



# Meeting of the Development Control Committee

**Tuesday 7<sup>th</sup> April, 2015 at 6.00pm**

**In Committee Room 2, at the Council House, Priory Road, Dudley**

## **Please note the following:**

- In the event of the alarms 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.
- There is no smoking on the premises in line with national legislation. It is an offence to smoke in or on these premises.
- The use of mobile devices or electronic facilities is permitted for the purposes of recording/reporting during the public session of the meeting. The use of any devices must not disrupt the meeting – Please turn off any ringtones or set your devices to silent.
- If you (or anyone you know) is attending the meeting and requires assistance to access the venue and/or its facilities, please notify the officer below in advance and we will do our best to help you.
- Information about the Council and our meetings can be viewed on the website [www.dudley.gov.uk](http://www.dudley.gov.uk)
- Elected Members can submit apologies by contacting the officer named below. The appointment of any Substitute Member(s) should be notified to Democratic Services at least one hour before the meeting starts.
- The Democratic Services contact officer for this meeting is Helen Shepherd, Telephone 01384 815271 or E-mail [helen.shepherd@dudley.gov.uk](mailto:helen.shepherd@dudley.gov.uk)

## **Agenda - Public Session**

**(Meeting open to the public and press)**

### **1. Chair's Announcement.**

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

Applications are taken in numerical order with any site visit reports first, followed by applications with public speaking, then the remainder of the agenda.

Officers have explained the public speaking procedures with all those present who

are addressing the committee. Will speakers please make sure that they do not over-run their 3 minutes.

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

All those attending this Committee should be aware that additional papers known as the "Pre-Committee Notes" are 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.

2. Apologies for absence.
3. Appointment of substitute Members.
4. To receive any declarations of interest under the Members' Code of Conduct.
5. To confirm and sign the minutes of the meeting held on 19<sup>th</sup> March, 2015 as a correct record.
6. Plans and Applications to Develop (See Agenda Index Below) (Pages 1 - 53)
7. Adoption of the Contaminated Land Inspection Strategy and Cost recovery Policy for Dudley Borough (Pages 54 - 60) (The Appendix to the report can be viewed on the Council's website on the following link:- <http://cmis.dudley.gov.uk/cm5/>)
8. Public Consultation on the Renewable Energy Supplementary Planning Document (SPD) (Pages 61 - 62) (The Appendix to the report can be viewed on the Council's website on the following link:- <http://cmis.dudley.gov.uk/cm5/>)
9. Public Consultation on the Draft Revised Planning Obligations Supplementary Planning Document (SPD) (Pages 63 - 68) (The Appendix to the report can be viewed on the Council's website on the following link:- <http://cmis.dudley.gov.uk/cm5/>)
10. To consider any questions from Members to the Chair where two clear days notice has been given to the Strategic Director (Resources and Transformation) (Council Procedure Rule 11.8).



**Strategic Director (Resources and Transformation)**

**Dated: 26<sup>th</sup> March, 2015**

**Distribution:****All Members of the Development Control Committee:**

Councillor Q Zada (Chair)

Councillor K Casey (Vice-Chair)

Councillors A Ahmed, D Caunt, A Goddard, J Martin, C Perks, R Scott-Dow and D Vickers

**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 1 - 5	P15/0089 – 3 and 3a, Morvale Street, Stourbridge – Installation of external wall insulation.
Pages 6 - 16	P15/0117 – 64-65 Lodgefield Road, Halesowen – First floor extension.
Pages 17 - 29	P15/0160 – Streetbike, Mucklow Hill, Halesowen – Variation of Condition 6 of Planning Approval P14/1582 to be revised to 'The premises known as retail area 2 on Plan Number '13-1374/08L' shall not be open to the public before the hours of 0700 nor after 2300 Monday to Sundays and Public Holidays' (Temporary until 31 <sup>st</sup> March 2016).
Pages 30 - 47	P15/0235 – The Rectory, Bundle Hill, Halesowen – Erection of 4 No. dwellings with associated access.
Pages 48 - 53	P15/0305 – 52 Cross Lane, Sedgley, Dudley – Fell 1 Pine tree.

**Minutes of the Development Control Committee**  
**Thursday 19<sup>th</sup> March, 2015 at 6.00 pm**  
**in Committee Room 2 at the Council House, Dudley**

**Present:-**

Councillor Q Zada (Chair)  
Councillors A Ahmed, D Caunt, A Goddard, J Martin, C Perks, R Scott-Dow and D Vickers

**Officers:-**

J Butler – Group Engineer, T Glews – Environmental Protection Manager, H Martin - Head of Planning, C Mellor – Principal Planning Officer, P Reed – Principal Planning Officer (Directorate of Environment, Economy and Housing); S Ahmed-Aziz – Solicitor and H Shepherd – Democratic Services Officer (Directorate of Resources and Transformation).

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81      **Declarations of Interest**

Councillor A Ahmed did not declare an interest in accordance with the Members' Code of Conduct, but for transparency purposes confirmed that he did live within close proximity to Unit 2, 100 Dock Lane, Dudley. He did not consider that this would affect his ability to consider Planning Application P15/0059 impartially and with an open mind.

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82      **Minutes**

Resolved

That the minutes of the Committee held on 24<sup>th</sup> February, 2015, be approved as a correct record and signed.

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83      **Site Visit**

Consideration was given to the confirmation report for the Borough of Dudley (Sunningdale Road/Gower Road, Sedgley (TPO/0126/SED)) in respect of which Members of the Committee had undertaken a site visit earlier that day.

Members that had attended the site visit were of the opinion that T9 was a considerably large tree that would continue to grow. There was evidence that the tree had already caused damage to the surrounding pavement, which would inevitably continue to worsen.

Resolved

<b><u>TPO No</u></b>	<b><u>Location/Proposal</u></b>	<b><u>Decision</u></b>
TPO/0126/SED	Sunningdale Road/Gower Road, Sedgley	Trees T10, T16 and T17 be confirmed.  Tree T9 be deleted from the Order.

#### 84 **Plans and Applications to Develop**

A report of the Strategic Director (Environment, Economy and Housing) was submitted on the following plans and applications to develop. Where appropriate, details of the plans and applications were displayed by electronic means at the meeting. In addition to the report submitted, notes known as Pre-Committee notes had also been circulated updating certain 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 were in attendance at the meeting and spoke on the planning applications as indicated:-

<b><u>Application No</u></b>	<b><u>Objectors/supporters who wished to speak</u></b>	<b><u>Agent/Applicant who wished to speak</u></b>
P15/0015	Mr Steven Nash	
P15/0104	Mrs B Hall	Mr Craig Parkes

Resolved

That the applications be determined as set out below:-

<b><u>Application No</u></b>	<b><u>Location/Proposal</u></b>	<b><u>Decision</u></b>
P15/0015	118 Oakham Road, Dudley – Fell 1 Sycamore Tree.	Approved, subject to the following condition:-  1. The tree works subject of this consent shall be carried out in accordance with British Standard BS 3998:2010 'Recommendations for Treework'.

2. A replacement tree shall be planted between the beginning of November and the end of March, within 1 year of felling (and replanted if necessary) and maintained until satisfactorily established. The replacement tree shall be located within the upper terrace of the rear garden. The species, size and location of the tree shall not be planted until formally approved in writing by the Local Planning Authority.

In considering the above application, Members commented on the large size of the tree and the damage that it had caused to the nearby walls. They also referred to suggestions of potential maladministration when the order was originally implemented, as neighbouring properties had not been notified of the application and would have had opportunity to appeal at that time if they had been advised.

P15/0104	28-30 Mount Street, Halesowen – Change of use from B1 to B2 (Servicing/Repairs and Storage of cars) (Retrospective).	Approved, subject to the following conditions:- <ol style="list-style-type: none"> <li>1. The use hereby permitted shall be limited for a period of 12 months from the date of this notice. When the premises cease to be occupied or at the end of 12 months, whichever shall first occur, the use hereby permitted shall cease and all materials, buildings and equipment brought on to the premises in connection with the use shall be removed.</li> <li>2. The premises shall be used for the servicing and repair of motor vehicles and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order).</li> </ol>
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3. The premises shall not be open to the public before the hours of 0800 nor after 1800 Monday to Friday, before the hours of 0900 nor after 1200 on Saturdays, nor at any time on Sundays and Public Holidays.
4. The washing of motor vehicles shall not take place anywhere on the site unless run-off drains to on-site gullies or drainage channels which are connected to the foul system via a petrol interceptor, to separate detergents, chemicals and/or any oil petrol spillages. Make, model and specification of any proposed interceptor should be agreed in writing with the Planning Authority prior to installation.
5. The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound levels by more than 5dB(A) between the hours of 0700-2300 (taken as a 15 minute LA90 at the nearest sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at the nearest sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property. Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.

6. All doors at the use hereby permitted shall be kept closed at all times during operational hours except for access and egress.
7. No deliveries or despatches shall be made to or from the site, and no delivery or despatch vehicles shall enter or leave the site (whether laden or unladen), before the hours of 0800 nor after 1800 Monday to Friday, before the hours of 0900 nor after 1200 on Saturdays, and not at all on Sundays and Public Holidays.

In considering the above application, Members took into account local residents' comments in support of the business, but raised concerns of possible obstructions to residents if the business expanded in the future. It was recommended that additional environmental conditions and a temporary 12 months licence be applied to the application so that the situation could be monitored during this period. Members authorised Officers to draft a list of conditions to be applied, which would be circulated to Members of the Committee for information.

P14/1622	9 Royal Close, Brierley Hill – Part A: Retrospective Side and Rear Boundary Treatment. Part B: Retrospective Outbuilding.	Part A, refused for the reason as set out in the report submitted.  Part B, Approved subject to conditions, numbered 1 and 2 (inclusive), as set out in the report submitted.  Enforcement Action be taken against the erected boundary wall positioned to the side and rear of the site.
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P14/1821	<p>Site of Former Duncan Edwards Public House, Priory Road, Dudley – Hybrid Application for Part A: Erection of 3 No. Retail units with car parking and associated works. Part B: Outline Application for Erection of 12 No. Dwellings (Access and layout to be considered).</p>	<p>Approved, subject to conditions, numbered 1 to 4 (inclusive), 6 to 23 (inclusive), 25 to 45 (inclusive), as set out in the report submitted and amended conditions , numbered 5 and 24, as set out below:-</p> <p>(5) None of the development hereby approved shall be first commenced until plans showing the repositioning of the bus shelter outside the visibility splay of 2.4 x 59m of the adjacent access points have been submitted to and approved in writing by the Local Planning Authority. The shelter 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.</p> <p>(24) No development shall commence until details for the relocation of the tactile paving due to the provision of the new vehicular access in Limes Road have been submitted to and approved in writing by the Local Planning Authority. The tactile paving 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.</p>
P15/0059	<p>Unit 2, 100, Dock Lane, Dudley – Change of use from B8 to Social Club with photographic studio and new smoking shelter (Sui generis) (Resubmission of refused application P14/1592).</p>	<p>Refused for the following reason:-</p> <p>The proposed use (and ancillary external activity) is considered to be detrimental to the residential and associated amenities of the locality in terms of noise and disturbance, contrary to saved policies DD1, DD4 and DD5 of the Unitary Development Plan 2005.</p>

In considering the application, Members expressed their support in facilitating a private members social club in Dudley, but considered that this particular venue was in an unsuitable location. Concerns were raised with regards to the insufficient car parking spaces available at the venue, the visual amenity impact having a smoking shelter located directly at the entrance of the property and in close proximity to the Leisure Centre and the impact that the licensed operating times would have on the surrounding residential community.

A Member suggested that the letter of support submitted on behalf of Dudley Leisure Centre should not be taken into consideration as this was a Council operated service.

P15/0060	72 Queens Road, Dudley – Single Storey Rear/Side Extension.	Approved, subject to conditions 1 to 3 (inclusive), as set out in the report submitted.
P15/0079	32 High Street, Pensnett, Brierley Hill – Fell 1 Sycamore Tree	Refused, for the reason, as set out in the report submitted.
P15/0137	The Old Apleyard, 26B, Gladstone Road, Wollaston, Stourbridge – Fell 1 Sycamore Tree	Approved, subject to the condition, as set out in the report submitted.

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## 85 **Planning Services Fees – 2015/2016**

A report of the Strategic Director (Environment, Economy and Housing) was submitted on the setting of the Council's Building Regulation Fee Scales to take effect from 1<sup>st</sup> April 2015 and non-statutory Development Control Charges, and the intention to continue to use the Consumer Price Index (CPI) for Planning Obligations in accordance with Council Policy.

Resolved

- (1) That the inflationary increase of 2% of the existing Building Control Fee Schedule, as outlined in Appendix B to the report submitted, be endorsed.
- (2) That the continued use of Consumer Price Index in Planning Obligations costings, as outlined in Appendix C to the report submitted, and in accordance with the adopted Supplementary Planned Document "Planning Obligations", be noted.
- (3) That the use for CIL charges following adoption of the national All-In Tender Price Index of construction costs published by the Building Cost Information (BCIS) of the Royal Institute of Chartered Surveyors, be noted.

- (4) That the fee schedule for Development Control Non Statutory Fee Charges, as outlined in Appendix D to the report submitted, be endorsed.

The meeting ended at 7.40pm.

CHAIR

# PLANNING APPLICATION NUMBER: P15/0089

Type of approval sought	Full Planning Permission
Ward	Lye and Stourbridge North
Applicant	Mr P. Stewardson
Location:	<b>3 AND 3A, MORVALE STREET, STOURBRIDGE, WEST MIDLANDS, DY9 8DE</b>
Proposal	<b>INSTALLATION OF EXTERNAL WALL INSULATION</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

## SITE AND SURROUNDINGS

1. The application site is an attractive, semi-detached dwelling occupying a plot of 224m<sup>2</sup> and is set within a residential area. The application site has many retained architectural features upon the front elevation.
2. The application site is bound to the east by the adjoining semi detached dwelling and to the west by a detached care home.

## PROPOSAL

3. This application seeks approval for insulated render to be installed to the side and rear elevation. The insulation would be 90mm in thickness and be finished in winter white. The proposed insulation would be installed on the side and rear elevation of the dwelling house, omitting any installation upon the front elevation.

## HISTORY

4. None

## PUBLIC CONSULTATION

5. 1 letters of objection received, following consultation with 4 adjoining neighbour.  
Main issues raised:
  - Unbalance the pair of semi-detached dwellings.

## OTHER CONSULTATION

6. None required

## RELEVANT PLANNING POLICY

7. Saved Unitary Development Plan Policies (2005)
- DD4 – Development in Residential Areas
8. Supplementary Planning Guidance
- Planning Guidance Note (PGN) 12 – The 45 Degree Code
  - Planning Guidance Note (PGN) 17– House Extension Design Guide (1997)
  - Parking Standards (2012)

## ASSESSMENT

9. Key issues.
- Impact on visual amenity and character of the area
10. The proposed render is considered appropriate to the side and rear elevations of the property. There are examples of cladding and render to the finishes of several properties within the immediate vicinity. The proposed render would not mask any of the original features of merit associated with the dwelling house which are visible within the street scene. Whilst the objector's comments are noted, the unbalancing of the dwellings in terms of proposed finished materials would not be apparent upon the front elevation which forms the main façade to the public realm. The development would therefore comply, in terms of visual considerations, with saved Policy DD4 of the adopted UDP and the provisions in PGN17.

## CONCLUSION

11. The proposed development is acceptable in terms of design, having no detrimental impact on the visual amenity and character either of the host property or the surrounding area.

## RECOMMENDATION

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

Conditions and/or reasons:

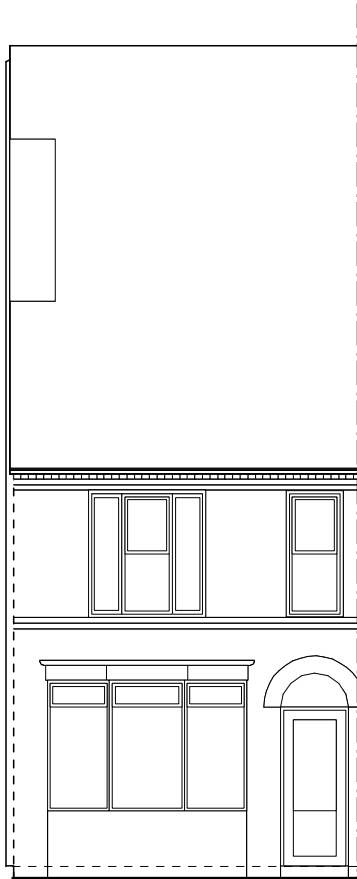
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 020 DG175 (B) and the associated location plan.
3. The render hereby approved shall be finished in 'winter white' unless otherwise agreed in writing by the Local Planning Authority.

SITE LOCATION PLAN  
AREA 2 HA  
SCALE: 1:1250 on A4  
CENTRE COORDINATES: 392137 , 284292

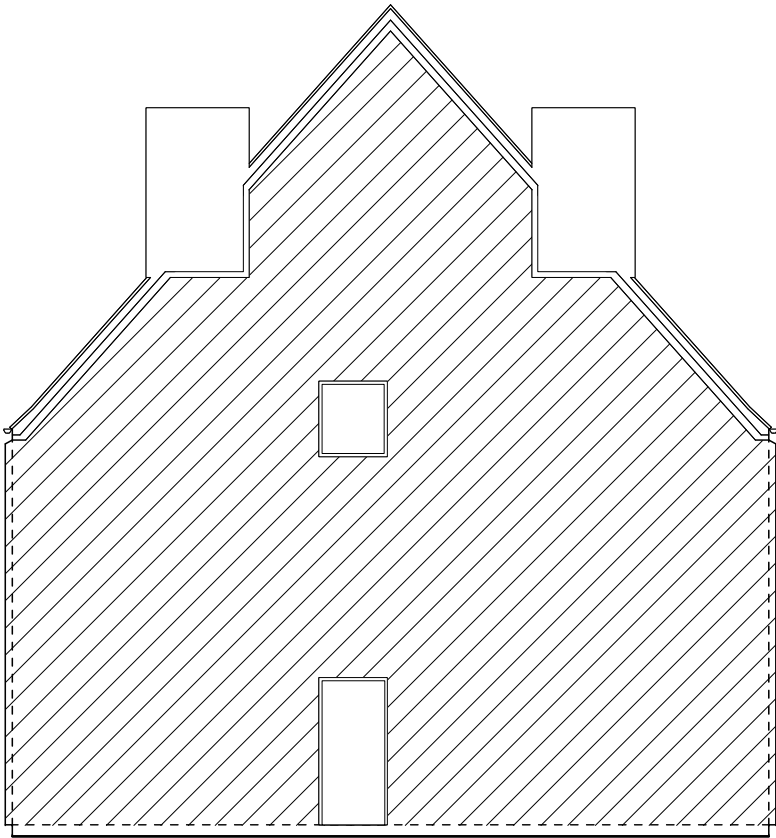


Supplied by Streetwise Maps Ltd  
[www.streetwise.net](http://www.streetwise.net)  
Licence No: 100047474

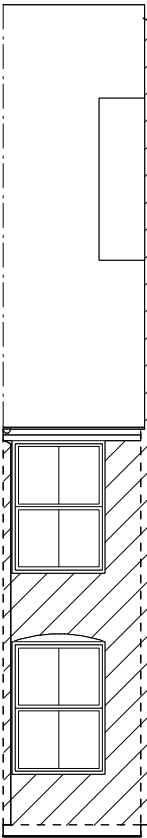
22 JAN 2015



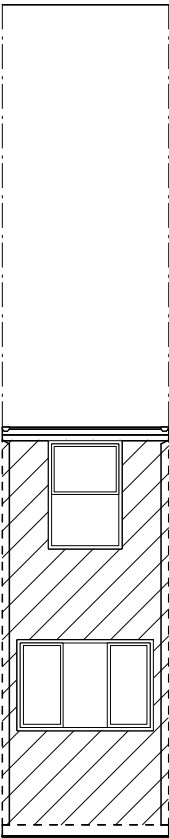
PROPOSED FRONT ELEVATION  
Scale 1:100 @A3



