

Meeting of the Development Control Committee

**Wednesday 26th June, 2019 at 6.00pm
In the Committee Room 2, at the Council House, Priory Road,
Dudley**

Agenda - Public Session **(Meeting open to the public and press)**

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

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

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

All those attending this Committee should be aware that additional papers known as the "Pre-Committee Notes" are 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. To report the appointment of any substitute members serving for this meeting of the Committee.



4. To receive any declarations of interest under the Members' Code of Conduct.
5. To confirm and sign the minutes of the meeting held on 28th May, 2019 as a correct record.
6. Plans and Applications to Develop
 - (a) Planning Application No. P19/0241 – Units 1-3, Linkwood Industrial Estate, Bradley Road, Stourbridge — Variation of Condition 3 of planning approval P18/1398 to be revised to 'The premises shall not open to the public before the hours of 07:00 nor after 22:00 Monday to Thursdays and Bank Holidays, before 07:00 nor after 01:00 on Fridays and Saturdays and before 07:00 nor after 17:00 on Sundays' (Pages 1 – 12)
 - (b) Planning Application No. P19/0281 – Disused Public Toilets adjacent The Old Cat Inn Lawnswood Road, Wordsley – Demolition of existing building and erection of a retail unit with flat above – (Pages 13 – 28)
 - (c) Planning Application No. P19/0638 – 25 Cottage Street, Kingswinford – Change of Use from residential to care home – (Pages 29 – 43)
7. Confirmation of Tree Preservation Order (Pages 44 – 57)
8. To consider any questions from Members to the Chair where two clear days notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).

Sam Noun

Chief Executive

Dated: 14th June, 2019

Distribution:

To all Members of the Development Control Committee:

Councillor A Goddard (Chair)

Councillor P Bradley (Vice-Chair)

Councillors A Ahmed, R Burston, J Cowell, M Hanif, D Harley, C Neale and E Taylor

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Elected Members

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- Members can submit apologies by contacting Democratic Services. The appointment of any Substitute Member(s) should be notified to Democratic Services at least one hour before the meeting starts.
- You can contact Democratic Services by Telephone 01384 815238 or E-mail Democratic.Services@dudley.gov.uk



Minutes of the Development Control Committee

Tuesday 28th May, 2019 at 6.00 pm
in Committee Room 2 at the Council House, Dudley

Present:-

Councillor A Goddard, (Chair)
Councillor P Bradley, (Vice-Chair)
Councillors A Ahmed R Burston, J Cowell, M Hanif, D Harley, S Keasey and J Martin

Officers:-

P Mountford – Head of Planning and Regeneration, H Yorke – Principal Planning Officer, I Hunt – Project Engineer, (all Place Directorate); N Powell – Head of Environmental Health and Trading Standards, I Grove – Principal Environmental Health Officer (both People Directorate); G Breakwell – Solicitor and K Griffiths – Democratic Services Officer (Chief Executive's Directorate).

1. **Apologies for absence**

Apologies for absence from the meeting were received on behalf of Councillors C Neale and E Taylor.

2. **Appointment of Substitute Members**

It was noted that Councillors S Keasey and J Martin had been appointed as substitute Members for Councillors C Neale and E Taylor for this meeting of the Committee only.

3. **Declarations of Interest**

Councillor J Martin declared a non-pecuniary interest in respect of Planning Application No. P19/0325 – Land off Dreadnought Road, Pensnett – Erection of Commercial unit for B2, B8 & B1 specified during its consideration.

4. **Minutes**

Resolved

That the minutes of the meeting held on 9th April, 2019, be approved as a correct record and signed.

5. **Change in Order of Business**

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

Resolved

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

6. **Plans and Applications to Develop**

A report of the Strategic Director Place 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:-

| <u>Application No.</u> | <u>Objectors/supporters who wished to speak</u> | <u>Agent/Applicant who wished to speak</u> |
|-------------------------------|--|---|
| P18/0957 | Councillor R Body Mr Walker | Mr N Green |
| P18/1801 | Mrs T Skelding | |
| P19/0325 | Councillor S Greenaway Mr S Taylor | Mr A Patrick-Smith |

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- (a) **Planning Application No. P18/0957 – Saltbrook Scrap Yard, Saltbrook Road, Halesowen – Change of use to Traveller’s Site providing 2 No residential pitches which include touring caravan, mobile home and dayroom and 5 No transit pitches with associated utility block provision of parking facilities**

In considering the report, Members took into account the comments made by the local Ward Councillor, an objector and the agent at the meeting in support of the application, together with comments outlined in the report and as reported at the meeting. Particular reference was made to potential increased risk of flooding, the disruption to or loss of wildlife habitats and populations in the area and contaminations issues associated with the site as a result of its previous use as a scrapyard. Members also noted the number of objections received in relation to the planning application.

Members noted the comments made by officers in response to the objections received in relation to the potential risk of flooding, however, acknowledged that the agent had provided an appropriate Flood Risk Assessment. The Flood Risk Assessment had been considered by the Environment Agency and the Lead Local Flood Authority and they were satisfied that the development was acceptable, subject to the development being implemented in accordance with the recommendations provided within the Flood Risk Assessment. Contamination issues had also been considered and a condition imposed to ensure further site investigation and a risk assessment be undertaken to establish any remediation works.

Resolved

Approved, subject to the removal of condition numbered 1, conditions numbered 2 to 21 and 23 – 26 (inclusive) as set out in the report submitted, together with amended condition numbered 22 and additional conditions, numbered 27 and 28, as set out below:-

22. The application site shall be used for 2 No residential pitches and 5 No transit pitches only and for no other purpose, including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification;
27. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary assessment which has identified:
 - all previous issues
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

28. Prior to commencement of development, a verification report (required by condition 19) demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

(b) **Planning Application No. P18/1801 – 127 to 129 Dudley Road, Brierley Hill – Loft Conversion with Rear Dormer to Provide 1 No Flat. Installation of Replacement Extraction Flue to the Rear Elevation (Resubmission of P18/0632)**

The agent arrived late to the meeting and as consideration of the application had already commenced, he missed the opportunity to speak on the application.

In considering the report, Members took into account the concerns raised by the objector, together with comments as set out in the report and as reported at the meeting. In particular concerns about the parking spaces proposed for the development were considered to be insufficient and the location as to where visitors to the accommodation would park as the car park situated in the vicinity was considered too tight and already congested. Reference was also made to the long term issues associated with on street parking, restrictions in relation to the limited parking authorised in the vicinity and the implications it had on residents.

In considering the report, Members acknowledged the serious concerns in relation to the lack of parking provision and the potential loss of privacy. Although the Project Engineer, following assessment and a site visit, was satisfied that two parking spaces allocated to the development was deemed appropriate, Members considered the allocation unacceptable as it was recognised that the development would impact on the highway and parking issues already experienced by residents.

Resolved

Refused for the following reasons:-

The development fails to provide sufficient parking provision and the displacement of vehicles onto the public highway raises significant highway safety concerns as there are existing on street parking issues within the locality. The development is therefore contrary to Policy TRAN2 of the Black Country Core Strategy, Policy L1 of the Dudley Borough Development Strategy and the Parking Standards SPD (2012).

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- (c) **Planning Application No. P19/0325 – Land Off, Dreadnought Road, Pensnett – Erection of commercial unit for B2, B8 and B1 (ancillary offices) use, comprising circa 3,716 sqm floor space (outline) (access to be considered)**

In considering the report, Members took into account the comments made by the local Ward Councillor, an objector and the agent at the meeting in support of the application, together with comments as outlined in the report and as reported at the meeting. Particular reference was made to Dreadnought Road and Tansey Green Road not being suitable for the heavy volume of commercial traffic that the development would potentially generate, increased noise, congestion and speeding vehicles that would all impact on the mental wellbeing and safety of residents/pedestrians. Reference was also made to the lack of demand for such a facility in the area, noting that there were already two empty units in the vicinity and that the area would benefit from an additional housing development.

Members also noted the number of objections received in relation to the planning application.

Members noted the comments made by the agent in support of the application. In particular, that the site was located within the Councils DY5 Enterprise Zone, a high quality employment area and that the planning application was submitted to improve, protect and enhance the employment offer in the area. The planning application was designed to create positive economic advantages and complied with all planning policies and that the aim was to work with neighbours effectively and create a modern day facility that would enhance the area.

At this juncture, and for transparency reasons, Councillor J Martin declared a non-pecuniary interest in respect of the planning application and reported that he had previously discussed the issue with residents, however, indicated that he would consider all representations appropriately prior to making a decision.

Members acknowledged the serious concerns relating to the insufficient turning head within the access road despite the lack of objections submitted from the Council's Highways Engineer. Officers, following a manoeuvre assessment being carried out, considered that the access site had been designed to allow for the turning of articulated vehicles without crossing the central line of Dreadnought Road.

Members recognised that the application had been submitted as an outline planning application and that access to the site was to be considered only at this stage, however, believed that the concerns raised in relation to the proposal for the access road were too significant and further consideration should be provided.

Resolved

Refused for the following reasons:-

The proposed access onto Dreadnought Road is not considered acceptable being unlikely to accommodate large HGV vehicles and as such would have the potential to cause severe detriment to highway safety. The proposed development is therefore considered to be contrary to Policy TRAN2 - Managing Transport Impacts of New Development of the Black Country Core Strategy (2011) and guidance contained within the National Planning Policy Framework (2018).

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- (d) **Planning Application No. P19/0115 – 55 Sandy Road, Norton, Stourbridge – Erection of a detached outbuilding in rear garden (retrospective)**

Resolved

Approved subject to conditions numbered 2 to 4 and replacement of condition, numbered 1 as follows:-

1. Within 3 months of the date of this permission the roof amendments shall be commenced and completed in accordance with the approved plan 480.01 Rev A.
Reason: To ensure the satisfactory appearance of the development and associated residential amenity in accordance with BCCS Policy ENV2 – Historic Character and Local Distinctiveness and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings/Policy D2 Incompatible Land Uses (in part).
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7. **Planning Services Validation Checklist**

A report of the Strategic Director Place was submitted on proposals with regard to a public consultation exercise for six weeks on the draft validation checklist for planning applications and to delegate authority to the Strategic Director Place, following consultation with the Chair of the Development Control Committee, to publish the final validation checklist taking account of representation received during public consultation. The local validation checklist is specific to Dudley Council and is intended to provide advice to applicants and agents on the submission requirements for planning applications. It supports the National List of requirements for planning applications.

Resolved

- (1) That a six week public consultation exercise on the draft validation checklist for planning applications, be approved.
 - (2) That, following consultation with the Chair of the Development Control Committee, the Strategic Director Place, be authorised to publish the final validation checklist taking account of representations received during public consultation.
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The meeting ended at 7.30pm

CHAIR

PLANNING APPLICATION NUMBER: P19/0241

| | |
|-------------------------|--|
| Type of approval sought | Full Planning Permission |
| Ward | Wollaston and Stourbridge Town |
| Location: | UNITS 1-3, LINKWOOD INDUSTRIAL ESTATE, BRADLEY ROAD, STOURBRIDGE, DY8 1UN |
| Proposal | VARIATION OF CONDITION 3 OF PLANNING APPROVAL P18/1398 TO BE REVISED TO 'THE PREMISES SHALL NOT OPEN TO THE PUBLIC BEFORE THE HOURS OF 07:00 NOR AFTER 22:00 MONDAY TO THURSDAYS AND BANK HOLIDAYS, BEFORE 07:00 NOR AFTER 01:00 ON FRIDAYS AND SATURDAYS AND BEFORE 07:00 NOR AFTER 17:00 ON SUNDAYS |
| Recommendation Summary: | APPROVE SUBJECT TO CONDITIONS |

SITE AND SURROUNDINGS

1. The application site comprises three units within a row of six brick built industrial buildings located within the Linkwood Industrial Estate. Directly to the north of the site is the river Stour, to the east and west is vacant industrial land. Opposite the site is a commercial building known as "Glove House" and there are residential properties to the south-east. The site is used as a gym/fitness centre and has an ancillary function room.
2. The proposal site lies within housing opportunity site S9 (Bradley Road West) of the Stourbridge Area Action Plan. The site is also identified as part of the larger "Former Foster and Rastrick and Tudor Dairies" site within the Dudley 2016/2017 Strategic Housing Land Availability Assessment (SHLAA).

PROPOSAL

3. The proposal seeks the variation of condition 3 of planning approval P18/1398:

The current working of Condition 3 is:

“The premises shall not be open to the public before the hours of 07:00 nor after 22:00 Monday to Friday, before 08:00 nor after 17:00 on Saturdays and before 09:00 nor after 17:00 on Sundays and Public Holidays”

When first submitted the application was for the condition to be amended to:

“The premises shall not open to the public before the hours of 07:00 nor after 22:00 Monday to Thursdays and Bank Holidays, before 07:00 nor after 01:00 on Fridays and Saturdays and before 07:00 nor after 17:00 on Sundays”.

On the basis of complaints received and at the request of the Council's Environmental Safety and Health team the condition has been amended to:

“The premises shall not open to the public before the hours of 07:00 nor after 22:00 Monday to Friday, before 07:00 nor after 17:00 on Saturdays, before 09:00 nor after 17:00 on Sundays and before the hours of 09:00 nor after 22:00 on Public Holidays. These hours restrictions shall be adhered to with the exception of the extension of the opening hours to the premises not being open to the public before the hours of 07:00 Fridays nor after 01:00 (Saturdays) or before 07:00 (Saturday) nor after 01:00 (Sunday) for a total of twelve times only within a calendar year, and not more than two times in one calendar month.

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

HISTORY

4. Recent relevant history

| APPLICATION No. | PROPOSAL | DECISION | DATE |
|--------------------|--|----------------------|-----------------------|
| 93/51215 | Change of use from B2 General Industrial to D2 Gymnasium | Temporary permission | 23/09/1993 Expired |

| | | | |
|----------|---|------------------------------|-------------------------------------|
| | | granted | 30/09 /1998 |
| P02/0725 | Use of premises as a health centre and gymnasium together with ancillary bar/snack bar and installation of external staircase | Temporary permission granted | 08/07/2002 Expired 30/06/2007 |
| P07/1237 | Renewal of planning permission P02/0725 for use of premises as a health centre and gymnasium with ancillary bar/snack bar | Temporary permission granted | 10/08/2007 Expired 15/08/2012 |
| P18/1398 | Change of use to Gymnasium (D2) (part retrospective) | Approved | 22/11/2018 |

5. Planning application 93/51215 related to unit 2 only and applications P02/0725 and P07/1237 related to units 1 and 2 only.

PUBLIC CONSULTATION

6. Four letters were sent to adjacent and nearby commercial premises and a Site Notice was put up. Eight letters of objection have been received which make the following comments:

Principle/Amenity Issues

- It is a residential area undergoing regeneration with the medical centre and housing. To allow this would be a backward step and encourages criminal damage from drunken behaviour;
- The gym is a great community asset but the nightclub is less so;
- The gym should be run as a gym only, the function room brings disruption to a residential area;
- In the summer months the gym opens its doors and windows and music from the classes can be heard in rooms at the rear of nearby houses;

- Question whether the building has sound proofing or insulation and is not therefore suitable for the functions. It has not been modernised for its new purpose;
- The frontage of the building is has an unsealed timber frame with single glazed units which does not protect residents from noise pollution;
- Strong floodlights already shine to the rear of my house. Increased hours will increase the length of time that these are on;
- The only exit from the venue is through an otherwise quiet housing estate which is often swamped by up to 150 people coming out after 2am

Existing Anti-social Behaviour

- Loud music, noise, shouting and screaming and disturbance in the street late into the evening;
- The sleep of adults, children and animals are disturbed;
- Broken glass in road and bottles thrown into gardens;
- Urinating in public;
- Violent altercations;
- Damage to residents vehicles and parking;
- Litter;
- Congested road making it difficult for residents to park;
- Hand powered roller shutter doors create unacceptable levels of noise when opened and closed;
- Issues in the past have not been listened to or dealt with

Early morning start

- 7am start on Sundays would be negative for residents;

- Noise disturbance from traffic early in the morning and from the gym use

OTHER CONSULTATION

7. Head of Planning and Development (Highway Engineer): No objections. The change of hours from 9am to 7am should not create any issues on the surrounding public highway network. The later opening on Friday and Saturday nights through to 01:00am the following morning again will not create congestion issues on Bradley Road however, general vehicle idling and movements create some disturbance to residents that will need to be considered separately by environmental officers.
8. Head of Environmental Health and Trading Standards:

Initial comments: It is noted that this application relates to the variation of hours of opening of the premises related to its use as a gymnasium. I raised no objection to the granting of retrospective planning permission for a gymnasium under planning approval P18/1398, without recommending restrictions on hours of opening, and there has been no material change in circumstances since granting of that approval that would justify objection to the current application. There have been sporadic complaints over the last few years from residents about disturbance from loud music but these complaints have been resolved by taking practical measures such as ensuring that doors to the building facing residential properties have been kept closed, and ensuring that use of the first floor lounge as a function room is controlled to keep music at a level that does not adversely affect residents in the area. There is therefore no objection to the application.

Further comments: It may be that the lack of complaint underestimates the impact of activities at the gym in the neighbourhood, and it is noted that the objections include concern over disturbance from the use of the premises for functions rather than use as a gym. There is insufficient evidence available to warrant a recommendation of refusal but it may be appropriate to impose additional control over the use of the premises for functions including a temporary permission, the

restriction of the number of functions per year and the requirement to fully close windows facing the residential area during the use of the premises in the extended hours.

