

# **DEVELOPMENT CONTROL COMMITTEE**

**MONDAY 31<sup>ST</sup> MARCH 2014**

**AT 6:00PM  
IN COMMITTEE ROOM 2  
AT THE COUNCIL HOUSE  
DUDLEY**

**If you (or anyone you know) is attending the meeting and requires assistance to access the venue and/or its facilities, could you please contact Democratic Services in advance and we will do our best to help you**

**MANJIT JOHAL  
DEMOCRATIC SERVICES OFFICER  
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You can view information about Dudley MBC on  
<http://www.dudley.gov.uk/>**



## **IMPORTANT NOTICE MEETINGS AT THE COUNCIL HOUSE**

Welcome to the Council House

**In the event of the alarm sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.**

Please turn off your mobile phones and mobile communication devices during the meeting.

Thank you for your co-operation.

### **DEVELOPMENT CONTROL COMMITTEE**

**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 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.

**Our Ref:**  
MKJ310314

**Your Ref:**

**Please Ask For:**  
Mrs M Johal

**Telephone No:**  
01384 815267

20<sup>th</sup> March 2014

Dear Councillor

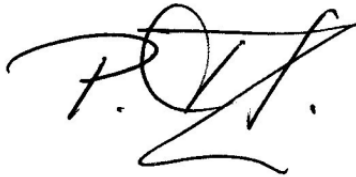
**DEVELOPMENT CONTROL COMMITTEE**

**Monday 31<sup>st</sup> March 2014 at 6.00 p.m.**

You are requested to attend a meeting of the Development Control Committee to be held on Monday 31<sup>st</sup> March, 2014 at 6.00 p.m. in Committee Room 2 at the Council House, Dudley, to consider the business set out in the agenda below.

The agenda and public reports are available on the Council's Website [www.dudley.gov.uk](http://www.dudley.gov.uk) and follow the links to Councillors in Dudley and Committee Management Information System.

Yours sincerely



Director of Corporate Resources

**A G E N D A**

1. APOLOGIES FOR ABSENCE

To receive apologies for absence from the meeting.

2. APPOINTMENT OF SUBSTITUTE MEMBERS

To report the appointment of any substitutes for this meeting of the Committee.

3. DECLARATIONS OF INTEREST

To receive declarations of interest in accordance with the Members' Code of Conduct.

4. MINUTES

To approve as a correct record and sign the minutes of the meeting held on 10<sup>th</sup> March 2014.

5. PLANS AND APPLICATIONS TO DEVELOP (PAGES 1 – 132)

6. TO ANSWER ANY QUESTIONS UNDER COUNCIL PROCEDURE  
RULE 11.8 (IF ANY)

Distribution:

To all Members of the Development Control Committee

A Ahmed	Casey	J Martin	Perks	Roberts
Mrs Westwood	C Wilson	Wright	Zada	



## **AGENDA INDEX**

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

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

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

### **PLANS AND APPLICATIONS TO DEVELOP**

Pages 1 – 29	P11/0107 – Land at Lowndes Road/Bradley Road, Stourbridge – Outline Application for Development of up to 80 Dwellings (Access to be Considered with all Other Matters Reserved) (Resubmission of Refused Application P06/0001)
Pages 30 – 38	P13/1751 – Dudley College, The Broadway, Dudley – Variation of Condition 4 of Planning Approval P13/0932 to be Revised to 'The Existing Drive Adjacent to Number 12 The Broadway Shall not be used at any Time for Vehicular Access or Egress from the Car Park or at any Time by Contractors'
Pages 39 – 48	P13/1758 – Evolve (Dudley College), Tower Street, Dudley – Formation of New Pedestrian Crossing
Pages 49 – 66	P14/0002 – Northern Edge of the Former Cradley High School, Cradley, Halesowen – Approval of Reserved Matters for Erection of 9 No Dwellings, Garages, Associated Works and Emergency Access to the Retirement Village (Following Outline Approval P12/1447)
Pages 67 – 75	P14/0066 – 25 Dunsmore Drive, Quarry Bank, Brierley Hill – Conversion and Extensions to Existing Garage to Create Habitable Room. Single Storey Side/Front Extension and New Front Porch
Pages 76 – 88	P14/0106 – 3 Linden Drive, Oldswinford, Stourbridge – Single and Two Storey Side, First Floor Side/Rear and Two Storey Rear Extensions. Part Conversion of Existing Garage to Create Habitable Room. (Resubmission of Withdrawn Application P13/1704)
Pages 89 – 102	P14/0162 – Corner Site of Clement Road and Nimmings Road, Blackheath, West Midlands – Erection of a Two Storey Building to Create 6 No Apartments

Pages 103 – 120	P14/0165 – Land Adjacent to 31 Gads Green, Netherton, Dudley – Erection of 1 No Dwelling to Include Lower Ground Floor Associated 1 No Bedroom Annex with Ancillary Works (Resubmission of Withdrawn Planning Application P13/0612)
Pages 121 – 132	P14/0166 – Somerset House, 121 Enville Street, Stourbridge – Part A – Erection of Smoking Shelter to the Eastern Boundary (Retrospective) Part B – Single Storey Side/Rear Extension and Alteration of Access to First Floor Office Accommodation

## **DEVELOPMENT CONTROL COMMITTEE**

Monday 10<sup>th</sup> March, 2014 at 6.00 pm  
In Committee Room 2, The Council House, Dudley

### **PRESENT:-**

Councillor Zada (Chair)  
Councillor Casey (Vice-Chair)  
Councillors A Ahmed, Caunt, J Martin, Perks, Roberts, C Wilson and Wright

### **OFFICERS:-**

Mr J Butler, Mrs H Martin, Mr D Owen, Mr P Reed, Mrs S Willetts, (all Directorate of the Urban Environment), Mrs G Breakwell and Mrs M Johal (Directorate of Corporate Resources)

#### **72      APOLOGY FOR ABSENCE**

An apology for absence from the meeting was submitted on behalf of Councillor Mrs Westwood.

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#### **73      APPOINTMENT OF SUBSTITUTE MEMBER**

It was reported that Councillor Caunt had been appointed as a substitute member for Councillor Mrs Westwood for this meeting only.

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#### **74      DECLARATIONS OF INTEREST**

In accordance with the Members' Code of Conduct, Councillor Zada declared non-pecuniary interests in Planning Application Nos P14/0042 and P14/0043 (43 Halesowen Road, Netherton) as he knew the applicant.

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#### **75      MINUTES**

##### **RESOLVED**

That the minutes of the meeting of the Committee held on 17<sup>th</sup> February, 2014, be approved as a correct record and signed.

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A report of the Director of the Urban Environment was submitted on the following plans and applications to develop. In addition, 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 of the 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 had indicated that they wished to speak at the meeting and spoke on the planning application:-

Plan No P14/0112 – Mr Ali Bakht – an objector and Mr Arif – an agent/applicant

- (i) Plan No P14/0112 – Old Bell Public House, Chapel Street, Lye, Stourbridge – Change of use from a Former Public House (A4) to a Community and Education Centre (D1)

Decision: Approved, subject to conditions, numbered 1 to 8 (inclusive), as set out in the report submitted.