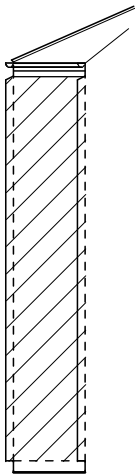
PROPOSED ELEVATION 01  
Scale 1:100 @A3



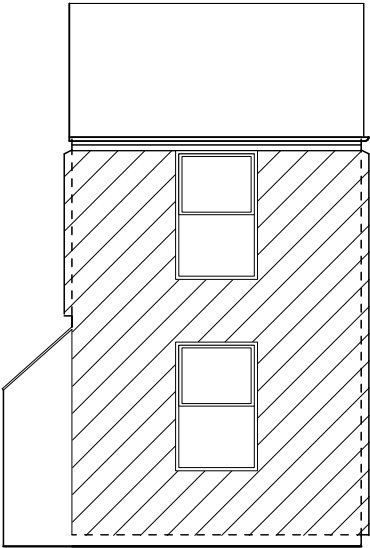
PROPOSED ELEVATION 02  
Scale 1:100 @A3



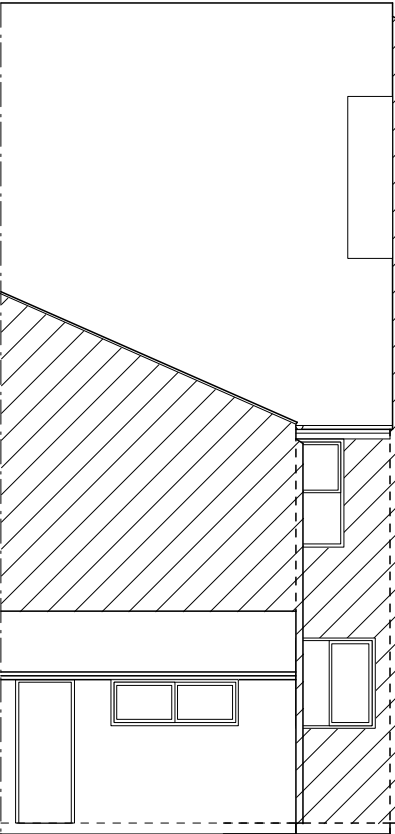
PROPOSED ELEVATION 03  
Scale 1:100 @A3



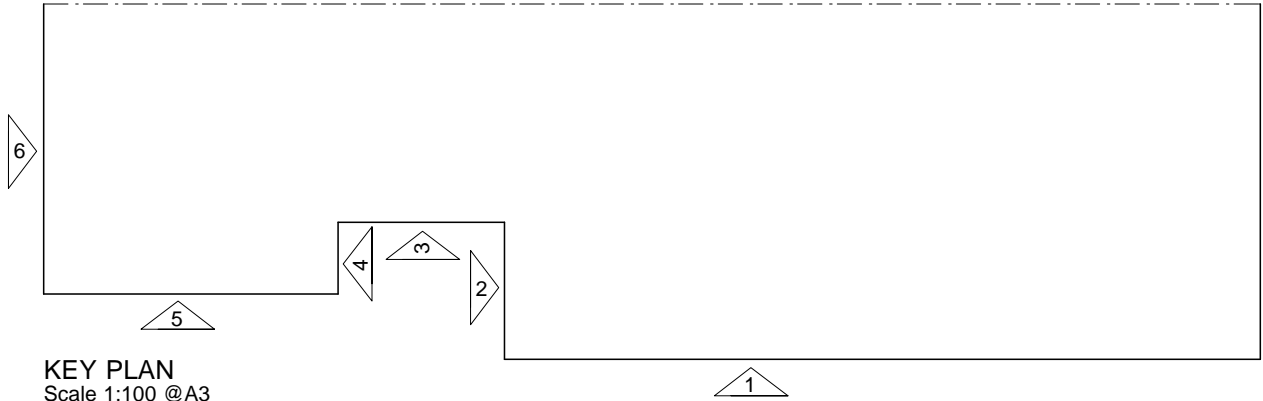
PROPOSED ELEVATION 04  
Scale 1:100 @A3



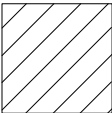
PROPOSED ELEVATION 05  
Scale 1:100 @A3



PROPOSED ELEVATION 06  
Scale 1:100 @A3



KEY PLAN  
Scale 1:100 @A3



INDICATES AREAS OF  
PROPOSED INSULATED  
RENDER

DESIGNER	CLIENT	REV	DESCRIPTION	DATE	BY
EWIS UK LTD Energy House Grandstand Road Hereford HR4 9NH	3 Morvale (2 flats) Stourbridge DY98DE	B	Labelling amended in line with local authority comments	13/02/15	DS
		A	Labelling amended to PROPOSED	03/02/15	DS
DRAWING TITLE	SCALE : 1:100	DRAWN BY :	POSITION	DATE : 19/01/15	
Proposed Elevations	DRAWING SIZE : A3	CHECKED BY :	POSITION	DATE : .....	
CAD File Name : 020-DG-175 (B) Proposed.vwx	DATE PRINT ISSUED	APPROVED FOR ISSUE BY :	POSITION	DATE : .....	
		DRAWING STATUS	DESIGNERS JOB NUMBER	DRAWING NUMBER	REVISION
		PLANNING	020	DG175 (B)	
		© Copyright of Dean Sutton Design Consultant. No reproduction without written consent from Dean Sutton Design Consultant.			



## PLANNING APPLICATION NUMBER: P15/0117

Type of approval sought	Full Planning Permission
Ward	Belle Vale
Applicant	PSB Homes Limited
Location:	<b>64-65, LODGEFIELD ROAD, HALESOWEN, B62 8AR</b>
Proposal	<b>FIRST FLOOR EXTENSION</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

### SITE AND SURROUNDINGS

1. 64-65 Lodgefield Road is located on the corner of Badgers Croft and Lodgefield Road within a mixed residential and industrial area in Halesowen. The unit is located at the end of a row of industrial and commercial premises and is set back a minimum of 11.5m from the back of the highway. The site consists of a large unit in two sections, being a two storey building of facing red brick with a hipped pitched roof, five front facing windows and an entrance door and one section having a flat roof and large roller shutter doors. To the rear there is a large steel portal frame building with fibre cement sheet cladding providing the manufacturing building. The frontage with the roller shutter doors is set back slightly further from the highway and there is a low boundary wall separating the parking area to the front of the two sections.
  
2. The current floor space of the unit measures 900sqm. The premises sit in a slightly elevated position in relation to the highway and the site is bounded to the north by a line of high trees and shrubbery, which separate the site from the residential street of Badgers Croft. A row of terraced proposed are opposite the site and there are further industrial and commercial units to the rear and south. There is currently parking for approximately 8-10 cars on the frontage to the premises. Parking appears limited along Lodgefield Road due to parking restrictions and the volume of traffic.

## PROPOSAL

3. This application seeks approval to construct new office accommodation at the first floor of approximately 102sqm, built over the existing single storey storage area. The proposed extension will be constructed from insulated aluminium sheet cladding to match the existing and will feature a flat roof. Four windows to serve the office will feature along the southern elevation of the proposed extension. The proposal will involve internal alterations to the existing building with office accommodation at ground floor level being moved to the new extension allowing the manufacturing facility to be extended at the ground floor. As the extension is intended to consolidate the business operations into one site, the staff levels will be increased to the equivalent of 13 full time members of staff.
4. This proposal will not change the existing or previous use of the premises which have operated as a B2 use with an element of office use.

## HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
95/51704	Addition of pitched roof to existing flat roofed two storey office building	Approved with conditions	15/01/96
95/51313	Re-grading of forecourt including laying out of parking spaces, planting beds and new boundary fence	Approved with conditions	10/11/95
P00/51289	Change of use from highway land to industrial erection of 2.1m high paladin security fence	Refused	02/07/01

## PUBLIC CONSULTATION

5. The application was advertised by way of 27 neighbour notification letters being sent to the occupiers of neighbouring properties and units within close proximity to the site, plus the display of a site notice. The latest date for comments was the 12<sup>th</sup> March 2015. Nine written letters of objection were received to the proposal.

6. The main reasons of objection were as follows:

- The manufacturing processes carried out in the premises may be noisy and create fumes which could adversely affect the occupiers of nearby residences.
- The development is underway and currently the pavement to the front of the premises is in a bad state of repair due to the building works
- The frontage to the unit currently has a large metal container positioned and this should be removed before the building is occupied
- The office extension will allow overlooking and loss of privacy for the residents in Badgers Croft
- The area suffers from a lack of parking due to the number of industrial and commercial units and the consolidation of the business into one unit will bring more employees into the locality and the parking problems will be exacerbated.
- If cars and vans accumulate along Lodgefield Road, the larger vehicles such as buses may not be able to gain access up the road and this may result in the bus service being discontinued.

## OTHER CONSULTATION

### Group Engineer – Highways

This is a pragmatic proposal to accommodate car parking at the maximum requirement under the SPD which is also at a level that would achieve off street car parking for all proposed staff. Cycle storage would further mitigate any potential impacts.

No objection on balance subject to conditions relating to the provision of onsite cycle and car parking.

### Head of Environmental Health and Trading Standards

No objection.

## RELEVANT PLANNING POLICY

### Black Country Core Strategy (2011)

- CSP1 The Growth Network
- ENV 3 Design Quality

### Saved Unitary Development Plan Policies (UDP) (2005)

- DD1 Urban Design
- DD4 Development in Residential Areas
- DD5 Development in Industrial Areas

### Supplementary Planning Documents / Guidance

- Parking Standards Review SPD

## ASSESSMENT

7. The proposed development must be assessed firstly to ascertain whether the principle of the development is acceptable. The proposal must also be assessed with regard to design and compatibility with the existing premises and character of the surrounding area, in terms of potential impact on the amenity of neighbouring uses and car parking provision.
8. The key issues are
  - Principle of Development
  - Design and Visual Amenity
  - Neighbour Amenity
  - Parking Provision

### Principle of Development

9. Core Strategy Policy CSP1 sets out how the Growth Network, which includes the Regeneration Corridors and Strategic Centres, will be the focus for growth, regeneration and land use change up to 2026. This Policy aims to help deliver the Core Strategy spatial objectives where sustainable development and the re-use of

land and buildings is an important element. The application site is located within 'Regeneration Corridor 14, Combeswood – Halesowen' which has a focus on high quality employment. Nos. 64-65 Lodgefield Road falls within a wider area recognised as having importance for high quality employment to be retained or assembled as appropriate.

10. The application site has an established use for B2 with an element of B1 office use and this application is not proposing a change of use. Therefore the principle of this proposed use would be considered acceptable in this location. The proposed extension will not adversely affect the operations of nearby industrial units and employment activities and can be perceived as positive economic improvement which will help combat decline of manufacturing industries and the reuse of vacant buildings.

#### Design and Visual Amenity

11. Policy ENV3 of the Core Strategy states that development proposals across the Black Country should feature high quality design that stimulates economic, social and environmental benefits. This approach is supported through Saved UDP Policy DD1, Urban Design which requires all development to apply the principles of good urban design including consideration of crime prevention measures.
12. The site lies outside any town centre boundary and does not fall within a Conservation Area or a Townscape Heritage Area. The surrounding uses are mainly light industry/commercial uses and residential properties. No external alterations are proposed to the frontage of the building and the character of the building is comparable with the industrial and residential surroundings. It is proposed to finish the driveway and service area at the front of the premises to provide a parking area for the employees and this will enhance the visual appearance within the street scene.
13. The proposed extension will be constructed from similar materials to the existing steel metal frame and will feature a flat roof. The proposed extension will not be

viewed from the street along Lodgefield Road and will run parallel to Badgers Croft, the residential street situated to the north and will be screened from the properties in Badgers Croft by the high level trees along the boundary.

14. The proposed use will not feature signage or external advertising. In this respect, the design and visual amenity of the building would not affect the street scene or be contrary to the character of the area.

#### Neighbour Amenity

15. The majority of the objections received were from occupiers of nearby residential properties in close proximity to the site. The issues raised included concerns about potential noise and fumes arising from the intended operations at the application site. However, as the site is located within a mixed industrial and residential area and the proposed use is not changing from the previous established use, measures to mitigate any potential noise impact have not been considered necessary and no other environmental health concerns have been noted by the Head of Environmental Health and Trading Standards.
16. Further concerns raised in the objections related to loss of privacy for the residents in Badgers Croft, however, the proposed windows in the extension will be south facing away from and not be overlooking the properties in Badgers Croft which are to the north. Additionally, there are high trees and bushes along the boundary between the application site and Badgers Croft which effectively screens the proposed extension from view. It is therefore unlikely that t
17. It is therefore considered that in terms of neighbour amenity the proposal would be compliant with Policies DD1, DD4 and DD5 in the Adopted UDP.

#### Car Parking

18. The site boundary shown on the submitted plans (Block Plan Rev A) indicates the open area to the front of the premises to be utilised for car parking and additional spaces provided within the building. At the narrowest point, this parking area measures over 11m in width between the building frontage and the highway which is

sufficient for two cars to be parked in tandem. A total of 7 spaces can be provided on this frontage along with cycle storage, and a further 6 spaces within the building. The internal spaces have been provided in order to avoid any potential restriction to the access and service area.

19. As parking on Lodgefield Road and the surrounding residential streets is limited, with cars parked on the pavements, potential on-street parking for the future employees at the application site is not considered appropriate. The applicant has therefore proposed the provision of internal parking spaces to accommodate car parking at the maximum requirement under the Parking Standards SPD. At this level, the proposal would satisfactorily achieve off street car parking for all proposed employees and the cycle storage would further mitigate any potential impacts. The internal space within the building will also maintain provision for larger service vehicles and manoeuvring space which will allow the space in-front of the roller shutters to be used solely for access and egress. This has been shown on revised plans to avoid detriment to road users, highway safety and residents.
20. The majority of the objections received referred to concerns about potential loss of parking spaces and the over abundance of cars which may potential park on the surrounding residential streets when the premises are in operation. It is considered on balance, that the additional spaces within the premises will address the concerns raised in the objections and, the surrounding residential properties are unlikely to suffer from additional parking congestion in the vicinity.
21. It is considered that the car parking provision and cycle storage provided on site will be sufficient to serve the proposed development consistent with the Parking Standards SPD.

## **CONCLUSION**

22. The proposed development for an extension to the existing building will enable the reuse of the premises to provide an economic use within this area, consistent with the Core Strategy spatial objectives. It is unlikely that the proposed use would cause any adverse impact to the occupants of residential properties or to the future

operations of nearby industrial premises as there will be no overlooking, overshadowing or loss of privacy due to the positioning of the proposed windows and the boundary treatment around the site. As the proposal will not involve a material change of use from the established B2 use, there is no requirement for mitigation against potential noise or other environmental matters. The proposed car parking provision is considered on balance, to be a pragmatic proposal to accommodate car parking at the maximum requirement under the SPD, which is also at a level that would achieve off street car parking for all proposed staff. On this basis, it is considered that the proposed development is appropriate in this location and is in compliance with the relevant policies.

## RECOMMENDATION

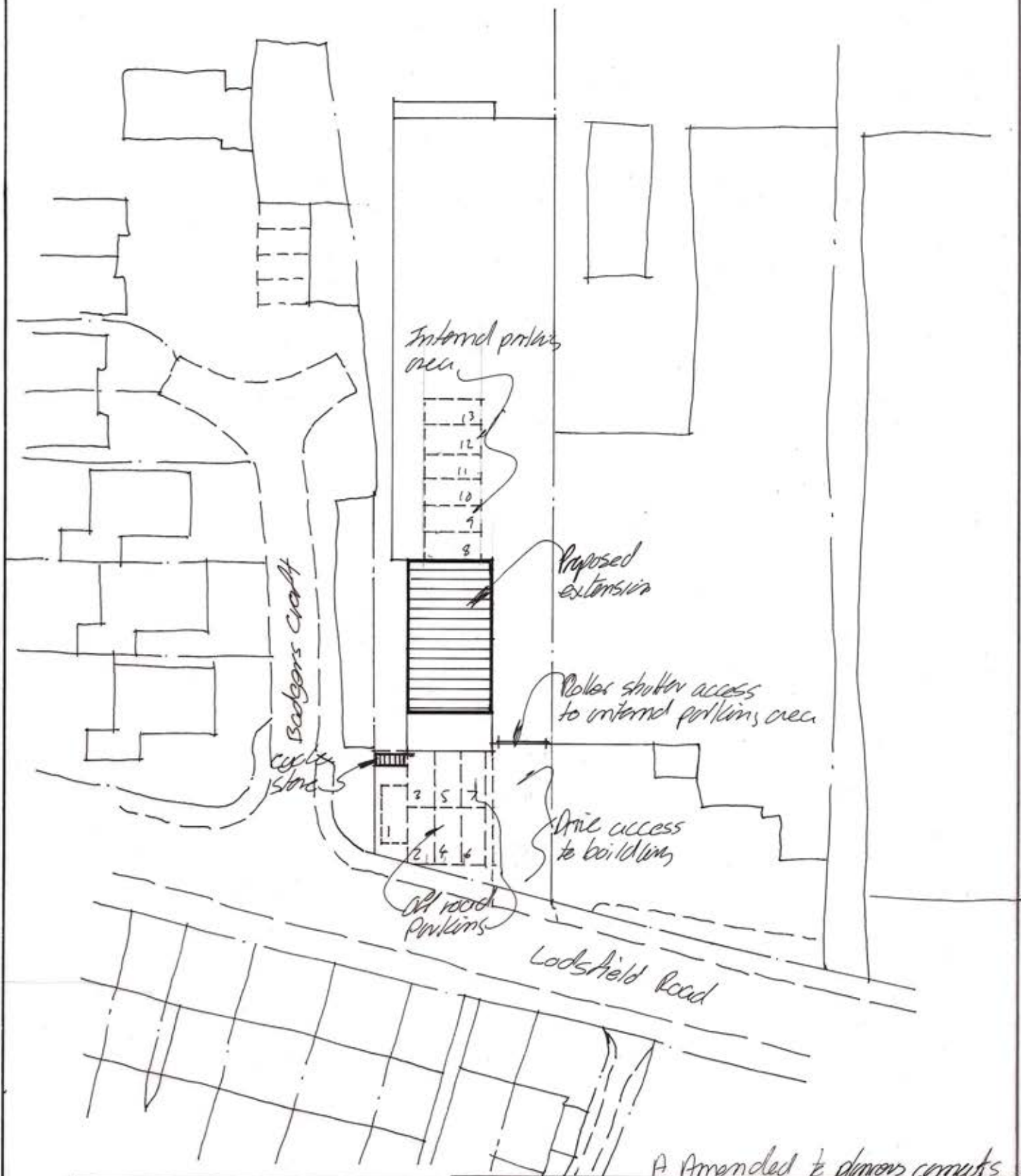
23. It is recommended that the application is APPROVED subject to the following conditions:

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. The development hereby permitted shall be carried out in accordance with the following approved plans: [Location Plan, SH/14/100B, Block Plan Rev A]
3. The building shall not be occupied until the area shown for car parking/loading and unloading/manoeuvring on the plan numbered [Block Plan, Rev A] has been graded, levelled, surfaced, drained and marked out in accordance with the agreed scheme and that area shall not thereafter be used for any other purpose unless otherwise agreed in writing with the Local Planning Authority.
4. The building shall not be occupied until secure cycle parking and shower facilities are installed in accordance with approved plan [Block Plan Rev A] and the Authority's Parking Standards SPD. The cycle parking shall thereafter be made available at all times and be maintained for the life of the development.





