

Meeting of the Development Control Committee

Tuesday 9th October, 2018 at 6.00pm

In the Council Chamber at the Council House, Priory Road, Dudley

Agenda - Public Session

(Meeting open to the public and press)

1. Chair's Announcement.

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

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

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

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

2. Apologies for absence.

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

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



5. To confirm and sign the minutes of the meeting held on 11th September, 2018 as a correct record.
6. Plans and Applications to Develop
 - (a) Planning Application No. P17/0614 – Lister Road Depot (Environmental Management Division), Lister Road, Dudley, together with nos. 83 and 85 Lister Road and part of the undeveloped land between nos. 65 & 85 – Demolition of existing industrial support and temporary buildings and nos. 83 and 85 Lister Road and erection of new office block with car parking, grittier storage canopy, vehicle spray booth and ancillary vehicle storage unit, provision of car park on site of former nos. 83 and 85 and part of adjoining undeveloped land to the south east of No. 65. – (Pages 1 – 39)
 - (b) Planning Application No. P18/0918 – Parks Depot, 74 Park Road, Quarry Bank, Brierley Hill, – Change of Use of Tintern House to retail/café (A1/A3) with associated public recreational space to include a single storey rear extension with terrace and ramped access, elevational changes to include canopy, new doors and windows, roof lights, fencing and gates. Siting of 1 no shipping container – (Pages 40 – 71)
 - (c) Planning Application No. P18/1169 – Land to front & adjacent to No. 65 Vale Street, Upper Gornal, Dudley – Rebuild stone wall (following demolition of existing), construction of new footway, creation of new community carpark and accessible path – (Pages 72 – 84)
 - (d) Planning Application No. P18/1170 – Land to front & adjacent to No. 65 Vale Street, Upper Gornal, Dudley – Listed Building Consent for Rebuild stone wall (following demolition of existing), construction of new footway, creation of new community carpark and accessible path – (Pages 85 – 96)
 - (e) Planning Application No. P18/1175 – 11 Corville Road, Halesowen – First floor side extension – (Pages 97 – 105)
7. Confirmation of Tree Preservation Orders (Pages 106 – 184)
8. To consider any questions from Members to the Chair where two clear days notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).



Sam Noun

Chief Executive

Dated: 27th September, 2018

Distribution:

Members of the Development Control Committee:

Councillor A Goddard (Chair)

Councillor P Bradley (Vice-Chair)

Councillors A Ahmed, R Burston, B Cotterill, C Elcock, M Hanif, D Harley and C Perks.

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Elected Members

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



Minutes of the Development Control Committee

Tuesday 11th September, 2018, at 6.00 pm
in Committee Room 2 at the Council House, Dudley

Present:-

Councillor A Goddard (Chair)
Councillor P Bradley (Vice-Chair)
Councillors A Ahmed, B Cotterill, C Elcock, M Hanif, D Harley and C Perks

Officers:-

J Hindley – Project Engineer, P Mountford – Head of Planning and Regeneration,
E Napier – Principal Planning Officer P Reed – Principal Planning Officer (all
Place Directorate), G Breakwell - Solicitor and H Shepherd - Democratic Services
Officer (Chief Executive's Directorate)

17 Apology for Absence

An apology for absence from the meeting was received on behalf of Councillor R Burston.

18 Declarations of Interest

No member made a declaration of interest in accordance with the Members' Code of Conduct.

19 Minutes

Resolved

That the minutes of the meeting held on 14th August, 2018, be approved as a correct record and signed.

20 Site Visit

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

Planning Application No. P17/1731 – Land adjacent to 17 Dibdale Road, Dudley – Erection of three blocks of two storey apartments comprising 14 x 1 bedroom and 4 x 2 bedroom apartments with associated parking and amenity areas.

Following the site visit, Members expressed concern about the proposed vehicular access way to the site and parking space allocations, which could impact upon service deliveries to the longstanding business adjacent to the site if cars were not parked in the allocated spaces. Members also considered the proposal for the erection of three blocks of apartments with associated car parking to be an overdevelopment of the site. The proposed development was being constructed on green space and as this was heavily used by local residents, this would have a negative impact on residents' open space amenity.

Resolved

Refused for the reason set out below:-

The proposed development by reason of its siting, scale and design would represent overdevelopment of this visually prominent site. This overdevelopment would be further emphasised by the siting of Block C whereby the uncharacteristic backland nature would be exacerbated further by the significantly elevated position of the proposed Block. It is therefore considered that the proposed development would result in an incongruous form of development in this locality and would not secure a high quality and inclusive design, that fails to improve the character and quality of the area and the way it functions. The application therefore conflicts with Black Country Core Strategy (2011) Policies CSP4 - Place Making, HOU1 - Delivering Sustainable Housing Growth, HOU2 - Housing Density, Type and Accessibility, ENV2 - Historic Environment and Local Distinctiveness, ENV3 - Design Quality, Policy L1 of the Dudley Borough Development Strategy (2017), The National Planning Policy Framework (2018), and the New Housing Development Supplementary Planning Document (Revised 2013).

The proposed development would encroach into an area of existing open space which forms a key characteristic of the area and by reason of the developments design, scale and layout it is considered to be detrimental to the existing pattern of development and character of the area. The development therefore fails to respond to the context and character of the area and is therefore contrary to Policy L1 of the Borough Development Strategy.

21 Plans and Applications to Develop

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

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

<u>Application No</u>	<u>Objectors/supporters who wished to speak</u>	<u>Agent/Applicant who wished to speak</u>
P18/0539	Councillor C Barnett – Ward Member Mr Wood – Objector	J Jowitt (on behalf of the applicant)
P18/0960	Mrs Bentley	P Kelly
P18/1027	Mr P Hammond	Mr M Lay
P18/1040	Mr Bennett	Mr Stevens

- (a) Planning Application No. P18/0539 – Bradney Chain and Engineering Co Ltd, Quarry Road, Netherton, Dudley – Approval of reserved matters for demolition of existing house and disused industrial building and erection of 24 No. dwellings (Appearance, layout and scale to be considered) (Following outline approval P15/1939)

In considering the application, Members noted that initial objections submitted relating to land contamination and coal mining had been adequately addressed by the applicant and had therefore been withdrawn.

Members took into account the objections made in respect of the development encroaching on greenspace; potential flooding of existing premises; the impact the development would have on the increase in traffic in the area and the concerns made in respect of the access to the site and poor visibility.

Members were also mindful of the concerns raised by the owner of the longstanding business opposite the proposed development site, in that it was feared the development would impact upon the future growth of the business due to the requirement for increased operational times, particularly during peak periods and the consequence this may have on his employees. Members however noted that there were existing residential dwellings sited closer to the factory unit than the proposed development site.

The Committee considered the proposed layout, scale and appearance of the proposed development to be acceptable. It was considered that potential residents should be aware of the business operations prior to purchasing a property on the proposed site and the local authority should support the business if complaints were received, without applying restrictions.

Resolved

Approved, subject to conditions numbered 1 to 7 (inclusive) and condition numbered 9, as set out in the report submitted and amended condition numbered 8, as set out below:-

8. The gradient to the new main access road for the first 20m from the adopted highway shall not exceed 1:10.

(b) Planning Application No. P18/0960 – 22 Linden Avenue, Halesowen – Change of use from dwelling house (C3) into Care Home (C2)

Objections to the application were presented to the Committee on behalf of local residents. Objections referred to the proposed number of nurses that would be in attendance at the facility at one time; concerns with regards to medication being stored on the premises and the security impact this would have on the area; the use of clinical waste bins which would impact upon available off-road parking; an increase in on-street car parking and that there were no fire escapes included in the proposals which was considered to be a fire hazard.

Members noted that medication, other than general household self-medication, would be stored on the premises and did not form part of planning consideration. It was also confirmed that dedicated fire escapes would not be necessary for this type of development.

Resolved

Approved, subject to conditions numbered 1 to 5 (inclusive), as set out in the report submitted.

(c) Planning Application No. P18/1027 – 36 Stevens Road, Pedmore – Two storey rear, single storey side and first floor side extensions

In considering the application, Members took into account the concerns raised by residents in that the proposed development was considered to be excessive and out of keeping with other properties in the road.

Members noted that the removal of a mature tree was not included within the planning application submitted and was therefore not for consideration. Members considered that the scale of the proposed development was acceptable for the available land at the property and noted that other properties in the area had made similar alterations to their properties.

Resolved

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

- (d) Planning Application No. P18/1040 – 10 Fairways Close, Norton, Stourbridge – Front extension and conversion of existing garage with addition of bow window

Numerous objections were submitted and presented to the Committee in respect of the proposed application. Residents expressed concern that the property would be used as a manse and that the occupier would hold public meetings but with no provision for visitor parking, which would inconvenience neighbouring properties and inhibit pedestrian passage. Concerns were raised in respect of the proposed reduction in the length of the driveway and the creation of a disabled ramp which would cause large vehicles to overhang on to the pavement and that the alterations would be out of keeping with other properties in the road.

Planning Officers confirmed that there were no proposals within the application to create a disabled access and that a manse in planning terms would still be considered as a dwelling house and planning permission for change of use would not be required.

In considering the application, Members were mindful of the concerns raised, however commented that if the applicant operated outside of the scope of the application, then appropriate enforcement action could be applied.

Resolved

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

- (e) Planning Application No. P18/0926 – 33 Springfield Road, Halesowen – Change of use from dwelling house (C3) into Care Home (C2)

Resolved

Approved, subject to conditions numbered 1 to 6 (inclusive), as set out in the report submitted.

22 **Confirmation of Tree Preservation Orders**

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

<u>TPO No.</u>	<u>Location/Proposal</u>	<u>Decision</u>
TPO/253/KIN	6 Moss Grove, Kingswinford	Confirmed.

23 Proposal to apply for an Article 4(1) Direction

A report of the Strategic Director Place was submitted on the making of a Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 so that the householder permitted development rights, excluding to the rear of the property, come under the control of the Local Planning Authority (LPA).

Resolved

- (1) That the making of a Direction under Article 4(1) of the Town and Country Planning (General Permitted Development)(England) Order 2015, so that the householder permitted development rights (excluding to the rear of the property) come under the control of the Local Planning Authority (LPA), be approved.
- (2) That a notice of the Direction Order in accordance with Schedule 3 of the General Permitted Development Order, be served.
- (3) That a copy of the Direction Order, in accordance with Schedule 3 of the General Permitted Development Order, be submitted to the Secretary of State.

The meeting ended at 8.10 pm

CHAIR

PLANNING APPLICATION NUMBER: P17/0614

Type of approval sought	FULL PLANNING PERMISSION
Ward	ST THOMAS'S
Applicant	PLACE DIRECTORATE - DMBC
Location: LISTER ROAD DEPOT (ENVIRONMENTAL MANAGEMENT DIVISION), LISTER ROAD, DUDLEY, DY2 8JW, TOGETHER WITH NOS. 83 AND 85 LISTER ROAD AND PART OF THE UNDEVELOPED LAND BETWEEN NOS. 65 & 85	
Proposal: DEMOLITION OF EXISTING INDUSTRIAL SUPPORT AND TEMPORARY BUILDINGS AND NOS. 83 AND 85 LISTER ROAD AND ERECTION OF NEW OFFICE BLOCK WITH CAR PARKING, GRITTIER STORAGE CANOPY, VEHICLE SPRAY BOOTH AND ANCILLARY VEHICLE STORAGE UNIT, PROVISION OF CAR PARK ON SITE OF FORMER NOS. 83 AND 85 AND PART OF ADJOINING UNDEVELOPED LAND TO THE SOUTH EAST OF NO. 65.	
Recommendation summary: APPROVE SUBJECT TO CONDITIONS	

SITE AND SURROUNDINGS

- 1 The application site consists of two main elements relating to the main Lister Road municipal Environmental Management depot, and an area of land opposite on the eastern side of Lister Road, immediately to the south of No 63 but also including, No's. 83 and 85 Lister Road.
- 2 The wider Lister Road depot contains areas of staff car parking interspersed throughout the depot with main areas to the northern boundary and eastern sections of the site. Within the site there is a large area of hard standing and circulation space together with a number of buildings used in connection with the depot operation which includes vehicle stores, repair bays, offices and an incinerator. The incinerator is located towards the rear of the site and can be viewed over a wide area due to its scale. The front of the site presently accommodates a series of interwar office buildings which are identified as heritage assets, together with some post war buildings.
- 3 To the south, south-western and south-eastern boundaries to the depot are areas with trees to the boundary. To the north-west is further area of open land with industrial buildings beyond. To the north of the depot is a car park which bounds open space and playing pitches beyond.

- 4 The second area of the application on the opposite side of Lister Road includes of a semi-detached pair of vacant council houses and their associated gardens (Nos. 83 and 85), a car park serving the depot and an area of undeveloped scrub land that was formerly a quarry. This land has regenerated with self-set trees and vegetation such that it is now designated as a Site of Local Interest for Nature Conservation (SLINC). The land towards the rear of SLINC the rises and extends towards Buffery Road.
- 5 To the south of the second area are further semi-detached post war dwellings which are characteristic of residential development in the wider area.

PROPOSAL

- 6 Within the depot site to the Lister Road frontage it is proposed to demolish the existing interwar buildings and post war office buildings to and replace them with a new office building.
- 7 The office building would have accommodation on two floors with an area of undercroft car parking to the rear. Due to the sloping nature of the site, the development would only have an appearance of two storey building when seen from Lister Road. The 1,920sq m building would be of contemporary design with a significant amount of glazing, particularly to its Lister Road elevation. There would be pedestrian access into the building from the rear undercroft area and from the Lister Road ground floor frontage, which would also serve as the visitor entrance. This entrance would be to the side of the via a small bridge link due to level changes. The building would have a flat roof and would have a plant room on part of the roof.
- 8 The reason for the proposed new office building is to allow staff from other locations such as Leys Road housing maintenance depot to be located in one central location.
- 9 It is also proposed to reconfigure the existing car parking areas within the depot site, demolish a number of buildings and temporary structures and provide a new gritter storage canopy, vehicle spray booth and an ancillary vehicle storage unit.
- 10 On the opposite (eastern) side of Lister Road it is proposed to demolish nos. 83 and 85 Lister Road and redevelop the ~~2~~ area as part of an extended car park.

The car park would also extend onto part of a former quarry and Site of Local Interest to Nature Conservation (SLINC) to the south east of No. 65. This area would provide a total of 147 off road parking spaces.

- 11 It was originally proposed to incorporate part of the existing public open space to the north of the depot into car parking, with the existing football pitches being reconfigured so there would have been two 5v5 pitches and one 7v7 pitch.
- 12 During the course of the application, however, there have been a number of modifications to the application which has seen that area of open space being taken out of the application area to address concerns raised by Sport England, local residents and ward members. There have also been changes to the car parking layout within the depot site and the SLINC on the eastern side of Lister Road which was not originally included, is now proposed to be used for an extended car parking area. During the course of the application, the floor space within the proposed office building has been almost halved with the top floor being removed and the lower floor, now being proposed as undercroft parking which would provide 30 spaces.
- 13 The proposed office building could accommodate 346 staff, with 237 desks on the basis of the Council current 'hot desking' policy. This would increase from 160 office staff, at 107 desks currently based at Lister Road. Therefore, the net increase in office staff would be 186. A further 18 non-office staff would be based at the site.
- 14 The application is accompanied by a Design and Access Statement, nature conservation assessments, a tree survey, and a Transport Statement.

HISTORY

- 15 There is a varied planning history relating to the use of the wider depot site and the construction of various buildings. There is no planning history of relevance to the public open space of the land opposite.

PUBLIC CONSULTATION

Original Proposals

- 16 36 letters of objection were received in relation to two rounds of neighbour notification to the original proposal, following consultation with 108 adjoining

neighbours, the posting of several site notices and the publication of an advert within a local newspaper. The main issues raised were:

- Loss of the open space;
- Car park on open space would attract anti-social behaviour;
- Offices should be located in the town centre;
- Use should be made of vacant offices in the town centre;
- Impact to wildlife;
- Increase in traffic;
- Increase in light and noise pollution;
- Loss of trees;
- Site operates 24/7;
- More information required on the spray booth;
- Existing smells from site;
- On street parking issues;
- Existing issues with speeding traffic;
- Access to site is inadequate;
- Lack of publicity for the application;
- Pitches on the open space need improving;
- Land opposite site should be used for parking;
- Reducing size of open space would have an impact on football training;
- Public transport to area is poor and staff will commute by car
- Impact to privacy;
- Devaluation of property value

A number of letters of objection were also received from the three local ward members and MP. Main issues raised:

- Cumulative impact of development on the site;
- Members not consulted on the proposal;
- Scale of development ;
- Planning application implies that the proposal relates to the depot only;
- Buildings to the front of the site are heritage assets;
- Increase in traffic and pollution;
- Does not contribute towards regeneration of the town centre;
- Potential health and safety conflicts;
- Height of building is not in keeping;
- Spray booth will impact on neighbour amenity;
- Land contamination issues on the site;

- Loss of open space;

Publicity Following Revised Proposal

- 17 Following a new round of publicity involving notification to 108 adjoining neighbours, the posting of several site notices and the publication of an advert within a local newspaper, four letters of objection have been received in relation the latest revised development proposals. The concern raised relates to;
- Fear that the open space may still be lost in the future.

OTHER CONSULTATION

- 18 Head of Planning and Regeneration (Highway Engineer): No objection raised and agrees with the conclusions contained within the Transport Assessment submitted with the amended application, that there should be sufficient parking for the additional staff based at the site and no highway safety issues arise.
- 19 Head of Planning and Regeneration (Land Contamination Team): No objection, subject to conditions.
- 20 Head of Environmental Safety and Health: No objection, subject to conditions.
- 21 Sport England: Objection withdrawn following the removal of the playing field site and that the application site does not include the playing field._
- 22 Lead Local Flood Authority: The applicant has satisfactorily assessed the risk of flooding from Main River and surface water. Whilst the applicant has provided a site specific Flood Risk Assessment additional information is required on resolving existing high risk surface water flood areas. Soakaways are not appropriate at this former mining area and betterment of surface water discharge is not acceptable as efforts should be made to achieve Greenfield Runoff. Such matters can be conditioned.

RELEVANT PLANNING POLICY

- National Planning Guidance
National Planning Policy Framework (2018)
Planning Practice Guidance (2014)
- Black Country Core Strategy (2011)
CSP2 Development outside the Growth Network
CEN2 Hierarchy of Centres

CEN4 Regeneration of Town Centres
CEN6 Meeting Local Needs for Shopping and Services
CEN7 Controlling Out-of-Centre Development
TRAN2 Managing Transport Impacts of New Development
ENV 1 Nature Conservation
ENV 2 Historic Character and Local Distinctiveness
ENV 3 Design Quality
ENV 8 Air Quality

- Dudley Borough Development Strategy (2017)

S1 Presumption in favour of Sustainable Development
S3 Renewable Energy
S6 Urban Design
S8 Conservation and Enhancement of Local Character and Distinctiveness
S17 Access & Impact of Development on the Transport Network
S21 Nature Conservation Enhancement, Mitigation and Compensation
S22 Mature Trees, Woodland and Ancient Woodland
S33 Paying Fields
D1 Access for All
D2 Incompatible Land Uses
D3 Contaminated Land

- Supplementary Planning Guidance/Documents

Access for All Supplementary Planning Document
Design for Community Safety Supplementary Planning Guidance (2002)
Historic Environment Supplementary Planning Document (2017)
Nature Conservation Supplementary Planning Document (2016)
Open Space, Sport and Recreation Provision Supplementary Planning Document (2007)
Parking Standards Supplementary Planning Document (2017)

ASSESSMENT

- 23 The main issues are
- Principle/Policy
 - Design
 - Neighbour Amenity
 - Occupier Amenity
 - Access and Parking

- Nature Conservation
- Trees
- Flood Risk
- Air Quality
- Land Contamination
- Planning Obligations
- Financial Material Considerations
- Other Issues

Policy – General

- 24 The application site is located on the periphery of adopted 2011 Black Country Core Strategy (BCCS) Regeneration Corridor 11a Dudley – Brierley Hill.
- 25 Within the BCCS Regeneration Corridor, Dudley Council's Lister Road Depot is identified and safeguarded as a strategic waste management site under BCCS Policy WM2 Protecting and Enhancing Existing Waste Management Capacity – this being in terms of the depot's role for treatment (energy from waste plant, EfW) and transfer of municipal waste.
- 26 Beyond the above, the Lister Road depot is not allocated or designated for a specific land use in the BCCS.
- 27 The Dudley Borough Development Strategy (DBDS) includes the Lister Road depot within the wider designated local quality employment area reference E11A.6 New Road, Dudley with DBDS Policy L7 Local Quality Employment Areas being applicable in these terms.
- 28 Therefore, the works in relation to the consolidation of depot buildings are considered acceptable in principle.
- 29 The issue of office accommodation is more complex in that offices constitute a main town centre use as defined by the NPPF and as such, there is a strong preference for them to be located within town centres.
- 30 At a local level, BCCS Policies CEN1 to CEN4 and CEN7 are of relevance and seek to direct office development to town centres.

- 31 The original proposal for the office accommodation at the site proposed a building which would accommodate around 3,490sq m (gross), with accommodation on four floors and room for around 600 employees.
- 32 The original building was to replace the existing poor quality accommodation for staff based at Lister Road which is coming to the end of its serviceable life, together with staff based at Leys Road Depot, where a significant amount of investment is required to bring accommodation up to an acceptable standard. It was also previously intended to take in Housing staff from the Harbour Buildings at the Waterfront in Brierley Hill and Forge House, Dudley Road, Brierley Hill, which are both office buildings that the Council leases, rather than owns.
- 33 Such a relocation would allow for managers, office staff and operational staff to be based at the same site, allow the Council to use existing land that it owns for other purposes, and would have allowed for the Council to stop leasing two buildings in Brierley Hill.
- 34 Whilst these corporate requirements of the Council were noted, significant planning policy concerns arose regarding the amount of office space proposed in an out of centre location, especially given that sequentially preferable sites owned by the Council were available. For example, in Dudley and Brierley Hill centres, alternative sites which could accommodate office staff were available. Moreover, the relocation of staff from the Waterfront which is a town centre location, to an out centre location was also a significant planning policy concern.
- 35 The currently proposed consolidation of existing staff at Lister Road, with the relocation of staff from Forge House and Leys Road is considered to be policy compliant, in that it allowed managers, support and operational staff to work at the same site. As such, the scale of office accommodation could be argued to be ancillary to the overall depot operation. Moreover, Forge House and Leys Road are at existing out of centre locations and the relocation of staff to another out of centre location, on balance, is considered to be policy compliant.
- 36 This has resulted in the scheme that is now under consideration, which reduces the amount of floor space roughly by half to around 1,920sq m to accommodate around 346 staff, at 237 desks.

- 37 Therefore, the reduction of the office accommodation to the current proposed level is now considered to be appropriate from a planning policy point of view and there is no in-principle objection to the proposed development.

Policy – Loss of Playing field

- 38 The original version of the scheme proposed the provision of a significant parking area to the immediately adjoining playing fields. This was due to the scale of the development as originally proposed having a higher requirement for car parking.
- 39 In respect of the NPPF and DBDS Policy S33, playing fields should only be released in exceptional circumstances and generally any loss should be mitigated against.
- 40 In cases where a playing field is to be affected, Sport England are a statutory consultee for planning applications and in this case they raised objection to the proposed development.
- 41 An attempt was made to satisfy Sport England concerns by upgrading pitches on the retained land in accordance with needs surveys, however, this was found to be difficult given the limited amount of land available once the parking was provided. The impact to the playing field which is well used, particularly in the summer months, also raised significant objections from neighbours and ward members.
- 42 As the amount of floor space now proposed has been reduced, the need for parking has also reduced, and as such the playing field is no longer required for parking. Sport England have therefore removed their objection and the Council are now able to determine the application without the risk of call in.

Access and Parking

- 43 The location of the accesses to the depot site from Lister Road would remain unchanged. However, the internal layout would be amended to ensure that visitors, office and manger parking is separated from the operational area of the depot. This is principally to improve safety within the operational site.

- 44 At present the site is served by a total of 284 spaces (located on various parts of the main site) with a small overflow area on the eastern side of Lister Road.
- 45 To ensure that adequate parking is provided to serve the site and minimise the likelihood of overspill onto Lister Road and adjoining residential streets, it is proposed to reconfigure the existing car parks within the main site with land being freed up by demolished buildings and the use of the undercroft area under the office building. The existing parking area on the northern part of the main site (adjacent to the office entrance) would be retained. There would be a total of 292 spaces proposed within the main site.
- 46 It is also proposed to provide additional parking by extending the existing car park on the eastern side of Lister Road to 148 spaces. This would include land which is presently occupied by a vacant pair of houses to the south of the existing car park, and also in a northerly direction onto an area of undeveloped land to the south of No. 65 Lister Road. This generally level area of land which was formerly a quarry, has regenerated with self-setting trees and is a designated a Site of Local Interest for Nature Conservation (SLINC). The matters relating to the impact on nature conservation assets and trees are considered further below in paragraphs 73-86.
- 47 The revised parking arrangements mean that a total of 440 parking spaces are proposed on the main site and on the expanded car park on the eastern side of Lister Road.
- 48 Regarding the existing office accommodation at the site of Lister Road, there is desk accommodation for 107 desks, which will increase to 237 desks. Surveys show that 85% of staff travel by vehicle, which is a high ratio compared to similar developments and suggests that there is potential for staff vehicle trips to be reduced. However, based on the 85% ratio this results in a requirement of 202 parking spaces.
- 49 There are 190 existing site operatives (i.e. mobile maintenance staff) of which 165 need a parking space based on survey data. 18 operatives will be relocated from Leys Road and it is assumed that 16 of those will require parking. This gives a requirement for 181 spaces.

- 50 The total staff parking demand is therefore calculated at 383 spaces. The total parking provision as discussed above is 440 spaces, which gives additional parking capacity for visitors and shift change requirements and potentially will address issues of on street parking congestion.
- 51 Neighbours to the application site have raised concerns regarding the likelihood of additional parking on-street from the more intensive use of the site. To ascertain whether action is required in relation to the development it is proposed to impose a planning condition that requires a parking survey to be undertaken prior to the commencement of development and after the office building is fully occupied. This will then inform whether Traffic Regulation Orders or other action is needed, although on the basis of the conclusions of the Transport Assessment, (which the highway officer agrees with) it is unlikely that any action would need to be taken.
- 52 The Highway officer does consider, however, that a Traffic Regulation Order is required along the Lister Road frontage to the extended car park opposite the main site, to ensure that adequate visibility from the car park is available. This will also provide improved visibility to pedestrians crossing the road at this point.
- 53 Staff operate on a flexible working time system and this has the advantage of significantly reducing vehicle numbers in the peak hours and spreads the journey either side of the peak. The total number of new traffic movements including cars and HGVS will increase by 55 movements in the AM peak and 54 movements in the PM peak. The increases equate to some 3 % of the background traffic flow. Normal daily variance in traffic flow is some 10%, therefore the percentage increase in traffic as a result of the development will not be discernible within normal variations along the stretch of Lister Road.
- 54 Assessments of the junctions at Buffery Road Roundabout and Lister Road /New Road junctions indicate that there is no significant additional delay to traffic as a result of the development.
- 55 Given the information provided in the Transport Assessment the highway officer concurs with its conclusion that there is unlikely to be a detrimental impact in terms of Highway safety as a result of the development

- 56 During the course of the application the design of the proposed office building has been modified, by the removal of the upper floor and the replacement on the lower floor with undercroft parking. Whilst these changes were made to ensure the building complied with planning policy and allowed for the removal of the objection from Sport England it has also has the benefit in reducing the height of the building so that from Lister Road, due to change in levels, it would outwardly look like a two storey building, which is more in keeping with the two storey domestic scale character of the wider area.
- 57 The design of the building is generally considered to be acceptable and is of contemporary design with the front elevation and side elevations to Lister Road shown as being finished with a 'metallic like' appearance with the design and access statement showing an rusty/orange/gold finish, coupled with series of window openings which provide a horizontal rather than a vertical emphasis to the building.
- 58 The rear of the building which faces onto the main site would be finished in a series of white and grey vertical panels, in a similar manner to the Travelodge located on Tipton Road Dudley. The lower parts of the building would be finished in blue engineering brick.
- 59 There would be two entrances to the building. One would be from the undercroft parking area, which would be principally for staff, with the main entrance located at ground floor accessed from the Lister Road level from the north side elevation. The main entrance would be announced by a porch/canopy which wraps round onto the front elevation as a feature window.
- 60 To the centre of the building there will be small area that projects above the main roof and is to accommodate plant.
- 61 One of the neighbours notes the location of the entrance door on the northern side of the building, however, this location is considered appropriate given that level access can be achieved at this point for both staff and visitors, which is not possible at other locations.
- 62 The other proposed buildings within the site are more utilitarian and reflect the quasi-industrial nature of the overall site.

63 In conclusion, the new office building with its revised design would assimilate much better into the wider area than earlier proposals, which would have featured a taller and more dominant building that would have been less at ease with its surroundings.

Loss of the Heritage Asset

64 The original late 1930s buildings to the front of the site have been identified as heritage assets and would need be removed to accommodate the proposed office building. Policy S11 – Buildings of Special or Local Historic Importance - of the Dudley Borough Development Strategy and the National Planning Policy Framework seek to resist the loss of identified heritage assets without justification, or without any replacement being of sufficient design quality.

65 In this case, consideration is given to the redevelopment being required to consolidate and accommodate staff at the site and ensure the Council operations are delivered in a more sustainable and cost effective manner. The buildings are also incapable of conversion and extension without significantly impacting upon the integrity of the assets and there is no viable alternative location for the replacement offices.

66 In respect of the design of the proposed replacement building, it is considered to be a more noteworthy landmark building compared to the existing buildings which are to be removed.

67 Therefore, for the above reasons the loss of the identified heritage assets are considered to be acceptable in this case.

Neighbour Amenity

68 The proposed building due to its reduction in height means the impact to neighbours has been reduced and typically would have no more impact visually compared to a conventional dwelling.

69 With regard to privacy there are no concerns in there would be separation distance of 25m between the front of the proposed building and the nearest neighbours on the opposite side of Liston Road

- 70 The Environmental Safety and Health Team note the established use at the site and the need to operate 24 hours a day, as well as its close proximity to housing. They note new plant may be required on the site and have requested a planning condition controlling the noise from fixed plant of machinery.
- 71 Some concerns have been raised about neighbours about the 24 hour operation of the site. However, in this regard the site already operates 24 hours a day, and is not subject to any planning controls in that the site opened in the late 1930s.
- 72 The proposed new car park on the opposite side of Lister Road would be used principally during the daytime Monday to Friday and as such the activity associated with car parks such as vehicle noise, music playing is unlikely to happen during the more sensitive evening and weekend period. However, to minimise impact the Environmental Safety and Health Team have requested a condition requiring the provision of a 2m acoustic barrier to the immediately adjoining neighbours. There are gates to the car park which can ensure that it is not used out of hours.

Nature Conservation

- 73 A series of nature conservation assessments have been submitted with the planning application principally focusing on the buildings to be demolished on the main site, as well as looking at the site opposite which is identified as a Site of Local Interest for Nature Conservation (SLINC). The surveys concentrate principally on badgers and bats.
- 74 Bats surveys have been carried out to ascertain whether the buildings to be demolished were suitable for roosting bats. The reports conclude that no roosts are present. However, the reports make a series recommendations regarding lighting and enhancements which can be conditioned.
- 75 The site opposite the main site is designated a SLINC. This a non-statutory locally identified asset, with its lower status designation not precluding it from being developed subject to appropriate mitigation measures being put in place.
- 76 As stated above it is proposed to provide an extended car park on the more

level part of the SLINC, close to Lister Road to provide for the additional parking demand which would be associated with the new office building.

- 77 The submitted reports suggest that the site accommodates principally self-set trees, with historic maps and aerial photographs indicating the site may have been used as quarry historically.
- 78 The ecologist suggest that the SLINC is very suitable for badger foraging and offers ideal sett building opportunities due to the lack of management and the sloped profile of the northern edges. Evidence implies that badgers use the site for foraging and sett building on a sporadic basis. This was evidenced by the occasional snuffle holes and the badger print on the banks in the north of the site.
- 79 The ecologist also implies that whilst current development proposals will have an impact on the badgers using the site, the severity of the impact depends on the level of year-round usage of the site by badgers. The survey and monitoring only captures a snap shot of time and conclude that construction of the car park will remove a relatively small portion of foraging areas from local badger populations, and as this foraging area is directly adjacent to Lister Road and the present car park, is open to disturbance at any time.
- 80 Outlier Sett 1 will not be directly impacted but work is planned within 10m of the sett entrance. The sett entrance tunnel heads in an easterly direction away from the proposed car park, but there is still a risk of disturbance if works continue without any protection measures in place. Outlier Sett 2 will be directly impacted with current proposals as the entrance lies directly underneath the new proposed car park.
- 81 Therefore, the proposed works could impact upon Outlier Sett 1 and will impact upon Outlier Sett 2 in the form of sett loss, damage and disturbance as well as open working areas and machinery during construction. The development may also sever foraging areas and restrict commuting habitat.
- 82 Whilst the ecologist notes the above issues they conclude that it is not anticipated that the loss of the two outlier setts would have an impact on the favourable conservation status of the badger population.

- 83 The ecologist goes on to make a number of recommendations including a licence will be required from Natural England to allow the works to be undertaken. These recommendations can be conditioned.
- 84 On a general point the ecologist recommends the preparation of a management plan describing how the retained parts of the SLINC will be enhanced and managed appropriately for biodiversity value. This may include, for example, thinning of scrub vegetation and installation bird or bat boxes. This matter can be conditioned.
- 85 In summary, there is no evidence that the demolished buildings are used as bat roosts, but it is noted that the SLINC on the opposite side of Lister Road is used by badgers. However, as the ecologist is of the view that the proposed development will impact only on one outlier sett and that appropriate mitigation and enhancement can be put in place, it would be likely to be subject of any licence approval from Natural England.
- 86 In conclusion it is considered that there is a public interest in developing part of the SLINC which have an impact on the badgers which are present, in that car park which is required to serve the new office building which will allow the Council to operate its services in a more efficient manner and therefore allowing funding to be used for other services, as well allowing the retention of the existing playing fields which are an important community asset.

Trees

- 87 There are a number of trees on the proposed car park site on the opposite side of Lister Road. However, these are self-set and whilst providing some amenity value as a group, they are not considered to be of quality to justify retention. Moreover, there is an opportunity as part of the landscaping for the car park and the nature conservation off set in relation to the loss of part of the SLINC to provide some better quality replacement trees.
- 88 Now that the playing field is no longer part of the proposed development site trees which were to have been removed will now be retained.
- 89 Some trees are located within the main site will need to be removed, however, the ones which are mostly to the front of the site would be retained. Conditions

in relation to the retention of trees and where appropriate replacements can be conditioned.

Air Quality

- 90 The Environmental Safety and Health Team note that under the guidance in Black Country Air Quality SPD and the West Midlands Low Emissions Towns & Cities Programme: Good Practice Air quality Planning Guidance this will be a medium development for air quality purposes. A medium rated development will require Type 1 and Type 2.
- 91 To overcome the potential impact to air quality the Environmental Safety and Health Team have requested conditions which control the demolition and construction process, emissions from gas boilers and electric vehicle charging points. They also request the submission of travel plan and details of cycle parking to encourage reductions in the use of the private car.

CONCLUSION

- 92 The proposed office development now it has been reduced in scale, is considered appropriate as effectively is ancillary to the operation of the depot. The depot itself forms part of a wide employment designation and the ancillary buildings which are proposed are acceptable in principle. With regard to the encroachment on the SLINC it has been demonstrated that no undue harm would be caused, and any impact can be off-set through on site mitigation. With regards to neighbour amenity appropriate conditions can be put in place. Consideration has been given to policies within the Black Country Core Strategy (2013); and the Dudley Borough Development Strategy (2017).

RECOMMENDATION

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

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. REASON: To comply with Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 0001 RevP05, 0006Rev P05, 0007Rev P08, 0008Rev P01, 0010 Rev P09, 0014 Rev P02, 0017Rev P01, 0300REv P04, 0301 Rev P03, 0310Rev P03, 0311Rev P03, 0312 Rev P01, 0350 Rev P03, 0351 Rev P02, 0352 RevP02, 16550 and the nature conservation assessment recommendations. REASON: For the avoidance of doubt and in the interests of proper planning.
3. No above ground development shall commence until details of electric vehicle charging bays with a vehicle charging point, to be provided in accordance with the Council's standard (Parking Standards SPD) have been submitted and approved in writing by the Local Planning Authority. Such details shall include signs and bay markings indicating that bays will be used for parking of electric vehicles only whilst being charged. Prior to first occupation, the electric charging points and bays shall be installed in accordance with the approved details and shall thereafter be maintained for the life of the development. REASON: In the interests of creating a sustainable form of development and to encourage the use of ultra low emission vehicles in accordance with Policies ENV8 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy.
4. In order to minimise the impact of the development on local air quality, any gas boilers provided within the development must meet a dry NOx emission concentration rate of <40mg/kWh. The specification of the gas boilers shall be submitted to and approved in writing by the Local Planning Authority and the approved specification of boilers shall thereafter be fitted in accordance with such details. REASON: To safeguard the air quality of the Borough which is an Air Quality Management Area in compliance with the Black Country Core Strategy Policy ENV8 and the adopted Air Quality SPD.
5. Work shall not begin on the demolition and construction of the development until a method statement for the control of dust and emissions arising from the demolition and construction of the development has been submitted to and approved by the Local Planning Authority. All works which form part of the approved scheme shall be implemented throughout the construction and demolition phase of the development. REASON: To minimise the impacts to air quality associated with the development and to protect the health and well being of residents in accordance with BCCS Policy ENV8 - Air Quality.
6. The rating level of sound emitted from any fixed plant and/or machinery used in conjunction with the paint shop hereby approved shall not exceed background sound levels by more than 5dB(A) between the hours of 0700-2300 at the nearest sound sensitive premises and shall not exceed the background sound level between 2300-0700 at the nearest sound sensitive premises. All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property. Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the Local Planning Authority. REASON: To protect the amenities of nearby residents and comply with Saved UDP policies EP7 and DD4.

7. Prior to commencement of the extended car park between 65 and 87 Lister Road, a scheme for a continuous acoustic barrier constructed along the boundary of the site with the rear gardens of 65 and 85 Lister Road, of minimum height of 2 metres measured from the garden ground level of the residential properties and minimum surface density of 10 kg/m², shall be submitted to and approved in writing by, the Local Planning Authority. All works which form part of the approved scheme shall be completed before the approved car park use between 65 and 85 Lister Road commences. The barrier shall be retained throughout the life of the development. REASON: To protect the amenities of residents and comply with Saved UDP policy EP7.
8. No development shall commence until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance. REASON: These details are required prior to the commencement of development to ensure that the risks associated with any contamination are reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land.
9. Where the approved risk assessment (required by condition 8 above) identifies contamination posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such contamination has been submitted to and approved in writing by the Local Planning Authority. Following approval, such remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority. REASON: These details are required prior to the commencement of development to ensure that the risks associated with any contamination are reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land.
10. Following implementation and completion of the approved remediation scheme (required by condition 9 above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details. REASON: To ensure that the risks associated with any contamination have been reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land and the NPPF.
11. No development shall commence until an assessment of the risks posed by any ground gases or vapours has been submitted to and approved in writing by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance. REASON: These details are required prior to the commencement of development to ensure that the risks associated with any contamination are reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land.
12. Where the approved risk assessment (required by condition 11 above) identifies ground gases or vapours posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such ground gases or vapours has been submitted to and approved in writing by the Local Planning Authority. Following approval, such remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority. REASON: These details are required prior to the commencement of development to ensure that the risks associated with any contamination are reduced to

acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land.

13. Following implementation and completion of the approved remediation scheme (required by condition 12 above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details. REASON: To ensure that the risks associated with any ground gases or vapours have been reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land and the NPPF.
14. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), with the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall: - Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; - Include a timetable for its implementation; and - Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout the lifetime of the development. None of the development shall be occupied until surface water drainage works have been implemented in accordance with the approved details. REASON: In the interests of sustainability, reducing flood risk and run off and to comply with Adopted BCCS Policy ENV5 - Flood Risk, Sustainable Drainage Systems and Urban Heat Island.
15. No development shall commence (excluding demolition, site clearance and initial ground works) until full details of the soft landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before the end of the first planting season following first occupation of the development. Any trees or shrubs planted in pursuance of this permission including any planting in replacement for which is removed, uprooted, severely damaged, destroyed or dies within a period of five years from the date of planting shall be replaced by trees or shrubs of the same size and species and in the same place unless otherwise agreed in writing by the Local Planning Authority. REASON: In order to make a positive contribution to place-making and provide a high quality landscaping in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 - Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part). This detail is required pre commencement (excluding demolition, site clearance and initial ground works) as landscaping is integral to providing a high quality and sustainable development.
16. No above ground development shall commence until details of the types, colours and textures of the materials to be used in the hard surfacing of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the approved details and maintained for the lifetime of the

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

17. No above ground development shall commence until details of the positions, design, materials and type of boundary treatment or means of enclosure have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until these works have been carried out in accordance with the approved details and shall thereafter retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority. REASON: In order to make a positive contribution to place-making and provide a high quality public realm in accordance with BCCS Policies CSP4 - Place-Making, ENV1 - , ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part)
18. No development shall commence until details of the tree protection measures on site have been submitted to and approved in writing by the Local Planning Authority. The agreed tree protection measures shall be erected / installed prior to the commencement of the development (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery), and shall not be taken down moved or amended in any way without prior written approval of the local planning authority. The tree protection details shall include: a. A plan showing the location and identification (with reference to a survey schedule if necessary) of all trees on, or directly adjacent to the development site, that are to be retained during construction. These trees are to be marked with a continuous outline. b. A plan showing the location and identification (with reference to a survey schedule if necessary) of all the trees on, or directly adjacent to the development site that are to be removed prior to, or during development. These trees are to be marked with a dashed outline. c. A plan showing the extent of the Root Protection Area, which is to be protected by physical barriers during development. The extent of the area that is to be protected will be calculated in accordance with Clause 4.6 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction- Recommendations'. d. Design details of the proposed protective barriers and ground protection to be erected around the trees during development. Any protection barriers should be designed and constructed in accordance with the provisions set out in section 6.2 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction- Recommendations'. REASON: To ensure that those trees and hedges to be retained on the development site are not subject to damage because of either works carried out on site or during the carrying out of such works in accordance with Saved UDP Policy NC10 - The Urban Forest. This detail is required prior to the commencement of development to ensure trees which are shown to be retained or are legally protected are not damaged during the construction process.
19. All excavations to be undertaken within the Root Protection Area (as defined by Clause 4.6 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction- Recommendations') of any existing trees on site shall be undertaken in accordance with NJUG Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (NJUG

Volume 4). REASON: To ensure that existing trees are not damaged through the loss of roots, to maintain the visual and environmental quality of the site and surrounding area in accordance with Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part)

20. The soil levels within the root protection zone of the retained trees are not to be altered, raised or lowered, without the prior written approval of the Local Planning Authority. REASON: To ensure that existing trees are not damaged through the loss of roots, to maintain the visual and environmental quality of the site and surrounding area in accordance with Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part)
21. The existing trees shown on the approved plans to be retained shall not be damaged or destroyed, uprooted, felled, lopped or topped during the construction period of the development without prior written consent of the local planning authority. Any trees removed without such consent or dying or being seriously damaged or diseased during that period shall be replaced with healthy trees of such size and species as may be submitted to and agreed in writing by the Local Planning Authority. The replacement trees shall be provided in accordance with a time table to be submitted to and agreed in writing by the Local Planning Authority and shall thereafter be retained for the life of the development. REASON: To maintain the visual and environmental quality of the site and surrounding area in accordance with Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part).
22. No development shall commence (including demolition, site clearance and initial ground works) unless an Ecological Survey and Assessment of the site, which has ordinarily been carried out within twenty-four months prior to the commencement of development, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the approved recommendations and method statement(s) of the agreed ecological survey and assessment. REASON: In order to enhance, encourage and protect the nature conservation value of the site and in accordance with BCCS Policies ENV1 - Nature Conservation, CSP3 Environmental Infrastructure and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S21 Nature Conservation Enhancement, Mitigation and Compensation Policy S20 The Borough's Geology (in part) Policy S1 Presumption in favour of Sustainable Development (in part) and Policy S21 Nature Conservation Enhancement, Mitigation and Compensation (in part) Policy S19 Dudley Borough's Green Network (in part) Black Country Core Strategy Policy ENV1 Nature Conservation (in part)
23. The development hereby approved shall not be first occupied until the nature conservation enhancement and/or mitigation works which are recommended within the submitted nature conservation report/assessment have been undertaken and completed. The nature conservation enhancement and/or mitigation works shall thereafter be retained and maintained in accordance with the recommendations of the nature conservation report/assessment / or for the life time of the development. REASON: To ensure the provision, protection and maintenance of the site's ecology and comply with BCCS Policies ENV1 - Nature Conservation, CSP3 Environmental Infrastructure and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S21 Nature Conservation Enhancement, Mitigation and Compensation Policy S5 - Minimising Flood Risk and Sustainable Drainage Systems (in part) and Policy S21 Nature Conservation Enhancement, Mitigation and Compensation Policy S20 The Borough's Geology (in part) Policy S1 Presumption in favour of Sustainable Development (in part)
24. Prior to the first occupation or use of the development details of the type and location of bat roost provision on the site shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation or use of the

development the agreed provision shall be installed on site and thereafter maintained and retained for the lifetime of the development. REASON: In order to enhance, encourage and protect the nature conservation value of the site and in accordance with BCCS Policies ENV1 - Nature Conservation, CSP3 Environmental Infrastructure and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S21 Nature Conservation Enhancement, Mitigation and Compensation Policy S20 The Borough's Geology (in part) Policy S1 Presumption in favour of Sustainable Development (in part) and Policy S21 Nature Conservation Enhancement, Mitigation and Compensation (in part) Policy S19 Dudley Borough's Green Network (in part) Black Country Core Strategy Policy ENV1 Nature Conservation (in part)

25. The extended car park on the eastern side of Lister Road shall not be first used until a plan detailing the enhancement, establishment and maintenance of habitats on the retained area of SLINC which adjoins the proposed extended car park for a period of 10 years from the first use of the site has been submitted to and approved in writing by the Local Planning Authority. The habitats shall thereafter be maintained in accordance the approved details for the period of time as specified above. REASON: To ensure the provision, protection and maintenance of the site's ecology and comply with BCCS Policies ENV1 - Nature Conservation, CSP3 Environmental Infrastructure and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S21 Nature Conservation Enhancement, Mitigation and Compensation Policy S5 - Minimising Flood Risk and Sustainable Drainage Systems (in part) and Policy S21 Nature Conservation Enhancement, Mitigation and Compensation Policy S20 The Borough's Geology (in part) Policy S1 Presumption in favour of Sustainable Development (in part)
26. No above ground development shall commence until a schedule of the types, colours and textures of the materials to be used on the external surfaces of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. REASON: In the interests of the visual amenities of the area and to comply with BCCS Policies CSP4 - Place-Making and ENV2 - Historic Character and Local Distinctiveness and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part)
27. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of the access(es) into the site, together with parking and turning area(s) [including details of lines, widths, levels, gradients, cross sections, drainage and lighting] have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the access(es) into the site, together with parking and turning area(s) within the site have been laid out in accordance with the approved details. These area(s) shall thereafter be retained and not be used for any other purpose for the life of the development. REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.
28. No part of the development shall be occupied until visibility splays to the new access have been provided at the junction between the proposed means of access and the highway with an 'x' set back distance of 2.4 metres and a 'y' distance of 59 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority. REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy

L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

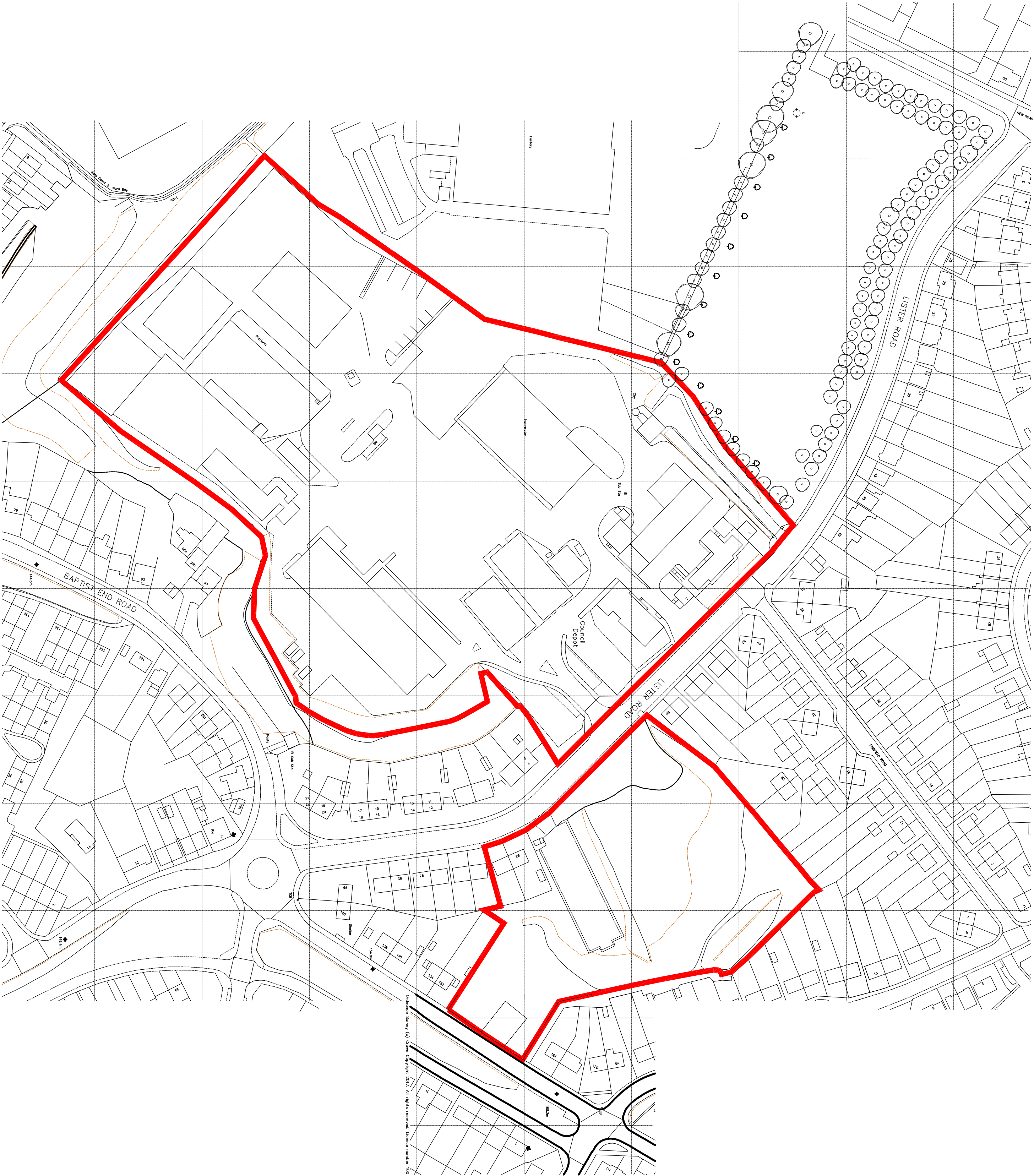
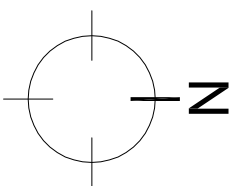
29. The development shall not be occupied/used until details of secure and covered staff cycle storage and shower facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details prior to the first use/occupation of the development and shall thereafter be retained and maintained for no other purpose for the life of the development. REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.
30. Prior to first occupation all redundant dropped kerbs should be replaced with matching full height kerbs and the adjacent Highway made good. REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.
31. The Travel Plan shall be implemented in accordance with the details approved by the Local Planning Authority and remain operational for the life of the development. REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.
32. The office building shall not be first occupied until the new and extended car parking areas have been provided in accordance with the approved plans. The parking areas shall thereafter be retained for the life, unless otherwise agreed in writing by the Local Planning Authority. REASON: To ensure there is sufficient parking and to comply with DBDS Policy S17 Access & Impact of Development on the Transport Network.
33. No construction works to the office building, excluding demolition, shall commence until a survey of existing on street parking to Lister Road and adjoining streets has been submitted to and approved in writing by the LPA. Upon full occupation of the completed office building a further survey of on street parking to Lister Road and adjoining streets shall be submitted to and approved in writing by the Local Planning Authority. The methodology of both surveys shall be submitted to and agreed in writing by the Local Planning Authority prior to them being undertaken. The findings from the two surveys shall then inform whether any mitigation measures will be required, including whether traffic regulation orders, are required. REASON: To ensure the impact from the additional staff causes no more inconvenience to neighbours or the free flow of traffic and to comply with BCCS Policy TRAN2.
34. No development shall commence (excluding demolition, site clearance and initial ground works) until details of the Traffic Regulation Order along the Lister Road frontage to the extended car park opposite the main site, has been submitted to and approved in writing by the Local Planning Authority. The office building shall not be occupied until the agreed Traffic Regulation Order been completed in accordance with the approved details or unless otherwise agreed with the Local Planning Authority. REASON: In the interests of highway safety and to comply with BCCS Policy TRAN2.
35. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and

approved by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include: - A timetable for its implementation, and - A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime of the development. None of the development shall be occupied until surface water drainage works have been implemented in accordance with the approved details. REASON: In the interests of sustainability, reducing flood risk and run off and to comply with Adopted BCCS Policy ENV5 - Flood Risk, Sustainable Drainage Systems and Urban Heat Island.