RELEVANT PLANNING POLICY

9. National Planning Guidance (2018)

The revised National Planning Policy Framework (2018) sets out the Government's planning policies for England and how these should be applied. Applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Its overarching principle is that plans and decisions should apply a presumption in favour of sustainable development.

10. Black Country Core Strategy (2011)

Policy HOU1 Delivering Sustainable Housing Growth

Policy EMP2 Actual and Potential Strategic High Quality Employment Areas

Policy EMP3 Local Quality Employment Areas

Policy EMP4 Maintaining a Supply of Readily Available Employment Land

Policy CEN7 Controlling Out-of-Centre Development

Policy TRAN2 Managing Transport Impacts of New Development

Regeneration Corridor 11b Brierley Hill to Stourbridge

11. Dudley Borough Development Strategy (2017)

Policy S2 Planning for a Healthy Borough

Policy S19 Dudley Borough's Green Network

Policy S27 River Stour and its Tributaries

Policy L1 Housing Development, Extensions and alterations to existing Dwellings

Policy L8 Protecting the Viability and Integrity of Industrial Business Uses

Policy D5 Noise Pollution

12. Stourbridge Area Action Plan (2013)
Bradley Road West Development Opportunity Site (S9)
13. Supplementary Planning Documents/Guidance
Parking Standards SPD

ASSESSMENT

Key issues

- Background
- Variation of condition 3

Background

14. Planning approval granted on 11th November 2018 (P18/1398) gave permission for the change of use of the three units (1-3) to a gymnasium (D2) with no elevation changes. Ancillary uses included a coffee lounge, beauty room crèche and a bar. Temporary approvals for a gymnasium had previously been granted on units 1 and 2. The application gave full permission for the change of use and also included the adjacent unit 3.
15. In granting approval, consideration was given to the amenity of local residents. Whilst the Head of Environmental Health and Trading Standards raised no concerns regarding the change of use, it was considered reasonable that the hours of opening were restricted. Hence the requirement for condition 2 of planning approval P18/1398.
16. In considering the application for the change of use (P18/1398) the Head of Planning and Development (Highway Engineer) noted that units 1 and 2 had operated as a fitness centre for a number of years with no highway complaints received therefore

the expansion of the use into unit 3 was not envisaged to create any significant highway safety issues.

Variation of Condition 3

17. The application is for the variation of condition 3 which restricts the hours of operation of the premises. The current hours restriction is:

- 07:00 to 22:00 Monday to Friday,
- 08:00 to 17:00 on Saturdays
- 09:00 to 17:00 on Sundays and Public Holidays

The new hours of operation requested are:

- 07:00 to 22:00 Monday to Thursdays and Public Holidays
- 07:00 to 01:00 on Fridays and Saturdays
- 07:00 to 17:00 on Sundays

18. The opening hours of the premises would remain the same on Mondays to Thursdays, whilst Fridays, Saturdays and Bank Holidays would increase. The application applies to open at 07:00 every morning for gym use however, following discussions, the applicant has agreed to retain the existing opening hours for the gym to 09:00 on Sundays and Public Holidays. This would go some way to overcome the concerns raised from neighbours regarding early morning starts.

19. It has become apparent that the reason for the requested later opening hours on Fridays and Saturdays is to allow for the occasional evening function to take place at the premises. It is understood, that the lounge and part of the gym of unit 2 are used for functions generally comprising children's parties during the day and also, several times of the year, it stays open late in the evening for private parties.

20. Given the level of objections received, the Head of Environmental Health and Trading Standards has considered the matter further and has speculated that it may be that the lack of complaints received underestimates the impact of activities at the gym in the neighbourhood. It is noted that the objections include concerns over disturbance from the use of the premises for functions rather than use as a gym. He concludes however that there is insufficient evidence available to warrant a recommendation of refusal but considers that it may be appropriate to impose additional control over the use of the premises for functions including the restriction of the number of functions per year and the requirement to fully close windows facing the residential area during the use of the premises during the extended hours.
21. Having spoken to the applicant he is willing to accept a condition to restrict the late night opening to twelve only within a twelve month period and that on every other Friday and Saturday within the twelve month period the existing opening hours (Friday to 22:00 and Saturday to 15:00) would apply. On this basis, it is considered that the application can be supported as it is not considered unreasonable for the premises to open for a function on average once a month. To further protect residential amenity, a further condition could ensure that all windows facing the residential area would remain shut during these twelve functions during the extended opening hours. It is also expected that such functions would be controlled under the statutory Licensing regime administered by the Council.

CONCLUSION

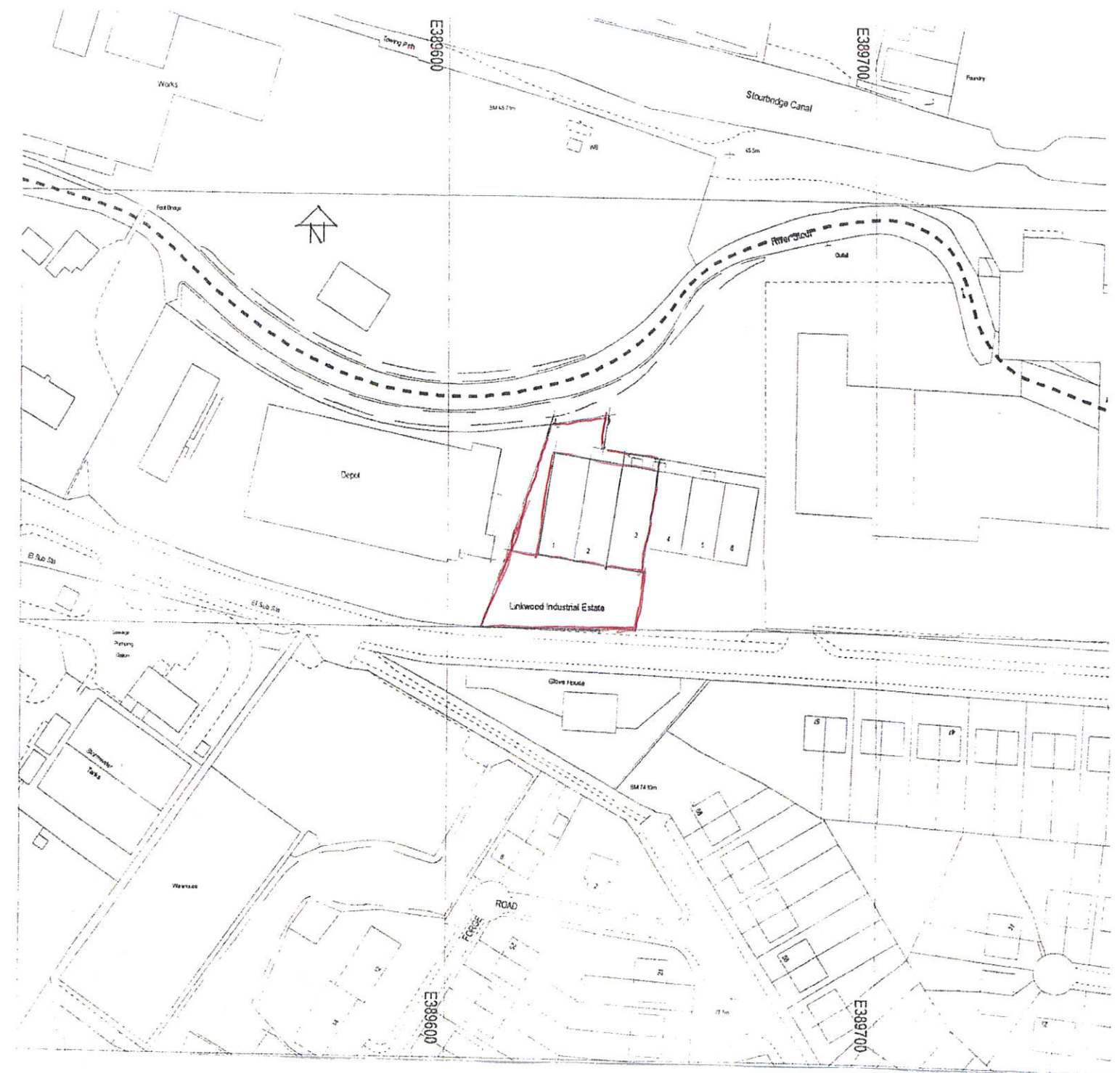
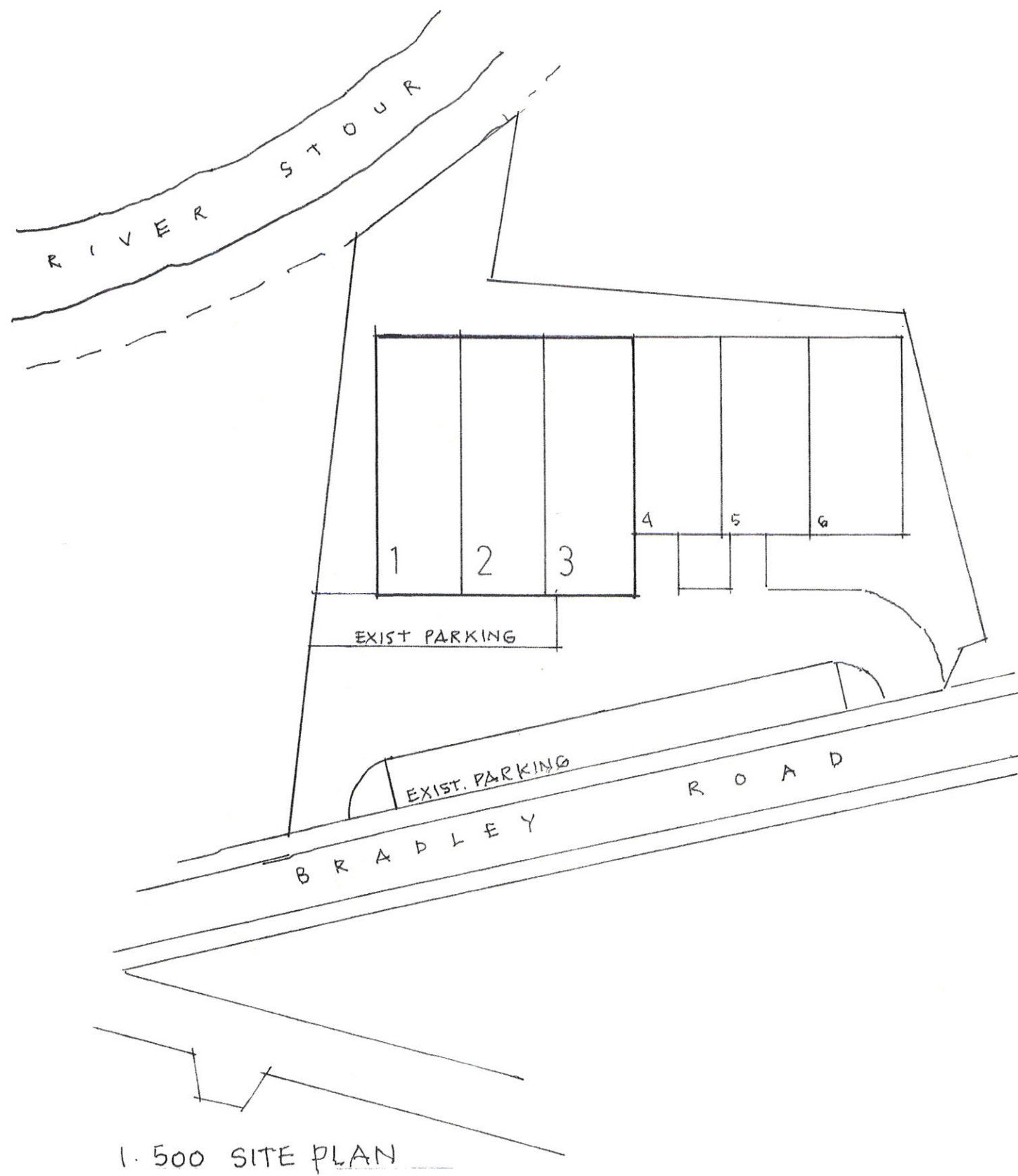
22. The variation of the wording of condition 3 (of planning approval P18/1398) to increase the opening hours of the establishment can be supported, with the amendments to the opening hours and the use of further conditions to overcome concerns regarding residential amenity. On this basis the application would accord with the National Planning Policy Framework, Policies HOU1, EMP2, EMP3, CEN7 and TRAN2 of the Black Country Core Strategy and Policies S2, S19, S27, L1, L8 and D5 of the Dudley Borough Development Strategy and Parking Standards Supplementary Planning Document.

RECOMMENDATION

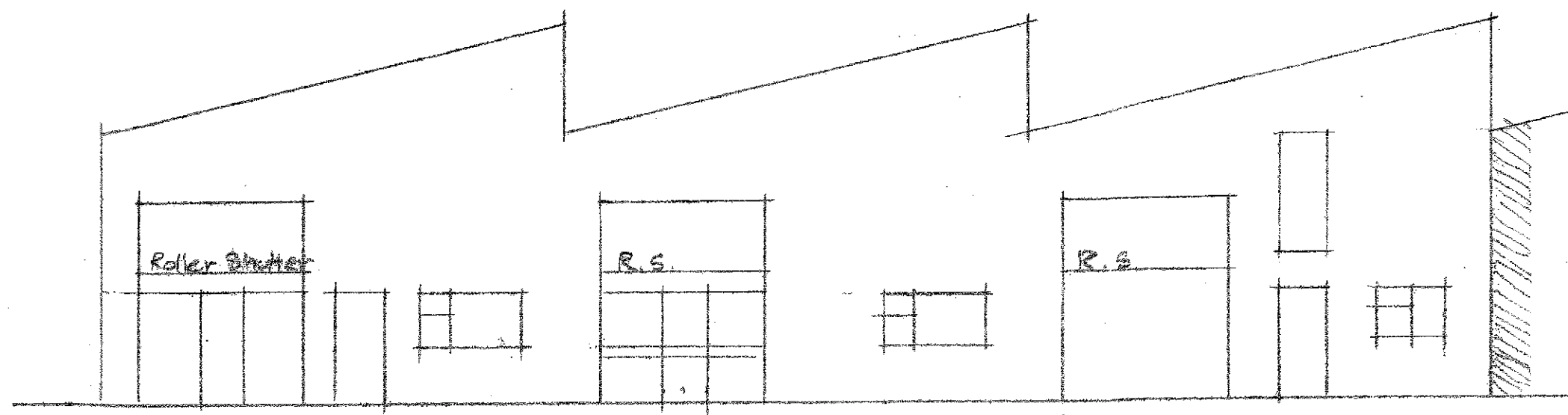
23. It is recommended that condition 3 be amended:

Conditions and/or reasons:

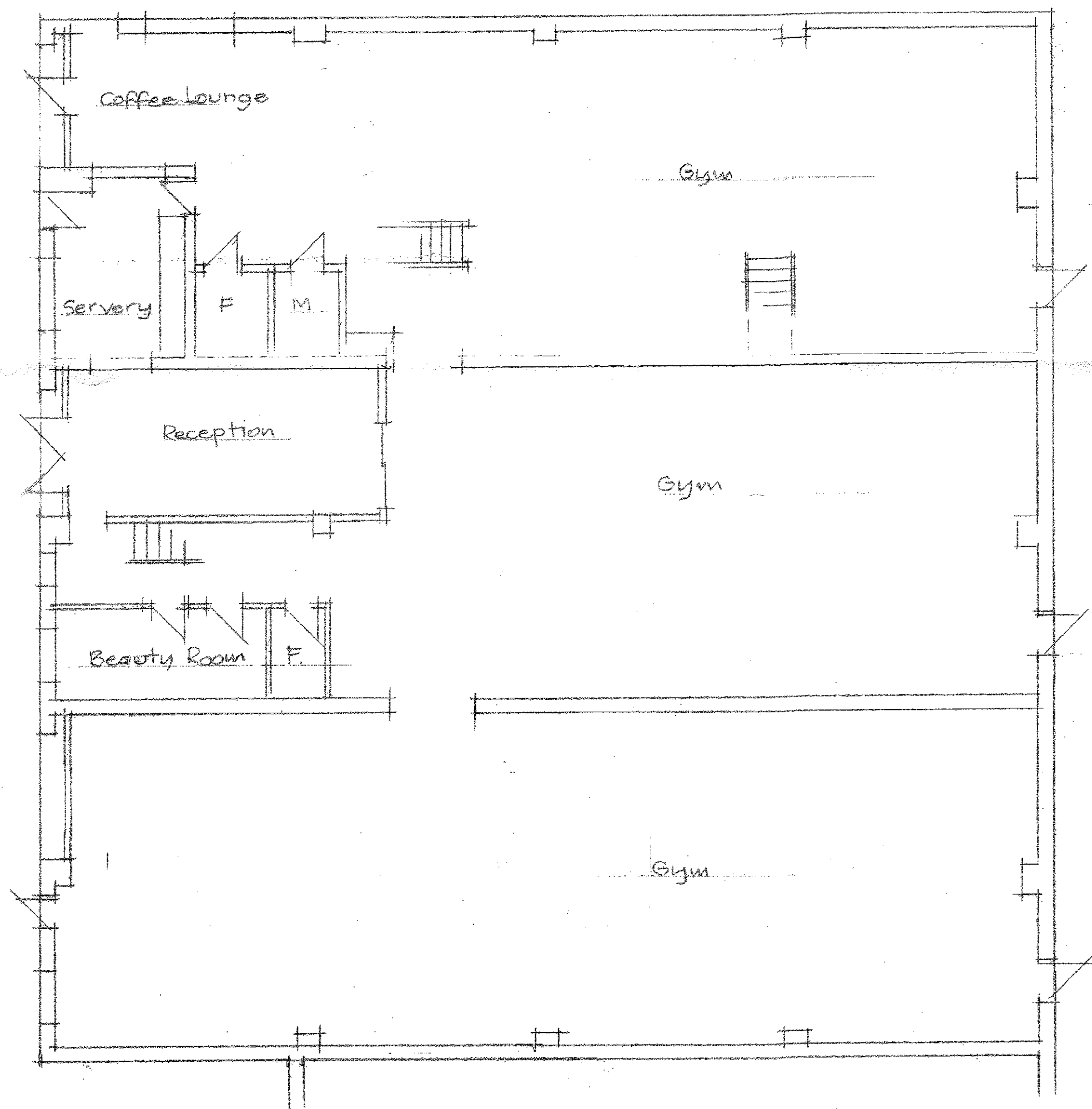
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location/site plan and floorplan/elevation plan both received on 6th March 2019
REASON: For the avoidance of doubt and in the interests of proper planning.
3. The premises shall not open to the public before the hours of 07:00 nor after 22:00 Monday to Friday, before 07:00 nor after 17:00 on Saturdays, before 09:00 nor after 17:00 on Sundays and before the hours of 09:00 nor after 22:00 on Public Holidays. These hours restrictions shall be adhered to with the exception of the extension of the opening hours to the premises not being open to the public before the hours of 07:00 Fridays nor after 01:00 (Saturdays) or before 07:00 (Saturday) nor after 01:00 (Sunday) for a total of twelve times only within a calendar year, and not more than two times in one calendar month.
REASON: To protect the amenities of nearby residents in accordance with Borough Development Strategy 2017 Policy D5 Noise Pollution and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part).
4. All windows on the front elevation of the units shall remain closed before the hours of 07:00 and after 22:00 Monday to Friday, before 07:00 nor after 17:00 on Saturdays, before 09:00 nor after 17:00 on Sundays and before the hours of 09:00 nor after 22:00 on Public Holidays.
REASON: To protect the amenities of nearby residents in accordance with Borough Development Strategy 2017 Policy D5 Noise Pollution and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part).