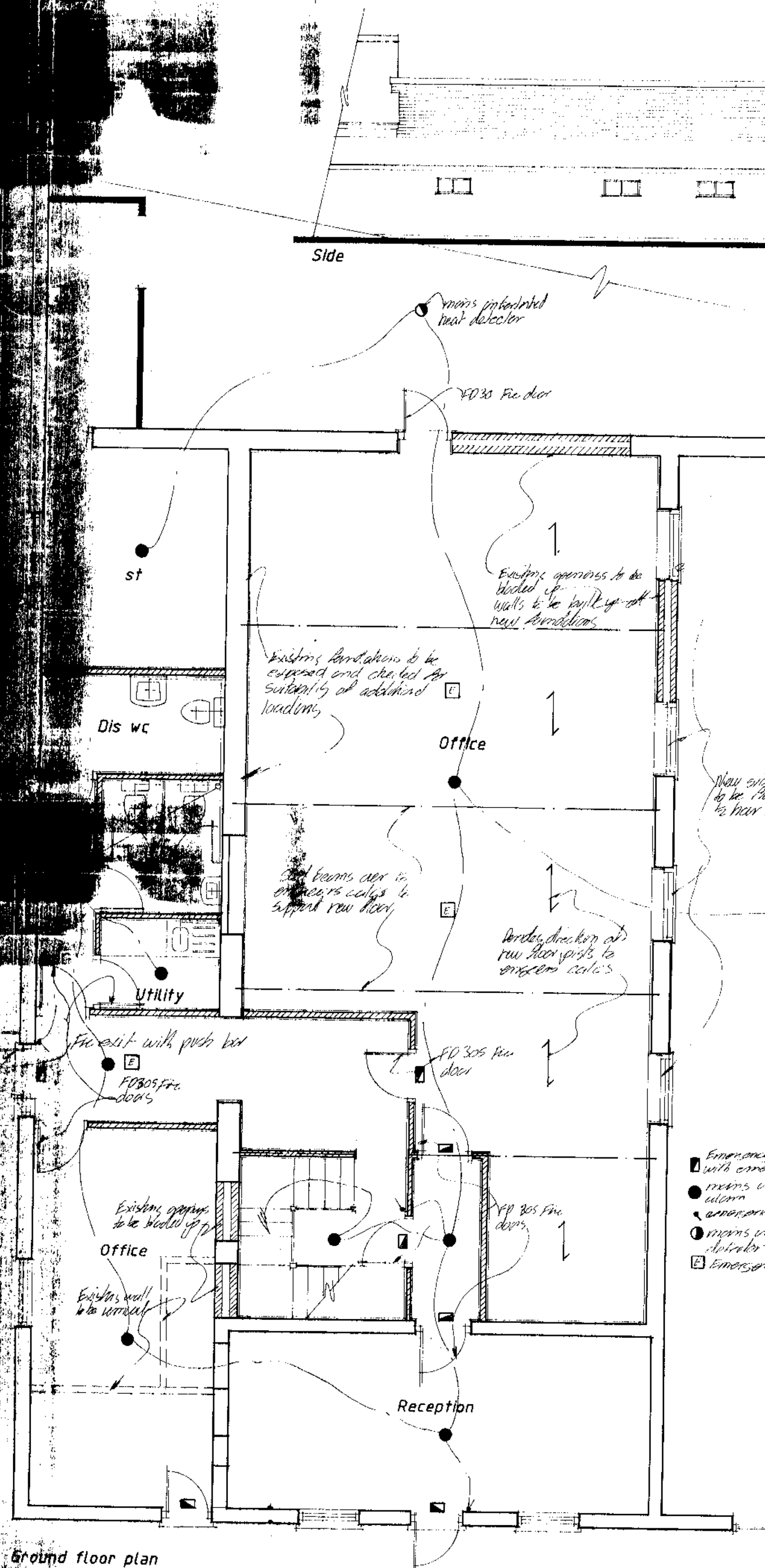


*A Amended to previous comments 3/16*

**Oakham**  
**D E S I G N**  
**ARCHITECTURAL SERVICES**  
 CLEE VIEW BARN, EDGEHILL DRIVE, NORTHWAY,  
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JOB TITLE 64-65 Lodsfield Rd. Halesowen		DRAWING TITLE Block Plan	
ORIGIN 1:500	DATE Feb 2015 A	JOB NO	DRAWING NO





Ground floor plan

#### Rainwater Goods

100 mm half round rainwater gutter to discharge into new 68 mm down pipes as indicated on plan, to discharge into existing drains or soakaways min 5m from dwelling.

#### Windows

All new windows to be double glazed to have vertical and horizontal reveals closed with 100 mm Thermabate cavity closer (or similar). Safety glass to be provided to doors, adjoining windows and roof lights (glazing up to 1500mm above FH) in door panel to BS: 6206:1981. All new windows to comply with part L of the building regulations 2010. Upvc doors and windows to have double glazed units to be 6mm Pilkington Optifloat outer 16mm cavity to be Argon filled with Pilkington K 6mm inner to provide min u-value not to exceed 1.6 w/m<sup>2</sup> C.

#### Main Roof

RubberBond fleeceBack EPDM welded membrane roof finish or similar laid in accordance with manufacturer's instructions on 60mm Kingspan flat roof insulation Kooltherm K11 with 75mm Kingspan packer board to provide min u-value of 0.18W/m<sup>2</sup> K in accordance with manufacturer's details on vapour control layer on 18mm plywood decking on diminishing strips laid to fall min 1:40, on 50x170mm C16 grade timber flat roof joists at max 600mm cts with steel beams at max 3.5m cts to engineer's calc's. Gable steel straps at max 2m cts at ceiling level to hold down 75x100mm timber wallplate in accordance with BS 5268 part 3 1985.

#### Fire Requirements

12.5mm fireline board (2 layers of 12.5mm plasterboard) to structural steel work to provide 1/2 hour fire resistance. Mains operated smoke alarms to be provided at ground floor level to be interlinked as indicated on plan and connected to existing fire alarm system to be grade A Category 1132 in accordance with BS 5839-6:2004. Emergency lighting and exit signs to be installed as indicated on plans. Side facing windows to loading bay at ground floor level to provide 1/2 hour fire resistance and be fixed none opening.

#### Electrical

Light switches to be at a height no more than 1350mm, socket outlet to be min 450mm above finish floor level. Energy efficient lighting to be fitted to min 3 number rooms, outlet that only take lamps having a luminous efficiency greater than 40 lumens per circuit-watt. The new electrical installation is to be tested in accordance with IET wiring regulations and part P of the building regulation. A certificate of safety for the electrical installation is to be provided to building control.

#### Ventilation

Mechanical ventilation to be provided, wc and utility area to have extract fan to provide 15l/s ventilation with 15 minute over run to work in conjunction with light switch. All extractors to terminate at external air and to be fitted with condensation traps. Rapid ventilation to be provided to 1/20th of the floor area. Trickle ventilators to be fitted to windows to provide min 8000mm<sup>2</sup> background ventilation for habitable rooms, and to provide 4000mm<sup>2</sup> background ventilation to others.

#### Note:

All external facing materials to match existing as closely as possible. Before any work commences on site it is the builder's responsibility to visit site and check all relevant information. Party Wall Act. If the extension is close to a party wall of boundary you may be required to enter into a party wall agreement with adjoining owners. Advice should be sent from a party wall surveyor to check if you need to enter into a party wall agreement.

#### Access specification

##### Ramp

The ramp surface to be slip resistant, especially when wet. The surface of the ramp should contrast visually with the landings so that its presence is distinguishable by visually impaired people. A minimum up stand of 100mm is required on the edge/open side of the ramp to prevent wheelchair users from falling. The up stand to contrast visually with the surface of the ramp/landing.

##### Handrails

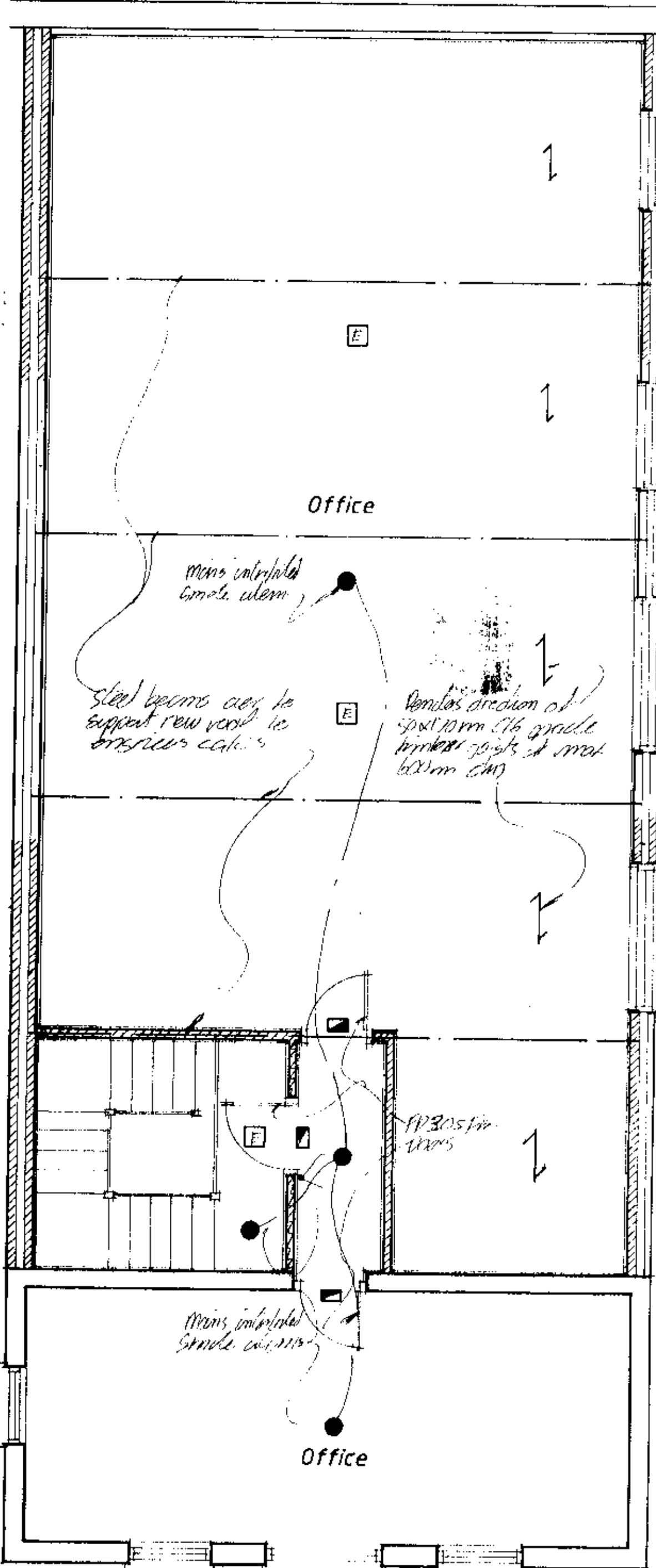
Handrail to be provided both sides of ramp (for people with weakness on one or both sides) ensuring that not less than 1500mm width is provided between handrails. The handrails should contrast visually against its background and not be cold to the touch. Handrails to extend at least 300mm horizontally at the bottom of the ramp.

##### Steps

Step approach max. rise of each step should be between 150mm and 170mm. Each step nosing to be made apparent by using a permanently colour contrasting material 55mm wide on the tread and the riser, to help people with a visual impairment identify individual steps and the size of the stair. To give advance warning of a flight of steps for people with a visual impairment a 'corduroy' hazard warning surface should be provided at the top and bottom of the flight in accordance with the Access for All SPD.

##### Entrance Door

Entrance doors to provide for a minimum clear opening width of 800mm to allow wheelchair users access for at least one leaf. To ensure people can easily access the doors, the opening force of the leading edge should be no greater than 30N.



First floor plan

100mm gap between rain water gutter

50x170 C16 grade timber roof joists at max 600mm cts

22mm T+G floor boards on joists floor joists to engineers calc's

100mm insulation girth kind between floor joists with 10.5mm floor boards to U/S

#### Section

##### Foundations

Building area to be stripped of all vegetable soil and existing concrete works. New 600x600mm trench fill foundations to be taken down to the same depth, to the satisfaction of local Building control.

##### Drainage

All drains to be in accordance with CP801 and BS5592. Concrete lintel over drains passing through walls. Drains passing under floor to be encased in 150mm of granular fill. Drainage from WC to discharge into new 110 mm upvc SVP's, to have access hatch at floor level for rodding to terminate at external air through roof tile vent, to discharge to existing foul drain, 32mm diam waste pipe with 50mm deep trap to basins and shower. 100mm diam waste pipe from wc with 75mm deep trap, to BSC P.305.

##### Damp Proofing

1200g polythene D.P.M. with joints taped and taped dressed and sealed around pipes, dressed under d.p.c. to BS 743, d.p.c. at min height of 150 mm above ground level to all loadbearing walls. Window and door reveals to be closed horizontally and vertically by 100 mm Thermabate cavity closers (or similar) cavity trays to be provided over all openings with weep holes at 450 mm cts.

##### Ground Floor

75mm sand/cement screed on 100mm loadbearing celotex floor insulation or similar to be returned up perimeter of external wall to prevent cold bridging on 1200g polythene D.P.M. on existing concrete floor slabs. All brickwork below d.p.c. to be class B semi engineering bricks laid to manufacturer's latest instructions.

##### External Walls

300 mm cavity wall construction, 100 mm brickwork outer leaf to match existing, 100 mm cavity with stainless steel double twist wall ties (250mm horizontal cts 450mm vertical cts) and to have 100mm rockwool insulation batts (or similar to fill cavity), inner leaf 100mm lightweight concrete blockwork, Celcon or similar, plaster finish to inner side, total u-value not to exceed 0.28 w/m<sup>2</sup> C. Where new cavity wall and existing meet, cantilever stronghold wall connector to be used (to manufacturer's details). Where walls meet cavity is to be continuous.

##### Lintels

Galvanized steel combined lintels (cantilever or similar) insulated along full length to prevent cold bridging, min 150 mm end bearing. New steel beam to have 1 layers of 12.5 mm Fireline board and skin to provide 1 hour fire resistance, to be supported on concrete padstones to engineer's details.

##### New Staircase

Staircase min going 250mm, rise between 150mm-170mm. Min 2m headroom to be provided full length of staircase, handrail to both sides of stair max 900mm above step level and 1000mm above finish floor level at landing level, with balustrade at max 99mm cts to stairs and landing. Each step nosing to be made apparent by using a permanently colour contrasting material 55mm wide on the tread and the riser, to help people with a visual impairment identify individual steps and the size of the stair.

B. Approved to building control standards  
P. Details specified

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JOB TITLE  
**64-65 Lodgefield Road  
Halesowen  
B68 8AR**

27.10.2015

SCALE: **1:50 ~ 1:100** DATE: **June 2014**

DRAWING TITLE  
**Proposed first floor extension  
to form office and wc at  
ground floor**

JOB NO. **SH/14/1008** DRAWING NO.

## PLANNING APPLICATION NUMBER: P15/0160

Type of approval sought	Full Planning Permission
Ward	Halesowen North
Applicant	Malcolm Shelley, Heedgrove Limited
Location:	<b>STREETBIKE, MUCKLOW HILL, HALESOWEN, B62 8BW</b>
Proposal	<b>VARIATION OF CONDITION 6 OF PLANNING APPROVAL P14/1582 TO BE REVISED TO 'THE PREMISES KNOWN AS RETAIL AREA 2 ON PLAN NUMBER '13-1374/08L' SHALL NOT BE OPEN TO THE PUBLIC BEFORE THE HOURS OF 0700 NOR AFTER 2300 MONDAY TO SUNDAYS AND PUBLIC HOLIDAYS' (TEMPORARY UNTIL 31 MARCH 2016)</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

### SITE AND SURROUNDINGS

- 1 The application site is a distinctive 1950s two storey building which is positioned on the corner of Mucklow Hill and Long Lane. The property was purpose built as a garage and previously operated as a motorbike sales and servicing centre. The site now stands vacant. The site area is 0.3ha and the property features an access from Long Lane on the eastern side which leads to a large area of hard-standing for parking to the north of the property. The building features a side addition on the northern side. The building is listed on the Council's Sites and Monuments Record.
  
- 2 The site is located within a fairly mixed use area with many residential and commercial properties nearby. No. 202 Long Lane and Nos. 1 and 2 Greenhill Road (residential properties) abut the northern side of the site. Abutting the Western boundary are No. 3 Greenhill Road and Nos. 6 and 8 Mucklow Hill. Across the highway to the east are Nos. 185 – 188A Long Lane and Flat 1 Halesowen Road. The Stag and Horseshoes public house is on the opposite side of the highway and is also featured on the Council's Sites and Monuments Record.

- 3 The site is located within The Stag Local Centre and on a prominent corner location between Mucklow Hill and Long Lane. The highway to the front is part of the Strategic Highway Network and a bus route. The ground level does lower towards the north of the site.

## PROPOSAL

- 4 This application seeks to vary condition 6 of planning permission P14/1582 from *'The premises known as retail area 2 on plan number '13-1374/08L' shall not be open to the public before the hours of 0700 nor after 2300 Monday to Saturdays or before 0900 or after 1800 on Sundays and Public Holidays'* to *'The premises known as retail area 2 on plan number '13-1374/08L' shall not be open to the public before the hours of 0700 nor after 2300 Monday to Sundays and Public Holidays'*
- 5 The application is submitted with a planning statement (which advises WM Morrison would be operator of the unit) and a noise assessment.
- 6 Planning application P14/1582 was granted in December 2014 and involved a change of use to A1 retail, together with extensions and other alterations to the building.

## HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
P14/0553	Change of Use to A1 and A5 use. Two storey side extension with new access stair and lift, first floor extension, blocking up of windows, doors and roller shutters. Associated works to car park.	Withdrawn	06-Aug-2014
P14/1582	Change of use to A1 (retail). Two storey side extension with	Granted	23-Dec-2014

	new access stair and lift, first floor extension, blocking up of windows, doors and roller shutters and provision of new shop front windows to side elevation. Associated works to car park (resubmission of withdrawn application P14/0553)		
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## PUBLIC CONSULTATION

- 7 One letter of objection received, following consultation with 33 adjoining neighbours.  
Main issues raised:

- Site is adjoined by houses
- Extended hours would impact on amenity from noise, comings and goings associated with the proposed unit.

## OTHER CONSULTATION

- 8 Group Engineer (Highways): No objection
- 9 Head of Environmental Health and Trading Standards: Request temporary permission for 12 months to enable situation to be assessed.

## RELEVANT PLANNING POLICY

- National Planning Guidance  
National Planning Policy Framework (2012)  
Planning Practice Guidance (2014)
- Black Country Core Strategy (2011)  
CEN5 District Centres and Local Centres  
TRAN2 Managing Transport Impacts of New Development

## ENV 2 Historic Character and Local Distinctiveness

- Unitary Development Plan (2005) (Saved Policies)
  - DD1 Urban Design
  - DD3 Design of Retail Development
  - DD4 Development in Residential Areas
  - HE5 Buildings of Local Historic Importance
  - EP7 Noise Pollution
- Supplementary Planning Guidance/Documents
  - Affordable Housing Supplementary Planning Document
  - Parking Standards Supplementary Planning Document (2012)
  - PGN4. Retail development

## ASSESSMENT

- 10 The main issues are
- Neighbour Amenity
  - Access and Parking
  - Design

### Neighbour Amenity

- 11 The application site is located within a fairly residential area with houses abutting the northern and western boundaries. There are also dwellings in fairly close proximity to the east and south.
- 12 The last use of the site was a quasi retail use with daytime opening hours, including Sundays. The proposed retail use which was approved in December 2014, was considered to be an intensification of the use of the site and given the proximity of nearby residents to the site, there were concerns that noise from activities at the site could adversely affect the amenities of residents.

