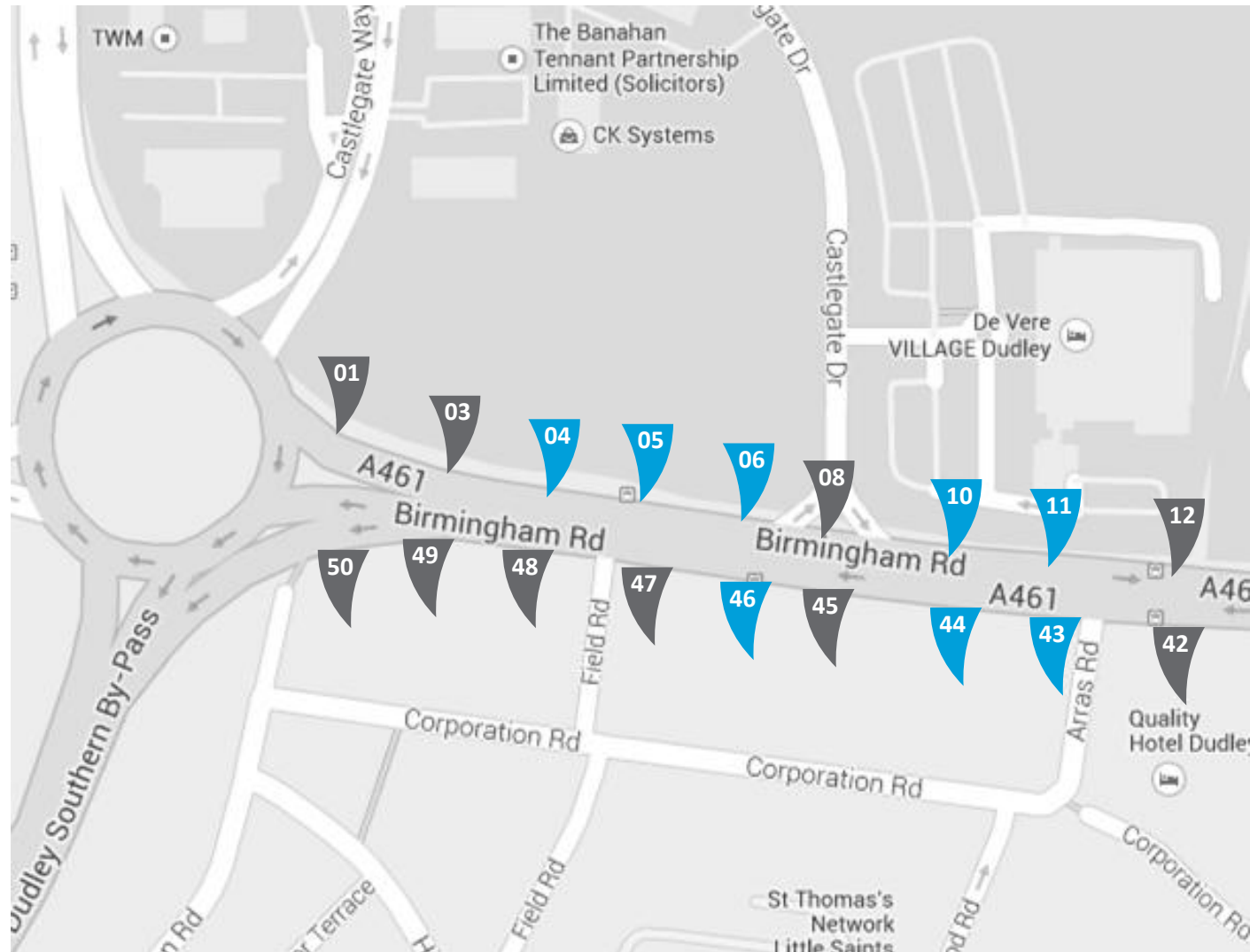
Descriptive text/figures here.
Ideally two lines only

A461 Birmingham Road [1/2]

Dudley



Proposed Site



8 sites proposed

Site Information

Descriptive text/figures here.
Ideally two lines only

Technical Information

Descriptive text/figures here.
Ideally two lines only

Proximity

Descriptive text/figures here.
Ideally two lines only

OTS

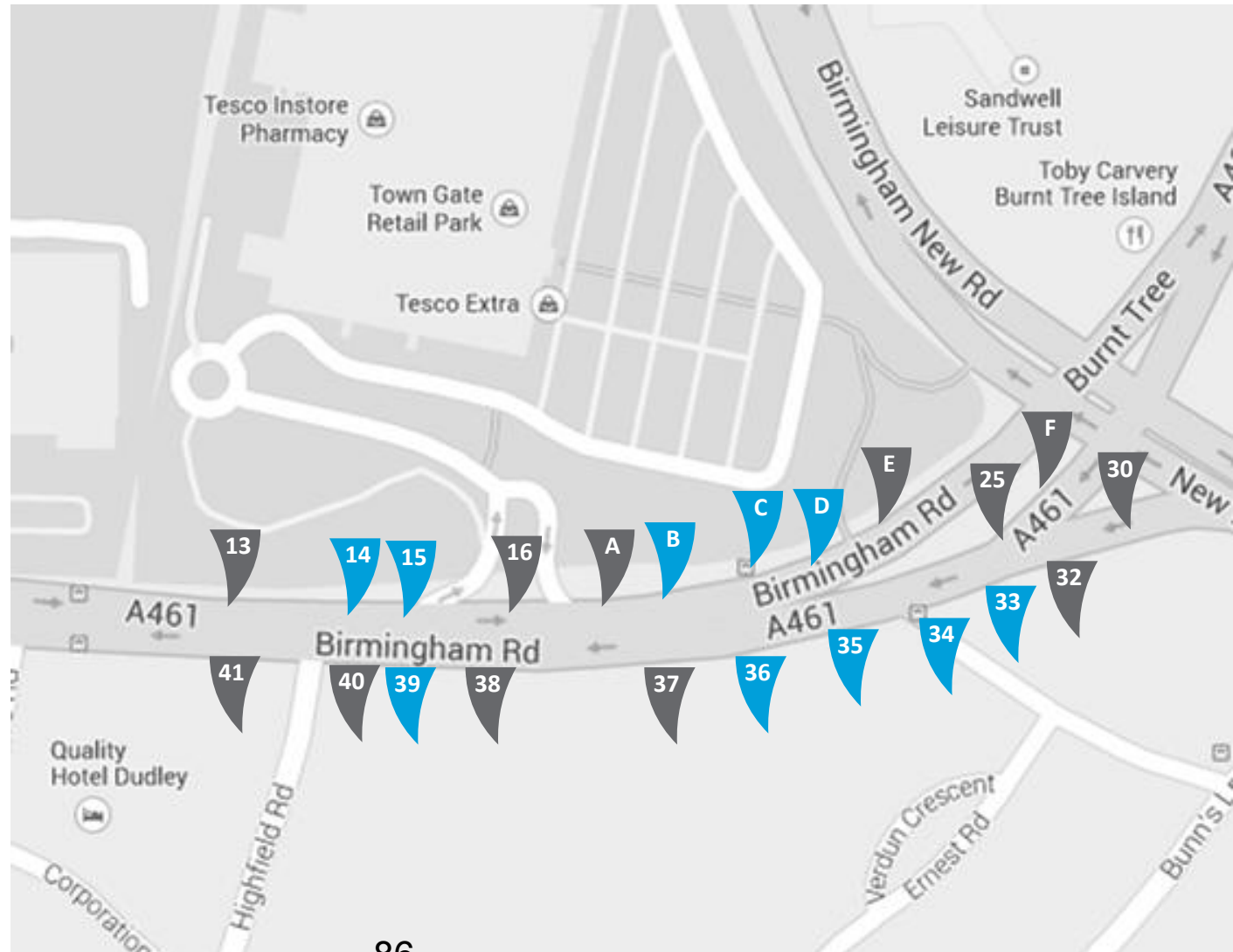
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Ideally two lines only

A461 Birmingham Road [2/2]

Dudley



Proposed Site



10 sites proposed

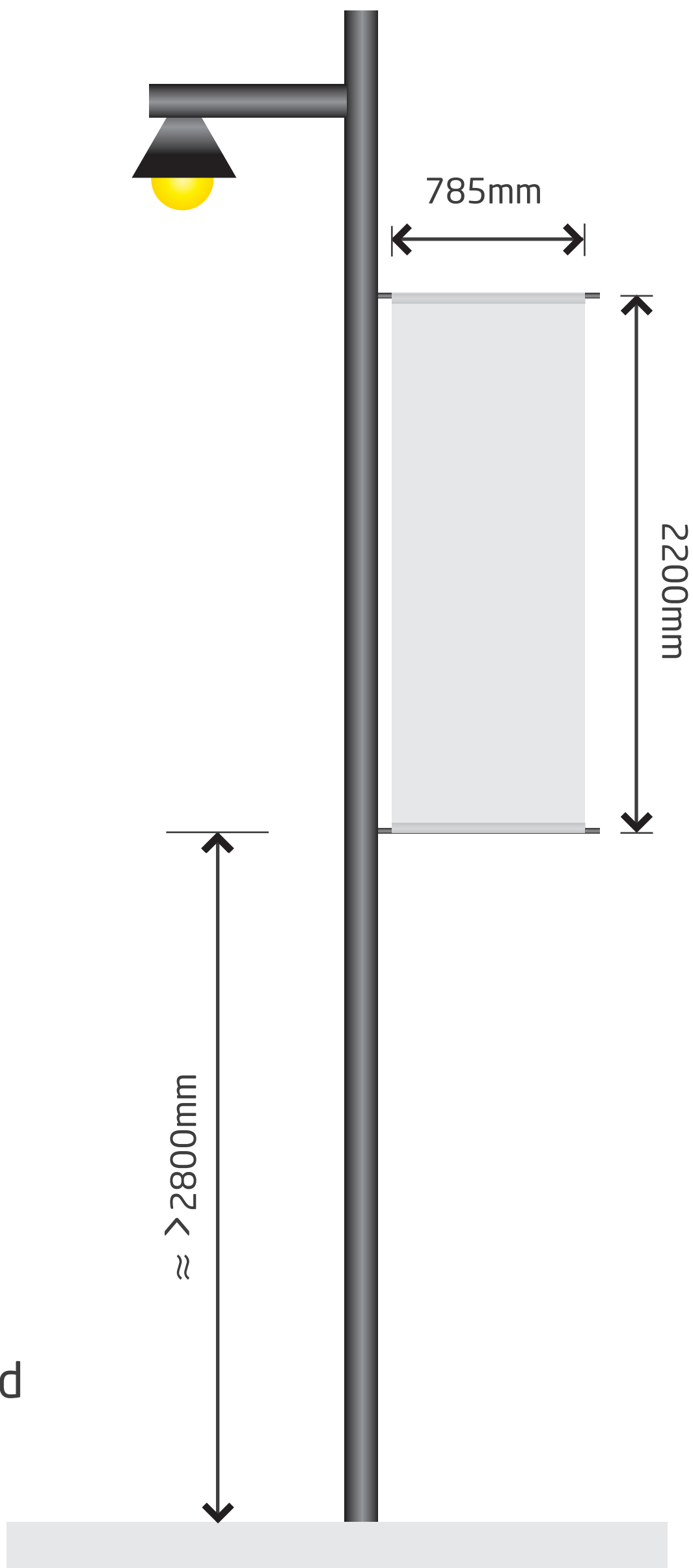
Banner size:

