



Meeting of the Development Control Committee

Monday 16th May, 2016 at 6.00pm

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

Please note the following:

- In the event of the alarms sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.
- There is no smoking on the premises in line with national legislation. It is an offence to smoke in or on these premises.
- Public WiFi is available in the Council House. The use of mobile devices or electronic facilities is permitted for the purposes of recording/reporting during the public session of the meeting. The use of any devices must not disrupt the meeting – Please turn off any ringtones or set your devices to silent.
- If you (or anyone you know) is attending the meeting and requires assistance to access the venue and/or its facilities, please contact us in advance and we will do our best to help you.
- Information about the Council and our meetings can be viewed on the website www.dudley.gov.uk
- Elected Members can submit apologies by contacting Democratic Services. The appointment of any Substitute Member(s) should be notified to Democratic Services at least one hour before the meeting starts.
- You can contact Democratic Services by Telephone 01384 815238 or E-mail Democratic.Services@dudley.gov.uk

Agenda - Public Session

(Meeting open to the public and press)

1. Chair's Announcement.

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

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

Officers have explained the public speaking procedures with all those present who are addressing the committee. Will speakers please make sure that they do not over-run their 3 minutes.

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

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

2. Apologies for absence.
3. Appointment of substitute Members.
4. To receive any declarations of interest under the Members' Code of Conduct.
5. To confirm and sign the minutes of the meeting held on 25th April, 2016, as a correct record.
6. Plans and Applications to Develop (See Agenda Index Below) (Pages 1 - 43)
7. Confirmation of Tree Preservation Order (Pages 44 - 56)
8. To consider any questions from Members to the Chair where two clear days notice has been given to the Strategic Director Resources and Transformation (Council Procedure Rule 11.8).



Strategic Director Resources and Transformation

Dated: 4th May, 2016

Distribution: All Members of the Development Control Committee:

Councillor Q Zada (Chair)

Councillor K Casey* (Vice-Chair)

Councillors A Ahmed*, P Bradley, C Elcock, A Goddard, J Martin*, C Perks* and D Vickers*.

*(Subject to being re-elected on 5th May, 2015)

AGENDA INDEX

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

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

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

PLANS AND APPLICATIONS TO DEVELOP

Pages 1 - 9	Planning Application No. P16/0241 – 86 Dudley Road, Lye, Stourbridge – Two storey front extension with new entrance canopy area. Elevation changes to include new roof, doors, windows and roller shutter door.
Pages 10 - 23	Planning Application No. P16/0253 – Public Car Park, rear of 1 to 21 Health Lane, Stourbridge – Change of use of public convenience building to taxi base (sui generis) with elevation changes to include new windows to the front elevation.
Pages 24 - 33	Planning Application No. P16/0304 – 10 Windsor Road, Norton, Stourbridge – Two storey side and single storey front extension, new front porch. Single storey side and rear extension (following part demolition of existing kitchen)
Pages 34 - 43	Planning Application No. P16/0413 – The Car Lot, 203 & 217 Halesowen Road, Netherton, Dudley – Change of use of existing car sales to part car sales and car hand wash and valeting (sui generis) with proposed 2.7m high fencing (Resubmission of refused application P15/1693)

Minutes of the Development Control Committee

Monday 25th April, 2016 at 6.00 pm
in Committee Room 2 at the Council House, Dudley

Present:-

Councillor Q Zada (Chair)
Councillor K Casey (Vice-Chair)
Councillors P Bradley, A Goddard, C Perks, D Vickers

Officers:- T Glews – Public Protection Manager, I Hunt – Project Engineer, H Martin – Head of Planning and Development, C Mellor - Interim Planning Manager (Development Management), P Reed – Principal Planning Officer, H Yorke – Principal Planning Officer (Place Directorate); G Breakwell – Solicitor and H Shepherd – Democratic Services Officer (Resources and Transformation Directorate)

93 **Apologies for absence**

Apologies for absence from the meeting were submitted on behalf of Councillors A Ahmed, C Elcock and J Martin.

94 **Declarations of Interest**

P Reed, Principal Planning Officer declared an interest in relation to agenda item No. 7 - P16/0353 - 61 Green Street, Stourbridge – Erection of detached garage, as he owned the property concerned.

95 **Minutes**

Resolved

That the minutes of the meeting held on 4th April, 2016, be approved as a correct record and signed.

96 **Change in order of business**

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

Resolved

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

97 **Site Visits**

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

Resolved

<u>Application No</u>	<u>Location/Proposal</u>	<u>Decision</u>
P15/1786	Billinge Holdings Ltd, Careless Green, Wollescote, Stourbridge – Outline application to convert warehouse to 16 No. apartments and demolish part of warehouse (Access, appearance, Layout and scale to be considered) (Resubmission of withdrawn Planning Application P15/0331)	Approved, subject to conditions numbered 1 to 20 (inclusive), as set out in the report submitted and the additional condition as set out below:- <ul style="list-style-type: none">• The removal of trees and the demolition of buildings on the site shall take place outside the nesting bird season (March to September). If this is not possible that any tree or building to be removed shall be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them would have to be delayed until the young have fledged and the nest has been abandoned naturally.

P15/0857	Claughton House, Blowers Green Road, Dudley – Outline residential development (All matters reserved)	<p data-bbox="973 190 1514 257">Refused for the reasons as set out below:-</p> <p data-bbox="973 302 1514 1727">The site is located centrally within the Blowers Green and Gamage Street Area of High Historic Townscape Value (AHHTV) and contains the large Edwardian former Claughton School, a heritage asset, which dominates the AHHTV as a significant landmark which contributes to the appearance and character of the townscape of this part of Dudley. This proposal to demolish the school would result in the total loss of a locally distinctive heritage asset which would in turn significantly harm the significance of the Blowers Green and Gamage Street AHHTV and detrimentally alter and erode the local character and distinctiveness of area. The development would therefore fail to preserve and enhance aspects of the historic environment which together with their setting are recognized as being of special historic, architectural, landscape and townscape quality. Furthermore the proposals fail to provide a positive contribution to place-making and environmental improvement of the area. The proposal is therefore considered not to be sustainable development and is contrary to paragraphs 7, 17, 131 and 135 of the NPPF, Policies CSP3, CSP4, ENV3 and ENV2 of the Black Country Core Strategy and saved UDP Policy DD4.</p>
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In considering the above application, Members commented that the exterior of the building was in good condition and that Claughton House was a landmark building for the area. Members were not against a development taking place on the proposed site but would like to see the old school building renovated, rather than demolished.

98 **Plans and Applications to Develop**

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

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

<u>Application No</u>	<u>Objectors/supporters who wished to speak</u>	<u>Agent/Applicant who wished to speak</u>
P16/0239	Mrs M Dunn	
P16/0359	Councillor D Russell	Mr M Johnson

Resolved

That the applications be determined as set out below:-

<u>Application No</u>	<u>Location/Proposal</u>	<u>Decision</u>
P16/0239	6 Kensington Gardens, Wordsley, Stourbridge – Proposed single storey side and rear extension.	Approved, subject to conditions numbered 1 to 3 (inclusive), as set out in the report submitted.

In considering the above application, Members were mindful of the objections raised by Mrs Dunn at the meeting, with regards to the height of the extension and the impact this would have on the loss of view and light from the side window of the neighbouring property, however, Members were reassured by Officers that any impact would be minimal.

P16/0359	28-30 Mount Street, Halesowen – Change of use from B1 to B2 (Servicing/repairs and storage of cars) (Retrospective) (Resubmission of approved planning application P15/0104)	Refused, for the reasons as set out in the report submitted. Enforcement action by the Local Authority be approved.
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In considering the above application, Members took into account all the comments made at the meeting and reiterated their concerns raised previously with regards to the business being located within a narrow road in a residential area. Members were also mindful that this was a thriving business but that evidence had been provided to prove that they had been in breach of some of the conditions of their twelve month temporary permission, in particular in relation to working outside of the agreed working hours and the lack of consideration this had on their residential neighbours.

99 **Confirmation of Tree Preservation Order – TPO/0189/KIN**

A report of the Strategic Director Place was submitted requesting consideration as to whether the following Tree Preservation Order (TPO) should be confirmed with or without modification in light of the objections that had been received.

The following person was in attendance at the meeting and spoke on the Tree Preservation Order as indicated:-

<u>TPO No.</u>	<u>Objectors/Supporters who wishes to speak</u>	<u>Agent/Applicant who wishes to speak</u>
TPO/0189/KIN	Ms J Forster	

Resolved

That the Tree Preservation Order be determined as set out below:-

<u>TPO No.</u>	<u>Location/Proposal</u>	<u>Decision</u>
TPO/0189/KIN	Maidendale Road/Milcote Way, Kingswinford	Confirmed, subject to the following modifications:- Trees T3 and T4 to be deleted from the order.

In considering the above order, Members expressed concern with regards to the size of tree T3 and the fact that this would continue to grow and the impact this would have on residents.

100 **Plans and Applications to Develop (Continued)**

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

Resolved

That the applications be determined as set out below:-

<u>Application No</u>	<u>Location/Proposal</u>	<u>Decision</u>
P15/1645	73 Bridgnorth Road, Wollaston, Stourbridge – Erection of an A1 retail shop (Retrospective) with boundary fence attached to the existing boundary wall to 40A King Street, provision of external display area to the front of the building and a brick boundary wall to King Street.	<p>Refused, for the reasons set out below:-</p> <p>The proposed roof alterations, due to height, mass and bulk would be detrimental to the street scene of King Street and the Wollaston Conservation area being out of scale with the neighbouring bungalows and therefore visually strident contrary to the requirements of saved UDP policies and DD4 and HE4 (2005) and Core Strategy Policy ENV2 (2011).</p> <p>Enforcement action by the Local Authority be approved.</p>
P15/1813	Land to rear of 4 Spring Street, Lye, Stourbridge – Change of use of vacant land to storage of building materials (Class B8) with new fencing and gates (Retrospective)	<p>Approved, subject to conditions numbered 2 to 5 (inclusive), as set out in the report submitted and amended condition numbered 1, as set out below:-</p> <ol style="list-style-type: none">1. The development/use hereby permitted shall cease on or before 30th April, 2017.

In considering the above application, Members expressed their dissatisfaction with regards to the applicant not complying with the conditions of the previously approved planning permission and commented that the Council had already approved an amendment to the original application but the applicant had still failed to adhere to the approved height of the construction.

P16/0191

48 Tower Street (Mahoe Building) and land adjacent to 48 Tower Street, Dudley – Listed building consent for demolition of No. 48 Tower Street, Dudley (Mahoe Building) due to its physical attachment to the listed Baylies Hall.

Approved, subject to conditions numbered 1 to 2 and 5 to 7 (inclusive), as set out in the report submitted and amended conditions numbered 3 and 4, as set out below:-

3. The demolition works hereby approved shall be carried out in complete accordance with the revised method statement/structural information received by email on 13th April, 2016, unless otherwise agreed in writing by the Local Planning Authority.
4. No reinstatement/repair/rebuilding works to Baylies Hall shall commence until a full schedule of proposed works/repairs schedule has been submitted to and approved in writing by the Local Planning Authority. Any departure from the approved schedule works/repairs schedule will require the prior written approval of the Local Planning Authority.

P16/0192	<p>48 Tower Street (Mahoe Building) and land adjacent to 48 Tower Street, Dudley – Demolition of No. 48 Tower Street, Dudley (Mahoe Building) and construction of new surface level temporary car park with landscape improvements to frontage.</p>	<p>Approved, subject to conditions numbered 1 to 4 (inclusive), set out in the report submitted and the additional condition, as set out below:-</p> <ul style="list-style-type: none"> Excluding the demotion of the demolition of the Mahoe building no works of construction, level changes, or other site clearance or infrastructure works involving ground disturbance shall begin until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted and approved in writing by the Local Planning Authority. Such archaeological work shall comprise a suitably targeted watching brief/evaluation with appropriate provision for archaeological investigation and recording and including subsequent analysis, reporting and archiving.
P16/0197	<p>Land adj 1 Holt Road, Rowley Regis – Demolition of existing garages and erection of 2 No. semi-detached dwellings.</p>	<p>Approved, subject to conditions numbered 1 to 6 (inclusive), as set out in the report submitted.</p>

P16/0317	78 Parkes Hall Road, Dudley – Change of use of vacant premises to hot food takeaway (A5) with fume extraction at side (Resubmission of refused application P15/1916)	Delegated authority to approve the application be given to the Head of Planning and Development following expiration of further consultation with neighbours in respect of the re-location of the extraction flu subject to no additional issues being raised and conditions numbered 1 to 7 (inclusive), as set out in the report submitted.
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(At this juncture, P Reed departed from the meeting during consideration of the following item.)

P16/0353	61 Green Street, Stourbridge – Erection of detached garage	Approved, subject to conditions numbered 1 to 3 (inclusive), as set out in the report submitted.
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(At this juncture, Councillor C Perks declared a pecuniary interest in accordance with the Members Code of Conduct in relation to Planning Application No. P16/0377 – Netherton Market Place, as she was a Member of the Netherton Regeneration Group and had had some input in the application. Councillor C Perks departed from the meeting during consideration of the following item.)

P16/0377	Netherton Market Place, junction of Halesowen Road and Northfield Road, Netherton, Dudley – Erection of 6m high flagpole.	Delegated authority to approve the application be given to the Strategic Director Place, subject to the expiration of the public consultation time and no material planning objections received and conditions numbered 1 to 3 (inclusive), as set out in the report submitted.
P16/0457	4 Hodgetts Drive, Hayley Green, Halesowen – Fell 2 Pines; Fell 1 Eucalyptus and Fell 1 Cedar Tree.	Approved, subject to the condition set out in the report submitted.

101 **Confirmation of Tree Preservation Orders (continued)**

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

Resolved

That the Tree Preservation Order be determined as set out below:-

<u>TPO No.</u>	<u>Location/Proposal</u>	<u>Decision</u>
TPO/0196/NOR	23 Willow Park Drive, Oldswinford	Confirmed, subject to the modified plan showing the correct location of T1.

The meeting ended at 7.20pm.

CHAIR

PLANNING APPLICATION NUMBER: P16/0241

Type of approval sought	Full Planning Permission
Ward	Lye and Stourbridge North
Applicant	Mohammad Mahroof
Location:	86, DUDLEY ROAD, LYE, STOURBRIDGE, DY9 8ET
Proposal	TWO STOREY FRONT EXTENSION WITH NEW ENTRANCE CANOPY AREA. ELEVATION CHANGES TO INCLUDE NEW ROOF, DOORS, WINDOWS AND ROLLER SHUTTER DOOR.
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The 656m² application site consists of a 1980s premises of facing brick construction with corrugated metal sheeting to the side elevations and roof. The building is set back from the adjacent properties and there is a central entrance doorway with canopy. To the rear is a hard surfaced parking area which is accessed from Station Road. The building is currently vacant and was last used as a snooker hall (Use Class D2).
2. To the north of the site are Nos. 84 and 85 Dudley Road, commercial buildings with residential units above. Directly to the south is No. 90 Dudley Road, a Locally Listed Building currently in use as a restaurant (A3 Use) with residential above. To the rear is Station Road, beyond which is a large premises in industrial use. The overall character of the wider area is that of industrial and commercial uses.

PROPOSAL

3. The application seeks approval for a two storey front extension with flat roof and new front entrance to facilitate a change of use of the property to a live music venue and incorporate a residential unit for use by operators of the venue. The floor area to be created would be 88m² taking the total floor area to 418m² (representing a 26% increase). Elevational changes proposed are as follows:

- Replacement of the corrugated asbestos cement sheeting with powder coated corrugated steel sheeting
- Replacement of windows
- Creation of a new parking area to the rear to include new security lighting
- Installation of a roller shutter door to the rear elevation
- Installation of new door and window openings to the front elevation adjacent to the new entrance.

The proposed use as a live music venue and the existing use as a snooker hall both fall within the same Use Class (D2) and therefore the change of use is permitted development and planning permission for change of use is not required.

