

**Meeting of the Development Control Committee
Wednesday, 13th April 2022 at 6.00pm
In Committee Room 2, The Council House, Dudley**

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

1. Chair's Announcement.

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

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

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

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

2. Apologies for absence.

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

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

5. [To confirm and sign the minutes of the meeting held on 9th March 2022 as a correct record.](#)

6. **Site Visit**
 - (a) Planning Application No. P21/1989 – Sedgley Police Station and Car Park, Vicar Street, Sedgley, Dudley – Demolition of existing garages and part police station, erection of 3 no. dwellings on existing carpark and conversion of existing police station into 9 no. flats to include single storey extension and associated works (Pages 1 – 29)
7. **Plans and Applications to Develop**
 - (a) Planning Application No. P21/2117 – 220 Spies Lane, Halesowen Demolition of existing bungalow & garage and erection of 1 no. dormer bungalow, and 3 no. bungalows and associated works (Pages 30 – 56)
 - (b) Planning Application No. P22/0220 – 122, 124, 126 and 128 Colley Gate, Cradley, Halesowen – Demolition of existing buildings and erection of 8 no. apartments with associated works (Pages 57 – 77)
8. **Confirmation of Tree Preservation Orders (Pages 78 – 85)**
9. **Publication of the final Conservation Area Character Appraisals and Management Plans for the Lutley Mill Conservation Area and the Coppice Conservation Area (Pages 86 – 111)**
10. **To consider any questions from Members to the Chair where two clear days' notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).**



Chief Executive
Dated: 1st April 2022

Distribution:

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

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Submitting Apologies for Absence

- Elected Members can submit apologies by contacting Democratic Services (see our contact details below). Members wishing to appoint a substitute should notify Democratic Services as soon as possible in advance of the meeting. Any substitute Members must be eligible to serve on the meeting in question (for example, he/she must have received the training required by the Council).

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**Minutes of the Development Control Committee
Wednesday 9th March, 2022 at 6.00 pm
In the Committee Room 2, Council House, Dudley**

Present:

Councillor D Harley (Vice-Chair in the Chair)
Councillors D Corfield, M Hanif, S Mughal, C Neale, W Sullivan, E Taylor, and M Westwood.

Officers: -

H Benbow (Principal Planning Officer), J Fraser (Tree Protection Officer), J Hindley (Highways Officer), P Reed (Principal Planning Officer) (Directorate of Regeneration and Enterprise); P Evans (Principal Environmental Health Officer) (Directorate of Public Health and Wellbeing); G Breakwell (Solicitor) and H Mills (Democratic Services Officer) (Directorate of Finance and Legal).

Also in Attendance: -

4 members of the public

49 **Declarations of Interest**

No Member made a declaration of interest in accordance with the Members' Code of Conduct in respect of any matter to be considered at this meeting.

50 **Minutes**

Resolved

That the minutes of the meeting held on 12th January, 2022, be approved as a correct record and signed.

51 **Change in order of business**

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

Resolved

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

52 **Plans and Applications to Develop**

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

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

<u>Application No.</u>	<u>Objectors/Supporters who wished to speak</u>	<u>Agent/Applicant who wished to speak</u>
P21/1989	Mrs S George	Mr B Robinson
P21/2163		Mr M Rogers

- (a) **Planning Application No. P21/1989 – Sedgley Police Station and Car Park, Vicar Street, Sedgley, Dudley – Demolition of existing garages and part police station, erection of 3 no. dwellings on existing car park and conversion of existing police station into 9 no. flats to include single storey extension and associated works.**

In considering the application, Members took into account the concerns raised by the objector as reported at the meeting and as outlined in the report, in particular, the shortfall of car parking spaces for the proposed apartments and the potential for increased on-street parking and traffic congestion in an existing problematic area and the need for further traffic measures to be implemented should the proposals be approved.

Although it was recognised that the 15 car parking spaces proposed were slightly below the standard requirements, Officers were of the view that as the proposed development was within a sustainable town centre location and would be ensuring the long-term viability of a heritage asset within a conservation area, the car parking constraints could not be a sustainable reason for refusal of the development.

Whilst Members welcomed and supported the proposals for the redevelopment of the former Police Station building, they expressed concern with regard to the lack of available car parking; an increase in traffic congestion and the potential hazard of vehicles accessing the gated car park area at a difficult junction. Therefore, Members requested that a site visit be arranged in order for them to assess the issues, prior to a decision being made.

Resolved

That the application be deferred for a site visit.

(b) **Planning Application No. P21/2163 – 336 Hagley Road, Stourbridge – Fell and replace 1 no. Redwood (Sequoia) tree**

In considering the application, Members took into account the comments made verbally at the meeting in support of the application and as outlined in the report, in particular, that the tree had caused past costly damage to the applicants and its neighbours' properties over a number of years and would likely to continue to do so; the tree caused considerable shading to both properties and that the tree was considered to be suffering from a fungal disease.

The Tree Protection Officer commented that he was unable to concur with the agent's diagnosis in that the tree was suffering from a fungal disease and was of the view that the discolouring of the foliage was as a result of a lightning strike. Pruning to remove deadwood could be undertaken as the tree was capable of reshooting and the condition of the tree could be monitored over a period of 12 months, however it did not warrant the complete removal of the tree at this stage.

Although there was a proposal for replacement trees to be planted should the application be approved, Officers were of the view that no amount of replacement trees would mitigate the loss of the high amenity value provided from the established tree, which was considered to be approximately 150 years old. It was further reported that an objection to the felling of the tree had been received from a local Ward Councillor.

During deliberations, Members referred to the potential health and safety risks should the tree be diseased, though were mindful that the tree had not been tested to confirm it was contaminated.

Resolved

That the application be deferred to allow the applicant an opportunity to obtain a Tree Health Diagnostic report to confirm that the tree was diseased.

(c) **Planning Application No. P21/2052 - 9 Alderwood Precinct, Sedgley, Dudley – First floor extension to create 2 no. flats with associated works and installation of solar panels on roof and associated parking.**

Resolved

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

The meeting ended at 7:08pm.

CHAIR

PLANNING APPLICATION NUMBER:P21/1989

Type of approval sought	Full Planning Permission
Ward	Sedgley Ward
Agent	R. Robinson
Case Officer	Richard Stevenson
Location:	SEDGLEY POLICE STATION AND CAR PARK, VICAR STREET, SEDGLEY, DUDLEY, DY3 3SD
Proposal	DEMOLITION OF EXISTING GARAGES AND PART POLICE STATION, ERECTION OF 3 NO. DWELLINGS ON EXISTING CARPARK AND CONVERSION OF EXISTING POLICE STATION INTO 9 NO. FLATS TO INCLUDE SINGLE STOREY EXTENSION AND ASSOCIATED WORKS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site consists of two parts. The first part consists of the former Sedgley Police Station building located on Vicar Street, with the site extending to the side and rear onto Gospel End Street. To the rear of the site is an area of open space with the listed All Saints Parish Church to the rear. There is a single dwelling to the east of the site and further housing opposite on the south side of Vicar Street.
2. The police station has been altered and extended over the years, although it is understood that the oldest parts date from the early 19th century and that it was originally used as a workhouse, before being extended and converted to a police station. The building is considered to be a non-designated heritage asset.
3. There is an existing brick wall to the Vicar Street frontage with a Gornal stone wall extending around the corner and along Gospel End Street. Due to the land falling away to the west, the western part of the site is elevated above Vicar Street and Gospel End Street.

- 4 The second part of the site is located on the former police station car park site on Gospel End Street. The only building within the site is a block of garages. This site is of a split level with an upper level near to Gospel End Street and a lower level which backs onto a cemetery. The cemetery is accessed by a track to the south of the site.
- 5 There are buildings to the north and south of the site which appear to be of considerable age and are considered to be non-designated heritage assets in their own right. These fall within a number of uses, although residential is the predominate use of these buildings. The residential buildings to the north of the site face directly towards the application land and include habitable room windows. There are no windows in the side elevation of the building to the south.
- 6 Both parts of the site are located within the All Saints Sedgley Conservation Area.

PROPOSAL

- 7 This is a full planning application for the conversion of the former police station into 9 self-contained apartments and the erection of three terraced houses on the existing car park, with parking for the houses and flats at the former police station building.
- 8 With respect of the former police station, an existing wing to the rear of the building is to be demolished and reconstructed on a larger footprint. Other alterations are also proposed such as changes to windows, however, these are generally minor works.
- 9 During the course of the application the rear extension which was to have been two storeys has now been reduced to single storey. The proposed bin collection point to Gospel End Street has also been relocated, which means that the existing wall will be retained. Proposed railings to Vicar Street which were inappropriate have been removed from the application.

- 10 This former police station site has no on-site parking, with off-road parking to be located on the west side of Gospel End Street. Pedestrian access will be from Vicar Street with a further access from Gospel End Street which provides a direct link to the car park.
- 11 In respect of the car park site, the existing garage buildings will be demolished, and three dwellings will be located towards the rear of the site. The front of the site will be used for parking for both the proposed dwellings and the police station conversion.
- 12 During the course of the application the design of the proposed dwellings has been modified, there have been some changes to the proposed car parking and gates have been replaced with a barrier to prevent unauthorised parking.
- 13 The application is accompanied by a tree survey and a Design and Access Statement/Heritage Statement.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
SD/50/405	Alterations to Form Garage for Police Cars.	Granted	16/10/1950
SD/60/2243	New Lavatory Accommodation.	Granted	02/01/1961
SD/62/2599	Alterations to Decontamination Centre for Police Garage.	Granted	02/07/1962
88/51191	Renovation of Front Boundary Wall.	Granted	07/07/1988
89/52704	Application for Listed Building Consent for Part Demolition of Old Decontamination Unit and Enlargement of Car Park.	Granted	01/11/1990
89/52944	Demolition of Part of Old Decontamination Block and Creation of Carpark Extension.	Granted	01/03/1990
97/51001	Extension to Police Station	Granted	21/08/1997

99/51611	External Rendering of Existing Painted Brickwork and Painting White as Existing	Granted	13/12/1999
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PUBLIC CONSULTATION

- 14
- 7 letters of objection have been received (including five from the same address) following consultation with 15 adjoining neighbours, the posting of a site notice and the publication of an advert within a local newspaper. Main issues raised:

 - Conversion into 9 apartments is excessive
 - Not enough parking
 - Will be on street parking which leads to accidents
 - Disruption during construction
 - Nowhere for deliveries
 - Will park in adjoining apartment car park

OTHER CONSULTATION

- 15
- Head of Planning and Regeneration (Highway Engineer): No objection in principle. There will be a shortfall of parking spaces for the apartments, however, the location is within the town centre and is constrained for on street parking, so parking below the minimum standard would not be a reason for refusal in this case. However, a parking management plan will be required to ensure residents understand who has or has not got parking rights for the car park. Note that the access has been widened as requested and that the parking spaces now comply with the SPD size requirement.
- 16
- Head of Planning and Regeneration (Land Contamination Team): The site has been in use as a police station since the earliest plans (1885) and consequently the presence of contamination including asbestos or garage related sources together with demolition derived sources cannot be discounted. Whilst not in a coal mining high risk area vapours associated with former garage use cannot be discounted, hence should vapours be encountered then assessment should be undertaken

- 17 Environmental Safety and Health: There are no objections on grounds of noise or air quality. The former police station is located at the corner of a busy road junction and subjected to elevated levels of traffic noise from vehicles using Gospel End Road and Vicar Street. Therefore, a condition will be required in relation to protecting residents from road noise.
- 18 Integrated Commissioning Performance & Partnerships Intelligence: No education contributions are required.
- 19 Lead Local Flood Authority: No objection. No conditions required.
- 20 West Midlands Police: No objection. Provide generic secure by design advice.
- 21 Severn Trent Water: No objection subject to conditions.

RELEVANT PLANNING POLICY

- National Planning Guidance
National Planning Policy Framework (Revised 2021)
Technical Guidance to the National Planning Policy Framework (2012)
Planning Practice Guidance (2014)
- Black Country Core Strategy (2011)
CSP2 Development Outside The Growth Network
DEL1 Infrastructure Provision
HOU1 Delivering Sustainable Housing Growth
HOU2 Housing Density, Type and Accessibility
CEN8 Car Parking in Centres
TRAN2 Managing Transport Impacts of New Development
ENV 2 Historic Character and Local Distinctiveness
ENV 3 Design Quality
ENV 4 Canals
ENV 5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island

ENV 7 Renewable Energy

ENV 8 Air Quality

- Dudley Borough Development Strategy (2017)

S1 Presumption in favour of Sustainable Development

S3 Renewable Energy

S5 Minimising Flood Risk and Sustainable Drainage Systems (SuDS)

S6 Urban Design

S7 Landscape Design

S8 Conservation and Enhancement of Local Character and Distinctiveness

S9 Conservation Areas

S10 Listed Buildings

S17 Access & Impact of Development on the Transport Network

S18 Cycling

S21 Nature Conservation Enhancement, Mitigation and Compensation

S22 Mature Trees, Woodland and Ancient Woodland

L1 Housing Development, extensions and alterations to existing Dwellings

L11 Parking in Town Centres

D3 Contaminated Land

D5 Noise Pollution

- Supplementary Planning Guidance/Documents

Access for All Supplementary Planning Document

CIL Charging Schedule (2015) (updated 2017)

Design for Community Safety Supplementary Planning Guidance (2002)

Historic Environment Supplementary Planning Document (2017)

New Housing Development Supplementary Planning Document (2013)

Parking Standards Supplementary Planning Document (2017)

ASSESSMENT

22 The main issues are

- Principle/Policy

- Design
- Neighbour Amenity
- Occupier Amenity
- Access and Parking
- Trees
- Land Contamination & Air Quality
- Financial Material Considerations

Principle/Policy

- 23 The split application site is not subject of any planning allocation, however, both parts of the site are located in sustainable location within the Sedgley town centre boundary. Subject to consideration of other planning matters, the principle of residential conversion in the case of the former police station, and redevelopment of the former car park for three dwellings is considered to acceptable. In the case of the former police station, this constitutes an efficient reuse of an existing building, and in the case of the car park would allow for the redevelopment of previously developed or brownfield site.

Design and Historic Environment

- 24 Both parts of the site are located within the All Saints Sedgley Conservation Area and as such Policy S9 of the Dudley Borough Development Strategy is of relevance. The policy seeks safeguard and enhance such designations, with inappropriate demolition and alterations being resisted. Appropriate design and materials are required in relation to new development. This policy is mirrored by national planning policy contained within the National Planning Policy Framework.
- 25 In addition both parts of the site are located within a wider Area of High Historic Townscape Value (Policy S12 of the Dudley Borough Development Strategy) but is of less significance given the statutory designation of the conservation area.

- 26 Also of relevance to the application is Dudley Borough Development Strategy Policy S10 - Listed Buildings, given the Grade II* listed All Saints Parish Church is immediately to the north east of the former police station. This policy seeks to protect the setting of listed buildings, and parallels policies within the NPPF and the Black Country Core Strategy.
- 27 The former police station is a prominent non-designated heritage asset within a conservation area. The building which has been extended over the years retains a significant amount of its character, including what appears to be an early to mid-19th century element towards the western end of the building. The alterations which are proposed to the building apart from one extension are considered to be relatively minor. Some changes to windows raise no significant concerns.
- 28 With regard to the extension, this would replace an existing single storey wing on a larger footprint. The design of this extension with pitched roof is considered to be acceptable.
- 29 Whilst the building is not statutorily listed, the applicants are intending to sympathetically reuse the existing cell block within the proposed development which is welcomed from a historical perspective.
- 30 Railing infill was proposed to the Vicar Street frontage, however, this was removed from the application as it was not considered to be appropriate to the setting the conservation area and not typical of immediate vernacular, where brick or stone walls are more evident.
- 31 With regard to the car park, this currently forms a gap site in the conservation area with historic buildings to the immediate north and south of the site and appears incongruous within the conservation area designation.
- 32 The siting of the proposed dwellings would be located towards the rear of the site with the car park retained in front. Consideration was given to siting to the front of the site, however, this was ruled out due parking being more remote in relation to

the conversion, the need to maintain the necessary visibility requirements onto Gospel End Street and the relationship with the trees to the south.

- 33 To provide more enclosure to the site, a low wall is to be provided to the frontage, although the height is limited to 600mm to ensure the visibility splay can be maintained. Additionally, there is also space for soft landscaping which will allow the existing space to be enhanced. This proposal also replaced previously proposed railings and gates which were not considered to be appropriate in context, as with the police station site.
- 34 With regard to the proposed terrace at rear of the site, there is a close precedent on other sites with dwellings located away from the road. Whilst there were some initial concerns relating to the appearance of the building, the design was revised with a short central projection rather than two end projections as proposed. Additionally, more appropriate detailing has been provided with heads and cills to windows, taking inspiration from a housing development close to the school on Bilston Street on the eastern side of the town centre.
- 35 Therefore, the provision of a wall to the car park, the area for soft landscaping together with a modified design means this part of the development is considered to be acceptable in relation to the conservation area designation.

Neighbour Amenity

- 36 With regard to the conversion, the only dwelling which would immediately be affected would be No. 6 Vicar Street to the east of the site. Initial concerns were that the proposed two storey extension to the rear of the building would have an impact on light to this neighbour, which would be exacerbated by the northern outlook and presence of mature trees. However, with the reduction of the extension to single storey these concerns have been overcome.

- 37 With regard to privacy, some windows will be provided in the side elevation of the new extension. However, the provision of a fence to the boundary with No. 6 would overcome this issue and can be secured through an appropriately worded condition.
- 38 With regard the new build terrace, the relationship with No. 67 Gospel End Street to the south is considered to be acceptable in that it is off-set, is some 18m away and there are existing trees which form the boundary that would be retained. No. 67 is also set around 3m higher than the slab level of the proposed dwellings.
- 39 In relation to the dwellings to the north, there are Nos, 77, 79 and 80 Gospel End Street. With regard to No. 80 which has a flat above, this has a principal outlook onto Gospel End Street directly and therefore would not be adversely affected. With regard No. 79 this would continue to overlook an area of car park.
- 40 In relation to No. 77, the relationship would be more complex, as it has windows which face towards the site as well as windows which overlook its own garden at the rear. With regard to the sting of the proposed dwellings, these would be off- set and therefore the outlook from windows would not be directly be affected. With regard to windows in the rear elevation, there would be small breach of the 45 Degree code, however, this would be at a distance of some 10m and as such, no concerns are raised from an amenity point of view. Additionally, the finished floor levels of the completed dwelling would be similar to that of No. 77, which would limit any impact.
- 41 Immediately to the rear of the proposed terrace there is a cemetery, and such no concerns are raised in relation to amenity here.

Occupier Amenity

- 42 Environmental Safety and Health note the site's location would mean residents of the conversion would be subject high levels of traffic noise. However, this can be overcome by the imposition of an appropriately worded planning condition. Due to the site's location in a conservation area the use of secondary glazing may be more

appropriate rather replacing historic windows with higher acoustic reduction properties.

- 43 With regard to the conversion there would be shared amenity space within the site. A fair amount of visual amenity would also be gained from the open space and the church yard to the north.
- 44 With regard to the new build element, each of the proposed dwellings would have private gardens to the rear. These are slightly substandard at 9.5m but this is considered to be acceptable given the modest scale of the dwellings, the town centre location and that amenity can be drawn from significant views over the cemetery and the distant Shropshire Hills.

Access and parking

- 45 As noted previously, parking for both parts of the development will be located in the former parking area for the police station accessed off Gospel End Road. A rear entrance to the police station conversion would be utilised to allow for a direct access to the parking area.
- 46 Initially some concerns regarding the width of the proposed access, the proposed visibility splay and size of the proposed parking spaces was raised. However, the applicants have widened the access to 5.5m, have lowered the height of the proposed wall, and have marked on the visibility splay to show compliance with safety requirements. The parking spaces have also been enlarged, to ensure compliance with the Parking Standards SPD.
- 47 The proposals are for three 2 bed houses on the existing car park with two dedicated spaces for each dwelling and another 9 spaces for the seven 2 bed apartments and two 1 bed apartments within the Police Station conversion opposite.

- 48 The minimum requirement for a two-bedroom house is two spaces, with the normal standard for apartment conversions being 1.2 spaces for two beds and one space for one beds, giving a requirement overall for 18 spaces.
- 49 In this case 15 spaces are proposed, which is slightly below the adopted standard, with two spaces for each of the houses and one space for each of the flats. However, the location is within the town centre and is constrained for parking, so parking below the minimum standard would not be a reason for refusal in this case. Moreover, the planning balance of ensuring a long-term viable use for the former police station which is a non-designated heritage asset within a conservation area asset also has merit.
- 50 Cycle parking is proposed to the proposed conversion and will either be provided with the relevant apartment or within a communal area.
- 51 Regarding bin storage and collection points, these are shown on the submitted plans and are considered to be adequate.

Trees

- 52 As both parts of the site are located within the All saints Sedgley Conservation Area, most trees are deemed to be protected by the designation. With regard to the conversion which involves a small new build, no concerns are raised in relation to the trees.
- 53 With regard to the new build element, all trees are to be retained apart from one Goat Willow (T1) which identified as a poor category C2. All other trees are to be retained, although two will need to be trimmed. No foundation works to the new build would be located within the root protection area of any of the retained trees.
- 54 There is potential to for replacement trees to the front of the site which has been identified in the submitted arboriculture report. This report also provides a method

statement and together with the submitted tree protection plan are to be conditioned.

Land Contamination and Air Quality

- 55 There are no significant concerns regarding contamination here given the sites location, but a precautionary approach is required in relation to the garages and potential oil contamination. Similarly, there are no concerns from an air quality point of view given the modest scale of the development, although electric vehicle charging point and dust management conditions are requested by Environmental Safety and Health.

Financial Material Considerations

- 56 Section (124) of the Localism Act states that: Local planning authorities are to have regard to material considerations in dealing with applications including any local finance considerations, so far as material to the application. A 'local finance consideration' may be taken to cover the payment of New Homes Bonus, or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy (CIL).
- 57 The section does not change the law in any way. It is not a new basis for planning policy, and it remains unlawful for planning permissions to be 'bought'.
- 58 This proposal would provide 12 dwellings generating a New Homes Bonus grant of 12 times the national average council tax for the relevant bands.
- 59 The proposal is fully liable for CIL at a rate of £25.63 per square metre of CIL Liable floor space.
- 60 This money could be earmarked to be spent on improving the strategic infrastructure which is set out on the Regulation 123 list of infrastructure.

- 61 Whilst these are significant sum(s) of money the planning merits of the proposal are acceptable in any event and therefore this is not accorded significant weight.

CONCLUSION

- 62 The proposed development is acceptable in principle and given its town centre location is considered to have sufficient off-street car parking. Moreover, the proposed development would be of acceptable design and would have no adverse impact on the setting of the conservation area designation. The proposed development would have no material adverse impact to neighbour amenity. Consideration has been given to policies within the Black Country Core Strategy (2013); and the Dudley Borough Development Strategy (2017);

RECOMMENDATION

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

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
1867/20 rev B
1867/21 rev A
1867/22 rev B
1867/23
1867/24 rev B
1867/25 rev C
BALDS033-21 TPP Rev A
Tree Report
Reason: For the avoidance of doubt and to safeguard quality and visual appearance of the All Saints Sedgley Conservation Area in accordance with Policies S8 (Conservation and Enhancement of Local Character and Distinctiveness) and S9 (Conservation Areas) of the adopted Dudley Borough Development Strategy (2017) and Policy ENV 2 (Historic Character and Local Distinctiveness) of the Black Country Core Strategy (2011).

3. No development excluding above ground demolition shall commence until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.
REASON: These details are required prior to the commencement of development to ensure that the risks associated with any contamination are reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land.
4. Where the approved risk assessment (required by condition 3 above) identifies contamination posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such contamination has been submitted to and approved in writing by the Local Planning Authority. Following approval, such remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.
REASON: These details are required prior to the commencement of development to ensure that the risks associated with any contamination are reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land.
5. Following implementation and completion of the approved remediation scheme (required by condition 4 above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.
REASON: To ensure that the risks associated with any contamination have been reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land and the NPPF.
6. No above ground development shall commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details before the development is first brought into use.
REASON: This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution and to comply with BCCS Policy ENV5 and DBDS Policy S5. (STWA)
7. Development shall not begin until a scheme for protecting residents in the proposed dwellings in the former Police Station with habitable rooms facing Gospel End Road and Vicar Street from noise from road traffic has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before occupation of the relevant permitted dwellings, unless otherwise agreed in writing by the Local Planning Authority. The protection measures in the agreed scheme shall be maintained throughout the life of the development

REASON: In order to safeguard the amenities of the occupiers of the proposed dwellings and to comply with DBDS Policy D5.

8. Work shall not begin on the demolition and construction of the development until a method statement for the control of dust and emissions arising from the demolition and construction of the development has been submitted to and approved by the Local Planning Authority. All works which form part of the approved scheme shall be implemented throughout the construction and demolition phase of the development.

REASON: To minimise the impacts to air quality associated with the development and to protect the health and well being of residents in accordance with BCCS Policy ENV8 - Air Quality.

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

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

10. The electric vehicle charging points shall be installed in accordance with the approved plans and which shall be supplied with a 32 amp radial circuit prior to first occupation of the developments and shall be maintained for the life of the development.

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

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

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

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

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

accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.

REASON: In order to make a positive contribution to place-making and provide a high quality landscaping in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision Borough Development Strategy 2017 Policy S6 Urban Design and

Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part)

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

13. Notwithstanding the details shown in the submitted plans, no above ground development shall begin until large scale architectural drawings have been submitted to and approved in writing by the local planning authority of the proposed boundary treatment for enclosure of the site and also between the proposed plots illustrating their design, height, type and location. The development shall be carried out in complete accordance with the approved details, erected prior to the occupation of the development and be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To to safeguard quality and visual appearance of the All Saints Sedgley Conservation Area in accordance with Policies S8 (Conservation and Enhancement of Local Character and Distinctiveness) and S9 (Conservation Areas) of the adopted Dudley Borough Development Strategy (2017) and Policy ENV 2 (Historic Character and Local Distinctiveness) of the Black Country Core Strategy (2011).

14. The development shall not be first occupied until details of the future management of the open space and any communal areas (excluding private gardens) which are not to be transferred to the Council have been submitted to and approved in writing by the Local Planning Authority. The open space and any communal areas shall thereafter be maintained and managed in accordance with the approved details for the life of the development.

REASON In order to make a positive contribution to place-making and provide a high quality open space is properly maintained in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and LR1 - Open Space

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any order revoking and re-enacting that Order), at no time during the life of the development shall the areas approved for landscaping be used for any other purpose unless otherwise agreed in writing by the Local Planning Authority.

REASON: To preserve the character and visual amenities of the area, in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban Design and

Policy L1 Housing Development, extensions and alterations to existing dwellings
Policy D2 Incompatible Land Uses (in part).

16. The development hereby approved shall be undertaken in complete accordance with the details contained within the submitted tree report and tree protection plan. Any variation or amendment of the submitted tree report and tree protection plan shall be approved in writing with the Local Planning Authority before implementation on site.

REASON: To ensure that existing trees are not damaged through the loss of roots, to maintain the visual and environmental quality of the site and surrounding area in accordance with Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part).

17. All excavations to be undertaken within the Root Protection Area (as defined by Clause 4.6 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction- Recommendations') of any existing trees on site shall be undertaken in accordance with NJUG Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (NJUG Volume 4).

REASON: To ensure that existing trees are not damaged through the loss of roots, to maintain the visual and environmental quality of the site and surrounding area in accordance with Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part)

18. The soil levels within the root protection zone of the retained trees are not to be altered, raised or lowered, without the prior written approval of the Local Planning Authority.