W: 785mm

H: 2200mm

Lower Banner Arm

≈ > 2.8m above ground



PLANNING APPLICATION NUMBER:P14/0013

Type of approval sought	Advertisement
Ward	Castle & Priory
Applicant	Mr Ieuan Marsh, Bay Media Limited
Location:	A4123 BIRMINGHAM NEW ROAD, DUDLEY, WEST MIDLANDS
Proposal	DISPLAY OF NON-ILLUMINATED LAMP POST BANNER SIGNS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site relates to a total of 6 lampposts on Birmingham New Road (A4123), relating to an approximately 110m stretch between the Burnt Tree junction and Ionic Business Park.
2. On the western side of the Birmingham New Road, the uses comprise of Tesco Superstore, and various units in the Ionic Business Park which include warehousing and trade retail units such as Magnet, Screwfix, Storage King and Crown decorating.
3. On the eastern side of the Birmingham New Road there is a public house, offices and industrial units. These premises fall outside the Borough boundary, within the jurisdiction of Sandwell Council.

PROPOSAL

4. Advertisement consent is sought for 6 double sided PVC lamppost banner adverts, each measuring 2.2m high by 0.785m wide with the height from the ground to the base of the advert being 2.8m.

RECENT HISTORY

5. None relevant

PUBLIC CONSULTATION

6. None required.

OTHER CONSULTATION

7. Group Engineer (Highways): No objection.

RELEVANT PLANNING POLICY

8. National Planning Policy Framework (NPPF - 2012)
9. Saved UDP Policies (2005)
DD14 - Advertisement Control
10. Planning Guidance Note 11 – Advertisement Display Guide

ASSESSMENT

11. The impact upon amenity and public safety, taking into account cumulative impacts will be the main considerations in determination of this application.
12. The applicant currently has lamppost banners displaying advertisements for the Castle Hill and Local Visitor Attractions along Tipton Road, these were recently approved under planning application P13/1101.
13. This current proposal is for a revenue generation scheme which has been developed in conjunction with Dudley Council. The use of the sites will be for

advertising for commercial clients which have been pre-approved by Dudley Council.

14. The NPPF states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.

15. Lamppost banner advertising is a unique form of street media dressing, which innovatively brands an area.

16. The extent of this non-illuminated signage within the context of this mixed use area would be appropriate in terms of scale, design and position, and therefore would not have a detrimental impact upon visual amenity.

17. The signage is well positioned to ensure that no harm to public safety would arise.

18. The proposals would not have an adverse impact upon the amenity of the surrounding area and would not prejudice public safety in accordance with the NPPF and Saved UDP Policy DD14.

CONCLUSION

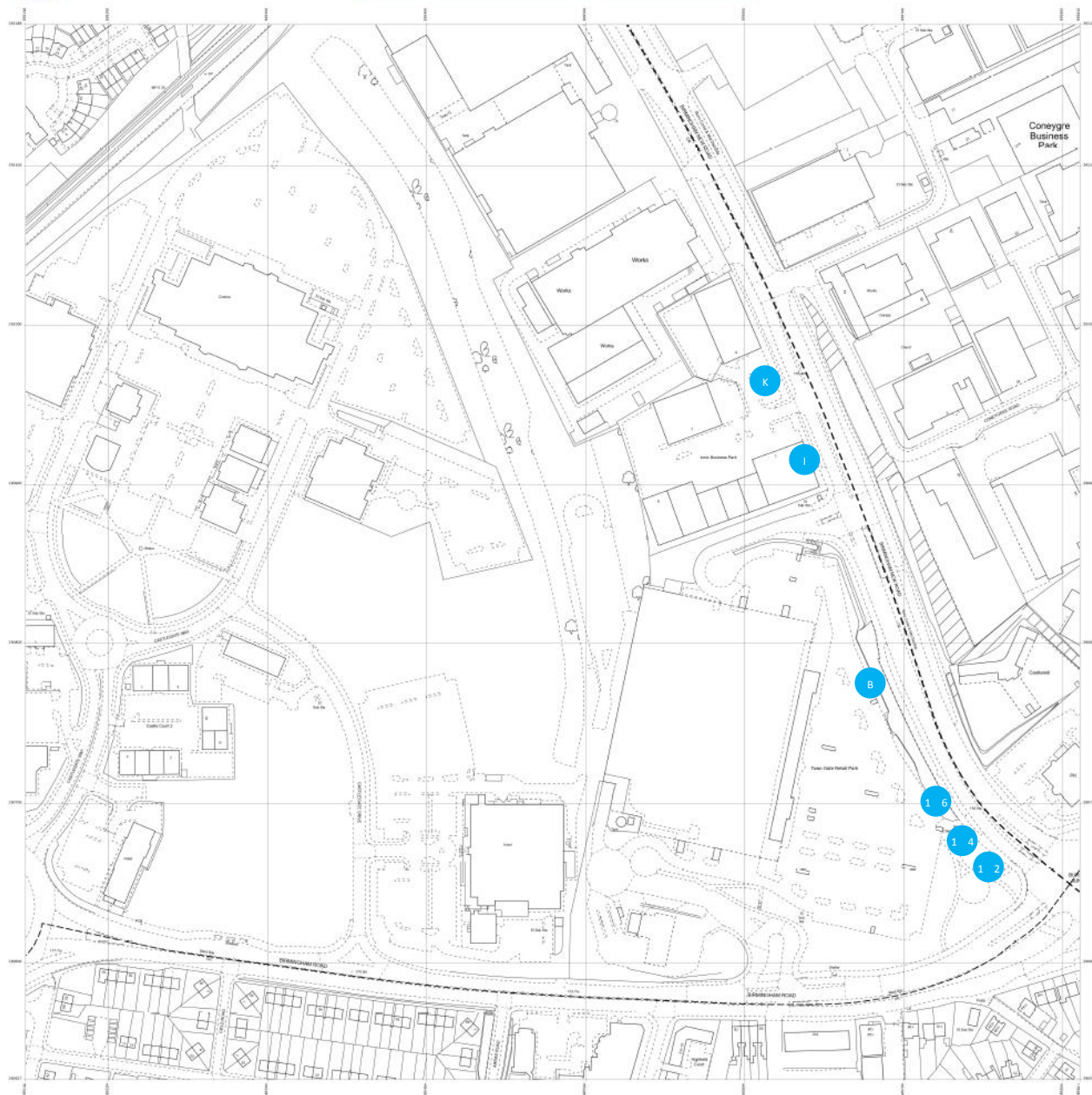
19. The proposed signage would not have an adverse impact upon the amenity of the surrounding area and would not prejudice public safety compliant with advice set out in the National Planning Policy Framework, Saved UDP Policy DD14 - Advertisement Control and Planning Guidance Note 11 – Advertisement Display Guide.

RECOMMENDATION

20. It is recommended that this application is APPROVED subject to the following conditions;

Conditions and/or reasons:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:
 - a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) Obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required to be removed under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the site shall be left in a condition that does not endanger the public or impair visual amenity.
6. This consent shall remain valid for a period of five years from the date hereof.
7. The development hereby permitted shall be carried out in accordance with the following approved plans: A4123 Birmingham New Road, Stanfords 1:1250 location plan and the banner advert measurement plan.



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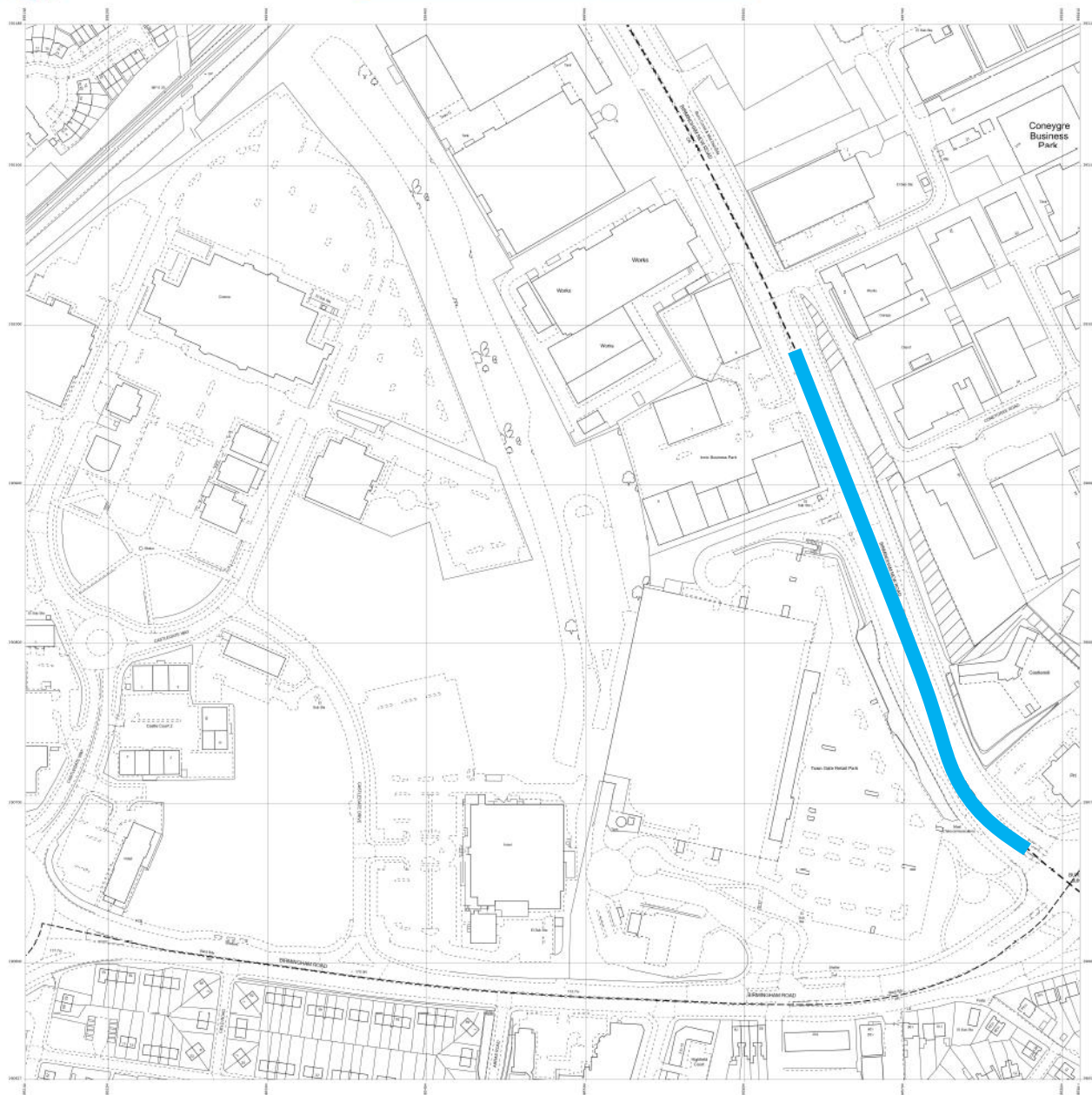
The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