HISTORY

4. Planning history relates to use of the building as a snooker hall.

PUBLIC CONSULTATION

5. Five objections have been received following consultation with 13 adjoining neighbours and the posting of a site notice. The objections raise the following material planning considerations:

- The proposed use and opening hours specified will lead to noise and disturbance which will affect neighbouring occupiers
- Existing parking arrangements are inadequate

Since registering the application it has come to light that the proposed use as a live music venue and the existing use as a snooker hall both fall within the same Use Class (D2) and therefore the change of use is permitted development. Whilst planning permission is not required for the change of use, the matters raised by objectors will still be addressed within the following assessment.

OTHER CONSULTATION

6. Group Engineer (Highways): Material considerations. Concerns related to parking and pedestrian access.
7. Head of Environmental Health and Trading Standards: No objection following confirmation that change of use is permitted development
8. West Midlands Police: No objection subject to adequate CCTV and lighting

RELEVANT PLANNING POLICY

9.
 - National Planning Guidance
National Planning Policy Framework (2012)
Planning Practice Guidance (2014)
 - Black Country Core Strategy (2011)
CSP2 Development outside the Growth Network
TRAN2 Managing Transport Impacts of New Development
 - Unitary Development Plan (2005) (Saved Policies)
DD1 Urban Design
DD4 Development in Residential Areas
DD5 Development in Industrial Areas
EP7 Noise Pollution
 - Supplementary Planning Guidance/Documents
Parking Standards Supplementary Planning Document (2012)

ASSESSMENT

10. The main issues are

- Principle
- Design
- Neighbour Amenity
- Access and Parking

Principle/Policy

11. The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF sets out a '*presumption in favour of sustainable development such that development proposals which accord with the development plan should be approved without delay*' (Paragraph 14). The provision of a two storey front extension and elevational changes would support the change of use of the building to a new use within a sustainable location and within a street scene that forms a wider mixed use area. It should be noted that the change of use can be undertaken under permitted development rights.

Design

12. The proposed extension is located on a prominent part of the building, upon the front elevation. Whilst the proposed extension will be a prominent addition in terms of its scale and massing, the contemporary appearance is considered to enhance the existing outdated facade and will serve to bring the building closer the established building line of adjacent premises. Whilst roller shutters are not normally an appropriate means of security in terms of design, the shutter proposed would be located to the rear. All other external alterations proposed are considered to assimilate satisfactorily with the existing building.

Neighbour Amenity

13. Five objections have been received which raise concerns in respect of potential disturbance to the amenity of neighbouring occupiers at Nos. 84, 85 and 90 Dudley

Road. However the change of use can be undertaken under permitted development rights and therefore neighbour amenity cannot be considered as part of this application. Notwithstanding this, if the venue proposes to open beyond 2300 hours a license will be required from the Licensing Authority and the applicant will therefore need to provide information to them in this regard. The applicants also leave themselves open to the submission of noise complaints to Environmental Protection Team if the building is not adequately sound proofed prior to the change of use.

Access and Parking

14. The Highways Engineer has made comments in relation to parking at the site and pedestrian access. Parking to the frontage of Dudley Road should be avoided as this location but this should be enforced by the existing double yellow lines to the frontage. There are several public car parks in the vicinity of the site, and a small car parking area is proposed to the rear. The car parks within the vicinity are within a short walking distance and are free. The site is also within close proximity to the railway station. The Highways Engineer has also raised the issue of pedestrians accessing and egressing the site. This is a particular issue at the end of the operational night when there is the potential for large crowds to leave in a short space of time. Whilst this is noted there are several pedestrian crossing points on Dudley Road as well as a formal crossing on Lye-by-pass close to the car parks. As a final point the change of use of the existing building to a live music venue can be undertaken under permitted development without the need for planning permission. The proposed extension results in this application requiring consideration. Given the above and considering the town centre location the proposed development is considered as acceptable.

CONCLUSION

15. The proposed development is considered to be acceptable in terms of principle, and the design of the proposed extension and alterations would serve to enhance the appearance of this vacant building. Moreover, the proposed extension is unlikely to have any adverse impact on neighbour amenity or highway safety. Consideration has been given to Policies CSP2 Development outside the Growth Network, TRAN2

Managing Transport Impacts of New Development, ENV 2 Historic Character and Local Distinctiveness of the Black Country Core Strategy and Saved Policies DD1 Urban Design, DD4 Development in Residential Areas, DD5 Development in Industrial Areas, and EP7 Noise Pollution of the Dudley Unitary Development Plan.

RECOMMENDATION

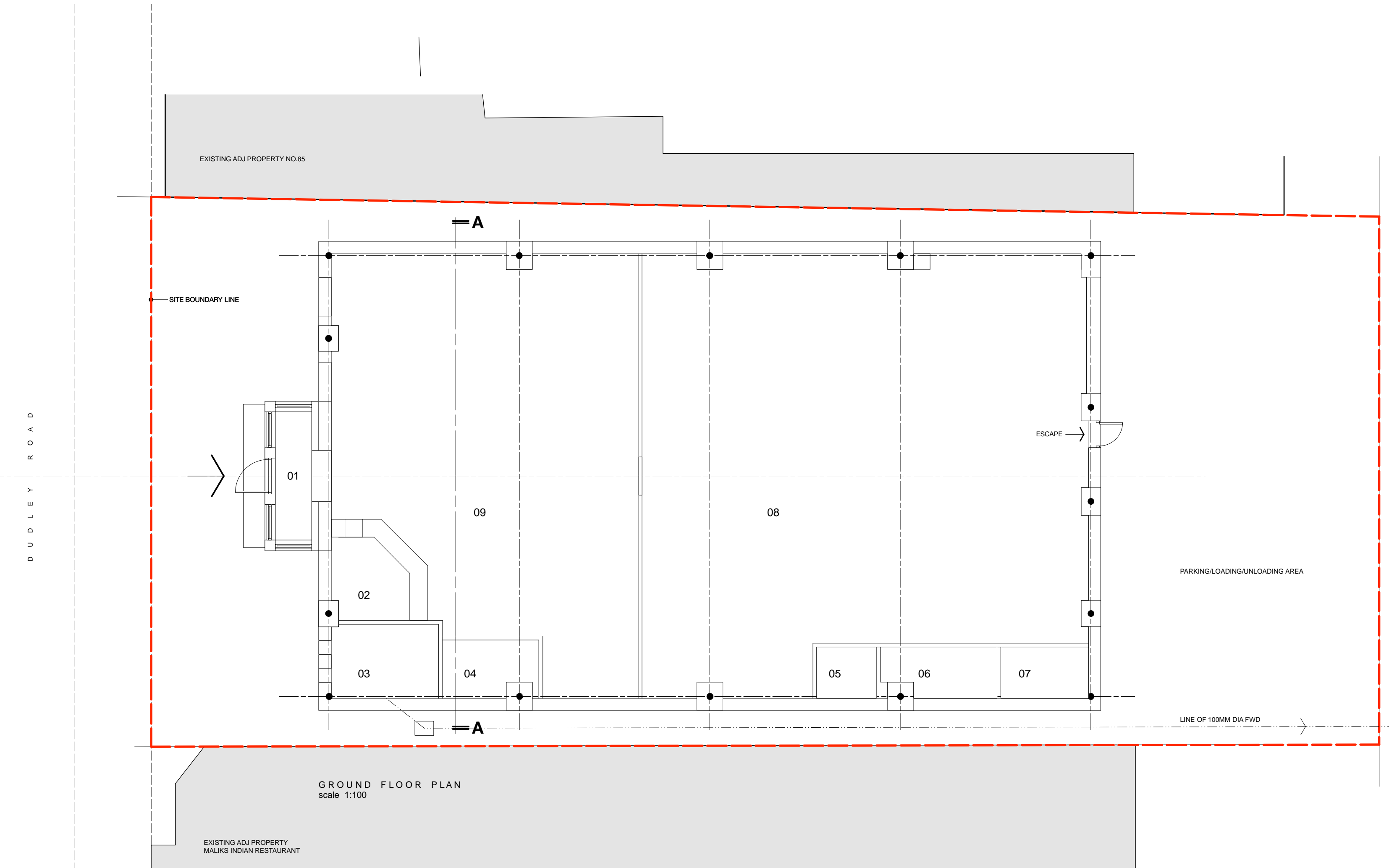
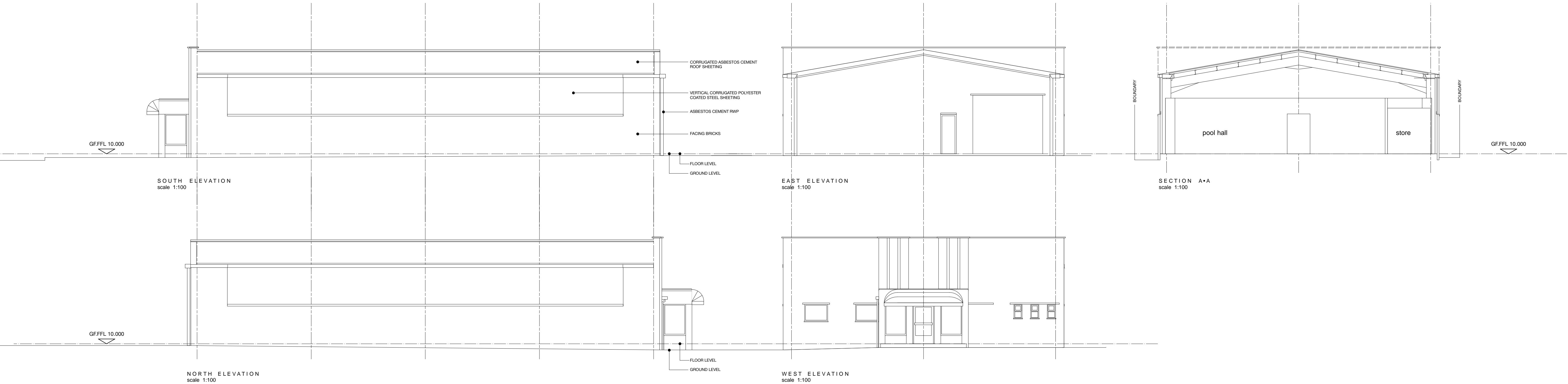
16. It is recommended that the application be APPROVED subject to conditions.

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1510-01 (Survey - Plans & Elevations), 1510-02A (Planning drawing - Plans & Elevations)
3. The materials to be used in the approved development shall match in appearance, colour and texture those of the existing building unless otherwise agreed in writing with the Local Planning Authority.
4. No development shall begin until an assessment of the risks posed by any ground gases or vapours has been submitted to and approved by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.
5. Where the approved risk assessment (required by CL02a) identifies ground gases or vapours posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the Local Planning Authority.
6. Unless otherwise agreed in writing with the LPA, the approved scheme (required by CL02b) shall be implemented and a verification report submitted to and approved by the LPA, before the development (or relevant phase of the development) is first occupied/brought into use.
7. Prior to the commencement of development details of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - * The submission of a scheme of intrusive site investigations, including a gas monitoring programme, for approval;
 - * The undertaking of that scheme of intrusive site investigations;
 - * The submission of a report of findings arising from the intrusive site investigations;
 - * The submission of a scheme of remedial works for approval; and
 - * The implementation of those remedial works.Thereafter any remedial works required shall be implemented in accordance with the approved details.

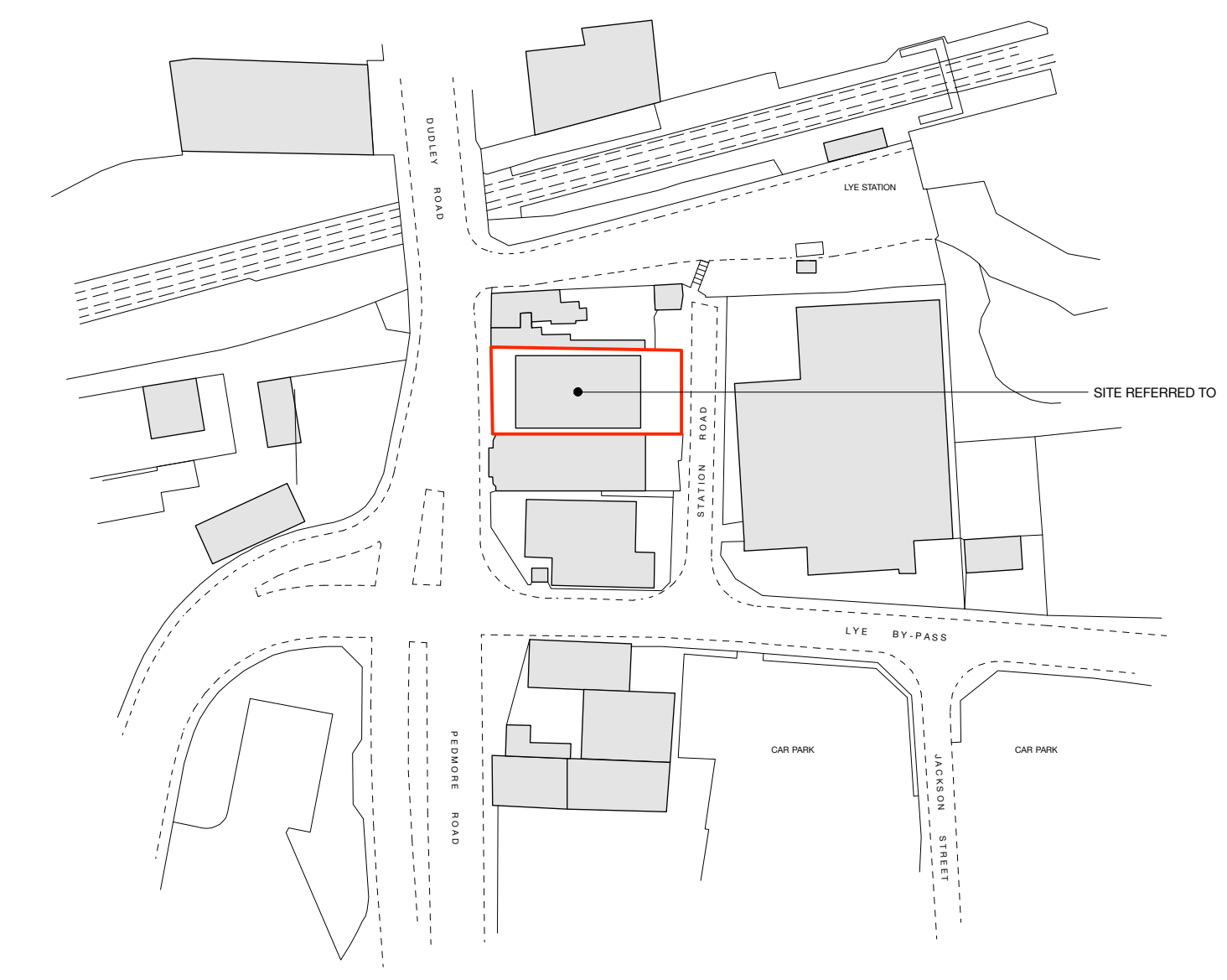
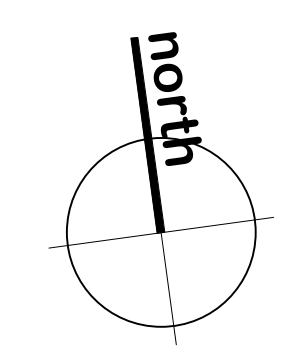






STATION ROAD

- KEY**
- 01 GROUND FLOOR ENTRANCE LOBBY
 - 02 BAR
 - 03 BAR STORE
 - 04 PLANT
 - 05 STORE
 - 06 MALE TOILETS
 - 07 FEMALE TOILETS
 - 08 SNOOKER HALL
 - 09 POOL HALL



PLANNING APPLICATION NUMBER: P16/0253

Type of approval sought	Full Planning Permission
Ward	Norton
Applicant	Mr Wajid Nasser
Location:	PUBLIC CAR PARK REAR OF 1 TO 21, HEATH LANE, STOURBRIDGE, DY8 1RF
Proposal	CHANGE OF USE OF PUBLIC CONVENIENCE BUILDING TO TAXI BASE (SUI GENERIS) WITH ELEVATION CHANGES TO INCLUDE NEW WINDOWS TO THE FRONT ELEVATION
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The 63 square metres application site relates to the now vacant former public conveniences located within the western side of the Public Car Park off Heath Lane and to the rear of the premises of No's. 1 to 21 Heath Lane. The building is a relatively modern single storey building of circa 1970's construction and of facing brick construction surmounted with a pitched roof over with the ridge running from flank to flank.
2. The site is located within a mixed use commercial and residential area which forms the Oldswinford Local Centre.