- (ii) Plan No P13/0175 – Ashleigh House, 2 Ednam Road, Dudley – Conversion of Existing Office Premises into 5 No Flats

Decision: Approved, subject to conditions, numbered 1 to 5 (inclusive), as set out in the report submitted, together with an amended condition, numbered 6 and additional conditions, numbered 7 to 10, as follows:-

- 6. The apartments shall not be occupied until details of mitigation measures to protect future occupants of the building from road traffic noise from Ednam Road and noise from adjacent use have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved details and the approved measures retained for the lifetime of the development.
- 7. Notwithstanding the requirement of condition 6 above, all the existing timber shall be retained and development shall not commence until full details have been submitted to and approved in writing by the Local Planning Authority of the proposed methodology for addressing condition 6 with the use of appropriate secondary glazing. The development shall thereafter take place in accordance with the approved details.

8. Development shall not begin until details of all new joinery (for the windows, doors, etc) to be used in the external elevations and its colour and finish have been submitted to and approved in writing by the Local Planning Authority. Large scale architectural drawings of joinery shall be provided at a large scale (1:1, 1:2 or 1:5) typically indicating profiles and sections of heads, cills, jambs and glazing bars together with their relationships to masonry apertures. The development shall thereafter take place in accordance with the approved details.
  9. Development shall not commence until full details have been submitted to and approved in writing by the Local Planning Authority of all the heating appliances, flues, air intake and extraction equipment terminals and soil vent pipes. The development shall thereafter take place in accordance with the approved details.
  10. Development shall not commence until full details have been submitted to and approved in writing by the Local Planning Authority of materials to be used in the construction of the bin store at the site. The development shall thereafter take place in accordance with the approved details.
- (iii) Plan No P13/1886 – Mucklow Bros Ltd, Narrow Lane, Halesowen – Demolition of Existing Former Factory and Office Buildings and Erection of 39 No Dwellings, New Access from Narrow Lane, Enhancement of Existing Footpath and the Creation of a New Cycle Link to Connect Long Lane with Narrow Lane

Decision: Approved, subject to a Section 106 Agreement and conditions, numbered 1 to 3, 6, 8 and 10 to 19 (inclusive), as set out in the report submitted, together with amended conditions, numbered 4, 5, 7 and 9, as follows:-

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

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

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

The landscaped areas shall be retained in the form shown on the approved plan and Landscape Plan Strategy throughout the life of the development and shall not be used for any other purpose.

5. No dwelling shall be occupied until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. The details must include existing and proposed finished levels or contours; the position, design and materials of all site enclosures, car parking layout and other vehicular and pedestrian areas; hard surfacing materials, minor artefacts and structures (eg refuse areas, lighting etc)

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

7. No dwelling shall be occupied until details for the provision of external electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. The Electric Charging point(s) shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.

9. No dwelling shall be occupied until details of public realm works have been submitted to and approved in writing by the Local Planning Authority. The public realm works shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.

- (iv) Plan No P13/1896 – Former Factory Site, Park Lane, Cradley – Outline Application for Residential Development (Access to be Considered)
- 

Decision: Approved, subject to the following:-

- (1) The applicant entering into a Section 106 Agreement for a contribution towards affordable housing.

(2) The completion of the Agreement by 22<sup>nd</sup> March, 2014 and, in the event of this not happening, the application being refused, if appropriate.

(3) Conditions numbered 1 to 20 (inclusive), as set out in the report submitted, together with additional conditions, numbered 21 to 25, as follows:-

21. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site (with regard to controlled waters including ground water and associated land contamination) shall each be submitted to and approved, in writing, by the Local Planning Authority:

i A preliminary risk assessment which has identified:

- all previous issues
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

ii A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

iii The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iv A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

- v Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.
- 22. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
- 23. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.
- 24. No development shall commence until details of the access roads and Highway structures, including, lines, widths, levels, gradients, form of construction, cross sections, lighting and drainage have been submitted to and approved in writing by the Local Planning Authority.
- 25. No dwelling shall be occupied until the access roads have been implemented in accordance with the details approved in condition 1 and shall thereafter be maintained for the life of the development.

and that the Director of the Urban Environment be authorised to make amendments to these as necessary.

Having previously declared non-pecuniary interests in the following two items Councillor Zada vacated the Chair and withdrew from the meeting.

Councillor Casey in the Chair



- (v) Plan No P14/0042 – 43 Halesowen Road, Netherton, Dudley – Conversion of Garage to Form Habitable Room with New Bay Window to Front. Single and Two Storey Rear Extension (Proposed). Erection of Detached Storage Building in Rear Garden (Retrospective)
- 

Decision: Approved, subject to conditions, numbered 1 to 6 (inclusive), as set out in the report submitted, together with an additional condition, numbered 7, as follows:-

7. The outbuilding hereby approved shall be ancillary to the main dwelling for the lifetime of the development and shall not be sold-off or sub-let separately.

- (vi) Plan No P14/0043 – 43 Halesowen Road, Netherton, Dudley – Raise Ground Levels to Rear Garden with Retaining Wall
- 

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

Councillor Zada in the Chair

- (vii) Plan No P14/0073 – Land at Tenlands Road, Halesowen – Erection of 9 No Dwellings (Resubmission of Withdrawn Application P13/1436)
- 

Decision: Approved, subject to conditions, numbered 1 to 13 (inclusive), as set out in the report submitted.

- (viii) Plan No P14/0184 – The Boulevard, Brierley Hill – Installation of a Signalised Bus Gate to Assist Public Transport Flow West-Bound on the Boulevard Approach to the Mill Street Roundabout
- 

Decision: Approved, subject to conditions, numbered 1 and 2, as set out in the report submitted.

- (ix) Plan No P14/0185 – A4036 Pedmore Road, Merry Hill, Brierley Hill – Installation of a Pedestrian and Cycle Signalised Crossing off Pedmore Road
- 

Decision: Approved, subject to conditions, numbered 1 and 2, as set out in the report submitted, together with an amended condition, numbered 3, as follows:-

3. The development hereby permitted shall be carried out in accordance with the following approved plans: Project Number 70002332, Drawing Number 2332-GA-001 revision C and the submitted Transport Assessment complied by WSP and dated 11/02/2014.

A report of the Director of the Urban Environment was submitted on the setting of the Council's Building Regulation Fee Scales to take effect from 1<sup>st</sup> April 2014 and non-statutory Development Control Charges and the intention to continue to use the Consumer Prices Index (CPI) for Planning Obligations in accordance with Council Policy.

Arising from the presentation of the report a Member was of the view that an increase in fees would be detrimental as it would have an impact on potential residential developments in the Borough. In responding the Head of Planning stated that fees were very competitive and were on par or cheaper than neighbouring Local Authorities and the Council were obliged to cover their costs.

RESOLVED

- (1) That the inflationary increase of 2% of the existing Building Control Fee Schedule, as outlined in Appendix B to the report submitted, be endorsed.
- (2) That the continued use of the Consumer Price Index in Planning Obligations costings, as outlined in Appendix C to the report submitted, and in accordance with the adopted SPD "Planning Obligations", be noted.
- (3) That the fee schedule for Development Control Non Statutory Fee Charges, as outlined in Appendix D to the report submitted, be endorsed.

The meeting ended at 6.50 pm.