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NOTES:

PLANNING



PD3	12.06.18	BOUNDARIES REDUCED TO DWMT AMENITY AREA	DB
PD4	29.08.17	BOUNDARIES EXTENDED TO INCLUDE FULL AREA OF SLINC	DB
PD3	29.03.17	BOUNDARIES UPDATED TO MATCH	JCB
PD2	06.03.17	SCALE ALTERED FROM 1:1000 TO 1:1250 BOUNDARY	JCB
PD1	20.02.17	BOUNDARY ADDED	DB
REV	DATE	NOTES	CHK

Client
**DUDLEY METROPOLITAN
BOROUGH COUNCIL**

Project
LISTER ROAD DEPOT

Drawing Title			
LOCATION PLAN			
Drawn	Checked	Paper Size	Scale
PD	DB	A1	1:1250
Project No.	Drawing No.		Revision
16550	0001		P05

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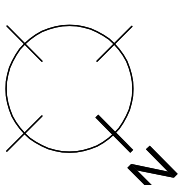
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NOTES:

PLANNING



27

P08	07/08/2018	CAR PARKING ADJUSTED TO SHOW ADDITIONAL SPACES BY VEHICLE SIZE/TYPE. DISABLED PARKING BAYS	D8	E8
P07	10/07/2018	CAR PARKING NUMBERS INCREASED SHOWING AREAS	D8	E8
P06	12/06/2018	MANUAL PARKING SPACES REVIEWED. CYCLE SPACES UPDATED TO REFLECT OMISSION OF WORKS TO AMENITY AREA	D8	E8
P05	19/05/2018	CAR PARK LANE UPDATED TO OFFICE BLOCK. ACCESS SHOWN TO UNDER DROPT PARKING. PARKING TO AMENITY SPACES REMOVED.	D8	E8
P04	31/10/2017	REVIEWED PARKING SPACES TO REFLECT AMENDMENTS TO FOLLOWING FEEDBACK FROM PLANNERS	D8	E8
P03	21/09/2017	MAIN CAR PARK UPDATED TO REFLECT CHANGES TO OPEN SPACE WORKS TO THE OVERFLOW CAR PARK UPDATED IN LINE WITH DESIGN DEVELOPMENT	D8	E8
P02	28/03/2017	CAR PARK UPDATED TO SUIT ZONE TO REAR OF NEW OFFICE INDICATED	JCB	D8
P01	18/03/2017	GENERAL AMENDMENTS TO CLIENT COMMENTS	E8	D8

Client	RENY	Date		Notes		CHK
DUDLEY METROPOLITAN BOROUGH COUNCIL Project						
LISTER ROAD DEPOT						
Drawing Title SITE PLAN PROPOSED						
Drawn	Checked	Paper Size	Scale	Date	Revision	
PD	DB	A1	1:500	Jan '17		
Project No.	Drawing No.				Revision	
16550	0007					P08

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BUILDINGS E, F, G -



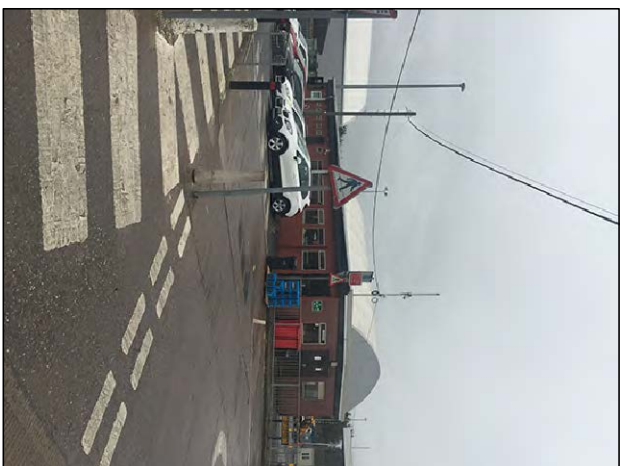
(BUILDINGS F-LEFT, AND E-RIGHT)



(BUILDING F)



(BUILDINGS G-LEFT, AND F-RIGHT)



(BUILDING H)



(BUILDING J)



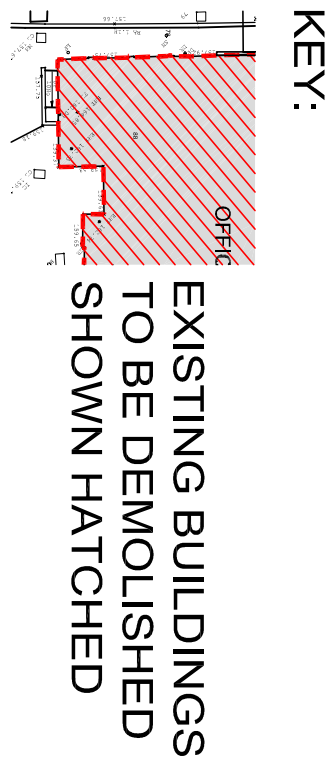
(BUILDING L)

BUILDINGS H, J, K, L -



GATE POSTS

(HEIGHT REDUCED FOR VISIBILITY SPLAY)



BUILDINGS A, B, C -



(ALSO SEE DRAWING 16550-0200)

BUILDING D -



(ALSO SEE DRAWING 16550-0201)

Drawing Title
SITE PLAN
PROPOSED DEMOLITION WORKS

Drawn	Checked	Paper Size	Scale	Date
PD	DB	A1	1:500	Jan '17

Project No. 16550
Drawing No. 0006
Revision P05

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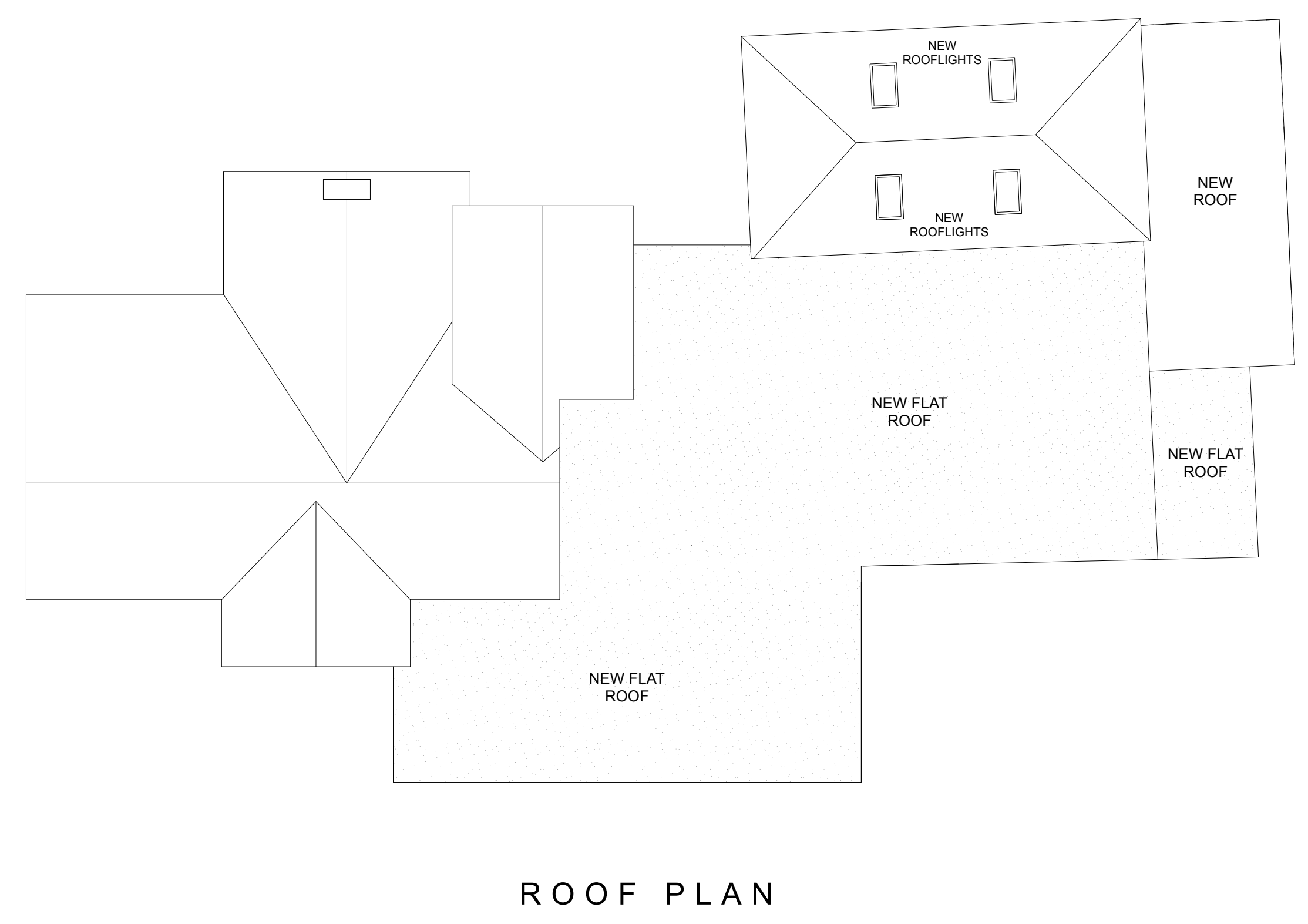
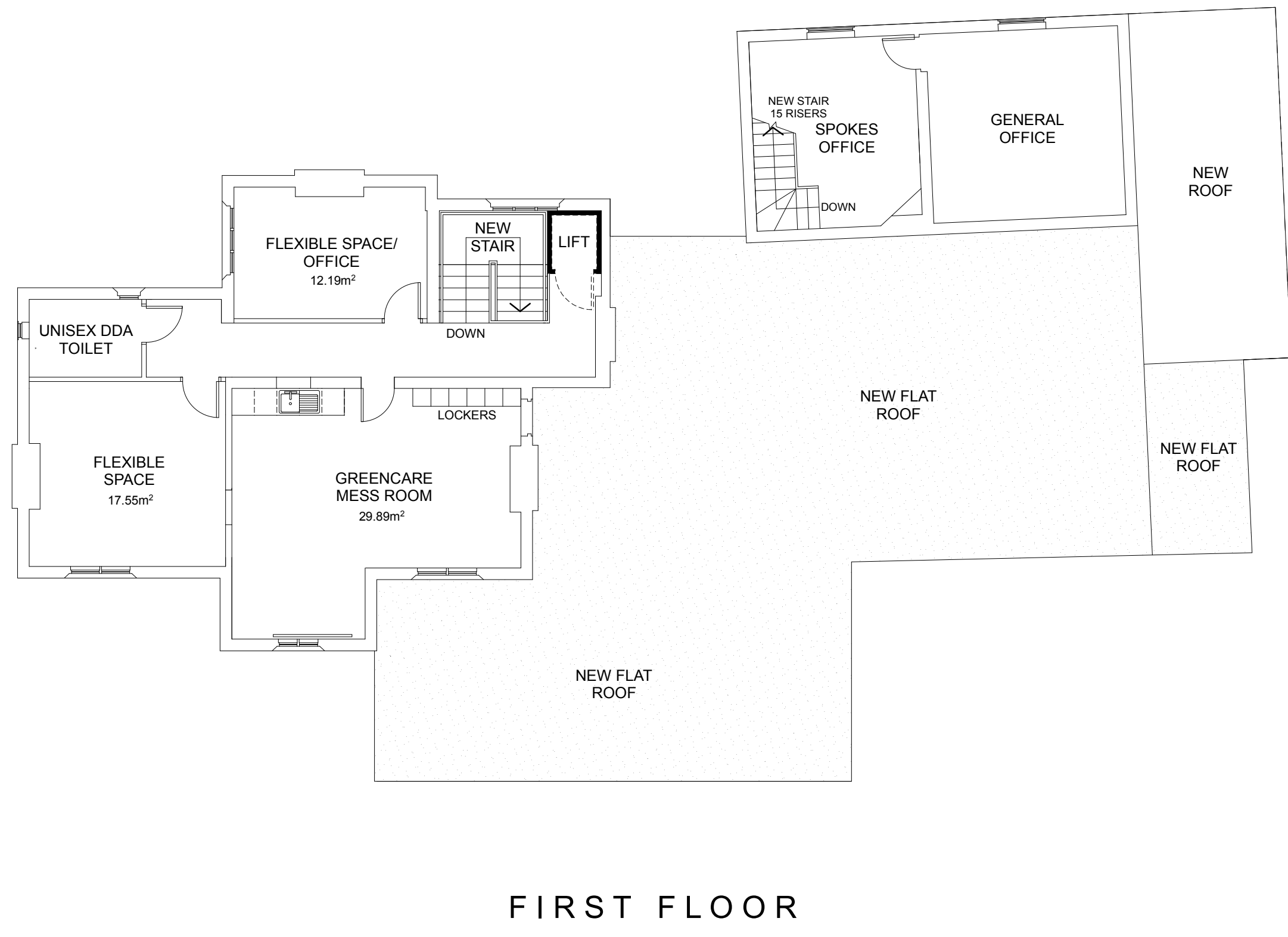
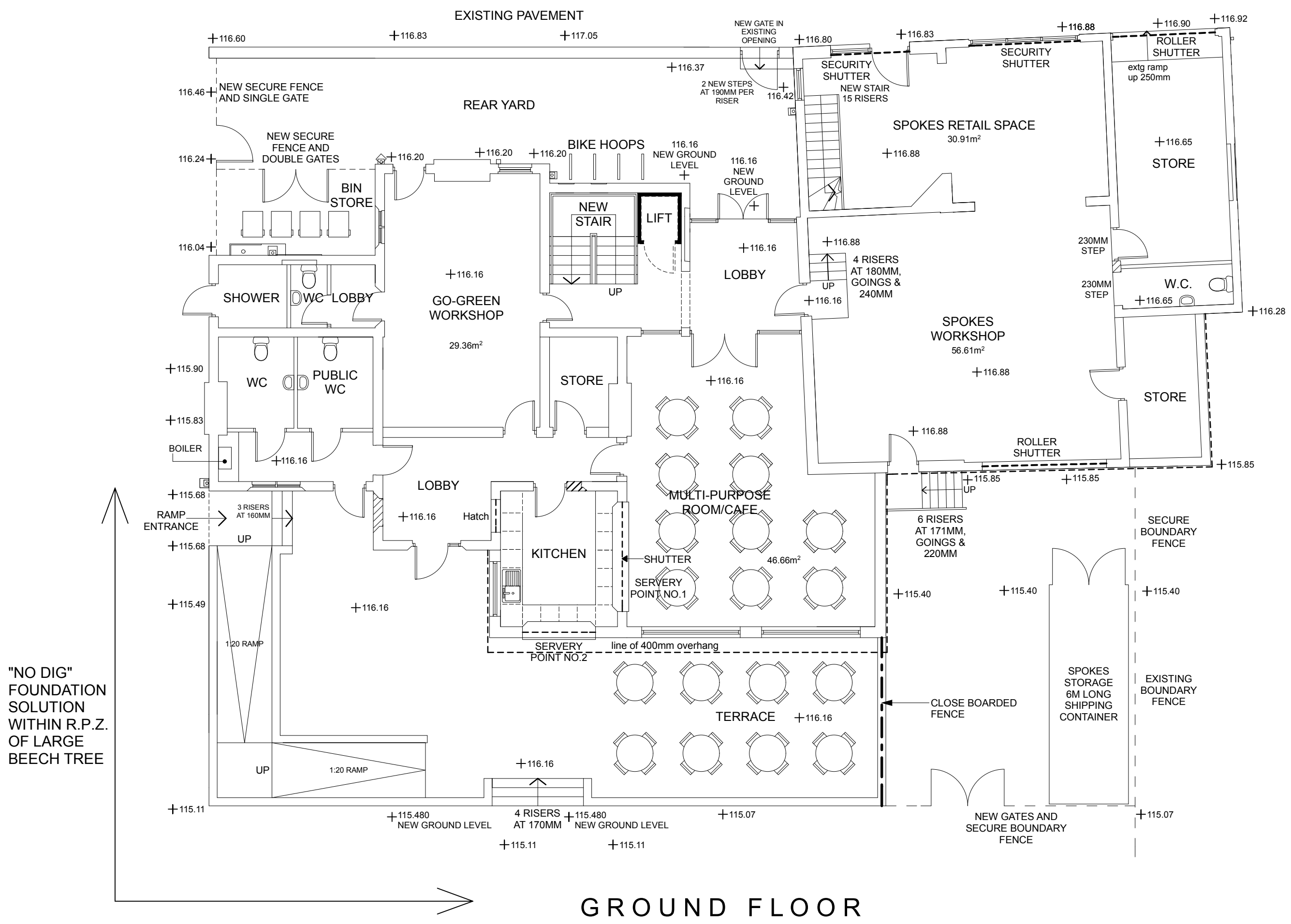
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NOTES

PLANNING

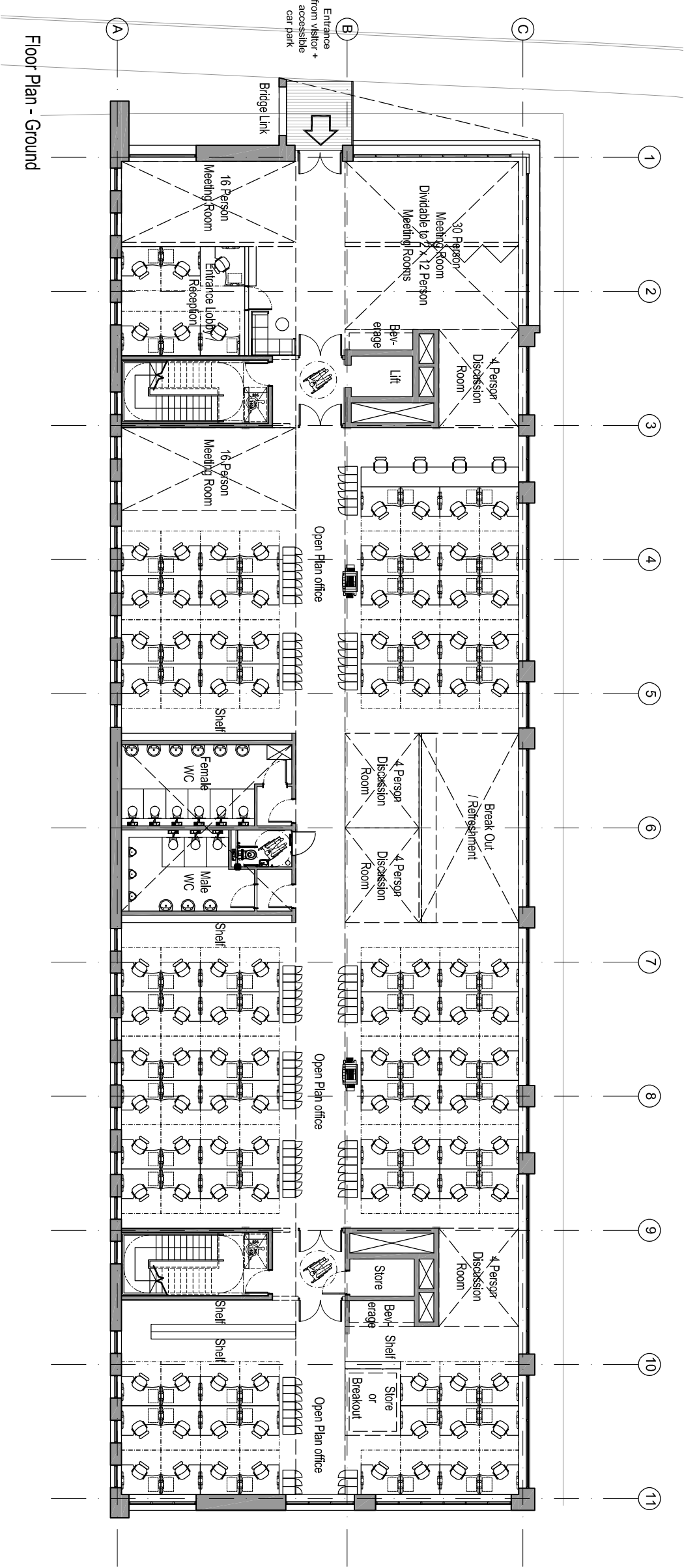
REVISION	DATE	DESCRIPTION
A	20.09.2018	EXTERNAL CANOPY REMOVED
B	24.09.2018	LEVELS ADDED. EXTERNAL STEPS ADDED BY SHUTTER DOOR, INTERNAL STEPS ADDED BETWEEN LOBBY AND SPOKES WORKSHOP. NOTE REGARDING NO DIG FOUNDATION ADDED



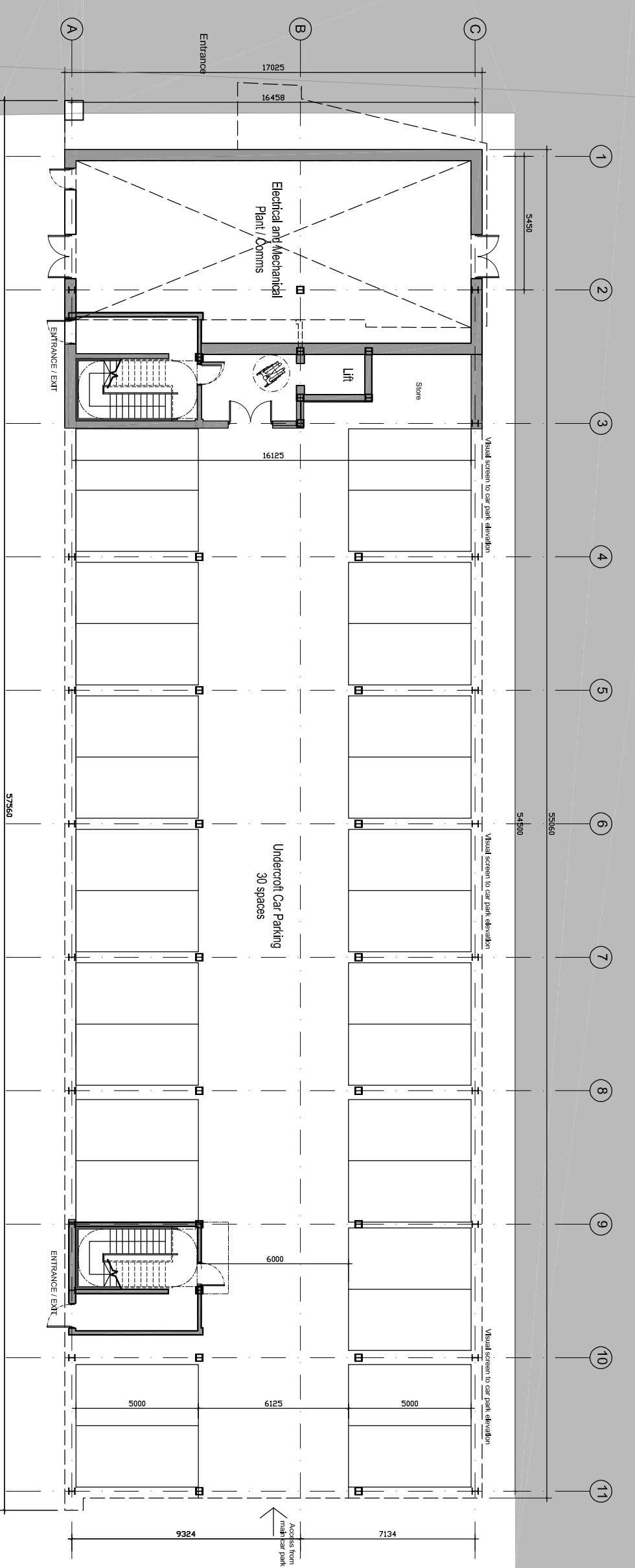
DRAWING TITLE PROPOSED FLOOR PLANS		
JOB DESCRIPTION STEVENS PARK, DUDLEY		
DRAWING SCALE 1: 100 @ A1	DATE JUNE 2018	DRAWING REF. 2637.06B
BAART HARRIES NEWALL ARCHITECTS <small>1 WILDERHOPE HOUSE POURNEY GARDENS BELLE VUE SHREWSBURY SY3 7JU Fax: 01743 364944 Tel: 01743 361261</small>		

PLANNING

SCHEDULE:	
DESK PROVISION:	
- GF	= 112 (+ 4 Touchdown)
- 1st Floor	= 190
- TOTAL	= 246 (+ 8 Touchdown)
LOCKER PROVISION:	
- Assuming Lockers 600 x 300mm - 1800H - 2 Lockers / Unit - (TBC)	
- 1st Floor	= 190 Lockers / 95 Units
- TOTAL	= 340 Lockers / 170 Units
SHELF STORAGE PROVISION:	
- Assuming Shelves 3000 x 350H - 5 levels / shelf - (TBC)	
- GF	= 27.6 Linear metres x 5 levels = 138.1 metres
- 1st Floor	= 27.6 Linear metres x 5 levels = 138.1 metres
- TOTAL	= 70.6 Linear metres x 5 levels = 353 m
WC PROVISION - ALL FLOORS:	
- Assuming 3 No. WCs - 3 No. Urinals	
- Male	= 3 No. WCs
- Female	= 6 No. WCs



Floor Plan - Ground



Floor Plan - Lower Ground Floor (PARKING)

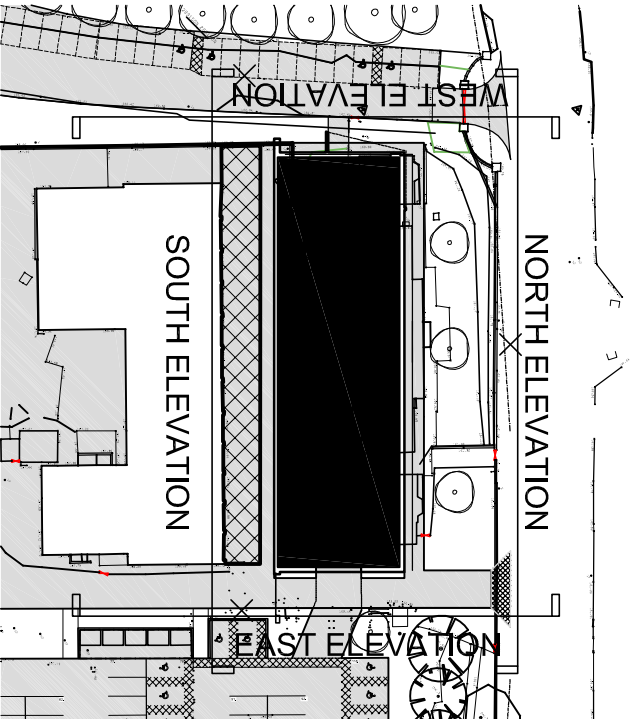
Drawing Title			
OFFICE BLOCK PROPOSALS			
LOWER GROUND + GROUND FLOOR PLANS			
UNDER CROFT			
Drawn	Checked	Scale	Date
PD	DB	A1	1:1:00
Project No.	Drawing No.	Revision	
16650	0300	P04	

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NOTES

PLANNING

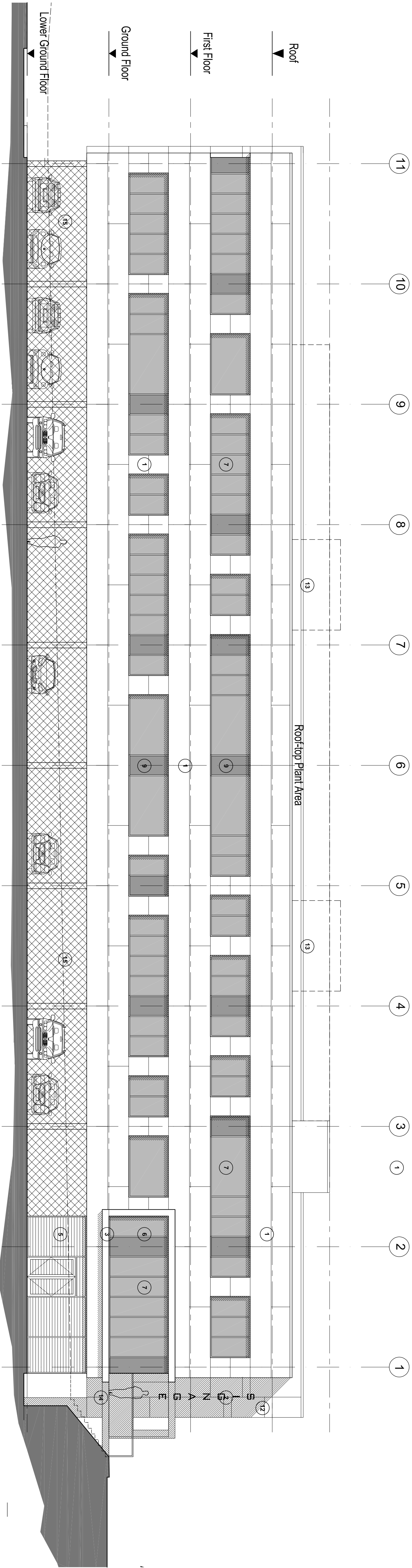


KEY PLAN

- LEGEND:
- 1 RAIN SCREEN CLADDING - METALLIC FINISH
 - 2 CLADDING PANEL - METALLIC SILVER GREY (CHECKER PATTERN)
 - 3 CLADDING PANEL - YELLOW (CONTRASTING COLOUR TO REVEAL)
 - 4 FACING BRICKWORK - STAFFORDSHIRE BLUE
 - 5 LOUVRES - PPC FINISH - ANTHRACITE GREY
 - 6 ALUMINIUM CURTAIN WALLING SYSTEM - ANTHRACITE GREY
 - 7 CLEAR GLAZING / WINDOWS
 - 8 ORPHEUS GLAZED PANEL - GREY
 - 9 COLOUR GLAZED PANEL - GREY
 - 10 MAIN ENTRANCE DOORS - PPC FINISH - ANTHRACITE GREY
 - 11 EXIT / ENTRANCE DOOR - PPC FINISH - ANTHRACITE GREY
 - 12 CORPORATE SIGNAGE (TBC BY DUDLEY COUNCIL)
 - 13 ROOF-TOP PLANT
 - 14 ACCESS BRIDGE TO MAIN ENTRANCE
 - 15 VISUAL SCREEN TO CAR PARK LEVEL

Office Block - North Elevation (Lister Road)

elevation shown with road omitted in front



Outline of existing tree line to boundary edge of site

Existing brick piers beyond to be retained

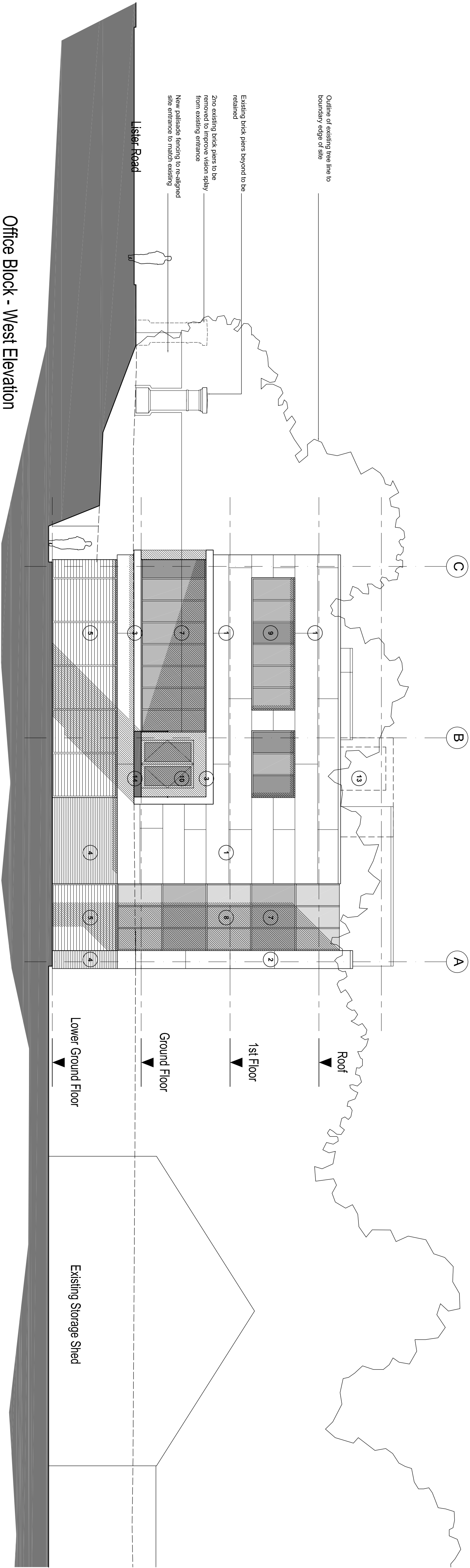
Zero existing brick piers to be removed to improve vision splay from existing entrance

New railside fencing to re-aligned site entrance to match existing

Lister Road

Office Block - West Elevation

elevation shown car park omitted in front



C B A

Roof

1st Floor

Ground Floor

Lower Ground Floor

Existing Storage Shed

Drawing Title				
OFFICE BLOCK PROPOSALS				
ELEVATIONS				
NORTH + WEST				
Drawn	Checked	Paper Size	Scale	Date
PD	DB	A1	1:100	Jan '17
Project No.	Drawing No.	Revision		
16550	0310	P03		

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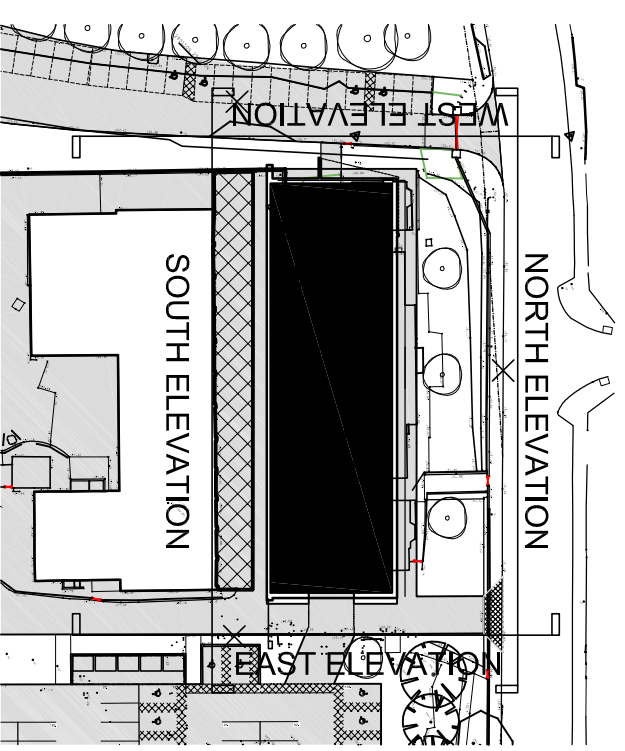
NOTES:

PLANNING

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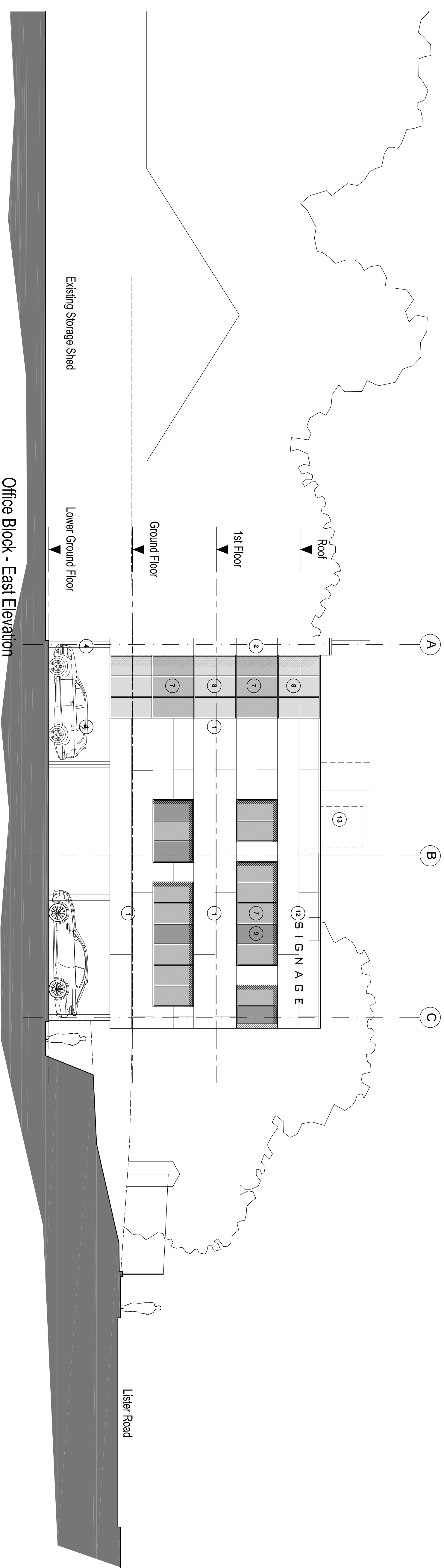
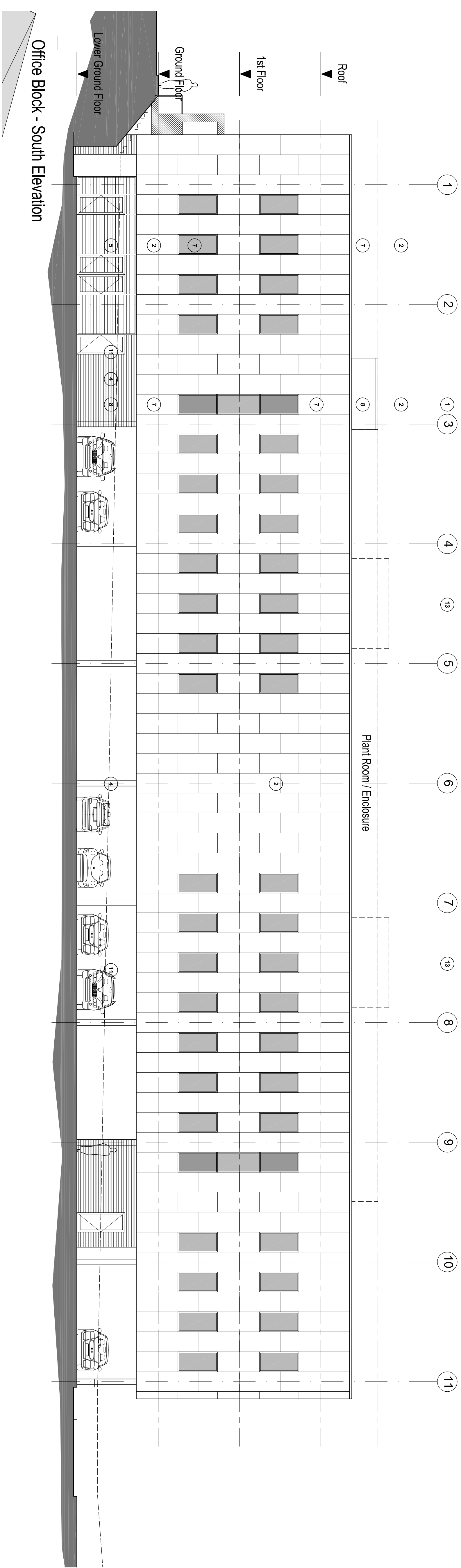
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NOTES:



KEY PLAN

- 1 CLADDING PANEL - METALLIC SILVER / GREY
- 2 CLADDING PANEL - METALLIC SILVER / GREY (CHECKER PATTERN)
- 3 RAINSCREEN CLADDING - METALLIC FINISH
- 4 FACING BRICKWORK - STAFFORDSHIRE BLUE
- 5 LOUVRES - PPC FINISH - ANTHRACITE GREY
- 6 ALUMINIUM CURTAIN WALLING SYSTEM - ANTHRACITE GREY
- 7 CLEAR GLAZING / WINDOWS
- 8 OPAQUE GLAZED PANEL - GREY
- 9 COLOUR GLAZED PANEL - GREY
- 10 MAIN ENTRANCE DOORS - PPC FINISH - ANTHRACITE GREY
- 11 EXIT / ENTRANCE DOOR - PPC FINISH - ANTHRACITE GREY
- 12 CORPORATE SIGNAGE (TBC BY DUDLEY COUNCIL)
- 13 ROOF-TOP PLANT
- 14 ACCESS BRIDGE TO MAIN ENTRANCE



P03	03.03.18	ELEVATIONS UPDATED TO SHOW AND EXT DOORS TO THE LOWER GROUND FLOOR AND THE LOWER POSITIONS.	DB
P02	17.05.18	ELEVATIONS UPDATED TO REMOVE TOP MOST FLOOR LEVEL, LOWERING THE LOWER GROUND FLOOR UP TO THE UNDERCROFT CAR PARKING MATERIAL NOTES AMENDED	DB
P01	03.03.17		DB
REV	DATE	NOTES	CHK
Client			
DUDLEY METROPOLITAN BOROUGH COUNCIL			
Project			
LISTER ROAD DEPOT			
Drawing Title			
OFFICE BLOCK PROPOSALS			
ELEVATIONS SOUTH + EAST			
Drawn	Checked	Project Scale	Date
PD	DB	A1	Jan '17
Project No.	Drawing No.		Revision
16550	0311		P03

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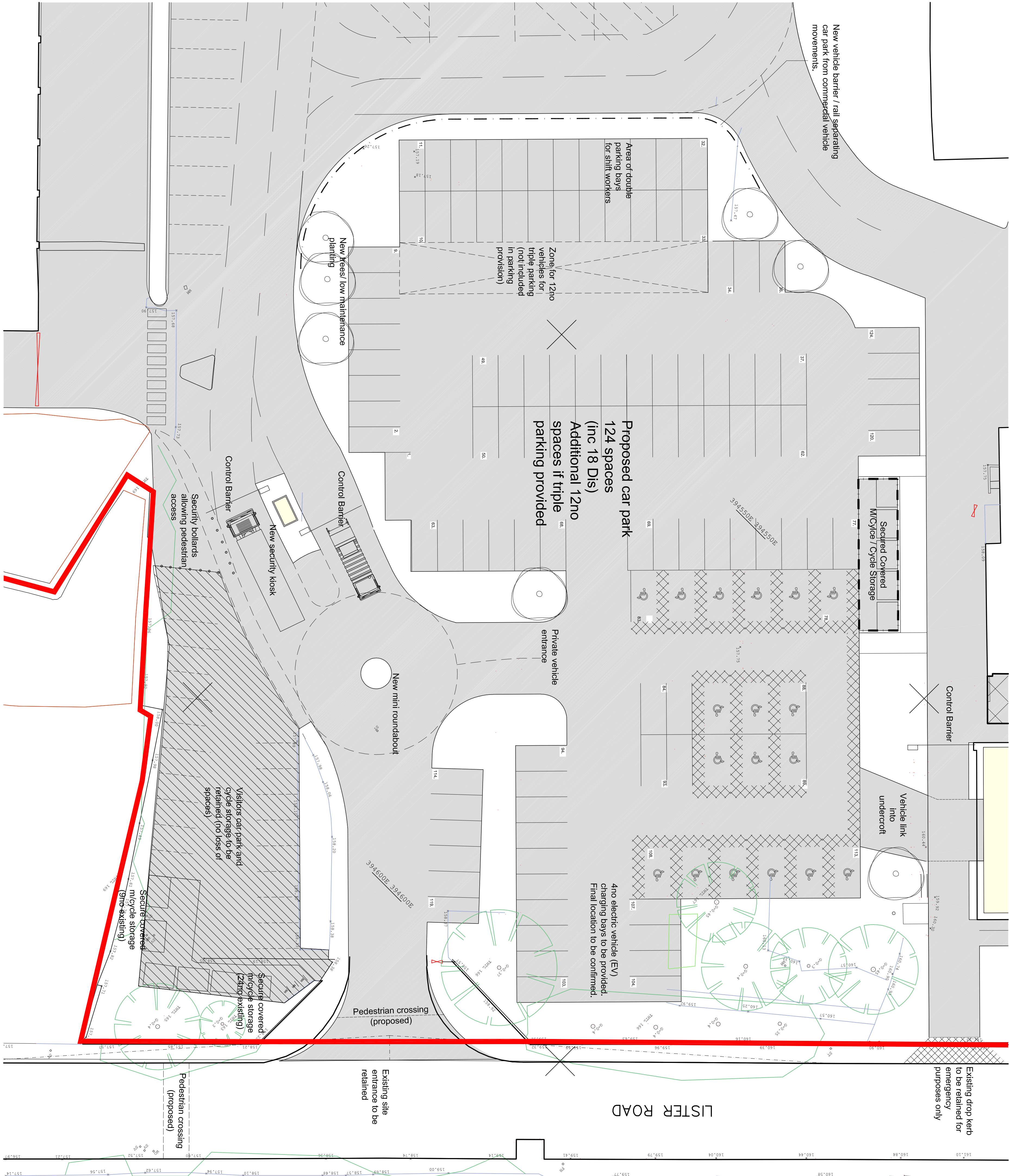
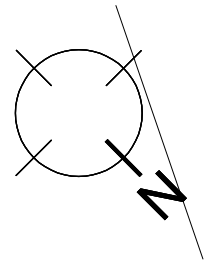
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Manufacture or construction work.

NOTES

Planning



SEE DRAWING 0014 FOR
SLINC CAR PARK LAYOUT

DUDLEY METROPOLITAN
BOROUGH COUNCIL

Project
LISTER ROAD DEPOT

Drawing Title				
MAIN CAR PARK PLAN				
PROPOSED				
Drawn	Checked	Paper Size	Scale	Date
PD	DB	A1	1:200	Jan '17
Project No.	Drawing No.	Revision		
16550	0010	P-09		

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NOTES:

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PLANNING



P02	03.08.18	Drawing updated in line with design development proposals agreed with client.			DB
P01	20.09.17	Drawing updated in line with design development proposals agreed with client.			DB
REV	DATE	NOTES			CHK
Client					
DUDLEY METROPOLITAN BOROUGH COUNCIL					
Project					
LISTER ROAD DEPOT DUDLEY					
Drawing Title					
SECONDARY CAR PARK PROPOSED LAYOUT					
Drawn	Checked	Paper Size	Scale	Date	
PD	DB	A3	1:1250	Jan '17	
Project No.	Drawing No.			Revision	
16550	0014			P02	



P-01 16.05.18 ELEVATIONS UPDATED IN LINE WITH GENERAL AMENDMENTS TO BUILDING FOOTPRINT DB: EB

REV DATE NOTES CHK

Client

DUDLEY METROPOLITAN BOROUGH COUNCIL

Project

LISTER ROAD DEPOT

Drawing Title

OFFICE BLOCK PROPOSALS COLOURED ELEVATIONS NORTH + WEST

Drawn	Checked	Paper Size	Scale	Date
PD	DB	A1	1:100	Jan '17

Project No.	Drawing No.	Revision
16550	0312	P-01

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NOTES:

PLANNING

SCHEDULE:

- GF = 112 (+ 4 Touchdown)
- 1st Floor = 134 (+ 4 Touchdown)
- TOTAL = 246 (+ 8 Touchdown)

(Assuming Lockers 430D x 300W x 1800H - 2 Lockers / Unit - TBC)

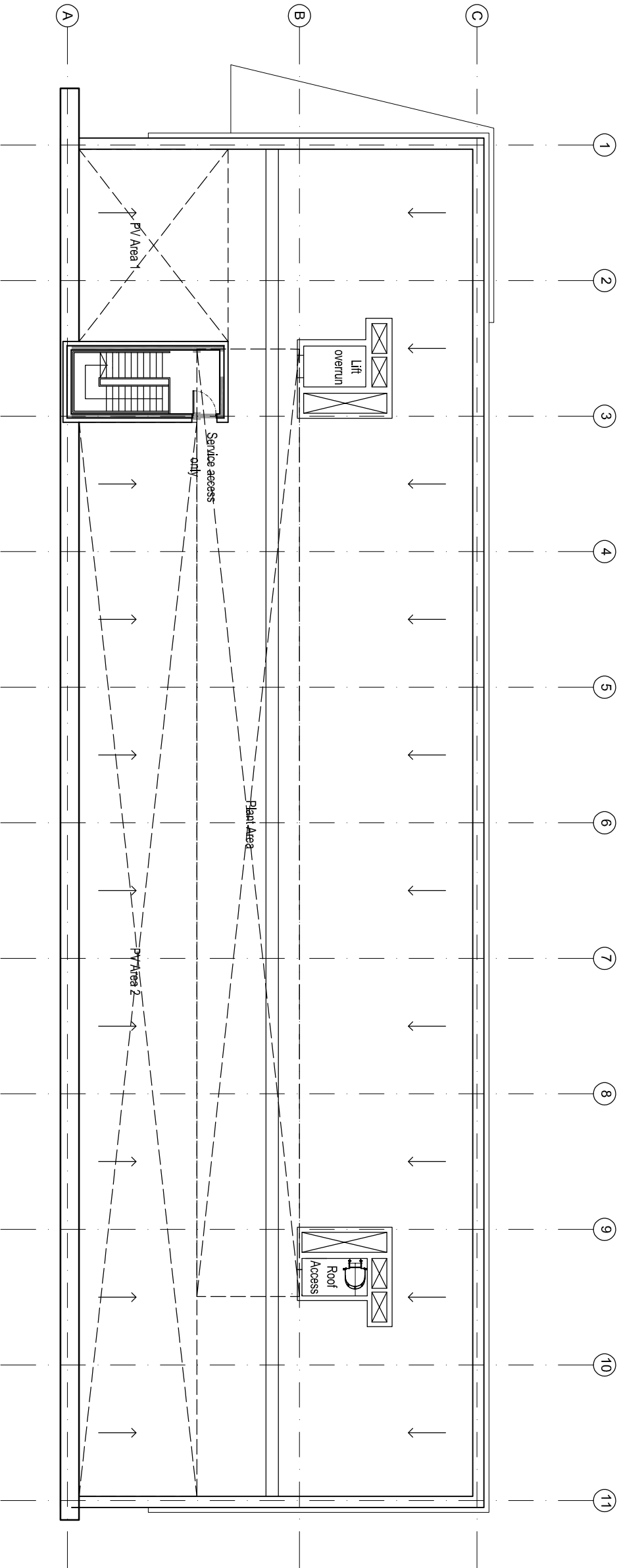
- GF	= 150 Lockers / 75 Units
- 1st Floor	= 190 Lockers / 95 Units
- TOTAL	= 340 Lockers / 170 Units

SHELF STORAGE PROVISION:
 (Assuming Shelves 300D x 350H - 5 levels / shelf - TBC)
 - GF = 27.6 Linear metres x 5 levels = 138.1 metres
 - 1st Floor = 43.0 Linear metres x 5 levels = 215.1 metres

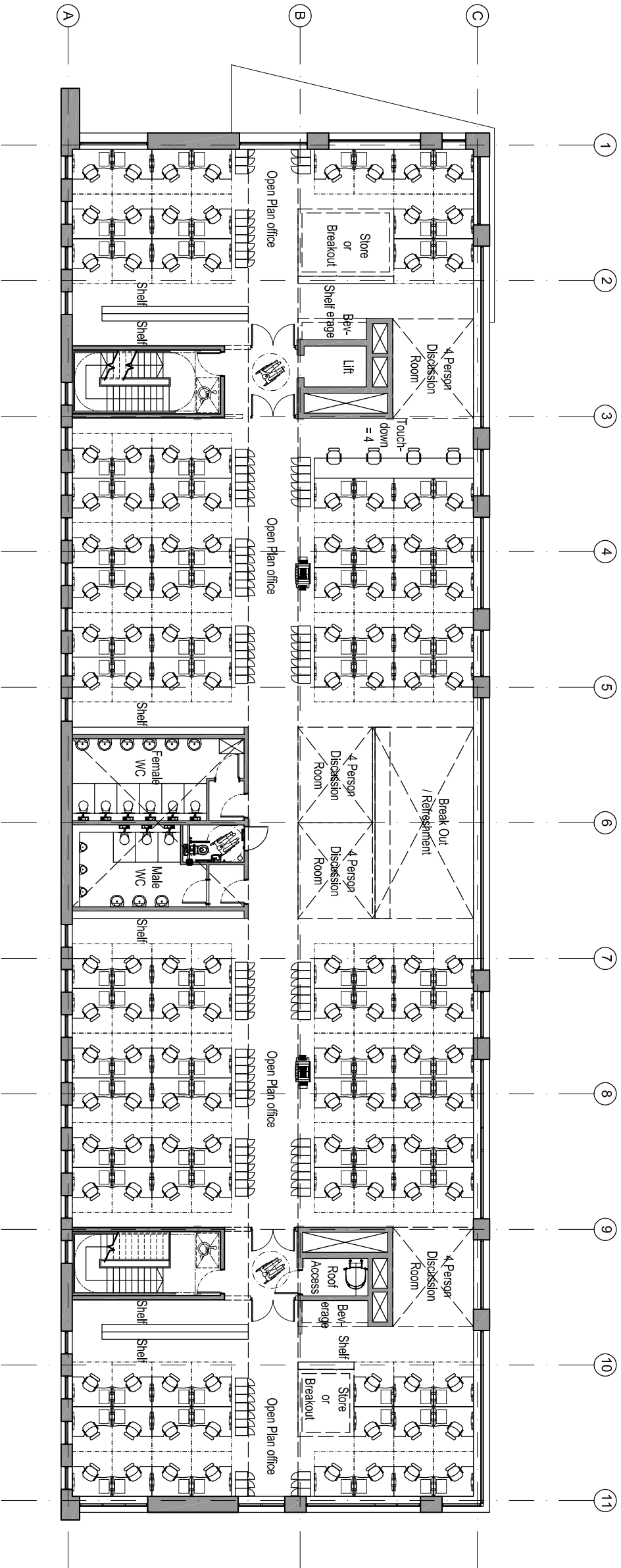
WC PROVISION - ALL FLOORS:
(This provision has been calculated to BS6465 assuming a 50:50 gender split.)