PROPOSAL

3. The application seeks full planning permission for a change of use of the existing public convenience building (Use Class: Sui Generis) to a taxi base office (Use Class: Sui Generis) with elevation changes to include new windows to the front elevation of the building.
4. The planning application form states that the development would result in one full time employee whilst the opening hours are inferred as 24 hours.

HISTORY

5. Application Site

APPLICATION No.	PROPOSAL	DECISION	DATE
LA/71/105	Full planning permission for a public car park	Approved with conditions	28 January 1972
LA/72/66	Full planning permission for the erection of public conveniences for both sexes	Approved with conditions	22 May 1972
P15/1317	Full planning permission for the change of use of the existing public convenience building (Sui Generis) to A1, A2, A3 and B1 with elevational changes to include new windows and doors to front elevation	Approved with conditions	22 October 2015

6. The planning application submitted under planning reference P15/1317 has not been implemented but remains extant and therefore is a material planning consideration in the determination of this planning application.

PUBLIC CONSULTATION

7. The application was advertised by way of neighbour notification correspondence being sent to the occupiers of 30 properties within close proximity to the site and by the display of a site notice.

8. In response to the consultation exercise, correspondence has been received from 6 local occupiers raising concerns to the proposed development. The material planning considerations are summarised below;

- Parking – The area immediately fronting the property is a car park used by the clients and customers of the businesses in Oldswinford and also the local college. This facility forms a strategic part of the function of these businesses as it is used as a tool to entice clients and customers to the area. It is freely open to the public but concern is raised that taxi's may wait adjacent to the building or within the wider car park thereby impacting upon numerous spaces for customers to the area;
- Access – Concern is raised over additional traffic movements, existing pedestrian movements within the car park wider Local Centre and the access to the car park which is narrow;
- Noise Pollution – Concern is raised over noise pollution that would be caused by additional traffic created by the development which would also occur outside of typical business hours in the locality;
- Public Accessibility / Anti-Social Behaviour – Concern is raised over customers who may come to the base to request a taxi as there are no facilities at the base for the customers;
- Public Accessibility / Anti-Social Behaviour – Concern is raised that the proposal may results in the congregation of groups people hanging around in the car park late, probably late at night after a night out within the Local Centre, which may then lead to anti-social issues occurring; and
- Operation – The system proposed to be used by the taxi company is already an industry standard software system and in no way controls any of the above so is irrelevant in support of the application.

9. In addition to the above, an 8 signatory petition has been received from the occupiers of Heath Lane and Hagley Road raising concerns to the proposed development. The material planning considerations are summarised below;

- Unsociable hours disturbance caused;
- Overbearing nature of the proposal;
- Unwanted light, sound, litter, noise, fumes and parking;

- Traffic generation;
- Late night activity;
- Dangerous access
- Access and Parking;

10. Notwithstanding the above, correspondence has been received from 8 local occupiers supporting the scheme and as summarised below;

- Anti-Social Behaviour – The toilet block has been vacant for some time and subject to anti-social issues relating to vandalism and graffiti. The building is currently an eye soar and by bringing it back into use would improve natural surveillance within the car park and thereby improve safety within the area.
- Operation – The system proposed to would not affect parking as vehicles would operate remotely, an industry standard software system.

11. Following the request of the Local Planning Authority, amended plans have been requested and received detailing the following:

- A red line amendment to the application site to now include access; and
- The public reception and waiting areas being removed so that the building would be an administrative base of the taxi operation only and not open to the public.

12. Receipt of the amended plan resulted in the need for further public consultation in the form of letters being sent to the same properties located within close proximity to the site, as well as, anyone who previously registered an interest in the scheme. The final period for comment expired on 15 April 2016. A further 7 representations have been received from local residents reaffirming original concerns with material planning considerations summarised below;

- Noise Pollution – Concern is raised over noise pollution that would be caused by additional traffic created by the development which would also occur outside of typical business hours in the locality;

- Anti-Social Behaviour – Concern is raised regarding members of the public still attending the site for a taxi, which may lead to an increase in noise and anti-social behavioural issues;
- Parking – Public car parking spaces would still be occupied by taxis creating parking issues through removing off street parking serving the Local Centre;
- Access - Concern remains over additional traffic movements, existing pedestrian movements within the car park wider Local Centre and the access to the car park which is narrow;

OTHER CONSULTATION

13. Highway Engineer: No objections raised as the scheme has been amended to omit the public reception and waiting areas so that the building would be an administrative base of the taxi operation only and not open to the public. Therefore, it is acknowledged that providing the site is used as an administrative base for the taxi operation only, no significant vehicle movements would occur as a result of the development.
14. Head of Environmental Health and Trading Standards: The site, previously a public convenience, is located within a public car park in a mixed use area. To the North of the site are a number of commercial properties with residential properties backing onto the public car park from the South, South East and Western sides. The facade of the nearest residential property is situated approximately some 25 metres from the proposed development site and a number of residential properties are situated within 50 metres of the proposed development site. Between these residential properties and the proposed development site is the public car park.
15. The application for change of use of the development site to a taxi base specifies 24 hour. It is noted that the applicant states that the site would be used to receive and allocate jobs and that it is not intended to be used for the parking of taxis, rather drivers would be contacted via mobile phone or radio to attend pickups. Furthermore, the scheme has been amended to omit the public reception and waiting areas so that the building would be an administrative base of the taxi operation only and not open

to the public. Therefore, it is acknowledged that providing the site is used as an administrative base for the taxi operation only, as proposed, it should not give rise to disturbance and annoyance at nearby noise sensitive properties. However the nearest residential properties are situated within 25 metres of the proposed development site and concerns do remain about noise, particularly at night time and upon any intensification of the business, from taxis accessing and waiting / idling on the site.

16. The Head of Environmental Health and Trading Standards would; in principle, support the change of use if conditions were applied to address the above mentioned sources of noise from the commercial activity and protect residential amenity, i.e. to restrict any public access to the site and to prohibit pickups and the waiting of taxis.
17. West Midlands Police: As a base, it makes good use of the building and no objections to the scheme are raised now given the omission of public accessibility to the building. Conditions would need to be applied to deter commercial activity and protect residential amenity through noise abatement, i.e. to restrict any public access to the site and to prohibit pickups and the waiting of taxis.

RELEVANT PLANNING POLICY

National Planning Guidance (2012)

- The National Planning Policy Framework

Black Country Core Strategy (2011)

- The Vision
- Sustainability Principles
- The Spatial Objectives
- CSP4 Place Making
- TRAN2 Managing Transport Impacts of New Development
- ENV 2 Historic Character and Local Distinctiveness
- ENV 3 Design Quality
- CEN5 District and Local Centres

Saved Unitary Development Plan (2005)

- DD1 Urban Design
- DD4 Development in Residential Areas
- EP7 Noise Pollution

Supplementary Planning Documents (SPD)

- Parking Standards (2012)

ASSESSMENT

18. Key Issues

- Background
- Principle
- Design
- Neighbour Amenity
- Access and Parking

Background

19. Accompanying the planning application is a covering letter produced by the planning agent, dated 19 February 2016, which provides an overview of the proposed operation at the application site. Within this covering correspondence, it states that the purpose of the building is to act as a base for the operative who would receive bookings and allocate drivers to particular jobs. The taxi firm which would use the base only has a small number of cars as they cater for the 'luxury' end of the market.

20. The site would not be used for the parking of taxis with drivers in the building waiting for a call as the drivers would be contacted by mobile phone or radio when they are at home or on another call. Their whereabouts, to ensure efficient use of the vehicles, would be confirmed by use of a Global Positioning System (GPS).
21. Details of the electronic booking / allocation system to be used have also been submitted referencing the 'Taxi Dispatch System' which 'Intelligently dispatched jobs and locates vehicles on demand'.
22. The building would be used purely as a booking office and would be staffed 24 hours a day by no more than one member of staff at any one time. There would be an office and toilet only.

Principle

23. The site stands vacant from its former use as a public convenience. The site is therefore classed as previously developed land (pdl) as recognised in the definition set out in Annex 2 (Glossary) of the National Planning Policy Framework 'Previously developed land'. Paragraph 17 of the NPPF (indent 8) encourages the use of pdl.
24. The NPPF, Annex 2 (Glossary) includes that local centres can be considered a town centre for the purposes of the NPPF, and that main town centre uses include retail, restaurants and offices. Paragraph 24 of the NPPF sets out a sequential approach – with a first preference being that proposals for main town centre uses be located within town centres. The land uses being proposed a taxi base office (Use Class: Sui Generis) can be supported in this regard as outlined within the NPPF.
25. The application site is located within Oldswinford Local Centre whereby Black Country Core Strategy (BCCS) Policy CEN5 'District and Local Centres' applies. The supporting text to Policy CEN5 of the BCCS highlights a local centre's role in providing for day-to-day convenience shopping and local service needs, and Policy CEN5 itself gives in principle support to appropriately scaled retail, office and leisure land uses.

26. The small scale of the application building, some 63 square metres, and the land use being proposed can be supported in as it broadly complies with the aspirations of Policy CEN5 of the BCCS and the NPPF. Furthermore, in confirmation of this provision and reflecting a previous approval on this site to either Use Class A1 (Shops), Use Class A2 (Financial and Professional Services), Use Class A3 (Restaurants and Cafés) and Use Class B1a (Office) under planning reference P15/1317, the revised proposal can be viewed favourably by virtue of supporting and helping the services on offer within the Oldswinford Local Centre and is therefore considered entirely appropriate in line with the aspirations of both national and local planning policy.

Design

27. Policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness) and ENV3 (Design Quality) of the BCCS 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.
28. Saved Policies DD1 (Urban Design) and DD4 (Development in Residential Areas) of the Dudley Unitary Development Plan seek to ensure that new development applies principles of good urban design making a positive contribution to the character and appearance of the area, ensuring that the scale, nature and intensity of use of the proposed development would be in keeping with the surrounding area and that the proposed development would not result in a detrimental effect upon highway safety.
29. The site is located within a sustainable location and would bring back into use a small scale vacant redundant building. The modular building is afforded limited architectural detailing. The proposed external alterations to the front elevation of the building relating to the building up of a recessed entrance and the insertion of 2 no. windows in the wall facing the public car park would be both modest and sympathetic to allow for the sensitive conversion of the building.

30. By virtue of the buildings 'backland' position, located within the Public Car Park serving the Local Centre, it is considered that the change of use and conversion of the building would not form a prominent or conspicuous feature to the detriment of the area and would indeed improve the wider area and general vitality and viability of the area. The associated use would also further enhance natural surveillance across the car park from users of the building.

Neighbour Amenity

31. The Head of Environmental Health and Trading Standards recognises the site is located within a residential / commercial area. To the North of the site are a number of commercial properties with residential properties backing onto the public car park from the South, South East and Western sides. The facade of the nearest residential property is situated approximately some 25 metres from the proposed development site and a number of residential properties are situated within 50 metres of the proposed development site. Between these residential properties and the proposed development site is the public car park. The development therefore, has the potential to impact upon surrounding occupiers; however, it is considered that following amendments to the scheme to omit the public reception and waiting areas so that the building would be an administrative base of the taxi operation only, over a 24 hour period, and not open to the public.
32. Therefore, it is acknowledged that providing the site is used as an administrative base for the taxi operation only, as proposed, it should not give rise to disturbance and annoyance at nearby noise sensitive properties. Notwithstanding this, the nearest residential properties are situated within 25 metres of the proposed development site and concerns do remain about noise, particularly at night time and upon any intensification of the business, from taxis accessing and waiting / idling on the site; however, this through the application of planning conditions to restrict any public access to the site and to prohibit pickups and the waiting of taxis; the above mentioned sources of noise from the commercial activity would ensure residential amenity would be protected and would thereby accord with the aspirations of Policy ENV 8 (Air Quality) of the BCCS and Saved Policies DD4 (Development in

Residential Areas) and EP7 (Noise Pollution) of the Dudley Unitary Development Plan.

Access and Parking

33. The site fronts onto a public car park serving the Local Centre. Therefore, it is considered, on balance, that there would be no adverse impact upon highway safety as a result of the development as ample off street parking is available to employees of the administration office building and the site would be accessed via the existing access arrangements serving the car park. Notwithstanding this, no objection is raised by The Group Engineer Highways. The scheme as proposed would therefore be in accordance with Policy TRAN2 (Managing Transport Impacts of New Development) of the BCCS, Saved Policy DD4 (Development in Residential Areas) of the Dudley Unitary Development Plan and the Parking Standards Supplementary Planning Document.
34. Notwithstanding the above, it is inferred through public representations received that users of the premises would park within and take-up valuable car parking spaces within the public car park, which in turn provides an important community asset which in turn serves the Oldswinford Local Centre. It is stated within covering correspondence accompanying the planning application that vehicles would typically operate remotely and would not operate from out of the taxi booking office and the associated public car park. Therefore, on balance, it is considered that the proposed administration office building would not, unreasonably impact upon the operation safe operation of the public car park as no significant vehicle movements would occur as a result of the development. A view substantiated by the Highway Engineer who raises no objection to the scheme.

CONCLUSION

35. The site is located within a mixed use area and the proposed uses at the site would not be out of context within this Local Centre location. The proposed alterations would be both modest and sympathetic to the host property and the proposed development would result in a compatible use to further improve and enhance the

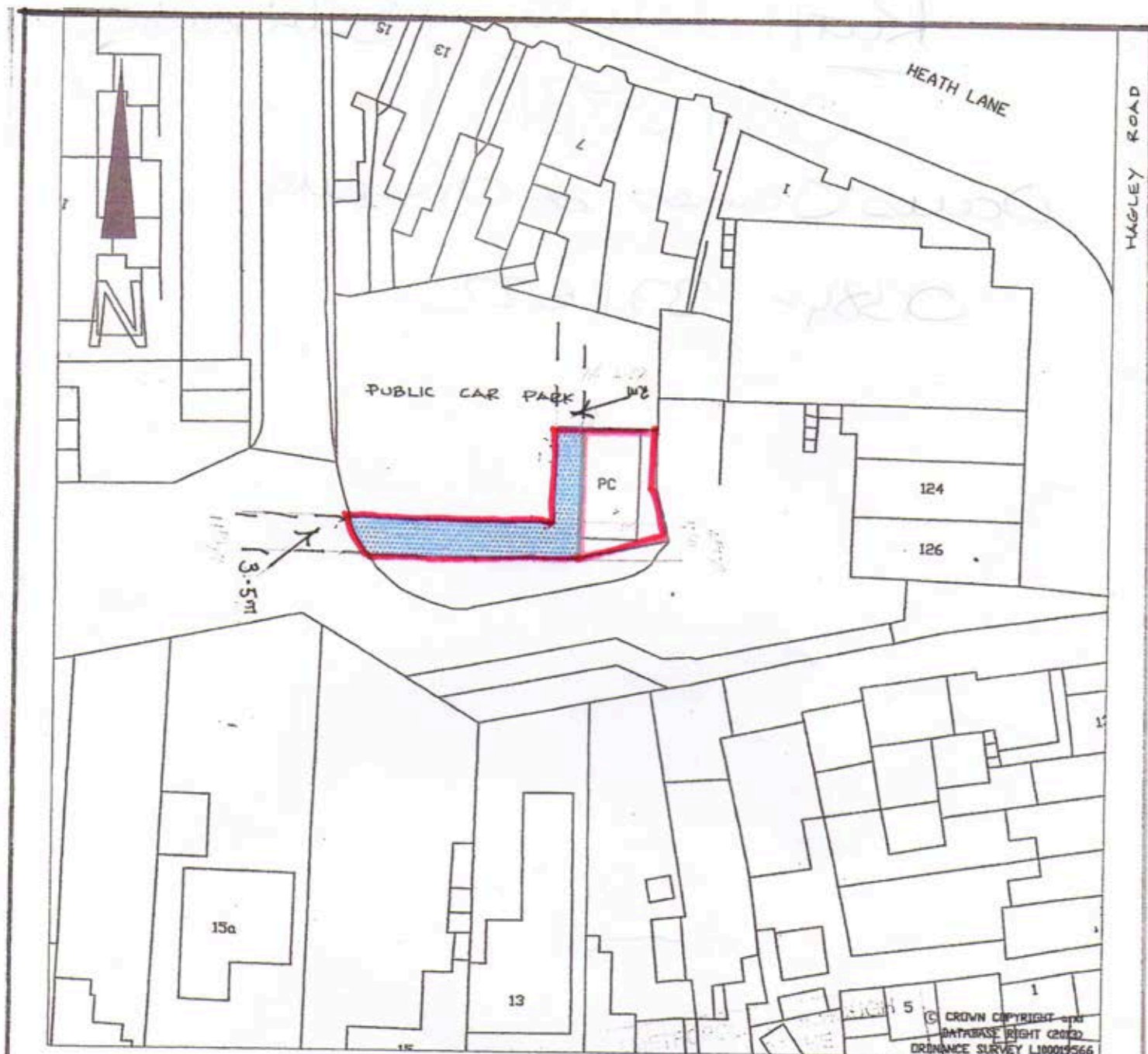
vitality and viability of the Local Centre. The development is appropriate in scale to the existing transportation infrastructure with offsite parking well served by the adjacent public car park.