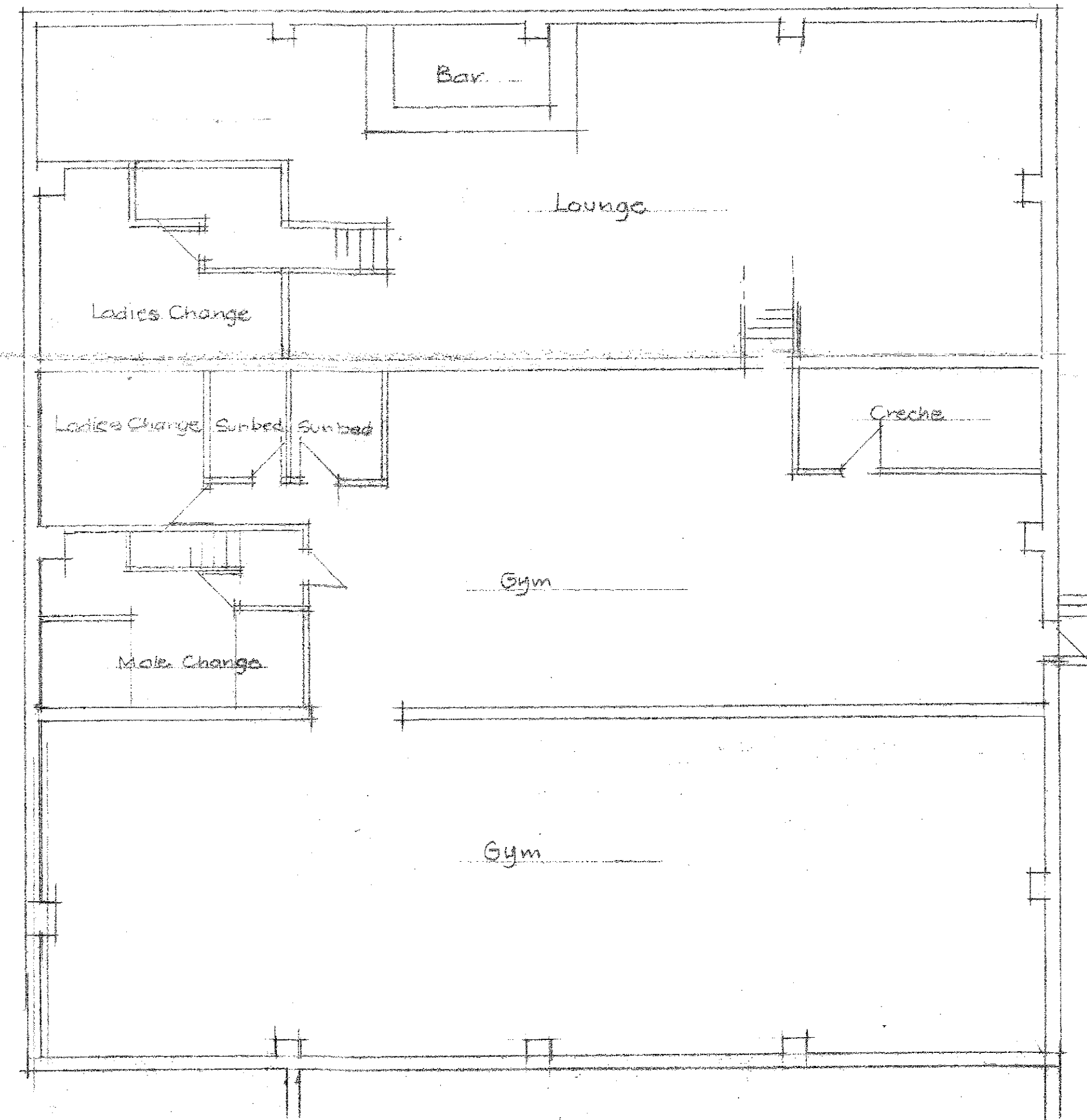
1.1250 LOCATION



FRONT ELEVATION



GROUND FLOOR 1:100



FIRST FLOOR

THE FITNESS FACTORY
UNITS 1, 2 + 3 LINKWOOD IND. ESTATE
BRADLEY ROAD WOLLASTON DY8 1UN

PLANNING APPLICATION NUMBER: P19/0281

| | |
|-------------------------|---|
| Type of approval sought | Full Planning Permission |
| Ward | Wordsley |
| Location: | DISUSED PUBLIC TOILETS ADJACENT THE OLD CAT INN, LAWNSWOOD ROAD, WORDSLEY. |
| Proposal | DEMOLITION OF EXISTING BUILDING AND ERECTION OF A RETAIL UNIT WITH FLAT ABOVE. |
| Recommendation Summary: | APPROVE SUBJECT TO CONDITIONS |

SITE AND SURROUNDINGS

- 1 The application consists of a former public toilet building of single storey brick, flat roof construction with doors to both sides and window openings to front, rear and side elevations. The application site is situated off Lawnswood Road in Wordsley, and set between the car park for the Cat Inn Public House (Grade II Listed Building) and No. 1 Lawnswood Road. The building is set at the rear of the application site with the frontage being partly paved. The site is relatively level, raising slightly from the road frontage.
- 2 The eastern and southern boundaries of the site are adjacent to the Cat Inn Public House car park which has a tarmac finish taken up to the boundaries. The public house itself has a painted render finish with a tiled pitched roof construction. First floor windows are dormers set into the roof fronting onto Lawnswood Road.
- 3 To the western boundary is the two storey house No. 1 Lawnswood Road. The boundary treatment to this side consists of concrete fence posts with concrete gravel board infill. The house itself is a mixture of finishes with ground floor level brickwork changing to render at first floor and feature brickwork framing the render. There is a splayed bay window to the ground floor. The roof is pitched with tiled finish. The gable adjacent to the site is plain with no windows and has a black paint finish to the bricks.

- 4 The surrounding area of the application site consists of a mix of uses including residential, small shops/retail, public houses, food (take away and eat in), dentists and doctors, offices and a larger grocery store. The application site sits on a public transport route with bus stops being located just metres away. The site is within walking distance of the Wordsley Green shopping centre where further shops and services are available along with public parking spaces. Additional parking in the vicinity serves the Sainsburys Local store. Wordsley Park is also located a short distance from the site off Lawnswood Road.
- 5 The application site is located within the designated Green Local Centre and the Wordsley Church Conservation Area.

PROPOSAL

- 6 The application proposes to redevelop the site to form a small (30sq m) Class A1 retail shop on the ground floor, along with first floor one bedroom flat accessed from an entrance door on the front elevation.
- 7 The building footprint would be larger than that of the former public toilets, but would still not sit forward of the building line formed by the adjacent row of existing terraced houses.
- 8 The frontage would be block paved to accommodate a delivery vehicle with a separate landscaped path to the front door of the first floor flat. A bin store would be located to the side to the building behind a gate. An existing BT box is to be retained in its existing position on the site frontage. The side boundary to No. 1 Lawnswood Road would see the removal of the concrete fencing and the installation of low level railings.
- 9 The front elevation of the development has been designed to reflect the adjacent terraced houses with a brick and render finish. There would also be a low level hipped canopy roof to offer covered entrance areas to both the retail unit and the flat. The first floor windows would have arched brick headers.

- 10 The finished ridge levels would be the same height as the adjacent terraced houses with two small front dormer windows and there would be a plain tile finish to the roof.

HISTORY

- 11 Pre-application guidance given.

| REFERENCE No. | PROPOSAL | DECISION | DATE |
|------------------|---|--|------------|
| PRE19/00023 | Pre-app - Change of use to a commercial unit with flat over | In principle, both residential and commercial development on the site is acceptable. | 01/02/2019 |

PUBLIC CONSULTATION

- 12 Following the display of site and press notices and direct consultation with surrounding neighbours. 5 individual letters of objection have been received, with the following concerns summarised below:
- No need for any more hot/fast food outlets
 - Existing empty shops
 - Parking and vehicle access
 - Bus stop located nearby which blocks main junction
 - Switching box may get damaged by cars trying to park
 - Loss of sunlight on frontage
 - Visible from lounge window

- Rubbish
- Noise
- Removal of fencing – ownership
- Pest control
- Property value
- Look odd amongst terraced house and in Conservation Area
- Building work disruption
- Traffic

13 A petition containing 93 names and addresses has also been received against the application with the following concerns listed:

- Adverse effects on road network – generating congestion
- Poor air quality
- Poor access due to BT box & inadequate car parking – more congestion
- No disabled access
- Design issues – not in keeping with the area
- Future usage/applications
- Building on sewage – an ex toilet

OTHER CONSULTATION

- 14 Highways Engineer: No objection to the amended plans after concerns raised regarding no parking provision for delivery vehicles to the retail shop subject to a cycle storage condition for the resident of the flat (under stairs storage).
- 15 Head of Environmental Health and Trading Standards: No objection subject to conditions relating to the hours of opening of the retail unit and air quality (gas boilers).
- 16 Land Contamination Team: No adverse comments.
- 17 Conservation Officer: No objections raised or comments provided.

18 Planning Policy Team:

- Retail - The proposal is not liable for CIL given that the proposal is for less than 100 square metres of CIL Liable retail floor space
- Residential flat - The proposal is liable for CIL but the site falls within Zone 1 which has a £0 rate thus no CIL charge is required.

RELEVANT PLANNING POLICY

19 National Planning Guidance

- National Planning Policy Framework (2012)
- Planning Practice Guidance (2014)

20 Black Country Core Strategy (2011)

- CSP1 The Growth Network
- CSP4 Place Making
- DEL1 Infrastructure Provision
- HOU1 Delivering Sustainable Housing Growth
- HOU2 Housing Density, Type and Accessibility
- CEN2 Hierarchy of Centres
- CEN5 District Centres and Local Centres
- CEN6 Meeting Local Needs for Shopping and Services
- CEN8 Car Parking in Centres
- TRAN1 Priorities for the Development of the Transport Network
- TRAN2 Managing Transport Impacts of New Development
- ENV 2 Historic Character and Local Distinctiveness
- ENV 3 Design Quality
- ENV 8 Air Quality

21 The Dudley Borough Development Strategy

- D2 Incompatible Land Uses

- S6 Urban Design
- S8 Local Character and Distinctiveness
- S9 Conservation Areas
- L1 Housing Development, extensions and alterations to existing dwellings
- S1 Presumption in favour of Sustainable Development
- L12 Shop Front Security
- D5 Noise Pollution

22 Supplementary Planning Guidance/Documents

- New Housing Development Supplementary Planning Document (2012)
- Parking Standards Supplementary Planning Document (2012)
- Planning Obligations Supplementary Planning Document (2015)
- PGN 5 – Retail frontages
- PGN 12 - The 45 Degree Code

ASSESSMENT

23 The main issues are:

- Principle/policy
- Design
- Neighbour amenity
- Occupier amenity
- Access and parking
- Financial material considerations

Principle

24 Whilst the site is located within Wordsley Church Conservation Area, the site is also located within The Green Local Centre. Policies within the Black Country Core Strategy and the Dudley Borough Development Strategy promotes A1 development in these areas and therefore the proposed use is acceptable, adding to the A1 retail function of the shopping area. Furthermore the Black Country Core Strategy and Dudley Borough Development Strategy supports residential development at first

floor above shop units, boosting the residential population, to maintain and enhance the vitality and viability of local centres.

Design and Character

- 25 The design of the proposed unit is considered to be acceptable from a design point of view with appropriate window and dormer design.
- 26 The scale of the building is considered appropriate and sits well against the adjoining buildings.
- 27 Overall, the redevelopment of the site is considered to be an improvement to the locality which will maintain and enhance the Character and appearance of the conservation area and removes the derelict former public toilet, which detracts from the wider character of the Wordsley Church Conservation Area.

Occupier Amenity

- 28 It is noted by the Environmental Safety and Health Team that this application proposes a small retail unit with a one bedroom flat above in an area that is subjected to high levels of road traffic noise, and is also potentially affected by noise from activity on the car park of the adjacent public house as well as noise from customers visiting the new retail unit below. Any adverse effect on future residents in the flat from car park noise is partly mitigated by the arrangements of having windows of habitable rooms facing towards Lawnswood Road. On balance, the proposals are acceptable with regard to noise and air quality issues. The building is set back from the road and standard double glazing to habitable rooms should provide adequate protection from road traffic noise, and noise generated from use of the new retail unit, for future residents. It is also noted that no additional parking spaces are proposed. It is therefore considered the proposals are acceptable with regard to noise and air quality issues but the hours of opening of the retail unit need to be limited by condition to avoid any possibility of disturbance to residents living in the vicinity (and new residents) during unsociable hours.

- 29 The proposed development is situated in a mixed use area, with a number of commercial properties with residential dwellings on the upper floors.
- 30 The lack of private amenity space to the flat raises no concerns in this case due to the local centre location.

Neighbour Amenity

- 31 The proposed development is unlikely to have an impact an amenity of the adjoining property, in that the ground and first floor elements are set generally in line with the adjoining properties to the front. There would be no breach of the 45 Degree Code.

Access and parking

- 32 The Highway Officer has no objection to the proposed residential element, due to its local centre location. However, the Highway Officer originally raised concerns regarding deliveries for the proposed retail unit, such that amended plans were submitted to accommodate a parking space for a delivery vehicle on the frontage. The Highway Officer has since confirmed that the revised plans are now acceptable and the development is supported.

Financial material considerations

- 33 Section (124) of the Localism Act states that: Local planning authorities are to have regard to material considerations in dealing with applications including any local finance considerations, so far as material to the application. A 'local finance consideration' may be taken to cover the payment of New Homes Bonus, or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy (CIL).
- 34 The section does not change the law in any way. It is not a new basis for planning policy and it remains unlawful for planning permissions to be 'bought'.

- 35 This proposal would provide one flat generating a New Homes Bonus grant of one times the national average council tax for the relevant bands.
- 36 The retail element is not liable for CIL for the following reason(s):
- less than 100 square metres of CIL Liable retail floor space
- 37 The residential is liable for CIL but the site falls within Zone 1 which has a £0 rate thus no CIL charge is required.

CONCLUSION

- 38 The proposed development is acceptable in principle, is of acceptable design and would cause no significant harm to neighbour amenity, or highway safety and would enhance the conservation area. Consideration has been given to policies CSP1 The Growth Network, DEL1 Infrastructure Provision, HOU1 Delivering Sustainable Housing Growth, HOU2 Housing Density, Type and Accessibility, CEN2 Hierarchy of Centres, CEN5 District Centres and Local Centres, CEN6 Meeting Local Needs for Shopping and Services, CEN8 Car Parking in Centres, TRAN1 Priorities for the Development of the Transport Network, TRAN2 Managing Transport Impacts of New Development, ENV 2 Historic Character and Local Distinctiveness and ENV 8 Air Quality of the Black Country Core Strategy.