- Male	= 3 No. WCs + 3 No. Urinals
- Female	= 6 No. WCs

36



Roof Level - Including Plant Area



Floor Plan - First Floor

Client	DATE	NOTES	CHG
0306.16	03/06.16	ISSUING UPGRADE TO REMOVE STREET LIGHTS + ADD	DB
0306.16	03/06.16	DRIVING UPGRADE TO REMOVE SIG FLOOD ROAD	DB
06/06.17	06/06.17	LINE SHOWN TO REVEALS THE OUPSLING	DB
		THE UPGRADE WITH THE ROAD PLAN ROAD	DB

Client	DATE	NOTES	CHG
0306.16	03/06.16	ISSUING UPGRADE TO REMOVE STREET LIGHTS + ADD	DB
0306.16	03/06.16	DRIVING UPGRADE TO REMOVE SIG FLOOD ROAD	DB
06/06.17	06/06.17	LINE SHOWN TO REVEALS THE OUPSLING	DB
		THE UPGRADE WITH THE ROAD PLAN ROAD	DB

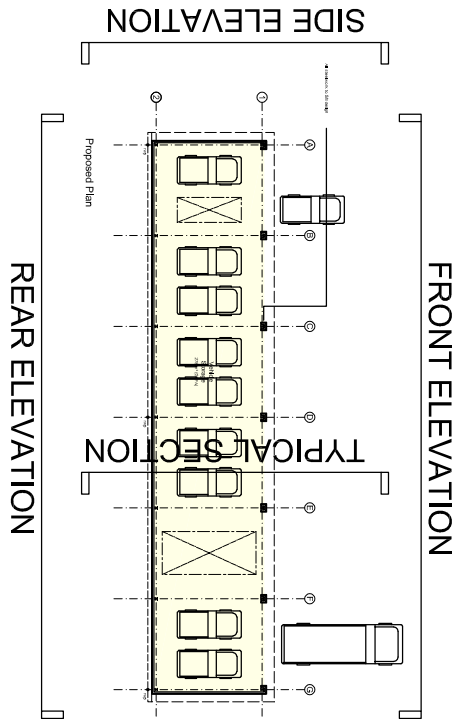
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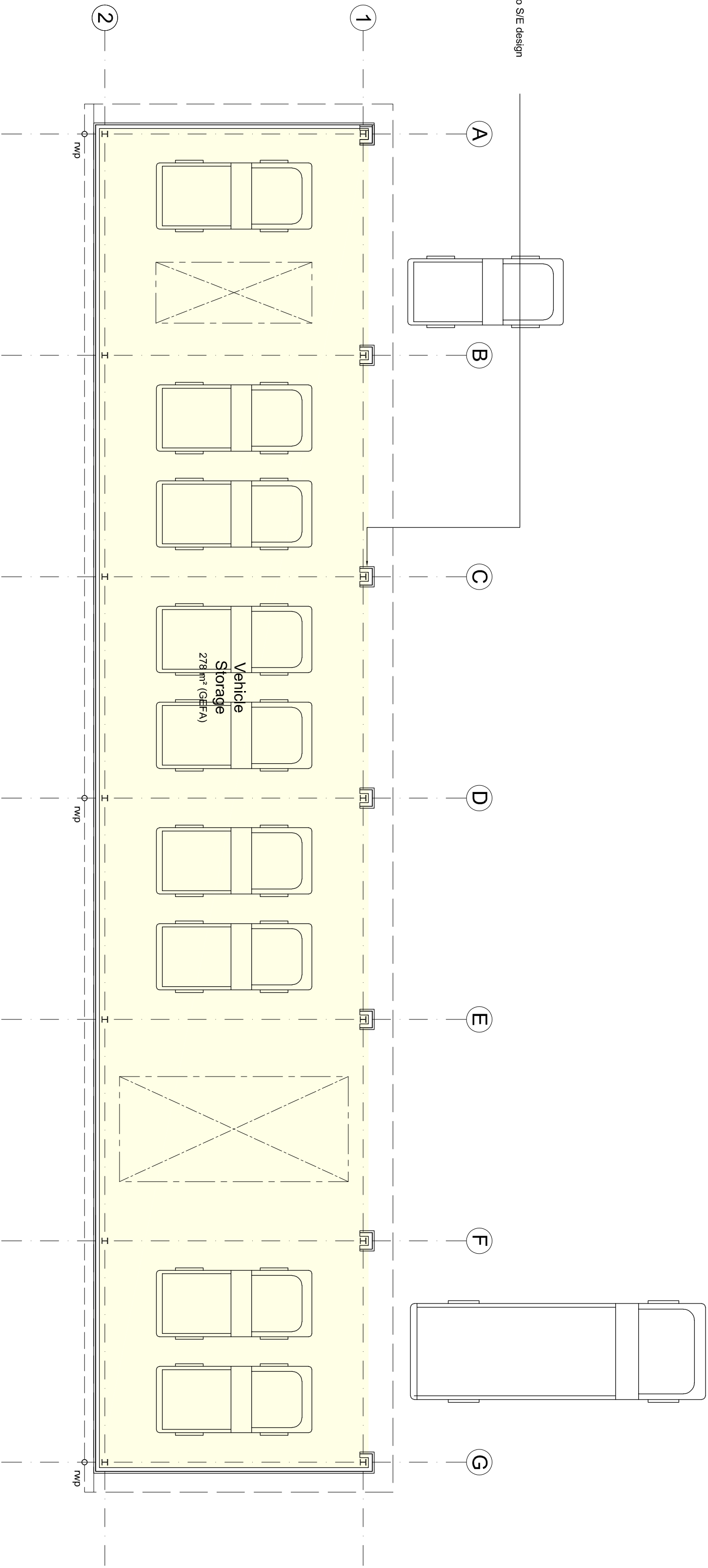
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NOTES

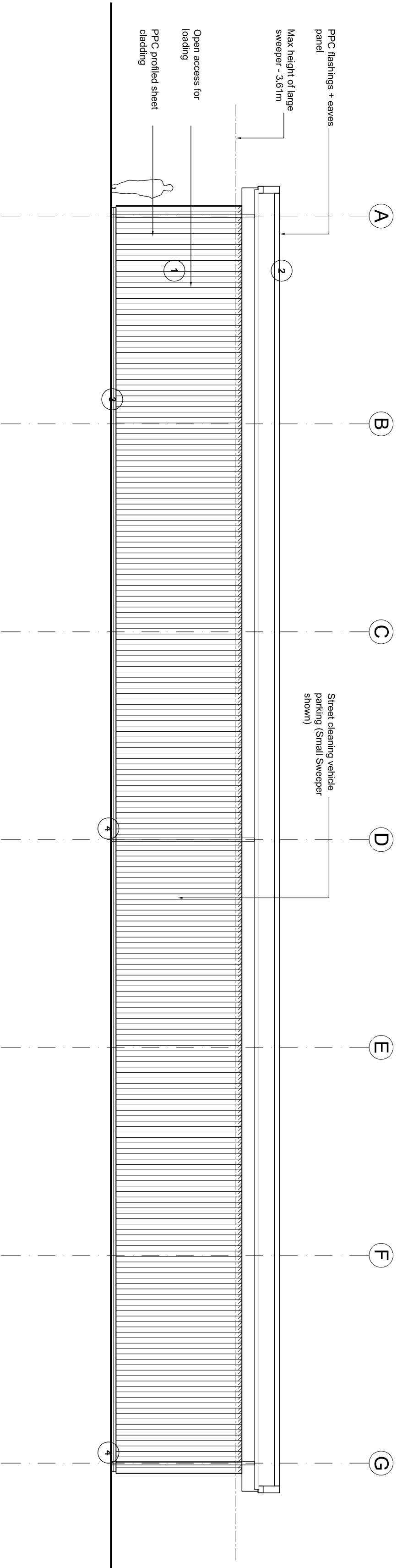


KEY PLAN

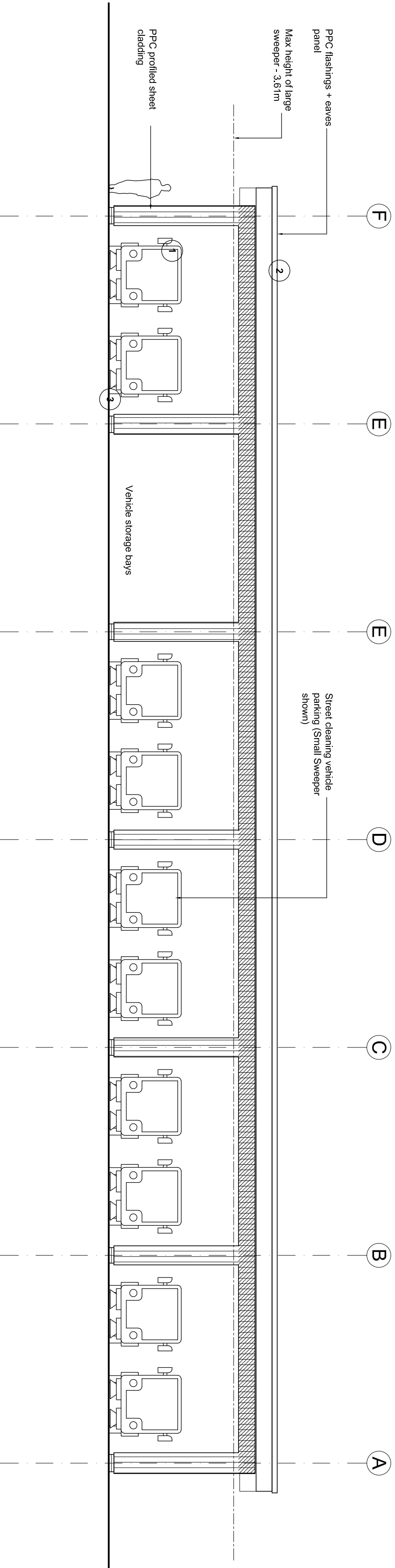
- LEGEND:
- 1 PROFILED PFC ALUMINIUM - GREY
 - 2 PFC EAVES CAPPING + FASCIA
 - 3 BRICK - LOW LEVEL ENGINEERING BRICK WORK
 - 4 PFC ALUMINIUM RAINWATER GUTTER + DOWNPIPES



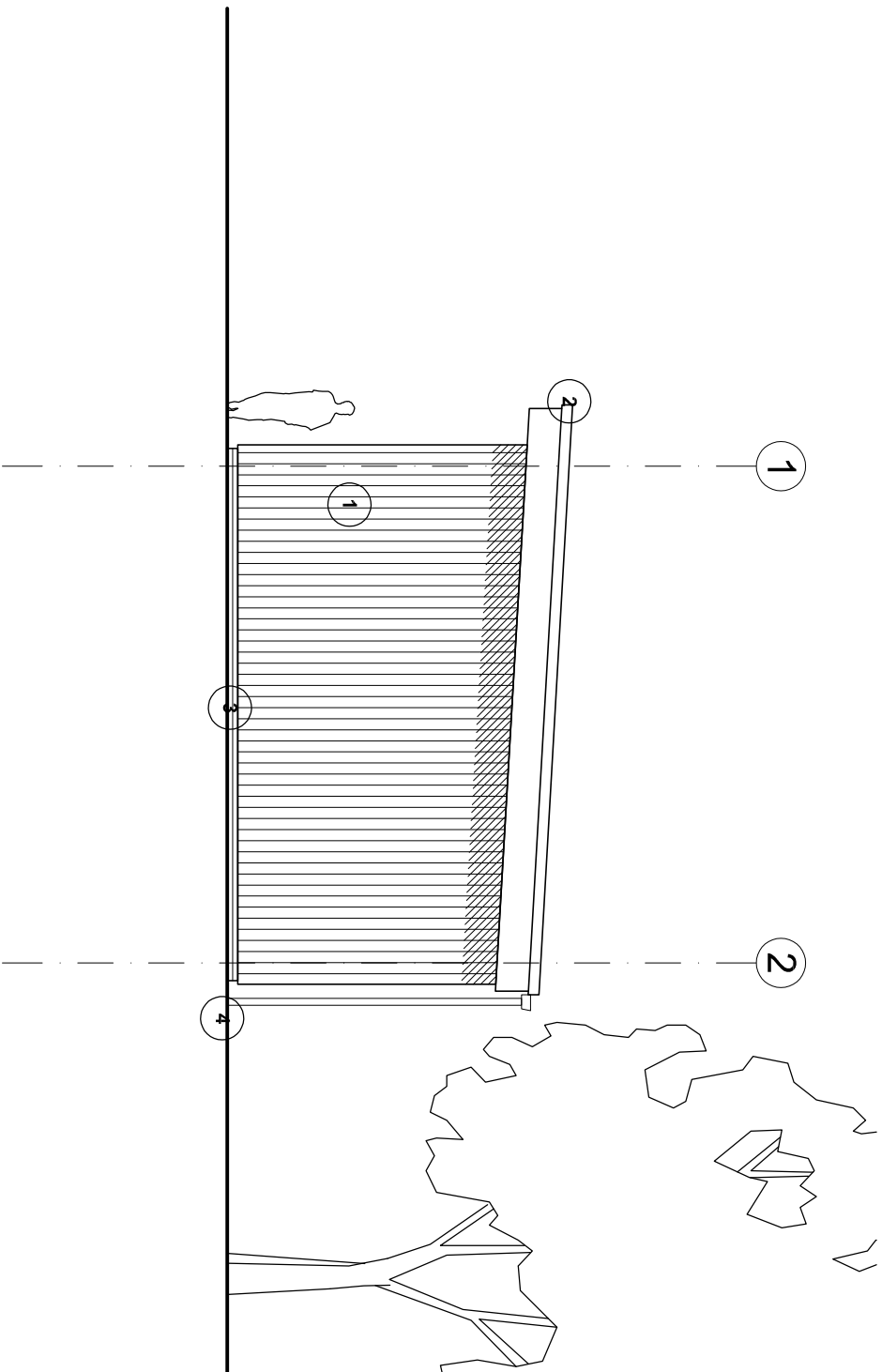
Proposed Plan



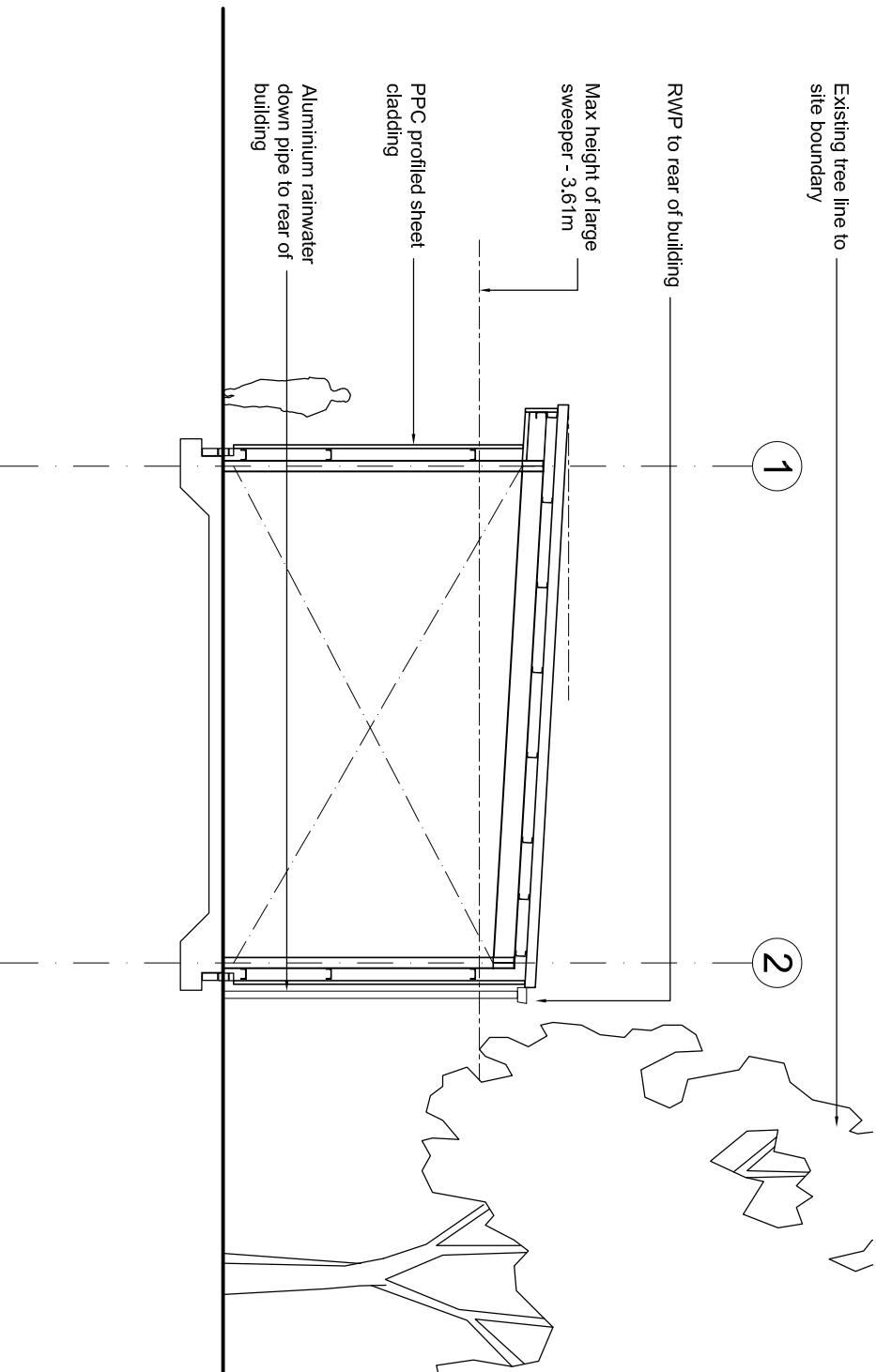
Proposed rear elevation



Proposed front elevation



Typical side elevation (other end similar)



Typical Section

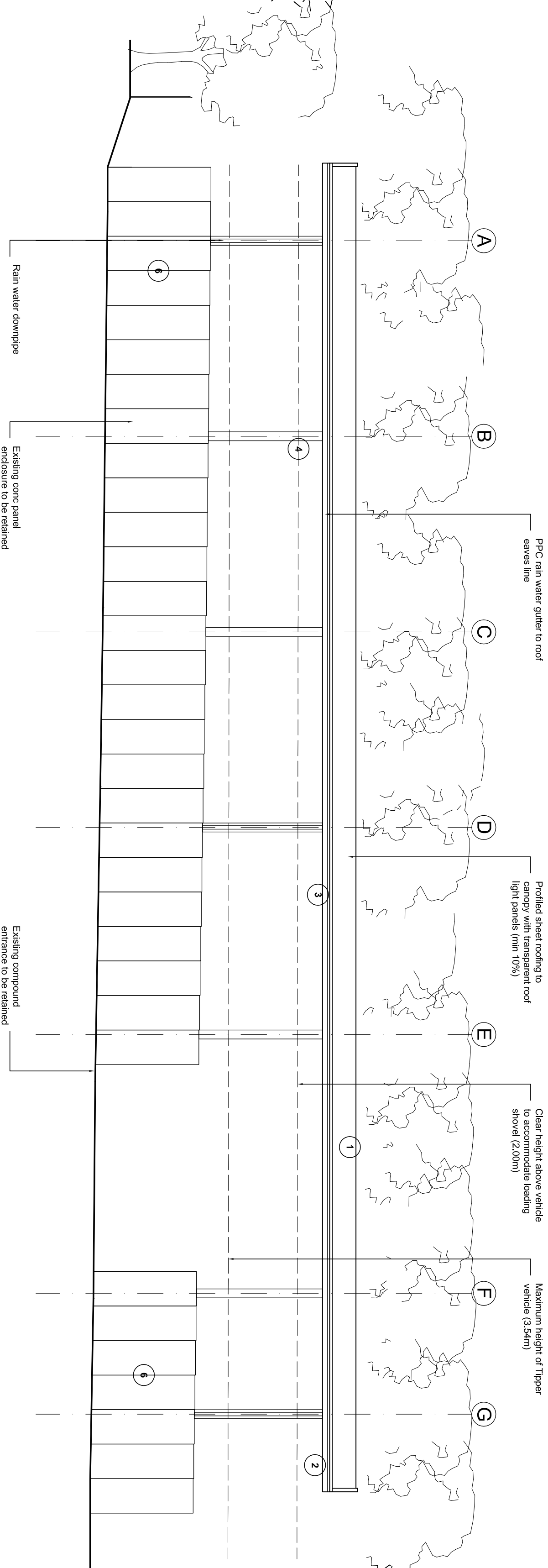
PI03	20.07.2018	TARMAC STORE OMITTED, ADDITIONAL	DB
PI02	06.03.2017	VEHICLE SHELTER SHOWN	DB
PI01	22.02.2017	BUILDING HEIGHT ADJUSTED FOLLOWING	DB
REV	DATE	NOTES	CHK
Client			
DUDLEY METROPOLITAN BOROUGH COUNCIL			
Project			
LISTER ROAD DEPOT			

Drawing Title	ANCILLARY VEHICLE STORE PROPOSALS
Project No.	16550
Revision	P03
Drawn	PD
Checked	DB
Paper Size	A1
Scale	1:100
Date	Jan '17
Project No.	16550
Drawing No.	0350

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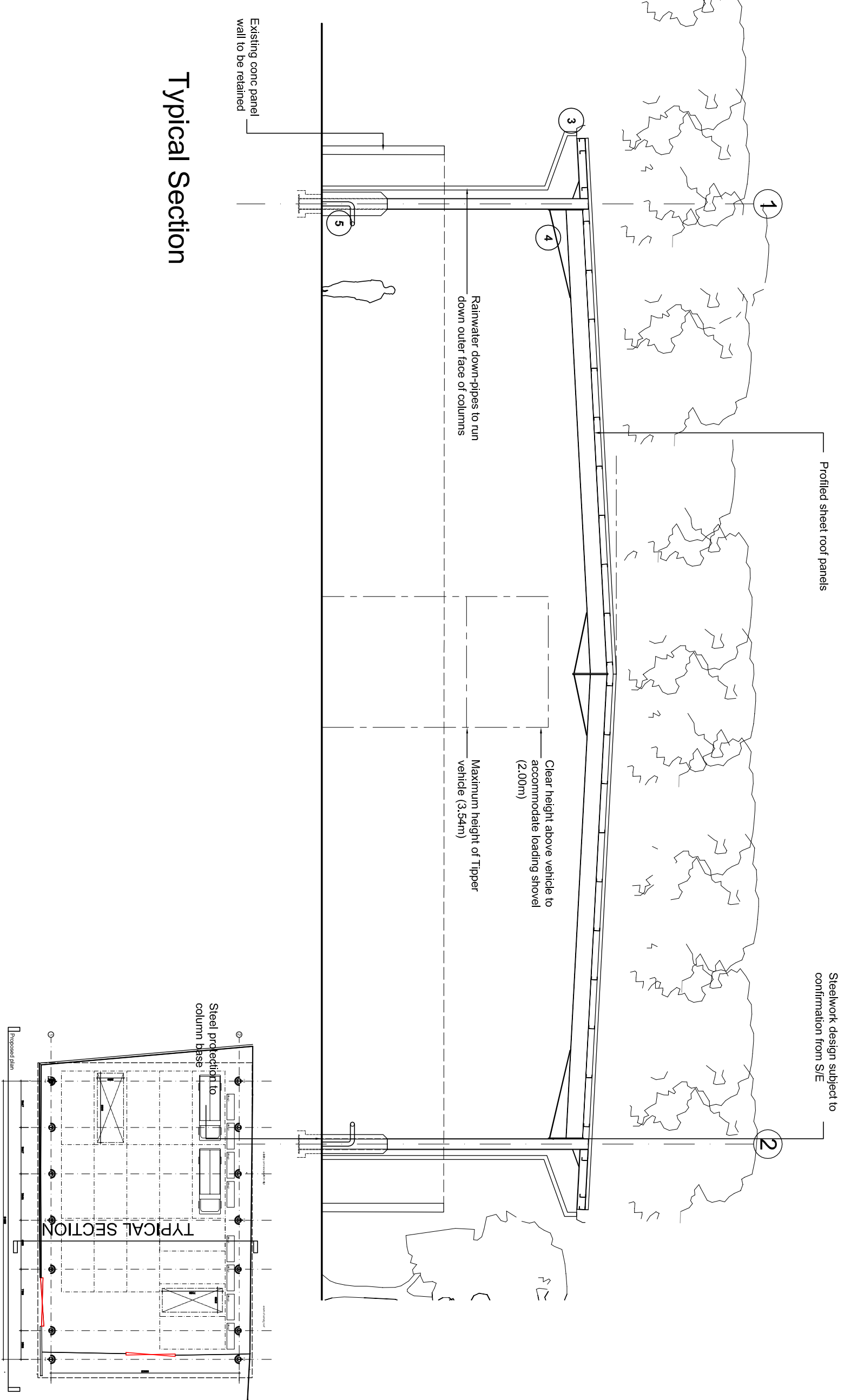
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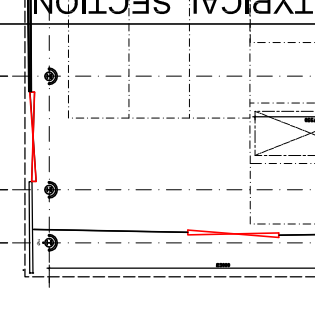


Front elevation (rear similar)

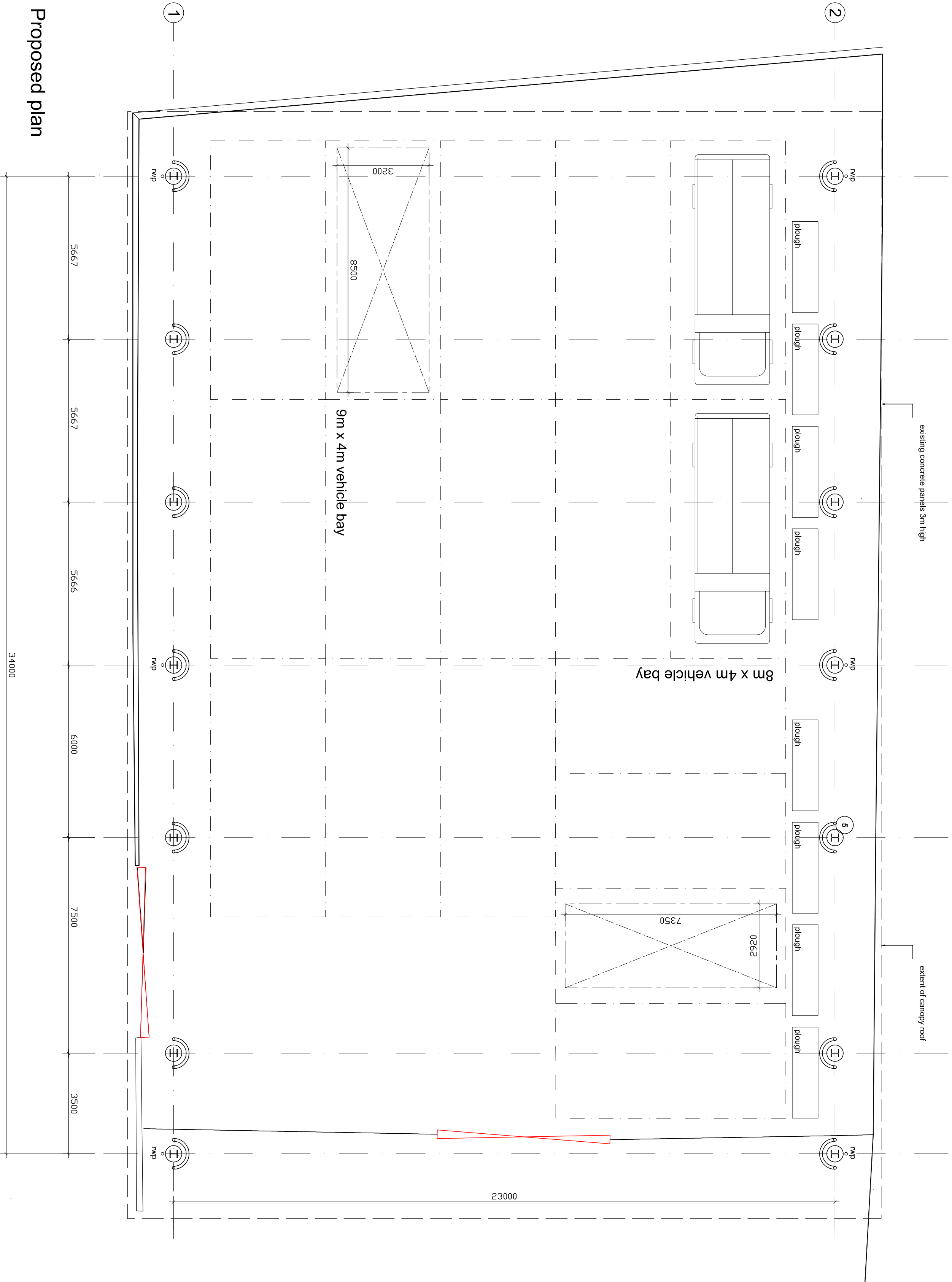
Typical Section



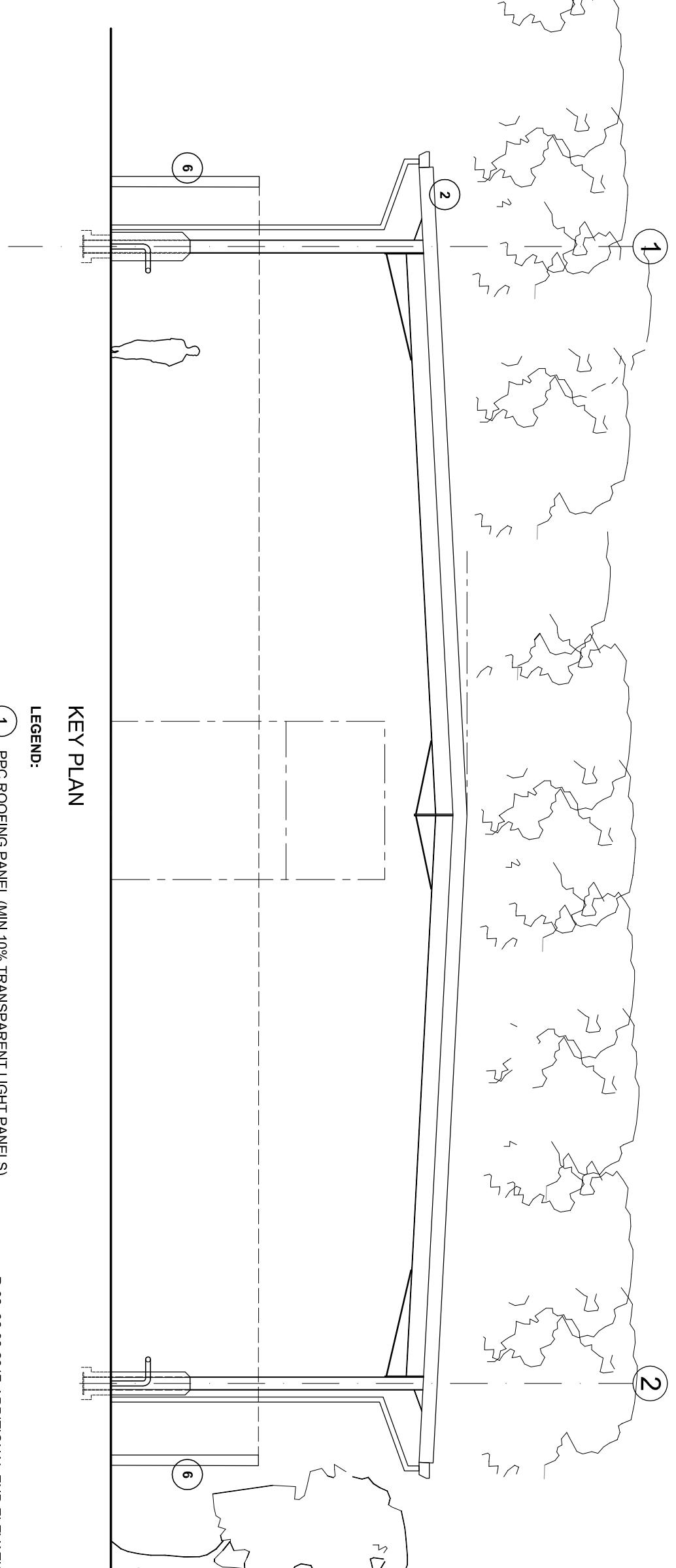
FRONT ELEVATION



Proposed plan



Typical End Elevation (rear is similar)



KEY PLAN

LEGEND:

- 1 PVC ROOFING PANEL (MIN 10% TRANSPARENT LIGHT PANELS)
- 2 PVC EAVES FLASHING
- 3 PVC ALUMINIUM RAINWATER GUTTER + DOWNPIPES
- 4 PROTECTED STEEL STRUCTURE
- 5 LOW LEVEL BARRIER / CONIC ENCASED STEEL PROTECTION
- 6 EXISTING CONIC PANELED ENCLOSURE
- 7 FIRE EXIT DOOR

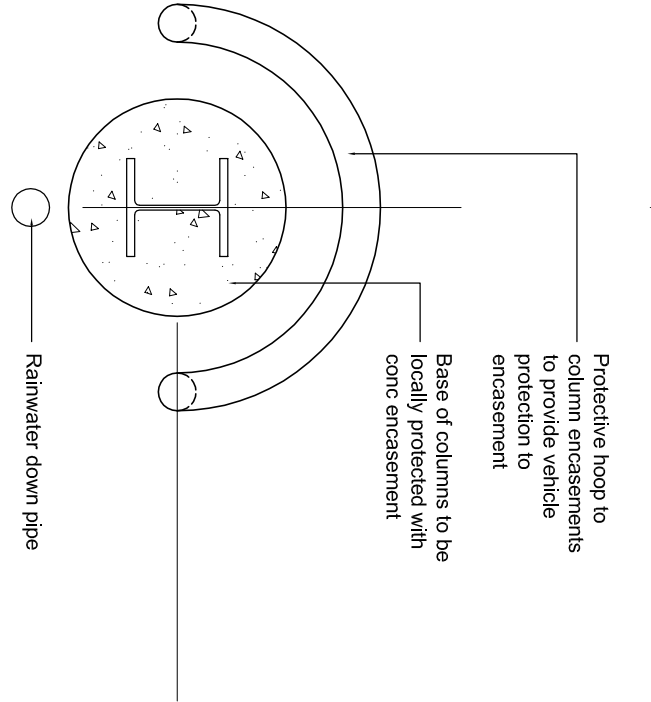
DUDLEY METROPOLITAN BOROUGH COUNCIL
Project
LISTER ROAD DEPOT

Drawing Title			
GRITTER CANOPY PROPOSALS PLANS + ELEVATIONS + SECTIONS			
Drawn	Checked	Paper Size	Scale
PD	DB	A1	1:100
Project No.	Drawing No.	Revision	
16550	0351	P-02	

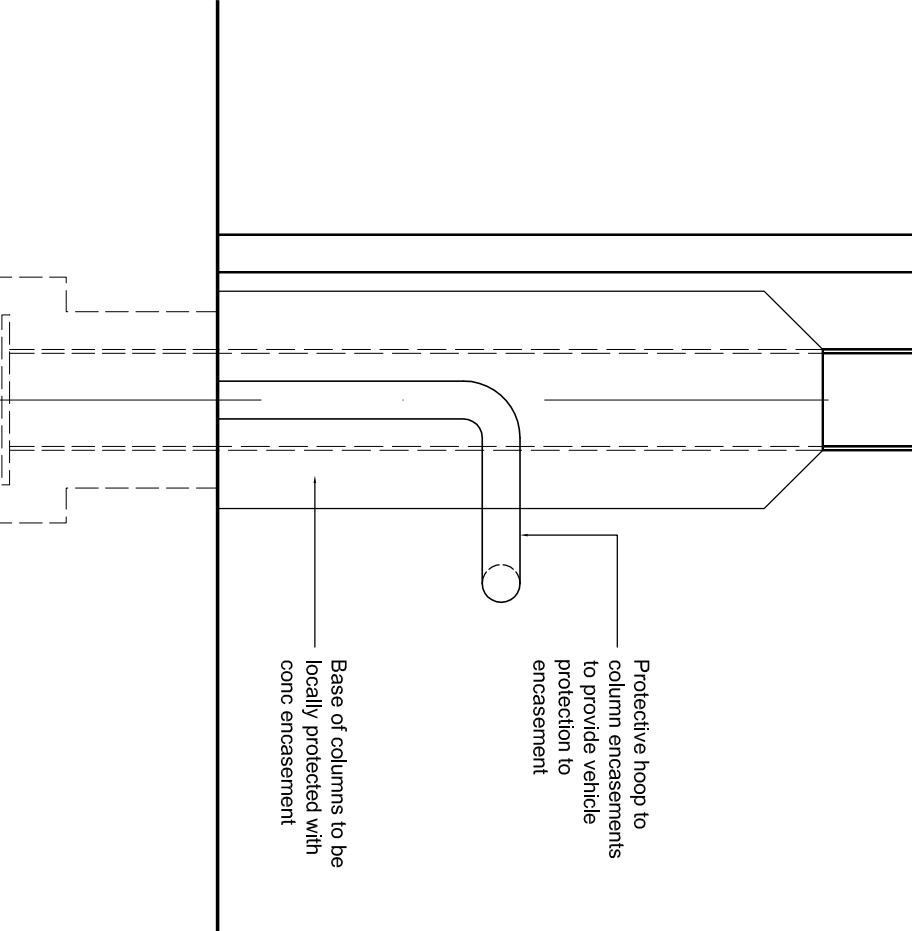
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Proposed Column Encasement Plan - 1:20



Proposed Column Encasement Elevation - 1:20



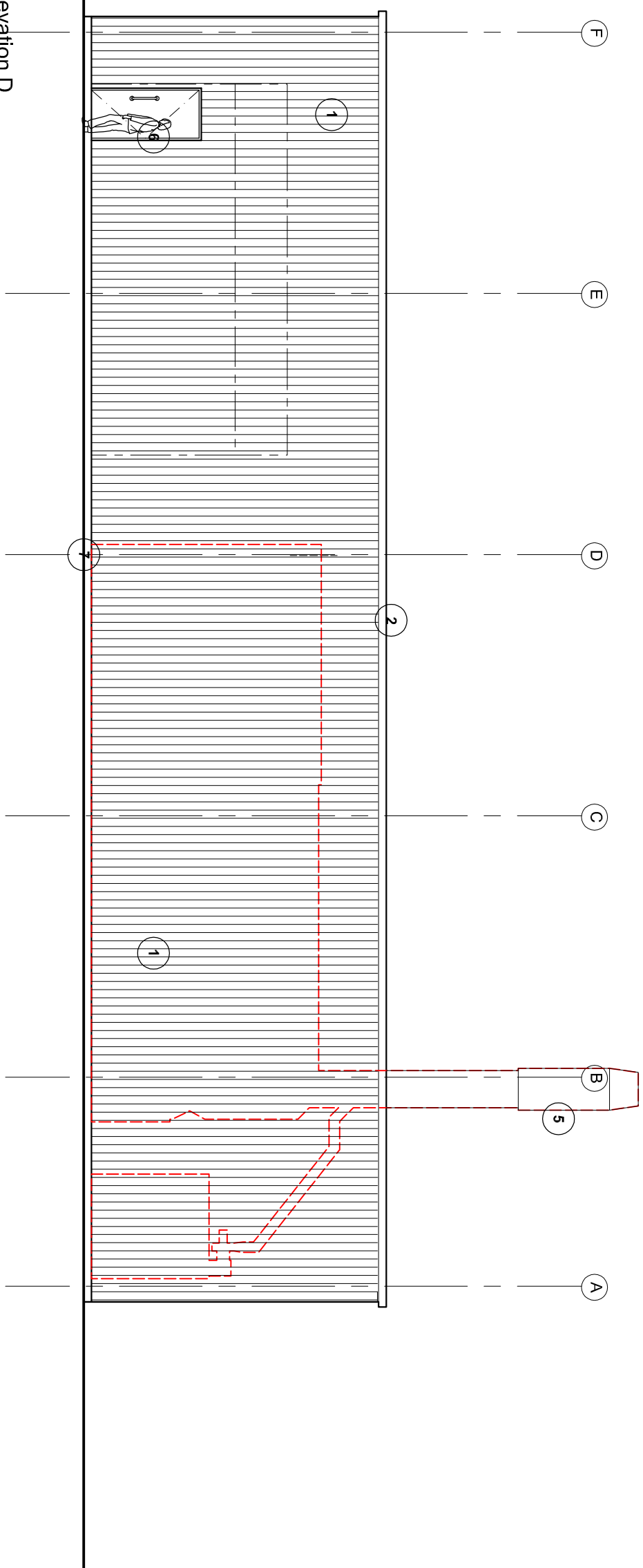
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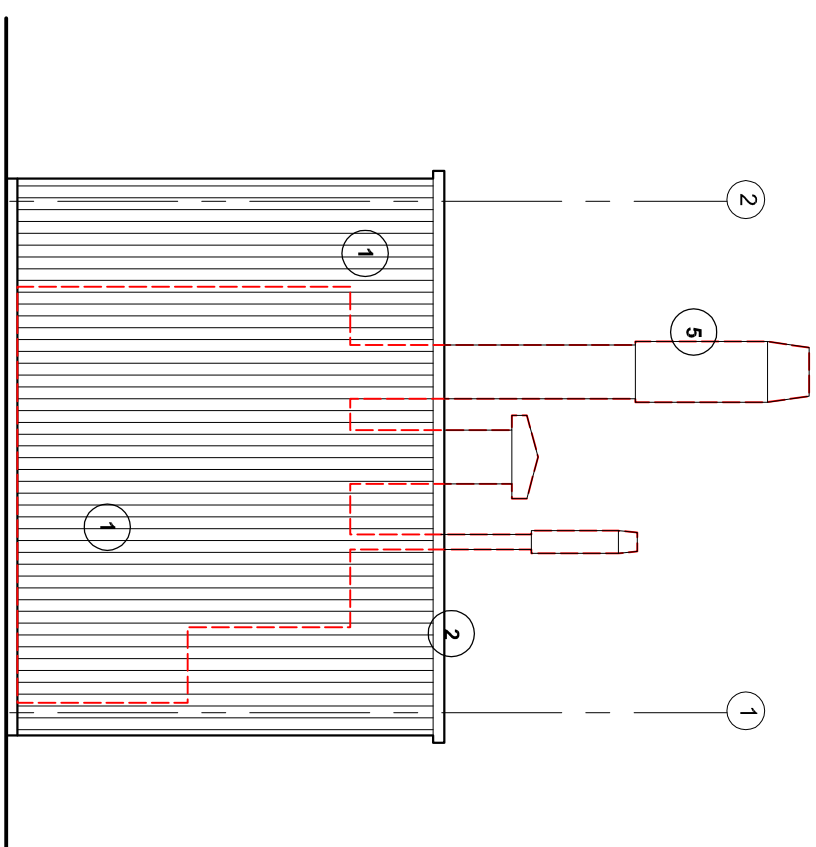
NOTES

LEGEND:

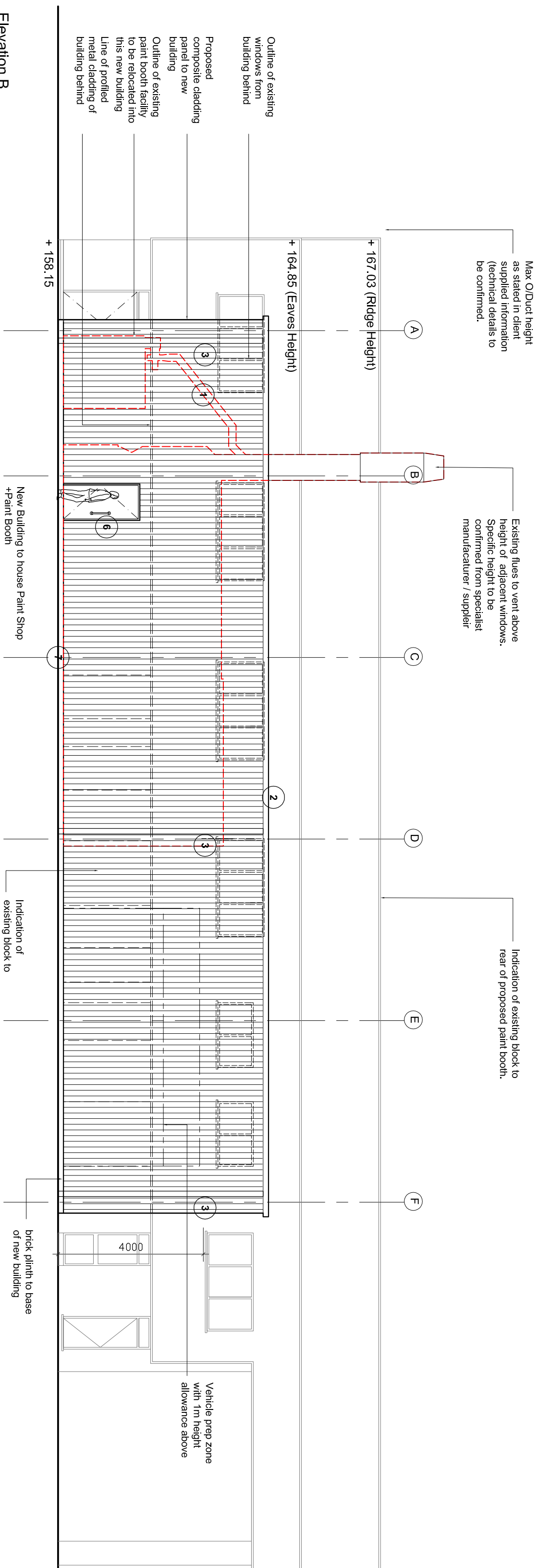
1. PROFILED COMPOSITE PANEL - GREY
2. PPC EAVES CAPPING
3. PPC ALUMINIUM RAINWATER GUTTER + DOWNPIPES
4. ROLLER SHUTTER DOOR
5. EXTERNAL FLUE SYSTEM FROM EXISTING PAINT BOOTH
6. FIRE EXIT DOOR
7. BRICK - LOW LEVEL ENGINEERING BRICK WORK



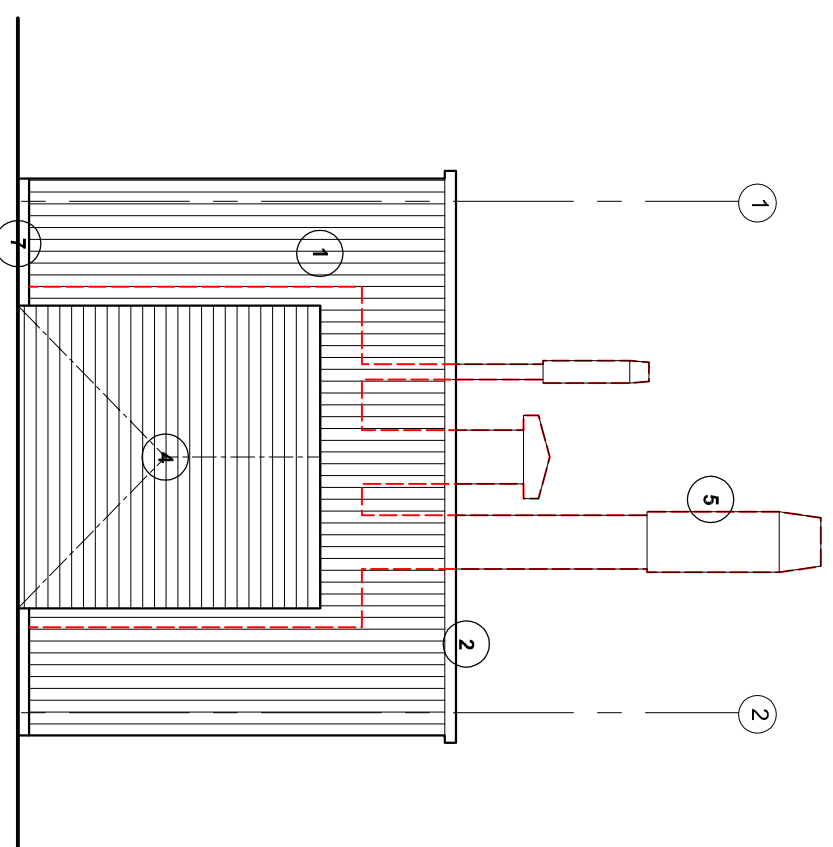
Elevation D
1:100



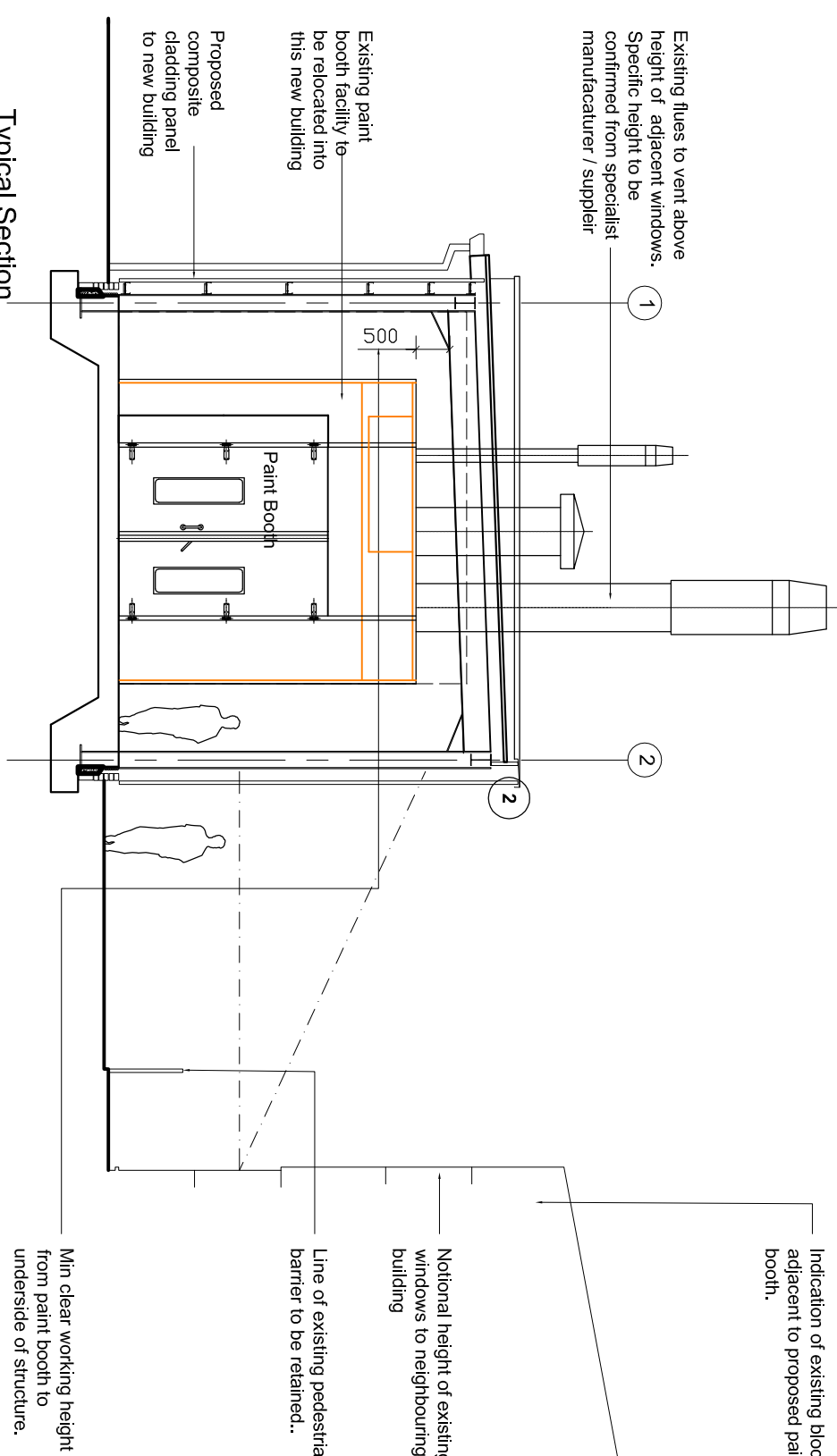
Elevation A
1:100



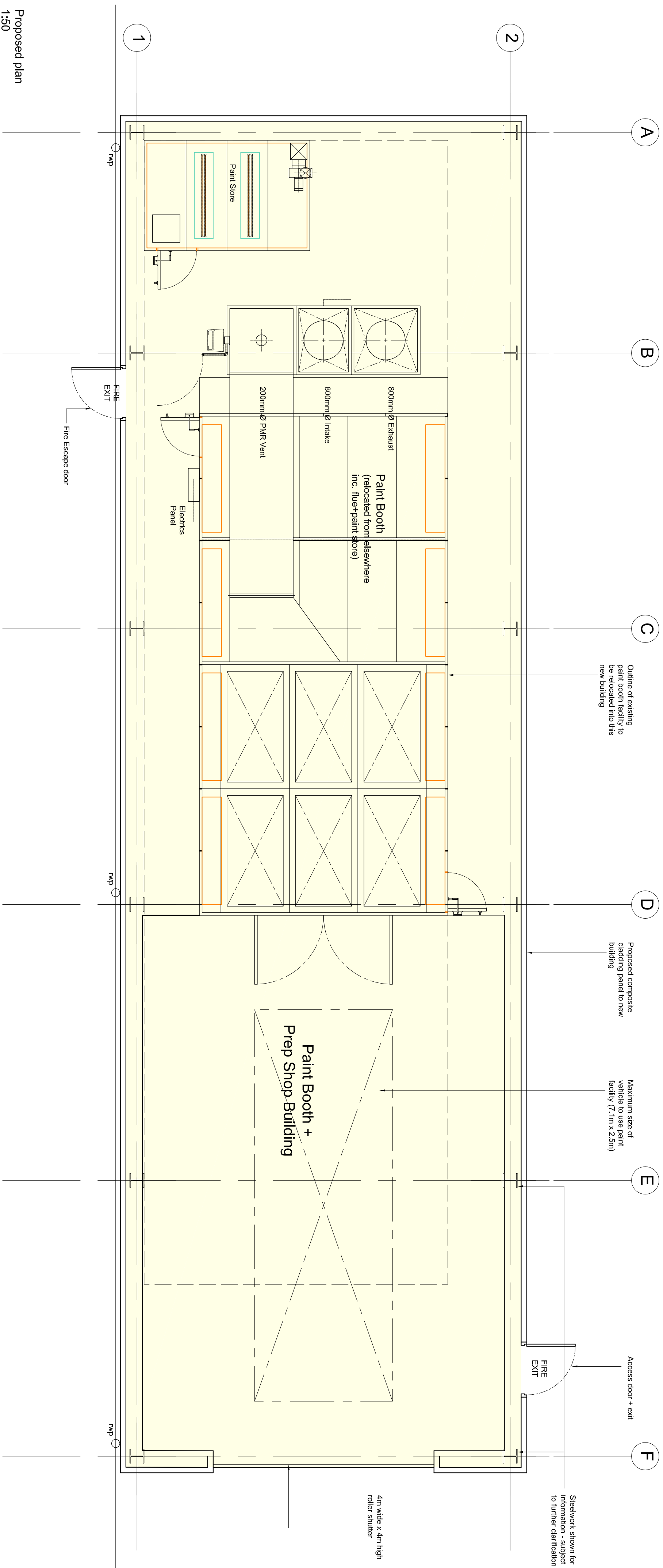
Elevation B
1:100



Elevation C
1:100



Typical Section
1:100

Proposed plan
1:50

P-02	24.02.17	Drawing updated generally. Steelwork updated, notes added.
P-01	27.01.17	Paint booth enclosure updated following receipt of cad information. Building adjusted to suite.