REASON: To ensure that existing trees are not damaged through the loss of roots, to maintain the visual and environmental quality of the site and surrounding area in accordance with Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part)

19. The existing trees shown on the approved plans to be retained shall not be damaged or destroyed, uprooted, felled, lopped or topped during the construction period of the development without prior written consent of the local planning authority. Any trees removed without such consent or dying or being seriously damaged or diseased during that period shall be replaced with healthy trees of such size and species as may be submitted to and agreed in writing by the Local Planning Authority. The replacement trees shall be after provided in accordance with a time table to be submitted to and agreed in writing by the Local Planning Authority and shall thereafter be retained for the life of the development.

REASON: To maintain the visual and environmental quality of the site and surrounding area in accordance with Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part).

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order revoking or re-enacting that Order with or without modification) no development referred to in Schedule 2 Part 1 Classes A, AA, B, C, D and G and Part 2, Class A; Part 3 Class L of that to that Order shall be carried out without the express grant of planning permission.

REASON: To protect the character of the conservation area, and in the interests

of highway safety and to comply with BCCS policies xx and xx, and DBDS policies xx and xx.

21. Prior to first occupation all redundant dropped kerbs should be replaced with matching full height kerbs and the adjacent Highway made good.
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings
Policy D2 Incompatible Land Uses (in part)
and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.
22. No part of the development shall be occupied until visibility splays to the new access have been provided at the junction between the proposed means of access and the highway with an 'x' set back distance of 2.4m metres and a 'y' distance of 43 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings
Policy D2 Incompatible Land Uses (in part)
and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.
23. Notwithstanding the details shown on the submitted plans, no above ground development shall commence to the new build dwellings or to the former Police Station until a schedule of the types, colours and textures of the materials to be used on the external surfaces of the new build dwellings and extension hereby approved have been submitted to and approved in writing by the Local Planning Authority.
Key plans to cross reference the materials to the building facades will be required to clearly explain the use and type of material. A sample panel of the proposed brickwork measuring not less than 1m² shall be erected on site and approved in writing by the Local Planning Authority. The panel shall be retained on site for the duration of the development and thereafter new brick work shall only be constructed in accordance with these approved details.
Reason: To safeguard quality and visual appearance of the All Saints Sedgley Conservation Area in accordance with Policies S8 (Conservation and Enhancement of Local Character and Distinctiveness) and S9 (Conservation Areas) of the adopted Dudley Borough Development Strategy (2017) and Policy ENV 2 (Historic Character and Local Distinctiveness) of the Black Country Core Strategy (2011).
24. The materials to be used to the proposed extension to the former police station shall match in appearance, colour and texture those of the existing building unless otherwise agreed in writing with the Local Planning Authority.
REASON: In the interests of the visual amenities of the area and to comply with BCCS Policies CSP4 - Place-Making and ENV2 - Historic Character and Local Distinctiveness and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings
Policy D2 Incompatible Land Uses (in part).
25. No vent pipes, heating appliances, flues, air intake and extraction equipment terminals shall be installed at the former police station until details have been

submitted to and approved in writing by the Local Planning Authority of the location of all vent pipes, heating appliances, flues, air intake and extraction equipment terminals to the former police station in order to demonstrate that they will not have a detrimental impact on the appearance of the building. The scheme shall be implemented in accordance with the approved details and retained for the lifetime of the development.

Reason: To safeguard the quality and visual appearance of the All Saints Sedgley Conservation Area in accordance with Policy S9 (Conservation Areas) of the adopted Dudley Borough Development Strategy and Policy ENV 2 (Historic Character and Local Distinctiveness) of the Black Country Core Strategy (2011).

26. All new rooflights shall be of a conservation type and shall be installed flush with the roof slope.

Reason: To safeguard the quality and visual appearance of the All Saints Sedgley Conservation Area in accordance with Policy S9 (Conservation Areas) of the adopted Dudley Borough Development Strategy and Policy ENV 2 (Historic Character and Local Distinctiveness) of the Black Country Core Strategy (2011).

27. Notwithstanding the details shown on the submitted plans, no external windows and doors shall be installed (in the existing building or new build) until details of the windows and doors to be used in the external elevations (windows, doors) and their colour and finish have been submitted to and approved in writing by the local planning authority. Large scale architectural drawings at 1:1, 1:2 or 1:5 and samples of the sections and profiles of jambs, heads, cills and glazing bars together with their relationships to masonry apertures shall be provided.

Development/works shall proceed in accordance with the agreed details and be retained for the lifetime of the development.

The external windows and doors and associated features installed on the building shall be in accordance with the approved details and shall not be replaced, except in accordance with the same approved details and without the prior written agreement of the local planning authority.

Reason: To to safeguard quality and visual appearance of the All Saints Sedgley Conservation Area in accordance with Policies S8 (Conservation and Enhancement of Local Character and Distinctiveness) and S9 (Conservation Areas) of the adopted Dudley Borough Development Strategy (2017) and Policy ENV 2 (Historic Character and Local Distinctiveness) of the Black Country Core Strategy (2011).

28. The development hereby approved shall not be first occupied until a car park management plan has been submitted to and approved in writing by the Local Planning Authority. The car park shall thereafter be managed in accordance with the approved pan for the life time of the development.

REASON: In the interests of highway safety and to comply with DBDS Policy S16.

29. The cycle parking to the former police station shall be provided in accordance in the approved prior to the first occupation of the development.

REASON In the interests of sustainable transport and to comply with DBDS Policy S18.

30. No works of construction, levels changes, re-grading or other site clearance or infrastructure works involving ground disturbance shall begin until the developer

has secured the implementation of a programme of archaeological investigation (in the form of an archaeological watching brief) including appropriate provision for subsequent analysis, reporting and archiving in accordance with a written scheme of investigation (WSI) which has first been submitted to and approved in writing by the local planning authority. The WSI shall be undertaken in accordance with the Chartered Institute for Archaeologists (CIfA) standard and guidance for an archaeological watching brief. Following approval of the WSI all such works will be carried out in accordance with the agreed details.

REASON: The site as a whole is of potential archaeological significance and is identified to be an Archaeological Priority Area and as such it is important that in accordance with Policy S15 (Heritage Assets of archaeological interest, Scheduled Ancient Monuments and Archaeological Priority Areas) of the adopted Dudley Borough Development Strategy, the Council's Historic Environment SPD, ENV2 of the BCCS and paragraphs 194 and 205 of the NPPF that archaeological remains are recorded.

31. The development hereby approved shall not be occupied until details of an interpretation panel/commemorative blue plaque to be installed on the site have been submitted to and approved in writing by the local planning authority. The panel shall thereafter be installed in accordance with the approved details, and in accordance with a timetable to be submitted to and approved in writing by the local planning authority. The interpretation panel shall thereafter be retained for the lifetime of the development.

REASON: The development impacts upon heritage/archaeological assets and the provision of interpretive materials about these heritage assets is required, this is in full accordance with the Council's Planning Obligation SPD and Historic Environment SPD but also in accordance with Policy 24 (Archaeological Priority Areas) of the adopted Dudley Area Action Plan and Policy S15 (Heritage Assets of archaeological interest, Scheduled Ancient Monuments and Archaeological Priority Areas) of the adopted Dudley Borough Development Strategy and ENV2 of the BCCS and Para 205 of the NPPF.

32. Only alterations detailed and specified in this application will be permitted. All other existing fabric to the exterior of the former Police Station shall be afforded adequate protection against damage or unauthorised removal at all times throughout the construction process.

Reason: To safeguard the quality and visual appearance of the All Saints Sedgley Conservation Area in accordance with Policy S9 (Conservation Areas) of the adopted Dudley Borough Development Strategy and Policy ENV 2 (Historic Character and Local Distinctiveness) of the Black Country Core Strategy (2011).

33. Notwithstanding the details shown in the submitted plans, no above ground development shall begin until large scale architectural drawings have been submitted to and approved in writing by the local planning authority of the proposed new security gates illustrating their design, component size, technical specification, material, RAL colour and finish and how they will be attached to the existing gate posts or inserted into the existing boundary wall

.Reason: To safeguard the quality and visual appearance of the All Saints Sedgley Conservation Area in accordance with Policy S9 (Conservation Areas) of the adopted Dudley Borough Development Strategy and Policy ENV 2

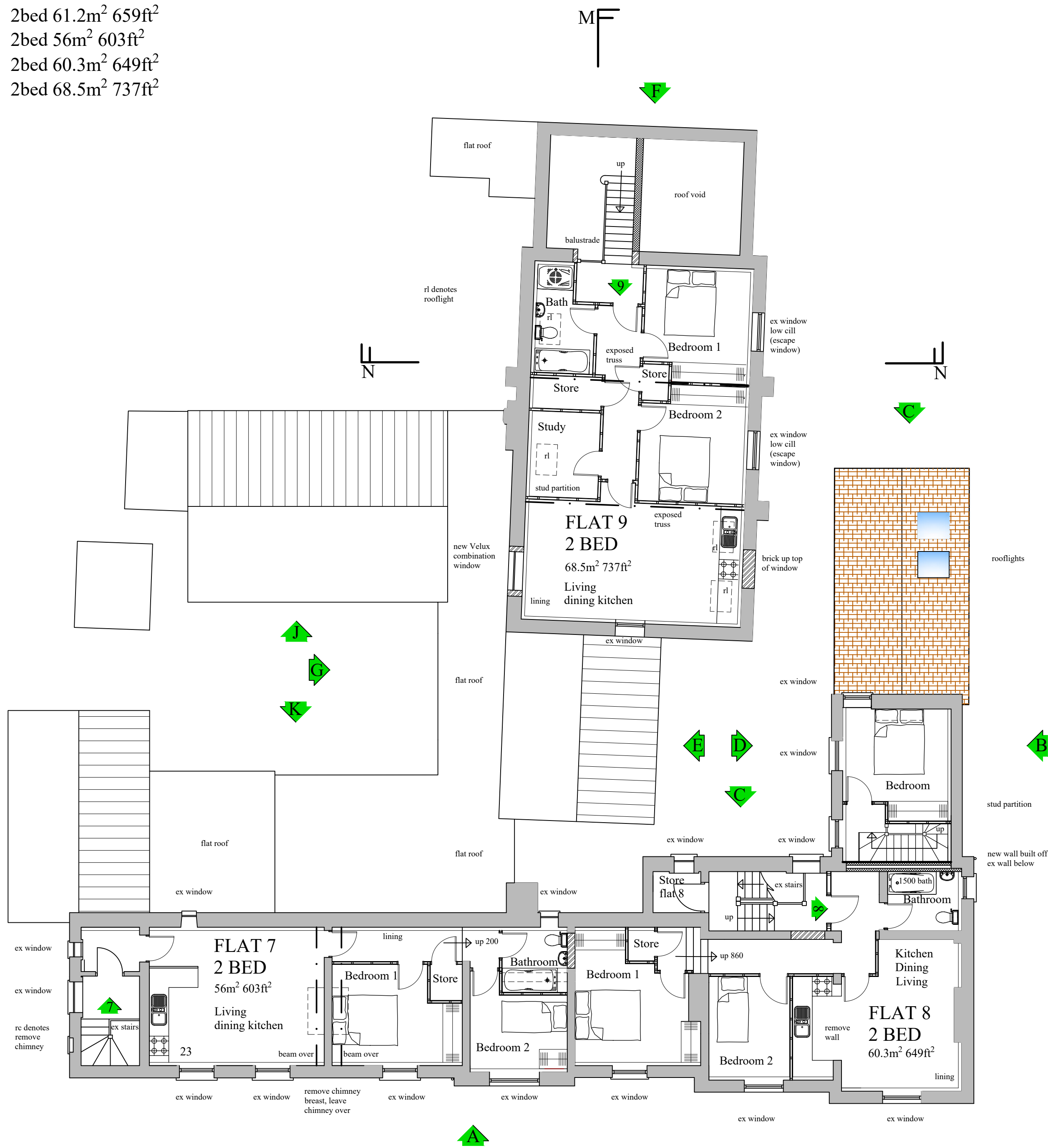
(Historic Character and Local Distinctiveness) of the Black Country Core Strategy (2011).

34. Condition 7 will not be discharged until an audit has been undertaken on all the historic windows and details have been submitted to and approved in writing by the Local Planning Authority on their repair and finish and their treatment in respect of upgrading with internal secondary glazing where necessary. The scheme shall be implemented in accordance with the approved details and retained for the lifetime of the development.

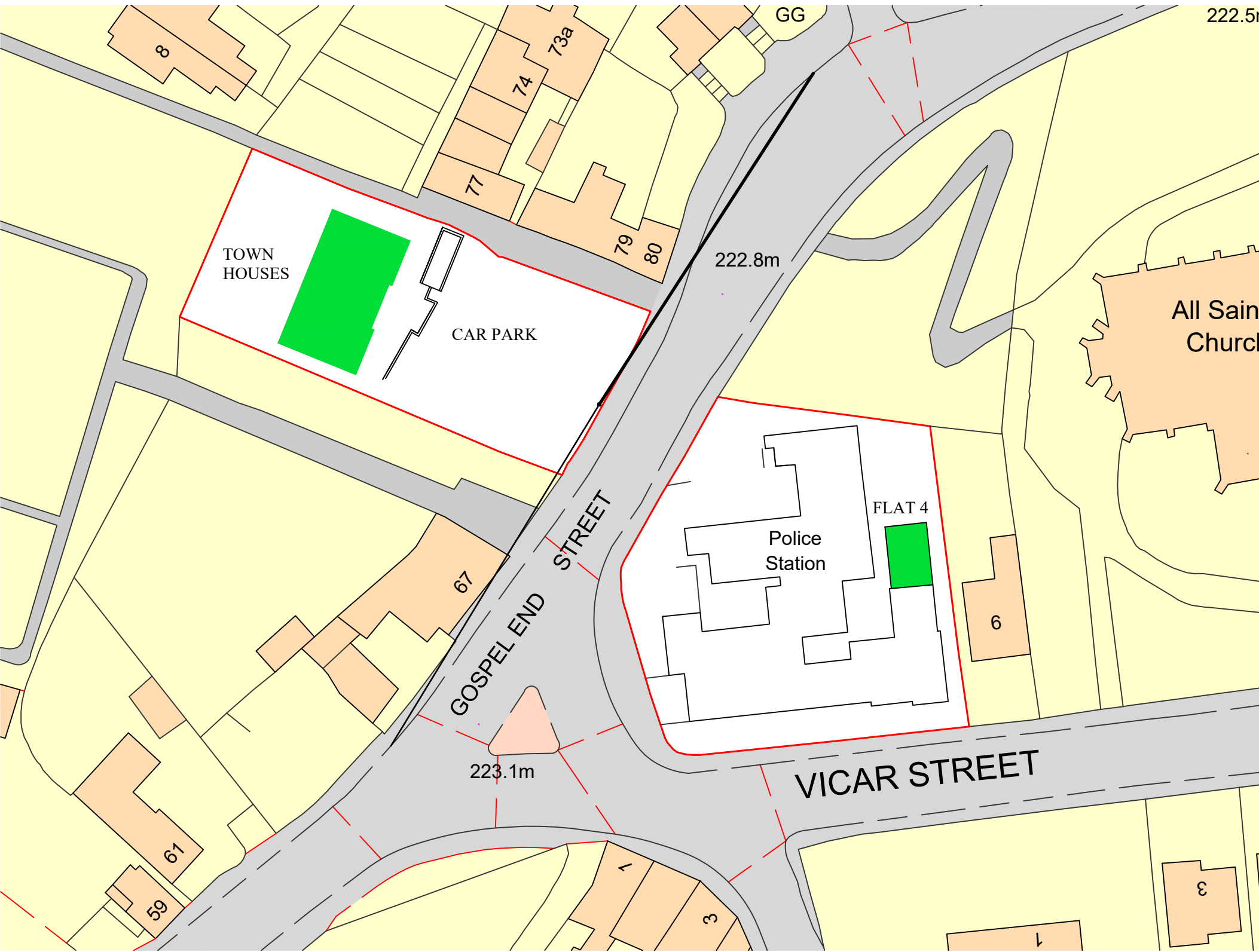
Reason: To safeguard the quality and visual appearance of the All Saints Sedgley Conservation Area in accordance with Policy S9 (Conservation Areas) of the adopted Dudley Borough Development Strategy and Policy ENV 2 (Historic Character and Local Distinctiveness) of the Black Country Core Strategy (2011).

Schedule of flat types

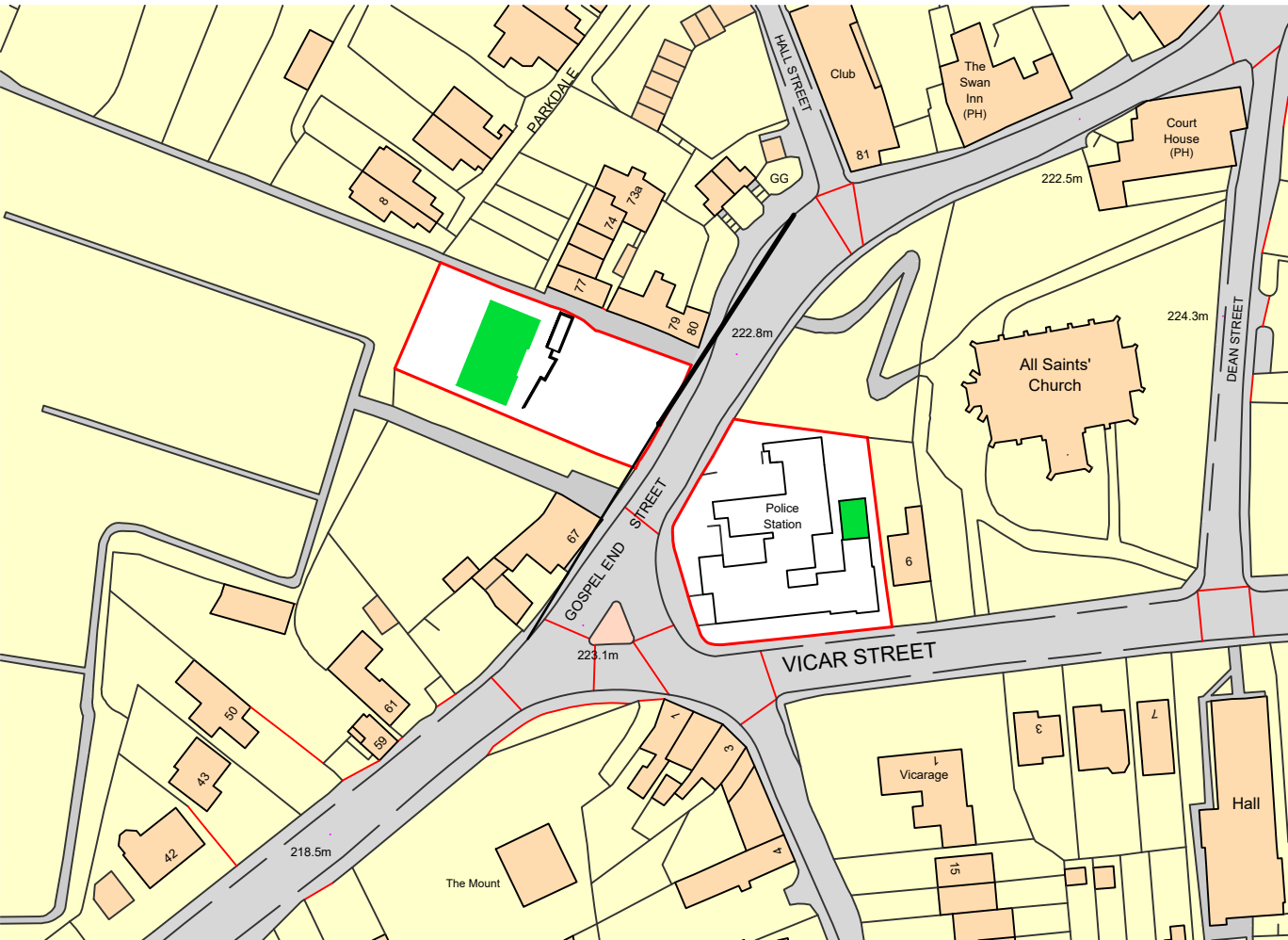
- Flat 1 2bed 64m² 688ft²
- Flat 2 1bed 53.7m² 578ft²
- Flat 3 2bed 58.8m² 632ft²
- Flat 4 1bed 51.6m² 555ft²
- Flat 5 2bed 98m² 1054ft²
- Flat 6 2bed 61.2m² 659ft²
- Flat 7 2bed 56m² 603ft²
- Flat 8 2bed 60.3m² 649ft²
- Flat 9 2bed 68.5m² 737ft²



FIRST FLOOR PLAN scale 1:100

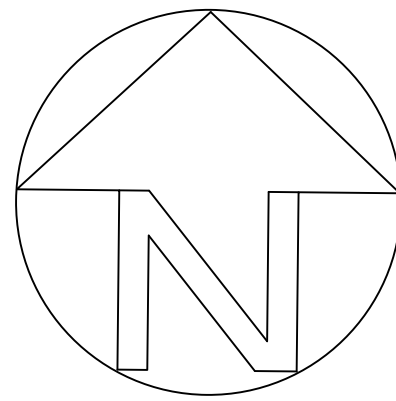


BLOCK PLAN scale 1:500



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LOCATION PLAN scale 1:1250



Rev A Feb 2022 planning revisions

Project Name
Former police station
Vicar Street
Dudley
DY3 3SD

Drawing Name
First floor plan location plans
Planning

AEC
Architectural & Engineering Consultants
AEC
59 Pave Lane
Chelwynd Aston
Newport
Shropshire
TF10 9LQ

Telephone: 01952 812220
Fax: 01952 811130
E-Mail: aecoconsultants@btconnect.com

Scale: 1:100 1:500 1:1250 @ A1
Date: October 2021

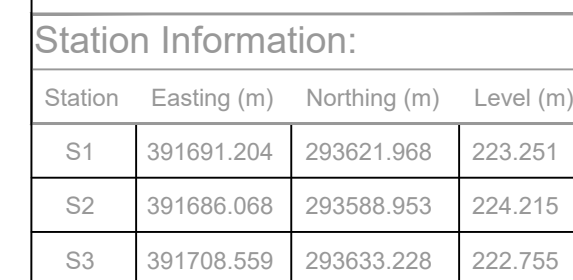
Drawn by: Checked by:

Plot Date

Drawing No. Revision

1867/21 A

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This survey has been oriented to the Ordnance Survey (O.S.) National Grid OSGB36(15) via the Global Navigational Satellite Systems (GNSS) and the O.S. Active Network (OS Net).

A true OSGB36 coordinate has been established near to the site centre via a transformation using the OSTN15GB & OSGM15GB transformation models.

The survey has been correlated to this point and a further one or more OSGB36(15) points established to create a true O.S. bearing for angle orientation.

No scale factor has been applied to the survey therefore the coordinates shown are arbitrary & not true O.S. Coordinates which have a scale factor applied.

Insertion Point for overlay drawings of other floors or details.

Incoming Services

Elec Gas Water

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PROJECT
FORMER POLICE STATION
VICAR STREET SEDGLEY
DUDLEY DY3 3SD

SCALE	DATE	DRAWN	CHECKED BY
1: 200	30.07.21	JG	TM

Drawing No.	Rev.
40937_1	0

Every effort is made to identify all visible above ground features, however it should be borne in mind that there may be items obscured at the time of the survey.

..\\..\\Documents\\F1 Hub History File 1912P\\15. The Sheds\\The Sheds VC Logo Res\\Thumbnail_VC_Logo.jpg



ELEVATION A fronting Vicar Street scale 1:100



ELEVATION B



ELEVATION C



ELEVATION D



ELEVATION E



ELEVATION F

Rev B Feb 2022 planning revisions
Rev A Feb 2022 planning revisions

Project Name
Former police station
Vicar Street
Dudley
DY3 3SD

Drawing Name
Elevations as proposed sheet 1
Planning

AEC
Architectural & Engineering Consultants

AEC
59 Pave Lane
Chetwynd Aston
Newport
Shropshire
TF10 9LQ

Telephone: 01962 812220
Fax: 01962 811130
E-Mail: aecconsultants@btconnect.com

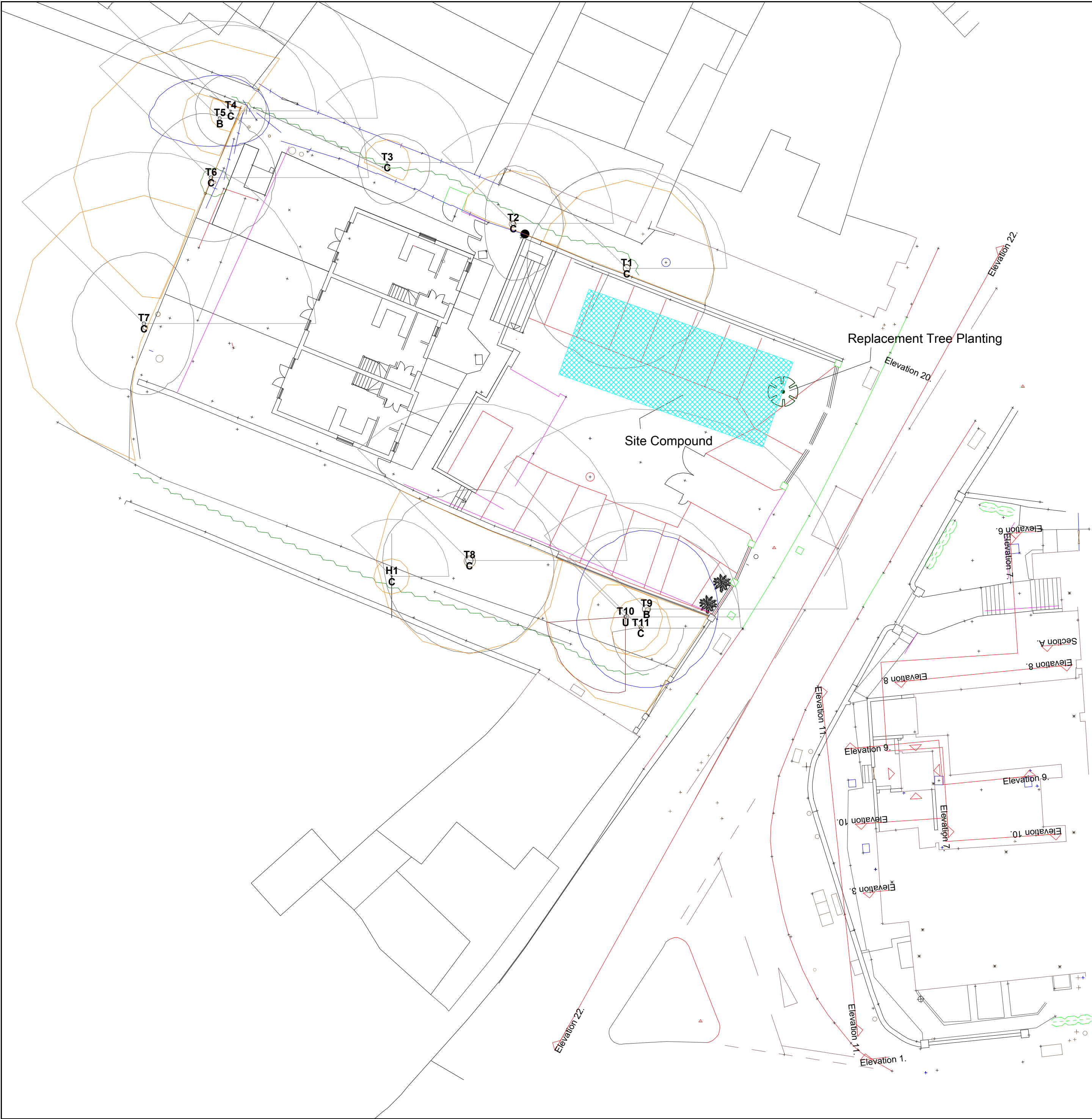
Scale Date
1:100 @ A1 October 2021
Drawn by Checked by

Plot Date

Drawing No. Revision
1867/22 B


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AutoCAD reference:




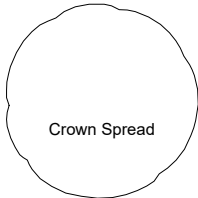
PROTECTIVE FENCING
Fencing must comprise of 2 meterhigh weldmesh panels supported on a driven scaffold frame to prevent movement. Fencing must be installed prior to any demolition or development activity on site and remain in situ until all activity is completed and cleared.


