



Meeting of the Development Control Committee

Thursday, 19th March, 2015 at 6.00pm

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

Please note the following:

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

Agenda - Public Session

(Meeting open to the public and press)

1. Chair's Announcement.

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

Applications are taken in numerical order with any site visit reports first, followed by applications with public speaking, then the remainder of the agenda. Officers have explained the public speaking procedures with all those present

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

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

All those attending this Committee should be aware that additional papers known as the "Pre-Committee Notes" are placed around the table and the public area. These contain amendments, additional representations received, etc, and should be read in conjunction with the main agenda to which they relate. They are fully taken into account before decisions are made.

2. Apologies for absence.
3. Appointment of substitute Members.
4. To receive any declarations of interest under the Members' Code of Conduct.
5. To confirm and sign the minutes of the meeting held on 24th February, 2015 as a correct record.
6. Site Visit (See Agenda Index Below) (Pages 1 – 11)
7. Plans and Applications to Develop (See Agenda Index Below) (Pages 12 – 107)
8. Planning Services Fees - 2015/2016 (Pages 108 - 134)
9. To consider any questions from Members to the Chair where two clear days notice has been given to the Strategic Director (Resources and Transformation) (Council Procedure Rule 11.8).



Strategic Director (Resources and Transformation)

Dated: 5th March, 2015

Distribution:

All Members of the Development Control Committee:

Councillor Q Zada (Chair)

Councillor K Casey (Vice-Chair)

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

AGENDA INDEX

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

(Upon opening this page select 'Search for a Planning Application' and when prompted input the appropriate planning application number i.e. P09/----)

<http://www.dudley.gov.uk/environment--planning/planning/online-planning-and-building-control>

SITE VISIT

| | |
|--------------|---|
| Pages 1 - 11 | Confirmation report for The Borough of Dudley (Sunningdale Road/Gower Road, Sedgley (TPO/0126/SED)) |
|--------------|---|

PLANS AND APPLICATIONS TO DEVELOP

| | |
|-----------------|--|
| Pages 12 - 28 | P14/1622 – 9 Royal Close, Brierley Hill – Part A: Retrospective Side and Rear Boundary Treatment. Part B: Retrospective Outbuilding. |
| Pages 29 - 53 | P14/1821 – Site of Former Duncan Edwards Public House, Priory Road, Dudley – Hybrid Application for Part A: Erection of 3 No. Retail units with car parking and associated works. Part B: Outline Application for Erection of 12 No. Dwellings (Access and Layout to be considered). |
| Pages 54 - 59 | P15/0015 – 118 Oakham Road, Dudley – Fell 1 Sycamore Tree. |
| Pages 60 - 73 | P15/0059 – Unit 2, 100, Dock Lane, Dudley – Change of use from B8 to Social Club with photographic studio and new smoking shelter (sui generis) (Resubmission of refused application P14/1592). |
| Pages 74 - 81 | P15/0060 – 72 Queens Road, Dudley – Single Storey Rear/Side Extension. |
| Pages 82 - 88 | P15/0079 – 32 High Street, Pensnett, Brierley Hill – Fell 1 Sycamore Tree |
| Pages 89 - 101 | P15/0104 – 28-30 Mount Street, Halesowen – Change of use from B1 to B2 (Servicing/Repairs and Storage of cars) (Retrospective) |
| Pages 102 - 107 | P15/0137 – The Old Appleyard, 26B, Gladstone Road, Wollaston, Stourbridge – Fell 1 Sycamore Tree |

Minutes of the Development Control Committee
Tuesday 24th February, 2015 at 6.00 pm
in Committee Room 2 at the Council House, Dudley

Present:-

Councillor Q Zada (Chair)

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

Officers:-

F Agha (Senior Development Control Officer) J Butler (Group Engineer), J Dunn ((Tree Protection Officer), H Martin (Head of Planning), J Pilkington (Senior Conservation Officer), N Powell, (Head of Environmental Health) and P Reed (Principal Development Control Officer) (All Directorate of Environment, Economy and Housing); G Breakwell (Senior Solicitor) and M Johal (Democratic Services Officer) (Directorate of Resources and Transformation).

73 **Apology for Absence**

An apology for absence from the meeting was submitted on behalf of Councillor K Casey.

74 **Declarations of Interest**

Councillor Zada declared a non pecuniary interest in Planning Application No P14/1831 (60 Hill Street, Netherton, Dudley) in view of reference made to Hillcrest School as his child attended that school.

Councillor Zada also referred to Planning Application No P15/0005 (Hingley Anchor, Netherton, Dudley) and indicated that he had, in the past, supported the retention of the Anchor in Netherton and it was stated that he would consider the application on its merits and previous views would not prejudice his judgement.

75 **Minutes**

Resolved

That the minutes of the Committee held on 2nd February, 2015, be approved as a correct record and signed.

76 **Site Visit**

Consideration was given to the following planning application in respect of which Members of the Committee had undertaken a site visit earlier that day.

Some Members that had attended the site visit were of the opinion that the pitched roof was impinging and oppressive and it was considered that a flat roof would be better.

| <u>Application No</u> | <u>Location/Proposal</u> | <u>Decision</u> |
|------------------------------|---|--|
| P14/1788 | 61 Birch Coppice, Quarry Bank, Brierley Hill – Replace flat roof with pitched roof (Retrospective). | (1) That the application be refused for the reason that the pitched gable roof is detrimental to the residential amenities of the occupiers of the adjacent dwelling by reason of the significant impact upon outlook, contrary to saved Policy DD4 of the 2005 Unitary Development Plan. (2) That the Director of Environment, Economy and Housing be authorised to take enforcement action for the removal of the unauthorised pitched roof structure to remedy the harm arising upon the affected neighbour. |

77 **Plans and Applications to Develop**

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

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

| <u>Application No</u> | <u>Objectors/supporters who wishes to speak</u> | <u>Agent/Applicant who wishes to speak</u> |
|------------------------------|--|---|
| P14/1095 | Mr B Zglinski | |

| | | |
|----------|---|------------------|
| P14/1768 | Councillor Richard Body (Ward Councillor) | Mrs Brown |
| P14/1831 | Councillor Elaine Taylor (Ward Councillor) | Mr David Vaughan |

| <u>Application No</u> | <u>Location/Proposal</u> | <u>Decision</u> |
|------------------------------|---|---------------------------------------|
| P14/1095 | King Edward VI Sports Ground, Swinford Road, Oldswinford – Fell 1 Oak Tree | Approved. (No conditions required) |

In considering the above application Members noted comments made by the objector and the Tree Protection Officer. In reaching their decision Members concurred with comments made by the objector in that the tree was dangerous given the extent of its leaning. Members were particularly concerned as the playing field was used by a large number of people, including young people that played football beneath the tree and should the tree fall, someone could be injured. The Tree Protection Officer informed the Committee that there were no signs of physiology problems or symptoms and although the tree looked precarious, leaning trees were not considered to be dangerous.

| | | |
|----------|--|--|
| P14/1345 | Land Adjacent to 23 Lister Road, Dudley – Erection of 1 No Dwelling | Approved, subject to conditions, numbered 1 to 9, (inclusive) as set out in the report submitted. |
| P14/1768 | 4 Masons Close, Cradley, Halesowen – Part A: Rear Garden Boundary Wall (Retrospective) Part B: Single Storey Side/Rear Extension | <p>(i) That Part A of the application be approved subject to the following conditions:-</p> <p>The wall as indicated on approved plan number 14:79:02 shall be completed with a painted render finish within 3 months of the date of this permission unless otherwise agreed in writing by the Local Planning Authority. The finish shall remain as agreed for the lifetime of the development.</p> <p>(ii) That Part B of the application be approved subject to conditions, numbered 1 to 4 (inclusive), as set out in the report submitted.</p> |

In reaching their decision on the above application Members considered comments made by the Ward Councillor and the applicant in that the wall had been erected for protection due to the extent of anti social behaviour and burglaries that residents were experiencing. Members were of the view that residents' security was paramount.

| | | |
|----------|---|---|
| P14/1831 | 60 Hill Street, Netherton, Dudley – Removal of Existing Flue and Installation of Extraction Flue for a Paint Spray Booth (Resubmission of Withdrawn Application P14/1421) | Approved, subject to conditions, numbered 1 to 6 (inclusive), as set out in the report submitted. |
| P14/1773 | 41 Summercourt Square, Kingswinford – Fell 1 No Sycamore | Approved, subject to the condition, numbered 1, as set out in the report submitted. |
| P14/1775 | 39 Manor Abbey Road, Halesowen – New Front Porch and Canopy Roof. Erection of 1.8M Boundary Wall to Side Elevation. (Part Retrospective) | Approved, subject to conditions, numbered 1 to 3 (inclusive), as set out in the report submitted. |
| P14/1826 | 153 High Street, Quarry Bank, Brierley Hill – Change of use from Licensed Private Members Club to Public House (A4) | <p>Approved, subject to conditions numbered 1 to 4, 6 and 8 as set out in the report submitted, together with the replacement of condition, numbered 5, an amended condition, numbered 7 and additional condition, numbered 9, as follows:-</p> <p>5. The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound levels by more than 5dB(A) between the hours of 0700-2300 (taken as a 15 minute LA90 at the nearest sound sensitive premises) and shall not exceed the background sound level between 2300-0700</p> |

(taken as a 15 minute LA90 at the nearest sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142(2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the Local Planning Authority.

7. No deliveries shall be made to, and no delivery vehicles shall enter or leave the site before the hours of 0800 nor after 1800 Monday to Saturday and not at all on Sundays and Public Holidays.
9. The premises shall not be open to the public before the hours of 1000 nor after 0030 Monday to Saturday and before 1000 hours nor after 0030 hours on Sundays and Public Holidays.

P15/0005

Hingley Anchor,
Netherton, Dudley –
Installation of 2 No
Interpretation
Panels/Public Art
Features

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

| | | |
|----------|--|--|
| P15/0031 | Amenity Open Space Off, Lutley Mill Road, Halesowen – Prior Approval Under Part 24 of the Town and Country Planning (GPDO) for a Telecommunications Development Comprising of the Removal of 11.7M Phase 3 Monopole and Replace with 11.7M Phase 4 Monopole with Shrouded Headframe and 1 No Additional Cabinet | Prior Approval Not Required. |
| P15/0059 | Unit 2, 100 Dock Lane, Dudley – Change of use from B8 to Social Club with Photographic Studio and New Smoking Shelter (Sui Generis) (Resubmission of Refused Application P14/1592) | Deferred pending outcome of further consultation. |

78 **Confirmation of Tree Preservation Orders**

A report of the Strategic Director (Environment, Economy and Housing) was submitted requesting consideration as to whether the following Tree Preservation Orders (TPOs) should be confirmed with or without modification in light of the objections that had been received.

The following persons were in attendance at the meeting and spoke on the Tree Preservation Orders as indicated:-

| <u>Application No</u> | <u>Objectors/supporters who wishes to speak</u> | <u>Agent/Applicant who wishes to speak</u> |
|------------------------------|--|---|
| TPO/0122/SED | Ms Andrew Smith (On behalf of Mr Goodwin) Mr Peplow Mr Alec Johnson | |
| TPO/0126/SED | Mr John Parry | |

| <u>TPO No.</u> | <u>Location/Proposal</u> | <u>Decision</u> |
|-----------------------|--|--|
| TPO/0122/SED | Greenslade Road, Long Meadow Drive, Sedgley | Trees 1 to 4 confirmed subject to administrative corrections as highlighted in the report submitted and following modifications:- Trees 5 and 6 deleted from Order. |
| TPO/0126/SED | Sunningdale Road/Gower Road, Sedgley | Deferred for a Site Visit specific to Trees 9, 10, 16 and 17 |
| TPO/0121/SED | Melford Close, Penns Wood Close, Long Meadow Drive, Sedgley | Confirmed without modification. |
| TPO/0128/SED | Horton Close/St Brides Close/Langland Drive/Eastleigh, Sedgley | Confirmed subject to administrative corrections as highlighted in the report submitted. |

79 **Authority's Monitoring Report (AMR) 2013/14**

A report of the Strategic Director (Environment, Economy and Housing) was submitted on the Council's Authority Monitoring Report (AMR) for 1st April, 2013 to 31st March, 2014.

Resolved

That the information contained in the report, and Appendix to the report, submitted, be noted.

80 **Phased Review of Conservation Area Character Appraisals Across the Borough**

A report of the Strategic Director (Environment, Economy and Housing) was submitted on a phased review of Conservation Area Character Appraisals across the Borough in accordance with the programme, as set out in the Appendix to the report submitted.

Resolved

That the information contained in the report, and Appendix to the report, submitted, be noted.

The meeting ended at 8.10pm.

CHAIR
DC/90

APPENDIX 3.1

Confirmation Report for

***The Borough of Dudley (Sunningdale Road / Gower Road, Sedgley
(TPO/0126/SED)) Tree Preservation Order 2014***

Tree Preservation Order

Order Title

Case officer

Date Served

Recommendation

| |
|--|
| TPO/0126/SED |
| Sunningdale Road / Gower Road, Sedgley |
| James Dunn |
| 15/10/14 |
| Confirm |

SITE AND SURROUNDINGS

1. The tree preservation order comprises of 17 trees that are located in the gardens of properties in Sunningdale Road, and Gower Road. All of the trees are visible in the street scene.
2. The order has been served following a review of existing TPOs in the area. With the exception of the trees 9, 10, 16 & 17, all of the trees are protected by previous orders. The trees were all considered to provide sufficient amenity to the surrounding area to justify their protection.

PUBLIC REPRESENTATIONS

3. Following the service of the order, an objection was received from the owner of 31 Gower Road. The objection was also made on behalf of the owner/occupier of 18 Sunningdale Road. The objections are based on the following grounds:
 - T9, T10 & T17 were not previously protected in 2002. Lack of amenity value;
 - T16 has been poorly pruned on one side by the owner of 20 Sunningdale Road. This has resulted in a tree with poor form;
 - The process of looking over garden fences to identify trees subject TPOs is questionable as this has led to some trees not being protected as the ownership of the trees could not be established.
 - T9 & T10 pose a risk to the adjacent drainage apparatus which serves a number of properties;
 - The roots of T11 may damage the sewerage pipes that run across the rear gardens of 29 and 31 Gower road and due to the lack of inspection manholes such damage could not be checked until major disruption is caused;
 - T11 is damaging the garden fence of 31 Gower Road, causing it to lean out towards Gower Road;
 - T11, as a result of root encroachment in to the garden, extracts moisture from the soil of the rear garden of 31 Gower Road, preventing the objector from growing vegetables;
 - If left in place the roots of T11 may grow into the lawn of 31 Gower Road and damage mowing equipment;
 - The lower branches of T11 overhang the pavement and at times drop to below 2 metres from the pavement forcing user to walk into the road;
 - The branches of the tree are growing into the road, so as to impede the passing of traffic;

RESPONSE TO OBJECTIONS

4. The trees identified for protection as part of the review have all been scored using an amenity evaluation system called TEMPO. This system assesses various factors such as, condition, life expectancy, public visibility and expediency to protect the trees. Each factor is given a score, and the total of these scores determines whether a tree is suitable for protection.
5. All of the trees in the order were scored as providing sufficient amenity to warrant protection. As such it is not considered that the fact that some trees were not previously protected 12 years ago is necessarily relevant in the assessment of the tree for protection under this order.
6. With regards to T16, whilst the pruning works that have been undertaken, have impaired the form of the tree, it still presents itself to public view as a reasonably formed tree. As such the previous poor works are not considered to be sufficient reason to prevent the inclusion of this tree in the TPO.
7. With regards to the process of indentifying trees for protection, it is considered that any tree visible form a public vantage has the potential to provide sufficient amenity for protection. It is not considered that only trees wholly visible within the public realm should be considered, and that trees that are substantially or even partially visible from within back gardens are appropriate for TPO if it is deemed that they provide sufficient amenity to the area.
8. Other trees in rear gardens in Gower Road have been included in other orders, and where trees have not been included it is considered that this is the result of them providing insufficient amenity to the local area, rather than an inability to identify the ownership of the trees.
9. Tree roots do not have the ability to break into sewerage or drainage pipes that are not already previously damaged. As such, if any root ingress into drain has occurred it is the result of faulty drains that need to be repaired regardless of any root ingress. Modern repair techniques allow for long sections of the drain to be lined without the vulnerable joints that are susceptible to the failures that allow for root ingress. As such the need to remove trees as a result of root ingress has markedly decreased in recent years.
10. However given that there is currently no evidence of any root ingress into the local drainage system, the removal of the trees from the order on these grounds is considered to be inappropriately speculative. As such it is not considered that Either T9, T10 or T11, should be removed for the order on the grounds of potential damage to drainage apparatus in the future.

11. Similarly it is not considered that the lack of inspection manholes in the sewers adjacent to T11 is sufficient grounds to remove this tree for the order. CCTV drain inspections can be carried out over relatively long distances, and as such it is considered unlikely that the distance between inspections chambers would be sufficient to prevent the identification of any suspected root ingress.
12. Garden fence along the northern boundary of 31 Gower Road is leaning towards the road. However it is not accepted that the cause of this lean is singularly or even predominantly related to the root growth of the trees. The fence also serves as a retaining structure for the raised ground level behind. The soil level behind the fence is approximately 600mm higher than the on the road side.
13. The natural ground pressure pushing the fence towards the road will be considerable and advice provide by the Building Control section suggests that gravel boards and concrete posts are not considered to be an appropriate retaining structure. It is this ground pressure, rather than any root action is likely to be the cause to the movement of the fence. As such it is not considered appropriate to remove the tree for the order due to the movement of the fence.
14. It is accepted that the roots of T11 may well have entered the objector's garden and may be extracting moisture from the soil that will have a knock-on effect on what can be grown adjacent to the tree. However this moisture extraction is not an insurmountable obstacle to growing vegetables at the property, and as such it is not considered that the tree should be removed from the order on these grounds.
15. Given the change in and levels it is not considered likely that any major roots that have grown under the fence will surface in the lawn and cause damage to the lawn mower. If such roots do appear appropriate root pruning, subject to permission, would be able resolve any issues. As such it is not considered that the tree should be removed from the order on this basis.
16. Section 154 of the Highways Act 1980 obliges any owners of trees adjacent to the highway to maintain appropriate clearances over the pavement and carriageway. The accepted clearances are 2.5 metres over the pavement and 5.2 metres over the carriageway. As this is a requirement in law, the exemptions within the TPO mean that formal permission is not required in order to undertake the minimum required works to meet this obligation. As such it is not considered that presence of the TPO is a barrier to providing adequate clearance to the highway.
17. Overall it is considered that the trees subject to this TPO provide a sufficient amount of amenity to the surrounding area to justify the confirmation of this order and their continued protection.

CONCLUSION

18. It is not considered that any of the objections raised to the TPOs are sufficient to prevent the confirmation of the order. It is recommended that the order be confirmed without modifications

RECOMMENDATION

19. It is recommended that the Tree Preservation Order be confirmed without modifications.

APPENDIX 3.2

Tree Preservation Order Plan and Schedule As Served



© Crown Copyright and database right 2014. Ordnance Survey 100019566
 Produced by evoGIS - www.evoGIS.com

Map referred to in the Borough Council of Dudley



Sunningdale Road/Gower Road, Sedgley (TPO/0126/SED)

7

Tree Preservation Order 2014

Scale: 1 : 1000

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 | Whitebeam | 32 Sunningdale Road |
| T2 | Whitebeam | 32 Sunningdale Road |
| T3 | Tulip Tree | 31 Sunningdale Road |
| T4 | Whitebeam | 29 Sunningdale Road |
| T5 | Whitebeam | 26 Sunningdale Road |
| T6 | Whitebeam | 13 Sunningdale Road |
| T7 | Rowan | 11 Sunningdale Road |
| T8 | Monkey Puzzle | 7 Sunningdale Road |
| T9 | Cypress | 20 Sunningdale Road |
| T10 | Cypress | 20 Sunningdale Road |
| T11 | Lime | 20 Sunningdale Road |
| T12 | Cherry | 33 Gower Road |
| T13 | Cherry | 33 Gower Road |
| T14 | Cherry | 33 Gower Road |
| T15 | Silver Birch | 51 Gower Road |
| T16 | Pine | 20 Sunningdale Road |
| T17 | Pine | 18 Sunningdale Road |

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> |
|-------------------------|--------------------|------------------|
|-------------------------|--------------------|------------------|

NONE

Woodlands
(within a continuous black line on the map)

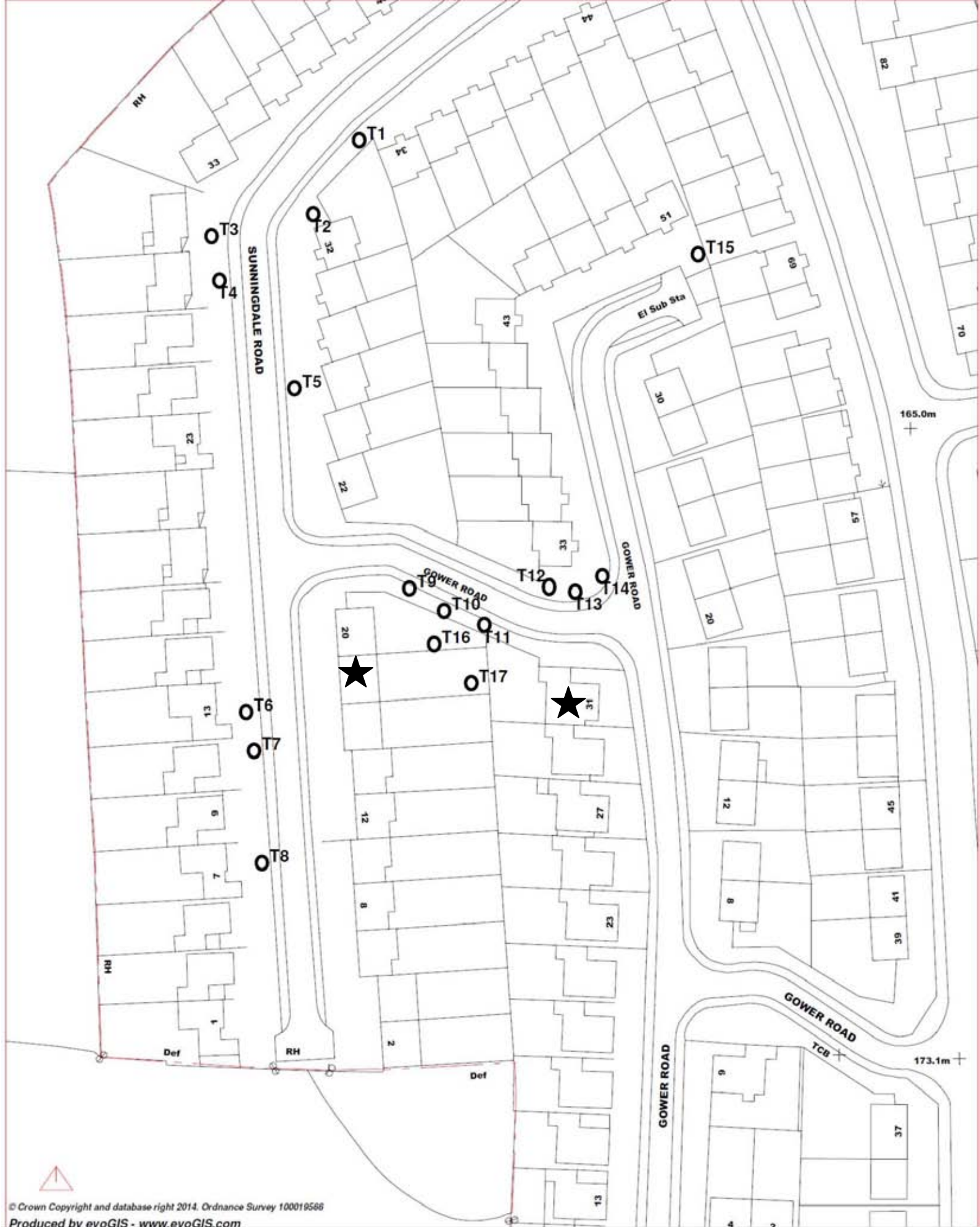
| <i>Reference on map</i> | <i>Description</i> | <i>Situation</i> |
|-------------------------|--------------------|------------------|
|-------------------------|--------------------|------------------|

NONE

APPENDIX 3.3

Plan Identifying Objectors Properties

★ - *Objection Received from Property*



© Crown Copyright and database right 2014. Ordnance Survey 100019566
 Produced by evoGIS - www.evoGIS.com

Map referred to in the Borough Council of Dudley

Sunningdale Road/Gower Road, Sedgley (TPO/0126/SED)

11

Tree Preservation Order 2014



Scale: 1 : 1000

PLANNING APPLICATION NUMBER:P14/1622

| | |
|-------------------------|---|
| Type of approval sought | Full Planning Permission |
| Ward | Amblecote |
| Applicant | Mr Paul Dalloway |
| Location: | 9, ROYAL CLOSE, BRIERLEY HILL, DY5 3HW |
| Proposal | PART A: RETROSPECTIVE SIDE AND REAR BOUNDARY TREATMENT. PART B: RETROSPECTIVE OUTBUILDING. |
| Recommendation Summary: | PART APPROVE & PART REFUSE (SPLIT DEC'N) |

SITE AND SURROUNDINGS

1. The application site forms part of the residential estate of Withymoor Village which comprises of similar dwelling house types set within plot types of a similar size with dwelling houses following established building lines. These properties are set back from the highway and benefit from modest driveways and garden areas to the frontage. Most of the properties have profited from minor alterations / extensions.
2. The site occupies a position at the highway junction of Royal Close with Conifer Close and is boarded to the front and rear by the respective cul-de-sac turning heads of these highways. The site relates to a detached property of facing brick construction. The property is surmounted with a pitched roof over with the ridge running from flank to flank. The property has previously been extended to include a modest gable feature within the canopy to the frontage and a facing brick ground floor side extension with pitched roof over positioned along the western flank elevation of the dwelling house and to the frontage of the single storey facing brick flat roof element.
3. Works have also been undertaken at the property which includes the erection of timber outbuilding within the rear garden area and the replacement of the dilapidated concrete post and timber boundary fence to the side and rear fronting on to Conifer Close.

4. The application site is bound to the east by the detached property of No. 11 Royal Close. Opposite the sites frontage are located the detached dwelling houses of No's. 12, 14 and 16 Royal Close, which are positioned perpendicular to the application site and fronting an access drive. To the rear, and at a lower level given the wider topography of the rear sloping down from north to south are the detached dwelling houses of No's. 5 to 7 (inclusive) Conifer Close and fronting the cul-de-sac turning head. The detached dwelling houses of No's 1 to 3 (inclusive) Conifer Close, are located to the west of the site and orientated perpendicular to the application site.

PROPOSAL

Part A

5. This is a retrospective application for the erection of a concrete block boundary wall to the side / rear boundaries that measures a maximum of 2.15 metres (m) in total height and comprises of a stepped form to mimic the topography of the wider area. As the boundary wall exceeds 1m in height and is adjacent to the highway planning permission is required.

Part B

6. This is a retrospective application for the erection of a timber outbuilding measuring a maximum height of 2.05m. The outbuilding abuts the existing single storey facing brick flat roof element attached to the property and located adjacent to the western flank elevation. The outbuilding measure 4.85m in depth and 2.36m in width and is used as an external bar area. Given the position and height of the outbuilding coupled with the outbuilding being attached to the single storey element forming part of the dwelling house, then planning permission is required.