Meters

1:1250



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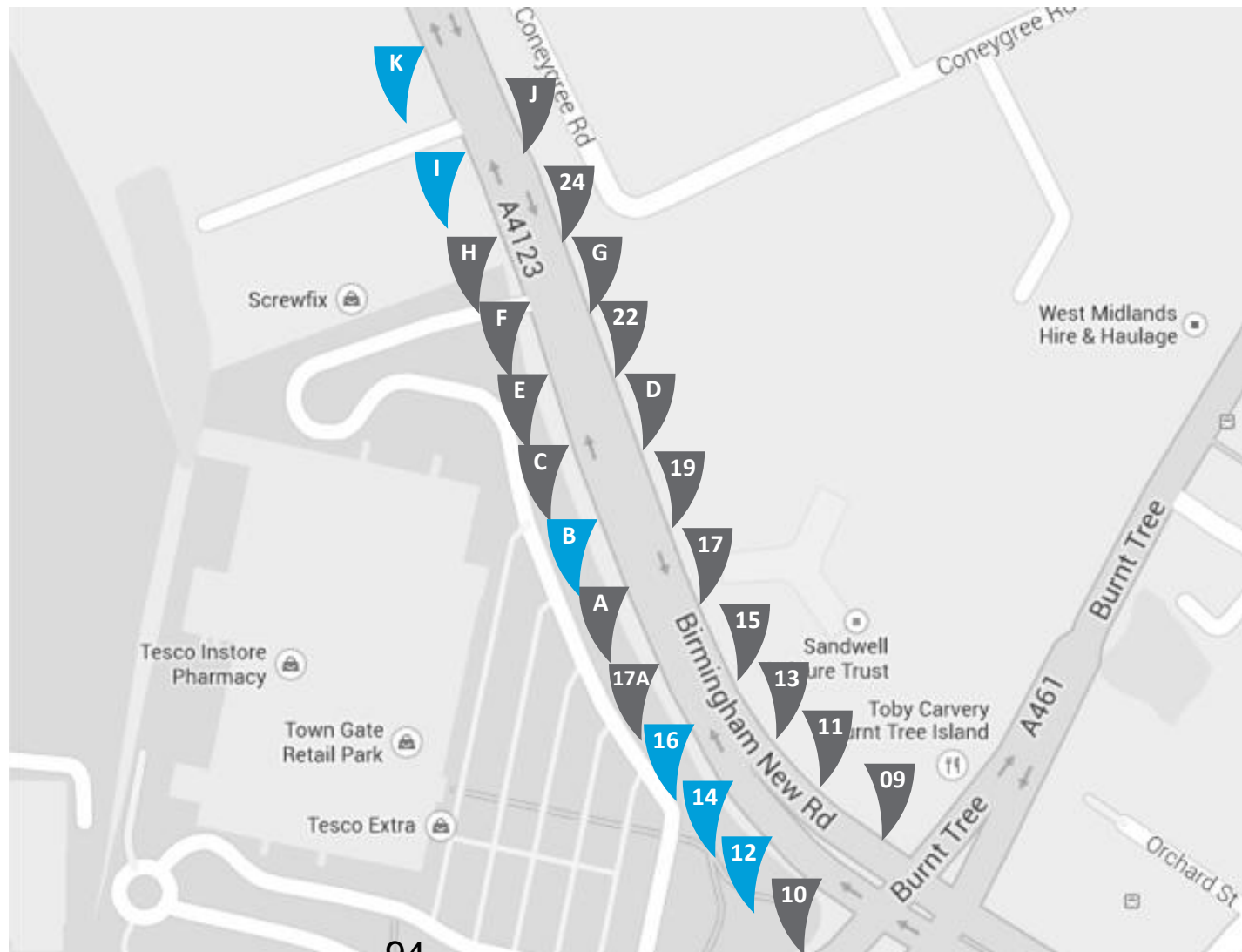
A4123 Birmingham New Road

Dudley



Proposed Site

6 sites proposed



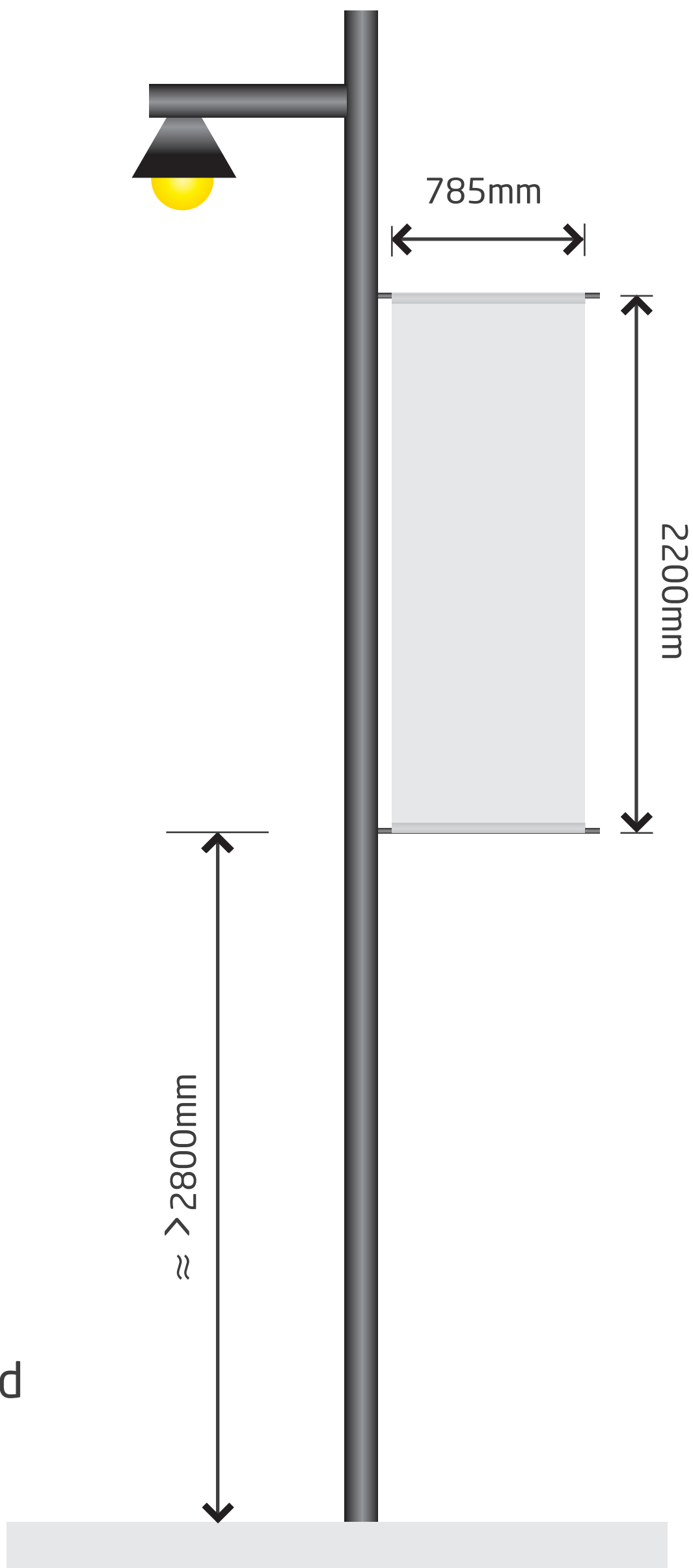
Banner size:

W: 785mm

H: 2200mm

Lower Banner Arm

≈ > 2.8m above ground



Development Control Committee – 17th February 2014

Report of the Director of the Urban Environment

Proposal to apply an Article 4(1) Direction to The Waterfront, Brierley Hill, West Midlands to withdraw permitted development rights given under Part 31, Class A (any building operation consisting the demolition of a building) of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) and permitted development rights for change of use from offices (Class B1a) to residential (class C3).

Purpose of Report

1. Following consideration of Cabinet on 12th February 2014 for the creation of a Dudley Business Investment Zone, request that Development Control Committee recommends to the Council's Cabinet Member for Economic Regeneration the approval of the making of a Direction under Article 4(1) of the Town and County Planning (General Permitted Development) Order 1995 so that at The Waterfront Brierley Hill (identified in Figure 1 appended to this report):-
 - a. the change of use of the office accommodation (Class B1a) to residential accommodation (Class C3) in respect of all of area edged black but excluding area edged red on the plan
 - b. the demolition of the office accommodation, in respect of the areas edged red and black on the plan comes under the control of the Local Planning Authority.

Background

2. Following exclusion of the South Black Country elements from the approved Black Country Enterprise Zone (as part of the Government's national Enterprise Zone initiative), Cabinet approved (on 14th March 2012) the principle of a designated zone at the Waterfront in Brierley Hill where a business rate incentive would be used to stimulate investment, growth and jobs. In March 2012 Cabinet also authorised the Directors of the Urban Environment and Corporate Resources, in consultation with the appropriate property owners, to undertake further work in relation to this initiative and to report back to Cabinet with a detailed management and operational plan. This was reported back to Cabinet on 12th February 2014.
3. Whilst Cabinet approved the principle, subject to further feasibility, of approaching the initiative in three phases (Waterfront, Waterfront II and Harts Hill) it was agreed that initial work would focus upon the existing office park at The Waterfront. A plan of the three phases is attached as Figure 2.

4. Brierley Hill is designated as the Black Country's strategic centre in the Black Country Core Strategy (BCCS). The BCCS also provides the planning framework for an additional 1million sq ft of office space within the area, with the scope to create over 6,000 new jobs. At the Waterfront, there is some 650,000 sq ft of high quality office accommodation, of which approximately 200,000 sq ft is currently vacant.
5. The lifetime of the Business Investment Zone scheme would be five years, commencing 1st April 2014 to 31st March 2019. Therefore, to get the full two-year benefit of the scheme, businesses would have to take occupation of premises in the designated area by 31st March 2017.

