



Meeting of the Development Control Committee

Monday, 12th January, 2015 at 6.00pm

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

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**The Democratic Services contact officer for this meeting is Helen Shepherd,
Telephone 01384 815271 or E-mail helen.shepherd@dudley.gov.uk**

Agenda - Public Session

(Meeting open to the public and press)

1. Chair's Announcement.

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

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

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

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

2. Apologies for absence.
3. Appointment of substitute Members.
4. To receive any declarations of interest under the Members' Code of Conduct.
5. To confirm and sign the minutes of the meeting held on 22nd December, 2014 as a correct record.
6. Informal Site Visit (Confirmation Report for The Borough of Dudley (Land in Quarry Road, Netherton (TPO/0091/QBD) Tree Preservation Order 2014) (Pages 1- 13)
7. Plans and Applications to Develop (See Agenda Index Below) (Pages 14 – 73)
8. Confirmation of Tree Preservation Orders (Pages 74 - 107)
9. To consider any questions from Members to the Chair where two clear days notice has been given to the Director of Corporate Resources (Council Procedure Rule 11.8).



Director of Corporate Resources

Dated: 31st December, 2014

Distribution:

All Members of the Development Control Committee:

Councillor Q Zada (Chair)

Councillor K Casey (Vice-Chair)

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

AGENDA INDEX

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

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

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

INFORMAL SITE VISIT

Pages 1 - 13	Confirmation Report for The Borough of Dudley (Land in Quarry Road, Netherton (TPO/0091/QBD) Tree Preservation Order 2014.
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PLANS AND APPLICATIONS TO DEVELOP

Pages 14 - 36	P14/1498 – The Woodside Liberal Club, 278 Stourbridge Road, Dudley – Outline Application for demolition of existing building and erection of 11 no. residential units (Access and layout to be considered) (Resubmission of withdrawn application P14/0967)
Pages 37 - 60	P14/1542 – Dudley College, Mons Hill Campus, Wrens Hill Road, Dudley – Approval of reserved matters for erection of 43 Dwellings (Following outline Approval P11/0652)
Pages 61 - 73	P14/1591 – Blakesley House, Moden Hill, Sedgley – Single storey rear extension, first floor side extension and extend existing roof over to create habitable room in roofspace with rear dormers.

Minutes of the Development Control Committee

Monday 22nd December, 2014 at 6.00 pm
In the Council Chamber, The Council House, Dudley

Present:-

Councillor Q Zada (Chair)
Councillor K Casey (Vice-Chair)
Councillors D Caunt, A Goddard, J Martin, C Perks, D Perks, E Taylor and D Vickers

Officers:-

Jeremy Butler (Group Engineer), Tim Glews (Environmental Protection Manager), Helen Martin (Head of Planning), P Reed (Principal Development Control Officer), S Willetts (Planning Control Manager) and Helen Yorke (Planning Officer - Development Control) (All Directorate of the Urban Environment); G Breakwell (Senior Solicitor), Josef Jablonski (Assistant Principal Officer (Democratic Services)), Helen Shepherd (Democratic Services Officer) (Directorate of Corporate Resources).

50 Apologies for Absence

Apologies for absence from the meeting were submitted on behalf of Councillors A Ahmed and R Scott-Dow.

51 Appointment of Substitute Members

It was reported that Councillors E Taylor and D Perks had been appointed to serve in place of Councillors A Ahmed and R Scott-Dow, respectively, for this meeting of the Committee only.

52 Declarations of Interest

In accordance with the Members' Code of Conduct Councillor K Casey declared a non-pecuniary interest in relation to agenda item no. 6 Planning Application No. P14/1581 (Seven Stars, Gospel End Road, Dudley) as he was employed by the Constituency Member of Parliament that had written to confirm objections to the application, referred to in the pre-committee notes.

53 **Minutes**

Resolved

That the minutes of the Committee held on 2nd December, 2014, be approved as a correct record and signed.

54 **Plans and Applications to Develop**

A report of the Director of the Urban Environment 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 application indicated:-

<u>Application No</u>	<u>Objectors/supporters who wishes to speak</u>	<u>Agent/Applicant who wishes to speak</u>
P14/1581	Councillor Bill Etheridge – Ward Councillor Mr N Shorthouse – Objector	Mr M Robson

<u>Application No</u>	<u>Location/Proposal</u>	<u>Decision</u>
P14/1581	Seven Stars, Gospel End Road, Dudley – Change of use of premises to retail use with erection of single storey side/rear extension, new shop front and entrance doors. New ramped access with handrails, new lighting and associated external works	Refused for the following reason:- The proposed development will lead to increased traffic generation and flows in the vicinity of the site with a consequent increase in disturbance, having an adverse impact upon the amenities and outlook of local residents and highway safety, contrary to saved policy DD4 of the Unitary Development Plan 2005 and policy TRAN 2 of the Black Country Core Strategy 2011

In considering the above application Members commented on the detrimental impact to residential amenity that would occur should the application be granted and to highway aspects. It was further agreed that condition 10 be deleted.

P14/1265	Brierley Hill Steel Terminal, Moor Street, Brierley Hill – Demolition of existing buildings. Erection of an Advanced Conversion Technology (ACT) and Anaerobic (AD) facility and education centre with parking, landscaping, retaining structures and associated works (resubmission of refused planning application P12/1287)	Withdrawn by the applicant prior to the meeting.
P14/1207	1 Coxcroft Avenue, Quarry Bank, Brierley Hill – Erection of 1 no. dwelling and garage	Approved, subject to conditions, numbered 1 to 5 (inclusive), as set out in the report submitted.
P14/1483	233 Wolverhampton Road, Sedgley, Dudley – Erection of a detached double garage in front garden	Approved, subject to conditions, numbered 1 to 7 (inclusive), as set out in the report submitted.
P14/1540	Foxyards Primary School, Foxyards Road, Tipton – Fell 1 Mountain Ash and 2 Beech Trees: Crown Lift 1 Beech Tree together with formative pruning: fell and poison selective species 1M off fence line: selective removal and reduction of shrubs rear of properties 829-825 BNR	Approved, subject to the condition, as set out in the report submitted.

P14/1582

Streetbike, Mucklow Hill, Halesowen – Change of use to A1 (retail). Two storey side extension with new access stair and lift, first floor extension, blocking up of windows, doors and roller shutters and provision of new shop front windows to side elevation. Associated works to car park (resubmission of withdrawn application P14/0553)

Approved, subject to conditions, numbered 1 and 2, as set out in the report submitted, amended conditions numbered 3, 4 and 5, as set out below, additional conditions numbered 6 and 7, as set out below, the renumbering of the remaining conditions 6 to 21 as set out in the report submitted as numbered 8 to 23 and the amendment of the newly numbered conditions 11 and 19 as set out below:-

3. No development shall commence until details of road safety works, including improvements to pedestrian crossing facilities in the vicinity of the site, have been submitted to and approved in writing by the Local Planning Authority. Prior to first use of the development hereby approved the road safety works and pedestrian crossing facilities should be implemented in full accordance with the approved details and shall remain as approved for the life of the development.
4. Delivery vehicles to the site, whether loaded or unloaded shall only enter the site Monday to Saturday between 0700 and 0900 and between 1800 and 2100 and on Sundays and Public Holidays only between 0900 and 1800 and at no other time for the lifetime of the development.
5. The premises known as retail area 1 on plan number '13-1374/08L' shall not be open to the public before the hours of 0700 nor after 1800 Monday to Saturdays or before 0900 or after 1800 on Sundays and Public Holidays.

6. The premises known as retail area 2 on plan number '13-1374/08L' shall not be open to the public before the hours of 0700 nor after 2300 Monday to Saturdays or before 0900 or after 1800 on Sundays and Public Holidays.
7. The premises known as retail area 3 on plan number '13-1374/08L' shall not be open to the public before the hours of 0700 nor after 2200 Monday to Saturdays or before 0900 or after 1800 on Sundays and Public Holidays.
11. Prior to the development first being brought into use details of 2 electric vehicle charging bays with electric charging points in accordance with the Council's Standards (Parking Standards SPD) shall be submitted to the Local Planning Authority and approved in writing. The details shall include signs and bay markings indicating the bays will be used for parking of electric vehicles only whilst being charged. The electric charging points and bays will be provided in accordance with the approved details prior to first use and maintained as such for the life of the development.
19. The existing first floor areas above proposed retail areas 2 and 3 (noted as void on plan number 13-1374/07F) shall not be used at any time for any for the sale or storage of retail goods for life of the development.

P14/1592

Unit 2, 100 Dock Lane,
Dudley – Change of
use from (B8) to
Private Members Club
with photographic
studio and new
smoking shelter (Sui
Generis)

Refused, for the following reasons:-

1. The proposed use is considered to be detrimental to the residential and associated amenities of the locality and the viability of commercial interests by virtue of the perceived impacts of the proposed development upon the area, being incompatible with the social and cultural cohesion of the community, contrary to saved policies DD1, DD4 and DD5 of the Unitary Development Plan 2005 and policy ENV3 of the Black Country Core Strategy 2011.
2. The development is not considered to provide an appropriate level of car parking for the proposed use which may lead to overspill car parking on the local highway network or local businesses to the detriment of highway safety and the operation of commercial interests, contrary to saved policies DD4 and DD5 of the Unitary Development Plan 2005, policies TRAN 2 and TRAN4 of the Black Country Core Strategy 2011 and the Parking Standards Supplementary Planning Document.

In considering the above application Members raised concerns about the impact on residential amenity of the application, the impact on local businesses and on potential businesses should the application proceed and related highway aspects.

P14/1654	Land at Rear of 1 and 3 Mons Hill, (off Dawlish Road), Dudley – Erection of 3 no dwellings (retrospective) with new parking (resubmission of refused application P14/1113)	Approved, subject to conditions, numbered 2 to 11 (inclusive), as set out in the report submitted, together with amended condition, numbered 1, as follows:- 1. The development hereby permitted shall be begun before 1 st May 2015.
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55 **Confirmation of Tree Preservation Orders**

A report of the Director of the Urban Environment 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.

<u>TPO No</u>	<u>Location/Proposal</u>	<u>Decision</u>
TPO/0099/QBD	55, 56 & 57 Lantern Road, Netherton	Confirmed without modification.
TPO/0102/SED	Gospel End Road, South View Road and Caswell Road, Sedgley	Confirmed without modification.

56 **Public Consultation on the Dudley Area Action Plan ‘Preferred Options’ stage document**

A report of the Director of the Urban Environment was submitted on the Preferred Options stage of the Dudley Area Action Plan (AAP) document that would be used as basis for public consultation which would commence in January 2015 for a period of six weeks, approved by Cabinet on 4th December, 2014.

Resolved

That the report submitted on the Preferred Options stage of the Dudley Area Action Plan (AAP) document that would be used as basis for public consultation which would commence in January 2015 for a period of six weeks, approved by Cabinet on 4th December, 2014, be noted.

57 **Public Consultation on the Contaminated Land Inspection Strategy and Cost Recovery Policy for Dudley Borough**

A report of the Director of the Urban Environment was submitted on the draft Contaminated Land Inspection Strategy and the Cost Recovery Policy documents that were considered at the meeting of the Cabinet on 4th December, 2014 for use as a basis for a statutory public consultation that had commenced on 12th December, 2014 for a period of five weeks.

Resolved

That the report submitted on the Contaminated Land Inspection Strategy and the Cost Recovery Policy, for use as a basis for the public consultation that had commenced on 12th December, 2014 for a period of five weeks, be noted.

The meeting ended at 7.25 pm.

CHAIR

DEVELOPMENT CONTROL COMMITTEE

REPORT OF THE DIRECTOR OF THE URBAN ENVIRONMENT

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

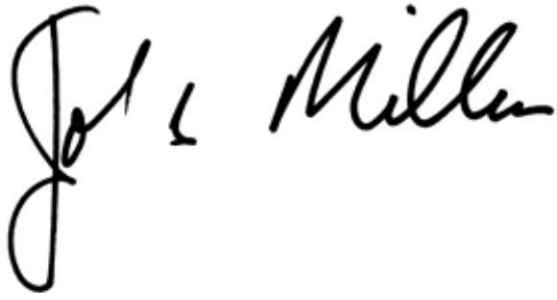
12. The relevant statutory provisions have been referred to in paragraph 2, 4, 5 and 10 of this report.

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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DIRECTOR OF THE URBAN ENVIRONMENT

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

List of Background Papers

Appendix 1.1 – TPO/0091/QBD – 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 (Land in Quarry Road, Netherton (TPO/0091/QBD))
Tree Preservation Order 2014***

Tree Preservation Order

Order Title

Case officer

Date Served

Recommendation

TPO/0091/QBD
Land in Quarry Road, Netherton
James Dunn
04/12/14
Confirm without modification

SITE AND SURROUNDINGS

1. The Tree Preservation Order is principally comprised of an area of woodland that is bordered by Mousesweet Brook to the south; the Showman's Ground to the east Quarry Road to the north and Mushroom Green to the west.
2. The woodland area is visible from various aspects in Quarry Road; from Silverthorne Lane and Greenfield Avenue to the south, and from within the Mousesweet Brook / Blackbrook Open space and woodlands. However, given the local topography and presence of other buildings and woodlands, the views are almost always partial, often as a backdrop.
3. The woodland is comprised of willow, with some ash, sycamore, hawthorn and other species, with the southern end of the site comprising mainly wetland willow trees.
4. The TPO was served in response to the partial clearance of the front of the site adjacent to Quarry Road. The TPO was served on the whole of the woodland that fell under the land title of owner of the site.
5. Half of the land has been leased under a long term lease to another company. The area that has been leased covers the western half of the TPO area and includes the site of Griff Chain Ltd.

PUBLIC REPRESENTATIONS

6. This order was previously considered by the Committee on the 2nd December 2014. At this meeting, the committee deferred the decision on the confirmation of the order to allow a site visit to be undertaken by the committee. This additional delay, would have taken the TPO beyond the 6 month provisional period during which the order needs to be confirmed. As such, the order was re-served as an identical facsimile of the original order.
7. All of the objections that were received to the previous order have been carried forward and will be considered as having been made to the latest order.
8. The statutory period for objections to be submitted in relation to this order expired on the 6th of January 2015, after the agenda for this committee meeting was

completed. Any objections received between the finalising of the agenda and the date of this meeting will be forwarded to the committee as a pre-committee note.

9. Following the service of the order, objections were received from the leaseholder of the western section of the TPO. The objections are based on the following points:
- The objector does not consider the section of woodland under their ownership to provide any visual amenity;
 - The presence of the TPO poses a constraint to the business and investment value of the land;
 - The TPO was a “knee jerk” reaction following the clearance of the adjacent, if the woodland was significantly valuable it would have encompassed within the conservation area designation of Mushroom Green;
 - The presence of the TPO will restrict the development and expansion of the business, having an impact on the future employment prospects of the area;
 - As the TPO will restrict the amount of any future development it will have an impact on the value of the land;
 - There is no public benefit to the area as it is private and secure;
 - The owner of the land should not be liable for any additional costs as the result of the TPO;
 - There is no vegetation or wildlife of any significance on the site.

RESPONSE TO OBJECTIONS

10. The area of woodland subject to the objection forms the western area of the TPO'd area. It covers approximately a third of the area of the whole TPO.
11. The woodland area subject to the TPO is relatively young, with the majority of it having grown up since the 1980's. The wider wooded area appears to have developed since the 1960's. Whilst relatively young, it now very much forms part of the character of the area, with woodland being the primary land type beyond the currently developed area.
12. The woodland subject to the TPO and the adjacent woodland now form a contiguous area of woodland.
13. Whilst it is accepted that the section of the woodland subject to the objection does not enjoy the most prominent of views from the north, it is considered that a large section of the area contribute to views from the south and west of the area from both the public park area to the south, and also from within the publicly accessible woodland.
14. Even when the woodland is not overtly identifiable as part of a view, it often provides a backdrop, or depth to a view. In many cases the adjacent woodland would appear significantly sparser, were it not viewed against area of protected woodland.

15. Overall it is considered that as part of the wider wooded area, and due to views of the woodland from both beyond the wooded area and from within the various paths and pedestrian tracks within the woodland there is sufficient justification for the preservation of the woodland.
16. It is accepted that the TPO was initially served in response to the clearance of the front section of the site, and that given the land ownership arrangements of the land in question, the section of woodland subject to the objection would have been unlikely to have been cleared as part of the clearance.
17. However, it is not considered that this reactionary service of the TPO is sufficient grounds to prevent the confirmation, where that trees protected by the TPO are of a sufficient value to warrant protection in the first place.
18. With regard to the comment that the wooded area would have been included within the original designation of the Mushroom Green Conservation Area if it was a valuable piece of woodland, it is worth noting that Conservation area are primarily, but not exclusively concerned about architectural assets; and that when the adjacent conservation area was designated in 1970, the woodland had not developed from the informal area of pasture that covered the site at that time.
19. The wooded area subject to the objection also benefits from various designations within Unitary Development Plan. Half of the site is designated as a Site of Importance for Nature Conservation (SINC); the other half forms a Site of Local Importance of Nature Conservation (SLINC), with the entire site being designated as Linear Open Space.
20. These designations would all form significant obstacles to any further development of the industrial use of the Griff Chain Ltd site. Any significant expansion of the site would likely require a planning application and the presence of the trees would be a material consideration regardless of their protected status. Given the other planning designations it is not considered that the TPO would, in itself, prevent the future development of the site, although it may be a factor once the impact on the nature conservation value of the site of any expansion had been demonstrated.
21. Overall, it is not considered that the impact of the TPO on the potential development of the site is sufficient grounds to prevent the confirmation of the TPO as long as the trees provide a sufficient level of amenity to justify their protection in the first place.
22. Similarly, the impact of the tree on the developable value of the land is not a material consideration, and should not prevent the confirmation of the TPO, especially as the TPO is not the sole obstacle to the development of the land.

23. Having considered the grounds of objection, it is not considered that there are sufficient grounds to prevent the confirmation.

CONCLUSION

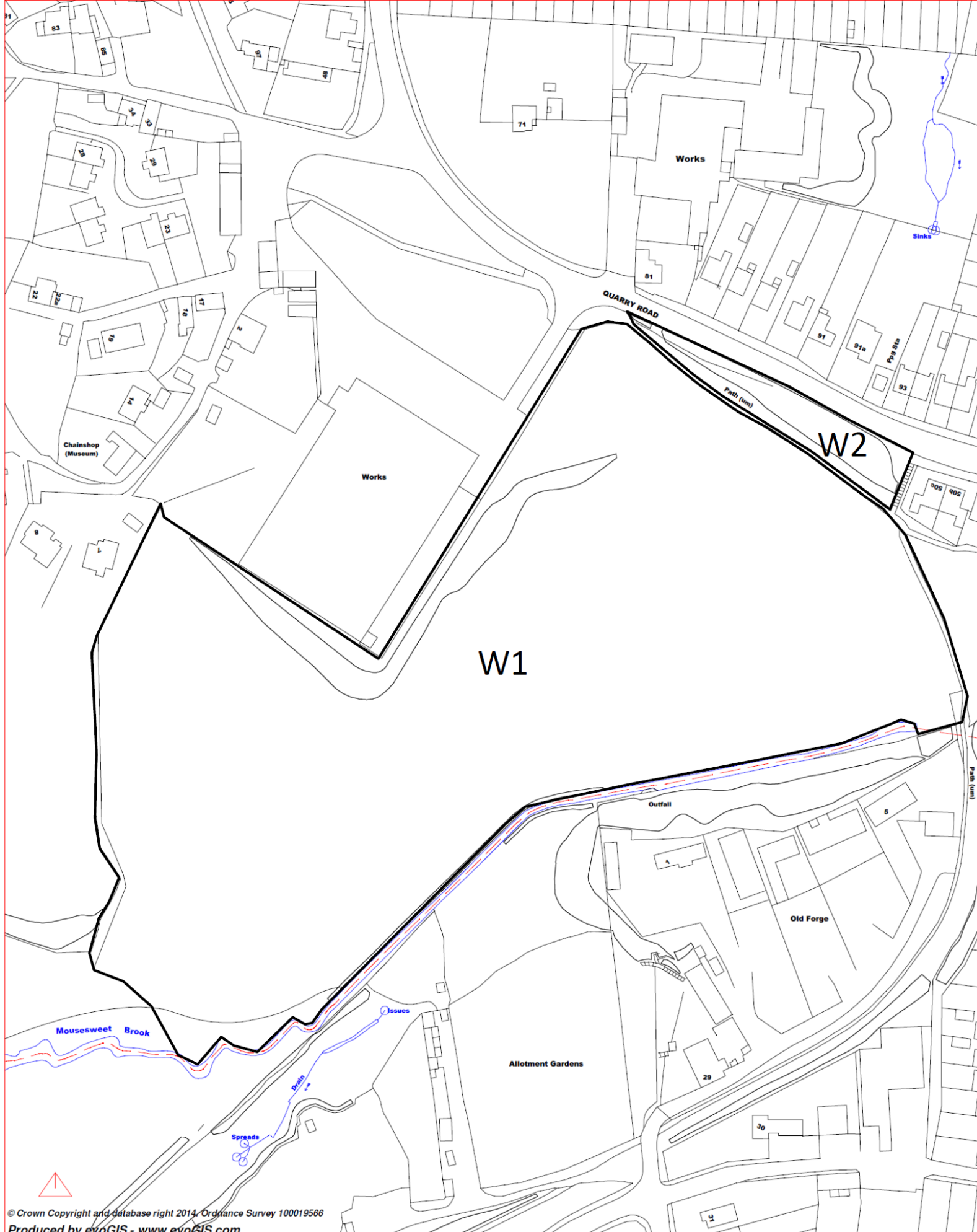
24. The woodland protected under the order is considered to provide a public amenity to the users of the Quarry Road, Mushroom Green and the adjacent public open space. It is not considered that the objections raised are sufficient to prevent the confirmation of the order. It is therefore recommended that the order be confirmed without modification.