HISTORY

7. Application Site

| APPLICATION No. | PROPOSAL | DECISION | DATE |
|-----------------|--|--------------------------|------------|
| P12/0805 | Full planning permission for a single storey side extension | Withdrawn | 31/07/2012 |
| P12/1057 | Full planning permission for a single storey side extension (resubmission of withdrawn application P12/0805) | Approved with Conditions | 27/09/2012 |

PUBLIC CONSULTATION

8. The application was advertised by way of neighbour notification letters being sent to the occupiers of 14 properties within close proximity to the site and by the display of a site notice. The final period for comment expired on 26/02/2015.
9. In response to the consultation exercise, correspondence in the form of a signed letter from the occupiers of 4 properties within Conifer Close has been received which objects to the development and raises material planning considerations which are summarised below;
- Residents of Conifer Close have had their front views blighted since September (2014) by the unsightly construction of a further additional chip board building on and a concrete wall around the perimeter of No. 9 Royal Close. This has been made worse by redundant building materials comprising of pallets of concrete blocks and cement and bagged sand left on the verge to the side of the property since construction ceased;*
 - The property's rear and side boundary comprise the whole north-east aspect of Conifer Close. All 7 detached properties comprising this cul-de-sac can now see most of the wall. 6 properties are overlooked by the entire wall and building. However any owner chooses to maintain and present the property boundary of 9 Royal Close has a major impact on the visual integrity of the entire cul-de-sac. An*

attractive treatment would inevitably add value not only to 9 Royal Close but also the cul-de-sac and its surroundings. Conversely, our objection would suggest that the current owner has damaged the nature of the cul-de-sac and the value of the area;

- Until the construction of the new wall (to which we object), the rear fencing from the garage to the adjacent rear garden of their neighbours in Royal Close was post, gravel board and panel. This was in keeping with the predominant style of fencing. The construction of a concrete wall is completely out of keeping with the locality and is detrimental to visual amenity;*
- The natural topography of the rear garden is a slope from the rear house to the end of the property, onto and past the cul-de-sac. The rear limit of the garden is over a metre lower than the house. The owners chose to create a horizontal platform (a decking area) covering the whole garden level with the house;*
- Located on the raised decking area is a hot tub, situated under an open sided construction measuring approximately 4m by 3m. They also have erected a hexagonal gazebo measuring some 2.5m and have partially constructed an outbuilding, which is subject to this retrospective application and is referenced as a bar. This building is finished with painted chip board side and back panels without any thought for visual amenity, especially as the erected structure protrudes above the boundary wall; and*
- Concern is also raised to the structural integrity of the wall, including foundations. Also, no drainage appears to have been built into the wall.*

10. Correspondence has also been received from a local resident supporting the scheme. The correspondence has been considered and the following material planning considerations are summarised below;

- Further to objections raised by residents of Conifer Close, the supporter notes that their property in Royal Close may be outside of the area directly affected by the development; however, they do live and pass by the application site on most days;*

- *The supporter is not against the wall and feel it is (or will be) an improvement on the fencing that was continuously in a poor state of repair alongside the side of the garage;*
- *The comments about the hot tub, gazebo, recreation areas and decking have no bearing on the construction of the wall and reflect the general hostility that is currently being shown towards the owners; and*
- *The supporter notes that they are aware that there are safeguarding reasons for the need for a robust secure border that gives the protection necessary to the vulnerable children within the property and it is important that this is taken in to account. Once the wall is completed it will have less impact than in its current unfinished state.*

11. In addition to the above, correspondence has been received from the applicants stating;

- *The wall is a necessity to safeguard children at the property and based on a Risk Assessment that had to be undertaken recently for the Fostering Agency. Social workers can be contacted to confirm that the safety of the children living at the property is paramount. The applicants along with the Fostering Agency are extremely vigilant when it comes to the well-being and security of the children living at the property;*
- *Comments raised from local objectors are incorrect, and it should be clarified that the boundary wall is not finished. The wall is to be rendered / painted an agreed colour, as advised, and finished to a high standard. Building materials located at the site are positioned on the applicants land;*
- *The referenced hexagonal Gazebo structure is not a permanent fixture; and*

- *The outbuilding structure shall be finished to all enclosed elevations, including the rear elevation.*
12. It should be noted that the decking area has been in situ for in excess of 4 years and therefore is afforded deemed consent and is immune from enforcement action. The other development – hot tub, outbuilding structures referenced (open sided structure over the hot tub and hexagonal gazebo) have been inspected during the recent site visit to the property on 05/02/2015, and it can be confirmed that these are afforded permitted development rights and therefore do not require regularising through formal planning permission. The land to the back edge of the footway of Conifer Close forms part of the application site and is within the applicant's control. For clarity, it is not highway land as alleged.
13. It should be noted that in the determination of the planning application all comments raised will be tested by the below stated policies.

OTHER CONSULTATION

14. Group Engineer Highways: No objections to the proposed development.

RELEVANT PLANNING POLICY

National Planning Guidance (2012)

- The National Planning Policy Framework

Saved Unitary Development Plan (2005)

- DD4 Development in Residential Areas

Supplementary Planning Document

- Parking Standards (2012)

ASSESSMENT

15. Key Issues

- Impact upon the character of the area and residential amenity; and
- Highway Safety

Impact upon the character of the area

16. Saved Policy DD4 (Development in Residential Areas) of the Dudley Unitary Development Plan applies in the consideration of development proposals within residential areas. Saved Policy DD4 seeks to ensure that development would not adversely affect the character of the area or residential amenity. Saved Policy DD4 also states that the scale, nature and intensity of the proposed development should be in keeping with the character of the area.

Part A

17. The application site comprises a detached property occupying a prominent corner plot with the side / rear boundary treatment exclusively being located within Conifer Close to the rear. Given the natural topography of the area, the application property occupies an elevated position relative to the properties fronting Conifer Close and especially those properties positioned around the turning head to the rear of the site.
18. Boundary treatments on such properties occupying corner plots, project into sensitive visual areas and should therefore take into account the visual impact upon the streetscene to both the side and rear. Boundary treatments should not be unduly prominent nor out of character in the streetscene.
19. The application site forms part of the wider Withymoor Village, a relatively modern residential estate. Typically residential boundary treatments within the estate comprise of timber fence panels or facing brick walls and piers with coping stones,

constructed from a similar facing brick to the dwelling houses occupying the estate, or a combination of these boundary treatments.

20. The replacement boundary treatment, which formally comprised of a timber fence with concrete posts and gravel boards occupies a similar position and in this regard, no concern is raised to the position of the boundary treatment or indeed the height of the replacement boundary treatment, which is comparable to the height of the neighbouring boundary treatments at the rear of the site; however, concerns are raised with regard to the overall design and existing / proposed finish of the boundary treatment.
21. Typically, residential boundary treatments of brick construction would marry up to the host property of the site and would adopt brick piers and coping stones with either decorative detailing within walls to break up there scale and massing and / or railings / timber panels inserted between piers. This would be the preferred and best fit design at such a location as this.
22. Whilst it is acknowledged that the boundary treatment is unfinished and the applicants have advised they would render the boundary treatment and agree a colour of render treatment with the Local Planning Authority, it is considered that the proposed render treatment would be out of keeping within the surrounding residential environment and would also fail to assimilate with not only the host property but also the respective street scenes it would form a part. As such the boundary treatment is considered to impact upon visual and residential amenity. This view is substantiated through comments received through the public consultation process. The boundary treatment therefore contravenes Saved Policy DD4 of the Dudley Unitary Development Plan.
23. During the site inspection and general assessment of the area, it was noted that no other rendered boundary walls or dwelling houses were observed in the locality. It is therefore considered that the design of the wall coupled with the proposed render treatment finish would fail to assimilate with the surrounding area and would form an

incongruous addition to the respective street scenes of Royal Close and Conifer Close.

24. The Local Planning Authority understand the want, need and desire of the applicants to want to erect a replacement boundary treatment occupying a similar position and height to the previous boundary treatment which had fallen into a poor state of repair to ensure their property remained secure and safe for all occupiers of the property and in this regard and for clarity, no objection is raised to boundary treatment in this position and of this height.
25. With regard to the structural integrity of the boundary treatment, including concerns from local residents with regard to the footings of the wall, drainage and general construction methodology, the Local Planning Authority have no firm indication to substantiate or refute these claims; however, the applicants have stated that substantial footings were installed and the wall was cured during the construction process.

Part B

26. The timber outbuilding assimilates with other structures located within the rear garden area of the application site and is considered to be of an appropriate, scale, mass and design for this residential locality. Whilst the use, as a bar may be unusual, it is considered to be a use that would be incidental to the occupiers enjoyment of the dwelling house and therefore no objection is raised in this regard.
27. Notwithstanding this, the applicants have advised that the structure is only partially completed and that the rear elevation of the structure, which abuts the boundary treatment to Conifer Close and marginally protrudes above it, shall be finished with a log lap cladding to marry up to the remainder of the elevational treatment of the structure. Currently it is of a chip board finish, painted black. It is considered that the log lap elevational treatment would better help assimilate the structure within the locality and this would be controlled by way of planning condition. In this regard the outbuilding with revised finish would not be detrimental to visual or residential

amenity and the development is considered to accord with the aspirations of Saved Policy DD4 of the Dudley Unitary Development Plan.

Highway Safety

28. The development would not impact upon the existing off street parking arrangements serving the site and no additional burden on the existing highway infrastructure through on street parking would occur as a result of the development. As such, no issues are raised with regard to parking arrangements or general highway safety, in spite of the boundary walls position adjacent to the highway. These views are shared by the Group Engineer (Highways). The development is therefore considered to be in accordance with Saved Policy DD4 and the Parking Standards Supplementary Planning Document.

CONCLUSION

29. The existing outbuilding is proposed to be finished with a log lap cladding to the rear elevation to better marry up with the existing log lap cladding found upon the existing elevations. This would be controlled by planning condition to enable the development to better assimilate with its surroundings. The alterations to the outbuilding and its proposed finish would comply with Saved Policy DD4 (Development in Residential Areas) of the Dudley Unitary Development Plan.
30. The retrospective boundary treatment that has been erected to the side and rear is considered to have an adverse impact on visual and residential amenity due to the overall design and proposed finish of the wall which forms a highly conspicuous feature at the back edge of the highway. Furthermore, the boundary wall fails to relate to the host property and the respective street scenes it forms a part. The development therefore contravenes Saved Policy DD4 (Development in Residential Areas) of the Dudley Unitary Development Plan.

1st RECOMMENDATION

31. It is recommended that Part A is REFUSED for the following reason:

1. The retrospective boundary treatment to the side and rear is visually obtrusive having an adverse impact on visual and residential amenity due to the overall design and prominent position the boundary wall occupies at the back edge of the highway. The existing blockwork boundary wall fails to assimilate with the surrounding development whilst the boundary wall, with a proposed render finish, would also fail to relate to the host property and the respective street scenes it would form a part. The development therefore contravenes Saved Policy DD4 (Development in Residential Areas) of the Dudley Unitary Development Plan.

32. It is recommended that consent for Part B is APPROVED subject to the following conditions:

Conditions and/or reasons:

1. Within 3 months from the date of this permission, the rear elevation of the outbuilding adjacent to Conifer Close and referenced as 'BAR' on the submitted plans shall be finished in a log lap treatment to the entire rear elevation which matches with the existing log lap present on the remainder of the outbuilding and shall be retained and maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 'Bar - rear elevation', 'Bar - side elevation', 'Block Plan' and 'Location Plan'.

2nd RECOMMENDATION

33. Enforcement Action is taken against the erected boundary wall positioned to the side and rear of the site.

TITLE NUMBER

H.M. LAND REGISTRY

WM208941

| | | | |
|-----------------------------------|--------------------|----------------------|-----------------|
| ORDNANCE SURVEY PLAN REFERENCE | SO 9185 | SECTION R | Scale 1:1250 |
| COUNTY WEST MIDLANDS | DISTRICT DUDLEY | Crown copyright 1980 | |

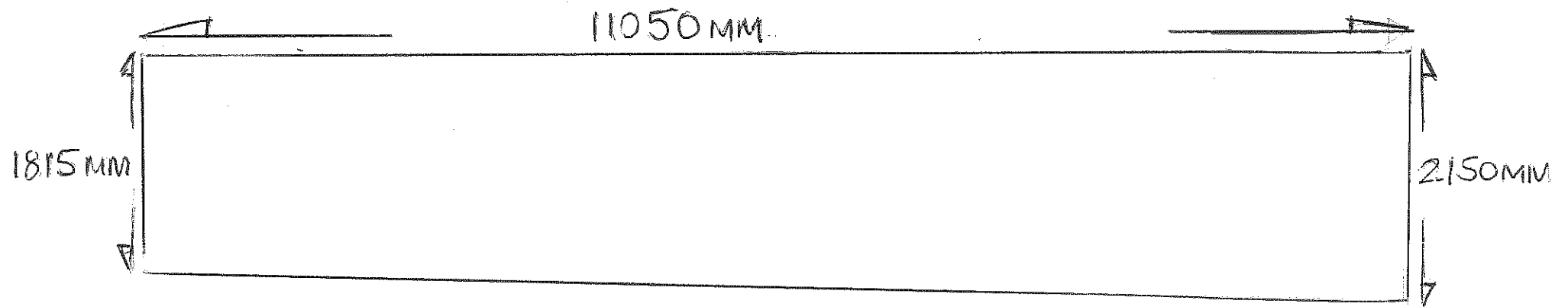
2006/02315



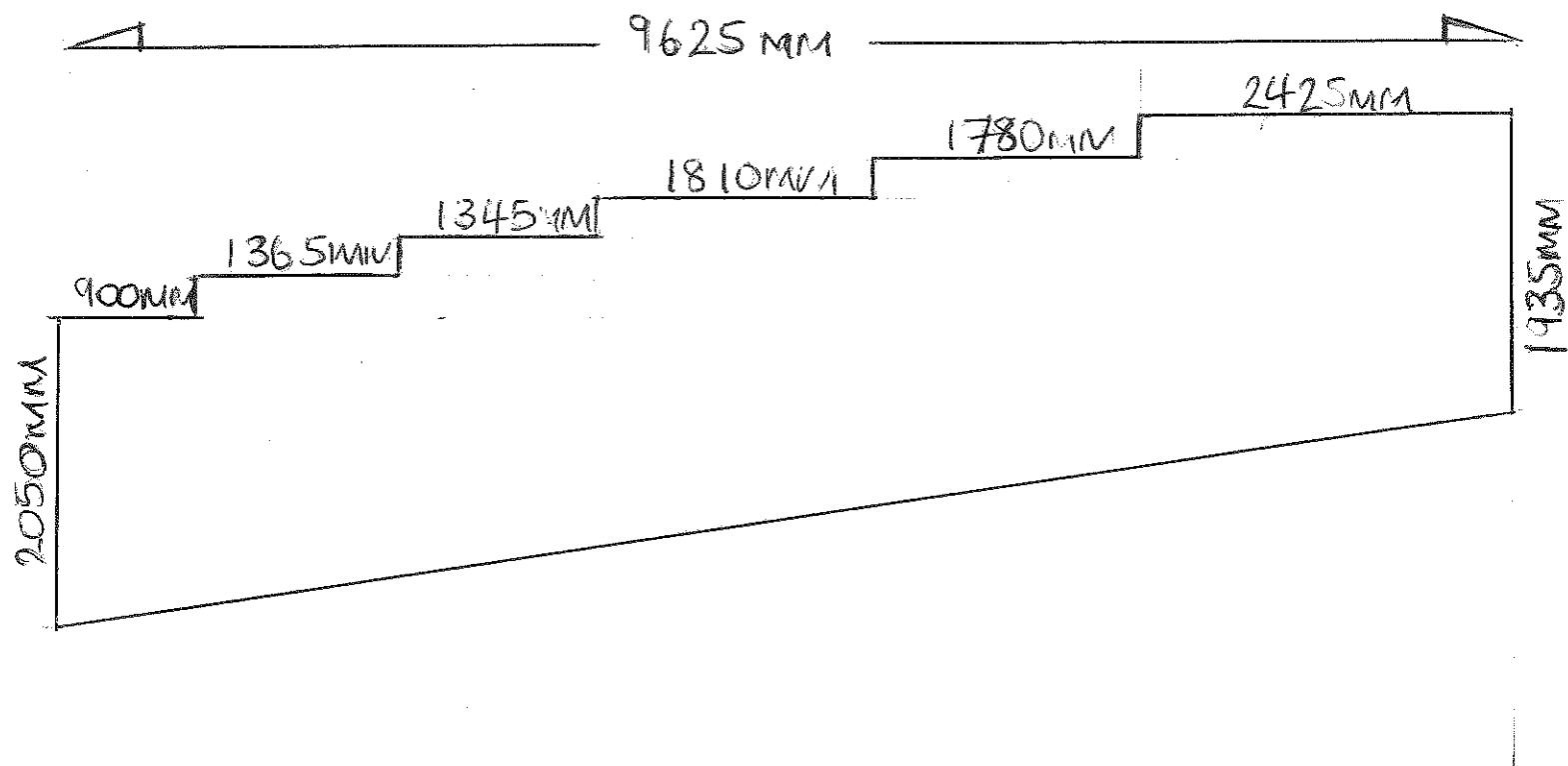
DMH
2/81

This title plan shows the general position of the boundaries: it does not show the exact line of the boundaries. Measurements scaled from this plan may not match measurements between the same points on the ground.
For more information see Land Registry Public Guide 7 - *Title Plans*.
This official copy shows the state of the title plan on 10 March 2006 at 12:31:45. It may be subject to distortions in scale.
Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
Issued on 10 March 2006.
© Crown copyright. Produced by HMLR. Further reproduction in whole or part is prohibited without the prior written permission of Ordnance Survey. Licence Number GPD272728.
This title is dealt with by the Coventry District Land Registry.

WALL REAR ELEVATION 1:50



WALL-SIDE ELEVATION 1:50



SCALE
1:200 (A4)

Proposed
New wall
Max Height
2.3m

Outdoor
Bar
Area.

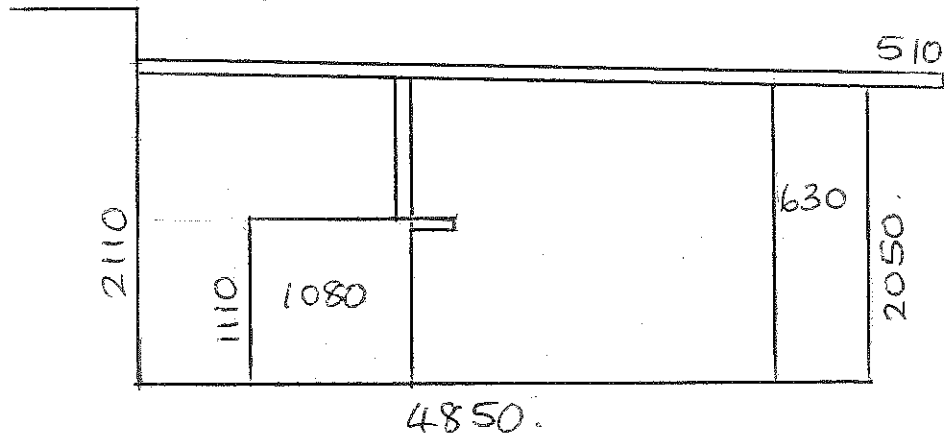
CONIFER CLOSE

9

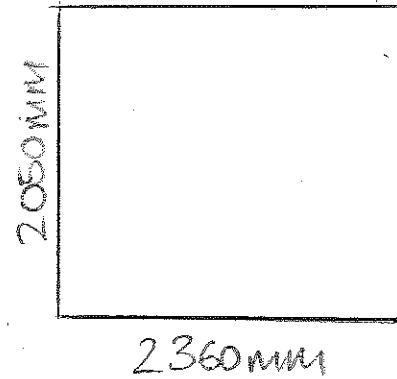
11

1

BAR - SIDE ELEVATION 1:50.



BAR- REAR ELEVATION 1:50



PLANNING APPLICATION NUMBER:P14/1821

| | |
|-------------------------|---|
| Type of approval sought | Full Planning Permission |
| Ward | Castle & Priory |
| Applicant | Clubhire Limited |
| Location: | SITE OF FORMER DUNCAN EDWARDS PUBLIC HOUSE, PRIORY ROAD, DUDLEY, DY1 4EH |
| Proposal | HYBRID APPLICATION FOR PART A: ERECTION OF 3 NO. RETAIL UNITS WITH CAR PARKING AND ASSOCIATED WORKS. PART B: OUTLINE APPLICATION FOR ERECTION OF 12 NO. DWELLINGS (ACCESS AND LAYOUT TO BE CONSIDERED) |
| Recommendation Summary: | APPROVE SUBJECT TO CONDITIONS |

SITE AND SURROUNDINGS

1. The application site is approximately 0.46 hectares in area and previously contained the Duncan Edwards PH, parking, gardens and a bowling green at the rear. The public house is now demolished and the site is overgrown with vegetation and fenced off with mesh style security fencing.
2. The site frontage is relatively level though there is a retaining wall running north to south through the site and thus the west side of the site is approximately 1m higher than the east side.
3. The site borders three road frontages (Priory Road, Limes Road and Maple Road) and the immediate area is residential in nature interspersed by retail shops. To the north the site adjoins a side/rear garden in Maple Road and a side driveway/rear amenity area for an empty shop on Priory Road. The empty shop is one of a row of four premises on Priory Road comprising the empty shop, a hairdressers and a pharmacy. To the west is a line of residential properties in Maple Road, to the south residential properties along Limes Road and a charity shop at the corner of Priory Road and Limes Road. To the east of the site are a

line of residential properties along Priory Road and a retail convenience shop facing the site at the corner of Priory Road and Woodland Avenue. To the south east is Priory Park.

PROPOSAL

4. This is a hybrid planning application that is made up of two separate elements. Part A is a full planning application for the erection of 3 No. retail units with car parking and associated works and Part B is an outline application for the erection of 12 dwellings (access and layout to be considered). The application effectively replicates and combines two previous approvals at this site (P11/0279 & P11/1148) which have expired.

Part A: Retail Units

5. Part A is identical to the previous approval, P11/0279, and would effectively renew the permission for the retail units. The scheme is for the erection of a retail development of 512m², consisting of three units. The largest unit (372m²) is proposed to be used as a convenience food store (A1), together with two smaller A1 retail units. The end user of these is not known.
6. The proposed building would have a single storey of ground floor accommodation, although its scale would be greater than a domestic single storey building.
7. The building would be finished in brick with the elevations to Limes Road and Priory Road punctured by large window openings with canopy detailing to parts of the building. The building would respect the established building line to Priory Road.
8. A dual parking and servicing area is proposed to the rear, with the entrance from Limes Road, and an exit onto Priory Road. A total of 26 spaces are proposed, including disabled parking.

Part B: Housing Development (Outline)

9. Part B is identical to the previous approval, P11/1148, and would effectively renew the permission for the housing scheme. The scheme seeks outline approval with access and layout to be considered at this stage for the erection of 12 residential units. Scale, appearance and landscaping are reserved for future consideration.
10. The residential units would be located on the existing building line along Maple Road and arranged in 6 No. semi-detached pairings. The footprints of the units would measure 5.3 metres in width (spanning 10.6 metres across the semi-detached pairing) and 8.4 metres in depth. The units would be served by either frontage parking or tandem parking to the side. All the units would benefit from both landscape frontages and rear amenity space while the layout of the site would mimic the settlement pattern of the existing residential units found along this aspect of Maple Road. The two trees to the south of the site are also proposed to be retained.
11. The application is accompanied by a design and access statement, a planning statement, transport statement, an ecological assessment and an arboriculture survey.

HISTORY

12.

| APPLICATION No. | PROPOSAL | DECISION | DATE |
|-----------------|---|----------|----------|
| P11/0279 | Erection of 3 No. retail units with car parking and associated works | Granted | 03/06/11 |
| P11/1148 | Outline application for erection of 12 no. dwellings (access and layout to be considered) | Granted | 01/11/11 |

PUBLIC CONSULTATION

13. The application was advertised by way of neighbour notification to 66 properties, site notice and press notice and the public consultation time expired on 19 January 2015. One objection has been received from the owner of a convenience store that does not raise any specific concerns, but raises non-material issues of competition.

OTHER CONSULTATION

14. Group Engineer (Highways) – No objections subject to conditions relating to a formal marked out parking and servicing area, cycle/shower facilities, provision of vehicular access points and the repositioning of the bus shelter and tactile paving.

15. Head of Environmental Safety and Health – No objections subject to conditions relating to the opening and delivery hours, acoustic fencing and a noise level limit condition relating to fixed plant and/or machinery.

16. West Midlands Fire Service – No objections

17. West Midlands Police – No objections

18. National Planning Policy Framework (2012)

The National Planning Policy Framework (NPPF) sets out the Governments planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions, but does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.

19. Black Country Core Strategy (2011)

- CSP1 The Growth Network
- CSP3 Environmental Infrastructure
- CSP4 Place Making
- HOU1 Delivering Sustainable Housing Growth
- HOU2 Housing Density, Type and Accessibility
- HOU3 Delivering Affordable Housing
- DEL1 Infrastructure Provision
- ENV7 Renewable Energy
- TRAN2 Managing Transport Impacts of New Development
- TRAN4 Creating Coherent Networks for Cycle and for Walking
- ENV1 Nature Conservation
- ENV3 Design Quality
- ENV4 Canals
- ENV8 Air Quality

20. Saved Dudley Unitary Development Plan (2005)

- DD1 Urban Design
- DD4 Development in Residential Areas
- EP1 Incompatible Land Uses
- EP7 Noise Pollution
- NC1 Biodiversity
- UR9 Contaminated Land
- UR10 Unstable Land

21. Supplementary Planning Document

New Housing Development – A Guide to Establishing Urban Context
Parking Standards
Planning Obligations
Nature Conservation

ASSESSMENT

22. The main issues for consideration in this application are as follows:

- Principle
- Layout/Residential Amenity
- Design
- Access and Parking
- Ecology
- Planning Obligations
- Other Issues

Principle

23. The principle of the mixed use retail and residential redevelopment of this long vacant site was established under previous permissions P11/0279 (retail component, approved June 2011) and P11/1148 (residential component,

approved November 2011). The current application would 'reaffirm' these two earlier permissions and there has been no material change to the policy framework of the Black Country Core Strategy since previous consideration and approval with no objections to the principle of this mixed use scheme.

Residential Amenity

Part A: Retail Units

24. The proposed retail site is located adjacent to an existing row of commercial properties which have residential accommodation above and within a wider locality of residential housing. Whilst there is some limited potential for existing residential properties to be adversely affected by noise arising from the proposed use, at this stage the end use of the retail units, apart from a general A1 use, is not known so it will be necessary to impose limits on opening hours that would be appropriate for most retail operations relative to both the proposed dwellings and existing dwellings in the locality. As such, measures will need to be taken and conditions imposed to minimise impacts and protect amenity. The opening and delivery hours would need to be limited to ensure that disturbance to residents does not occur at particularly sensitive times early in the mornings or late in the evenings. Furthermore, to ensure the noise from deliveries and general use of the car park has minimal impact a suitably sized acoustic fence would be required along the rear boundary of the site. The application indicates this on the street scene plan but no height is specified, however, it appears to be approximately 4 metres from the ground level of the retail part of the site.
25. Although the plans indicate that all plant will be roof mounted and screened by a parapet wall a noise level limit condition will also be required to ensure that any noise arising does not impact negatively on the pre-existing noise climate of the area.
26. The separation distance between the building and the nearest neighbours is considered to be adequate in terms of light and privacy. For example the houses on the far side of Priory Road would be 30m away, and the houses to Maple

Road would be at least 50m away. The house on the corner of Limes Road would be around 30m away from the nearest part of the proposed retail building.

27. There are no objections raised by the Head of Environmental Health and Trading Standards provided relevant conditions are included in any planning approval.

Part B: Housing Development (Outline)

28. The area is characterised by inter-war semi-detached and terraced dwellings with varying plot widths and depths. Dwellings are characterised by a defined building line, with off street parking to the frontage and enclosed rear private gardens.
29. The layout of the proposed development has been articulated to front Maple Road and to relate to the group of dwellings opposite. The proposed 12 dwellings would be arranged as 6 semi-detached pairings set back from Maple Road. Plots 1 and 2 have been arranged in a layout to address the corner of the application site at the junction of Limes Road and Maple Road in a manner typical of the pattern of existing residential developments in the area.
30. The dwellings would be arranged with front forecourts or gardens and private rear gardens with paved and landscaped areas, boundary treatments to ensure privacy and protection of amenity and independent pedestrian access. Parking spaces would be arranged in a mix of layouts, determined by the requirement of two off street parking spaces for each dwelling, whilst acknowledging the preference for cars not to dominate the frontages and paying due regard to the need to ensure minimal impact on the roots of the existing mature Plane Trees within the pavement. The dwellings would be arranged to provide overlooking from habitable room windows to provide natural surveillance to the parking areas and the secure routes leading to the rear private gardens. The scheme would result in a form of development that reflects the character and context of the surrounding area in accordance with Saved Policies DD1 (Urban Design) and

DD4 (Development in Residential Areas) of the Dudley Unitary Development Plan and the New Housing Development Supplementary Planning Document.

31. The rear of the site would adjoin the retail scheme and the rear building line of the proposed dwellings would be sited some 22 metres from the retail parade building, which due to the topographical levels falling from west to east, the proposed dwellings would occupy an elevated position relative to the retail development. Furthermore the separation distance would ensure that amenity would not be prejudiced and this would be further enhanced by the requirement by condition under the retail scheme, upon commencement, to install an acoustic fence along the rear boundary with the application site to mitigate against potential noise pollution arising from the retail development and also to protect visual amenity and the privacy of the proposed rear gardens.

32. The relationship between the proposed and existing properties would maintain appropriate separation distances between new and existing dwellings. The proposed sites topographical level would also ensure greater privacy between the new and existing properties. There are no objections to the layout from a planning viewpoint in accordance with saved policies DD1 and DD4.

Design

Part A: Retail Units

33. The application site was last used as a public house, although the original inter war building, with a large set back has now been cleared. The design of the proposed building consists of large single storey building, which follows the established building line to Priory Road. The main facing material would be brick, but unlike its nearby neighbours, it would have a flat roof.

34. The proposed building is of a modernist design, with its key features being the large windows onto the Priory Road and Limes Road frontages.

35. The design of the building is considered to be appropriate in terms of scale and proposed materials. The use of the large windows helps to break up the building and provides some interest to the elevation. The splayed corner on to Limes Road, replicates a feature often found on inter war buildings when turning corners, and again adds some interest to the building.

Part B: Housing Development (Outline)

36. The design of the dwellings, which is indicative, is considered to be acceptable and demonstrates that the site could be developed in a manner which would be acceptable. The indicative plans show two storey dwellings with brickwork to the ground floor elevations of the proposed dwellings with render to the first floor elevations with either pitched or hipped roofs. This is considered to be acceptable and in keeping with the surrounding scale, built form and materials of the surrounding inter-war housing stock.