RECOMMENDATION

36. 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.
2. The development hereby permitted shall be carried out in accordance with the following plans: '16:08:01 A15071272-01' and 'XVDD10305'
3. The materials to be used in the approved development shall match in appearance, colour and texture those of the existing building unless otherwise agreed in writing with the Local Planning Authority.
4. The taxi office hereby approved shall not at any time be open to members of the public.
5. No taxi shall pickup or drop of passengers at the development site at any time.
6. The development site shall not at any time be used as a waiting area by any taxi awaiting any bookings, collections or pickups, or awaiting the allocation of any bookings, collections or pickups.



AREA EDGED RED 70 SQ.M. APPROX
 AREA SHADED BLUE RIGHT OF ACCESS

LOCATION AND BLOCK PLAN

4 Ednam Road
 Dudley
 DY1 1HL

Dudley
 Metropolitan Borough Council

DIRECTORATE OF THE
 URBAN ENVIRONMENT

Project
 Title

PUBLIC CONVENIENCES TO THE
 REAR OF 5-7 HEATH LANE, STOURBRIDGE

Drawing No.
 XVDD10305

Drawn By
 JB

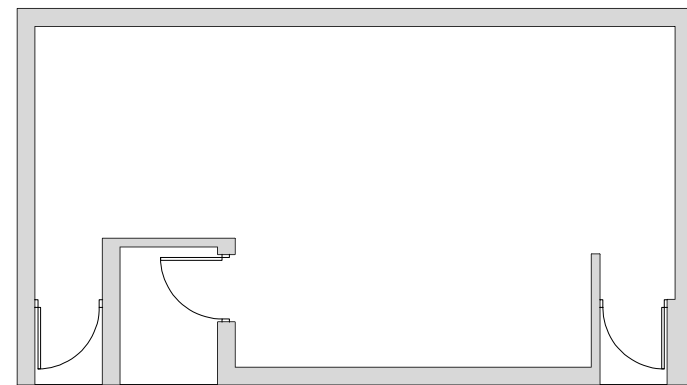
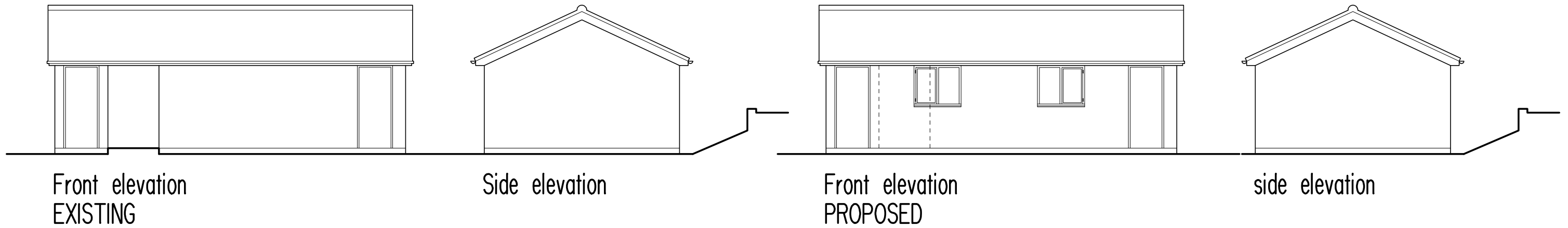
Checked By
 DJB

Revision No.

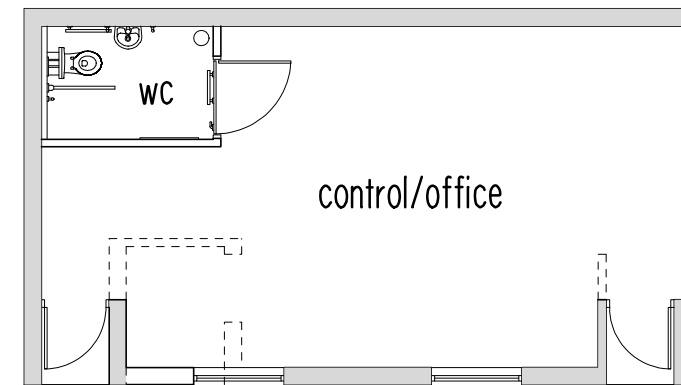
Date
 29/01/2014

Scale
 1:500@A4

Do not scale. Figured dimensions only to be taken from drawing.
The contractor is to visit the site and be responsible
for taking & checking dimensions relative to this work.



Floor plan
EXISTING

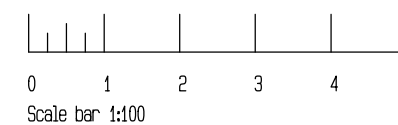


Floor plan
PROPOSED

A : 30/03/16 : Reception omitted.
Revisions:

WAJID NASEER
PROPOSED TAXI BASE
DISUSED PUBLIC TOILETS
HEATH LANE, OLDSWINFORD
EXISTING AND PROPOSED
16:08:01A

Scale 1:100 1:1250
Date February 2016



MFL Design

Architectural Design Service
5 Glynn Crescent,
Halesowen,
West Midlands,
B63 2PZ
Tel. 01384 561334



PLANNING APPLICATION NUMBER: P16/0304

Type of approval sought	Full Planning Permission
Ward	Norton
Applicant	Miss S. Hickman
Location:	10, WINDSOR ROAD, NORTON, STOURBRIDGE, DY8 3BW
Proposal	TWO STOREY SIDE AND SINGLE STOREY FRONT EXTENSION, NEW FRONT PORCH. SINGLE STOREY SIDE AND REAR EXTENSION (FOLLOWING PART DEMOLITION OF EXISTING KITCHEN)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site comprises a semi-detached dwelling located within a residential street of dwellings set on a fairly common building line and level plateau however varying in age and style.

2. The property which is characterised by a hipped roof and facing brickwork is set off the highway behind a gravelled driveway that can accommodate 3-4 vehicles. To the side of the dwelling there is an attached garage with canopy roof over that extends across the front of the dwelling. To the rear the property displays a staggered rear wall with a single storey flat roof section that serves the kitchen projecting 3.8m. To the rear the garden is enclosed by a combination of 1.5m and 2.0m high fencing.

3. The application property is bound to the west by adjoining semi-detached dwelling No.12 Windsor Road. This dwelling is of the same age and style and displays a staggered rear wall mirroring that of the application property. To the east is No.8 Windsor Road, a semi-detached dwelling also of the same age and style. This neighbouring property benefits from a single storey side/ rear extension built up to the common boundary shared with the application property.

4. The rear garden of detached dwelling, No.35 Heath Farm Road meets the rear boundary of the application site.

PROPOSAL

5. This application is before Development Control Committee as the applicant is a partner of an elected member. The elected member is Councillor Chris Hale, ward councillor for Wollaston and Stourbridge Town. This application is located with the neighbouring ward of Norton.
6. Two storey side and single storey front extension, front porch. Single storey side and rear extension (following part demolition of existing kitchen)
7. The two storey side extension would be constructed to the east elevation of the dwelling facing No.8 and incorporating the existing garage. The extension would be 3.3m in width, 7.9m deep at ground floor, 7.1m deep at first floor, displaying a hipped roof with hidden gutter details to the boundary. The extension would provide a garage and enlarged kitchen at ground floor and a bedroom and en-suite at first floor.
8. The single storey front extension front porch would comprise of extending the existing garage 0.75m forwards, retaining the same width as the existing garage of 3.3m. The front porch would project 0.75m forwards to be level with the extension to the front of the garage.
9. The single storey side/rear extension would attach to the rear of the two storey side extension outlined above, projecting 3.0m from the original rear wall of the dwelling and would display a width of 9.0m. The extension would be built to a height of 3.9m (2.7m to eaves).

Note: Amended plans

Amended plans were submitted removing a parapet gutter arrangement to the boundary, and additional plans were supplied to show a hidden gutter and eaves details.

HISTORY

10.

APPLICATION	PROPOSAL	DECISION	DATE
92/20218	Dining Room Extension	Approved with conditions	28/05/1992

PUBLIC CONSULTATION

11. Direct notification was carried out with five neighbouring properties. With the final date for representations being 28th March 2016. There were no objections or comments received.

OTHER CONSULTATION

12. None required

RELEVANT PLANNING POLICY

13. National Planning Policy Framework (NPPF) (2012)
14. Saved Unitary Development Plan Policies (2005)
- DD1 Urban Design
 - DD4 Development in Residential Areas
15. Supplementary Planning Documents / Guidance
- PGN 12. The 45 Degree Code.
 - PGN 17. House extension design guide
 - Parking Standards

ASSESSMENT

16. Key issues.

- Impact on visual amenity and character of the area
- Residential amenity
- Parking and highway safety

Impact on the visual amenity and character of the area

17. The design scale and massing of the all elements of the development proposed within this application would relate satisfactorily to both the host dwelling and the character of the area.
18. The single storey front extension and porch, which would comprise of bringing the front of the existing garage forwards 0.8m to be level with the existing canopy, and the addition of a porch to the same projection. Given the modest projection of the extension and alterations proposed to the front of the dwelling, it considered that there would be no detrimental impact to the character and appearance of the dwelling or the area.
19. The two storey side extension would be of an appropriate width in relation to the host dwelling, would incorporate a 0.75m set back at first floor and the roof would be set down by 0.3m which would ensure a visual design break remains. Given these arrangements it is considered the extension would be an appropriate and subservient addition to the dwelling.
20. The single storey side/rear extension would not seen from the public domain, and is considered to be of an appropriate design, scale and massing in relation to the host dwelling.
21. The application site is located within a streetscene of properties of varying age and design. It is considered within the context of its surroundings the proposed development would be of appropriate scale, height and massing, thereby doing no harm to the visual amenity and character of the wider locality. In view of the above

noted visual considerations the development would therefore comply with saved Policy DD4 of the adopted UDP (2005) and the provisions of the House Extension Guide - PGN17.

Residential amenity

22. The single storey front extension would be compliant with the Council's 45 degree code guidelines and would result in no harm to the amenity of adjacent dwellings.
23. The two storey side extension would be built up to the common boundary shared with No.8, however the extension would not impact on the habitable room windows of this adjacent dwelling. In addition there are no side facing windows proposed in the extension it is therefore considered the extension would cause no demonstrable harm to neighbour amenity.
24. The single storey side/rear extension would breach the Council's 45 degree code guidelines in respect of No.8, however a single storey rear extension of this scale, if built in isolation could be constructed under permitted development. Given this fall back position, it is considered that refusal of the application on these grounds are not warranted.
25. Given the circumstances and considerations as outlined above, the development would be acceptable in design terms and would result in no demonstrable harm to visual amenity nor impact adversely on the character of the area in accordance with Planning Guidance Note 17 – House Extension Guide, Saved UDP Policy DD4.
26. Based on the orientation and relationship between neighbouring properties there would be no significant harm in terms of the receipt of light, enjoyment of outlook or privacy. Neither would the development be overbearing or cause any significant overshadowing. The proposed development would therefore comply with saved UDP Policy DD4, and PGN17, in terms of protecting the amenity of neighbouring occupiers.

Parking and highway safety

27. There would be no detrimental impact arising as a result of the proposal in terms of parking and highway safety in the locality. The property is located within a mostly residential area and the proposed extension would result in no loss of parking area. The proposed is therefore considered to comply with saved UDP Policy DD4.

CONCLUSION

28. The amended scheme is acceptable in terms of scale and design, having no detrimental impact on the visual amenity and character either of the host property or the surrounding area.
29. Given the sitting, scale and the orientation and relationship with neighbouring dwellings, the development would have no significant impact on the receipt of light, outlook or privacy and would neither cause overshadowing or be overbearing for the occupiers of neighbouring properties. In addition there would be no significant impact on parking or highway safety and the development would therefore be compliant with Saved UDP Policy DD4, the Council's Parking Standards guidance and Planning Guidance Note 17.

RECOMMENDATION

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

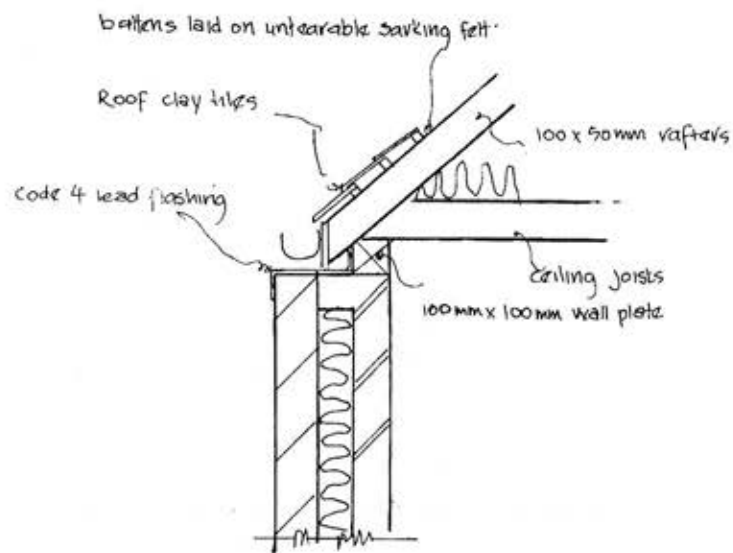
Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No - ['0010/WR/1A', 0010/WR/2, 0010/WR/3]
3. The materials to be used in the approved development shall match in appearance, colour and texture those of the existing building unless otherwise agreed in writing with the Local Planning Authority.



LOCATION PLANT 1:1250

10, WINDSOR ROAD NORTON.
BOUNDARY GUTTER DETAIL.