CHAIR

## PLANNING APPLICATION NUMBER: P11/0107

Type of approval sought	Outline Planning Permission
Ward	Wollaston and Stourbridge Town
Applicant	Quadrant Land Partnership
Location:	<b>LAND AT LOWNDES ROAD/BRADLEY ROAD, STOURBRIDGE, WEST MIDLANDS</b>
Proposal	<b>OUTLINE APPLICATION FOR DEVELOPMENT OF UP TO 80 DWELLINGS (ACCESS TO BE CONSIDERED WITH ALL OTHER MATTERS RESERVED) (RESUBMISSION OF REFUSED APPLICATION P06/0001)</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS AND 106</b>

### SITE AND SURROUNDINGS

1. The application site is an irregular-shaped 6 hectare area of land that contains a variety of uses. Located centrally within the site is the former Foster and Rastrick building, a Grade II\* listed building which has been refurbished and converted to a medical centre. To the west of this building is an industrial site (currently in operation) accessed from Bradley Road to the south. Bradley Road terminates in a cul-de-sac, at the end of which is a public footpath which connects to recreational land to the west. There is a 2m high retaining wall along the northern side of the footpath. The wall rises to a maximum height of approximately 3m within the industrial site.
  
2. On the southern side of Bradley Road and the footpath is a large area of vacant former industrial land and buildings which also has a frontage to Lowndes Road to the west. There is a heavily wooded embankment along the southern side of this part of the site. This land and the industrial site to the west of the medical centre are collectively referred to by the applicant as 'Zone 1'.

3. 'Zone 2' lies to the east of the medical centre and is currently occupied by a private fitness club and associated retail use in former industrial buildings. This part of the site has a long frontage to Bradley Road and there is an industrial unit directly opposite. Immediately adjacent to the east is the vacant former Rolling Mills site which has previously been given consent for residential development.
4. Zones 1 and 2 and the medical centre are bounded to the north by the River Stour which effectively splits the site in two. On the opposite side of the river is a large area of undeveloped land (Zone 3) containing mature vegetation and two designated heritage assets. Zone 3 is bounded by the Stourbridge Branch Canal and to the north by an area of woodland which separates it from the former Sunrise Medical site on Wollaston High Street which now has consent for residential redevelopment. Part of Zone 3 is to be provided as public open space in connection with the development at Sunrise Medical and any future approval for housing on the Rolling Mills site. The two heritage assets are located within the northern half of Zone 3 – these are a derelict building known as 'Riverside' and the walls to the former dry dock on Canal Street to the north, both of which are Grade II listed.
5. The site is situated approximately 0.75m to the north-west of Stourbridge town centre. Pedestrian access to the site from the town centre is via Bradley Road, with vehicular access to the wider area gained from Lowdnes Road. Zone 3 and the site of the medical centre lie within Stourbridge Canal (Canal Street) Conservation Area.

## PROPOSAL

6. This is an outline application for the residential redevelopment of the site. All matters of detail are reserved for subsequent approval. An indicative masterplan has been submitted which shows the possible layout of a subsequent development, with 80 dwellings at a notional density of 30 dwellings per hectare.
7. The application is accompanied by the following information:
  - Design and Access Statement
  - Ground investigation reports;

- Archaeological appraisal;
- Air quality report;
- Noise assessment;
- Ecological appraisal;
- Flood Risk Assessment;
- Transport Statement;
- Statement in respect of affordable housing provision.

## PLANNING HISTORY

8. Permission was granted for the conversion and extension of the Foster & Rastrick building in February 2010. The development is nearing completion. In 2010, residential development at the Rolling Mills site was approved, this permission was subsequently extended for a further three year time period in November 2013 and development has not yet commenced. Reserved matters approval for the redevelopment of the former Sunrise Medical site was granted in July 2013.

## PUBLIC CONSULTATION

9. 77 neighbour notifications letters have been sent to the occupiers of neighbouring properties and site notices posted.
10. A letter has been received from Vee Bee Ltd, an industrial company to the north of the site located on the opposite side of the canal. The company requests that the implications for the development of potentially noisy activities at their premises are fully assessed, so that the development does not jeopardize its ability to continue to operate.

## OTHER CONSULTATION

11. Head of Environmental Health and Trading Standards – No adverse comments in respect of the effect of residential development on air quality. A scheme should be

submitted (by condition) to deal with the contamination of the site from ground gases and vapours.

There are no objections to the proposal in terms of noise provided that the existing industrial premises at the site are vacated prior to any residential occupation of the remainder of the development site and that no noisy employment use recurs. In order to ensure that residential amenity is protected it is recommended that a condition is imposed requiring that prior to first residential occupation, all industrial and commercial activity on any part of the development site shall cease and no industrial or commercial activity shall take place on site thereafter for the lifetime of the development.

12. Group Engineer (Highways) – No objection.
13. CENTRO – A Travel Plan and Transport Statement should be provided to promote public transport, walking, cycling and car share. The developer should be required to make a financial contribution towards either upgrading the stop poles in the surrounding area to shelters or towards improvements to bus services in the area.
14. Canal Trust – Advises that it seeks funding from all new developments within and immediately adjacent to the canal corridor, where appropriate, towards improvement works in order to create an attractive, accessible and bio diverse canal corridor. In this case the development will encourage residents to use the canal towpath to access the open space, thus increasing footfall along the towpath and therefore requiring additional maintenance. To utilise the towpath for walking and cycling, the development warrants contributions for the resurfacing of the towpath and future maintenance of the towpath for canal corridor users travelling to and from the site. The resurfacing of the towpath should be undertaken between Coalbournbrook Bridge to the wharf area for a distance of 983m, the estimated cost of which is £155,000.

15. Natural England – No objection in principle. At the reserved matters stage the development will need to take into account provision for bats, otters and other protected species. Conditions should be imposed to secure all of the measures recommended in the applicant's ecological appraisal.
16. Birmingham and Black Country Wildlife Trust – Further assessment work should be carried out with regard to compensating and mitigating the impacts of the development on wildlife species, in addition to identifying proposals for biodiversity enhancements to be incorporated into the development.
17. English Heritage - The site has considerable industrial archaeological interest and potential because of its long industrial usage. There is no objection in principle to residential development of the site. The future of the listed buildings at the site should be addressed as part of the development and information provided as to how the archaeological potential of the land can be better recognized and exploited for community purposes.
18. Environment Agency (EA) – A Phase I geo-environmental desk study report has been carried out in order to assess potential pollution linkages between the site and the wider area. The report details the industrial heritage of the site and recommends a programme of intrusive site investigation to confirm the ground conditions on site and to allow for detailed risk assessment to be carried out. The EA agree with these proposals and recommend the imposition of conditions to ensure that the development does not pose an unacceptable risk to the wider environment.

In respect of flood risk, the EA is satisfied that the proposed development could be allowed in principle, however the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk to the development and third party land.

### 19. National Planning Policy

The National Planning Policy Framework (March 2012) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions, but does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.

The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development. The Framework requires that the planning system should provide for the supply of housing required to meet the needs of future and present generations and the creation of a high quality built environment, and contribute to the protection and enhancement of the natural, built and historic environment.