DUDLEY METROPOLITAN
BOROUGH COUNCIL

LISTER ROAD DEPOT
DUDLEY

DUDLEY

Drawing Title

PROPOSED PAINT BOOTH BUILDING PLANS + ELEVATIONS

Drawing	Checked	Paper Size	Scale	Date
DB	EB	A1	AS NOTED	JAN '17
Project No.			Drawing No.	Rev
16550			0352	1

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PLANNING APPLICATION NUMBER: P18/0918

Type of approval sought	Full Planning Permission
Ward	Quarry Bank and Dudley Wood
Applicant	DMBC
Location:	PARKS DEPOT, 74, PARK ROAD, QUARRY BANK, BRIERLEY HILL, WEST MIDLANDS, DY5 2HR
Proposal	CHANGE OF USE OF TINTERN HOUSE TO RETAIL/CAFÉ (A1/A3) WITH ASSOCIATED PUBLIC RECREATIONAL SPACE TO INCLUDE A SINGLE STOREY REAR EXTENSION WITH TERRACE AND RAMPED ACCESS, ELEVATIONAL CHANGES, NEW DOORS AND WINDOWS, ROOF LIGHTS, FENCING AND GATES. SITING OF 1 NO SHIPPING CONTAINER.
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site encompasses Tintern House, the adjacent Coach House and the disused changing block which are set within Stevens Park, a designated Community Park. Tintern House is a large detached former dwelling house and below ground there are the remains of Thorns Colliery, in particular pits 18 & 20 which are marked on the first edition OS and recorded on the Council's Historic Environment Record (HER 4891). The buildings are largely vacant being partially occupied by Dudley Council's parks maintenance team. Tintern House fronts the Park Road Frontage and the wider park is also recorded on the Council's Historic Environment Record (HER 6464) and is designated as being both Locally Listed and a 'Designed Landscape of High Historic Value' (DLHHV).
2. The park has a range of community facilities including sporting facilities, skate park and play area. There are also a number of heritage assets within the park which include the Grade II Listed War Memorial (HER12104) and an early 20th Century bandstand (HER 12103). The area is heavily populated with mature trees which line the boundary of the park and associated pathways. Palisade fencing of approximately 2m high secures the site on most boundaries. Access to the wider

park is provided from both Park Road and Thorns Road and there is a public car park available from the Thorns Road side.

3. Residential dwellings on the opposite side of Park Road front the site to the east as well as properties which turn the corner into Alexander Hill. A new residential property is also under construction immediately adjacent to Tintern House to the south.

PROPOSAL

4. It is proposed to change the use of Tintern House to retail/café (A1/A3) with associated public recreational space to include single storey rear extension to Tintern House with terrace and ramped access, elevational changes to include canopy, new doors and windows, roof lights, fencing and gates and the siting of a shipping container. The proposals form part of a wider Heritage Lottery Fund (HLF) funded restoration project for Stevens Park including permitted development works and restoration of the Grade II Listed Peace Memorial and Garden, which is the subject of a separate Listed Building Consent application P18/1059.
5. The application is supported by a Design & Access Statement stating that Dudley MBC have entered a partnership with the Emily Jordan Foundation – a charity dedicated to training and employing young people with learning difficulties. The Emily Jordan Foundation will manage the building and will also provide café facilities for their students and the public users of the park, with flexible use rooms on the first floor for courses/seminars or meetings. Dudley MBC Greencare operatives will also have a new messroom and locker room on the first floor of Tintern House and two wheelchair accessible public toilets and showering facility provided. The proposal involves creating three Workshops comprising of;
 - a) **Spokes** Workshop and Retail Space – located in the Coach House and replacement extension to the rear. Spokes receive donated second hand bicycles, and trains young people to restore them for resale through the retail outlet. A shipping container is also proposed to the rear of the Coach House for the storage of bicycles awaiting renovation.

- b) **Go-Green** Workshop located in the ground floor of Tintern House. Go-Green trains and employs young people in techniques for recycling various forms of metal cans and plastic scraps.
- c) **Twigs** plant growing, potting and sales located in the plant sales and polytunnel (61m (W) x 23.77m (L) x 2.84m (H)) area situated at the northern end of the site. Twigs trains young people in gardening, retail and communication skills. A community garden will be secured by 2m high weldmesh fencing with panels stepping down to the north and south elevations to tie into the height of the existing park railings. The derelict former public toilet block will be utilised as a secure tool store and messroom.
6. Three standard parking bays and two mobility bays would be provided near the entrance to Twigs and students will arrive by taxi or mini-bus.
7. The information provided indicates that four trees would be removed, shown as T17, T18, T19 & T20 on the submitted Tree Retention & Removal Plan.
8. The application is accompanied by a Design and Access & Heritage Statement and a Non-Residential Mining Report dated 10th August 2018.

HISTORY

9. None relevant.

PUBLIC CONSULTATION

10. Direct notification was carried out to sixteen neighbouring properties. A site notice was also displayed and a notice placed in the local press. Nine representations have been received which raise the following material planning issues;
- *That there are already parking problems particularly at the parts of the road adjacent to the Park where buses already have difficulty due to existing parking congestion.*

- *That the development provides little or no extra parking provision.*
- *That the proposed parking is insufficient with no provision for staff parking, for those attending the flexible rooms planned to accommodate courses, seminars and meetings and increased visitor numbers.*
- *That the proposal will cause major traffic problems e.g. parking in the street and congestion for residents in Park Road.*
- *That Park Road is a very busy road and bus route and the roads directly surrounding this area of the park have already had 3 major car accidents since Christmas.*
- *That parts of Park Road regularly flood when it rains further reducing roadside parking.*
- *That people park as close as possible to the amenities they wish to visit – whilst Thorns Road car park will always have a good attendance by people using that side of the park it will not solve or avoid the increased disruption to Park Road and the surrounding streets on the other side of the park. Visitors for the charities and café would be directed by postcode to Park Road.*
- *That the proposal will take up most of the children's play area.*
- *That the polytunnel would be an 'eyesore' restricting the view of the park for existing residents.*
- *That the 2m weldmesh fencing will effectively create a secure solid compound which will block view into and out of the park.*
- *That the compound and polytunnel will have a negative impact on visual and neighbour amenities of the park.*
- *That the loss of the changing facilities would be detrimental for local football clubs.*
- *That the current state of the changing facilities may have forced teams to move to alternative venues giving the impression that these facilities are no longer required. That some of the Saturday leagues require changing facilities and post-match hospitality provision.*
- *That the proposed development and creation of compound for Twigs charity will restrict and impede future use of the football pitches by a local football club.*

- *Concerns that the development would create extra noise and litter.*
- *That money would be better spent improving the existing conditions of the park especially the paths.*
- *That the compound has the potential to attract criminal activity by making the area more prone to vandalism and break-ins.*
- *That there has been insufficient advertisement/promotion of the plans to residents and users of the park to allow all comments and objections to be submitted in time.*
- *That the development will compromise the wellbeing of vulnerable adults within the nearby supported living complex in terms of the proposed activities, working hours, changes to their views of the park and that the parking issues could affect access for emergency assistance incidents.*

OTHER CONSULTATION

11. Head of Environmental Safety and Health – No objection on the grounds of noise or odour but recommends that the opening hours to the public are limited by condition.

Head of Planning and Regeneration (Highways Engineer) – No objection subject to condition.

Head of Planning and Regeneration (Contaminated Land Team) – Recommends ground gas conditions

Coal Authority – Objects to the proposal as the required Coal Mining Risk Assessment Report, or equivalent, has not been submitted as part of the application. This has now been submitted and is currently being considered by the Coal Authority, final comments will be presented by way of pre-committee note.

RELEVANT PLANNING POLICY

National Planning Policy Framework (NPPF)

Black Country Core Strategy (2011)

- ENV2 Historic Character and Local Distinctiveness
- ENV 3 Design Quality
- ENV6 Open Space, Sport and Recreation

- CSP3 Environmental Infrastructure
- TRAN 2 Managing Transport Impacts of New Development

Dudley Borough Development Strategy (2017)

- D1 Access for All
- D2 Incompatible Land Uses
- D3 Contaminated Land
- D4 Unstable Land
- D5 Noise Pollution
- L12 Shop Front Security
- S6 Urban Design
- S7 Landscape Design
- S8 Conservation and Enhancement of Local Character and Distinctiveness.
- S10 Listed Buildings
- S11 Buildings of Special or Local Historic Importance
- S14 Registered Parks and Gardens and Designated Landscapes of High Historic Value (DLHHV).
- S15 Heritage Assets of Archaeological Interest, Scheduled Ancient Monuments and Archaeological Priority Areas (APA)
- S19 Dudley Borough's Green Network
- S21 Nature Conservation Enhancement, Mitigation and Compensation.
- S22 Mature Trees and Woodland
- S32 Parks

Supplementary Planning Documents / Guidance

- Parking Standards SPD (2017)
- Historic Environment SPD (2017)
- Shopfront & Advertisement SPD (2017)

12. Key issues;

- Principle
- Historic Environment
- Visual Amenity
- Neighbour Amenity
- Coal Mining Legacy
- Trees
- Highway Safety

Principle

13. Policy S32 Parks of the Dudley Borough Development Strategy states that Community Parks will be protected and appropriate works to improve their standard and amenity would be supported including their links to cycling and walking networks.
14. The proposals form part of a wider Heritage Lottery Funded Scheme to improve and increase the facilities at Stevens Park in conjunction with landscape enhancements. The proposed works would bring an essentially vacant building back into use and would introduce facilities to be enjoyed alongside the existing park facilities as well as providing vocational training and employment opportunities for young people with learning difficulties. The development would contribute positively to the role of the park as a community facility in line with the philosophy and key priorities of The Council Plan, thereby improving its amenity value and ensuring its long-term use.
15. Whilst concerns have been raised by local residents that the proposed compound for the Twigs Workshop will impede use of the smaller football pitch within the park, in terms of the physical works, the pitch falls outside of the application site and would therefore be unaffected by the proposals. The wider master plan also indicates improvements, in the form of new goal posts, to the larger pitch also contained within the park grounds.

16. The existing changing facilities are disused and the Deed of Gift for the Park means that football cannot be played on Sundays when league matches take place. The applicant advises that the pitches are well used by junior teams who do not require changing rooms and there is a general reduction in adult football and increase in youth football across the borough. The proposed development would provide a shower facility within Tintern House, albeit only a single cubicle. It would also re-use the disused changing facility building as a tool store/mess room provision for the wider benefit of the young people supported through the Emily Jordan Foundation.

Historic Environment

17. The NPPF states that in determining applications Local Authorities should require an applicant to demonstrate the significance of any heritage assets affected, including any contribution made by their setting. The applicant has provided a Design and Access & Heritage Statement to support the application in line with this requirement.
18. Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly a non designated heritage asset a balanced judgment will be required having regard to the scale of any harm or loss to the significance of the heritage asset.
19. This application proposes to bring Tintern House back into active use that will be to the benefit to the public and the park. The proposals to the Grade II listed memorial are welcomed and are covered in the sister planning application. Subject to conditions, there would be no harm or loss to the significance of heritage assets within the site and the proposal is therefore deemed acceptable.

Visual Amenity

20. The proposed extension would relate satisfactorily in design terms and the repair works and the elevational changes to Tintern House are largely welcomed. The installation of external roller shutters is not, however, deemed appropriate and a

condition requiring full details of the securing measures to be installed to secure Tintern House is therefore considered necessary.

21. The proposed shipping container is required for the storage of bicycles awaiting renovation as there is insufficient space within the building for them to be accommodated. The shipping container would occupy a secluded location to the rear of the building set behind secure boundary fencing and is not, therefore, considered unduly detrimental in visual amenity terms. It is, however, deemed appropriate to grant temporary consent for the shipping container by condition.
22. The proposed siting of the polytunnel is approximately 500-700mm lower than the public highway. It would be side on to Park Road and would set off the park boundary behind the existing fencing and trees. Full details of the fencing to secure the Twigs community garden can be secured by condition and it is, therefore, considered that there would be no demonstrable harm in visual amenity terms in these respects.

Neighbour Amenity

23. Additional information was provided indicating that the main cooking operations within the proposed A3 use would involve reheating food and the provision of drinks. The extent of the A3 use is also restricted to the area shown on the floor plan preventing expansion of the business into a more intensive use. The Environmental Health & Safety Team, therefore, raise no objection to the proposed development in terms of noise or odour subject to a condition limiting the opening hours to the public.
24. Concerns have been raised by local residents that the polytunnel, fencing and community garden forming the Twigs workshop would impact on outlook and views of the park. As discussed in paragraph 20 above, neighbouring properties opposite the site would only have a side view of the polytunnel, which would be at a lower ground level behind the existing park boundary fencing. The polytunnel would be of limited height (2.84m) and would be a significant distance away (approximately

22m) from properties opposite the site in Park Road. Loss of distant views is not a material planning consideration.

25. The proposed shipping container would be positioned in close proximity to the common boundary with the new dwelling currently under construction to the south of the site. This dwelling is, however, set back significantly in relation to Tintern House and the container is of limited height. No loss of light, outlook or privacy is envisaged in this regard.
26. Whilst objectors raise concerns that the development would affect the wellbeing of vulnerable adults in the nearby supported living complex, the site is a community park with an ongoing variety of activity and uses. The development would contribute positively to the role of the park as a community facility in line with the philosophy and key priorities of The Council Plan. There would be no demonstrable harm to neighbouring properties opposite the site in terms of light, outlook or privacy.

Coal Mining Legacy

27. It is a requirement within the National Planning Policy Framework (paragraphs 178-179) that applicants demonstrate that the application site is safe, stable and suitable for development. Policy D4 of the Dudley Borough Development Strategy states that planning applications must be accompanied by sufficient proportionate information to determine the extent of instability where it is known or suspected that land stability may have an impact on any development.
28. Whilst the Coal Authority objects to the proposed development, this is on the basis that the applicant did not initially provide a Coal Mining Risk Assessment and the Local Planning Authority therefore had insufficient information to determine the application. The Coal Mining Risk Assessment has now been submitted and is currently being considered by the Coal Authority, final comments will be presented by way of pre-committee note.

Trees

29. The proposal requires the removal of 4 birch trees, adjacent to Tintern House to allow for the installation of the canopy and storage area for the bike workshop, and the construction of the terrace to the rear of the café. Whilst the trees do make a positive contribution to the immediate area adjacent to the building, their wider value is limited due to the presence and screening by adjacent, larger trees, and also their location within the park.
30. The trees are visible above the building from Park Road and Alexander Hill. Their removal will be noticeable from this vantage, however, it is considered that the impact will be limited, as other trees in the area are more prominent, and the removal of these birch trees should open up views of the lime trees set further back in the park. The Tree Officer raises no objection to the loss of the trees subject to the provision of a landscaping scheme to provide mitigation planting for the long term.
31. In terms of the impact of the proposed development on the trees to be retained, it appears as though part of the terrace is located substantially within the Root Protection Area of Tree 202, a large and substantial beech tree. The applicant has, however, indicated that the terrace and ramp will have a no dig foundation solution and details of the foundation design can be secured by condition.

Highway Safety

32. Whilst there have been concerns raised by local residents that the development would exacerbate existing on-street parking problems. The proposed development would be utilised as an extension of the existing park rather than an independent facility. The master plan for the wider park developments includes improvements to existing pedestrian routes, marking out of the existing car park and cycle parking provision thereby improving connectivity from the existing car park and providing greater opportunity for alternative modes of transport.
33. Students of the Emily Jordan Foundation will be dropped off late or mid morning and collected mid afternoon by bus or private vehicle. The Council's Highways

Engineer recommends that the proposed parking area is reserved for staff and servicing only. It is also recommended that a parking management condition is attached requiring staff of the facility to utilise off road parking in the interests of highway safety. Subject to condition, there are no fundamental highway safety matters arising as a consequence of the development.

CONCLUSION

34. The proposed works would bring an essentially vacant building back into use and would introduce new facilities to be enjoyed alongside the existing park facilities as well as providing vocational training and employment opportunities for young people with learning difficulties. The development would contribute positively to the role of the park as a community facility in line with the philosophy and key priorities of The Council Plan, thereby improving its amenity value and ensuring its long-term use. Subject to condition, the proposal is acceptable, being in accordance with the relevant policies contained within the Black Country Core Strategy and Dudley Borough Development Strategy as well as the relevant Supplementary Planning Documents.

RECOMMENDATION

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

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing REF: 2637.04A, PLI_DR_L_0090 Revision PL02, 2637.08A, PLI_DR_L_0302 Revision PL02, PLI_DR_L_0301 Revision PL02, 2637.06B, PLI_DR_L_0221 Revision PL02, 2637.05B, 2637.07B, PLI_DR_L_0222 Revision PL02, 2637.03, PLI_DR_L_0220 Revision PL03,

2637.02 & PLI_DR_L_0101 Revision PL03.

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

3. Development shall not commence until details/samples of the type, texture, colour and bond of the bricks to be used and a sample panel measuring not less than 1m² shall be erected on site and approved in writing by the Local Planning Authority. The panel shall be retained on site for the duration and the development and thereafter new brick work shall only be constructed in accordance with these approved details. The development shall be carried out in complete accordance with the approved details.

REASON: To safeguard quality and visual appearance of Designed Landscape of High Historic Value in accordance with Policy S14 (Registered Parks and Gardens and Designed Landscapes of High Historic Value Listed Buildings) and Policy S8 (Conservation and Enhancement of Local Character and Distinctiveness) of the adopted Dudley Borough Development Strategy.

4. Notwithstanding the details shown in the submitted plans and stated in the design and access statement development shall not begin until full details/samples of the type, texture and colour of all materials to be used in external elevations have been submitted to and approved in writing by the Local Planning Authority.

REASON: To safeguard quality and visual appearance of Designed Landscape of High Historic Value in accordance with Policy S14 (Registered Parks and Gardens and Designed Landscapes of High Historic Value Listed Buildings) and Policy S8 (Conservation and Enhancement of Local Character and Distinctiveness) of the adopted Dudley Borough Development Strategy.

5. Notwithstanding the details shown in the submitted plans, the development hereby permitted shall not commence until large scale architectural drawings have been submitted to and approved in writing by the local planning authority of the proposed new railings/fencing and gates illustrating their position, design, component size, technical specification, material, RAL colour and finish.

REASON: To safeguard quality and visual appearance of Designed Landscape of High Historic Value in accordance with Policy S14 (Registered Parks and Gardens and Designed Landscapes of High Historic Value Listed Buildings) and Policy S8 (Conservation and Enhancement of Local Character and Distinctiveness) of the adopted Dudley Borough Development Strategy.

6. Notwithstanding the details shown in the submitted plans external roller shutters are not permitted as part of this development. Development shall not begin until full details have been submitted to and approved in writing by the local planning authority of the proposed security measures to be installed to secure Tintern House.

REASON: To safeguard quality and visual appearance of Designed Landscape of High Historic Value in accordance with Policy S14 (Registered Parks and Gardens and Designed Landscapes of High Historic Value Listed Buildings) and Policy S8 (Conservation and Enhancement of Local Character and Distinctiveness) of the adopted Dudley Borough Development Strategy and to ensure secure by design principles in accordance with Policy L12 of the adopted Dudley Borough Development Strategy and the Council's Shopfront & Advertisement SPD (2017)

7. Notwithstanding the details shown in the submitted plans development shall not commence until full details of all windows and doors to be used in the external

elevations and their colour, finish and material have been submitted to and approved in writing by the local planning authority. Large scale architectural drawings at 1:1, 1:2 or 1:5 and samples of the sections and profiles of jambs, heads, cills and glazing bars together with their relationships to masonry apertures. Development shall proceed in accordance with the agreed details and be retained for the lifetime of the development.

REASON: To safeguard quality and visual appearance of Designed Landscape of High Historic Value in accordance with Policy S14 (Registered Parks and Gardens and Designed Landscapes of High Historic Value Listed Buildings) and Policy S8 (Conservation and Enhancement of Local Character and Distinctiveness) of the adopted Dudley Borough Development Strategy.

8. Development shall not begin until a Schedule of Works/Repairs Schedule has been submitted to and approved in writing by the Local Planning Authority [including details of painting schemes/finish for windows and doors; repairs schedule for existing windows, doors, repair of existing render and its colour and finish and repointing of historic brick walls in lime mortar]. Any departure from the approved schedule of works/repairs schedule will require the prior written approval of the Local Planning Authority.

REASON: To safeguard quality and visual appearance of Designed Landscape of High Historic Value in accordance with Policy S14 (Registered Parks and Gardens and Designed Landscapes of High Historic Value Listed Buildings) and Policy S8 (Conservation and Enhancement of Local Character and Distinctiveness) of the adopted Dudley Borough Development Strategy.

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

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

10. Where the approved risk assessment (required by condition 9 above) identifies ground gases or vapours posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such ground gases or vapours has been submitted to and approved in writing by the Local Planning Authority. Following approval, such remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

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

11. Following implementation and completion of the approved remediation scheme (required by condition 10 above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme

in accordance with approved details.

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

12. No development shall take place until there has been submitted, and approved in writing by the local planning authority details of the tree protection measures on site. The agreed tree protection measures shall be erected / installed prior to the commencement of the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery), and shall not be taken down moved or amended in any way without prior written approval of the local planning authority. The tree protection details shall include:
 - a. A plan showing the location and identification (with reference to a survey schedule if necessary) of all trees on, or directly adjacent to the development site, that are to be retained during construction. These trees are to be marked with a continuous outline.
 - b. A plan showing the location and identification (with reference to a survey schedule if necessary) of all the trees on, or directly adjacent to the development site that are to be removed prior to, or during development. These trees are to be marked with a dashed outline.
 - c. A plan showing the extent of the Root Protection Area, which is to be protected by physical barriers during development. The extent of the area that is to be protected will be calculated in accordance with Clause 4.6 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction- Recommendations'.
 - d. Design details of the proposed protective barriers and ground protection to be erected around the trees during development. Any protection barriers should be designed and constructed in accordance with the provisions set out in section 6.2 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction- Recommendations'.

REASON: To ensure that those trees and hedges to be retained on the development site are not subject to damage because of either works carried out on site or during the carrying out of such works in accordance with Policy S22 of the Dudley Borough Development Strategy (2017).

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

the following:

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

REASON: To ensure that those trees and hedges to be retained on the development site are not subject to damage because of either works carried out on site or during the carrying out of such works in accordance with Policy S22 of the Dudley Borough Development Strategy (2017).

14. No development or other operations shall commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall commence on site until the approved tree felling and pruning works have been completed. All tree felling and pruning shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998 (2010) Recommendations for Tree Work.

REASON: To ensure that all tree works carried out on site are appropriate and justified in line with the proposed development and the safeguarding of the visual and environmental amenity in accordance with Policy S22 of the Dudley Borough Development Strategy (2017).

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

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

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

REASON: To ensure that existing trees are not damaged through the loss of roots, to maintain the visual and environmental quality of the site and

surrounding area in accordance with Policy S22 of the Dudley Borough Development Strategy (2017).

17. No development shall take place until there has been submitted to and approved in writing by the local planning authority technical details of any proposed pathway / hard surfacing / driveway / parking area within the Root Protection Area (as defined by Clause 4.6 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction - Recommendations') of any existing tree situated on or off the site. The details of the vehicular access and parking areas shall include existing and proposed ground levels, materials to be used and the relative time of construction within the whole development and must be in accordance with appropriate guidelines, namely Clause 7.4 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction- Recommendations' and Arboricultural Advisory & Information Service Practice Note 'Driveways Close to Trees' (1996). Any driveway / parking areas within the Root Protection Area of existing trees must be constructed using "no-dig" techniques incorporating appropriate surfaces to avoid damage to trees and to prevent any potential direct or indirect damage caused by trees.

REASON: To ensure that existing trees within the site and in close proximity are not damaged or put under pressure for removal as a result of actual or perceived risk of driveway damage, thereby maintaining the visual and environmental quality of the site and the surrounding area in accordance with Policy S22 of the Dudley Borough Development Strategy (2017).

18. No development or other operations shall commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until there has been submitted, and approved in writing by the local planning authority, final details of the terrace & ramp design, including any below ground elements / foundation design, any structural elements, any proposed changes in ground level both within and without of the foundations, and a scheme to allow for continued moisture a gas exchange to the Root Protection Area of the adjacent trees. The design should be arboriculturally acceptable, and designed to ensure that there is no significant damage to the rooting system or structure of the trees to be retained on or adjacent to the site. The development and construction of the dwelling shall be undertaken in full accordance with the agreed details and there shall be no alteration, deviation or amendment without the prior written agreement of the Local Planning Authority.
- REASON: To ensure that those trees and hedges to be retained on the development site are not subject to damage because of either works carried out on site or during the carrying out of such works in accordance with policy S22 of the Dudley Borough Development Strategy 2017.

19. No development shall commence (excluding demolition, site clearance and initial ground works) until full details of soft landscaping works including replacement trees have been submitted to and approved in writing by the Local Planning Authority. These details must include, where appropriate, planting plans, written specifications, a schedule of plants including species, plant sizes and proposed numbers/densities and a programme of implementation. Plans must also include accurate plotting of all existing landscape features. The agreed scheme

shall be implemented in accordance with the approved details within the first planting season following the first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

21. Before the development hereby permitted is commenced details of all the proposed ramps, external steps and entrance doors, in compliance with the design guidance set out in the Access for All SPD, shall be submitted to and approved by the Local Planning Authority. These facilities shall be provided in accordance with the approved details prior to the first use/occupation of the development and shall thereafter be retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority

REASON: In order to make a positive contribution towards a fully accessible environment in accordance the Borough Development Strategy Policy D1 Access for All and Access for All Supplementary Planning Document.

22. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of the access(es) into the site, together with parking and turning area(s) [including details of lines, widths, levels, gradients, cross sections, drainage and lighting] have been submitted to and approved in writing by the Local Planning Authority. The development shall not

be occupied until the access(es) into the site, together with parking and turning area(s) within the site have been laid out in accordance with the approved details. These area(s) shall thereafter be retained and not be used for any other purpose for the life of the development.

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

23. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of a parking management plan have been submitted to and approved in writing by the Local Planning Authority. The agreed parking management plan shall be implemented prior to first occupation and maintained for the lifetime of the development.

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

24. No above ground development shall commence until details of electric vehicle charging bays with a vehicle charging point, to be provided in accordance with the Council's standard (Parking Standards SPD) have been submitted and approved in writing by the local planning authority. Such details shall include signs and bay markings indicating that bays will be used for parking of electric vehicles only whilst being charged. Prior to first occupation, the electric charging points and bays shall be installed in accordance with the approved details and shall thereafter be maintained for the life of the development.

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

25. The parking area shall be reserved for staff and servicing only for the lifetime of the development.

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

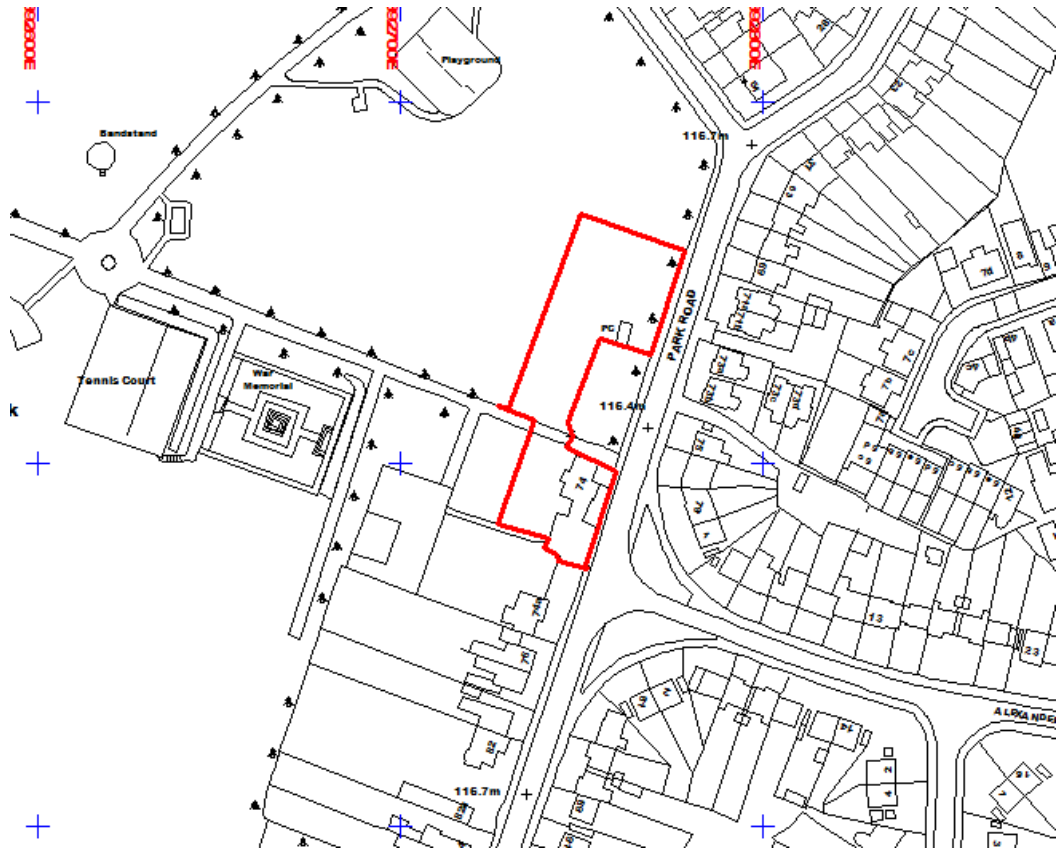
26. The shipping container hereby permitted shall be removed on or before INSERT 2 YEARS AFTER CONSENT and the site reinstated to its previous condition within 8 weeks of its removal.

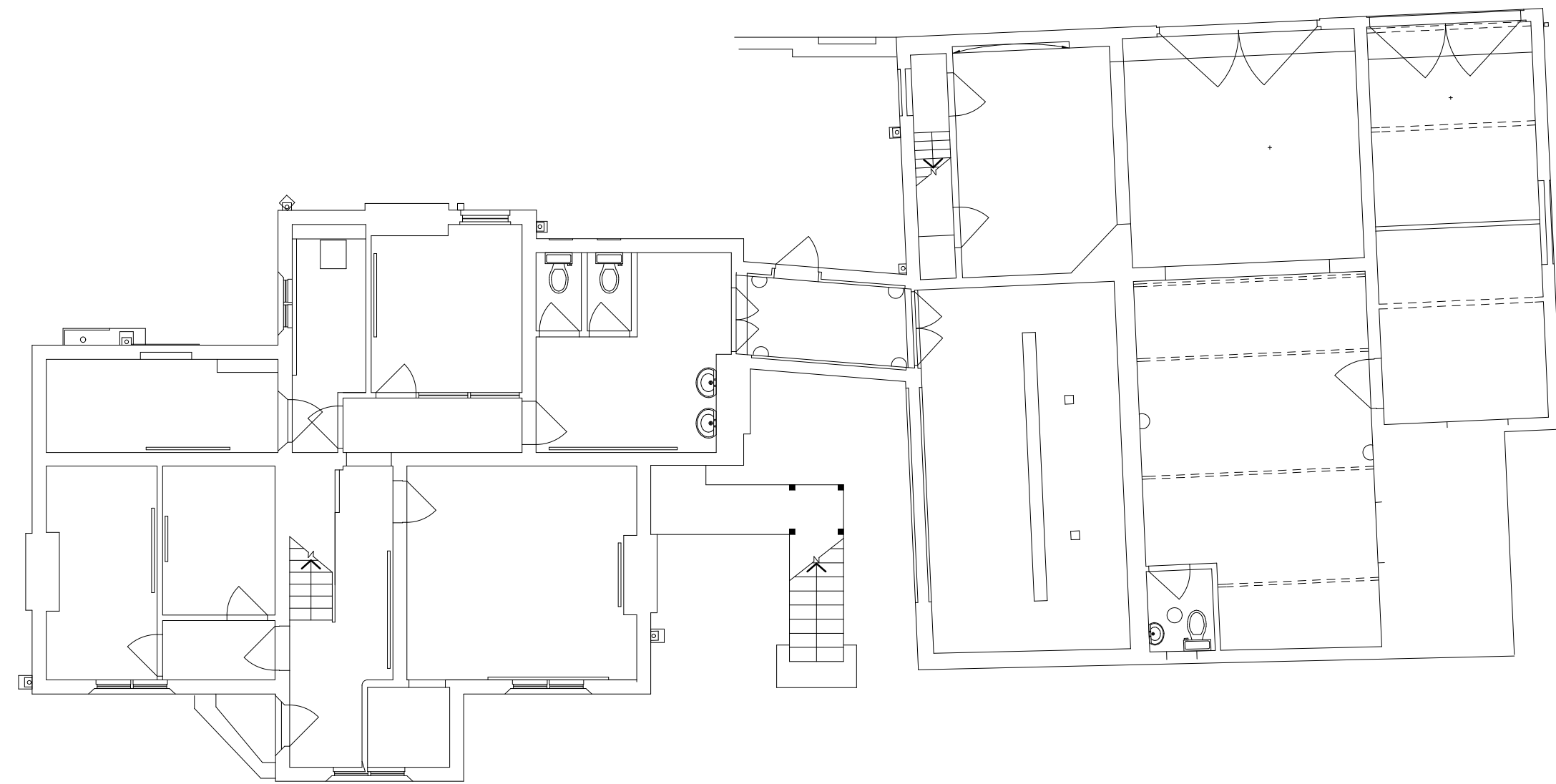
REASON: The development is a of temporary nature and its long term retention would be in appropriate and to comply with Policy S14 (Registered Parks and Gardens and Designed Landscapes of High Historic Value Listed Buildings) and Policy S8 (Conservation and Enhancement of Local Character and Distinctiveness) of the adopted Dudley Borough Development Strategy.

27. The premises shall not be open to the public before the hours of 08.00 nor after 21.00 Monday to Friday, before 10.00 or after 17.00 on Saturdays, Sundays and Public Holidays.

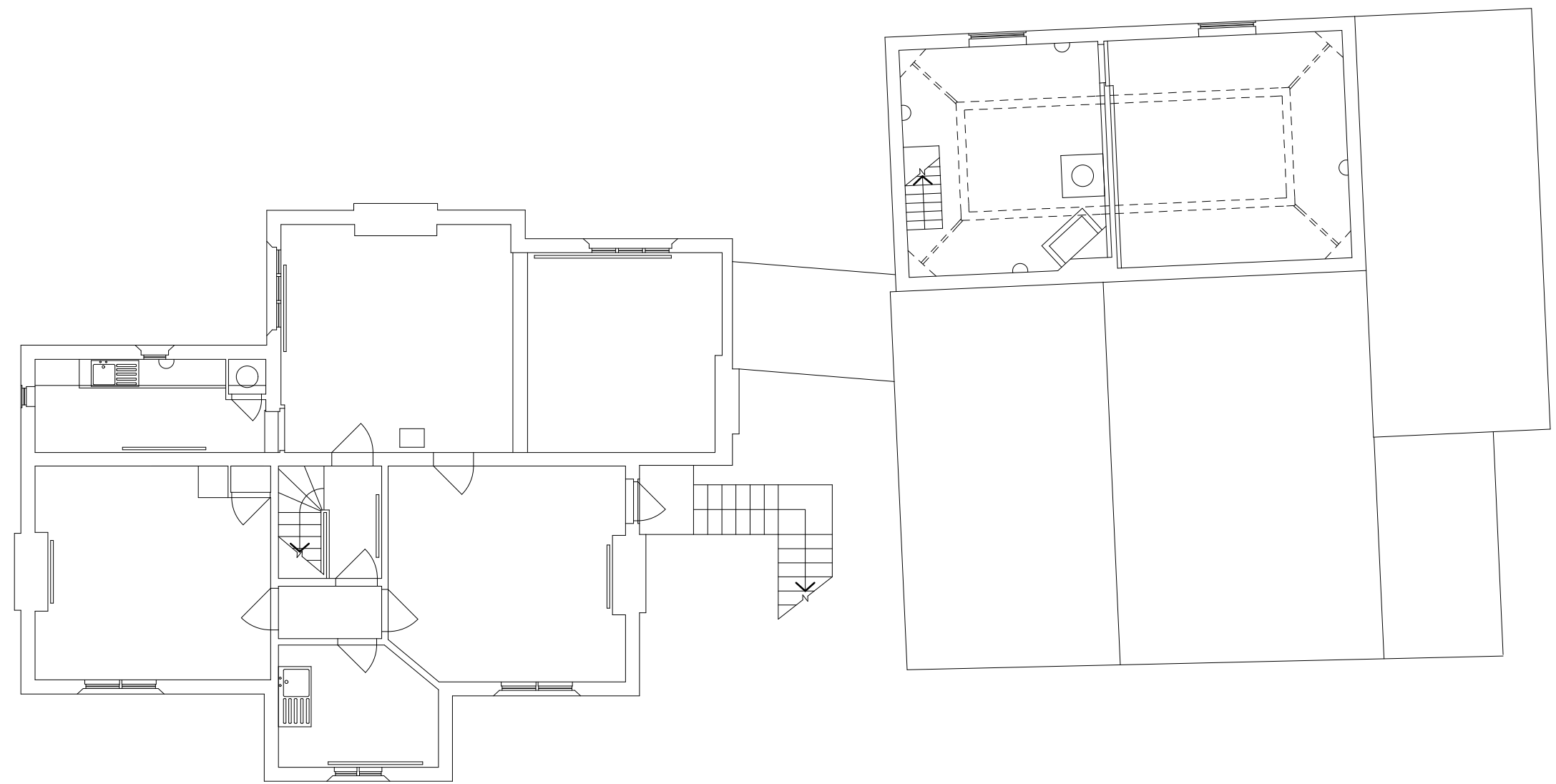
REASON: To protect the amenities of nearby residents in accordance with Borough Development Strategy 2017 Policy D5 Noise Pollution and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part).