RECOMMENDATION

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

Conditions and/or reasons:

1. The dwelling(s) shall not be occupied until details of secure and covered cycle storage have been 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 occupation of the dwelling(s) and shall thereafter be retained and maintained for no other purpose, for the life of the development.

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

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be carried out in accordance with the following plans and amended plans: 373 03 REV A, 373 02 REV A, 373 01 and Location Plan Scale 1:1250.

REASON: For the avoidance of doubt and in the interests of proper planning.

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

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

5. The premises shall not be open to the public before the hours of 0700 nor after 2300 Monday to Saturday and before 0800 or after 2230 on Sundays and Public Holidays.

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

6. No above ground development shall commence until a schedule of the types, colours and textures of the materials to be used on the external surfaces of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the visual amenities of the area and to comply with BCCS Policies CSP4 - Place-Making and ENV2 - Historic Character and Local Distinctiveness and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part)

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

REASON: In order to make a positive contribution to place-making and provide a high quality landscaping in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision Borough Development Strategy

2017 Policy S6 Urban Design and

Policy L1 Housing Development, extensions and alterations to existing dwellings

Policy D2 Incompatible Land Uses (in part)

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

8. The development shall be first occupied/used until details of the bin stores have been submitted to and approved in writing by the Local Planning Authority. The bin stores shall be provided in accordance with the approved details prior to the first use/occupation of the development and shall thereafter be retained and maintained for no other purpose for the life of the development.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings

Policy D2 Incompatible Land Uses (in part)

and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

9. No development shall commence (excluding demolition, site clearance and initial ground works) until full details of the soft landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before the end of the first planting season following first occupation of the development.

Any trees or shrubs planted in pursuance of this permission including any planting in replacement for which is removed, uprooted, severely damaged, destroyed or dies within a period of five years from the date of planting shall be replaced by trees or shrubs of the same size and species and in the same place unless otherwise agreed in writing by the Local Planning Authority.

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order revoking or re-enacting that Order with or without modification) no development covered by Part 3, Classes C, D, G, J and M, Part 4, Class D and Part 7, Classes A, B, C and D to that Order shall be carried out without the express grant of planning permission.

REASON: To protect the viability and vitality of the town centre, highway safety and amenity in accordance with BCCS Policies CEN7 - Controlling Out of Centre Development and TRAN2 - Managing Transport Impacts of New Development and Borough Development Strategy 2017 Policy L1 Housing Development, extensions and alterations to existing dwellings

Policy D2 Incompatible Land Uses (in part).

11. The development shall not be occupied until the loading area has been laid out in accordance with the approved details and shall thereafter be maintained for the life of the development.

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

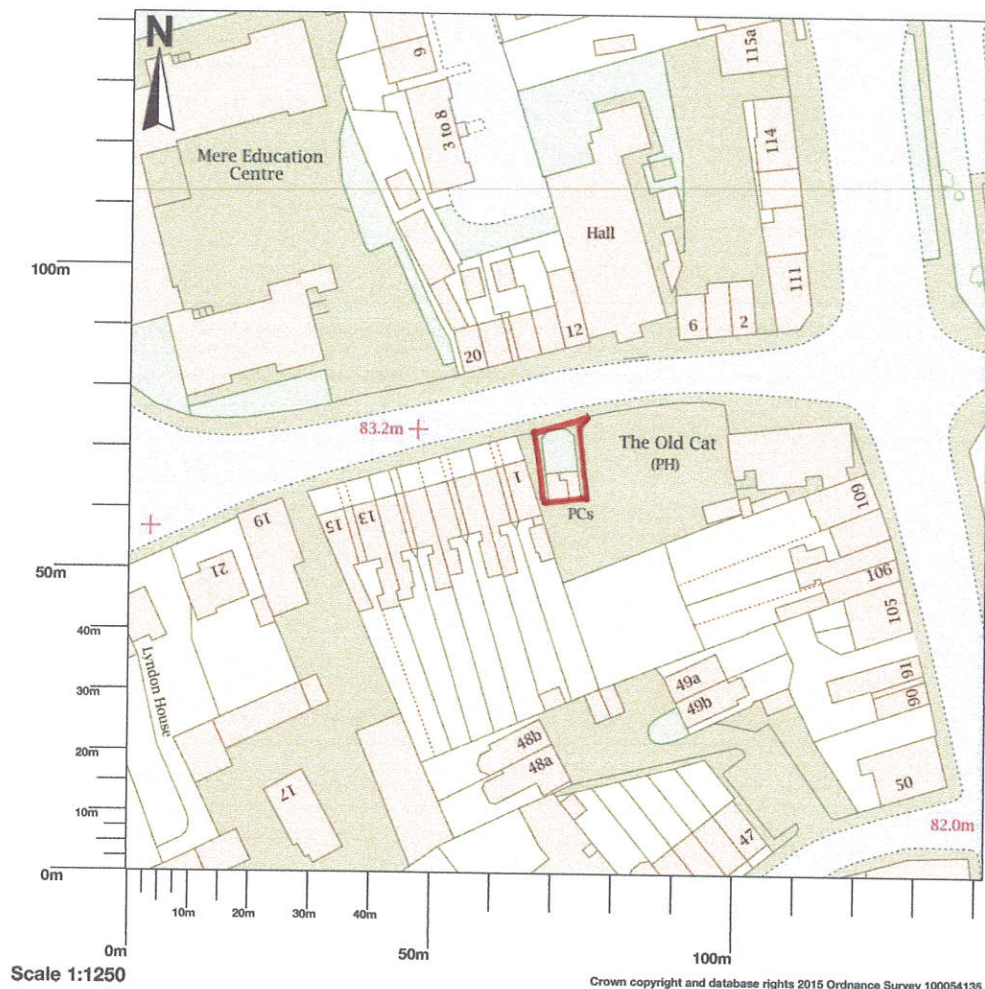
12. No above ground development shall commence until details of the positions, design, materials and type of boundary treatment or means of enclosure have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until these works have been carried out in accordance with the approved details and shall thereafter retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.

REASON: In order to make a positive contribution to place-making and provide a high quality public realm in accordance with BCCS Policies CSP4 - Place-Making, ENV1 - , ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part)

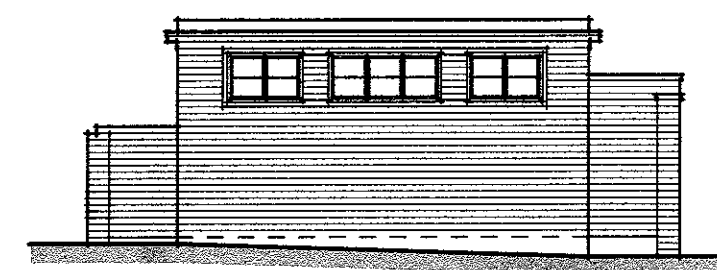
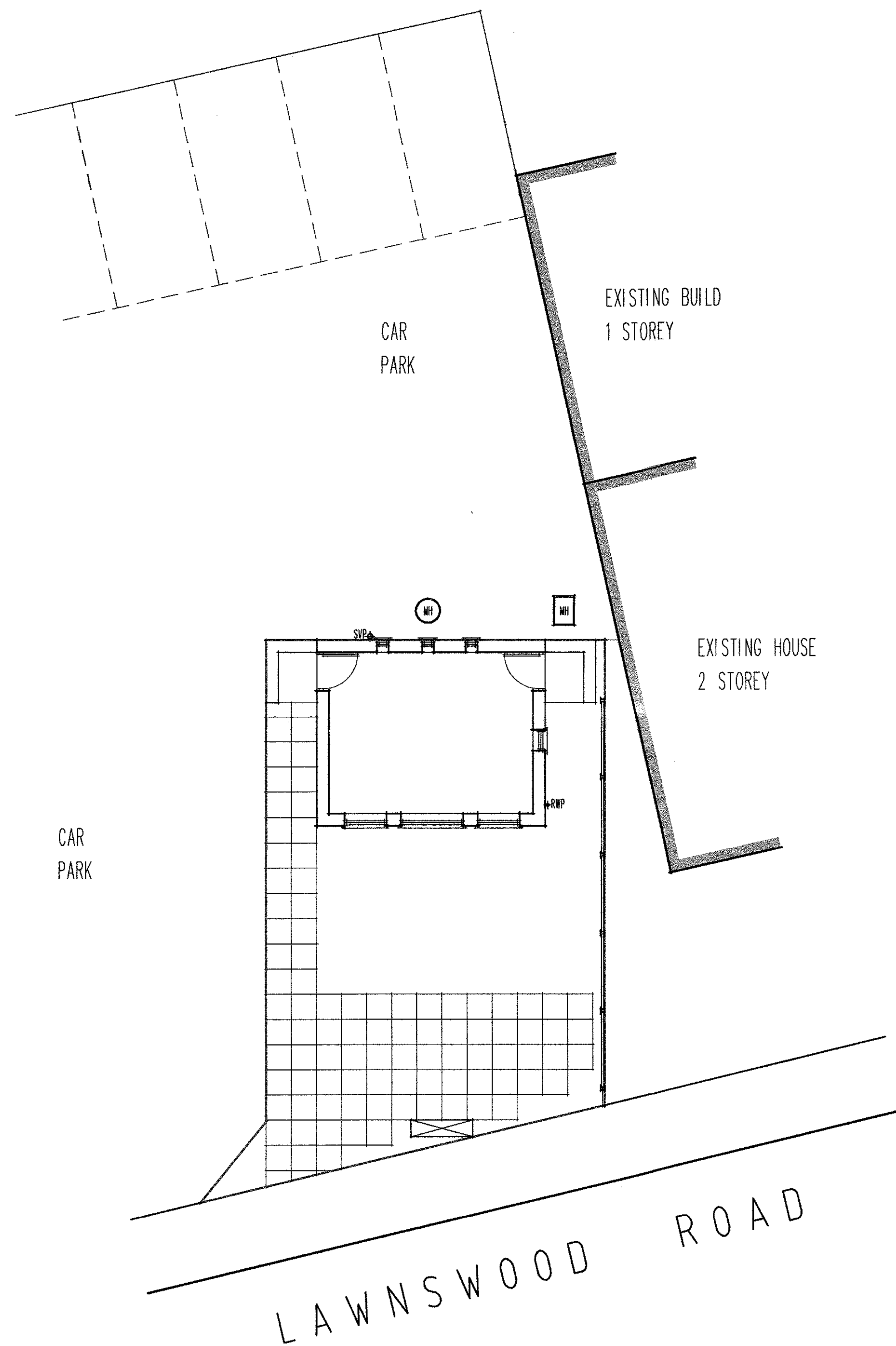
This detail is required as the required works may be needed to protect the amenity of existing and proposed occupiers.

28 FEB 2019

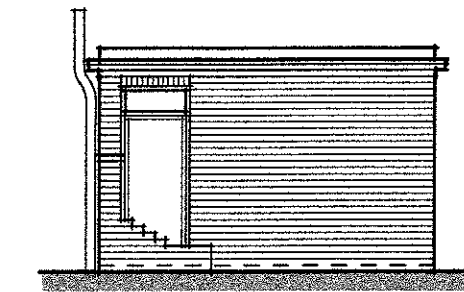
Cat Inn, 110 High Street, Wordsley, Stourbridge, DY8 5RT



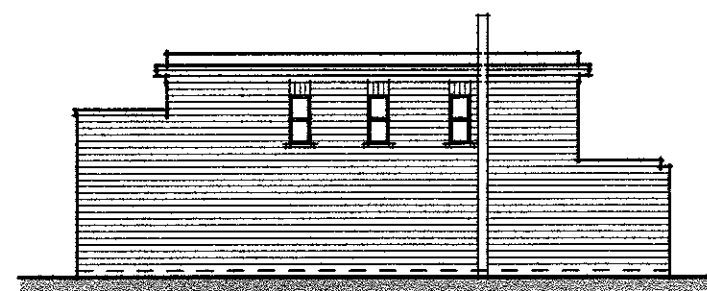
Map area bounded by: 388992,286917 389134,287059. Produced on 04 January 2019 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2019. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p2buk/307620/418314



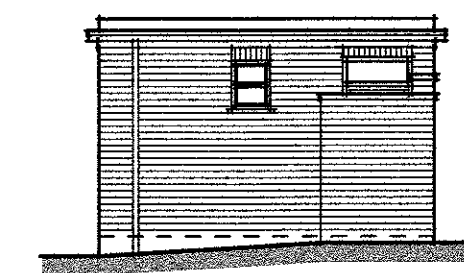
EXISTING FRONT ELEVATION TO ROAD



SIDE ELEVATION TO CAR PARK

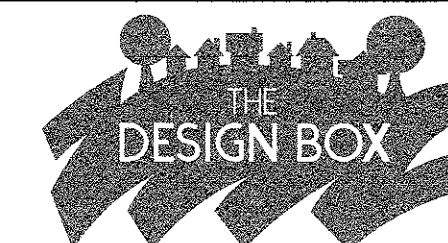


REAR ELEVATION TO CAR PARK



SIDE ELEVATION TO HOUSE

28 FEB 2019



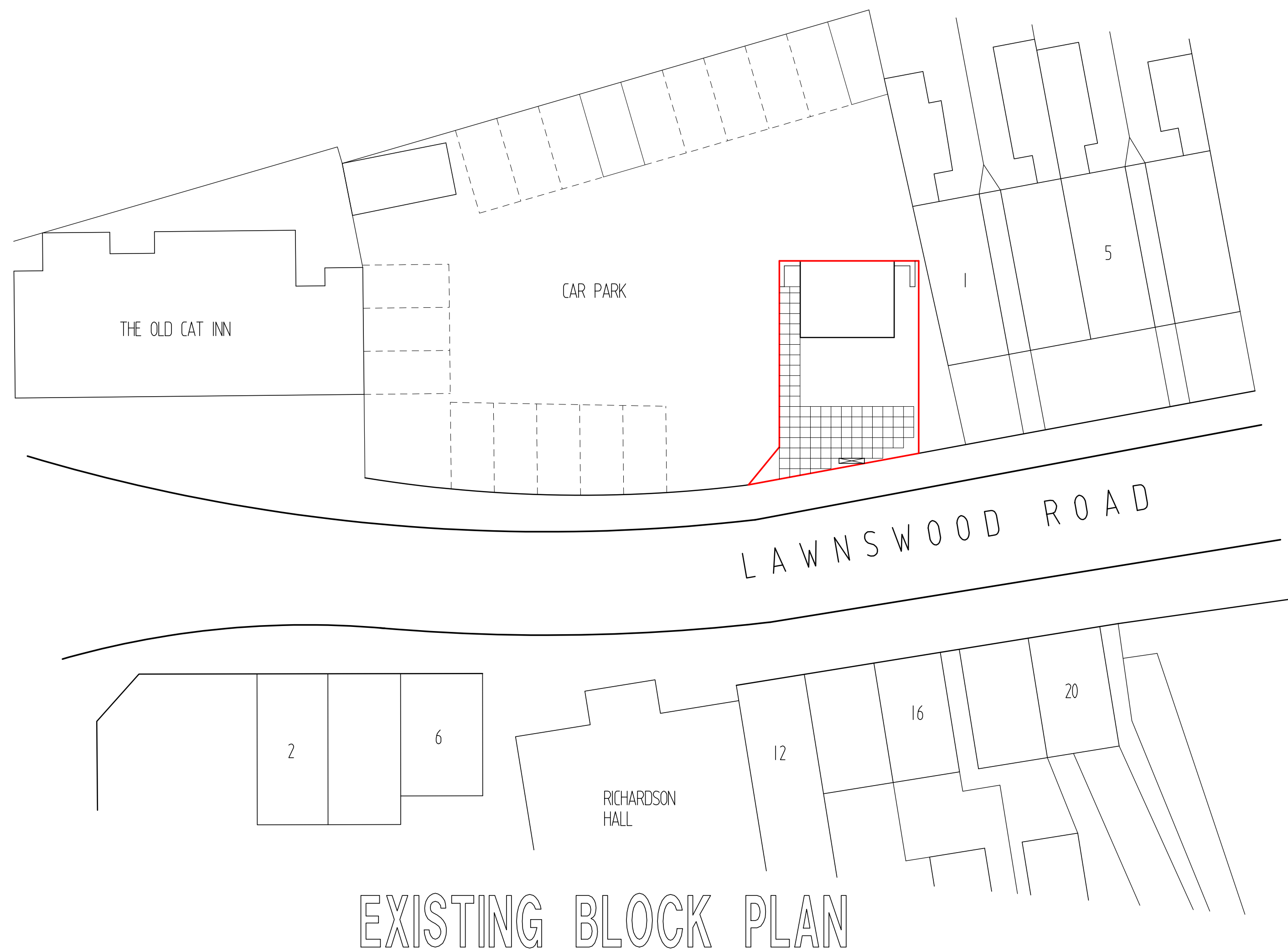
ARCHITECTURAL DESIGN SERVICES
 No 1 BERKELEY DRIVE, KINGSWINFORD
 WEST MIDLANDS, DY6 9DX, TEL 01384 825851
 E MAIL - thedesignbox@live.com