#### Black Country Core Strategy ( BCCS) 2011

- Spatial Objective 3;
- Policy CSP1 ( The Growth Network );
- Policy CSP3 ( Environmental Infrastructure );
- Policy CSP4 ( Place Making );
- Policy DEL1 ( Infrastructure Provision );
- Policy DEL2 (Managing the Balance between Employment Land and Housing);
- Policy HOU1 ( Delivering Sustainable Housing Growth );
- Policy HOU2 ( Housing Density, Type and Accessibility )
- Policy HOU3 ( Delivering Affordable Housing );
- Policy TRAN 2 (Managing Transport Impacts of New Development );
- Policy TRAN4 ( Creating Coherent Networks for Cycling and Walking );
- Policy ENV1 ( Nature Conservation );
- Policy ENV2 ( Historic Character and Local Distinctiveness);



- Policy ENV4 (Canals);
- Policy ENV5 (Flood Risk and Sustainable Drainage Systems);
- Policy ENV6 (Open Space, Sport and Recreation)
- Policy ENV8 (Air Quality)

#### Saved 2005 UDP Policies

- Policy DD4 ( Development in Residential Areas )
- Policy DD10 ( Nature Conservation and Development )
- Policy UR9 ( Contaminated Land )
- Policy NC6 ( Wildlife Species )
- Policy HE4 ( Conservation Areas );
- Policy HE6 (Listed Buildings);
- Policy HE7 ( Canals );
- Policy HE8 ( Archaeology and Information )
- Policy SO2 ( Linear Open Space )
- Policy SO3 ( Access and Enhancement of Green Belt and Linear Open Space )
- Policy EP3 ( Water Protection )
- Policy EP7 ( Noise Pollution )

#### Supplementary Planning Guidance

- New Housing Development SPD
- Glass Quarter SPD
- Planning Obligations SPD
- Nature Conservation SPD
- Affordable Housing SPD

## ASSESSMENT

### 20. Key Issues

- Principle;
- Loss of Employment Land;
- Density;

- Highways issues;
- Accessibility;
- Contamination;
- Flood risk;
- Noise;
- Impact on the Conservation Area, listed buildings and canal;
- Archaeology;
- Wildlife issues;
- Effects of the development on the River Stour;
- Provision of open space;
- Affordable housing;
- Planning Obligations.
- New Homes Bonus

### Principle

21. The Black Country Core Strategy (BCCS) has been adopted since this application was originally submitted, and this now should be regarded as a significant material planning consideration in the determination of the application. The BCCS sets out the vision, objectives and strategy for future development in the Black Country to 2026. One of the Spatial Objectives of the Strategy is to help to deliver sustainable communities on redundant employment land, that make the most of opportunities such as public transport and canal networks, are well served by residential services and green infrastructure, have good walking, cycling and public transport links to retained employment areas and centres, are set in high quality natural and built environment and are well integrated with surrounding areas. The acceptability of this proposal must be assessed against the aims of this Objective.
22. Within the Core Strategy, the application site lies within Regeneration Corridor 11b – Brierley Hill to Stourbridge. Policy CSP1 advises that in respect of new housing the role of Regeneration Corridors is to provide new residential communities that are well supported by community services and local shops, set within and linked by

comprehensive networks of attractive green infrastructure with cycling and pedestrian routes. Regeneration Corridor 11b should specifically provide for new high quality canalside communities through the redevelopment of outdated and obsolete industrial sites. Existing green infrastructure is to be protected and enhanced and improved links to the River Stour are to be provided. In total, 2480 new dwellings are proposed for this Corridor. The development accords in principle with the vision for this particular Regeneration Corridor, and specifically with Policy HOU1 also which encourages the provision of new housing on previously developed land.

23. The site is referenced within the Strategic Housing Land Availability Assessment (SHLAA) which identifies that the site is deliverable for housing purposes within the short term. However Members should note that the SHLAA cannot be used to pre-empt or prejudice any decision the Council may make in the future on any particular site.

#### Loss of Employment Land

24. Policy DEL2 of the Core Strategy requires that before any employment land is released it should first be ensured that an adequate supply of occupied and available employment land is retained. In areas identified for new housing, the Council is encouraged to positively plan to facilitate housing growth by encouraging any existing operation which may restrict the regeneration of the area to relocate. The policy essentially provides a mechanism for the release of surplus land for housing, to ensure that this is done without the unnecessary blight of employment land and harm to the amenity of new residents.
25. As this site is in an area identified for new housing, the requirements of the policy with regard to demonstrating that it is appropriate for this site to be redeveloped for an alternative use are less stringent than if it were not. The relevant part of the policy specifies that housing growth will be 'positively' planned for by 'encouraging any existing operation, which by virtue of the scale and nature of operations, traffic generation and other amenity considerations may restrict the regeneration of the area, to relocate'. On this, it is recognised that the most of the site is vacant, with the only current employment use being the industrial use to the west of the medical

centre. There is consequently no requirement for the applicant to demonstrate that there is a relocation strategy in place for any existing employment uses or that the site is no longer viable to support such a use.

26. Policy DEL2 also requires that any proposals resulting in the loss of employment land should demonstrate a comprehensive approach, making best use of available land and infrastructure and not prejudicing existing and neighbouring uses. It is considered that the proposal will result in a comprehensive redevelopment scheme in accordance with this criterion. The principle of the proposed use of the site for residential purposes is therefore acceptable.

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#### Density

27. The NPPF advises that local planning authorities should set out their own approach to housing density to reflect local circumstances. Policy HOU2 of the Core Strategy states that all developments will aim to achieve a minimum net density of 35 dwellings per hectare, except where higher densities would prejudice historic character and local distinctiveness. Whilst the net density of the proposed development is below this minimum threshold this is considered to be acceptable in this case on the basis that a significant proportion of the site is taken up by the River Stour and its adjoining flood zone which cannot be built upon and is therefore to be used as open space. The site is also constrained by the embankment along the southern boundary and sewer easements along the Bradley Road frontage which further restrict the area of the site which can be built upon.
28. The policy also requires that developments of 15 dwellings or more should provide a range of house types and sizes that will meet the accommodation needs of both existing and future residents, including affordable housing. As this is an Outline application the proposed house types have not been specified; however at the reserved matters stage an appropriate mix of dwellings can be sought to ensure compliance with this policy.

### Highways Issues

29. The National Planning Policy Framework seeks to promote more sustainable transport choices, and Core Strategy Policy TRAN 2 requires that developments should provide an acceptable level of accessibility and safety by all modes of transport, in accordance with an agreed Transport Assessment and Travel Plans. The applicant's Transport Assessment advises that the Lowdnes Road/Enville Street junction to the south of the site which connects it to the wider local highway network has ample operational capacity to cater for the proposed development and that no capacity related improvements are required. With regard to Policy TRAN2 a condition can be imposed (Condition 24) requiring the submission of a Travel Plan to ensure that the development is both accessible and sustainable.

### Accessibility

30. The site lies within an area of Linear Open Space. Saved Policy SO2 of the UDP advises that the function of Linear Open Space is to link open spaces in urban areas with green wedges and provide recreation for neighbouring areas. The design and layout of development within linear open space is required to complement and enhance its function. Policy SO3 seeks to ensure that public access to, through and within Linear Open Space is protected and where possible enhanced.
31. Policy CSP3 of the Core Strategy states that development proposals should protect, enhance and expand the strategic network of environmental infrastructure at every opportunity. Policy TRAN4 advises that, in the interests of creating sustainable environments, new developments should link to existing walking and cycle networks. Where possible existing links, including the canal network, should be enhanced and the networks extended to serve new developments. New developments should have good walking and cycling links to public transport nodes and interchanges.
32. The site is within walking distance of Stourbridge town centre and Wollaston local centre to the south-west. With regard to the consultation response from CENTRO a contribution can be sought from the developer at the reserved matters stage via a

Section 106 Agreement for CENTRO to carry out the necessary improvements works to existing bus stop facilities. It is considered that it would be reasonable to request this contribution to ensure that the site is in a sustainable location in respect of access to public transport facilities.