Access and Parking

Part A: Retail Units

37. Access through the site is by way of a one system with the entrance from Limes Road, and exit onto Priory Road. The through access incorporates an area for 26 on site spaces and is also to be used for off road servicing, with the proposed units having doors in their rear elevations to facilitate this. There are no highway objections subject to conditions relating to a formal marked out parking and servicing area, cycle/shower facilities, provision of vehicular access points and the repositioning of the bus shelter and tactile paving.

Part B: Housing Development (Outline)

38. The development would be predominantly served by frontage access from Maple Road with Plot 1 served by frontage access from Limes Road only. Parking spaces would be overlooked from habitable room windows of the respective proposed dwellings and would be arranged in a mix of layouts, to either the forecourt or in tandem form and determined by the requirement of 2 No. off street parking spaces for each dwelling. There are no highway objections

subject to conditions relating to the provision of the parking area and electric vehicle charging points.

Ecology

39. A nature conservation assessment has been submitted with the application. The site is part of the bat migration route between Priory Park and Wrens Nest Nature Reserve, therefore it is important for light pollution to be kept to a minimum and linear tree cover (especially east-west along Limes Road and its environs) maximised as much as possible. Mixed native hedgerows should also be maximised to aid migration of bats and to replace scrub lost through the proposal. This can be controlled through condition.

Planning Obligations

40. Black Country Core Strategy Policy DEL1 'Infrastructure Provision' sets out the adopted policy framework for Planning Obligations within Dudley and the Planning Obligations SPD provides further detail on the implementation of this policy; these policy documents were prepared in accordance with national legislation and guidance on planning obligations.
41. Policy DEL1 requires all new developments to be supported by sufficient on and off-site infrastructure to serve the development, mitigate its impact on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.
42. In determining the required planning obligations on this specific application the following three tests as set out in the CIL Regulations, in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development;
 - (c) fairly and reasonably related in scale and kind to the development.

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

On-Site Provision (to be secured by condition)

Public Art

Nature Conservation

Economic and Community Development Statement

Environmental Protection – Provision of external charging points

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

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

Other Issues

New Home Bonus

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

47. The New Homes Bonus is designed to create an effective fiscal incentive to encourage local authorities to facilitate housing growth. It will ensure the economic benefits of growth are more visible within the local area, by matching the council tax raised on increases in effective stock.

48. The Bonus provides local authorities with monies equal to the national average for the council tax band on each additional property and paid for the following six years as a non-ring fenced grant. In addition, to ensure that affordable homes

are sufficiently prioritised within supply, there will be a simple and transparent enhancement of a flat rate £350 per annum for each additional affordable home.

49. This proposal would provide an additional 12 dwellings generating a grant of 12 times the national average council tax for the relevant bands per annum for 6 years. Whilst this is a significant sum of money the planning merits of the proposal are acceptable in any event and therefore this is not accorded significant weight.

CONCLUSION

50. The mixed redevelopment of the site is acceptable and the scheme applies the principles of good urban design and would make a positive contribution to the character and appearance of the area, with no adverse impact on residential amenity. The layout would provide a legible form of development that has addressed the movement of people and vehicles through the development and that defines public and private space. The development is appropriate in scale to the existing transportation infrastructure of the immediate area and makes adequate and safe provision for access and egress by vehicles. The scheme as proposed therefore accords with the relevant Policy criteria.

RECOMMENDATION

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

Conditions and/or reasons:

1. Part A: Retail Units

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

2. No part of the development hereby permitted shall be commenced until detailed plans and sections showing existing site levels and finished floor levels building have been submitted to and approved in writing by the Local Planning Authority and the development thereafter shall only be carried out as approved.

3. No part of the development hereby permitted shall be commenced until a schedule of all materials to be used on the external surfaces of the buildings has been submitted to and approved in writing by the Local Planning Authority and thereafter the development shall only be constructed in accordance with these details.
4. The shop units hereby approved shall be laid out in accordance with the approved plans, and shall not be combined unless otherwise agreed in writing by the Local Planning Authority.
5. None of the development hereby approved shall be first commenced until plans showing the repositioning of the bus shelter outside of the visibility splay have been submitted to and approved in writing by the Local Planning Authority. The shelter shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
6. No deliveries or despatches shall be made to or from the site, and no delivery or despatch vehicles shall enter or leave the site (whether laden or unladen), before the hours of 0700 or after 2000 Monday to Saturday, or before 1000 or after 2000 on Sundays and Public Holidays.
7. Notwithstanding the details submitted with the application, none of the development hereby approved shall be first commenced until plans showing the provision of on cycle parking provision have been submitted to and approved in writing by the Local Planning Authority. The tactile paving shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
8. None of the development hereby approved shall be first commenced until plans showing the construction of the vehicular access points from both Limes road and Priory Road have been submitted to and approved in writing by the Local Planning Authority. The vehicular access points from both Limes road and Priory Road shall be constructed in accordance with the approved details, and the development shall not be first occupied until these works have been carried out in accordance with the approved plans.
9. The development hereby approved shall not be first occupied until the parking and servicing area has been provided in accordance with the approved plans. The parking and servicing area shall be maintained for the lifetime of the development.
10. No part of the development hereby permitted shall be commenced until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. The details must include existing and proposed finished levels or contours; the position, design and materials of all site enclosures, car parking layout and other vehicular and pedestrian areas; hard surfacing materials, minor artefacts and structures (e.g. street furniture, play equipment, refuse areas, lighting etc;) and any retained historic features and proposals for restoration.

The works approved as part of this condition shall be completed before the first occupation of any part of the development and maintained for the lifetime of the development.

11. No part of the development hereby permitted shall be commenced until full details of soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details must include, where appropriate, planting plans, written specifications, a schedule of plants including species, plant sizes and proposed numbers/densities and a programme of implementation. Plans must also include accurate plotting of all existing landscape features.

The works approved as part of this condition shall be completed within the first planting season following the first occupation of any part of the development.

Any trees or shrubs planted in pursuance of this permission including any planting in replacement for it 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.

12. Prior to commencement of the permitted use, a scheme for a continuous acoustic barrier constructed along northern and western most boundaries of the site of minimum height of 4 metres and minimum surface density of 10 kg/m² shall be submitted to and approved in writing by, the Local Planning Authority.

All works which form part of the approved scheme shall be completed the approved use commences.

The barrier shall be retained throughout the life of the development.

13. The rating level of noise emitted from any fixed plant and/or machinery associated with the development shall not exceed background noise levels by more than 5dB(A) between the hours of 0700-2300 (taken as a 60 minute LA₉₀ at the nearest noise sensitive premises) and shall not exceed the background noise level between 2300-0700 (taken as a 15 minute LA₉₀ at the nearest noise sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest noise sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest noise sensitive property. Any deviations from the LA₉₀ time interval stipulated above shall be agreed in writing with the local planning authority.

14. The retail units shall not be open to the public before the hours of 0700 nor after 2200 Monday to Sunday.

15. No development shall take place until there has been submitted, and approved in writing by the local planning authority details of the tree protection measures on site. The details shall include:

- a. A plan showing the location and identification (with reference to a survey schedule if necessary) of all trees on, or directly adjacent to the development site, that are to be retained during construction. These trees are to be marked with a continuous outline.
 - b. A plan showing the location and identification (with reference to a survey schedule if necessary) of all the trees on, or directly adjacent to the development site that are to be removed prior to, or during development. These trees are to be marked with a dashed outline.
 - c. A plan showing the extent of the Root Protection Area, which is to be protected by physical barriers during development. The extent of the area that is to be protected will be calculated in accordance with Clause 5.2 of British Standard BS: 5837 – 2005 ‘Trees in Relation to Construction – Recommendations’.
 - d. Design details of the proposed protective barriers to be erected around the trees during development. Any protection barriers should be designed and constructed in accordance with the provisions set out in section 9.2 of British Standard BS:5837 – 2005 ‘Trees in Relation to Construction – Recommendations’.
16. No development or other operations shall commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such method statement shall include full detail of the following:
- Implementation, supervision and monitoring of the approved Tree Protection Plan.
 - Implementation, supervision and monitoring of the approved Treework Specification.
 - Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Plan.
 - Timing and phasing of arboricultural works in relation to the approved development.
17. No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed service (gas, electricity and telecoms) and foul and surface water drainage layout has been submitted to and approved in writing by the Local Planning Authority. Such layout shall provide for the long term

- retention of the trees. No development or other operations shall take place except in complete accordance with the approved service/drainage layout.
18. No development shall take place until there has been submitted to and approved in writing by the local planning authority technical details of any proposed pathway / hard surfacing / driveway / parking area within 3 metres of the outer canopy spread of any existing tree situated on or off the site. The details of the vehicular access and parking areas shall include existing and proposed ground levels, materials to be used and the relative time of construction within the whole development and must be in accordance with appropriate guidelines, namely BS 5837:2005 'Trees in Relation to Construction' and Arboricultural Advisory & Information Service Practice Note 'Driveways Close to Trees' (1996). Any driveway / parking areas within 3 metres of existing trees must be constructed using "no-dig" techniques incorporating appropriate surfaces to avoid damage to trees and to prevent any potential direct or indirect damage caused by trees.
 19. The development hereby permitted shall be carried out in accordance with the following approved plans: K55 (90)04, K55 (PL)12, K55 (PL)15, K55 (PL)14 and the lighting details.
 20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification) no development covered by Part 42 Class A or Class B of Schedule 2 to that Order shall be carried out without planning permission granted by the Local Planning Authority.
 21. No mezzanine shall be inserted into any of the units without the express grant of planning permission.
 22. No development shall commence until details of on one way site traffic management, (including details of signage) and markings have been submitted to and approved in writing by the Local Planning Authority. The on site traffic management shall thereafter be provided in accordance with the approved details and shall be put in place prior to the first occupation of any part of the development. The on site traffic management shall thereafter be retained and maintained for the life of the development.
 23. No development shall commence until details for the provision of external electric charging points have been submitted to and approved in writing by the Local Planning Authority. The Electric Charging point(s) shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
 24. No development shall commence until details for the relocation of the tactile paving due to the provision of the new vehicular access have been submitted to and approved in writing by the Local Planning Authority. The tactile paving shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
 25. Part B: Housing Development (Outline)
Approval of the details of the scale and external appearance of the building(s), and the landscaping of the site (hereafter called the ('reserved matters')) shall be obtained from the Local Planning Authority before any development is begun.

26. Application for reserved matters approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission; and the development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
27. No part of the development hereby permitted shall be commenced until a schedule of all materials to be used on the external surfaces of the buildings has been submitted to and approved in writing by the Local Planning Authority and thereafter the development shall only be constructed in accordance with these details.
28. No part of the development hereby permitted shall be commenced 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.
29. No part of the development hereby permitted shall be commenced until full details of soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details must include, where appropriate, planting plans, written specifications, a schedule of plants including species, plant sizes and proposed numbers/densities and a programme of implementation. Plans must also include accurate plotting of all existing landscape features.

The works approved as part of this condition shall be completed within the first planting season following first occupation.

Any trees or shrubs planted in pursuance of this permission including any planting in replacement for it 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.

30. No part of the development hereby permitted shall be commenced until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. The details must include existing and proposed finished levels or contours; the position, design and materials of all site enclosures, car parking layout and other vehicular and pedestrian areas; hard surfacing materials, minor artefacts and structures (e.g. street furniture, play equipment, refuse areas, lighting etc;) and any retained historic features and proposals for restoration.

The works approved as part of this condition shall be completed before the first occupation of any part of the development.

31. Tree Protection Plan

No development shall take place until there has been submitted, and approved in writing by the local planning authority details of the tree protection measures on site. The details shall include:

- a. A plan showing the location and identification (with reference to a survey schedule if necessary) of all trees on, or directly adjacent to the development site, that are to be retained during construction. These trees are to be marked with a continuous outline.
- b. A plan showing the location and identification (with reference to a survey schedule if necessary) of all the trees on, or directly adjacent to the development site that are to be removed prior to, or during development. These trees are to be marked with a dashed outline.
- c. A plan showing the extent of the Root Protection Area, which is to be protected by physical barriers during development. The extent of the area that is to be protected will be calculated in accordance with Clause 5.2 of British Standard BS: 5837 – 2005 ‘Trees in Relation to Construction – Recommendations’.
- d. Design details of the proposed protective barriers to be erected around the trees during development. Any protection barriers should be designed and constructed in accordance with the provisions set out in section 9.2 of British Standard BS:5837 – 2005 ‘Trees in Relation to Construction – Recommendations’.

32. Arboricultural Method Statement

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

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

33. Treework Specification

No development or other operations shall commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction

machinery) until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall commence on site until the approved tree felling and pruning works have been completed. All tree felling and pruning shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998 (2010) Recommendations for Tree Work.

34. Trees – Excavations

All excavations to be undertaken within 6 metres of the stem of existing trees on site shall be undertaken in accordance with NJUG Publication number 10 'Guidelines for the Planning, Installation and Maintenance of Utility Services in proximity to Trees'

35. Trees - Service/drainage layout

No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed service (gas, electricity and telecoms) and foul and surface water drainage layout has been submitted to and approved in writing by the Local Planning Authority. Such layout shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved service/drainage layout.

36. Trees – Pathway / Parking Area Construction

No development shall take place until there has been submitted to and approved in writing by the local planning authority technical details of any proposed pathway / hard surfacing / driveway / parking area within 3 metres of the outer canopy spread of any existing tree situated on or off the site. The details of the vehicular access and parking areas shall include existing and proposed ground levels, materials to be used and the relative time of construction within the whole development and must be in accordance with appropriate guidelines, namely BS 5837:2005 'Trees in Relation to Construction' and Arboricultural Advisory & Information Service Practice Note 'Driveways Close to Trees' (1996). Any driveway / parking areas within 3 metres of existing trees must be constructed using "no-dig" techniques incorporating appropriate surfaces to avoid damage to trees

37. Prior to first occupation of the dwelling, the means of access and parking areas will be provided in accordance with the approved details and graded, levelled, surfaced, drained and marked out. These areas will be maintained for no other purpose for the life of the development.

38. The development hereby approved shall not be first commenced until details of the nature conservation enhancement of the site has been submitted to and approved in writing by the Local Planning Authority. The enhancement shall thereafter be provided in accordance with the approved details and provided prior to first occupation of the development. The nature conservation enhancements shall thereafter be retained and maintained for the life of the development.

39. The development hereby approved shall not be first commenced until details of the public art enhancement to the site has been submitted to and approved in writing by the Local Planning Authority. The enhancement shall thereafter be provided in accordance with the approved details and provided prior to first occupation of the development. The public art enhancement shall thereafter be retained and maintained for the life of the development.
40. Economic and Community Development Benefits
A scheme produced in partnership with the Council shall address as a minimum, measures to increase the number of jobs open to local people available on the site and the development of initiatives that support activities to upskill local unemployed people of working age so as to support them into sustained employment as outlined in the council's Planning Obligations Supplementary Planning Document. The scheme shall be submitted to and approved by the Local Planning Authority prior to commencement of development.
41. The development hereby permitted shall be carried out in accordance with the following approved plans: K55 (90)04, K55 (PL)12, KL (PL)13 and K55 (PL)15.
42. Outside lighting
Any outside lighting should conform to the Bat Conservation Trust and Institute for Lighting Engineers' guidance "Bats and lighting in the UK". It should be close to the ground and directed downwards. It should be activated by a timed sensor with a low movement sensitivity, so as not to be triggered by wildlife. A plan detailing outside lighting shall be submitted to and approved in writing by the Local Planning Authority before any works proceed. All works must be carried out in accordance with the approved plan and retained throughout the lifetime of the development.
43. Ecological landscape plan
An Ecological Landscape Plan (including establishment and maintenance programme), taking into account appropriate mitigation and enhancement works for nature conservation, should be submitted to and approved in writing by the Council's Ecological Advisors before any work commences. All works must be carried out in accordance with the approved plans and programmes and retained throughout the lifetime of the development. These plans should ensure bat migration across the site is maintained via native tree and shrub cover. The level of mitigation provision must be to neutralise harm and enhancement must be carried out onsite in accordance with the Planning Obligations Supplementary Planning Document.
44. Prior to the commencement of development, details of the existing and proposed levels of the site (including finished floor levels), which should be related to those of adjoining land and highways, shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved levels.
45. No development shall commence until details for the provision of external electric charging points have been submitted to and approved in writing by the Local Planning Authority. The Electric Charging point(s) shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.

Do not scale from this drawing other than for planning purposes.

Contractor to check all dimensions prior to commencement on site and notify the architect of any errors, omissions or discrepancies. Architects IP¹ retains copyright of this drawing, no copies or alterations may be made without their permission.

CDM Design Risk Assessment

Refer to Risk Assessment Health and Safety Plan
The following particular risks have been identified:

Notes:



© Crown Copyright 2009. All rights reserved. Licence number 100020449



Planning

Redevelopment,
Priory Road, Dudley
For Clubhite Ltd

Location Plan

| project no. | ddp no. | rev. |
|-------------|----------|-------|
| K55 | (90)04 | - |
| scale | date | @ ref |
| 1:1250 @ A3 | May 2014 | TJR |

Do not scale from this drawing other than for planning purposes.

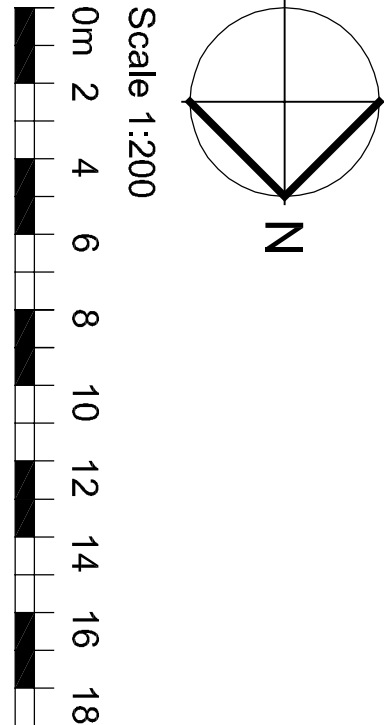
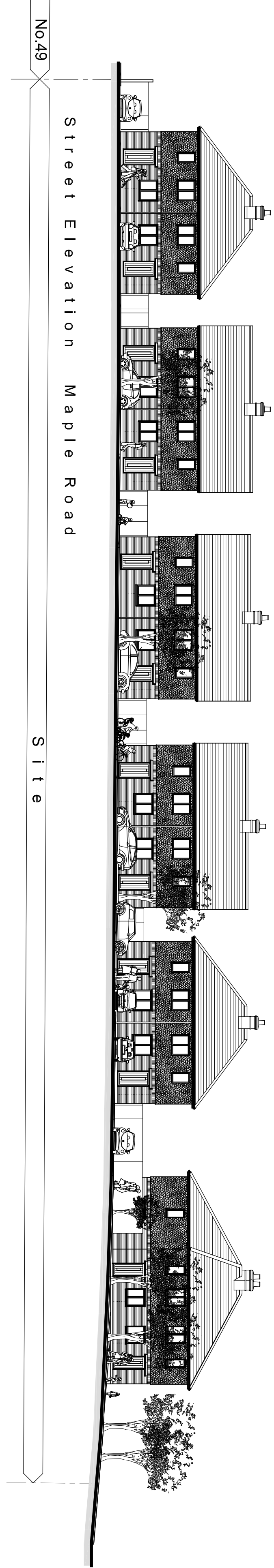
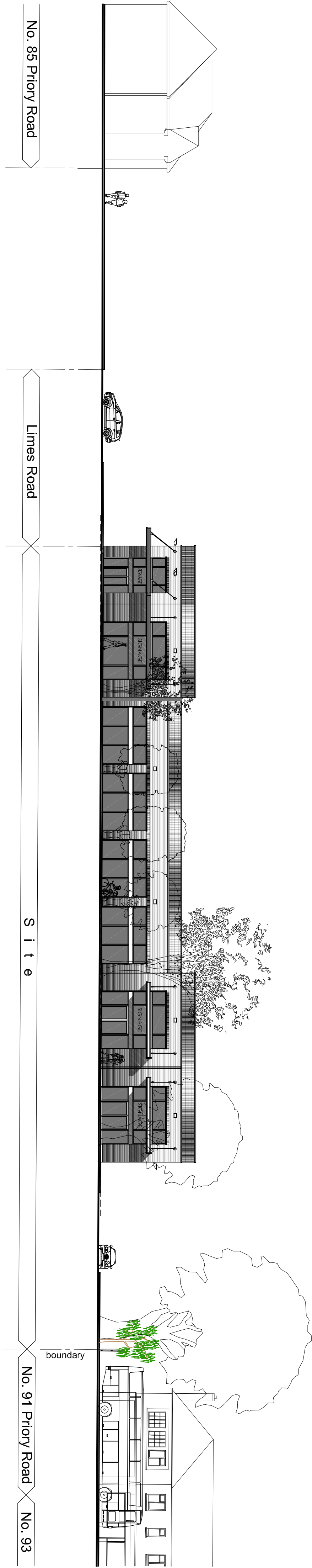
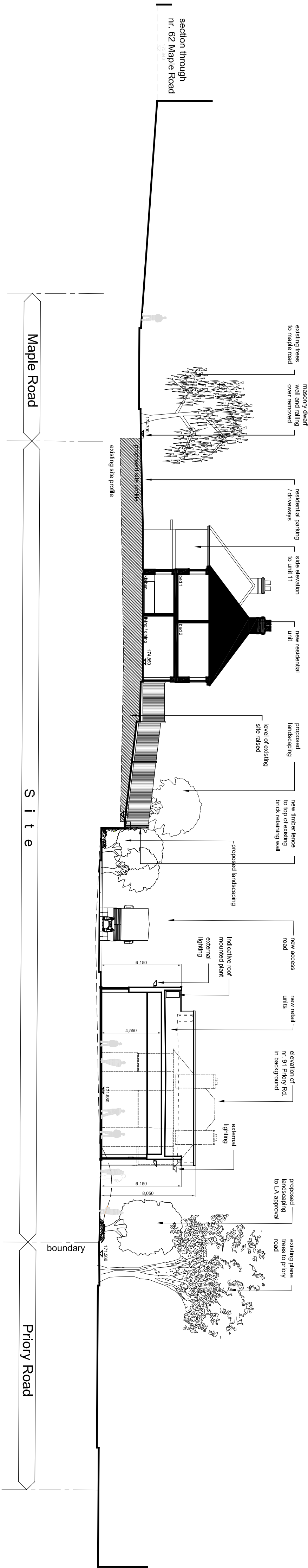
Contractor to check all dimensions prior to commencement on site and notify the architect of any errors, omissions or discrepancies.
Architects le' remain copyright of this drawing, no copies or alterations may be made without their permission.

CDM Design Risk Assessment

Refer to Risk Assessments/Health and Safety Plan

The following particular risks have been identified:

Notes:



Planning

Redevelopment
Priory Road, Dudley
for Clubhite Limited.

Section A:A
and Street Scene

| | | |
|-------------|----------|-------|
| project no. | dig. no. | rev. |
| K55 | (PL)15 | - |
| scale | date | © ref |
| 1:200 @ A1 | May 2014 | TJR |

Do not scale from this drawing other than for planning purposes.

Contractor to check all dimensions prior to commencement on site and notify the architect of any errors, omissions or discrepancies.

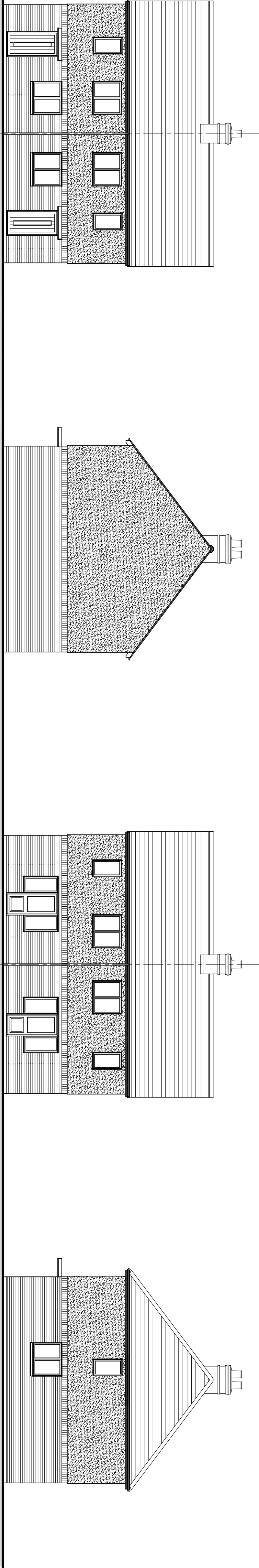
Architects bear full copyright of this drawing, no copies or alterations may be made without their permission.

CDM Design Risk Assessment

Refer to Risk Assessments/Health and Safety Plan

The following particular risks have been identified:

Notes:

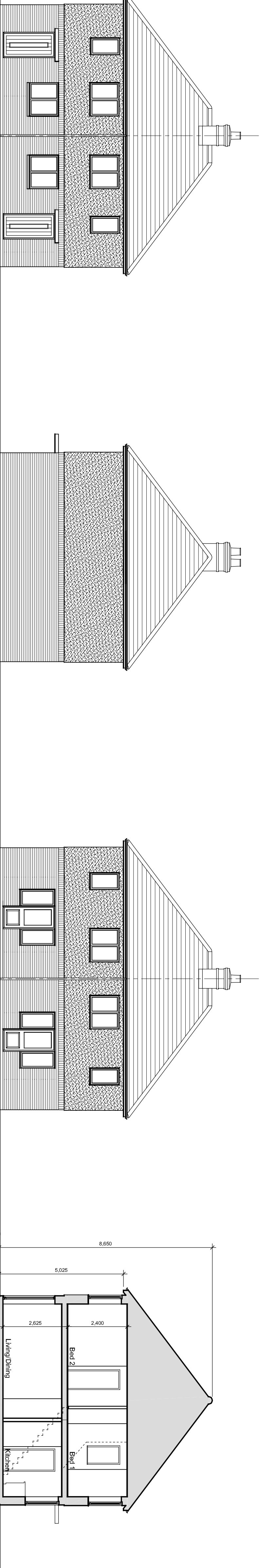


Front
Units 5 / 6 / 7 / 8 / 9 / 10

Side
Units 5 / 6 / 7 / 8 / 9 / 10

Garden
Units 5 / 6 / 7 / 8 / 9 / 10

Side - units 1 & 2 only

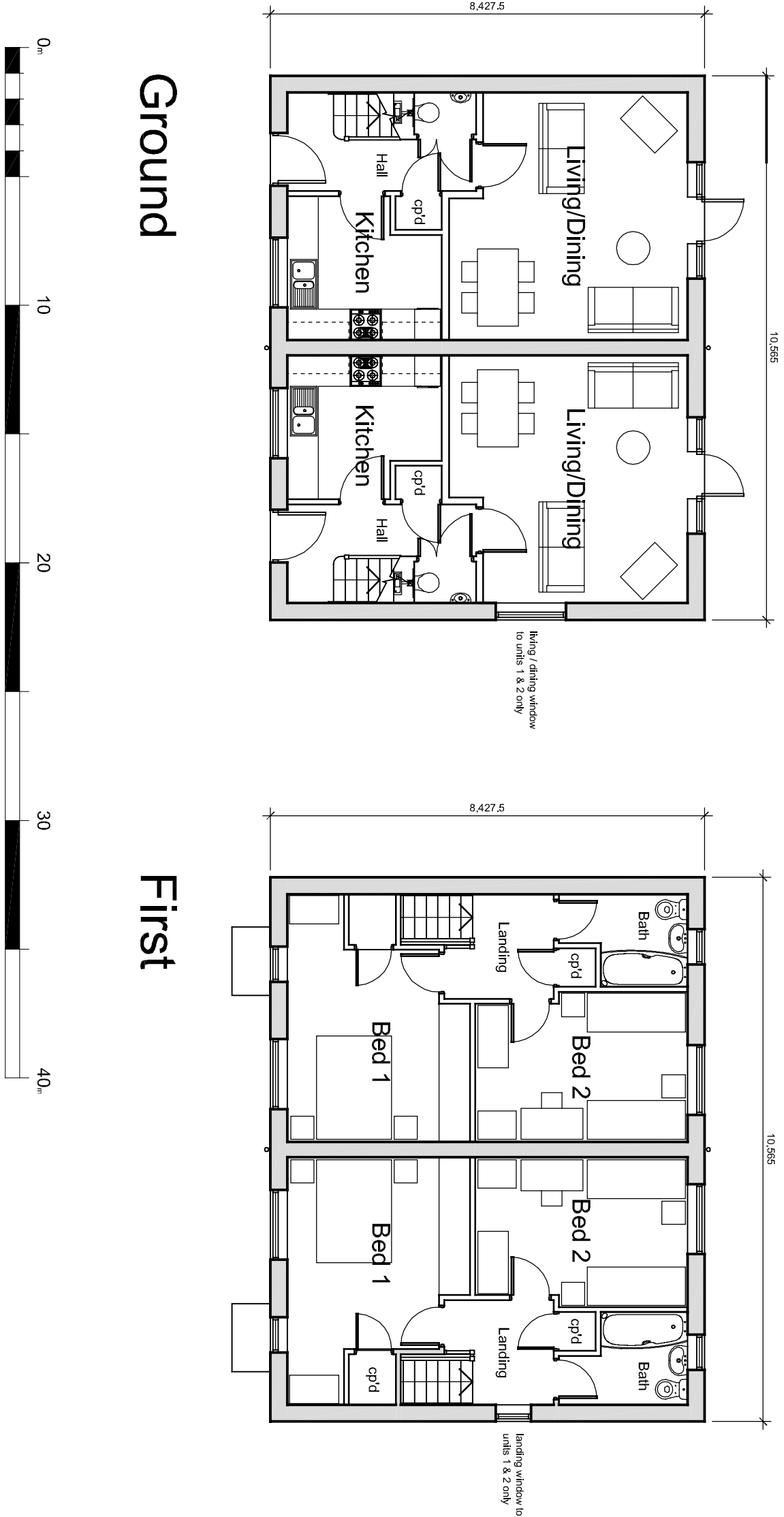


Front
Units 1 / 2 / 3 / 4 / 11 / 12

Side
Units 3 / 4 / 11 / 12

Garden
Units 1 / 2 / 3 / 4 / 11 / 12

Typical Section



Ground

First



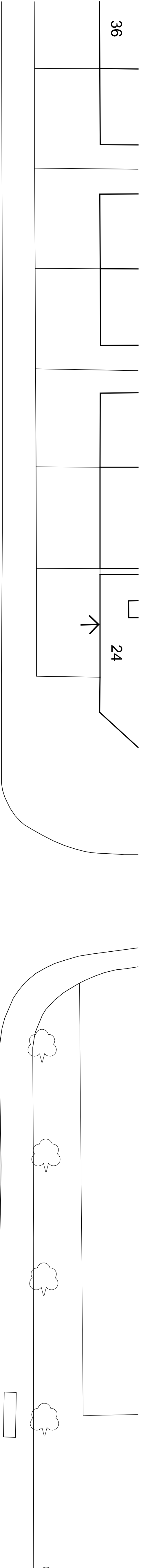
Planning

Redevelopment
Priory Road, Dudley
For Clubhire Ltd

Indicative House Type:
Plans / Elevations / Section

Project no. dfg no. rev.
K55 (PL)13

Scale date © ref
1:200 @ A1 May 2014 TJR



Do not scale from this drawing other than for planning purposes.