The Original of this plan was produced in colour a monochrome copy should not be relied upon


**Replacement Tree Planting**

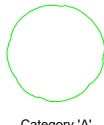
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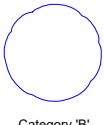
 Protective Fencing

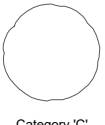
 Crown Spread

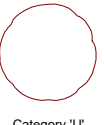
 Root Protection Area

 Shading Arc

 Category 'A'

 Category 'B'

 Category 'C'

 Category 'U'

0

25m


Braemar Arboriculture Ltd
Tel: 07749 068624
Email: braemararbld@gmail.com

**Tree Protection Plan
Former Police Station, Dudley**

SCALE :
1 : 200 @ A2

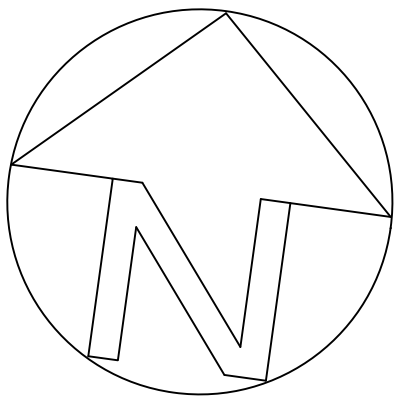
DATE :
27/11/2021

MAP FILENAME :
BALDS033-21 TPP, Rev A



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GOSPEL END STREET



SCALE BAR
0 1 2 3 4 5m

GROUND FLOOR PLAN scale 1:100

VICAR STREET

Rev B Feb 2022 planning revisions

Rev A November scale bar added

Project Name
Former police station
Vicar Street
Dudley
DY3 3SD

Drawing Name

Ground floor plan police station
Planning

AEC

Architectural & Engineering Consultants

AEC

59 Pave Lane
Cheshwynd Aston
Newport
Shropshire
TF10 9LQ

Telephone: 01952 812220

Fax: 01952 811130

E-Mail: aecoconsultants@btconnect.com

Scale

Date

1:100 @ A1

October 2021

Drawn by

Checked by

Plot Date

Drawing No.

Revision

1867/20

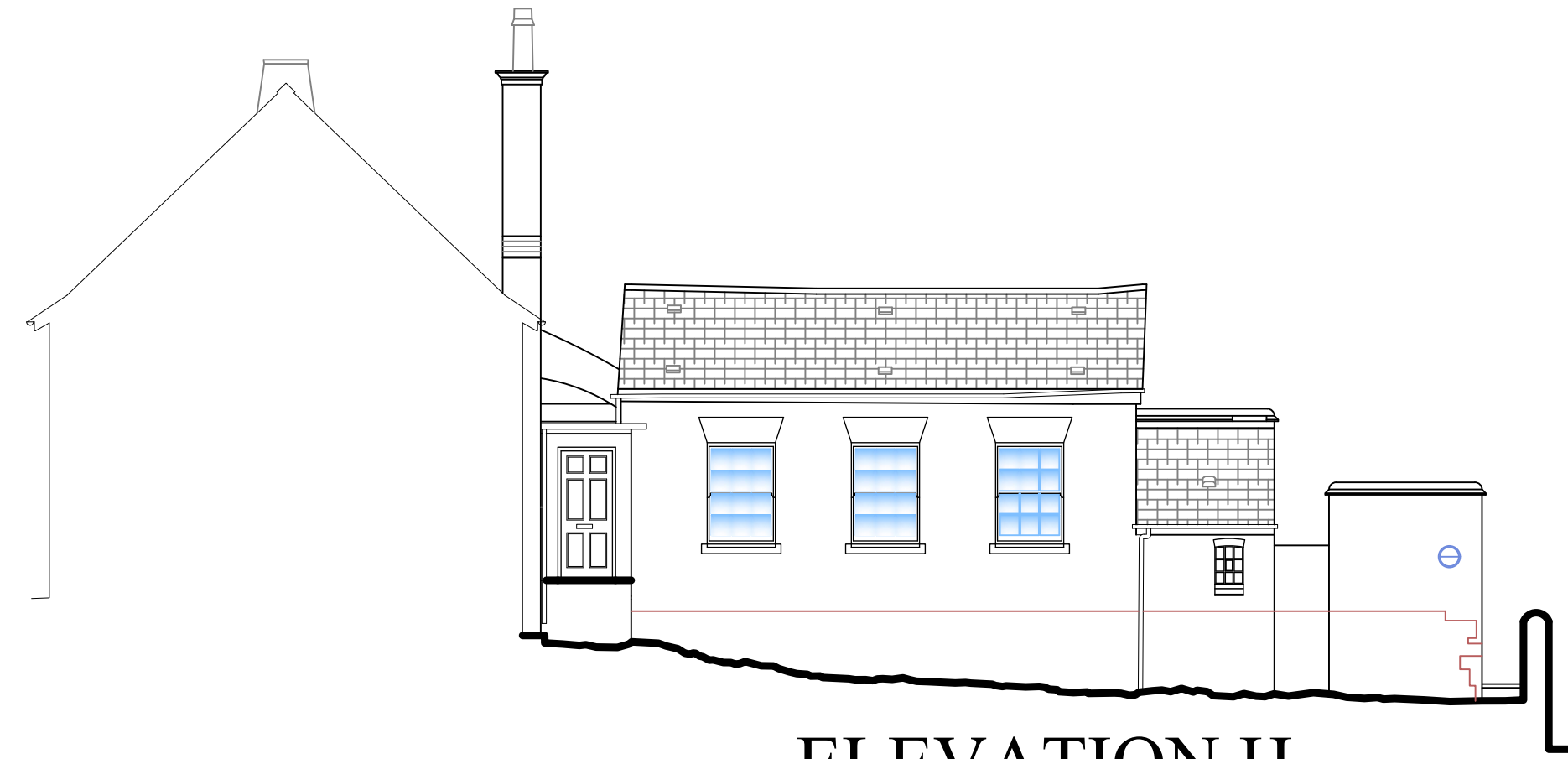
B

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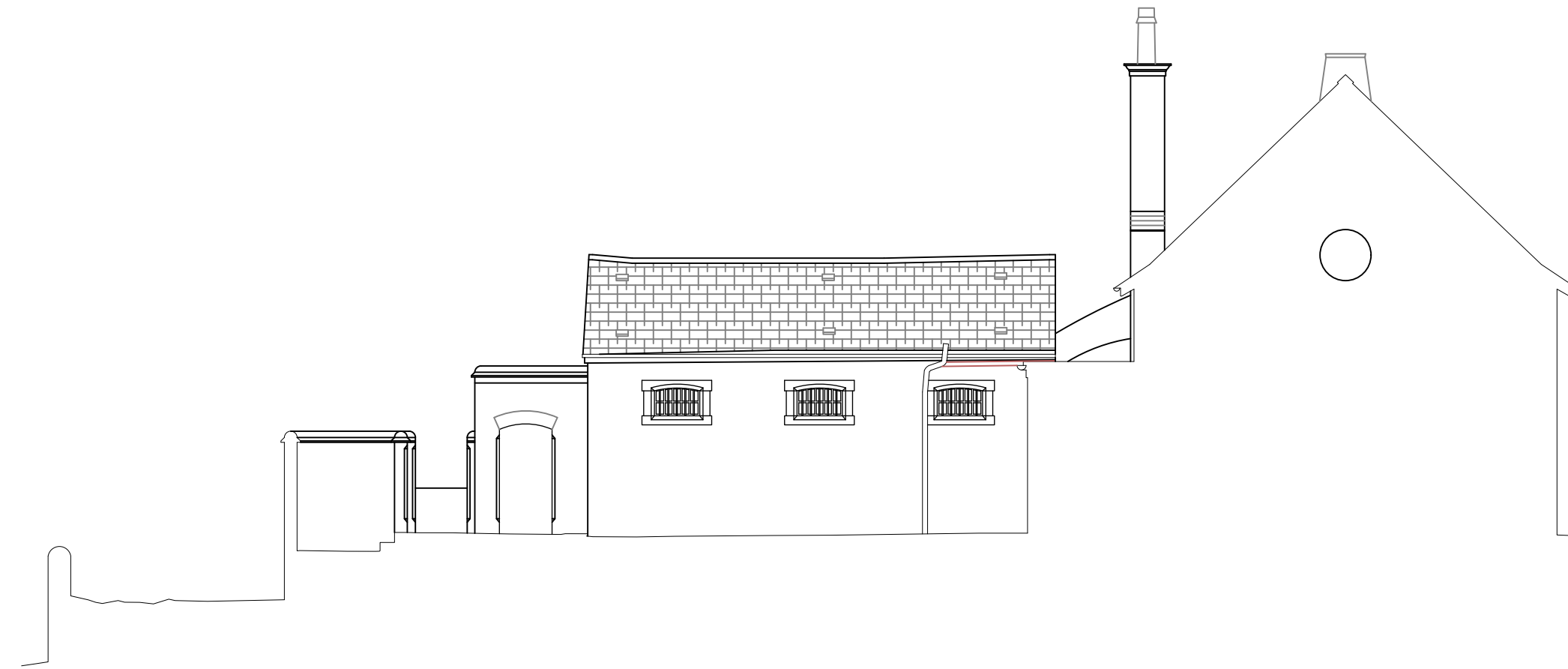
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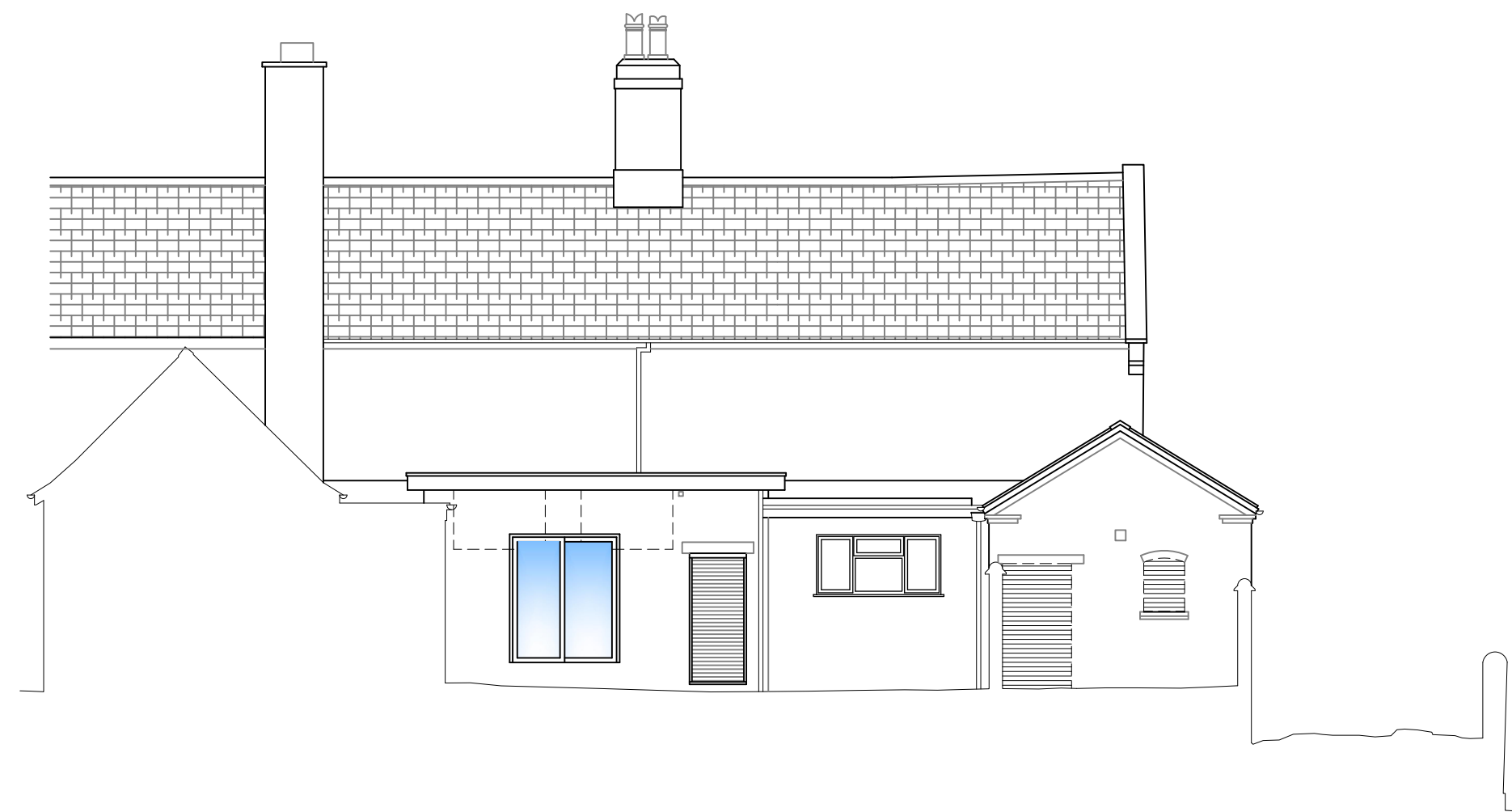
ELEVATION G



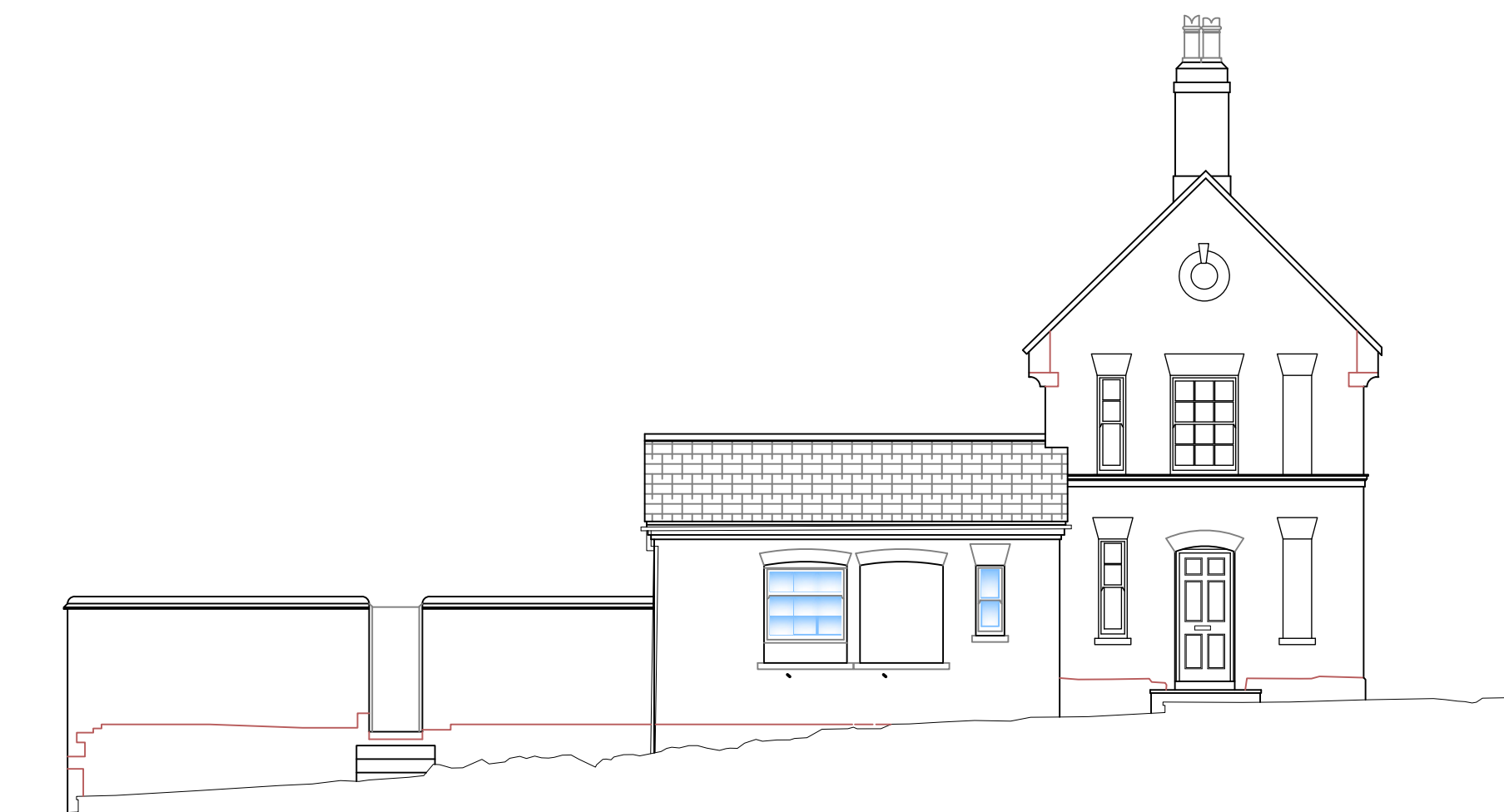
ELEVATION H



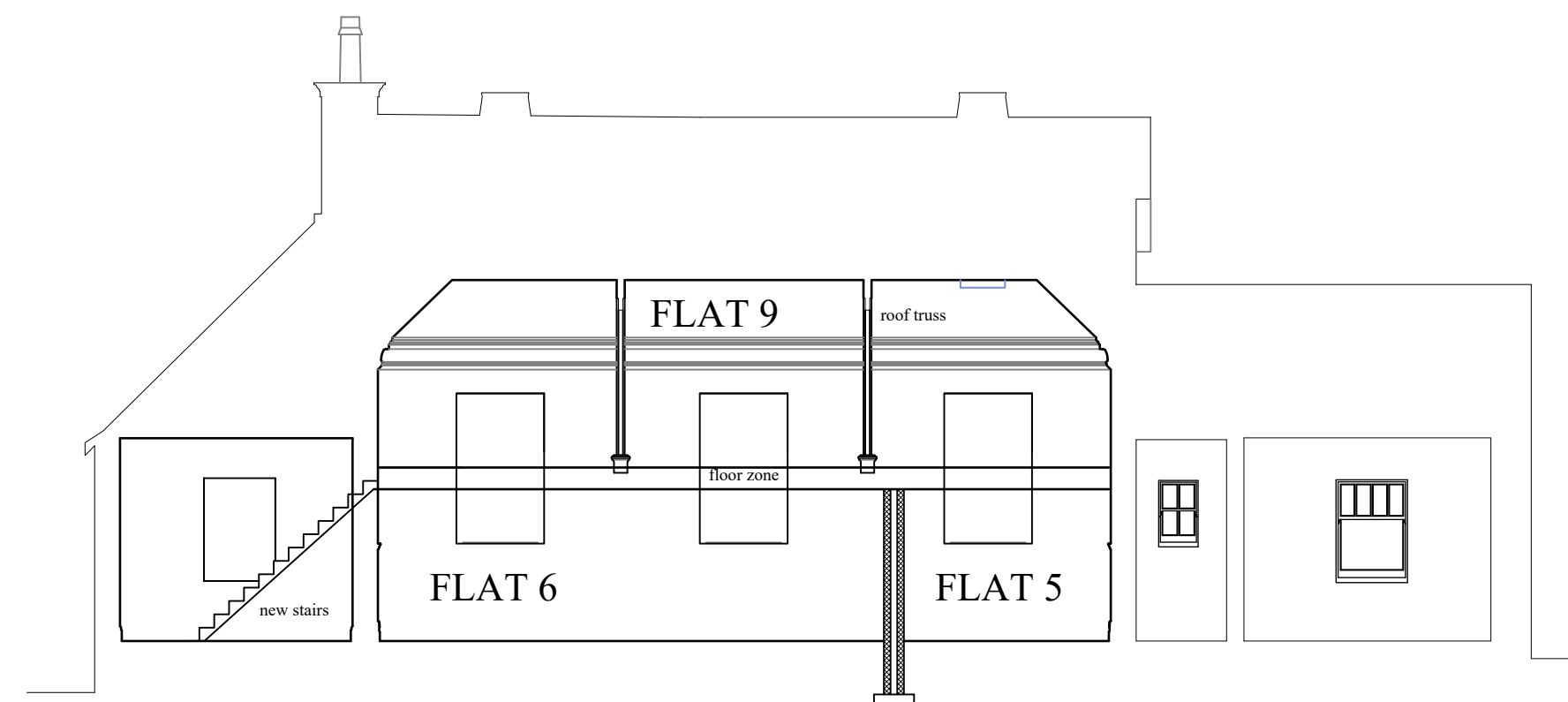
ELEVATION J



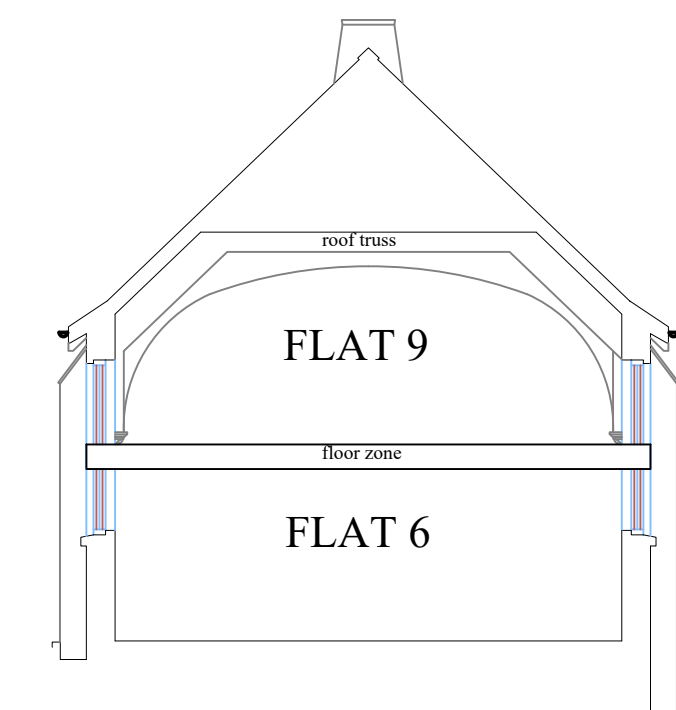
ELEVATION K



ELEVATION L



CROSS SECTION M



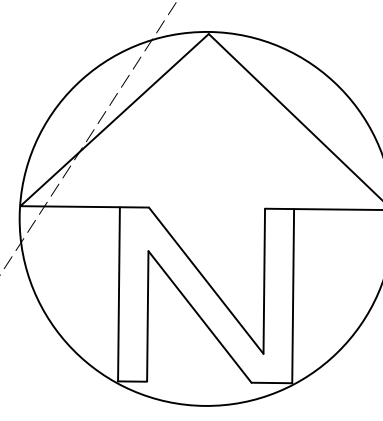
CROSS SECTION N

Project Name
Former police station
Vicar Street
Dudley
DY3 3SD

Drawing Name
Elevations as proposed sheet 2
Planning

AEC
Architectural & Engineering Consultants
AEC
59 Pave Lane
Cheshwynd Aston
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TF10 9LQ
Telephone: 01962 812220
Fax: 01962 811130
E-Mail: aecconsultants@btconnect.com
Scale Date
1:100 @ A1 October 2021
Drawn by Checked by
Plot Date

Drawing No. Revision
1867/23
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Rev B Feb 2022 planning revisions
Rev A Feb 2022 planning revisions

Project Name
**Former police station
Vicar Street
Dudley
DY3 3SD**

Drawing Name
**Site plan new houses
Planning**

AEC
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Scale Date
1:100 @ A1 October 2021

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Plot Date

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PLANNING APPLICATION NUMBER:P21/2117

Type of approval sought	Full Planning Permission
Ward	Halesowen South
Agent	Michael Cooray
Case Officer	Jenny North
Location:	220, SPIES LANE, HALESOWEN, B62 9SW
Proposal	DEMOLITION OF EXISTING BUNGALOW & GARAGE AND ERECTION OF 1 NO. DORMER BUNGALOW, AND 3 NO. BUNGALOWS AND ASSOCIATED WORKS
Recommendation Summary:	APPROVE SUBJECT TO NO OBJECTIONS

SITE AND SURROUNDINGS

1. The application relates to No. 220 Spies Lane and land to the rear. It is understood that land has been purchased from adjacent gardens to create an inverted ‘L’ shape plot which abuts the rear gardens of dwellings in Spies Lane, Lockington Croft and Goodrest Avenue.
2. The application site fronts onto the heavily trafficked Spies Lane (B4043). It is located within an established residential area.
3. The site contains 220 Spies Lane, a detached 1960’s dormer bungalow. An associated detached garage, which is set over 25m to the rear of the property adjacent to the rear boundary of 37 Lockington Croft and is accessed via a hard surfaced driveway. The remainder of the site is mostly vegetated.

PROPOSAL

4. The application seeks permission for the residential development of 4 No. dwellings plus associated works. It comprises:

- The demolition of 220 Spies Lane and its replacement with a narrower, three bedroomed dormer bungalow (Plot A);
 - A detached bungalow close to the eastern boundary. Its curtilage would abut the rear gardens of Nos 39 and 41 Lockington Croft and Nos 11 and 12 Goodrest Avenue (Plot C);
 - A pair of semi-detached bungalows on the extreme southern part of the site adjacent to the rear gardens of Nos 212, 214 and 216 Spies Lane and Nos 8,9 and 10 Goodrest Avenue (Plots D1 and D2)
5. It is important to note that there was previously a Plot B, but this has been removed from this application. The area of land upon which it was proposed to be located is indicated as an area of hard standing for vehicles to turn such that they enter and leave the site in a forward gear.
6. Since the application was first submitted all of the plots have been redesigned to reduce the impact upon adjacent neighbours/improve design. The parking layout has also been amended.
7. The application is supported by a Design and Access Statement.