PROJECT
 PROPOSED DEVELOPMENT AT FORMER TOILET BUILDING, LAWNSWOOD RD. WORDSLEY
TITLE
 EXISTING PLAN & ELEVATIONS

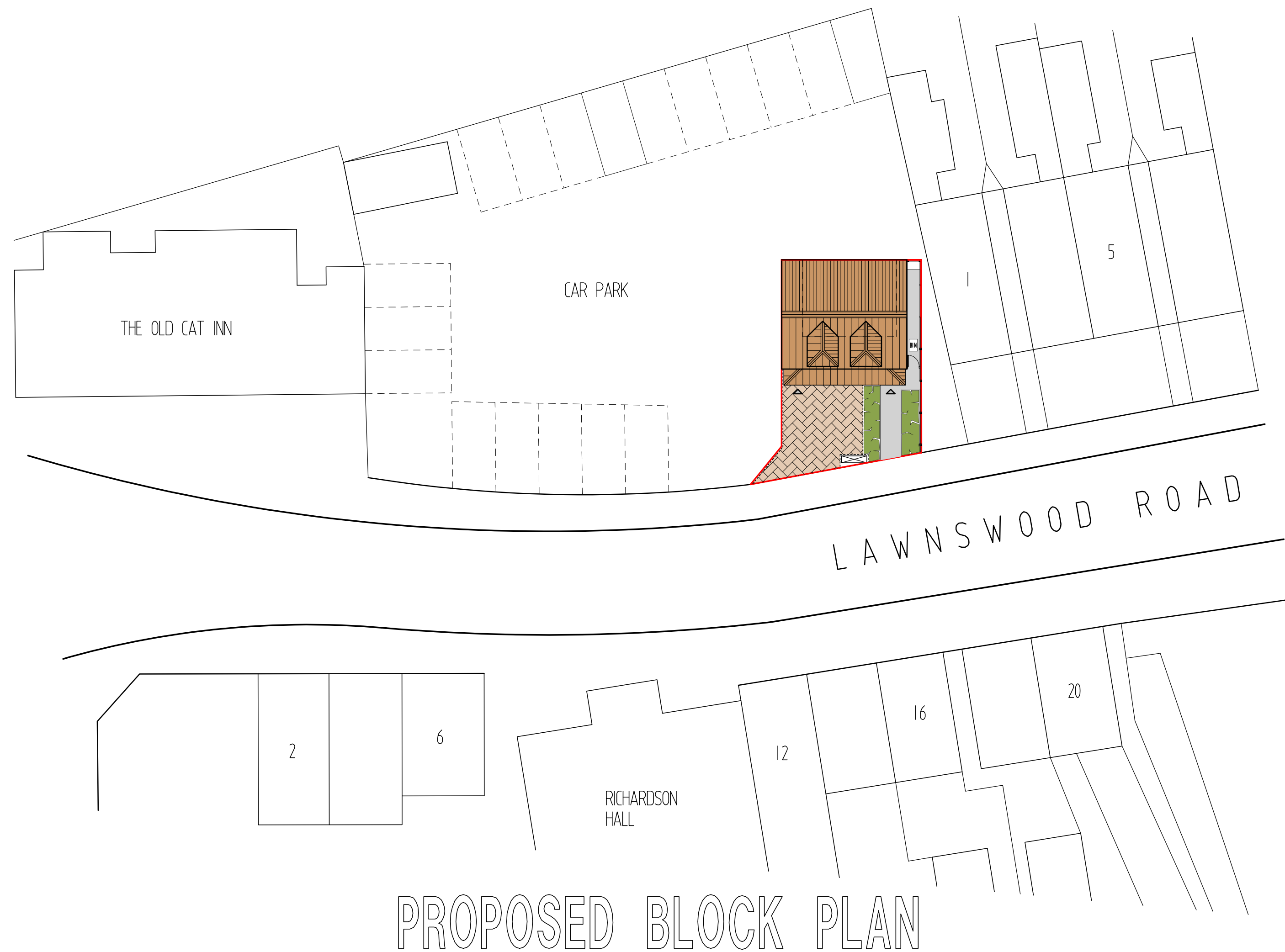
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|--------|------------|-------|----------|
| JOB NO | 373 | DATE | FEB 2019 |
| DRG NO | 01 | REV | |
| SCALE | 1-100 @ A2 | DRAWN | JLB |

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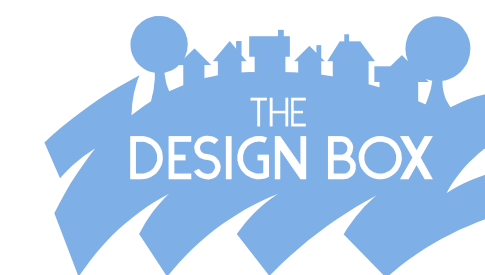
Proposed Development. Former Toilet Building. Lawnswood Rd. Wordsley



Proposed Development at Former Toilet Building. Lawnswood Road. Wordsley



REV A 16.05.19 REVISED TO SUIT HIGHWAY COMMENTS



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CLIENT

MR. S. WARNER

PROJECT

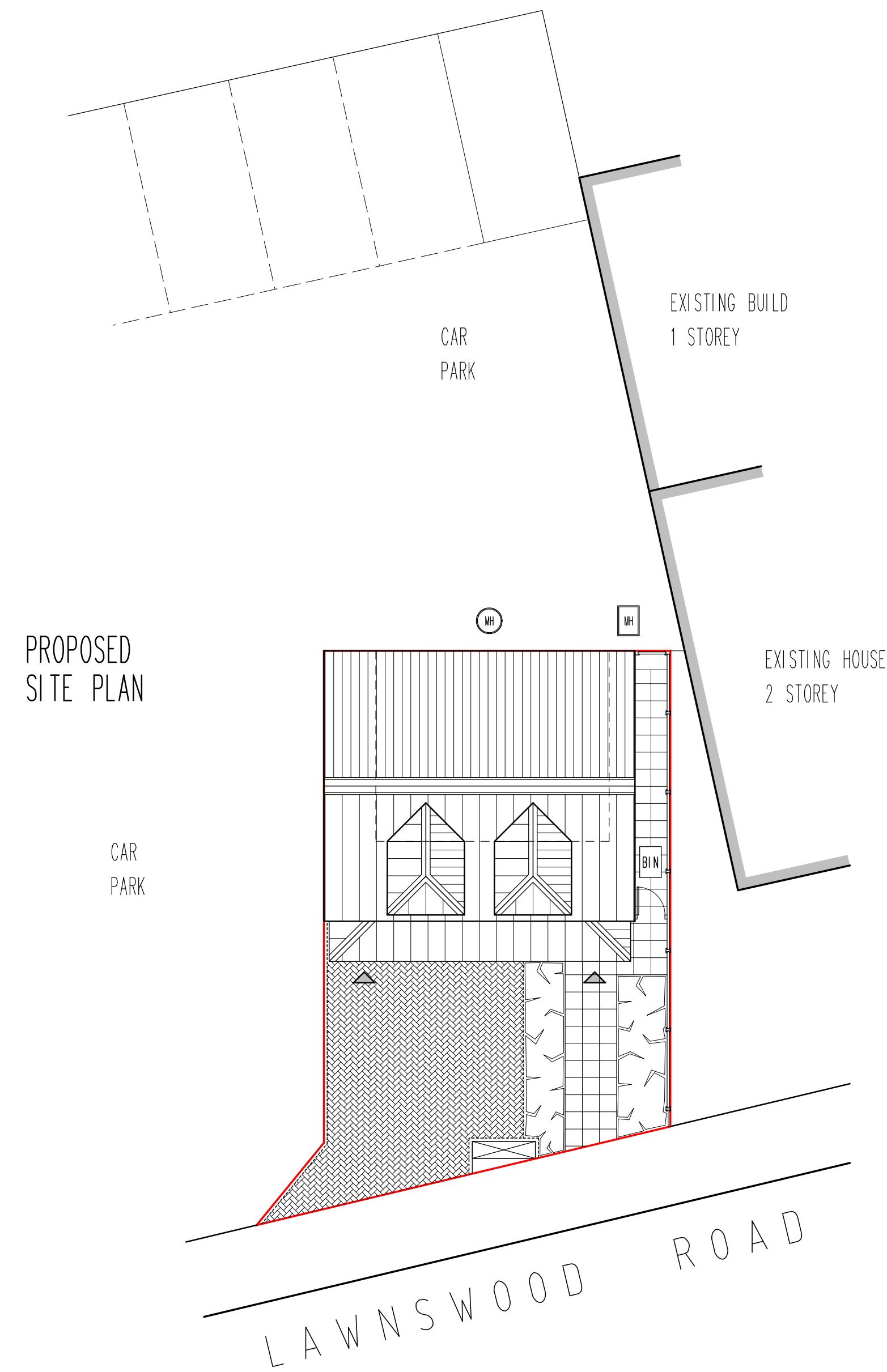
PROPOSED DEVELOPMENT AT FORMER TOILET
BUILDING LAWNSWOOD ROAD WORDSLEY

TITLE

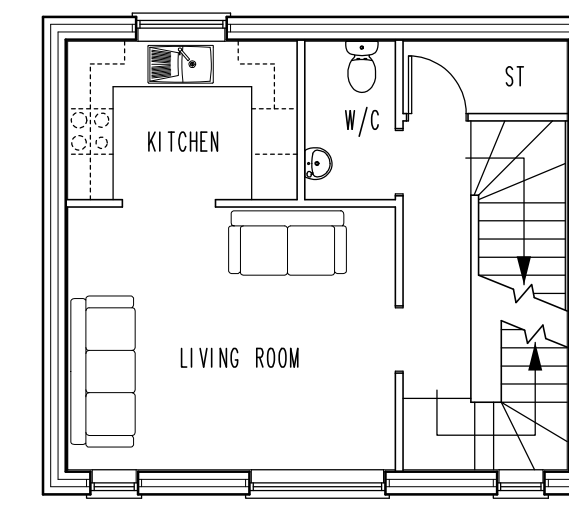
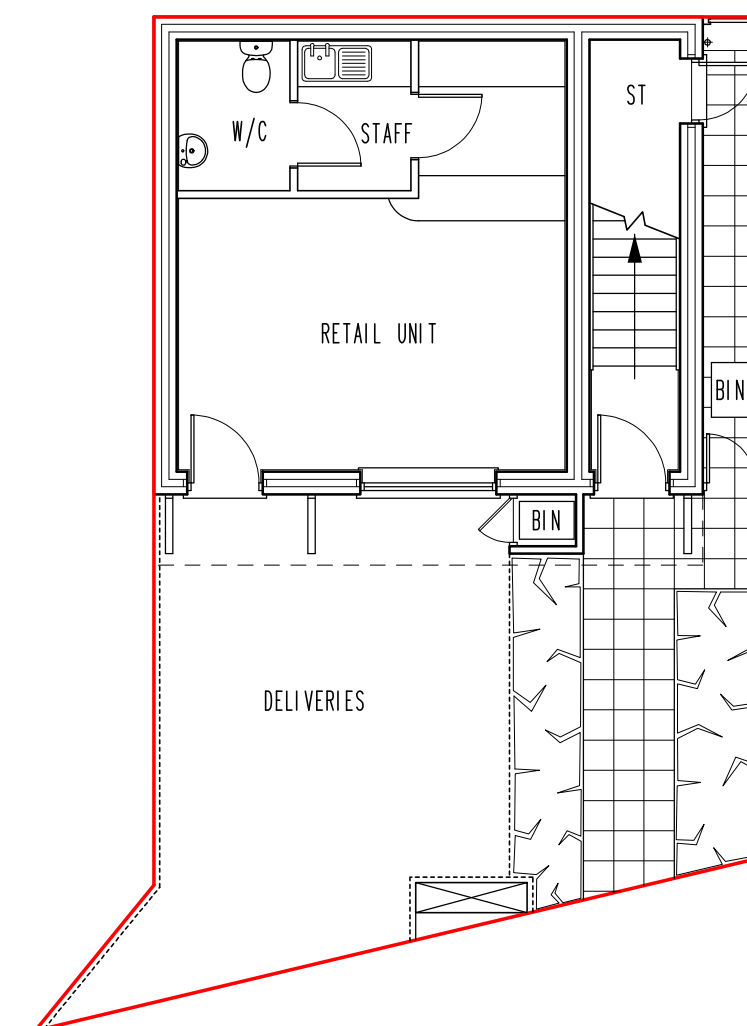
EXISTING & PROPOSED SITE / BLOCK PLANS

| | | | |
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| JOB NO | 373 | DATE | FEB 2019 |
| DRG NO | 03 | REV | A |
| SCALE | 1-200 @ A1 | DRAWN | JIB |

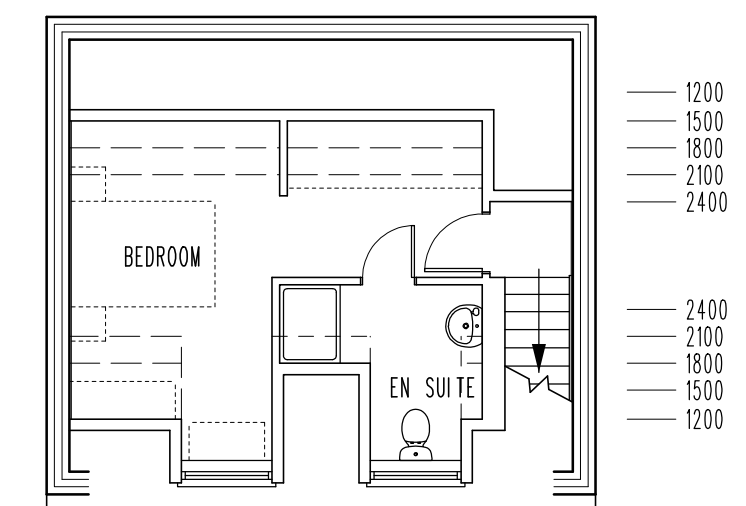
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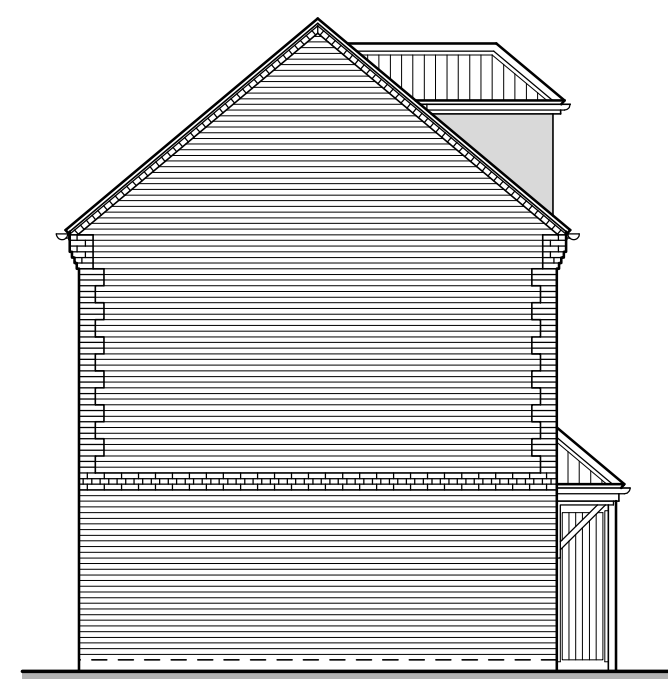
PROPOSED STREET SCENE TO LAWNSWOOD ROAD