RECOMMENDATION

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

APPENDIX 1.2

Tree Preservation Order Plan and Schedule As Served



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Produced by evoGIS - www.evoGIS.com

Map referred to in the Borough Council of Dudley



TPO/0091/QBD (Land in Quarry Road, Netherton)

10

Tree Preservation Order 2014

Scale: 1 : 1500

SCHEDULE

Specification of trees

Trees specified individually (encircled in black on the map)

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

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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W1	Mixed deciduous woodland	Woodland between Mousesweet Brook and Quarry Road, Netherton
W2	Mixed deciduous woodland	Land fronting Quarry Road, Netherton

APPENDIX 1.3

Plan Identifying Objectors Properties

★ - *Objection Received from Property*

PLANNING APPLICATION NUMBER:P14/1498

Type of approval sought	Outline Planning Permission
Ward	Netherton Woodside and St Andrews
Applicant	Mr P. Walker
Location:	THE WOODSIDE LIBERAL CLUB, 278, STOURBRIDGE ROAD, DUDLEY, DY1 2EE
Proposal	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING BUILDING AND ERECTION OF 11 NO. RESIDENTIAL UNITS (ACCESS AND LAYOUT TO BE CONSIDERED) (RESUBMISSION OF WITHDRAWN APPLICATION P14/0967)
Recommendation Summary:	1. SUBJECT TO ENTERING INTO S106 AND 2.APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The site lies to the south-west of Dudley town centre fronting Stourbridge Road a strategic highway (A461) that links Dudley with Brierley Hill and Stourbridge. The site comprises a modern vacant two storey flat roof building that was formerly used as a social club. The building is set back 9m from the highway with frontage car parking. Access is provided to rear of the building via a 3m wide driveway to an additional area of hard standing. This access is shared with the owners of no. 276 Stourbridge Road, which provides access to two prefabricated garages serving this site. The site comprises an area of overgrown shrubs and self-set trees within the north-western part of the site. The site is relatively flat but falls in level from the front to the rear of the site.
2. Adjoining the northern boundary of the site is a row of three terrace properties and adjoining the southern boundary of the site set at a significantly lower level is the former Henry Boot Training site. Immediately outside of the Henry Boot and within 5m of the application site is a bus shelter. Abutting the western boundary of the site is Fens Pool Nature Reserve. The rear of the site is enclosed by a brick boundary wall. The site adjoins Stourbridge Road to the east.

3. The site is located within a generally residential area characterised by traditional terraced properties and an enclave of retail premises. A hot food take-away is located opposite the site and a motor spares retail unit is located at 268-270 Stourbridge Road with a vacant betting office and former butchers located at 264-266 Stourbridge Road.

PROPOSAL

4. The proposal seeks outline planning permission for the demolition of the existing building and the erection of 11 dwellings. Details of access and layout have been submitted for consideration.
5. The proposed development would maintain and improve the existing access adjoining no. 276 Stourbridge Road. The access would be 5.5m wide with a 2m wide footpath and 2.4m x 65m visibility splay. The access would create a cul-de-sac that would extend 55m from the road frontage. The existing bus shelter positioned in the footpath would be relocated as a result of the proposed development to prevent encroachment upon the visibility splay.
6. The development would propose the erection of a small block of three apartments fronting Stourbridge Road. The parking serving the apartments would be formed in a small forecourt providing 4 spaces immediately adjoining the proposed access. Three detached dwellings would be sited to the south of the proposed access road. Two pairs of semi-detached properties and two detached properties would be located at the head of the cul-de-sac.
7. The application is accompanied by a Design and Access Statement and an Ecological and Bat Survey.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
DY/51/86	Alterations to existing club premises and caretakers flat.	Approved	14/06/51
DB/67/2055	Car park.	Withdrawn	27/02/67
DY/62/497	Erection of secretary's office on first floor.	Approved with Conditions	31/08/62
DB/66/192	Extension to main hall new billiard room and store and car parking.	Approved with Conditions	20/07/66
DY/63/478/S	Projecting wall box sign.	Approved with Conditions	12/02/63
DY/61/728	Extensions and alterations to club.	Approved with Conditions	24/01/62
DY/63/500/S	Double sided projecting wall sign.	Approved with Conditions	18/06/63
DB/67/2264	Demolition of three houses and use of land for car parking.	Approved with Conditions	16/04/67
P14/0967	Outline application for demolition of existing building and erection of 22 no. residential units (access and layout to be considered).	Withdrawn	26/09/14

8. The most recent planning application was withdrawn due to concerns regarding the overall number of units proposed in terms of design and layout and the inability of the scheme to provide sufficient off street parking.

PUBLIC CONSULTATION

9. The application was advertised by way of neighbour notification letters being sent to the occupiers of twenty-eight properties within close proximity to the site and through the display of a site notice. The latest date for comments was the 4th December 2014. No letters have been received making observations to the proposed development.

OTHER CONSULTATION

10. Group Engineer (Highways): The revised scheme addresses a number of the issues previously raised in relation to car parking and approval is recommended subject to conditions.
11. Head of Environmental Health and Trading Standards: Environmental Safety and Health has no objection in principle to the proposed residential development on this site. The site is in an established residential area but is also adjacent to the busy Stourbridge Road so it will be affected by elevated levels of road traffic noise. This is particularly relevant to any properties at the front of the site or those with a direct view to the road. With that in mind noise mitigation measures are recommended, in the form of acoustic glazing and ventilation treatments. Such measures would be required for habitable rooms with a direct line of sight to the road. These aspects could be secured by condition.
12. Head of Planning (Land Contamination Team): No objection subject to conditions with respect to ground conditions.
13. Birmingham and Black Country Wildlife Trust: No objection subject to the detailed scheme delivering a landscape buffer between the site and Fens Pool SINC. This

would protect Fens Pool SINC from waste disposal, dumping and fly tipping from the application site. It is also requested that the site be assessed for bats prior to the demolition of the existing building in the interests of nature conservation.

14. West Midlands Fire Service: No objections.

15. West Midlands Police: No objection to the principle of development.

RELEVANT PLANNING POLICY

National Planning Guidance (2012)

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

17. The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development.

Planning Practice Guidance

- Natural Environment
- Noise
- Planning Obligations
- Use of Planning Conditions

Black Country Core Strategy (2011)

- CSP1 The Growth Network
- CSP4 Place Making
- DEL1 Infrastructure Provision
- HOU1 Delivering Sustainable Housing Growth
- HOU2 Housing Density, Type and Accessibility
- ENV2 Local Character and Distinctiveness

- ENV3 Good Design
- TRAN2 Managing Transport Impacts of New Development

Unitary Development Plan (2005)

- DD1 Urban Design
- DD4 Development in Residential Areas
- DD9 Public Art
- DD10 Nature Conservation and Development
- NC1 Biodiversity
- NC6 Wildlife Species
- EP7 Noise Pollution

Supplementary Planning Guidance/Documents

- Open Space, Sport and Recreation Provision Supplementary Planning Document
- Nature Conservation Supplementary Planning Document
- New Housing Development Supplementary Planning Document
- Planning Obligations Supplementary Planning Document
- Design for Community Safety Supplementary Planning Guidance
- Parking Standards

ASSESSMENT

18. The main issues are

- Principle
- Nature Conservation
- Access
- Layout
- Planning Obligations
- National Homes Bonus

Principle/Policy

19. The National Planning Policy Framework (NPPF) was published and came into immediate effect on the 27th March 2012.

20. Central to the NPPF with respect to decision making is a presumption in favour of sustainable development meaning that:

- Development proposals should be approved that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - Specific policies in this Framework indicate development should be restricted.

21. The site is located within the Growth Network falling within Regeneration Corridor 11a (Dudley-Brierley Hill) of the BCCS. The Growth Network is to be the main focus for growth, regeneration and land use change including the creation of sustainable housing growth. Policy CSP1 is relevant, which states that *'By 2026, the network of Regeneration Corridors linking the Strategic Centres will provide...35,000 new homes in sustainable communities built on redundant employment land and other brownfield sites close to existing public transport routes and canal networks and locations with the best access to residential services, at moderate densities that allow for a range of house types.'*

22. BCCS policy HOU2 'Housing Density, Type and Accessibility' sets out the objectives for density and types of new housing, promoting the need to achieve high quality design and minimise amenity impacts, taking into account the characteristics and mix of uses in the area where the proposal is located.

23. BCCS policies CSP4 'Place Making' and ENV3 'Design Quality' require that all development demonstrates a clear understanding of how proposals make a positive contribution to place-making and environmental improvement through high quality design.
24. Saved policies DD1 and DD4 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.
25. The proposed development would comprise the redevelopment of a vacant previously developed site within the Growth Network for residential development. The site is located in a sustainable location with good public transport links and ease of access to the Borough's Strategic Centre. The scheme would contribute towards the delivery of achieving at least 95% of all new housing on previously development land creating a sustainable form of development that would be in accordance with Policy HOU1 of the BCCS.

Nature Conservation

26. The site is located in an urban area with residential and commercial properties to the north and south and residential areas to the east as well as Woodside Park. There is an area of rough grass, scattered scrub and derelict buildings immediately to the south of the site. There is also an area of scrub immediately to the north.
27. To the west is the Fens Pools complex. This consists of a Special Area of Conservation (SAC), designated as a European importance nature reserved for its population of Great Crested Newts. There are also Site of Special Scientific Interest (SSSI) - areas designated for similar reasons – being nationally important for GCN's as well as associated SINC (Site of Importance for Nature Conservation) and SLINC (Site of Local Importance for Nature Conservation) areas. The site is a short

distance from one of the SINC areas – The Plateau. SINC sites are considered to be of county importance. The Fens Pool complex consists of scrub, grassland and waterbodies.

28. The submitted extended Phase 1 Habitat Survey demonstrated numerous species records for the Fens Pools Complex immediately to the west of the site including a large number of records for Great Crested Newt. From the records the nearest pond containing Great Crested Newts is approximately 180m to the south of the site. There are also records for Slow worm, Common Lizard and Grass Snake for the Fens Pools complex. There are no records of protected species in close proximity to the site with the nearest record appearing 180m away. There are no bat records in the vicinity of the site but Common Pipistrelle records exist for the surrounding 1km radius as well as Daubenton's and Noctule bat records. However, a large area of the application site could be suitable for a wide range of species including bats, badgers and great crested newts.

29. The site consists of the former Liberal Club, tarmac car parking areas, small areas of ruderal grassy habitat and dense scrub in the northern part of the site.

30. The building was assessed and inspected for its suitability for bats. However it is flat roofed with well-sealed soffits. Therefore it appears to lack roosting opportunities. Likewise the concrete garage with its asbestos roof, lacks any possible roosting cavities. The Aspen tree on the western boundary also lacks suitable crevices. There are no other trees of sufficient maturity to be suitable for roosting bats. However it is likely they might use the limited areas of scrub and scrub habitat adjacent to the site for foraging.

31. Based on information from EcoRecord the nearest breeding pond for Great Crested Newts is 180m to the south with the main breeding ponds being located 250m away or more. As there is abundant suitable terrestrial habitat for Great Crested Newts on the reserve nearer to the ponds it is considered there is a low likelihood of Great Crested Newts using habitat on the site. Particularly as these areas are not en-route between any breeding ponds. Also the site is built on a platform above the Fens

Pools Nature reserve with brick walls delineating the western boundary and large parts of the northern and southern boundary. This makes it more difficult for GCN's to enter the site.

32. Likewise Slow-worm, Common Lizard and Grass Snake are present at Fen's Pools, the nearest record being approximately 200m away. However large areas of the Fen's Pools site provide suitable habitat and the brick walls also presents a partial obstacle to movement. The scrub is also very dense reducing its suitability. With this in mind once again is considered that there is a low likelihood of them present in the limited areas of suitable habitat on the site.

33. Whilst the desk data search flagged up records for badgers within a 1km radius, there was no evidence of badgers on the site and there is no evidence of track ways going through the site. The site is effectively situated on a platform overlooking the Fens Pools Nature Reserve, the brick wall on the western boundary with the reserve presents quite a barrier, and the brick wall also forms part of the northern boundary. There is also a change in ground level on the southern boundary with a further brick wall, however this is not entire and midway along it would be possible for badgers to gain entry to the site. However there is no evidence of them having done so.

34. In order to ensure that the nature conservation value of the site is enhanced conditions would be attached to any consent to secure the delivery of nature conservation enhancements. This could include the provision of four bird boxes placed as high up as possible on new buildings in north or east facing positions away from strong lighting. By way of compensation for loss of shrubs and native hedgerow, shrub planting should be incorporated around the site boundaries or in areas of amenity space wherever feasible post construction. Suitable species would be Hawthorn, Hazel, Blackthorn, Holly, Field Maple, Hornbeam, Rowan, Silver Birch and Crab Apple.

35. It is not considered that the site provides habitat likely to be of value to other protected and notable species. Therefore no further survey has been recommended. The proposed development would therefore be in accordance with the NPPF and saved Policies NC1 and NC6 of the Adopted Dudley Unitary Development Plan.

Access

36. Stourbridge Road (A461) forms part of the strategic highway network. These roads are for long distance and strategic traffic. Street parking and direct frontage access is kept to a minimum to ensure the effective flow of traffic.

37. The junction of the site access with Stourbridge Road should maintain a 2.4 metre (m) (X-distance) by 65m (Y-distance) visibility splay required upon exit from the site. This visibility splay is physically obstructed by a bus shelter to the south of the site. This lack of visibility of vehicles on Stourbridge Road raises highway safety concerns. However, the imposition of a Grampian condition, which requires the developer to have repositioned the bus shelter with CENTRO prior to the commencement of development and to have repositioned to bus shelter to the agreed position prior to first occupation would be sufficient to overcome highway safety concerns relating to visibility upon egress from the development.

38. The design of the proposed access with its 5.5m internal roadway and 2m wide footpaths would be of suitable dimensions for the passing of vehicles and the safe movement of pedestrians within the site.

39. Based on the *Parking Standards SPD* the proposed residential development would require the provision of 23 parking spaces to meet the anticipated parking demand of the development. Whilst parking provision would be a reserved matter, the submitted layout demonstrates that the proposed development would provide 21 off street parking spaces. The displacement of 2 vehicles onto the public highway would not raise highway safety concerns due to the availability of on-street parking.

40. The proposed development would provide a suitable access and parking provision to meet the needs of the development and would not raise highway safety concerns thereby being in accordance with TRAN2 of the BCC3, saved Policy DD4 of the Adopted Dudley Unitary Development Plan and the Parking Standards SPD.

Layout

41. The NPPF, BCCS (HOU2) and the subsequent revised New Housing Development SPD reaffirm the importance of a design-led approach to new housing development with schemes expected to have regard to their context in terms of design and density. Policy HOU2 of the BCCS has established a minimum net density of development of 35 dwellings per hectare provided that this level of density would not prejudice the historic character or local distinctiveness as defined by Policy ENV2 of the BCCS.

42. The site is located in an area characterised by traditional terrace properties built close to the footway and at relatively high densities (46 dph). The Revised New Housing Development SPD recommends that in such locations densities in the region of 40-50 dph could be appropriate.

43. The resubmitted application has reduced the number of units on the site from 22 to 11 and would result in a gross density of 39.6 dph. The density is a little less than the traditional terrace properties within the street but is above the minimum density requirement of 35 dph set by Policy HOU2 of the BCCS. It would not be possible to redevelop the site for a greater density. This is due to its limited width, the requirements for separation distances between dwellings, the provision of suitable amenity space and the provision of off street parking to meet the parking demands and an appropriate access into the site.

44. The overall density of the proposed development would be appropriate having regard to the character of the area thereby being in accordance with Policy HOU2 of the BCCS and the Revised New Housing SPD.

45. The amended layout would provide a mix of apartments, detached and semi-detached properties. Each dwelling would have sufficient separation distances between each other in order to retain suitable privacy and prevent overlooking. Most of the private gardens would meet minimum standards with the exception of plots 4-6 being slightly below at 10m deep. However, increasing the length of the gardens to 11m deep would prevent the creation of front boundary treatment and landscaping as well as the dwelling abutting the proposed footpath with no defensible space. The gardens only fall short of the minimum depth by 1m and would still provide a usable garden area, with no issues of overlooking arising relative to the adjacent site.
46. The scheme would result in dwellings fronting onto the main access road thereby creating an internal street and with the provision of dwellings facing onto the head of the cul-de-sac acting as a focal point and visual end stop to the overall development. Plot 6 in terms of its detailed design would be expected to turn the corner and be dual aspect to improve the visual appearance and activity within the street.
47. The submitted layout demonstrates that the proposed development would be able to provide sufficient off street parking that would not result in highway safety concerns.
48. The proposed development would result in an appropriate density and form of development that would result in the redevelopment of an underutilised, previously developed site for the creation of a sustainable form of development that would be in accordance with the NPPF, Policies CSP1, CSP4, HOU2, ENV2 and ENV3 of the BCCS, saved Policy DD4 of the Adopted Dudley Unitary Development Plan and the Revised New Housing Development SPD.

Planning Obligations

49. Black Country Core Strategy Policy DEL1 'Infrastructure Provision' sets out the adopted policy framework for Planning Obligations within Dudley and the Planning Obligations SPD provides further detail on the implementation of this policy; these

policy documents were prepared in accordance with national legislation and guidance on planning obligations.

50. Policy DEL1 requires all new developments to be supported by sufficient on and off-site infrastructure to serve the development, mitigate its impact on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

51. In determining the required planning obligations on this specific application the following three tests as set out in the CIL Regulations, in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development;
- c) fairly and reasonably related in scale and kind to the development.

52. Following consideration of the above tests, the proposed development would require an off-site contribution towards path improvements within Woodside Park secured by a legal agreement:

Off-Site Provision (to be secured by legal agreement)

- Open Space, Sport and Recreation

53. The proposed development would generate 21 people of which 58% (12) would be expected to use the local park on at least a weekly basis. Woodside Park is located immediately opposite the site. The Council's Greenspaces Quality Audit demonstrated that the park achieved a score of 26 out of 100 indicating significant deficiencies. A Masterplan has been adopted seeking to implement improvements to the park. The masterplan identified a prioritised and costed list of 20 projects in Woodside Park. The Council has delivered some of these items but path improvements have yet to be implemented. The S106 contribution would be used towards the improvement and maintenance of the paths at Woodside Park in accordance with the Liveability Masterplan. It is considered that this contribution would meet the necessary tests as stated above in that it contributes to the delivery

of a sustainable development, would be directly related to the development itself and is deemed to be in scale and kind to the proposed development. This development complies with the requirements of BCCS Policy DEL1 and the Planning Obligations SPD.

54. At the time of writing the report, the applicant has not yet agreed to the provision of the off-site contribution towards improvements to Woodside Park.

New Homes Bonus

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

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

57. The Bonus provides local authorities with monies equal to the national average for the council tax band on each additional property and paid for the following six years as a non-ring fenced grant. In addition, to ensure that affordable homes are sufficiently prioritised within supply, there will be a simple and transparent enhancement of a flat rate £350 per annum for each additional affordable home.

58. This proposal would provide 11 houses generating a grant of 11 times the national average council tax for the relevant bands per annum for 6 years.

59. Whilst this is a significant sum of money the planning merits of the proposal are acceptable in any event and therefore this is not accorded significant weight.

CONCLUSION

60. The proposed development would comprise the redevelopment of a vacant previously developed site within the Growth Network for residential development. The site is located in a sustainable location with good public transport links and ease of access to the Borough's Strategic Centre. The scheme would contribute towards the delivery of achieving at least 95% of all new housing on previously development land resulting in an appropriate density and form of development that would result in the redevelopment of an underutilised, previously developed site for the creation of a sustainable form of development.

61. It is not considered that the site provides habitat likely to be of value to other protected and notable species. The proposed development would provide a suitable access and parking provision to meet the needs of the development and would not raise highway safety concerns.

62. The completion of a S106 Agreement to secure improvements to pathways at Woodside Park would ensure that the proposed development would mitigate against the increased use of the park by residents thereby ensuring that the development is sustainable and contributes to the proper planning of the wider area.

RECOMMENDATION

63. It is recommended that the application be APPROVED subject to:

- a) The applicant entering into a Section 106 Agreement for a contribution towards improvements to pathways at Woodside Park totalling £21,253.45 and a management and monitoring charge of £1000.
- b) The completion of the Agreement by 22nd February 2015 and, in the event of this not happening, the application being refused if appropriate.

- c) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary

APPROVAL STATEMENT INFORMATIVE

In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Notes to Applicant/Informative

Coal mining areas

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to the Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

Highways

The development as proposed contains highways that will be of sufficient public utility to warrant its dedication as public highways under Sec. 38 of the Highways Act 1980. The development layout, as shown on Site Plan (May 2014) is solely a preliminary design, which may be subject to relevant Road Safety Audits and may require amendments in order to gain Technical Approval of the detailed highway design as part of the Sec. 38 adoption process.

Nature Conservation

Where scrub is removed this should take place outside the nesting season, which runs from March to August as there is a high likelihood of nesting birds being present during this time. This is due to their legal protection.

With regard to the low potential for Great Crested Newts and Reptiles to be present a precautionary hand search of vegetation and debris should be undertaken prior to development by an Ecologist with appropriate training and experience.

It is recommended a standard garden fence be erected on the southern boundary of the site prior to the commencement of development. This should have a concrete base dug into the ground with wooden fence panelling to create a solid barrier between the site and the rough grass scrub adjacent which adjoins the Fens Pools Nature Reserve. This need only take place along part of the southern boundary as solid walls are already present along part of this boundary. (The western boundary and northern boundary are already separated by a brick wall).

This enclosure of the site should take place before the building is demolished as areas of rubble can create an attractive habitat for Great Crested Newts.