HISTORY

8. Relevant history

APPLICATION No.	PROPOSAL	DECISION	DATE
HB/63/180	A bungalow	Approved with conditions	11/06/1963
P07/1774	Demolition of existing dwelling and erection of 3 No. 2 bedroom dormer bungalows	Refused	02/11/2007
P08/0328	Demolition of existing dwelling and erection of 2 No. two bedroom detached bungalows with associated access and parking (resubmission of refused application P07/1774)	Refused	18/04/2008
P19/1734	Demolition of existing bungalow & garage. Erection of 2 no. bungalows, 2 no. dormer bungalows and 4 no. garages with 1 no. flat above and associated works.	Withdrawn	22/03/2020
P20/1396	Demolition of existing bungalow & garage. Erection of 1 no. bungalow, 2 no. dormer bungalows and 3 no. garages with 1 no. flat above and associated works	Refused Dismissed at Appeal	11/12/2020 01/06/2021

	(resubmission of withdrawn application P19/1734)		
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PUBLIC CONSULTATION

9. When first submitted, letters were sent to thirty neighbouring properties. Neighbours have been re-consulted on the amended scheme. Fifteen letters of objection (two from one property and one containing a petition with 20 signatures) were received to the initial scheme as submitted and are summarised below:

Principle

- It contravenes the ‘New Housing Development SPD’ (2013) as inappropriate garden grabbing/backland
- The Planning Inspectorate’s conclusion that the site is in a suitable location for development hinges on the interpretation of Policy L1 (DBDS) in the context of previously developed land. The definition of pdl in the NPPF excludes land such as residential gardens and allotments in built up areas. The Inspector’s interpretation is contestable.
- Continuous number of applications on the site with repeat objections
- The development would not be reflective of the surrounding settlement pattern. It would result in an incongruous form of development and the intensity, design and appearance is too much for a small area and will fail to improve the character and quality of the area
- The development would not be in keeping with its surroundings
- There is a surplus of brownfield sites in the Black Country

Access/Parking/Highway Safety

- Very dangerous access point for ingress and egress of vehicles.
- Entrance too narrow to allow safe entrance, passage of pedestrians and steep driveway into the site
- Large emergency vehicles, delivery vehicles etc would struggle to gain access and manoeuvre within the site. It is noted that access for emergency vehicles was raised by the Planning Inspector for the previous application

- Intensification of access close to a well-used bus stop close to a bend.
- Numerous accidents and fatalities in Spies Lane and accidents in close proximity to this site – the Design and Access Statement does not accurately reflect this. An adequate and independent road safety audit needs to be conducted
- Question whether visibility splay is adequate for pedestrian safety
- Visitors, delivery drivers and trades people will park close to Plot D rather than Spies Lane. This would block the access road and turning area preventing access for emergency vehicles and vehicle turning
- Visitors to plots D may park on the access road
- The garage at plot D1 is too small and therefore would not qualify as a parking space leaving that property with a need to find an additional space. The garage at Plot D2 may also be too small.
- Garages are today used more for storage, or they can be converted into living space. This will place more parking requirement onto the access road.
- No pavement through the site
- Is the access drive wide enough?
- On-street parking on Spies Lane associated with staff and visitors to Allenbrook Nursing Home/ Insufficient parking leading to parking along Spies Lane
- It is dangerous to gain access to driveways due to the speed of vehicles on Spies Lane and parked cars
- Refuse trucks reversing onto the site – is this viable from a very busy main road?
- Question access for disabled people on scooters and in wheelchairs

Amenity Issues

- Loss of privacy/overlooking
- Dormer windows can overlook
- Overdevelopment of the site
- Overbearing appearance/loss of light close to boundary
- Detrimental impact on health and wellbeing
- Security concerns. Currently no public access to the rear of properties but the new road through the site will create public access
- The claim that natural surveillance and security will be improved is nonsense
- Obscure glazing could be converted to clear glass.

- Obscure glazing provides poor living conditions for the occupants of the dwelling
- Increased noise pollution introduced to the residential area. It will adversely affect the elderly and people working from home
- Light pollution
- Refuse collection strategy flawed as it depends upon a caretaker. The collection point is quite a distance from the units
- Plot D will lead to high fences and trees planted to create privacy thus negatively impacting on future residents

Environmental

- Impact on wildlife
- Trees have been removed from the site
- Loss of a natural rainwater store
- It would fail to improve the economic, social and environmental conditions of the area
- Drainage impact

Other matters raised which are not directly planning related:

- Continuous submission of applications.
- The acquired parcels of land that comprise the site were purchased for environmental purposes to create an orchard.
- A number of alternative uses are proposed for the site
- Noise disruption from construction traffic particularly for elderly residents and home workers
- Pollution/dust during construction
- Possible road closure, diversions, temporary movement of bus stop during construction
- Only one access point for demolition and construction – impact on adjacent residents during construction
- Damage to adjacent properties and infrastructure
- Devalue properties
- Attract youths congregating/playing on site during construction
- Security risk during construction

10. Following re-consultation on the amended plans, at the time of writing the report No. 14 objections had been received from neighbours to the amended scheme and two letters of support. Any further objections/support will be reported to Members in the pre-committee notes. In making further objections, some objectors attached their original objection letter to the first scheme reiterating their concerns. The points raised in new letters specifically to the amended scheme by objectors are summarised below:

Principle

- The site is not suitable for development
- The Planning Inspectorate's conclusion is contestable. The land has been extended by purchasing land from several adjacent houses.
- The reason given for developing the land is that it cannot be maintained. It could however be maintained using a landscape gardener rather than demolishing a perfectly good bungalow
- The land could be used for community uses, to help organisations helping residents with special needs, help our hero's, loneliness and depression and coming together in a community garden. Fruit and vegetables could be grown
- Over intensive development on an irregular shaped piece of land
- Site not large enough for four houses especially now it is smaller. Backland development not reflective of the settlement pattern
- **Highway Safety**
- Concerns remain about the volume and speed of traffic in the vicinity of the site close to a blind bend. There have been several recent serious accidents nearby. Concern that it will become an accident blackspot. An independent road safety audit should be conducted;
- The proposed access is near to a bus stop would make it hard to gauge the speed of oncoming traffic overtaking stationary buses or vehicles entering or leaving the site. The site is also metres from the exit of Spies Close on the opposite side of the road.
- Entering the current driveways is already a risky manoeuvre as quite often there is a bus at the stop on the other side of the road which traffic overtake at speed

- Emergency vehicle access would be along a narrow access road. Emergency vehicles, especially the heavy duty type, would struggle to manoeuvre beyond Plot C risking the welfare of residents of Plot D. Question whether provision for emergency vehicles to manoeuvre is adequate. If reversing it should be no more than 20m from the main road. Fire safety is not addressed, parking will block access for emergency fire services
- The amended scheme does not adequately address the concerns raised by the highways officer
- The preservation of human life should be above making financial gain or making minimal gains in local housing stock. Brownfield land should be prioritised for development
- Increase in road congestion due to increased traffic flows
- Pedestrian safety on Spies Lane. It could be blocked by vehicles entering and leaving the site. The access is close to a bus stop used by students to a nearby primary school
- Not convinced that the visibility spay will provide adequate pedestrian safety on Spies Lane. It does not meet highway officials specification
- Pedestrian safety on the new access road – lack of a pavement
- Parking on the access Road to Plot D will occur as it will be treated as a cul-de-sac. This will obstruct the access road and turning areas which could prevent emergency vehicles accessing Plot D or turning within the site within Plots C and D.
- Road likely to be unadopted which could lead to problems arising with respect to public utility services, neighbour disputes and maintenance liabilities
- The amended plans do not address bin lorry collection. The refuse collection strategy is flawed. Reference to a caretaker is not workable
- Parking along Spies Lane is limited for residents at peak times especially for disabled residents due to the proximity of Allenbrook nursing home which has minimal on-site parking. Insufficient parking within the site for residents and visitors

Amenity

- Lack of privacy/neighbouring properties will be overlooked
- Overshadowing/loss of light
- Detrimental to resident's health and wellbeing

- Additional noise created by people and traffic. Traffic Calming Strips and Noise Reducing Asphalt will not adequately address safety and noise concerns
- Asphalt is a source of air pollution when it is a legally binding UK government priority for new residential development to be more sustainable and adequately address UN Sustainable Development Goals
- Light pollution
- Unwanted security issues – at the moment there is no public access to the rear of properties. The addition of a public access road at the end of the gardens will create security issues for all residents some of whom are elderly community
- The current peaceful back gardens are good for their occupiers' mental and physical health. Noise nuisance introduced from new neighbours
- Loss of privacy. Frosted glass could be replaced by clear glass. It also diminishes the living conditions of the occupants
- The area between Plot c and Plot D's – allocating only a small area of frontage and the rest as a communal area will create conflict
- Plot D's will encourage future adjacent residents and the new resident of Plot D to erect high fences and plant trees to create privacy effectively turning them into a three-sided prison with limited outlook
- The development does not enhance or fit in with the area
- The plans show my garden as being re-landscaped. This does not reflect what is on the ground

Environment

- Serious Environmental Impact. It is a haven for wildlife and a natural rainwater store. Loss of habitat
- A number of trees are to be planted at the rear of my property. Whilst they may assist with security and a reduction in noise pollution, the concern is the height they might grow to and the potential loss of light incurred
- Drainage concerns. No provision for surface water outfall and there area is to be significantly hard surfaced. Possible flooding issues
- No lighting proposed along access point to Plot D

None planning comments

- Impact on Spies Lane, public transport and pavement during construction works

- Noise, inconvenience, dust and nuisance to neighbours during construction
- The building site will attract youths
- Concerns regarding the impact on the foundations of adjacent properties
- Devalue house prices
- The land could be sold back to residents to reduce the maintenance burden and create the planned orchard

11. Two letters of support have been received to the amended scheme which note:

- there is a severe lack of small bungalows in the area to cater for people seeking to downsize for retirement. They state that these bungalows would be a welcome addition and a positive use of surplus land.
- The plans seem well thought out. It will create high quality housing and will secure jobs for those building them
- The land has attracted unwanted behaviour and no doubt is a ground for pests and vermin
- 225 Spies Lane was granted permission to build a three bedroom bungalow in the back garden, this too should gain planning permission

OTHER CONSULTATION

12. Head of Environmental Health and Trading Standards – No adverse comments in terms of noise and air quality
13. Head of Planning and Regeneration (Highway Engineer) – the design now meets the requirements for the width of the entrance and access road. The most recently submitted plan shows visibility splays in accordance with Manual for Streets Guidance that exceed 2.4m x 59m and therefore this is acceptable. Tracking shows that a Dennis Fire tender can access and egress the site in a forward gear. The initial gradient from the Highway remains unclear but can be addressed by a suitably worded condition. Plot A now has an access door adjacent to parking at the front which is now acceptable. Plot D1 now has parking adjacent to the building and is acceptable.

14. Head of Planning and Regeneration (Land contamination) – no adverse comments
15. West Midlands Fire Service – the turning area and access road would need to meet the following requirements:
 - Access - 3.7m width and 15 tonne carrying capacity.
 - Turning facilities - As this proposal is over 20m turning facilities as per Approved Document are required if the appliance needs to get up the drive to meet the 45m requirement.

Alternatively, sprinklers can increase this distance to 75m or 90m depending on floor height above ground level. This would then mean that the appliance could be positioned on Spies Lane and not have to travel up the access road.

RELEVANT PLANNING POLICY

16. National Planning Guidance
National Planning Policy Framework (2021)
17. Black Country Core Strategy (2011)
Policy CSP2 Development Outside the Growth Network
Policy DEL2 Managing the Balance Between Employment Land and Housing
Policy HOU1 Delivering Sustainable Housing Growth
Policy HOU2 Housing Density, Type and Accessibility

Policy TRAN2 Managing Transport Impacts of New Development
Policy ENV2 Historic Character and Local Distinctiveness
Policy ENV3 Design Quality
Policy ENV 8 Air Quality
18. Dudley Borough Development Strategy (2017)
Policy S1 Presumption in favour of Sustainable Development

Policy S2 Planning for a Health Borough

Policy S6 Urban Design

Policy S8 Conservation and Enhancement of Local Character and Distinctiveness

Policy L1 Housing Development, Extensions and alterations to existing Dwellings

Policy D2 Incompatible Land Uses

Policy D5 Noise Pollution

19. Supplementary Planning Guidance/Documents

New Housing Development SPD (2013)

Parking Standards SPD (2017)

ASSESSMENT

Key Issues

- Principle
- Site layout/Design
- Amenity of new residents
- Amenity of adjacent residents
- Access and Parking
- Financial Material Considerations

Principle

20. The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development. This does not change the status of the development plan as the starting point for decision making. Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
21. Paragraph 60 (NPPF) reiterates the Government's objective of significantly boosting the supply of homes.

22. The strategic objective of Policy HOU1 (Delivering Sustainable Housing Growth) of the Black Country Core Strategy (BCCS) is the creation of a network of cohesive, healthy and prosperous communities across the Black Country.
23. Policy S1 (Presumption in Favour of Sustainable Development) of the Dudley Borough Development Strategy (DBDS) notes that the Council will take a positive approach that reflects the presumption in favour of sustainable development.
24. Policy L1 (DBDS) states that housing will be supported on previously developed land and on sites in sustainable locations, close to public transport facilities and links. Housing development will be permitted provided that the design is of an appropriate form, siting, scale and mass. Also, that the development is appropriate to its locality and would not cause unacceptable harm to the amenities of occupiers of neighbouring dwellings. And finally, that an appropriate level of amenity is provided for future occupants of the development and that adequate access, parking and provision for the manoeuvring of vehicles, with no detrimental impact on highway safety and free flow of traffic.
25. There is a long history of planning refusals with respect to this site. The most recent application was for 2 No. dormer bungalows, a flat over garages and 1 No. bungalow (ref P20/1396) which was dismissed at Appeal on 1st June 2021. However, in dismissing the Appeal, the Inspector considered the site to be within a sustainable location. Although not previously developed land (PDL) he noted that the New Housing Development Supplementary Planning Document (NHDSPD) acknowledges that proposals for new development on residential garden land also need to be considered within the context of making the most efficient use of land and the broad concept of sustainable development. Paragraph 10 of the Appeal Statement states:

‘Hence, although the site does not constitute PDL, as noted, Policy L1 of the DBDS supports new housing development on sites in sustainable locations close to public transport links, subject to meeting certain criteria. Additionally, the NHDSPD does not rule out the principle of new housing development on domestic garden land, provided it is “*appropriate garden land development.*” I

have concluded that the site is in a suitable location. Therefore, if the proposal meets the criteria outlined in Policy L1 and is deemed to be “*appropriate garden land development*”, as advised in the NHDSPD, then the proposal would be acceptable in principle.’

26. The Inspector goes on to say that he considered the backland nature of the proposal in itself, would not be out of keeping with or detrimental to the character or appearance of the area (para 11) and that the form, scale, and mass of the proposed properties would be in keeping with the area (para 12).
27. The Inspector did however raise detailed concerns regarding the lack of outdoor amenity space for the proposed flat. The heights and overbearing appearance of Plots B and C were not supported nor was the lack of outlook from proposed upper floor windows for the future occupants due to the use of obscure glazing to overcome privacy issues. For these reasons he concluded that the proposal did not accord with Policy L1 of the DBDS, sub paragraph 127 (f) of the NPPF and guidance within the NHDSPD. The Appeal was therefore dismissed.
28. On the basis of the Inspector’s conclusions, the Local Planning Authority reluctantly concludes that the development of the site is acceptable, in principle. This application however also needs to overcome previous concerns with respect to Policy L1 (DBDS) and guidance within the NHDSPD regarding residential amenity, highway safety particularly relating to an adequate pedestrian visibility splay, a satisfactory turning area and parking scheme. Also, the design, scale and mass of the properties should not be dissimilar to the previously considered application.

Site Layout/Design

29. The site layout now comprises four units. Plot B has been removed from the previous scheme (P20/1396) and that part of the site now indicates a large turning head for vehicle manoeuvring.

30. The scheme requires the demolition of the existing bungalow to facilitate the widening of the access track to the side. Following discussions, the design of Plot A has been significantly altered in order to be visually more in keeping with its surroundings. As it would be a narrower bungalow it is important to keep the height in proportion to the width and the roof is now hipped at the front and rear and both contain large windows to provide outlook. Like the existing bungalow, there would be one side facing dormer to increase useable space within the unit but the windows within it would be obscure glazed. The front door has been moved from the side to the front of the property to prevent parking on the track and there is also access to the rear parking spaces to encourage rear parking. The amended design of this unit is now considered to be acceptable.
31. Plot C is a detached bungalow and plots D1 and D2 are semi-detached bungalows. All have been amended since submission such that their height is reduced, windows have better outlook and the garages for Plots D1 and D2 have been removed in order to bring the development away from the side boundaries of the site. Their design is now also considered to be acceptable

Amenity of new residents

32. The gardens to each property are of sufficient size. Unlike the previous application, all habitable rooms have sufficient levels of outlook. All also have a sufficient amount of private rear garden space.

Amenity of adjacent residents

33. The scheme has been designed and has also been amended since it was first submitted, to reduce the impact upon of the development on adjacent residents. Plot A is less overbearing in terms of height and has a similar depth to the existing property. Overlooking is prevented by the use of obscure glazing in the side dormer. This will be secured by condition.
34. Plot C is not directly adjacent to the site boundaries and since submission, its roof has been lowered. Its general location, size and massing is such that, although it will be seen above the fencing, its impact would be much reduced from previous

schemes. No dormer windows are proposed. This addresses the previous concern made by the Planning Inspector with regard to the scheme being overbearing when viewed from adjacent gardens in Lockington Croft and Goodrest Avenue.

35. Plots D1 and D2 have been reduced in size by the removal of the garages and as such are not now directly adjacent to the site boundary. This, along with the reduction in roof height significantly reduces their visual impact. Again, no dormer windows are proposed. Their visual impact when viewed from adjacent gardens is now considered to be acceptable.
36. Given that the site is surrounded by residential properties, in order to protect the amenities of the adjacent residents in the future it is proposed to remove certain permitted development rights normally afforded to development within the curtilage of a dwellinghouse (within the auspices of the Town and Country Planning (General Permitted development) (England) Order 2015 (as amended)). A condition would require development falling within Part 1, Classes A (enlargement, improvement or other alteration of a dwellinghouse), Class B (additions etc to the roof of a dwellinghouse), Class C (other alterations to the roof of a dwellinghouse) and Class E (buildings etc incidental to the enjoyment of a dwelling house). This would provide some control on the size and massing of future extensions to ensure that they are not visually overbearing; to prevent the use of roof spaces for habitable accommodation; to ensure that they do not lead to a lack of privacy for adjacent neighbours; and to ensure that the size and location of garden buildings do not spoil the outlook from neighbouring properties.
37. As in the previously dismissed application (P20/1396), in order to reduce the sound of vehicle movement through the site, the applicant proposes the use of porous noise reducing asphalt for the road finish and the installation of traffic calming strips close to the entrance. Commenting on the previous application (P20/1396) the Planning Inspector concluded that there would be an increase in traffic to serve the properties. However, he noted that the proposed development would not result in unacceptable noise disturbance to the occupiers of existing properties due to the use of a low noise asphalt surface on the driveway with traffic calming strips that would slow traffic and

reduce the sound. He also noted that suitable boundary treatment would also be appropriate. As the current scheme also includes these elements it must be concluded that the impact upon adjacent neighbours in terms of noise, would be acceptable. Conditions however are required to secure the satisfactory implementation of these measures.

Highways/Parking

38. The issue of highway safety has been raised many times by residents. Concerns include the location of the access, that it is close to a bend and bus stop on the heavily trafficked Spies Lane where there have been numerous accidents. Questions have also been raised about the adequacy of the entrance, the steep entrance and adequacy of the visibility splay.
39. The Head of Planning and Regeneration (Highway Engineer) considers that the entrance to the site and the width of the access road are acceptable. The visibility splay can be achieved and that a large fire applicant can turn within the site.
40. Neighbours have also raised concerns about insufficient parking on the site to the detriment of highway safety. Again, however the Head of Planning and Regeneration (Highway Engineer) is now supportive of the layout and considers there to be sufficient parking within the site.
41. Section (124) of the Localism Act states: Local planning authorities are to have regard to material considerations in dealing with applications including any local finance considerations, so far as material to the application. A 'local finance consideration' may be taken to cover the payment of New Homes Bonus, or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy (CIL).
42. The section does not change the law in any way. It is not a new basis for planning policy, and it remains unlawful for planning applications to be 'bought'

43. Following the demolition of the bungalow this proposal would provide four additional dwellings generating a New Homes Bonus grant of four times the national average council tax for the relevant bands.
44. In addition, the proposal is liable for CIL. The site is divided by two CIL Zones. Plots A and C are within Zone 2 and Plots D1 and D2 are within Zone 5. Due to the recent receipt of the amended plans and the two different CIL zones identified across the site, further work will need to be done to establish the CIL calculation. This will be confirmed in the pre-committee notes.

CONCLUSION

45. This application relates to the residential development of the large curtilage of 220 Spies Lane. Although not previously developed land, the Planning Inspector, when considering a previous application (P20/1396) on this site, took the view that it has a sustainable location and that the form, siting, scale and mass of development would not be out of keeping with the character of the area. This application retains a similar form, scale, siting and mass, and has been significantly amended since submission such that it now satisfactorily addresses the concerns raised by the Inspector with respect to residential amenity, access, parking and manoeuvring. On this basis the application would be in accordance with the National Planning Policy Guidance, Policies CSP2, DEL2, HOU1, HOU2, TRAN2, ENV2, ENV3 and ENV8 of the Black Country Core Strategy, Policies S1, S2, S6, S8, L1, D2 and D5 of the Dudley Borough Development Strategy, the New Housing Development Supplementary Planning Document and the Parking Standards Supplementary Planning Document.

RECOMMENDATION

46. It is recommended that the application be approved subject to conditions

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town & Country Planning Act 1990, as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following plans and amended plans: Proposed Site Plan and Location Plan Drawing number 113/A110 Rev D, Amended Plot A House Type 7a Drawing number 113/A115 Rev E, Amended Plot C House Type 8a Drawing number 1113/A117 Rev D, Plots D1 and D2 House Type 9 Drawing number 1113/A119 Rev C, 3D Views Drawing number 1113/A113 Rev C, Amended Site Sections Drawing number 1113/ A 114 Rev B, Finishes Dwg No. 1113/A112 Rev A, Amended Visibility Splay Drawing number 1113/A120 Rev B and Parking and Refuse Strategy Drawing number 1113/A 111 Rev E
REASON: For the avoidance of doubt and in the interests of proper planning.
3. No materials other than those indicated on the approved plans, particularly the 'Finishes' plan Drawing Number 1113/A112 Rev A shall be used without the approval in writing of the Local Planning Authority
REASON: To ensure the satisfactory appearance of the development in accordance with BCCS Policy ENV2 Historic Character and Local Distinctiveness and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings/ Policy D2 Incompatible Land Uses (in part)
4. Work shall not begin on the demolition and construction of the development until a method statement for the control of dust and emissions arising from the demolition and construction of the development has been submitted to and approved by the local planning authority. All works which form part of the approved scheme shall be implemented throughout the construction and demolition phase of the development.
Reason: To protect existing residents in the area from dust arising from demolition and construction works on the proposed site in accordance with Policy ENV8 of the Black Country Core Strategy
5. In order to minimise the impact of the development on local air quality, any gas boilers provided within the development must meet a dry NOx emission concentration rate of <40mg/kWh.
Reason: To safeguard the air quality of the Borough which is an Air Quality Management Area in compliance with the Black Country Core Strategy Policy ENV8 and the adopted Air Quality SPD.
6. Prior to first occupation of the dwellings hereby approved further details of the boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in complete accordance with the approved details prior to the first occupation of the dwellings and shall thereafter be retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority

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

7. Prior to any above ground works (excluding demolition, site clearance and initial ground works) full details of the soft landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before the end of the first planting season following first occupation of the development.

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

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any order revoking and re-enacting that Order), at no time during the life of the development shall the areas approved for landscaping be used for any other purpose unless otherwise agreed in writing by the local planning authority.

REASON: To preserve the character and visual amenities of the area, in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part).

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the proposed first floor side facing dormer window to be installed in the northern elevation of Plot A shall be:

- i) obscure glazed,
- ii) and non-opening, unless the parts of the window which can be opened are top hinged and more than 1.7 metres above the floor of the room in which the window is installed.

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

REASON: In the interests of the privacy and amenity of surrounding residents

and in accordance with Borough Development Strategy 2017 Policy L1 Housing Development, extensions and alterations to existing dwellings.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any order revoking or re-enacting that order with or without modification) no development referred to in Schedule 2, Part 1, Classes A, B, C and E of that order shall be carried out without the express grant of planning permission.
REASON: In the interests of the privacy and amenity of surrounding residents in accordance with Borough Development Strategy 2017 Policy L1 Housing Development, extensions and alterations to existing dwellings
Policy D2 Incompatible Land Uses (in part).
11. No part of the development shall be occupied until visibility splays to the new access have been provided at the junction between the proposed means of access and the carriageway with an 'x' set back distance of 2.4 metres and a 'y' distance of 59 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of highway safety and to comply with comply with Policy TRAN2 Managing Transport Impacts of Development of the Black Country Core Strategy and Policies S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings of the Borough Development Strategy
12. No part of the development shall be occupied until visibility splays to the new access have been provided at the junction between the proposed means of access and the footway with an 'x' set back distance of 2.4 metres and a 'y' distance of 2.4 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of highway safety and to comply with comply with Policy TRAN2 Managing Transport Impacts of Development of the Black Country Core Strategy and Policies S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings of the Borough Development Strategy
13. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of the access(es) into the site, together with parking and turning area(s) [including details of lines, widths, levels, gradients, cross sections, drainage and lighting] have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the access(es) into the site, together with parking and turning area(s) within the site have been laid out in accordance with the approved details. These area(s) shall thereafter be retained and not be used for any other purpose for the life of the development.
REASON: In the interests of highway safety and to comply with Policy TRAN2 Managing Transport Impacts of Development of the Black Country Core Strategy and Policies S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings of the Borough Development Strategy

14. The turning area indicated on the approved site plan shall be set out in accordance with the approved site layout plan Drawing number 1113/A110 Rev D and retained in its entirety and not used for parking or any other purpose for the lifetime of the development.
 REASON: To ensure that vehicles can enter the site and leave in a forward gear in the interests of highway safety in accordance with Policy TRAN2 (Managing Transport Impacts of New Development) and S17 (Access & Impact of Development on the Transport Network) of the Dudley Borough Development Strategy
15. Prior to the occupation of the first dwelling, the traffic calming strips shall be installed in the location indicated on Drawing number 1113/A110 Rev D and the material used for the surface of the new road through the site and the turning area shall be porous noise reducing asphalt as indicated on the 'Finishes' plan Drawing Number 1113/A112 Rev A . They shall thereafter be retained for the lifetime of the development
 REASON: To minimise the noise generated by car movements in this residential area and to assist with the control of storm water management in accordance with Policy D5 (Noise Pollution) and Policy S5 (Minimising Flood Risk and Sustainable Drainage Systems) of the Dudley Borough Development Strategy
16. No above ground development shall commence until details of the electric vehicle charging points, to be provided for the dwellings in accordance with the Council's standard (Parking Standards SPD), has been submitted to and approved in writing by the local planning authority. Prior to first occupation the electric vehicle charging points shall be provided in accordance with the approved details and shall be maintained for the life of the development.
 Reason: In the interests of creating a sustainable form of development and to encourage the use of ultra low emission vehicles in accordance with Policies ENV8 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy.
17. Demolition or construction works shall not take place outside the hours of 07:00 to 18:00 hours Mondays to Fridays and 08:00 hours to 17:00 hours on Saturdays nor at any time on Sundays or Public Holidays
 REASON: To protect the amenities of nearby residents in accordance with Borough Development Strategy 2017 Policy D5 Noise Pollution, Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part).
18. The development shall not be first occupied/used until details of the surface of the bin storage area at the site frontage and any associated landscaping have been submitted to and approved in writing by the Local Planning Authority. The bin storage area shall be provided in accordance with the approved details prior to the first use/occupation of the development and shall thereafter be retained and maintained for no other purpose for the life of the development.
 REASON: In the interests of highway safety and to comply with Policy TRAN2 Managing Transport Impacts of Development of the Black Country Core Strategy and Policies S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings of the Borough Development Strategy



3 Elevation - Existing
1 : 100



2 Elevation - Proposed
1 : 100

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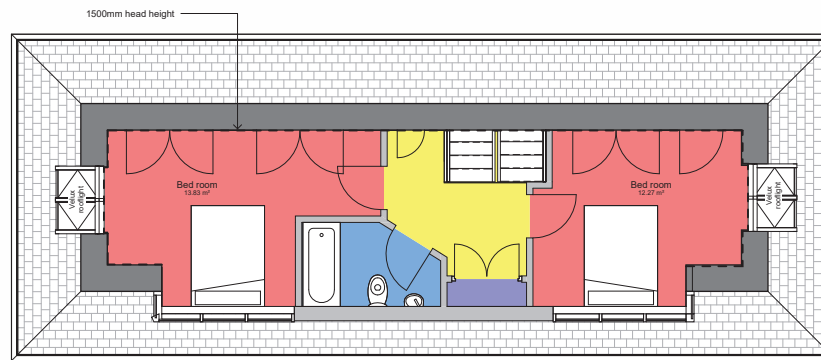
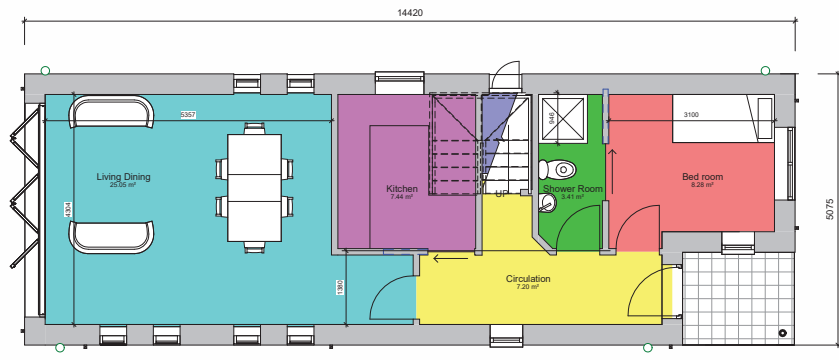
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D	18/03/22	Layout amended to suit comments from the planners	
Rev	Date	Description	Initials
STATUS		Planning	
TITLE		Site Plan - Proposed	
NUMBER	1113/A110	DATE	11/03/19
		SCALE	As indicated @A1
Demolition of house & garage, and erection of 4 dwellings			
For at			
GRUHE			
85 Weymoor Road, Harborne, Birmingham B170RS			
01212708858 07816847763 studio@gruhe.co.uk www.gruhe.co.uk			



2 House Type 7a - Ground Floor
1:50

1 House Type 7a - First Floor
1:50

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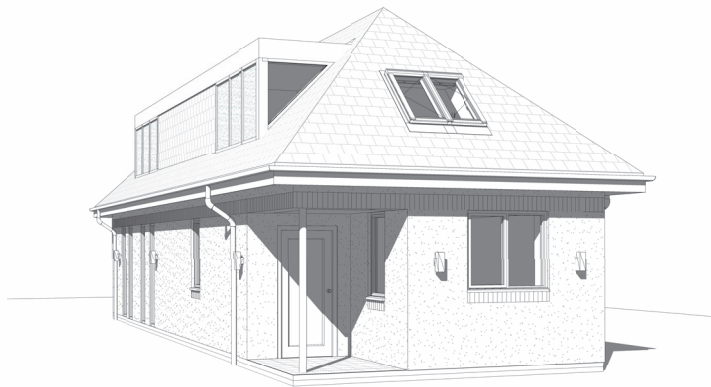
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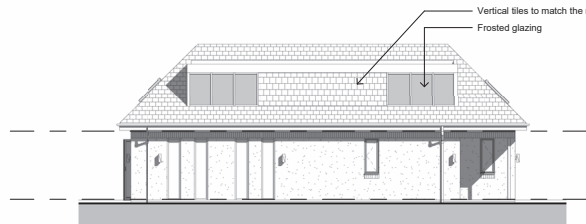
MECHANICAL AND ELECTRICAL
Any Mechanical and Electrical items are indicative only. For detailed layouts, please refer to Engineers Drawings.