P18/0918 Committee Location Plan

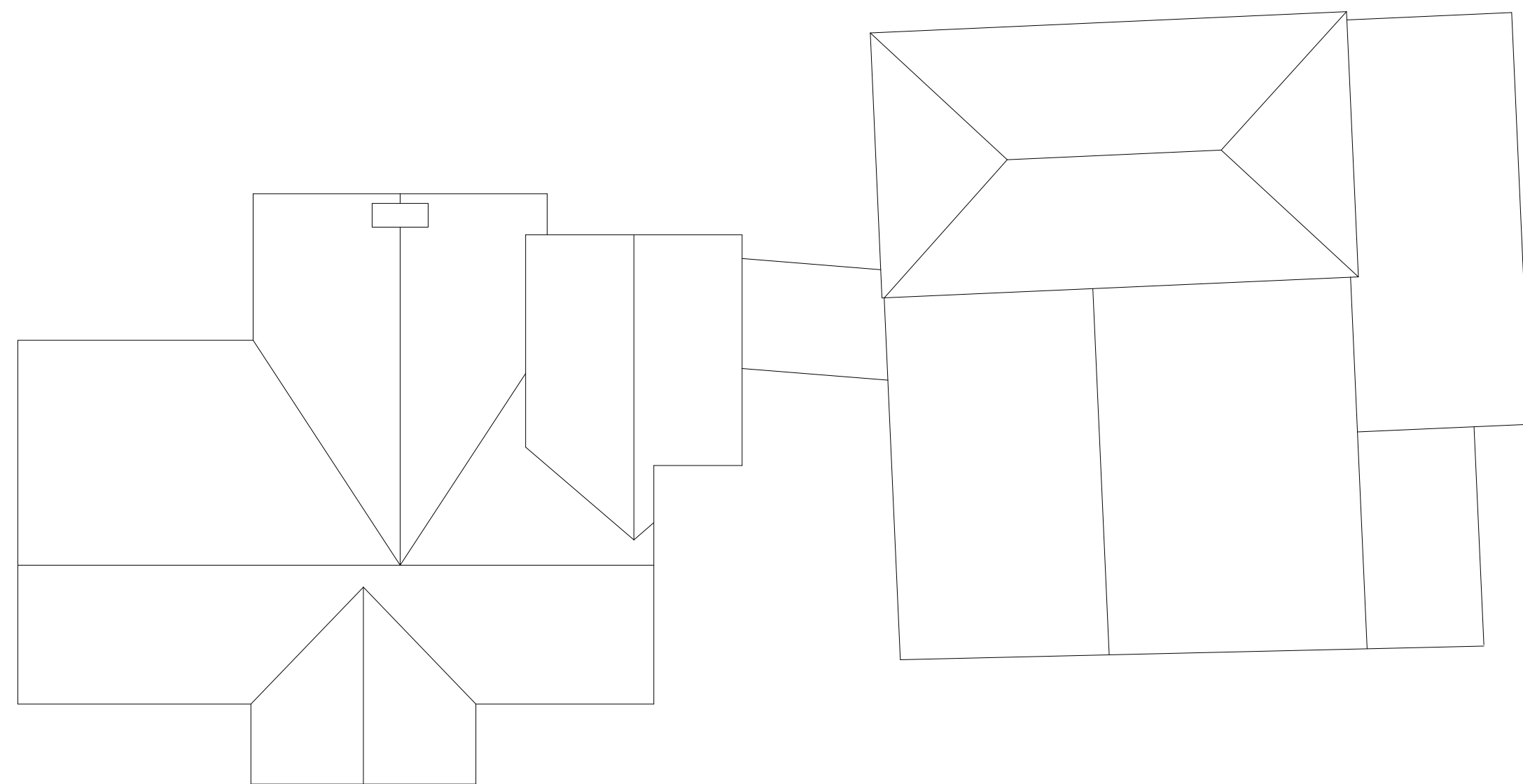




GROUND FLOOR



FIRST FLOOR



ROOF PLAN

PLANNING

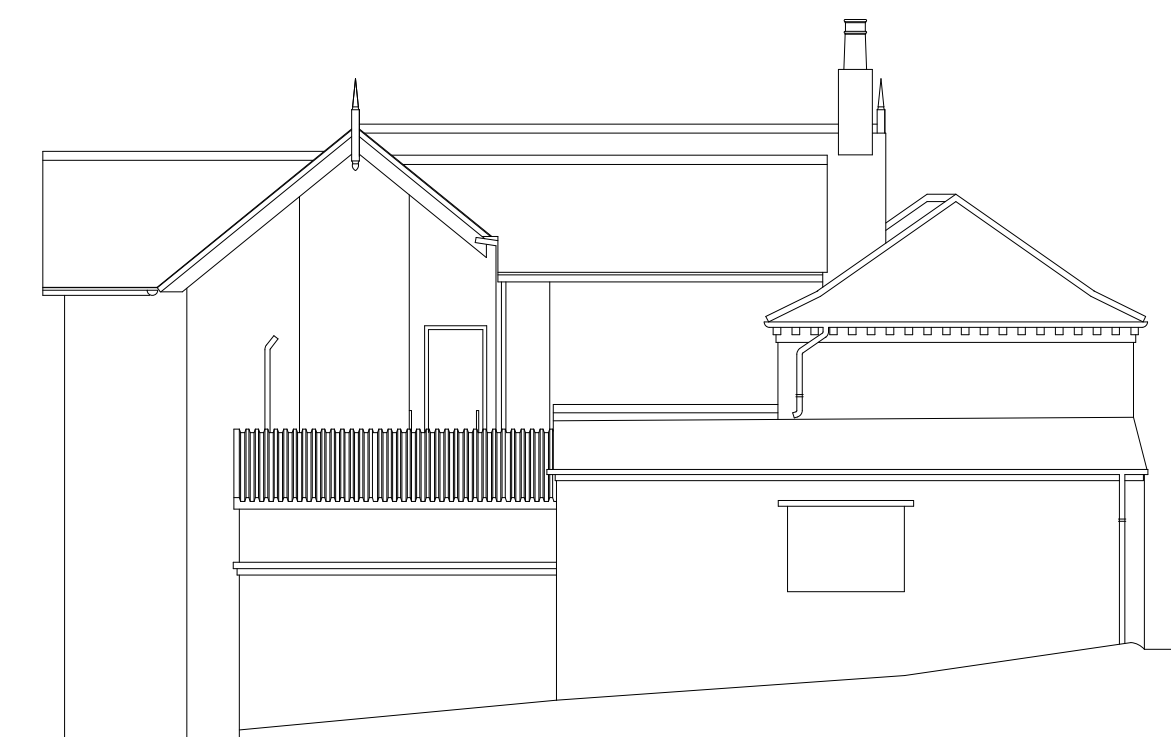
DRAWING TITLE EXISTING FLOOR PLANS		
JOB DESCRIPTION STEVENS PARK, DUDLEY		
DRAWING SCALE 1: 100 @ A1	DATE JUNE 2018	DRAWING REF. 2637.02
BAART HARRIES NEWALL ARCHITECTS		
<small> 1 WILDERHOPE HOUSE POURNEY GARDENS BELLE VUE SHREWSBURY SY3 7JU Fax: 01743 364744 Tel: 01743 361261 </small>		



NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION

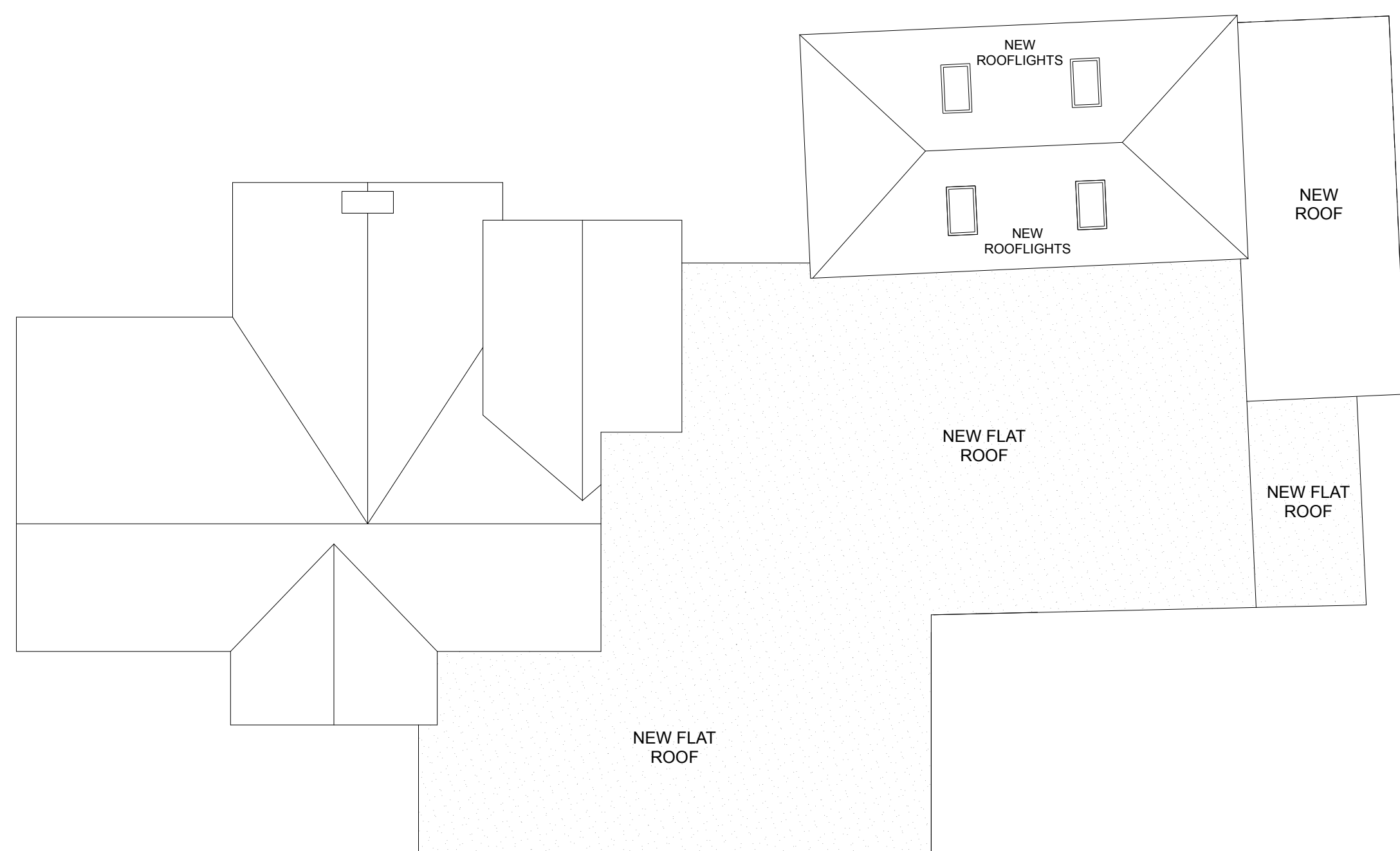
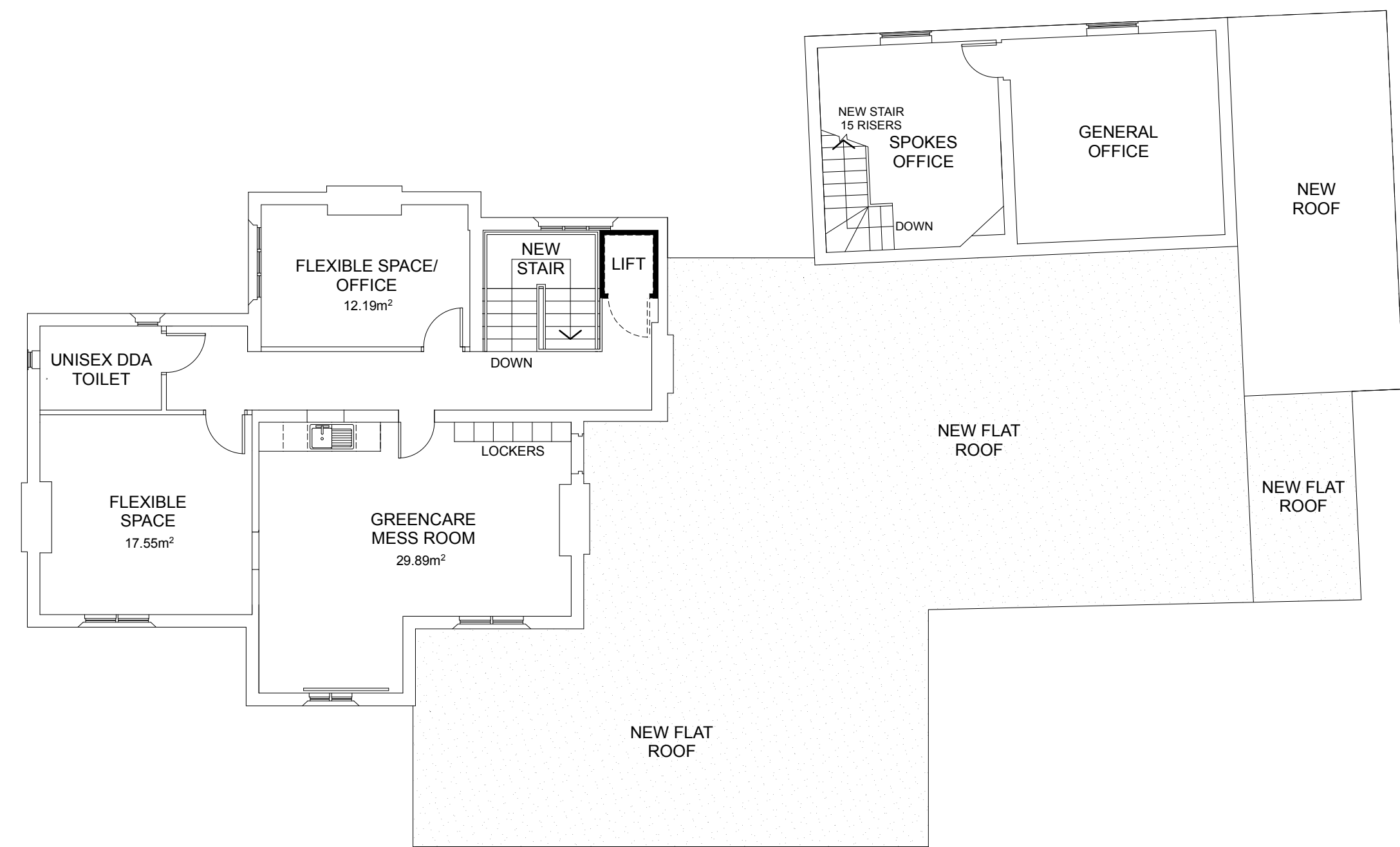
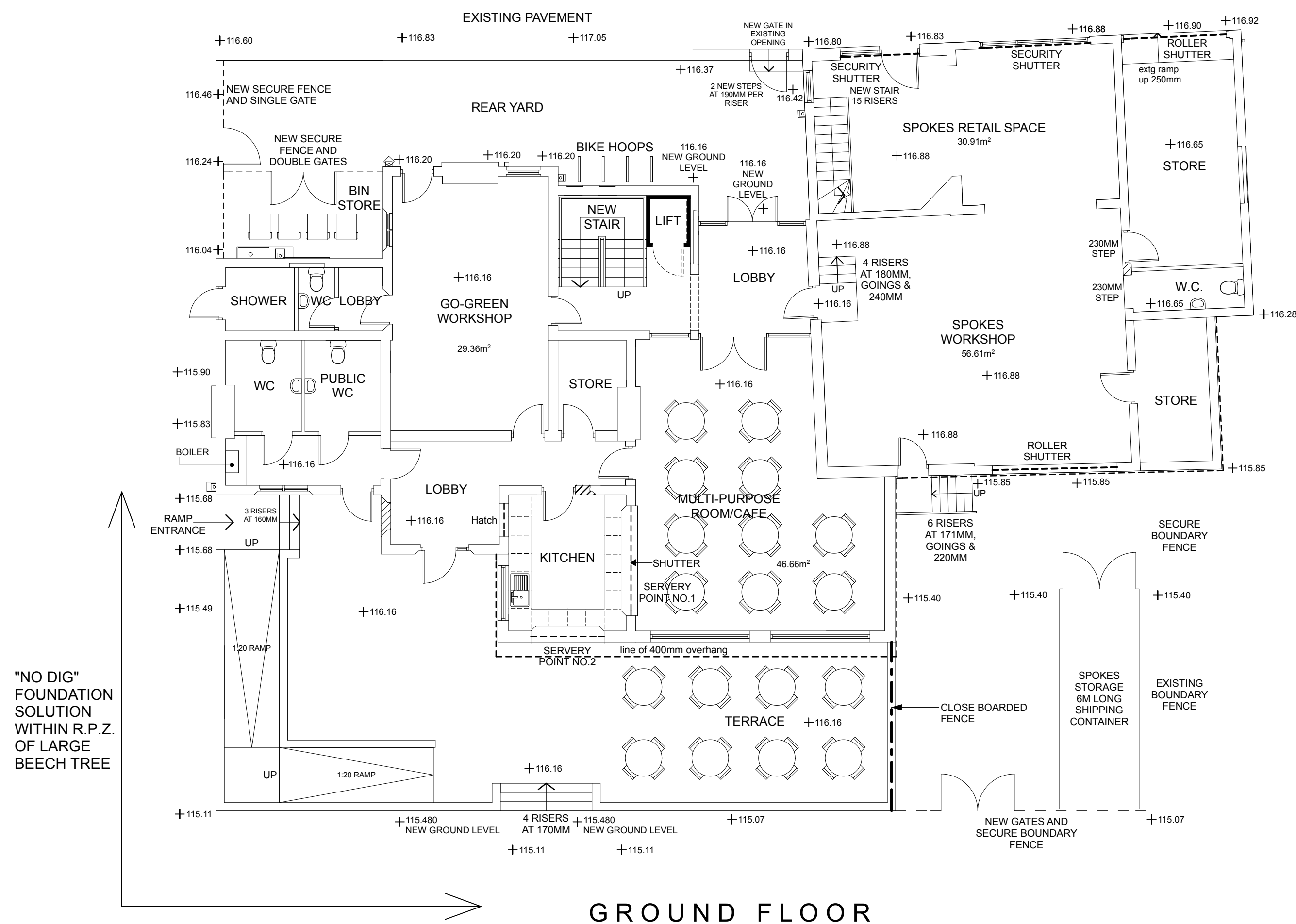


WEST ELEVATION

PLANNING

DRAWING TITLE EXISTING ELEVATIONS		
JOB DESCRIPTION STEVENS PARK, DUDLEY		
DRAWING SCALE 1: 100 @ A1	DATE JUNE 2018	DRAWING REF. 2637.03
BAART HARRIES NEWALL ARCHITECTS		
<small> 1 WILDERHOPE HOUSE POURNEY GARDENS BELLE VUE SHREWSBURY SY3 7JU Fax: 01743 364744 Tel: 01743 361261 </small>		

REVISION	DATE	DESCRIPTION
A	20.09.2018	EXTERNAL CANOPY REMOVED
B	24.09.2018	LEVELS ADDED. EXTERNAL STEPS ADDED BY SHUTTER DOOR, INTERNAL STEPS ADDED BETWEEN LOBBY AND SPOKES WORKSHOP. NOTE REGARDING NO DIG FOUNDATION ADDED



DRAWING TITLE:		
PROPOSED FLOOR PLANS		
JOB DESCRIPTION:		
STEVENS PARK, DUDLEY		
DRAWING SCALE:	DATE:	DRAWING REF:
1: 100 @ A1	JUNE 2018	2637.06B
BAART HARRIES NEWALL		
ARCHITECTS		
1 WILDERHOPE HOUSE POUNTNEY GARDENS BELLE VUE SHREWSBURY SY3 7JU Fax: 01743 364944 Tel: 01743 361261		



TO BE READ IN CONJUNCTION WITH SITE MASTERPLAN 0469-PLI-DR-L-0101

- (4) PARK ROAD ENTRANCE**
4.1 New vehicular access gates at entrance.
4.2 Minor repairs to boundary wall; re-pointing and brick copings replaced.
4.3 Existing bricked-up entrance opened up to provide new (stepped) pedestrian access to Tintern House courtyard.
4.4 New paving to courtyard.

- (5) PARKING**
5.1 5nr Parking bays (2nr accessible/ 3nr standard) to support Tintern House/ community use.
5.2 Telescopic bollards to prevent unauthorised vehicular access to the wider park

- (7) EAST PATH**
7.1 New asphalt path connecting Tintern House with the Community Garden

- (16) PARK SIGNAGE**
16.1 Location of new signage incorporating directional (informative) map panel and lockable notice board.

- (22) COMMUNITY GARDEN**
22.1 2.0m Weldmesh fence enclosure.
22.2 3.0m double-leaf gated access to accommodate occasional vehicular deliveries
22.3 20 x 78ft (6.1 x 23.77m) Polytunnel
22.4 5nr planed oak raised planters; two heights provided (400mm and 800mm).
22.5 Future growing plots/ demonstration beds within secure Community Garden and adjacent Tintern House to support 'Amenity Horticulture' through Third Part Operator with additional 'Plant Sales' area adjacent to the new car park.
22.6 Future deck/ canopy to existing brick structure - potential use for community/ local school activities.

- (23) TINTERN HOUSE**
Refer to architects drawing 2637.06 Proposed Floor Plans.
23.1 West terrace; accessed by steps and ramp
23.2 Location of external servry counter
23.3 East (secure) courtyard; including cycle parking and recycling collection point (drinks cans)
23.4 Bin store
23.5 New picnic tables and litter bins to lawn area below west terrace
23.6 Minor tree removals required to facilitate new terrace

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REFERENCE FILES:
THIS DRAWING IS BASED ON THE FOLLOWING EXTERNAL CONSULTANTS DRAWINGS:

CONSULTANT	REFERENCE FILE	DATE RECEIVED
GFP	OS MASTERMAP 429402_564395	24/08/17
DMBC	STEVENS PARK TREE COUNT DATA MAP	09/10/17

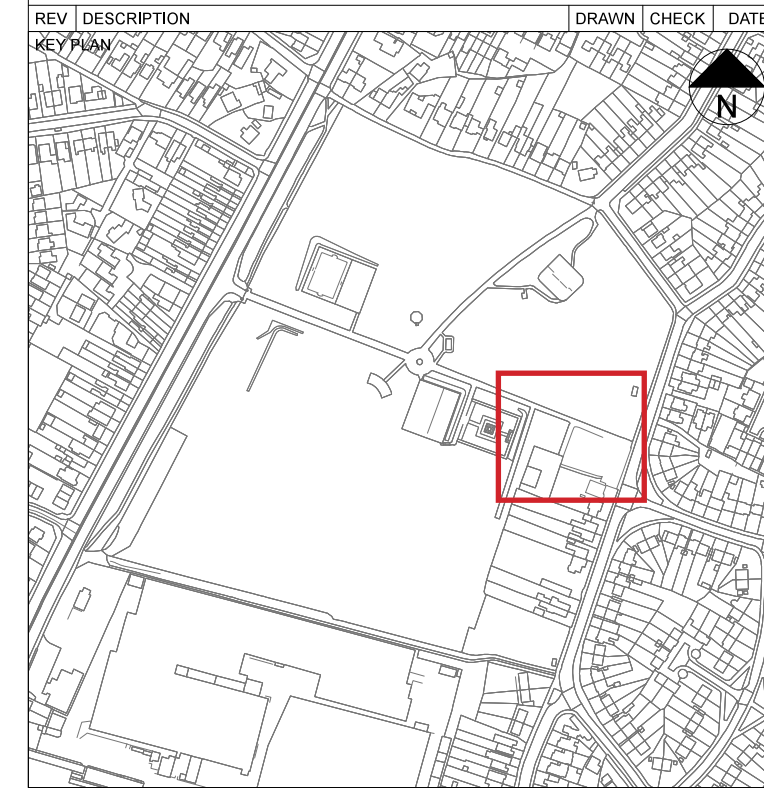
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ITEM N°	RISK REGISTER DETAILS

NOTES:

PL03 FOR PLANNING CANOPY TO REAR OF TINTERN HOUSE REMOVED IN LINE WITH ARCHITECTS PLAN CHANGES. RW CB 25/09/18
PL02 FOR PLANNING RED LINE CORRECTED; BLUE LINE ADDED. RW CB 26/06/18
P05 MINOR LAYOUT AMENDS FOLLOWING PIT MTO 10.04.18 ON-SITE PARKING OFFER CLARIFIED. TINTERN HOUSE REVISD: ANNOTATIONS CORRECTED. RW RAW 25/06/18
P04 COMMUNITY GARDEN AREA INCREASED IN SIZE: PERIMETER FENCE REALIGNED. POLYTUNNEL REVISED TO LARGER SIZE. RAISED PLANTERS REORIENTATED. 'FUTURE' PLANTING BEDS AND SALES AREA ENHANCED. RW RAW 09/04/18
P03 MINOR UPDATES FOLLOWING REVIEW WITH FRIENDS GROUP. GRASSLAND GRAPHIC REVISED. CYCLE RACK POSITIONS CORRECTED. EXISTING SMALL PITCH ADDED. RW RAW 30/11/17
P02 TITLE BLOCK CORRECTED. HLF LOTTERY LOGO ADDED. RW RAW 23/11/17
P01 FIRST ISSUE. RW RAW 17/11/17

REV	DESCRIPTION	DRAWN	CHECK	DATE
KEY PLAN				

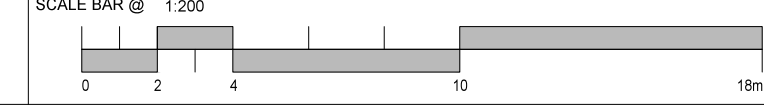


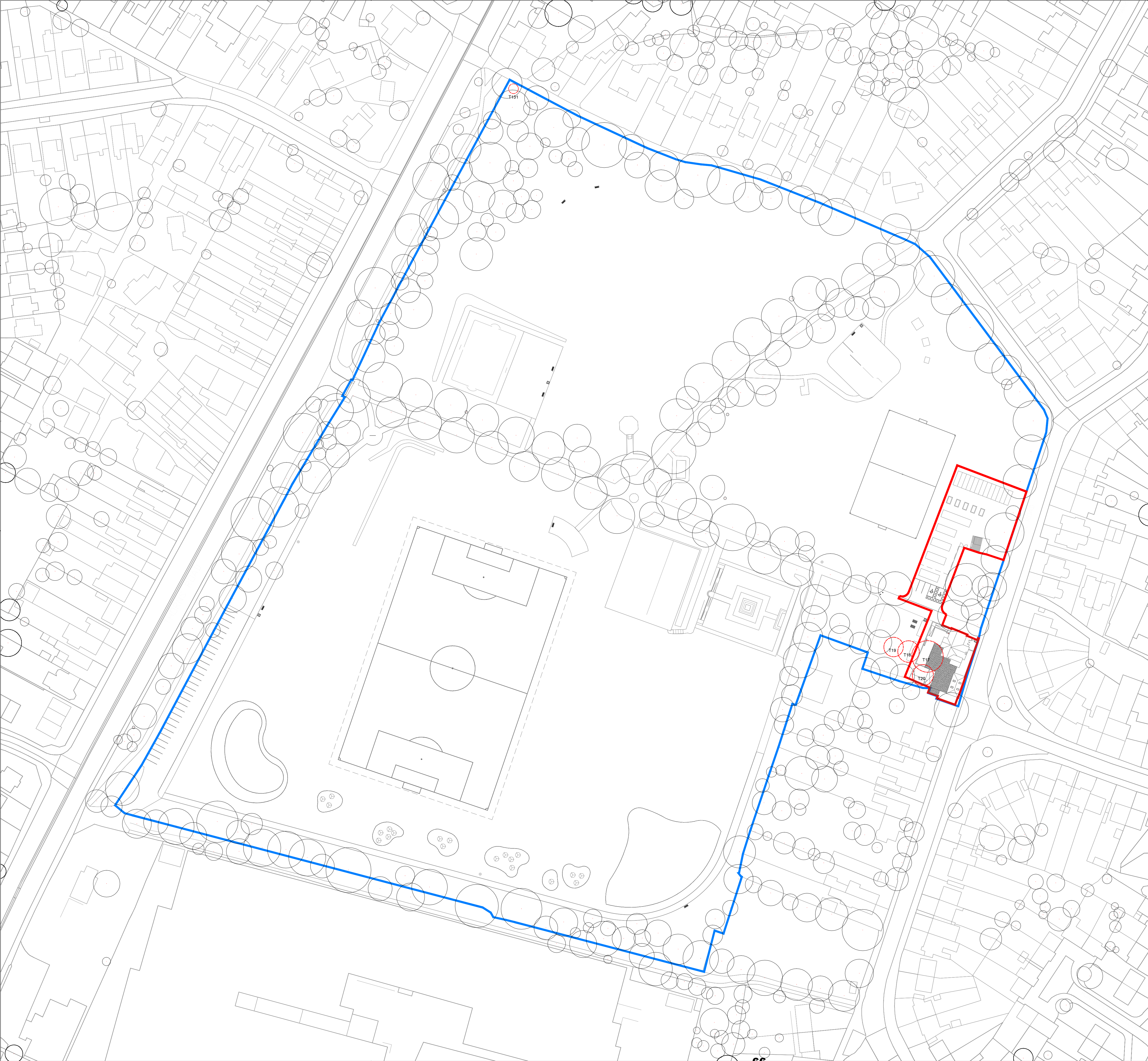
MANCHESTER t:0161 237 9223 e:north@plincke.co.uk
LONDON t:0207 739 3330 e:london@plincke.co.uk

PROJECT TITLE
STEVENS PARK RESTORATION & RENEWAL

DRAWING TITLE
TINTERN HOUSE & COMMUNITY GARDEN

PROJECT No. 0469 DRAWING No. PLI_DR_L_0220 REVISION PL03





EXISTING TREE TO BE RETAINED

REFER TO 0469-PLI-DR-L-0301 FOR CONDITION

EXISTING TREE TO BE REMOVED

EXISTING TREES TO BE REMOVED
TO BE READ IN CONJUNCTION WITH
0469-PLI-DR-L-0301 AND TREE CONDITION
SURVEY MME-125603-02.

REF.

SPECIES

CONDITION

17.

SILVER BIRCH

FAIR

18.

SILVER BIRCH

FAIR

19.

SILVER BIRCH

FAIR

20.

SILVER BIRCH

FAIR

131.

FLOWERING CHERRY

DEAD

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REFERENCE FILES:

1. THIS DRAWING IS BASED ON THE FOLLOWING EXTERNAL CONSULTANTS' DRAWINGS:

CONSULTANT	REFERENCE FILE	DATE RECEIVED
GFP DMBC	OS MASTERMAP 429402_564395 STEVENS_PARK TREE COUNT DATA MAP	24/08/17 09/10/17

HEALTH, SAFETY & ENVIRONMENTAL INFORMATION:

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3. IN ADDITION TO THE HAZARDS / RISKS NORMALLY ASSOCIATED WITH THE TYPES OF WORK DETAILED ON THIS DRAWING, NOTE THE FOLLOWING:

ITEM N°	RISK REGISTER DETAILS
---------	-----------------------

PL02 FOR PLANNING
RED LINE CORRECTED; BLUE LINE ADDED

RW RAW 25/06/18

PL01 FOR PLANNING

RW RAW 25/06/18

REV | DESCRIPTION

DRAWN | CHECK | DATE

KEY PLAN

LOTTERY FUNDED

CLIENT

plincke.

MANCHESTER
t:0161 237 9223
e:north@plincke.co.uk

LONDON
t:0207 739 3330
e:london@plincke.co.uk

PROJECT TITLE

STEVENS PARK
RESTORATION & RENEWAL

DRAWING TITLE

TREE RETENTION &
REMOVAL PLAN

PROJECT No.

0469

DRAWING No.

PLI_DR_L_0302

REVISION

PL02

SCALE BAR @ 1:750

0

7.5

15.0

37.5

67.5m



TOPOGRAPHICAL SURVEY UTILITY KEY :-	
(ht) - height	mh - manhole cover
Ø - diameter	mkr - marker
air - assumed route	o/h - over head
av - air valve	oi - off let
bb - ballista beacon	osa - off survey area
bd - back drop	OSBM - ordnance survey bench mark
bol - bolted	p & f fence - post & rail fence
bot - bottom of shaft	re - rodding eye
bt - telecom	ret wall - retaining wall
cb - closeboard fence	rs - road sign
cbx - control box	rwp - rain water pipe
catv - cable television	sb - silver birch
cl - cover level	sfp - safety paving
con - conifer	sap - sapling
cr - cable riser	sec fence - security fence
cwc - combined water sewer	sfc - soil filled chamber
dchan - drainage channel	sl - spot light
dp - depth	sp - soil pipe
ep - electric junction box	st - stop tap
elec - electric	sv - stop valve
end - end of trace	swp - soil vent pipe
ep - electric pole	sws - storm water sewer
er - earth rod	TBM - temporary bench mark
flbed - flower bed	tfr - taken from records
fr - fire hydrant	tl - threshold level
fl - floor level	top - top of cap
fs - fire switch	top - top of pipe
fws - foul water sewer	tp - top of tank
g - gully	ts - telecom pole
grun - gully run	ts - traffic signal
gr - gas riser	uts - underside
hchestnut - horse chestnut	utl - unable to lift
hthorn - hawthorn	utl - unable to survey
ic - inspection cover	utl - unable to trace
il - invert level	vp - vent pipe
il - illuminated	w/c - water filled chamber
int - interceptor	wl - water level
lp - lamp post	wm - water meter
	wp - waste pipe
	wr - water riser

UTILITY SURVEY KEY :-	
HATCHED AREA	ELECTRIC CABLE
BOREHOLE	WATER PIPE
CPT	FOUL SEWER
TRIAL PIT	STORM SEWER
HAND PIT	COMBINED SEWER
WINDOW SAMPLE	DUCTS
	CABLE TELEVISION
	DATA CABLE
	TELECOM CABLE
	GAS PIPE
	UNIDENTIFIED SERVICE
	OTHER
	CCTV
	TRAFFIC LIGHT
	OFFSET FILL
	VENT
	FUEL PIPE
	GAUGE LINES
	PIPE
	ASSUMED ROUTE
	TAKEN FROM RECORDS

DRAWING TITLE		
EXISTING SITE PLAN		
JOB DESCRIPTION		
STEVENS PARK, DUDLEY		
DRAWING SCALE	DATE	DRAWING REF
1:200 @ A1	JUNE 2018	2637.04A
BAART HARRIES NEWALL		
ARCHITECTS		
1 WILDERHOPE HOUSE POUNDNEY GARDENS BELLE VUE SHREWSBURY SY3 7JU Fax: 01743 364944 Tel: 01743 361261		

REVISION	DATE	DESCRIPTION
A	20.09.2018	EXTERNAL CANOPY REMOVED
B	24.09.2018	NEIGHBOURING PROPERTY (74A) AND BOUNDARY ADDED

TOPOGRAPHICAL SURVEY/UTILITY KEY :-	
(ht) - height	m/h - manhole cover
Ø - diameter	mkr - marker
ah - assumed route	oh - over head
av - air valve	oi - off let
bb - bellish beacon	os - off survey area
bd - back drop	OSBM - ordnance survey bench mark
bol - bollard	p & r fence - post & rail fence
box - bottom of shaft	re - rodding eye
bt - telecom	ret wall - retaining wall
cb fence - closeboard fence	rs - road sign
cbf - control box	rwp - rain water pipe
calv - cable television	shoch - silver birch
cl - cover level	sip - safety paving
con - conduit	sap - sagging
cr - cattle rest	sec fence - security fence
owc - combined water sewer	sfc - soil filled chamber
d/chan - drainage channel	sl - spot light
dp - depth	sp - soil pipe
ejb - electric junction box	st - stop tap
elec - electric	sv - stop valve
end - end of trace	swp - soil vent pipe
ep - electric pole	aws - storm water sewer
er - earth rod	TBM - temporary bench mark
fbed - flower bed	tfr - taken from records
fl - floor level	tr - threshold level
fs - fire switch	toc - top of cap
fws - foul water chamber	top - top of pipe
g - gully	tot - top of tank
g/run - gully run	ts - telecom pole
gr - gas riser	ts - traffic signal
h/chestnut - horse chestnut	us - underside
h/iron - hawthorn	utl - unable to lift
ic - inspection cover	ur - unable to rod
i - illuminated	ut - unable to trace
int - interceptor	vp - vent pipe
ip - lamp post	w/c - water filled chamber
	wl - water level
	wm - water meter
	wp - waste pipe
	wr - water riser

UTILITY SURVEY KEY :-	
	ELECTRIC CA
	WATER PIPE
	FOUL SEWER
	STORM SEW
	COMBINED SI
	DUCTS
	CABLE TELEV
	DATA CABLE
	TELECOM CA
	GAS PIPE
	UNIDENTIFIED
	OTHER
	CCTV
	TRAFFIC LIGH
	OFFSET FILL
	VENT
	FUEL PIPE
	GAUGE LINE
	PIPE
	ASSUMED RC
	TAKEN FROM

DRAWING TITLE

PROPOSED SITE PLAN

JOB DESCRIPTION:

STEVENS PARK, DUDLEY

DRAWING SCALE:

1:200 @ A1

DATE:

JUNE 2018

DRAWING REF:

2637.05B

BAART HARRIES NEWALL

ARCHITECTS

1 WILDERHOPE HOUSE

POURNET GARDENS

BELLE Vue

SHREWSBURY SY3 7JU

Fax: 01743 364744

Tel: 01743 361261

PLANNING

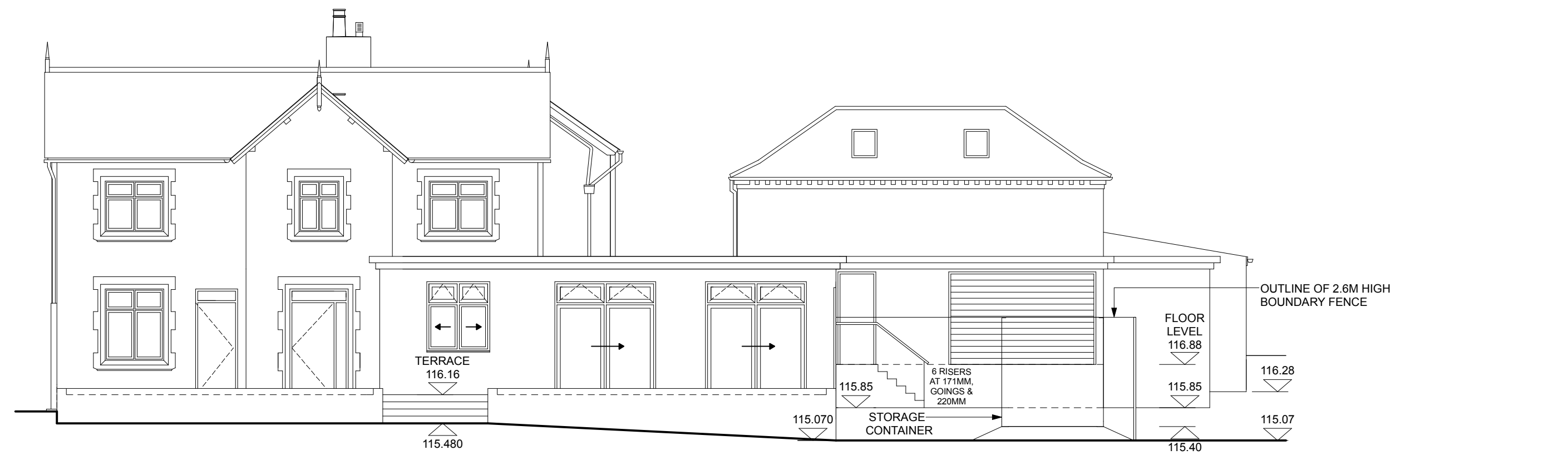
REVISION	DATE	DESCRIPTION
A	13.08.2018	FENCING, GATES AND SHIPPING CONTAINER ADDED TO ELEVATIONS
B	24.09.2018	WEST AND SOUTH ELEVATIONS REVISED, PROPOSED GROUND LEVELS ADDED, DOOR AND STEPS ADDED TO WEST ELEVATION



NORTH ELEVATION



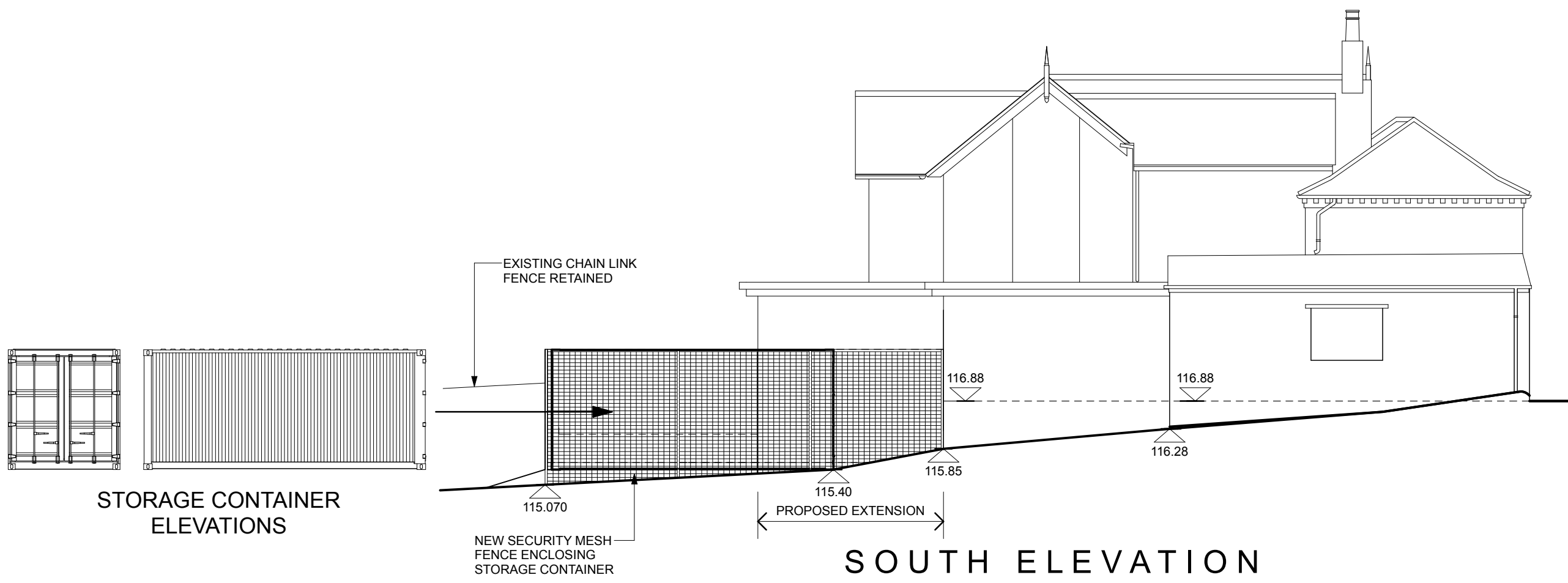
WEST ELEVATION



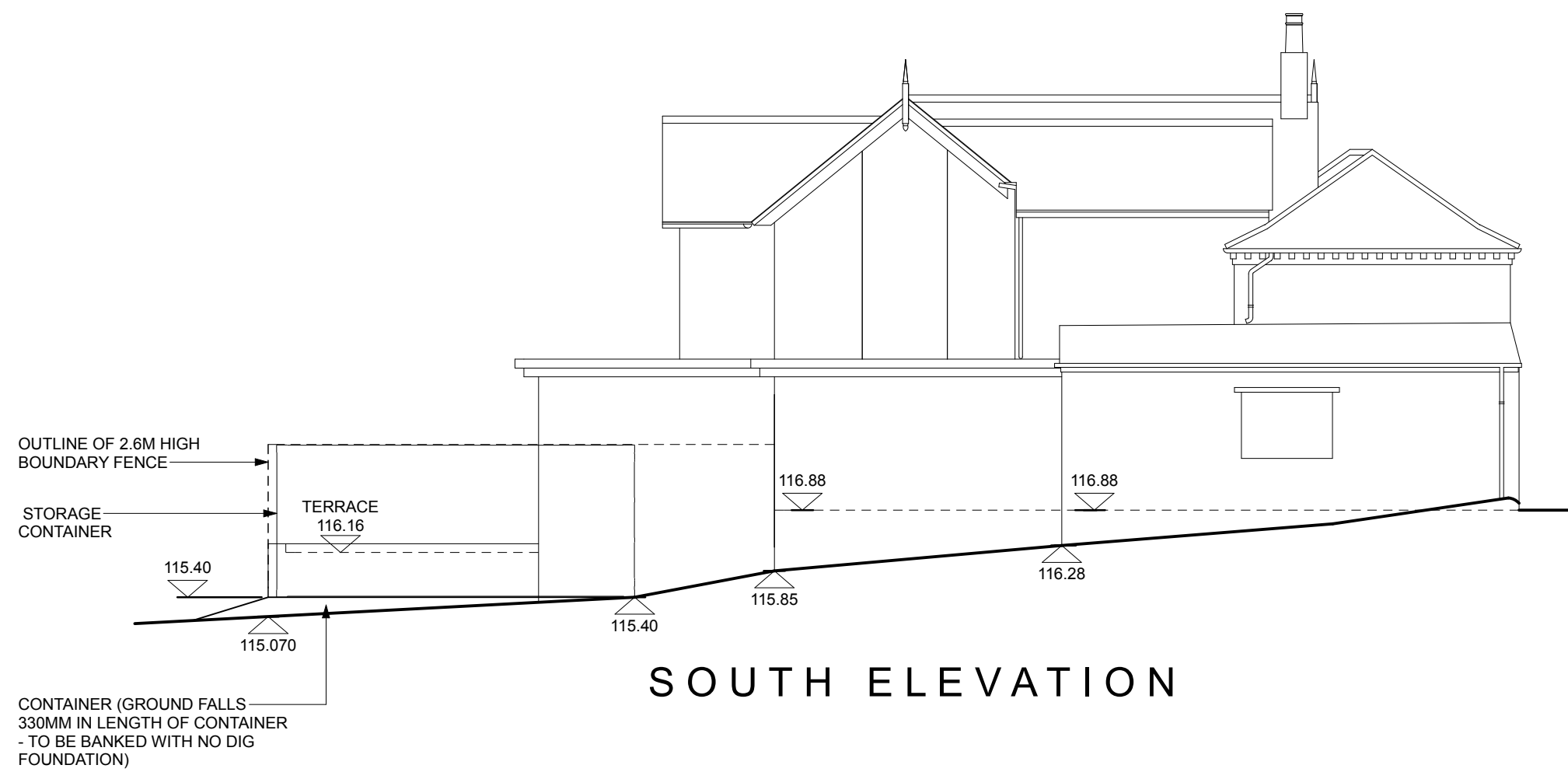
WEST ELEVATION



EAST ELEVATION



SOUTH ELEVATION



SOUTH ELEVATION

DRAWING TITLE		
PROPOSED ELEVATIONS		
JOB DESCRIPTION:		
STEVENS PARK, DUDLEY		
DRAWING SCALE:	DATE:	DRAWING REF:
1: 100 @ A1	JUNE 2018	2637.07B
BAART HARRIES NEWALL		
ARCHITECTS		
1 WILDERHOPE HOUSE POUNTNEY GARDENS BELLE Vue SHREWSBURY SY3 7JU Fax: 01743 364944 Tel: 01743 361261		

PLANNING

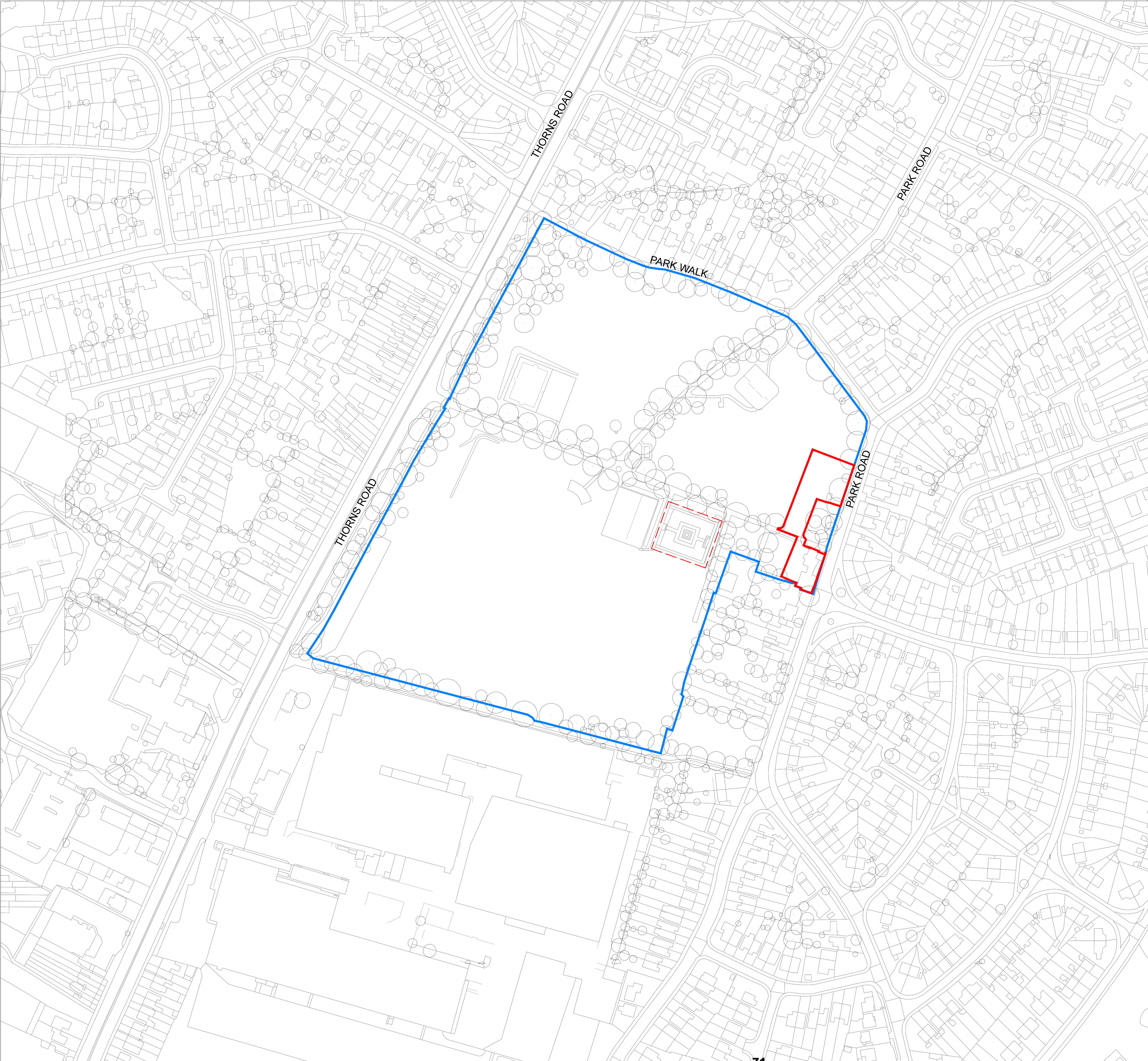
**Planning Application P18/0918 - PARKS DEPOT, 74, PARK ROAD, QUARRY
BANK, BRIERLEY HILL, WEST MIDLANDS, DY5 2HR**


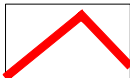
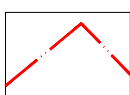


VIEW FROM PARK ROAD



REAR GARDEN VIEW



- **DMBC OWNERSHIP BOUNDARY**
- **PLANNING APPLICATION BOUNDARY**
- **AREA SUBJECT TO SEPARATE APPLICATION FOR LISTED BUILDING CONSENT**

DRAWING NOTES:

GENERAL:

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REFERENCE FILES:

1. THIS DRAWING IS BASED ON THE FOLLOWING EXTERNAL CONSULTANTS DRAWINGS:

CONSULTANT	REFERENCE FILE	DATE RECEIVED
CEP DMBC	OS MASTERMAP 423425_564395 STEVENS_PARK TREE COUNT DATA MAP	24/08/17 09/10/17

- HEALTH, SAFETY & ENVIRONMENTAL INFORMATION:**
1. IT IS ASSUMED THAT ALL WORKS ON THIS DRAWING WILL BE CARRIED OUT BY A COMPETENT CONTRACTOR AND, WHERE APPROPRIATE, WORKING TO AN APPROVED METHOD STATEMENT.
 2. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER HAZARDS / RISKS WHICH HAVE BEEN IDENTIFIED AND RECORDED WITHIN THE PRE-CONSTRUCTION INFORMATION PACK AND / OR THE CONSTRUCTION PHASE H&S PLAN.
 3. IN ADDITION TO THE HAZARDS / RISKS NORMALLY ASSOCIATED WITH THE TYPES OF WORK DETAILED ON THIS DRAWING, NOTE THE FOLLOWING:

ITEM N°	RISK REGISTER DETAILS

PL02	FOR PLANNING	RW	RAW	26/06/18
	RED LINE CORRECTED; BLUE LINE ADDED			
PL01	FOR PLANNING	RW	RAW	25/06/18
REV	DESCRIPTION	DRAWN	CHECK	DATE
KEY PLAN				

**LOTTERY FUNDED**

CLIENT

**Dudley**
Metropolitan Borough Council

**plincke.**

MANCHESTER
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LONDON
t:0207 739 3330
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PROJECT TITLE

STEVENS PARK
RESTORATION & RENEWAL

DRAWING TITLE

LOCATION PLAN
BLUE LINE OWNERSHIP BOUNDARY &
RED LINE PLANNING APPLICATION BOUNDARY

SCALE @ A1
1:1250

DATE
25/06/18

REVISION
PL02

PROJECT No.
0469

DRAWING No.
PLI_DR_L_0090

SCALE BAR @ 1:1250

0

10

25

50

100m

PLANNING APPLICATION NUMBER: P18/1169

Type of approval sought	Full Planning Permission
Ward	Upper Gornal and Woodsetton
Applicant	DMBC
Location:	LAND TO FRONT & ADJACENT TO NO. 65, VALE STREET, UPPER GORNAL, DUDLEY, DY3 3XF
Proposal	REBUILD STONE WALL (FOLLOWING DEMOLITION OF EXISTING), CONSTRUCTION OF NEW FOOTWAY, CREATION OF NEW COMMUNITY CARPARK AND ACCESSIBLE PATH
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- 1 The application site is located on the eastern side of Vale Street and includes the highway and a 2m strip in front of No. 65 Vale Street, where at this point Vale Road has restricted width and no footway to its eastern side.

- 2 The site has an area of undeveloped land which wraps round the side of No. 65, and extends past the entrance up to the windmill and runs up to edge of the recently completed Stone Mill Walk residential development. This land was left over from the development of the housing estate and remained undeveloped, due to potential impact on the setting of the windmill and was also unsafe for vehicular access onto Vale Street.

- 3 Immediately beyond this boundary is a car park which presently serves the windmill with access from the housing development beyond. To the south is part of the recreation ground which extends along the southern boundary.

- 4 Opposite the site on the western side of Vale Street is further housing which also extends to the north of the application site.

- 5 The windmill referred to above is Grade II listed and the Gornal stone wall which wraps round the front of No. 65, together with the return wall is deemed to be curtilage listed.
- 6 The windmill which is owned by the Council and leased to a local community group is used for sleeping accommodation for visiting youth groups i.e. the scouts and as base for local groups which includes a climbing and amateur radio clubs.

PROPOSAL

- 7 The application seeks to demolish the existing Gornal stone wall to the Vale Street frontage and to rebuild 2m further back. This will be dedicated as highway and will provide a footway along this section Vale Street, as well affording improved visibility for a vehicular access to the adjoining unused land.
- 8 It is proposed that this unused land would be used as dedicated car park for the windmill with access from Vale Street. Associated with this would be improvements to the ramp which provides pedestrian access to the windmill.
- 9 This would replace the existing car park and access to the windmill which is presently served from Stone Mill Walk and was secured as planning gain as part of the residential development.
- 10 However, it has been found that the car park was inadequate for the needs of the windmill, despite the windmill previously having no designated off road parking and generated some concerns from residents of the Stone Mill Walk due to parking overspilling into their designated parking area.
- 11 Therefore the developer has offered the adjoining land which is not suitable for residential development to the Council to be used as designated parking for the windmill.
- 12 The proposed car park would provide 12 spaces, including two disabled spaces and would be finished in road planings. The car park would be delineated by reclaimed

timber railway sleepers. A fence would be provided between the new car park and the existing car park to the windmill which would be transferred back to the developers of Stone Mill Walk.

- 13 During the course of the development it has been clarified that the car park will used for the sole use of the windmill and would not be used as parking for the adjoining recreation grounds.
- 14 The application is accompanied by a Heritage Statement.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
CC/77/1307	Use Of Windmill For Museum Purposes And Part Residential	Granted	27/09/1977
82/50070	Restoration Of Former Windmill To Form Museum And Use Of	Granted	11/03/1982
88/50146	Restoration Of Windmill Including Provision Of Fire Escape	Granted	07/03/1988
P06/1437	Outline application for housing development and diversion	Granted	04/07/2008
P06/1437/E1	Extension of time of previously approved application P06	Withdrawn	16/07/2013
P08/0794	Listed Building Consent for refurbishment works to include	Granted	09/07/2008
P12/1627	Erection of 14 no. dwellings with new access to highway	Granted	04/06/2013

PUBLIC CONSULTATION

- 15 8 letters raising comments and/or objection received, following consultation with 9 adjoining neighbours, the posting of a site notice and the publication of an advert within a local newspaper. Main issues raised:

- The wall contains a historic iron will roller. This should be retained in some way at the site.
- Concerns that widened footway means that pedestrians may considered front garden of adjoining house to be part of the highway.
- Car park should be for mill users only
- Railway sleepers are not an effective boundary treatment/do not provide adequate security
- Close boarded fence should be provided to boundary
- Car park will cause noise and pollution
- Will attract anti-social behaviour
- Insufficient information with the application
- Developer will not provide the fence
- How will car park be managed?
- Will not pay for street lighting of car park

OTHER CONSULTATION

- 16 Head of Planning and Regeneration (Highway Engineer): No objection, consider proposal would provide improved forward visibility and an improved footway for pedestrians. The current facilities are substandard and pose a risk for pedestrians.
- 17 Head of Planning and Regeneration (Land Contamination Team): No objection.
- 18 Head of Environmental Safety and Health: No objection.