- 13 It was considered that the proposals for A1 retail use are appropriate given the site is located on a busy junction with high levels of road traffic noise and other commercial uses nearby, including a public house. It was therefore considered that the proposals would be generally in keeping with surrounding uses and activity levels and that residential amenity can be protected through appropriate restrictions on hours of operation and deliveries to control noise from the site, and one of the conditions imposed (No. 6) sought to restrict weekday opening times to Monday to Saturday to 0700 to 2300hrs and Sundays and Bank Holidays to 0900 to 1800hrs.
- 14 The applicant advises seeking to vary condition 6 that the restrictions regarding the Sundays and Bank Holiday times would not be in line with WM Morrison's '*M Local*' convenience store business model, which '*seeks to provide their fresh food stores over extended shopping hours*'.
- 15 In supporting the application the applicants note that there are a number of close by uses which operate late on Sunday evenings including fast food takeaways, a public house and the Centre Point convenience store which almost opposite the site on Long Lane. They also make reference to other activity and road noise within the area.
- 16 The Head of Environmental Health and Trading Standards advises that the assessment of the opening hours in this location on the original application was based on a subjective assessment of the considered likely impact, additional noise associated with the store opening would have on nearby residents; this includes impact type noise from sources such as car doors slamming, car engines, people talking/shouting etc, which are more likely to disturb residents during quieter early morning and late evening periods.
- 17 The applicant has stated that road traffic noise will mask these impact noises; however, The Head of Environmental Health and Trading Standards considers that this will not necessarily be the case, particularly at more sensitive times when background noise levels are lower. As stated previously, The Head of Environmental Health and Trading Standards considers that the approved new retail



premises represent a significant intensification of use of the site compared to its previous use and there is potential for extended opening hours to adversely affect nearby residents due to noise.

- 18 The Head of Environmental Health and Trading Standards is of the view that if the applicant is confident as stated, that the extended opening hours will not adversely affect nearby residents, then the imposition of a temporary permission should not be a problem as there would be no reason why a permanent permission could not be granted, providing residential amenity has not been adversely affected during the temporary period.
- 19 The Head of Environmental Health and Trading Standards is concerned about allowing a permanent permission at this stage as there would be little jurisdiction to address this type of noise under alternative legislation should residents suffer noise disturbance once permission is granted. Given that the planning standard of amenity is greater than that which is imposed under statutory nuisance legislation a higher level of protection would be afforded to residents through planning conditions than could be provided by statutory nuisance legislation, which can also be the subject of appeal, has a statutory defense to negotiate and is generally not particularly effective for noise types such as those raised and which are to be controlled in this instance.
- 20 Therefore the Head of Environmental Health and Trading Standards is of the opinion that a 12 month temporary permission for extended opening on Sundays and Public Holidays is the most reasonable arrangement in this situation until the use is operational and the impact on residents has been fully assessed through monitoring the operation of the proposed use.

#### Access and Parking

- 21 The Group Engineer (Highways) does not consider that the proposed additional opening hours would have any detrimental impact to highway safety.

## Design

- 22 The proposed additional opening hours would have no implications in terms of design or visual impact for this identified heritage asset.

## **CONCLUSION**

- 23 To allow for the impact on adjoining neighbours to be assessed, a 12 month temporary period for extended hours is considered to be appropriate. Consideration has been given to policies CEN5 District Centres and Local Centres TRAN2 Managing Transport Impacts of New Development and ENV 2 Historic Character and Local Distinctiveness of the Black Country Core Strategy and saved policies DD1 Urban Design DD3 Design of Retail Development DD4 Development in Residential Areas HE5 Buildings of Local Historic Importance and EP7 Noise Pollution of the Dudley Unitary Development Plan.

## **RECOMMENDATION**

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

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 13-1374/14B, 13-1374/05B, 13-1374/06H, 13-1374/07F, 13-1374/08L and 13-1374/11.
3. No development shall commence until details of road safety works, including improvements to pedestrian crossing facilities in the vicinity of the site, have been submitted to and approved in writing by the Local Planning Authority. Prior to first use of the development hereby approved the road safety works and pedestrian crossing facilities should be implemented in full accordance with the approved details and shall remain as approved for the life of the development.
4. Delivery vehicles to the site, whether loaded or unloaded shall only enter the site Monday to Saturday between 0700 and 0900 and between 1800 and 2100 and

on Sundays and Public Holidays only between 0900 and 1800 and at no other time for the lifetime of the development.

5. The premises known as retail area 1 on plan number '13-1374/08L' shall not be open to the public before the hours of 0700 nor after 1800 Monday to Saturdays or before 0900 or after 1800 on Sundays and Public Holidays.
6. Until 31 March 2016 the premises known as retail area 2 on plan number '13-1374/08L' shall not be open to the public before the hours of 0700 nor after 2300 Monday to Sundays and Public Holidays.

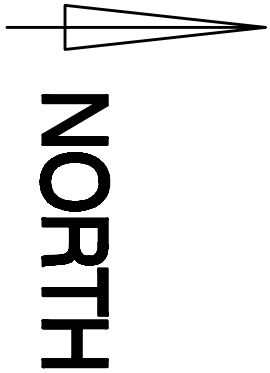
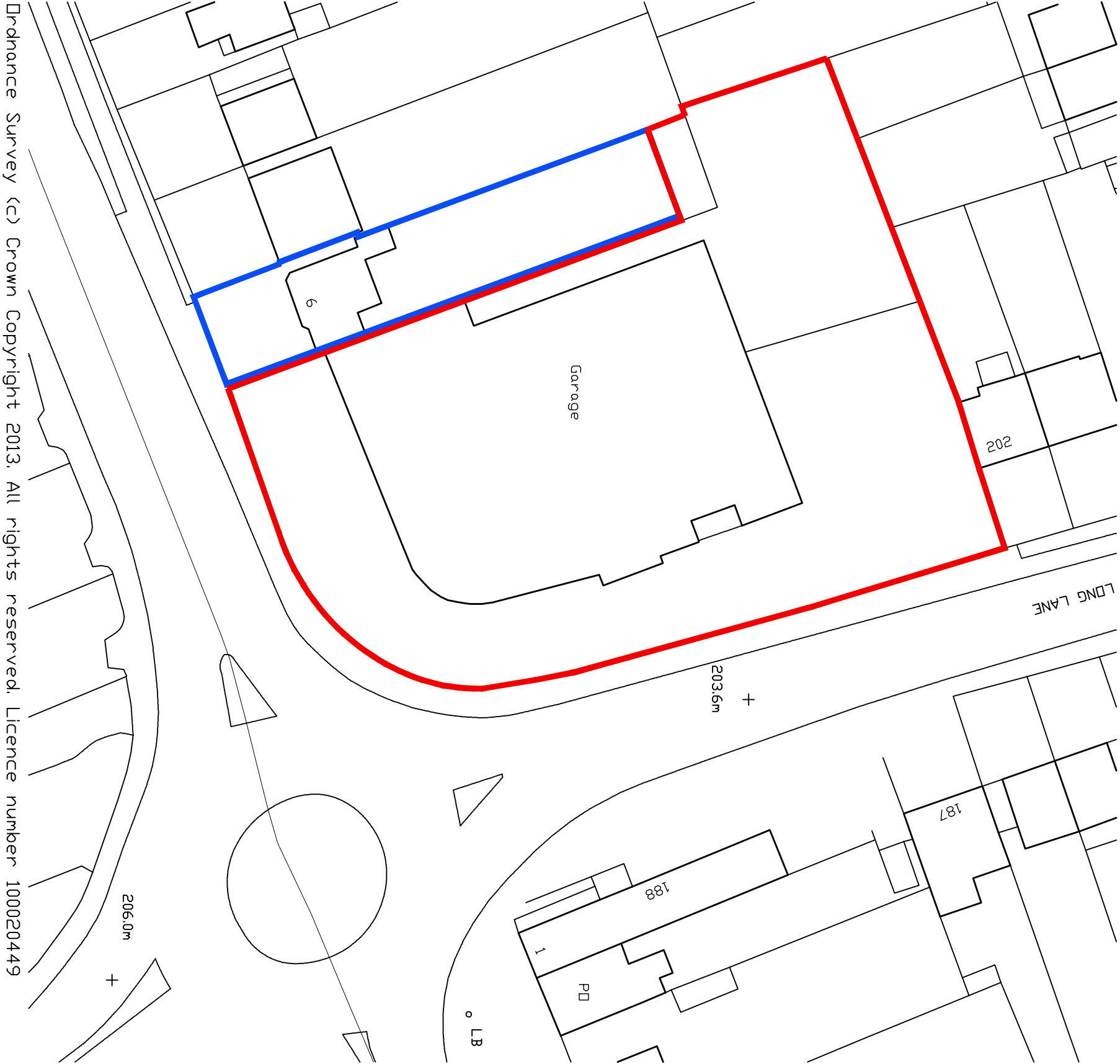
From 1 April 2016 the premises known as retail area 2 on plan number '13-1374/08L' shall not be open to the public before the hours of 0700 nor after 2300 Monday to Saturdays or before 0900 or after 1800 on Sundays and Public Holidays.

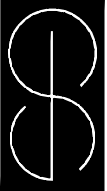
7. The premises known as retail area 3 on plan number '13-1374/08L' shall not be open to the public before the hours of 0700 nor after 2200 Monday to Saturdays or before 0900 or after 1800 on Sundays and Public Holidays.
8. No development shall commence until a scheme for a continuous acoustic barrier to be constructed along the northern boundary of the site adjacent to 202 Long Lane to a minimum height of 1.8 metres (as measured from the ground level) and minimum surface density of 10 kg/m<sup>2</sup> shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before the approved use commences. The existing 1.8 metre barrier located on the northern and western boundary of the site and the new approved barrier shall be retained throughout the life of the development.
9. The rating level of noise emitted from any fixed plant and/or machinery associated with the development shall not exceed background noise levels by more than 5dB(A) between the hours of 0700-2300 (taken as a 60 minute LA90 at the nearest noise sensitive premises) and shall not exceed the background noise level between 2300-0700 (taken as a 5 minute LA90 at the nearest noise sensitive premises). All measurements shall be made in accordance with the methodology of BS 4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.
10. Where access to the nearest noise sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest noise sensitive property. Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the Local Planning Authority.
11. Prior to the development first being brought into use details of 2 electric vehicle charging bays with electric charging points in accordance with the Council's Standards (Parking Standards SPD) shall be submitted to the Local Planning Authority and approved in writing. The details shall include signs and bay markings indicating the bays will be used for parking of electric vehicles only whilst being charged. The electric charging points and bays will be provided in accordance with the approved details prior to first use and maintained as such for the life of the development.
12. Prior to the development first being brought into use details of a one way system to ensure a left turn out only onto Mucklow Hill shall be submitted to the Local Planning Authority and approved in writing. The approved one way system shall

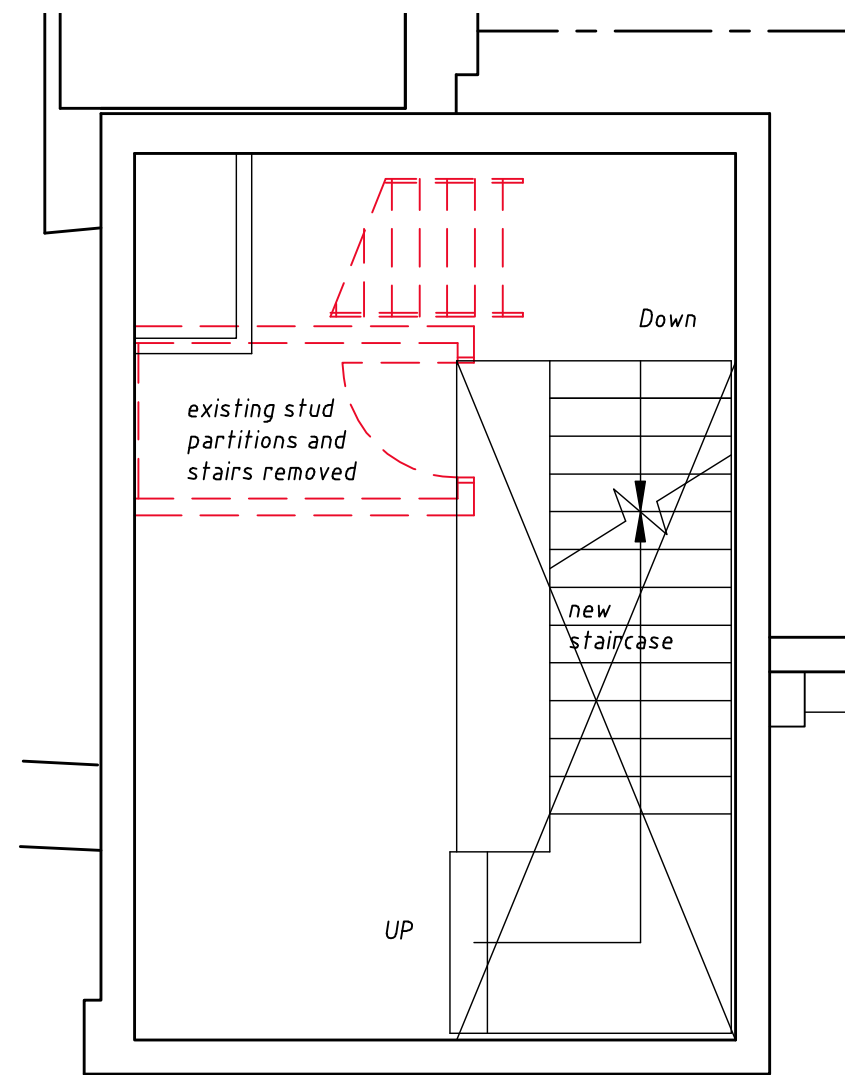
- be completed prior to the first use of the development hereby approved and shall be maintained for the life of the development.
13. Prior to the development first being brought into use details of the vehicular and pedestrian access and egress into the site shall be submitted to and approved in writing by the Local Planning Authority. The approved points of access and egress will be provided prior to the first use and maintained for the life of the development.
  14. Prior to the development first being brought into use details of internal pedestrian access routes and block paving shall be submitted to and approved in writing by the Local Planning Authority. These shall be provided in accordance with the approved details prior to first occupation and maintained for the life of the development.
  15. Prior to the first use of the development details of internal secure and undercover staff cycle storage and shower facilities shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details prior to the first use and maintained for the life of the development.
  16. Prior to the first use of the development details of the loading and unloading area with barrier control system shall be submitted to the Local Planning Authority and approved in writing. These shall be provided in accordance with the approved details prior to being brought into use and maintained for the life of the development.
  17. Prior to the first use of the development details of real time camera monitoring systems shall be submitted to the Local Planning Authority and approved in writing. These systems shall be provided in accordance with the approved details prior to the first use and maintained for the life of the development.
  18. Prior to the first use of the development details of a travel plan, including a named travel plan officer, commitment for each store to join Company Travel Wise, undertaking surveys within three months of opening and Realistic targets to promote sustainable travel modes shall be submitted to the Local Planning Authority and approved in writing. These shall be provided in accordance with the approved details prior to first occupation and maintained for the life of the development.
  19. The existing first floor areas above proposed retail areas 2 and 3 (noted as void on plan number 13-1374/07F) shall not be used at any time for any for the sale or storage of retail goods for life of the development.
  20. No development shall commence until 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.
  21. The units shall not be combined unless otherwise agreed in writing by the Local Planning Authority.
  22. The total sales area of Unit 2 will not exceed 280m<sup>2</sup> net in order to enable any operator within the C-Store sector to trade outside of the 6 hour limit imposed under the Sunday Trading Act 1994 for the life of the development unless otherwise agreed in writing by the Local Planning Authority.
  23. No development shall commence until an Economic and Community Development Statement has been submitted to and approved in writing by the

Local Planning Authority. The Statement shall address as a minimum, measures to increase the number of jobs open to local people available on the site and the development of initiatives that support activities to upskill local unemployed people of working age so as to support them into sustained employment as outlined in the Council's Planning Obligations Supplementary Planning Document. The development shall be implemented in accordance with the approved Statement and retained in accordance with the Statement for the lifetime of the development.

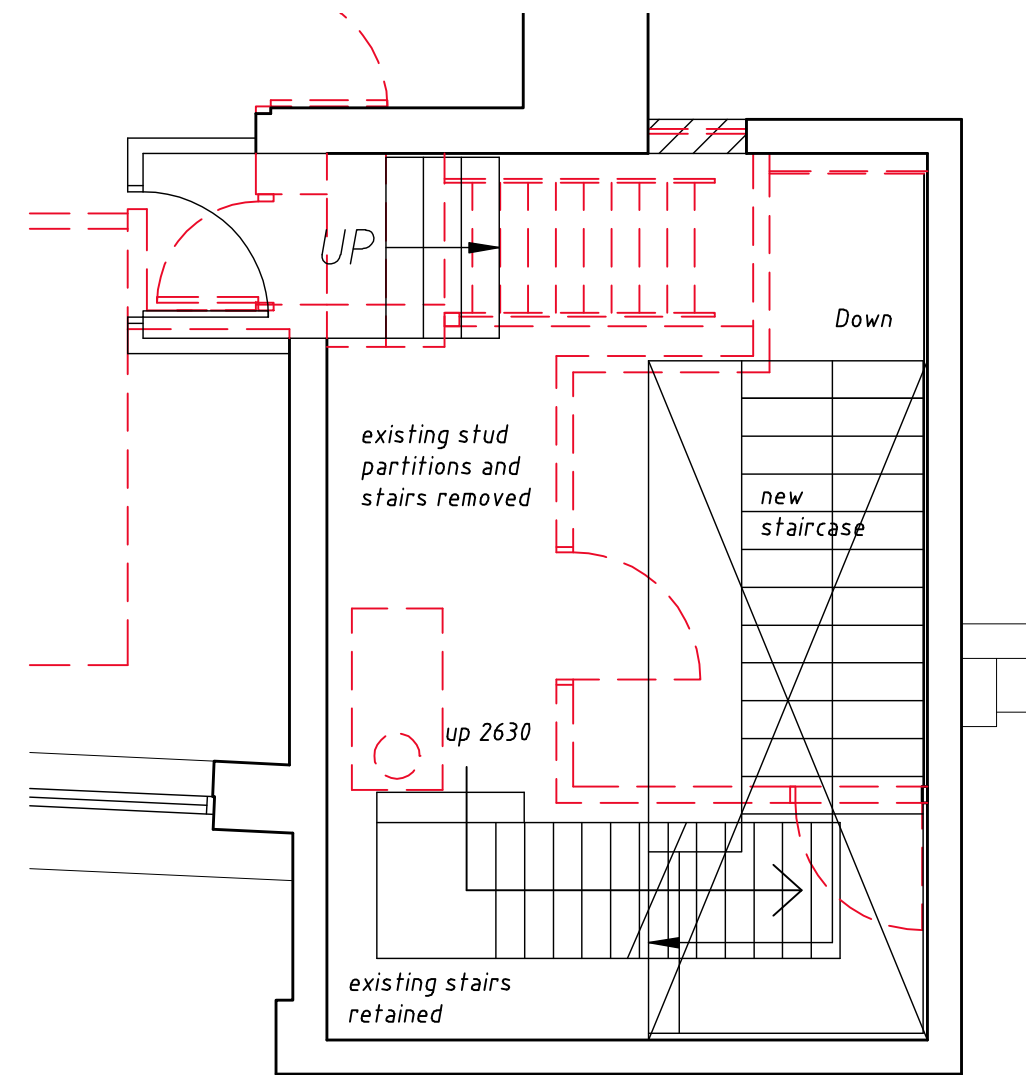
24. The first floor area above proposed retail area 1 (shown on plan number 13-1374/06H) shall not be used at any time for any for the sale of retail goods for life of the development.