Bed room
Circulation
Kitchen
Living Dining
Shower Room
Storage

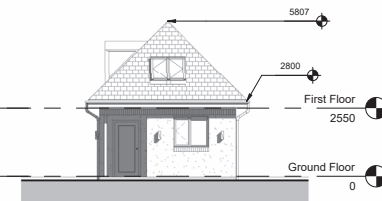
GROUND FLOOR GIA - 55.3 m²
FIRST FLOOR GIA - 40.4 m²
TOTAL GIA - 95.7 m²



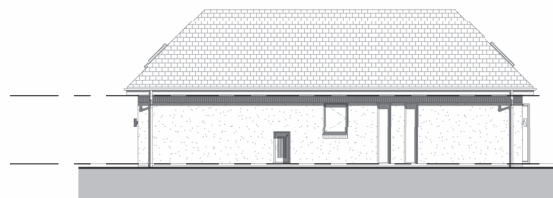
7 3D View 1



3 Type 7a - Front View
1:100



4 Type 7a - Side View 01
1:100

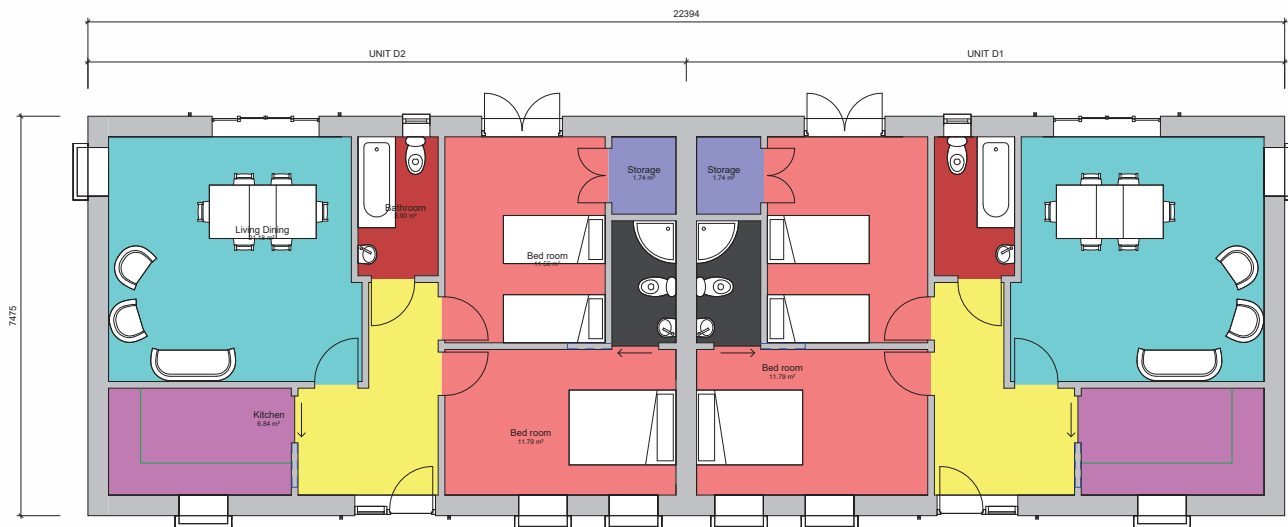


5 Type 7a - Rear View
1:100



6 Type 7a - Side View 02
1:100

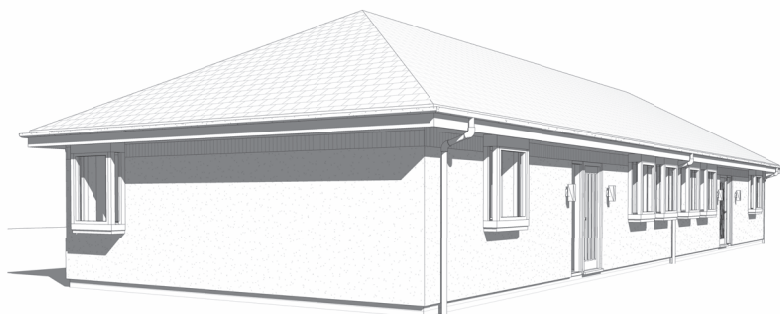
E	09/03/22	Roof design changed and first floor layout adjusted	Initials
Rev	Date	Description	
STATUS Planning			
TITLE Plot A - House type 7a			
NUMBER 1113/ A/115	DATE 11/10/19	REV E	
SCALE Indicated @A1			
Proposed development r/o 220 Spies Lane, Halesowen			
For Mr Sham Gill			
at 220 Spies Lane, Halesowen, B62 9SW			
G R U H E			
85 Weymoor Road, Harborne, Birmingham B170RS			
01212708855 07816847763 studio@gruhe.co.uk www.gruhe.co.uk			



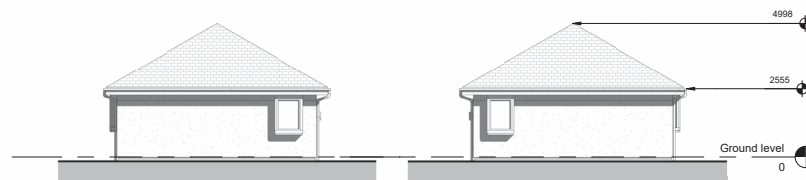
1 House Type 9 - Ground Floor

1 : 50

0 2 5 m



2 3D View 1

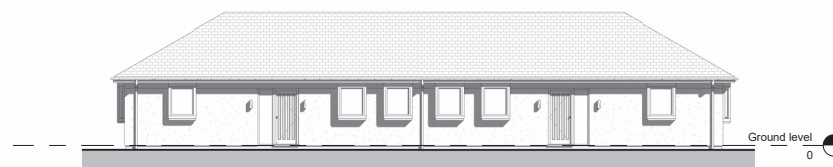


5 Type 9 - Side elevation 01

1 : 100

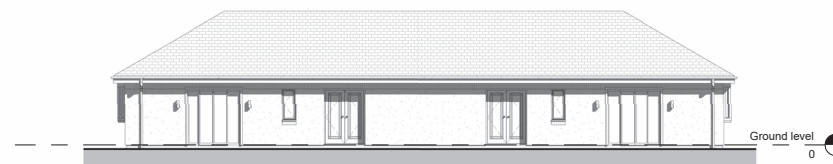
6 Type 9 - Side elevation 02

1 : 100



3 Type 9 - Front elevation

1 : 100



4 Type 9 - Rear elevation

1 : 100

0 5 10 m

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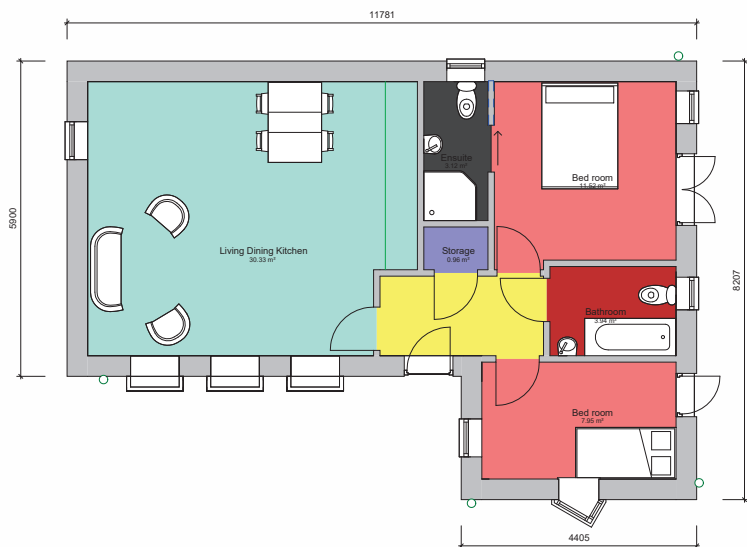
MECHANICAL AND ELECTRICAL
Any Mechanical and Electrical items are indicative only. For detailed layouts, please refer to Engineers Drawings.

■ Bathroom
■ Bed room
■ Circulation
■ Ensuite
■ Kitchen
■ Living Dining
■ Storage

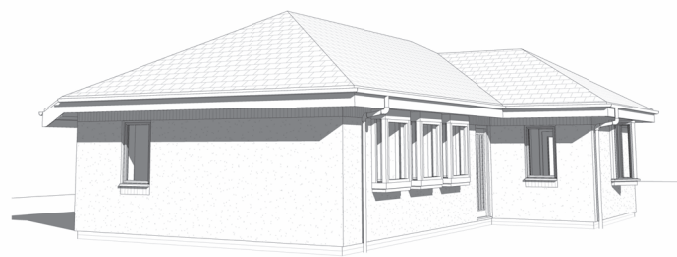
GIA UNIT D1 - 72.5 m²

GIA UNIT D2 - 72.5 m²

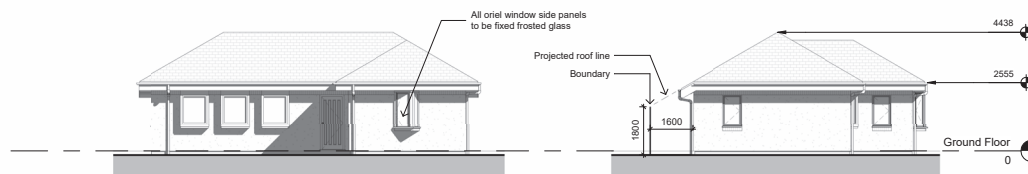
C	10.03.22	House type changed to house type 9	
Rev	Date	Description	Initials
STATUS			
Planning			
TITLE			
Plot D - House Type 9			
NUMBER	1113/ A/119	DATE	11/11/19
		SCALE	As indicated @A1
For	Mr Sham Gill	REV	C
Proposed development r/o 220 Spies Lane, Halesowen			
at 220 Spies Lane, Halesowen, B62 9SW			
G R U H E			
85 Weymoor Road, Harborne, Birmingham B170RS			
01212708858 07816847763 studio@gruhe.co.uk www.gruhe.co.uk			



1 House Type 8a - Ground Floor
1 : 50



3 3D View 1



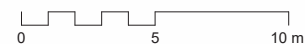
4 Type 8a - Front elevation
1 : 100

5 Type 8a - Side elevation 01
1 : 100



6 Type 8a - Rear elevation
1 : 100

7 Type 8a - Side elevation 02
1 : 100



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MECHANICAL AND ELECTRICAL
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- Bathroom
- Bed room
- Circulation
- Ensuite
- Living Dining Kitchen
- Storage

TOTAL GIA - 65.1 m²

D	10.03.22	House type changed - Bedroom 2 made smaller	
Rev	Date	Description	Initials
STATUS			
Planning			
TITLE			
Plot C - House type 8a			
NUMBER			
1113/	A/117	DATE	11/11/19
		SCALE	As indicated @A1
Proposed development r/o 220 Spies Lane, Halesowen			
For			
Mr Sham Gill			
at			
220 Spies Lane, Halesowen, B62 9SW			
G R U H E			
85 Weymoor Road, Harborne, Birmingham B170RS			
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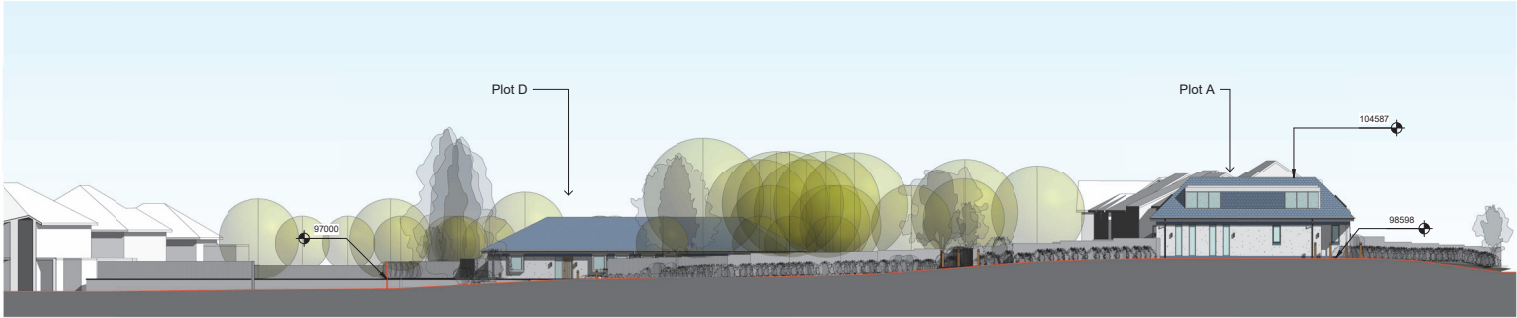
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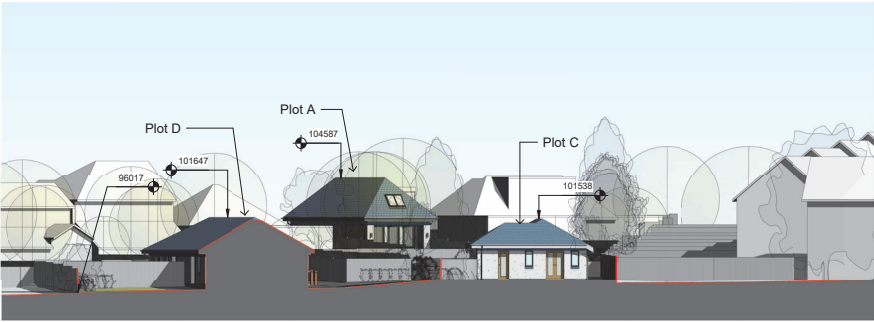
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MECHANICAL AND ELECTRICAL
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1 Section A-A
1 : 200



2 Section B-B
1 : 200

0 2 10 20 m

B	16/02/22	Layout amended to suit comments from the planners		
Rev/Date	Description			Initials
STATUS		Planning		
TITLE		Site sections		
NUMBER	1113/ A114	DATE	18/08/20	REV B
		SCALE	1 : 200 @A1	
Demolition of house & garage, and erection of 4 dwellings				
For				
at				
G R U H E				TM 

85 Weymoor Road, Harborne, Birmingham B17 0RS
0121 2708858 07816847763 studio@gruhe.co.uk www.gruhe.co.uk

PLANNING APPLICATION NUMBER:P22/0220

Type of approval sought	Full Planning Permission
Ward	Cradley and Wollescote
Agent	S.P. Faizey
Case Officer	James Mead
Location:	122, 124, 126 & 128, COLLEY GATE, CRADLEY, HALESOWEN, B63 2BU
Proposal	DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 8 NO. APARTMENTS WITH ASSOCIATED WORKS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site is located on the corner of Colley Lane and Colley Gate and has an area of 596m². It is part occupied by a terrace of shops fronting Colley Gate, constructed in the late 19th/early 20th century, now semi-derelict. There are a number of single storey outbuildings to the rear of the terrace.
2. The corner with Colley Lane is open and mainly grassed with some shrub planting and a macadam path. To the north of the site at the rear is a single storey commercial, workshop building fronting onto Colley Lane. This property is occupied by a restoration business. Also to the northern boundary is the rear amenity space of 6 Colley Lane, a detached residential dwelling.
3. To the east adjoining the application site is “The Chainmakers”, a fish and chip shop with outdoor seating. This property is noted on the Councils Sites and Monuments Record (Ref: 15591) and is dated from 1872. On the opposite side of Colley Lane to the west is a statutory Grade II listed building, originally “The Talbot Hotel” constructed some time before 1884. This was renamed as “The Chainmakers” in the early 2000’s but is now operating as a children’s nursery.

4. The application site has several notable and relevant planning policy designations:
 - District/Local centre of Colley Gate
 - Area of High Historic Townscape Value
 - Forms part of a wider proposed housing site (as outlined in the Strategic Housing Land Availability Assessment – SHLAA)

PROPOSAL

5. This application seeks approval for the demolition of all the existing buildings on the site and erection of 8 apartments. Each apartment would have one bedroom and vehicle access to the site would be from Colley Lane through an access through the building to a parking area to the rear. The parking area would provide 6 parking spaces.
6. The apartment block would be three storeys in height with a hipped, pitched roof and would turn the corner to address both highways of Colley Gate and Colley Lane.
7. It is proposed to include an internal bin and cycle store which would be accessed from the drive-through vehicle access.
8. Bird and bat boxes are proposed to be included within the fabric of the building. The material palette provided is indicated to be that of brick/render/cladding. The parking area would be black top finish with parking bays being block paved.
9. Landscaping is proposed to the frontage of the building with a wall and railing demarking the private realm. To the rear there is a small communal grassed area proposed.

HISTORY

10. There is extensive planning history associated with the site, none of which is relevant to the current proposed scheme.

PUBLIC CONSULTATION

11. Twelve direct neighbour notification letters were sent out to neighbouring properties as well as the posting of a site notice and advert in the Express and Star newspaper. The last date for representations was the 19th March 2022.
12. Four letters of objection have been received, two from the same property. The material planning considerations outlined are:
 - Close proximity of the proposed building to the neighbouring property impacting on right to light.
 - Viability of neighbouring business.
 - Scale of the building.
 - 8 single dwellings inappropriate for the surrounding area as infrastructure not sufficient (GP, schools).
 - Impact on the highway junction.
 - Potential poor finish of the building.
 - Loss of privacy
 - Visual impact
 - Unsafe vehicle access point.
13. The following non-material planning considerations were also raised:
 - Private access rights across the land for vehicles
 - Loss of informal parking
 - Damage to property due to close proximity of the proposed building.
 - Malicious damage to property.

OTHER CONSULTATION

14. Highways Engineer – No objections as a result of the amended internal layout increasing the provision of cycle storage.
15. Environmental Safety and Health Team - No objections subject to safeguarding conditions.
16. Contaminated Land Team – No objections subject to conditions.

RELEVANT PLANNING POLICY

17. National Planning Policy:
 - National Planning Policy Framework (NPPF) 2021
 - Technical Guidance to the National Planning Policy Framework
 - CIL Regulations
18. Black Country Core Strategy 2011:
 - The Vision
 - Sustainability Principles
 - The Spatial Objectives
 - HOU1 Delivering Sustainable Housing Growth
 - HOU2 Housing Density, Type and Accessibility
 - DEL1 Infrastructure Provision
 - CSP4 Place Making
 - TRAN2 Managing Transport Impacts of New Development
 - ENV1 Nature Conservation
 - ENV2 Historic Character and Local Distinctiveness
 - ENV3 Design Quality
 - ENV 8 Air Quality

19. Dudley Borough Development Strategy 2017:

- Policy S1 Presumption in favour of Sustainable Development
- Policy S6 Urban Design
- Policy S7 - Landscape Design
- Policy S8 Conservation and Enhancement of Local Character and Distinctiveness
- Policy S10 Listed Buildings
- S11 Buildings of Local Historic or Architectural Importance
- S12 Areas of High Historic Townscape Value
- Policy S17 Access & Impact of Development on the Transport Network
- Policy L1 Housing Development, extensions and alterations to existing dwellings
- Policy D2 Incompatible Land Uses
- Policy D5 Noise Pollution

20. Supplementary Planning Guidance:

- New Housing Development SPD revised 2013
- Parking Standards SPD revised 2017
- Nature Conservation SPD
- Historic Environment SPD (2017)
- CIL Charging Schedule (2015)

ASSESSMENT

21. The main issues are

- Principle/Policy.
- Impact on Heritage Assets.
- Character and Design
- Neighbour and Occupier Amenity
- Highway Matters
- Land Contamination and Stability

- Financial Matters
- Other matters

Principle/Policy

22. The National Planning Policy Framework (NPPF) states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. In connection with this, at a local level Policy HOU2 of the Core Strategy seeks the provision of high-quality design in new housing developments, whilst Policy S6 of the Dudley Borough Development Strategy (2017) requires that new developments should have a positive impact on the character and appearance of the area.
23. Paragraph 28 of the NPPF (2021) supports the use of non-strategic policies to influence local design character and sets out that *“Non-strategic policies should be used by Local Planning Authorities and communities to set out more detailed policies for specific area... establishing design principles”*. This rhetoric is also supported under paragraph 128 and 129 of the NPPF (2021). Furthermore, in considering the importance of good design the NPPF (2021) further states that *“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.”*
24. The proposed development is therefore in principle, aligned with the requirements of the national planning policy framework, in that it helps to fulfil housing growth. Therefore, there is significant, broad planning policy support for this residential development, particularly within sustainable locations. The site is also located in a sustainable location in terms of transport links and amenities.
25. The Black Country Core Strategy adopted in 2011 sets out The Vision, Sustainability Principles and The Spatial Objectives for future development in the Black Country to

2026. One of the Spatial Objectives of the Strategy is to help to deliver sustainable communities on redundant land, that make the most of opportunities such as public transport, are well served by residential services and green infrastructure, have good walking, cycling and public transport links to retained employment areas and centres, are set in high quality natural and built environments and are well integrated with surrounding areas.

26. The Black Country Core Strategy (BCCS), Policy HOU1: 'Delivering Sustainable Housing Growth' also requires at least 63,000 net new homes up to 2026.
27. Policy L1 of The Dudley Borough Development Strategy states that new development will be supported on previously developed land and on sites in sustainable locations, close to public transport facilities and links. Housing development will be permitted, provided that the design of the development is of an appropriate form, siting, scale, and mass; that it would not cause unacceptable harm to the amenities of the occupiers of neighbouring dwellings; that it would provide an appropriate level of amenity for future occupiers of the development and that the development would provide adequate access, parking and provision for the manoeuvring of vehicles, with no detrimental impact on highway safety and free flow of traffic.
28. The principle of residential development submitted under this application at this site is considered entirely appropriate in line with the aspirations of national and local policy context. The development would therefore contribute towards meeting the housing growth objectives of Policy HOU1 of the Core Strategy.

Impact on Heritage Assets

29. The National Planning Policy Framework (NPPF) advises that LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets, and the desirability of new development making a positive contribution to local character and distinctiveness. It also sets out the Government's policy for the management of development that would affect a heritage asset, including assets identified by the local planning authority (local listing). Paragraph 199 states that

‘When considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset’s conservation...’

30. BCCS policies CSP4 ‘Place Making’, ENV2 ‘Historic Character and Local Distinctiveness’ and ENV3 ‘Design Quality’ requires that all development demonstrates a clear understanding of historic character and local distinctiveness and demonstrates how proposals make a positive contribution to place-making and environmental improvement through high quality design.
31. Policy S11 of the Dudley Borough Development Strategy states that the Council will resist development, which have a detrimental impact on the setting or context of buildings or structures on the Local List including development, which conflicts with the intrinsic historic value of the building and its setting and the local character of the wider area. Policy S10 of the Dudley Borough Development Strategy states that proposals for demolition, inappropriate alteration of or addition to statutorily Listed Buildings, or for development which would harm their significance or be detrimental to their setting, will be resisted.
32. The proposed development would affect the setting of both a non-designated heritage asset (Chainmakers Fish and Chip Shop) and a designated heritage asset (Former Chainmakers Public House). The bulk and mass of the proposed building is considered, on balance, to be acceptable in relation to these heritage assets. The separation between the proposed three storey development and the Grade II listed structure, on the opposite side of the highway is considered to provide enough relief to ensure that its setting is not impacted upon to a level detrimental enough to warrant refusal of the application. The proposed building is in closer proximity to the western neighbour but adopts an acceptable approach, in terms of massing, to allow support for the development to be offered. Given this, the proposed development is considered to offer a neutral impact on the neighbouring heritage assets. On this basis, and after careful consideration of most plans submitted, the proposed development would be in accordance with the requirements of the NPPF (2021), BCCS Policies, CSP4 - Place Making, HOU1 - Delivering Sustainable Housing Growth, ENV2 - Historic Environment and Local Distinctiveness; Policies L1, S10 and

S11 of the Dudley Borough Development Strategy (2017) and the New Housing Development Supplementary Planning Document (2013).

Character and Design

33. The bulk, scale and mass of the proposed building is considered, on balance as acceptable on this prominent corner plot location. However, the palate of materials, finishes and elevational treatment is not deemed to be appropriate as shown on the submitted elevations and visual representations. The use of this pastiche design approach and materials is not considered to be appropriate at this site where an opportunity arises to ensure a high quality and arresting form of development that could add interest to the streetscene. Further, the elevational treatment should be amended and improved to allow for a more appropriate vernacular. As such, whilst the principle of the development in terms of scale is, on balance, acceptable, it is considered appropriate to add conditions to any approval related to the material finishes and elevations so that a more contemporary and suitable form of development can be considered on this site. This is specifically relevant given the siting of the application site in an Area of High Historic Townscape Value. Subject to these conditions the development is considered acceptable. In this regard the proposed development is considered to align with the requirements of The NPPF (2021), Policies S6 and S12 of the Dudley Borough Development Strategy (2017) and Policies ENV2 and ENV3 of the Black Country Core Strategy (2011)
34. The density of the proposed development is approximately 75 dwellings per hectare which is in accordance with the requirements of the New Housing SPD (2013) in terms of this in centre location.
35. The existing buildings upon the site are derelict and in a state of disrepair. The removal of these buildings and replacement with this new build, flatted scheme is considered to be an improvement visually to the wider area whilst bringing back a prominent site back into active use. This proposal therefore accords with the requirements of the NPPF (2021) HOU1 of the Black Country Core Strategy (2011) and L1 of the Dudley Borough Development Strategy (2017).