Conditions and/or reasons:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
2. Approval of the details of appearance, scale and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority before any development is begun.
3. No development shall commence until details of nature conservation mitigation, compensation and enhancement works have been submitted to and approved in writing by the Local Planning Authority. The nature conservation enhancement works shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.

4. No development shall commence until details of works of public art have been submitted to and approved in writing by the Local Planning Authority. The works of public art shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
5. No development shall commence until an Economic and Community Development Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall address as a minimum, measures to increase the number of jobs open to local people available on the site and the development of initiatives that support activities to upskill local unemployed people of working age so as to support them into sustained employment as outlined in the Council's Planning Obligations Supplementary Planning Document. The development shall be implemented in accordance with the approved Statement and retained in accordance with the Statement for the lifetime of the development.
6. No development shall commence until details for the provision of external electric charging points have been submitted to and approved in writing by the Local Planning Authority. The Electric Charging point(s) shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
7. No development shall commence until details of public realm works have been submitted to and approved in writing by the Local Planning Authority. The public realm works shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
8. The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Site Plan Rev A received on the 11th December 2014 and prepared by Pharoah Designs.
9. Before development begins details shall be submitted to and approved in writing by the Local Planning Authority of a surface water drainage scheme for the site, based on sustainable drainage principles. The approved scheme shall be implemented in accordance with the approved details and retained for the lifetime of the development.
10. Prior to the commencement of development, details of the works for the disposal of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. All works shall be completed in accordance with the approved details prior to the occupation of the dwellings hereby permitted.
11. Prior to the commencement of development, details of the existing and proposed levels of the site (including finished floor levels), which should be related to those of adjoining land and highways shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved levels.
12. Prior to the commencement of development, details of the types, colours and textures of the materials to be used in the hard surfacing of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing with the local planning authority.

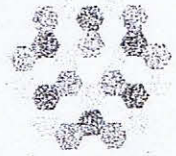
13. Prior to the commencement of development, details of the types, colours and textures of the materials to be used on the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
14. Prior to the commencement of development, details of the materials, including colours, of any retaining walls to be built within the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details prior to occupation and the walls shall be retained and maintained as approved for the lifetime of the development.
15. Prior to the commencement of development, details of the boundary treatments /walls/fences to be installed on the whole site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include location of boundary treatment. Elevation details shall also be supplied, or planting species/distances, as appropriate. The development shall proceed in accordance with the approved details, which shall be installed on site prior to occupation and thereafter maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
16. Prior to the commencement of development a plan detailing outside lighting will be submitted and approved in writing by the LPA. All works must be carried out in accordance to the approved plan and conform to these requirements for the life of the development. All outside lighting should conform to the Bat Conservation Trust and Institute for Lighting Engineers' guidance "Bats and lighting in the UK". It should be close to the ground and directed downwards and away from the surrounding wildlife habitat.
17. Prior to the commencement of development, details of the landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before the end of the first planting season following initial occupation of the development.
18. The development hereby approved shall not commence until the details of the access roads and parking areas including cross-sections, lines, widths, levels, gradients, drainage and lighting have been submitted to and agreed in writing, relevant legal agreements entered into and the agreed details implemented and retained for the life of the development.
19. None of the development hereby approved shall be first commenced until the location of secure and undercover cycle parking within the development have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with the approved details and shall be retained for the life of the development. The store shall not first trade until the cycle parking have been provided in accordance with the approved plans.
20. Development shall not commence until details of the relocated bus shelter have been submitted to and agreed in writing with the Local Planning Authority. None of the dwellings shall not be occupied until the bus shelter has been relocated in accordance with the approved details.
21. Development shall not begin until a scheme for protecting residents in the proposed dwellings from noise from road traffic has been submitted to and

approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed before occupation of the permitted dwellings, unless otherwise agreed in writing by the Local Planning Authority. The protection measures in the agreed scheme shall be maintained throughout the life of the development

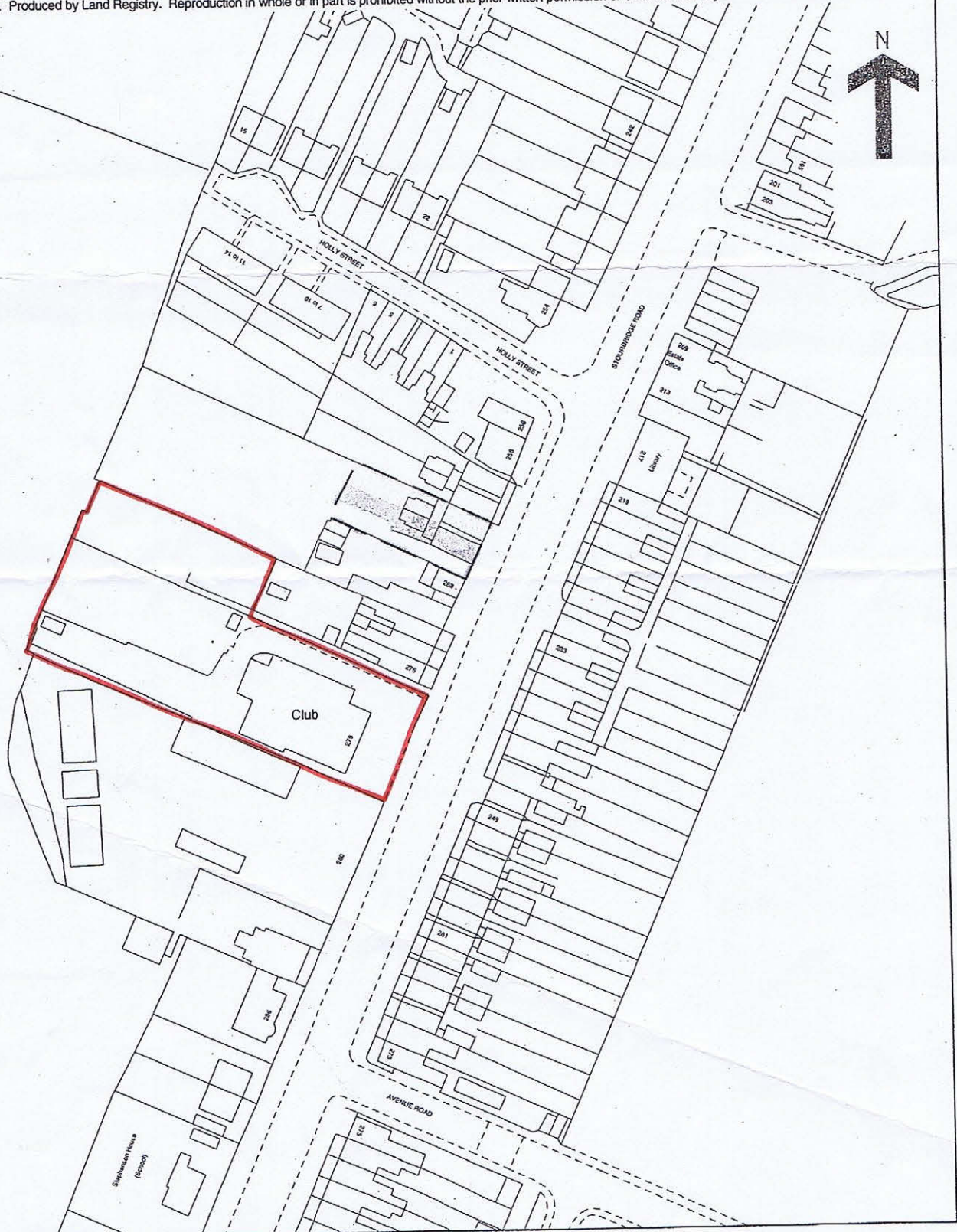
22. No development shall begin until an assessment of the risks posed by any ground gases or vapours has been submitted to and approved by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.
23. Where the approved risk assessment (required 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.
24. 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.
25. In the event that contamination (that is unsuitable for the intended use or poses an unacceptable risk to the environment) is found at any time when carrying out the approved development it must be reported immediately to the Local Planning Authority and confirmed in writing. A risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, all of which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme such completion shall be certified and a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Land Registry Index map plan

Ordnance Survey map reference **SO9288NW**
Scale **1:1250**
Plan prepared on **22/01/2010 at 00:00:01**



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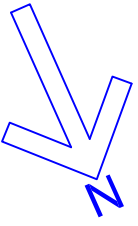


This plan should be read in conjunction with result A38WGJB.

This plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 19 - Title Plans and Boundaries.



site area 2773m²



Proposed Change of Use to Residential, 12 Units, Former Woodside Liberal Club, 278 Stourbridge Road, Holly Hall, Dudley, West Mids. DY1 2EE

Proposed Site Plan 1:500 May 2014

Rev A

PLANNING APPLICATION NUMBER: P14/1542

Type of approval sought	Reserved Matters
Ward	Castle & Priory
Applicant	Mr Andy Hames, UK Construction Ltd, Midland Heart and M
Location:	DUDLEY COLLEGE, MONS HILL CAMPUS, WRENS HILL ROAD, DUDLEY, WEST MIDLANDS
Proposal	APPROVAL OF RESERVED MATTERS FOR ERECTION OF 43 DWELLINGS (FOLLOWING OUTLINE APPROVAL P11/0652)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- 1 The application site consists of part Dudley College's Mons Hill campus sites. The site is accessed from Wrens Hill Road which runs to the north of the site. Within the site is a series of access roads, with car parking off the extreme northern (front) part of the site. There are a number of buildings within the site, the main one being a four storey teaching block, with various lower subsidiary buildings attached or close by. Also adjoining the site are two semi detached dwellings which is presently used as base by the Wrens Nest Nature Reserve wardens. Also beyond the southern boundary to the site are some more modern buildings which are more industrial in appearance. These buildings contain the glass and construction schools. Also within the site is a compound used by the wardens. There is presently around 10,000m² of accommodation within the application site and the adjoining land to the south.

- 2 The site is adjoined on its western and eastern boundaries by the Wrens National Nature Reserve (NNR).

- 3 The college site is generally lower than the adjoining NNR, although the part to the north western boundary of the site is lower.

- 4 Tree planting is mostly around the edge of the site, although there a distinct band running east to west along the southern boundary with adjoining part of the campus.
- 5 The adjoining NNR is mostly wooded, although there are more open areas of land which afford views to the west. The NNR is principally designated for its geological importance, with a number of limestone outcrops being present, including the seven sisters to the south west of the site. The NNR was an important industrial site with significant extraction of the limestone, as well as processing also taking place with lime kilns operating into the early 20th century. The NNR is also designated as a Site Special Scientific Interest (SSSI), again for its geological importance. Beyond the NNR are two areas of inter war medium density Council housing.
- 6 The area to the north west of the site is a Site of Local Interest for Nature Conservation (SLINC), to ownership which has recently been passed to the Council as part of the planning obligations for the outline planning permission.
- 7 The NNR is also ecologically important with a colony of bats with other protected species present.
- 8 Whilst the application site is outside of these designations, the site is located within part of a Schedule Ancient Monument (SAM) designation. This designation also includes the adjoining SSSI and NNR, as well as connecting with Castle Hill to the east. In addition the site is located with an area of Linear Open Space and a Landscape Heritage Area. Both of these are designations within the Unitary Development Plan.

PROPOSAL

- 9 This is a reserved matters application for the erection of 43 dwellings, which includes 37 houses, and six flats. The flats which would be two storey each would have one bedroom and the houses are a mixture of two, three and four bedroom houses, although the vast majority would be two bed. Each of the units would be affordable with the scheme being delivered by a Registered Social Landlord (RSL).

- 10 The matters which are being considered as part of this application are layout, scale, appearance and landscaping. Access was considered as part of the earlier outline application.
- 11 The general layout to the sites consists of a series of perimeter blocks running off a spine road running southwards from Wrens Hill Road, with no house immediately adjoining the NNR.
- 12 Parking would be located in mixture of in plot and communal parking areas.
- 13 The density of the proposed development would be in the region of 33 dwellings to the hectare.
- 14 The application is submitted with a Design and Access Statement, an updated nature conservation assessment; a landscape scheme; and a tree survey and report.

HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
DY/50/93	Erection of secondary technical school	Granted	20/04/50
DY/62/423	Erection of a secondary modern school	Granted	25/07/62
DY/64/63	Erection of 1 pair of semi-detached houses for caretaker And grounds man.	Granted	09/03/64
DB/73/12151	Extensions and alterations to existing school.	Granted	27/04/73
CD/79/718	Erection of classroom and office for use in connection With wrens nest nature reserve	Granted	18/06/79

83/51926	Erection of storage building.	Granted	27/10/83
83/50109	Construction of nature centre.	Granted	27/01/83
91/51579	Application for deemed consent under regulation 4 for The erection of educational workshops.	Granted	16/01/92
93/51698	Construction of three storey external lift shaft.	Granted	16/12/93
94/51243	Amended plans for installation of passenger lift.	Granted	29/09/94
95/51602	Conversion and change of use of existing store building into Pottery/ceramics workshop and studio.	Granted	14/12/95
97/50968	Erection of temporary assault course play structure. (regulation 3).	Granted	06/08/97
98/50763	Erection of extension to provide changing rooms and new Entrance lobby.	Granted	10/07/98
P00/50994	Erection of extension and change of use to form music Recording studio	Granted	03/10/00
P00/52008	Conversion of car port to enclosed storage facility and Construction of disabled ramp to college (ccc) building	Granted	02/02/01
P03/2330	Retention of works modified for site conditions previously granted prior approval (P03/0869) for works associated with	Granted	16/03/2004

P07/0331	Erection of new wardens building and associated car parking	Withdrawn	29/03/2007
P09/1618	Access improvements around Wren's Nest National Nature Reserve to include footpath and step improvements new handrails	Granted	24/02/2010
P11/0652	Demolition of existing college buildings and development of site for up to 80 dwellings, including provision of wardens base and education/meeting/community room building and wardens workshop and compound. (Outline) (access to be considered)	Granted	03-Oct-2014

- 14 Outline planning permission P11/0652 was resolved to be granted by the Development Control Committee in December 2011, with the planning permission finally being released in October 2014, following the signing of the Section 106 agreement which sought to ensure the delivery of affordable housing, a wardens base, compound and geological exposure in addition to the passing of adjoining land to the Council to enable all land adjoining the site to be bought into the ownership of the Council.
- 15 The application was submitted with significant amounts of supporting information including an Environmental Impact Assessment (EIA) due to the sensitive nature of the application site.
- 16 The approved outline permission included a master plan which set the general parameters for development, i.e. locations of development, road layout, landscaped areas etc, which the reserved matters had to be in general conformity with.
- 17 The application was also subject of significant input from English Heritage, Natural England, the Borough Keeper of Geology and the Borough's Countryside Service.

PUBLIC CONSULTATION

- 18 Two letters of objection received, following the notification of one neighbour, the display of site notices at and near to the site and the posting of an advert within a local newspaper. Main issues raised:-
- Essential that the on-site wardens base is provided to ensure good management
 - Wardens base should have parking and access for school parties
 - Impact to reserve, SSSI etc
 - Urbanisation and visual impact of development
 - Site should be redeveloped in a more imaginative and low impact manner
 - Site should be a World Heritage Site

OTHER CONSULTATION

- 19 Group Engineer (Highways): No objection.
- 20 Group Engineer (Highways) (Public Rights of Way): Concerns regarding footpath link along eastern side of site, as it does not fully comply with secure by design. Recommend pedestrian access from Wrens Hill Road removed as is link to phase 2, and other barriers placed to stop north/south movement. A 2.1m high metal fence should be provided to eastern boundary.
- 21 Head of Environmental Health and Trading Standards: Note proximity of dwellings to retained college buildings. Recommend condition.
- 22 Head of Planning (Land Quality Team): No objection
- 23 Head of Housing: None received.
- 24 Severn Trent Water: No objection subject to a condition
- 25 English Heritage: Note the sensitivity of the site but also outline note outline permission at the site. Footprint to developed is similar to development to existing

college buildings. Archaeological watching brief condition is required. Scheduled Ancient Monument Consent is still required

26 Natural England: No Objection, but makes the following observations:

- Limited height of development is welcomed
- Unclear how much vegetation will remain at boundary. Screening of site is essential
- Planting strips are minimal but include native species which is welcomed
- Do not wish to see access to reserve directly from site
- Supports landscape management plan
- Note reserved matters does not include wardens building and/or workshop
- Reference to protected species standing advice

27 West Midlands Police: Concerns about footpath link along eastern side of development and could be used as an escape route and could attract anti-social behaviour. Consider footpath is not required as one within the reserve. However, they note that the footpath would have natural surveillance. If footpath is to be retained that it should be “blocked” at several points. Recommendations made regarding height of walls, types of locks and use of materials.

RELEVANT PLANNING POLICY

- National Planning Guidance

National Planning Policy Framework (2012)

Technical Guidance to the National Planning Policy Framework (2012)

Planning Practice Guidance (2014)

- Black Country Core Strategy (2011)

CSP2 Development Outside the Growth Network

CSP3 Environmental Infrastructure

CSP4 Place Making

HOU1 Delivering Sustainable Housing Growth

HOU2 Housing Density, Type and Accessibility

HOU3 Delivering Affordable Housing

TRAN2 Managing Transport Impacts of New Development
TRAN4 Creating Coherent Networks for Cycle and for Walking
ENV 1 Nature Conservation
ENV 2 Historic Character and Local Distinctiveness
ENV 3 Design Quality
ENV 8 Air Quality

- Unitary Development Plan (2005) (Saved Policies)

DD1 Urban Design
DD4 Development in Residential Areas
DD10 Nature Conservation and Development
UR6 Housing Renewal Areas
NC1 Biodiversity
NC6 Wildlife Species
NC7 Geological Resource
NC9 Mature Trees
NC10 The Urban Forest
HE4 Conservation Areas
HE7 Canals
HE8 Archaeology and Information
HE10 Sites of Regional Importance (Ancient Monuments)
HE11 Archaeology and Preservation
EP3 Water Protection
EP6 Light Pollution

- Supplementary Planning Guidance/Documents

Affordable Housing Supplementary Planning Document
Design for Community Safety Supplementary Planning Guidance
Historic Environment Supplementary Planning Document
Nature Conservation Supplementary Planning Document
New Housing Development Supplementary Planning Document (2012)
Parking Standards Supplementary Planning Document (2012)

ASSESSMENT

- 28 The main issues are
- Principle of Development
 - Design and Layout
 - Historic Environment
 - Secure by Design
 - Neighbour Amenity
 - Occupier Amenity
 - Parking and Access
 - Nature Conservation
 - Geological Considerations
 - Wardens Building
 - Planning Obligations
 - New Homes Bonus

Principle of Development

- 29 Outline planning permission for residential development (together with wardens building and workshop, and the demotion of the existing college buildings) was granted earlier this year following the signing of a S106 agreement and the transfer of land to the council from the college, although the resolution to approve was given by the Development Control Committee in December 2011. Therefore the principle of residential development at the site is acceptable, and this application seeks approval of the details relating to this application seeks approval of reserved matters for the layout, appearance, scale and landscape.
- 30 However, setting aside the principle of development the site is located within and adjoining a number of important historic, geological and ecological designations, and as such the relevant policies pertaining to these designations at both a local and a national level need careful consideration.

Design and Layout

- 31 As stated above the layout has been designed around a spine road along the western side of the site with a three private “mews” roads running eastwards and linking through to a footpath along the eastern side of the site.
- 32 This layout then provides for a series of perimeter blocks with gardens backing onto gardens, with parking located in communal areas or on plot, with on plot parking consisting of forecourt and parking to the side.
- 33 This layout essentially follows the master plan for the site which was agreed at the outline stage. A significant amount of this master plan was informed by the conclusions of the Environmental Statement (ES) submitted with the outline application. The ES also considered other relevant issues such as the visual impact as well.
- 34 The proposed dwellings in themselves are vaguely contemporary in their design, and are considered acceptable in that the site does not immediately adjoin any other housing.
- 35 The main theme that carries across the proposed house types is the use of a buff brick with window frames and panelling in grey with render and contrasting brick panels to introduce some variety into the proposed scheme.
- 36 Consideration within the layout has been given to the corners, with houses either turning the corner, or having a dual aspect design, which also assists from a secure by design point of view.
- 37 The layout also includes a block of flats. However, the design and the height of these has been to give the flats an outwards appearance of houses so that integrates with the general character of the area.

- 38 In terms of the visual impact of the proposed development on the adjoining reserve, the development for residential purposes would have less visual impact in that the scale of development would be less bulky than the existing larger multi storey college buildings. Additionally the layout lends itself to providing areas of landscaping around its perimeter to help the development to be assimilated into the adjoining reserve. This area also enables an area of native planting to be provided which would have nature conservation benefits for the site but also the adjoining reserve.
- 39 During the course of the application some minor modifications have been made to the scheme most notably the removal of a pedestrian access onto Wrens Hill Road and some changes to external materials.

Historic Environment

- 40 Wren's Nest was declared a Scheduled Ancient Monument (SAM) in recognition of them having the best surviving remains of the limestone quarrying, mining and processing industry within Dudley. This includes the last remaining surface opening limestone cavern in the world – the Seven Sisters.
- 41 The Mons Hill campus is located on top of a SAM and the monument description lists a number of features which are specifically excluded from the scheduling including the college buildings on Wren's Nest. Although the buildings are not part of the schedule, although the land on which the application site sits is.
- 42 The impact to the SAM was considered within the ES which was submitted with the earlier outline application, and is one of the reasons why a master plan was attached to the outline permission was to ensure the impact on the adjoining limestone features was minimised and that no additional land was developed at the site to ensure minimal harm to any archaeology which may lay under the site.

- 43 In this case English Heritage is not raising any objection to the proposal, although seeks an archaeological watching brief condition. This condition was attached to the previous outline and as such does not need to be replicated here.
- 44 The Councils Historic Environment Team is generally satisfied by the proposal, with their concerns principally relating to the proposed roofing materials and other detailing rather than any fundamental concerns.