RELEVANT PLANNING POLICY

- National Planning Guidance
National Planning Policy Framework (Revised 2018)
Planning Practice Guidance (2014)
Historic Environment Good Practice Advice in Planning 2 - Managing-Significance in Decision Taking (2015)
Historic Environment Good Practice Advice in Planning 3 – Setting of Heritage Assets (2015)

- Black Country Core Strategy (2011)
 - CSP1 The Growth Network
 - TRAN2 Managing Transport Impacts of New Development
 - ENV 2 Historic Character and Local Distinctiveness
 - ENV 3 Design Quality

- Dudley Borough Development Strategy (2017)
 - S1 Presumption in favour of Sustainable Development
 - S6 Urban Design
 - S7 Landscape Design
 - S8 Conservation and Enhancement of Local Character and Distinctiveness
 - S10 Listed Buildings
 - S17 Access & Impact of Development on the Transport Network
 - S18 Cycling
 - D1 Access for All
 - D2 Incompatible Land Uses
 - D5 Noise Pollution

- Supplementary Planning Guidance/Documents
 - Access for All Supplementary Planning Document
 - Historic Environment Supplementary Planning Document (2017)
 - Parking Standards Supplementary Planning Document (2017)

ASSESSMENT

- 19 The main issues are
- Policy
 - Design and Historic Environment
 - Neighbour Amenity
 - Highway Safety
 - Access for All

Policy

- 20 The principle issues in this case relate to highway safety, for which Black Country Core Strategy Policy TRAN2 Managing Transport Impacts of New Development and Dudley Bough Development Strategy Policy S17 Access & Impact of Development on the Transport Network, which require new development not to cause harm to highway safety.
- 21 The other main issue is the design and historic environment issues given the setting of the listed windmill, and the assumption that the Gornal stone wall to Vale Street is curtilage listed.
- 22 With regard to Black Country Core Strategy Policy ENV 2 Historic Character and Local Distinctiveness is of relevance together with Dudley Borough Development Strategy S10 Listed Buildings. The policy states that,

'The Council will protect, conserve and encourage the appropriate enhancement of buildings statutorily listed as being of historic or architectural value. Applicants proposing the alteration, extension or change of use of a statutorily Listed Building will be required to provide sufficient information to demonstrate how the proposals would contribute to the building's conservation, whilst preserving or enhancing its architectural or historic interest.'

'Where such proposals would affect a listed structure which has a particularly complex building history, and would involve a major impact on the historic plan form or significant loss of historic fabric, applicants may be required to commission a professional archaeological pre-determination assessment.'

'This should include an appropriate level of archaeological buildings recording, an analysis sufficient to demonstrate the significance of the existing plan form and historic fabric to be affected, be to an agreed timescale and clarify the degree of impact which the proposals would have upon the building's historic character and appearance.'

‘Proposals for demolition, inappropriate alteration of or addition to statutorily Listed Buildings, or for development which would harm their significance or be detrimental to their setting, will be resisted. Where Listed Building Consent is granted for demolition or alteration resulting in the loss of historic fabric, the Council will ensure that provision is made for an appropriate level of archaeological buildings recording to take place prior to the commencement of the approved works’.

Design and Historic Environment

- 23 The repositioning of the listed Gornal stone wall to Vale Street has been proposed to improve highway safety along this section of Vale Street where there is significant pinch point and where there is no footway to the eastern side of the road, with a substandard footway to the west side. The carriageway is also constrained at this point.
- 24 The proposal which has been the subject of discussions with the Conservation Officer and proposes to carefully take down the wall with the rebuilding replicating the existing with the majority of the stone reused. It is not considered that this repositioning would have any adverse impact on the setting of the listed windmill.
- 25 The provision of the car park is not considered to have any adverse impact on the setting of the windmill in that the openness next to it would be maintained including views from Vale Street. The openness with views from Vale Street towards the recreation ground would also be maintained.
- 26 Conditions will be required to ensure the materials to be used to the modified access ramp to the windmill are appropriate together with specific details relating to the rebuilt wall such as the type of mortar. A condition will also be required in relation to the boundary treatment in relation to the Stone Mill Walk, the adjoining recreation ground, as well as the railings to the modified ramp. These will need to be sympathetic to the setting of the listed building.
- 27 Additionally a condition will be attached regarding boundary treatment to the car park, as this is an issue raised by one of the neighbours.

- 28 Overall the scheme delivers significant public benefits in terms of highway safety, as well as improving access to the windmill which should help to it maintain it as an important community asset, whilst not having an adverse impact on the setting of listed heritage asset.

Neighbour Amenity

- 29 The provision of the car park and the moving back of the wall are unlikely to result in any harm to neighbour amenity and this affirmed by no objection being raised by the Environmental Safety and Health team.
- 30 Following concerns from the neighbour regarding the wider use of the car park it is now proposed that the car park would only be used solely by the windmill. A condition regarding the management of the car park is proposed along with a condition requiring details of the boundary treatment and enclosure.

Access and Parking

- 31 The moving back of the wall by some 2m would allow for the provision of a footway on the eastern side of the road which would significant improve highway safety. Moreover, forward visibility through a pinch point to Vale Street would be significant improved as well.
- 32 The moving back of the wall would also improve visibility to the existing vehicular access which serves the unused land to the side of No. 65, which is proposed to be laid out as car park. However, a condition would need to be imposed to ensure the car park is not first used until the works to the wall have been proposed as in its current state a more intensified use of the access would constitute a danger to highway safety.
- 33 Therefore, subject to the imposition of appropriate conditions the proposed changes to the highway and the provision of the car park are acceptable on highway safety grounds.

- 34 The new car park would also remove the current tensions between users of the windmill and residents in Stone Mill Walk.

Access for All

- 35 The existing ramped access to the mill is currently non-complaint with regard to equality legislation, Dudley Borough Development Strategy Policy D1 Access for All and the Councils adopted Access for All Supplementary Planning Document
- 36 It is proposed to extend and regrade the ramp so that it complies with equality legislation and the Councils own adopted policies. Associated with the car park proposal disabled parking provision will also be made.
- 37 This means that the windmill which has an accessible ground floor can be enjoyed by a wider cross section of the community.

Trees

- 38 A tree will need to be removed to accommodate the proposed modified ramp. The retention of the tree was looked at but would have resulted in circuitous route to the windmill or one which would not comply with equality legislation. A condition can be imposed which can require an appropriate replacement.

CONCLUSION

- 39 The proposed development/works are considered to be acceptable from a highway safety, heritage and amenity perspective. The development/works would provide significant benefits from a highway safety point of view, and the car park and the modified ramp would ensure improved access to the windmill which helps secure its long term future. Consideration has been given to policies within the Black Country Core Strategy (2013); and the Dudley Borough Development Strategy (2017)

RECOMMENDATION

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

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: M471-09 RevA, XDBE10080/1
REASON: For the avoidance of doubt and in the interests of proper planning.
3. The car park shall not be first used until the wall in front of No. 65 Vale Street has been taken down and rebuilt in accordance with approved plans
REASON: In the in interests of highway safety and to comply with BCCS Policy TRAN2 and DBDS Policy S17.
4. The car park shall not be first used until a parking management plan in relation to the car park including details of the vehicular gate to Vale Street entrance to the windmill has been submitted to and approved in writing by the Local Planning Authority. The car park shall thereafter be managed in accordance with the approved management plan for the life time of the development unless otherwise agreed in wiring by the Local Planning Authority.
REASON: In the in interests of highway safety and to comply with BCCS Policy TRAN2 and DBDS Policy S17.
5. No above ground development shall commence until details of the positions, design, materials and type of boundary treatment or means of enclosure have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until these works have been carried out in accordance with the approved details and shall thereafter retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.
REASON: In order to make a positive contribution to place-making and provide a high quality public realm in accordance with BCCS Policies CSP4 - Place-Making, ENV1 - , ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses
6. No development shall commence (excluding demolition, site clearance and initial ground works) until full details of the soft landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before the end of the first planting season following first occupation of the development.
Any trees or shrubs planted in pursuance of this permission including any planting in replacement for which is removed, uprooted, severely damaged, destroyed or dies within a period of five years from the date of planting shall be replaced by trees or shrubs of the same size and species and in the same place unless otherwise agreed in writing by the Local Planning Authority.

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

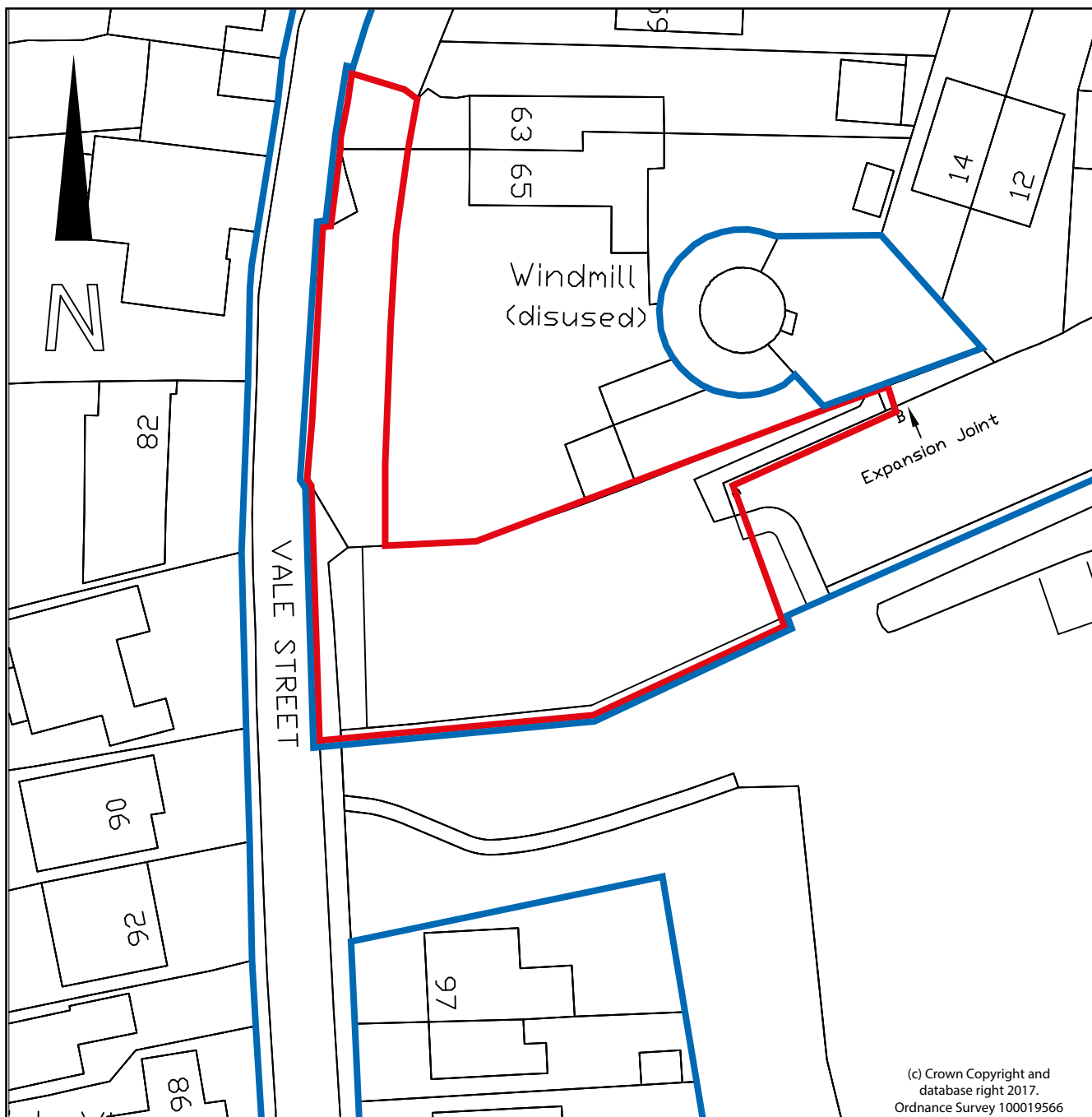
INFORMATIVE: A replacement tree will be required.

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

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

8. The car park shall not be first used until details of the relocation of the bollard to the northern end of the wall which is believed to be cast iron mill roller has been submitted to and approved in writing by the Local Planning Authority. The relocation shall be carried out in complete accordance with the approved details and shall be retained in that location for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

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



- Land to which the application relates
- Other land in ownership of Dudley Council

Dudley
Metropolitan Borough Council

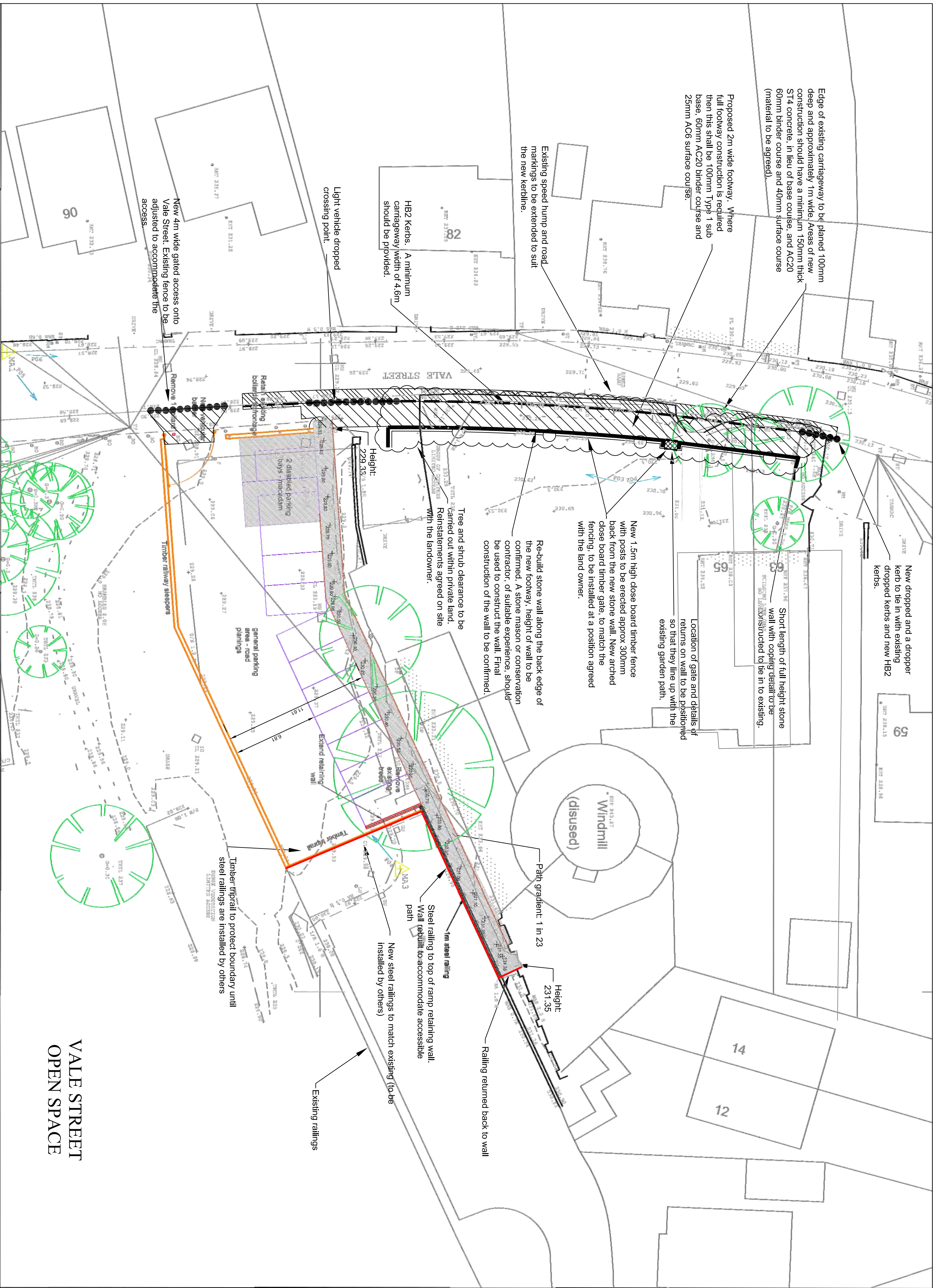
Place Directorate, Regeneration & Enterprise
Design & Delivery

Council House
Priory Road, Dudley
West Midlands
DY1 1HF
Tel: 01394 817010
Email: iz.dickinson@dudley.gov.uk



PLACE DIRECTORATE

Project Title		Vale Street, Upper Gornal, Dudley Site Area for Planning Application			Drawing No. M471-08	
Drawn By	MM	Checked By	LD	Revision No.	Date	Scale
					08-08-2018	1:500@A4



PLANNING APPLICATION NUMBER: P18/1170

Type of approval sought	Listed Building Consent
Ward	Upper Gornal and Woodsetton
Applicant	DMBC
Location:	LAND TO FRONT & ADJACENT TO NO. 65, VALE STREET, UPPER GORNAL, DUDLEY, DY3 3XF
Proposal	LISTED BUILDING CONSENT FOR REBUILD STONE WALL (FOLLOWING DEMOLITION OF EXISTING), CONSTRUCTION OF NEW FOOTWAY, CREATION OF NEW COMMUNITY CARPARK AND ACCESSIBLE PATH
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- 1 The application site is located on the eastern side of Vale Street and includes the highway and a 2m strip in front of No. 65 Vale Street, where at this point Vale Road has restricted width and no footway to its eastern side.

- 2 The site has an area of undeveloped land which wraps round the side of No. 65, and extends past the entrance up to the windmill and runs up to edge of the recently completed Stone Mill Walk residential development. This land was left over from the development of the housing estate and remained undeveloped, due to potential impact on the setting of the windmill and was also unsafe for vehicular access onto Vale Street.

- 3 Immediately beyond this boundary is a car park which presently serves the windmill with access from the housing development beyond. To the south is part of the recreation ground which extends along the southern boundary.

- 4 Opposite the site on the western side of Vale Street is further housing which also extends to the north of the application site.

- 5 The windmill referred to above is Grade II listed and the Gornal stone wall which wraps round the front of No. 65, together with the return wall is deemed to be curtilage listed.
- 6 The windmill which is owned by the Council and leased to a local community group is used for sleeping accommodation for visiting youth groups i.e. the scouts and as base for local groups which includes a climbing and amateur radio clubs.

PROPOSAL

- 7 The application seeks to demolish the existing Gornal stone wall to the Vale Street frontage and to rebuild 2m further back. This will be dedicated as highway and will provide a footway along this section Vale Street, as well affording improved visibility for a vehicular access to the adjoining unused land.
- 8 It is proposed that this unused land would be used as dedicated car park for the windmill with access from Vale Street. Associated with this would be improvements to the ramp which provides pedestrian access to the windmill.
- 9 This would replace the existing car park and access to the windmill which is presently served from Stone Mill Walk and was secured as planning gain as part of the residential development.
- 10 However, it has been found that the car park was inadequate for the needs of the windmill, despite the windmill previously having no designated off road parking and generated some concerns from residents of the Stone Mill Walk due to parking overspilling into their designated parking area.
- 11 Therefore the developer has offered the adjoining land which is not suitable for residential development to the Council to be used as designated parking for the windmill.
- 12 The proposed car park would provide 12 spaces, including two disabled spaces and would be finished in road planings. The car park would be delineated by reclaimed

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- 13 During the course of the development it has been clarified that the car park will used for the sole use of the windmill and would not be used as parking for the adjoining recreation grounds.
- 14 The application is accompanied by a Heritage Statement.

HISTORY

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88/50146	Restoration Of Windmill Including Provision Of Fire Escape	Granted	07/03/1988
P06/1437	Outline application for housing development and diversion	Granted	04/07/2008
P06/1437/E1	Extension of time of previously approved application P06	Withdrawn	16/07/2013
P08/0794	Listed Building Consent for refurbishment works to include	Granted	09/07/2008
P12/1627	Erection of 14 no. dwellings with new access to highway	Granted	04/06/2013

PUBLIC CONSULTATION

- 15 8 letters raising comments and/or objection received, following consultation with 9 adjoining neighbours, the posting of a site notice and the publication of an advert within a local newspaper. Main issues raised:

- The wall contains a historic iron will roller. This should be retained in some way at the site.
- Concerns that widened footway means that pedestrians may considered front garden of adjoining house to be part of the highway.
- Car park should be for mill users only
- Railway sleepers are not an effective boundary treatment/do not provide adequate security
- Close boarded fence should be provided to boundary
- Car park will cause noise and pollution
- Will attract anti-social behaviour
- Insufficient information with the application
- Developer will not provide the fence
- How will car park be managed?
- Will not pay for street lighting of car park

OTHER CONSULTATION

- 16 Head of Planning and Regeneration (Highway Engineer): No objection, consider proposal would provide improved forward visibility and an improved footway for pedestrians. The current facilities are substandard and pose a risk for pedestrians.
- 17 Head of Planning and Regeneration (Land Contamination Team): No objection.
- 18 Head of Environmental Safety and Health: No objection.

RELEVANT PLANNING POLICY

- National Planning Guidance
National Planning Policy Framework (Revised 2018)
Planning Practice Guidance (2014)
Historic Environment Good Practice Advice in Planning 2 - Managing-Significance in Decision Taking (2015)
Historic Environment Good Practice Advice in Planning 3 – Setting of Heritage Assets (2015)

- Black Country Core Strategy (2011)
 CSP1 The Growth Network
 TRAN2 Managing Transport Impacts of New Development
 ENV 2 Historic Character and Local Distinctiveness
 ENV 3 Design Quality

- Dudley Borough Development Strategy (2017)
 S1 Presumption in favour of Sustainable Development
 S6 Urban Design
 S7 Landscape Design
 S8 Conservation and Enhancement of Local Character and Distinctiveness
 S10 Listed Buildings
 S17 Access & Impact of Development on the Transport Network
 S18 Cycling
 D1 Access for All
 D2 Incompatible Land Uses
 D5 Noise Pollution

- Supplementary Planning Guidance/Documents
 Access for All Supplementary Planning Document
 Historic Environment Supplementary Planning Document (2017)
 Parking Standards Supplementary Planning Document (2017)

ASSESSMENT

- 19 The main issues are
- Policy
 - Design and Historic Environment
 - Neighbour Amenity
 - Highway Safety
 - Access for All

Policy

- 20 The principle issues in this case relate to highway safety, for which Black Country Core Strategy Policy TRAN2 Managing Transport Impacts of New Development and Dudley Bough Development Strategy Policy S17 Access & Impact of Development on the Transport Network, which require new development not to cause harm to highway safety.
- 21 The other main issue is the design and historic environment issues given the setting of the listed windmill, and the assumption that the Gornal stone wall to Vale Street is curtilage listed.
- 22 With regard to Black Country Core Strategy Policy ENV 2 Historic Character and Local Distinctiveness is of relevance together with Dudley Borough Development Strategy S10 Listed Buildings. The policy states that,

'The Council will protect, conserve and encourage the appropriate enhancement of buildings statutorily listed as being of historic or architectural value. Applicants proposing the alteration, extension or change of use of a statutorily Listed Building will be required to provide sufficient information to demonstrate how the proposals would contribute to the building's conservation, whilst preserving or enhancing its architectural or historic interest.'

'Where such proposals would affect a listed structure which has a particularly complex building history, and would involve a major impact on the historic plan form or significant loss of historic fabric, applicants may be required to commission a professional archaeological pre-determination assessment.'

'This should include an appropriate level of archaeological buildings recording, an analysis sufficient to demonstrate the significance of the existing plan form and historic fabric to be affected, be to an agreed timescale and clarify the degree of impact which the proposals would have upon the building's historic character and appearance.'

‘Proposals for demolition, inappropriate alteration of or addition to statutorily Listed Buildings, or for development which would harm their significance or be detrimental to their setting, will be resisted. Where Listed Building Consent is granted for demolition or alteration resulting in the loss of historic fabric, the Council will ensure that provision is made for an appropriate level of archaeological buildings recording to take place prior to the commencement of the approved works’.

Design and Historic Environment

- 23 The repositioning of the listed Gornal stone wall to Vale Street has been proposed to improve highway safety along this section of Vale Street where there is significant pinch point and where there is no footway to the eastern side of the road, with a substandard footway to the west side. The carriageway is also constrained at this point.
- 24 The proposal which has been the subject of discussions with the Conservation Officer and proposes to carefully take down the wall with the rebuilding replicating the existing with the majority of the stone reused. It is not considered that this repositioning would have any adverse impact on the setting of the listed windmill.
- 25 The provision of the car park is not considered to have any adverse impact on the setting of the windmill in that the openness next to it would be maintained including views from Vale Street. The openness with views from Vale Street towards the recreation ground would also be maintained.
- 26 Conditions will be required to ensure the materials to be used to the modified access ramp to the windmill are appropriate together with specific details relating to the rebuilt wall such as the type of mortar. A condition will also be required in relation to the boundary treatment in relation to the Stone Mill Walk, the adjoining recreation ground, as well as the railings to the modified ramp. These will need to be sympathetic to the setting of the listed building.
- 27 Additionally a condition will be attached regarding boundary treatment to the car park, as this is an issue raised by one of the neighbours.

- 28 Overall the scheme delivers significant public benefits in terms of highway safety, as well as improving access to the windmill which should help to it maintain it as an important community asset, whilst not having an adverse impact on the setting of listed heritage asset.

Neighbour Amenity

- 29 The provision of the car park and the moving back of the wall are unlikely to result in any harm to neighbour amenity and this affirmed by no objection being raised by the Environmental Safety and Health team.
- 30 Following concerns from the neighbour regarding the wider use of the car park it is now proposed that the car park would only be used solely by the windmill. A condition regarding the management of the car park is proposed. A condition regarding the management of the car park is also proposed along with a condition requiring details of the boundary treatment and enclosure.

Access and Parking

- 31 The moving back of the wall by some 2m would allow for the provision of a footway on the eastern side of the road which would significant improve highway safety. Moreover, forward visibility through a pinch point to Vale Street would be significant improved as well.
- 32 The moving back of the wall would also improve visibility to the existing vehicular access which serves the unused land to the side of No. 65, which is proposed to be laid out as car park. However, a condition would need to be imposed to ensure the car park is not first used until the works to the wall have been proposed as in its current state a more intensified use of the access would constitute a danger to highway safety.
- 33 Therefore, subject to the imposition of appropriate conditions the proposed changes to the highway and the provision of the car park are acceptable on highway safety grounds.

- 34 The new car park would also remove the current tensions between users of the windmill and residents in Stone Mill Walk.

Access for All

- 35 The existing ramped access to the mill is currently non-complaint with regard to equality legislation, Dudley Borough Development Strategy Policy D1 Access for All and the Councils adopted Access for All Supplementary Planning Document
- 36 It is proposed to extend and regrade the ramp so that it complies with equality legislation and the Councils own adopted policies. Associated with the car park proposal disabled parking provision will also be made.
- 37 This means that the windmill which has an accessible ground floor can be enjoyed by a wider cross section of the community.

Trees

- 38 A tree will need to be removed to accommodate the proposed modified ramp. The retention of the tree was looked at but would have resulted in circuitous route to the windmill or one which would not comply with equality legislation. A condition can be imposed which can require an appropriate replacement.

CONCLUSION

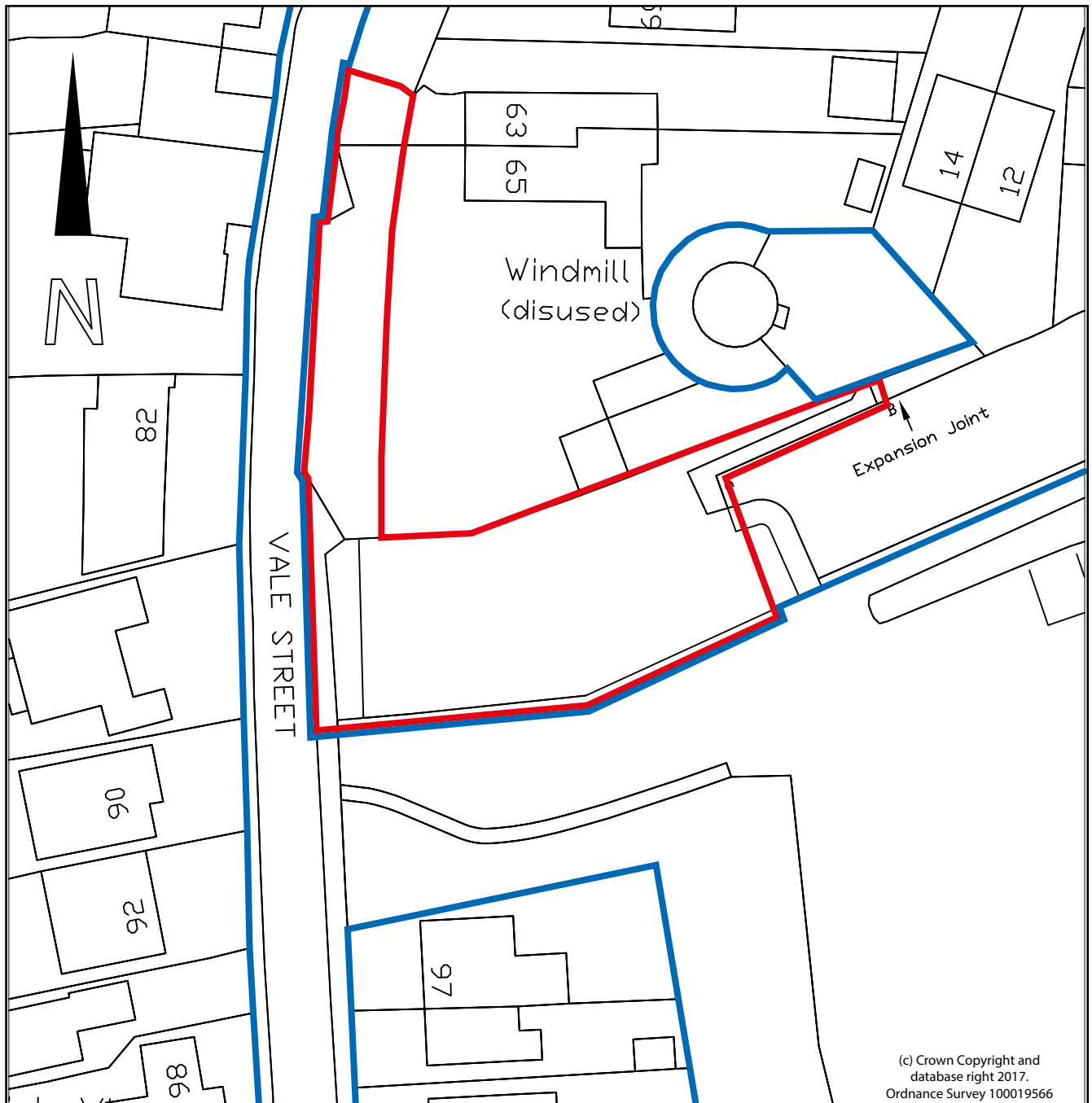
- 39 The proposed development/works are considered to be acceptable from a highway safety, heritage and amenity perspective. The development/works would provide significant benefits from a highway safety point of view, and the car park and the modified ramp would ensure improved access to the windmill which helps secure its long term future. Consideration has been given to policies within the Black Country Core Strategy (2013); and the Dudley Borough Development Strategy (2017)

RECOMMENDATION

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

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:M471-09 RevA, XDBE10080/1
REASON: For the avoidance of doubt and in the interests of proper planning.



- Land to which the application relates
- Other land in ownership of Dudley Council



Place Directorate, Regeneration & Enterprise

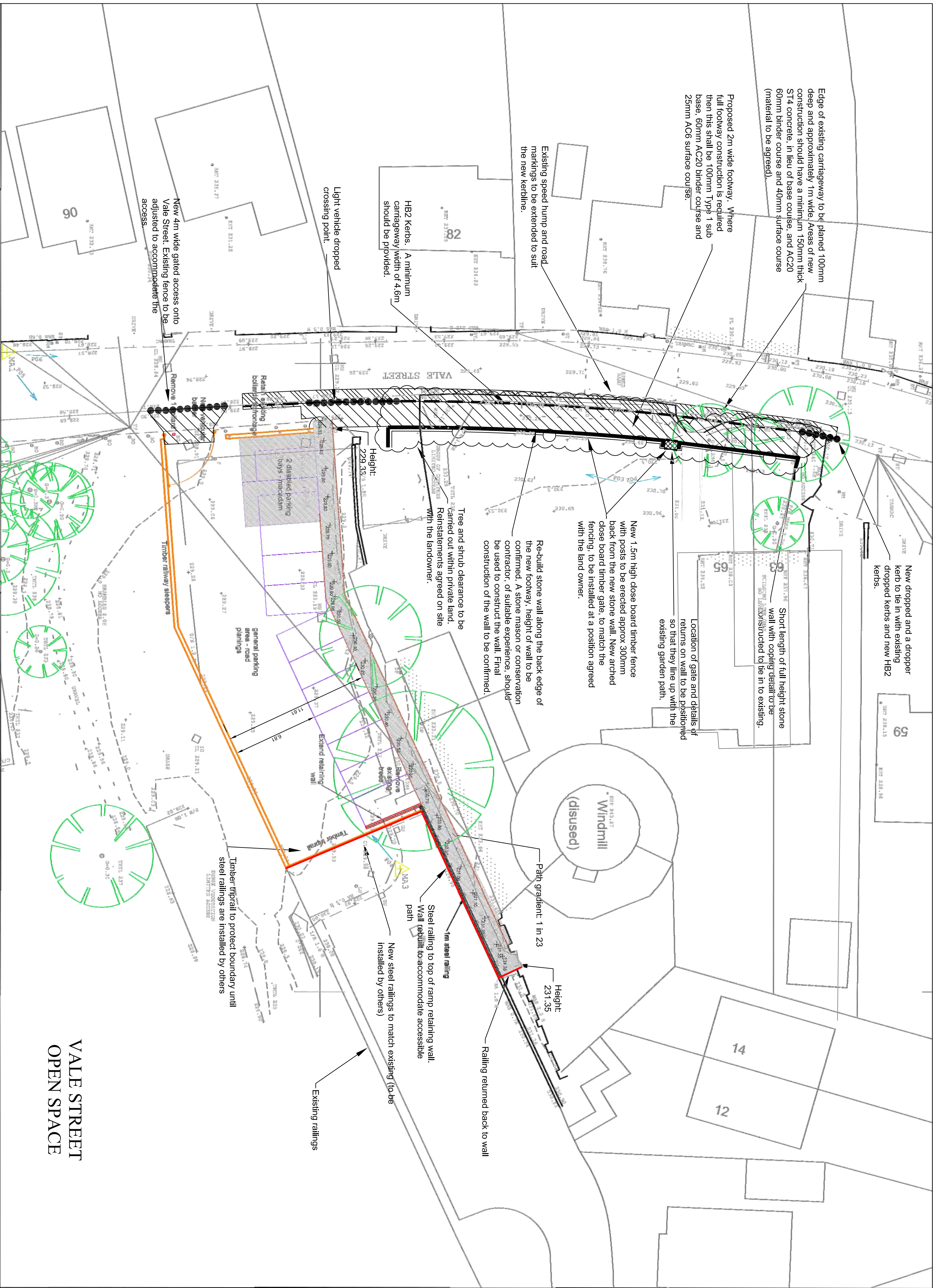
Design & Delivery

Council House
Priory Road, Dudley
West Midlands
DY1 1HF
Tel: 01394 817010
Email: iz.dickinson@dudley.gov.uk



PLACE DIRECTORATE

Project Title		Vale Street, Upper Gornal, Dudley Site Area for Planning Application			Drawing No. M471-08	
Drawn By	MM	Checked By	LD	Revision No.	Date	Scale
					08-08-2018	1:500@A4



Dudley
Place Directors, Information & Enterprise
Design & Delivery
Central Office
Riverside Plaza, Dudley
DY11 1AF
Tel: 0121 852 2110
Email: info@dudley.gov.uk

Job: Vale Street Improvements

Drawing: Vale Street Improvement Plan

Job No: M471 -09

Drawing No:

Revision:

A: Addition of gates and wall north of gates. Addition of splay and bollards at entrance to proposed car park.

Scale: 1:200 @ A2

Date: 8/8/2018

Drawn: RL / MM

Checked:

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Ordnance Survey 100019566.



PLANNING APPLICATION NUMBER: P18/1175

Type of approval sought	Full Planning Permission
Ward	Halesowen South
Applicant	Mr M. Dawson
Location:	11, CORVILLE ROAD, HALESOWEN, B62 9TJ
Proposal	FIRST FLOOR SIDE EXTENSION
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site comprises of a traditional styled brick built semi-detached property that is sited at the head of a small residential cul de sac. The property reflects the style and character of neighbouring dwellings, and has been extended historically with a single storey side/rear extension that projects along the boundary with No.10 Corville Road. More recently the property has been extended with a Hip to Gable roof alteration with large flat roof dormer to the rear that has been built utilising Permitted Development Rights. Furthermore, there is a single storey rear extension that has been built utilising the Prior Notification process.

2. The property occupies a large irregular shaped plot that has a splayed boundary with No.10 Corville Road. The dwelling has a large rear garden that is defined by close board fencing to the side and rear boundaries with addition screening being provided by mature evergreen trees adjacent to the rear boundary of the site.

3. No.10 Corville Road is a similar styled semi that has a single storey garage/utility that projects along the along boundary with the application property. This dwelling has a modest single storey rear kitchen extension that has a side facing window that

forms the primary source of light to the room. There is an additional window to the rear, however, this is smaller and is north facing.

4. There are other two storey side extensions visible within the cul de sac, including the adjoining dwelling No.12, and Nos. 13, and 15 Corville Road. The design and scale of these extensions differ between dwellings.

PROPOSAL

5. Amended plans have been provided through the progression of this application. These amendments seek to reduce the depth of the proposed first floor extension by 1.15m to the rear. This would result in the omission of the additional hipped roof detail that was originally proposed to the rear.
6. The amended extension would be between 2.1m and 3.7m in width and would project along the splayed side boundary of the site. It would be 6.7m in depth and would have an eaves height of 5m with a maximum height of 6.5m with a hipped roof design.
7. The extension would have a red brick facade with a tiled roof to match the brickwork and tiles of the host dwelling and would accommodate an additional double bedroom with en-suite.

HISTORY

8. Relevant planning history.

APPLICATION	PROPOSAL	DECISION	DATE
P17/1764/PNA	Prior Notification for the erection of a single storey rear extension	Prior approval is Not Required	30/01/2018

PUBLIC CONSULTATION

9. Neighbour notification letters have been sent to 8 neighbours. Three responses have been received from the occupiers of Gower Road. Objections have been raised on the following grounds:
- Ugly development,
 - Intrusive,
 - The development forms a manipulation of the planning rules by utilising Permitted Development Rights,
 - Loss of privacy and overlooking,
 - Loss of property value,
 - Increase in the number of windows by 200%, that overlook neighbouring dwellings,
 - The development is out of keeping with other developments in the road,
 - Destroyed the community cohesion in the area,
 - Planning department has failed to appropriately discuss the works with neighbours.

OTHER CONSULTATION

10. None relevant.

RELEVANT PLANNING POLICY

11. National Planning Policy Framework (NPPF) 2012

Black Country Core Strategy (2011)

- CSP4 Place making
- ENV2 Historic Character and Local Distinctiveness
- ENV3 Design Quality

Dudley Borough Development Strategy (2017)

- S1 Presumption in favour of Sustainable Development
- S6 Urban Design
- L1 Housing Development, extensions and alterations to existing Dwellings

Supplementary Planning Documents / Guidance

- PGN 12. The 45 Degree Code.
- PGN 17. House extension design guide
- New Housing Development SPD

ASSESSMENT

12. The proposed development must be assessed with regard to its design and whether it would be compatible with the existing dwelling and the character and appearance of the surrounding area. The potential impact on the amenity of nearby neighbours must also be assessed along with the relevant parking standard requirements.
13. The key issues are:
 - Character and Appearance
 - Neighbour Amenity
 - Access and Parking

Character and Appearance

14. The National Planning Policy Framework (NPPF) sets out the planning policies for England and how they are expected to be applied. The document states that the 'golden thread' running through both plan making and decision taking is a presumption in favour of sustainable development. In making decisions planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
15. Policy ENV3 of the Black Country Core Strategy highlights the importance of creating high quality design and recognises its direct positive impact on economic, social and environmental benefits to the Black Country.
16. Policy S6 of the Dudley Borough Development Strategy states that a proposed extension must make a positive contribution to the character and appearance of the area with appropriate massing and bulk; and further outlines in Policy L1 that

developments should be of an appropriate form, siting, scale, and mass, with the use of appropriate materials, that would respect and be responsive to the context and character of the surrounding area and should not have a detrimental impact on the character, form and design of the host dwelling.

17. In light of the policy framework outlined above, the proposed extension has been amended accordingly to reduce the overall scale and prominence of the development, and to improve the design and appearance of the extension in respect of the original dwelling. Whilst it is acknowledged that the scale of the proposed roof alterations are less than sympathetic to the original hipped roof character of the original dwelling. It has to be noted that these works have been undertaken under Permitted Development, and as such, the Local Planning Authority has no control over such developments. This application has been submitted for a first floor side extension only and the development has been assessed as such.
18. The proposed 1.5m reduction in the depth of the extension to the rear has simplified the design of the extension and has reduced the overall scale of the extension on the host dwelling. This, therefore reduces the impact of the development as viewed from neighbouring gardens. Despite the comments that have been raised regarding the development being out of character within the area, the extension due to its significant set back from the frontage of the host property is largely screened from view from the front and has limited impact on the character and appearance of the street scene. Furthermore, the extension is largely smaller in scale than other two storey side extensions visible within the street. As such, the proposal is not considered to have a significant impact on the appearance of the property nor the street scene as viewed from the cul de sac to the front.
19. In respect of the rear elevations, the reduction in the depth of the proposed extension has improved the appearance of the development as viewed from neighbouring gardens to the side and rear. The omission of the additional hipped roof to the rear has simplified the design of the extension and reduced the dominance of the development to the rear.

20. This, despite the objections that have been raised, the amended first floor side extension is modest in scale, it is designed in way to reduce the overall scale and dominance of the extension as viewed from the rear, and is smaller in scale than other extensions visible within the street. As such, the proposal is not considered sufficiently detrimental to the architectural character and appearance of the property or the visual amenity of the street to warrant a refusal of the application or to sustainably defend on appeal.

Neighbouring Amenity

21. The objections that have been raised regarding the loss of privacy and overlooking implications to the rear are acknowledge, however, the proposed extension would comply with the distance separation guideline that is outlined within House extension design guide Planning Guidance Note 17 (PGN 17) which requires 22m between rear facing habitable room windows to maintain privacy to neighbouring dwellings. The proposal would also maintain a minimum distance of 15m between the proposed first floor window and the rear boundary. This would comply with the guidelines that are contained within the New Housing Development SPD which seeks a minimum garden depth of 11m to maintain privacy to the neighbouring gardens. Whilst this SPD is specifically designed for new housing developments, the principles contained within the policy remain the same. In light of this, it is considered that the proposed extension would have limited impact on neighbours amenities in terms of loss of privacy and overlooking. Furthermore, the presence of the significant mature evergreen tree adjacent to the rear boundary of the application site further screens any views beyond the rear boundary.
22. The proposed first floor extension would fail to comply with Planning Guidance Note 12 (PGN 12) - 45 Degree Code in respect of the side facing kitchen window in the side elevation of No.10. However, it is noted that this window does not form the sole source of light to this room and that light to this window is already compromised by the presence of the application dwelling which already breaches the code to this window. As such, the proposed development would not be sufficiently detrimental to the neighbours amenities in terms of loss of light and outlook to warrant a refusal on

these grounds. Furthermore, the amendments provided have further reduced the depth and height of the extension from that previously proposed, thereby, further reducing any impact of the neighbouring dwelling. As such, it is not considered that the proposal would be sufficiently detrimental in terms of loss of light, and outlook to this kitchen window to warrant a refusal of the application.

Highway Safety

23. The property is situated within a residential area and there are no consequential highway safety issues arising from the proposal. Whilst the proposal would seek to increase the net number of bedrooms, sufficient parking would be maintained within the curtilage of the site to prevent any consequential highway concerns arising from the proposed development.

Other Issues

24. Despite the objections raised regarding any potential loss of property values and social cohesion these are civil matters and are not material planning considerations that can be taken into account during the assessment of the application.
25. Despite the objections that have been raised regarding the Local Planning Authority not discussing the application with the neighbours, appropriate neighbour consultation has been undertaken in accordance with agreed Local and National consultation procedures.

CONCLUSION

26. On balance, the amended scheme would not be sufficiently detrimental to the character and appearance of the original property, the visual amenity of the area, nor on the amenities of the neighbouring occupiers to warrant a refusal of the application. The proposal would comply with the policies contained within ENV2 of the Black Country Core Strategy (2011), Policies S6, S23 and L1 of the Dudley Borough Development Strategy (2017) and Planning Guidance Note 17 (The House Extension Design Guide) and Planning Guidance Note 12 (PGN 12) - 45 Degree Code.