PROPOSED FIRST FLOOR PLAN



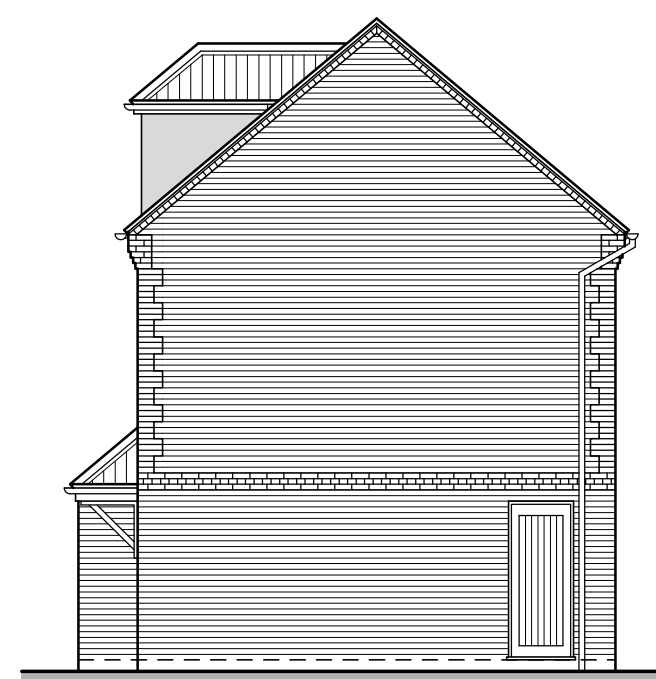
PROPOSED SECOND FLOOR PLAN



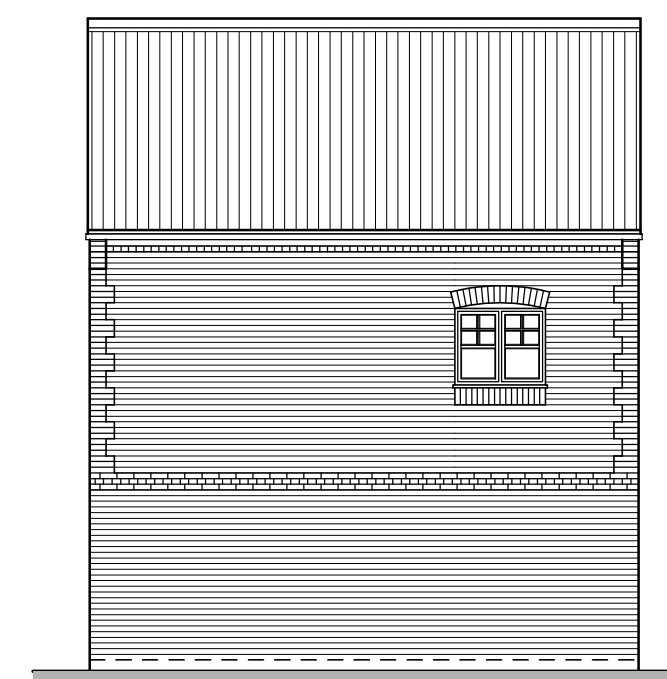
SIDE ELEVATION TO CAR PARK



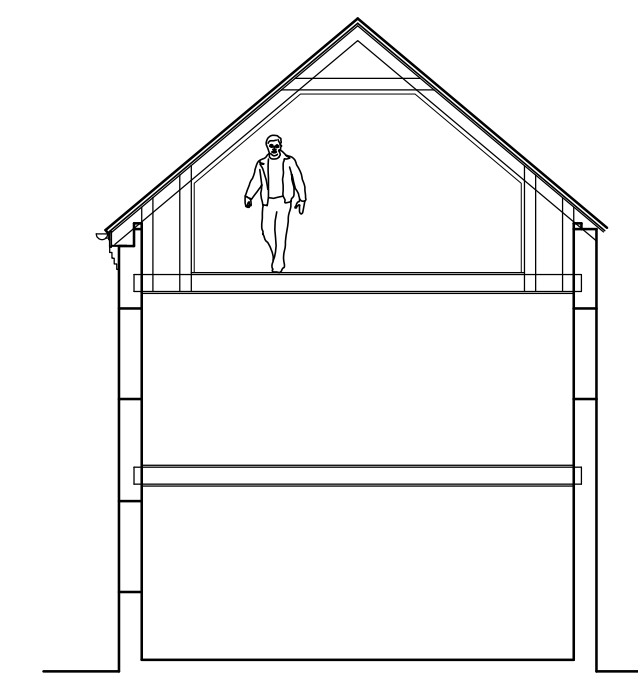
PROPOSED FRONT ELEVATION



SIDE ELEVATION TO BOUNDARY

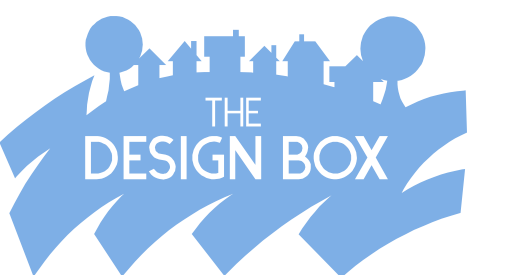


PROPOSED REAR ELEVATION



PROPOSED SECTION THROUGH

REV A 16.05.19 REVISIONS AS REQUESTED BY HIGHWAYS



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CLIENT

MR. S. WARNER

PROJECT

PROPOSED DEVELOPMENT AT FORMER TOILET BUILDING LAWNSWOOD ROAD WORDSLEY

TITLE
PROPOSED PLANS AND ELEVATIONS

| | | | |
|--------|------------|-------|----------|
| JOB NO | 373 | DATE | FEB 2019 |
| DRG NO | 02 | REV | A |
| SCALE | 1-100 @ A1 | DRAWN | JIB |

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Proposed Development. Former Toilet Building. Lawnswood Rd. Wordsley

PLANNING APPLICATION NUMBER: P19/0638

| | |
|-------------------------|---|
| Type of approval sought | Full Planning Permission |
| Ward | Kingswinford North and Wall Heath |
| Location: | 25, COTTAGE STREET, KINGSWINFORD, DY6 7QE |
| Proposal | CHANGE OF USE FROM RESIDENTIAL TO CARE HOME (C2) |
| Recommendation Summary: | APPROVE SUBJECT TO CONDITIONS |

SITE AND SURROUNDINGS

1. The site comprises a modern 4-bed detached property built in early 2000. The dwelling has a pitched roof with a projecting two storey gable to the front. The dwelling has a conservatory extension to the rear.
2. Due to the projecting two storey element, the house is set back between 5.6m and 8m from the footway along Cottage Street. It has a block paved driveway providing off-street parking provision for up to 3 cars. There is also an integral garage and there is an H-bar marking in front of property.
3. The rear garden associated with the existing house is broadly rectangular in shape measuring 34m long by 8.3m wide.
4. 29 Cottage Street is a detached bungalow to the north. This is set back from the footway by 4.5m. At most it is set forward of the application dwelling by 3.2m (1m from the projecting two storey gable). This property has some off-street parking to frontage, and is also covered by the H-bar road marking.
5. 23 Cottage Street is a two storey detached dwelling located south of the application dwelling. At most it is set forward of the application dwelling by 5.6m (3m from the

projecting two storey gable). The frontage of this neighbour is enclosed by an approximately 1m high brick wall with vehicular access to the side (south) of house.

6. On the side of application property, there is a mixed frontage of houses and bungalows from a range of periods, the more modern development being set back from the highway with off-street parking to the frontage.
7. On the opposite side there are mainly terraced dwellings, set closer to the footway which largely do not benefit from any off street parking.

PROPOSAL

8. Approval is sought for a change of use from a dwellinghouse to a care home (Use Class C2).
9. This care home would be specifically run as a residential children's home for up to 2 children. The children would be up to 17 years in age.
10. The proposed facility is intended to provide a young person with care on a long term basis (for up to 2 years), with an expectation that after this the children would move onto permanent families. The facility would also receive emergency referrals on a short term basis (for example during a transition period between care home to foster family, respite reasons or due to a referral based on the health and physical aspect of the home).
11. The applicant confirms that the children would be classed as low risk this being defined as *'when the young person has no history of violence, and is willing to participate in all activities both educational as well as physical'*. The applicant will focus on aspects of care which is sometimes lacking such as physical activities, encouraging all of the service users to participate in physical activities of their choice which will help support some of the other work carried out with the children.
12. The children would be educated off site.

13. Supporting information submitted with the application states the shift pattern would be as follows;
- During the week, two house parents/care workers (1 per child) will work split shifts based around the children's schooling (7.00-9.00am & 3.00pm-10.00pm). An additional houseparent will remain in the home during the hours of 9.00am-5.00pm. From 10.00pm to 7.00am, one houseparent would be present on site.
 - During the weekend two house parents will be present from 7am-2pm with a change over at 2pm-10pm. One houseparent will be present during the night time.
14. There are 3 off-street parking spaces on the frontage, with an integral garage.
15. No external alterations would be carried out to the property.
16. The application is a resubmission of previously approved application P13/0875 which was for an identical proposal, which has since expired (on 29/08/2015) after not being implemented.

HISTORY

| APPLICATION | PROPOSAL | DECISION | DATE |
|-------------|---|--------------------------|----------|
| P13/0875 | Change of use to care home (Use Class C2) | Approved with conditions | 29/08/13 |
| 99/50605 | Erection of detached house - revision of plans approved by planning application 98/51867. | Approved with Conditions | 21/05/99 |
| 98/51867 | Erection of detached house. | Approved with Conditions | 18/02/99 |

PUBLIC CONSULTATION

17. Direct notification was carried out to 6 surrounding properties and a site notice was posted which expired on 7th June 2019, as a result of which, five letters of objection have been received, these are summarised as follows;
- Already a significant shortage of on-street parking available along Cottage Street.
 - Vehicles already park unlawfully mounting kerbs onto pedestrian areas.
 - Frequent problems exist of gaining access to properties due to double parking
 - Not enough off-street parking provided for the proposal.
 - Frequency of potential bad behaviour, noise and disturbance would be difficult to predict.
 - Impact on visual amenity and detriment to neighbouring occupiers.
 - This impacts on civil rights.

OTHER CONSULTATION

18. Head of Planning and Regeneration (Highways) –
No objection, it is considered that the trip generation of staff would operate to a similar level as that of a family occupying a 4-bed dwelling.
19. Head of Environmental Safety and Health –
No adverse comments as the proposed change of use will have no detrimental effect on nearby residents by way of noise or reduced air quality.
20. Land Contamination Team –
No adverse comment.

RELEVANT PLANNING POLICY

21. National Planning Guidance
National Planning Policy Framework (2018)

22. Black Country Core Strategy (2011)

- DEL1 - Infrastructure Provision
- HOU5 - Education and Health Care Facilities
- TRAN2 - Managing Transport Impacts of New Development
- ENV2 - Historic Character and Local Distinctiveness
- ENV3 - Design Quality

23. Dudley Borough Development Strategy

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

24. Supplementary Planning Documents

- Parking Standards (2012)
- New Housing Development (2013)
- PGN 10: Residential care/nursing homes and community care homes

ASSESSMENT

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

- Principle
- Visual Amenity
- Residential Amenity
- Access and Parking

Principle

26. Providing a range of housing tenures is fundamental in creating inclusive communities and providing a choice for new and existing residents in the Borough. Policy L2 of the Dudley Borough Development Strategy (2017) supports the provision of supported accommodation for people with specific needs such as the proposed use, providing criteria such as amenity, character, access and parking can be successfully resolved.
27. In regards to the principle of conversion, the application property is a detached residential house that is located in a residential area. Notwithstanding all other material considerations it is considered that the conversion of a four bedroom house to a residential care use for two children would not adversely impact upon character of the established residential area.

Visual Amenity

28. The proposal does not seek any extensions or alterations to the appearance of the property. As such, the change of use would have no impact on the character and appearance of the property nor upon the visual amenity of the street. Therefore, it would be in accordance with Policy ENV2 of the Black Country Core Strategy and Dudley Borough Development Strategy Policies L1, S6 and S8

Residential Amenity

29. The site comprises a four bedroomed detached dwelling in a residential area. The characteristics of the proposed use would include 2 children residing at the property receiving care, staff arriving and departing on a regular basis (there would be a maximum of 3 staff members on site during part of the day (3-5pm), and one staff member on site (10pm-7am) during the night). There would be limited visits from social workers, family and friends in addition to the staff and occasional visits from maintenance personnel. It is accepted that this level of coming and going would not

be dissimilar to what would be expected from a four bedroom, family dwelling. As such, the proposal would be considered have no additional potential impact on the neighbours' amenities than that of the existing premises.

30. The secure rear garden is enclosed by fencing and hedgerow that is fully overlooked by the application property, the area of which exceeds the 60sqm recommended by the Planning Guidance Note 10: Residential care/nursing homes and community care homes (PGN 10). Furthermore, the garden area is sited away from the driveway, parking area, road, is not overshadowed by buildings and is not directly overlooked by adjacent properties. Therefore, the garden complies the foregoing criteria outlined in PGN 10 and is ideal for the proposed care home.
31. Vehicles entering and leaving the site could have the potential to adversely affect the amenities of the adjacent residents by reason of noise and disturbance. However, as indicated previously, the comings and goings associated with the proposed use would not be dissimilar to that of a busy three-bedroom, family dwelling. The Head of Environmental Safety and Health has considered the application on that basis and has raised no concerns regarding noise issues.

Access and Parking

32. There is an established hard surfaced parking area to the front that spans the full width of the site which is sufficient to accommodate two cars within the curtilage and there is also an integral garage.
33. It is noted that the surrounding streets are typically heavily parked due to the mixture of terraced and modern properties. Notwithstanding this, it is considered that the parking provision provided would be of an adequate capacity to accommodate the needs associated with the proposed care home. The home would provide accommodation for two (non-driving) residents and with a maximum of three members of staff on the premises at any time, it is predicted that there would be a total of 9 vehicle movements between 7.00am and 7.00pm excluding visitors. It is therefore considered that the trip generation of staff would operate on a similar

level as that of a family occupying a 4-bed dwelling. The agent has confirmed that other associated visitors to the care home would be limited. The infrequency of these visits would not significantly increase the intensity of vehicular trips in the locality and again would be akin with the number of trips that would be associated to a family dwelling. As such, the proposal would provide sufficient off-street parking provision within its curtilage to accommodate the day to day activities associated with the care facility and would not contribute to an increase in off-street parking in the locality.

34. Of note is paragraph 109 of the National Planning Policy Framework which sets out that applications should only be refused on highways grounds should there be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this instance, the proposal would comply with the transportation policies outlined above and it is considered that there are no sustainable grounds for refusal the application on highway grounds.
35. Notwithstanding the above, it would be appropriate to condition any approval to restrict the number of residents to be accommodated at the facility to two, in order to prevent further intensification of use at the premises and to protect the amenities of the neighbouring residents.
36. In addition, there are adequate facilities at the property to provide secure cycle provision to encourage alternative modes of transport for staff. It is also recommended that an electric vehicle charging point is installed at the site and a condition to secure this is recommended.

CONCLUSION

37. It is considered that the principle of the change of use is acceptable in this instance. The size and scale of the building would remain unchanged, and the intensity of the activity proposed would not be dissimilar to that of a family dwelling. Furthermore, the proposal would maintain the existing parking provision to the frontage. The proposal would not have an adverse impact upon the character of the area, on

residential amenities, or highway safety and would be compliant with adopted Black County Core Strategy Policies DEL1, HOU5, TRAN2, ENV2 and ENV3, Dudley Borough Development Strategy Policies L1, L2, D2, D5, S16, and S17, and the Parking Standards SPD.

RECOMMENDATION

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

Conditions and/or reasons:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, Floor Plans; Location Plan
REASON: For the avoidance of doubt and in the interests of proper planning.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
3. The premises shall be used for residential children's home and for no other purpose, including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification.
REASON: In the interests of amenity and to comply with Borough Development Strategy 2017 Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and Policy L8 Protecting the Viability and Integrity of Industrial and Business Uses (in part) Policy D2 Incompatible Land Uses (in part).
4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the General Permitted Development Order 2015 (as amended), no more than 2 occupiers receiving supported accommodation care shall reside at the property at any one time.
REASON: In order to secure the satisfactory development of the site, in accordance with Development Strategy Policies D2, L2, and S17
5. The use shall not commence until details of the electric vehicle charging points, to be provided for the care home in accordance with the Council's standard (Parking Standards SPD), has been submitted to and approved in writing by the Local Planning Authority. Prior to first occupation the electric vehicle charging points shall be provided in accordance with the approved details and shall be maintained for the life of the development.

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

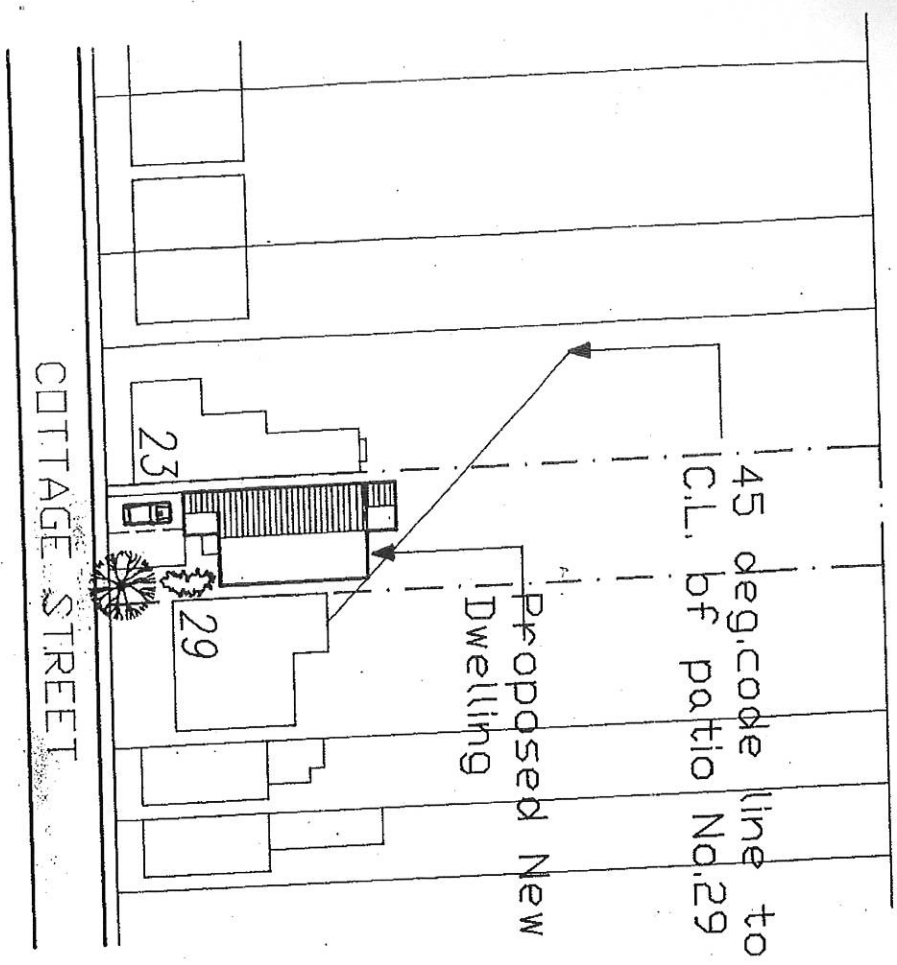
25, Cottage Street, Kingswinford, Dudley, DY6 7QE



Block Plan shows area bounded by: 388904.06, 288952.03 388994.06, 289042.03 (at a scale of 1:500), OSGridRef: SO88948899. 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.