Secure by Design

- 45 The Group Engineer (Highways) (Rights of Way), and West Midlands Police raise certain concerns regarding the proposed layout particularly along the eastern side of the proposed development regarding secure by design. However, the police do note that this area would enjoy natural surveillance.
- 46 In terms of the footpath duplication issues raised by the police, this will not be the case in that the reserve and the housing development would be completely separated by a secure fence to ensure direct access is prevented. This was a recommendation of the ES to ensure impact to the reserve was minimised.
- 47 The provision of the footpath and open areas to the eastern side follow on from further recommendations from the ES which was limit built development near the boundary and avoid gardens backing onto the reserve, with this recommendation being incorporated into the outline master plan for the site.
- 48 To provide a balance between secure by design issues, and the need to comply with recommendations of the ES, the pedestrian footpath link to Wrens Hill is to be deleted to reduce the attractiveness as a north-south route, and therefore ensuring the space is more private in nature.

Neighbour Amenity

- 49 There are no immediately adjoining residential uses close to the site which would be affected by the proposed development.

Occupier Amenity

- 50 The New Housing Development Supplementary Planning Document at Annex A, outlines separation distances and garden sizes for new residential development.
- 51 In general the proposed layout generally accords with these requirements, i.e. garden lengths of 11m and rear habitable window to window distances of 22m. However, there are some plots, most notably some of the corner plots where gardens are substandard, and where there is less than 22m between rear habitable room windows.
- 52 However, in the case of the garden sizes this to enable satisfactory corner relationship from a street scene and urban design point of view which is considered to essential in such a sensitive location.
- 53 Where the rear separation distances fall foul they are only in couple places, i.e. plots 21 and 26, and in such cases is only by 1.5 to 2m, which is considered to acceptable in that residents are “buying in” to the scheme rather than this slightly substandard situation being imposed on existing residents.
- 54 The Head of Environmental Health and Trading Standards has no objection in principle to the proposed layout for this previously approved residential development.
- 55 The outline approval included a condition which required a noise protection scheme to be incorporated into the development due to noise arising from the extraction system at the remaining college buildings, most notably the construction school. The condition was based on a recommendation made in the acoustic report which

suggested that dwellings towards the south-east of the site would require additional noise protection, specifically glazing and ventilation with a minimum sound attenuation of 34dB(A).

- 56 At the outline stage the plot numbers were not known so the specific plots requiring attention could not be identified in the condition. On the layout plan that is the subject of this reserved matters application it can now be seen that it is plots 32 to 46 which required the enhanced glazing and ventilation treatments to habitable rooms. The Head of Environmental Health and Trading Standards would therefore recommend that the noise condition (condition 16 of approval P11/0652) is carried over to this approval but with specific reference made to plots 32 to 46.
- 57 The Head of Environmental Health and Trading Standards notes from the submitted plans, that 1.8 metre high close boarded fences are proposed along the boundaries. These should be sufficient to protect outdoor amenity spaces for those plots previously identified.
- 58 However if the extraction plant at the adjoining building school and former glass school buildings have been removed or had works carried out to reduce the noise level then the mitigation works discussed above may not be necessary. A flexibly worded condition should allow for either eventuality.

Parking and Access

- 59 Vehicular access to the site would be from a modified access from Wrens Hill Road, which was agreed as part of the outline approval.
- 60 The Group Engineer (Highways) is satisfied that the proposed layout provides safe vehicular and pedestrian access and movement around the site, as well as complying with the Councils adopted standards.
- 61 However, he does seek to impose some additional planning conditions not covered by the existing outline planning permission.

Nature Conservation

62 As previously described the site is heavily constrained as it is located in an extremely sensitive area in terms of nature conservation, green open space, and geology. Core Strategy Policy ENV1: 'Nature Conservation' states that development within the Black Country will safeguard nature conservation, inside and outside its boundaries. This will be done by ensuring that:

- development is not permitted where it would harm internationally (Special Areas of Conservation), nationally (Sites of Special Scientific Interest and National Nature Reserves) or regionally (Local Nature Reserve and Sites of Importance for Nature Conservation) designated nature conservation sites;
- locally designated nature conservation sites (Sites of Local Importance for Nature Conservation), important habitats and geological features are protected from development proposals which could negatively impact upon them;
- the movement of wildlife within the Black Country and its adjoining areas, through both linear habitats (e.g. wildlife corridors) and the wider urban matrix (e.g. stepping stone sites) is not impeded by development;
- species which are legally protected, in decline, are rare within the Black Country or which are covered by national, regional

63 In terms of the nature conservation issues an updated nature conservation assessment has been submitted with the planning application as the original assessment is now of some age and by their nature protected species can be transient.

64 The findings of the survey work undertaken have shown that no European Protected Species were found present within the application site and a European Protected Species License (EPS) Licence will not be required for this development, although attention is drawn to the advisory procedures for the demolition of the existing building in relation to bats.

- 65 The site offers potential to contribute and enhance local flora and fauna biodiversity as part of a local wildlife network with the introduction of new species rich habitats and features for biodiversity which are highlighted in the submitted report. These matters can be conditioned.

Geological Considerations

- 66 The application site is surrounded by Wrens Nest National Nature Reserve (NNR), a Site of Special Scientific Interest (SSSI) and a Site of Local Interest for Nature Conservation (SLINC). Wren's Nest was declared as the UK's first National Nature Reserve for geology, in 1956, in recognition of its exceptional geological features. It is a geological site of exceptional importance, being one of the most notable geological locations in the British Isles and visited and studied by geologists from all over the world.
- 67 The direct impact on the geology was considered as part of the outline application for the site and it was concluded that the geological formations under the site were not considered sensitive and that demolishing the existing buildings and redeveloping the site would have no direct physical impact on the internationally important geology.

Wardens Building

- 68 Outline planning permission for the residential development for the site also included a replacement wardens building, which is due to incorporate an educational/visitor centre function and parking which would be located close to the existing building which is a converted caretakers house. Also proposed was a workshop building and compound to enable the wardens to carry out noisy works which otherwise may have had an impact on adjoining residential properties.
- 69 The provision of the two buildings was essential to ensure the wardens still had a base at the reserve, but also would allow for a relationship to be built up between

the new residents and the wardens due to its proposed central location between the two phases.

- 70 The delivery of the wardens base is controlled through a S106 agreement and conditions attached to the outline permission, and includes a specification for the building.
- 71 The provision of the wardens building was a key component in securing Natural England's support for the outline application.
- 72 Natural England and a third party have noted the wardens building is not being delivered in this application which they both consider to be disappointing.
- 73 However, the trigger for the provision of the new building is the demolition of the existing building. However, the proposed layout for phase 1 means that the existing building is to be retained at this stage, and as such the trigger would not be applied should this application be approved.
- 74 However, to enable Phase 2 to proceed the existing building would have to be demolished to enable access into this part of the site, and such the trigger within the legal agreement would be applied at this stage allowing delivery of the replacement building.

Planning Obligations

- 75 As stated above the outline permission was subject to a S106 agreement and planning conditions which sought to deliver a number of planning obligations including open space, the wardens accommodation (discussed above), public art and affordable housing.
- 76 In terms of the affordable housing it was originally proposed that 25% of the units were to be affordable in accordance with Policy HOU3 – Delivering Affordable

Housing of the Black Country Core Strategy, which meant that 20 affordable units would have been provided.

- 77 However, the entire first phase is to be delivered by Midland Heart, a registered social housing provider, which means that 43 affordable units are now proposed, which is considered to be a significant benefit to the borough.
- 78 Additionally the units which are proposed which includes one bedroom, two bedroom and four bedroom houses and/or flats provides units of accommodation where there is a presently an identified shortage.

New Home Bonus

- 79 Clause (124) of the Localism Act states that: Local planning authorities are to have regard to material considerations in dealing with applications including any local finance considerations, so far as material to the application. A “local finance consideration” means a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown. This may be taken to cover the payment of New Homes Bonus, or sums that a relevant authority has received, or will or could receive, in payment of CIL.
- 80 The New Homes Bonus is designed to create an effective fiscal incentive to encourage local authorities to facilitate housing growth. It will ensure the economic benefits of growth are more visible within the local area, by matching the council tax raised on increases in effective stock.
- 81 The Bonus will sit alongside the existing planning system and provides local authorities with monies equal to the national average for the council tax band on each additional property and paid for the following six years as a non-ring fenced grant. In addition, to ensure that affordable homes are sufficiently prioritised within supply, there will be a simple and transparent enhancement of a flat rate £350 per annum for each of the houses proposed.

- 82 Whilst the clause makes it clear that local finance matters are relevant to planning considerations can be taken into account, it does not change the law in any way. It is not a new basis for planning policy and it remains unlawful for planning permissions to be “bought”.
- 83 This proposal would provide 43 houses generating a grant of 43 times the national average council tax for the relevant bands plus an enhancement payment of £15,050 (43 units times £350) for affordable housing provision per annum for 6 years.
- 84 Whilst this is a significant sum of money the planning merits of the proposal are acceptable in any event and therefore this is not accorded significant weight.

CONCLUSION

- 85 The proposed development is considered to be acceptable in principle with the impacts to the adjoining designations being assessed with the earlier outline planning permission. Moreover, the proposal is acceptable from an amenity and highway safety point of view. Consideration has been given to policies CSP2 Development Outside the Growth Network CSP3 Environmental Infrastructure CSP4 Place Making HOU1 Delivering Sustainable Housing Growth HOU2 Housing Density, Type and Accessibility HOU3 Delivering Affordable Housing TRAN2 Managing Transport Impacts of New Development TRAN4 Creating Coherent Networks for Cycle and for Walking ENV 1 Nature Conservation ENV 2 Historic Character and Local Distinctiveness ENV 3 Design Quality and ENV 8 Air Quality of the Black Country Core Strategy and saved policies DD1 Urban Design DD4 Development in Residential Areas DD10 Nature Conservation and Development UR6 Housing Renewal Areas NC1 Biodiversity NC6 Wildlife Species NC7 Geological Resource NC9 Mature Trees NC10 The Urban Forest HE4 Conservation Areas HE7 Canals HE8 Archaeology and Information HE10 Sites of Regional Importance (Ancient Monuments) HE11 Archaeology and Preservation and EP3 Water Protection and EP6 Light Pollution of the Dudley Unitary Development Plan.

RECOMMENDATION

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

Notes to Applicant/Informative

In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

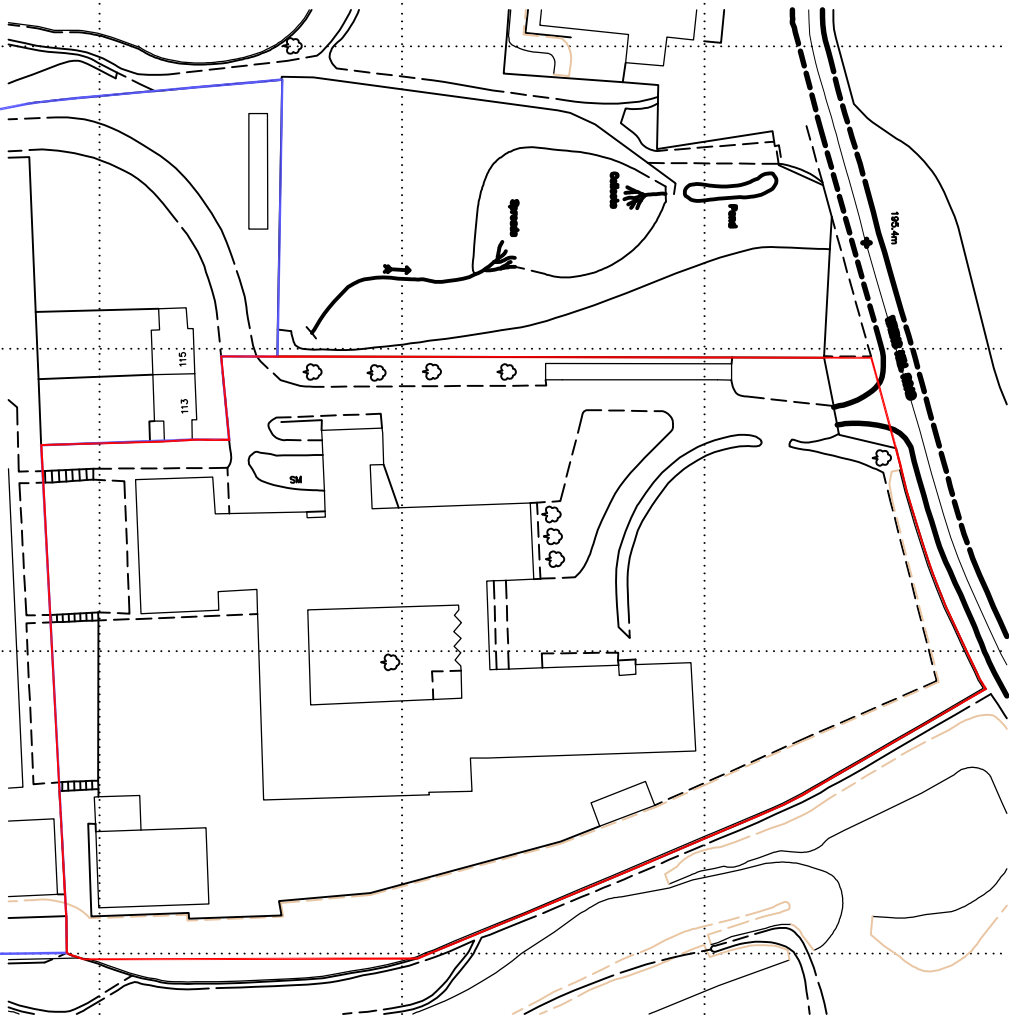
In the event that the presence of a bat roost is identified during the works, all works will be stopped immediately and a license from Natural England will be sought for completion of the works. In this instance all interested parties will be informed.

The development as proposed contains highways that will be of sufficient public utility to warrant its dedication as public highways under Sec. 38 of the Highways Act 1980. The development layout, as shown on Dwg. No. B5851(PL)01 Rev. B is solely a preliminary design, which may be subject to relevant Road Safety Audits and may require amendments in order to gain Technical Approval of the detailed highway design as part of the Sec. 38 adoption process.

Conditions and/or reasons:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: B5851 (PL) 01 Rev B, B5851 PL 02 Rev A, B5851 PL 05 Rev A, B5851 PL 06 A, B5851 PL 07A, B5851 PL 10, B5851 PL 1, B5851 PL 12, B5851 PL 13, B5851 PL 14, B5851 PL, 15, B5851 PL 16, B5851 PL 17, B5851 PL 18, B5851 PL 19, B5851 PL 20, B5851 PL 21, B5851 PL 30, AE1431-01 Rev B and Unreferenced Tamlite Plan unless otherwise agreed in writing by the Local Planning Authority, or otherwise required by any other condition attached to this permission.

2. The facing materials to the dwellings shall be in accordance with Plan B5851 PL 06 Rev A.
3. The development hereby approved shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority, including details of a Travel Plan Co-ordinator, Staff Travel Survey, Car Parking Management, Walking and Cycling initiatives, Publicity and Marketing, Set Targets and monitoring and to join Company Travel Wise in Dudley together with a timetable for the implementation of each such element. The Travel Plan shall be implemented in accordance with the details approved by the Local Authority and remain operational for the life of the development.
4. The development hereby approved shall not commence until the details of the access roads and parking areas including cross-sections, lines, widths, levels, gradients, drainage and lighting have been submitted to and agreed in writing, relevant legal agreements entered into and the agreed details implemented and retained for the life of the development.
5. None of the development hereby approved shall be first commenced until the location of the cycle parking spaces within the car park have been submitted to and approved in writing by the Local Planning Authority. The cycle parking spaces shall be provided in accordance with the approved details and shall be retained for the life of the development. The store shall not first trade until the cycle parking spaces have been provided in accordance with the approved plans
6. None of dwellings shall be occupied until works for the disposal of foul and surface water drainage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the LPA.
7. The nature conservation enhancement and mitigation shall be provided in accordance with the submitted nature conservation report and plan AE1431-01 Rev B
8. Development shall not begin on phase 1 (excluding demolition) until a scheme for protecting residents in the proposed phase 1 dwellings (plots 32-46) from noise from extraction equipment at Dudley College has been submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed before occupation of the permitted dwellings, unless otherwise agreed in writing by the Local Planning Authority
9. The soft landscaping shall be maintained in accordance with the submitted landscape management plan.



Revision	Date	Details

nicol thomas

architects project managers construction cost consultants CDM co-ordinators

Registered in England and Wales, Reg No. 2140639

Quality Assured to BS EN ISO 9001:2015 Certificate Number QS 4723

Suite 108 1st Floor Fort Dunlop, Fort Parkway, Birmingham B24 9PD

(Registered Office) t:01902 380222 f:01902 384030 e:info@nicolthomas.com

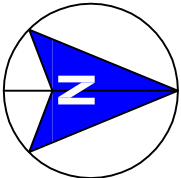
Also at Oldham

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Site Boundary

Phase 1

Phase 2



Client:	UK Construction Limited		
Job:	Mons Hill Campus, Wrens Hill Road, Dudley		
Drawing title:	Location Plan		
Drawing Number: (job number)	B5851	PL	09
Scale:	1:1250 @ A3		
Date:	20.10.14		
Drawn by/ checked by:	HJS		



Accommodation Schedule

House Types:

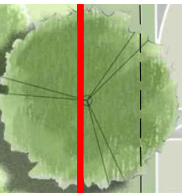
Rented:

Type B:	2 bed/4P/2 storey	12 no. @	792 ft ² /73.6 m ²	= 9,504 ft ² /882.9 m ²
Type C:	3 bed/5P/2 storey	5 no. @	919 ft ² /85.4 m ²	= 4,595 ft ² /426.9 m ²
Type D:	4 bed/6P/2 storey	4 no. @	1,080 ft ² /100.3 m ²	= 4,320 ft ² /401.3 m ²
Type G:	2 bed/4P/2 storey	5 no. @	804 ft ² /74.7 m ²	= 4,020 ft ² /373.5 m ²
Type H:	2 bed/4P/2 storey	4 no. @	810 ft ² /75.2 m ²	= 3,240 ft ² /301.0 m ²
Type J:	2 bed/4P/2 storey	4 no. @	803 ft ² /74.6 m ²	= 3,212 ft ² /298.4 m ²
Type K:	4 bed/7P/2 storey	3 no. @	1,233 ft ² /114.5 m ²	= 3,699 ft ² /343.6 m ²
Type L:	1 bed/2P/1 storey	4 no. @	535 ft ² /49.7 m ²	= 2,140 ft ² /198.8 m ²
Type M:	1 bed/2P/1 storey	2 no. @	531 ft ² /49.3 m ²	= 1,062 ft ² /98.7 m ²

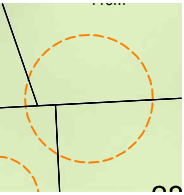
Total: 43 no. @ 35,792 ft² /3325.1 m²

Site Area: 3.1 ac 1.3 ha 33DPH

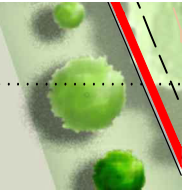
Legend



Existing Tree Retained



Existing Tree Removed



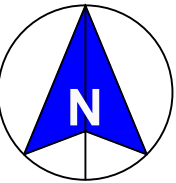
Indicative Proposed New Tree

For proposed new landscaping refer to separate landscaping drawing

nicol thomas

Revision	Date	Details
Rev A	08.10.2014	Boundary amended following comments from Planning Consultant
Rev B	13.10.2014	Boundary amended to match Contract Plan

nicol thomas
architects project managers construction cost consultants CDM co-ordinators
Registered in England and Wales. Reg No. 2140639
Quality Assured to BS EN ISO 9001:1994 Certificate Number GB 4723
Suite 108 1st Floor Fort Dunlop Fort Parkway Birmingham B24 9FD
(Registered Office) t:01902 398222 f:01902 394080 e:birmingham@nicolthomas.com
Also at Oldham
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Client:	UK Construction Limited			
Job:	Mons Hill Campus, Wrens Hill Road, Dudley			
Drawing title:	Site Layout Plan			
Drawing Number: (Job number)	B5851	(PL)	01	Revision: B
Scale:	1:500@A2			
Date:	01.09.2014			
Drawn by/ checked by:	CHS/MRB			



Key Plan 1:1500

nicol thomas

Revision	Date	Details
A	04/09/14	Elevations amended following comments from Urban Designer.

nicol thomas
architects project managers construction cost consultants CDM co-ordinators
Registered in England and Wales. Reg No. 2140639
Quality Assured to BS EN ISO 9001:1994 Certificate Number GB 4723
Suite 108 1st Floor Fort Dunlop Fort Parkway Birmingham B24 9FD
(Registered Office) t:01902 398222 f:01902 394080 e:birmingham@nicolthomas.com
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Client:	UK Construction Ltd			
Job:	Mons Hill Campus, Wrens Hill Road, Dudley			
Drawing title:	Street Elevation			
Drawing Number: (Job number)	B5851	PL	02	Revision: A
Scale:	1:200@A1			
Date:	12.08.2014			
Drawn by/ checked by:	WS/CHS			

PLANNING APPLICATION NUMBER:P14/1591

Type of approval sought	Full Planning Permission
Ward	Sedgley
Applicant	Mr & Mrs K Groom
Location:	BLAKESLEY HOUSE, MODEN HILL, SEDGLEY, DUDLEY, DY3 3YD
Proposal	SINGLE STOREY REAR EXTENSION, FIRST FLOOR SIDE EXTENSION AND EXTEND EXISTING ROOF OVER TO CREATE HABITABLE ROOM IN ROOFSPACE WITH REAR DORMERS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site comprises a modern detached post-war dwelling that is elevated above the road. The property has an attached single garage positioned on its eastern boundary. The garage projects forward of the principal elevation by 0.8m with a monopitch roof over. The monopitch roof then extends across the front elevation of the dwelling providing a pitched roof over an existing bow window on the ground floor. The front and rear elevations are largely rendered with a wooden cladding panel at first floor on the front elevation. The side elevations of the dwelling are constructed of facing brickwork. The rear roof plane comprises a large rear dormer that extends across most of the roof of the dwelling.
2. The front of the dwelling is set back 10m from Moden Hill with the frontage laid with a hard stand for the parking of vehicles. The front drive is steep rising upwards towards the dwelling. Access to the dwelling is via a set of steps and boundary wall that sits approximately 1m higher than the highway. Similarly the rear garden is steep and rises towards the rear boundary of the site. The rear garden is terraced with each level retained by sleepers.