33. In order to gain access to the open space area within the northern half of the site and the canal towpath beyond a pedestrian footbridge will be required across the River Stour. Details of the exact location and design of the bridge can be sought by condition for incorporation into the detailed reserved matters layout.
34. An area of land along the southern side of the public footpath at the end of Bradley Road was vested to the Council by the landowner as part of the Section 106 Agreement for the redevelopment of the medical centre site. This land will be used to widen the footpath and provide improved access to the playing fields to the west of the site for future residents of the development.

#### Contamination

35. Saved Policy UR9 of the UDP requires that, where it is known or suspected that land is contaminated, planning applications should be accompanied by information to determine the remediation required in relation to the proposed land use. The Head of Environmental Health has advised that, to ensure that the risks associated with any contamination area reduced to acceptable levels, a scheme should be submitted to deal with remediation of ground contamination, including soil gases and vapours (this is covered by Conditions 13 and 14).

#### Flood Risk

36. Policy ENV5 of the Core Strategy seeks to minimize the probability and consequences of flood risk by adopting a strong risk-based approach. The National Planning Policy Framework requires that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. The NPPF recommends that an 'exception test' be applied, against which

all development within flood zones should be assessed to determine whether the proposal is acceptable in principle. For the test to be passed it must be demonstrated that:

- a. the development provides wider sustainability benefits to the community that outweigh flood risks;
- b. the development is on previously-developed land;
- c. The flood risk assessment shows that the development will be safe, without increasing flood risk elsewhere, and where possible reduce flood risk overall.

37. The submitted Flood Risk Assessment advises that the majority of the site lies within Flood Zones 3 - High Risk and Flood Zone 2 – Medium Risk. The layout and form of the proposed development must therefore reduce the overall level of flood risk in the area, with the application of appropriate sustainable drainage techniques, and create space for flooding to occur by restoring functional floodplain and by allocating open space for flood storage.
38. With regard to criteria (a) and (b) it is considered that the proposal does pass the test for the reasons set out in paragraphs 21-23 above. In respect of criteria (c) the submitted FRA includes proposals to manage flood risk for the development site and is supported by hydraulic modelling and a range of proposals to ensure that the redevelopment of the site will not have a detrimental impact to third party land. It is recommended that the conditions requested by the Environment Agency should be imposed (Conditions 15 and 19) in the interests of flooding prevention and to prevent contamination, in accordance with Saved Policy EP3 of the UDP.

### Noise

39. Policy DEL2 of the Core Strategy requires that, before considering the release of employment land, it should be ensured that a development does not adversely affect the operation of existing or proposed employment uses. This proposal involves the release of industrial land for new housing, which with regard to this policy should only be allowed if the continued viability of existing surrounding commercial uses is not

prejudiced by such a development. Saved Policy EP7 requires that where development would be subject to high noise levels the Council will require the proposal to include measures to reduce noise intrusion to an acceptable level.

40. With regard to the representations made by Vee Bee Ltd, the proposed housing at the site would be at sufficient distance to ensure that the future occupants will not be affected by noise emanating from their premises. As such the development will not have any implications for the long-term viability of Vee Bee Ltd. Should permission be granted, the condition recommended by the Head of Environmental Health relating to the cessation of activities at the existing industrial premises should be imposed, in order to safeguard the amenities of residents of the development in respect of potential noise intrusion (Condition 28) in accordance with Saved UDP Policy DD4.

#### Impact on the Conservation Area, canal and listed buildings

41. The NPPF requires that, in determining planning applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. Saved Policy HE4 of the UDP states that the Council will safeguard and seek to enhance Conservation Areas, and that proposals which would be detrimental to their character or setting will be resisted. The proposed built development at the site will be on land outside of the Conservation Area; at the reserved matters stage an appropriate form of design and layout of the proposed dwellings can be sought which will enhance the setting of the adjacent areas of land which lie within the Conservation Area.
42. As part of the application for the conversion of the adjacent Foster and Rastrick building, a 'Conservation Plan' was submitted which identified features of historic significance in the vicinity of the site and set out policies for maintain or enhancing that significance. The Plan identified that by focusing any future development on land to the south of the river, and by setting aside land to the north of the river as public open space, any impact on the two Grade II listed buildings within the open space would be minimized. The Plan recommends that West Midlands Historic Building Trust and other stakeholders, including Council Officers and the landowner, work



together to identify new uses for these buildings and how they can be restored and refurbished. This is in accordance with Policy ENV2 of the Core Strategy which requires that developments should conserve the historic aspects of the canal network and its associated infrastructure, including surviving canal-side buildings and structures, and Saved Policy HE6 of the UDP which advises that the Council will safeguard and encourage the appropriate enhancement of listed buildings.

43. Policy ENV4 of the Core Strategy states that all development proposals must protect and enhance the visual amenity of the canal network and improve and promote walking and cycling access. Saved Policy HE7 requires that development adjacent to canals should preserve and/or improve public access to canals and enhance the canal environment.
44. The proposed housing will be visible across the open space area adjoining the canal towpath. Again, a high quality form of development will be sought at the reserved matters stage to ensure that the development provides significant canal side improvements compared to the existing industrial setting. As referred to earlier, the development will provide direct access to the canal towpath via the open space area. The potential creation of an attractive canal side environment will greatly enhance the visual quality of the area, in accordance with Policies ENV4 and HE7.

#### Archaeology

45. Saved Policy HE8 of the UDP requires that adequate information should be included as part of any planning application to allow for the impact of a development on archaeological remains to be properly considered. The applicant's archaeological appraisal states that the development will not adversely impact on the heritage assets at the site (the listed buildings and Conservation Area) because of the distance between them and the proposed buildings. As no development is to take place north of the river any undesignated archaeological assets there would remain unaffected. The appraisal concludes that the development could potentially impact upon below ground remains within the southwestern part of the site (the former engineering yard to the Foster and Rastrick site). It is recommended that a condition

be imposed requiring that a programme of archaeological work be commissioned at the reserved matters stage to cater for the potential survival of any archaeological remains associated with the former engineering yard (Condition 29).

### Wildlife Issues

46. Part of the area of river within the site and the canal are designated as an area of local importance for nature conservation and a Wildlife Corridor. The NPPF requires that opportunities to incorporate biodiversity in and around developments should be encouraged. Policy ENV1 of the Core Strategy seeks to safeguard locally designated nature conservation sites from development proposals which could negatively impact upon them, and advises that all development should indeed positively contribute to the natural environment of the Black Country. Both this Policy and Saved Policy NC6 of the UDP require the submission of measures to protect wildlife species and their habitat. Further detail on the type of information needed is set out in the NPPF and associated technical supporting documents, as well as the Nature Conservation SPD.
47. The applicant's ecological appraisal sets out how measures could be secured and implemented to avoid, mitigate and/or compensate the effects of the development on existing wildlife species, as well as to deliver significant local benefits to the habitat network. The future development of the site will include the de-culverting and re-engineering of the part of the River Stour which runs through it, in a similar manner to works which have been approved at the medical centre and the other approved residential sites in the vicinity. This will deliver a significant benefit in terms of the function of the river as a wildlife corridor. In order to avoid or minimize the impact of the works, and to maximize the ecological benefits they will deliver, a number of mechanisms/measures are recommended in the applicant's ecological appraisal. These should be secured by conditions to ensure that the development makes a positive contribution to the natural environment (Conditions 7,8,9,16,20,23 and 27).