Permitted development rights

6. On 6th September 2012 the Government announced, as part of a package of measures to support economic growth, that permitted development rights would be introduced to better enable change of use of premises from commercial to residential. The changes came into force on 30th May 2013.
7. The new rights are for a time-limited period of three years, and the Government will consider towards the end of that period whether they should be extended indefinitely. The change has been accompanied by a tightly drawn prior approval process which will cover significant transport and highway impacts, and development in areas of high flood risk, land contamination and safety hazard zones.
8. Alongside the new permitted development rights, the Government announced that local authorities would be given an opportunity to seek an exemption for specific parts of their locality. DMBC applied for an exemption for designated high quality employment areas including the Waterfront area of Brierley Hill; the application (in common with the majority of others from across the country) was unsuccessful.
9. Whilst the Council would not necessarily resist applications for change of use in rational locations, or self contained areas, the permittance of sporadic conversions could prejudice the letting of adjacent office space.
10. Article 4 of the Permitted Development Order (as amended in 2010) allows a Local Planning Authority (LPA) to apply a Direction to withdraw the permitted rights granted by the Order, where it is satisfied it is expedient that development should not be carried out, unless permission is granted through the Development Control process.
11. Government advice on the matter (Circular 9/95) states: "*generally, permitted development rights should only be withdrawn in exceptional circumstances. Such action will rarely be justified unless there is a real and specific threat i.e. there is reliable evidence to suggest that permitted development is likely to take place which could damage an interest of acknowledged importance and which should therefore be brought within full planning control in the public interest.*"
12. There is interest in the wider area for potential demolitions and changes of use. Inappropriate changes of use or the demolition of buildings without the approval of a

suitable replacement building could be prejudicial to the proper planning of the area and constitute a threat to the economic regeneration of the area. It is therefore proposed that to complement the Dudley Investment Zone measures and to ensure that uncontrolled changes do not undermine the strategic approach to regeneration in the area, that exceptional circumstances exist for DMBC to apply an Article 4 Direction to remove permitted development rights for change of use from offices (B1) to residential (C3) and for demolition granted by the Government Order for all of the Waterfront, save Point North which will be subject to controls over demolition only due to the recent planning approval for residential conversion.

13. Ensuring that such forms of development require planning permission does not necessarily prevent such development taking place. Instead it allows the LPA some control to fully consider the wider implications of the works, and ensure that the views of others, with an interest in this matter, are able to be fully taken into account before a decision is taken.

(Note- under the DMBC Constitution this function is undertaken through delegated powers by the Cabinet Member for Economic Regeneration in consultation with the Development Control Committee).

Finance

14. Local authorities have been given new powers to award further discretionary reliefs under the Localism Act.
15. The preparation of the Article 4(1) direction is allowed for within existing work programmes and budgets.
16. It should be noted that, refusal of planning permission following the making of an Article 4 Direction, or conditions of planning permission more restrictive than would have been permitted, may give rise to a claim for compensation. This would only be for abortive expenditure or other loss or damage directly attributable to the withdrawal of the permitted development rights.
17. However, it should also be noted that in Dudley no such claims for compensation have been pursued and national research carried out for the English Historic Towns Forum (RPS Planning 2008) involving 72 planning authorities equally found no evidence of any incidences of such claims having been made.

Law

18. Pursuant to Section 1 of the Localism Act 2011, the Council has the general power of competence to do anything that individuals generally may do.
19. A Direction is made under Article 4(1) of The Town and Country Planning (General Permitted Development) Order. Before making an Article 4(1) direction, the Council as local planning authority must consider it expedient that development should not be carried out without a planning application first being made and approved. (An article 4(1) direction can relate to specific or general development).
20. The law is clear that permitted development rights should only be withdrawn in exceptional circumstances. However, an Article 4 direction does not constitute an

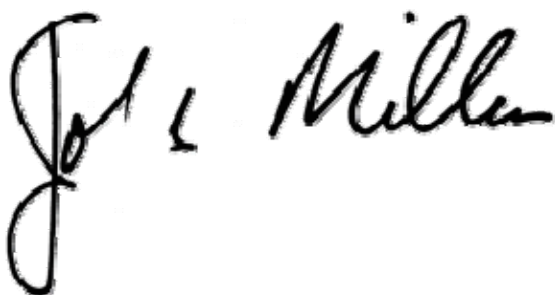
absolute prohibition of development; it simply requires that an express application for planning permission is to be made and then considered on its merits.

Equality Impact

21. This work has been conducted in full accordance with the Council's equality and diversity policies and should in no way have any prejudicial impact on different racial groups, disabled people, both genders and/or other relevant groups.

Recommendation

22. It is recommended that Development Control Committee relay their comments and views to the Cabinet Member for Economic Regeneration for consideration.



.....
John B Millar

Director of the Urban Environment

Contact Officer: Helen Martin

Telephone: 01384 814186

Email: helen.martin@dudley.gov.uk

List of Background Papers

- The Town & Country Planning (General Permitted Development) Order 1995 (SI 418/1995);
- The Town & Country Planning (General Permitted Development) (Amendment) (England) Order 2010 (SI 654/2010)
- Government Circular 9/95: General Development Order Consolidation 1995; - Government Circular 10/95: Planning Controls Over Demolition;
- National Planning Policy Framework;
- Black Country Core Strategy 2011;
- Dudley Unitary Development Plan 2005;
- Research into the use of Article 4 Directions on behalf of the English Historic Towns Forum (RPS Planning 2008).

Figure 1
**Dudley Business Investment Zone
Zone 1**

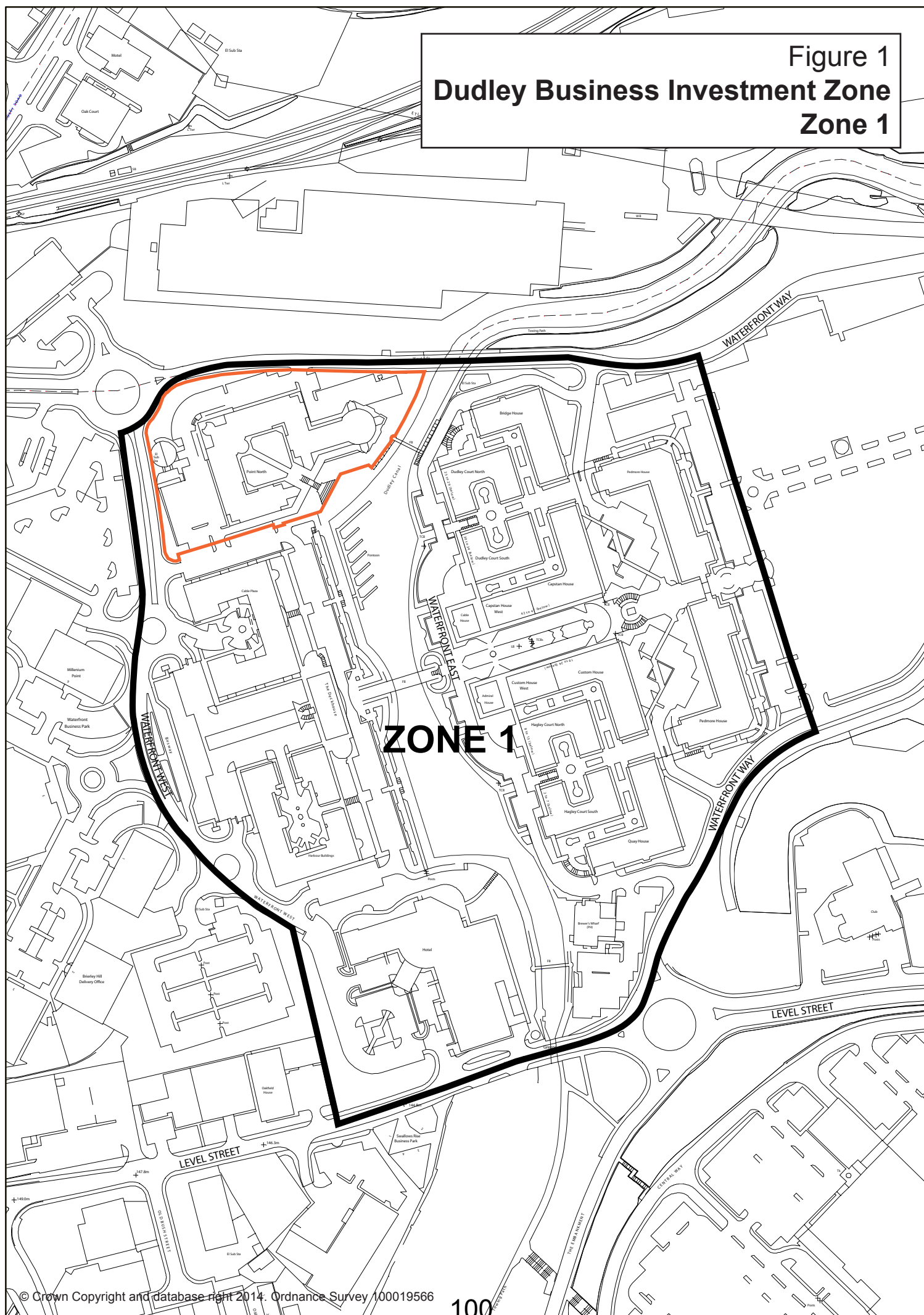
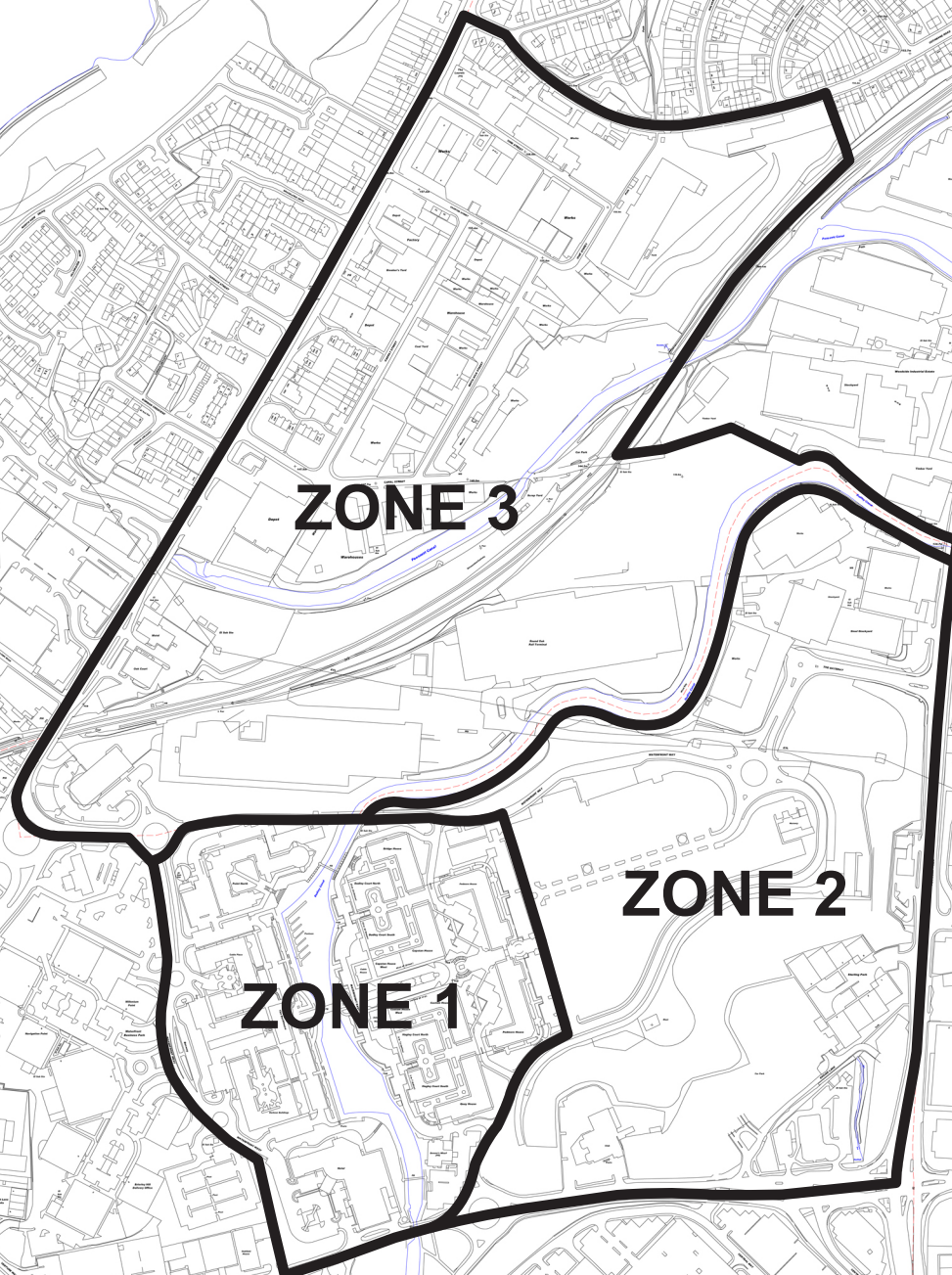