3. The immediate neighbour located to the south-east is built on a similar level. The adjoining property has a driveway located to the side of the property with a detached garage built within the rear garden. The garage is sited 1.5m beyond the rear elevation of the dwelling and is built on and close to the boundary with the application site extending approximately 5.5m in length. The garage forms stands approximately 2.4m in height.
4. The application site sits significantly lower than the neighbouring property located to the north-west with a high retaining wall, fencing, mature trees and shrubs running along the western boundary of the site. The rear elevation of this neighbouring property backs onto the application site.
5. The site looks out onto the Green Belt and open countryside beyond facing a detached cottage, an animal sanctuary and water treatment plant. Moden Hill itself is a narrow country lane without any footpaths. The application site lies on the edge of the built up area adjoining open countryside falling within South Staffordshire.

PROPOSAL

6. The proposal seeks the erection of a first floor side extension with a dormer within the rear roof plane and the erection of a single storey rear extension.
7. The first floor side extension would build over the existing garage retaining the 1m side access to the rear of the site. The first floor side extension would not project beyond the rear of the original dwelling. The eaves and ridge height of the proposed extension would match that on the original dwelling. The proposed dormer within the rear roof plane would extend the existing rear dormer being set down from the ridge and set up from the eaves the same as the existing. The new dormer would be set in 0.5m from the side gable.
8. The single storey rear extension would project 4m from the rear wall of the existing property but would be set off between 1.3m and 2.8m from the side boundary. The rear extension would have a monopitch roof that would extend up to 3.8m high. The

roof of the proposed extension would become flat within 1.8m of the rear wall of the original dwelling to ensure that the proposed roof does not affect the first floor windows on the existing dwelling. The rear extension would have a window and a set of French doors within its rear elevation and a side facing kitchen window towards the neighbouring property to the south-east.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
SD/55/1043	Change of use of land for residential purposes.	Approved with Conditions	28/06/55

PUBLIC CONSULTATION

9. The application was advertised by way of neighbour notification letters being sent to the occupiers of seven properties within close proximity to the site and the display of a site notice. The latest date for comments was the 5th December 2014. One letter has been received raising the following material planning considerations:

- Overbearing nature of first floor side extension to driveway
- Loss of sunlight to driveway
- Overlooking from side and rear facing windows.

OTHER CONSULTATION

10. Not applicable.

RELEVANT PLANNING POLICY

National Planning Guidance (2012)

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

Planning Practice Guidance

Use of Planning Conditions

Black Country Core Strategy (2011)

ENV 3 Design Quality

Unitary Development Plan (2005)

DD4 Development in Residential Areas

SO1 Green Belt

Supplementary Planning Guidance/Documents

PGN 12. The 45 degree code

PGN 17. House extension design guide

ASSESSMENT

13. The main issues are

- Principle
- Design
- Neighbour Amenity

Principle/Policy

14. The site is not designated for any particular use within the Development Plan being separated from the Green Belt by Moden Hill. The siting of the development at the side of the existing dwelling between the neighbouring property would not have an adverse impact upon views into or out of the Green Belt thereby protecting the function and purpose of the Green Belt being in accordance with the NPPF and saved Policy S01 of the Adopted Dudley Unitary Development Plan.

Design

15. The first floor side extension and associated rear dormer would complement the appearance of the original dwelling with windows lining through with each other, the same ridge and eaves height proposed and appropriate architectural detailing. The dwelling only adjoins one other dwelling within the wider street scene with the two dwellings being built on the edge of the built up area. The first floor side extension would retain a 1m set off from the side boundary with the neighbouring property and the adjoining dwelling is set off the side boundary by 2.5m ensuring that the detached character of the properties within the street is retained.
16. The single storey rear extension would have a poorly designed roof with a flat roof component to ensure that the pitch of the roof would not affect the first floor windows above. However, the extension would not be visible from the public realm and would not warrant the refusal of planning permission.
17. The design of the proposed extensions would complement the appearance of the original dwelling and would retain the detached nature of the dwelling from its neighbour thereby ensuring that there would not be an adverse impact upon the character of the area in accordance with Policy ENV3 of the BCCS and saved Policy DD4 of the Adopted Dudley Unitary Development Plan.

Neighbour Amenity

18. The first floor side extension would not project beyond the rear elevation of the existing dwelling and would be set off the side boundary with the immediate neighbour by 1m. The adjoining dwelling has not been extended to the side and

comprises a 2.5 wide driveway to the side of the dwelling adjoining the application site. The driveway and the proposed extension being set off the site boundary would provide a 3.5m separation between the side elevation of the neighbouring property and side elevation of the proposed first floor side extension. The adjoining dwelling does not have any side facing windows that serve habitable rooms on its side elevation with the first floor side window serving the landing. Whilst the proposed development would bring the first floor of the application property 2.5m closer to the immediate neighbour, given the set off of the side extension from the boundary, the set off of the neighbouring dwelling from its side boundary and the absence of side facing habitable room windows on the side elevation of the neighbouring property, the proposed first floor side extension would not have an adverse impact in terms of a loss of daylight to habitable rooms or a loss of immediate outlook.

19. The neighbour has raised concerns that the first floor extension would be overbearing and result in a loss of daylight to the use of their driveway. The neighbouring property lies to the south-east of the application site whereby the impacts of the first floor side extension in terms of sunlight would be minimal due to the orientation. The first floor side extension may result in some loss of daylight to the side driveway during the afternoon and the proposals would enclose the driveway more so than the existing situation. However, in view of the non habitable nature of a driveway and its short intermittent use it would not be appropriate to recommend the refusal of planning permission on the potential impacts of the side driveway serving the adjoining property.

20. The first floor side extension has reduced the amount of side facing windows in the application site from the existing situation removing two windows serving a bedroom and replacing them with a single small window serving a landing. This would therefore improve the potential overlooking of the neighbouring property from the existing situation.

21. The proposed single storey rear extension does propose a side facing window serving a kitchen that would face the rear garden of the neighbouring property. The

window would be set off between 1.6m and 2.3m from the side boundary. There is an existing 2m high close boarded fence between the application site and the neighbouring property. The proposed side facing window would only project 0.3m above the fencing and would be set off the side boundary thereby reducing the ability for overlooking. In addition, the neighbouring property has a detached garage positioned close to the boundary with the application site and built within 1.5m from its rear elevation. The siting of the garage would already impact upon the outlook from the neighbouring property and would reduce the potential of the proposed extension to result in a loss of privacy to the occupiers of the neighbouring property.

22. The rear windows within the proposed single storey rear extension would look towards the neighbours 5.5m deep detached garage. The side elevation of the neighbouring garage forms the boundary to the application site and stands approximately 2.4m in height from the existing ground level at the site. The siting and height of the neighbouring garage would prevent overlooking or a loss of privacy caused by the proposed single storey rear extension.
23. The extension of the existing dormer window within the rear roof plane across the proposed first floor side extension would not increase overlooking towards the neighbouring property beyond the existing situation. The extended dormer would serve an en-suite bathroom which would have an obscurely glazed window preventing any overlooking or a loss of privacy in any event.
24. The proposed extensions would not have an adverse impact to the neighbouring property located to the north-west due to the substantial level difference and separation distances that would be provided. The application site sits at a significantly lower level than this neighbouring property which would mean that the proposed development would not be visible at all from this adjoining dwelling.
25. The proposed extensions would not result in a loss of residential amenity to the occupiers of neighbouring properties and would therefore be in accordance with saved Policy DD4 of the Adopted Dudley Unitary Development Plan, PGN12 and PGN17.

CONCLUSION

26. The proposed development would not have an adverse impact upon views into or out of the Green Belt thereby protecting the function and purpose of the Green Belt. The design of the proposed extensions would complement the appearance of the original dwelling and would form subservient additions to the original dwelling house. The proposed extensions would be set off the side boundaries of the site thereby retaining a visual break and separation between the application site and the neighbouring property thereby retaining the character of the area. The proposed development would not have an adverse impact upon the residential amenity of the occupiers of neighbouring properties through either a loss of outlook, a loss of privacy or a loss of sunlight to habitable rooms.

RECOMMENDATION

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

APPROVAL STATEMENT INFORMATIVE

In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Notes to Applicant/Informative

Coal mining areas

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to the Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

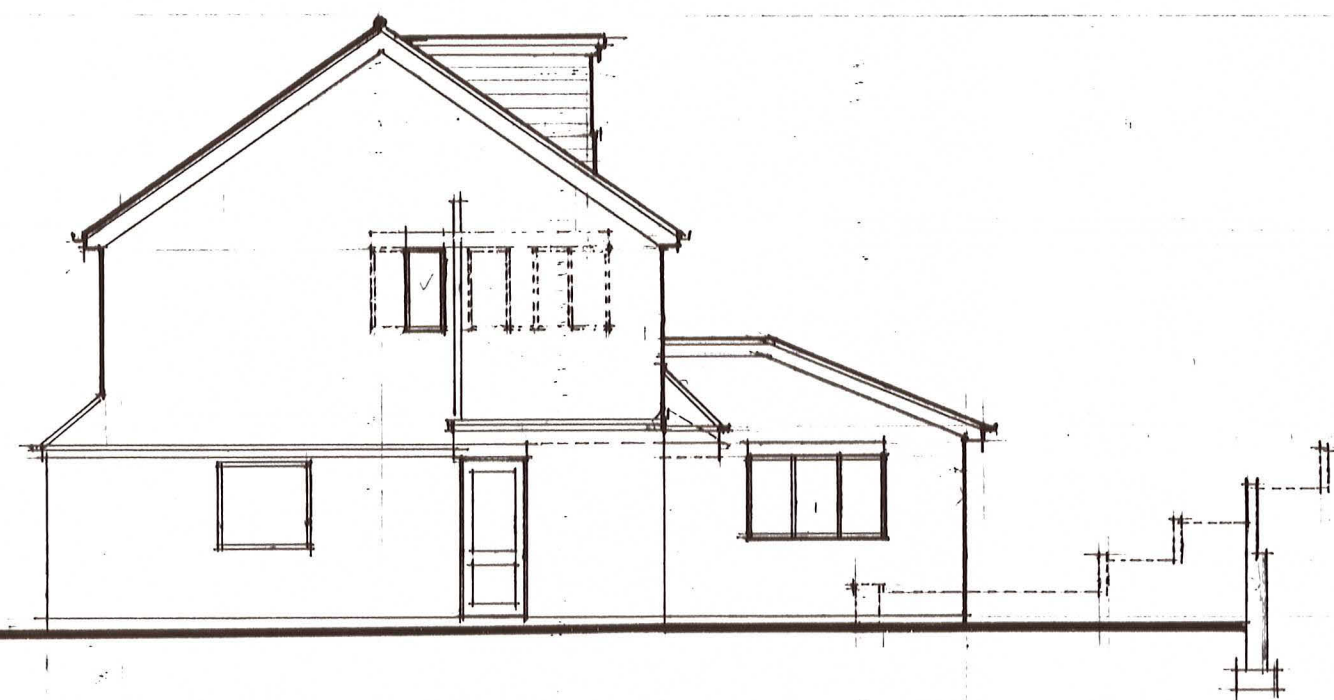
Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

Conditions and/or reasons:

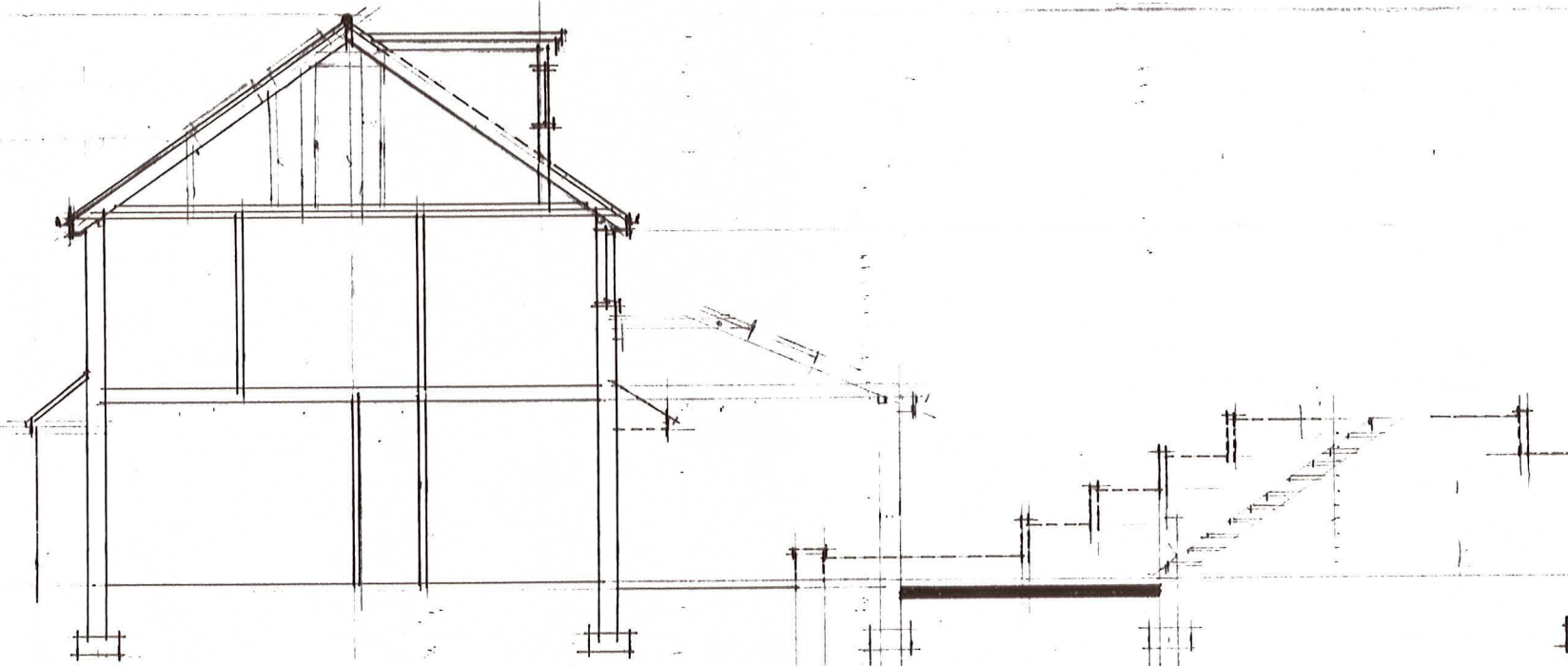
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: KG.3323/14
3. The materials to be used in the approved development shall match in appearance, colour and texture those of the existing dwelling.



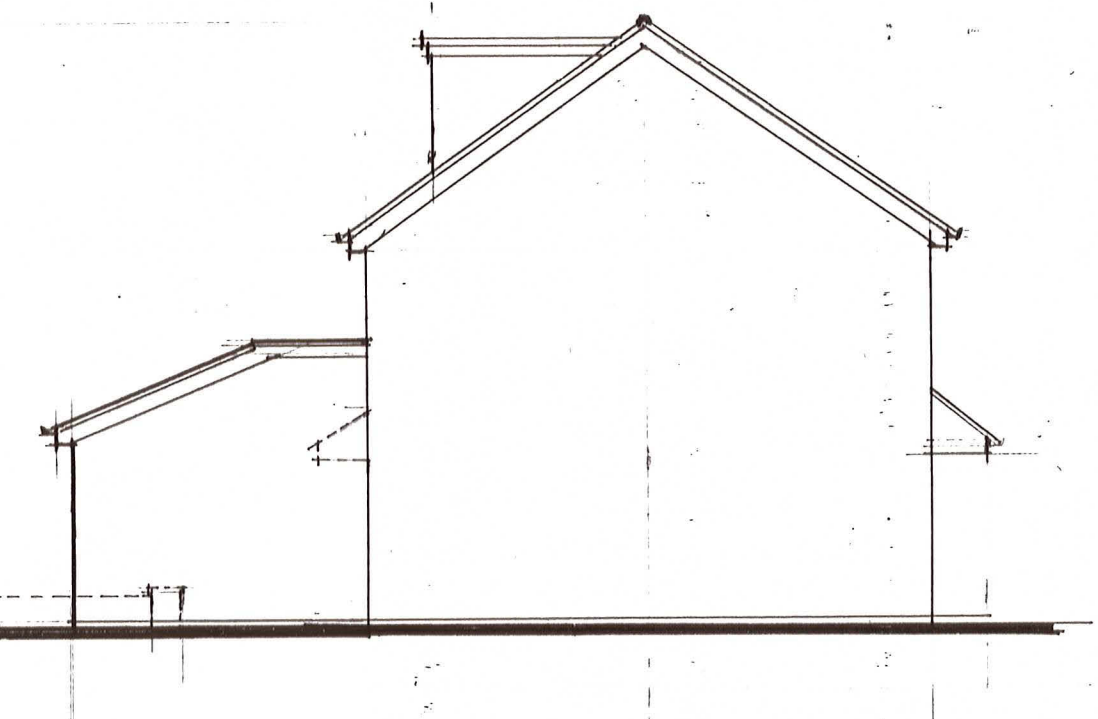
PROPOSED REAR ELEVATION
Scale 1:100



PROPOSED SIDE ELEVATION



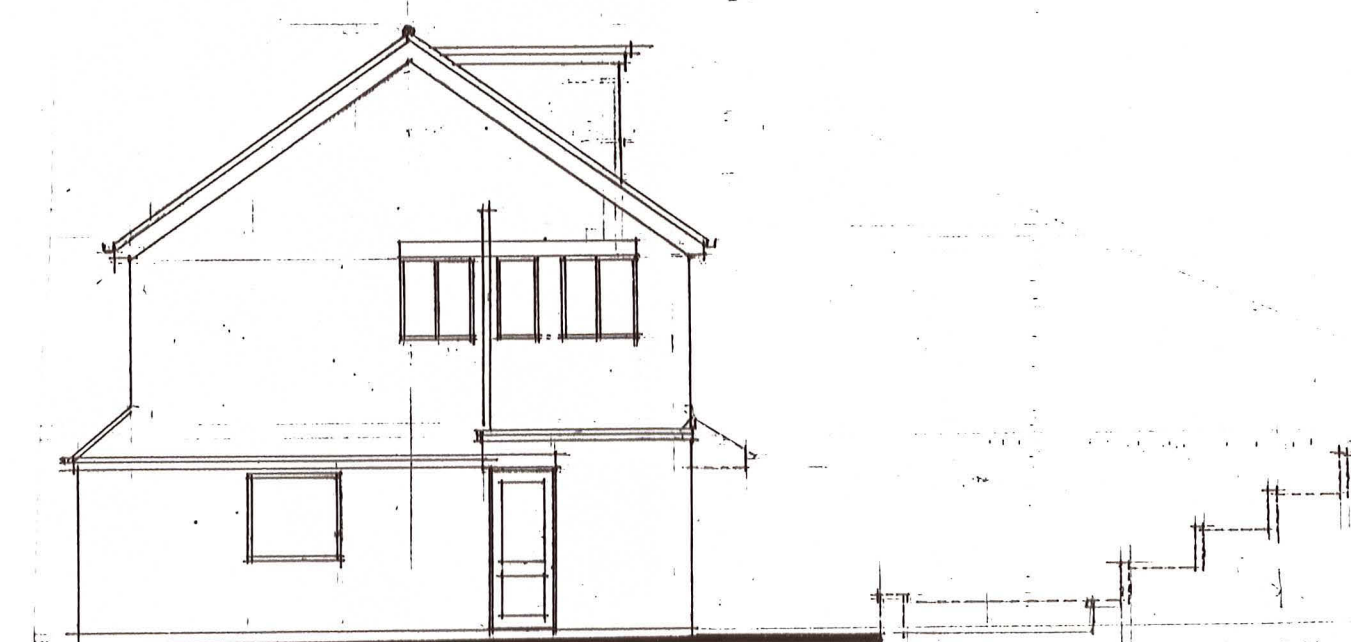
SECTION



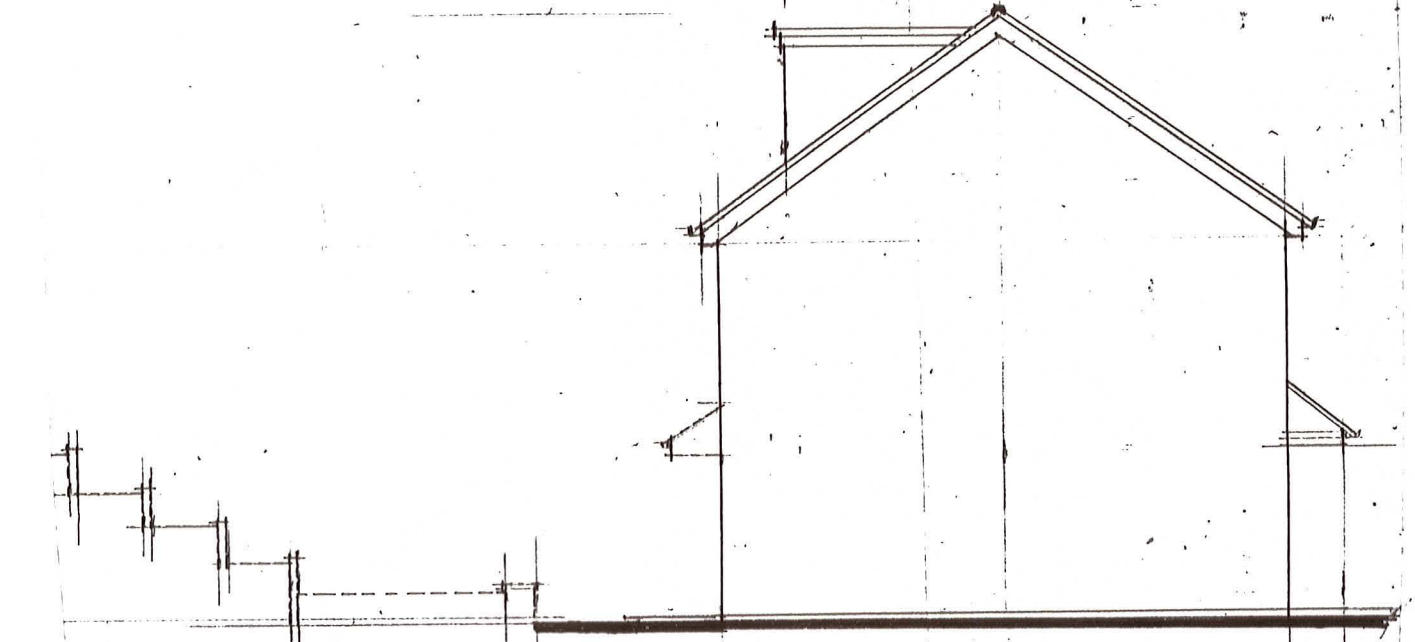
PROPOSED SIDE ELEVATION



EXISTING REAR ELEVATION
Scale 1:100



EXISTING SIDE ELEVATION



EXISTING SIDE ELEVATION

NOTES:
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Date Revisions

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Architects and Surveyors Institute, Faculty of Building