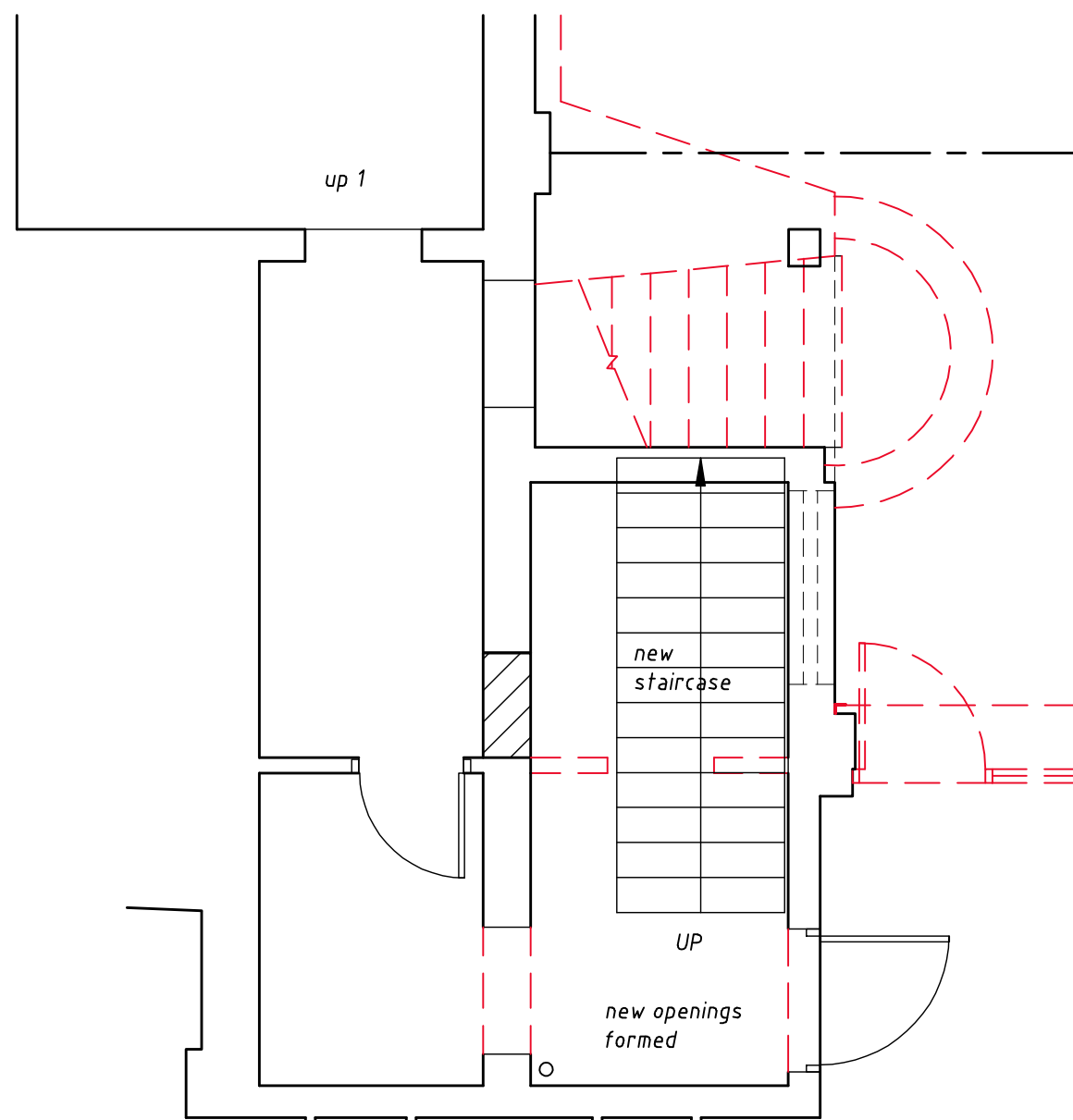
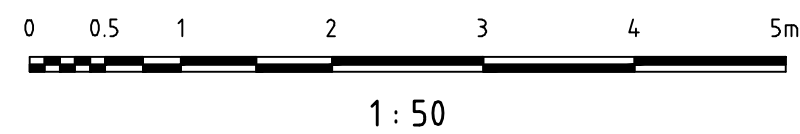
number	13-1374/L
drawn	gsh/mh
checked	GSA
date	14/03/14
scales	1:500@A3
<div><div></div><div><div>Gould Singleton Architects</div><div>Earls Way, Halesowen, West Midlands, B63 3HR</div><div>Tel: 0121 550 0359    Fax: 0121 550 8086</div><div>e-mail: <a href="mailto:postmaster@goald-singleton.co.uk">postmaster@goald-singleton.co.uk</a></div></div></div>	
<div><div>STREETBIKE</div><div>MUCKLOW HILL</div><div>HALESOWEN</div><div>B62 8BW</div></div>	
EXISTING SITE LOCATION PLAN	
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rev.	date
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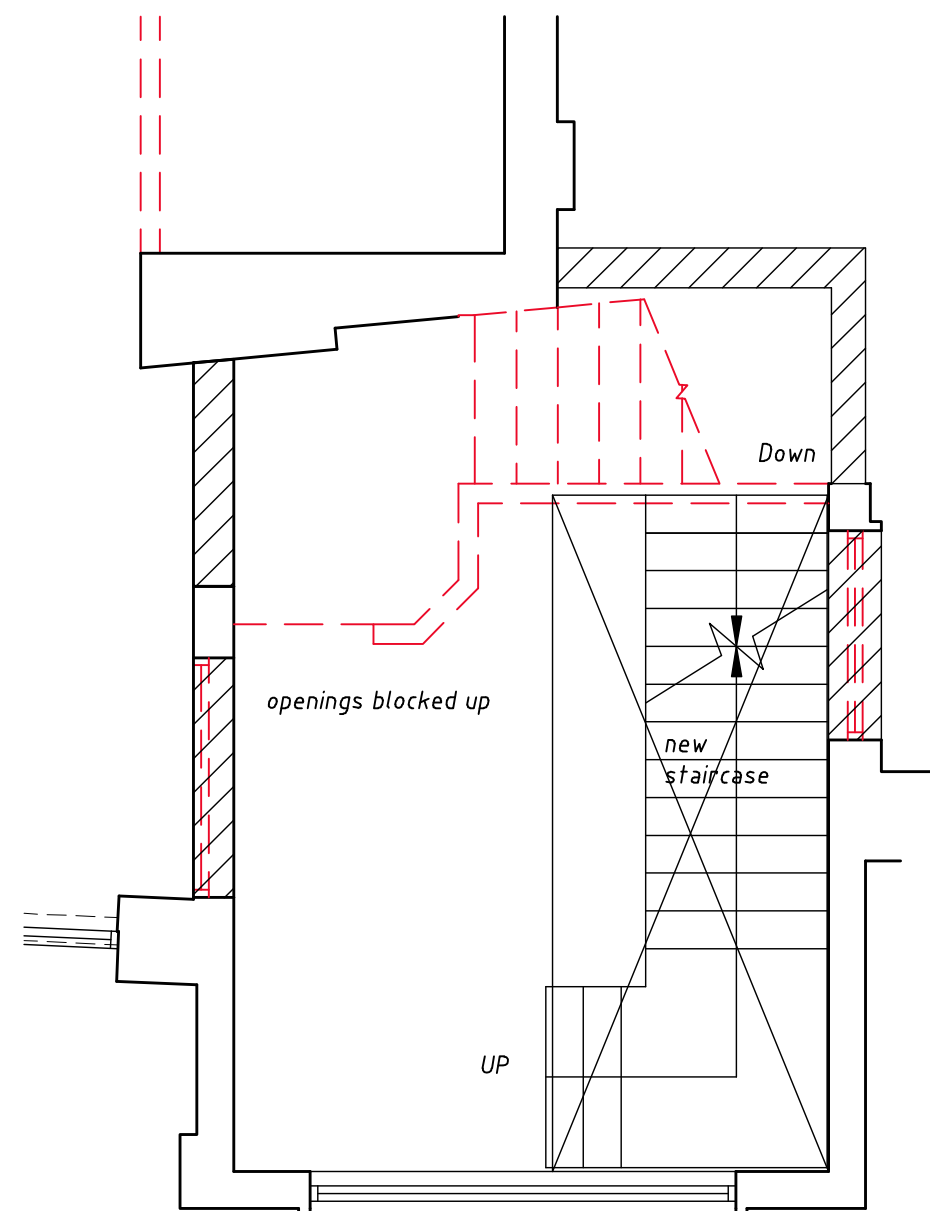
Mezzanine Floor



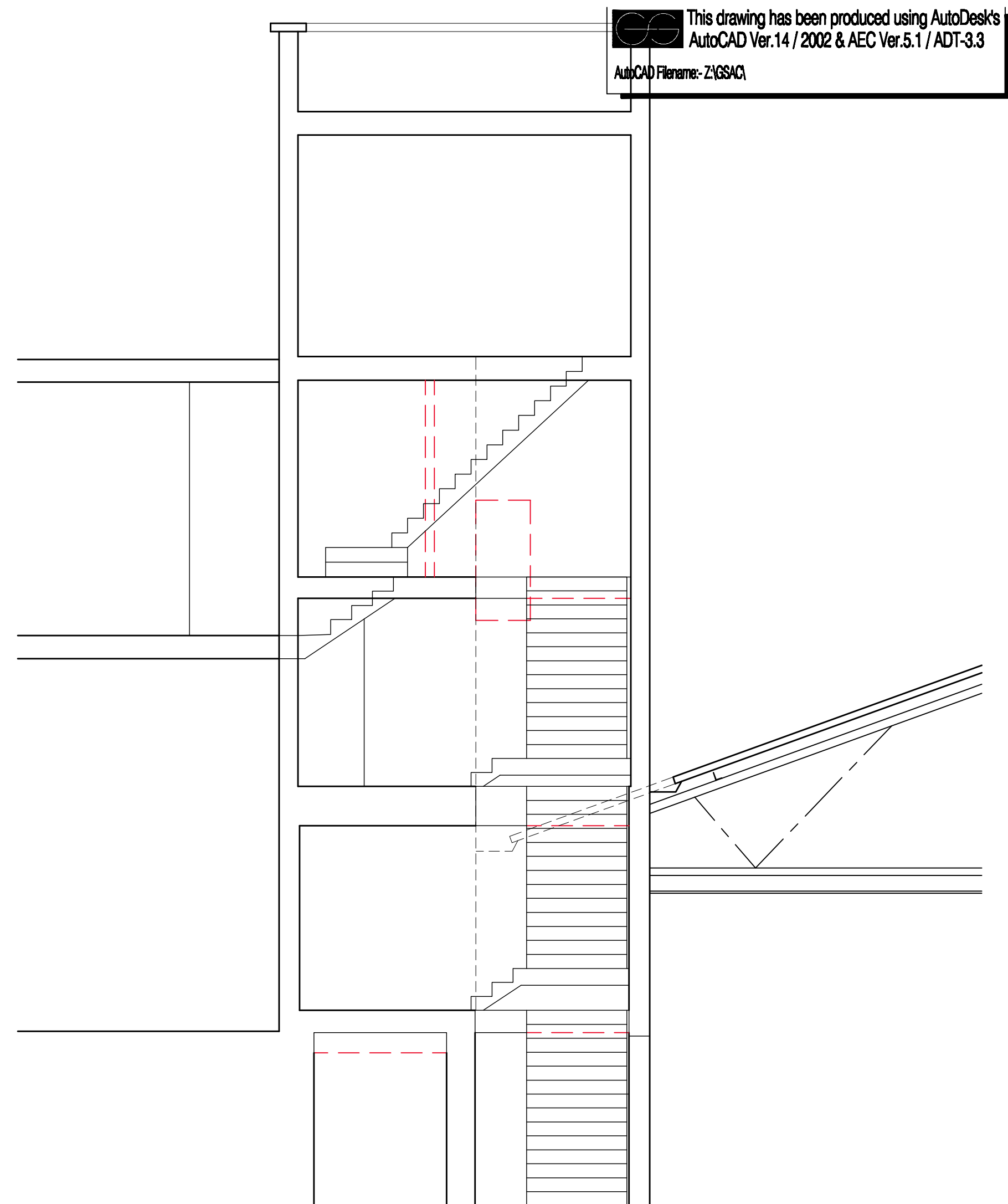
First Floor



Lower Ground Floor



Ground Floor



Cross Section

rev.	date	drawn	chk'd
1	13-1374/11	JE	GSA
2	June14		
3	1:50@A2		
4	checked		
5	13-1374/11		

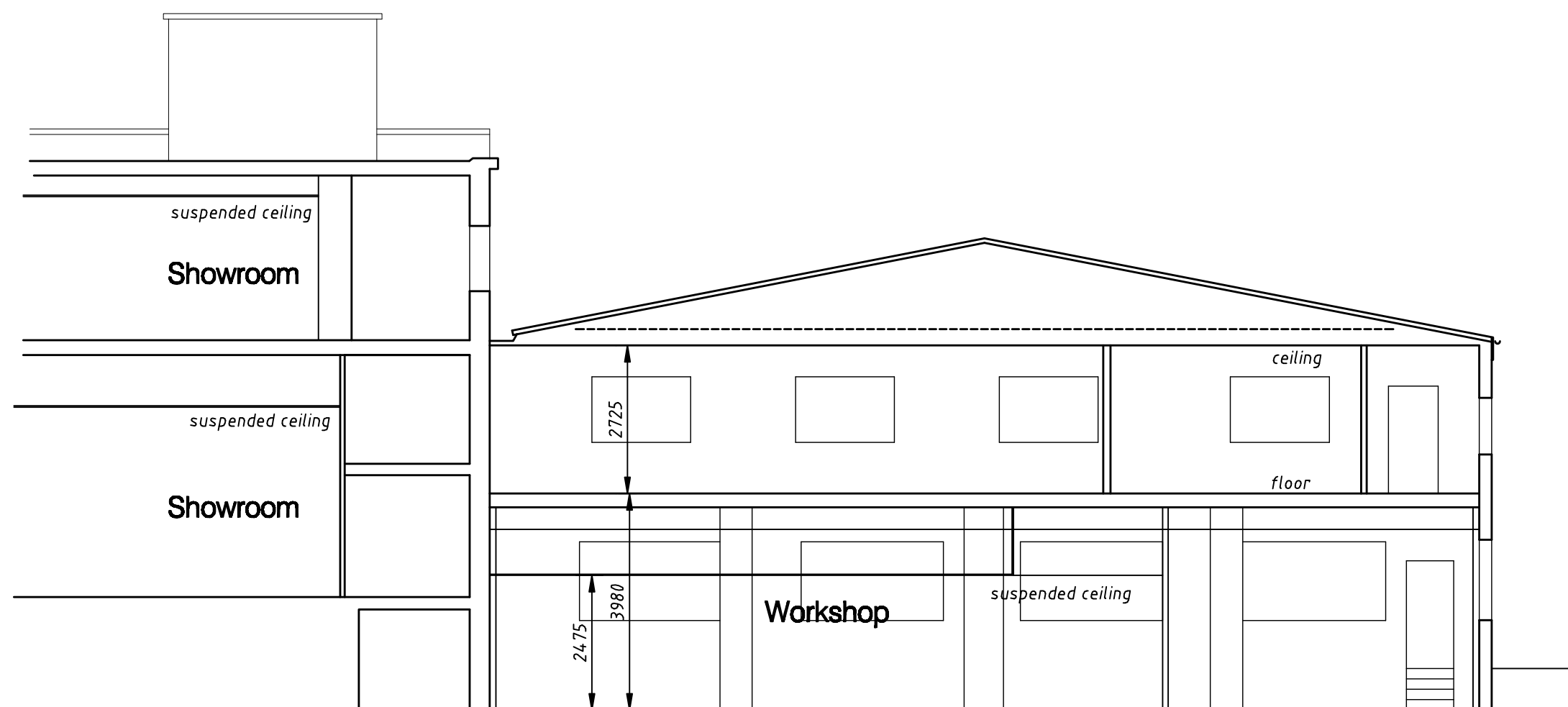
**Gould Singleton Architects**  
Earls Way, Halesowen, West Midlands, B63 3HR

Tel: 0121 550 0359 Fax: 0121 550 8088  
e-mail: postmaster@gould-singleton.co.uk

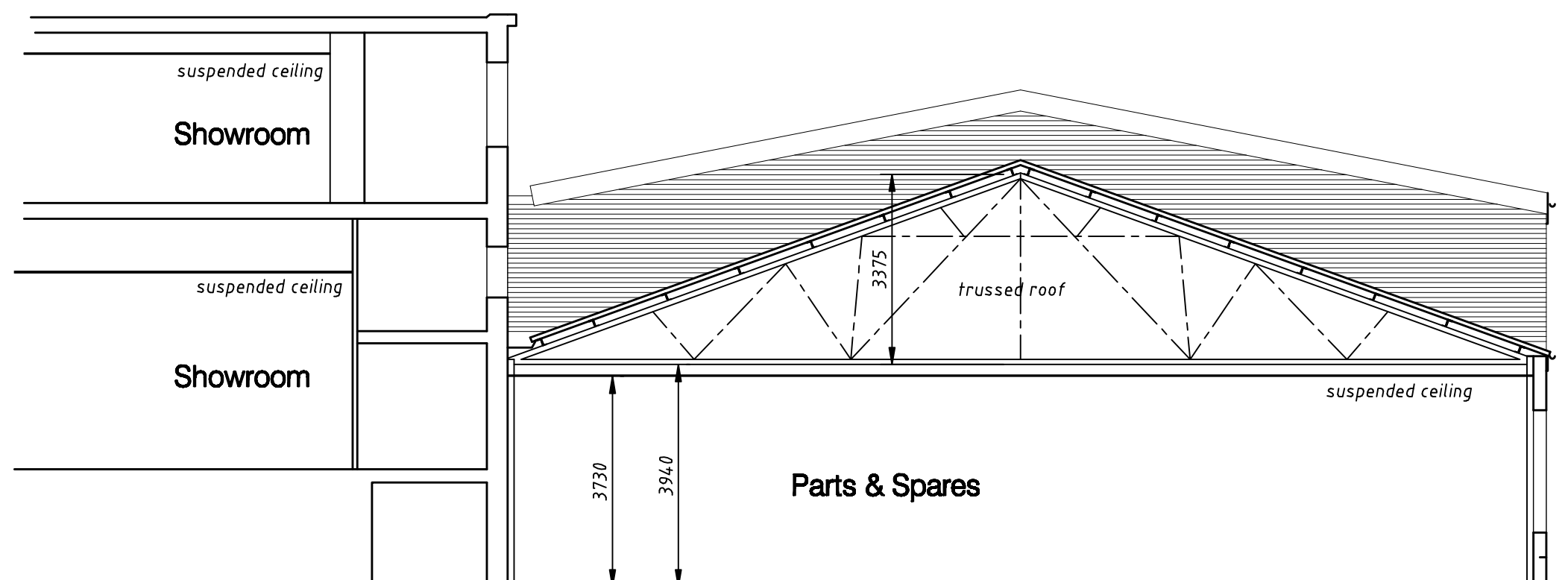
**Streetbike**  
**Mucklow Hill**  
**Halesowen**  
**B62 8BW**