Neighbours and Occupier Amenity

36. All of the proposed flats meet the requirements on terms of the Nationally Described Space Standards (March 2015). A Noise Risk Assessment and Acoustic Design Statement from Noise.co.uk dated 13th January 2022 has been provided to support the application. It identifies that road traffic noise affects the site and that mitigation is required to protect future residents in the form of enhanced double glazing and acoustic ventilation. The Council's Environmental Safety and Health Team have assessed the findings of this report and are satisfied that noise issues can be addressed for future occupiers by way of planning conditions. As such the development complies with the requirements of policy D5 of the Dudley Borough Development Strategy (2017). It is noted that a long-standing vehicle repair did lie adjacent to the site and does not have a history of complaint against it. It is assumed that the business operated without giving rise to adverse effects from its operations and that no particular mitigation measures are required to reduce its effect on nearby residents, some of whom live adjacent to it. As such the proposed development would accord with the requirements of Policy D2 of the Dudley Borough Development Strategy (2017).
37. The proposed properties are one-bedroom apartments and as such will be targeted at single occupiers and couples. There is space to the rear of the premises for the drying of washing and sitting outside. Whilst the area of amenity space is minimal it is functional, and it is not a requirement for flats within a centre to provide dedicated amenity space for each property. Further, the site is within a short walking distance (approx. 250m) of Homer Hill Recreation Ground.
38. The nearest residential dwelling is to the rear (north) of the site, number 6 Colley Lane. This residential property has its private residential garden adjoining the application site. There would be a separation distance of 19m from the rear elevation of the proposed building and the boundary of this residential neighbour. This distance is considered adequate to ensure no loss of privacy to a level that would warrant

refusal of the application. A balance must be struck between the privacy expected by the occupiers of this neighbouring dwelling and the natural surveillance of the car park area in terms of secure by design principles. Amenity to the neighbouring business in terms of potential loss of light cannot be given significant weight as this is not habitable space. The current footprint of the building and layout of the flats is considered as acceptable and would not result in the detrimental loss of privacy to the occupiers of number 6 Colley Lane in accordance with the requirements of the NPPF (2021) and the New Housing SPD (2013).

Highway Matters

39. The vehicle access to the site is considered as acceptable. The proposal is for 8 one bed units, the site layout only shows 6 car parking spaces. The site is reasonably accessible by bus with no.9, 13 and 002 providing both town/city and local options. It is considered on balance, that although not meeting the adopted parking standards, parking provision is considered acceptable subject to the adequate provision of other sustainable mode options such as cycling / p2w or electric scooters in the near future.
40. Throughout the assessment of the application the plans have been amended to improve internal arrangements to provide a larger cycle storage area (1 space per unit)
41. Electric vehicle charging is noted to be provided at 4 points future proofing the development beyond Central Governments EV2030 target date. It is also requested that multiple standard 3 pin sockets are installed within the cycle storage to permit the charging of e-bikes and personal / mobility scooters in the future.

Contaminated Land

42. The submitted desk study identifies a need for contamination and ground gas testing to ensure development proposals are sufficiently robust to ensure a safe redevelopment. Consequently, the necessary planning conditions are considered

appropriate to ensure the development is acceptable. Subject to these conditions the proposed development would be in accordance with the requirements of the NPPF (2021) and Policy D3 of the Dudley Borough Development Strategy (2017).

Financial Matters

43. Clause (124) of the Localism Act states that: Local planning authorities are to have regard to material considerations in dealing with applications including any local finance considerations, so far as material to the application. A 'local finance consideration' may be taken to cover the payment of New Homes Bonus, or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy (CIL). The clause does not change the law in any way. It is not a new basis for planning policy, and it remains unlawful for planning permissions to be 'bought'. This proposal would provide eight dwellings generating a New Homes Bonus grant of eight times the national average council tax for the relevant bands.
44. The proposal is also liable for CIL but the site falls within Zone 1 which has a £0 rate thus no CIL charge is required.

Other Matters

45. One of the representations made reference to rights of access to their property across the application site. This has been checked through land registry title deeds and no such access rights exist. It may be that access has been given on an informal basis however this is not a material planning consideration.

CONCLUSION

46. The proposed residential development would be of an appropriate scale, mass and density that would not have an adverse impact upon the character of the area or heritage assets and would not be detrimental to residential amenity. The development would make a positive contribution to the wider area and does not raise concerns with relation to highways, noise or air quality. The

proposed development is in accordance the policies contained within the National Planning Policy Framework (2021), and all the local policies listed within this report.

RECOMMENDATION

47. It is recommended that the application be approved, subject to conditions.

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
•21129-101, ADL353, 21023/4, 21023/3, 21023/2A, 21023/1, 21023/5A and 21023/8
REASON: For the avoidance of doubt and in the interests of proper planning.
3. The dwelling(s) shall not be occupied until the area noted on plan number 21023/5A for secure and covered cycle storage has been fully installed. These facilities shall be provided in strict accordance with this plan prior to the first occupation of the dwelling(s) and shall thereafter be retained and maintained for no other purpose, for the life of the development.
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings
Policy D2 Incompatible Land Uses (in part)
and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.
4. Prior to first occupation all redundant dropped kerbs should be replaced with matching full height kerbs and the adjacent Highway made good.
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings
Policy D2 Incompatible Land Uses (in part)
and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.
5. In order to minimise the impact of the development on local air quality, any gas boilers provided within the development must meet a dry NO_x emission concentration rate of <40mg/kWh. The specification of the gas boiler(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any above ground development and the approved specification of boiler(s) shall thereafter be fitted in accordance with such details.
Reason: To safeguard the air quality of the Borough which is an Air Quality

Management Area in compliance with the Black Country Core Strategy Policy ENV8 and the adopted Air Quality SPD.

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

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

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

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

8. The materials to be used in the hard surfacing of the development hereby approved shall be in accordance with the schedule as outlined on plan number 21023/4. The hard surfacing shall be completed with a surface and sub-strata that is permeable. The development shall thereafter be carried out in complete accordance with these details and retained for the lifetime of the development unless otherwise agreed in writing with the local planning authority.

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

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

9. The soft landscaping as shown on the approved plans shall be implemented within the first planting season following the first occupation of the development unless otherwise agreed in writing by the Local Planning Authority. 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.

REASON: In order to make a positive contribution to place-making and provide a high quality landscaping and to ensure that the approved landscaping is properly maintained in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings

Policy D2 Incompatible Land Uses (in part).

10. The boundary treatments around the site shall be undertaken in strict accordance with the details noted on plan number 21023/4. The boundary treatments shall be carried out in complete accordance with the approved plan prior to the occupation of the dwellings hereby approved and shall thereafter retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority

REASON: In order to make a positive contribution to place-making and provide a high quality public realm in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban Design and

Policy L1 Housing Development, extensions and alterations to existing dwellings
Policy D2 Incompatible Land Uses (in part)

This detail is required prior to the commencement of above ground works as the required works may need to be incorporated into buildings on the site and as well as needing to protect the amenity of existing and proposed occupiers.

11. No development shall commence (excluding demolition, site clearance and initial ground works) until detailed plans and sections showing existing site levels, proposed finished floor levels and ridge heights of the dwellings hereby approved as well as spot levels of neighbouring adjacent land have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in complete accordance with the approved details.

REASON: In the interests of the visual amenities of the area and to safeguard the amenities of occupants of neighbouring properties and to comply with BCCS Policies CSP4 - Place-Making and ENV2 - Historic Character and Local Distinctiveness and Borough Development Strategy 2017 Policy Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings

Policy D2 Incompatible Land Uses (in part).

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

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

13. Development shall not begin until a scheme for protecting residents in the proposed dwellings from noise from traffic using Colley Gate and Maple Tree Lane has been submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed

before occupation of the permitted dwellings, unless otherwise agreed in writing by the Local Planning Authority. The protection measures in the agreed scheme shall be maintained throughout the life of the development. The mitigation scheme shall have regard to the noise mitigation measures contained in the Noise Risk Assessment and Acoustic Design Statement from Noise.co.uk dated 13th January 2022.

In order to safeguard the amenities of the occupiers of the proposed dwellings and to comply with Saved UDP Policy EP7.

14. No development shall commence until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.

REASON: These details are required prior to the commencement of development to ensure that the risks associated with any contamination are reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land.

15. Where the approved risk assessment (required by condition 14 above) identifies contamination posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such contamination has been submitted to and approved in writing by the Local Planning Authority. Following approval, such remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: These details are required prior to the commencement of development to ensure that the risks associated with any contamination are reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land.

16. Following implementation and completion of the approved remediation scheme (required by condition 15 above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

REASON: To ensure that the risks associated with any contamination have been reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land and the NPPF.

17. No development shall commence until an assessment of the risks posed by any ground gases or vapours has been submitted to and approved in writing by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.

REASON: These details are required prior to the commencement of development to ensure that the risks associated with any contamination are reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land.

18. Where the approved risk assessment (required by condition 17 above) identifies ground gases or vapours posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such ground gases or vapours has been submitted to and approved in writing by the Local Planning Authority. Following approval, such remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: These details are required prior to the commencement of development to ensure that the risks associated with any contamination are reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land.

19. Following implementation and completion of the approved remediation scheme (required by condition 18 above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

REASON: To ensure that the risks associated with any ground gases or vapours have been reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land and the NPPF.

20. Notwithstanding the submitted details, prior to the commencement of any above ground works a written schedule of the types, colours and textures of the materials to be used on the external surfaces of the buildings hereby approved as well as elevational treatment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the satisfactory appearance of the development in accordance with BCCS Policy ENV2 - Historic Character and Local Distinctiveness and Saved UDP Policies DD1 - Urban Design and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part)

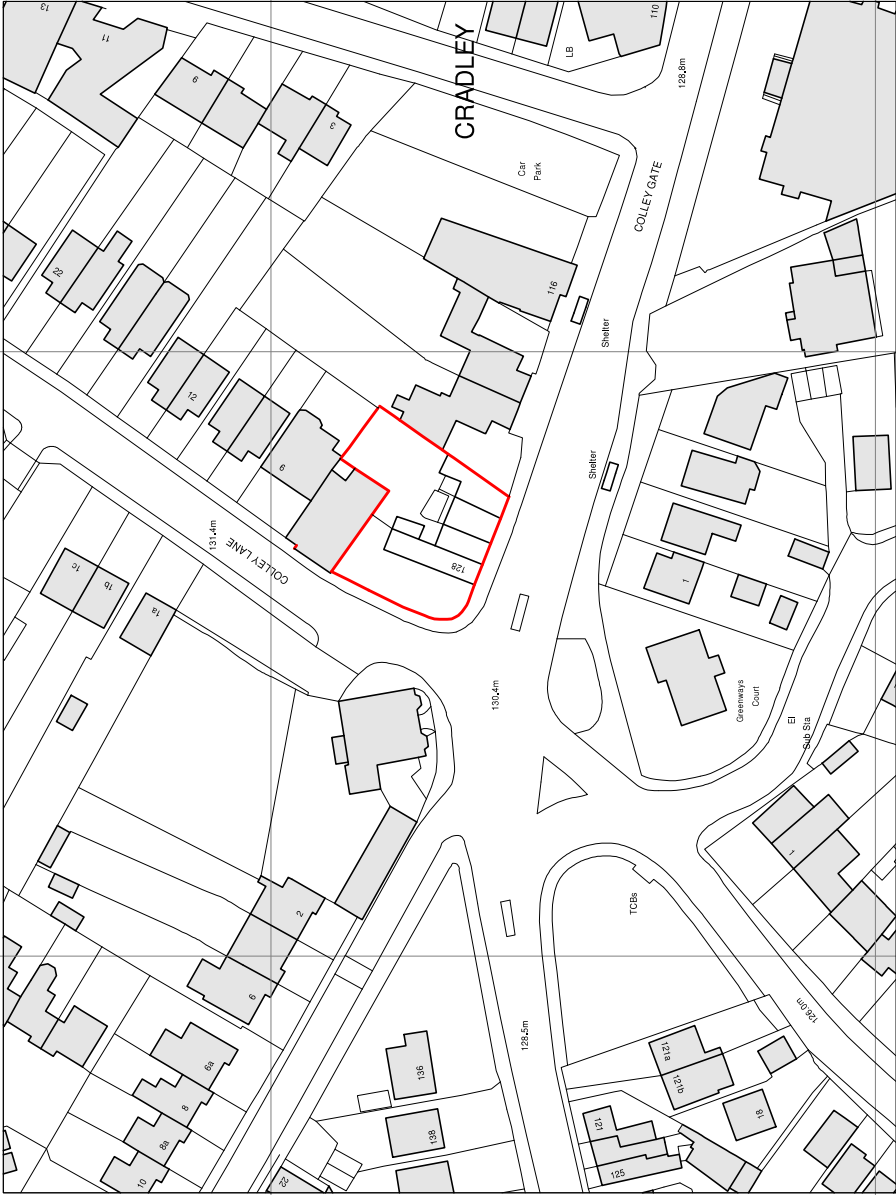
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394100m



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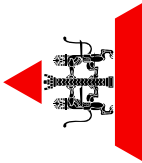


284700m

284700m

284600m

284600m



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DUDLEY MBC/JESSUP

RESIDENTIAL DEVELOPMENT
COLLEY GATE, HALESOWEN

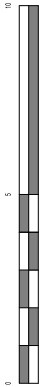
LOCATION PLAN

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noted with no adjustments.

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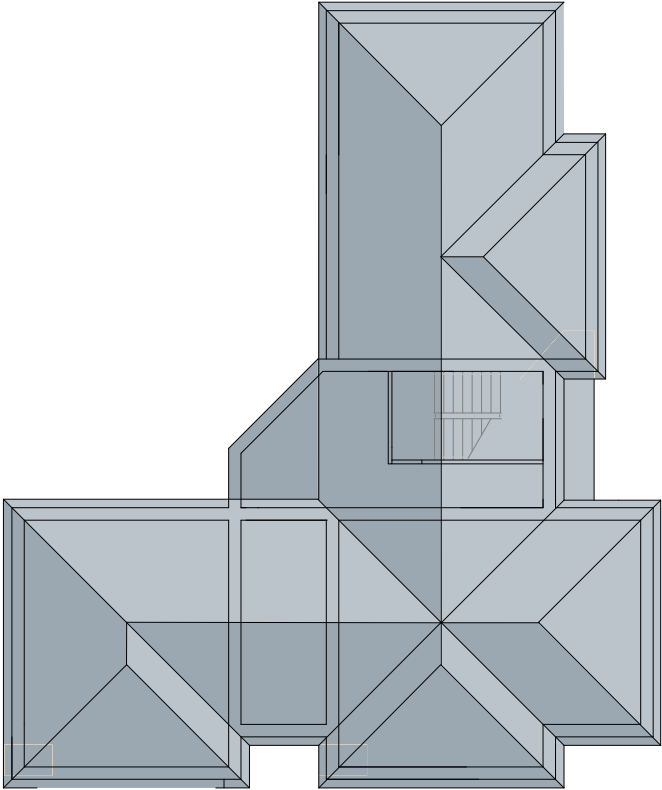
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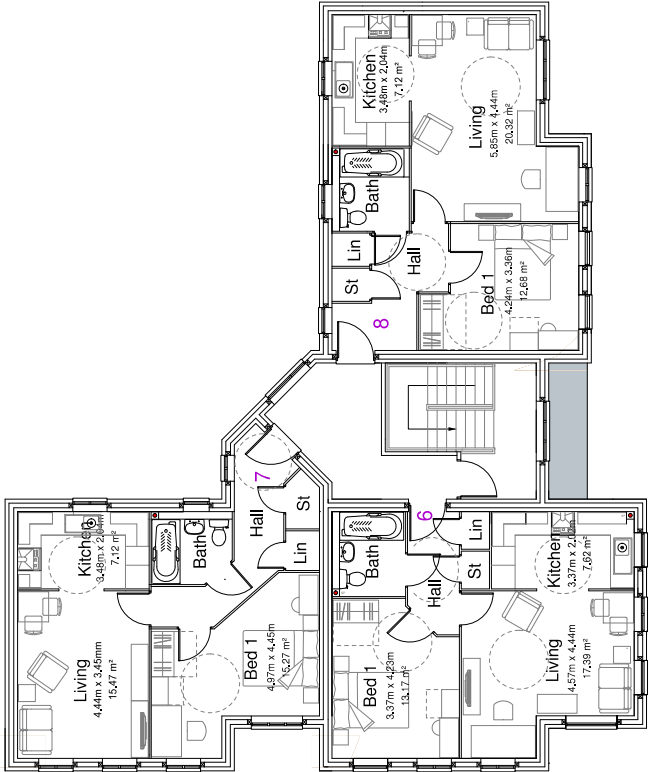
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ACCOMMODATION

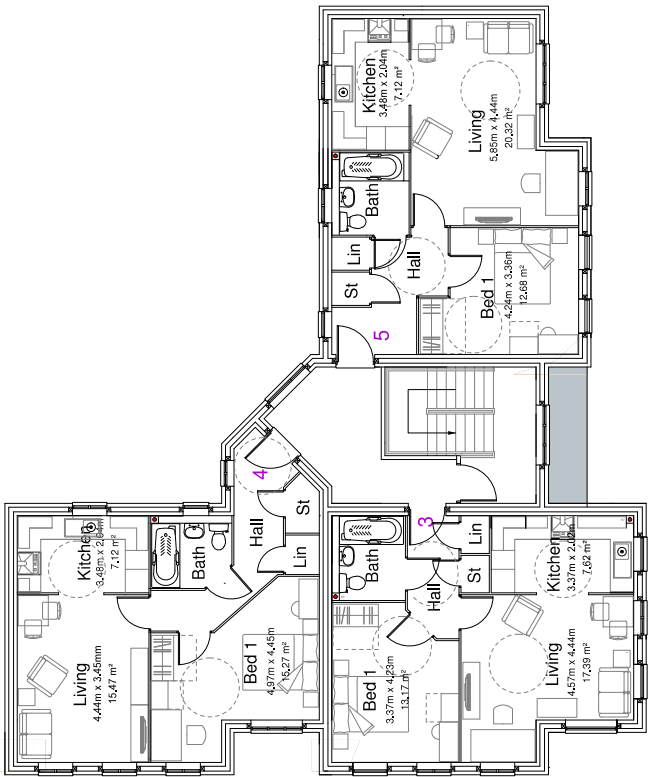
- Plot 1 1 Bed 2 Person Flat @ 50 Sq. M
- Plot 2 1 Bed 2 Person Flat @ 54 Sq. M
- Plot 3 1 Bed 2 Person Flat @ 50 Sq. M
- Plot 4 1 Bed 2 Person Flat @ 53 Sq. M
- Plot 5 1 Bed 2 Person Flat @ 54 Sq. M
- Plot 6 1 Bed 2 Person Flat @ 50 Sq. M
- Plot 7 1 Bed 2 Person Flat @ 53 Sq. M
- Plot 8 1 Bed 2 Person Flat @ 54 Sq. M



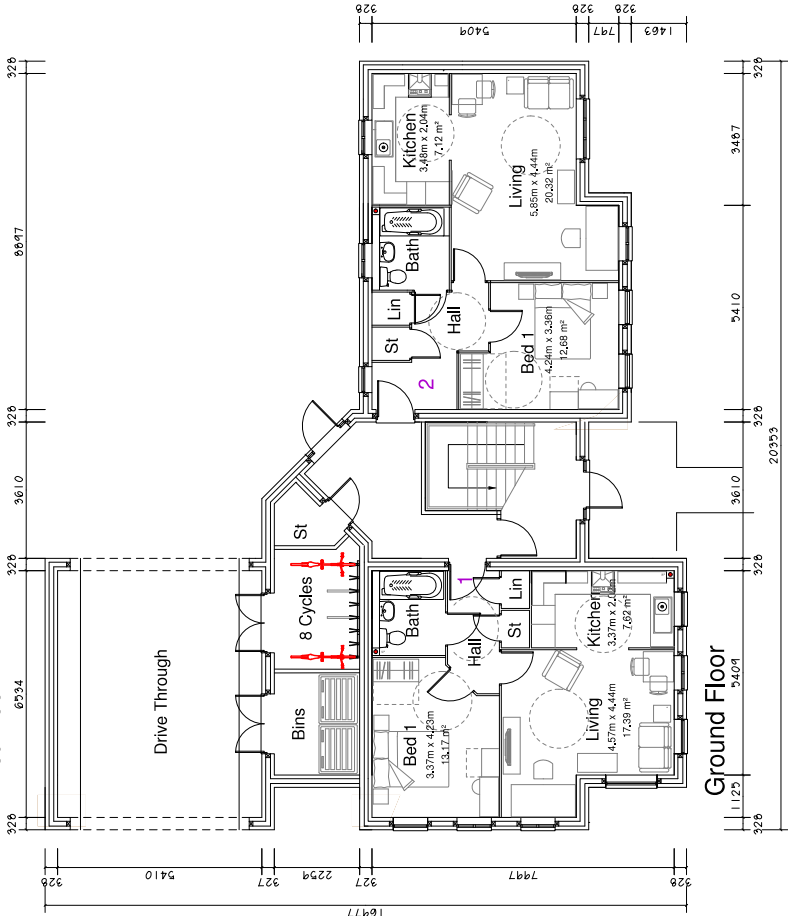
Roof Plan



Second Floor



First Floor



Ground Floor

A CYCLE STORE REVISED 26/3/22 DATE



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DUDLEY MBC			
RESIDENTIAL DEVELOPMENT			
COLLEY GATE, HALESOWEN			
FLAT PLANS			
scale@A3	date	drawn	checked
1:100	JAN 22	SPF	21023/5A

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Scale 1:500

ACCOMMODATION

8 No. 1 Bed 2 Person Flats

6 No. Car Parking Spaces

A ADJUSTED TO SITE SURVEY 31/1/22
REVISIONS DATE



1 Station Court
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DUDLEY MBC/JESSUP

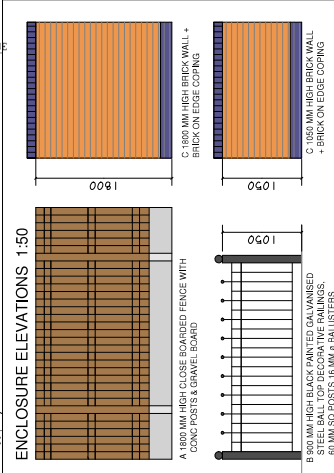
RESIDENTIAL DEVELOPMENT

COLLEY GATE, HALESOWEN

SITE PLAN

scale@A3	date	drawn	drawing
1:500	JAN 22	SPF	21023/2A

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EXTERNAL WORKS LEGEND

ENCLOSURES

A 1800 MM HIGH CLOSE BOARDED FENCE WITH CONCRETE POSTS AND 300 MM GRAVEL BOARDS

B 1000 MM HIGH BLACK GALVANIZED STEEL RAILINGS

C 1800 MM HIGH BRICK WALL + BRICK ON EDGE COPING

D 1050 MM HIGH BRICK WALL + BRICK ON EDGE COPING

E PAVING

F MACADAM PATHS TO ENGINEERS SPECIFICATION

G 600 x 600 x 50 MM PAVING SLABS ON 100 MM SAND/GRANULITE (150/90) ON 75 MM THICK GRANULAR FILL BASE

H DRIVE AND CAR PARKING BAYS

I BLOCK PAVED CAR PARKING BAYS TO ENGINEERS SPEC

J MACADAM ACCESS DRIVE TO ENGINEERS SPECIFICATION

K MACADAM CROSSOVER TO ENGINEERS SPECIFICATION

PLANTING SCHEDULE

SHRUBS

GRASS

GROUND PREPARATION

SITE COMPOUND TO BE LOCATED IN NON CULTIVATED AREAS WHERE POSSIBLE. ALL AREAS TO BE CULTIVATED TO BE CLEARED OF BUILDERS RUBBLE AND BRICK BROKEN UP TO A DEPTH OF 200 MM. ALL AREAS TO BE CLEARED OF BUILDERS RUBBLE TO BE 50% TOPSOILED AREAS TO BE LEFT IN A CLEAN, OPENLY GRADED AND UNCOMPACTED STATE PRIOR TO ACCESS BY LANDSCAPING CONTRACTOR

ELECTRIC VEHICLE CHARGING POINT

Wallbox EV Ready 13amp external socket mode 3 charging.

ECOLOGICAL ENHANCEMENTS

10% to be included with 1.5 m

10% to be included with 1.5 m

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S. P. Faizey
Chartered Architect
w: www.spibsey.co.uk

JESSUP/ DUDLEY MBC

RESIDENTIAL DEVELOPMENT
COLLEY GATE, HALESOWEN

SITE LAYOUT

Scale 1:200

Date JAN 22

Drawn SPF

Checked 210231/4

DEVELOPMENT CONTROL COMMITTEE

REPORT OF THE DIRECTOR OF REGENERATION AND ENTERPRISE

CONFIRMATION OF TREE PRESERVATION ORDERS

Purpose

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

Recommendations

2. It is recommended that:-
 - The Tree Preservation Orders referred to in the Appendix to this report should be confirmed without modification.
 - The recommendation is subject to the approval of members of the Development Control Committee

Background

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

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

Finance

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

Law

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

Risk Management

14. There are no material risks arising from this report other than those identified in paragraph 12 above. Should the Order be confirmed, any works to the preserved trees subject to the order will be considered by future applications and determined on the basis of good tree husbandry and amenity considerations.

Equality Impact

15. The proposals take into account the Council's Equality and Diversity Policy and it is not considered that there will be any impact upon persons of protected characteristics..

Human Resources/Organisational Development

16. There are no Human Resources/Organisational Development issues arising from this report.

Commercial/Procurement

17. There are no Commercial or Procurement implications arising from this report.

Council Priorities

18. The proposals for the confirmation of the tree Preservation Order are considered to align with the Council's decision to declare a Climate and Environmental Emergency, recognising that the value of the trees as a heat sink and that they function as an efficient carbon store to buffer environmental implications which aligns with the carbon reduction strategy and the aim to reach net zero by 2041.



.....
DIRECTOR OF REGENERATION AND ENTERPRISE

Contact Officer: John Fraser
Telephone 01384 814787
E-mail john.fraser@dudley.gov.uk

List of Background Papers

Appendix 1.1 – TPO/0301/HAS– Confirmation Report
Appendix 1.2 – TPO Plan and Schedule for confirmation

APPENDIX 1.1

Confirmation Report for

The Borough of Dudley (St. Margaret's at Hasbury C of E Primary School, Hagley Road, Halesowen) (TPO/0301/HAS)) Tree Preservation Order 2021

Tree Preservation Order	TPO/0301/HAS
Order Title	St. Margaret's at Hasbury C of E Primary School
Case officer	John Fraser
Date Served	26/11/2021
Recommendation	Confirm without modifications

SITE AND SURROUNDINGS

1. The order, as served, protects 20 individual trees and 1 group of trees, around the boundaries of the school playing fields and playground area. The school is specifically in Halesowen South but is very close to Belle Vale and Hayley Green and Cradley South from where children will attend.
2. The trees were identified as being worthy of protection following a survey of trees within the school playing fields on 23rd November 2021. The trees were found to score sufficient points on a TEMPO evaluation to warrant protection under the TPO regulations. The trees were considered worthy of preservation due to their contribution to the amenity of the area in terms of their public visibility and contributions to the landscape in the area, their health and educational benefits, and the valuable connection to nature that the trees provide to the students who attend St. Margaret's Primary School.
3. The school playing field and playground is a large area that sits some 3 metres below the gardens of the surrounding properties on Hagley Road and Alvechurch Road. The land rises steeply towards the gardens from the playing fields on the northern and western boundaries of the site.