Client
X MR & MRS K. GROOM

Job Title
X BLAKESLEY HOUSE
MODEN HILL
SEDGLEY
DUDLEY
DY3 3YD

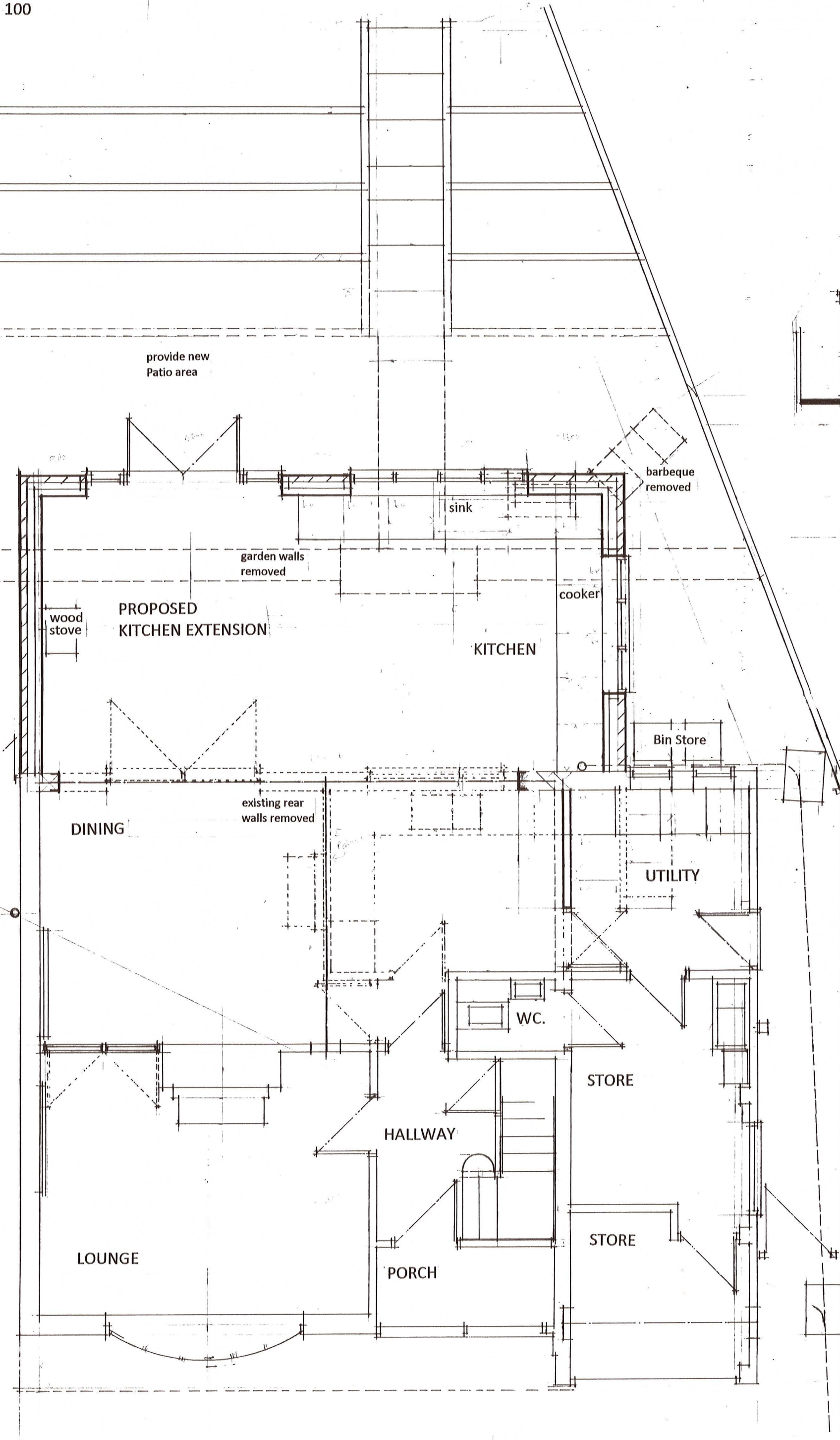
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SINGLE STOREY REAR EXTENSIONS

ELEVATIONS AND PLANS

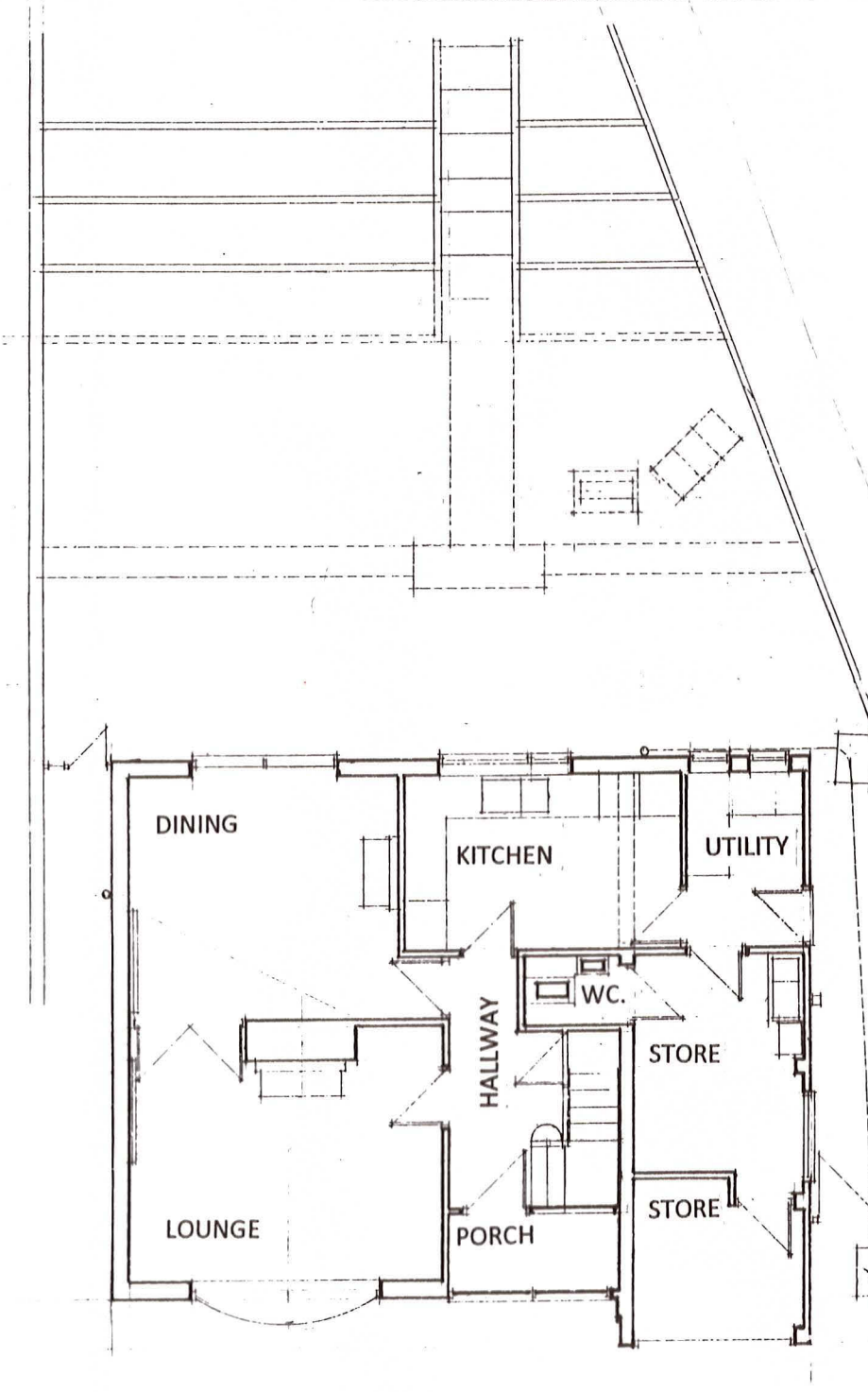
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DATE: JUNE 2014 Drawn by X

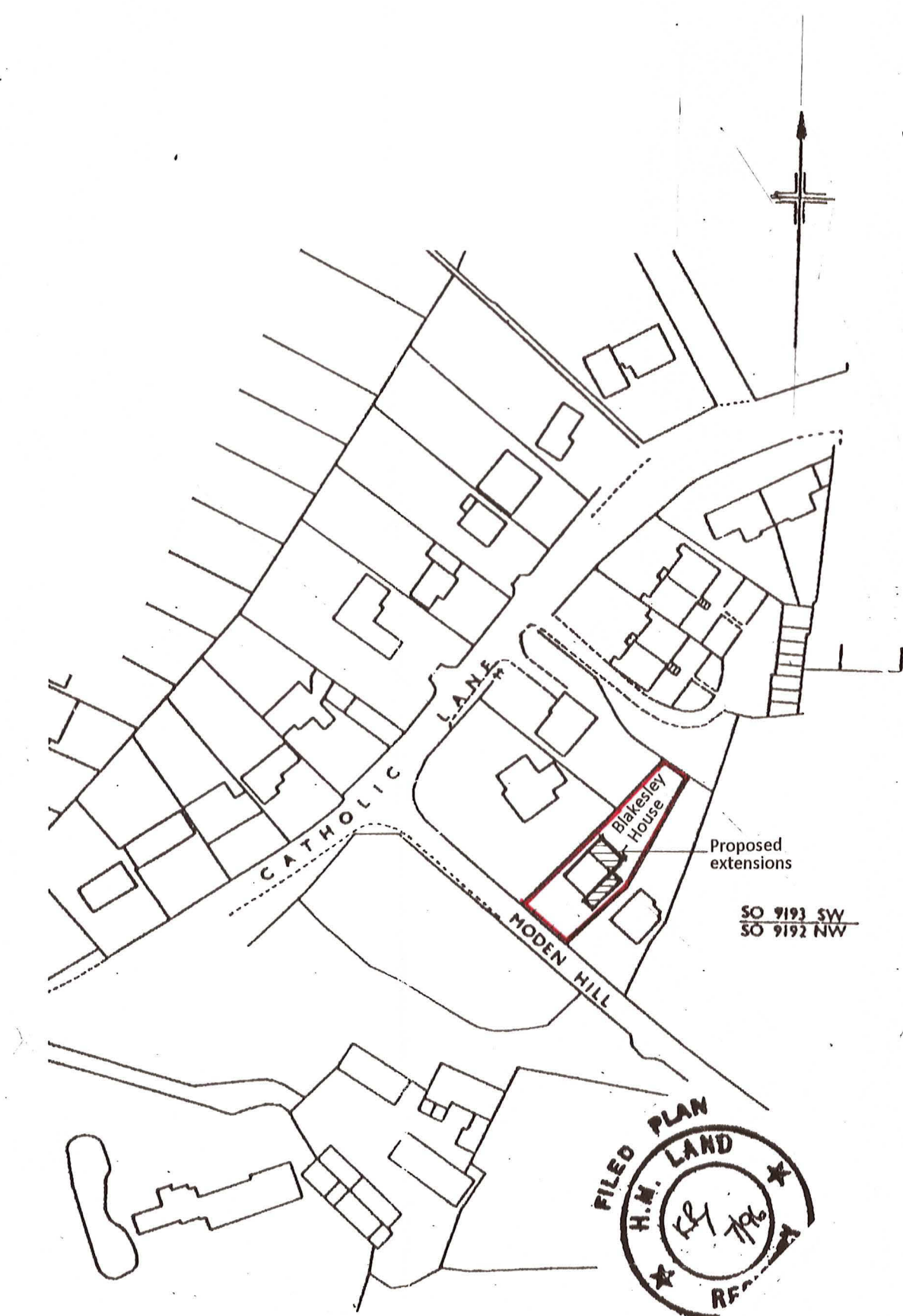
Drg. No. DRG. NO. KG.3322/14 Rev. X



PROPOSED GROUND FLOOR PLAN
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EXISTING GROUND FLOOR PLAN
Scale 1:100



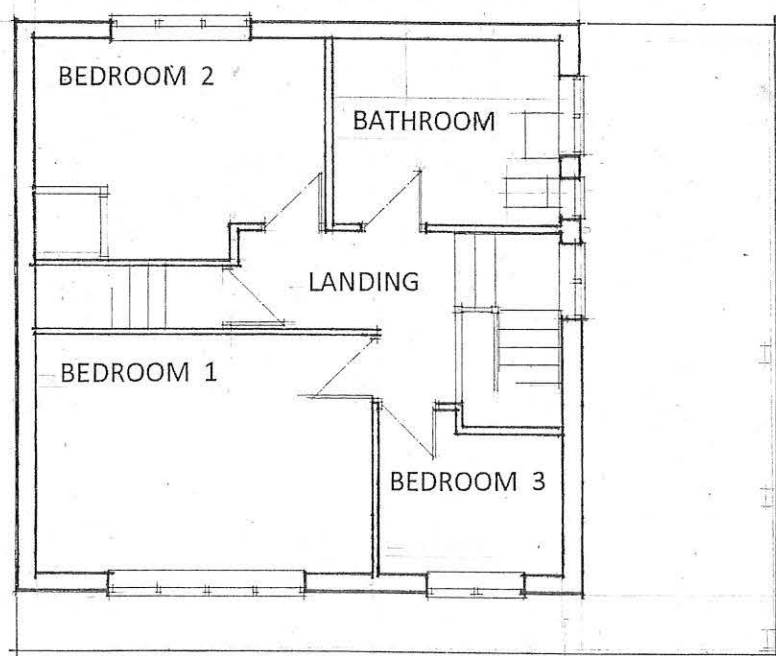
LOCATION PLAN
Scale 1:1250



EXISTING FRONT ELEVATION



PROPOSED FRONT ELEVATION



EXISTING FIRST FLOOR PLAN
Scale 1:100

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Client

x MR & MRS K. GROOM

Job Title

x BLAKESLEY HOUSE
MODEN HILL
SEDGLEY
DUDLEY
DY3 3YD

Drawing Title

x PROPOSED DOUBLE STOREY
SIDE AND SINGLE STOREY
REAR EXTENSIONS

4 NOV 2014

ELEVATIONS AND PLANS

Scale 1:100

Date JUNE 2014

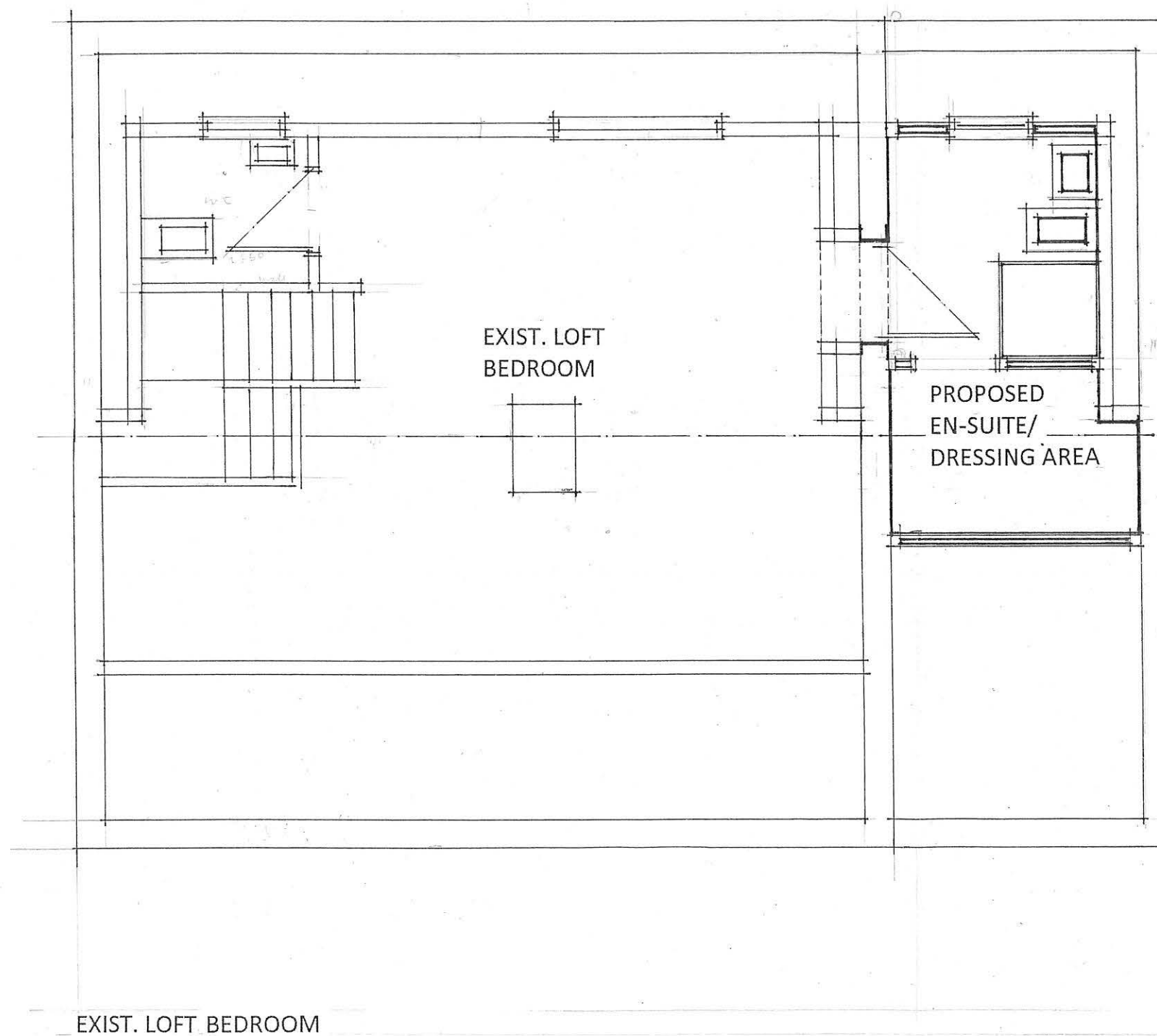
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Drawing Title

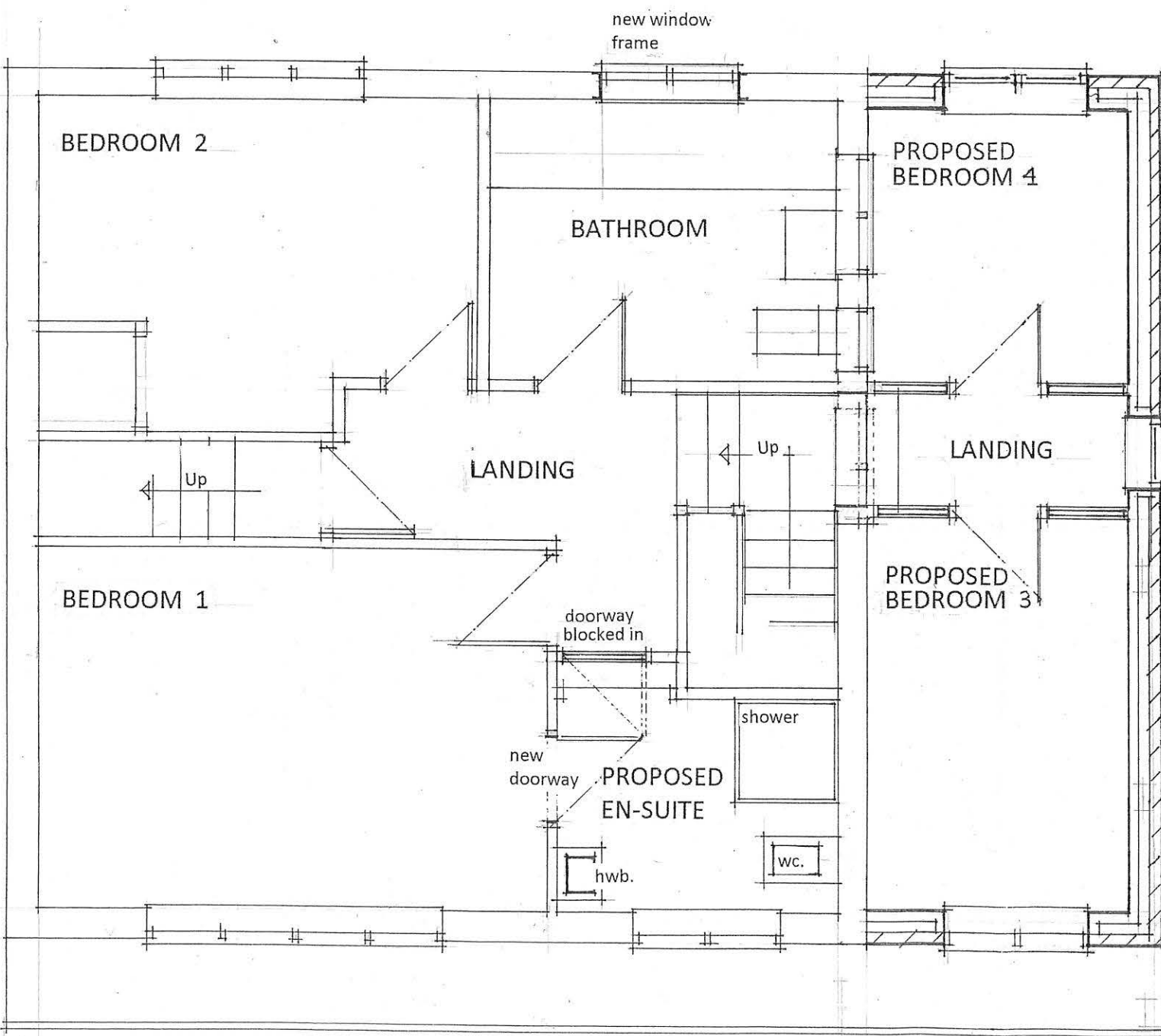
PROPOSED DOUBLE STOREY
SIDE AND SINGLE STOREY
REAR EXTENSIONS

4 NOV 2014

SCALE 1:50

DATE: JUNE 2014 Drawn by ×

Drg. No. × KG.3325/14	Rev. ×
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PROPOSED FIRST FLOOR PLAN

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X MR & MRS K. GROOM

Job Title

X
BLAKESLEY HOUSE
MODEN HILL
SEDGLEY
DUDLEY
DY3 3YD

Drawing Title

X
PROPOSED DOUBLE STOREY
SIDE AND SINGLE STOREY
REAR EXTENSIONS

4 NOV 2014

Scale 1:50

Date JUNE 2014

Drawn by X

Drg. No.