DRAWING SCALE 1:20

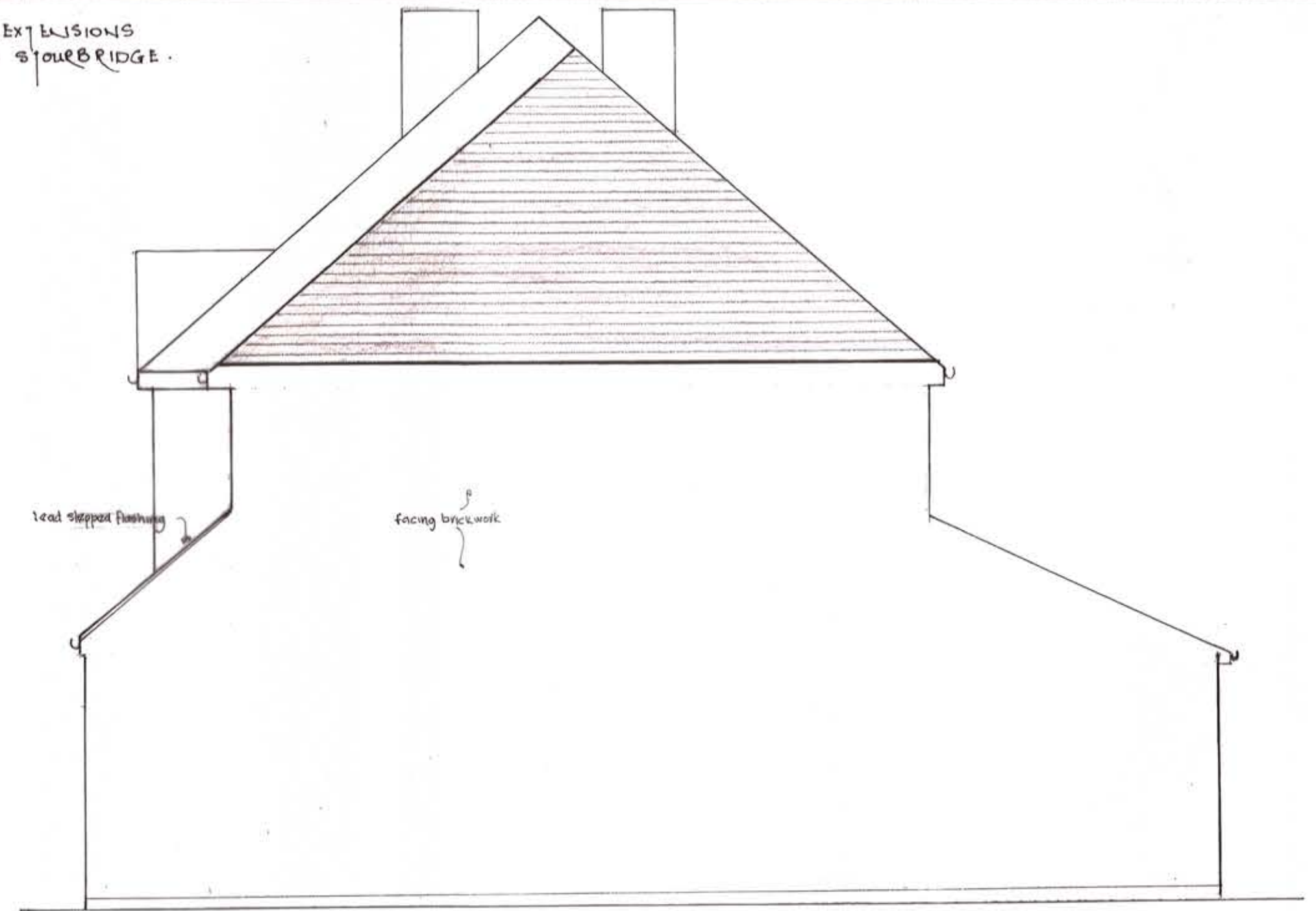
26 APR 2013

DRG NO 0010/NR/3.

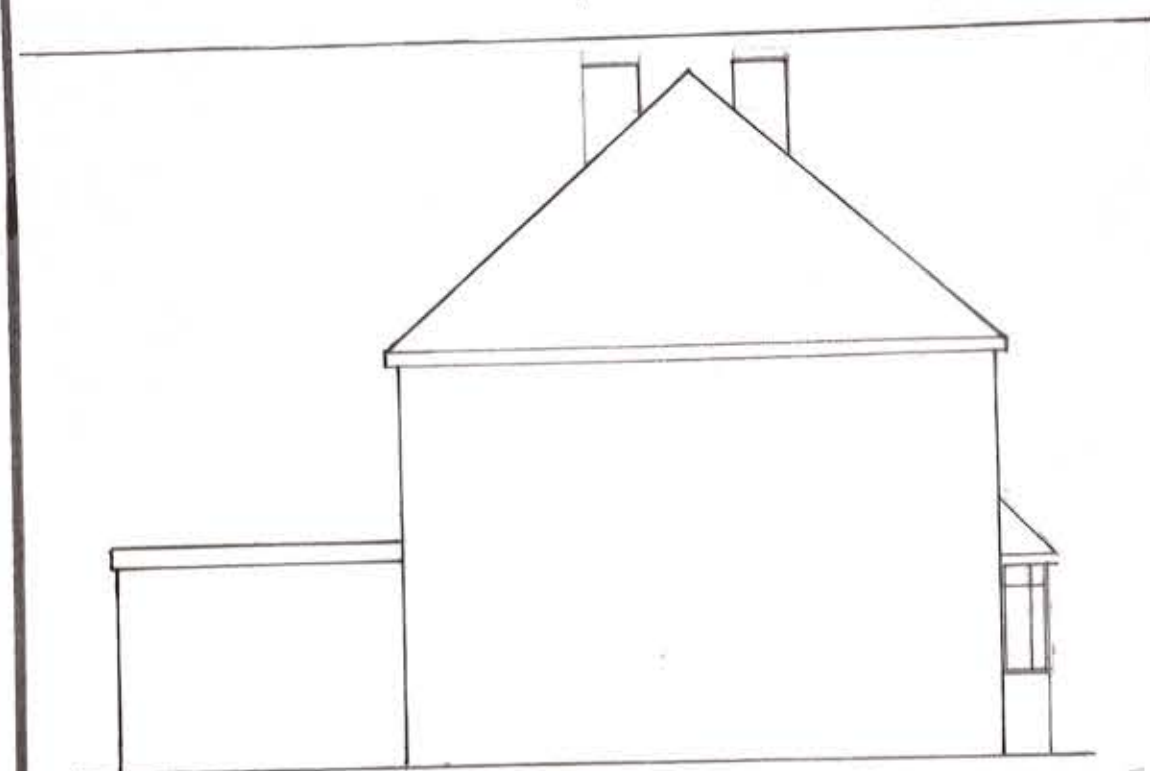
ELEVATIONS AND SECTION OF EXTENSIONS
AT 10, WINDSOR ROAD STOURBRIDGE.



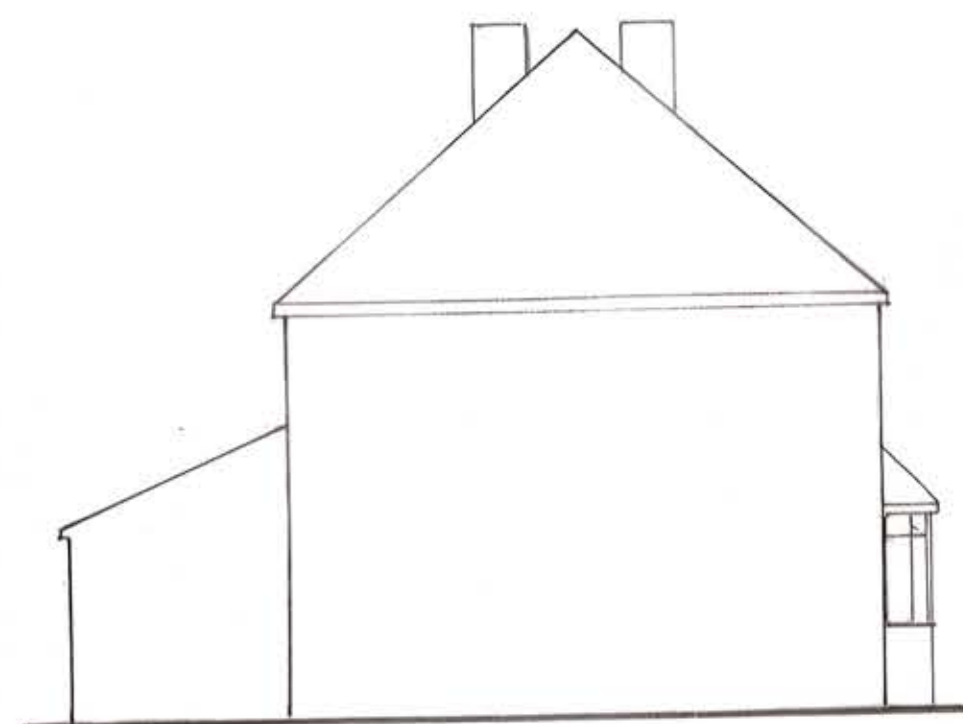
EXISTING SIDE ELEVATION VIEW 'Y'



PROPOSED SIDE ELEVATION VIEW 'Y'

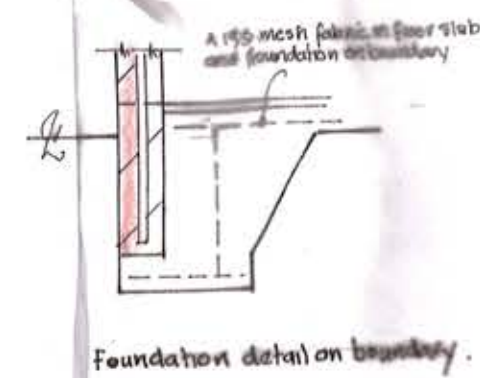


EXISTING SIDE ELEVATION VIEW 'X'

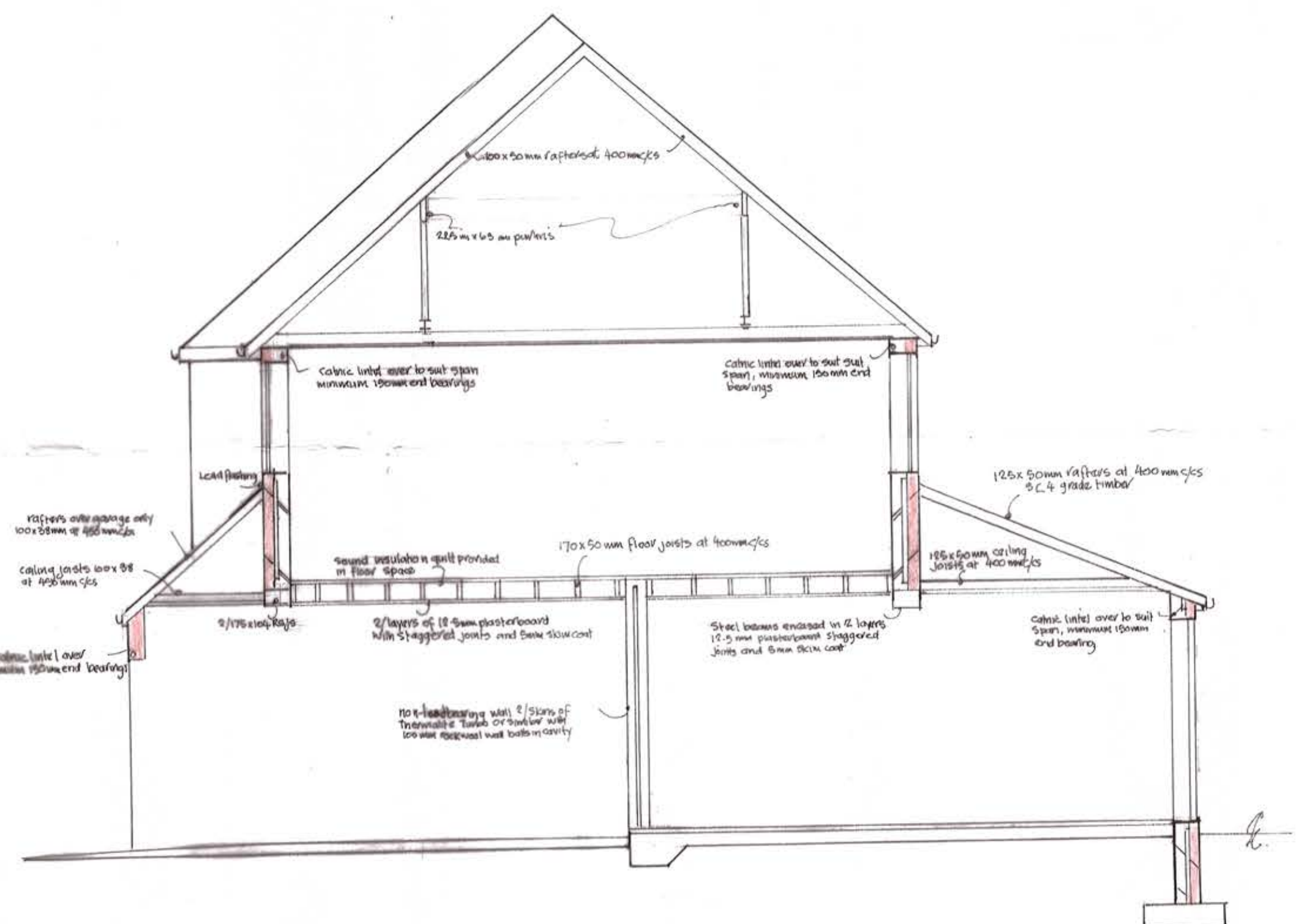


PROPOSED SIDE ELEVATION VIEW 'X'

DRAWING SCALE 1:100.



Foundation detail on boundary.



TYPICAL SECTION THRO' EXTENSIONS.

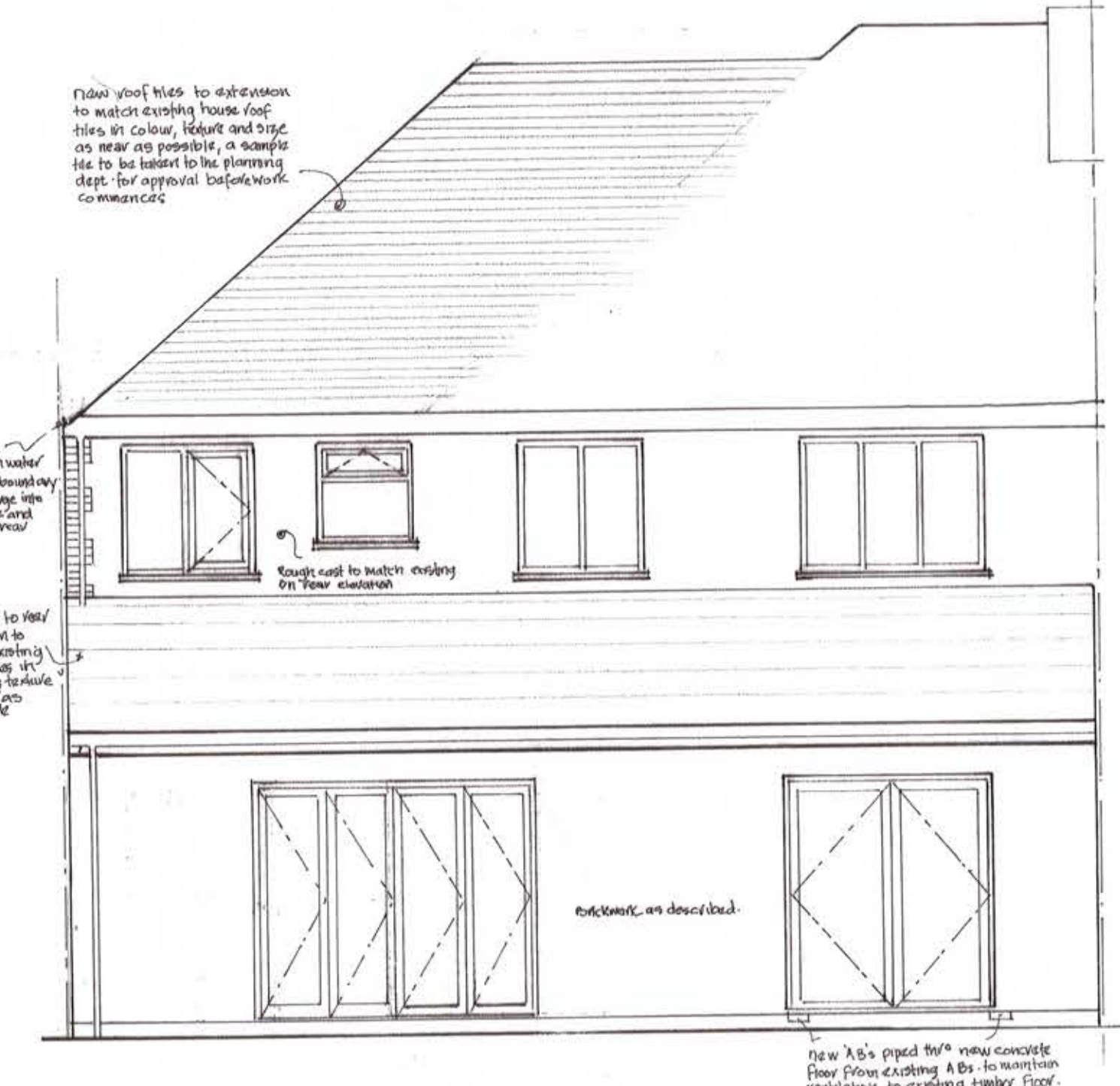
DRAWING SCALE 1:50

DRG NO 0010/WR/2.