PUBLIC REPRESENTATIONS

4. Following the serving of the TPO, three letters of objection were received from the occupants of 4 Quarry Hill, 10 Alvechurch Road and 11 Alvechurch Road. The comments highlighted a loss of 'ambient' light from gardens on dull days, the nuisance caused by overhanging branches and leaf and seed litter from the trees.

5. Two letters of support for the TPO, have been received as well as a number of letters from children attending the school. The letters of support were based on the following grounds:
- The trees on the site provide habitat to various species of wildlife, and the removal of the trees would reduce the available habitat for the wildlife to use;
 - The trees give pleasure to the students of the school and local residents and make the area more appealing;
 - The trees reduce the negative impacts of climate change;
 - The trees absorb carbon from the air, and release oxygen;
6. The representations are considered below.

RESPONSE TO REPRESENTATIONS

7. With regard to loss of light/view, the gardens concerned are of sufficient size to provide reasonable levels of private amenity space without significant hindrance from the trees. The trees are situated to the north/ northeast of the gardens of the objectors in Quarry Hill and Alvechurch Road and the sun traverse in the sky is from early morning north-east through south to evening north-west. This means that shading from the tree would mostly be directed away from the gardens. Furthermore, the trees stand some distance from the houses on Quarry Hill and Alvechurch Road.

The shade from trees can be considered both a constraint and opportunity. There is no common law right to light or legal right to a view, and a neighbour can plant what they like where they like on their property.

The possible only recourse to this is the Prescriptions Act 1932 section 3, where if a person has had uninterrupted light for a period of 20 years or more and then a neighbour plants a tree blocking out light, then a right of easement exists.

It is also a right to receive sufficient natural illumination through defined apertures such that the rooms served by the apertures can be used for the ordinary purposes to which the building is likely to be put.

The test for deciding whether or not an actionable interference has arisen is not how much light has been taken away but how much light remains and whether the remaining light is sufficient for a claimant's purposes.

Due to the position and orientation of the trees, the issue of lack of light to the gardens/houses standing on Quarry Hill and Alvechurch Road is not considered to be significant.

Reference is made to accumulations of leaf litter etc. Complaints about leaf fall are not uncommon and are seen as a normal maintenance obligation and are borne out of living in an area defined by a mature landscape of trees.

8. The submitted grounds for the support of the TPO are reasonable and where the fundamental amenity value of the trees is sufficient, it is considered that all the trees in the First Schedule should be retained within the order.

CONCLUSION

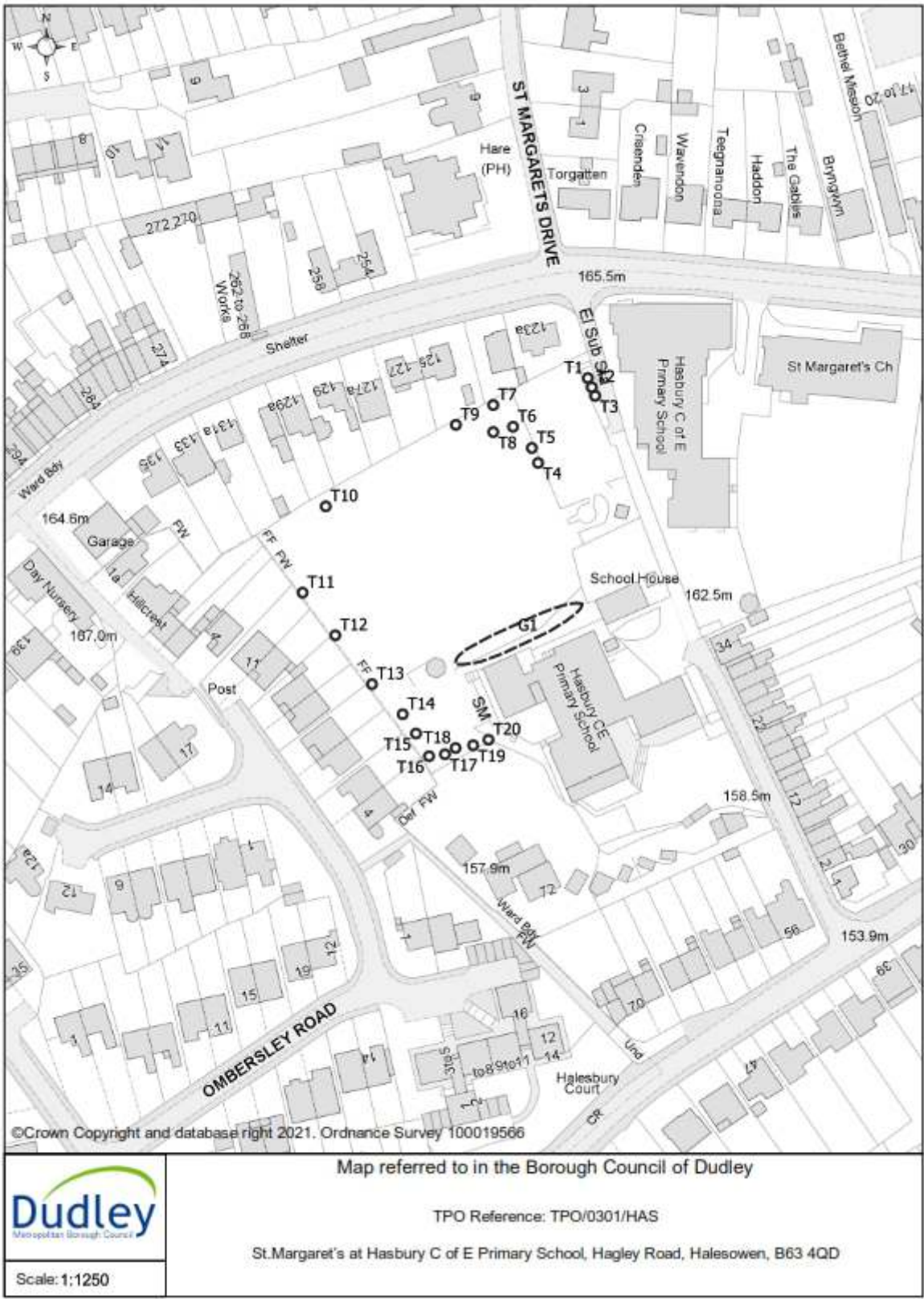
9. Having considered the comments submitted by both the objectors and the supporters of the TPO, it is considered that it is reasonable to confirm the TPO without amendment to ensure against any future inappropriate or unreasonable intervention and to preserve the trees for future generations.

RECOMMENDATION

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

APPENDIX 1.2

Tree Preservation Order Plan and Schedule As Served



FIRST SCHEDULE

INDIVIDUAL TREES
(Circled in black on the plan)

Reference on map	Description	Situation
T1	Beech	Playing fields of St.Margaret's at Hasbury C of E Primary School Hagley Road Halesowen B63 4QD
T2	Beech	
T3	Beech	
T4	Cherry	
T5	Box elder	
T6	Cherry	
T7	Cherry	
T8	Cherry	
T9	Walnut	
T10	London plane	
T11	Norway maple	
T12	Silver maple	
T13	Birch	
T14	Cherry	
T15	Cherry	
T16	Beech	
T17	Norway maple	
T18	Norway maple	
T19	Birch	
T20	Birch	

GROUPS
(Within the broken black line on the plan)

Reference on map	Description	Situation
G1	Predominantly Birch, Hawthorn & Hazel	Playing fields of St.Margaret's at Hasbury C of E Primary School Hagley Road Halesowen B63 4QD

AREAS
(Within the dotted line on the plan)

Reference on map	Description	Situation
	N/A	

Meeting of the Development Control Committee 13th April 2022

Report of the Director of Regeneration and Enterprise

Publication of the final Conservation Area Character Appraisals and Management Plans for the Lutley Mill Conservation Area and the Coppice Conservation Area

Purpose

1. The purpose of this report is:
 - a) To report to Committee the results of the public consultation exercise undertaken in respect of the Draft Conservation Area Character Appraisals and Management Plans for the Lutley Mill Conservation Area and the Coppice Conservation Area (**Appendix A** and **B** appended to this report).
 - b) To seek approval for the publication of the now finalised Conservation Area Character Appraisals for the Lutley Mill Conservation Area and the Coppice Conservation Area (located in the Members Library and circulated with this report for Development Control Committee Members only).
 - c) To request that Development Control Committee recommends to the Council's Cabinet Member for Regeneration and Enterprise the revised boundary to the Lutley Mill Conservation Area and the Coppice Conservation Area as delineated by the boundaries in **Appendix C** appended to this report and in line with the finalised Conservation Area Character Appraisal for Lutley Mill and the Coppice and authorise the Director of Regeneration and Enterprise to take all necessary steps to implement this proposal.

Recommendations

2. It is recommended: -
 - That Development Control Committee note the results of the public consultation exercise undertaken in respect of the Draft Conservation Area Character Appraisals and Management Plans for the Lutley Mill Conservation Area and the Coppice Conservation Area (**Appendix A** and **B** appended to this report); .

- Development Control Committee approves the publication of the now finalised Conservation Area Character Appraisals for the Lutley Mill Conservation Area and the Coppice Conservation Area (located in the Members Library and circulated with this report for Development Control Committee Members only).
- Development Control Committee recommends to the Council's Cabinet Member for Regeneration and Enterprise the revised boundaries to the Lutley Mill Conservation Area and the Coppice Conservation Area as delineated by the boundaries shown in **Appendix C** appended to this report and in line with the finalised Conservation Area Character Appraisals and authorise the Director of the Regeneration and Enterprise to take all necessary steps to implement this proposal.

Background

3. At the meeting of the Development Control Committee on the 2nd June 2021, the Director of Regeneration and Enterprise was authorised to undertake a seven-week public consultation on the two draft Conservation Area Character Appraisals and Management Plans for the Lutley Mill Conservation Area and The Coppice Conservation Area.
4. The draft Conservation Area Character Appraisals define and record the 'special interest' of the two Conservation Areas and they suggest management proposals to preserve and enhance their special character. Furthermore the appraisals re-evaluate the boundaries of the existing conservation areas and through a series of analyses, reached the conclusion that the boundaries for the two Conservation Areas be amended.
5. For the Lutley Mill Conservation Area it was recommended that the southern boundary of the conservation area be slightly extended in order to incorporate the footbridge and footpath as they provide significant access to the area and enhance appreciation of the site and its wider landscape setting (please see **Appendix C – Figure 1**).
6. For the Coppice Conservation Area it was recommended that the boundary of the conservation area be both extended (in order to incorporate additional areas that demonstrate special interest and warrant addition) but also be slightly reduced on its eastern boundary. The proposed amendments to the boundary are set out in **Appendix C - Figure 2** and are summarised below:
 - An extension of the boundary to the west end of Turls Hill is proposed to include a group of semi-detached houses on the north side of Turls Hill Road, along with a section of bridle path, an outlying house and a small portion of woodland of Hurstill Wood.
 - A small reduction of the boundary is proposed at the eastern end of the Conservation Area. The original boundary was drawn to include the garden plot belonging to the Hurst Hull Tavern Public House. Since then the Tavern has closed and the pub and its land has converted into residential use and new housing plots erected in its curtilage.



Public Consultation

7. In accordance with statutory requirement, a seven-week consultation was undertaken on the two draft Character Appraisals and the proposed boundary changes, running from 28th June to 13th August 2021. During that time the documents were made available to be viewed on the Council's website where there was also available an online questionnaire for the public to complete.
8. Hard copies of the document were also made available in Dudley Council Plus offices as well as at all the main town libraries. Notification of the consultation was sent to statutory consultees and key stakeholders and to all properties located within the Conservation Area.
9. The documents were also available on the Committee Management Information System (CMIS) and paper copies provided in the Members Room. Due to the Covid restrictions, face to face sessions could not be provided however copies of the document were posted out directly to residents who requested it.
10. To assist the public in expressing their views on the draft Appraisals a questionnaire was provided which included a map illustrating the proposed boundary changes. Five specific questions were posed in the questionnaire which allowed quantitative assessment of the results. Respondents were asked to state 'yes' if they were in support or 'no' if they were not in support of various propositions posed by the Draft Character Appraisal proposals. They were also able to indicate if they had 'no opinion'. Space was also provided on the questionnaire for people to make additional comments.
11. By the end of the consultation period 21 completed questionnaires had been received for the Lutley Mill Conservation Area and 16 completed questionnaires received for the Coppice Conservation Area. For a full summary of the results of the public consultation please refer to the separate Public Consultation reports appended at the end of this report as **Appendix A** and **B**.
12. The questionnaire responses received back demonstrated that there was substantial support for the proposed boundary changes to the two Conservation Areas and support for the contents of the appraisals, including the conservation area management proposals. From the representations received it was clear that the public were both aware and very keen to preserve and enhance the special character of the two conservation areas and were very much in favour of the revised conservation area boundaries.
13. The results of the public consultation exercise and all representations made during the consultation period were carefully considered and taken into account and incorporated in the final Character Appraisals as appropriate and are commended to Development Committee for formal approval.



Finance

14. The publication of the Conservation Area Character Appraisals for Lutley Mill and the Coppice is allowed for within existing budgets and resources dedicated to the production of Development Plan Documents and other statutory planning documents.

Law

15. The power to designate and amend Conservation Areas is contained in section 69 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 69 of the 1990 Planning (Listed Buildings and Conservation Areas) Act imposes a duty on Local Planning Authorities to designate as Conservation Areas “*any areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.*” The Act also places a duty on local authorities to designate conservation areas where appropriate and from “*time to time*” to review the extent of conservation area designation within their districts.
16. In addition, Section 2 of the Local Government Act 2000 allows the Council to do anything that it considers is likely to promote or improve the economy or environment in the Borough. In respect of the Council’s Constitution, C40 states that the Cabinet Member for Regeneration and Enterprise, in consultation with Development Control Committee, designates Conservation Areas.

Risk Management

17. The proposals contained in this report do not have any identified “material” risks associated.

Equality Impact

18. The proposals contained in this report will be compliant with the Council’s Equality and Diversity Policy and with the Equality Act 2010. This is an inclusive project which will be accessible to all sectors of the community.

Human Resources/Organisational Development

19. The proposals contained in this report do not have any implications for Human Resources/Organisational Development.

Commercial/Procurement

20. The proposals contained in this report do not have any implications in respect of trade or customer base. There are no commercial or procurement implications relating to this report.



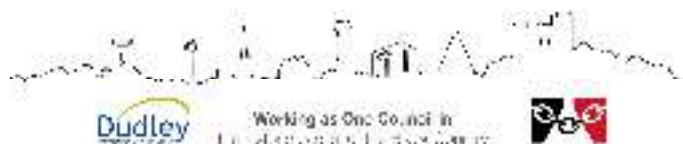
Council Priorities

21. The proposals contained within this report will help deliver all of the 7 aspirations of the Borough Vision, in particular vision 1 *'Home of rich heritage, inspiring a unique visitor destination'* and it is in full accordance with the Council Plan and Future Council Programme.
22. Vision 1 for 2030 is *'A place to **visit and enjoy** that drives opportunity, contributing to its ambitious future while celebrating its pioneering past'*. By 2030 Dudley will have
- Internationally known attractions that give Dudley a clear identity
 - Protected heritage, affordable for people to enjoy
 - An attractive offer with a rich industrial, historical and geological focus
- The proposals contained within this report will strongly contribute to the delivery of this vision.
23. The proposals contained in this report do not have any implications for existing communities, the local infrastructure of schools, GP and health provision, public transport connectivity, local housing needs, local deprivation, green spaces and the safety of the community.
24. The proposals contained in this report do not have any environmental implications and will not impact on the Council's carbon reduction strategy and its aim to reach net zero by 2041.
25. The proposals contained in this report do not have any implications for the following corporate issues:
- Corporate Parenting
 - Crime and Disorder
 - Human Rights
 - Asset and Property Management
 - Digital and Information Technology (including Data Protection).
26. In terms of Health, Wellbeing and Safety the proposals contained within this report will have a positive impact on the health, wellbeing and safety of the Borough citizens. This is consistent with the building of stronger, safer and more resilient communities in line with the Dudley Vision and to protect our residents' physical and emotional health for the future.



Helen Martin
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Appendices

Appendix A - Lutley Mill Conservation Area Character Appraisal Public Consultation Report (November 2021)

Appendix B - The Coppice Conservation Area Character Appraisal Public Consultation Report (November 2021)

Appendix C – The Finalised boundaries of the Lutley Mill and The Coppice Conservation Areas.

Appendix D - Lutley Mill Conservation Area Character Appraisal and Management Plan (April 2022) – provided to Development Control Committee Members only

Appendix E - The Coppice Conservation Area Character Appraisal and Management Plan (April 2022) – provided to Development Control Committee Members only

List of Background Documents

Development Control Committee Report dated 24th February 2015 – Appendix 10
<http://cmis.dudley.gov.uk/cm5/Meetings/tabid/116/ctl/ViewMeetingPublic/mid/543/Meeting/4712/Committee/449/Default.aspx>

Development Control Committee Report dated 2nd June 2021 – Appendix 10 -
<http://cmis.dudley.gov.uk/cm5/Meetings/tabid/116/ctl/ViewMeetingPublic/mid/543/Meeting/6250/Committee/483/Default.aspx>

Department for Communities and Local Government 'National Planning Policy Framework (NPPF)' (July 2021) – In particular Section 16 (Conserving and Enhancing the historic environment)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

Historic England Advice Note 1 'Conservation Area Appraisal, Designation and Management' 2019. - <https://historicengland.org.uk/images-books/publications/conservation-area-appraisal-designation-management-advice-note-1/>



Lutley Mill Conservation Area Character Appraisal

Public Consultation Process Report

November 2021



1. INTRODUCTION

- 1.1 The Proposals outlined in the *Draft Conservation Area Character Appraisal for Lutley Mill Conservation Area* were approved for consultation by the Development Control Committee on 2nd June 2021 and were the subject of public consultation between 28th June and 13th August 2021.
- 1.2 This Report of Consultation describes the various methods employed to engage the local community and key stakeholders in the process of preparing the Conservation Area Character Appraisal. All the participants were invited to fill in a questionnaire offering their views on the proposals. The questionnaire responses have been analysed and the results are presented in this report.

2. THE CONSULTATION PROCESS

- 2.1 Between the 28th June and 13th August 2021 a public consultation exercise was undertaken on the **draft** Conservation Area Character Appraisal for the Lutley Mill Conservation Area. Dudley MBC sought to engage all members of the local population.

3. QUESTIONNAIRE RESPONSES

- 3.1 By the 13th August, 21 questionnaires had been received where most questions had been answered or a comment made. Three specific questions were posed in the questionnaire which allows quantitative assessment of the results. Respondents had the choice of answering 'yes', 'no' or 'no opinion' to this series of questions posed by the Draft Character Appraisal proposals. Two further questions were provided on the questionnaire for people to make general comments and state their own opinions. **Appendix 1** provides detailed analysis of the results.

Quantitative Questions; Nos 2, 3, 5

Q2. Does the draft management plan clearly explain what is special about the historic and architectural character of the Lutley Mill Conservation Area?

All 21 respondents answered this question with a majority of 80.95% supporting the view that the draft management plan clearly explained the special status of the historic and architectural character of the Lutley Mill conservation area. 9.52% said they were not sure.

Several respondents provided some very positive additional comments:

'Interesting and accurate assessment of the area.'

'Clearly shows archaeological and historic significance of the area and the importance of the area as green space to the surrounding community.'

'I fully understood the conservation area and surrounding area of specific interest including buildings and outbuildings.'

'Good summary of history of the site and related close locations.'

'The history going back to Anglo-Saxon times, and the context of the area shows how unique it is.'

Another respondent felt that some elements of the conservation area were not worthy of preservation, however, this was a minority view:

'I do not really see the historic value of a relatively new driveway and a row of oversized conifers.'

Q3. Do you think the proposals set out in the draft management plan will help to preserve or enhance the special character of the Lutley Mill Conservation Area?

Again, all respondents answered this question with a majority of 71.43% agreeing that the draft management plan will help enhance or preserve the special character of the Lutley Mill conservation area, leaving 23.81% unsure and only 4.76% in disagreement.

A lot of positive comments were provided expressing support for the proposals set out in the draft management plan:

'Explains clearly what needs to be done to maintain the area.'

'It's one of the few surviving areas in Halesowen that connects to not only the industrial past but to the pre-medieval landscape. It needs conserving for future generations to enjoy'

'Assuming any proposals are in line with the preservation of Lutley Mill Conservation Area, then I think the plan will help preserve or enhance the special character of Lutley Mill.'

'It is important to recognise and protect the history and development of social and cultural sites connected to the historic town of Halesowen'

Some respondents expressed the view that the proposals were in fact just a starting point should be expanded upon, emphasising Lutley Mill conservation area's importance and the need to preserve it for the future:

'The proposals seem sensible; however, I worry that they do not go far enough to protect the area from adverse impacts of potential residential development on adjacent land.'

Only 4.76% of the respondents did not agree that the proposals set out in the draft management plan would not help preserve or enhance Lutley Mill conservation area.

Q4. What do you think are the most important issues facing the Lutley Mill Conservation Area?

Again, all respondents answered this question. Several issues were raised with a few respondents focusing on problems relating to access and the maintenance of paths:

'Loss of traditional style windows due to replacement with modern uPVC -- I have uPVC windows but it is leaded, light and looks good. The public right of way is permanently overgrown. No signage to keep people off farmers field and on right of way at the entry point. Motor bikes racing up and down field, very dangerous for walkers, dogs etc and very noisy.'

'Improve public access to the area and make it more widely known in the area'

'Main issue is the lack of public awareness of the mill. I've lived here 20 years and never seen the mill as there's no public access. The only photo I've ever seen is the one in the management plan. Indeed, the website that lists all UK Listed Buildings has no photo of this building. Perhaps a display board would help?'

'Overgrown and poorly managed footpaths which could threaten the surviving ancient woodland. Preserving the surviving heritage assets. Fly tipping in the surrounding woodland especially the rear of Abbey Road sloping to the Lutley Gutter'

'Access is vitally important for walkers, horses and conservationists surrounding our historic site and to ensure that the wildlife including birds are taken into account. Sympathetic enhancement of the site is vitally important.'

'The mill itself being in private ownership may be at risk from actions of owners including to surrounding land. More widely the ancient connecting right of way of Lutley Lane is in part in poor condition partly through overgrowth from low use and at the Lutley Lane end from erosion through farm traffic exacerbated by water damage.'

'Maintenance of footpaths. Threat of development.'

'Maintenance of footpaths alongside area especially that which goes up the steps adjacent to the mill and runs along the western edge towards the track leading to Grange and Whitehouse Farms. Maintenance of the water course and its bio health, both within the conservation area and also streams running into the area.'

A further issue that was frequently raised was the threat of development upon the protected land:

'The state of the water wheel, keeping walking access open and ensuring future developments do not compromise the area.'

'To avoid the building of any houses.'

'The adjacent land seems to be regularly under threat of residential development, and this would have a detrimental effect on the conservation area. It is vital that the entire Lutley Gutter area is protected from further building.'

'The threat of future residential building.'

'Development encroaching.'

- Q5. The above map of the Lutley Mill boundary revisions shows some additional areas outside of the current Conservation Area boundary that are also considered to be of architectural or historic significance. Do you support the proposals to amend the conservation area boundary to include these additional areas?**

All respondents answered this question with 76.19% supporting the proposals for the extension of the conservation area leaving a minority of 4.76% with no opinion and 19.05% opposing. Some of the respondents provided very positive additional comments:

'Anything that extends the protections on this area is most welcome.'

'The bridge and footpath are an essential component of the conservation area and give access to the adjoining land. As such, they should rightly be protected.'

'It makes sense at this stream feeds the watercourse within the conservation area and so it is important that the stream and bridge are appropriately maintained.'

'Securing architectural or historic significance to Lutley Mill is very important.'

'Any extension can surely only be a good thing.'

A minority of 19.05% of the respondents did not support the proposals for the extension of the Conservation Area. It is important to note however that one of the respondents who expressed their opposition did it on the grounds that they felt the management proposals do not go far enough. They stated:

'Support the proposed small extension but it would be more relevant and appropriate to extend further to include extended length of Lutley Lane.'

The other respondents who did not support the extension of the conservation area did not provide a clear explanation for their response.

Q6. Any further comments about the draft Conservation Area Appraisal? Please feel free to share any local knowledge that may give us a better understanding of the Lutley Mill Conservation Area and please do list what improvements you feel could be made to enhance the special character or appearance of the Lutley Mill Conservation Area.

3.2 Located at the end of the questionnaire there was space for members of the public to provide additional comments and raise further important features that may be known only to local residents. Comments generally fell into a few broad categories which can be summarised as follows:

Importance of the footpath/holloway

A few of the comments were reiterating the importance of the footpath/holloway as both a historic feature of the area, but also as access to the site:

'My family and I love walking the public footpath around the conservation area and the surrounding farmland. If any of that farmland were to be developed on (as well as the conservation area) it would also negatively impact the conservation area.'

'This area is part of the local Lutley walk and is used by residents throughout the year and it has never been more important than over the last 18 months. If possible, some gateway signs with a brief history of the area would be helpful in explaining the historical significance of the area.'

'My grandfather always told me that his grandfather said that the holloway/footpath (HLS0137, HLS137A and HLS0161) was at least Saxon if not older. The track runs past what was a fort/enclosure at Hasbury (now under the housing estate) and out towards the hillfort at Wychbury. There are also earthworks in the woodland nearby that are supposed to be the remnants of the medieval Lutley village.'

'The ancient right of way of Lutley Lane should be fully protected. There is little value in including only the south east end when the north west end is not protected.'

The importance of the ecology found within the conservation area.

Several comments were made which expressed how important the Lutley Mill conservation area is as habitat for wildlife, in addition to its historic character:

'Never seen the mill but I walk this area regularly and it has some very special and unique features. The area supports a number of less common birds (Nuthatch, Bullfinch, Song Thrush, Stonechat and Yellow Hammer) and has some very old hedgerows (along Lutley Lane). In general, this wider area is a very special oasis on our doorstep with lingering traces of its medieval past so all measures in support of its continued protection are welcome.'

'I grew up in a house that overlooks the conservation area - it was hugely important in my physical and mental development as a child and gave me a

lifelong appreciation for nature. Pudding Brook is a rich habitat for wildlife, and in my opinion, must be preserved along with the historical buildings that are part of the Black Country's heritage.'

'Extension along the feeder stream back towards Whitehouse Farm and away from the Mill towards Drew's Holloway, including the tress, hedges and other wildlife corridors.'

Signage

A couple of comments were made which commented on the installation of signage when entering the conservation area:

'As before, the bridle path needs clearing, signage improved by entry from Huntingtree Road. Motor bikes stopped Trees lumbered where necessary. Dead trees removed. Bridle path improved. We have paid for patching between us but would appreciate a contribution from council as well.'

'Information signs for visitors to the Conservation Area would be helpful. Set up a working party to improve the areas where overgrowth exists. Keep me informed of any developments to the Area.'