Contractor to check all dimensions prior to commencement on site and notify the architect of any errors, omissions or discrepancies.

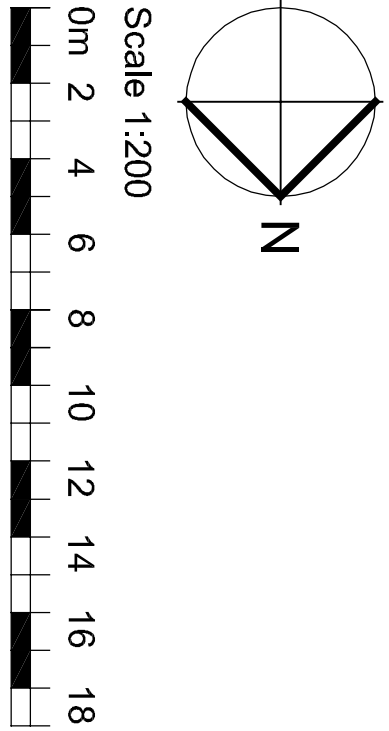
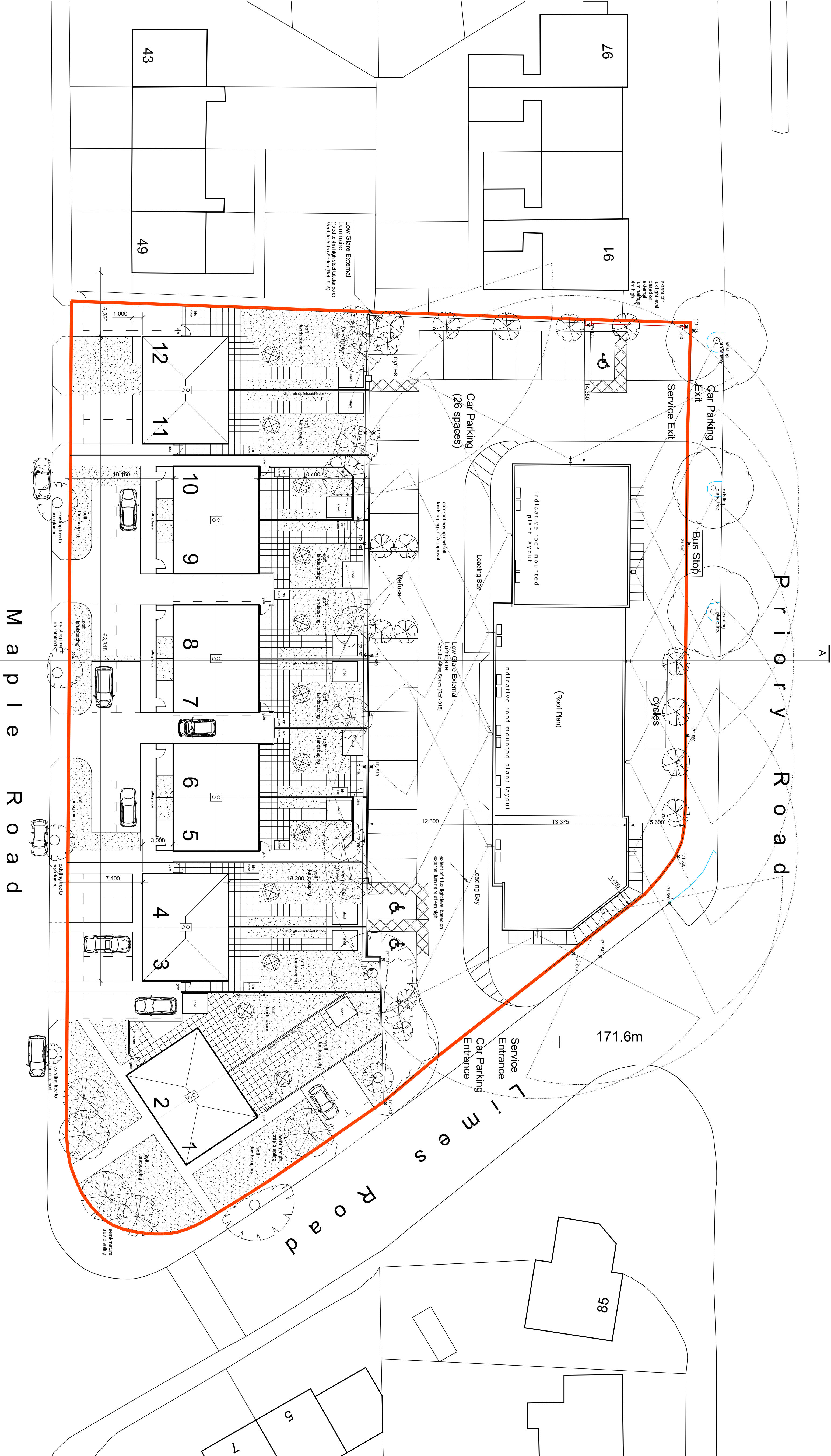
Architects le' mean copyright of this drawing, no copies or alterations may be made without their permission.

CDM Design Risk Assessment

Refer to Risk Assessments/Health and Safety Plan

The following particular risks have been identified:

Notes:



Planning

Redevelopment
Priory Road, Dudley
for Clubhite Limited.

Proposed Roof / Block Plan.

| | | |
|-------------|----------|------|
| project no. | dtg. no. | rev. |
| K55 | (PL)12 | - |
| scale | date | ref |
| 1:200 @ A1 | May 2014 | TJR |

PLANNING APPLICATION NUMBER:P15/0015

| | |
|-------------------------|--|
| Type of approval sought | Tree Preservation Order |
| Ward | St. Thomas's |
| Applicant | Mrs A. Northall |
| Location: | 118, OAKHAM ROAD, DUDLEY, DY2 7TQ |
| Proposal | FELL 1 SYCAMORE TREE |
| Recommendation Summary: | REFUSE |

TREE PRESERVATION ORDER NO: TPO/0030/STT (2010) – T1

SITE AND SURROUNDINGS

1. The tree subject to this application is a mature sycamore tree that is located in the front garden of 118 Oakham Road, Dudley. The tree is a large, mature specimen that is prominent in the street scene. The local area has a number of large mature trees in the front gardens of properties, and such trees are considered to be characteristic of the local area. Overall it is considered that the tree provides a high amount of amenity to the surrounding area.
2. The tree was protected as Tree 1 of TPO/0030/STT which was served in 2010.

PROPOSAL

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

HISTORY

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

PUBLIC CONSULTATION

6. A letter of support has been received from the adjacent neighbour. They support the application as they have concerns about the safety of the tree.

ASSESSMENT

Tree(s) Appraisal

| <i>Tree Structure</i> | Tree 1 |
|---|-----------------|
| TPO No. | T1 |
| Species | Sycamore |
| Height (m) | 16 |
| Spread (m) | 14 |
| DBH (mm) | 750 |
| Canopy Architecture | Moderate / Good |
| Overall Form | Good |
| Age Class <i>Yng / EM / M / OM / V</i> | Mature |

Structural Assessment

| | | |
|--|--------------|------------|
| Trunk / Root Collar | Good | |
| Scaffold Limbs | Good | |
| Secondary Branches | Good | |
| % Deadwood | 3% | |
| Root Defects | None Evident | |
| Root Disturbance | None Evident | |
| Other | | |
| Failure Foreseeable Imm / Likely / Possible / No | Whole No | Part No |

Vigour Assessment

| | |
|------------------|-----------------|
| Vascular Defects | None Evident |
| Foliage Defects | None Evident |
| Leaf Size | Good |
| Foliage Density | Slightly sparse |
| Other | |

Overall Assessment

| | |
|-----------------------|-------------|
| Structure | Good |
| Vigour | Good |
| Overall Health | Good |

Other Issues

| | |
|--------------------|--------------------------------------|
| Light Obstruction | Yes |
| Physical Damage | Possible slight displacement to wall |
| Surface Disruption | None Evident |
| Debris | Some |

Amenity

Assessment

| | |
|------------------------|-------------|
| Visible | Yes |
| Prominence | High |
| Part of Wider Feature? | No |
| Characteristic of Area | Yes |
| Amenity Value | High |

Further Assessment

7. The applicant has proposed to fell the tree due to concerns about the potential safety of the tree; due to concerns about potential impact on the property foundations; disruption cause by the tree deflecting the telephone wire; concerns about potential damage to adjacent utilities and due to previous damage to drains at the adjacent property.
8. On inspection the tree was found to be in a reasonable condition with no major defects present. It was noted that the crown of the tree is comprised of a central main stem and two rising secondary stems emanating from approximately 2.5 – 3 metres above ground. There are some slight areas of decay centred on previous pruning wounds, however these all appeared to be compartmentalized and are not considered to have any structural implications.
9. The branches of the tree do extend over the road, and are growing in relatively close proximity to the adjacent properties. There is also a telephone wire that has been caught on a couple of small branches. As such some pruning may be appropriate to ensure reasonable clearances form the properties and telephone wire
10. Overall, whilst some pruning can be justified, it is not considered that felling can be justified due to the condition or size of the tree.

11. With regards to the applicant's concern about potential damage to the foundations of their property, no evidence was submitted to show that the building is currently suffering from tree related subsidence. Tree related subsidence is practically impossible to predict as it is dependent on many factors, such as soil type, root location, soil moisture content and other local vegetation.
12. As such, the removal of a tree due to potential tree related subsidence is considered to be speculative and inappropriate and the tree should not be felled on these grounds.
13. With regards to the potential for damage to the adjacent services, whilst there are obvious drains, water and electric services running close to the base of the tree, the applicant has not provided any evidence that there is any existing damage to the services. The neighbour has previously had drains repaired following blockages due to root ingress, but no evidence of any re-occurrence of this damage or the nature of the repair has been provided.
14. Given that roots do not generally cause damage to pipes and can only ingress into already faulty pipes; and that damage to electric cables is unlikely due to their inherent flexibility, it is not considered that the felling of the tree can be justified on the speculative grounds of potential damage in the future.
15. Overall it is not considered that the grounds for the application are sufficient to justify the felling of the tree or the impact that it would have on the amenity of the area. As such it is recommended that the application be refused.

CONCLUSION

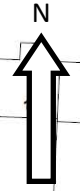
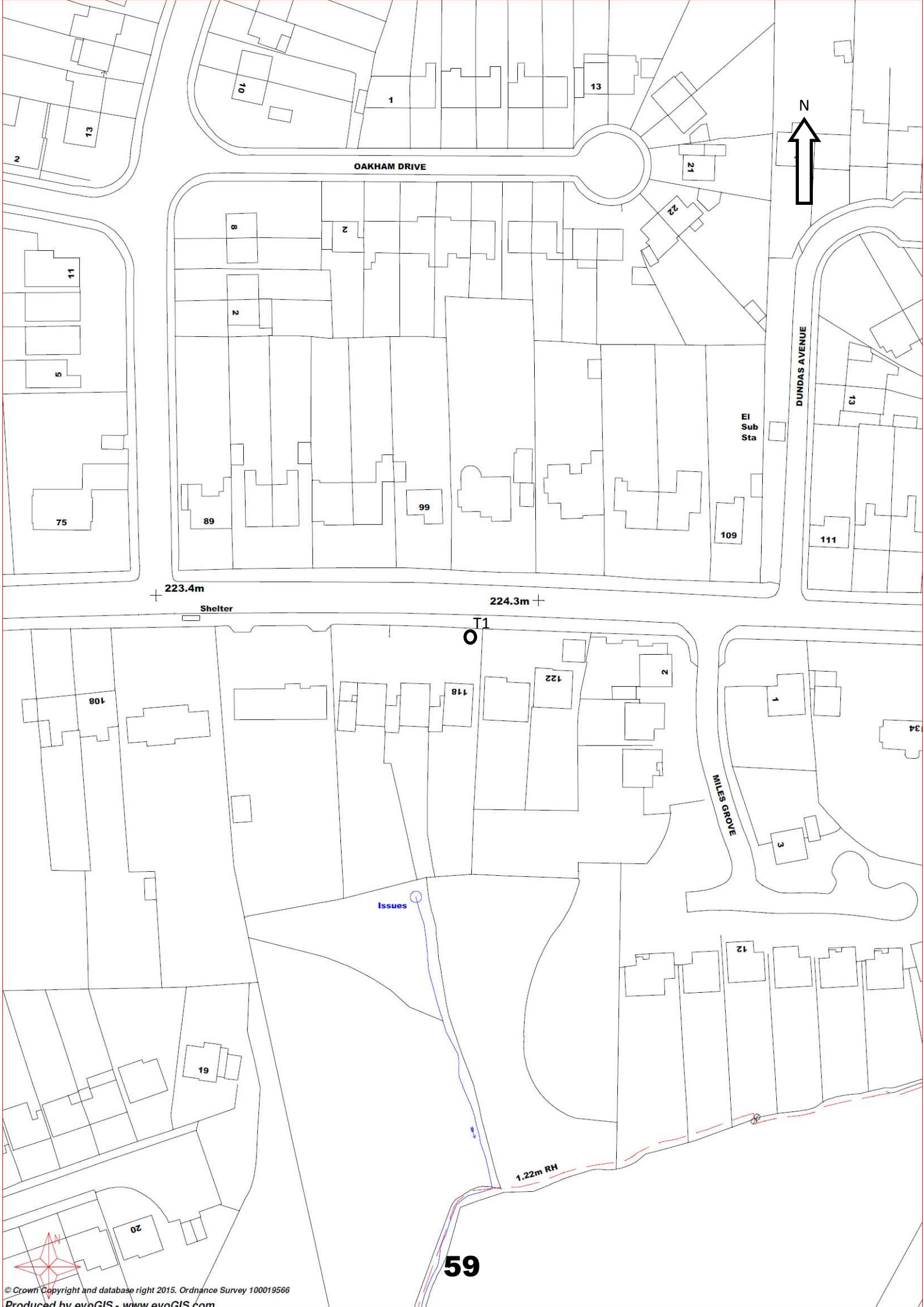
16. The applicant has proposed to fell the tree due to concerns about the potential safety of the tree; due to concerns about potential impact on the property foundations; disruption caused by the tree deflecting the telephone wire; concerns about potential damage to adjacent utilities and due to previous damage to drains at the adjacent property.
17. Having considered the reasons for the application it is not considered that there are sufficient grounds to fell the tree or the impact that the felling would have on the amenity of the area. Overall it is recommended that the application be refused.

RECOMMENDATION

18. It is recommended that the application is REFUSED for the reasons set out below.

Conditions and/or reasons:

1. The tree provides a high amount of amenity to the surrounding area and users of Oakham Road. The reasons for the application and the supporting information do not sufficiently justify the detrimental effect on the local amenity that would result from the proposed felling.



OAKHAM DRIVE

DUNDAS AVENUE

El Sub Sta

MILES GROVE AVENUE

223.4m

224.3m

Shelter

T1

Issues

1.22m RH

59



PLANNING APPLICATION NUMBER:P15/0059

| | |
|-------------------------|---|
| Type of approval sought | Full Planning Permission |
| Ward | St James's |
| Applicant | Mrs J. Hutchinson |
| Location: | UNIT 2, 100, DOCK LANE, DUDLEY, WEST MIDLANDS., DY1 1SN |
| Proposal | CHANGE OF USE FROM B8 TO SOCIAL CLUB WITH PHOTOGRAPHIC STUDIO AND NEW SMOKING SHELTER (SUI GENERIS) (RESUBMISSION OF REFUSED APPLICATION P14/1592) |
| Recommendation Summary: | APPROVE SUBJECT TO CONDITIONS |

SITE AND SURROUNDINGS

1. 100 Dock Lane is located on the corner of Dock Lane and Cleveland Street within a wider industrial and commercial area on the outskirts of Dudley Town centre, known as Dock Lane Industrial Estate. The site consists of a larger building which has been subdivided into 5 units. This site lies within Regeneration Corridor 11a as defined by the Black Country Core Strategy. The Regeneration Corridors are where investment and development will be focussed up to 2026 and RG11 is intended to feature a rejuvenated Dudley town centre with surrounding high quality housing and employment areas. No.100 Dock Lane lies outside an area identified for local employment retention and future housing growth near to Dudley Town centre.
2. Adjacent to the western side of the building is a small area of green space and a driveway to access other industrial premises. To the rear, sits a builders yard which is fenced off with high industrial palisade fencing which of approximately two metres in height. Beyond this to the south, sits a large factory building. The application site sits immediately opposite the car park serving the Dudley Leisure Centre and is enclosed by a low boundary wall and is accessed off Cleveland Street. The nearest residential properties are some 80m away at the junction of Ludgate Street and

Dock Lane located to the west of the application site, and there are further residences approximately 100m away at the junction of Steppingstone Street and Oxford Street to the northeast.

3. The application site measures approximately 550sqm overall which includes the application premises and car park to the eastern side. The application relates to the ground floor unit (Unit 2) measuring 189sqm within the larger building which is made up of five units in total. Unit 2 sits to the rear of Unit 1 which runs along the frontage to Dock Lane. Access to Unit 2 is gained via a common entrance on the ground floor of Unit 5 which is at the rear adjacent to Cleveland Street.
4. The car parking area features a dropped kerb and there are no parking restrictions along Dock Lane. There are no mature trees on site and there is minimal change in ground level as Cleveland Street sits on a slight incline.

PROPOSAL

5. This application is a resubmission of refused application P14/1592 refused at Development Control Committee on 22/12/2014. The reasons for refusal were:
 - a. The proposed use is considered to be detrimental to the residential and associated amenities of the locality and the viability of commercial interests by virtue of the perceived impacts of the proposed development upon the area, being incompatible with the social and cultural cohesion of the community, contrary to saved policies DD1, DD4 and DD5 of the Unitary Development Plan 2005 and policy ENV3 of the Black Country Core Strategy 2011.
 - b. The development is not considered to provide an appropriate level of car parking for the proposed use which may lead to overspill car parking on the local highway network or local businesses to the detriment of highway safety and the operation of commercial interests, contrary to saved policies DD4 and DD5 of the Unitary Development Plan 2005, policies TRAN 2 and TRAN4 of the Black Country Core Strategy 2011 and the Parking Standards Supplementary Planning Document.

6. This current proposal differs only from P14/1592 in the description of the proposed use. A planning Statement has been provided by the applicant which sets out the intended function of the Social Club and the people it will cater for.
7. This proposal seeks approval for a change of use to a '*Sui Generis*' use that does not fall within any general use class. The previous use of this building was as B8, warehousing, storage and distribution with an element of A1 retail. The proposed use as a Social Club and photographic studio does not fit into one specified Use Class category, although the photographic studio could fall under an office category (B1), the Social Club would be most similar to a nightclub therefore considered to be '*Sui Generis*', a use not falling within a specified Use Class.
8. The applicant has described the club as a '*Private members club catering for the LGBT community, disabled persons and vulnerable*' the location and operation of which will be considered in land use planning considerations. The purpose of this report is to assess the suitability of the proposed use from a land use planning perspective and not to consider a moral judgement on the nature of the club.
9. The development will involve internal reconfiguration to provide a main bar area, a photographic studio a toilet block and admin area. There are no proposed changes to the external elevations aside from repainting the external walls and the inclusion of a smoking shelter adjacent to the entrance doors of Unit 5.
10. The club will be accessed via double doors located in Unit 5 to the rear of the premises. The smoking shelter is to be positioned to the front of these doors, adjacent to the building. The smoking shelter will measure 3m wide and 2m deep and be constructed using a timber frame and clear polycarbonate roof. The side perpendicular to the entrance doors will remain open and the 2 remaining sides will feature mid line trellis in order to retain privacy for the members but to allow a degree of 'openness'.

HISTORY

| APPLICATION | PROPOSAL | DECISION | DATE |
|-------------|--|--------------------------|----------|
| DY/53/394 | Different use of foundry premises – conversion into manufacturing clothier factory | Approved with conditions | 12/12/53 |
| DY/55/184 | Different use of land – proposed erection of chain link fencing and use of land as a building site | Approved with conditions | 21/04/55 |
| DY/59/335 | New lavatory block at factory | Approved | 22/07/59 |
| DY/60/300 | Proposed alterations, repairs, extensions and conversion to existing factory | Approved with conditions | 28/07/60 |
| DY/62/161 | Development of land for erection of offices, canteen and car park | Approved with conditions | 23/03/62 |
| DY/61/285 | New machine shop, parking, dispatch and boiler house | Approved with conditions | 05/04/62 |
| DY/65/193 | Taking off existing pitched roofs and replace with flat roofs, build in new window | Approved with Conditions | 23/07/65 |
| DB/73/13081 | Erection of 2 storey extension to form office and store room | Approved with conditions | 19/12/73 |
| CC/78/2308 | Alterations to stockroom for retail purposes | Refused | 16/10/78 |
| 82/50224 | Use of premises as night club | Refused | 28/06/82 |
| 82/51961 | Use of premises at night club | Approved with conditions | 20/12/82 |
| 83/52319 | Change of use from workshop offices and stores to trade paint sales offices and stores | Approved with conditions | 09/01/84 |
| P14/1592 | Change of Use from (B8) to private members club with photographic studio and new smoking shelter (Sui generis) | Refused | 23/12/15 |

PUBLIC CONSULTATION

11. The application was advertised by way of ten neighbour notification letters being sent to the occupiers of neighbouring properties and units within close proximity to the site, plus the display of a site notice. The latest date for comments was the 26th February 2015. One written representation of support was received from the Leisure Centre confirming that the Leisure Centre has no objections to the proposal.

12. A petition of objection was submitted on 23rd February, signed by 30 people and with a request by the petitioner to speak at the Committee meeting. The main reasons for objection were as follows:

- The premises are opposite the Leisure centre, near to religious buildings, a primary school and residential properties and there is concern that the proposed use may have a negative impact on residential amenity and public safety.
- The proposed use may cause an increase in crime and disorder as well and noise and disturbance and the perceived impacts of the proposed use may be incompatible with the social and cultural cohesion of the community.
- The petition also noted that the proposed use may result in a lack of parking spaces in the general area.

13. The petition was signed by 30 people, the closest of whom resides so with the closest address being some 170m from the application site. The next closest petitioner lives 650m from the application site with the majority of the addresses being at a distance of 1-2 km and a number not being within the Dudley Local Authority area.

OTHER CONSULTATION

14. As the proposal does not differ in its intended use from the previous application P14/1592, consultation was not undertaken a second time with the Highways Engineer, Environmental Protection and the West Midlands Police. However, the

comments provided from the previous application have been included here for reference.

Group Engineer – Highways

- There is sufficient car parking provision within the land controlled by the applicant to cater for the day to day needs of the scheme and there is spare capacity available on the adjacent roads that would not prejudice highway safety in the vicinity.
- Subject to conditions requiring the retention of the off-street car parking for the life of the development there are no objections to the development.

The West Midlands Police, Crime Reduction Team

- The Police raise no objection in principle. Non material planning comments are that an intruder alarm remotely monitored with police response is recommended.

Head of Environmental Health and Trading Standards

- No objection.

RELEVANT PLANNING POLICY

Black Country Core Strategy (2011)

- CSP1 The Growth Network
- DEL2 Managing the Balance Between employment Land and Housing
- ENV 3 Design Quality

Saved Unitary Development Plan Policies (UDP) (2005)

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

Supplementary Planning Documents / Guidance

- Parking Standards Review SPD

ASSESSMENT

15. The proposed development must be assessed firstly to ascertain whether the principle of the development is acceptable. The proposal must also be assessed with regard to design and compatibility with the existing premises and character of the surrounding area, in terms of potential impact on the amenity of neighbouring uses and car parking provision.

16. The key issues are

- Principle of Development
- Design and Visual Amenity
- Neighbour Amenity
- Parking Provision

Principle of Development

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

18. Policy DEL2 within the Core Strategy is applied in certain circumstances to help manage the balance between employment land and primarily housing, but also other uses. Often, when a change of use is proposed for premises where the previous use was employment, the applicant may be required to demonstrate how the requirements of Core Strategy Policy DEL2 have been met. In particular this would relate to demonstrating that the site is no longer required for employment use and ensuring that the development does not adversely affect the operation of existing or proposed employment uses nearby.

19. In this instance, it is noted that the application building has been vacant for a significant time and it has been marketed thoroughly which would suggest that the site

is no longer viable for employment use. Notwithstanding this, the site is adjacent to other buildings which are used primarily for industrial and employment uses and it will be important to consider the future operations of these businesses. As the hours of operation will be mainly in the evening and night-time, most of the adjacent premises will be closed and therefore it is considered that there would be minimal disturbance to their continued operations. Additionally, the applicant has undertaken a sound test for amplified music being played within the Unit and from this test, it is perceived that noise from within the Club would not adversely affect the residential properties and neighbouring premises.

20. It is considered that the proposed use is unlikely to adversely affect or prejudice the neighbouring uses and it will reuse an otherwise redundant building. Therefore the principle of this proposed use would be considered as acceptable in this location. It is also worth noting that the planning history on this site indicates that permission was granted in 1982 for a nightclub in this building.

Design and Visual Amenity

21. Policy ENV3 of the Core Strategy states that development proposals across the Black Country should feature high quality design that stimulates economic, social and environmental benefits. This approach is supported through Saved UDP Policy DD1, Urban Design which requires all development to apply the principles of good urban design including consideration of crime prevention measures.
22. The site lies outside the town centre boundary and does not fall within the Conservation Area or a Townscape Heritage Area. The surrounding uses are mainly light industry and the nearest residential properties are approximately 100 metres away. The building sits opposite a public car park serving the Leisure Centre. It is proposed that no external alterations will take place to accommodate the proposed change of use apart from the installation of an outside smoking area. The character of the building is comparable with the industrial surroundings, and has recently benefited from an aesthetic enhancement to the external appearance. The proposed use will not feature signage or external advertising. In this respect, the design and

visual amenity of the building would not affect the street scene or be contrary to the character of the area.

23. The proposed outdoor smoking area measures 3m x 2m and is positioned adjacent to the triple entrance doors outside Unit 5. The first two sections of the door would abut the smoking shelter and the side which would run perpendicular to the building would remain fully open. The remaining two sides will feature mid line trellis which will protect the privacy of the club members and also conform with the Smoke Free (Premises and Enforcement) Regulations 2006 made under the Health Act 2006. In particular, to enable any structure with a ceiling or roof to be used for smoking at least 50% of the total areas of walls must be absent ("the 50% rule") including other structures that serve the purpose of walls.

Neighbour Amenity

24. As noted above, the building is surrounded by similar industrial style buildings and the closest residences are approximately 80m away at the junction of Dock Lane and Ludgate Street. Measures to mitigate any potential noise impact have not been considered necessary with residents of the closest properties being unlikely to be affected by noise from amplified music within the building.
25. The Planning Statement provided by the applicant notes that the club has operated for 7.5 years at various premises in the general area with no knowledge of disruption or concerns during this period. One year of this was spent at 60a Wellington Road and 2 years at 62 Wolverhampton Street, both premises within the town centre and within close proximity to residences and businesses.
26. The proposed use is also unlikely to affect the amenity of nearby industrial premises as the hours of operation would be mostly in the evenings and weekends when the other businesses are generally not operational. Indeed, the reuse and maintenance of this part of the building is perceived as positive economic improvement which will help combat decline of this industrial area.

27. It is therefore considered that in terms of neighbour amenity the proposal would be compliant with Policies DD1, DD4 and DD5 in the Adopted UDP.