X KG.3324/14

Rev.

X

DEVELOPMENT CONTROL COMMITTEE

REPORT OF THE DIRECTOR OF THE URBAN ENVIRONMENT

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

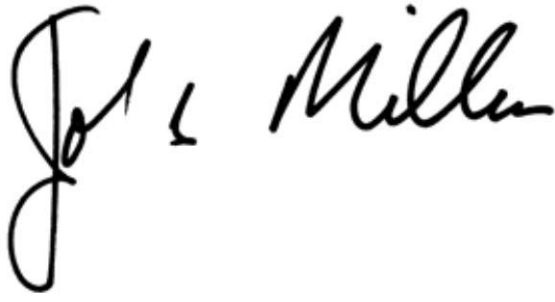
12. The relevant statutory provisions have been referred to in paragraph 2, 4, 5 and 10 of this report.

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.



.....
DIRECTOR OF THE URBAN ENVIRONMENT

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

List of Background Papers

Appendix 2.1 – TPO/0105/QBD – Confirmation Report;
Appendix 2.2 – TPO Plan and Schedule as served;
Appendix 2.3 – Plan identifying objectors;
Appendix 2.4 – TPO plan and Schedule as proposed for confirmation.

Appendix 3.1 – TPO/0110/SED – Confirmation Report;
Appendix 3.2 – TPO Plan and Schedule as served;
Appendix 3.3 – Plan identifying objectors;
Appendix 3.4 – TPO plan and Schedule as proposed for confirmation.

APPENDIX 2.1

Confirmation Report for

***The Borough of Dudley (Mushroom Green No.2, Netherton (TPO/0105/QBD))
Tree Preservation Order 2014***

Tree Preservation Order

Order Title

Case officer

Date Served

Recommendation

TPO/0105/QBD
Mushroom Green No.2
James Dunn
08/08/14
Confirm with modifications

SITE AND SURROUNDINGS

1. The Tree Preservation Order is made up of 18 individual trees that have been identified as providing amenity to the adjacent Mushroom Green area. The trees are located both within the residential properties in Mushroom Green and in grounds of the adjacent Griff Chain Ltd, Quarry Road.
2. The trees included within this order are all visible from within the southern section of Mushroom Green. The protected trees include ash, sycamore, horse chestnut, oak, lime and red maple trees.
3. The trees have been protected as part of the ongoing review of TPO's in the Dudley borough. Of the 18 trees that have been included in this order, 6 were protected under a previous TPO served in 1970, and the remaining trees are also protected under the Mushroom Green Conservation Area.
4. Trees protected by virtue of a conservation area are protected to the same degree as those protected by a TPO, the only differences between the two is the process for granting consent for works.
5. In order to get permission to work on trees protected under a TPO a formal application is submitted, that the council can either approve, approve subject to conditions or refuse.
6. In order to get consent for works for trees in a conservation area, a written notice of intention setting out the works needs to be submitted to the Council, who then have six weeks in which to consider the proposed works. If the Council are satisfied that the works are acceptable, then they can confirm to the applicant that the works can go ahead. If the Council do not think that the proposed works are acceptable, then they need to exercise their powers to serve a TPO in order to prevent the works.
7. Where trees within conservation areas are considered to provide significant amenity to the surrounding area, they are often identified for protection under a TPO to place them within the more formal consent regime of a TPO.

PUBLIC REPRESENTATIONS

8. Following the service of the order, objections were received from the leaseholder of land on which 2 Mushroom Green, and Griff Chains Ltd stand.
9. The objector referred to the previous objections that they made in relation to TPO/0091/QBD that affected an adjacent section of the land and further stressed their objections to the TPO as it would prevent the future development of the site. The objections are based on the following points:
 - The objector does not consider that T1, T2 and T9-T16 provide any visual amenity;
 - The presence of the TPO poses a constraint to the business and investment value of the land;
 - The TPO was a “knee jerk” reaction following the clearance of an adjacent site;
 - The presence of the TPO will restrict the development and expansion of the business, having an impact on the future employment prospects of the area;
 - As the TPO will restrict the amount of any future development it will have an impact on the value of the land;
 - The owner of the land should not be liable for any additional costs as the result of the TPO;
 - There is no vegetation or wildlife of any significance on the site.

RESPONSE TO OBJECTIONS

10. It should be borne in mind when considering the following that even if the trees subject to the objections are removed from the TPO, they will still benefit from protection under the Conservation Area, and if the objector will be unable to undertake works or damage the trees without the Council’s acquiescence.
11. All of the trees subject to this TPO were assessed from an amenity point of view as part of the review process. The assessment uses a quantified system called TEMPO. All of the trees subject to this new order were found to provide an appropriate level of amenity for inclusion within the order. As such, it is not accepted that the trees do not provide an appropriate level of amenity.
12. This TPO has been served as part of the ongoing review of TPO’s in the Dudley Borough. It is a coincidence of timing that this order was served shortly after an order (TPO/0091/QBD) was served on the adjacent land. In fact, the trees subject to this order had already been identified for protection prior to the partial clearance of the neighbouring site. As such, it is not accepted that this TPO has been served as a knee jerk response to the clearance of the adjacent site.
13. The area of the objector’s site on which the trees are situated also benefits from being designated as a Conservation Area and as Linear Open Space within the Unitary Development Plan.

14. These designations, especially the Conservation Area, would present significant obstacles to any further development of the industrial use of the Griff Chain Ltd site. Any expansion of the site in this area would require a planning application and the presence of the trees would be one of numerous material considerations.
15. If however, the expansion of this section of the site could be sufficiently justified in terms of the public interest to satisfy the restrictive nature of the Conservation Area, then it is not foreseen that any impact on the trees would be sufficient grounds to prevent development.
16. Overall, it is not considered that the impact of the TPO on the potential development of the site is sufficient grounds to prevent the confirmation of the TPO as long as the trees provide a sufficient level of amenity to justify their protection in the first place.
17. Similarly, the impact of the trees on the developable value of the land is not a material consideration; and should not prevent the confirmation of the TPO. Especially as the TPO is not the sole obstacle to the development of the land.
18. Having considered the grounds of objection, it is not considered that there are sufficient grounds to prevent the confirmation of the order.

ADMINISTRATIVE CORRECTIONS

19. Following the service of this order, it has been brought to our attention that the oak tree listed as T6, has been incorrectly shown on the plan and schedule to be located in the garden of 10 Mushroom Green, when it is actually located just over the boundary in the rear garden of 22a Mushroom Green. This can be corrected at the time of confirmation.

CONCLUSION

20. The trees protected under the order are considered to provide a public amenity to the users of Mushroom Green and surrounding area. It is not considered that the objections raised are sufficient to prevent the confirmation of the order.
21. The order should be modified to reflect the correct position and location of T6.

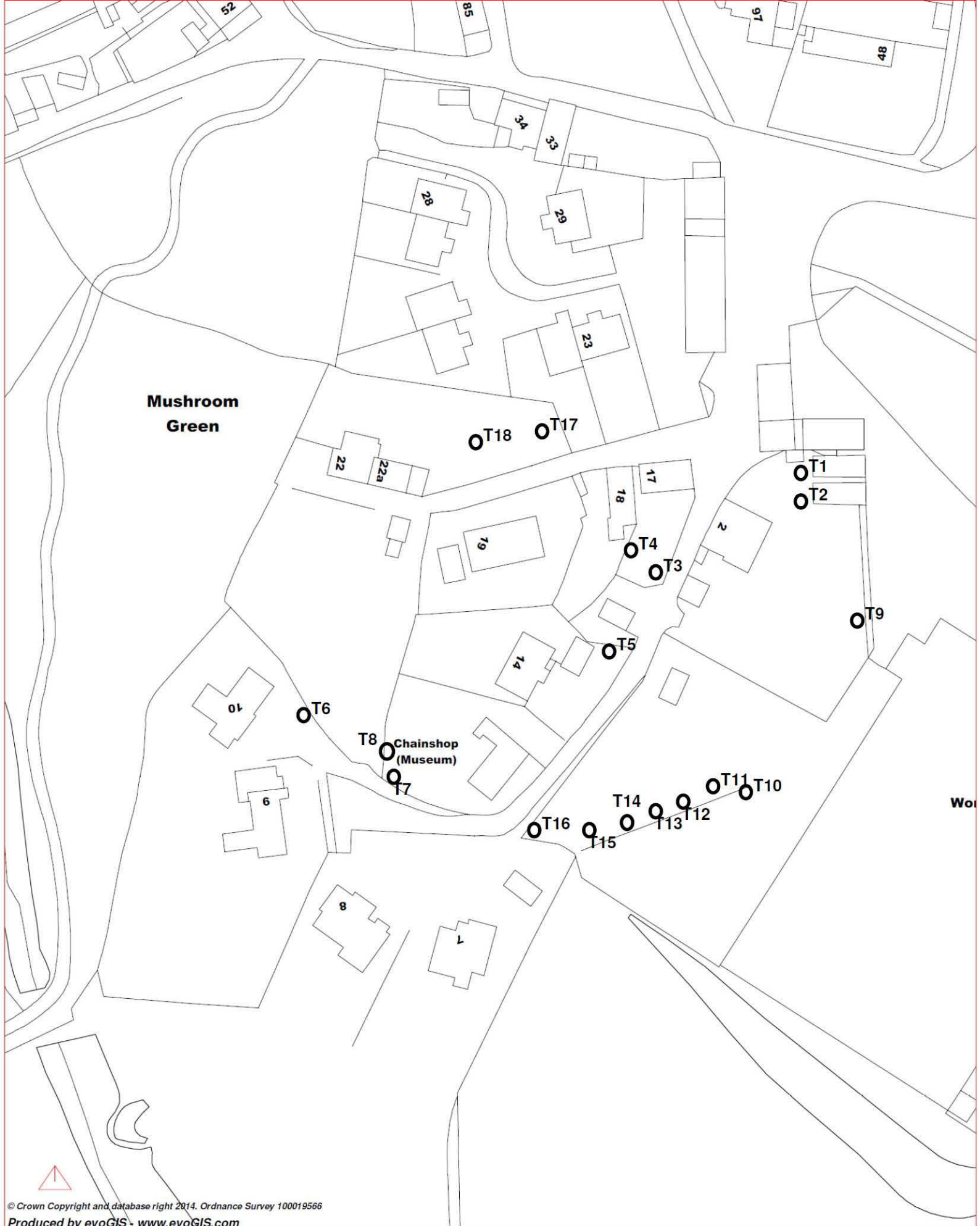
RECOMMENDATION

22. It is recommended that the Tree Preservation Order be confirmed subject to the following modifications:

1. The position of Tree 6 be amended

APPENDIX 2.2

Tree Preservation Order Plan and Schedule As Served



Map referred to in the Borough Council of Dudley

Mushroom Green, Netherton NO.2 (TPO/0105/QBD)

82

Tree Preservation Order 2014

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	Ash	2 Mushroom Green, Netherton
T2	Sycamore	2 Mushroom Green, Netherton
T3	Horse Chestnut	17 Mushroom Green, Netherton
T4	Horse Chestnut	17 Mushroom Green, Netherton
T5	Ash	14 Mushroom Green, Netherton
T6	Oak	10 Mushroom Green, Netherton
T7	Ash	Chainshop Museum, Netherton
T8	Ash	Chainshop Museum, Netherton
T9	Lime	2 Mushroom Green, Netherton
T10	Lime	Land adjacent to 2 Mushroom Green, Netherton
T11	Lime	Land adjacent to 2 Mushroom Green, Netherton
T12	Sycamore	Land adjacent to 2 Mushroom Green,

Netherton

T13	Sycamore	Land adjacent to 2 Mushroom Green, Netherton
T14	Sycamore	Land adjacent to 2 Mushroom Green, Netherton
T15	Sycamore	Land adjacent to 2 Mushroom Green, Netherton
T16	Ash	Land adjacent to 2 Mushroom Green, Netherton
T17	Red Maple	22a Mushroom Green, Netherton
T18	Red Maple	22a Mushroom Green, Netherton

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

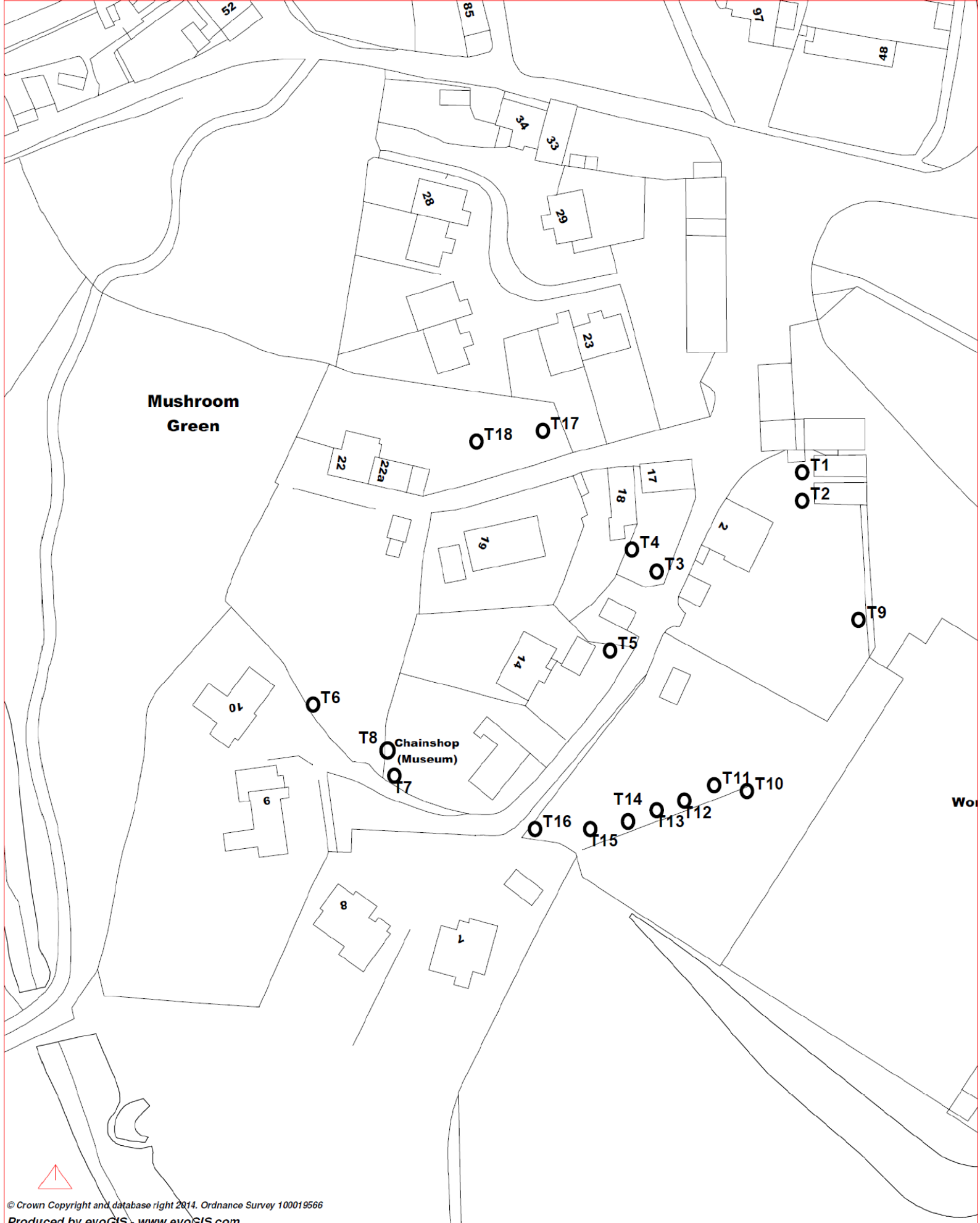
Woodlands (within a continuous black line on the map)

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

APPENDIX 2.4

Plan and Schedule Proposed for Confirmation



Map referred to in the Borough Council of Dudley

Mushroom Green, Netherton NO.2 (TPO/0105/QBD)

86

Tree Preservation Order 2014

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	Ash	2 Mushroom Green, Netherton
T2	Sycamore	2 Mushroom Green, Netherton
T3	Horse Chestnut	17 Mushroom Green, Netherton
T4	Horse Chestnut	17 Mushroom Green, Netherton
T5	Ash	14 Mushroom Green, Netherton
T6	Oak	22a Mushroom Green, Netherton
T7	Ash	Chainshop Museum, Netherton
T8	Ash	Chainshop Museum, Netherton
T9	Lime	2 Mushroom Green, Netherton
T10	Lime	Land adjacent to 2 Mushroom Green, Netherton
T11	Lime	Land adjacent to 2 Mushroom Green, Netherton
T12	Sycamore	Land adjacent to 2 Mushroom Green,

Netherton

T13	Sycamore	Land adjacent to 2 Mushroom Green, Netherton
T14	Sycamore	Land adjacent to 2 Mushroom Green, Netherton
T15	Sycamore	Land adjacent to 2 Mushroom Green, Netherton
T16	Ash	Land adjacent to 2 Mushroom Green, Netherton
T17	Red Maple	22a Mushroom Green, Netherton
T18	Red Maple	22a Mushroom Green, Netherton

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)

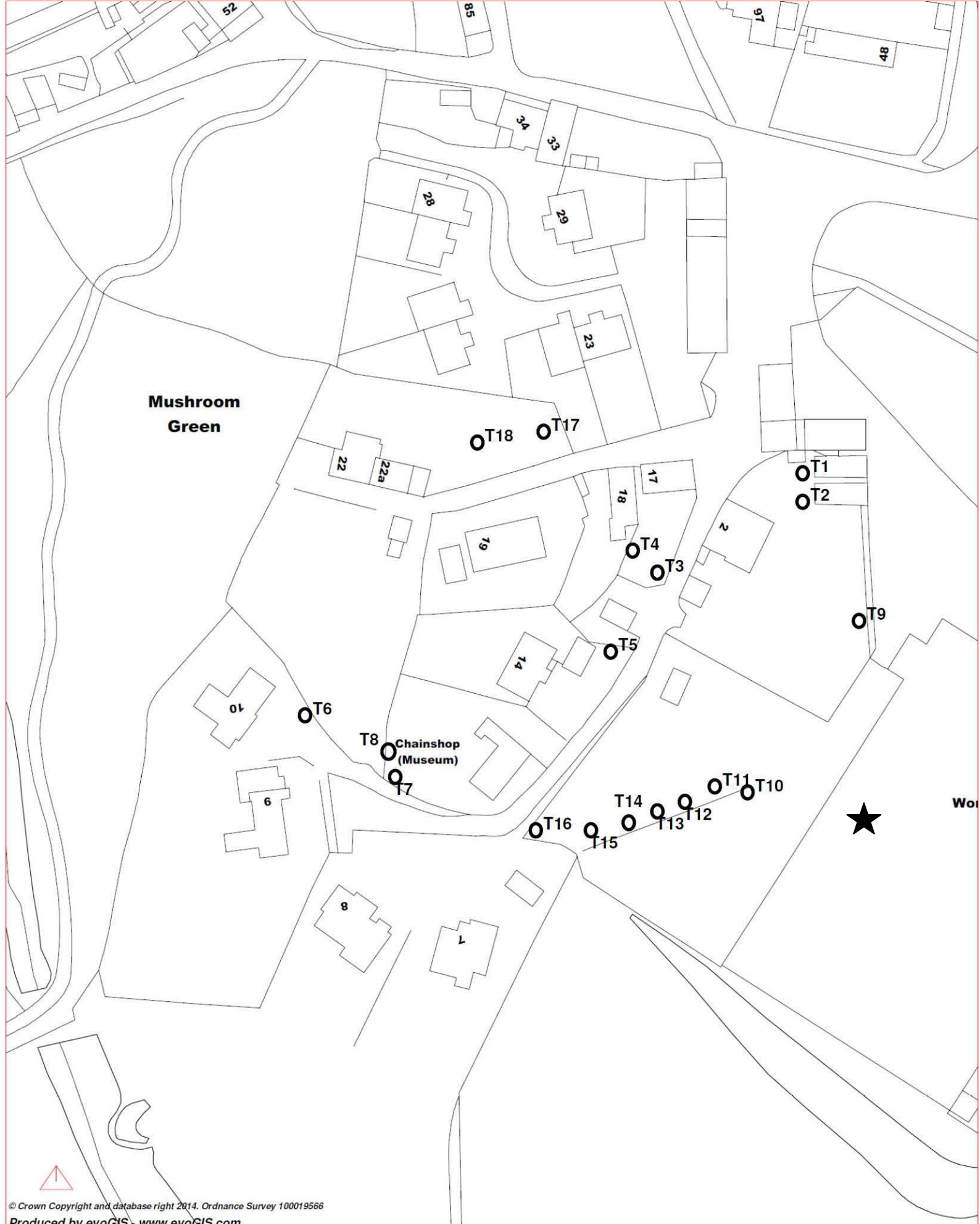
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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NONE

APPENDIX 2.3

Plan Identifying Objectors Properties

★ - *Objection Received from Property*



Map referred to in the Borough Council of Dudley

Mushroom Green, Netherton NO.2 (TPO/0105/QBD)

90

Tree Preservation Order 2014

APPENDIX 3.1

Confirmation Report for

***The Borough of Dudley (Northway / Eversley Grove, Sedgley (TPO/0110/SED))
Tree Preservation Order 2014***

Tree Preservation Order

Order Title

Case officer

Date Served

Recommendation

TPO/0110/SED
Northway / Eversley Grove
James Dunn
07/08/14
Confirm with modifications

SITE AND SURROUNDINGS

1. This Tree Preservation Order covers 11 trees of various species that are situated within the properties of Eversley Grove and the adjacent section of Northway.
2. All of the protected trees are situated adjacent to the public highway and are visible in the local street scene.
3. The Tree Preservation Order was served as part of the ongoing TPO review that is currently being undertaken. All of the trees subject to the new order were previously protected.