**Proposed Tower Stairs**

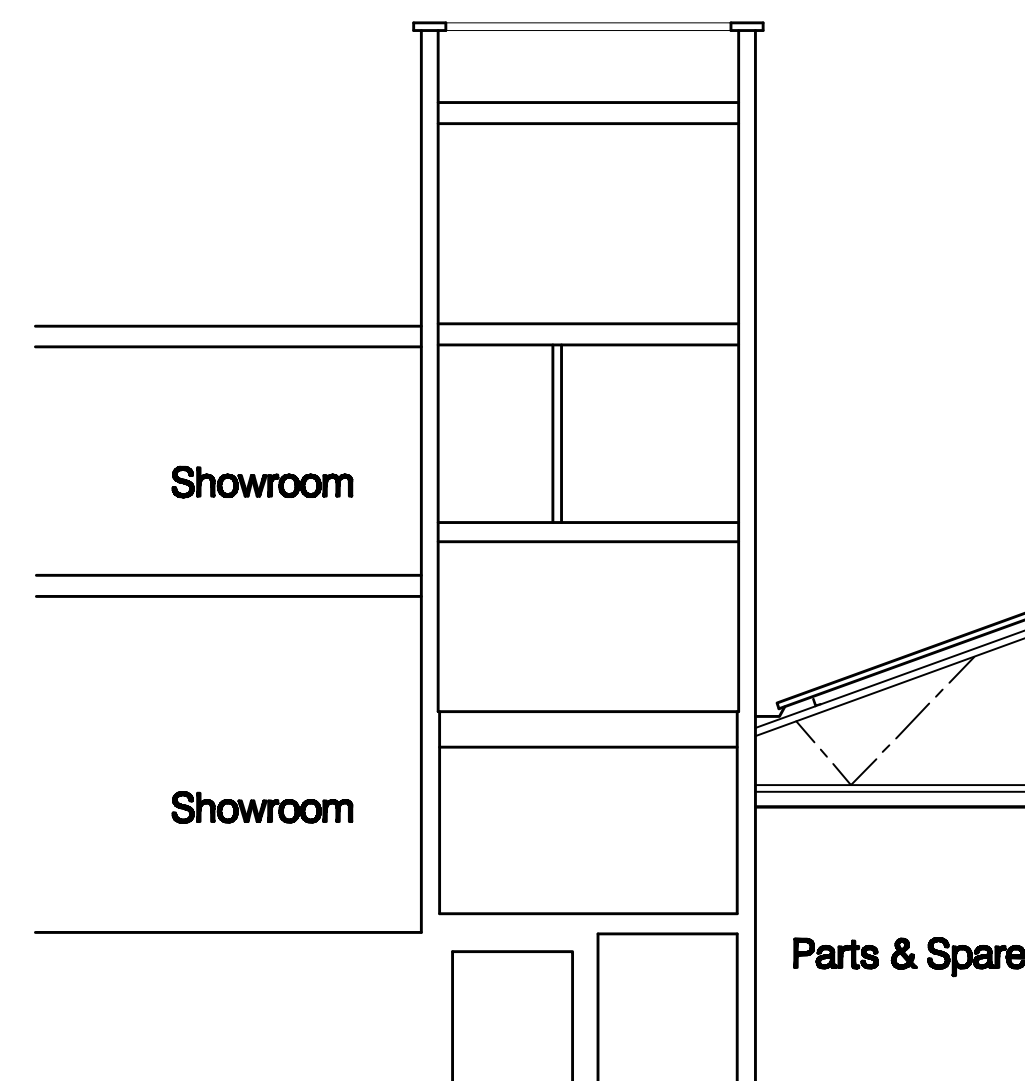
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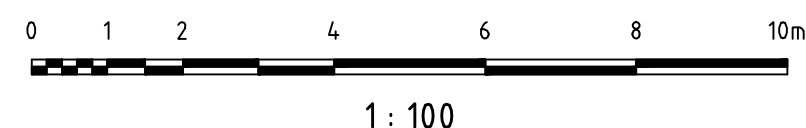
**Cross Section through rear Two Storey**



**Cross Section through Parts and Spares**



**Cross Section through Tower**



B	06.12.13	Section thro tower added, elevation omitted	TD
A	27.11.13	Additional information added.	TD
rev.	date		drawn chk'd



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 e-mail: postmaster@gould-singleton.co.uk

1:100@A2  
 Oct 13  
 TD GSA  
 13-1374/05B

**Streetbike**  
**Mucklow Hill**  
**Halesowen**  
**B62 8BW**

**Cross Sections**

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## PLANNING APPLICATION NUMBER: P15/0235

Type of approval sought	Full Planning Permission
Ward	Belle Vale
Applicant	Mr Matthew Ling, Ling Developments Limited
Location:	<b>THE RECTORY, BUNDLE HILL, HALESOWEN, B63 4AR</b>
Proposal	<b>ERECTION OF 4 NO. DWELLINGS WITH ASSOCIATED ACCESS</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

### SITE AND SURROUNDINGS

- 1 The application site forms part of the former garden area to the adjoining former rectory (located off Bundle Hill) which has now been separated from the application site. The site is defined by trees along its north eastern boundary with Richmond Street which is at least 3 metres (m) below the majority of the application site, with a retaining wall located adjacent to the footway.
  
- 2 As well as adjoining the former rectory and Richmond Street, the application site also adjoins part of High Leasowes which is short cul-de-sac serving a group of 1970s dwelling to the north west, with the former British Legion site to the south west (rear) of the site. There is much planting to this boundary with the land rising steeply.
  
- 3 The wider area is mostly residential in nature with varied house types including a number of low rise flats dating from the 1960s and 1970s.
  
- 4 Vehicular access to the site is presently shared with the adjoining former rectory from Bundle Hill.

- 5 A number of trees within the site including the ones which adjoin the Richmond Street boundary are subject of a tree preservation order.

## PROPOSAL

- 6 This is a planning application for the provision of four, three bedroom, two storey brick built detached houses within the former garden area of the former rectory. The proposed dwellings are designed with gable projection to their front elevation which incorporates a bay window. Other detailing shows the provision of a porch, a chimney, and dentil detailing to the gables.
- 7 Access to the site would be from High Leasowes, with parking provided on part of the front gardens to the proposed houses.
- 8 The dwellings would have their rear elevations (and gardens) facing towards Richmond Road.
- 9 The application is submitted with a design and access statement and an arboriculture assessment.

## HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
P10/0673	Demolition of existing dwelling and erection of 7 No. dwellings	Withdrawn	02-Jul-2010
P11/0294	Conversion of existing rectory to 2 No. dwellings and erection of 3 No. dwellings. (Resubmission of withdrawn application P10/0673)	Approved subject to conditions	30-Sep-2011
P14/1418	Erection of 4 no. dwellings	Withdrawn	03-Nov-2014

- 10 Planning permission was granted previously for the conversion of the existing dwelling into two dwellings together with three new building houses in 2011 (this development proposed access off Bundle Hill). More recently a further planning application was submitted for four dwellings, but this was withdrawn due to land ownership issues following the sale of the former rectory.

## **PUBLIC CONSULTATION**

- 11 Six letters of objection (including two from the same source) have been received, following consultation with 72 adjoining neighbours, the posting of a site notice and the publication of an advert within a local newspaper. Main issues raised:
- Access from High Leasowes is unsuitable (i.e. gradient, width)
  - Access should be from Bundle Hill
  - Increased traffic and resulting noise and disturbance
  - High Leasowes becomes dangerous in snowy conditions
  - Disruption during construction process
  - Impact and loss of trees (including healthy trees)
  - Impact to wildlife
  - Concerns about through pedestrian access linking to Bundle Hill
  - Loss of privacy/security
  - Should be starter homes
- 12 Three letters of support received, advising that access from High Leasowes is more appropriate and/or design is of high quality.

## **OTHER CONSULTATION**

- 13 Group Engineer (Highways): No objection, subject to conditions.
- 14 Head of Environmental Health and Trading Standards: No objection
- 15 Head of Planning (Land Team): No objection
- 16 West Midlands Police: General crime reduction advice

## RELEVANT PLANNING POLICY

- National Planning Guidance  
National Planning Policy Framework (2012)  
Planning Practice Guidance (2014)
- Black Country Core Strategy (2011)  
HOU1 Delivering Sustainable Housing Growth  
HOU2 Housing Density, Type and Accessibility  
TRAN2 Managing Transport Impacts of New Development  
ENV 2 Historic Character and Local Distinctiveness
- Unitary Development Plan (2005) (Saved Policies)  
DD1 Urban Design  
DD4 Development in Residential Areas  
NC9 Mature Trees  
NC10 The Urban Forest  
HE4 Conservation Areas  
HE5 Buildings of Local Historic Importance  
HE6 Listed Buildings
- Supplementary Planning Guidance/Documents  
Design for Community Safety Supplementary Planning Guidance  
Historic Environment Supplementary Planning Document  
New Housing Development Supplementary Planning Document  
Parking Standards Supplementary Planning Document (2012)  
PGN 12. The 45 degree code

## ASSESSMENT

17 The main issues are

- Principle
- Design

- Neighbour Amenity
- Occupier Amenity
- Access and Parking
- Trees
- National Homes Bonus

#### Principle

- 18 As started above planning permission has previously been granted for three dwellings in 2011, and such the principle of residential development at the site is considered to be acceptable in that there have been no significant changes in policy or other circumstances since that application was granted planning permission.

#### Design

- 19 The proposed layout consists of four detached houses facing onto to a proposed new roadway. In terms of the relationship with the proposed road and the existing character of the area the proposed site layout is considered acceptable. Moreover, the layout of houses is similar to that previously proposed at the site.
- 20 In terms of the design of the proposed dwellings this is considered to be acceptable with traditional detailing including chimneys, a forward gable and bay windows.

#### Neighbour Amenity

- 21 The closest dwellings to the site include the former rectory which immediately adjoins the site, No. 1 High Leasowes and flats on the other side of Richmond Street.
- 22 The former rectory immediately adjoins the site and plot 4, would be the closest dwelling. In terms of privacy there are no concerns of overlooking in that the there are no windows proposed to the side elevation of the plot.

- 23 In terms of light and outlook there are no significant concerns in that the habitable room windows on the rear wing to the former rectory face onto the garden of that property, and those that face towards plot 4 are at first floor level and would be at 13.5m, which is considered to be an acceptable distance.
- 24 With regard to No. 1 High Leasowes, the proposed development is not considered to cause any harm in that the plot 1 and would have no windows to its side elevation which could lead to any loss of privacy.
- 25 In terms of the relationship with Richmond Street the majority of the site either looks towards the side elevation of flats which face toward Islington. Plot 4 would look towards some of the flats which face onto Richmond Street; however, this would be at some 30m distance and towards the public front elevation of the flats. This is further mitigated by protected boundary trees and trees which are located between the developments. As such the relationship is considered to be acceptable as there is a similar relationship as the former rectory, whilst additionally, planning permission has been previously been granted for housing in this location.

#### Occupier Amenity

- 26 The area is generally residential in character and such there are no external noise sources which could cause harm to amenity.
- 27 In terms of the garden length, the proposed rear gardens would have a length of around 14m. This is in excess of the minimum garden length of 11m required by Appendix A of the New Housing Development Supplementary Planning Document.
- 28 Whilst the rear gardens would bound Richmond Street, the provision of appropriate fencing, together the retention of the protected trees would ensure that adequate privacy can be maintained to this area. Moreover, this area has historically formed part of the garden of the former rectory which is also a significant consideration.

### Access and Parking

- 29 The proposed access to the site for this application would be from High Leasowes, rather than Bundle Hill as previously proposed. The reason for this change relates to land ownership issues as the former rectory is now in separate ownership and the former planning approval had difficulties in securing appropriate access visibility improvements without relocation of a significant section of historic boundary wall.
- 30 In terms of the revised access the Group Engineer (Highways) is satisfied that the safe and convenient access and egress arrangements serving the site can be maintained and that the proposed development would have no detriment to highway safety.
- 31 In terms of the car parking (2 spaces per dwelling) and manoeuvring space within the site the Group Engineer (Highways) confirms that the development complies with the Councils adopted standards.
- 32 Therefore, the proposed development raises no concerns regarding highway safety.

### Historic Environment Issues

- 33 The application site is not considered to have any impact on the listed Halesowen Parish Church which sits some 300m away from the site. Similarly the relationship with the non conformist cemetery, which is just off Hales Street (not listed) is also considered to be acceptable.
- 34 The relocation of the access from Bundle Hill means that an existing section of stone wall will no longer need to be removed.

### Trees

- 35 The site in question was a previously heavily treed site that formed the garden of the former rectory. The currently confirmed Tree Preservation Order (TPO) on the

site protects two large lime trees and a line of holly trees along the boundary with Richmond Street and a mature yew tree on the boundary with High Leasowes.

- 36 The internal area of the site has been recently cleared with the removal of a number of mature pine trees and a mature yew tree amongst other trees. The removal of the trees was considered justified as the mature pine trees were showing symptoms of an established needle case disease with significant portions of their canopies having already died. As such it is was not considered that their remaining life expectancy was appropriate for them to be retained and to pose a constraint to the next development cycle of the land. The other trees were not considered to provide sufficient public amenity to justify their retention as a constraint on the site.
- 37 The removal of these trees has already been considered under the previous application to develop the site in 2011.
- 38 Having viewed the submitted plans and the detailed Arboriculture Impact Assessment the tree officer considers the proposed development can be undertaken in an appropriate manner so as not to have any significant impact on the trees to be retained on, or adjacent to the site.
- 39 The separation distances between the houses, hard landscaping, roads and the trees are considered appropriate, and even where there are some slight incursions into the root protection areas (RPA's) of the trees, the level of incursion is acceptably small and well within tolerable limits.
- 40 Overall, it is considered that subject to appropriate tree protection conditions, there will be no detrimental impact on the trees on or adjacent to the site and as such, it is not considered that there is any arboriculture reason to object to the application.
- 41 Therefore subject to the imposition of tree related planning conditions the proposed development is considered to be acceptable.



### New Home Bonus

- 42 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. A “local finance consideration” means a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown. This may be taken to cover the payment of New Homes Bonus, or sums that a relevant authority has received, or will or could receive, in payment of CIL.
- 43 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.
- 44 The Bonus will sit alongside the existing planning system and 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.
- 45 Whilst the clause makes it clear that local finance matters are relevant to planning considerations can be taken into account, it does not change the law in any way. It is not a new basis for planning policy and it remains unlawful for planning permissions to be “bought”.
- 46 This proposal would provide four houses generating a grant of four times the national average council tax for the relevant bands
- 47 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

- 48 The proposed development is considered to be acceptable in principle, would cause no undue harm to neighbour amenity of highway safety. Consideration has been given to the retention of healthy protected trees at the site. Consideration has been given to policies HOU1 Delivering Sustainable Housing Growth HOU2 Housing Density, Type and Accessibility TRAN2 Managing Transport Impacts of New Development and ENV 2 Historic Character and Local Distinctiveness of the Black Country Core Strategy and saved policies DD1 Urban Design DD4 Development in Residential Areas NC9 Mature Trees NC10 The Urban Forest HE4 Conservation Areas HE5 Buildings of Local Historic Importance and HE6 Listed Buildings of the Dudley Unitary Development Plan.

## RECOMMENDATION

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

### Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 'Location Plan', RG001 Rev B, RG003, RG004 and RG005.
3. 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.
4. No development shall commence until details for the provision of external electric vehicle charging point(s) 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.
5. Prior to the commencement of development details of the visibility splays to be provided at the junction between the proposed means of access and the highway have been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of the development hereby permitted, the

agreed visibility splays shall be provided on site and thereafter maintained free from obstruction for the lifetime of the development.

6. The development hereby approved shall not commence until the details of the access road and parking areas including cross-sections, lines, widths, levels, gradients, drainage and lighting have been submitted to and agreed in writing and the agreed details implemented and retained for the life of the development.
7. Prior to the occupation/use of the development hereby permitted the parking area shall be surfaced and marked out in complete accordance with the approved plans, and thereafter maintained available for parking.
8. Prior to the commencement of development, details of the types, sizes and locations of the boundary treatments around the site and between the proposed plots shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be carried out in complete accordance with the approved details prior to the occupation of the dwellings hereby approved and thereafter retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.
9. 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.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no development referred to in Schedule 2 Part 1 Classes A, B, C, or E of that order shall be carried out.
11. 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'.
12. 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.
13. No development or other operations shall commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed 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.
14. 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).
15. 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.

16. The existing trees shown on the approved plans to be retained shall not be damaged or destroyed, uprooted, felled, lopped or topped during the construction period of the development without prior written consent of the Local Planning Authority. Any trees removed without such consent or dying or being seriously damaged or diseased during that period shall be replaced with healthy trees of such size and species as may be agreed in writing by the Local Planning Authority.
17. Prior to commencement of the development a scheme to prevent through pedestrian or vehicular access from Bundle Hill shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details prior to the dwellings being first occupied. The approved scheme shall thereafter remain for the life of the development.

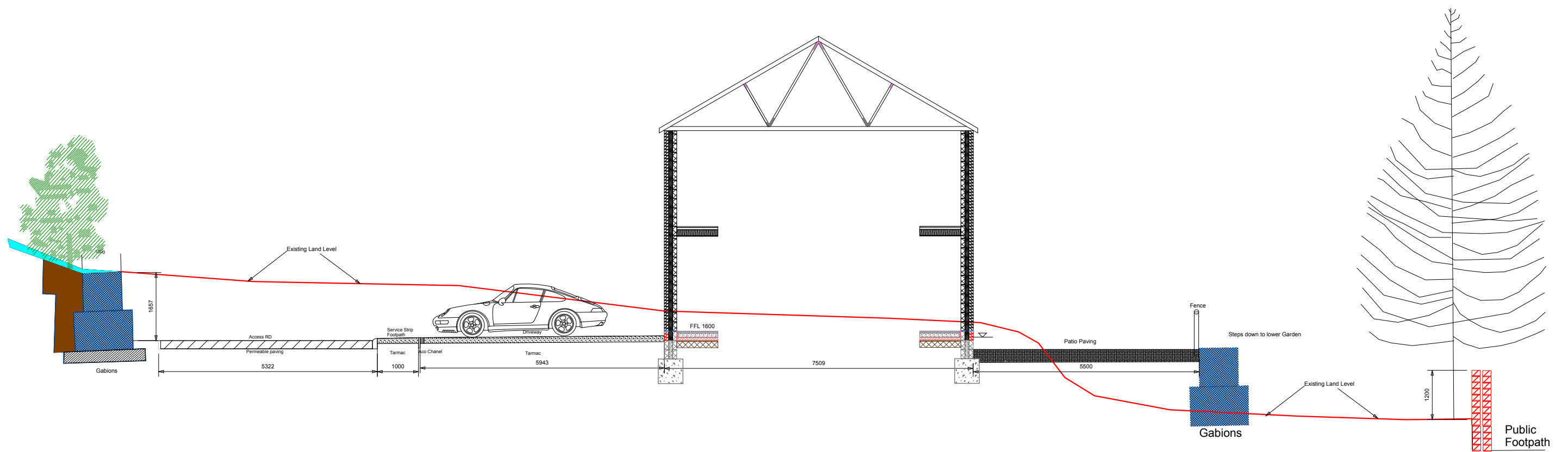
## The Rectory, Bundle Hill, Halesowen, B63 4AR



Map shows area bounded by: 396239.28,283501.28,396380.72,283642.72 (at a scale of 1:1250) 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.