Lack of communication from DMBC:

One respondent had commented on a perceived lack of communication from DMBC to the residents:

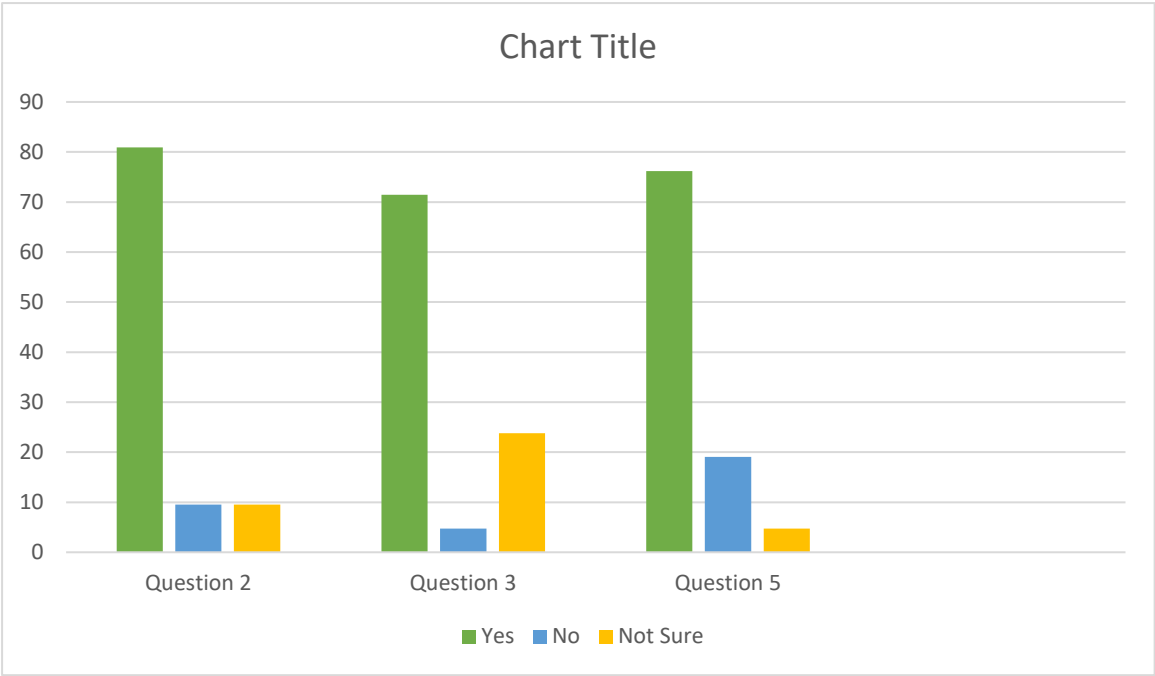
'I am disappointed nobody in the avenue has been made aware of this and also I believe this is a legal requirement. Yet again the council are cutting corners at the cost of the residents.'

4. CONCLUSIONS

- 4.1 The questionnaire responses demonstrate substantial support for the extension of the Lutley Mill conservation area and the adoption of the draft management plan. The overall total response to all three questions revealed that 76.2% of the respondents supported the proposals thus leaving 12.7% with no opinion and only 11.1% opposing the proposals.
- 4.2 Question 2 illustrated that 80.95% of the respondents think that the draft management plan clearly explained what is special about the historic and architectural character of the Lutley Mill conservation area. Question 3 illustrated that 71.43% of the respondents believe the proposals set out in the draft management plan will help preserve or enhance the special character of the Lutley Mill conservation area. Question 5 illustrated that 76.19% of respondents supported the amendment of the Conservation Area boundary proposed.

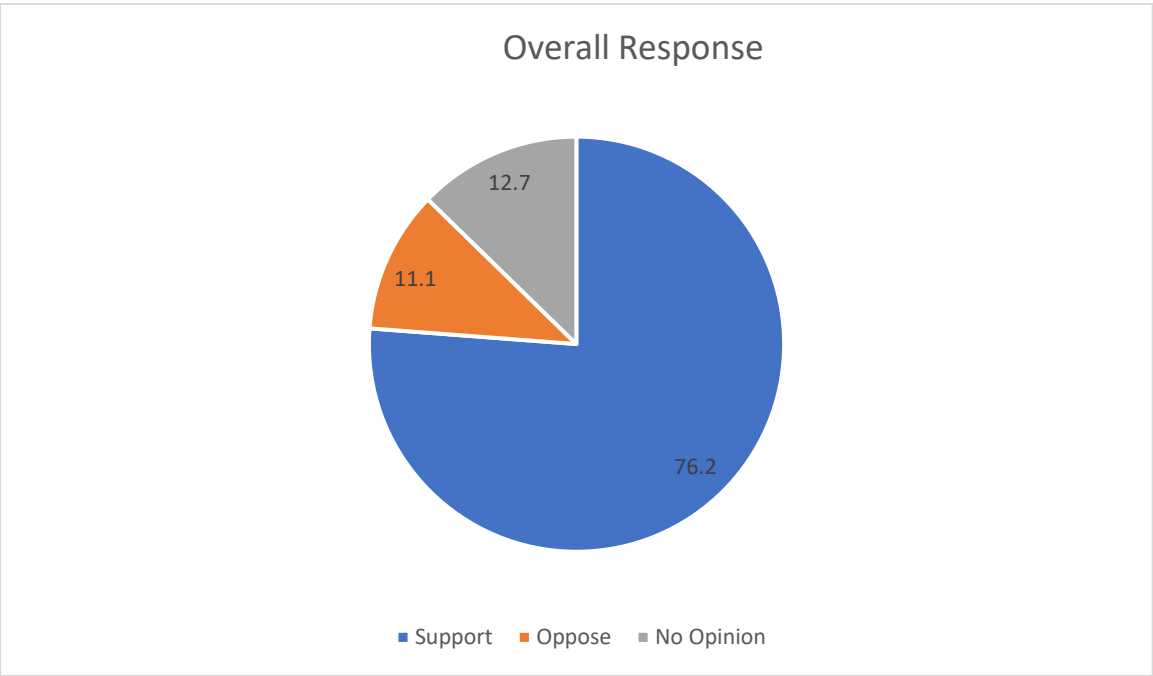
APPENDIX 1
PUBLIC CONSULTATION SURVEY RESULTS

Figure 1: Bar Chart and table showing how many people responded to each question



<u>Totals</u>	<u>Yes</u>	<u>No</u>	<u>No Opinion/Not sure</u>
Question 2	17 (or 80.95%)	2 (or 9.52%)	2 (or 9.52%)
Question 3	15 (or 71.43%)	1 (or 4.76%)	5 (or 23.81%)
Question 5	16 (or 76.19%)	4 (or 19.05%)	16 (or 4.76%)

Figure 2: Pie Chart showing the overall total survey results



The Coppice Conservation Area Character Appraisal

Public Consultation Process Report

November 2021



1. INTRODUCTION

- 1.1 The Proposals outlined in the *Draft Conservation Area Character Appraisal for The Coppice Conservation Area* were approved for consultation by the Development Control Committee on 2nd June 2021 and were the subject of public consultation between 28th June and 13th August 2021.
- 1.2 This Report of Consultation describes the various methods employed to engage the local community and key stakeholders in the process of preparing the Conservation Area Character Appraisal. All the participants were invited to fill in a questionnaire offering their views on the proposals. The questionnaire responses have been analysed and the results are presented in this report.

2. THE CONSULTATION PROCESS

- 2.1 Between the 28th June and 13th August 2021 a public consultation exercise was undertaken on the **draft** Conservation Area Character Appraisal for The Coppice Conservation Area. Dudley MBC sought to engage all members of the local population.

3. QUESTIONNAIRE RESPONSES

- 3.1 By the 13th August, 16 questionnaires had been received where most questions had been answered or a comment made. Three specific questions were posed in the questionnaire which allows quantitative assessment of the results. Respondents had the choice of answering 'yes', 'no' or 'no opinion' to this series of questions posed by the Draft Character Appraisal proposals. Two further questions were provided on the questionnaire for people to make general comments and state their own opinions. **Appendix 1** provides detailed analysis of the results.

Quantitative Questions; Nos 2, 3, 5

Q2. Does the draft management plan clearly explain what is special about the historic and architectural character of The Coppice Conservation Area?

All 16 respondents answered this question with 100% supporting the view that the draft management plan clearly explained the special status of the historic and architectural character of The Coppice conservation area.

Several respondents provided some very positive additional comments:

'Being the 4th generation living in the lane, the draft briefly explains the need to protect and improve this beautiful area and reflects my personal feeling towards its historic value.'

'The maps and photographs along with the descriptions of historic and environmental significance explains the nature of the Coppice.'

'The whole area is well defined and described including the ancient woodland and the limestone extraction area which marginally predates the Wrens Nest limestone workings.'

'The draft document clearly sets out a timeline of the history of the area, how this has developed over time and with what architectural features make the area special.'

'Yes, and being a local of the area and living in Turl's Hill I am in total agreement that the area is in need of protecting.'

Another respondent also agreed, but felt that some of the information in the report was inaccurate:

'Apart from the fact that the so called early nineteenth century cottages are actually early eighteenth century, the report is very thorough. We don't actually refer to Turl's Hill Road itself as The Coppice. To the locals The Coppice is the Baptist Church and area directly around it.'

Q3. Do you think the proposals set out in the draft management plan will help to preserve or enhance the special character of The Coppice Conservation Area?

Again, all respondents answered this question with a 100 % agreeing that the draft management plan will help enhance or preserve the special character of The Coppice conservation area.

Again, a lot of positive comments were provided expressing support for the proposals set out in the draft management plan:

'I do; I hope this encourages the residents of the 1930's houses to improve the standards of their works and make them more in keeping with the rest of the lane.'

'By changing the boundary to exclude the modern houses and categorising the buildings inside the boundary as of historic interest will help with future preservation.'

'The designation will enlighten the local community to the importance of the historical areas around and. induce them to appreciate and protect the local area. Signage on-site is required following approval so that the community stays Alert and take ownership for its preservation.'

'It is a starting point. The area is significant not just to the local community, but to the social history of the Black Country.'

'This is an area of historical and environmental interest and needs to be preserved from modern life.'

'Anything to preserve this precious & fragile site is welcome.'

Q4. What do you think are the most important issues facing The Coppice Conservation Area?

All but one respondent answered this question. Several issues were raised with a few respondents focusing on the importance of retaining the historic character of the area, and the use of UPVC windows:

'Loss of traditional style windows due to replacement with modern uPVC. Lower quality materials in general. Rejection of pastiche.'

'172 is building an ugly concrete wall. This is not in keeping, reclaimed bricks should have been used. Sky dishes on frontages White PVC instead of cream for Edwardian Houses. Tarmacking all drive, loss of front gardens. White PVC instead of brown for the 1930's.'

'Making sure the area is preserved and protected from development and keeping the existing houses in keeping with the aesthetics of the age/area.'

'Need to be wary of small incremental changes by owners that go "below the radar" but over time are cumulatively detrimental to the character of the area. Need to ensure the "error" of the new properties in the grounds of the former Tavern and the conversion of the Tavern itself are not repeated.'

However, a couple of respondents did comment in favour of the use of UPVC windows:

'UPVC should be acceptable. This was in place when our home was renovated - if it was an issue it should've been raised then with the builder. As well as security cameras - we as homeowners live here and have the right to feel safe.'

'UPVC should be acceptable providing it is shaped sized and in proportion are as before. The legal ownership of the wall fronting the pet hotel should be established before approval we believe it to be the local authority. We understand that the seat built into the wall was formed before the 1950s by Coseley urban district Council.'

Several respondents also raised concerns over the conservation of the natural habitats and the threat of development in these areas:

'Loss of non-vehicular access to woodland. Loss of a daily well-used bridleway. Loss of an inner-city sanctuary for wildlife. Loss of a natural walkway for local children and adults to access a safe, life-affirming and enriching, green area which encourages a healthy lifestyle and provides space to develop healthy mindfulness pursuits. Loss of a significant and well-preserved range of historic everyday dwellings.'

'Preserving this area for this generation & for generations to come. We, as human beings, need this tranquil space & the education opportunities are invaluable.'

'Keeping all the woodland and meadows intact and to prevent any development of new housing or buildings.'

- Q5. The above map of The Coppice boundary revisions shows some additional areas outside of the current Conservation Area boundary that are also considered to be of architectural or historic significance. Do you support the proposals to amend the conservation area boundary to include these additional areas?**

Again, all respondents answered this question with 100% supporting the proposals for the extension of the conservation area. Many positive comments were made regarding planned changes to the boundary of the conservation area:

'It is always important to conserve the significant past for the interest and reminders of those in the present. We need to learn from our past!'

'It is right and appropriate that numbers 162-172 are included as they enhance the mass and variety of the area and require the same protections to avoid inappropriate changes or development.'

'This area is a unique and beautiful area; I've been living there since 2013 and we've renovated a house that had been empty for 14 years. It's been renovated sympathetically to the area, but my neighbour has had building bags of sand outside his house for 3 years now and the walls that he's had built are an absolute eyesore. I believe had this been in place, the walls would not have had been built.'

'The extension of the area is welcome as the buildings etc are all part of the overall environment. It's a pity that this was not done earlier before the partial construction of new walling at one of the 1930's properties which is totally out of character. The property is also an utter mess and has got worse over the last 4 years. Is there anything the Council can do even though it is privately owned.'

'I used to live in Clifton Street and spent many happy hours as a child going for walks 'up the lane ' with my Dad. it is and always was a tranquil unspoilt area and should remain so for future generations. It is a part of our local history.'

All respondents agreed with the proposal, though a few argued that it should be extended even further:

'This area is rich in history. I would hope in the future Clifton Street, Rock Road and the Allotment Gardens are included.'

'We believe the boundaries of the conservation area should be extended to include the lane up to Queens Road and also the ancient woodland and the

limestone extraction area. The tree canopy is a typical example of the canopy of the whole area in the 14th and 15th centuries prior to mineral extraction. The line is a typical example of the lines connecting the villages in that Era.'

'Absolutely. It could go much further to include the lane leading to Sedgley and also areas along the path running parallel behind the houses in Queens Road and Whites Drive.'

'Whilst I support the extension of the CA boundary, however, I would seek for an additional area be added outside of the current conservation area boundary. Whilst I believe modernist architecture to be harmful to the setting of conservation areas in the main, I believe the 'double stacked' garages off Rifle St to be a rare and unusually unique asset. As this offers special interest, I would question if the boundary could be extended to include these as a separate character area and a non-designated heritage asset. As a distinctly different character area I don't believe it would harm the conservation area but still safeguard a special asset of interest.'

- Q6. Any further comments about the draft Conservation Area Appraisal? Please feel free to share any local knowledge that may give us a better understanding of The Coppice Conservation Area and please do list what improvements you feel could be made to enhance the special character or appearance of The Coppice Conservation Area.**

Located at the end of the questionnaire there was space for members of the public to provide additional comments and raise further important features that may be known only to local residents. Comments generally fell into a few broad categories which can be summarised as follows:

Signage/Presenting Information

A few respondents commented that there was not sufficient signage within the conservation area, either to provide information to visitors or to guide walkers. Relatedly, there should be further effort made to inform residents about the history of the area:

'The Lane and area in general needs preserving. Signage would be beneficial. Also, a new road sign on Turls Hill road as the current one is barely readable (moss and graffiti). My concern is communal areas or the public road that aren't maintained. Another is security (from antisocial behaviour, particularly further down the Lane by the bridle path) and graffiti. Security is an issue at that part.'

'The conservation area should be widely presented in schools and indeed signage erected on the site so that the public become fully aware - to create an interest which will protect the area in particular from vandalism.'

'Perhaps a guide to walks in the area pointing out the historic and environmental points of interest.'

Security/Maintenance

Several respondents also noted there are issues relating to security, antisocial behaviour and the maintenance problems arising from this:

'The Lane and area in general needs preserving. Signage would be beneficial. Also a new road sign on Turls Hill road as the current one is barely readable (moss and graffiti). My concern is communal areas or the public road that aren't maintained. Another is security (from antisocial behaviour , particularly further down the Lane by the bridle path)and graffiti. Security is an issue at that part.'
'1. better control of the undergrowth in the footpath/ walkway areas. 2. Better pollarding of the trees where the built-in seating areas are to give better views 3. The volunteer litter picking has improved the area's visual appearance.'

'The conservation area should be widely presented in schools and indeed signage erected on the site so that the public become fully aware - to create an interest which will protect the area in particular from vandalism.'

Further Local Information/Areas Requiring Protection

Finally, some respondents passed on further information regarding this history of the area, as well as other areas that could be included within the conservation area in the future:

'The Edwardian Terraces 181 - 185 (part of block 4) were built in 1906 (we have paper deeds for 183). 186 was built in 1900 Block 11 (Off Field) was lined with trees up until the late to mid 80's. The allotments to rear of Turls Hill were formed during WWI as the local residents pulled together to grow food as part of the war effort.'

'Opposite 168/167/166 there is a natural bog area that I think should be included in The Coppice Conservation Area. It's an important nature area and also when we have torrential rain the water flows from the allotment through the water table and into this area. It's also a bat corridor as the bats live in the limestone caves in Turls Hill Woods so this also needs to be addressed plus there's a huge population of badgers in Turls Hill Woods. I also feel it's sad that front gardens have been lost to create more parking (I know it's necessary) but I do feel that homeowners should be encouraged to keep some of the front for growing flowers/shrubs. Plus there is also the issue of excess water running off concrete or tarmac'd drives. It is a picturesque 'lane' and has a lot of footfall so I think a certain criteria needs to be put in place for all home owners to take responsibility for the aesthetics of the front of their properties in the 'lane'.'

'I live at 224 Turls Hill Road and we are happy that the Conservation Area is to be extended. A few comments below: 1. The cottages actually date back to the 1730's, not the 1830's as stated in the report. Having undertaken our own research, we discovered maps and documents in Dudley's own Archive Centre that prove this. Can the report be amended reflect this please. 2. As for the 'clutter', the grit bin was provided by the Council and they decided where to locate it as outside our cottages is where we have difficulties in winter. The

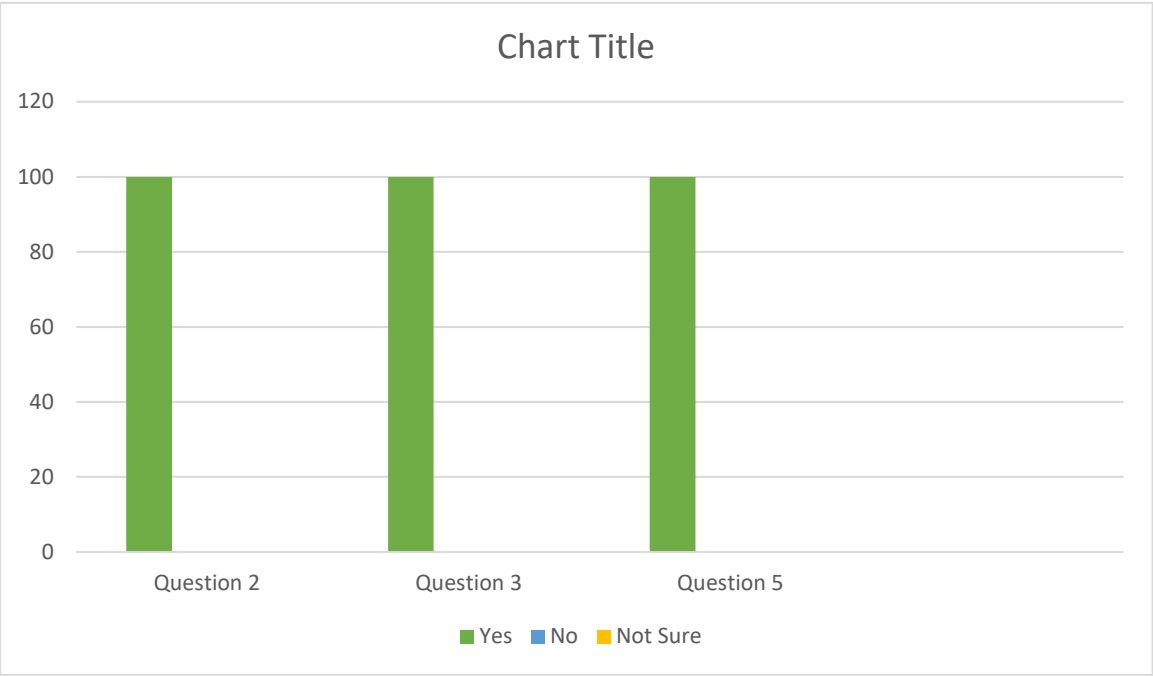
bollards are totally essential as next door at 225 they have a history of being hit or damaged at least 4 times, with the bollards themselves having to be replaced from damage. 3. We are also concerned about the trees on the street overhanging the cottages and other properties and their chimneys. Whilst PPO's are in place, we believe they need to be properly managed and pruned to protect the buildings. There are times of high winds that are quite scary. Surely pruning can be undertaken without it affecting the character of the street. 4. Can the allotment land be included in the Conservation Area as it has its own heritage, being used as allotments for over 100 years? Or is this part of the Green Belt anyway?'

4. CONCLUSIONS

- 4.1 The questionnaire responses demonstrate complete support for the extension of The Coppice conservation area and the adoption of the draft management plan. The overall total response to all three questions revealed that 100% of the respondents supported the proposals.
- 4.2 Question 2 illustrated that 100% of the respondents think that the draft management plan clearly explained what is special about the historic and architectural character of The Coppice conservation area. Question 3 illustrated that 100% of the respondents believe the proposals set out in the draft management plan will help preserve or enhance the special character of The Coppice conservation area. Question 5 illustrated that 100% of respondents supported the amendment of the Conservation Area boundary proposed.

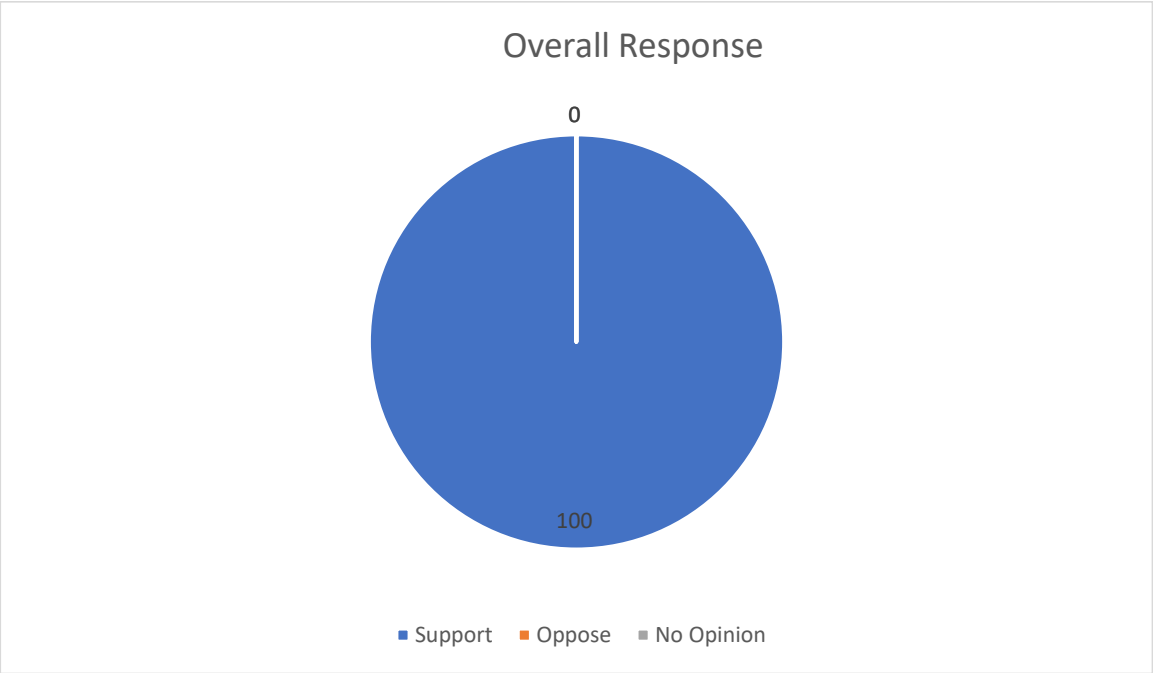
APPENDIX 1
PUBLIC CONSULTATION SURVEY RESULTS

Figure 1: Bar Chart and table showing how many people responded to each question



<u>Totals</u>	<u>Yes</u>	<u>No</u>	<u>No Opinion/Not sure</u>
Question 2	16 (or 100%)	0	0
Question 3	16 (or 100%)	0	0
Question 5	16 (or 100%)	0	0

Figure 2: Pie Chart showing the overall total survey results



Appendix C

The finalised boundaries of the Lutley Mill and The Coppice Conservation Areas



Figure 1: Lutley Mill Conservation Area boundary

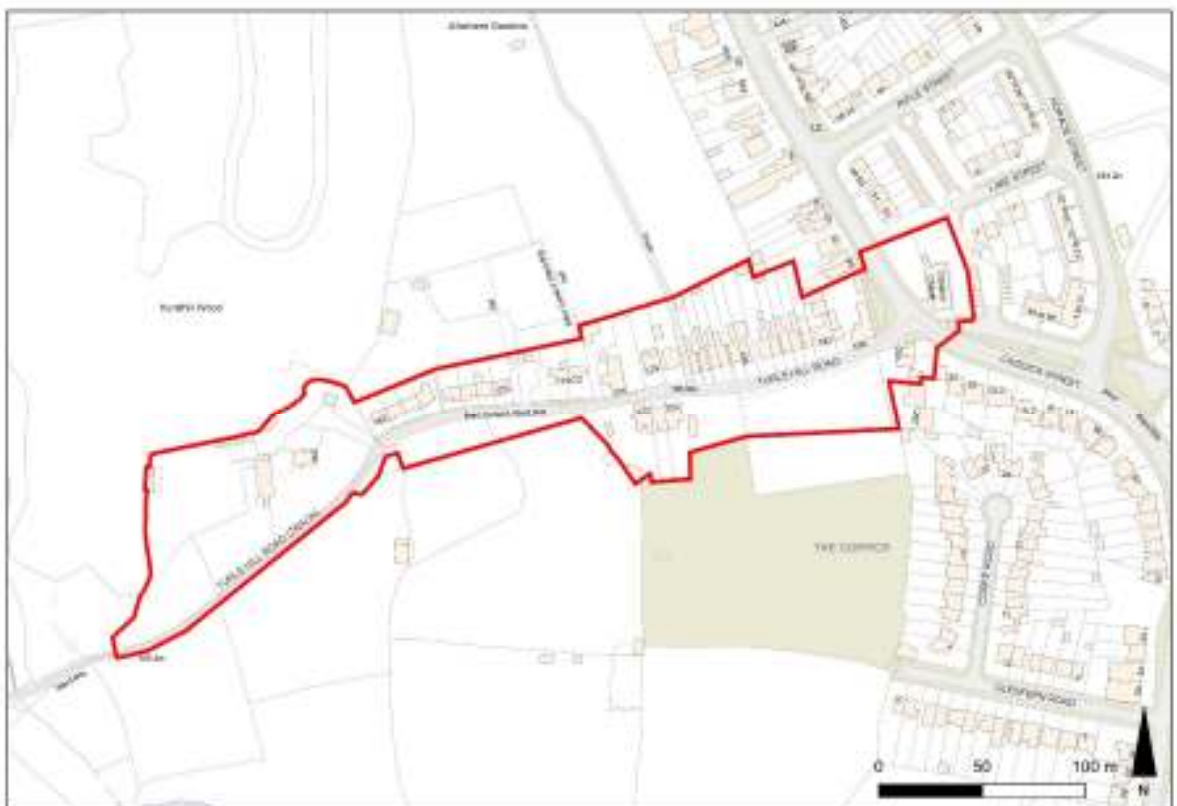


Figure 2: The Coppice Conservation Area boundary

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

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