PUBLIC REPRESENTATIONS

4. Following the service of the order, objections were received from the residents of 183 and 191 Northway and a letter of objection was also received from the local Member of Parliament, Ian Austin MP, on behalf of the residents at 183 Northway. The objections are based on the following points:
 - The rowan and birch trees (T10 & T11) at 183 Northway are too large for their location in close proximity to the property;
 - The trees obstruct light from the adjacent street lamp;
 - The trees lack amenity as individuals;
 - Other trees in the area provide amenity;
 - Roots from the trees are lifting the main path to 183 Northway;
 - The roots from the trees are lifting the pavement;
 - The TPO will prevent the owners of 183 Northway from undertaking works to the trees in the future;
 - The trees drop sap and cause algae to form;
 - The roots of the trees in the lawn make it difficult to mow;
 - The lime tree (T2) at 189 Northway blocks daylight from the neighbour's property;
 - The tree has previously damaged the telephone wire causing a loss of service to the objector's property;
 - The honeydew from the tree damages car paintwork;
 - The debris that falls from the tree requires clearing throughout the summer and autumn;
 - The occupiers of 191 Northway have concerns about the potential for damage in the event of failure of the lime tree or large branches;
 - The tree is causing cracks in the driveway;

- The tree blocks the view of their neighbours when reversing off the driveway;
 - The tree has grown larger than it was prior to the pruning of the tree in 2011.
5. During consideration of the objections to this order, it was noted that the schedule and plan showed T2 to be located in the front garden of 191 Northway, rather than in the front garden of 189. As such, the order has been re-served on the relevant properties to correct this mistake. As the order has been reserved, the period for any further objections does not expire until 9th January 2015. Any objections received before the date of committee will be presented as a pre-committee note.

RESPONSE TO OBJECTIONS

6. On inspection of the trees to consider the objections received, the rowan tree (T10) at 183 Northway was observed to be showing symptoms of bacterial canker at the main fork. Such a bacterial canker is a common problem in mature rowan trees and is likely to lead to the death of the tree in the medium term.
7. Given that the tree now has a limited life span, it is considered that the trees amenity value is limited to the short to medium term and as such should be removed from the order to allow the residents of 183 Northway to manage the tree as they deem appropriate.
8. As it is now recommended that this tree be removed from the order, no further consideration has been given to this tree in relation to the objections that have been received.
9. The birch tree at 183 Northway is a relatively large tree in close proximity to the adjacent property. However, the tree has a relatively upright form, and is not considered to be so overbearing that it prevents the reasonable enjoyment of the property. Some of the lateral branches are growing in close proximity to the property, and these may benefit from pruning in order to maintain an appropriate clearance. Overall, it is not considered that this tree should be removed from the TPO due to its size and proximity to the adjacent property.
10. The branches of blocking some of the light from the street lamp. Given that the Highways Act 1980 requires that trees be pruned to keep clearance from street lights, then permission is not required in order to maintain a reasonable clearance from the street light. As such, it is not considered that the current obstruction of the street lamp is sufficient grounds to prevent the confirmation the TPO.
11. The birch tree is situated in a prominent location at the junction of Eversley Grove and Northway. The tree is visible as part of the street scene for some 50 metres to the east and 200 metres to the west. The tree is of a similar type and scale of many other trees on the Northway, and is considered to contribute to the character of the Northway estate and the amenity of the local area. It is considered that the

birch tree provides sufficient amenity to the local area to warrant its inclusion within the TPO.

12. This area of the Northway Estate benefits from views of various groups of trees from Alder Coppice in the north to the tree line atop of the ridge to the east. Whilst these trees do provide an amenity to the area, they tend to form part of more distant views often forming the backdrop to a view. However whilst these trees do provide substantial amenity to the area, it is considered that the trees located within the properties on the estate also contribute substantial amenity to the area.
13. There are also a large number of trees within the gardens of the surrounding properties that provide amenity to the area. If we were to accept the argument that due to the number of surrounding trees, that birch tree at 183 Northway could be removed from the order, then, in the interests of consistency we would have to accept the same argument for all properties. This would obviously have dire consequences on the amenity of the local area.
14. Overall, it is not considered that the presence and amenity value of other trees in the area are reasonable ground to prevent the confirmation of the TPO on this birch tree.
15. The block paved path to the front door of 183 the Northway show signs of disruption by tree roots. As the damage appears to be mainly located on the side of the path adjacent to the rowan tree it is likely that the damage has been caused by the roots from the rowan tree. The birch tree is slightly more distant from the path and does not appear to be the main culprit of the damage.
16. As it is recommended that the rowan tree be removed from the order, this should allow the residents at 183 Northway to remedy the issues with the path. If any of the roots from the birch tree requires removing, it is considered that the tree is sufficiently far enough away from the path that some judicious root pruning should provide a lasting solution to the issues. As such, it is not considered that the birch tree should be removed from the TPO due to the issues with the path.
17. It was noted that the pavement immediately adjacent to the birch tree (T11) has been lifted by a root. At present, the damage appears to be limited and is not causing a trip hazard. Any root damage to the public highway is the responsibility of the Highway Authority and the Owners of the property are not liable for the cost of repair. Root damage to the public highway is a common occurrence in the urban area, and generally the Highway Authority will seek to repair the pavements rather than require the removal of the tree. As such, it is not considered that confirmation of the TPO should be prevented on the current state of the adjacent pavement.
18. The purpose of a TPO is not to prevent reasonable works to protected trees, but to prevent the felling or significant works that, with a view to the amenity value of the trees, have not been justified. Given the proximity of the tree to the adjacent

property, it is considered that some pruning works will be required and any application for appropriate works would be considered favourable. Whilst the presence of the TPO should not prevent any appropriate works to the tree, it will obviously limit the tree owner's authority over the tree. It is considered that this is justified by virtue of the public amenity that the tree provides to the local area.

19. Various types of tree are known to produce honeydew issues. This is the result of aphids and other small insects feeding on the leaves, taking the protein from the sap, and passing on the remaining sap. Birch trees are one of the species that can produce significant amounts of honeydew. This is a natural process and is not considered a significant problem. As such the confirmation of the TPO should not be prevented on the grounds any honeydew issues.
20. Similarly, any issues with algae are not considered significant, as they can often be remedied by brushing the algae of surfaces where it has formed. No algae issues that could be attributed to the birch tree were observed. As such, the tree should not be removed from the TPO on the grounds of algae issues.
21. The lime tree in front of 189 / 191 Northway will undoubtedly block some light from the property; it is not considered that the amount of light obstruction is such that it will prevent the reasonable enjoyment of the property. Any light obstruction will be limited during the winter months when the trees are out of leaf. This tree should not be removed from the TPO due to light obstruction issues.
22. It was noted that the tree does have at least three telephone wires running through, or in close proximity to the crown of the tree. There is the potential for disruption to the service if the branches of the trees exert a movement force on the wires either through swaying in the wind or continued growth. The vast majority of telephone wire issues can be resolved through pruning to give an appropriate clearance from the wires. As such, the tree should not be removed from the TPO due to the presence of telephone wires through the crown.
23. As discussed above any issues with honeydew are not considered sufficient to prevent the confirmation of the TPO, as this is a natural process and must be tolerated if we are to enjoy the benefits of urban trees. In particular, damage to vehicle paintwork can be prevented by regular washing, and this is a view that is regularly confirmed by the Planning Inspectorate in TPO appeals. As such, this is not considered sufficient grounds to prevent the confirmation of the TPO.
24. The issues relating to leaf fall and other seasonal debris falling from the tree are not considered sufficient grounds to prevent the confirmation of the TPO. Whilst the leaves and various seasonal debris will require clearing at various parts of the year, they are natural processes that must be tolerated if we are to enjoy the benefits of having mature trees in an urban area.

25. On inspection, no major defects were observed in the lime tree in front of 189 / 191. Overall, and subject to reasonable maintenance to the trees, it is not considered that this tree is in any way pre-disposed to failure. As such, it is not considered that the condition of the tree is any reason to prevent the confirmation of the order. If the tree declines in health in the future, then the TPO allows for permission to be granted for works to maintain the trees in an appropriate condition.
26. On inspection, only one crack was observed in the driveway. There was no obvious displacement of the driveway as would be expected with a tree root related crack. Whilst tree roots cannot be definitively ruled out as a cause of the crack, given the nature of these pressed concrete driveways, especially where large sections are installed, they can crack due to vehicle and ground movements, it is not considered that the presence of a crack in the driveway can be automatically attributed to the adjacent tree.
27. As such, unless evidence can be provided to reasonably implicate the tree as a cause of the crack, it is not considered that the tree should be removed from the TPO. Even if sufficient evidence can be provided, given the distance from the tree to the cracked section, it may be that root pruning could provide an appropriate solution.
28. As the tree is located some 5-6 metres back from the pavement, it is not considered that the tree obstructs the view from any of the adjacent properties to the degree that it compromises that safety in any way. As such, this is not considered sufficient grounds to prevent the confirmation of the TPO.
29. Having compared the site photos associated with the 2011 application to prune the tree, and the photos taken on the recent site visit, it is not accepted that the tree is now larger than it was at the time of the pruning in 2011.
30. Even if it had grown larger than it previously stood, it is not considered that this would be sufficient grounds to prevent the confirmation of the order.
31. Having considered all of the objections that have been submitted to this order it is considered that there are sufficient grounds to remove T10 from the order due to its impaired condition and limited life expectancy. However, it is not recommended that there are any further modifications made to the order.

CONCLUSION

32. With the exception of T10, the rowan situated at 183 Northway, the trees subject to this order all provide a sufficient amount of amenity to the surrounding area to warrant their inclusion within the TPO. It is not considered that the submitted objections are sufficient to prevent the TPO form being confirmed, and whilst the trees will need managing in the future, it is not considered that the presence of a

TPO would create any unreasonable obstacles to the appropriate management of the trees.

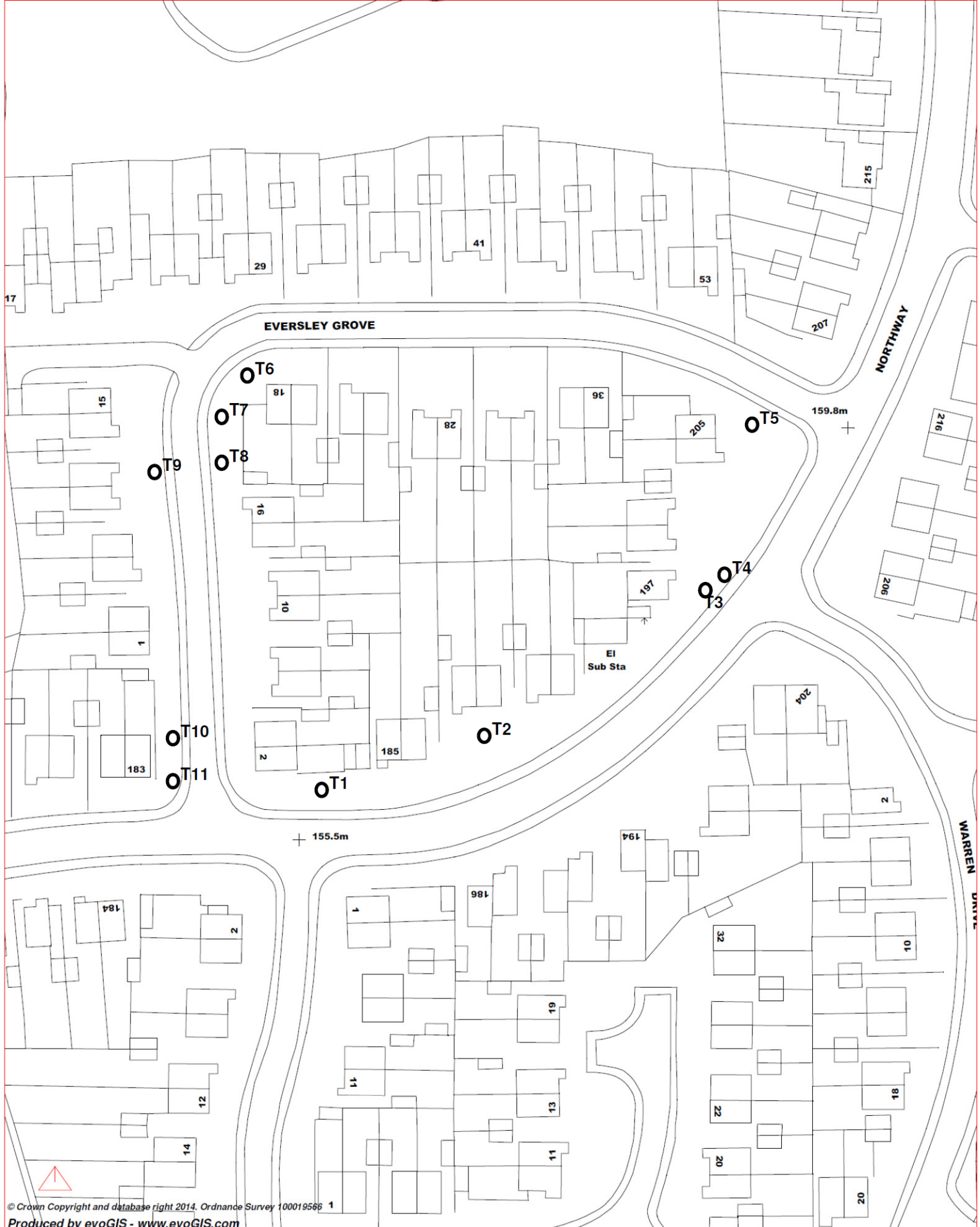
RECOMMENDATION

33. It is recommended that the Tree Preservation Order be confirmed subject to the following modifications:

2. Tree 10 is deleted from the order.

APPENDIX 3.2

Tree Preservation Order Plan and Schedule As Served



Map referred to in the Borough Council of Dudley

Northway/Eversley Grove, Sedgley (TPO/0110/SED)

99

Tree Preservation Order 2014

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	Lime	2 Eversley Grove
T2	Lime	Adjacent to boundary between front gardens of 189 and 191 Northway
T3	Whitebeam	197 Northway
T4	Laburnum	197 Northway
T5	Maple	205 Northway
T6	Silver Birch	18 Eversley Grove
T7	Silver Birch	18 Eversley Grove
T8	Silver Birch	18 Eversley Grove
T9	Monkey Puzzle	11 Eversley Grove
T10	Rowan	183 Northway
T11	Silver Birch	183 Northway

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)

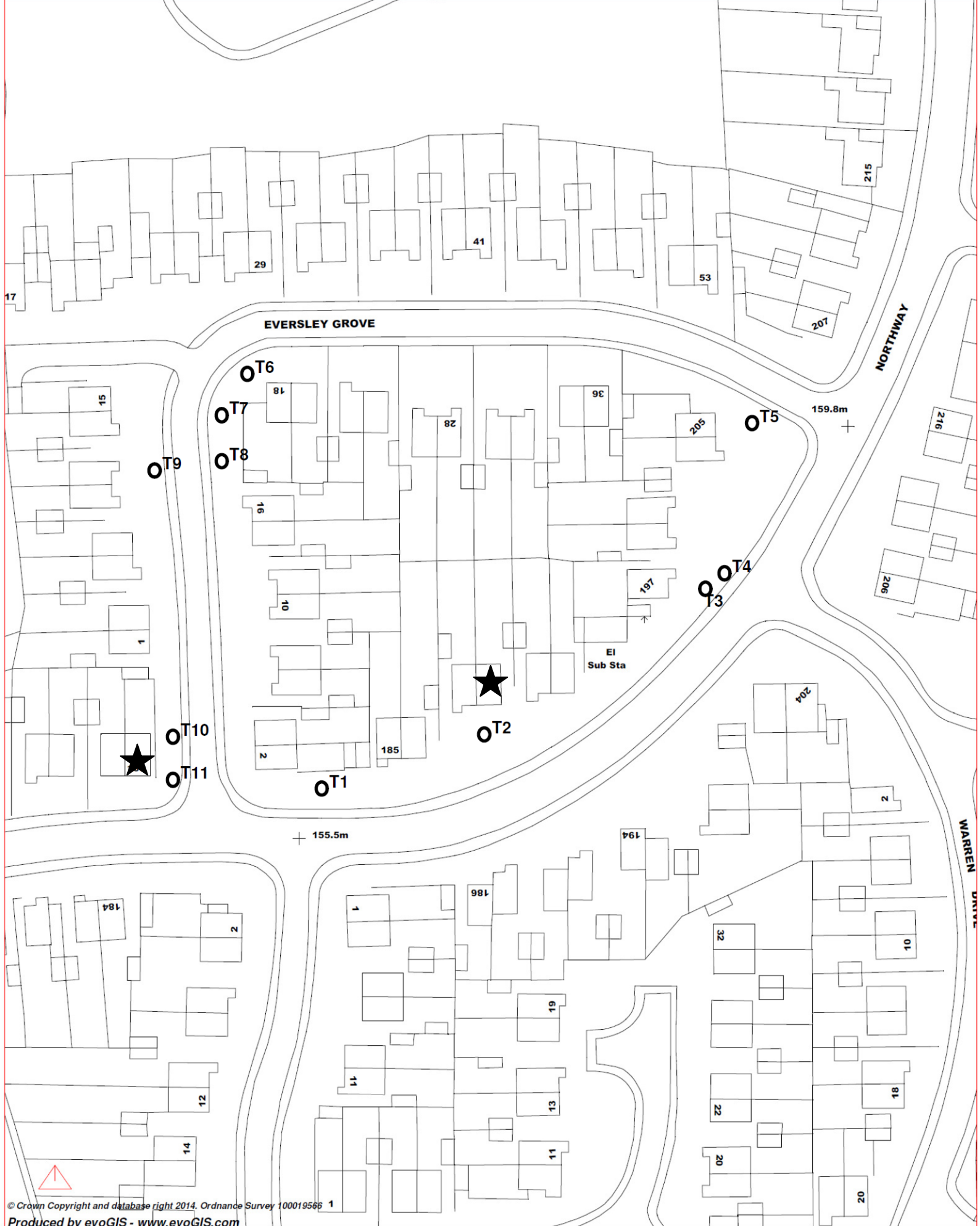
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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NONE

APPENDIX 3.3

Plan Identifying Objectors Properties

★ - *Objection Received from Property*



Map referred to in the Borough Council of Dudley



Northway/Eversley Grove, Sedgley (TPO/0110/SED)

103

Tree Preservation Order 2014

Scale: 1 : 1000

APPENDIX 3.4

Plan and Schedule Proposed for Confirmation



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Produced by evoGIS - www.evoGIS.com

Map referred to in the Borough Council of Dudley



Northway/Eversley Grove, Sedgley (TPO/0110/SED)

105

Scale: 1 : 1000

Tree Preservation Order 2014

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	Lime	2 Eversley Grove
T2	Lime	Adjacent to boundary between front gardens of 189 and 191 Northway
T3	Whitebeam	197 Northway
T4	Laburnum	197 Northway
T5	Maple	205 Northway
T6	Silver Birch	18 Eversley Grove
T7	Silver Birch	18 Eversley Grove
T8	Silver Birch	18 Eversley Grove
T9	Monkey Puzzle	11 Eversley Grove
T10	Rowan	183 Northway
T11	Silver Birch	183 Northway

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