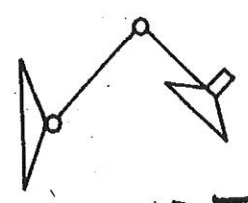
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SITE PLAN 1:500

03 MAY 2019



KEVIN G. BRAMWELL M.B.I.A.T.
 Architectural Services
 The Old Farmhouse, Brookhus Farm Road,
 Walmley, Sutton Coldfield B76 1QQ
 Tel. 0121 351 5727
 Fax. 0121 351 5671

SITE
 Land Adjacent to No. 23, COTTAGE ST.
 Kingswinford, Dudley.

TITLE
 Proposed New Dwelling
 4 bed detached house

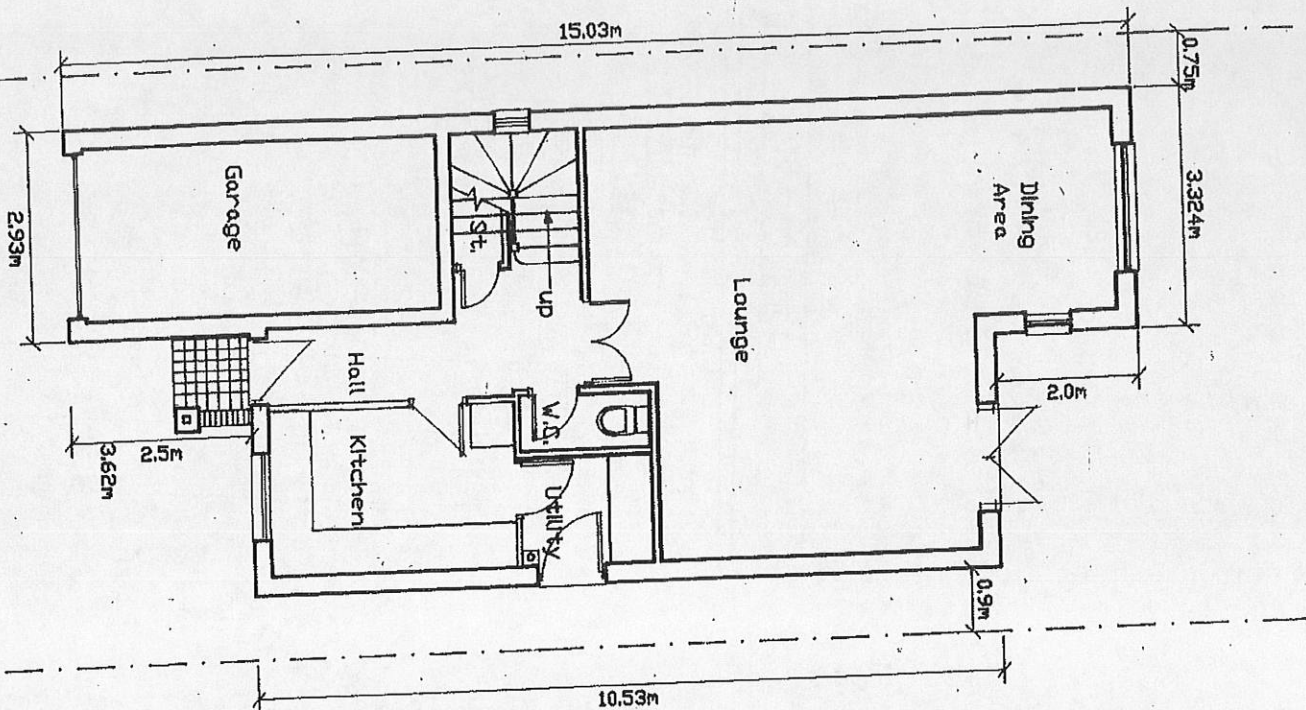
SCALE
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NUMBER
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DATE
 APRIL 99

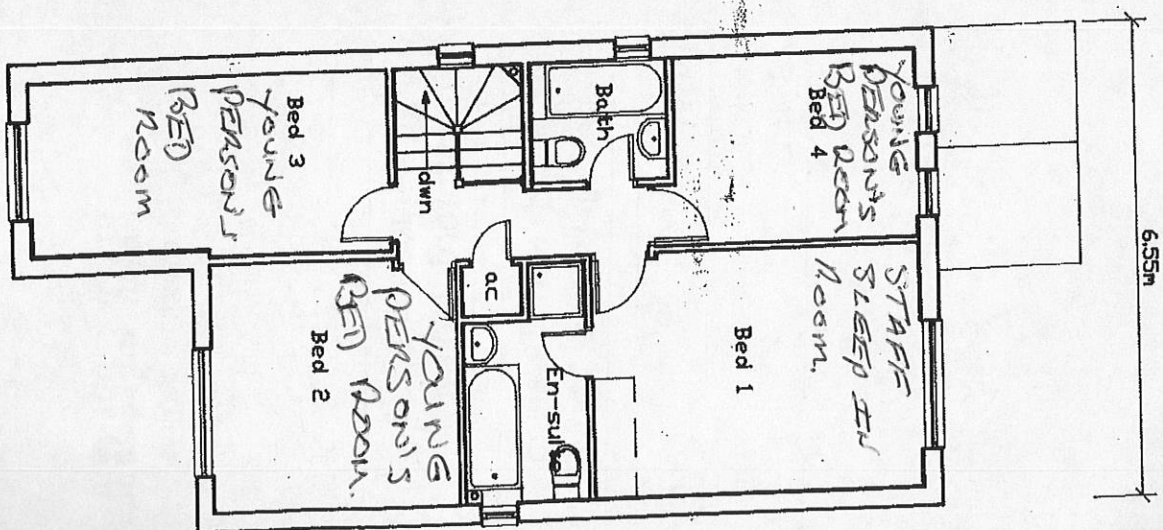
DRAWN
 k.g.b.

GROUND FLOOR PLAN



03 MAY 2019

FIRST FLOOR PLAN

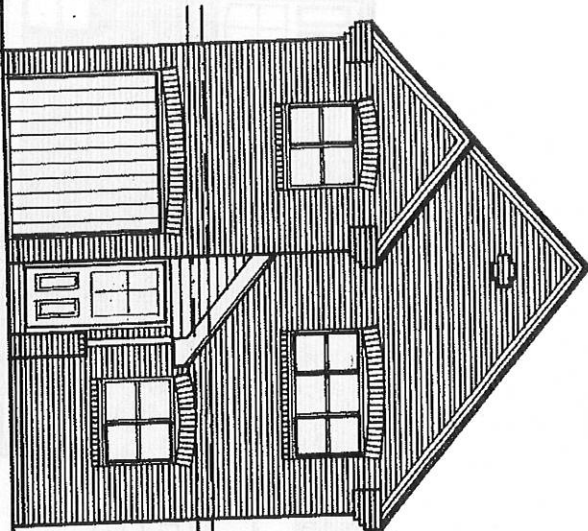


Floor area
126.6m²
excl. garage
[1362 sq.ft.]

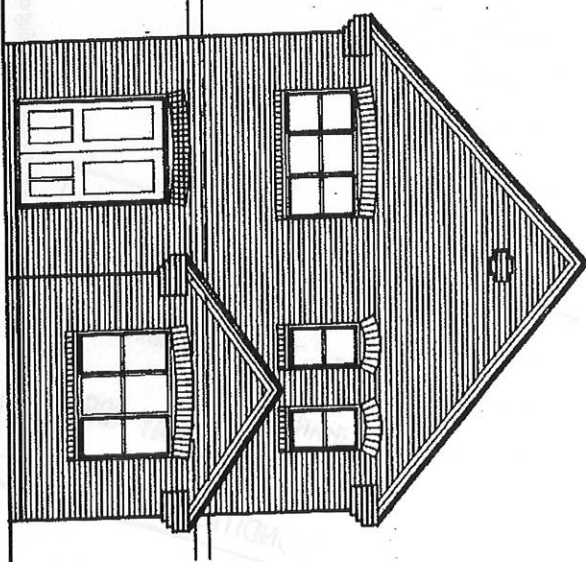
SIDE ELEVATION

03 MAY 2019

SIDE ELEVATION

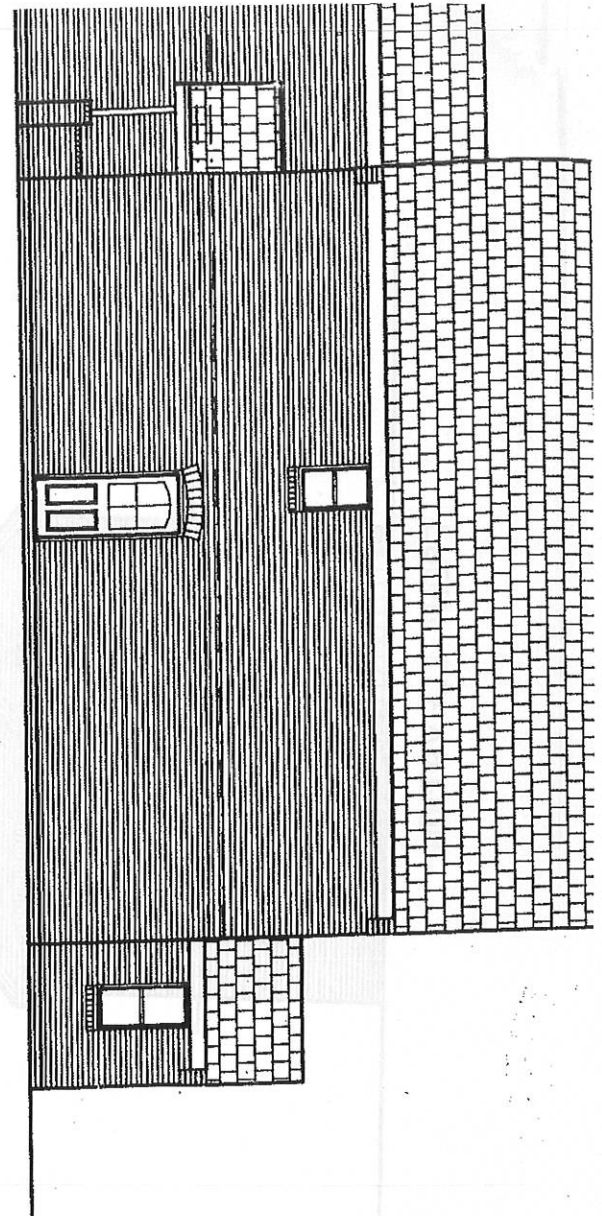


FRONT ELEVATION

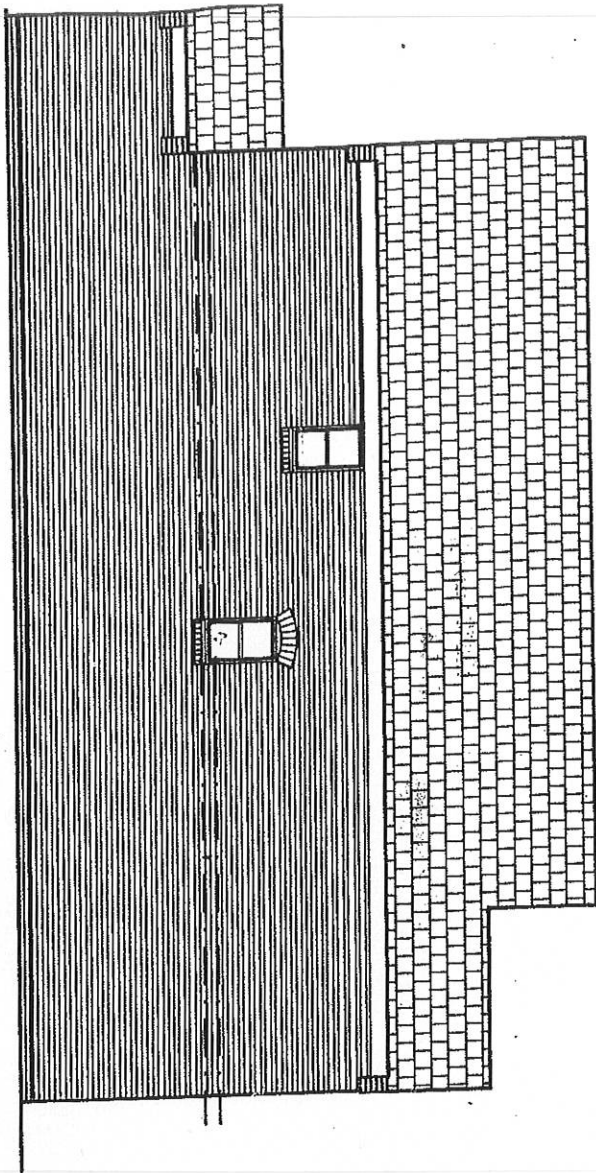


REAR ELEVATION

SIDE ELEVATION



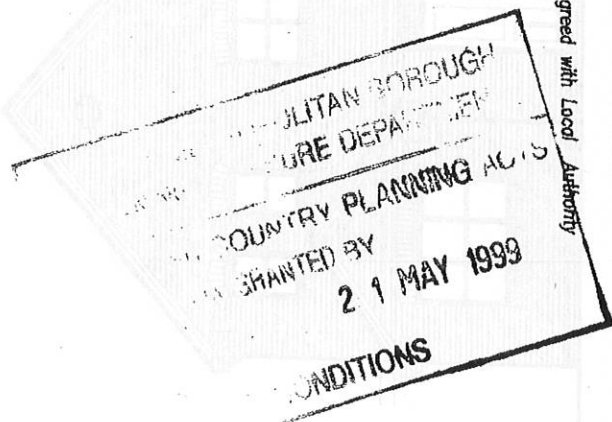
SIDE ELEVATION



03 MAY 2019

Specification;
Roof: PITCHED
Concinterlocking roof tiles-Marley Modern or sim.Smooth Grey
Walls;

Facing bmk to be agreed with Local Authority



Development Control Committee - Wednesday 26th June, 2019

Report of the Strategic Director of Place

Confirmation of Tree Preservation Order

Purpose

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

Recommendations

2. It is recommended that:-
 - The Tree Preservation Order referred to in the Appendix to this report should be confirmed.

Background

3. Section 198 of the Town and Country Planning Act 1990, provides that, where it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an Order with respect to such trees, groups of trees or woodlands as may be specified in the order.
4. A Tree Preservation Order may, in particular, make provision—
 - (a) for prohibiting (subject to any exemptions for which provision may be made by the Order) the cutting down, topping, lopping, uprooting, willful damage or willful destruction of trees except with the consent of the local planning authority, and for enabling that authority to give their consent subject to conditions;
 - (b) for securing the replanting, in such manner as may be prescribed by or under the order, of any part of a woodland area which is felled in the course of forestry operations permitted by or under the Order;
 - (c) for applying, in relation to any consent under the Order, and to applications for such consent, any of the provisions of this Act mentioned in subsection (4), subject to such adaptations and modifications as may be specified in the order.

5. Section 4 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 allows the Council to make a direction that the order shall take effect immediately for a provisional period of no more than six months.
6. For a tree preservation order to become permanent, it must be confirmed by the local planning authority. At the time of confirmation, any objections that have been received must be taken into account. The Town and Country Planning (Tree Preservation) (England) Regulations 2012 sets out the procedure for confirming tree preservation orders and dealing with objections.
7. If the decision is made to confirm a tree preservation order the local planning authority may choose to confirm the order as it is presented or subject to modifications.
8. New tree preservation orders are served when trees are identified as having an amenity value that is of benefit to the wider area.
9. When determining whether a tree has sufficient amenity to warrant the service of a preservation order it is the council's procedure to use a systematic scoring system in order to ensure consistency across the borough. In considering the amenity value of a tree factors such as the size; age; condition; shape and form; rarity; prominence; screening value and the presence of other trees present in the area are considered.
10. As the council is currently undergoing a systematic review of the borough's tree preservation orders, orders will also be served where there is a logistical or procedural benefit for doing so. Often with the older order throughout the borough, new orders are required to replace older order to regularise the levels of protection afforded to trees.
11. Where new orders are served to replace older orders, the older orders will generally need to be revoked. Any proposed revocation of orders shall be brought before the committee under a separate report.