Figure 2
Dudley Business Investment Zone



DEVELOPMENT CONTROL COMMITTEE

REPORT OF THE DIRECTOR OF THE URBAN ENVIRONMENT

CONFIRMATION OF TREE PRESERVATION ORDERS

PURPOSE OF REPORT

1. To consider whether or not the below Tree Preservation Order(s) should be confirmed with or without modification in light of the objections that have been received.

BACKGROUND

2. Section 198 of the Town and Country Planning Act 1990, provides that, where it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.
3. A tree preservation order may, in particular, make provision—
 - (a) for prohibiting (subject to any exemptions for which provision may be made by the order) the cutting down, topping, lopping, uprooting, willful damage or willful destruction of trees except with the consent of the local planning authority, and for enabling that authority to give their consent subject to conditions;
 - (b) for securing the replanting, in such manner as may be prescribed by or under the order, of any part of a woodland area which is felled in the course of forestry operations permitted by or under the order;
 - (c) for applying, in relation to any consent under the order, and to applications for such consent, any of the provisions of this Act mentioned in subsection (4), subject to such adaptations and modifications as may be specified in the order.
4. Section 4 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 allows the Council to make a direction that the order shall take effect immediately for a provisional period of no more than six months.
5. For a tree preservation order to become permanent, it must be confirmed by the local planning authority. At the time of confirmation, any objections that have been received must be taken into account. The Town and Country Planning (Tree Preservation) (England) Regulations 2012 sets out the procedure for confirming tree preservation orders and dealing with objections.

6. If the decision is made to confirm a tree preservation order the local planning authority may choose to confirm the order as it is presented or subject to modifications.
7. New tree preservation orders are served when trees are identified as having an amenity value that is of benefit to the wider area.
8. When determining whether a tree has sufficient amenity to warrant the service of a preservation order it is the council's procedure to use a systematic scoring system in order to ensure consistency across the borough. In considering the amenity value of a tree factors such as the size; age; condition; shape and form; rarity; prominence; screening value and the presence of other trees present in the area are considered.
9. As the council is currently undergoing a systematic review of the borough's tree preservation orders, orders will also be served where there is a logistical or procedural benefit for doing so. Often with the older order throughout the borough, new orders are required to replace older order to regularise the levels of protection afforded to trees.
10. Where new orders are served to replace older orders, the older orders will generally need to be revoked. Any proposed revocation of orders shall be brought before the committee under a separate report.

FINANCE

11. There are no direct financial consequences arising from this report although the Committee may wish to bear in mind that the refusal or approval subject to conditions, of any subsequent applications may entitle the applicant to compensation for any loss or damage resulting from the Council's decision (Section 203 of the Town and Country Planning Act 1990)

LAW

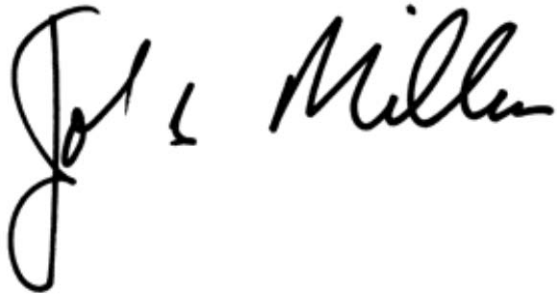
12. The relevant statutory provisions have been referred to in paragraph 2, 4, 5 and 10 of this report.

EQUALITY IMPACT

13. The proposals take into account the Council's Equality and Diversity Policy.

RECOMMENDATION

14. It is recommended that the tree preservation orders referred to in the Appendix to this report should be confirmed.



.....
DIRECTOR OF THE URBAN ENVIRONMENT

Contact Officer: James Dunn
Telephone 01384 812897
E-mail james.dunn@dudley.gov.uk

List of Background Papers

APPENDIX 1 – TPO/0055/NOR – King Edward VI College Playing Field, Swinford Road, Oldswinford.
Copy of TPO plan and schedule.
Copies of objections.
Response to objections.

Tree Preservation Order

Order Title

Case officer

Date Served

Recommendation

TPO/0055/NOR
King Edward VI Sports Ground, Swinford Road
James Dunn
28/11/13
Confirm with Moifications

SITE AND SURROUNDINGS

1. The Tree Preservation Order covers eight mature oak trees that are situated close to the boundary of the King Edward VI Sports Ground, Swinford Road. The trees run down the eastern boundary of the sports ground, and extend along a short section of the southern boundary. Given their age and setting, it is considered that these trees may have formed part of a landscaping feature that predates the current land use. The trees are bordered by residential properties on Swinford Road, Willow Park Drive, Oakleigh Road, and Love Lane. The trees can be seen from Swinford Road, Willow Park drive, Oakleigh Road, Love Lane and Cobham Road.

PUBLIC REPRESENTATION

2. Following the service of the order, objections were received from neighbouring residents at 34 Oakleigh Road, 41 Willow Park Drive and 121 & 119 Love Lane. The objections are based on the following points:
 - The trees obstruct light to the garden of 119 Love Lane;
 - The leaves that fall from the tree need to be cleared from the garden of 119 Love Lane on a regular basis;
 - T8 is of such a size that it may affect the foundations of 119 Love Lane;
 - Two of the trees, T7 & T8 have been implicated in an ongoing subsidence event at 121 Love Lane. The various technical tests that have been carried out over the last four years, have implicated T7 & T8 as a significant factor in the damage. Prior to the service of the TPO the College had agreed to, and were arranging the removal of these two trees;
 - Concerns that T3 may fall across the property of 41 Willow Park Drive, given that a similar tree failed into the sports ground on 2008.
 - There are concerns about the angle of lean on T4 and the potential for failure.
 - The trees subject to the preservation order are not all particularly good specimens. A tree adjacent to 34 Oakleigh Road (T4) is growing at an extreme angle, and a tree close to the pavilion has a branch growing at a noticeable angle (T3).
 - The trees are not all accurately plotted on the plan included within the preservation order.

RESPONSE TO OBJECTIONS

3. It is accepted that, given the size of the trees subject to this preservation order, that they will block some light from adjacent properties. However, given that the trees close to the garden of 119, Love Lane are situated to the north of that property it is not considered that there will be any significant light obstruction from the garden of 119, Love Lane. It is not considered that the objection based on light obstruction to the rear garden of 119, Love Lane is sufficient to prevent the confirmation of the order.
4. The trees will drop leaves into the rear gardens of the adjacent properties that will require some effort and and cause some inconvenience on behalf of the property owner in order to clear up. However if we are to enjoy the wide and various benefits of having large trees in the urban setting then the problems with clearing up fallen leaves will always exist. It is considered that the clearing of leaves is part of routine property maintenance and therefore not sufficient to prevent the confirmation of the order.
5. Whilst it is accepted that trees can cause damage to property in certain circumstances, the size of a tree is never an accurate indicator of a trees potential to cause damage. As such, it is not considered that a concern about the potential structural damage that may be caused by a tree is sufficient grounds for to prevent the confirmation of a TPO unless it can be supported with significant technical evidence.
6. Following the service of the order, the case officer has visited the residents of 121, Love Lane to discuss their ongoing issues of structural damage, and the implication of the oak trees (T7 & T8) as a contributory cause of that damage.
7. On visiting, there was evidence of a downward movement in the rear half of the property toward the trees, and the reports from the technical analysis and monitoring that have been carried out over the last four years confirm that there is clay present under the foundations; that there are oak roots present in close proximity to the foundations; the soil near the underside of the foundations is desiccated; and that the level monitoring at the property shows a distinct pattern of seasonal movement.
8. Overall it is considered, that whilst the trees may not be the sole cause of the damage to the property, there is sufficient evidence to implicate them as a contributory cause of the damage. Given that there is sufficient evidence to implicate the trees as a potential cause of the damage, it is considered that it would be appropriate for the two oak trees (T7 & T8) closest to the rear of the property of 121, Love Lane, to be removed from the order. This will allow the college to remove the trees as they had already agreed to do prior to the order being served.