RECOMMENDATION

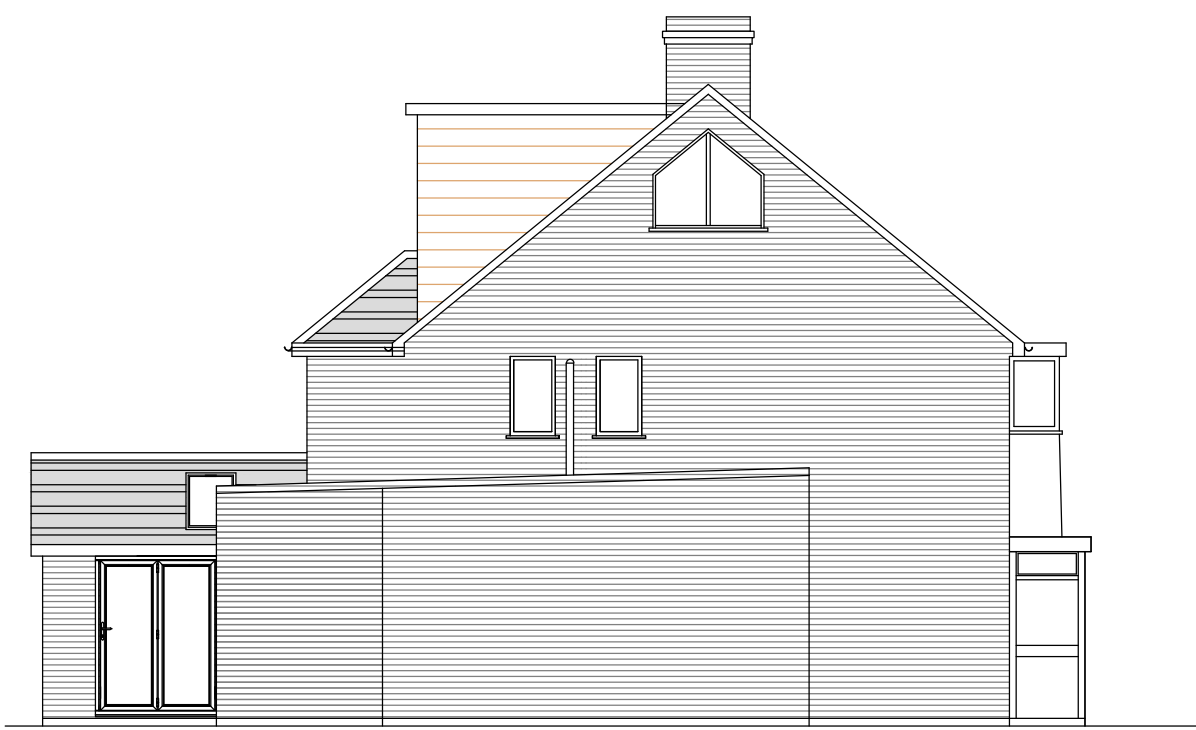
25. It is recommended that the application is APPROVED subject to the following conditions:

Conditions and/or reasons:

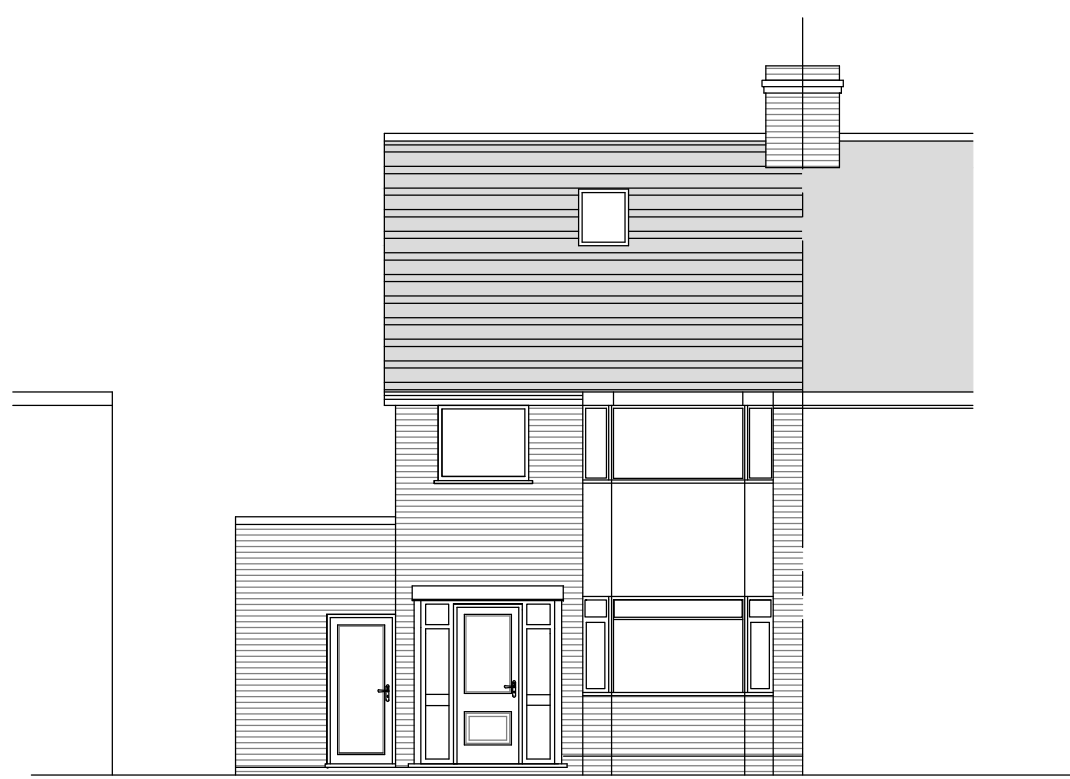
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town & Country Planning Act 1990, as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1846b (as amended on the 06/09/2018).
REASON: For the avoidance of doubt and in the interests of proper planning.
3. The materials to be used in the approved development shall match in appearance, colour and texture those of the existing building unless otherwise agreed in writing with the Local Planning Authority.
REASON: To ensure the satisfactory appearance of the development in accordance with BCCS Policy ENV2 - Historic Character and Local Distinctiveness and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings/ Policy D2 Incompatible Land Uses (in part)



existing rear elevation



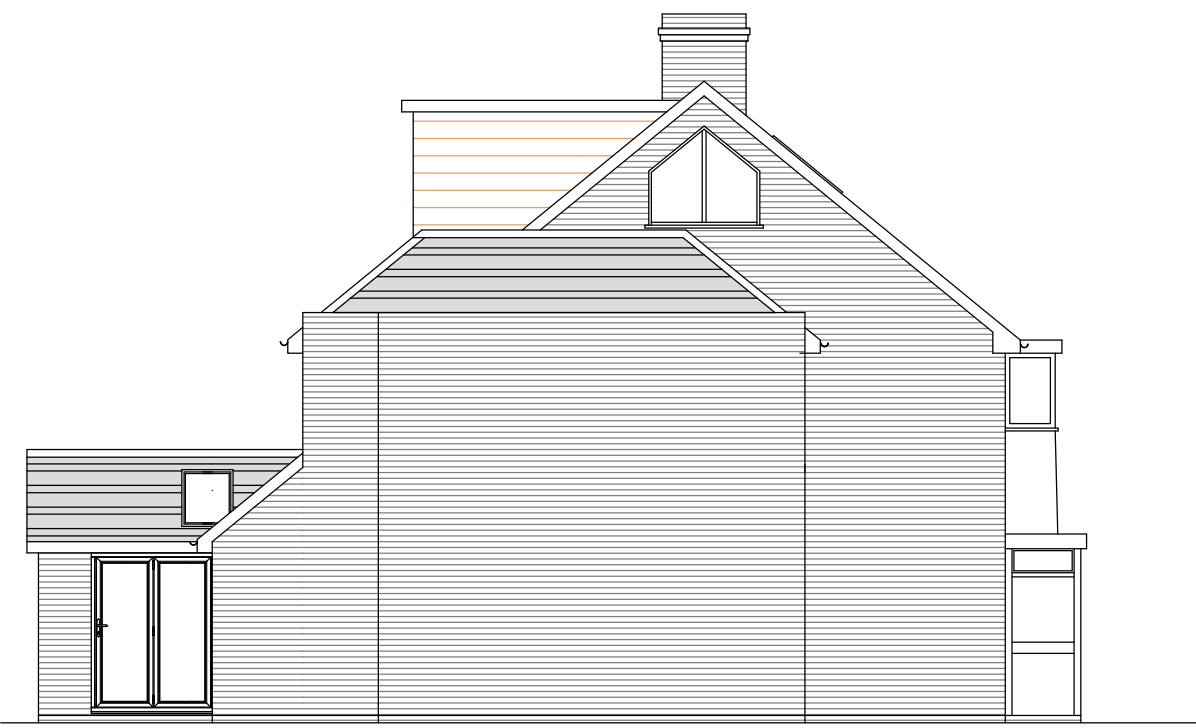
existing side elevation



existing front elevation



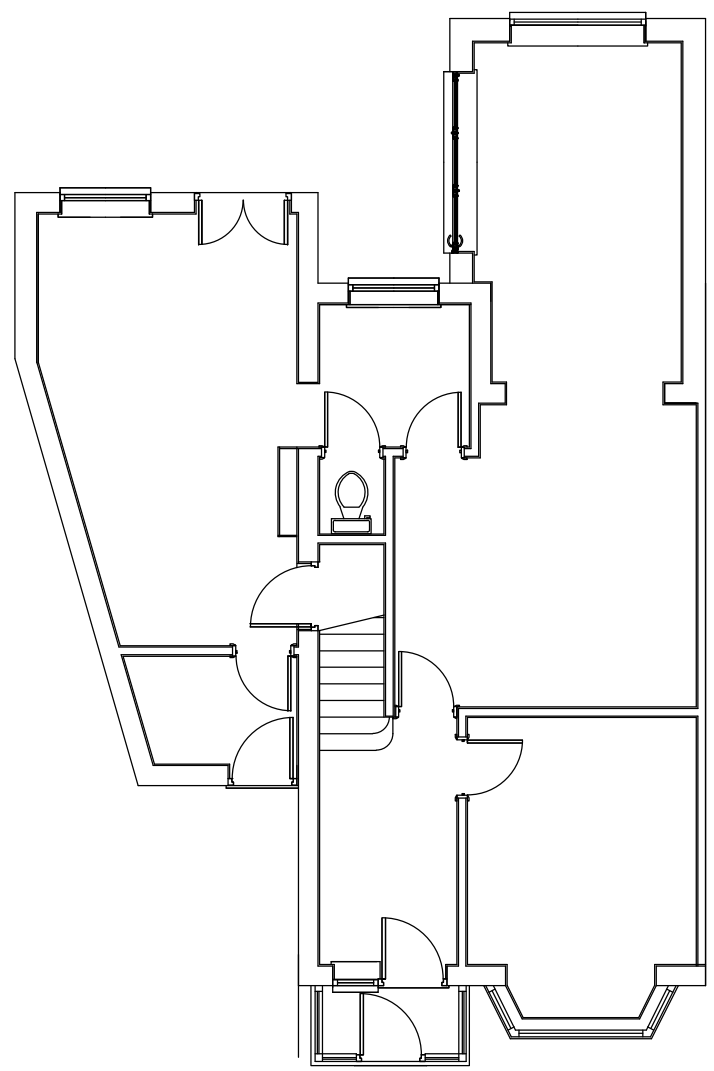
proposed rear elevation



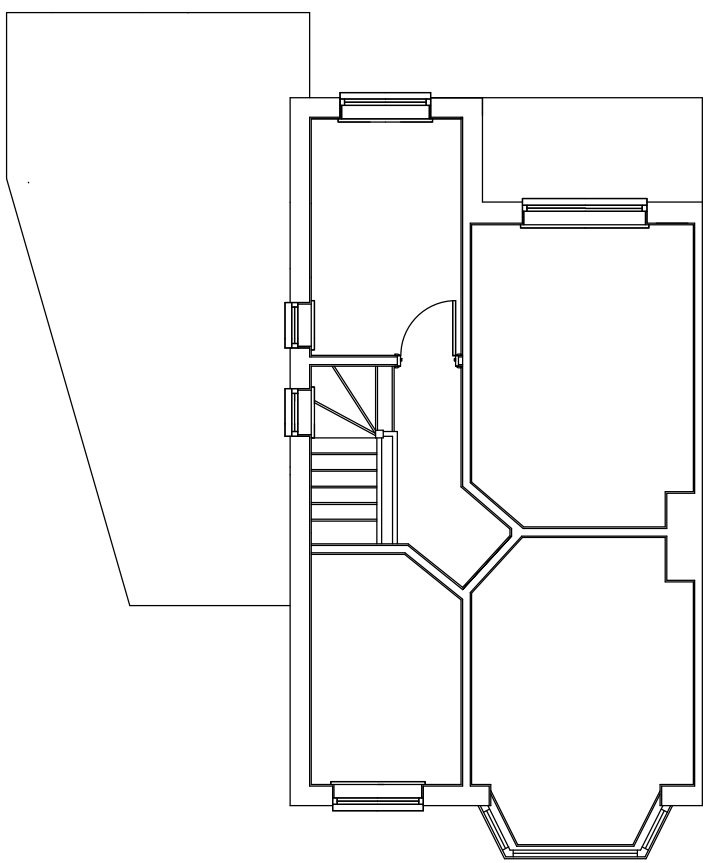
proposed side elevation



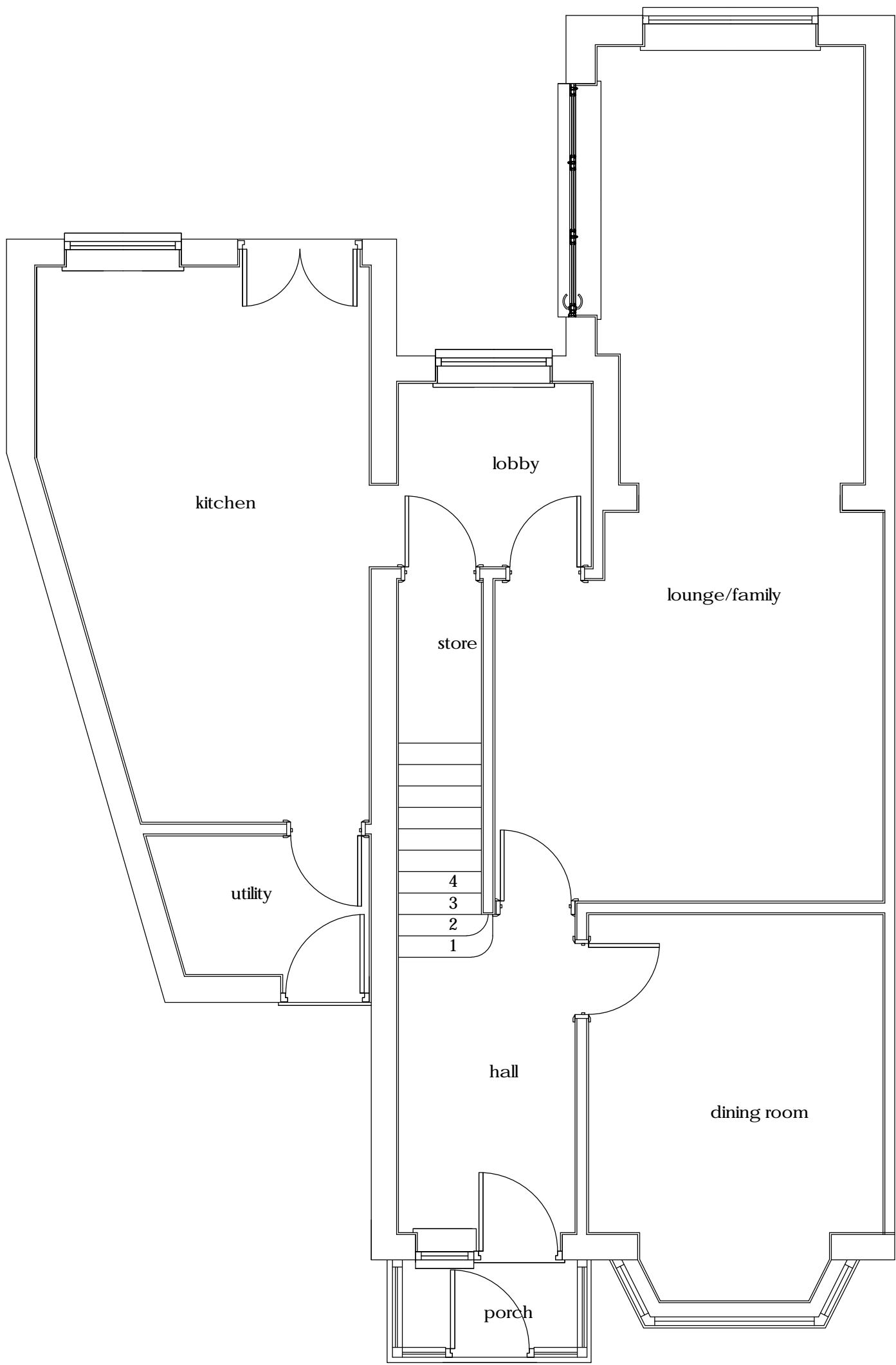
proposed front elevation



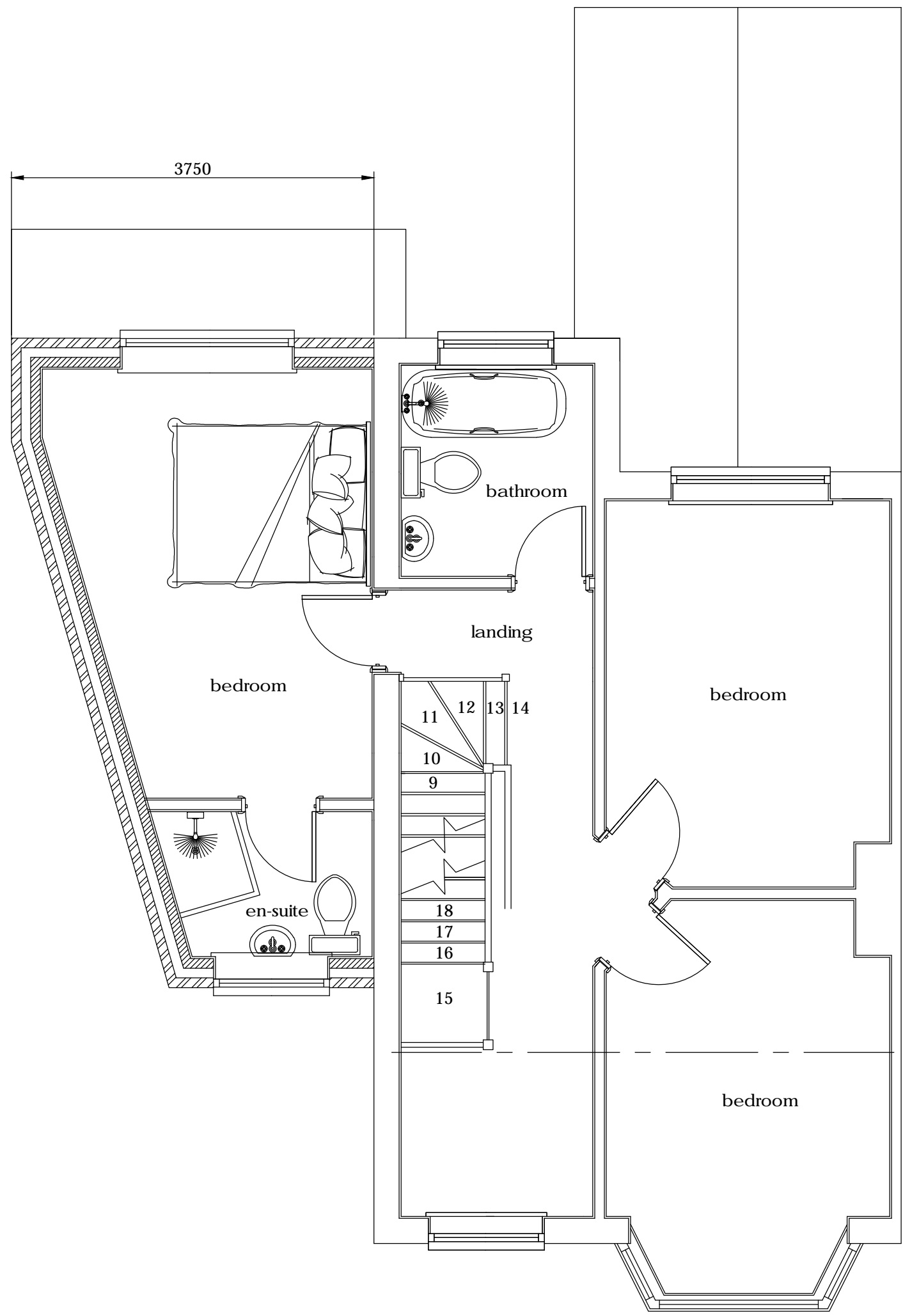
existing ground floor plan



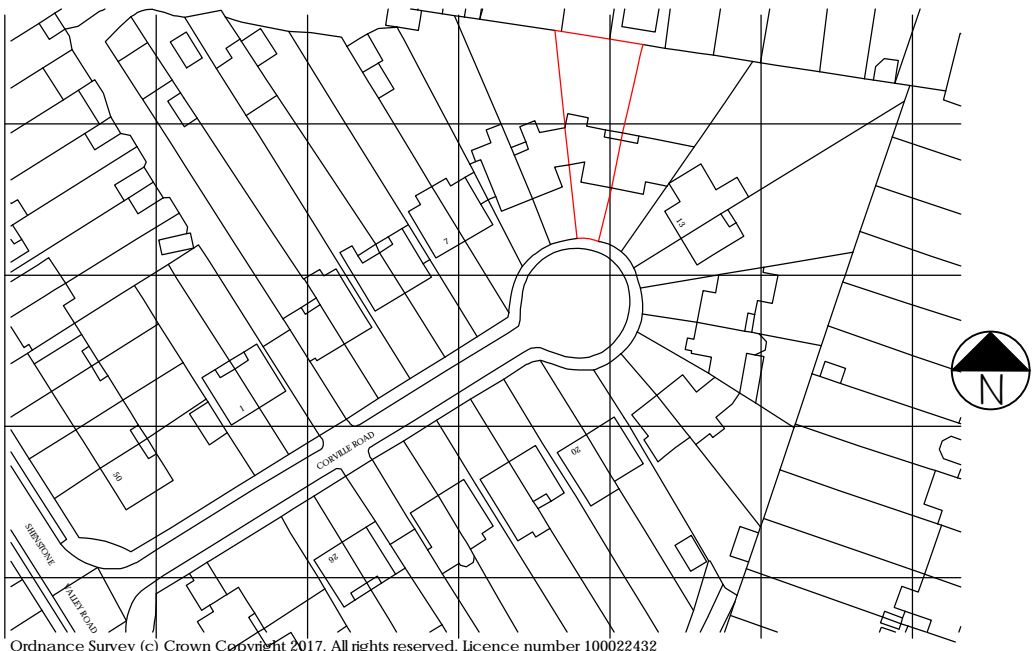
existing first floor plan



proposed ground floor plan



proposed first floor plan

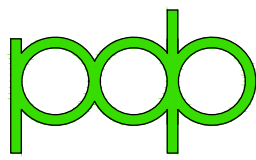


location plan 1:1250

Job:
First floor extension
11 Corville Road
Halesowen
West Midlands
B62 9TJ

Client:
[Redacted]

Title:
floor plans & elevations



PURVIS DAWES & PARTNERS LTD
BUILDING DESIGN AND PROJECT MANAGEMENT
178a Lower High Street Stourbridge DY8 1TG
Tel: 01384 905058 e: enquiries@pdp-ltd.co.uk

Scale: 1:50 & 1:100 on A1
Date: August 2018

Drawing No.
1846b

DEVELOPMENT CONTROL COMMITTEE

REPORT OF THE STRATEGIC DIRECTOR OF PLACE

CONFIRMATION OF TREE PRESERVATION ORDERS

Purpose

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

Recommendations

2. It is recommended that:-
 - The tree preservation orders referred to in the Appendix to this report should be confirmed.

Background

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

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

Finance

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

Law

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

Equality Impact

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

Human Resources/Transformation

12. There are no Human Resource / Transformation issues



.....
STRATEGIC DIRECTOR OF PLACE

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

List of Background Papers

Appendix 1.1 – TPO/0252/COS – Confirmation Report
Appendix 1.2 – TPO Plan and Schedule as served;
Appendix 1.3 – Plan identifying objectors;

Appendix 2.1 – TPO/0254/NOR – Confirmation Report;
Appendix 2.2 – TPO Plan and Schedule as served;
Appendix 2.3 – Plan identifying objectors.

Appendix 3.1 – TPO/0255/AMB – Confirmation Report;
Appendix 3.2 – TPO Plan and Schedule as served;
Appendix 3.3 – Plan identifying objectors.
Appendix 3.4 – TPO Plan and Schedule for confirmation.

Appendix 4.1 – TPO/0257/WOR – Confirmation Report;
Appendix 4.2 – TPO Plan and Schedule as served;
Appendix 4.3 – Plan identifying objectors.

Appendix 5.1 – TPO/0258/UGW – Confirmation Report;
Appendix 5.2 – TPO Plan and Schedule as served;
Appendix 5.3 – Plan identifying objectors.
Appendix 5.4 – TPO Plan and Schedule for confirmation.

Appendix 6.1 – TPO/0260/WST – Confirmation Report;
Appendix 6.2 – TPO Plan and Schedule as served;
Appendix 6.3 – Plan identifying objectors.
Appendix 6.4 – TPO Plan and Schedule for confirmation.

APPENDIX 1.1

Confirmation Report for

***The Borough of Dudley (Gough Road and Legge Lane, Coseley) (TPO/252/COS))
Tree Preservation Order 2018***

Tree Preservation Order

Order Title

Case officer

Date Served

Recommendation

TPO/0252/COS
Gough Road and Legge Lane, Coseley
James Dunn
11/05/18
Confirm

SITE AND SURROUNDINGS

1. The order protects 55 individual lime trees, 3 individual ash trees, 2 individual sycamore trees a holly tree and a birch tree that are located within and around the boundary of the Graveyard and Legge Lane. There are also two woodland orders that protect the trees between the industrial premises on Webb Street and the houses / graveyard on Legge Lane and Gough Road.
2. The lime trees subject to the order form a formal linear feature that runs around the boundary of the graveyard, as such these trees are very highly prominent in the area.
3. The trees in the Graveyard, are visible from within the graveyard, and from Legge lane and Gough Road. The trees within the wooded areas are visible above the houses in Gough Road and Legge Lane, as well as from within the graveyard.
4. The trees were assessed as part of a review of previous Tree Preservation Orders that covered trees in the area. This review resulted in this TPO, along with a number of other orders being served.
5. The trees were assessed using the TEMPO amenity assessment system and were considered to provide public amenity to the local area. The TEMPO system assesses trees on the criteria of:
 - Condition – the condition of the tree in relation to its existing context;
 - Retention Span – How long the trees are likely to be retained with reasonable management;
 - Public Visibility;
 - Other factors – Whether a member of a formal feature, or trees with historical significance etc.;
 - Expediency – whether there is a known, foreseeable or perceived threat to the trees.
6. The trees subject to the order scored between 12 and 17 on the TEMPO assessment therefore deeming them worthy of inclusion within the TPO.

PUBLIC REPRESENTATIONS

7. Following the service of the TPO, an objection was received from the Reverend of the local church who own the graveyard, and from the owner of a neighbouring property.
8. The objections were based on the below points:
 - The trees require pruning due to obstruction of the foot path and the overhang over the highway;
 - The trees are growing close to the property at 30 Legge Lane, and are blocking light.
 - The trees are surrounding 30 Legge lane, and are causing damage to the house garage, car and fence.
9. The responses are considered in turn below.

RESPONSE TO OBJECTIONS

10. Following the receipt of the objection form the church, a meeting was undertaken to discuss the objections with Reverend Stanford. At this meeting it was confirmed that due to requirements under the highways act pruning to provide a 2.5 metres clearance above the pavement, and a 5.5 metre clearance above the carriageway could be undertaken without the need for a formal application as such works are exempt under the 'Statutory Obligations' exemption within the TPO. A number of other works were also discussed, including potential works to T66 close to the boundary with 30 Legge Lane, such works would require a formal application, and however, it was considered that the proposed works were likely to be considered acceptable. Following our discussions, the Reverend's objection were largely satisfied.
11. With regard to the objection from 30 Legge Lane about the impact of the adjacent trees, only one of the trees subject to this order currently overhangs the boundary, and this is located close to the front boundary. From looking at the tree it is considered that some pruning works could be undertaken to reduce the overhang over the property, however it is not considered that the trees subject to this order are causing sufficient problem to prevent their inclusion within the TPO. As such, it is not considered that the TPO should be amended on the grounds of this objection.
12. There were some trees located up the side boundary of 30 Legge Lane, which are still protected by the old TPO, and could be causing more problems with the property. However these have not been included within this new TPO and therefore, they should not have an impact on the confirmation of this order. It is

considered that subject to an application the removal of these trees at the side of 30 Legge Lane, is likely to be considered acceptable.

13. Overall, it is not considered that the submitted objections should be sufficient to prevent the confirmation of the order.

CONCLUSION

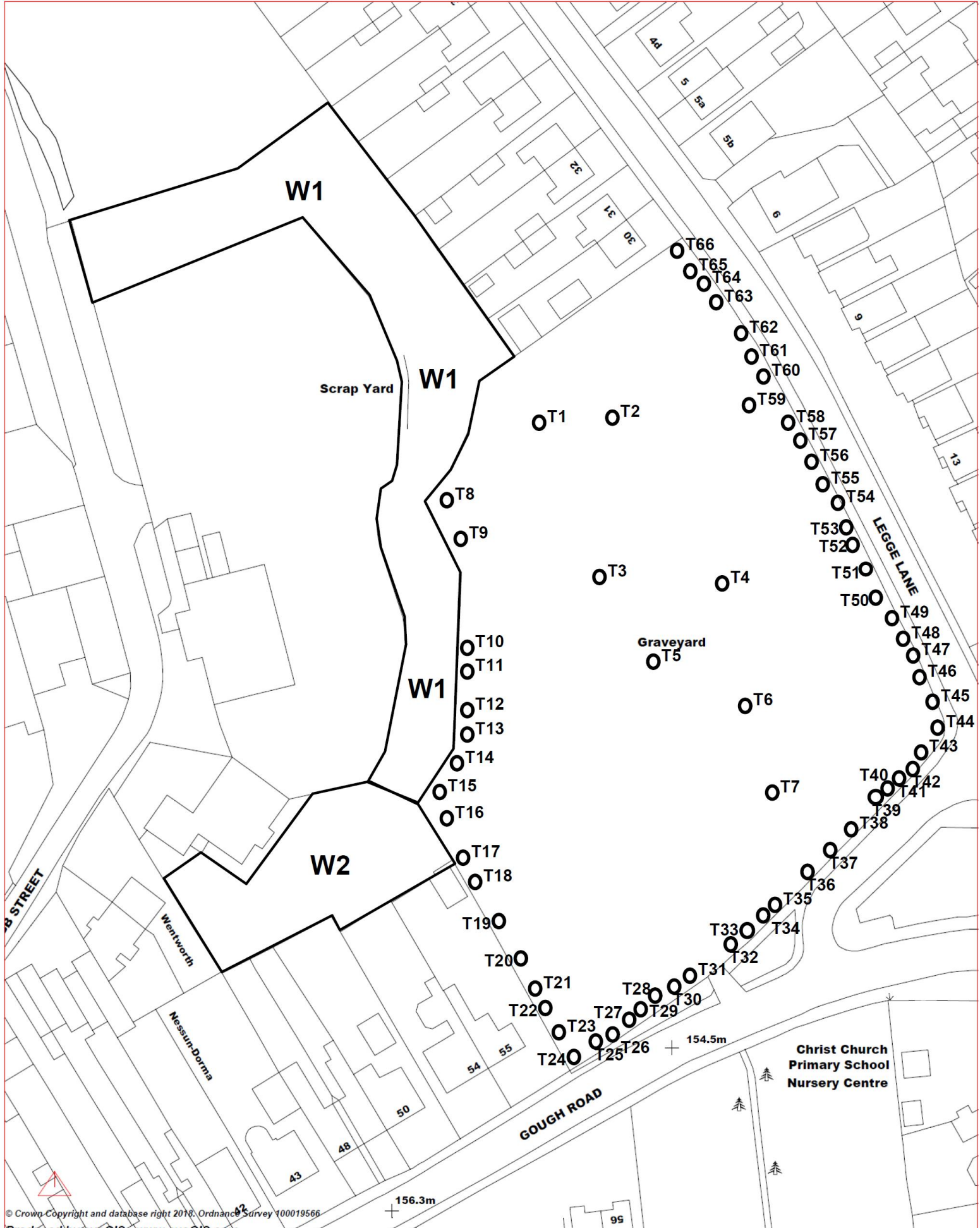
14. Having considered the objections raised to the order, it is not considered they have provided sufficient reason to prevent the confirmation of the order. As such, it is considered that the order should be confirmed without modification.

RECOMMENDATION


15. 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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Scale: 1 : 900

Map referred to in the Borough Council of Dudley

Gough Road and Legge Lane, Coseley (TPO/0252/COS)

Tree Preservation Order 2018 **114**

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	Sycamore	Graveyard corner of Legge Lane and Gough Road
T2	Birch	Graveyard corner of Legge Lane and Gough Road
T3	Sycamore	Graveyard corner of Legge Lane and Gough Road
T4	Ash	Graveyard corner of Legge Lane and Gough Road
T5	Weeping Ash	Graveyard corner of Legge Lane and Gough Road
T6	Ash	Graveyard corner of Legge Lane and Gough Road
T7	Birch	Graveyard corner of Legge Lane and Gough Road
T8	Lime	Graveyard corner of Legge Lane and Gough Road
T9	Lime	Graveyard corner of Legge Lane and Gough Road
T10	Lime	Graveyard corner of Legge Lane and Gough Road
T11	Lime	Graveyard corner of Legge Lane and Gough Road
T12	Lime	Graveyard corner of Legge Lane and Gough Road
T13	Lime	Graveyard corner of Legge Lane and Gough Road
T14	Lime	Graveyard corner of Legge Lane and Gough Road
T15	Lime	Graveyard corner of Legge Lane and Gough Road

T16	Lime	Road Graveyard corner of Legge Lane and Gough Road
T17	Lime	Graveyard corner of Legge Lane and Gough Road
T18	Lime	Graveyard corner of Legge Lane and Gough Road
T19	Lime	Graveyard corner of Legge Lane and Gough Road
T20	Lime	Graveyard corner of Legge Lane and Gough Road
T21	Lime	Graveyard corner of Legge Lane and Gough Road
T22	Lime	Graveyard corner of Legge Lane and Gough Road
T23	Lime	Graveyard corner of Legge Lane and Gough Road
T24	Lime	Graveyard corner of Legge Lane and Gough Road
T25	Lime	Graveyard corner of Legge Lane and Gough Road
T26	Lime	Graveyard corner of Legge Lane and Gough Road
T27	Lime	Graveyard corner of Legge Lane and Gough Road
T28	Lime	Graveyard corner of Legge Lane and Gough Road
T29	Lime	Graveyard corner of Legge Lane and Gough Road
T30	Lime	Graveyard corner of Legge Lane and Gough Road
T31	Lime	Graveyard corner of Legge Lane and Gough Road
T32	Lime	Graveyard corner of Legge Lane and Gough Road
T33	Lime	Graveyard corner of Legge Lane and Gough

T34	Lime	Road Graveyard corner of Legge Lane and Gough Road
T35	Lime	Graveyard corner of Legge Lane and Gough Road
T36	Lime	Graveyard corner of Legge Lane and Gough Road
T37	Lime	Graveyard corner of Legge Lane and Gough Road
T38	Lime	Graveyard corner of Legge Lane and Gough Road
T39	Lime	Graveyard corner of Legge Lane and Gough Road
T40	Lime	Graveyard corner of Legge Lane and Gough Road
T41	Lime	Graveyard corner of Legge Lane and Gough Road
T42	Lime	Graveyard corner of Legge Lane and Gough Road
T43	Lime	Graveyard corner of Legge Lane and Gough Road
T44	Lime	Graveyard corner of Legge Lane and Gough Road
T45	Lime	Graveyard corner of Legge Lane and Gough Road
T46	Lime	Graveyard corner of Legge Lane and Gough Road
T47	Lime	Graveyard corner of Legge Lane and Gough Road
T48	Lime	Graveyard corner of Legge Lane and Gough Road
T49	Lime	Graveyard corner of Legge Lane and Gough Road
T50	Lime	Graveyard corner of Legge Lane and Gough Road
T51	Lime	Graveyard corner of Legge Lane and Gough

T52	Lime	Road Graveyard corner of Legge Lane and Gough Road
T53	Lime	Graveyard corner of Legge Lane and Gough Road
T54	Lime	Graveyard corner of Legge Lane and Gough Road
T55	Lime	Graveyard corner of Legge Lane and Gough Road
T56	Lime	Graveyard corner of Legge Lane and Gough Road
T57	Lime	Graveyard corner of Legge Lane and Gough Road
T58	Lime	Graveyard corner of Legge Lane and Gough Road
T59	Holly	Graveyard corner of Legge Lane and Gough Road
T60	Lime	Graveyard corner of Legge Lane and Gough Road
T61	Lime	Graveyard corner of Legge Lane and Gough Road
T62	Lime	Graveyard corner of Legge Lane and Gough Road
T63	Lime	Graveyard corner of Legge Lane and Gough Road
T64	Lime	Graveyard corner of Legge Lane and Gough Road
T65	Lime	Graveyard corner of Legge Lane and Gough Road
T66	Lime	Graveyard corner of Legge Lane and Gough Road

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

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

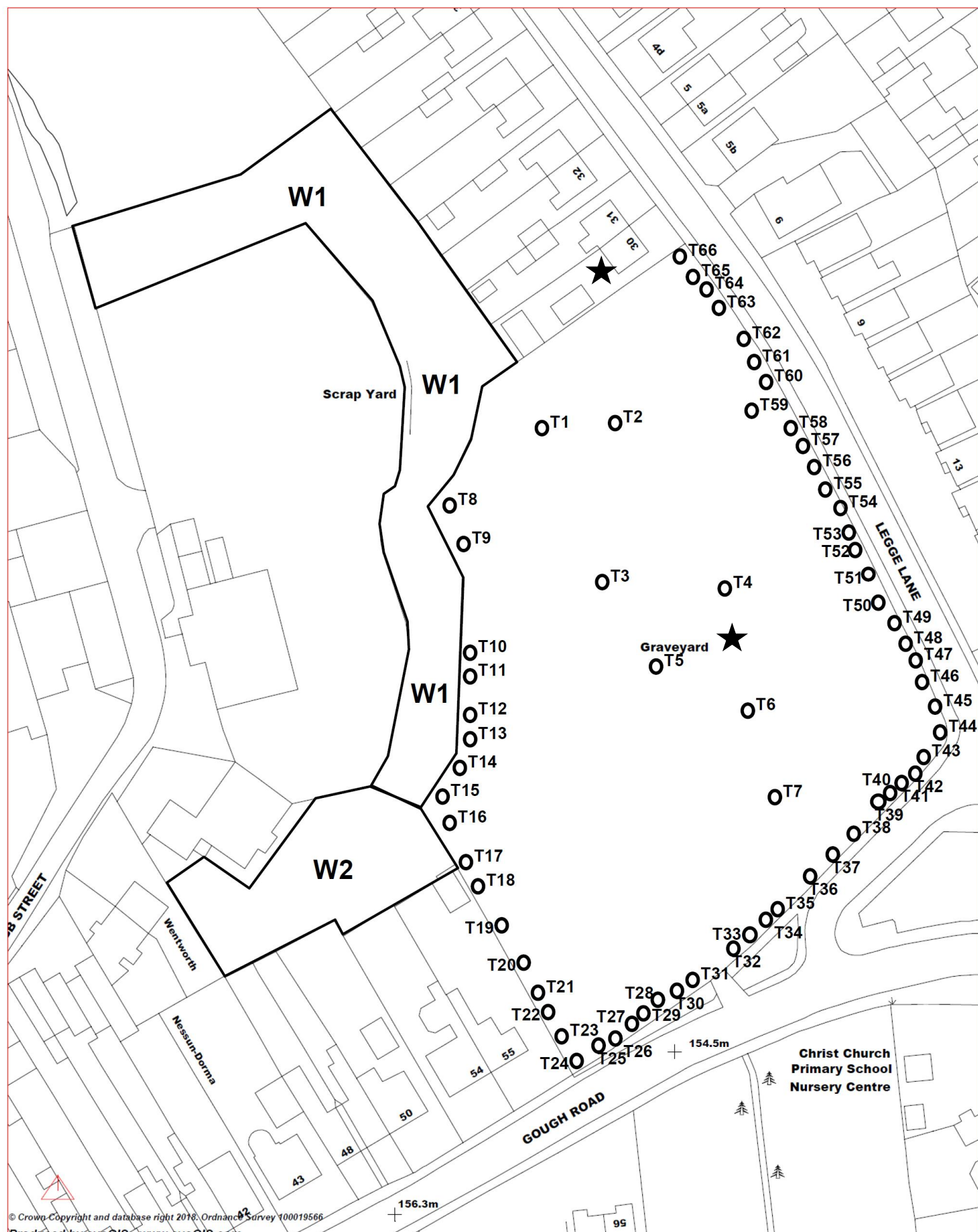
Woodlands
(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	Mainly Sycamore and Hawthorn	Wades of Wednesbury Ltd Webb Street
W2	Sycamore Woodland	Secure Fastners (Ltd) Webb Street

APPENDIX 1.3

Plan Identifying Objectors Properties

★ - *Objection Received from Property*



Map referred to in the Borough Council of Dudley

Gough Road and Legge Lane, Coseley (TPO/0252/COS)

121

Tree Preservation Order 2018



Scale: 1 : 900

APPENDIX 2.1

Confirmation Report for

***The Borough of Dudley (Love Lane / Yarnborough Hill / Melrose Avenue,
Oldswinford No.2 (TPO/0254/NOR)) Tree Preservation Order 2018***

Tree Preservation Order

Order Title

Case officer

Date Served

Recommendation

TPO/0254/NOR
Love Lane / Yarnborough Hill / Melrose Avenue, Oldswinford No. 2
James Dunn
10/05/18
Confirm

SITE AND SURROUNDINGS

1. This order protects a number of trees along the frontage of 36 – 44 Love Lane, two trees on the open corner plot on Yarnborough Hill, and a large pine and sycamore tree in the rear garden of 10 Melrose Avenue.
2. The trees are all public visible from surrounding public highways. A number of the trees are also visible from the Bigmore playing field that is directly to the west of Yarnborough Hill. In particular the large pine and sycamore in 10 Melrose Avenue, are considered to make a significant contribution to the wider vistas in the area.
3. The trees were identified for protection during a review of an old order that dated from 1976, prior to the construction of the current houses. Given the age of the original order, and the changes in the local landscape since then it was considered appropriate to review the order.
4. The review of this original order had first been undertaken in 2016, however, a provisional order served at that time did not get confirmed within the 6 month period and as such it lapsed. Therefore it was considered appropriate to re-serve a fresh order to allow review of the area opt be completed.
5. The trees were assessed using the TEMPO amenity assessment system and were considered to provide public amenity to the local area. The TEMPO system assesses trees on the criteria of:
 - Condition – the condition of the tree in relation to its existing context;
 - Retention Span – How long the trees are likely to be retained with reasonable management;
 - Public Visibility;
 - Other factors – Whether a member of a formal feature, or trees with historical significance etc.;
 - Expediency – whether there is a known, foreseeable or perceived threat to the trees.
6. The trees subject to the order scored between 12 and 16 on the TEMPO assessment therefore deeming them worthy of inclusion within the TPO.

PUBLIC REPRESENTATIONS

7. Following service of the order objections were received from the owner of 25 Yarnborough Hill, and on behalf of the owner of the open area of land located on the corner between 5 and 9 Yarnborough Hill
8. The objections were based on the below points:
 - The owner of 25 Yarnborough Hill, is concerned about the proximity of T10 and T11 to their property. They have concerns regarding the potential damage that could happen if the trees were to fail.
 - The branches of T10 are growing in close proximity to the roof of 25 Yarnborough Hill and could cause damage if there were some branch failure.
 - The objection submitted on behalf of the piece of land between 5 and 9 Yarnborough Hill contends that T8 of the order does not provide sufficient amenity value to warrant inclusion within the order.
 - There is a general objection to having two orders covering the same trees, as this may cause issues due to the overlap between the orders. The objector considers it appropriate to revoke the original order at the same time as confirming the new order.
9. The responses to the objections are considered in turn below.

RESPONSE TO OBJECTIONS

10. Following receipt of the objection to the inclusion of T10 and T11 in the order from the owner of 25 Yarnborough Hill, a visit was undertaken to view the trees from the property. It was noted that there was some overhang above the adjacent roof, and that given the proximity of the trees, should the fall onto their property there would be significant potential for damage. However, it was also noted that both trees appeared to be in good health with no obvious defects visible from the garden of 25 Yarnborough Hill.
11. Regardless of the protection under the TPO, the tree owner still has a duty of care to take reasonable steps to prevent reasonable foreseeable damage by the trees. If the trees are protected, under TPO this duty remains and should the trees develop any defects that require addressing to keep the trees in an acceptable condition, the TPO allows for such works either through an application or under exemption should it be necessary for urgent works.
12. It is accepted that the trees, and in particular the sycamore, are large and overbearing in relation to the adjacent property, however it is considered that this impact on the property is justified by virtue of the amenity value that the trees provide to the wider area.

13. Overall, it is not considered that either T10 or T11 should be removed from the order due to the objections raised.
14. T8 is a relatively small, young fastigate hornbeam tree, located on the open corner plot of land close to the boundary with 5 Yarnborough Hill. The tree is prominently visible for a good amount of Yarnborough Hill, being located on close to the back of pavement.
15. As per the government guidance, the Council uses the TEMPO assessment system to assess trees considered worthy of protection under TPO. This tree was assessed and scored 13 points, placing it in the “TPO Defensible” category.
16. In response to the objection, the tree was re assessed using the TEMPO system, with the same score.
17. The TEMPO system scores trees on their condition, remaining longevity, their public visibility, “other factors” and the expediency for protection under the TPO. Tree 8 scored the following points:

Tempo Category	T8 Score	TEMPO definition from guidance notes / Assessment Sheet
Condition	5 (Good)	Trees that are generally free of defects, showing good health and likely to reach normal longevity and size for species, or they may already have done so
Retention Span	4 (40 – 100 years)	Hornbeam are suggested to have a 150 - 200 year life expectancy.
Relative Public Visibility	2	Young, small or medium / large trees visible with difficulty
Other factors	1	No other factors
Expediency	1	Precautionary Only

18. As such, whilst accepting that the T8 does not provide the same degree of public amenity as larger and more prominent trees such as the large Sycamore (T10) subject to this order, it is considered that the tree provides sufficient amenity value, as demonstrated by use of the TEMPO system to be worthy of the inclusion within a TPO.
19. With relation to the issues regarding the two orders being in place concurrently on the same trees, whilst it is noted that there may some slight potential to confusion as to the effect of the previous order etc. it is not considered that this confusion is likely to lead to any fundamental issues.
20. Generally it is considered that it would not necessarily be require to revoke the old order at the same time as confirming the new orders, especially where the original

order covers a wider area than the new order, or there are multiple new orders protecting the trees that were subject to the original order.

21. However in this case, the entirety of the area covered by the old order was has been reviewed and any trees not covered by the new order are not considered to provide sufficient public amenity to warrant their continued protection. As such it is considered that in this instance that the original order could be revoke in parallel with the confirmation of the new order.
22. Overall, having considered the objections received it is not considered that the objections that have been received are sufficient to prevent the confirmation of the order.

CONCLUSION

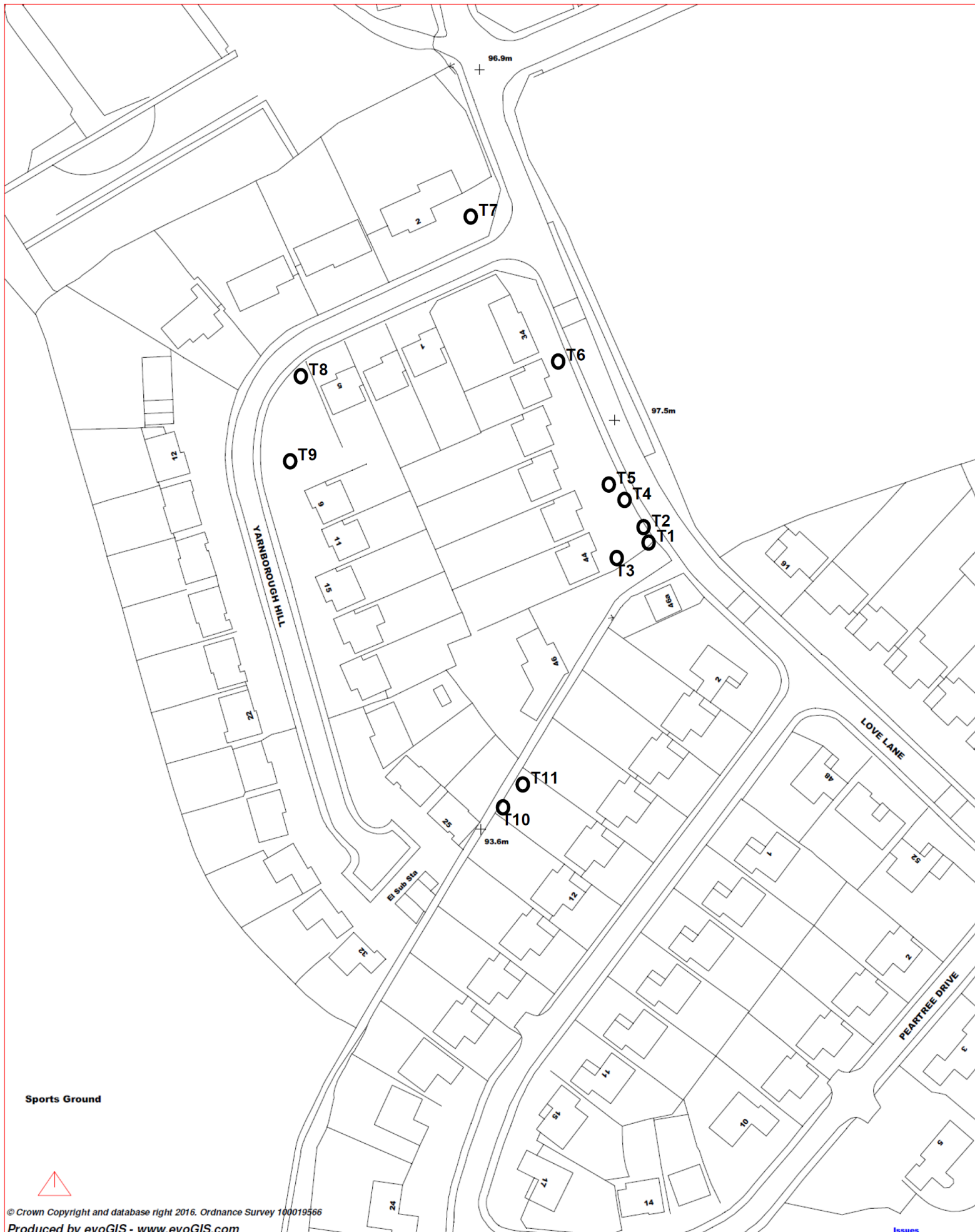
23. It is not considered that the objections raised in relation this order are sufficient to prevent the inclusion of any of the trees within the order.
24. It is however considered that in this case the revocation of the can be undertaken at the same time.
25. As such, it is considered that the TPO should be confirmed without modification and authorisation be granted to revoke the original order (TPO/029).

RECOMMENDATION

26. It is recommended that the Tree Preservation Order be confirmed without modification, and that authorisation be granted to revoke to original order (TPO/029).

APPENDIX 2.2

Tree Preservation Order Plan and Schedule As Served



Sports Ground



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Issues



Map referred to in the Borough Council of Dudley

The Borough of Dudley (Love Lane/Yarnborough Hill/Melrose Avenue,
Oldswinford No.2 (TPO/0254/NOR))

Tree Preservation Order 2011 **128**

Scale: 1 : 1250

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	Pine	44 Love Lane
T2	Hornbeam	44 Love Lane
T3	Yew	44 Love Lane
T4	Yew	42 Love Lane
T5	Holly	42 Love Lane
T6	Maple	36 Love Lane
T7	Cedar	2 Yarnborough Hill
T8	Hornbeam	Amenity space adjacent 5 Yarnborough Hill
T9	Horse Chestnut	Amenity space adjacent 5 Yarnborough Hill
T10	Sycamore	10 Melrose Avenue
T11	Pine	10 Melrose Avenue

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)

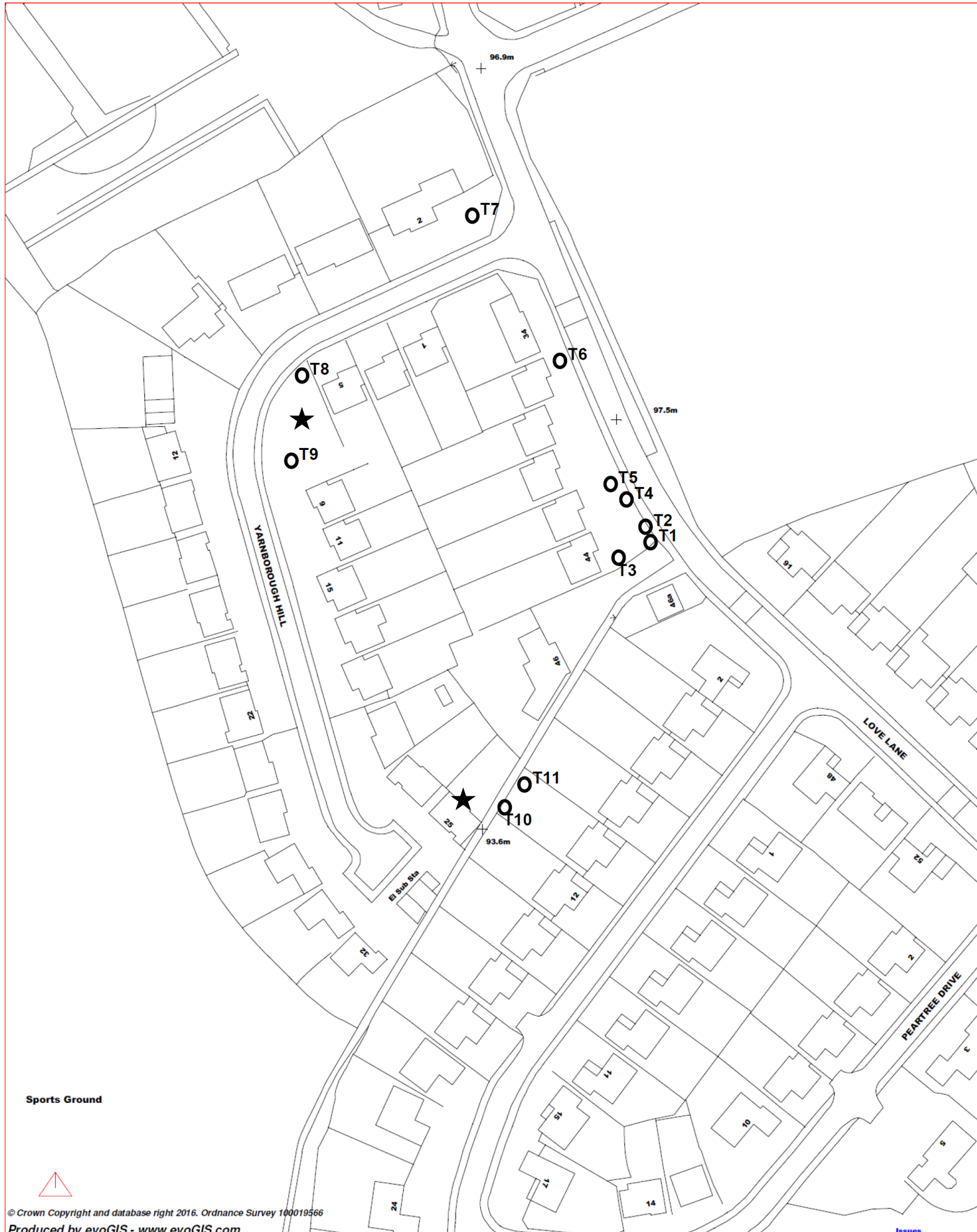
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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NONE

APPENDIX 2.3

Plan Identifying Objectors Properties

★ - *Objection Received from Property*



Map referred to in the Borough Council of Dudley

The Borough of Dudley (Love Lane/Yarnborough Hill/Melrose Avenue,
Oldswinford No.2 (TPO/0254/NOR))

Tree Preservation Order 2018 **132**

APPENDIX 3.1

Confirmation Report for

***The Borough of Dudley (Delph Lane, Brierley Hill (TPO/0255/AMB)) Tree
Preservation Order 2018***

Tree Preservation Order

Order Title

Case officer

Date Served

Recommendation

TPO/0255/AMB
Delph Lane, Brierley Hill
James Dunn
11/05/18
Confirm with modifications

SITE AND SURROUNDINGS

1. The order protects an area of woodland that is located within the “Horse Shoe” that is formed by Delph Lane.
2. The woodland comprises of trees of various ages, within some larger, mature trees being present along the external boundary of the site and also within the site; and there are a number of relatively young, self-set trees which have infilled amongst the larger trees over the past 30 years or so.
3. The woodland is visible at close hand from Delph Lane, but also significantly contributes to views from Gayfield Avenue, where it forms a visual backdrop to the properties. The wooded area is also visible from various vantages across the Withymoor Estate.
4. The order was served following a review of an older order that covered individual trees on the piece of land. Given the nature of the trees as they appear, it was considered appropriate to assess the trees as a whole under the Woodland TEMPO system.
5. The woodland was assessed using the Woodland TEMPO amenity assessment system and were considered to provide public amenity to the local area. It should be noted that the Woodland TEMPO system uses different criteria / scoring than the standard TEMPO system which is normally used for assessing individuals and groups of trees. The TEMPO system assesses woodlands on the criteria of:
 - Condition – the general condition of the woodland in relation to its existing context;
 - Naturalness – The type of woodland i.e. ancient woodland or recent plantation etc.
 - Size;
 - Cultural factors – Any additional historical, landscape and ecological factors; and level of public use;
 - Expediency – whether there is a known, foreseeable or perceived threat to the trees.

6. The woodland subject to the TPO scored 17 points. The threshold for justifying a TPO using the woodland TEMPO system is 16 points. Given the TEMPO assessment, and from assessment on site, it considered that the woodland provides a sufficient amount of amenity to the area to justify its inclusion within the TPO.
7. Given the high TEMPO score, it was decided to serve a TPO on the woodland.