Finance

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

Law

13. The relevant statutory provisions have been referred to in paragraph 3, 5, 6 and 11 of this report.

Equality Impact

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

Human Resources/Transformation

15. There are no Human Resource/Transformation issues

Commercial Implications

16. There are no Commercial Implications arising from this report.



.....
STRATEGIC DIRECTOR PLACE

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

List of Background Papers

Appendix 1.1 – TPO/0272/UGW – Confirmation Report
Appendix 1.2 – TPO Plan and Schedule as served;
Appendix 1.3 – Plan identifying objectors & supporters;

APPENDIX 1.1

Confirmation Report for

***The Borough of Dudley (Land to the East of Setton Drive, Sedgley)
(TPO/0272/UGW) Tree Preservation Order 2019***

Tree Preservation Order

Order Title

Case officer

Date Served

Recommendation

| |
|----------------------------------|
| TPO/0272/UGW |
| Land to the East of Setton Drive |
| James Dunn |
| 16/01/19 |
| Confirm |

SITE AND SURROUNDINGS

1. The order, as served, protects 23 Individual Trees and 9 groups of trees, that are located around the field boundaries of the filed located to the east of Setton Drive, extending into the adjacent area of Green Belt.
2. The trees were identified as being worthy of protection following a survey of the area, and the trees were considered worthy of preservation due to their contribution to the amenity of the area, in terms of their public visibility and contributions to the landscape in the area.
3. The site forms part of the wider Turl's Hill Green Belt area that is made up of a number of fields, paddocks and woodland. The area was previously covered by an old TPO (TPO/005) served in the 1960's, and the entire area has been reviewed as part of the TPO review process. The review has resulted in this, and a number of other TPOs being served to protect trees that have been identified as providing significant amenity other surrounding area.
4. The trees subject to this the notice are of varying size, and individual quality. Whilst some are worthy of protection as individuals, and others as component parts of groups of trees, it is considered that all make a positive contribution to the amenity of the area, both to their visual appearance, and as defining items in the landscape character of the area.

PUBLIC REPRESENTATIONS

5. Following the service of the TPO, objections to the inclusion of some of the trees in the order were received from the owners of 2 of the field plots. The letters of objection were based on the following grounds:
 - Ash and sycamore trees are considered very common to the country and are all self-set trees;
 - Sycamore trees have limited merit in the British Landscape and should not be protected.
 - The trees in G5, G6, G7 and G8 provide little amenity.
 - Ash trees grow to a height of up to 35 metres, it the third most common tree in Britain, and is currently being affected by Ash Die-back.

- The Council “cannot justify the regulatory expense of placing TPOs on Ash trees that are susceptible to Ash Dieback and may have a limited life”;
- Sycamore trees can also grow to a height of 35 metres, and can be affected by a variety of disorders;
- Most of the trees appear to be shallow rooted and some are showing signs of disease;
- There are concerns that T14, T15, T16 T17 & T18 may damage the Severn Trent main sewer that runs through the field;
- There are concerns regarding the condition of T11, G5 , G6, G7 and G8 given their proximity to Setton Drive and Turls Hill Road;

6. The representations are considered below.

RESPONSE TO REPRESENTATIONS

7. Whilst it is accepted that the majority of the ash and sycamore trees subject to the order are likely to be self-set, it is not considered that the self-set nature of the tree, nor their common occurrence in the landscape are sufficient reasons to prevent their inclusion within the order. Given the general prominence of the trees in the local landscape, it is considered that they still provide sufficient amenity value to justify their inclusion within the TPO.
8. When the survey for the TPO was undertaken the trees were assessed using the TEMPO system, which considered issues such as the condition, longevity, visibility along with a number of other factors to determine the overall amenity value of the tree. All of the individually protected trees and the identified groups were considered to provide sufficient amenity to the area to justify their inclusion within the order.
9. The querying of the inclusion of ash trees in the TPO is reasonable, given the current spread and significance of Ash Die-back. This is a fungus that is likely to lead to the death of the majority of Ash trees across the country, and it is accepted likely to lead to the death of the ash trees subject to the order. However current guidance is to retain ash trees, even during the first stages of infection in order to determine whether the infected trees have any natural resistance to the disease.
10. Ash trees have leafed out later this years, and it is not currently possible to determine the vitality of the trees properly. However prior to the committee sitting the Tree Officer will undertake a site visit to determining the current extent of any die-back in the ash trees, and will present any recommended changes as a pre-committee note.
11. In terms of the “regulatory expense” of protecting trees that are susceptible to ash die-back. It is not considered that the processes or resources required to administer the TPO on the ash trees subject this order would be significant, and overall it is not considered that this is sufficient grounds to prevent the confirmation of the order.

12. Given the location of the trees, their ultimate size is not considered to cause any significant issues, even if they were to grow up to their maximum height of 35 metres, which is very unlikely. A maximum height of between 20 – 25 metres is likely to be expected.
13. Whilst sycamore trees can be infected by a number of disorders, it is not considered sufficient grounds to prevent the inclusion of the trees in the TPO. Whilst non-native, sycamore trees are a significant component of the landscape in the area, and they provide sufficient amenity value to justify their inclusion.
14. On inspection it was noted that a number of the trees, mainly within the groups do have some existing defects, and as part of their long term management could do with some works, and even possible removal. However the presence of the TPO should not be seen as an obstacle to appropriate tree works, as such works are likely to be approved and considered acceptable. Should an issue arise where urgent action is required, then the exemptions within the order provide an appropriate avenue for such works. Overall, whilst it is accepted that some work to the trees as a whole may be justified, it is not considered that the presence of the TPO present a significant obstacle to such works, and should not impede on the tree owner's ability to discharge their duty of care.
15. Overall have considered the comments by the field owners' it is recommended that the TPO be confirmed without modification.

CONCLUSION

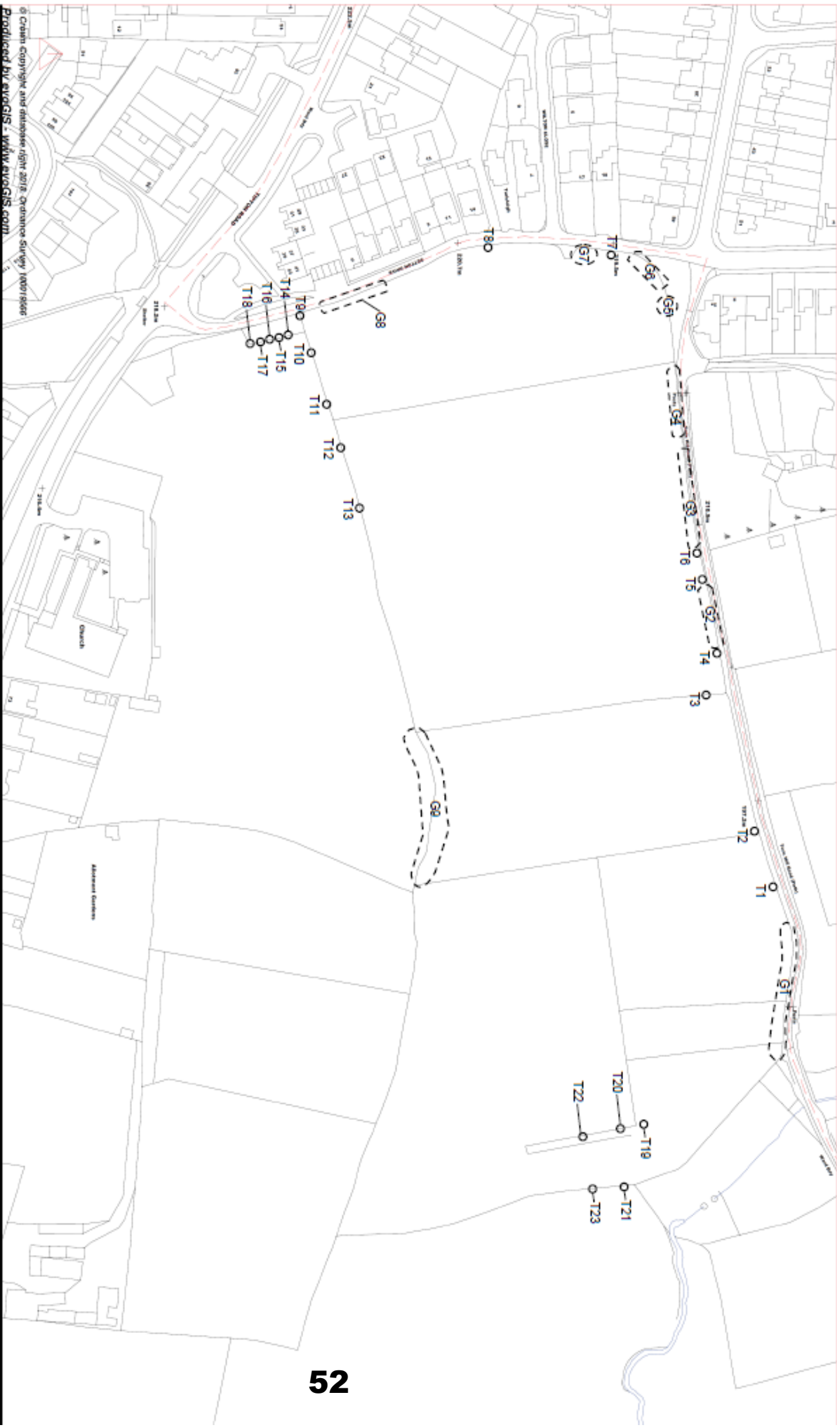
16. Having considered the comments by the field owners' it is considered that the trees subject to this order make a positive contribution to the amenity of the area, and the objections raised are not sufficient to prevent the inclusion of the trees within the order it is recommended that the TPO be confirmed without modification.

RECOMMENDATION

17. It is recommended that the Tree Preservation Order be confirmed without modification

APPENDIX 1.2

Tree Preservation Order Plan and Schedule As Served



Map referred to in the Borough Council of Dudley

Land to the east of Setton Drive, Sedgley (TPO/0272/UGW)

Tree Preservation Order 2018

SCHEDULE

Specification of trees

Trees specified individually
(encircled in black on the map)

| <i>Reference on map</i> | <i>Description</i> | <i>Situation</i> |
|-------------------------|--------------------|---|
| T1 | Beech | Land to the south to Turls Hill Road, and to the east of Setton Drive |
| T2 | Horse Chestnut | Land to the south to Turls Hill Road, and to the east of Setton Drive |
| T3 | Ash | Land to the south to Turls Hill Road, and to the east of Setton Drive |
| T4 | Horse Chestnut | Land to the south to Turls Hill Road, and to the east of Setton Drive |
| T5 | Horse Chestnut | Land to the south to Turls Hill Road, and to the east of Setton Drive |
| T6 | Horse Chestnut | Land to the south to Turls Hill Road, and to the east of Setton Drive |
| T7 | Ash | Land to the south to Turls Hill Road, and to the east of Setton Drive |
| T8 | Sycamore | Land to the south to Turls Hill Road, and to the east of Setton Drive |
| T9 | Sycamore | Land to the south to Turls Hill Road, and to the east of Setton Drive |
| T10 | Lime | Land to the south to Turls Hill Road, and to the east of Setton Drive |
| T11 | Sycamore | Land to the south to Turls Hill Road, and to the east of Setton Drive |
| T12 | Lime | Land to the south to Turls Hill Road, and to the east of Setton Drive |
| T13 | Sycamore | Land to the south to Turls Hill Road, and to the east of Setton Drive |
| T14 | Ash | Land to the south to Turls Hill Road, and to the east of Setton Drive |
| T15 | Ash | Land to the south to Turls Hill Road, and to the east of Setton Drive |
| T16 | Ash | Land to the south to Turls Hill Road, and to the east of Setton Drive |
| T17 | Ash | Land to the south to Turls Hill Road, and to the east of Setton Drive |

| | | |
|-----|-----|---|
| T18 | Ash | Land to the south to Turls Hill Road, and to the east of Setton Drive |
| T19 | Ash | Land to the south to Turls Hill Road, and to the east of Setton Drive |
| T20 | Ash | Land to the south to Turls Hill Road, and to the east of Setton Drive |
| T21 | Ash | Land to the south to Turls Hill Road, and to the east of Setton Drive |
| T22 | Ash | Land to the south to Turls Hill Road, and to the east of Setton Drive |
| T23 | Ash | Land to the south to Turls Hill Road, and to the east of Setton Drive |

Trees specified by reference to an area
(within a dotted black line on the map)

| <i>Reference on map</i> | <i>Description</i> | <i>Situation</i> |
|-------------------------|--------------------|------------------|
|-------------------------|--------------------|------------------|

NONE

Groups of trees
(within a broken black line on the map)

| <i>Reference on map</i> | <i>Description</i> | <i>Situation</i> |
|-------------------------|---|---|
| G1 | A Group consisting of 9 x Ash trees | Land to the south to Turls Hill Road, and to the east of Setton Drive |
| G2 | A Group consisting of 5 x Ash trees and 1 x Sycamore tree | Land to the south to Turls Hill Road, and to the east of Setton Drive |
| G3 | A Group consisting of 3 x Ash trees, 3 x Hawthorn and 1 x Field Maple | Land to the south to Turls Hill Road, and to the east of Setton Drive |
| G4 | A Group consisting of 3 x Lime trees and 3 x Sycamore tree | Land to the south to Turls Hill Road, and to the east of Setton Drive |
| G5 | A Group consisting of 6 x Sycamore stems | Land to the south to Turls Hill Road, and to the east of Setton Drive |
| G6 | A Group consisting of 5 x Sycamore trees and 4 x Ash trees | Land to the south to Turls Hill Road, and to the east of Setton Drive |
| G7 | A Group consisting of 8 x Ash stems | Land to the south to Turls Hill Road, and to the east of Setton Drive |
| G8 | A Group consisting of 8 x Sycamore trees | Land to the south to Turls Hill Road, and to the east of Setton Drive |
| G9 | A Group consisting of 2 x Ash trees and 2 x Sycamore trees | Land to the south to Turls Hill Road, and to the east of Setton Drive |

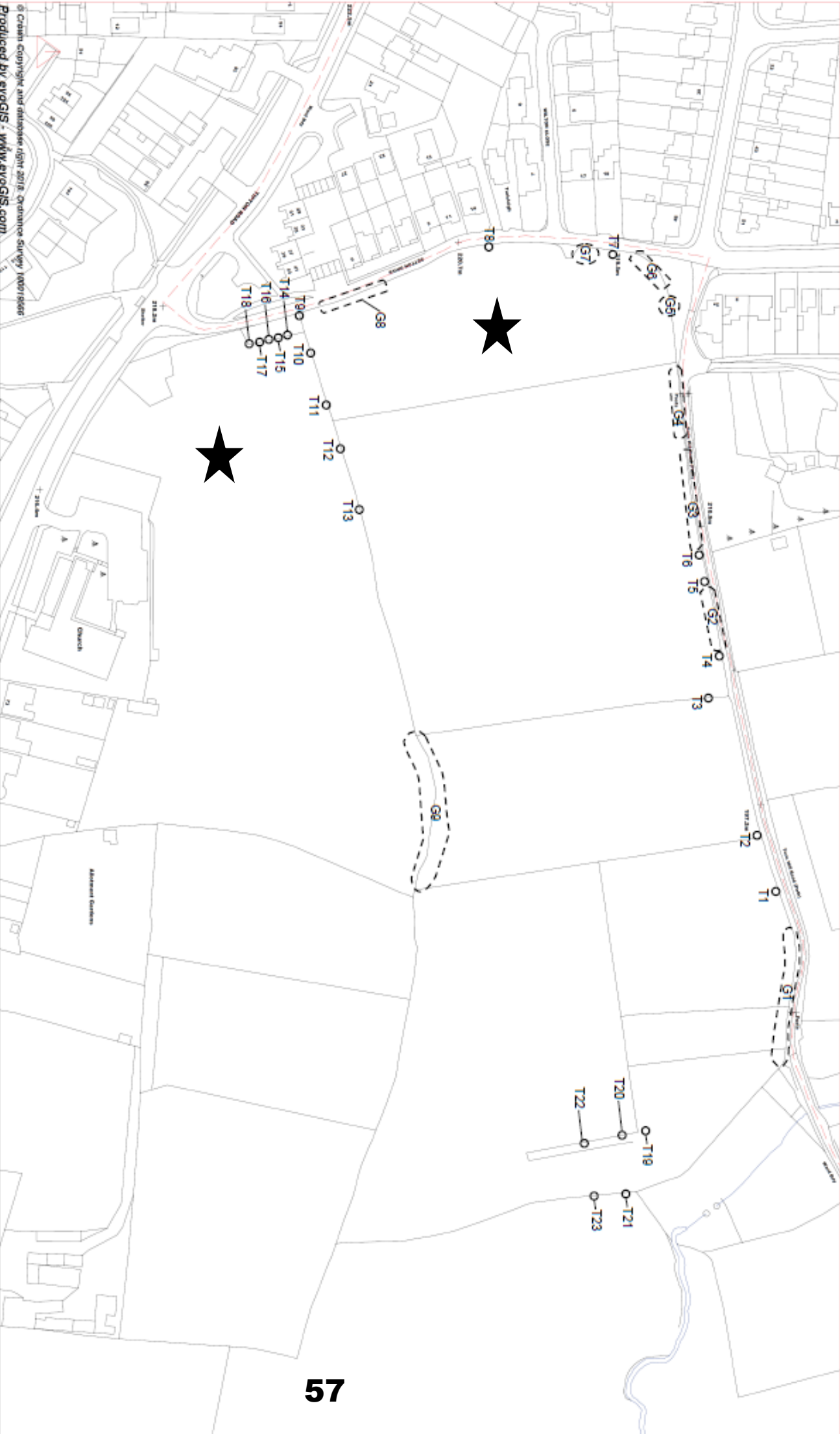
Woodlands
(within a continuous black line on the map)

| <i>Reference on map</i> | <i>Description</i> | <i>Situation</i> |
|-------------------------|--------------------|------------------|
| <u>NONE</u> | | |

APPENDIX 1.3

Plan Identifying Objectors Properties

- ★ - Letter of Objection Received from Property Owner**



Map referred to in the Borough Council of Dudley

Land to the east of Setton Drive, Sedgley (TPO/0272/UGW)

Tree Preservation Order 2018

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

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