Car Parking

28. The site boundary shown on the submitted plans indicates the open area to the east of 100 Dock Lane to be utilised for car parking. The parking area measures approximately 330sqm. The Group Engineer is of the opinion that there is sufficient car parking provision within the land controlled by the applicant to cater for the use with spare capacity available on the adjacent roads that would not prejudice highway safety in the vicinity. There are no parking restrictions on Dock Lane and it is a highway capable of providing on street parking with no detriment to other road users.

29. It is considered that the car parking provision provided on site and available on street will be sufficient to serve the proposed development consistent with the Parking Standards SPD.

CONCLUSION

30. This proposed development will involve the reuse of an otherwise redundant building which has been shown to be no longer viable for further industrial use. The reuse of the premises for a social club and photographic studio will provide an economic use within this area and be consistent with the Core Strategy spatial objectives. It is unlikely that the proposed use would cause any adverse impact to the occupants of residential properties or to the future operations of nearby industrial premises. The proposed car parking provision is considered acceptable and any possible overspill parking could be accommodated on streets in the vicinity without prejudicing highway safety. On this basis, it is considered that the proposed change of use is acceptable in this location in compliance with the relevant policies.

RECOMMENDATION

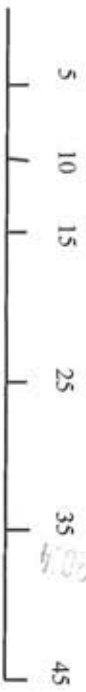
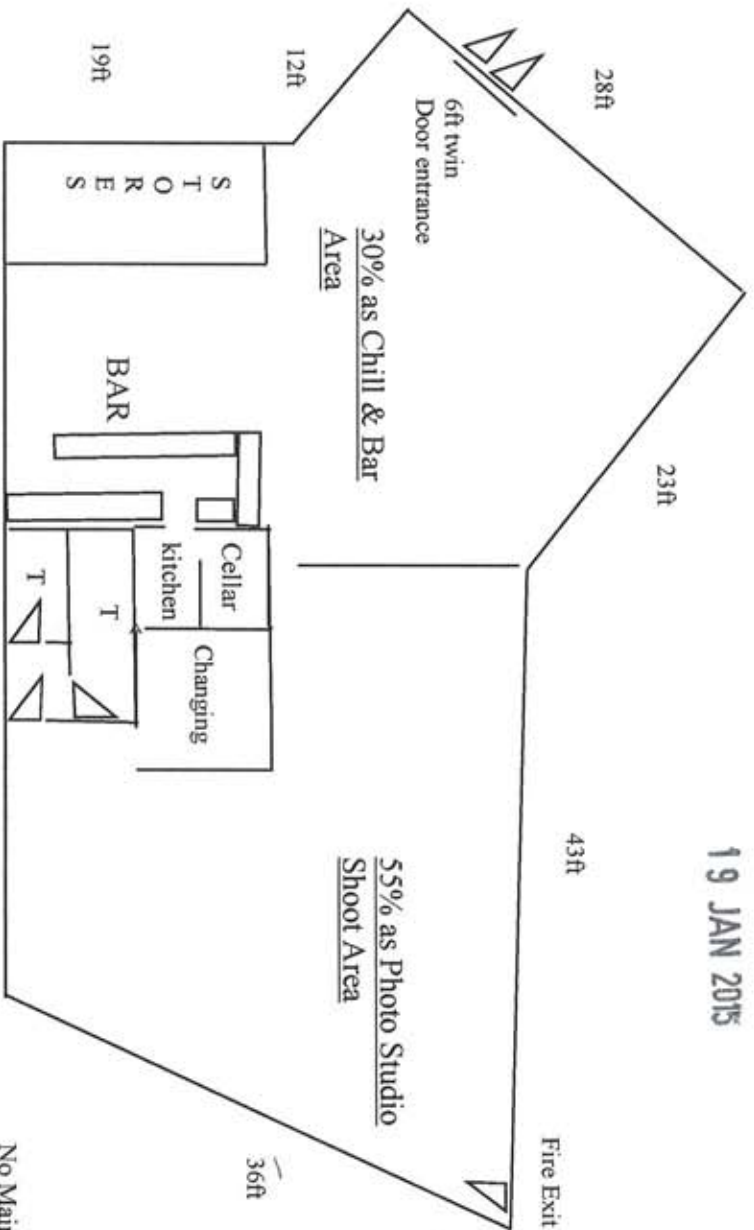
31. It is recommended that the application is approved subject to the following conditions:

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: (Location Plan, Proposed Ground Floor, Floor Plan 21/10/14).
3. The off-street car parking outlined in red shall be retained for the life of the development.



19 JAN 2015



1:50

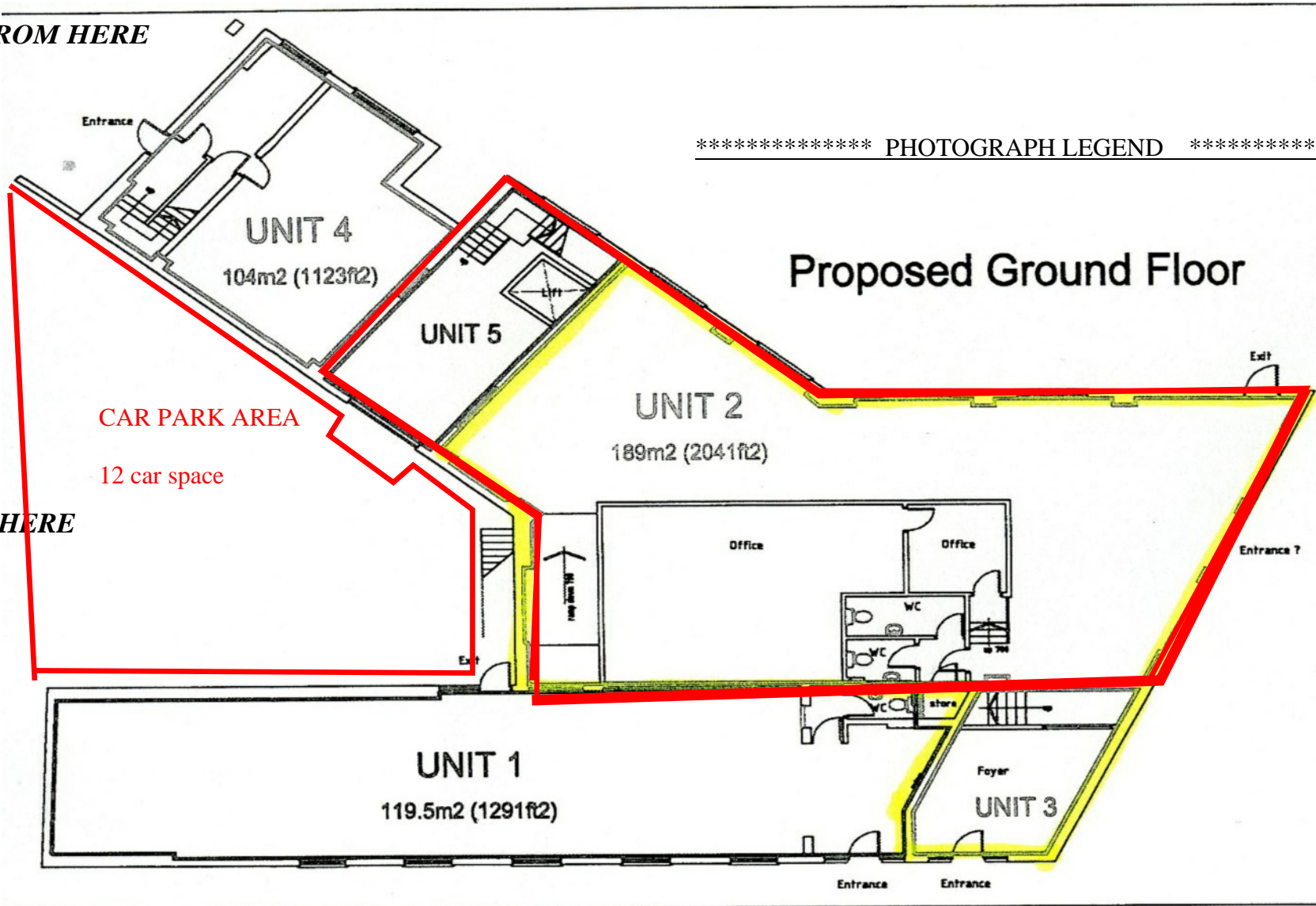


No Main Building works are to be undertaken.
No alterations to external of building
With exception of Smoking Shelter
Picture Enclosed/Attached.
No alterations to main entrances or exit points.
No additions or alterations to windows
or other openings

PIC 5 FROM HERE

PIC 4 FROM HERE

PIC 1 FROM HERE



***** PHOTOGRAPH LEGEND *****

PIC 3 FROM HERE

PIC 2 FROM HERE

PLANNING APPLICATION NUMBER:P15/0060

| | |
|-------------------------|--|
| Type of approval sought | Full Planning Permission |
| Ward | Sedgley |
| Applicant | Mr C. Reynolds |
| Location: | 72, QUEENS ROAD, DUDLEY, DY3 1HL |
| Proposal | SINGLE STOREY REAR/SIDE EXTENSION |
| Recommendation Summary: | APPROVE SUBJECT TO CONDITIONS |

SITE AND SURROUNDINGS

1. The 330m² application site comprises a hipped roofed semi-detached property. There is an original outbuilding to the rear and the rear garden is enclosed by fencing of approximately 1.8m high.
2. 70 Queens Road is the adjoining semi-detached property to the south. 74 Queens Road is adjacent the site on a slightly higher ground level. This property is set further back than the application property and has a flat roofed garage to the side. There is also a single storey extension to the rear with rear and side facing habitable room windows serving the same room. The site backs straight onto Whites Road with the nearest properties being 23 & 25 Whites Road.
3. The property is set within a residential area and surrounding properties are largely of the same age and design.

PROPOSAL

4. It is proposed to erect a single storey side/rear extension in order to create breakfast room, utility and wc. The extension would adopt an 'L' shaped footprint and would extend a maximum of 4m beyond the original rear wall and 1.65m

beyond the northern side. It would adopt a hipped pitched roof to a maximum height of 3.8m and would be set in approximately 100mm from the northern boundary and 250mm from the southern boundary. The extension would be set back 7.3m from the principal wall.

5. The applicant is an employee of Dudley MBC's Housing Department

HISTORY

6. None

PUBLIC CONSULTATION

7. Direct notification was carried out to six neighbouring properties with the final date for receipt of objection letters being 11th February 2015. No representations have been received.

OTHER CONSULTATION

- None required

RELEVANT PLANNING POLICY

National Planning Policy Framework (NPPF) (2012)

Black Country Core Strategy (2011)

- ENV3 Design Quality

Saved Unitary Development Plan Policies (2005)

- DD1 Urban Design
- DD4 Development in Residential Areas

Supplementary Planning Documents / Guidance

- PGN 17. House Extension Design Guide
- PGN 12. The 45 Degree Code

ASSESSMENT

8. Key issues;

- Design
- Neighbour Amenity
- Highway Safety

Design

9. Saved Policy DD4 of the UDP states that alterations to residential dwellings will be allowed provided they do not adversely affect the character of the area or residential amenity. The extension would be set back significantly from the principal wall and would not be viewed within the context of the street scene. The design would relate satisfactorily and there would be no adverse impact upon the character and appearance of the area. In this respect the proposal therefore complies with saved Policy DD1 and DD4 of the UDP (2005).

Neighbour Amenity

10. Amended plans were received reducing the depth of the extension towards the boundary with the adjoining semi-detached property. Whilst the extension would still infringe the 45 Degree Code guidelines with regards to the patio doors in the rear of the adjoining semi, this neighbouring property is to the south and an extension with a 3m depth could be erected utilising permitted development rights. It is therefore considered that there would be no demonstrable harm in terms of light, outlook or privacy in this regard.
11. There would be no contravention of the 45 Degree Code guidelines with regards to 74 Queens Road as this property is set further back and has existing extensions. Whilst there is a window in the side wall of the single storey extension to the rear of

this property, the primary window is within the rear elevation and there would be no loss of immediate outlook. It is considered that there would be no demonstrable harm in terms of light, outlook or privacy in this regard.

12. Properties to the rear of the site are too far away to be adversely affected by the proposals. There would be no loss of amenity to the occupiers of properties which adjoin the site given the scale and siting of the proposed works. In this respect the proposal is therefore considered compliant with saved Policy DD4 – Development in Residential Areas of the UDP (2005) and PGN 17 – House Extension Design Guide.

Highway Safety

13. It is considered that there are no consequential highway safety issues arising and in this respect the proposal therefore complies with saved UDP Policy DD4.

CONCLUSION

14. It is considered that the proposed development would relate satisfactorily to the existing dwelling house protecting visual and residential amenity. The development is considered compliant with Saved UDP Policies DD1 and DD4 and Planning Guidance Note 17 – House Extension Design Guide.

RECOMMENDATION

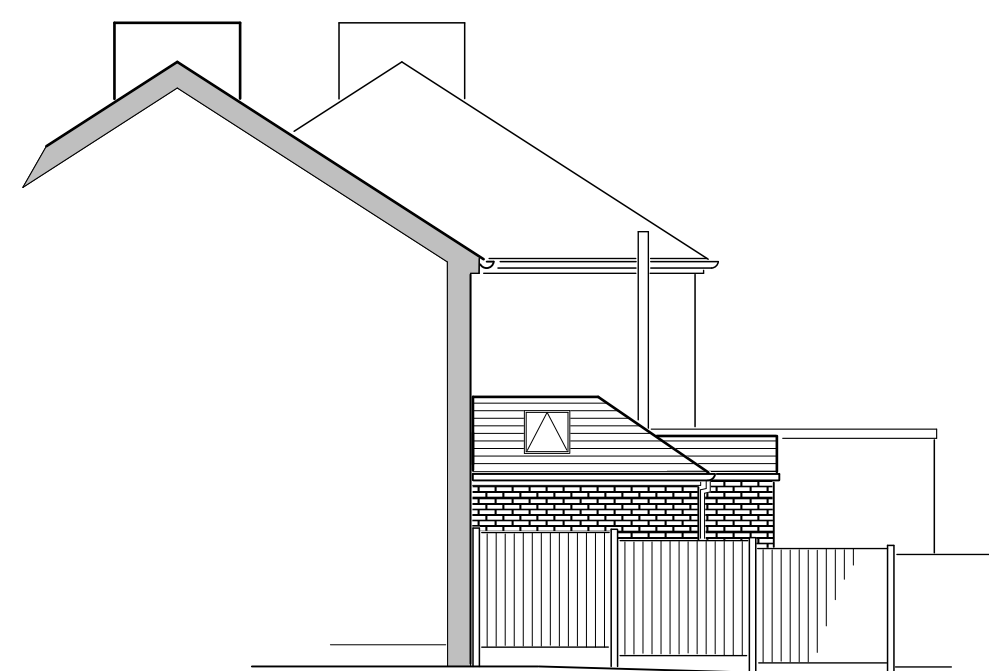
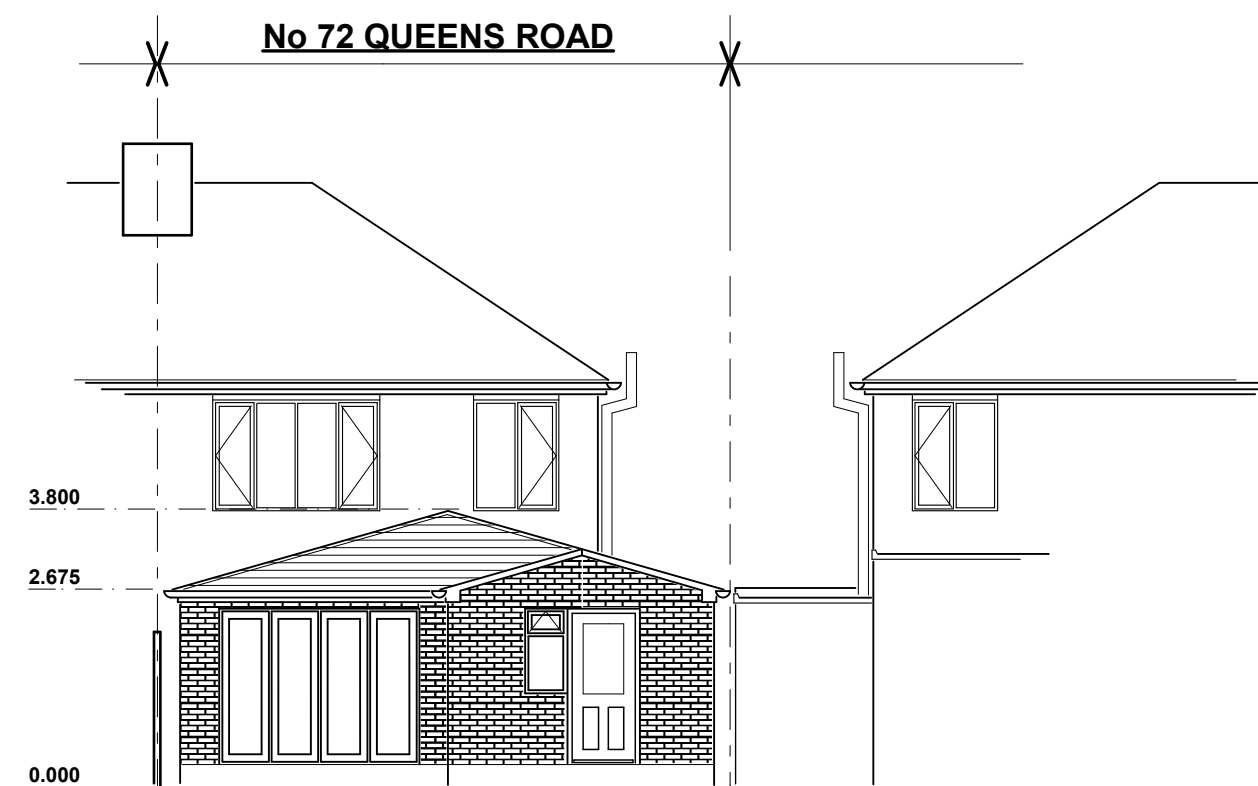
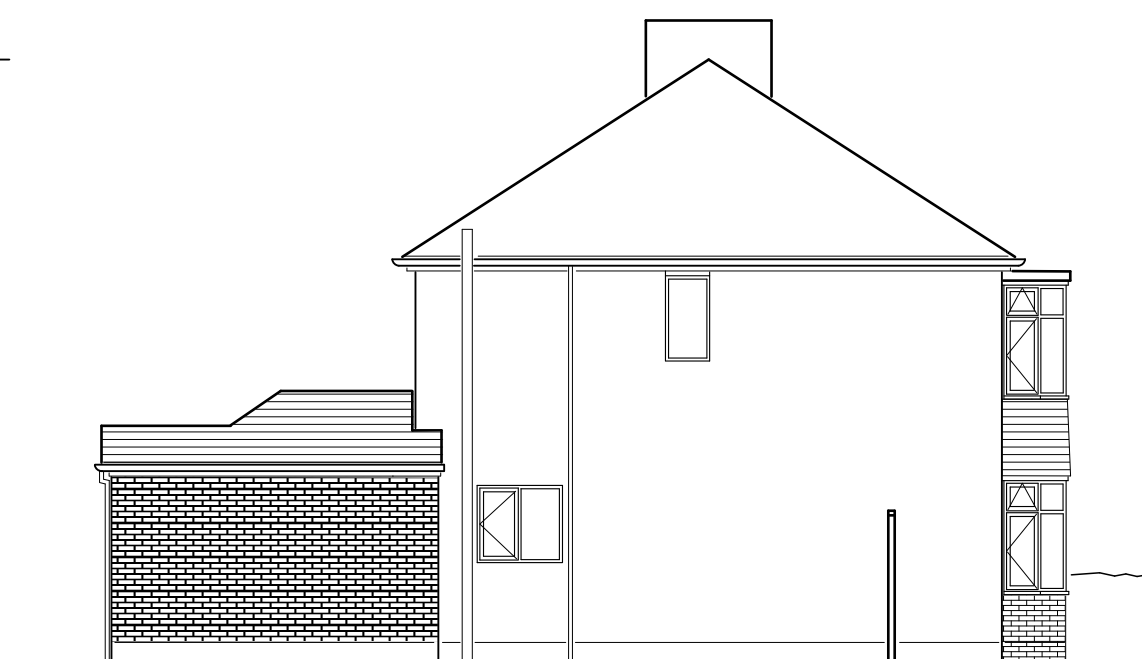
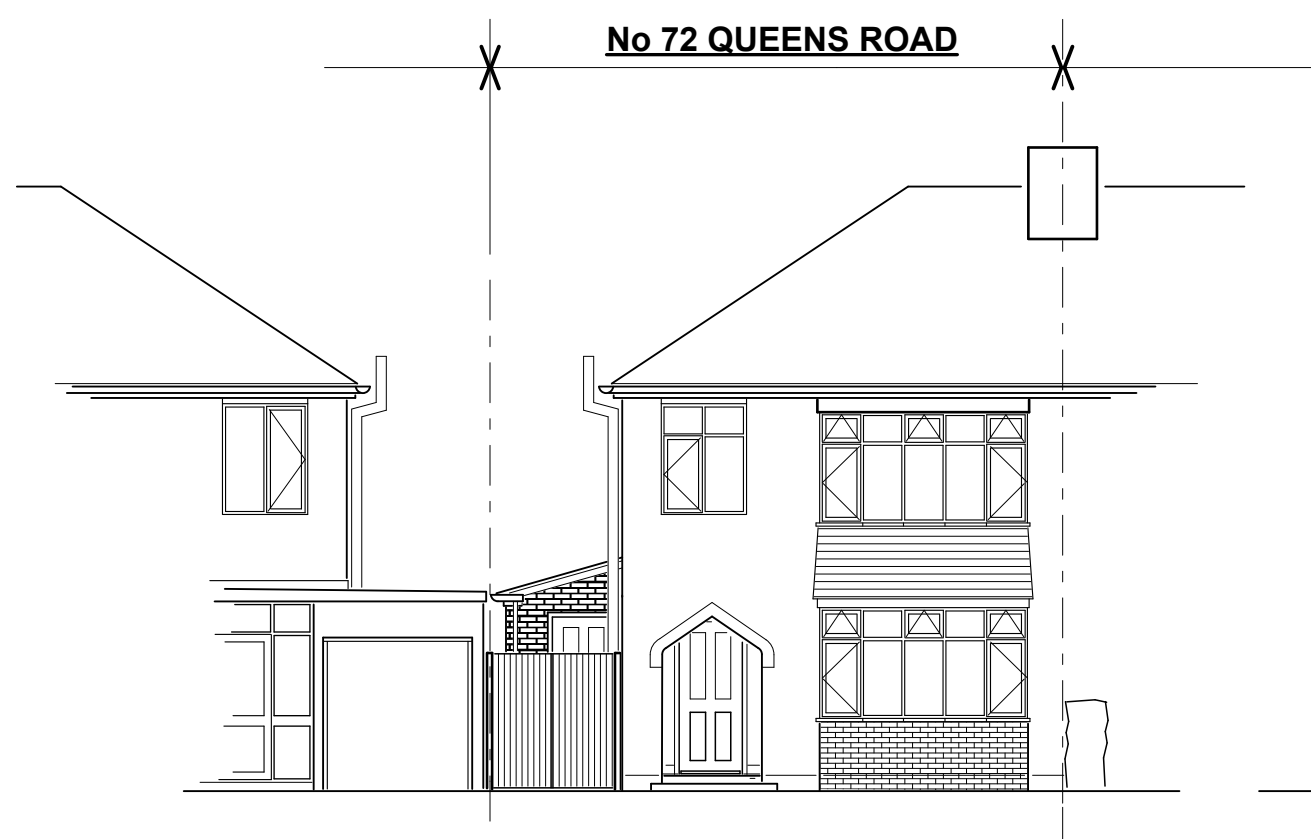
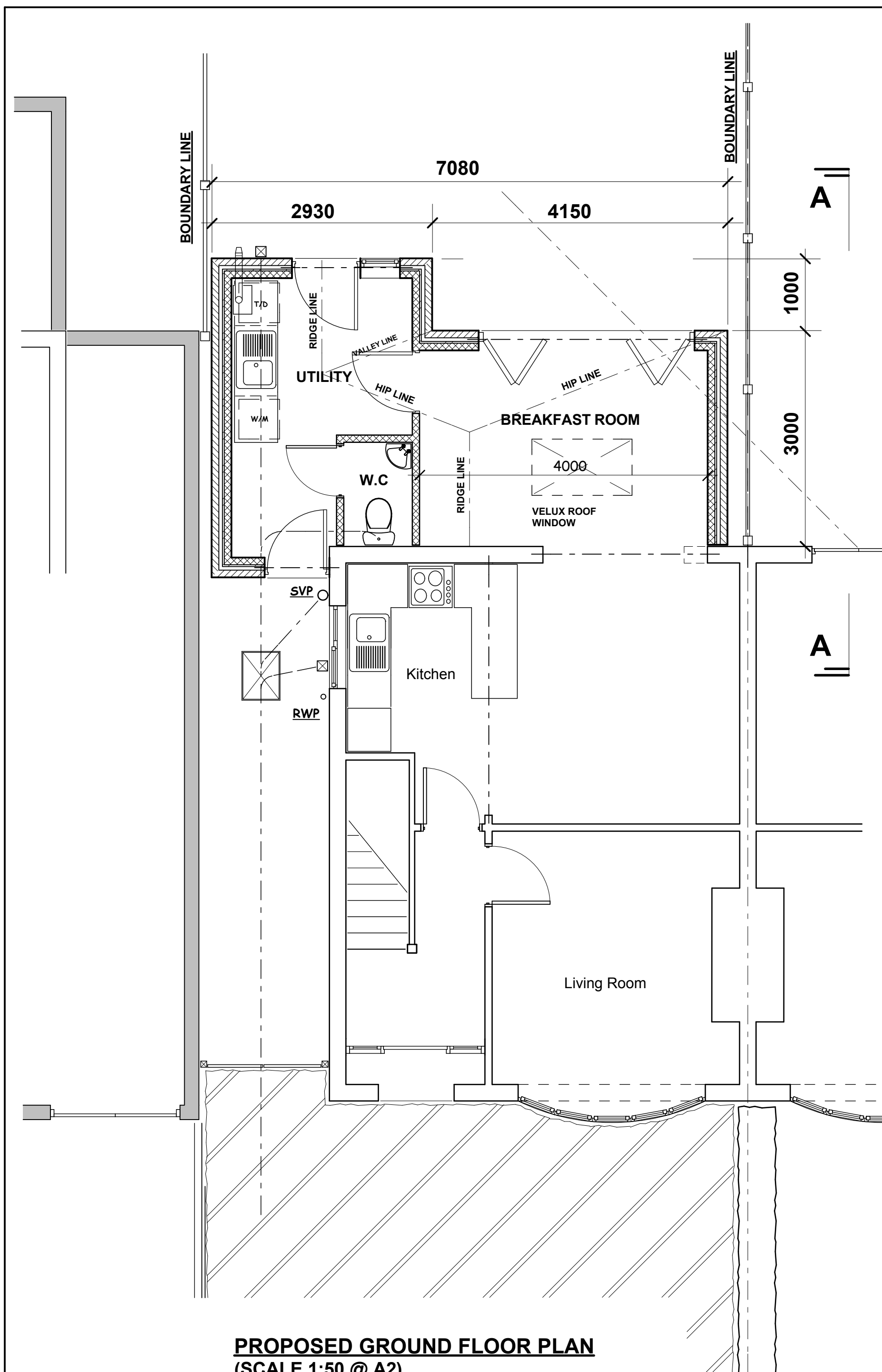
15. It is recommended that the application is APPROVED subject to the following conditions;

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drg. No. QR/72/P/01 & QR/72/P/02 A
3. The materials to be used in the approved development shall match in appearance, colour and texture those of the existing building unless otherwise agreed in writing with the Local Planning Authority.

10m 0 10m 20m





FINISHES:-

EXTERNAL WALLS
CAVITY BRICKWORK; FACING BRICK TO MATCH EXISTING.
ROOF
PITCHED- MARLEY MODERN OR SIMILAR, COLOUR & TEXTURE TO MATCH EXISTING.
DOORS & WINDOWS
WHITE PVCu FRAMED TO MATCH EXISTING.
RAINWATER GOODS
WHITE PVCu FASCIA, SOFFIT AND SQUARE LINE GUTTERING TO MATCH EXISTING.

Revision.

PLANNING

Rev A EXTENSION DEPTH REDUCED TO 3.0M AT
BOUNDARY WITH No 74.

Client.