### River Stour

48. This part of Stourbridge suffers from poor environmental quality and the river, in particular, has suffered from past development. The proposed opening up of the culverted stretches of the River Stour will improve local amenity in terms of the use of the area for general recreational purposes, in accordance with Policy ENV5 of the Core Strategy which advises that developments adjacent to river corridors should benefit the river by reinstating a natural river channel and restoring the functional floodplain.

### Provision of Open Space

49. The development will provide areas of open space within the flood zone on the southern side of the river, producing a new and enhanced resource in this part of Stourbridge. The provision of a footbridge as referred to previously will also provide access to the large area of open space to the north of the river. This is in accordance with Policy CSP4 of the Core Strategy which seeks the provision of an integrated multifunctional open space network and Policy ENV6 which encourages developments which would increase the overall value of the open space network.

### Affordable Housing/Planning Obligations

50. Black Country Core Strategy Policy DEL1 'Infrastructure Provision' sets out the adopted policy framework for planning obligations within Dudley and the Planning Obligations SPD provides further detail on the implementation of this policy. These policy documents were prepared in accordance with national legislation and guidance on planning obligations. Policy DEL1 requires all new developments to be supported by sufficient on and off-site infrastructure to serve the development, mitigate its impact on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area. In respect of affordable housing, Policy HOU3 of the Core Strategy seeks to secure 25% affordable housing provision on all sites of 15 dwellings or more where this is financially viable.

51. In determining the required planning obligations on this specific application the following three tests as set out in the CIL Regulations, in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development;
  - (c) fairly and reasonably related in scale and kind to the development.
52. The applicant has submitted a statement in respect of affordable housing and other S106 contributions. The statement requests that the requirement for affordable housing and S106 contributions should be waived for the following reasons:
- 1) The majority of the housing in the immediate locality is social rented and smaller general market housing. Therefore in order to secure a mix of housing types and levels of affordability in the area, and to create a socially inclusive community, the amount of affordable housing delivered on the site should be limited.
  - 2) The development of the site is subject to many exceptional costs above those normally encountered (these include river restoration/enhancement works, ground contamination, Japanese Knotweed, landscaping of the public open space). The implication of such costs is that the provision of affordable housing in accordance with policy requirements would render the scheme unviable.
53. The submitted appraisal has been assessed by the Head of Property Management and Valuation who has advised that a development scheme with a level of affordable housing between 'nil' and 25% should be viable.
54. Policy HOU3 of the Core Strategy and the Planning Obligations SPD recognise that exceptional circumstances may arise on some sites which result in genuine financial viability concerns (for example where remediation costs are abnormal or are above what could reasonably be foreseen). The Council's objective in viability negotiations is to secure the maximum value of planning obligations in order to

deliver the required amount of supporting infrastructure, whilst working with developers to enable developments to come forward. The Affordable Housing SPD advises that only where exceptional remediation costs are preventing a sale of the site on the open market or otherwise restricting the reuse of the site for housing will a reduced provision be considered.

55. Based on the accepted exceptional costs associated with the development, and the advice received from the Head of Property Management and Valuation, it is considered appropriate in this case to request affordable housing provision below the 25% amount set out in Policy HOU3. A Section 106 Agreement can be used to secure the provision of affordable housing, the exact amount to be agreed at reserved matters stage based upon the submission of further financial appraisals and the impact of the provision of affordable housing on the viability of the development.
56. The contribution requested by the Canal Trust cannot be sought as, with regard to the CIL tests set out above, the resurfacing works are not considered to be so necessary that the development would be unacceptable without them. The financial contribution requested by CENTRO is necessary to ensure the site's accessibility and would be a relatively minor cost which would have no undue impact on the development's viability. These works can be secured through the S106 Agreement.
57. In lieu of a financial contribution towards public realm improvements it is considered that the development works which will take place at the reserved matters stage, which will include new boundary treatments, the provision of high quality hard and soft landscaping, the river restoration works, and the new footbridge across the river, all constitute significant improvements to the public realm which will be enjoyed by the residents of the development and existing residents in the immediate surrounding area. On-site public art feature(s) can also be sought. A separate financial contribution is not therefore justified. Similarly nature conservation enhancements will be provided as part of the development and can be secured by condition, negating the need for a separate monetary contribution. Air quality improvements can be achieved (in accordance with Policy ENV8 of the Core

Strategy) by the provision of electric vehicle charging points within the development, to be sought by Condition 12.

58. As part of the Section 106 Agreement relating to the development of the Sunrise Medical site, the developer was required to submit a scheme for the provision of an off-site recreation area within the area of open space at this site. The developer is currently working with Officers in relation to the details of the open space provision. If for any reason this cannot be provided, the Agreement requires that a financial contribution be sought instead from the developer which will be used to improve existing open space facilities in the area. A similar agreement will be needed for this development, so that in the event that the proposed open space area is not created the infrastructure burdens resulting from this development are mitigated against.

#### New Homes Bonus

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

there will be a simple and transparent enhancement of a flat rate £350 per annum for each additional affordable home.

62. Whilst the clause makes it clear that local finance matters are relevant to planning considerations and can be taken into account, it does not change the law in any way. It is not a new basis for planning policy and it remains unlawful for planning permissions to be 'bought'. Under this system the proposal would provide a significant sum of money, however the planning merits of the proposal are acceptable in any event and Members are advised not to accord this any significant weight in the assessment of the development.

## CONCLUSION

63. The proposed development provides an opportunity to deliver a significant number of new residential properties on a sustainable brownfield site, within a Regeneration Corridor where the Black Country Core Strategy specifically seeks the provision of new high quality canalside communities through the redevelopment of outdated and obsolete industrial sites.

## RECOMMENDATION

64. It is recommended that the application be APPROVED subject to:
- a) The signing of a legal agreement to guarantee the provision of i) a scheme for the off-site provision and future maintenance of public open space and childrens play facilities to be submitted to and approved by the local planning authority in accordance with the requirements of the Open Space and Planning Obligations Supplementary Planning Documents, ii) a contribution towards either upgrading the stop poles in the surrounding area to shelters or towards improvements to bus services in the area iii) affordable housing, and iv) a management and monitoring fee;
  - b) The completion of the Agreement by 31<sup>st</sup> June 2014 and, in the event of this not happening, the application being refused if appropriate
  - c) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary

Conditions and/or reasons:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
2. Approval of the details of access, appearance, layout, scale and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority before any development is begun.
3. Prior to the commencement of development details of the existing and proposed levels of the site (including finished floor levels), which should be related to those of adjoining land and highways, shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved levels.
4. Prior to the commencement of development, details of the types, colours and textures of the materials to be used in the hard surfacing of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing with the local planning authority.
5. Prior to the commencement of development, details of the types, colours and textures of the materials to be used on the external surfaces of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details, and the approved materials shall thereafter be retained.
6. No development shall commence until details of the location and design of a footbridge across the River Stour, connecting the proposed areas of housing within the site to the open space area to the north of the river, have been submitted to and approved in writing by the local planning authority. The development shall thereafter take place in accordance with the approved details.
7. No development shall take place until details have been submitted to, and approved in writing by the local planning authority, of the tree protection measures on site. The details shall include:
  - a. A plan showing the location and identification (with reference to a survey schedule if necessary) of all trees on, or directly adjacent to the development site, that are to be retained during construction. These trees are to be marked with a continuous outline.
  - b. A plan showing the location and identification (with reference to a survey schedule if necessary) of all the trees on, or directly adjacent to the development site that are to be removed prior to, or during development. These trees are to be marked with a dashed outline.



c. A plan showing the extent of the Root Protection Area, which is to be protected by physical barriers during development. The extent of the area that is to be protected is to be calculated in accordance with Clause 5.2 of British Standard BS: 5837 – 2005 ‘Trees in Relation to Construction – Recommendations’.

d. Design details of the proposed protective barriers to be erected around the trees during development. Any protection barriers should be designed and constructed in accordance with the provisions set out in section 9.2 of British Standard BS:5837 – 2005 ‘Trees in Relation to Construction – Recommendations’.