PROPOSED TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION PLUS FRONT PORCH WITH EXTENDED GARAGE UNDER EXISTING FRONT CANOPY.
AT 10, WINDSOR ROAD NORTON STOURBRIDGE



EXISTING REAR ELEVATION.



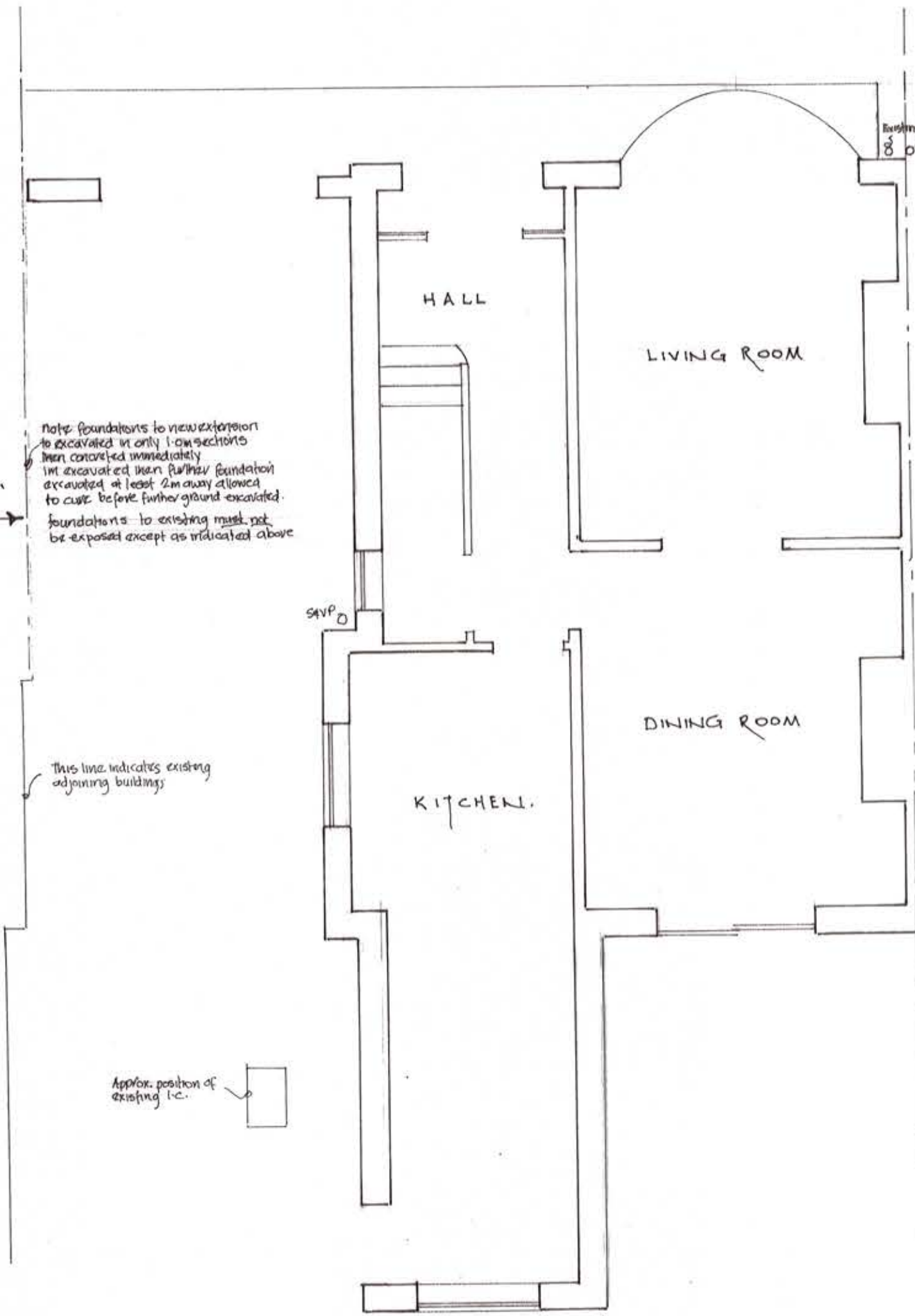
PROPOSED REAR ELEVATION.



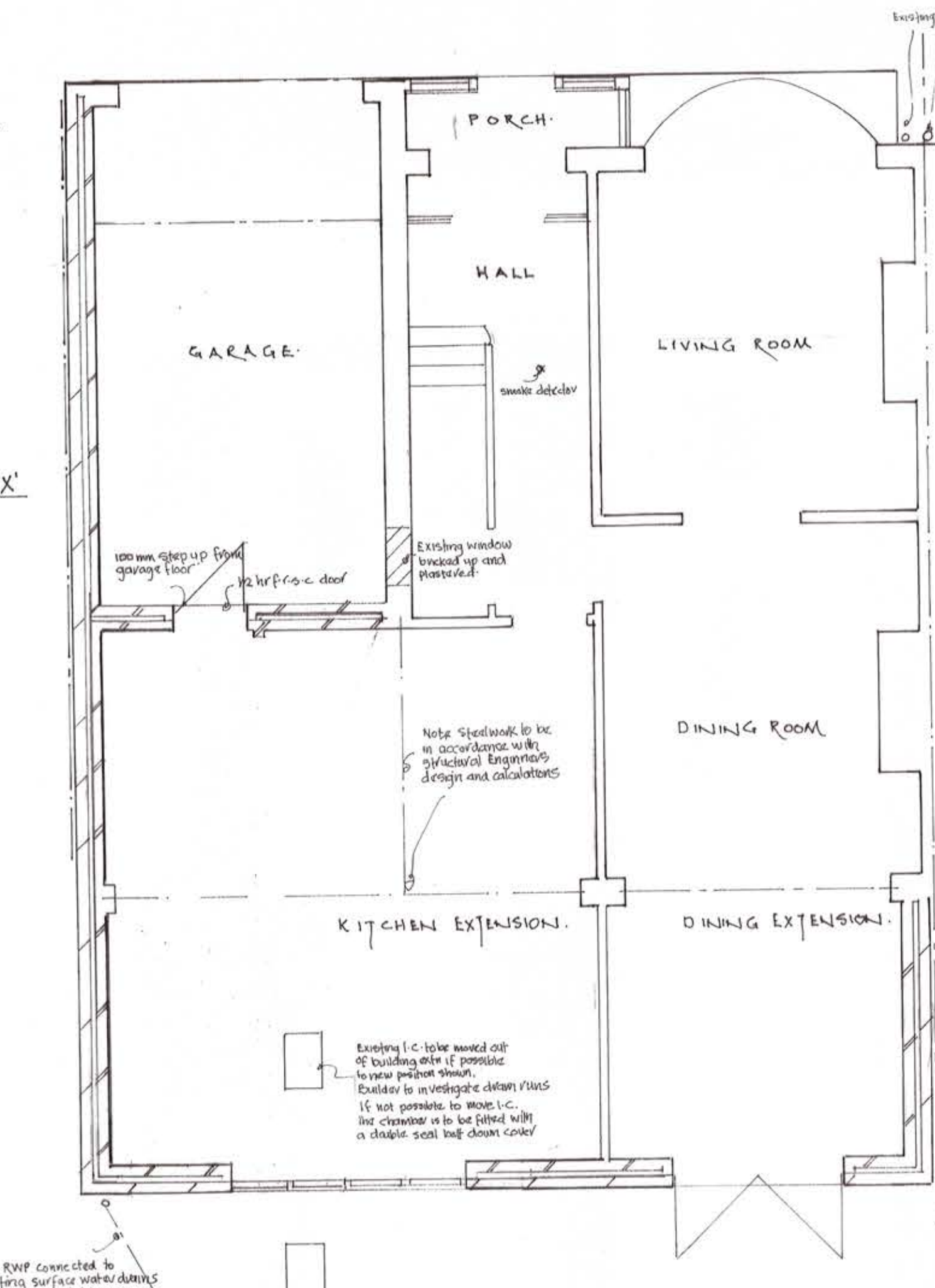
EXISTING FRONT ELEVATION.



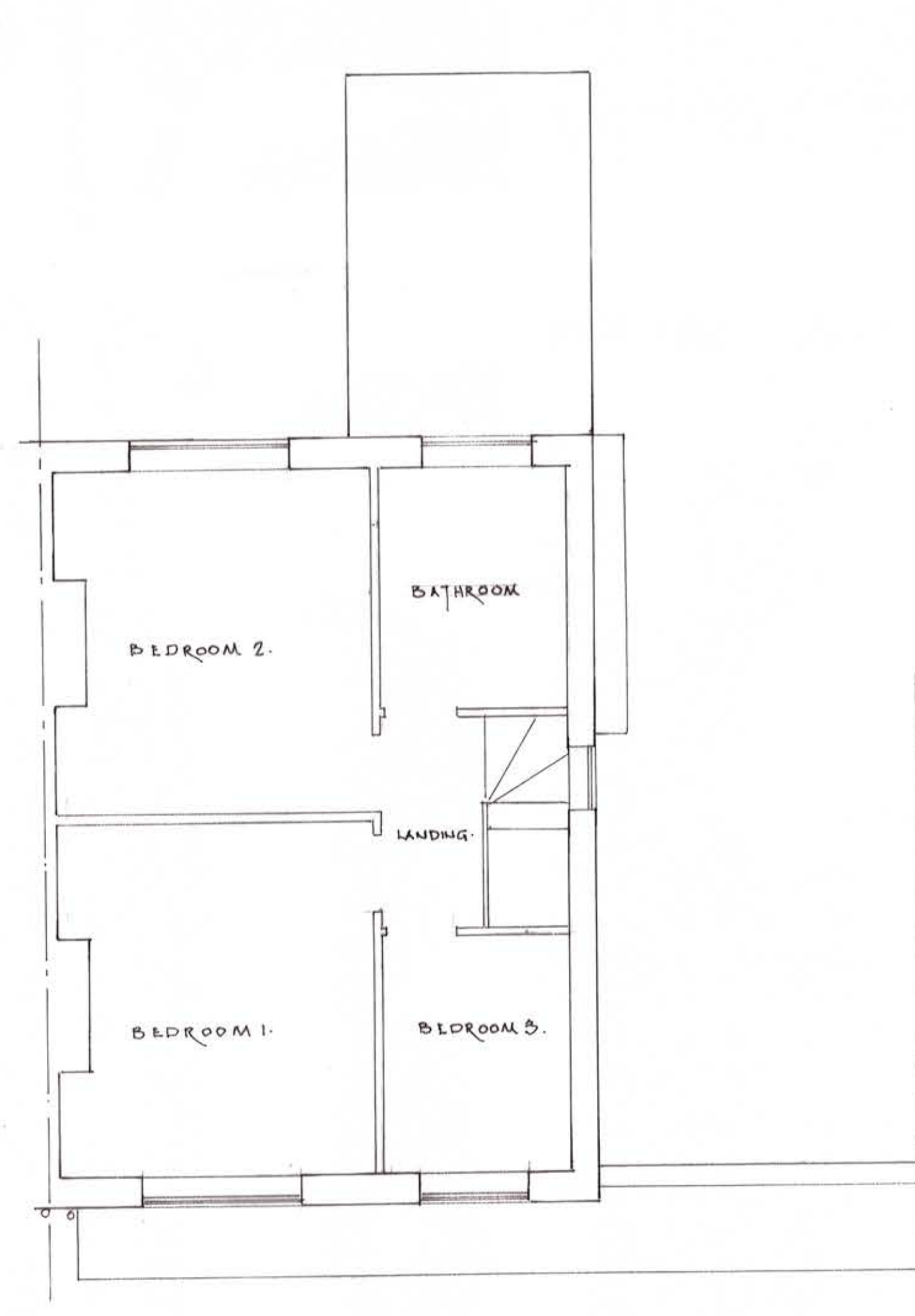
PROPOSED FRONT ELEVATION.



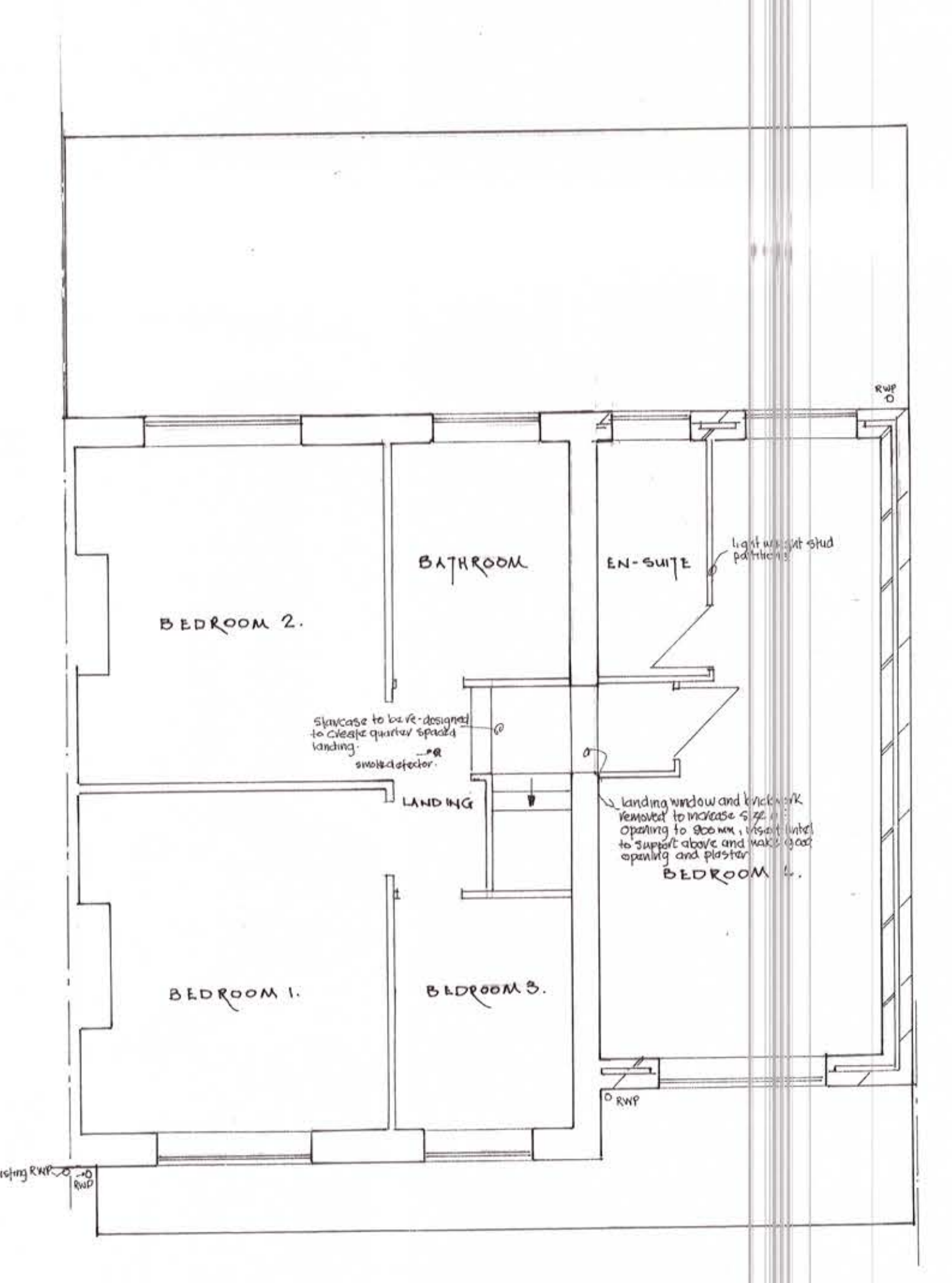
EXISTING GROUND FLOOR PLAN.



PROPOSED GROUND FLOOR PLAN.



EXISTING FIRST FLOOR PLAN.



PROPOSED FIRST FLOOR PLAN.