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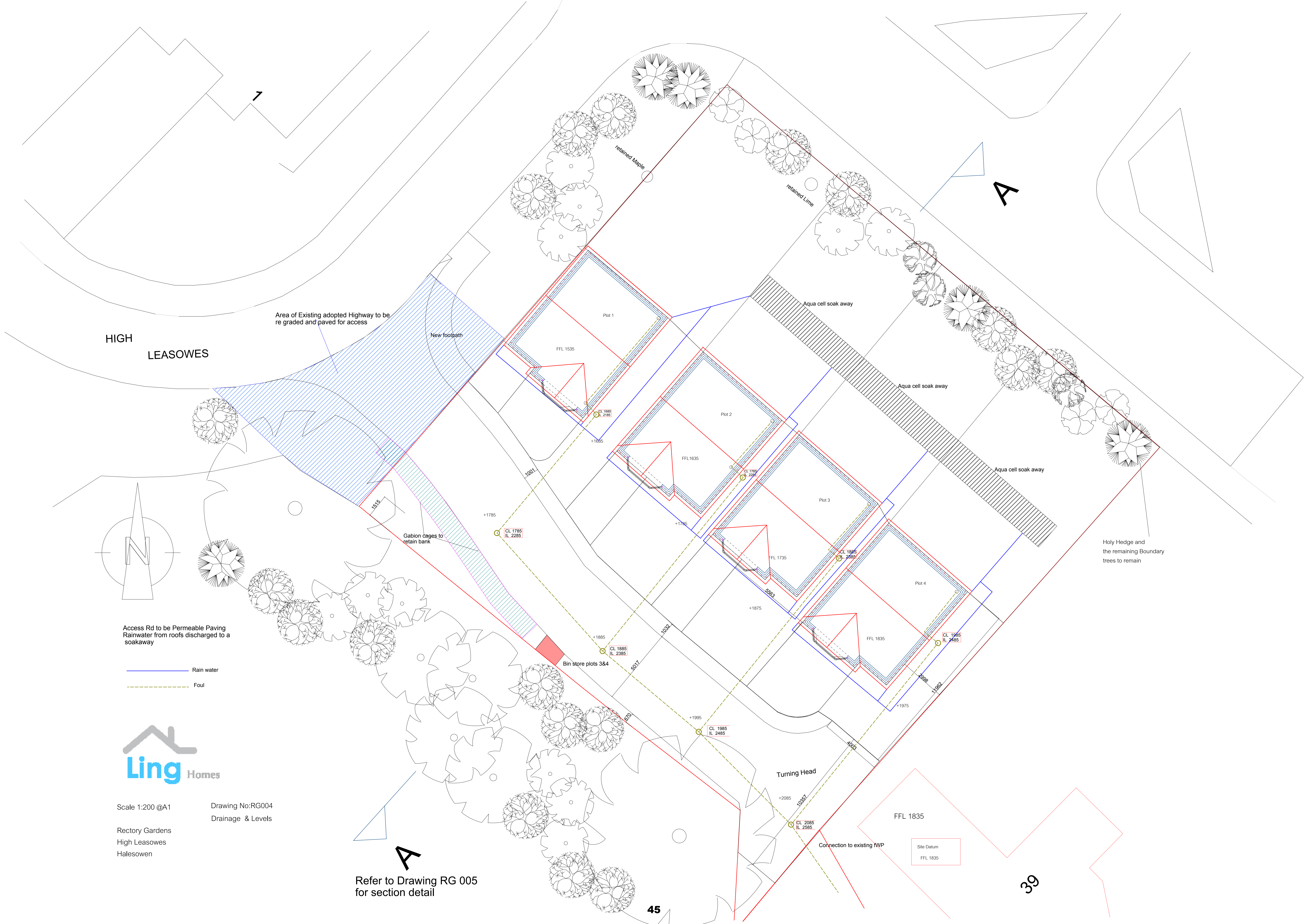
Rectory Gardens  
High Leasowes  
Halesowen

Drawing NO : RG005

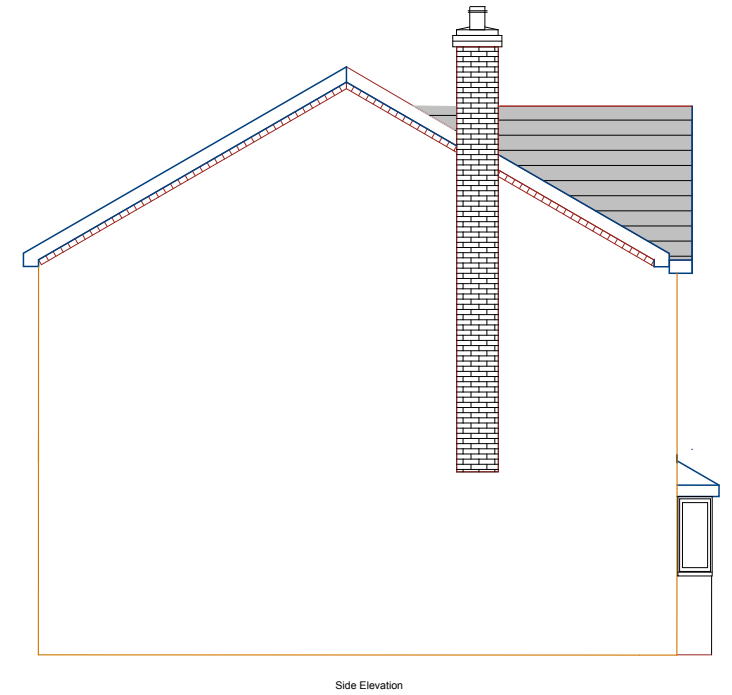
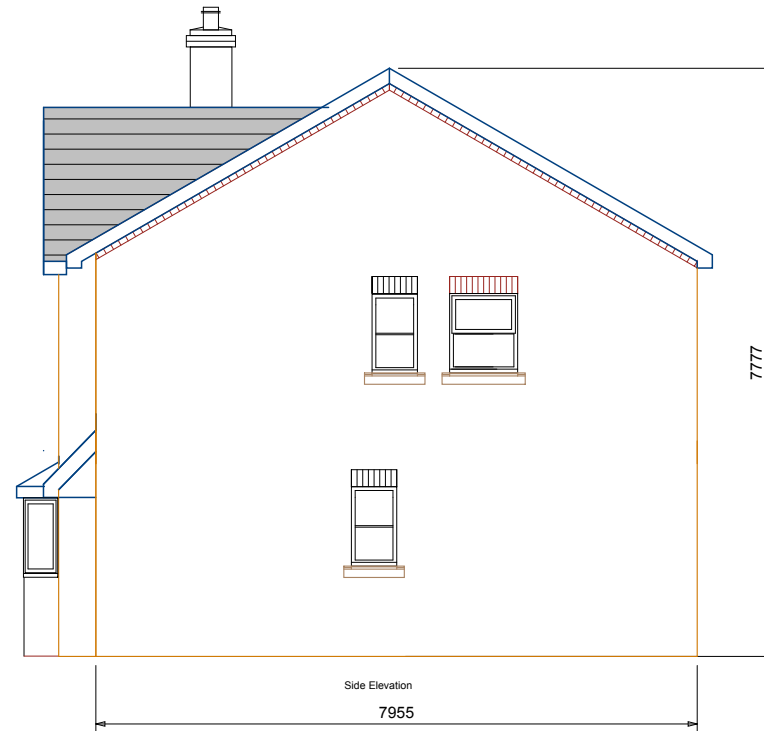
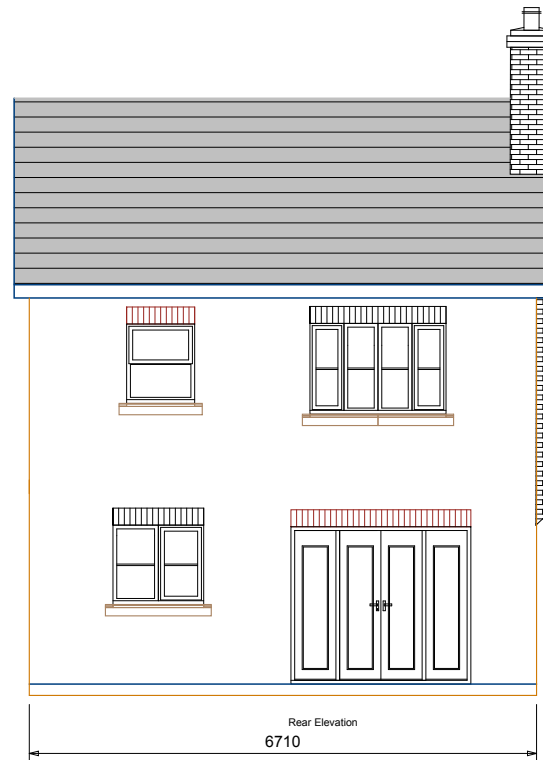
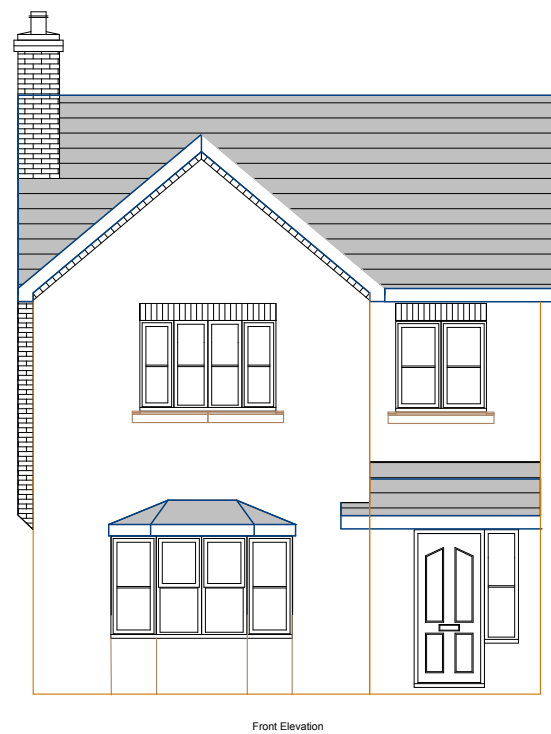
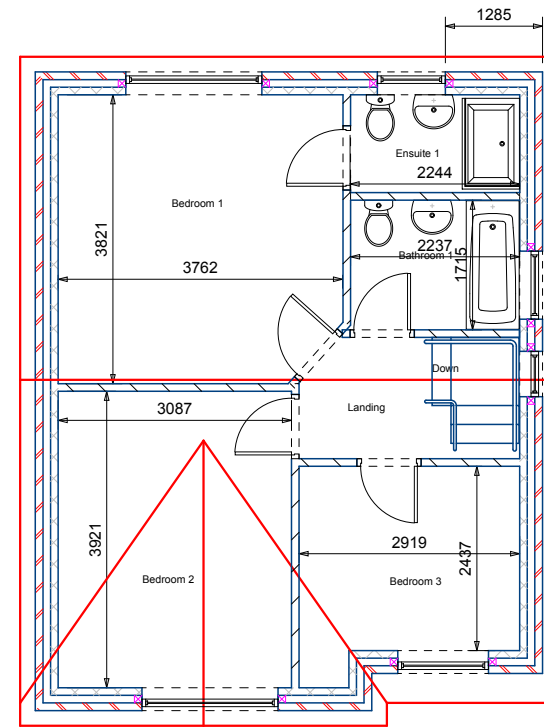
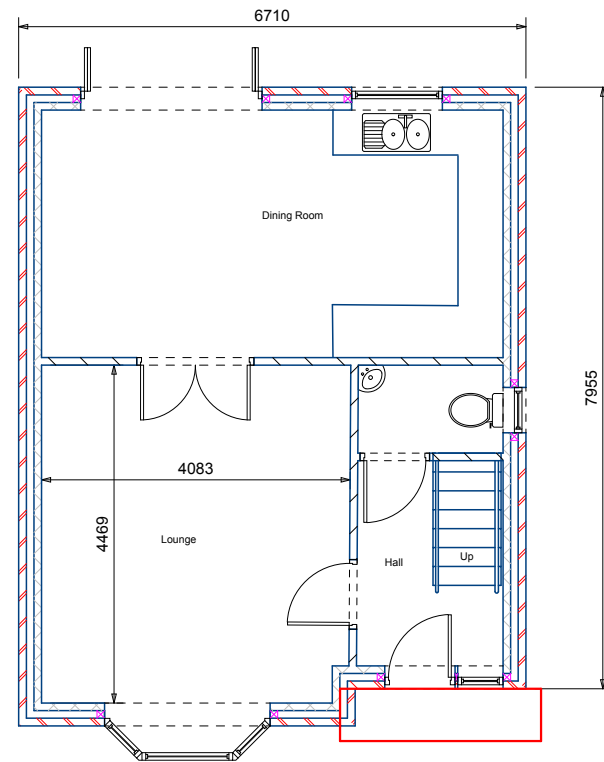
Scale 1:100 @A3

Section A\_A









104m<sup>2</sup> Living Space

## House Type B

Scale 1:100 @A3  
Rectory Gardens  
High Leasowes  
Halesowen

Drawing No: RG003

Plot 1, 2, 3 & 4 Floor Plans & Elevations



HIGH LEASOWES

Area of Existing adopted Highway to be re graded and paved for access

New footpath

112m2

300

112m2

112m2

Plot 4

112m2

Bin store plots 3&4

Turning Head

FFL 1835

Parsonage House

39

Drawing No:RG001/rev b  
Site Layout  
Retained trees added  
Red Line amended

Scale 1:100 @A1

Rectory Gardens  
High Leasowes  
Halesowen

Refer to Drawing RG 005  
for section detail

47



## PLANNING APPLICATION NUMBER: P15/0305

Type of approval sought	Tree Preservation Order
Ward	Sedgley
Applicant	Mr A. Allison, Greencare Office
Location:	<b>52, CROSS LANE, SEDGLEY, DUDLEY, DY3 1PD</b>
Proposal	<b>FELL 1 PINE TREE</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

### SITE AND SURROUNDINGS

1. The tree subject to this application is a mature Pine tree that is located in the front garden of 52 Cross Lane Sedgley. The tree is one of a number of mature Pine trees that are located in the area. The tree is visible in the street scene and if it had been healthy it would be considered to provide a moderate to high amount of amenity to the surrounding area.
2. The tree is protected as part of Tree 42 of TPO 729 that was served in 2001, and also following a review of the 2001 order as Tree 6 of TPO/0132/SED which was served in 2014. The TPOs protect a substantial number of other trees in the locality.

### PROPOSAL

3. Summary of proposals for the works as written on application form is as follows:
  - Fell 1 Pine tree.
4. The tree has been marked on the attached plan.

## HISTORY

5. There have been no previous Tree Preservation Order applications on this site.

## PUBLIC CONSULTATION

6. No public representations have been received.

## ASSESSMENT

### Tree(s) Appraisal

<i>Tree Structure</i>	<b>Tree 1</b>
Species	Pine
Height (m)	15m
Spread (m)	7m
DBH (mm)	650
Canopy Architecture	Good
Overall Form	Good
Age Class <i>Yng / EM / M / OM / V</i>	Mature

### *Structural*

### *Assessment*

Trunk / Root Collar	Good - some scarring from previous mechanical damage - not significant	
Scaffold Limbs	Good	
Secondary Branches	Good	
% Deadwood	3%	
Root Defects	None Evident	
Root Disturbance	None Evident	
Other		
Failure Foreseeable Imm / Likely / Possible / No	Whole Possible	Part Possible

#### *Vigour Assessment*

Vascular Defects	None Evident
Foliage Defects	Foliage has almost completely died, and turned brown. Analysis of needles show presence of Diplodia Dieback ( <i>Sphaeropsis sapinea</i> ) infection
Leaf Size	Good
Foliage Density	Rapidly Thinning
Other	

#### *Overall Assessment*

Structure	Good
Vigour	Poor
<b>Overall Health</b>	<b>Poor</b>

#### Other Issues

Light Obstruction	yes
Physical Damage	None Evident
Surface Disruption	None Evident
Debris	Yes

#### Amenity

#### Assessment

Visible	Yes
Prominence	High
Part of Wider Feature?	Yes
Characteristic of Area	Yes
<b>Amenity Value</b>	<b>Poor in current condition (Moderate / High if it were healthy)</b>

#### Further Assessment

7. The application has been submitted by the Council's Greencare department as the tree is located within a housing property. They have submitted the application to fell the tree due to its poor health.

8. The Greencare tree inspector, having received an enquiry regarding the tree has observed a sudden decline in foliage health, over the last few months. A visual inspection of the tree could not identify any potential causes of the decline in health.
9. Given the stark and almost complete decline in tree health, foliage samples were taken and sent to the Forestry Commission's pathology department, Tree Health, for analysis. The results show that the tree is suffering from a severe Diplodia Dieback (*Sphaeropsis sapinea*) fungal infection.
10. Normally such an infection will only infect the current year's growth, however, in this case the vast majority of the foliage is infected and has turned brown. Given the extent of the infection recovery is not expected.
11. It is considered that the tree will likely die within the next 1-2 years and that given its location in the front garden of a property it is recommended that the tree is felled.
12. Overall it is considered that the proposed felling of the tree is justified on the grounds of its condition. As such it is recommended that the application be approved.

## CONCLUSION

13. The tree subject to this application is a Pine tree that has a severe Diplodia Dieback infection. The extent of the infection is such that recovery is not expected. To this end it is considered that the felling of the tree has been justified.
14. Overall it is considered that the proposed works are acceptable as any impact on the amenity of the area is justified by virtue of the poor health of the tree.

## RECOMMENDATION

15. It is recommended that the application is APPROVED subject to the stated conditions.

Conditions and/or reasons:

1. The tree works subject of this consent shall be carried out in accordance with British Standard BS 3998:2010 'Recommendations for Tree work'.



BEACON LANE

GREENWAY GARDENS

CROSS PLACE

CROSS LANE

221.6m

T1  
O

Beacon Hotel  
(PH)

El  
Sub  
Sta

GREENWAY

BILSTON STREET

Claremont Cottages

219.5m

53



**Development Control Committee – 7<sup>th</sup> April 2015**

**Report of the Acting Strategic Director of the Environment, Economy & Housing**

**Adoption of the Contaminated Land Inspection Strategy and Cost Recovery Policy for Dudley Borough.**

**Purpose of Report**

1. To inform the Development Control Committee of the Cabinet decision taken on 11<sup>th</sup> March 2015 to adopt the Contaminated Land Inspection Strategy and the Cost Recovery Policy documents which were subject to a statutory public consultation commencing on 12<sup>th</sup> December 2014 for a period of five weeks.

**Background**

2. Following the introduction of the Environmental Protection Act 1990, and specifically Part 2A which deals with Contaminated Land, a Statutory Duty was placed on all Local Authorities to prepare and adopt an Inspection Strategy to identify, categorise and deal with as appropriate any land within their Borough that fell within the specific definition of Contaminated Land as set out in the Act. Dudley's initial inspection strategy was prepared and adopted in June 2001, following approval by Corporate Board and the Environmental Health Committee.
3. New legislative guidance was issued in April 2012 which required the preparation of a revised Inspection Strategy to take account of these changes. The Contaminated Land Inspection Strategy is the framework whereby the Council sets out its methodology for the inspection of the Borough to determine what, if any, contamination may be present, how individual sites may be prioritised for further investigation and what options are available for remediation. The document is written from the basis of the Council as a Regulator, implementing the requirements of the Act. Consequently this focuses investigation and any subsequent action on those sites that potentially pose a significant risk.
4. Currently most land is remediated by the Private Sector through regeneration and development, and the Development Control Committee plays a key role in that process. The latest figures for the year 2013/2014 show that 98% of new build dwellings were on Brownfield sites. The Council Contaminated Land Team acts as a key Consultee to this at both Pre-Application stage and during the formal Planning and Building Control processes to advise on the existing conditions to applicants, customers and Officers, and to assist with verification of on-site measures. Additionally the team provide specialist advice and guidance to the Council and public on issues generally related to contaminated land.
5. Works that have been undertaken to date have not identified any land that has been formally classified as "Contaminated Land" under the Act. These adopted documents will provide the future framework for the continuing investigation and

analysis of the Borough, following current guidance and best practice. Should any land be formally identified as 'Contaminated', then the team will act in their capacity as regulator and enforcing authority to secure the remediation of the site.

6. It should be noted that, even though land may contain some contamination, it will not necessarily fall within the strict definition of "Contaminated Land" within the Act.
7. In acting as a Regulator, there may be occasions where work has to be undertaken and incurred costs recovered. Corporate Property Group has been consulted on these documents.
8. The Cost Recovery Policy applies no waiver or reduction and seeks to recover all reasonable costs incurred by the Council in exercising its duties under the Act and Inspection Strategy, whilst having due regard to Statutory Guidance.
9. At the Cabinet Meeting of 4<sup>th</sup> December 2014, approval was given for a public consultation exercise on the proposed Contaminated Land Inspection Strategy and Cost Recovery Policy for a period of five weeks from 12<sup>th</sup> December 2014. Based on the comments and observations received, the Inspection Strategy and Cost Recovery Policy were amended to take account of the items raised during consultation and the revised documents were adopted by Cabinet on 11<sup>th</sup> March 2015.
10. The summary of the consultations and alterations are detailed in Appendix A. There were no comments or representations received for the Cost Recovery Policy. The Contamination Land Strategy Document is available to view on the Committee Management Information System and a paper copy is available in the Member's Room.

## **Finance**

11. The Contaminated Land Inspection Strategy and the Cost Recovery Policy will be initially funded through existing budgets. The Cost Recovery Policy seeks to recover all costs that the Council incur during the exercising of its duties.
12. Previous investigative works on Contaminated Land have been supported by grants available from Department of the Environment, Food and Rural Affairs (DEFRA). Whilst grants are still available, they are for the remediation of land that has already been designated as "Contaminated Land". Dudley currently has no land that meets this designation. This funding has been reduced and will not be available from April 2017.
13. Investigations may reveal contamination on sites owned by the Council, or on sites where ownership cannot be established – in which case the remediation costs would have to be borne by the Council itself. Resources to meet these costs would be identified in due course.