9. Since the service of the order, the case officer has accessed the site, and has undertaken a visual inspection of the trees on the site. No visual evidence of any major defects was observed on T3; as such, it is not considered that there is any heightened risk of failure due to the condition of the tree. As trees are dynamic, living organisms, the condition and structural safety can change over time. As such, if any future defects are observed, the TPO allows applications to be made to undertake works to the trees. It is not considered that there are currently any grounds to exclude T3 from the order on safety grounds.
10. Similarly not obvious defects were observed in T4. T4 has grown with a distinctive and obvious lean into the sports ground. From looking at the growth form of the tree, it is considered that the lean has developed from early in the tree's life, possibly in an attempt to get out from the shade of an adjacent tree.
11. The growth from the upper canopy suggests that the lean of the tree is stable and has not significantly increased in the recent past. Given that the lean is stable, and no issues were observed to suggest that the tree has any decay present in the main stem, it is not considered that the tree is predisposed to failure. However, it is accepted that if the tree was subject to decay on the tension side of the stem in the future, the significance of such decay may be greater than on a tree with a more vertical stem. As such, it is recommended that the tree be routinely monitored in the future. Overall it is not considered that the lean of the tree is currently a reason not to confirm the preservation order on this tree.
12. Whilst it is accepted that not all of the trees have developed the best crown form and overall habit, and some of them are not perfect examples of their type. It is considered that all of the trees provide a sufficient level of amenity to justify their inclusion within the preservation order. As such, it is not considered that the lack of perfect form in some of the trees is a sufficient reason to prevent the confirmation of the order.
13. Given that the survey of the trees was undertaken from outside the site, as no access was available at the time, some of the trees have been plotted slightly out of position. However, on my subsequent visit to the site, the accurate position of the trees was noted, and the confirmation process does allow for the correcting of mistakes such as the mis-plotting of the trees.

CONCLUSION

14. With the exception of T7 & T8 it is considered that all of the trees identified for protection are of a sufficient quality, condition and provide sufficient amenity as to warrant the permanent protection of the Tree Preservation Order.
15. Given the level of technical evidence that has been provided by the resident of 121 Love Lane it is considered that T7 & T8 have been sufficiently implicated as a significant cause of the damage, and as such it is considered that these trees

should be removed from the preservation order to prevent the presence of a TPO being an impediment to the removal of the tree.

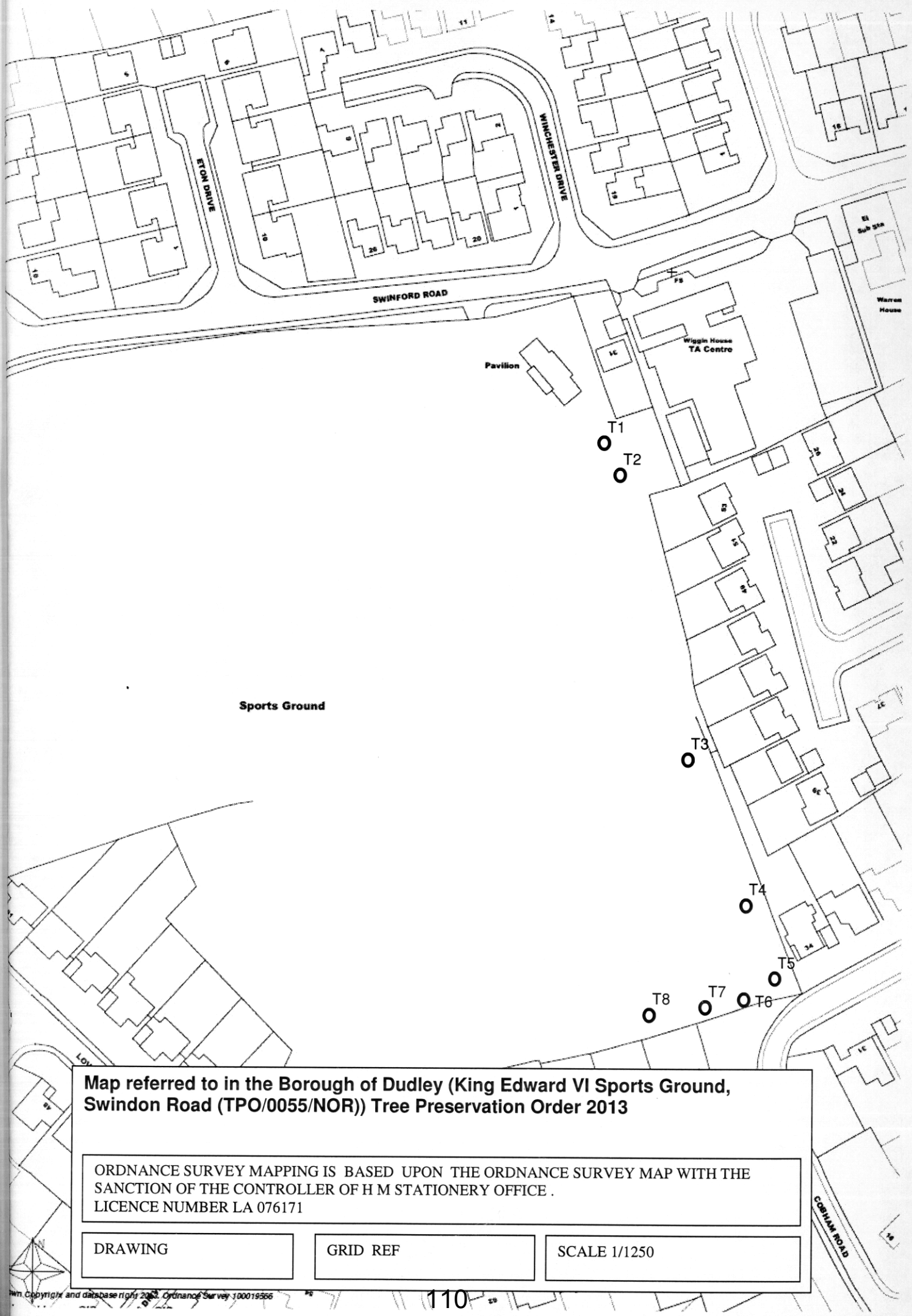
RECOMMENDATION

16. It is recommended that the Tree Preservation Order be confirmed subject to the following modifications:

- T7 & T8 are removed from the order.
- The plan is corrected to show the accurate locations of the trees.

APPENDIX 1

Tree Preservation Order Plan and Schedule As Served



Map referred to in the Borough of Dudley (King Edward VI Sports Ground, Swindon Road (TPO/0055/NOR)) Tree Preservation Order 2013

ORDNANCE SURVEY MAPPING IS BASED UPON THE ORDNANCE SURVEY MAP WITH THE SANCTION OF THE CONTROLLER OF H M STATIONERY OFFICE .
LICENCE NUMBER LA 076171

DRAWING

GRID REF

SCALE 1/1250

SCHEDULE

Specification of trees

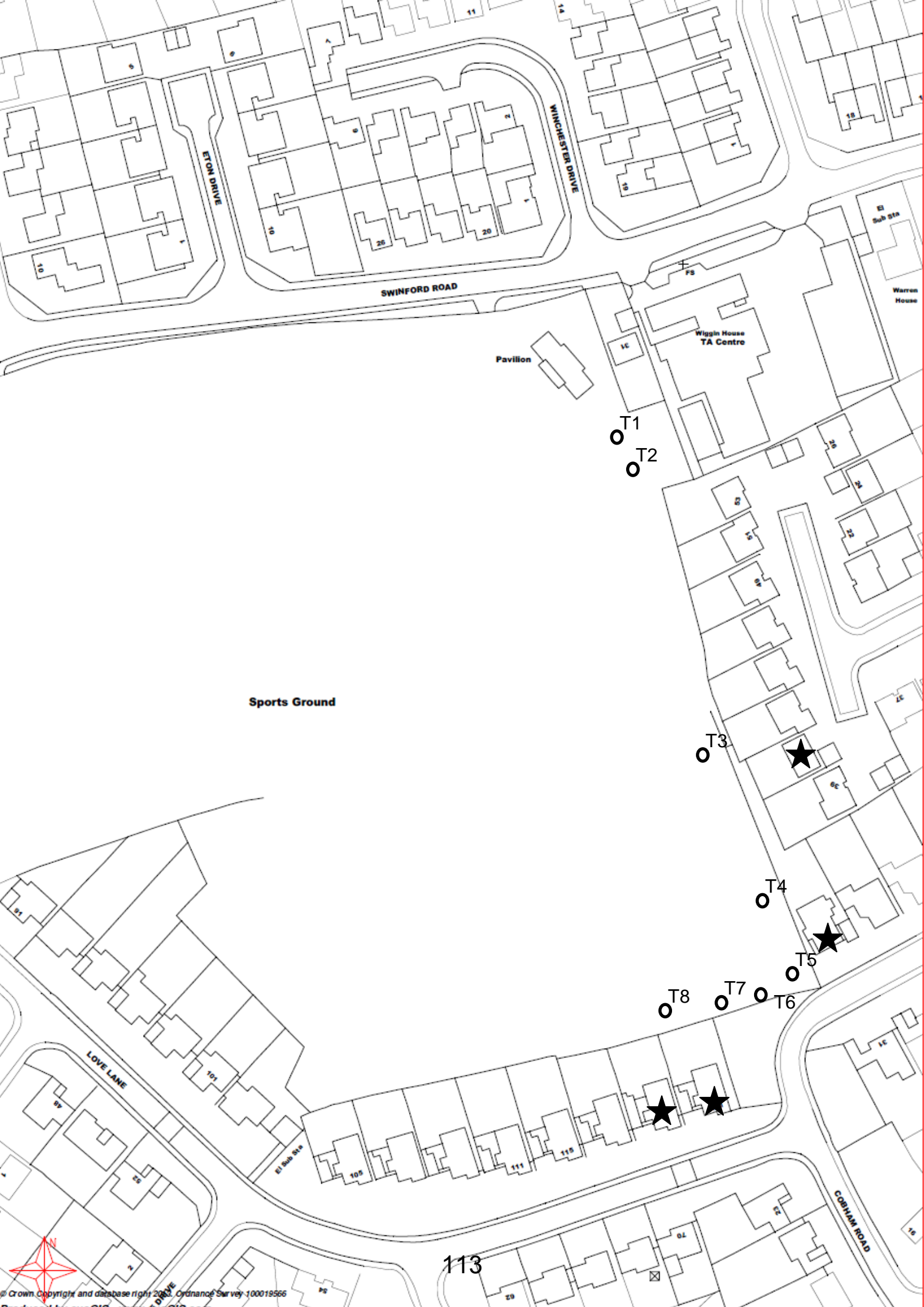
Trees specified individually
(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Oak	King Edward VI Playing Field, Oldswinford, Stourbridge
T2	Oak	King Edward VI Playing Field, Oldswinford, Stourbridge
T3	Oak	King Edward VI Playing Field, Oldswinford, Stourbridge
T4	Oak	King Edward VI Playing Field, Oldswinford, Stourbridge
T5	Oak	King Edward VI Playing Field, Oldswinford, Stourbridge
T6	Oak	King Edward VI Playing Field, Oldswinford, Stourbridge
T7	Oak	King Edward VI Playing Field, Oldswinford, Stourbridge
T8	Oak	King Edward VI Playing Field, Oldswinford, Stourbridge