DRAWING SCALE 1:50

DRG N° 2010/WR/1A

PLANNING APPLICATION NUMBER: P16/0413

Type of approval sought	Full Planning Permission
Ward	Netherton Woodside and St Andrews
Applicant	Mr S. Kader
Location:	THE CAR LOT, 203 & 217, HALESOWEN ROAD, NETHERTON, DUDLEY, WEST MIDLANDS, DY2 9PU
Proposal	CHANGE OF USE OF EXISTING CAR SALES TO PART CAR SALES AND CAR HAND WASH AND VALETING (SUI GENERIS) WITH PROPOSED 2.7M HIGH FENCING (RESUBMISSION OF REFUSED APPLICATION P15/1693)
Recommendation Summary:	REFUSE

SITE AND SURROUNDINGS

1. The rectangular shaped application site was originally occupied as a petrol filling station and service garage and is located some 500m to the south east of Netherton local centre. The site has an area of 1590 square metres and is located between residential dwellings at 203 and 217 Halesowen Road. A large industrial warehouse building is located to the rear of the site (accessed from Northfield Road) and further industrial and commercial premises are located on the opposite side of Halesowen Road. No on-street car parking restrictions operate in the vicinity of the site other than 'H' bars to protect the access points to dwellings in the vicinity. A bus stop is located outside the site.
2. The site has most recently operated as a car sales lot which appears to have accommodated up to three individual such businesses within the offices, portacabin and ancillary buildings located at the rear of the site. A canopy remaining from the original petrol filling station is located centrally within the site, which falls in level from the frontage to the rear.

PROPOSAL

3. Permission is sought to accommodate a mixed use of a car sales lot to continue to operate from approximately one third of the north-western section of the site (from the portacabin at the rear) and for the rest of the site to operate as a hand car wash.
4. Plans indicate that cars will be washed beneath the central canopy with a separate drying area towards the boundary with 217. A new 2.7m high close board fence is proposed 1 m away from the boundary with this property to screen activity from the dwelling. Valeting of cars is proposed within the buildings at the rear of the site and pressure washers are also to be accommodated in an adjacent building to contain noise. An office and wc is to be accommodated within a further existing building. Customer parking is to be provided at the site frontage with an in and out vehicular circulation system proposed. This is a resubmission of a previously refused planning application for an identical use albeit now proposing the use of a single phase jet wash rather than a three phase unit previously utilised for a short unauthorised period.

RELEVANT HISTORY

5.

APPLICATION No.	PROPOSAL	DECISION	DATE
99/51568	change of use of the former petrol filling and service station to use of the site for car sales, hire and repair	Approved	07/12/1999
P15/1693	Change of use of existing car sales to part car sales and car hand wash and valeting	Refused	03/02/16
P16/0086	Display 2 no. non illuminated free standing signs	Refused	16/03/16

6. Application P15/1693 was refused by the Development Control Committee for the reason;

The development, with noise and disturbance arising from water spraying activities gives rise to an unacceptable impact upon the amenities of the occupiers of adjacent residential properties which it is considered cannot be satisfactorily ameliorated by the use of conditions. The development also gives rise to concerns relating to the potential for poor air quality from congestion and overspill queuing on the highway, to the detriment of public safety, arising from operations that are not regulated by conditions. The development is therefore contrary to saved policies DD4 Development in Residential Areas and EP7 Noise Pollution of the Dudley Unitary Development Plan and Policy ENV8 Air Quality of the Black Country Core Strategy.

Application P16/0086 was refused under delegated powers for the reason;

The scale and extent of the signage is considered to represent an unduly dominant and incongruous feature in the forecourt and street scene which results in a visual clutter to the detriment of the amenities of the area, contrary to saved UDP Policy DD14

PUBLIC CONSULTATION

7. Direct notification was carried out to 18 surrounding properties as a result of which 8 letters of objection have been received on the grounds of congestion and highway dangers, overspill parking, overspill of vehicles for sale, noise, disturbance and potential overspray from the activities. Comments are also raised about the location of a bus stop outside the site. Additionally, a local Ward Councillor has also raised concerns relative to road safety and congestion issues in the vicinity of the site with reference to the location of bus stops on both sides of the road.
8. Four letters have been received in support of the application by the site owner, co-occupier, a local business and a resident. The supporters consider that less large vehicles, noise and congestion will arise than that associated with the previous car sales use.

OTHER CONSULTATION

9. Head of Environmental Health and Trading Standards: Recommends refusal and comments that ESH have previously commented on a near identical application P15/1693 on the 1st February 2016. The application site/car wash which was already operating was visited in response to noise complaints which had been received as part of the residents objections. The visit was intended to assess the noise levels from this establishment. It was concluded from observations within the residents rear garden and the internal dwelling areas that noise levels were excessive and would be detrimental to residential amenity of the nearby noise sensitive properties. In conclusion the application was subsequently recommended for refusal, as it could not be satisfied that satisfactory planning conditions could be recommended to adequately mitigate the effects of noise on surrounding noise sensitive properties.
10. In response to the committee decision to refuse the application, a meeting was requested by the applicant. The meeting which took place on 11th February re-stated the proposal that single phase jet washing equipment would be utilised, as opposed to the higher powered 3 phase jet washing machinery that was in operation during the determination of the original application. Additionally the applicant intended that a dual noise monitoring exercise be undertaken with an ESH officer responsible for commenting on the application, along with the applicants appointed noise consultant.
11. Email correspondence with the applicants appointed noise consultant confirmed that the assessment procedure for determination of the noise climate should be undertaken in accordance with the accepted standard *BS4142:2014 Methods for rating and assessing industrial and commercial sound*.
12. Following assessment of the report that has been submitted by I & E Solutions dated March 22nd, it is confirmed that the report falls significantly short of the necessary standard to satisfactorily demonstrate that sound levels from the car wash and the surrounding area have been measured correctly. In summary the

report fails to provide sufficient confidence in demonstrating that there will not be an unreasonable level of detriment caused to the surrounding residential properties arising from the proposed development.

13. Highway Engineer: Fundamental concerns are raised that the area marked car sales to the west of the site should be converted to accommodate waiting vehicles to reduce the risk of vehicles queuing back onto Halesowen Road during busy periods and that this matter should be managed by the operators. Such information is lacking from the proposals.
14. Severn Trent Water: No objection raised.

RELEVANT PLANNING POLICY

15. National Planning Policy Framework (2012)
16. Black Country Core Strategy (2011)
 - CSP4 – Place Making
 - DEL1 - Infrastructure Provision
 - HOU1 - Delivering Sustainable Housing Growth
 - TRAN2 – Managing Transport Impacts of New Development
 - ENV3 – Design Quality
17. Saved UDP policies (2005)
 - DD4 Development in Residential Areas
 - EP3 Water Protection
 - EP7 Noise Pollution
18. Supplementary Planning Documents
 - Parking Standards (2012)

ASSESSMENT

19. The key issues in determination of this application are the impact upon;
- character and appearance
 - residential amenity
 - highway safety

Character and appearance

20. The application site has been utilised for motor vehicle related businesses for a number of years and consideration needs to be given to the activities the mixed use will bring, relative to the mixed use surroundings and former use of the site.
21. It is considered that the existing car sales use and portacabin are established features within the street scene and is considered that the hand car wash use proposed will not unduly change the character or appearance of the locality given the location of activities towards the rear of the site and within existing buildings. On this basis the proposed mixed use is considered to be appropriate in terms of its visual impact on the character of the area.

Residential amenity

22. Saved UDP Policy DD4 requires that new developments should not have any harmful effect on residential amenity.
23. The Head of Environmental Health and Trading Standards has considered the impacts of the use of the site and cannot agree that an appropriate assessment of noise impact has been undertaken by the applicants in conjunction with advice given. He therefore raises objection to the hand car wash operation at the above premises given the indicated layout and operation of the premises, even with screen fencing and location of more noisy elements within an existing building. On this basis the proposed hand car wash use is considered to materially impact upon the amenity of neighbouring residents, contrary to Saved UDP Policies DD4 or EP7.

Highway Safety

24. The Highway Engineer has commented that details relating to the car parking layout and access arrangements are unacceptable with impacts likely to arise upon highway safety due to the queuing of vehicles onto the highway in conjunction with the associated car sales use. This conclusion has been reached with consideration of the location of the bus stop outside the premises and the number of vehicles likely to be attracted to the site and able to be accommodated with overspill onto the highway. The development is therefore contrary to the requirements of TRAN2 – Managing Transport Impacts of New Development.

CONCLUSION

25. Given the nature of the existing and proposed uses there would be no adverse impact on the appearance or mixed character of the area, however, the development, with noise and disturbance arising from water spraying activities gives rise to an unacceptable impact upon the amenities of the occupiers of adjacent residential properties which it is considered cannot be satisfactorily ameliorated by the use of conditions. The development also gives rise to concerns relating to the potential for poor air quality from congestion and overspill queuing on the highway, to the detriment of public safety, arising from operations that are not regulated by conditions. The development is therefore contrary to saved policies DD4 Development in Residential Areas and EP7 Noise Pollution of the Dudley Unitary Development Plan, Policy ENV8 Air Quality of the Black Country Core Strategy and TRAN2 – Managing Transport Impacts of New Development.
- .

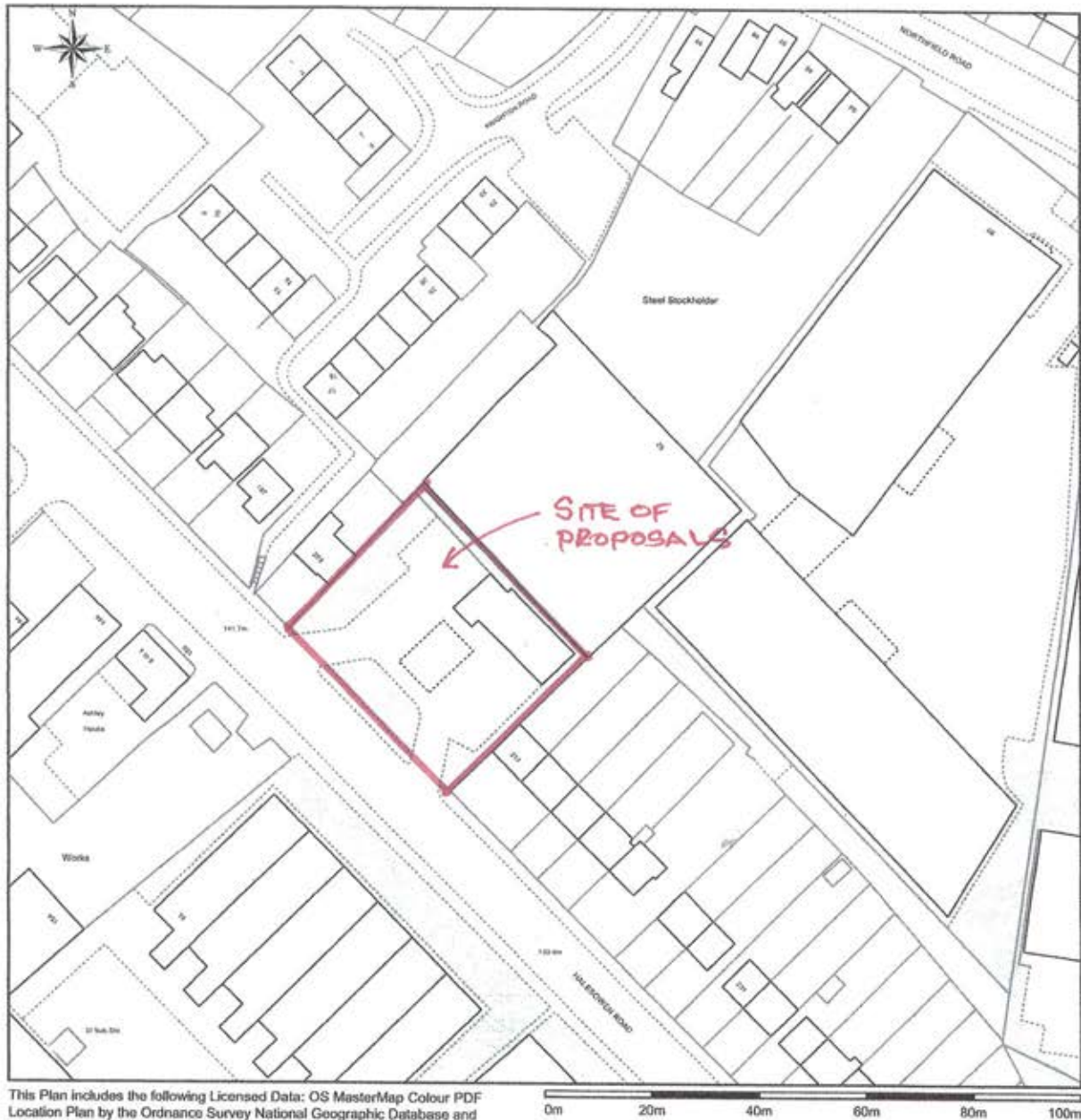
RECOMMENDATION

26. It is recommended that this application be REFUSED for the following reason:
- .

Conditions and/or reasons:

1. The development, with noise and disturbance arising from water spraying activities gives rise to an unacceptable impact upon the amenities of the occupiers of adjacent residential properties which it is considered cannot be satisfactorily ameliorated by the use of conditions. The development also gives rise to concerns relating to the potential for poor air quality from congestion and overspill queuing on the highway, to the detriment of public safety, arising from operations that are not regulated by conditions. The development is therefore contrary to saved policies DD4 Development in Residential Areas and EP7 Noise Pollution of the Dudley Unitary Development Plan and Policy ENV8 Air Quality of the Black Country Core Strategy.

Location Plan

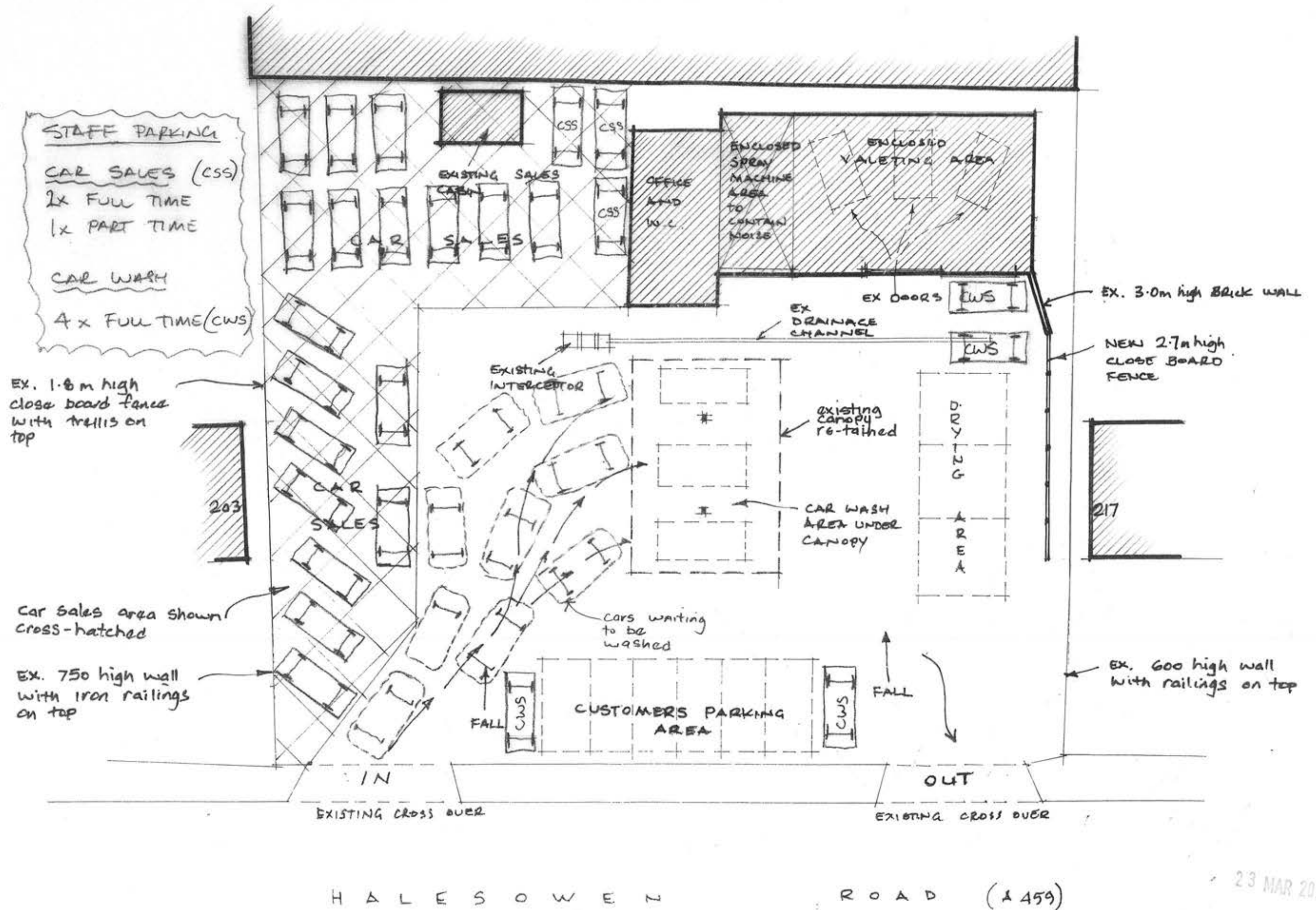


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Scale: 1:1250, paper size: A4

Land between 203-217 Halesowen Road, Netherton DY2 9PU

23 MAR 2015



DEVELOPMENT CONTROL COMMITTEE

REPORT OF THE STRATEGIC DIRECTOR OF PLACE

CONFIRMATION OF TREE PRESERVATION ORDERS

PURPOSE OF REPORT

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

BACKGROUND

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

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

FINANCE

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

LAW

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

EQUALITY IMPACT

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

RECOMMENDATION

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



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STRATEGIC DIRECTOR OF PLACE

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

List of Background Papers

Appendix 1.1 – TPO/0193/CAP – Confirmation Report;
Appendix 1.2 – TPO Plan and Schedule as served;
Appendix 1.3 – Plan identifying objectors.