## **Law**

14. The introduction in April 2012 of revised Statutory Guidance made under the Environmental Protection Act 1990 requires the revision of the Contaminated Land Inspection Strategy. The Cost Recovery Policy is a supplementary document to assist in the implementation of the Inspection Strategy.

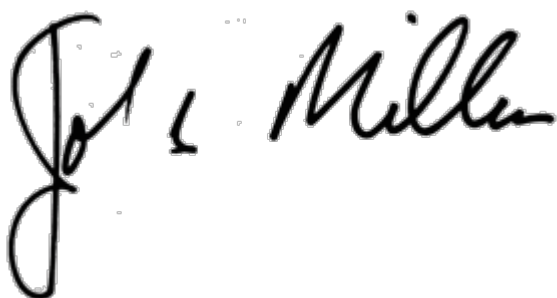
15. In addition Section 2 of the Local Government Act 2000 allows the Council to do anything that it considers is likely to promote or improve the economic, social or environmental well-being of the area.

### **Equality Impact**

16. The Contaminated Land Inspection Strategy and Cost Recovery Policy set the framework for the investigation and any subsequent action required for the Council to meet its obligations under Part IIA of the Environmental Protection Act 1990. The methodology allows sites to be ranked and prioritised depending upon several factors but including the likely impact on residents and members of the public, thus meeting the needs of the communities in the Borough. This will include meeting the needs of children and young people by seeking to provide a safe environment in which they can live, and also ensuring that the environment for future generations is improved.

### **Recommendation**

17. That Development Control Committee notes the formal adoption by Cabinet of the Contaminated Land Inspection Strategy and the Cost Recovery Policy documents.



.....  
**J. B. Millar**

**Acting Strategic Director of the Environment, Economy & Housing**

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## **List of Background Papers**

Current Contaminated Land Inspection Strategy. Adopted June 2001

<http://www.dudley.gov.uk/about/plan/plans-policies--strategies/contaminated-land-strategy-/>

Contaminated Land Inspection Strategy draft document

<http://www.>

Cost Recovery Policy draft document

<http://www>

Contaminated Land Statutory Guidance – Section 8. Recovery of the costs of remediation.

<http://www>

**APPENDIX A - CONTAMINATED LAND INSPECTION STRATEGY (CLIS) –  
SUMMARY OF RESPONSES TO CONSULTATION AND MODIFICATION TAKEN**

REFERENCE	ORIGIN OF MODIFICATION	CLIS PAGE NUMBER	PROPOSED MAIN MODIFICATION
1.	Land Contamination Team. Final preparation, proof read and consistent conventions within text.	Whole document	Number paragraphs and figures; publication date of document; contents pages; 'Council'; 'contaminated land'; 'statutory guidance'; and 'special site'.
2.	Land Contamination Team.	4.	Delete text "the first of" within fourth paragraph.
3.	English Heritage.	4.	Amend text within sixth paragraph from " new statutory guidance" to "statutory guidance (April 2012)".
4.	Land Contamination Team.	5.	After the word "contaminated" in 16 <sup>th</sup> paragraph insert the word "land".
5.	Land Contamination Team.	6.	Delete text "successfully" within caption to photographs.
6.	Land Contamination Team.	7.	Amend text with 3 <sup>rd</sup> paragraph. Delete last sentence and insert it earlier in paragraph, amend it from "Primarily land contamination can also be addressed.." to "Primarily, land contamination should be addressed..".
7.	Land Contamination Team	7.	Remove bold text of 4 <sup>th</sup> paragraph.
8.	Land Contamination Team.	8.	Amend text within 9 <sup>th</sup> paragraph from "the following diagram" to "Figure 1".
9.	Land Contamination Team.	10.	Amend layout of text after heading Who is responsible for the cost of remediation? Separate into 4 individual paragraphs and rearrange order of text.
10.	Land Contamination Team.	13.	Amend text within 10 <sup>th</sup> paragraph from "in Section 4" to "in Section Four".
11.	Land Contamination Team.	14.	Amend text within 15 <sup>th</sup> paragraph from "objectives of Government policy on contaminated land which are" to "objectives of the Government's policy on contaminated land and the Part 2A regime which are".
12.	Land Contamination Team.	15.	Amend text within 18 <sup>th</sup> paragraph from "and in particular the following guidance. Paragraph 1.6 of the statutory guidance:" to "and in particular Paragraph 1.6."
13.	Land Contamination Team.	16.	Delete text "as required" from first bullet point within 22 <sup>nd</sup> paragraph.
14.	Land Contamination Team.	17.	Insert text (8 <sup>th</sup> paragraph). "The risks to human health will be prioritised above others."
15.	Land Contamination Team.	18 onwards.	Amend Section Three to make clearer the distinction between strategic and detailed inspection. Revise layout and headings.
16.	Land Contamination Team.	18.	Delete text "There are four principal aspects to the implementation of the Inspection Strategy" and the four bullet

			points. Insert heading “The inspection process”.
17.	Land Contamination Team.	18.	Insert additional Figure: Schematic of the inspection process, showing distinction between strategic and detailed inspection activities.
18.	English Heritage.	19.	After “Environmental setting, including” within Table One, Step 2 , Process, insert text “historic environment” .
19.	Land Contamination Team.	19.	Correct spelling within Table One. “prioritization” to prioritisation”
20.	English Heritage.	20	Amend text of penultimate bullet point in box from “Protected buildings and ancient monuments” to “Heritage assets, protected buildings and ancient monuments”.
21.	Land Contamination Team.	21	Amend box with methodology scoring to show current factors following recent review.
22.	Land Contamination Team.	21.	Amend text of first sentence of last paragraph on page from “On completion of the screening exercise” to “On completion of the initial screening exercise”.
23.	Land Contamination Team.	21.	Amend text of last sentence of last paragraph on page from “more detailed desk studies.” to preliminary risk assessments.”
24.	Land Contamination Team.	22.	Delete ‘Detailed Inspection’ section including box and replace with revised text. Insert section headed ‘Preliminary risk assessment’ and revised box referring to desk study and site visit, and limited sampling and monitoring. Insert section headed ‘Detailed inspection’ and revised box referring to intrusive investigations.
25.	Land Contamination Team.	22.	Amend text within ‘Risk Assessment’ paragraph from “After each stage of the detailed inspection all information..” to “At each stage of the inspection process all information..”
26.	Land Contamination Team.	22.	Insert new paragraph at the beginning of the ‘Managing the inspection process...’ section. “The Council does not intend to complete all preliminary risk assessments before any site is subjected to detailed inspection. The preliminary risk assessment of sites and the detailed inspection of others will be carried out simultaneously.”
27.	Land Contamination Team.	24.	Correct grammar in last bullet point on page. Amend text from “..risk assessments on all Council property holdings..” to risk assessments of all

			Council property holdings..”.
28.	Land Contamination Team.	25.	Amend text in last two paragraphs to place Risk Management and Property Management before relevant land holding Directorates and Service Areas.
29.	Land Contamination Team.	26.	Various amendments to Work Programme. Minor changes in terminology - Initial screening exercise; preliminary risk assessments and detailed inspections. Amend text to “Formally adopt & publish the Council’s cost recovery policy”. Correct grammar and amend text from “..risk assessments on all Council property holdings..” to risk assessments of all Council property holdings..” Amended some target dates.
30.	Land Contamination Team.	27.	Amend text within notes from “it follows that any desk study could quite easily escalate into a comprehensive intrusive investigation and possible determination. Committing resources to a detailed intrusive investigation will undoubtedly influence the ability to continue with the desk studies and site reconnaissance exercise.” To “it follows that any preliminary risk assessment could quite easily escalate into a comprehensive detailed inspection and possible determination. Committing resources to a detailed inspection will undoubtedly influence the ability to continue with the preliminary risk assessments.”

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**Development Control Committee – 7<sup>th</sup> April 2015**

**Report of the Acting Strategic Director of the Environment, Economy and Housing**

**Public consultation on the Renewable Energy Supplementary Planning Document (SPD)**

**Purpose of Report**

1. To inform Development Control Committee of Cabinet's approval for the Renewable Energy Supplementary Planning Document (SPD) to be used as a basis for public consultation commencing on 13<sup>th</sup> March 2015 for a period of six weeks.

**Background**

2. The Renewable Energy SPD sets out the guidance on the requirements to comply with Policy ENV7 (Renewable Energy) which is set out in the Black Country Core Strategy (2011). Policy ENV7 requires that, where achievable, all new residential developments of 10 dwellings or over or any non-residential developments of 1000m<sup>2</sup> or over will need to provide at least 10% of their energy requirements from renewable sources.
3. The purpose of this SPD is:
  - To offer guidance to planning applicants and potential developers on how to calculate the 10% energy requirement of the building;
  - To provide guidance on different types of renewable sources that would be acceptable to meet the 10% renewable energy requirement.
4. Once adopted this SPD will be taken into account in making planning decisions for the applications that fall within the criteria set out in Policy ENV7.
5. This SPD has been drafted with the assistance and expertise of stakeholders and key Council Officers throughout its preparation as well as taking on board best practice from other local authorities around the Country.
6. The draft document is currently subject to a period of consultation which is running from Friday 13<sup>th</sup> March to Friday 24<sup>th</sup> April 2015. During that time the document is available to view at the reception area at 4 Ednam Road, Dudley Council Plus, as well as the main libraries and on the Council's website. This document is also available on the Committee Management Information System and a paper copy is in the Members Room. A drop in session for Members was held on 19<sup>th</sup> March.
7. Any representations received during the consultation period will be considered and, where appropriate, will be incorporated into the final SPD which will be presented to Cabinet in the summer of 2015 for adoption.



## **Finance**

8. The preparation of the document will be funded from existing budgets and resource dedicated to the production of Development Plan Documents and other statutory planning documents.

## **Law**

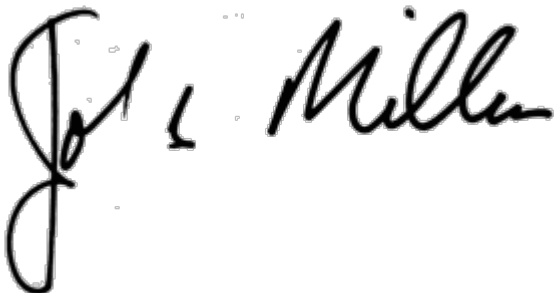
9. Following consultation and adoption the Renewable Energy SPD will become a material consideration in the determination of planning applications. The SPD is being prepared under the provisions of the Planning and Compulsory Purchase Act 2004, the Town and Country Planning (Local Planning) (England) Regulations 2012 and the National Planning Policy Framework (NPPF).

## **Equality Impact**

10. The SPD has been prepared in accordance with the Council's policy on Equality and Diversity, ensuring that it provides benefits for adults, children and young people like, promoting equal opportunities for all.

## **Recommendation**

11. That Development Control notes Cabinet's decision to approve the Renewable Energy SPD for consultation commencing on Friday 11<sup>th</sup> July 2014 for a period of six weeks.



.....  
**J. B. Millar**

**Acting Strategic Director of the Environment, Economy and Housing**

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## **List of Background Papers**

Renewable Energy SPD- Consultation Document

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**Development Control Committee – 7<sup>th</sup> April 2015**

**Report of the Acting Strategic Director (Environment, Economy and Housing)**

**Public consultation on the Draft Revised Planning Obligations Supplementary Planning Document (SPD)**

**Purpose of Report**

1. To inform Development Control Committee of Cabinet's approval of the Draft Revised Planning Obligations SPD to be used as a basis for public consultation commencing on 13<sup>th</sup> March 2015 for a period of six weeks.

**Background**

2. The Council's Planning Obligations Supplementary Planning Document (SPD) sets out detailed guidance on Dudley Council's requirements for planning obligations for all those involved in the submission and determination of planning applications as appropriate.
3. Following adoption of the initial Planning Obligations SPD in December 2007, a number of reviews have taken place in line with good practice to ensure that the required planning obligations continued to remain consistent with national guidance and be realistic and reasonable in light of economic circumstances. The last review was in 2011.
4. In line with good practice and due to a changing planning policy context for the Borough, this review is required for the following reasons:
  - To reflect the adoption of a Community Infrastructure levy (CIL) Charging Schedule.
  - To reflect changes to planning obligations which are effective from April 2015, as a result of the 2010 CIL Regulations (as amended) which limit the pooling of planning obligations (S106 agreements); and scale back the use of planning obligations to Affordable Housing and those matters that are directly related to a specific site to make a development acceptable in planning terms.
  - To reflect changes to national policy which:
    - Exempts small scale development (of less than 11 dwellings or 1000sqm) from the requirement to contribute towards affordable housing and other tariff style contributions.
  - To provide detail on how infrastructure relating to any retail expansion of Merry Hill and the Waterfront will be delivered through the use of Legal Agreements.

5. A summary of the key amendments made to the current SPD are set out in the table in Appendix 1.
6. The review of the SPD has been prepared in consultation with other Council Services particularly those that implement planning obligation spend. On the 11<sup>th</sup> March 2015 Cabinet approved the document for consultation and it is proposed that the period of consultation on the draft SPD will run from Friday 13<sup>th</sup> March to Friday 24<sup>th</sup> April 2015. During that time, the document will be able to be viewed at the reception area at 4 Ednam Road, Dudley and Dudley Council Plus, as well as at all main libraries and on the Council's website. Notification of the consultation will be sent to statutory consultees and key stakeholders who have expressed a wish to be involved. The document is also available on the Committee Management Information system and a paper copy is in the Member's Room. A drop in session for Members was held at 5pm on 19<sup>th</sup> March, prior to Development Control Committee.
7. Any representations received during the consultation period will be considered and, where appropriate, will be incorporated into the final SPD which will be presented to Cabinet in the summer of 2015 for adoption.

### **Finance**

8. The preparation of the document will be funded from existing budgets and resources dedicated to the production of Development Plan Documents and other planning documents.

### **Law**

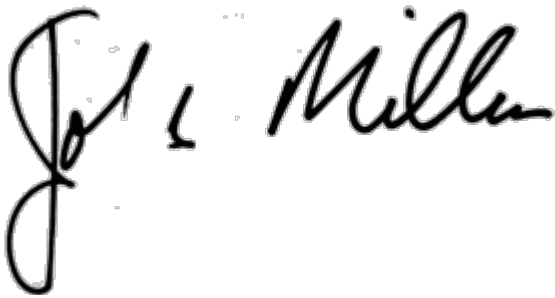
9. Following consultation and adoption, the revised Planning Obligations SPD will become a material consideration in the determination of planning applications. The review of the SPD is being prepared under the provisions of the Planning and Compulsory Purchase Act (2004), the Town and Country Planning (Local Development) (England) Regulations 2004 (amended 2008) and the Community Infrastructure Levy Regulations (2010) as amended.

### **Equality Impact**

10. The proposals take into account the Council's Policy on Equality and Diversity. The adoption by the Local Planning Authority of a CIL regime and amended Planning Obligations SPD will ensure that the mitigation and benefits of development are addressed across the Borough. This will include meeting the needs of children and young people by seeking to provide sufficient facilities for them as well as having a positive effect for future generations.
11. Planning obligations relate to the provision of affordable homes, access to jobs, services and the infrastructure that is necessary to support them, whilst protecting and enhancing the natural and built environment. The SPD therefore seeks to promote sustainable development and ensure that the infrastructure necessary to support future residential and commercial growth is delivered.

## **Recommendation**

12. That Development Control Committee notes Cabinet's decision to approve the Draft Revised Planning Obligations SPD to be used as a basis for public consultation commencing on 13<sup>th</sup> March 2015 for a period of six weeks.



.....  
**J. B. Millar**

**Acting Strategic Director (Environment, Economy and Housing)**

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## **List of Background Papers**

Appendix 1 – Table of amendments made to the Planning Obligations SPD

*Draft Revised Planning Obligations SPD (March 2015)*  
*Planning Obligations SPD (September 2011)*  
*Community Infrastructure Draft Charging Schedule (July 2014)*  
*Infrastructure Delivery Plan (June 2014)*  
*CIL Viability Assessment (June 2014)*

## Appendix 1 to Development Control Committee Report

### Main Proposed Changes to Draft Revised Planning Obligation SPD

Section	Proposed Change	Reason for Change
Obligations Grid	Removed from SPD	<p>Planning obligations will now be determined on a site by site basis where on site mitigation is required. The only exceptions to this are affordable housing and open space obligations.</p> <p>There are now national thresholds in place for tariff based planning obligations.</p>
Chapter 1 – changes to regulations and national policy	Further detail has been provided in relation to CIL, the national thresholds for planning obligations and the CIL Regulation 123 list; (the list of projects the Council may spend CIL monies on)..	To provide more clarity within the document and explain how planning obligations and CIL will operate alongside each other
Chapter 1 – Local Policy	Reference to related Plans and Strategies has been updated	To ensure the SPD is up to date
Chapter 2 – Monitoring, Enforcement and Spend	Updated to incorporate detail on pooling restrictions and specific spend requirements for any financial S106 contributions	To reflect changes in national policy and regulations.
Chapter 3 – Types of Planning Obligations that may be sought	The following types of formula-based infrastructure requirements have been removed from the SPD:	
	<ul style="list-style-type: none"> <li>Libraries</li> <li>Transport Infrastructure Improvements</li> <li>Open Space, Sport and Recreation (on sites of less than 80 dwellings)</li> </ul>	In line with the 2010 CIL Regulations (as amended) the use of planning obligations will be scaled back from April 2015. As such it will no longer possible for the Council to secure a generalised tariff based contribution for Library provision or Transport Infrastructure

		<p>Improvements.</p> <p>It is intended that generalised infrastructure contributions from developers will be secured through CIL instead.</p>
	<ul style="list-style-type: none"> <li>• Economic and Community Benefits</li> <li>• Nature Conservation Enhancements</li> <li>• Public Art</li> <li>• Public Realm</li> </ul>	<p>In line with the 2010 CIL Regulations (as amended) it is no longer appropriate for these types of infrastructure to be delivered through the use of planning obligations.</p> <p>The need for these types of infrastructure will be considered as part of the development management process on a site by site basis. Where required infrastructure is identified it will be secured through the use of planning conditions, supported by a range of policies within the Local Plan ( including the Black Country Core Strategy, Area Action Plans and the emerging Borough Development Strategy)</p>
Chapter 3 – Affordable Housing	Detail on the Vacant Building Credit has been incorporated.	To reflect changes in national policy
Chapter 3 – Education	<p>The costs for Nursery, Primary, Secondary and post 16 school places have been updated where required.</p> <p>The evidence base has been moved to new Appendix 4</p>	To ensure the SPD is up to date
Chapter 3 – Nature Conservation	Removed references to Avoidance and Enhancement and clarified the use of Planning Obligations for Mitigation and Compensation	To reflect changes in national policy.
Chapter 3 – Open Space, Sport and Recreation	Removed references to the use of tariff based formulas for residential	To reflect changes in national policy.

	<p>developments under 80 dwellings.</p> <p>The evidence base has been moved to new Appendix 4</p>	
Chapter 3 – Environmental Protection	Incorporated references to the emerging Renewable Energy SPD and the Black Country Air Quality SPD	To ensure the SPD is up to date
Chapter 3 – Merry Hill and the Waterfront	New section added to explain how infrastructure relating to any retail expansion of Merry Hill and the Waterfront will be delivered through the use of Legal Agreements.	To add clarity, and explain how developer contributions will be secured to deliver the required infrastructure at Merry Hill and the Waterfront to enable retail expansion.
Appendix 1 – Glossary	Updated	To ensure the SPD is up to date
Appendix 2 – Developer Obligations – Relationship between Planning Obligations and CIL	New Appendix to clarify the Council's approach to securing developer obligations through either Planning Obligations or CIL	To aid transparency and clarity
Appendix 3 – Drafting Legal Agreements and Index Linking	New Appendix lifting information from the main document into the appendices.	To add clarity and ease of use of the SPD
Appendix 4 – Evidence Base for Education and Open Space, Sport and Recreation	New Appendix lifting information from the main document into the appendices	To add clarity and ease of use of the SPD