PUBLIC REPRESENTATIONS

8. The Order was served on the various owners of the woodland and adjoining landowners.
9. Following the service of the TPO, objections were received from an owner of a number of the trees included within the wooded area, and from an adjacent property owner.
10. A representation was also received from an owner of part of the woodland asking a series of question, in order to determine whether they would wish to make a formal objection the order. A response answering the questions was sent on the 19th July. No further communication or objections have been received.
11. The objections were based on the below points:
 - The trees located to the rear of the properties in Bagnall Walk are encroaching on the highway, causing vehicles to drive closer to the rear boundary fences of Bagnall Walk, and the objector's fence has already had the fences damaged as a result.
 - The objector is concerned about the condition of the trees and the potential for damage to their property.
 - The trees within the property of 130 Amblecote Road, are poor in quality and not worthy of inclusion within the TPO.
12. The responses are considered in turn below.

RESPONSE TO OBJECTIONS

13. The trees at the rear of Bagnall Walk do slightly encroach onto what is already a relatively narrow highway. However the majority of the encroachment is from epicormics growth from the larger trees, and other vegetative growth along the boundary of the woodland.
14. Under the Highways Act, pruning to provide reasonable clearance over public highways can be undertaken without the need to formal TPO consent, and it is considered that significant improvements to the encroachment could be achieved through cutting back of the vegetation and the pruning of the epicormics growth,

and some of the lower branches under the exemptions. It is not considered that significant works to the trees would be required to provide an appropriate clearance.

15. When the trees adjacent to the rear of Bagnall Walk were viewed, no significant defects were observed, that would suggest that the trees are fundamentally unsafe. The trees have been previously pruned, following a TPO application in 2010. Since this works there has been a reasonable degree of re-growth, and it is considered that the re-pruning of the tree would likely be acceptable.
16. It is not considered that even though some works could be undertaken the condition of the trees are such that it should prevent the confirmation of the order.
17. With regard to the trees situated in the rear garden of 130 Amblecote Road, upon a subsequent visit to gain access into the property, the trees within this garden were found to be of poor quality. There were a number of relatively young, and slender conifer trees, and number of small self-set sycamore trees, some self-set goat willow, and two larger, but poorly formed sycamore trees.
18. Whilst these trees do provide some visual amenity as part of the wider group, their lack of individual quality, severely limits their contribution, and overall it is difficult to foresee a reasonable reason for refusal should an application be received to remove the trees.
19. Overall it is considered that given the poor quality trees in the rear of 130 Amblecote Road it is recommended that the boundary of the woodland order is amended to exclude these trees.

CONCLUSION

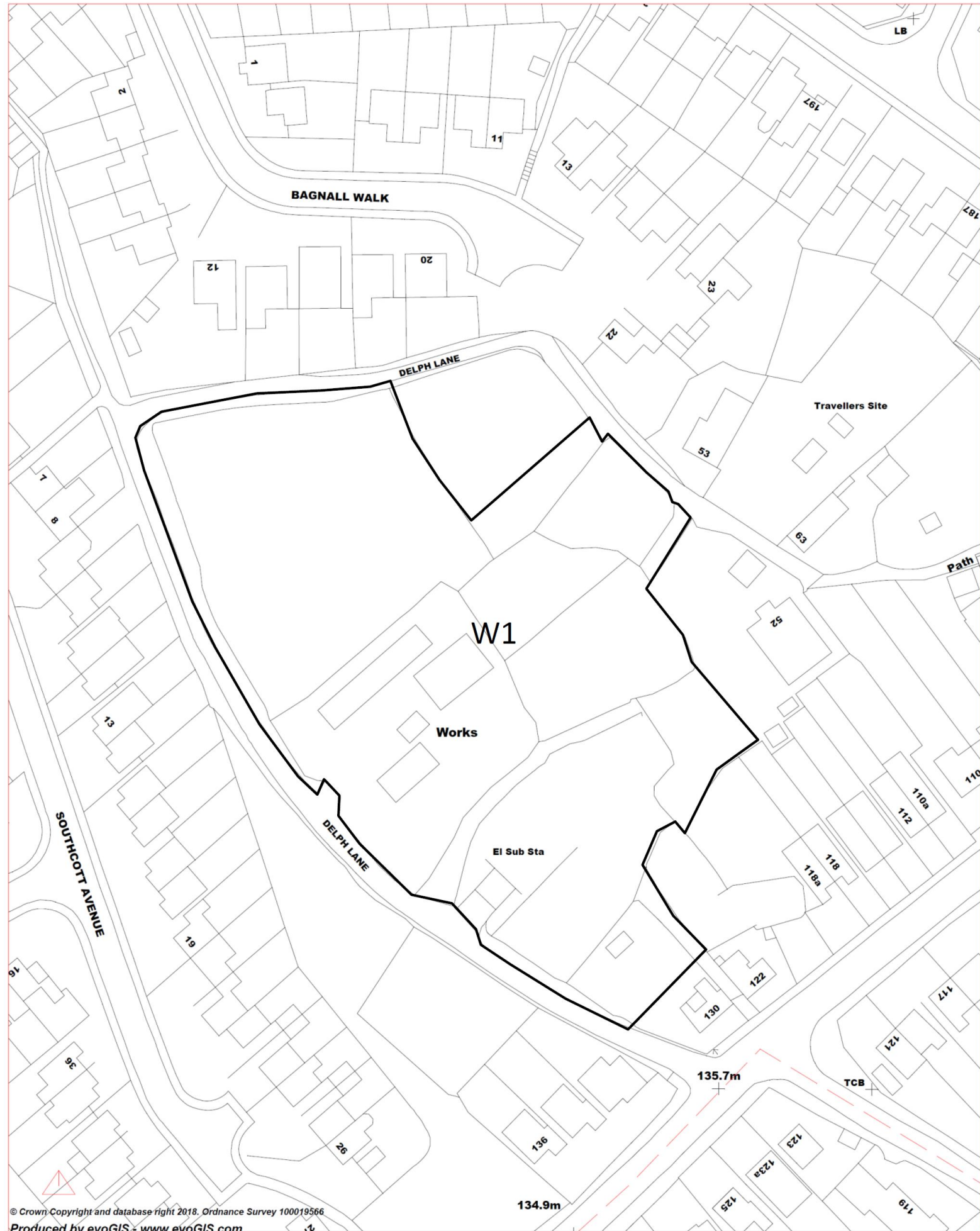
20. Having considered the objections raised in response to this order it is considered that the boundary of the woodland order should be amended to exclude the trees located in the rear garden of 130 Amblecote Road.

RECOMMENDATION

21. It is recommended that the Tree Preservation Order be confirmed subject to the below modifications.

APPENDIX 3.2

Tree Preservation Order Plan and Schedule As Served



SCHEDULE

Specification of trees

Trees specified individually
(encircled in black on the map)

None

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

None

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

None

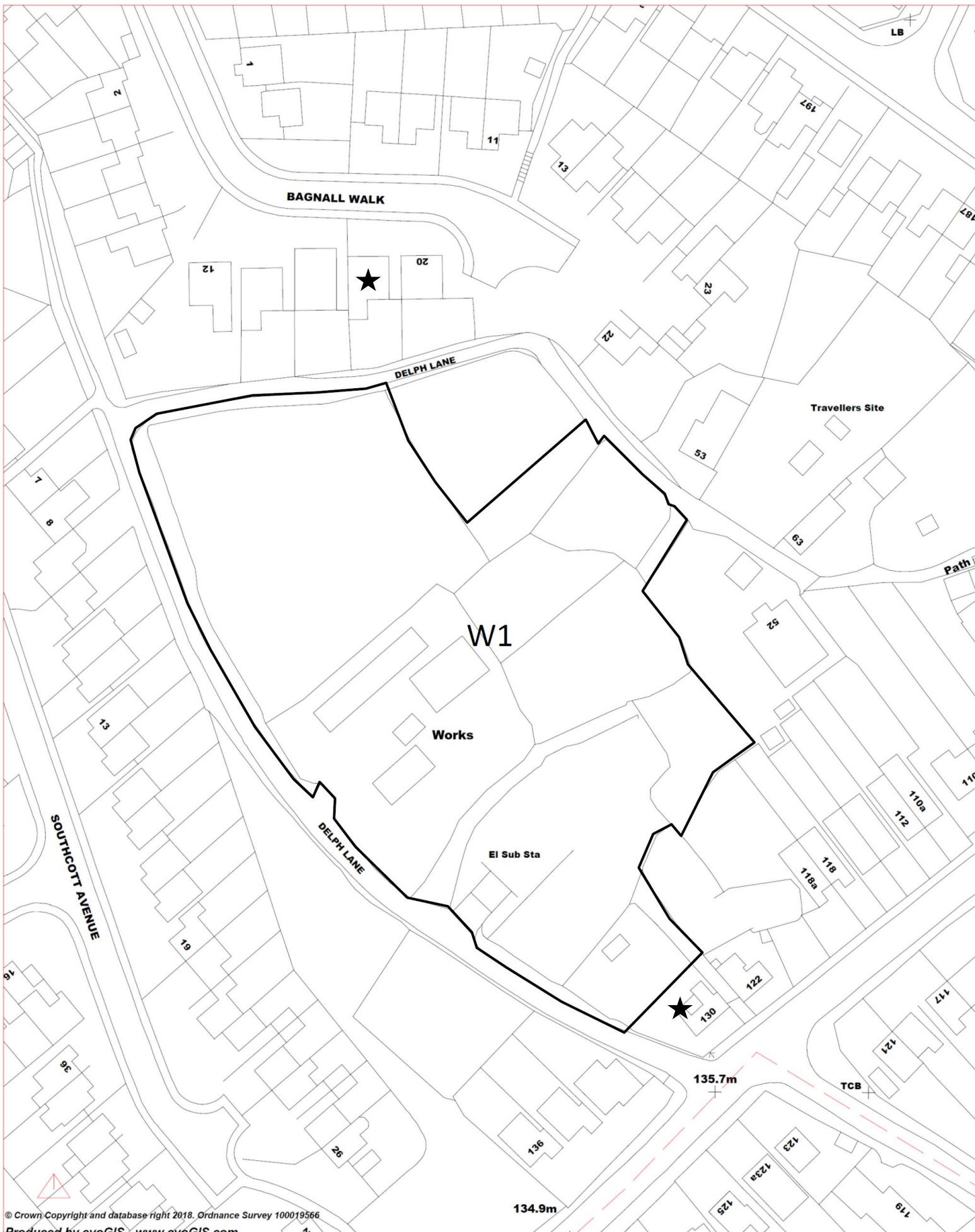
(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	Sycamore, Oak, Hawthorn, Willow, Ash	Woodland rear of 112-130 Amblecote Road

APPENDIX 3.3

Plan Identifying Objectors Properties

★ - *Objection Received from Property*



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Map referred to in the Borough Council of Dudley

Delph Lane Brierley Hill (TPO/0255/AMB)

141

Tree Preservation Order 2018



Scale: 1 : 1000

APPENDIX 3.4

Tree Preservation Order Plan and Schedule for Confirmation



Map referred to in the Borough Council of Dudley

Delph Lane Brierley Hill (TPO/0255/AMB)

143

Tree Preservation Order 2018



Scale: 1 : 1000

SCHEDULE

Specification of trees

Trees specified individually
(encircled in black on the map)

None

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

None

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

None

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	Sycamore, Oak, Hawthorn, Willow, Ash	Woodland rear of 112-130 Amblecote Road

APPENDIX 4.1

Confirmation Report for

***The Borough of Dudley (Wordsley Manor No.2, Meadowfields Close Wordsley
(TPO/0257/WOR)) Tree Preservation Order 2018***

Tree Preservation Order

Order Title

Case officer

Date Served

Recommendation

TPO/0257/WOR
Wordsley Manor No.2, Meadowfields Close, Wordsley
James Dunn
17/05/18
Confirm

SITE AND SURROUNDINGS

1. The order protects a number of trees within the grounds of Wordsley Manor, a large Georgian manor house in Wordsley.
2. The trees subject to the order are 5 individual trees (4 Sycamore and 1 Beech) along the northern side of the property, a group of 7 lime trees and 4 acacia trees along the eastern boundary, and a woodland order protecting a number of trees of various species along the southern boundary.
3. The trees are all visible from beyond the boundaries of Wordsley Manor. The site is surrounded by residential properties, the most recent of which is a just completed development in front of the Manor House, beyond the groups of lime and acacia trees.
4. The trees were assessed using the TEMPO amenity assessment system and were considered to provide public amenity to the local area. The TEMPO system assesses trees on the criteria of:
 - Condition – the condition of the tree in relation to its existing context;
 - Retention Span – How long the trees are likely to be retained with reasonable management;
 - Public Visibility;
 - Other factors – Whether a member of a formal feature, or trees with historical significance etc.;
 - Expediency – whether there is a known, foreseeable or perceived threat to the trees.
5. The trees subject to the various designations of the order scored between 13 and 15 on the TEMPO assessment therefore deeming them worthy of inclusion within the TPO.

PUBLIC REPRESENTATIONS

6. Following the service of the order objections were received from five adjacent property owners, four from Primrose Hill, and one from Meadowfields Close.

7. The objections were based on the below points:

- The overhang from the trees over the adjacent gardens prevents reasonable use of the gardens in Primrose Hill;
- The trees block light from the gardens in Primrose Hill;
- Concern about the condition of the trees;
- The trees have the potential to cause damage to the adjacent properties should they fail;
- The trees have not been subject to any management in the recent past;
- Trees are having an adverse impact on the growth of plants in neighbouring gardens;
- The debris, seedlings and insects in the tree have a negative impact on the adjacent gardens;
- Lack of amenity due to location;
- No expediency for order;
- Trees have put prospective purchasers off buying properties;
- Administrative burden of applications for future works by neighbouring residents;
- Self-perpetuating nature of the woodland order will result in future trees being protected.

8. The responses to the objections are considered in turn below.

RESPONSE TO OBJECTIONS

9. It is noted that the trees do overhang the rear gardens of the properties in Primrose Hill by varying degrees, however even with the current levels of overhang it is not considered that the overhang is such that it would prevent the reasonable enjoyment of the objector's properties.
10. Having viewed across the line of the overhanging branches it is considered that pruning to reduce the overhang would be acceptable subject to a future application. The owner of the trees has no obligation to undertake the works to reduce the overhang over the neighbouring gardens, and any works may be at the cost of the neighbours.
11. The trees are located to the north-east of the properties in Primrose, hill, as such any sunlight obstruction will be limited to the early in the morning. It is accepted that the trees will obstruct some diffuse daylight from the gardens and rear elevations of the property, however, as the trees are deciduous, diffuse daylight obstruction will be minimal when such light is most important, in the winter. The pruning discussed above could also have some benefits in terms of reducing light obstruction.
12. The trees subject to the order are of varying age, with some mature and older trees present. Given the varying age, size and species of the trees it is considered that some management works could well be required at some point in the future. No obvious or egregious defects have been previously observed in the various

visits to the site or the surrounding properties, and as such it is not considered that there is currently any justification to prevent the confirmation of the order on the grounds of the condition of the trees.

13. The owner of the trees does have a duty of care to take reasonable steps to prevent reasonably foreseeable damage caused by their trees and as such the responsibility for management work rests with them.
14. The presence of a TPO does not prevent reasonable management works, as the owner of the trees, or the neighbours would be able to submit applications for tree works if required due to condition grounds, or if the need for works is demonstrably urgent, works could be undertaken under exemption, without the need to submit a formal application. Ultimately the presence of a TPO should not have any impact on the owner's ability to manage the trees appropriately, it only serves to prevent works that are unjustified and inappropriate.
15. Given the size and location of some of the trees subject to the order it is accepted, that should the trees fail there would be potential for damage to the adjacent properties. However if the trees are managed appropriately then the risk of failure should be acceptably low. As previously stated the TPO does not seek to prevent reasonable works to trees, if the works are justified and appropriate, as such the presence of the TPO should not increase the risk of failure of the trees.
16. It is accepted that the trees have not been subject to regular pruning by the owner of the adjacent property, however it is not accepted that this equates to a lack of proper management. As trees are dynamic organisms, that will grow and react to the various environmental conditions that they find themselves in, unless there is obvious justification for management works, then the best thing to be done to a tree is nothing, as pruning can introduce defects into trees.
17. Again, the TPO should not prevent reasonable management of the trees, as the process allows for applications to be made for works as and when required. Overall it is not considered that the objections raised to the TPO on the grounds of the condition of the trees or the lack of past management should prevent the confirmation of the order.
18. Given the size of the trees it is accepted that they may be having adverse impact on the growth of plants, in the adjacent gardens, however this in itself should not be grounds to not confirm the order. Any conflict between the trees and the natural growth of plants is considered to be the result of natural processes, and could be remedied through good husbandry / better plant choice.
19. The trees will drop seasonal debris at various times of the year including leaves, seeds and flowering structures. It is also accepted that for periods in the year the trees will house various insects such as aphids and greenfly. The deposition of seasonable debris and any issues relating to the presence of insects are all natural

issues / processes, and therefore the clearance / management of such is considered to be part of reasonable property maintenance. As such, it is not considered that the TPO should not be confirmed as a result of these issues.

20. It is not accepted that the trees do not provide sufficient amenity to justify their protection. The trees are all visible from beyond the site, and in relation to W1, the trees form a significant part of views from both Within Primrose Hill, Kinver Street, and various other vantages.
21. It is accepted that there is no known threat to the trees, however as the manor house has recently change ownership, and as intention to fell or prune trees are not always know in advance, it is considered acceptable and appropriate to have protected the trees as a precautionary measure.
22. With regard to the trees putting prospective purchaser of the adjacent houses off buying the properties, whilst it is accepted that some purchaser may consider trees to be a negative issue, other may see them as a positive. Ultimately the impact of trees on the impressions of prospective buyers is not considered to be a material issues in the decision to confirm an order.
23. Should either the neighbours or the tree owners wish to undertake general pruning works, then an application is likely to be required. It is not considered that process of submitting an application for determination is overly burdensome, and it may be that depending on the nature of the works, it could be appropriate to grant permission for repeated operations of minor works to reduce the administrative burden even further.
24. As the woodland order protected all existing trees and any which are plated or grow up in the future, it is accepted that the current order may in the future protect trees which do not currently exist. However if those trees are worthy of preservation due to their contribution to the wider group, then is considered acceptable for these trees to benefit from the protection. If the trees do not provide sufficient amenity to justify their inclusion within the order, then an application to remove them is likely to be acceptable. As such it is not considered that the future protection of these that do not currently exist is not sufficient ground to not confirm this order.

CONCLUSION

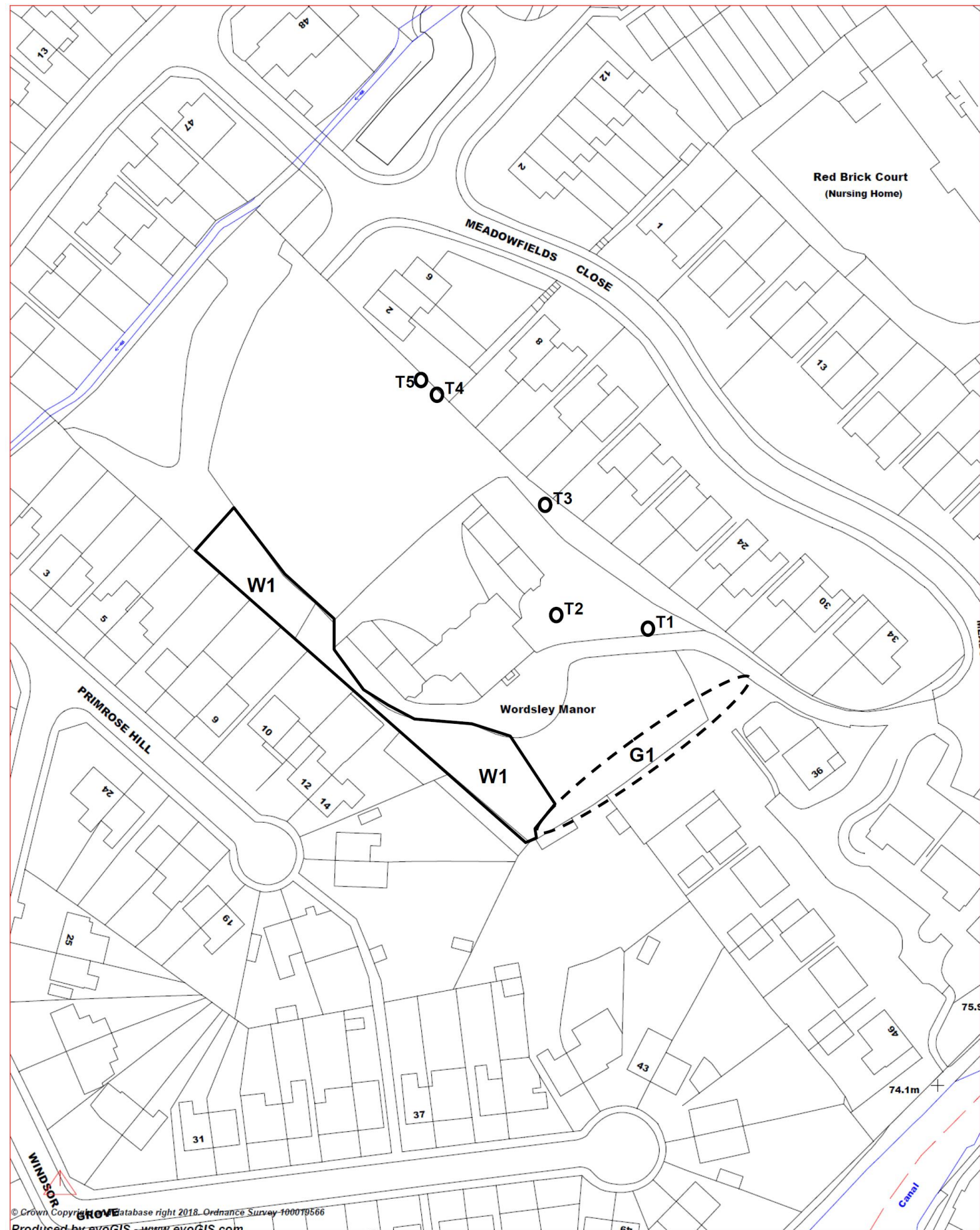
25. The trees subject to this order are considered to provide a significant amount of amenity to the surrounding area either as individuals or part of the wider group.
26. It is not considered that the objections raised in relation this order are sufficient to prevent the inclusion of any of the trees within the order. However, the objectors may gain some benefit through submitting applications for works to the trees.

RECOMMENDATION

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

APPENDIX 4.2

Tree Preservation Order Plan and Schedule As Served



Map referred to in the Borough Council of Dudley

Wordsley Manor No.2 , Meadowfields Close, Wordsley (TPO/0257/WOR)

152

Tree Preservation Order 2018



Scale: 1 : 1000

SCHEDULE

Specification of trees

Trees specified individually (encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Sycamore	Wordsley Manor, Meadowfields Close
T2	Beech	Wordsley Manor, Meadowfields Close
T3	Sycamore	Wordsley Manor, Meadowfields Close
T4	Sycamore	Wordsley Manor, Meadowfields Close
T5	Sycamore	Wordsley Manor, Meadowfields Close

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

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
G1	7x Lime, 4 x Acacia	Wordsley Manor, Meadowfields Close

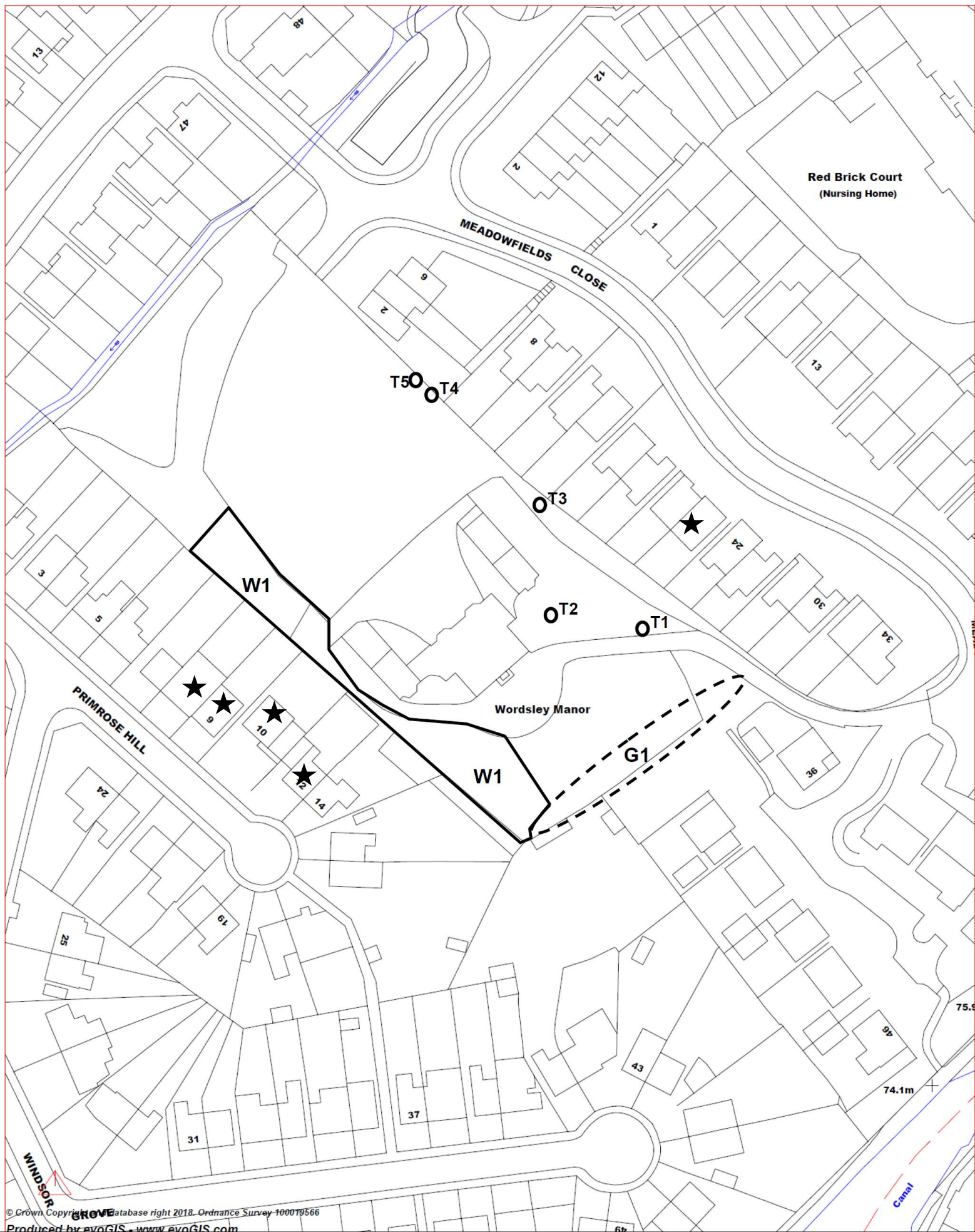
Woodlands (within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	Mixed deciduous woodland including Sycamore, Acacia, Lime, Pine, Horse Chestnut	Wordsley Manor, Meadowfields Close

APPENDIX 4.3

Plan Identifying Objectors Properties

 - ***Objection Received from Property***



Map referred to in the Borough Council of Dudley

Wordsley Manor No.2 , Meadowfields Close, Wordsley (TPO/0257/WOR)

155

Tree Preservation Order 2018



Scale: 1 : 1000

APPENDIX 5.1

Confirmation Report for

***The Borough of Dudley (Tipton Road No.6) (TPO/0258/UGW) Tree Preservation
Order 2018***

Tree Preservation Order
Order Title
Case officer
Date Served
Recommendation

TPO/0258/UGW
Tipton Road No. 6
James Dunn
17/05/18
Confirm with modifications

SITE AND SURROUNDINGS

1. The order protects a number of mature lime, sycamore and oak trees in properties off Tipton Road and Eaton Close, Woodsetton. Seven of the trees are located to the north of the public right of way that runs from 144 Tipton Road to Ratcliffe Close, one is located to the south of this right of way, and eight trees were identified within the order as being located close to the western boundary of the rear garden of 130 Tipton Road.
2. The trees were assessed using the TEMPO amenity assessment system and were considered to provide public amenity to the local area. The TEMPO system assesses trees on the criteria of:
 - Condition – the condition of the tree in relation to its existing context;
 - Retention Span – How long the trees are likely to be retained with reasonable management;
 - Public Visibility;
 - Other factors – Whether a member of a formal feature, or trees with historical significance etc.;
 - Expediency – whether there is a known, foreseeable or perceived threat to the trees.
3. The tree subject to the TPO were scored between 13 and 18 points. The threshold for justifying a TPO is 12 points, and anything scoring 16 and above is within the “definitely merits TPO” bracket. Given the TEMPO assessment, and from assessment on site, it considered that the trees provides a significant amount of amenity to the area.
4. A number of other trees in the area were considered, but they did not score sufficient points in order to justify inclusion within the TPO.
5. Given the TEMPO scores it was decided to serve a TPO on the trees.
6. In November 2017 a TPO was served (TPO/0237/KIN) to protect the trees. This order was brought before the Development Control Committee for confirmation in May 2018, but was deferred at that committee. This unfortunately meant that the

original order could not be confirmed within the required 6 month. As such before the expiration of the 6 month period a second order was served.

7. The new order protects the same trees as the first order, however some amendments were made to the plan and schedule to reflect that two twin stem trees on the first order were had been incorrectly plotted as four trees. It is this new order that is to be considered for confirmation.

PUBLIC REPRESENTATIONS

8. As the order protects the same trees as the previous order, any objections that were previously submitted in response to the original order have been carried forward and considered as duly submitted for this order, unless the objector instructed otherwise. We have also considered any new objections received.
9. The order was served on the five owners of the properties where the trees stand, and seven owners of adjacent properties, where the trees were considered to overhang the boundaries.
10. Following the service of the order two objections were received, one on behalf of the owner of 130 Tipton Road, and the other from the owner of 10 Ratcliffe Close.
11. Along with the objection from 10 Ratcliffe Close, there was a petition with 19 signatures. The petition principle statement of the petition was that *"I support Carol Littler from number 10 Ratcliffe Close requesting that the sycamore trees (T7 and T6) should not have a preservation order placed on them and that they are substantially reduced in size for safety reasons."*
12. The objections were based on the below points:
 - The trees T8 and T9 are located close to the adjacent properties, which has resulted in an "undesirable" relationship between the trees and the properties, contrary to the guidance set out in section 5.3 of BS:5837: 2012 'Trees in relation to design, demolition and construction – Recommendations';
 - There are concerns that T9 could potentially cause damage to the fabric of 24 High Arcal Drive due to the branches striking the building in high winds;
 - The proximity of the trees T8 to T9 will lead to safety concerns and future pressure for removal from the neighbour of adjacent properties;
 - The proximity of T8 & T9 to the adjacent properties will result in an ongoing maintenance burden on the tree owner to limit the growth of the tree to prevent damage.
 - The trees (T8 & T9) will shed considerable seasonal debris including honeydew;
 - The location of T8 could present an obstacle any potential plans to develop a portion of the rear garden of 130 Tipton Road. Given its location the tree could obstruct any likely access into the site, thereby precluding and form of future development

- The owner of 10 Ratcliffe Close are concerned that T5, T6 and T7 are considered to be too large for their location close to 10 Ratcliffe Close;
- There are concerns about future damage to property or people due to branch failure from the trees;
- The branches of the trees significant overhang the property and garden of 10 Ratcliffe Close;
- The trees are affecting light levels in the rear garden of 10 Ratcliffe Close;
- There is significant seasonal debris, including honeydew, from the trees that requires ongoing maintenance to clear.
- The honeydew and greenfly from the tree prevents the use of the rear garden;
- The honeydew from the sycamore tree drops on the cars parked on the drive necessitating regular cleaning.
- The seasonal debris has blocked the storm drains at the property;

13. The response to the submitted objections are considered below.

RESPONSE TO OBJECTIONS

14. BS:5837: 2012 'Trees in relation to design, demolition and construction – Recommendations' is industry best practice for the management of trees during the development process, from the design phase through to the completion of the development. Section 5.3 entitled "*Proximity of structure to trees*" provides advice on what should be considered when determining how far to locate a structure from an existing tree. It recommends that shading, privacy, potential for damage to both tree and property, future pressure for removal and seasonal nuisance are considered when designing the siting of buildings.
15. It is accepted that, given the size of the trees, the positioning between T8, T9 and the adjacent buildings will not be without issues. However in general it is considered that the relationship between T8 and the adjacent properties does not cause any significant issues.
16. The lime tree, T9 is significantly closer to the adjacent property at 24 High Arcal Drive, and that were this development designed today, it would arguably not meet the criteria set out within section 5.3 of BS 5837. However it is not accepted that that in itself is reason to remove the tree from the TPO. There are countless trees across the borough, many of which are protected that would not meet the criteria set out in the BS 5837 guidance, and to accept the loss of the trees on such a basis would seem to be an overreaction and inappropriate.
17. It is however, considered that where such issues, as are described in section 5.3 exist, they should be considered on an individual basis to determine whether the impact of the trees is such to outweigh the amenity value of the trees in question.
18. Where the canopy of trees are growing close to the adjacent buildings, then there is a reasonable justification to undertake crown management works to the trees in order to provide a reasonable clearance from the property to prevent damage.

19. In the case of T9, The canopies of the tree actually overhangs the roof of the adjacent property (24 High Arcal Drive), and whilst it may not be possible to prune the tree so as to prevent any overhang over the roof, the tree form is such that an appropriate vertical clearance could be achieved over the roof to minimise any issues and achieve an acceptable relationship between the tree and the house
20. In terms of the proximity to the properties and any concerns regarding safety that this may cause; having viewed the trees a number of times, no defects were observed that fundamentally affect the viability of the retention of the trees. As they are mature some maintenance works will be required from time to time, and such works have been discussed with the arboricultural consultant who has submitted the objection on behalf of the owner of 130.
21. In this case, the trees subject to the order it is considered that appropriate crown management works would result in a reasonable clearance from the properties, and as such, it is not considered that this is sufficient justification to prevent the confirmation of the TPO.
22. Given the proximity of T9 to the adjacent property, it is likely that some ongoing maintenance will be required in the future to maintain an appropriate clearance from the building. However, it is considered that with appropriate pruning the intervals between the required works would not be an overly onerous burden on the tree owner. It is also noted that in this respect, the only obligation on the tree owner would be to undertake reasonable works to prevent reasonably foreseeable damage to the property, and not to prevent overhanging from the tree.
23. In terms of the seasonal debris that falls from the trees, given the size of the trees it is accepted that there will be considerable debris from the tree, including leaves, seeds and honeydew. However, the clearance of the leaves, seeds, and the residue left over from honeydew deposition, is considered part of reasonable property maintenance and therefore not sufficient grounds to prevent the inclusion of the trees within the TPO. The Planning Inspectorate when determining TPO application appeals has backed up this view numerous times.
24. With regard to the potential impact of the T8 on the future development of the site, it is accepted that T8 may have a significant impact on what development is achievable on the land. However it is considered that the tree provides a significant amount of amenity to the area, and therefore its loss would be a material consideration as part of any planning application for development.
25. If any future applicant could demonstrate that the impact of the loss of the tree would be outweighed by the justification for the development, or that sufficient mitigation could be provided, it may be that the loss of the tree would be acceptable. However it is considered that the appropriate time to consider this would be when there is a formal application before the Council to be considered.

As such it is considered that the exclusion of T8 from the order at this point in time would be premature.

26. With regard to the specific concerns about the condition of T5, T6 & T7 in relation to 10 Ratcliffe Close, whilst the trees are not perfect specimens, no defects have been observed that are considered to fundamentally compromise the trees. Given the age of the trees, some deadwood is to be expected, however such deadwood can be removed at any time without formal permission.
27. The inclusion of a tree within a TPO should not prevent the reasonable management of trees in relation to safety concerns etc. It should only provide a mechanism to ensure that all works that are undertaken to the tree are reasonable and justified. As such, it is not considered that the inclusion of T5, T6 & T7 in the order will present any safety issues for the adjacent resident's.
28. As discussed above in terms of the proximity of the canopies to the adjacent properties, it is accepted that they are large trees in close proximity to the adjacent properties, however it is not considered that the relationship between the properties is so overbearing that this would be sufficient grounds to prevent their continued protection. The relationship between the trees and the adjacent properties, is similar to that found throughout the borough, and therefore if this were considered sufficient grounds to prevent inclusion within a TPO, then this could have a significant impact on the amenity of the borough.
29. Given the proximity of the protected trees to 10 Ratcliffe Close, there will be a degree of light obstruction, of either direct sunlight or diffused daylight. However as the trees are located to the north of the property, any direct sunlight obstruction will be limited to early morning, or late afternoon, with a significant interval between, where the trees will not block any sunlight. As such, the light obstruction is not considered sufficient grounds to remove the trees from the TPO.
30. As considered above in relation to T9, it is accepted that the trees adjacent to 10 Ratcliffe Close, will deposit seasonal debris throughout the year, and that they may be subject to aphid infestation and the associated Honeydew, during late spring and early summer. However again the general clearance of seasonal debris, and the washing of objects, such as patio furniture and cars, covered with Honeydew is part of reasonable property maintenance, and not sufficient ground to outweigh the amenity value of these trees. As such it is not considered that the seasonal debris provides sufficient grounds for the removal of the trees from the TPO.
31. In relation to concerns about the roots of the trees are potentially affecting the drains of the property, in the absence of confirmation that the roots are causing the problems, and that there are no viable alternative solutions other than the removal of the trees, then it is not considered that the loss of the tree, or their removal from the TPO has been justified.

32. Whilst it is accepted that there are a number of mature trees that bound the northern boundary of 10 Ratcliffe Close, it is not considered that there are 'too' many. In particular whilst the trees are significant features when viewed from the adjacent gardens, it is not considered that they have an unacceptably overbearing relationship with the adjacent properties. Therefore the number of trees adjacent to the property is not considered sufficient grounds to prevent the confirmation of the TPO.
33. Overall and on balance, it is considered that there has been insufficient justification provided to prevent the confirmation of the order or to remove trees from the order. It is recommended that the order be confirmed, however the plan and schedule will need to be amended to reflect that T8, T9, T10 & T11 are only two trees, and not the four shown on the original plan. .

OTHER CHANGES

34. Following comments received as part of the objection to the order it was noted that the oak tree (T5) had been plotted in a slightly inaccurate location. As such in order to avoid any future confusion or ambiguity it is considered appropriate to amend the location of the T5 to the location as shown on the plans below.

CONCLUSION

35. Having considered the objections received, it is not considered that the objections raised provide sufficient justification to prevent the confirmation of the order. Whilst it is accepted that the trees will cause some issues to the adjacent properties, and that the retention of T8 may conflict with any future development, it is considered that the TPO allows for such issues to be dealt with appropriately through future applications.
36. As such, it is considered that the TPO should be confirmed without modifications

RECOMMENDATION

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

APPENDIX 5.2

Tree Preservation Order Plan and Schedule As Served



Map referred to in the Borough Council of Dudley

Tipton Road No. 6 (TPO/0258/UGW)

Tree Preservation Order 2018

SCHEDULE

Specification of trees

Trees specified individually
(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Oak	Front drive of 16-20 Eton Close
T2	Lime	138 Tipton Road
T3	Sycamore	9 Eton Close
T4	Sycamore	138 Tipton Road
T5	Oak	136 Tipton Road
T6	Sycamore	136 Tipton Road
T7	Sycamore	130 Tipton Road
T8	Sycamore	130 Tipton Road
T9	Lime	130 Tipton Road
T10	Lime	130 Tipton Road
T11	Sycamore	130 Tipton Road
T12	Lime	130 Tipton Road
T13	Lime	130 Tipton Road

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

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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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 5.3

Plan Identifying Objectors Properties

★ - *Objection Received from Property*



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Produced by evoGIS - www.evoGIS.com



Scale: 1 : 800

Map referred to in the Borough Council of Dudley

Tipton Road No. 6 (TPO/0258/UGW)

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Tree Preservation Order 2018

APPENDIX 5.4

Tree Preservation Order Plan for Confirmation

APPENDIX 6.1

Confirmation Report for

***The Borough of Dudley (Apley Road, Wollaston (TPO/0260/WST)) Tree
Preservation Order 2018***

Tree Preservation Order

Order Title

Case officer

Date Served

Recommendation

TPO/0260/WST
Apley Road, Wollaston
James Dunn
31/05/18
Confirm with modifications

SITE AND SURROUNDINGS

1. This order protects various trees that are located on the property of 38a Apley Road, a bungalow set behind the head of the Apley Road cul-de-sac, and a number of trees on an adjacent area of land at the rear of 146 to 162 High Street Wollaston.
2. The trees subject to this order enjoy an elevated position when viewed from the north with the primary view of the majority of the trees being from the new development on the site immediately to the north, and when travelling along High street from the direction of Amblecote.
3. There are also views of the trees at the rear of 146 to 162 High Street, from Wentworth Road.
4. The TPO was served following a review of an older TPO that covered the grounds of 38a Apley Road. Following this review a Woodland order was served on the trees.

PUBLIC REPRESENTATIONS

5. Following the service of the order objections were received from 3 adjacent neighbours in Nash Drive.
6. Their objections were based on the below points:
 - The trees behind the properties in Nash Gardens are “overgrown” and overhang the gardens of the properties in Nash Gardens;
 - There are concerns relating to the general safety of the trees in relation to the properties underneath them.
 - Branches has previously fallen from the trees during unsettled weather;
 - The trees drop significant seasonal debris into the garden causing blockages to the guttering of the property;
 - The clearance of the seasonal debris require ongoing work during the autumn to clear the leaves, and repair the lawn.
7. Following the service of the order, the owner of the land at the rear of 146 to 162 High Street made representations regarding the nature of the TPO on their property, and requested that rather than a woodland order, the trees on this area

of land were subject to an individual assessment for worthiness for TPO. This survey was undertaken and the 5 individual trees were identified as worthy of protection, and it is proposed that the order is modified to take account of this.

8. Having advised the owner of the land as to which individual trees that it was proposed to protect under the confirmed order, they have submitted objections to three of the trees (T1 – T3).
9. The objections to the proposed amendments are:
 - None of tree (T1 – T3) are particularly visible to the public;
 - The longevity of poplars is considered to be more within the 10 – 20 year bracket rather than the 20 – 40 year bracket as scored on the TEMPO assessment.
 - It is not considered that Trees 1-3 are considered important for the cohesion of the wider group given their score at the lower end of the condition, longevity and visibility sections of the assessment.
10. The responses to the objections are considered in turn below.

RESPONSE TO OBJECTIONS

11. The land on which the trees subject to this order stands in an elevated position relative to the land to the immediate north. The land to the north has been recently developed for residential use with the rear gardens of 11 properties in Nash Gardens being backing on the trees.
12. From the rear boundary of the back gardens there is a significant and sudden increase in land levels with a bank / cliff extending some 4-5 metres above the level of the gardens. The TPO'd trees start of the top shoulder of this embankment.
13. Given the increase in land levels the bottom of the trees is approximately level with the guttering of the adjacent houses and as such the majority of the trees extend to a height significantly taller than the adjacent properties.
14. Also given the size of some of the trees it is considered that there is some overbearing impact of the tree on the adjacent properties.
15. However given the visual prominence of the trees along this 'cliff' it is considered that any impact as a result of the overbearing impact of the trees is justified by virtue of the amenity value that they provide to the area.
16. It is also accepted that there is some overhang from the trees into the rear gardens of the adjacent properties. However the mere presence of overhanging branches is not considered sufficient to prevent the confirmation of the order, as given the

young age of the properties the relationship between the trees and the houses would have been evident at the time of purchase.

17. It is also considered that some pruning may be acceptable to reduce the overhang, however such works would require a formal application.
18. In terms of the concerns regarding the condition of the trees, no obvious defects have been observed in the trees, however no formal condition assessment of the trees has been undertaken.
19. The trees along the bank were subject to the tree works in 2014 – 2015, including the removal of some trees and the pruning of others. These works were undertaken following an assessment of the trees undertaken at that time.
20. The confirmation of the TPO should not prevent any works that are justified by virtue of the condition of the trees, and applications can be submitted by either the land owner or the neighbours as appropriate.
21. Where deadwood is present in any of the trees this can be removed without the need for a formal application.
22. It is accepted that given the size, species and location of the tree, there will be a significant amount seasonal debris deposited for the trees, especially in the autumn, and give the proximity of the guttering of the property, there is a reasonable chance that leaves will get deposited into the guttering. However it is also considered that the clearance of leaves from property and guttering is part of routine property maintenance.
23. In terms of the guttering, it was noticed that one of the adjacent properties had installed a gutter brush product. This should help to reduce the need to clear leaves for the guttering.
24. With regard to the impact on the objector's lawn, it is accepted that the relationship between the trees and the garden is not necessarily conducive to the development of a good lawn, however with appropriate management, care and seed choice it is considered that a reasonable lawn could be maintained.
25. With regard to the objections in relation to the proposed amendments to the order it is considered that Trees 1 – 3 are sufficiently publicly visible to warrant being included in the TPO.
26. When assessing the trees to be considered for protection as individuals, they tree son the land were assessed using the TEMPO system.
27. Tree 1 is a small / medium copper beech that is visible in medium distant views from Wentworth Road. When viewed from around the Wentworth Road /

Richmond Grove Junction, there tree is visible above the roofline of the trees and forms part of the wider group of trees.

28. It is accepted that Tree 1 is not prominently visible from directly in front of the adjacent properties, and in short term views and this has been reflected in a reduce score on the public visibility section of the TEMPO assessment.
29. Tree 2 is a medium / large poplar tree that is also visible from Wentworth Road, although it is partially screened by an adjacent poplar tree. The tree can also be seen as part of the linear feature, between the proposed tree 4 and tree 5, from the western end of Nash Gardens, Morrow Way and High Street / Wollaston Road.
30. Tree 3 is another medium / large poplar tree that is visible as part of the linear feature between Tree 4 and the first largest sycamore tree in the proposed woodland order.
31. With regard to the longevity score for the poplar trees T2 and T3, whilst it is accepted that the trees are mature trees and are likely to be either within or fast approaching the lower end of the general species age range of 50 – 70 years, however, the trees appear quite healthy and vital, and it is considered that without any negative intervention, they would reasonably be expected to exceed the general species age range.
32. It is worth noting that even if the trees are scored into the 10 – 20 year life expectancy category, they would still score sufficient points to be justified worthy of inclusion within a Tree Preservation Order.
33. It is considered that Trees 1 – 3 are worthy of the 4 point score for being a member of a tree group that is important for its cohesion. It is considered that the visual size of the group would be noticeable diminished should the any of the trees be removed.
34. Overall, it is considered that the scoring of the trees as part of the TEMPO assessment was an accurate reflection of the contribution that the trees make to the area, and as such it is considered that the trees should be confirmed as part of the TPO.
35. Overall, having considered the objections received it is not considered that the objections that have been received are sufficient to prevent the confirmation of the order in its amended form.

CONCLUSION

36. Having considered that objections submitted, to both the original order and the amended proposals it is not considered that any of the objections are sufficient to prevent the confirmation of the order as proposed.

RECOMMENDATION

37. It is recommended that the Tree Preservation Order be confirmed subject to the below modifications.

APPENDIX 6.2

Tree Preservation Order Plan and Schedule As Served



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Map referred to in the Borough Council of Dudley

Apley Road, Wollaston (TPO/0260/WST)

Tree Preservation Order 2018

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Scale: 1 : 1000

SCHEDULE

Specification of trees

Trees specified individually (encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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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 including Beech, Sycamore, Polar, Robinia and Lime	38A Apley Road and 148 High Street
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APPENDIX 6.3

Plan Identifying Objectors Properties

★ - *Objection Received from Property*



Map referred to in the Borough Council of Dudley

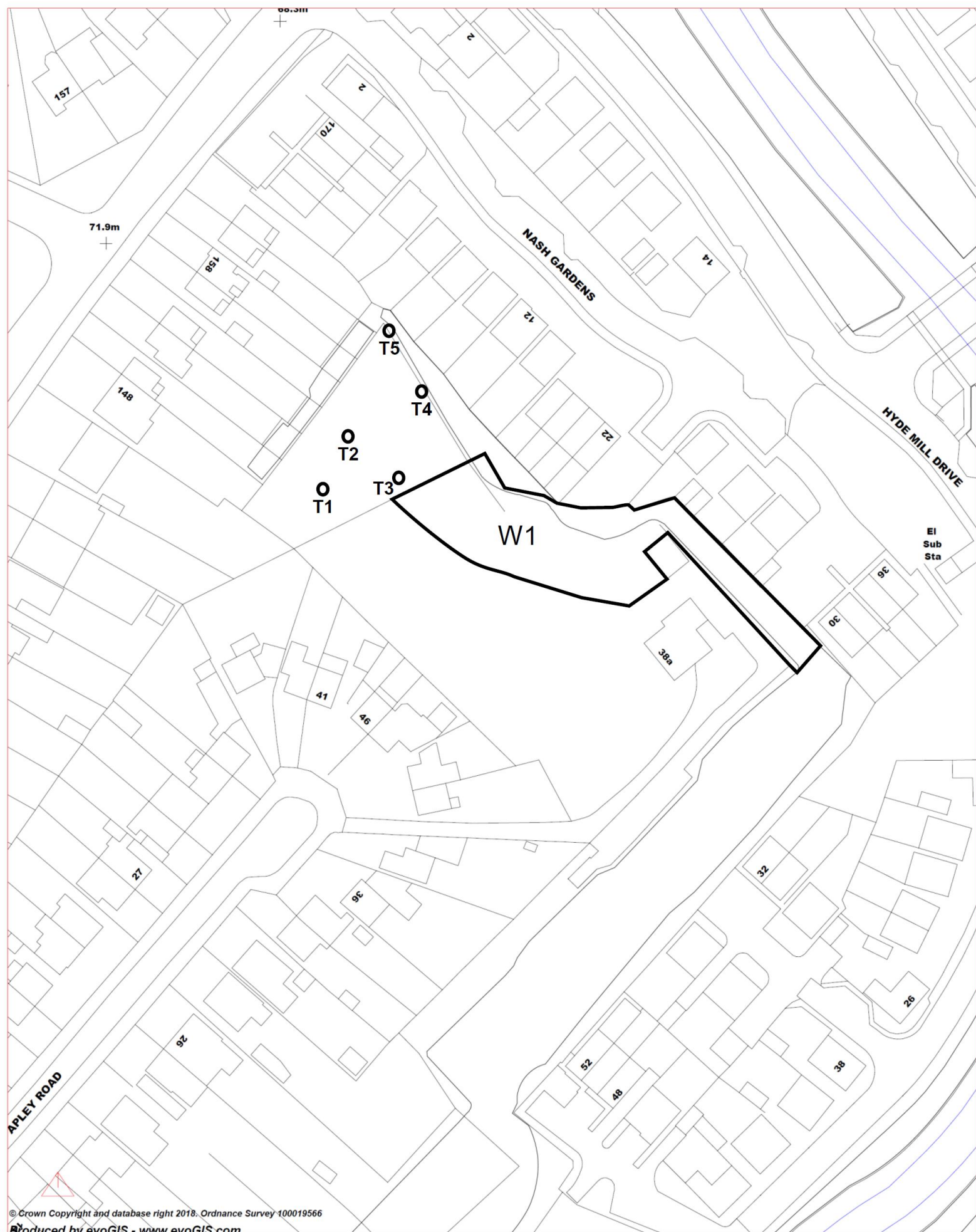
Apley Road, Wollaston (TPO/0260/WST)

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Tree Preservation Order 2018

APPENDIX 6.4

Tree Preservation Order Plan and Schedule for Confirmation



Map referred to in the Borough Council of Dudley

Apley Road, Wollaston (TPO/0260/WST)

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Tree Preservation Order 2018

SCHEDULE

Specification of trees

Trees specified individually (encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Beech	Land at rear of 146 – 162 High Street, Wollaston
T2	Poplar	Land at rear of 146 – 162 High Street, Wollaston
T3	Poplar	Land at rear of 146 – 162 High Street, Wollaston
T4	Beech	Land at rear of 146 – 162 High Street, Wollaston
T5	Robinia	Land at rear of 146 – 162 High Street, Wollaston

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>
-------------------------	--------------------	------------------

NONE

Woodlands (within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	Mixed deciduous woodland including Beech, Sycamore, Poplar, Robinia and Lime	38A Apley Road

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

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