APPENDIX 2

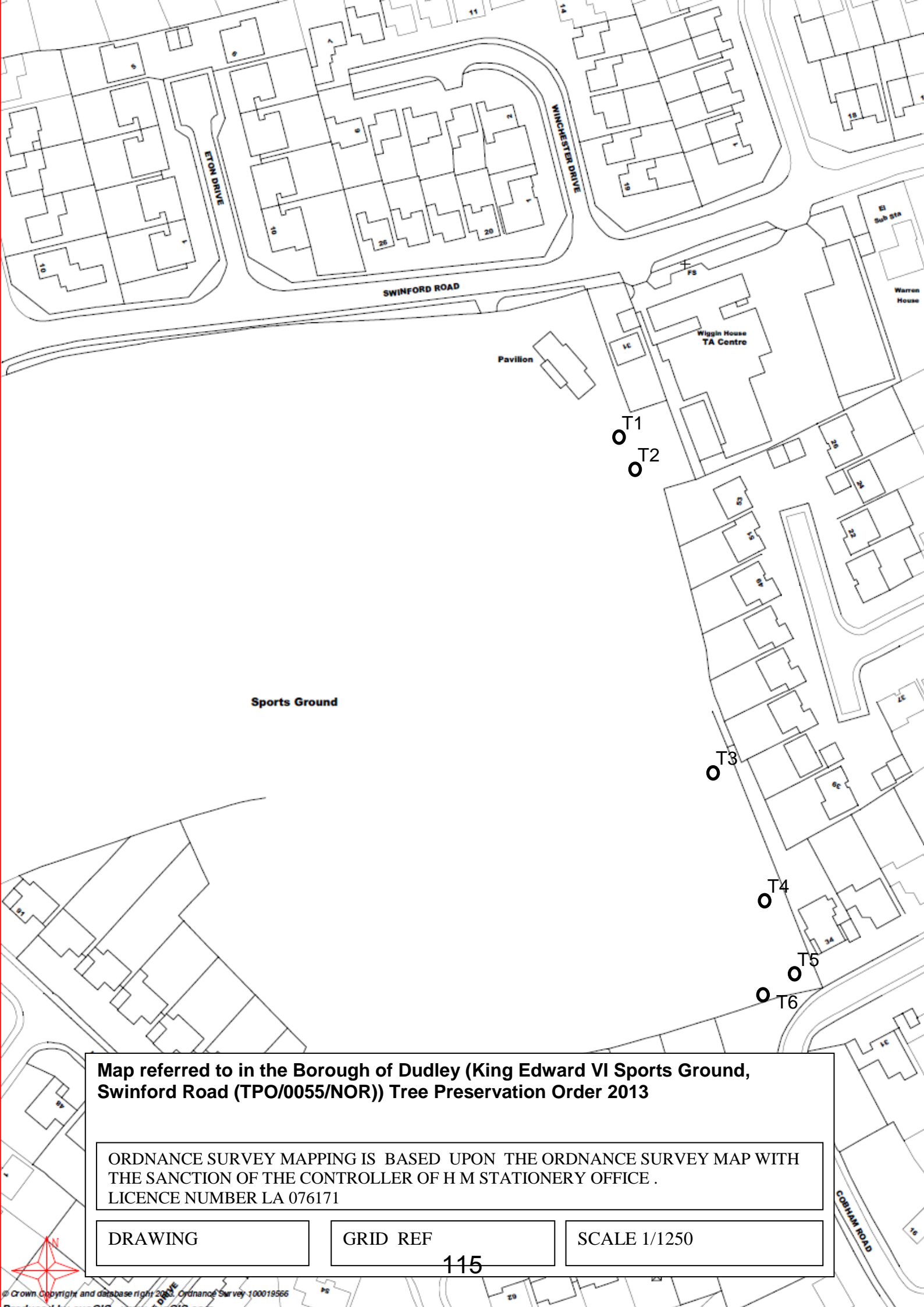
Plan Identifying Objectors Properties

★ - *Objection Received from Property*



APPENDIX 3

Plan and Schedule Proposed for Confirmation



Map referred to in the Borough of Dudley (King Edward VI Sports Ground, Swinford Road (TPO/0055/NOR)) Tree Preservation Order 2013

ORDNANCE SURVEY MAPPING IS BASED UPON THE ORDNANCE SURVEY MAP WITH THE SANCTION OF THE CONTROLLER OF H M STATIONERY OFFICE .
LICENCE NUMBER LA 076171

DRAWING

GRID REF

SCALE 1/1250

115



SCHEDULE

Specification of trees

Trees specified individually
(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Oak	King Edward VI Playing Field, Oldswinford, Stourbridge
T2	Oak	King Edward VI Playing Field, Oldswinford, Stourbridge
T3	Oak	King Edward VI Playing Field, Oldswinford, Stourbridge
T4	Oak	King Edward VI Playing Field, Oldswinford, Stourbridge
T5	Oak	King Edward VI Playing Field, Oldswinford, Stourbridge
T6	Oak	King Edward VI Playing Field, Oldswinford, Stourbridge

DEVELOPMENT CONTROL COMMITTEE – 17TH FEBRUARY 2014

REPORT OF THE DIRECTOR OF THE URBAN ENVIRONMENT

REVOCATION OF TREE PRESERVATION ORDERS

PURPOSE OF REPORT

1. To consider if Tree Preservation Order(s) listed in the attached appendix should be revoked due to a change in circumstances since they were originally confirmed.

BACKGROUND

2. Section 333 of the Town and Country Planning Act 1990, gives powers to a local planning authority to revoke orders, including Tree Preservation Orders (TPOs). The procedure for such revocation is outlined in section 11 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
3. Tree Preservation Orders: a guide to the law and good practice (2000)(as amended) provides guidance on the making, management and enforcement of tree preservation orders (TPO's). In that guidance Local Planning Authorities (LPA's) are advised to keep their TPOs under review.
4. There are a number of reasons why, over time, it may become desirable to revoke a TPO, these include a change in the legislation or geographical changes. Within the Dudley Borough many TPO's were served prior to the commencement of major developments to protect the existing trees. Consequently the plan attached to the orders which were served is out of date as the original development no longer exists or has altered significantly. Whilst the TPO itself still exists and would still be valid it can lead to confusion.
5. In addition, TPO's also may need to be revoked as part of an ongoing housekeeping programme. Trees may have been removed (with or without the consent of the LPA) or have died.
6. By making full use of their variation and revocation powers LPAs can ensure their TPOs are brought up to date when the time is right to do so.
7. The Council is currently undergoing a systematic review of the borough's tree preservation orders, it is anticipated that new TPOs will be served to cover previously unprotected trees and some TPO's which are in existence will need to be revoked.

8. A thorough and consistent assessment will be undertaken on each and every tree which is the subject to an existing order and on any new trees which are proposed to be protected.

FINANCE

9. There are no direct financial consequences arising from this report.

LAW

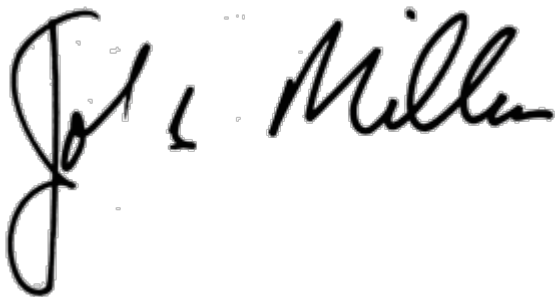
10. The relevant statutory provisions have been referred to in paragraph 2 of this report.

EQUALITY IMPACT

11. The proposals take into account the Council's Equality and Diversity Policy.

RECOMMENDATION

12. It is recommended that the tree preservation orders referred to in the Appendix to this report should be revoked.

A handwritten signature in black ink, appearing to read 'James Dunn', is positioned above the title 'DIRECTOR OF THE URBAN ENVIRONMENT'.

.....
DIRECTOR OF THE URBAN ENVIRONMENT

Contact Officer: James Dunn
Telephone 01384 812897
E-mail james.dunn@dudley.gov.uk

List of Background Papers

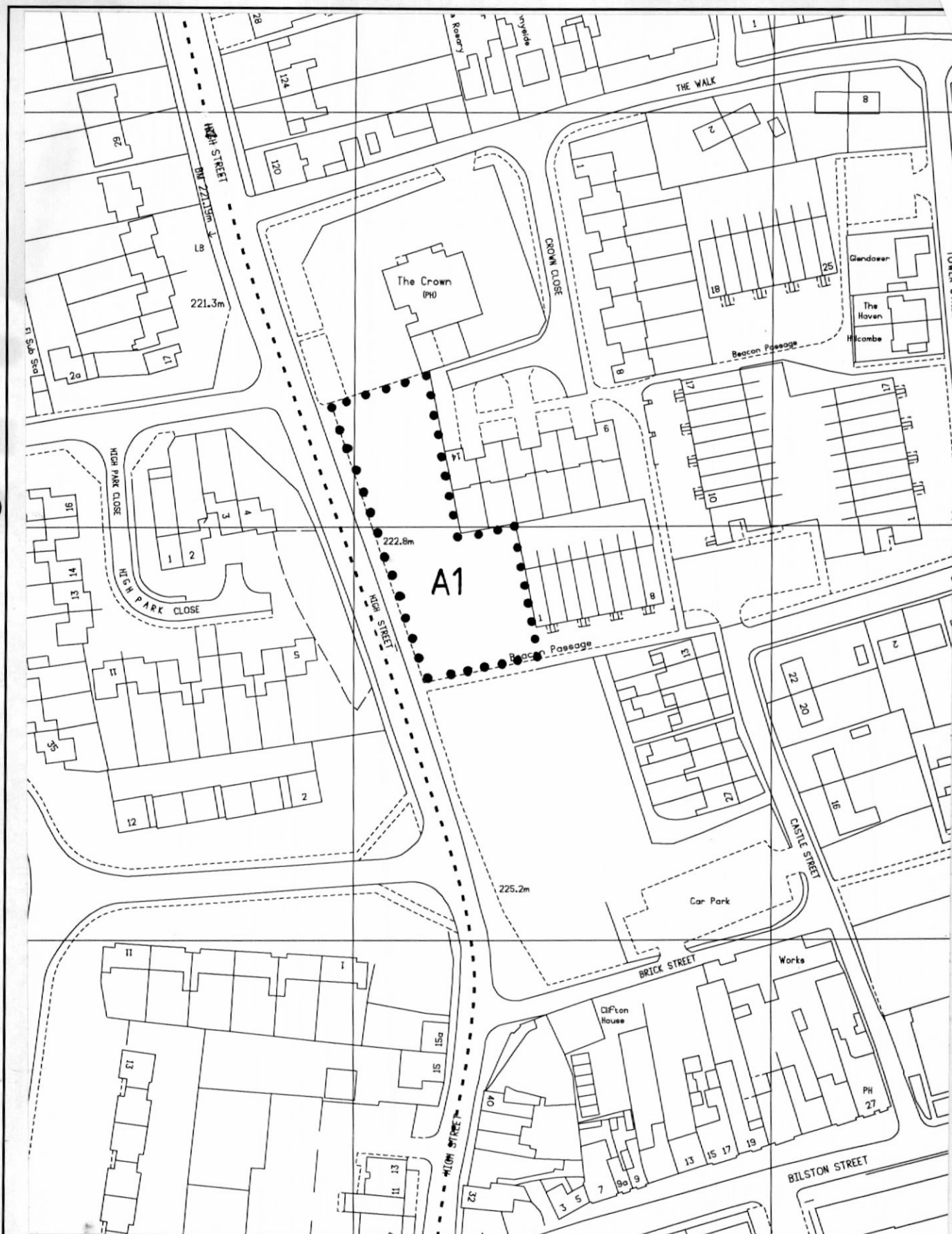
*List of Tree Preservation Orders to be revoked
Copies of TPO plans and schedules.*