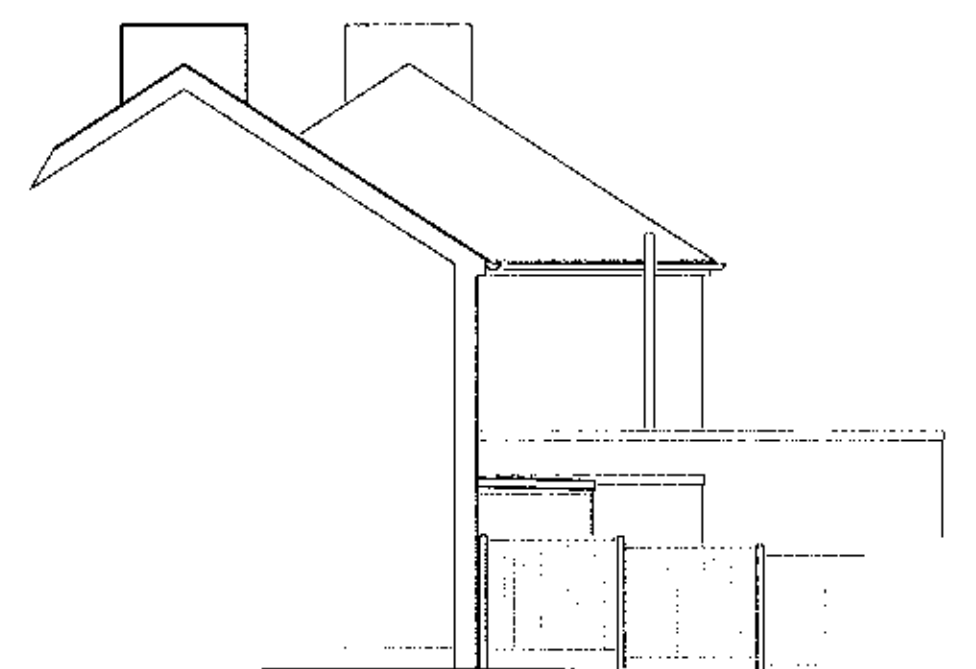
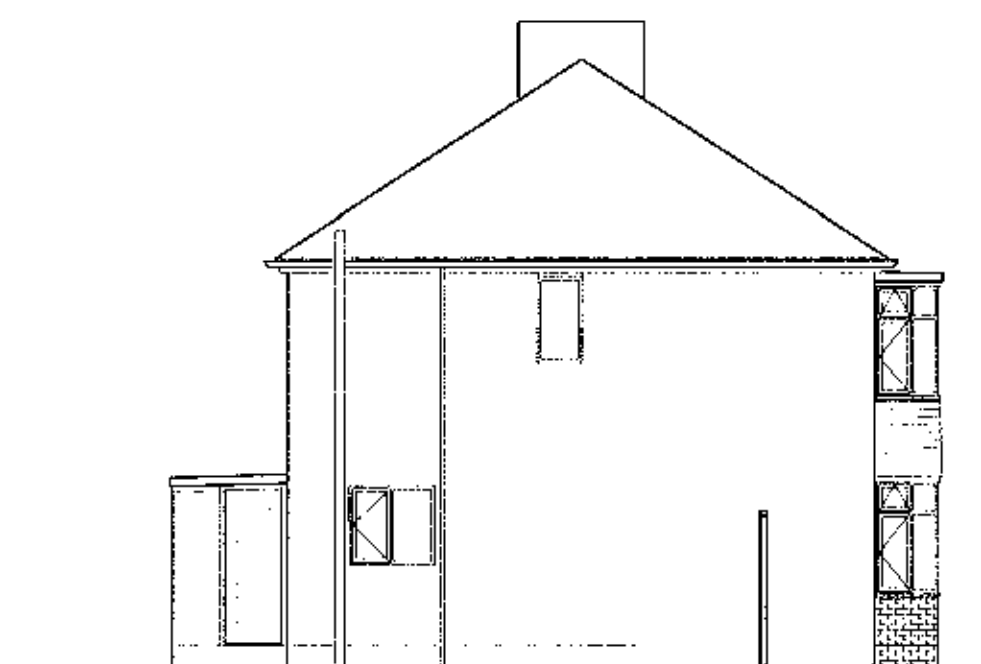
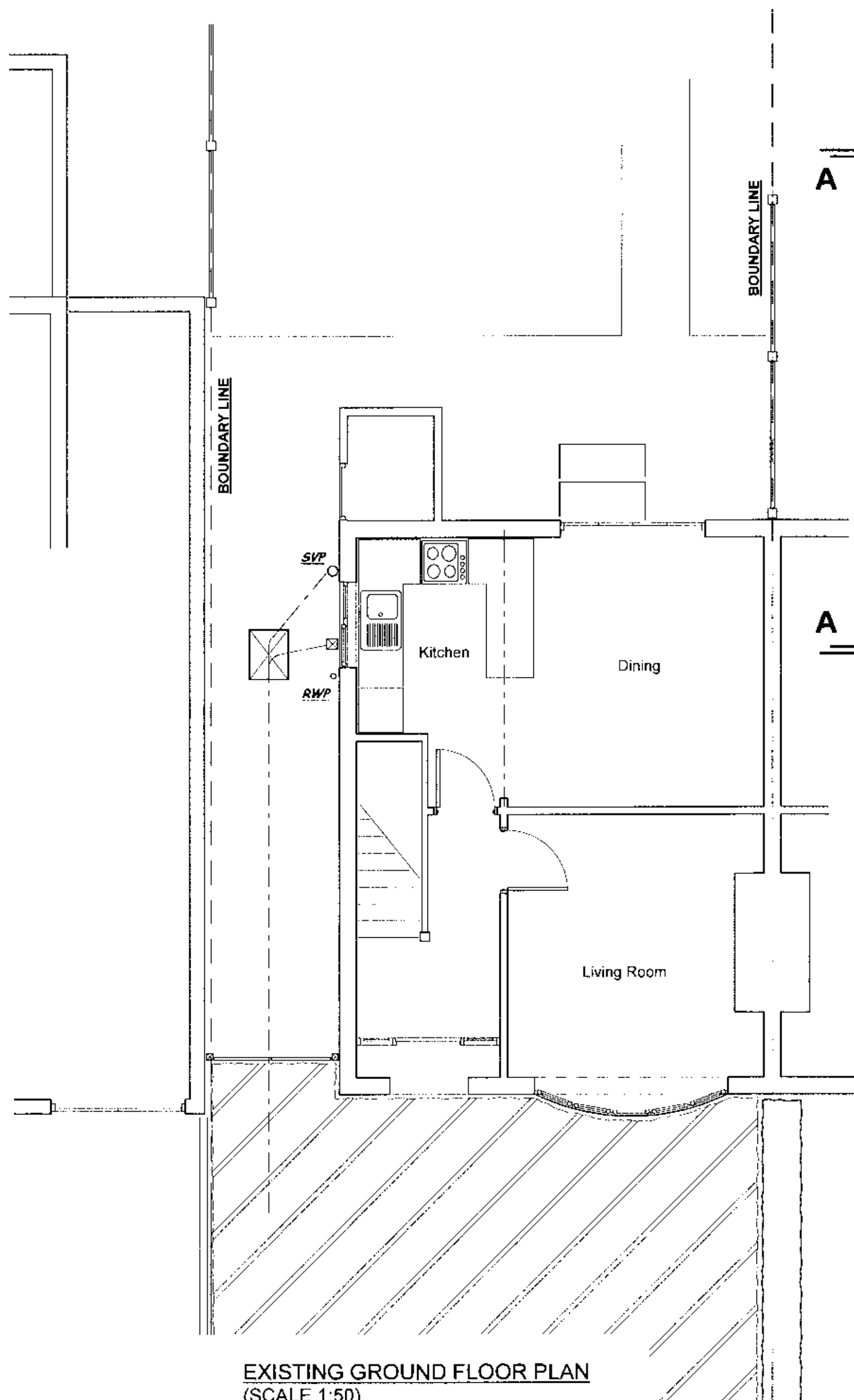
Mr & Mrs C.REYNOLDS
72 QUEENS ROAD, SEDLEY, DY3 1HL.

Title.

**PROPOSED REAR SINGLE STOREY
BREAKFAST ROOM & UTILITY ROOM
EXTENSION.**

PROPOSED PLAN & ELEVATIONS

| | | |
|----------------|---------------------|---------------|
| Date. JAN 2015 | Scale. 1:50; 1:100 | Plot Size. A2 |
| By. AO | Drg.No. QR/72/P/ 02 | A |



| | | |
|---|---------------------|---------------|
| Revision. | | |
| PLANNING | | |
| Client. | | |
| Mr & Mrs C. REYNOLDS 72 QUEENS ROAD, SEDLEY, DY3 1HL. | | |
| Title. | | |
| PROPOSED REAR SINGLE STOREY BREAKFAST ROOM & UTILITY ROOM EXTENSION. | | |
| EXISTING PLAN & ELEVATIONS | | |
| Date. JAN 2015 | Scale. 1:50; 1:100 | Plot Size. A2 |
| By. AO | Drg.No. QR/72/P/ 01 | |

19 JAN 2015

PLANNING APPLICATION NUMBER:P15/0079

| | |
|-------------------------|--|
| Type of approval sought | Tree Preservation Order |
| Ward | Brockmoor and Pensnett |
| Applicant | Mr J.R. Adams |
| Location: | 32, HIGH STREET, PENSNETT, BRIERLEY HILL, DY5 4RS |
| Proposal | FELL 1 SYCAMORE TREE |
| Recommendation Summary: | REFUSE |

TREE PRESERVATION ORDER NO: TPO/003 (1960) – T6

SITE AND SURROUNDINGS

1. The tree subject to this application is a mature sycamore tree that is located in the front garden of 32 High Street, Pensnett. The tree is a large, mature specimen that is prominent in the street scene. Overall it is considered that the tree provides a high amount of amenity to the surrounding area.
2. The tree was protected as Tree 6 of TPO/003 which was served in 1960. The order was served prior to the erection of the adjacent houses in High Street and The Plantation.

PROPOSAL

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

HISTORY

5. There have been two previous Tree Preservation Order applications on this site.

| Application No | Proposal | Decision | Date |
|----------------|-----------------------|----------|----------|
| P03/2113 | Fell 1 Sycamore Tree | Refused | 10/12/03 |
| P11/0725 | Prune 1 Sycamore Tree | Approved | 08/08/11 |

6. The application that was refused in 2003 was subject to an appeal to the Planning Inspectorate. The appeal was dismissed and the submitted grounds were insufficient to justify the impact on the amenity of the area that would have resulted from the felling of the tree

PUBLIC CONSULTATION

7. A letter of support has been received from the adjacent neighbour. They support the application as they have concerns about the safety of the tree.

ASSESSMENT

Tree(s) Appraisal

| <i>Tree Structure</i> | Tree 1 |
|---|-----------------|
| TPO No. | T6 |
| Species | Sycamore |
| Height (m) | 18 |
| Spread (m) | 11 |
| DBH (mm) | 750 |
| Canopy Architecture | Moderate / Good |
| Overall Form | Good |
| Age Class <i>Yng / EM / M / OM / V</i> | Mature |

Structural Assessment

| | |
|---------------------|------|
| Trunk / Root Collar | Good |
| Scaffold Limbs | Good |
| Secondary Branches | Good |
| % Deadwood | 3% |

| | | |
|--|--------------|------------|
| Root Defects | None Evident | |
| Root Disturbance | None Evident | |
| Other | | |
| Failure Foreseeable Imm / Likely / Possible / No | Whole No | Part No |

Vigour Assessment

| | | |
|------------------|-----------------|--|
| Vascular Defects | None Evident | |
| Foliage Defects | None Evident | |
| Leaf Size | Good | |
| Foliage Density | Slightly sparse | |
| Other | | |

Overall

Assessment

| | | |
|-----------------------|------------------------|--|
| Structure | Good | |
| Vigour | Moderate | |
| Overall Health | Good / Moderate | |

Other Issues

| | | |
|--------------------|--------------------------------------|--|
| Light Obstruction | Yes | |
| Physical Damage | No | |
| Surface Disruption | Slight cracking in adjacent driveway | |
| Debris | Some | |

Amenity

Assessment

| | | |
|---------------------------|-------------|--|
| Visible | Yes | |
| Prominence | High | |
| Part of Wider Feature? | No | |
| Characteristic of Area | Yes | |
| Amenity Value | High | |

Further Assessment

8. The applicant has proposed to fell the tree due to an episode of root ingress in to the foul sewer pipe at the property; due to concerns about potential impact on the property foundations, and due to cracks that have appeared in the driveway.
9. In support of the application, the applicant provided a copy of an invoice for the lining of a drain at the property, a record of the call out to Severn-Trent Water when the backed up drains were reported and a photo of the CCTV survey of the drains showing roots present.

10. On inspection, the tree was found to be in a good condition with no major defects present. There was some deadwood present within the crown, although, given the age of the tree; this is not considered to be symptomatic of poor health. Such deadwood can be removed at any time without prior permission.
11. Given that the tree provides a high amount of amenity to the area, a view that was supported at the appeal against a previous decision to refuse the felling of the tree, then the justification required to fell the tree should be similarly high.
12. Roots ingress into drains of properties is a relatively common problem where drains are located adjacent to mature trees. However growing roots themselves do not have sufficient force to break into drains of their own accord. Almost invariably when roots are present in drains they have entered via a pre-existing defect. These problems are normally limited to drains that have been constructed from terracotta sections and joined with a cement junction.
13. Overtime wither the drains, or the cement junctions are liable to fail and crack. It is through these defects that the roots are able to enter the drains. Once in the drain the roots proliferate due to the favourable rooting conditions. Given that foul drains are required to be a completely sealed drain with no leakage into the surround ground the presence of cracks within the drains should be sufficient cause to repair the drains irrespective of any root ingress.
14. Whilst it is accepted that roots had ingressed into the section drain at the property, the applicant had the roots removed, and the drain lined with a length of drain liner. Drain lining works by feeding a sleeve of resin impregnated, re-enforced plastic along the length of the drain, fitting the sleeve to the diameter of the host pipe and then curing the sleeve so that it sets to the diameter of the original pipe. In essence it allows for the installation of a new pipe within the original host pipe.
15. If a drain has been lined, there are no junctions present to fail and the chances of future root ingress are removed. As such in this case it is considered that the likelihood of any future root ingress has been reduced to a minimum.
16. Root lining is, compared to the cost of felling a mature tree, relatively inexpensive, and prevents future damage whilst retaining the tree and its amenity value.
17. As the affected section of drain has been lined in this case it is not considered that the previous root-ingress is sufficient grounds to fell the tree.

18. With regards to the applicant's concern about potential damage to the foundations of their property, no evidence was submitted to show that the building is currently suffering from tree related subsidence. Tree related subsidence is practically impossible to predict as it is dependent on many factors, such as soil type, root location, soil moisture content and other local vegetation.
19. As such, the removal of a tree due to potential tree related subsidence is considered to be speculative and inappropriate and the tree should not be felled on these grounds.
20. There were some very minor root traces present within the tarmac drive. At present they do not noticeably affect the appearance or use of the driveway, as such they should not be considered sufficient grounds to fell the tree. Given the high amenity value of the tree, even if they were to get works it's not considered that their impact would necessarily provide sufficient impact to fell the tree, although this would need to be considered at the time.
21. Overall it is not considered that the grounds for the application are sufficient to justify the felling of tree or the impact that it would have on the amenity of the area. As such it is recommended that the application be refused.

CONCLUSION

22. The applicant has proposed to fell the tree due to an episode of root ingress in to the foul sewer pipe at the property; due to concerns about potential impact on the property foundations, and due to cracks that have appeared in the driveway.
23. Having considered the reasons for the application it is not considered that they amount to sufficient grounds to fell the tree or the impact that the felling would have on the amenity of the area. Overall it is recommended that the application be refused.

RECOMMENDATION

24. It is recommended that application is REFUSED for the reasons set out below.

Conditions and/or reasons:

1. The tree provides a high amount of amenity to the surrounding area and users of High Street Pensnett. The reasons for the application and the supporting information do not sufficiently justify the detrimental effect on the local amenity that would result from the proposed felling, particularly as the affected section of drains has been repaired to a standard that should limit the chances of future damage. The existing damage to the driveway was considered to be very minor in nature, and no evidence of any tree related structural damage was provided.



114.6m

113.1m

122.5m

T1

THE PLANTATION

El Sub Sta

WOODFIELD

88

PLANNING APPLICATION NUMBER:P15/0104

| | |
|-------------------------|--|
| Type of approval sought | Full Planning Permission |
| Ward | Halesowen South |
| Applicant | Mr Craig Parkes |
| Location: | 28-30, MOUNT STREET, HALESOWEN, B63 4NU |
| Proposal | CHANGE OF USE FROM B1 TO B2 (SERVICING/REPAIRS AND STORAGE OF CARS) (RETROSPECTIVE) |
| Recommendation Summary: | REFUSE |

SITE AND SURROUNDINGS

1. The application premises consist of a two storey scale, former light industrial unit located within a street of generally terraced Victorian and Edwardian properties on Mount Street, Halesowen. The site is adjoined by terraced housing to either side and residential flats and garages to the rear. The unit is of facing brick construction and features large wooden folding doors across the greater part of the frontage, two windows serving a ground floor amenity area and small office on the first floor. The unit is surmounted by a corrugated metal pitched roof with large roof lights and measures 263sqm in total.
2. Mount Street is a narrow, one way residential street where none of the properties or premises has designated or off street parking. Currently cars are parked partway on the pavement to allow the passage of single file traffic. The application site is accessed from Mount Street immediately after a tight bend in the road which features parking restrictions, 8am – 6pm. The single yellow line restricting parking also runs along the full frontage of the application site, the frontage of which abuts the highway.

PROPOSAL

3. The application seeks retrospective consent for a change of use from B1 (light industrial) to a B2 (general industrial) use for the purposes of servicing, repairing and storage of vehicles. The proposal involves no internal or external alterations. The previous use of the site was for a lawnmower repair shop with small trade counter and the current use has been in operation since 1st December 2014. The premises will employ 2 full-time and one part-time member of staff and the owner has stated that they undertake repairs on approximately 5 vehicles per week. The premises are stated to open 8am – 4.30pm Monday to Friday.

HISTORY

| APPLICATION | PROPOSAL | DECISION | DATE |
|-------------|--|--------------------------|----------|
| HB/55/618 | A warehouse extension | Approved with Conditions | 04/01/56 |
| HB/51/248 | Roofing over yard | Approved with Conditions | 01/08/51 |
| HB/56/475 | Extension to existing warehouse | Refused | 07/11/56 |
| HB/64/899 | Existing temporary warehouse and proposed office block | Approved with Conditions | 15/01/65 |
| HB/62/376 | Warehouse extension | Approved with Conditions | 11/08/62 |
| HB/64/71 | Use of premises as warehouse | Approved with Conditions | 11/03/64 |
| HB/63/35 | Renewal of permission for roofing over yard | Approved with Conditions | 12/02/63 |
| HB/63/730 | Extension to warehouse and additional office and WC | Refused | 04/12/63 |
| 87/51448 | Change of Use from warehouse to glass warehouse and workshop | Withdrawn | 14/09/87 |
| P06/1321 | Change of use from warehouse | Approved with | 18/08/06 |

| | | | |
|--|---|------------|--|
| | to repair workshop for garden machinery and lawnmowers with a small trade counter | conditions | |
|--|---|------------|--|

PUBLIC CONSULTATION

4. The new operation within the application site was brought to the attention of the Council when two complaints were made in early December from residents living on mount Street. The Enforcement Team investigated and advised the applicant to submit a retrospective application for the change of use.

5. The application was advertised by way of neighbour notification letters being sent to the occupiers of 30 properties within close proximity to the site. The final period for comment expired on 20 February 2015. In response to the consultation exercise, objections have been received from the occupiers of 7 properties in proximity to the application site. The main areas of concern raised were as follows;
 - Mount Street is a predominantly residential area and this business is adversely impacting on the daily lives of those who live there due to a severe lack of parking. Even without this business in operation, the residents of Mount Street often struggle to park near their homes due to the narrow street and the parking restrictions. The number of extra cars parked on the street which relate to this business is exacerbating the issue and some residents are parking in surrounding streets which is having a knock-on effect for other roads
 - Some owners have been asked to move their vehicles in order to allow deliveries to enter and exit the site and an increase in the number of vans and larger commercial vehicles has been noted by a number of the objectors.
 - The narrow one way street makes manoeuvring vehicles very difficult resulting in a lot of cars parking on the pavement and causes traffic to back up whilst vehicles attempt to manoeuvre in and out of the site. The cars parked on the pavement can make space too limited for pedestrians to pass safely on the pavement, especially those with pushchairs and they often have to walk up the centre of the road.

- Cars are being washed on the premises and the runoff is not being drained adequately and therefore runs out into the street and fuel spillages have been noted on the uneven footpath to the front of the premises.
- The noise from the premises, especially when pressure washing of vehicles takes place, is excessive even when the door to the premises is shut.
- There is an increase in vehicle emissions and smells from the premises due to the number of cars and vans using the premises.
- There is concern that in the future, if the business thrives, that the use will intensify further compounding the existing issues of parking and nuisance and customers bringing their cars for service may have to park on the street whilst they are waiting.

6. A petition of support signed by 17 residents was also received by the Authority, however there was no indication noted of the reasons for support.

OTHER CONSULTATION

Group Engineer Highways

The Group Engineer has made the following comments:

- I would advise that because of concerns regarding large manoeuvring vehicles associated with B2 uses and the narrow residential street the application raises fundamental Highway safety concerns.
- Mount Street is very narrow some 5m wide and is a residential one way street. Cars are parked onto the footway even to allow single file movement. The unit is accessed from a narrow tight bend in a residential street with parking restrictions, 8:00 am to 6:00pm
- B1 uses in the planning act are defined as “for any industrial process, being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit”. B1 uses such as the previous use, a lawn mower repair centre, would likely generate few service vehicles and these would be small and light vehicles.

- The historical use of the site as B1 use is noted, however, given the nature of the residential area and narrow one way street access, it is still not ideal.
- The B2 use could result in heavier and larger vehicles accessing the site which is not appropriate for the nature of the street. Manoeuvring service vehicles or vehicles being stored within the building being manoeuvred in and out of the site also raises concerns where pedestrians and cyclists may be put at risk.
- The Health and Safety Executive in its guide, Workplace Transport Safety, is clear that mixing large vehicles with members of the public is potentially hazardous and should be avoided.

Head of Environmental Health and Trading Standards

The Environmental Safety and Health Officer has made the following comments:

- The development site is located in a residential location and as such is not particularly suited to a B2 car servicing/repair use as nearby residents could be adversely affected by noise from operations at such a use. The application is retrospective, and it is understood that the unit has been operating as a car repair/servicing facility since December 2014, in which time this department has received one complaint from a nearby resident relating to alleged noise disturbance.
- It is considered possible that the specific use proposed can operate in this location without harm to residential amenity in terms of noise, providing appropriate noise control measures are applied and the use is restricted only to the servicing/repair of vehicles and associated ancillary operations. There is still a possibility, however, that nearby residents could be disturbed even with such control measures in place, particularly as the use has not been operational during warmer spring/summer months when residents are more likely to have windows open. It is considered in these circumstances that a temporary permission for a period of 12 months could be appropriate to ensure that the use can continue without harm to the amenities of nearby residents. A condition to restrict the B2 class use to vehicle repairs/servicing only would also ensure that there would not be scope for the site to become a more intensive industrial use in future, as this would not be acceptable at this location in terms of noise.

RELEVANT PLANNING POLICY

National Planning Guidance (2012)

- The National Planning Policy Framework

Black Country Core Strategy (2011)

- CSP1 Place Making
- ENV2 Historic Character and Local Distinctiveness

Saved Unitary Development Plan (2005)

- DD1 Urban Design
- DD4 Development in Residential Areas
- EP1 Incompatible Land Uses

Supplementary Planning Documents / Guidance

- Parking Standards Review SPD

ASSESSMENT

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

Principle of Development

9. The National Planning Policy Framework revolves around the central notion of sustainable development, stating that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions. (Paragraph 8) Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas. (Paragraph 10). Sustainable development is a much broader concept than environmental protection; it implies a concern for the long-term health and maintenance of the environment and for ensuring a decent quality of life for people in the present and in the future. The NPPF recognises this within the 12 principles of planning which includes *'finding ways to enhance and improve the places in which people live their lives'*.
10. Sustainable development can be achieved in many ways including through the creative reuse of redundant land and buildings. Traditionally within Dudley and the Black Country, industry, housing and community facilities have located close to each other. This may cause problems when neighbouring uses are in conflict, such as industry located adjacent to residential and there is a general presumption that industrial operations may have to introduce mitigation measures to reduce potential adverse impacts on nearby residences.
11. Whilst it is acknowledged that No.28-30 Mount Street was a vacant building prior to its reuse as a car repair and servicing centre, it is considered that this particular B2 use is not compatible with the neighbouring residential uses and therefore it does not constitute sustainable development. Whilst the previous B1 use was for light industry which can be appropriate in residential areas under certain circumstances, B2 uses are generally associated with heavier industrial activities which often generate noise, fumes, smells and may involve larger vehicles entering and existing a site. B2 uses are most appropriately located within designated industrial and employment areas and not immediately adjacent to residential properties.

12. Saved Policy EP1 *Incompatible Land Uses* within the UDP recognises that whilst some industrial and commercial premises can exist in or immediately adjacent to residential areas, conflicts often arise as a result of problems such as noise, smell, traffic and pollution. The Policy states that *'Development will not be permitted if it would result in unacceptable harm to residential amenity/property'* and *'The Council will seek to minimise the effect of existing incompatible land uses, particularly those within residential areas'*. Given the incompatibility in terms of noise, smell and air pollution and the problematic car parking arrangements noted by the objectors, it is considered that the principle of development for a B2 use at the application site is not appropriate.

Local Character and Distinctiveness

13. Policy CSP1 recognises the unique heritage and urban structure of the Black Country and requires all development to demonstrate a clear understanding of the historic character and local distinctiveness of the area and to show how proposals make a positive contribution to place-making. Amongst other things, it also requires;

- a. The design of spaces and buildings which will be influenced by their context, should seek to enhance the unique attributes the area
- b. The pedestrian environment should be closely associated with active frontages at street level and an appropriate intensity of use at all times.

14. This approach is supported through Policy ENV2 (Historic Character and Local Distinctiveness) of the Black Country Core Strategy which states that ...*'All new development should aim to protect and promote special qualities, historic character and local distinctiveness of the Black Country in order to help maintain its cultural identity and strong sense of place. Development proposals will be required to preserve and, where appropriate, enhance local character and those aspects of the historic environment together with their setting which are recognised as being of special historic, archaeological, architectural, landscape or townscape quality'*...

15. Policy ENV2 also states that proposals which affect areas of Victorian and Edwardian higher density development which survive with a high degree of integrity

including terraced housing and its associated amenities should ...*'sustain and reinforce'*... their special character.

16. The application site falls within the boundary of the Halesowen Area Action Plan (AAP) and is located within an Area of High Historic Townscape Value (AHHTV) characterised by mid and later 19th century housing at the margins of Halesowen's historic core. Part of the evidence base for the AAP is the Halesowen Urban Historic Landscape Characterisation (UHLC) which maps character zones, buildings, spaces and areas and notes their contribution to the character of the local historic environment. Areas of High Historic Townscape Value (AHHTV) are recognised in the Halesowen UHLC as defining discrete areas of townscape of acknowledged importance. Where new development is proposed in an AHHTV every effort must be made to ensure it consolidates or enhances the existing positive characteristics of the locality including the public realm.
17. Mount Street is located in Character Zone 9, the general settlement form of which is buildings of a two-storey scale, built in red brick with pitched roofs and normally set at the back of pavement with small front gardens enclosed by low brick walls, historically recognised as a nail-making suburb. The UHLC also maps individual buildings, ranking their contribution to local character. It is noted that the application site is ranked as having a negative contribution to local character and distinctiveness as it features poor architectural quality.
18. Policy 20 *Areas of High Historic Townscape Value* within the AAP states that the existing townscape in these areas should be conserved and enhanced and that proposals that fail to respond adequately to their townscape context or that would prejudice views into, out of or within AHHTV's will not be permitted.
19. Although it is acknowledged that the business currently in operation at the application site is not altering the external appearance of the building, the premises are recognised as significantly detracting from local distinctiveness and the current use makes no effort to enhance this nor to contribute to the unique attributes of the area. It is considered that the current use conflicts with the intentions of the

aforementioned policies, particularly Policy CSP4 as it is not an appropriate intensity of use and it has potential to conflict with the pedestrian environment.

Residential Amenity

20. Saved Policy DD4 (Development in Residential Areas) of the Dudley Unitary Development Plan seeks to ensure that development would have no '*adverse affect the character of the area or residential amenity*'. Policy DD4 also states that '*the scale, nature and intensity of the proposed development should be in keeping with the character of the area*'. This stance is reiterated by Saved Policy DD1 (Urban Design) of the Dudley Unitary Development Plan and also requires development to make a positive contribution to the character and appearance of an area and its surroundings.
21. Additionally, Policy DD4 states that upon development, '*no detrimental effect upon highway safety would result and adequate provision for the parking and manoeuvring of vehicles associated with the proposed development is made whilst preserving the character and amenity of the area*' and no harm should be caused to the residential amenity of any of the occupiers of neighbouring properties.
22. In this instance, it is considered that the use in operation at No.28-30 Mount Street would not comply with Policy DD4. The numerous objections received regarding the proposal have outlined the significant adverse effect that the use is having on residential amenity, mainly in terms of noise disturbance and parking of vehicles. As noted by the Group Engineer this use is likely to generate further traffic including larger vehicles which is not considered appropriate in a narrow residential street.
23. Whilst the Head of Environmental Health and Trading Standards concluded that a temporary permission may be appropriate and noise control measures could be implemented, he also noted that there is still a possibility, however, that nearby residents could be disturbed even with such control measures in place, particularly as the use has not been operational during warmer spring/summer months when residents are more likely to have windows open. There is also a possibility that the use could intensify thereby exacerbating any potential noise issues from the site. If a

temporary use was permitted, it may also prove more difficult in the long term if a permanent use was later refused.