APPENDIX 1.1

Confirmation Report for

***The Borough of Dudley (Wrens Nest Road, Dudley)(TPO/0193/CAP)) Tree
Preservation Order 2015***

Tree Preservation Order

Order Title

Case officer

Date Served

Recommendation

TPO/0193/CAP
Wrens Nest Road Dudley
James Dunn
17/12/15
Confirm without modification

SITE AND SURROUNDINGS

1. The Tree Preservation Order protects 4 Norway maples, and 1 lime tree along Wrens Nest Road. One of the Norway maple trees and the lime tree are located in the grounds of The Greens Health Centre, and the remaining Norway maple trees are located in 187, 191 & 195 Wrens Nest Road.
2. The trees were assessed using the TEMPO amenity assessment system and were considered to provide public amenity to the local area.
3. The order has been served following a review of existing TPOs in the area. The trees within the grounds of The Greens Health centre were previously protected as T9 & T10 of TPO/529 that was served in 1997 and the trees located in the gardens of 187, 191 & 195 Wrens Nest Road were previously protected as T2, T3 & T4 of TPO/669 that was served in 2001.
4. Both of these orders were in place prior to the construction of the buildings that currently occupy the plots in question.

PUBLIC REPRESENTATIONS

5. Following the service of this order objections were received from the owner of The Greens Health Centre against the inclusion of the Norway maple (T4) and the lime tree (T5) within the order. The objection was accompanied with a report from an arboricultural consultant detailing the basis of the objections. The objections are based on the following points:
 - Whilst the trees are publicly visible they lack the special quality required to justify their protection via a TPO;
 - They have been pruned heavily in the past which detracts from their appearance, and are not good examples of their type;
 - There is onset of decay in the pruning wounds that will reduce the life expectancy of the trees;
 - The owners has previously maintained the trees, and therefore there is little expediency for the order;
 - The presence of a TPO places an undue bureaucracy and financial burden on the tree owners.

RESPONSE TO OBJECTIONS

6. Councils have the powers to serve Tree Preservation Orders (TPO) where it is considered “*expedient in the interests of amenity*”. Where determining which trees are suitable for inclusion within TPOs, Councils are advised to use a standardised amenity assessment system, to ensure a consistent decision making process. The council currently use a system called TEMPO which is a system in widespread use by many Councils.
7. TEMPO assesses trees based on their condition, retention span, public visibility and “other factors”. If a tree scores sufficiently at this stage, the expediency of serving a TPO is considered, based on the threat to the tree(s). If once all has been considered the tree scores a sufficient level of points, then it is considered appropriate to include it within a TPO.
8. The system currently sets out the following brackets for suitability for TPO:
 - 1-6 points – TPO indefensible;
 - 7-11 points – Does not merit TPO;
 - 12 – 15 – Possibly merits a TPO
 - 16+ points – definitely merits a TPO
9. The 5 trees in this order were assessed using TEMPO and were scored at 13 points. As such it was considered that the inclusion of the trees within a TPO was justifiable in the interests of amenity.
10. The arboricultural report that was submitted in support of the objections to the TPO included a TEMPO assessment undertaken by the arboricultural consultant, and scored Norway maple and lime tree as 11 and 10 points respectively.
11. Having compared the scores the difference in the assessment scores occurred in the “retention span” for both trees and the “public visibility” assessment of the lime tree (T5).
12. The council scored the trees with a retention span of 40 - 100 years (4 points), where the objector scored the tree in the 20 – 40 years (2 points). The lower score by the objector was reasoned on the basis that the previous pruning of the trees and the compression forks present in the lime tree (T5) has reduced safe and useful life expectancy of the trees.
13. Whilst it is accepted that given the physiology of the trees, and the previous pruning, will require management pruning in the future to keep them in a reasonable condition for their location. It is still considered that with reasonable pruning and management, the trees can easily be retained beyond the 40 years required to justify the score attributed by the Council's assessment.

14. The public visibility of the lime tree (T5) was assessed by the council as being within the 4 point category ("Large trees, or medium trees clearly visible to the public"). The objector has scored it in the 3 point category ("Medium trees, or large trees with limited view only"), arguing that the tree is partially screened by the adjacent T4.
15. Whilst it is accepted that as T4 is located between the lime tree (T5) and the public highway, it does screen the lime tree when passing directly in front of T4. There are still significant views of the lime trees when approaching in both directions and it is not considered that the limited screening of the tree has any significant impact on the overall visibility and prominence of the lime tree. As such the score afforded by the Council's assessment is appropriate.
16. In the report the arboricultural consultant concludes that the trees are relatively poor specimens, whose removals would have little impact on the amenity value of the area due to the presence of numerous trees on the opposite side of the road.
17. Whilst it is accepted that the trees are far from perfect specimens, it is considered that these trees, along with similar trees on the western side of Wrens Nest Road, provide a strong landscape function as part of the transition from the Wrens Nest Nature Reserve to the adjacent housing estate.
18. They also state that as the owners have previously maintained the trees, this demonstrates their commitment to the retention of the trees, and brings the expediency of the order into question.
19. The limited expediency of the order has been reflected in the expediency element of the TEMPO assessment which rates the TPO as "precautionary only". It is not necessarily considered that past maintenance of the trees should be taken as a guarantee of future intentions toward the trees.
20. The conclusion of the report finishes by stating that the continued presence of the TPO on the trees adds an unnecessary layer of bureaucracy into the maintenance of the trees, requiring the engagement of professionals which "could be seen as a waste of public health funds".
21. It is considered that the engagement of professional to maintain the trees and make the relevant application, will not place an undue burden on the owners of the trees, and form part of the reasonable costs of property maintenance.
22. Overall having re-considered the Council's original assessment scoring, and having considered the objections and arguments put forward by the objector's arboricultural consultant, it is considered that the trees justify their original score, and therefore their inclusion within the TPO is appropriate and justified.

23. Overall it is not considered that any of the objections raised are sufficient to prevent the confirmation of the order as it was served. It is therefore recommended that the TPO is confirmed without modification.

CONCLUSION

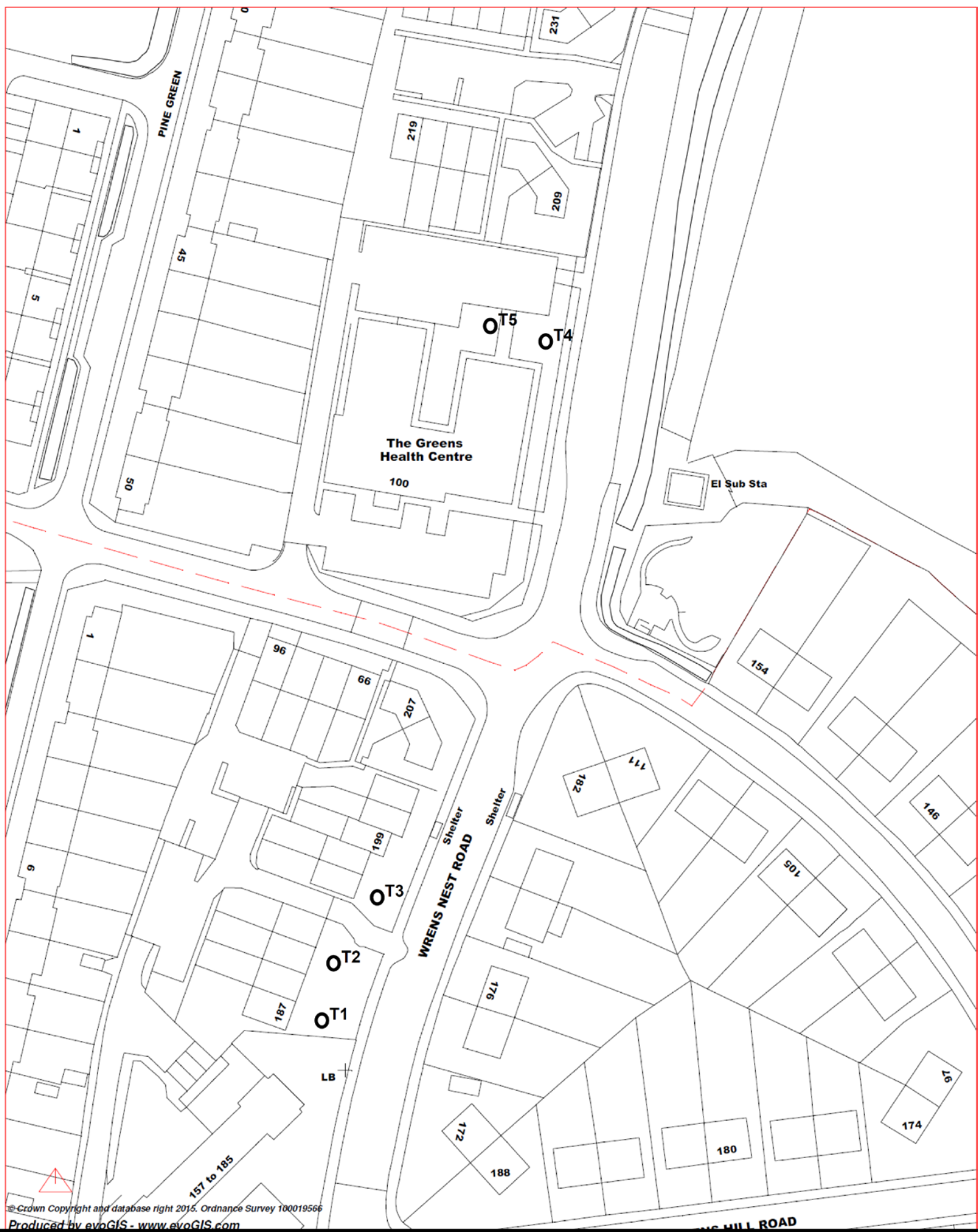
24. It is not considered that any of the objections raised to the TPOs are sufficient to prevent the confirmation of the order.

RECOMMENDATION

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

APPENDIX 1.2

Tree Preservation Order Plan and Schedule As Served



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Map referred to in the Borough Council of Dudley

Wrens Nest Road, Dudley (TPO/0193/CAP)

53

Tree Preservation Order 2015

Scale: 1 : 900

SCHEDULE

Specification of trees

Trees specified individually (encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Norway Maple	187 Wrens Nest Road,
T2	Norway Maple	191 Wrens Nest Road,
T3	Norway Maple	195 Wrens Nest Road,
T4	Norway Maple	The Greens Health Centre, 100 Maple Green,
T5	Lime	The Greens Health Centre, 100 Maple Green,

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

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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NONE

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

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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NONE

Woodlands (within a continuous black line on the map)

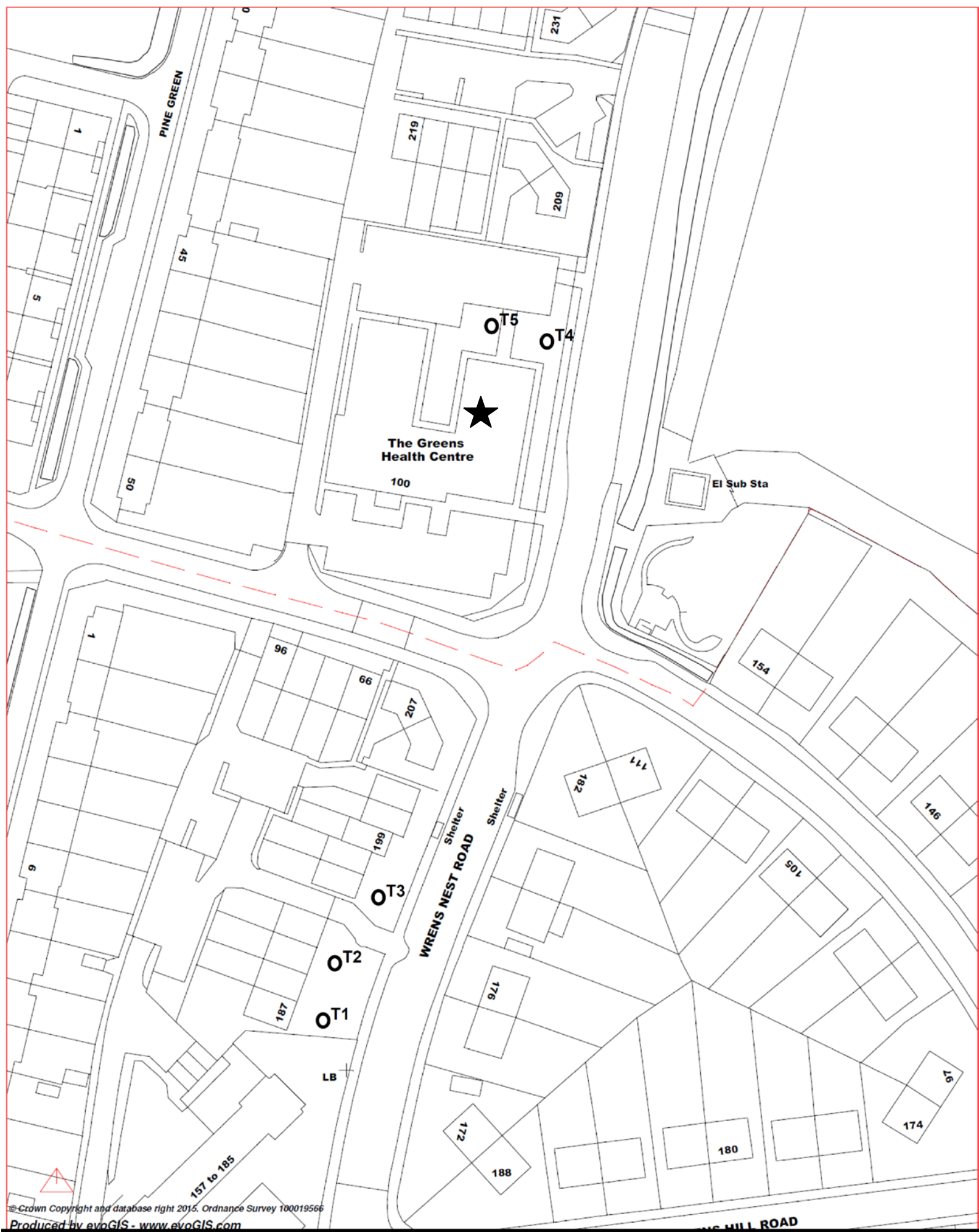
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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NONE

APPENDIX 1.3

Plan Identifying Objectors Properties

★ - *Objection Received from Property*



Map referred to in the Borough Council of Dudley

Wrens Nest Road, Dudley (TPO/0193/CAP)

56

Tree Preservation Order 2015



Scale: 1 : 900