TREE PRESERVATION ORDERS THAT ARE PROPOSED TO BE REVOKED

TPO Ref	Title	Reason for Revocation	Replacement TPO
TPO/464	The Borough of Dudley (Land at High Street, Sedgley)(D464) Tree Preservation Order 1996	<p>A recent review of this order has revealed that all of the trees subject to this order are situated within Council owned land.</p> <p>Given their location within Council owned land they are subject to the Council's Tree Strategy, which documents the circumstances in which the trees will be worked upon.</p> <p>It is not considered that the trees require the extra protection of a Tree Preservation Order as they are considered to be managed in accordance with best practice.</p>	N/A
TPO/484	The Borough of Dudley (Land at High Street, Sedgley No.2)(D484) Tree Preservation Order 1996	<p>As part of the ongoing review of our TPO records this order has been identified as one which was never served. Whilst this Order does not legally exist, it's formal revocation will assist in tidying our records.</p> <p>The trees subject to this order are also wholly within the ownership of the council. As such they are managed in accordance with best practice, and the extra protection afforded to the trees by a TPO is not required.</p>	N/A
TPO/511	The Borough of Dudley (Land at Beacon Passage, Sedgley)(D511) Tree Preservation Order 1997	<p>A recent review of this order has revealed that all of the trees subject to this order are situated within Council owned land.</p> <p>Given their location within Council owned land they are subject to the Council's Tree Strategy, which documents the circumstances in which the trees will be worked upon.</p> <p>It is not considered that the trees require the extra protection of a Tree Preservation Order as they are considered to be managed in accordance with best practice.</p>	N/A

TPO/598	The Borough of Dudley (Kettlesbank Road, Lower Gornal) (D598) Tree Preservation order 2000	<p>A recent review of this preservation order has identified the trees referred to in “Group 1” of the order are considered to be a hedge due to their planting location and past management.</p> <p>The TPO legislation specifically prohibits the protection of hedges, as they are considered distinct from trees.</p> <p>Given that the order only covers this hedge, it is considered appropriate to revoke the TPO.</p>	N/A
TPO/616	The Borough of Dudley (Priory Close, Oldswinford) (D616) Tree Preservation order 2000	<p>This order is a duplicate of an order that was served just prior to this order being served (TPO/601).</p> <p>Given that the previous order has been confirmed and is considered to be legally enforceable, and this subsequent order does not appear to have been confirmed, it is considered appropriate to revoke this order.</p>	N/A
TPO/617	The Borough of Dudley (Priory Close, Oldswinford) (D617) Tree Preservation order 2000	<p>This order is a duplicate of an order that was served just prior to this order being served (TPO/601).</p> <p>Given that the previous order has been confirmed and is considered to be legally enforceable, it is considered appropriate to revoke this order.</p>	N/A
TPO/779	The Borough of Dudley (Westdean Close, Halesowen) Tree Preservation Order 2003	<p>A recent review of this order has revealed that all of the trees subject to this order are situated within Council owned land.</p> <p>Given their location within Council owned land they are subject to the Council's Tree Strategy, which documents the circumstances in which the trees will be worked upon.</p> <p>It is not considered that the trees require the extra protection of a Tree Preservation Order as they are considered to be managed in accordance with best practice.</p>	N/A





DUDLEY
Metropolitan Borough

ORDNANCE SURVEY
MAPPING IS BASED UPON
THE ORDNANCE SURVEY
MAP WITH THE SANCTION
OF THE CONTROLLER OF
H.M. STATIONERY OFFICE.
LICENCE NUMBER LA
078171

*Map referred to in
the Borough Council of Dudley*

**Land at High Street,
Sedgley No.2 (D484)**

Tree Preservation Order 1996

grid ref:

918 940

scale:

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drg no.:

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PRINCIPAL SOLICITOR

DUDLEY
Metropolitan Borough

ORDNANCE SURVEY
MAPPING IS BASED UPON
THE ORDNANCE SURVEY
MAP WITH THE SANCTION
OF THE CONTROLLER OF
H.M. STATIONERY OFFICE.
LICENCE NUMBER LA
076171

Map referred to in
the Borough Council of Dudley,
**BEACON PASSAGE
SEDGLEY (D.511)**

Tree Preservation Order 1997

grid ref:

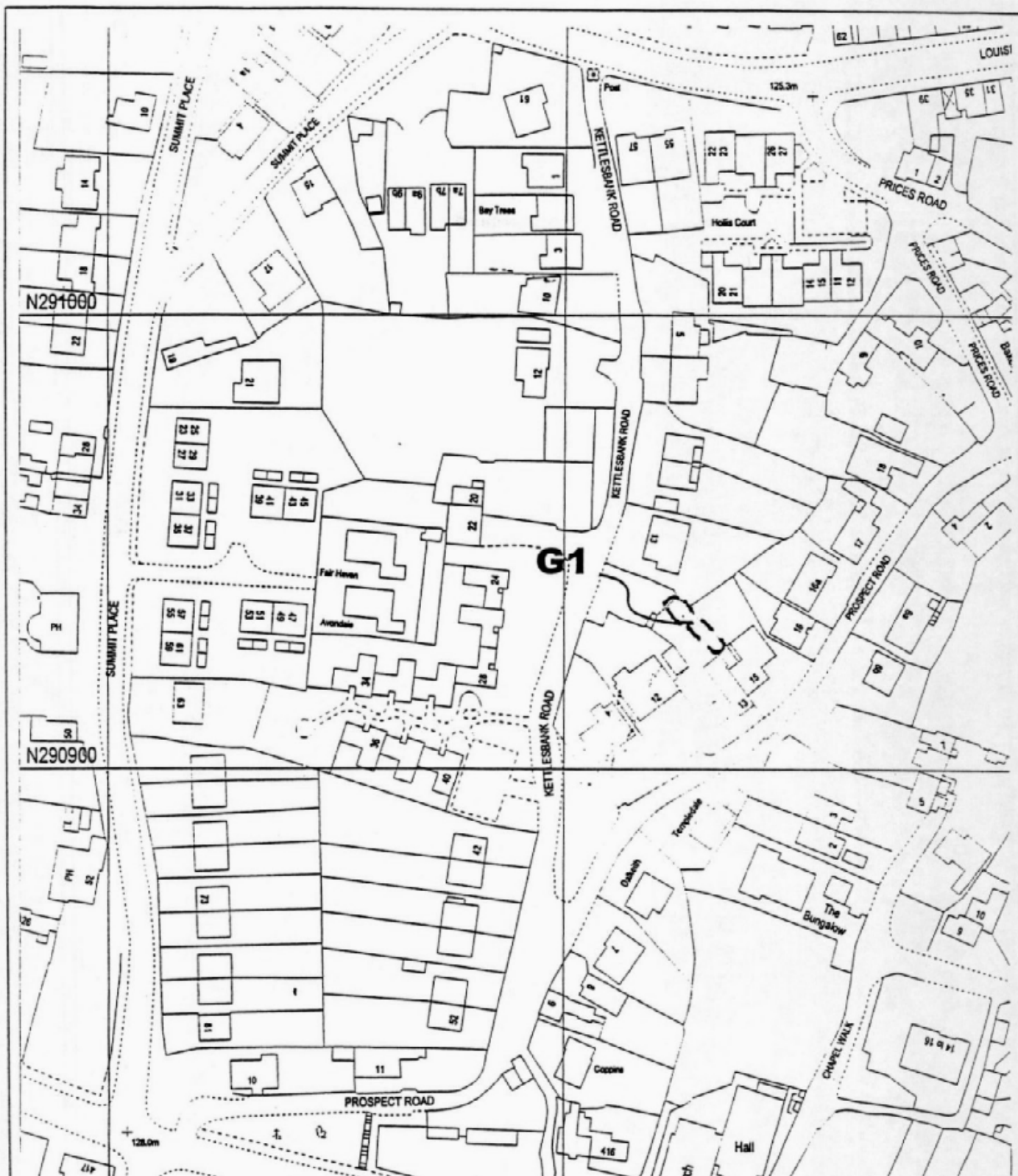
918 939

scale:

1:1250

diag no.:

A:2264



Map referred to in the Borough Council of Dudley
KETTLES BANK ROAD LOWER GORNAL
Tree Preservation Order 2000 No D598

ORDNANCE SURVEY MAPPING IS BASED UPON THE ORDNANCE SURVEY MAP WITH THE
 SANCTION OF THE CONTROLLER OF H M STATIONERY OFFICE .
 LICENCE NUMBER LA 076171

DRAWING A2351

GRI D REF 910910

SCALE 1/ 1250



Map referred to in the Borough Council of Dudley
Tree Preservation Order 2000 No D616
PRIORITY CLOSE OLDSWINFORD

[Signature]
PRINCIPAL SURVEYOR

ORDNANCE SURVEY MAPPING IS BASED UPON THE ORDNANCE SURVEY MAP WITH THE
SANCTION OF THE CONTROLLER OF H M STATIONERY OFFICE.
LICENCE NUMBER LA 076171

DRAWING A2354

GRID REF E33908

SCALE 1/1250



Map referred to in the Borough Council of Dudley
 Tree Preservation Order 2000 No D 617
 PRIORY CLOSE OLDSWINFORD

[Signature]
 CHIEF SURVEYOR

ORDNANCE SURVEY MAPPING IS BASED UPON THE ORDNANCE SURVEY MAP WITH THE
 SANCTION OF THE CONTROLLER OF H M STATIONERY OFFICE.
 LICENCE NUMBER LA 076171

DRAWING A2354

GRI D REF 833908

SCALE 1/ 1250



**Map referred to in the Borough Council of Dudley
Tree Preservation Order 2003 No779
Westdean Close, Halesowen**

ORDNANCE SURVEY MAPPING IS BASED UPON THE ORDNANCE SURVEY MAP WITH THE
SANCTION OF THE CONTROLLER OF H M STATIONERY OFFICE .
LICENCE NUMBER LA 076171

DRAWING A2362

GRID REF

SCALE 1/1250