24. On balance, it is considered that there would be significant demonstrable harm caused to the occupiers of nearby residences in Mount Street as a direct result of this B2 use in this location and as such, it is considered inappropriate and contrary to the policies noted above.

Car Parking

25. The Group Engineer has noted that in accordance with the Parking Standards SPD, a maximum of 4 designated car parking spaces and a minimum of one space for a loading/service vehicle (45sqm) would be required for a B2 use of this scale. There are no designated parking spaces for the premises and given the objectors have stated that often cars being repaired are parked in the street, it is considered that this exacerbates the existing parking issues on Mount Street. This is compounded further still by the parking restrictions which reduces the availability of on street parking. Although the applicant states that the vehicles are all parked within the premises and not on the street, this is contrary to what the objectors have stated. As there is no provision for a loading/service vehicle parking space, it is considered that the car parking provision is inadequate for this use in this location.

CONCLUSION

26. The site is located within a narrow, one way residential street with existing parking restrictions. Mount Street is characterised by Edwardian red brick terraced properties and the wider area is designated as an Area of High Historic Townscape Value. This particular unit is noted as presenting a negative contribution to the area in terms of architectural merit. The principle of development is considered inappropriate as a B2 use is not compatible with the surrounding residential properties, nor does the use attempt to enhance local distinctiveness. Since the business has been in operation, the Authority has received complaints about noise and the objections received relating to this application have noted the increase in vehicles including vans and

larger vehicles and the increasing difficulty to park. Parking provision for the business is considered inappropriate and the narrow residential street is an inappropriate location for turning and manoeuvring of larger vehicles thereby potentially creating risks in terms of highway safety. On balance, it is considered that this business operation would cause significant demonstrable harm to the occupiers of nearby properties and as such it is contrary to the relevant policies and guidance.

RECOMMENDATION

27. It is recommended that the application is REFUSED for the following reasons:

Conditions and/or reasons:

1. The principle of development for a B2 use in this narrow one way residential street is not appropriate given the incompatibility of uses. This is therefore contrary to the principles of sustainable development within the NPPF and Saved Policy EP1.
2. The existing use would have a significant adverse impact on the residential amenity of the occupiers of nearby properties on Mount Street in terms of noise, smell, fumes, air pollution and lack of parking. This is contrary to Saved Policies DD1 and DD4.
3. The current B2 use makes no effort to consolidate or enhance the existing positive historic characteristics of the locality including the public realm and as such it is contrary to Policies CSP1 and ENV2.
4. There is inadequate parking provision for the current use and the parking of vehicles relating to the site on the street further exacerbates the existing parking problems. This poses a threat in terms of highway safety for pedestrians and cyclists. The B2 uses may also involve larger vehicles visiting the premises, as noted by the objections received, and there is inadequate space for the manoeuvring of these vehicles, again posing issues in terms of highway safety. This is contrary to the guidance contained in the Parking Standards SPD.

Second Recommendation

That enforcement action is authorised to seek cessation of the unauthorised use.

SITE LOCATION PLAN
AREA 4 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 396346, 282994



| | |
|-----------------|---|
| Plan No. / Name | 1 / Location Plan |
| Date | 23/1/2015 |
| Scale | 1:1250 @ A4 |
| Proposal | Change of Use from B1 to B2 (Servicing/repair and storage of cars) |
| Address | 28 – 30 Mount Street, Halesowen, B63 4NU |
| Applicant | Craig Parkes |

26 JAN 2015



Supplied by Streetwise Maps Ltd
www.streetwise.net
Licence No: 100047474
21/01/2015 11:45:14

PLANNING APPLICATION NUMBER:P15/0137

| | |
|-------------------------|---|
| Type of approval sought | Tree Preservation Order |
| Ward | Wollaston and Stourbridge Town Norton |
| Applicant | Mr Mark Britton |
| Location: | THE OLD APPELEYARD, 26B, GLADSTONE ROAD, WOLLASTON, STOURBRIDGE, DY8 3PE |
| Proposal | FELL 1 SYCAMORE TREE |
| Recommendation Summary: | APPROVE SUBJECT TO CONDITIONS |

TREE PRESERVATION ORDER NO: D767 (2003) –A1

SITE AND SURROUNDINGS

1. The tree subject to this application is an early mature sycamore tree that is situated in the rear garden of 26b Gladstone Road. The property is set back from the road in a small private drive, and the tree is located at the point of the triangular rear garden. The tree is visible from the public highway, but due to the set back from the road it provides a low amount of amenity to the surrounding area. The tree is not visible from any other public vantage point.
2. The tree is protected as part of Area 1 of Tree Preservation Order 767 that was served in 2003. The area order also covers the two rear gardens to the north of the applicant's property.

PROPOSAL

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

HISTORY

5. There have been three previous Tree Preservation Order applications on this site.

| Application No | Proposal | Decision | Date |
|----------------|----------------------------|--------------------------|------------|
| P12/1115 | Fell 1 Sycamore | Approved with conditions | 20/11/2012 |
| P12/0070 | Crown thin 1 sycamore tree | Approved with conditions | 28/03/2012 |
| P10/1318 | Prune 1 Sycamore Tree | Approved with conditions | 18/11/2010 |

PUBLIC CONSULTATION

6. Three letters of objection has been received from residents in Park Road West. The grounds of objection area are as follows:

- A number of other trees have been felled in the area recently;
- The loss of the tree will have an impact on the environment and wildlife of the area;
- The tree provides amenity to the local neighbours;
- The tree was in the garden when the applicant bought the property;
- The tree would provide privacy from the dormer bungalow that is currently being constructed on the adjacent site.

ASSESSMENT

Tree(s) Appraisal

| <i>Tree Structure</i> | Tree 1 |
|---|--|
| Species | Sycamore |
| Height (m) | 7 |
| Spread (m) | 5 |
| DBH (mm) | 3 x 250 |
| Canopy Architecture | Poor – previously topped |
| Overall Form | Moderate / poor |
| Age Class <i>Yng / EM / M / OM / V</i> | Early Mature |
| <i>Structural Assessment</i> | |
| Trunk / Root Collar | Good – no obvious defects although obscured by ivy |

| | | |
|--|--------------|------------|
| Scaffold Limbs | Good | |
| Secondary Branches | Good | |
| % Deadwood | 1% | |
| Root Defects | None Evident | |
| Root Disturbance | None Evident | |
| Other | | |
| Failure Foreseeable Imm / Likely / Possible / No | Whole No | Part No |

Vigour Assessment

| | |
|------------------|--------------|
| Vascular Defects | None Evident |
| Foliage Defects | None Evident |
| Leaf Size | Good |
| Foliage Density | Good |
| Other | |

Overall Assessment

| | |
|-----------------------|-------------|
| Structure | Good |
| Vigour | Good |
| Overall Health | Good |

Other Issues

| | |
|--------------------|--------------|
| Light Obstruction | Slight |
| Physical Damage | None evident |
| Surface Disruption | None Evident |
| Debris | Some |

Amenity Assessment

| | |
|------------------------|------------|
| Visible | Partially |
| Prominence | Low |
| Part of Wider Feature? | No |
| Characteristic of Area | Yes |
| Amenity Value | Low |

Further Assessment

7. The applicant has proposed to fell the tree as it shades that garden; due to its low amount of amenity; and the ongoing expense of maintenance.
8. On inspection the tree was found to be in a good condition with no major defects present.

9. Whilst the tree is publicly visible from Gladstone Road, it is not prominent as it is only visible above over the side garden of 24 Gladstone Road (a gap of some 5 metres) and as the tree is set back some 65 metres from the road, and is currently shorter than the house it sits behind, it is considered to provide little in the way of public amenity. The tree is not publicly visible from the adjacent Park Road West of Fairfield Rise.
10. Due to this lack of public amenity, the justification required to fell the tree should be similarly limited. Whilst the reasons put forward for the application i.e. the shading impact of the tree and the cost of future maintenance, would not normally be considered sufficient grounds for the felling of a tree that provides a good amount of amenity to the surrounding area, in this case it is considered that they may be sufficient to justify the felling.
11. Whilst the tree will be visible from the objectors' properties, and may even be relatively prominent at the end of their gardens, this visibility provides a private amenity to the objectors, and as such no significant weight can be attached to this private visibility in the consideration of the application.
12. With regards to the other objections, all trees that have been felled in the area, most recently as a result of an approved planning application, were all considered to provide an insufficient amount of public amenity to warrant their retention.
13. The removal of this tree will have a limited impact on the environment and wildlife in the area, given that this tree is one of many that are situated in a relatively larger area of contiguous rear gardens that extend up towards the school, woodland, and open countryside beyond.
14. Whilst the tree would have been present when the applicant bought the property, no weight can be attached to this fact, and the application must be considered on the grounds of the impact on the public amenity of the area.
15. The dormer bungalow that is currently being constructed in the rear garden to the north of the applicant's property will have windows on the south west facing elevation. Due to the relationship between the two sites, this will allow some overlooking over the very end of the garden of one of the objectors gardens (10 Park Road West), although given that the objectors' gardens are some 45 metres long, from the rear boundary to the rear elevation of the houses, it is not considered that there will be any significant overlooking from the new property.

16. Even if the tree did provide a privacy screen between properties, it is not considered that much weight could be attached to this, as this relates to a private amenity rather than a public amenity.
17. It is considered that the felling of the tree is acceptable, as its removal will have almost no impact on the amenity of the area.
18. Due to the low amenity value of the tree and the limited impact of its removal on the public amenity of the area, it is not considered that the requirement of a replacement tree could be reasonably required.
19. Overall given the minimal impact on the amenity of the area that would result from the felling of the tree it is not considered that there can be any reasonable objection to the proposed felling.

CONCLUSION

20. The applicant has proposed to fell the tree as it shades that garden;
21. On inspection it is considered that if the tree was felled there would be little or no impact on the amenity of the area, as the tree currently provides little amenity to the area. As such it is not considered that there can be any reasonable objection to the proposed removal of the tree.
22. The objections that have been received are not considered to raise any grounds on which this application could be reasonably refused.

RECOMMENDATION

23. It is recommended that application is approved subject to the conditions set out below.

Conditions and/or reasons:

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



86.0m
85.0m
Ward Bdy

107



Development Control Committee – 19th March 2015

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

Planning Services Fees – 2015/2016

Purpose of Report

1. To consider the proposals within the report with regard to the setting of the Council's Building Regulation Fee Scales to take effect from 1st April 2015 and non statutory Development Control Charges, and the intention to continue to use the Consumer Prices Index (CPI) for Planning Obligations in accordance with Council Policy. Following anticipated adoption of the Community Infrastructure Levy (CIL) Charging Schedule during 2015/16, regulations require any CIL charges to be index linked to the national All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors.

Building Control

2. Building Control exists to ensure the health and safety of users of buildings, to promote energy efficiency and to ensure reasonable access for all
3. Under the provisions of the Building Act 1984, it is the duty of local authorities to enforce the regulations through determining applications and site inspections.
4. Since 1985 legislation has been in place to enable the service to be provided by the private sector in competition with local authorities. Local authority fee scales, therefore, need to be competitive with those of the private sector.
5. The Building (Local Authority Charges) Regulations 2010 came into force on 1 April 2010 and, following a transitional period, Dudley MBC Building Control introduced fees under this legislation on 1 October 2010.
6. The key principle of the Regulations remains the need to fix charges, by way of a scheme, to fully recover the costs associated with the relevant Building Control functions. However, the new Regulations place a greater emphasis on the need to relate these charges to the costs of carrying out the building control function on a building project and highlight the principle of 'User Pays'. The regime is more flexible and these flexibilities are intended to make the scheme fairer and proportionate to the actual costs incurred.

7. Under the 2010 Regulations, Local Authorities are required to set their charges by relating the “hourly rate” of their Building Control staff to the time spent carrying out the chargeable functions associated with a building project. The hourly rate is a single rate based on the average cost of providing the chargeable elements of the building control service and has been developed in line with guidance produced by CIPFA and the LABC (Local Authority Building Control) model scheme. This allows for standard charges to be applied for various categories of works or for bespoke quotations to be provided to clients. Bespoke quotations are provided for the larger, more complex projects.
8. Following reviews of the existing fee scheme it is proposed to increase the fees in line with Council Policy of approximately 2% to cover inflationary pressures. This increase is considered to be the maximum amount in order to retain a competitive fee structure.
9. The existing fee levels are shown in Appendix A. The revised Charging Scheme, including the proposed fee scale, is shown in Appendix B and, in accordance with The Building (Local Authority Charges) Regulations 2010, will be published at least seven days before the implementation date.

Planning Obligations

10. The use of planning obligations to secure financial developer contributions towards the delivery of local infrastructure is a key and well-established element of the planning system, and is required on certain planning applications depending on the scale and nature of development.
11. There is a need to index link planning obligations as a failure to do so would result over time in insufficient contributions being secured and the use of inflationary indices for planning obligations is an established principle which is set out in the Planning Obligations SPD (approved in September 2011) and is supported by the Department of Community and Local Government (DCLG) publication entitled *'Planning Obligations: Practice Guidance'* (2006).
12. The index used is Consumer Price Index (CPI), and the current rate is 0.5%. (The rate was 2.0% in 2014/15). The 2015/16 financial year costings are set out in the amended Supplementary Planning Document, which is included as Appendix C to this report.

Community Infrastructure Levy (CIL)

13. CIL is a new levy that Local Authorities can choose to charge on new developments. The money can be used to support development by funding infrastructure that the Council, local community and neighbourhoods want.
14. The Council is currently preparing a CIL Charging Schedule which is expected to be adopted and implemented within the 2015/16 financial year.

There is a need to index link CIL contributions in order to keep the levy responsive to market condition; as a failure to do so would result over time in insufficient contributions being secured. The requirement to apply an index of inflation is set out within regulation 40 of the CIL Regulation 2010 (as amended). This regulation requires CIL contributions to be index linked for 1st November for the preceding

year in the national All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors. From adoption of CIL until 31st December 2015 the CIL rates as set out within the adopted Charging Schedule will apply with no adjustment. From January 1st to December 31st 2016 it is proposed to use figures published for Q2 of each year on the basis that these will always be the latest confirmed indexation figures available at November in each year. The BCIS All in Tender Price index is quarterly not monthly and the figures are published around 4-5 months in arrears so currently only forecast figures are available for Q4 2014.

Development Control Non Statutory Fees

15. Development Control carry out a small number of non statutory functions including providing copies of decision notices and supply of Tree Preservation Orders to members of the public whilst non essential it is generally considered that they add value to the planning service by enhancing the statutory function provided.
16. When setting fees for the non statutory services the increase is reflective of the supporting administration and technical costs. See Appendix D for non statutory development control fees.
17. From 1st April 2015 one additional fee has been added to the schedule, this for the formal confirmation of planning application discharge of conditions to solicitors (for applications under 10 years from decision date). The fee is reflective of the time required to formally respond to these queries. This information is also available free of charge on the councils website via search for a planning application, so customer will be given the option to search information for themselves or pay the fee for us to provide a formal response.
18. During 2005 a case was presented to the Information Commission regarding excessive charging for copies of planning information known as the Markinson ruling. The outcome determined that Local Authorities may not exceed the cost of providing the information (costs include paper, photocopy charge and postage) and it should not include the cost of staff time. The ruling suggested Public Authorities should generally adopt a 10p per sheet for the cost of photocopying. This ruling does not affect the right to exceed this charge for information supplied on a commercial basis.
19. It is proposed to add inflationary increase to these nominal charges only. The charges for 2015/16 are as shown in Appendix D.

Finance

20. The proposal is considered to accord to the provisions of the Building (Local Authority Charges) Regulations 2010, and has been designed to maximise income to the Council and meet increased budget income targets, without, as required, generating excess surplus.
21. The underlying requirement of the new Regulations is that the fees charged are appropriate for the works undertaken in exercising chargeable Building Control functions. It is always difficult to accurately predict the building control income as this is subject to building activity and the overall economic situation. The current economic climate makes this prediction even more uncertain. However, the new

regulations should ensure that income derived by the Authority from performing chargeable functions and providing chargeable advice will equate to the costs incurred in performing chargeable functions and providing chargeable advice.

22. The Regulations require that an annual review of the charges is undertaken to ensure that this overriding objective is met.
23. The Development Control fees included within this report are non-statutory and any charge is to cover administrative and technical costs of providing the service only.
24. All monies received are receipted and banked in line with Council policy, as a result of the Markinson ruling it remains uneconomical to collect, receipt and bank fees for small amounts received from members of the public.

Law

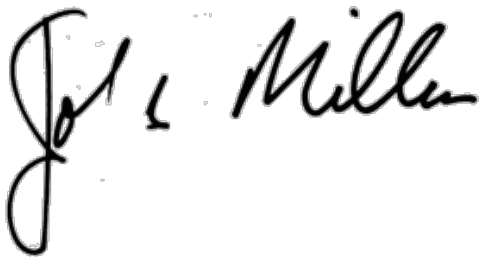
25. Charges are made under the Building (Local Authority Charges) Regulations 2010, the controlling legislation being the Building Act 1984.
26. The CIL Regulations 2010 (as amended) set out the requirements for the indexation of CIL charges.

Equality Impact

27. This report complies fully with the Council's Policy on equal opportunities.
28. The Building (Local Authority Charges) Regulation 2010 specifically exempt from the requirement to charge a fee in connection with work solely for the purpose of securing greater health, safety, welfare or convenience of people with disabilities where the works are in connection with their permanent residence or to an existing building to which members of the public are admitted.

Recommendation

29. It is recommended that Committee: -
 - a. Endorse the inflationary increase of 2% of the existing Building Control Fee Schedule outlined in Appendix B.
 - b. Note the continued use of Consumer Price Index in Planning Obligations costings as outlined in Appendix C, and in accordance with the adopted SPD "Planning Obligations".
 - c. Note the use for CIL charges following adoption of the national All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors
 - d. Endorse the fee schedule for Development Control Non Statutory Fee Charges as outlined in Appendix D.



.....
John Millar

Acting Strategic Director of the Environment, Economy and Housing

Contact Officer: Helen Martin

Telephone: 01384 814186

Email: helen.martin@dudley.gov.uk

List of Background Papers

The Building (Local Authority Charges) Regulations 2010:

<http://www.legislation.gov.uk/ukSI/2010/404/contents/made>

Current Dudley MBC Building Control Charges:

<http://www.dudley.gov.uk/resident/planning/building-control/making-an-application/>

CIPFA Local Authority Building Control Accounting Guidance

The Community Infrastructure Levy (CIL) Regulations 2010 (as amended):

<http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>

Appendix A. Existing Building Control Fees for 2014/2015**SCHEDULE 1****CHARGES FOR THE ERECTION OF, OR THE CONVERSION TO,
NEW DWELLINGS OR FLATS WHOSE INDIVIDUAL FLOOR
AREA IS LESS THAN 300M²**

| Number of Dwellings | PLAN CHARGE | | | INSPECTION CHARGE | | | BUILDING NOTICE | | |
|---------------------|-------------|-------|--------|-------------------|--------|---------|-----------------|--------|---------|
| | Plan Fee | VAT | Total | Inspection Fee | VAT | Total | Building Notice | VAT | Total |
| | | | | | | | | | |
| 1 | 164.17 | 32.83 | 197.00 | 350.83 | 70.17 | 421.00 | 616.67 | 123.33 | 740.00 |
| 2 | 164.17 | 32.83 | 197.00 | 526.67 | 105.33 | 632.00 | 827.50 | 165.50 | 993.00 |
| 3 | 164.17 | 32.83 | 197.00 | 771.67 | 154.33 | 926.00 | 1122.50 | 224.50 | 1347.00 |
| 4 | 195.83 | 39.17 | 235.00 | 982.50 | 196.50 | 1179.00 | 1415.00 | 283.00 | 1698.00 |
| 5 | 195.83 | 39.17 | 235.00 | 1158.33 | 231.67 | 1390.00 | 1625.00 | 325.00 | 1950.00 |
| 6 | 213.33 | 42.67 | 256.00 | 1343.33 | 268.67 | 1612.00 | 1867.50 | 373.50 | 2241.00 |
| 7 | 213.33 | 42.67 | 256.00 | 1509.17 | 301.83 | 1811.00 | 2067.50 | 413.50 | 2481.00 |
| 8 | 256.67 | 51.33 | 308.00 | 1650.83 | 330.17 | 1981.00 | 2288.33 | 457.67 | 2746.00 |
| 9 | 256.67 | 51.33 | 308.00 | 1861.67 | 372.33 | 2234.00 | 2541.67 | 508.33 | 3050.00 |
| 10 | 256.67 | 51.33 | 308.00 | 2036.67 | 407.33 | 2444.00 | 2751.67 | 550.33 | 3302.00 |
| 11 | 256.67 | 51.33 | 308.00 | 2213.33 | 442.67 | 2656.00 | 3007.50 | 601.50 | 3609.00 |
| 12 | 256.67 | 51.33 | 308.00 | 2387.50 | 477.5 | 2865.00 | 3173.33 | 634.67 | 3808.00 |
| 13 | 304.17 | 60.83 | 365.00 | 2527.50 | 505.50 | 3033.00 | 3398.33 | 679.67 | 4078.00 |
| 14 | 304.17 | 60.83 | 365.00 | 2633.33 | 526.67 | 3160.00 | 3524.17 | 704.83 | 4229.00 |
| 15 | 304.17 | 60.83 | 365.00 | 2739.17 | 547.83 | 3287.00 | 3651.67 | 730.33 | 4382.00 |
| 16 | 304.17 | 60.83 | 365.00 | 2844.17 | 568.83 | 3413.00 | 3774.17 | 754.83 | 4529.00 |
| 17 | 327.50 | 65.50 | 393.00 | 2913.33 | 582.67 | 3496.00 | 3889.17 | 777.83 | 4667.00 |
| 18 | 327.50 | 65.50 | 393.00 | 3019.17 | 603.83 | 3623.00 | 4015.83 | 803.17 | 4819.00 |
| 19 | 327.50 | 65.50 | 393.00 | 3160.00 | 632.00 | 3792.00 | 4184.17 | 836.83 | 5021.00 |
| 20 | 350.83 | 70.17 | 421.00 | 3230.00 | 646.00 | 3876.00 | 4295.83 | 859.17 | 5155.00 |

SCHEDULE 2

CHARGES FOR CERTAIN WORKS IN CONNECTION WITH OR TO AN EXISTING DWELLING

| TYPE OF WORK | PLAN FEE | | | INSPECTION FEE | | | BUILDING NOTICE | | | REGULARISATION CERTIFICATE |
|---|------------|-------|--------|----------------|-------|--------|-----------------|--------|--------|-------------------------------|
| | Net Fee | VAT | Total | Net Fee | Vat | Total | Net Fee | VAT | Total | |
| i) Erection or extension of a non exempt car- port or detached garage up to 40 m ² | 93.33 | 18.67 | 112.00 | 69.17 | 13.83 | 83.00 | 186.67 | 37.33 | 224.00 | 243.00 |
| ii) Erection or extension of a car port or detached garage between 40-60 m ² | 93.33 | 18.67 | 112.00 | 93.33 | 18.67 | 112.00 | 233.33 | 46.67 | 280.00 | 291.00 |
| (iii) Erection of an attached garage less than 40 m ² | 93.33 | 18.67 | 112.00 | 93.33 | 18.67 | 112.00 | 221.67 | 44.33 | 266.00 | 291.00 |
| iv) A domestic extension the floor area of which does not exceed 10 m ² | 157.50 | 25.50 | 153.00 | 155.00 | 31.00 | 186.00 | 327.50 | 65.50 | 393.00 | 407.00 |
| v) A domestic extension the floor area of which exceeds 10 m ² but does not exceed 40 m ² | 164.17 | 32.83 | 197.00 | 245.83 | 49.17 | 295.00 | 421.67 | 84.33 | 506.00 | 538.00 |
| vi) A domestic extension the floor area of which exceeds 40 m ² but does not exceed 100 m ² | 173.33 | 34.67 | 208.00 | 315.83 | 63.17 | 379.00 | 515.00 | 103.00 | 618.00 | 656.00 |
| vii) Loft conversion of up to a maximum floor area of 50 m ² | 186.67 | 37.33 | 224.00 | 233.33 | 46.67 | 280.00 | 440.00 | 88.00 | 528.00 | 548.00 |
| viii) Conversion of an attached garage serving a dwelling to a habitable use | 93.33 | 18.67 | 112.00 | 140.00 | 28.00 | 168.00 | 257.50 | 51.50 | 309.00 | 328.00 |
| ix) Window replacement , space heating and hot water systems not installed under a self-certification scheme | 46.67 | 9.33 | 56.00 | 61.67 | 12.33 | 74.00 | 116.67 | 23.33 | 140.00 | 138.00 |
| x) Other works in connection with an existing dwelling, up to a value of £2,000 | 116.67 | 23.33 | 140.00 | 70.00 | 14.00 | 84.00 | 210.83 | 42.17 | 253.00 | 316.00 |
| £2,001 to £5,000 | 116.67 | 23.33 | 140.00 | 105.00 | 21.00 | 126.00 | 257.50 | 51.50 | 309.00 | 421.00 |
| £5,001 to £25,000 | 140.00 | 28.00 | 168.00 | 186.67 | 37.33 | 224.00 | 421.67 | 84.33 | 506.00 | 492.00 |
| £25,001 to £50,000 | 140.00 | 28.00 | 168.00 | 233.33 | 46.67 | 280.00 | 490.83 | 98.17 | 589.00 | 586.00 |
| £50,001 to £75,000 | 164.17 | 32.83 | 197.00 | 336.67 | 67.33 | 404.00 | 560.83 | 112.17 | 673.00 | 678.00 |
| £75,001 to £100,000 | 186.67 | 37.33 | 224.00 | 450.00 | 90.00 | 540.00 | 701.67 | 140.33 | 842.00 | 842.00 |

**FOR BUILDING WORKS VALUED AT MORE THAN £100,000 YOU SHOULD CONTACT
THE BUILDING CONTROL OFFICE WITH REGARD TO AN INDIVIDUAL FEE
EVALUATION.**

SCHEDULE 3

NON-DOMESTIC APPLICATIONS

| VALUE OF WORKS | PLAN FEE | VAT | INSPECTION FEE | VAT | TOTAL FEE INC. VAT | REGULARISATION CERTIFICATE |
|---------------------|----------|-------|----------------|--------|--------------------|----------------------------|
| 0 to £5,000 | 177.50 | 35.50 | 0 | 0 | 213.00 | 290.00 |
| £5,001 to £25,000 | 130.00 | 26.00 | 220.83 | 44.17 | 421.00 | 489.00 |
| £25,001 to £50,000 | 280.83 | 56.17 | 280.83 | 56.17 | 674.00 | 821.00 |
| £50,001 to £75,000 | 280.83 | 56.17 | 426.67 | 85.33 | 849.00 | 962.00 |
| £75,001 to £100,000 | 303.33 | 60.67 | 562.50 | 112.50 | 1039.00 | 1227.00 |

NOTE:

FOR BUILDING WORKS VALUED AT MORE THAN £100,000 YOU SHOULD CONTACT THE BUILDING CONTROL OFFICE WITH REGARD TO AN INDIVIDUAL FEE EVALUATION.

SCHEDULE 4

PART P: ELECTRICAL SAFETY

The scale of charges relates to works carried out under the provisions of Part P to The Building Regulations 2010, being the design, installation, inspection and testing of relevant works related to electrical safety in domestic properties.

1. Relevant electrical works carried out by a competent electrician registered with an appropriate self certification scheme and with notification of those works registered with the authority through the provisions of that scheme.

No Fee

2. Relevant electrical works carried out in connection with the building of a new dwelling or the alteration or extension of an existing dwelling where those works are the subject of an application for Building Regulation approval. Works carried out by a competent electrician registered with an appropriate self certification scheme and with notification of those works registered with the authority through the provisions of that scheme.

Registration noted on Building Regulation File

No Fee

3. Relevant electrical works carried out by a competent electrician not registered with an appropriate self certification scheme but able to sign appropriate certification to demonstrate the compliance of the installation.

Application to be made using a Building Notice with a full description of the works to be given. Appropriate certification to be provided by the electrician. The Authority will register the application but not issue a completion certificate but a letter confirming the registration and receipt of appropriate test certification.

Fee £ 45.00 + VAT

4. Relevant electrical works carried out in connection with the building of a new dwelling or the alteration or extension of an existing dwelling where those works are the subject of an application for Building Regulation approval. Works carried out by a competent electrician not registered with an appropriate self certification scheme but able to sign appropriate certification to demonstrate the compliance of the installation.

Certification to be entered on the Building Regulation File

No additional fees required and completion certificate to be issued in normal manner.

With no certification for the electrical works on file then completion certificate will not be issued following completion inspection of the building works.

5. Relevant electrical works carried out by a non qualified person.
Applications are to be made using a Building Notice with a full description of the works given.

Registration of application £ 45.00 +VAT

No additional fee to be paid if independent certification provided from a competent electrician to validate compliance of the works.

Acceptance certificate will be issued by the Authority.

If inspection is required by the Authority to validate the works then additional charges as Appendix B will be levied. On satisfactory completion inspection acceptance certificate will be issued by the Authority.

6. Electrical works carried out in connection with the building of a new dwelling or the alteration or extension of an existing dwelling where those works are subject of an application for Building Regulation approval. Works carried out by a non qualified person.

Registration noted on Building Regulation file.

No additional fee to be paid.

No further fee to be paid if independent certification provided from a competent electrician to validate compliance of the electrical works.

Completion certificate will be issued by the Authority in the normal manner.

If inspection is required by the Authority to validate the electrical works then additional charges as appendix B will be levied.

Completion certificate will be issued by the Authority in the normal manner.

APPENDIX A

Definition of Competent Person

An electrician registered with a recognised trade body such as NICEIC, ECA and NAPIT and is able to test the work and issue a design, installation and test certificate under the provisions of BS7671.

APPENDIX B

Minor Works

| | |
|-------|---------------|
| Total | £126.00 + VAT |
|-------|---------------|

Electrical Installation Certification (1-4 Circuits)

| | |
|-------|---------------|
| Total | £201.00 + VAT |
|-------|---------------|

Electrical Installing Certificate (5-10 Circuits)

| | |
|-------|---------------|
| Total | £270.00 + VAT |
|-------|---------------|

Electrical Installation Certificate (11-16 Circuits)

| | |
|-------|---------------|
| Total | £359.00 + VAT |
|-------|---------------|

APPENDIX B

Proposed Building Control Charging Scheme 2015/2016

**SCHEME FOR THE RECOVERY OF BUILDING REGULATION
CHARGES AND ASSOCIATED MATTERS**

FOR

DUDLEY METROPOLITAN BOROUGH COUNCIL

**To be read in conjunction with The Building (Local Authority Charges) Regulations
2010.**

Date this scheme came into effect: 1st April 2015.

SCHEME FOR THE RECOVERY OF BUILDING REGULATION CHARGES

Definitions

The following definitions apply to this charging scheme and should be read in conjunction with the other clauses and tables which constitute the charging scheme:

“Building”

Means any permanent or temporary building but not any other kind of structure or erection, and a reference to a building includes a reference to part of a building.

“Building Notice”

Means a notice given in accordance with regulation 12(2)a) and 13 of the Building Regulations 2000 (as amended).

“Building work” means:

- (a) the erection or extension of a building;
- (b) the provision or extension of a controlled service or fitting in or in connection with a building;
- (c) the material alteration of a building, or a controlled service or fitting;
- (d) work required by building regulation 6 (requirements relating to material change of use);
- (e) the insertion of insulating material into the cavity wall of a building;
- (f) work involving the underpinning of a building;
- (g) work required by Building Regulation 4A (requirements relating to thermal elements);
- (h) work required by Building Regulation 4B (requirements relating to a change of energy status);
- (i) work required by Building Regulation 17D (consequential improvements to energy performance);

“Chargeable function” means a function relating to the following:

- (a) The passing or rejection of plans of proposed building work which has been deposited with the council in accordance with section 16 of the Building Act 1984 (as amended).
- (b) The inspection of building work for which plans have been deposited with the council in accordance with the Building Regulations 2000 (as amended) and with section 16 of the Building Act 1984 (as amended).
- (c) The consideration of a Building Notice which has been given to the council which has been given to the council in accordance with the Building Regulations 2000 (as amended).
- (d) The consideration of building work reverting to the council under the Building (Approved Inspectors etc.) Regulations 2000 (as amended).
- (e) The consideration of a regularisation application submitted to the council under regulation 21 of the Building Regulations 2000 (as amended).

“Cost” does not include any professional fees paid to an architect, quantity surveyor or any other person.

“Dwelling” includes a dwelling-house and a flat.

“**dwelling-house**” does not include a flat or a building containing a flat.

“**Flat**” means a separate and self-contained premises constructed or adapted for use for residential purposes and forming part of a building from some other part of which it is divided horizontally.

“**Floor area of a building or extension**” is the total floor area of all the storeys which comprise that building. It is calculated by reference to the finished internal faces of the walls enclosing the area, or, if at any point there is no enclosing wall, by reference to the outermost edge of the floor.

“**Relevant person**” means:

- (a) in relation to a plan charge, inspection charge, reversion charge or building notice charge, the person who carries out the building work or on whose behalf the building work is carried out;
- (b) in relation to a regularisation charge, the owner of the building; and
- (c) in relation to chargeable advice, any person requesting advice for which a charge may be made pursuant to the definition of “chargeable advice”.

Principle of this Scheme

The set charges or method of establishing the charge have been established in this scheme for the functions prescribed in the Building (Local Authority Charges) Regulations 2010 (referred to as the chargeable functions), namely:

- **A plan charge**, payable when plans of the building work are deposited with the Local Authority.
- **An inspection charge**, payable on demand after the authority carry out the first inspection in respect of which the charge is payable.
- **A building notice charge**, payable when the building notice is given to the authority.
- **A reversion charge**, payable for building work in relation to a building:-
 - 1. Which has been substantially completed before plans are first deposited with the Authority in accordance with Regulation 20(2)(a)(i) of the Approved Inspectors Regulations, or
 - 2. In respect of which plans for further building work have been deposited with the Authority in accordance with Regulation 20(3) of the Approved Inspectors Regulations, on the first occasion on which those plans are or have been deposited.
- **A regularisation charge**, payable at the time of the application to the Authority in accordance with Regulation 21 of the Building Regulations.
- **Chargeable advice**, local authorities can make a charge for giving advice in anticipation of the future exercise of their chargeable functions (i.e. before an application or notice is received for a particular case). This is payable after the first hour of advice, on demand after the authority has given notice required by Regulation 7(7) of the Building (Local Authority) Charges Regulations 2010 (i.e., the charge has been confirmed in writing following an individual determination). This charge can be discounted from a subsequent application or notice received for the work in question.
- The above charges are payable by the relevant person (see above for definition).
- Any charge which is payable to the authority may, in a particular case, and with the agreement of the authority, be paid by instalments of such amounts payable on such dates as may be specified by the authority. If the applicants and an authority are agreeable, an inspection charge can be fully or partly paid in advance with the plans charge.

- The charge for providing a chargeable function or chargeable advice is based on the principle of achieving full cost recovery. The charges will be calculated by using the Council Officers' average hourly rate stated in the charging scheme, multiplied by the time taken to carry out the functions/advice, taking the following factors into account, as applicable, in estimating the time required by officers to carry out the function/advice:-
1. The existing use of a building or the proposed use of the building after completion of the building work.
 2. The different kinds of building work described in regulation 3(1)(a) to (i) of the Building Regulations:
 3. The floor area of the building or extension.
 4. The nature of the design of the building work and whether innovative or high risk construction techniques are to be used.
 5. The estimated duration of the building work and the anticipated number of inspections to be carried out.
 6. The estimated cost of the building work.
 7. Whether a person who intends to carry out part of the building work is a person mentioned in regulation 12(5) or 20B(4) of the Building Regulations(i.e. Related to competent person/self certification schemes).
 8. Whether in respect of the building work a notification will be made in accordance with regulation 20A(4) of the Building Regulations (ie. Where design details approved by Robust Details Ltd have been used).
 9. Whether an application or Building Notice is in respect of two or more buildings or building works all of which are substantially the same as each other.
 10. Whether an application or Building Notice is in respect of building work, which is substantially the same as building work in respect of which plans have previously been deposited or building works have been inspected by the same local authority.
 11. Whether chargeable advice has been given on the project which is likely to result in less time being taken by a local authority to process the Building Regulation Application.
 12. Whether it is necessary to engage and incur the costs of a consultant to provide specialist advice in relation to a particular aspect of the building work.

Principles of the scheme in respect of the erection of domestic buildings, garages, carports and extensions.

- Where the charge relates to the erection of a dwelling, the charge includes for the provision of a detached or attached domestic garage or carport providing that it is constructed at the same time as the dwelling.

- Where any building work comprises or includes the erection of more than one extension to a building, the total floor areas of all such extensions shall be aggregated to determine the relevant charge payable, providing that the building work for all aggregated extensions is carried out at the same time.

Exemption from charges

The Authority has not fixed by means of its scheme, nor intends to recover a charge in relation to an existing dwelling that is, or is to be, occupied by a disabled person as a permanent residence; and where the whole of the building work in question is solely;-

- a. For the purpose of providing means of access for the disabled person by way of entrance or exit to or from the dwelling or any part of it, or
- b. For the purpose of providing accommodation or facilities designed to secure the greater health, safety, welfare or convenience of the disabled person.

The Council has not fixed by means of its scheme, nor intends to recover a charge for the purpose of providing accommodation or facilities, designed to secure the greater health, safety, welfare or convenience of a disabled person in relation to an existing dwelling, which is, or is to be, occupied by that disabled person as a permanent residence where such work consists of :-

- a. the adaptation or extension of existing accommodation or an existing facility or the provision of alternative accommodation or an alternative facility where the existing accommodation or facility could not be used by the disabled person or could be used by the disabled person only with assistance; or
- b. the provision of extension of a room which is or will be used solely;-
 - (i) for the carrying out for the benefit of the disabled person of medical treatment which cannot reasonably be carried out in any other room in the dwelling, or
 - (ii) for the storage of medical equipment for the use of a disabled person, or
 - (iii) to provide sleeping accommodation for a carer where the disabled person requires 24-hour care.

The Council has not fixed by means of its scheme, nor intends to recover a charge in relation to an existing building to which members of the public are admitted (whether on payment or otherwise); and where the whole of the building work in question is solely;-

- a. for the purpose of providing means of access for disabled persons by way of entrance or exit to or from the building or any part of it; or
- b. for the provision of facilities designed to secure the greater health, safety, welfare of disabled persons.

Note: "disabled person" means a person who is within any of the descriptions of persons to whom Section 29(1) of the National Assistance Act 1948, as extended by virtue of Section 8(2) of the Mental Health Act 1959, applied, but disregarding the amendments made by paragraph 11 of Schedule 13 to the Childrens Act 1989. The words in section 8(2) of the Mental Health Act 1959 which extend the meaning of disabled person in section 29(1) of the National Assistance Act 1948, are prospectively repealed by the National Health Service and Community Care Act 1990, section 66(2), Schedule 10, as from a day to be appointed.

Information required to determine charges

If the authority requires additional information to enable it to determine the correct charge the authority can request the information under the provisions of Regulation 9 of the Building (Local Authority Charges) Regulations 2010.

The standard information required for all applications is detailed on the Authority's Building Regulation Application Forms. This includes the existing and proposed use of the building and a description of the building work.

Additional information may be required in relation to:-

- The floor area of the building or extension
- The estimated duration of the building work and the anticipated number of inspections to be carried out
- The use of "competent persons" or Robust Details Ltd.
- Any accreditation held by the builder or other member of the design team.
- The nature of the design of the building work and whether innovative or high risk construction techniques are to be used.
- The estimated cost of the building work. If this is used as one of the factors in establishing a charge the "estimate" is required to be such a reasonable amount as would be charged by a person in business to carry out such building work (excluding the amount of any value added tax that may be chargeable).

Establishing the charge

The authority has established standard charges using the principles contained within The Building (Local Authority Charges) Regulation 2010. Standard charges are detailed in the following tables. In the tables below any reference to number of storeys includes each basement level as one storey and floor areas are cumulative.

If the building work that you are undertaking is not listed as a standard charge, it will be individually determined in accordance with the principles and relevant factors contained within The Building (Local Authority Charges) Regulations 2010. If the authority considers it necessary to engage and incur the costs of a consultant to provide specialist advice or services in relation to a particular aspect of building work, those costs shall also be included in setting the charge.

When the charge is individually determined the authority shall calculate the charge in the same way a standard charge was set by using the average hourly rate of officers' time, multiplied by the estimated time taken to carry out their building regulation functions in relation to that particular piece of building work and taking into account the applicable factors listed in regulation 7(5) of the charges regulations.

Individually determined charges will be confirmed in writing specifying the amount of the charge and the factors that have been taken into account in determining the charge.

The building regulations charges for the following types of building work will be individually determined and the authority will state which factors in regulation 7(5) of the charges regulations it has taken into account in establishing a standard or individually determine charge.

Examples of individually determined building projects

- A reversion charge, i.e. where an Approved Inspector has been involved with a project but cannot progress it to a satisfactory state of completion.
- A Regularisation Charge where the relevant work does not have a standard Regularisation Charge already allocated to that type of work.
- When the building work is in relation to more than one building, with the exception of sites of multiple dwellings or flats.
- When building work consists of alterations to any building where the estimated cost exceeds £100,000.
- When the work consists of a domestic garage with a floor area over 60m².
- When the work consists of the erection of or conversion of an existing building to provide in excess of 10 individual dwellings.
- When the work consists of the erection or conversion of a building into dwellings where the floor area of each dwelling exceed 300m².
- Any other work where the estimated cost of work exceeds £100,000.
- Where more than one standard charge applies to the building work, the authority will establish the charge by individually determining it.

Other matter relating to calculation of charges

- In calculating these charges, refunds or supplementary charges, an officer hourly rate of £48.00 per hour has been used.
- Any charge payable to the authority shall be paid with an amount equal to any value added tax payable in respect of that charge.
- Charges are not payable for the first hour when calculating an advice charge.

Reductions

Reduced charges can be made in the following circumstances:-

- a. The authority will reduce the building regulation charge by the cost of any pre-consultation advice that has been given for a project, if it has been paid for by the same architect/client.

- b. Where in accordance with Regulation 7(5)(i) of the charges regulations, one application or Building Notice is in respect of two or more buildings or building works all of which are substantially the same as each other a 10% reduction in the standard charge will be made.
- c. Where in accordance with Regulation 7(5)(j) of the charges regulations an application or Building Notice is in respect of work which is substantially the same as building work in respect of which plans have previously been deposited and approved or building work in respect of which plans have previously been deposited and approved and inspected by this authority a 10% reduction in the plan charge will be made.

Refunds and supplementary charges

In the circumstances when the basis on which the charge has been set or determined has changed, the authority may refund or request a supplementary charge and provide a written statement setting out the basis of the refund/supplementary charge and also state how this has been calculated. In the calculations of refunds/supplementary charges no account shall be taken of the first hour of an officer's time.

Non-Payment of a Charge

Regulation 8(2) of the Building (Local Authority Charges) Regulations 2010 identify that plans are not treated as being deposited for the purpose of Section 16 of the Building Act or Building Notices are not considered as valid unless the Council has received the correct fee. Relevant time scales do not start until the agreed payment has been made. The debt recovery team of the Council will pursue any non-payment of a charge.

Complaints about Charges

Complaints regarding the level of charges should initially be referred to the relevant officer who you are dealing with. The Council has a comprehensive complaints handling procedure. If you are not satisfied with the initial response to your complaint you may pursue the matter through the Council's Complaints procedure. Details can be found on the Councils' website www.dudley.gov.uk

Transitional Provisions

The Council's scheme for the recovery of charges, dated April 2010 continues to apply in relation to building work, for which plans were first deposited, or a Building Notice was given, or a regularisation application was made between April 2010 and 30th September 2010. The new scheme is operable for applications and Building Notices received on and after 1st October 2010.

STANDARD CHARGES

These standard charges have been set by Dudley Metropolitan Borough Council on the basis that the building work does not consist of, or include, innovative or high risk construction techniques and the duration of the building work from commencement to completion does not exceed 12 months.

The charges have also been set on the basis that the design and building work is to be carried out by a person or company who is competent to carry out the design work and building work that they are undertaking. If they are not, the work may incur supplementary charges.

The fees assume that any electrical works undertaken are done so by a suitably qualified person or organisation accredited with a relevant 'Competent Persons Scheme'. If not then an additional fee will be payable.

If you have paid for chargeable advice in the form of pre-application consultations for the project a reduction will be made in the standard charge that is now payable.

Building Notice Charge

The use of the "Building Notice" procedure does involve the Building Control Officer spending more time on site visits and assessing works as they progress. It is for this reason that a project using the Building Notice procedure will incur a higher charge above those that are required for a project using the "Full Plans" procedure.

Reversion Charges

These charges will be individually determined.

Regularisation Charges

The charge is listed in the following tables. Where no charge is listed, an individual charge will be determined, based on the works in question

SCHEDULE 1

CHARGES FOR THE ERECTION OF, OR THE CONVERSION TO, NEW DWELLINGS OR FLATS WHOSE INDIVIDUAL FLOOR AREA IS LESS THAN 300M²

| Number of Dwellings | PLAN CHARGE | | | INSPECTION CHARGE | | | BUILDING NOTICE | | |
|---------------------|-------------|-------|--------|-------------------|--------|---------|-----------------|--------|---------|
| | Plan Fee | VAT | Total | Inspection Fee | VAT | Total | Building Notice | VAT | Total |
| | | | | | | | | | |
| 1 | 167.50 | 33.50 | 201.00 | 358.33 | 71.67 | 430.00 | 629.17 | 125.83 | 755.00 |
| 2 | 167.50 | 33.50 | 201.00 | 537.50 | 107.50 | 645.00 | 844.17 | 168.83 | 1013.00 |
| 3 | 167.50 | 33.50 | 201.00 | 786.67 | 157.33 | 944.00 | 1145.00 | 229.00 | 1374.00 |
| 4 | 200.00 | 40.00 | 240.00 | 1002.50 | 200.50 | 1203.00 | 1443.33 | 288.67 | 1732.00 |
| 5 | 200.00 | 40.00 | 240.00 | 1181.67 | 236.33 | 1418.00 | 1657.50 | 331.50 | 1989.00 |
| 6 | 217.50 | 43.50 | 261.00 | 1370.00 | 274.00 | 1644.00 | 1905.00 | 381.00 | 2286.00 |
| 7 | 217.50 | 43.50 | 261.00 | 1539.17 | 307.83 | 1847.00 | 2109.17 | 421.83 | 2531.00 |
| 8 | 262.50 | 52.50 | 315.00 | 1683.33 | 336.67 | 2020.00 | 2334.17 | 466.83 | 2801.00 |
| 9 | 262.50 | 52.50 | 315.00 | 1899.17 | 379.83 | 2279.00 | 2592.50 | 518.50 | 3111.00 |
| 10 | 262.50 | 52.50 | 315.00 | 2077.50 | 415.50 | 2493.00 | 2806.67 | 561.33 | 3368.00 |

For applications in excess of 10 dwellings or flats, an individual fee will be calculated.

SCHEDULE 2

CHARGES FOR CERTAIN WORKS IN CONNECTION WITH OR TO AN EXISTING DWELLING

| TYPE OF WORK | PLAN FEE | | | INSPECTION FEE | | | BUILDING NOTICE | | | REGULARISATION CERTIFICATE |
|---|----------|-------|--------|----------------|-------|--------|-----------------|--------|--------|----------------------------|
| | Net Fee | VAT | Total | Net Fee | Vat | Total | Net Fee | VAT | Total | |
| i) Erection or extension of a non exempt car- port or detached garage up to 40 m ² | 95.00 | 19.00 | 114.00 | 70.83 | 14.17 | 85.00 | 190.83 | 38.17 | 229.00 | 248 |
| ii) Erection or extension of a car port or detached garage between 40-60 m ² | 95.00 | 19.00 | 114.00 | 95.00 | 19.00 | 114.00 | 238.33 | 47.67 | 286.00 | 297.00 |
| (iii) Erection of an attached garage less than 40 m ² | 95.00 | 19.00 | 114.00 | 95.00 | 19.00 | 114.00 | 225.83 | 45.17 | 271.00 | 297.00 |
| iv) A domestic extension the floor area of which does not exceed 10 m ² | 130.00 | 26.00 | 156.00 | 158.33 | 31.67 | 190.00 | 334.17 | 66.83 | 401.00 | 416.00 |
| v) A domestic extension the floor area of which exceeds 10 m ² but does not exceed 40 m ² | 167.50 | 33.50 | 201.00 | 250.83 | 50.17 | 301.00 | 430.00 | 86.00 | 516.00 | 549.00 |
| vi) A domestic extension the floor area of which exceeds 40 m ² but does not exceed 100 m ² | 177.50 | 35.50 | 213.00 | 322.50 | 64.50 | 387.00 | 525.00 | 105.00 | 630.00 | 669.00 |
| vii) Loft conversion of up to a maximum floor area of 50 m ² | 190.83 | 38.17 | 229.00 | 238.33 | 47.67 | 286.00 | 449.17 | 89.83 | 539.00 | 559.00 |
| viii) Conversion of an attached garage serving a dwelling to a habitable use | 95.00 | 19.00 | 114.00 | 142.50 | 28.50 | 171.00 | 263.33 | 52.67 | 316.00 | 335.00 |
| ix) Window replacement , space heating and hot water systems not installed under a self-certification scheme | 48.33 | 9.67 | 58.00 | 63.33 | 12.67 | 76.00 | 116.67 | 23.33 | 140.00 | 141.00 |
| x) Other works in connection with an existing dwelling, up to a value of £2,000 | 119.17 | 23.83 | 143.00 | 71.67 | 14.33 | 86.00 | 215.00 | 43.00 | 258.00 | 322.00 |
| £2,001 to £5,000 | 119.17 | 23.83 | 143.00 | 107.50 | 21.50 | 129.00 | 263.33 | 52.67 | 316.00 | 429.00 |
| £5,001 to £25,000 | 142.50 | 28.50 | 171.00 | 190.83 | 38.17 | 229.00 | 430.00 | 86.00 | 516.00 | 516.00 |
| £25,001 to £50,000 | 142.50 | 28.50 | 171.00 | 238.33 | 47.67 | 286.00 | 500.00 | 100.00 | 600.00 | 600.00 |
| £50,001 to £75,000 | 167.50 | 33.50 | 201.00 | 343.33 | 68.67 | 412.00 | 571.67 | 114.33 | 686.00 | 692.00 |
| £75,001 to £100,000 | 190.83 | 38.17 | 229.00 | 459.17 | 91.83 | 551.00 | 715.83 | 143.17 | 859.00 | 859.00 |

SCHEDULE 3

NON-DOMESTIC APPLICATIONS

| VALUE OF WORKS | PLAN FEE | VAT | INSPECTION FEE | VAT | TOTAL FEE INC. VAT | REGULARISATION CERTIFICATE |
|-----------------------|-----------------|------------|-----------------------|------------|---------------------------|-----------------------------------|
| 0 to £5,000 | 180.83 | 36.17 | 0 | 0 | 217.00 | 296.00 |
| £5,001 to £25,000 | 132.50 | 26.50 | 225.00 | 45.00 | 429.00 | 500.00 |
| £25,001 to £50,000 | 286.67 | 57.33 | 286.67 | 57.33 | 688.00 | 837.00 |
| £50,001 to £75,000 | 286.67 | 57.33 | 435.00 | 87.00 | 866.00 | 981.00 |
| £75,001 to £100,000 | 309.17 | 61.83 | 574.17 | 114.83 | 1060.00 | 1252.00 |

NOTE:

FOR BUILDING WORKS VALUED AT MORE THAN £100,000 YOU SHOULD CONTACT THE BUILDING CONTROL OFFICE WITH REGARD TO AN INDIVIDUAL FEE EVALUATION.

SCHEDULE 4

PART P: ELECTRICAL SAFETY

The scale of charges relates to works carried out under the provisions of Part P to The Building Regulations 2010, being the design, installation, inspection and testing of relevant works related to electrical safety in domestic properties.

1. Relevant electrical works carried out by a competent electrician registered with an appropriate self certification scheme and with notification of those works registered with the authority through the provisions of that scheme.

No Fee

2. Relevant electrical works carried out in connection with the building of a new dwelling or the alteration or extension of an existing dwelling where those works are the subject of an application for Building Regulation approval. Works carried out by a competent electrician registered with an appropriate self certification scheme and with notification of those works registered with the authority through the provisions of that scheme.

Registration noted on Building Regulation File

No Fee

3. Relevant electrical works carried out by a competent electrician not registered with an appropriate self certification scheme but able to sign appropriate certification to demonstrate the compliance of the installation.

Application to be made using a Building Notice with a full description of the works to be given. Appropriate certification to be provided by the electrician. The Authority will register the application but not issue a completion certificate but a letter confirming the registration and receipt of appropriate test certification.

Fee £ 46.00 + VAT

4. Relevant electrical works carried out in connection with the building of a new dwelling or the alteration or extension of an existing dwelling where those works are the subject of an application for Building Regulation approval. Works carried out by a competent electrician not registered with an appropriate self certification scheme but able to sign appropriate certification to demonstrate the compliance of the installation.

Certification to be entered on the Building Regulation File

No additional fees required and completion certificate to be issued in normal manner.

With no certification for the electrical works on file then completion certificate will not be issued following completion inspection of the building works.

5. Relevant electrical works carried out by a non qualified person.
Applications are to be made using a Building Notice with a full description of the works given.

Registration of application £ 46.00 +VAT

No additional fee to be paid if independent certification provided from a competent electrician to validate compliance of the works.

Acceptance certificate will be issued by the Authority.

If inspection is required by the Authority to validate the works then additional charges as Appendix B will be levied. On satisfactory completion inspection acceptance certificate will be issued by the Authority.

6. Electrical works carried out in connection with the building of a new dwelling or the alteration or extension of an existing dwelling where those works are subject of an application for Building Regulation approval. Works carried out by a non qualified person.

Registration noted on Building Regulation file.

No additional fee to be paid.

No further fee to be paid if independent certification provided from a competent electrician to validate compliance of the electrical works.

Completion certificate will be issued by the Authority in the normal manner.

If inspection is required by the Authority to validate the electrical works then additional charges as appendix B will be levied.

Completion certificate will be issued by the Authority in the normal manner.

APPENDIX A

Definition of Competent Person

An electrician registered with a recognised trade body such as NICEIC, ECA and NAPIT and is able to test the work and issue a design, installation and test certificate under the provisions of BS7671.

APPENDIX B

Minor Works

| | |
|-------|---------------|
| Total | £128.50 + VAT |
|-------|---------------|

Electrical Installation Certification (1-4 Circuits)

| | |
|-------|---------------|
| Total | £205.00 + VAT |
|-------|---------------|

Electrical Installing Certificate (5-10 Circuits)

| | |
|-------|---------------|
| Total | £276.00 + VAT |
|-------|---------------|

Electrical Installation Certificate (11-16 Circuits)

| | |
|-------|---------------|
| Total | £367.00 + VAT |
|-------|---------------|

APPENDIX C**Current Costings and Planning Obligations***

| Type of Obligation | Current Costings applicable to planning applications submitted between 1st April 2015 and 31 st March 2016 |
|---------------------------------------|--|
| Affordable Housing | 25% on-site obligation |
| Education | Calculated on a site by site basis: £12,032 per primary school place, £18,129 per secondary school place and £19,661 per Post 16 |
| Libraries | Residential: £125.08 per flat and £224.95 per house Non-Residential: £0.66 per sq. m A1, £0.70 per sq. m B1 |
| Economic and Community Development | Non-financial obligation |
| Highway Infrastructure Works | Calculated on a site by site basis – usually non-financial |
| Transport Infrastructure Improvements | £69.70 per additional traffic-based trip |
| Air Quality Improvements | £35.35 per additional traffic-based trip |
| Site Specific Measures | Calculated on a site by site basis –usually non-financial |
| Nature Conservation Enhancements | £0.56 X (Total area of development in sq. m – area of existing semi-natural vegetation remaining in site in sq. m following development) |
| Nature Conservation Other | Calculated on a site by site basis usually non-financial |
| Open Space, Sport and Recreation | £1,228.35 per flat and £2,209.32 per house |
| Environmental Protection | Calculated on a site by site basis |
| Historic Environment | Calculated on a site by site basis |
| Public Art | 1% of Design and Development Costs - usually a non-financial obligation |
| Public Realm | £578.19 per dwelling and £11.19 per sq. m for non-residential developments |

* Current Costings Table to be updated annually on 1st April in line with CPI, subject to Council approval.

Appendix D

Non Statutory Fees and Charges Review 15/16 –Planning Services

| Fee Description | Cost 14/15 (prices are inclusive of VAT) | Increase | Cost 15/16 (prices are inclusive of VAT) |
|--|---|----------|--|
| Photocopy/printing of decision notice documentation for business customers | £18.50 per decision | 2% | £18.55 per decision per site |
| Printing of Site History – business customers | £18.50 per decision | 2% | £18.55 per decision per site |
| Microfiche information – business customers | £1.62 per copy | 2% | £1.65 per copy (A4) |
| General photocopy/printing of documentation for business customers | £0.66 per A4 Sheet £1.32 per A3 Sheet A1/AO drawings Black and White £10.20 per copy A1/AO drawings colour price upon request | 2% | £0.67 per A4 Sheet £1.35 per A3 Sheet A1/AO drawing Black and White £10.40 per copy A1/AO drawing colour price upon request |
| Photocopy/printing of documentation to members of the public | No charge under £10 AO/A1 drawings Black and White £10.20 AO/A1 drawings Colour price upon request | 2% | No charge under £10 AO/A1 drawing Black and White £10.40 AO/A1 drawing Colour price upon request |
| Printing of site history – members of the public | No Charge under £10 | | No Charge under £10 |
| Microfiche information – members of the public | No Charge under £10 | | No Charge under £10 |

| | | | |
|---|--------|----|-------------------------|
| Copy of Tree Preservation Order/enforcement notice | £29.60 | 2% | £30.20 per order |
| Formal response to confirm Discharge of Conditions on an application site (applications within 10 years of decision date) | | | |
| Householder | | | £35.00 per application |
| Other Developments | | | £120.00 per application |