8. Prior to the commencement of development a species survey and assessment of the site, carried out within the twelve months prior, shall be submitted to and approved in writing by the local planning authority, and the development shall proceed in accordance with the approved details and methods.
9. Prior to the commencement of development, a plan detailing the establishment and maintenance of habitats on the site for a period of 5 years from commencement on site shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved details.
10. Prior to the commencement of development, a plan detailing 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 of the development hereby approved, the agreed provision will be installed on site and thereafter maintained available for use for the lifetime of the development.
11. No development shall commence until details of the proposed retaining walls and boundary treatment of the site have been submitted to and approved in writing by the local planning authority. The development shall thereafter take place in accordance with the approved details, and the walls and boundary treatment shall thereafter be retained.
12. No development shall commence until details for the provision of external electric charging points have been submitted to and approved in writing by the Local Planning Authority in accordance with the Parking Standards SPD. The charging points shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
13. No development approved by this permission, including the construction of any building, shall be commenced until a scheme to deal with contamination of land (including ground gases and vapours) has been submitted to and approved by the Local Planning Authority (LPA). Furthermore, no part of the development shall be occupied until the LPA has been satisfied that the agreed scheme has been fully implemented and completed.

The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically in writing:

- i) A desk-top study to formulate a conceptual model of the site. The requirements of the LPA shall be fully established before the desk-study is

commenced;

ii) Once the desk study has been approved by the LPA, a site investigation shall be carried out to identify and evaluate all potential sources and impacts of identified contamination in accordance with the conceptual model. The findings of site investigation shall be presented in report format for approval by the LPA and shall include a risk-based interpretation of any identified contaminants in line with UK guidance;

iii) Following the approval of both desk-top study and site investigation reports, a written remediation scheme and method statement (the contamination proposals) shall be agreed in writing with the LPA prior to commencement of the development. The contamination proposals shall include provisions for validation monitoring and sampling, including a scheme and criteria for both the use of imported materials and reuse of site-won materials, and be retained throughout the lifetime of the development.

iv) The contamination proposals shall be implemented in full and no deviation shall be made from the contamination proposals without the express written agreement of the LPA.

v) If during development works any contamination should be encountered which was not previously identified or is derived from a different source and/or of a different type to those considered under the contamination proposals then the LPA shall be notified immediately and remediation proposals formulated/amended for consideration.

vi) If during development work, contaminants are found in areas previously expected to be acceptable, then the LPA shall be notified immediately and remediation proposals formulated/amended for consideration.

vii) A completion report confirming the objectives, methods, results and conclusions and demonstrating that the contamination proposals have been fully implemented and completed shall be submitted to the LPA for approval.

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

15. No development shall take place until such time as a scheme to address the following has been submitted to, and approved in writing by, the local planning authority.

1. Details of a surface water drainage scheme including:

- limiting discharge from the development to the Greenfield rate
- attenuation to the 1:100 year plus climate change standard using SuDS in line with Ciria C697, The SuDS Manual
- adoption and maintenance

2. Details of flood resilience & management measures including:
  - finished floor levels as outlined in the FRA
  - incident management plan & emergency warning notices
3. Details of the River Stour restoration scheme (including access to the river for improvement/maintenance works)
4. Details of the Flood Routing Corridor as outlined in the FRA
5. Provision of an 8m easement from the top of bank of the River Stour.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that Order with or without modification, no structure shall be erected within 8 meters of the top of the river bank.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

16. The development hereby approved shall take place in accordance with the recommendations set out in the Ecological Appraisal commissioned by EDP dated January 2011.
17. A scheme produced in partnership with the Council that shall address, as a minimum, measures to increase the number of jobs open to local people available on the site and the development of initiatives that support activities to upskill local unemployed people of working age so as to support them into sustained employment as outlined in the council's Planning Obligations Supplementary Planning Document shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The development shall be implemented in accordance with the approved scheme.
18. Prior to commencement of development details of the parking areas and access roads shall be submitted and approved in writing by the local planning authority, including, lines, widths, levels, gradients, lighting, drainage and cross sections. These development shall thereafter be implemented in accordance with the approved details and thereafter retained in perpetuity.
19. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
  - 1) A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

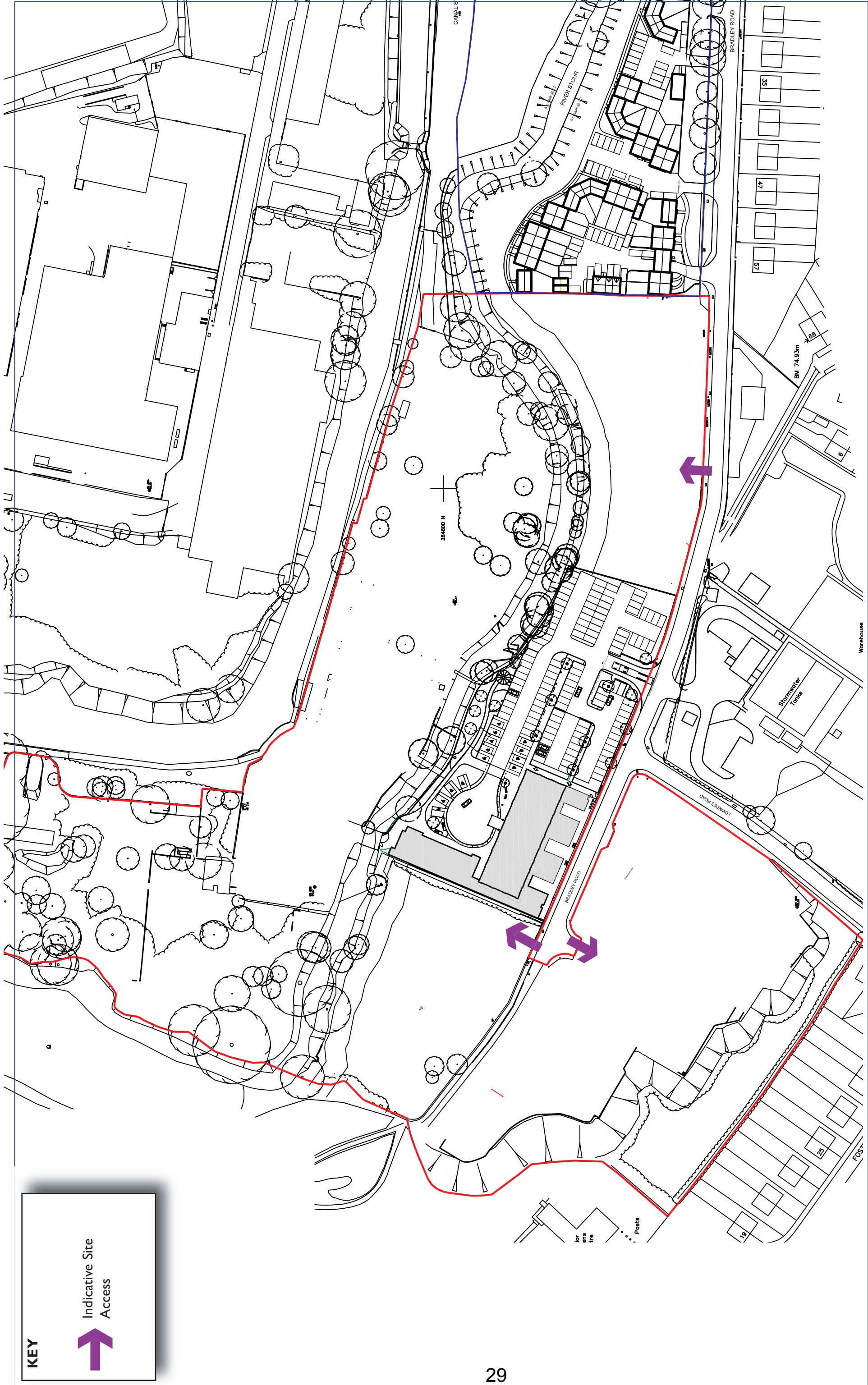
20. No development shall commence until details of any proposed lighting along the River Stour has been submitted to and approved in writing by the Local Planning Authority. All works must be carried out prior to occupation of the development in accordance with the approved plan and retained throughout the lifetime of the development.
21. This outline permission does not relate to the layout, in detail, or authorise the erection of any buildings shown on the plans accompanying the application.
22. No development shall commence until details of public art feature(s) to be incorporated within the development have been submitted to and approved in writing by the local planning authority. The development shall thereafter take place in accordance with the approved details, and the agreed feature(s) shall be retained in perpetuity.
23. Prior to the commencement of development a river restoration and long term management plan, including long-term design objectives, management responsibilities and maintenance schedules for the river corridor shall be submitted to and approved in writing by the local planning authority. The river restoration plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following:

- Low flow channel to be a variable width (as at present) and to be no wider than the current low flow channel width.
- The channel should be re-designed in conjunction with a suitably qualified Geomorphologist to ensure that the work will be sustainable and will not result in a reduction in ecological or Geomorphological value of the river. The Geomorphologist should produce a report which supports a sustainable solution.
- The flood flow channel should be of sufficient capacity to allow the retention and/or replanting of trees along the river bank. Bankside trees are essential for a healthy river. They regulate water temperature, provide food (leaf and insect fall), provide refuge for fish during flood events and provide habitat and refuge for many species associated with rivers.
- The low flow channel should meander through the flood flow channel

- Suitable conditions for otters to forage for food and take refuge (i.e. lying up sites)
  - Pools for kingfishers to fish, with associated perching trees
  - Detail extent and type of new planting (N.B. planting to be of native species of local provenance)
  - Details of maintenance regimes
  - Programme of eradication of invasive species, including Giant Hogweed, Japanese Knotweed and Himalayan Balsam
24. No development shall commence until an updated Travel Plan, has been submitted to and approved in writing by the local planning authority. The development shall thereafter take place in accordance with the approved details.
25. Prior to commencement of development , a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.
26. No development shall take place until a scheme for the provision and management of a buffer zone alongside the river has been submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping and shall include:
- plans showing the extent and layout of the buffer zone
  - details of any proposed planting scheme (for example, native species)
  - details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
  - details of any proposed footpaths, fencing, lighting etc.
27. Prior to the commencement of development, a detailed landscape scheme and strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include a timetable for the implementation of the works and their ongoing maintenance, and shall be implemented in accordance with the approved details.
28. Prior to first occupation of the approved dwellings, all industrial activity at the site shall cease and no further industrial activity shall take place at the site thereafter for the lifetime of the development.

29. No development shall commence until a programme of archaeological mitigation for the south western part of the site has been submitted to and approved in writing by the local planning authority. The development shall thereafter take place in accordance with the approved details.
30. No development shall commence until details of cycle parking provision for the proposed dwellings in accordance with the standards set out in the Parking Standards SPD has been submitted to and approved in writing by the local planning authority. The development shall thereafter take place in accordance with the approved details.



LOCATION PLAN - SITE ACCESS - Bradley Road Stourbridge

4Ward Architects

DRG: 4WA-1010-P-04  
CLIENT: Quadrant Land Partnership  
DATE: 02/03/14  
STATUS: Planning

CHECKED BY: JW  
DATE CHECKED:  
REVISION:  
PREPARED BY: JW

The Firs, 33 Priorslee Village  
Telford, TF2 9NW  
T: 01952 289076 M: 07505 124691  
E: jeremy.ward@4wardarchitects.com  
WWW: 4wardarchitects.com

Architecture & Urban Design

## **PLANNING APPLICATION NUMBER:P13/1751**

Type of approval sought	Full Planning Permission
Ward	Castle and Priory
Applicant	Dudley College of Technology
Location:	<b>DUDLEY COLLEGE, THE BROADWAY, DUDLEY, WEST MIDLANDS, DY1 4AS</b>
Proposal	<b>VARIATION OF CONDITION 4 OF PLANNING APPROVAL P13/0932 TO BE REVISED TO 'THE EXISTING DRIVE ADJACENT TO NUMBER 12 THE BROADWAY SHALL NOT BE USED AT ANY TIME FOR VEHICULAR ACCESS OR EGRESS FROM THE CAR PARK OR AT ANY TIME BY CONTRACTORS'</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

### **ADDENDUM**

This application is being reported back to committee after deferral on the 27<sup>th</sup> January 2014 for further information. The applicants, Dudley College have now complied a pedestrian count for the users of the path between numbers 10 and 12 The Broadway. The count was undertaken between the 3<sup>rd</sup> and 14<sup>th</sup> February 2014 when the gate was opened between the hours of 8am and 9.30pm Monday to Thursday and closed at 6.30pm on Fridays.

### **SITE AND SURROUNDINGS**

1. This application relates to an access to an area of car parking, containing 30 spaces that is located adjacent to the larger car park serving Dudley College Campus. The Campus is accessed from The Broadway within Dudley Town Centre and Conservation Area. The 30 space car park is leased to the Council and is accessed via a service road to the east, located adjacent to the Cost Cutter store. This vehicle access had been previously restricted by way of planning condition number 3 to egress only, under planning approval P00/50833. This restriction has since been removed under planning application P13/0932. Pedestrians can access/egress both the car park and Dudley College campus from this point.



2. The site is set behind properties fronting The Broadway. Number 10 The Broadway (a residential dwelling) and Kelvin House (also known as Nexia house). Kelvin House was last occupied by office accommodation however consent has been granted for its conversion to residential accommodation. The building is located on the corner of The Broadway and the service road to the rear of number 4 The Broadway, the Cost Cutter store.
3. There is an access between numbers 10 and 12 The Broadway which could link the car park to The Broadway. This access is currently gated to the end closest to the car park and has a barrier to the back edge of the pavement with The Broadway preventing vehicle or pedestrian access.
4. Planning application P00/50833 and subsequent application P13/0932 which related to the car parking area associated with the college had a condition attached which reads:
  - *The existing drive adjacent to Number 12 The Broadway shall not be used at any time for access or egress from the car park or at any time by contractors.*
5. The condition is considered to be ambiguous in terms of whether it relates to pedestrian and/or vehicle access however the reason for the condition states 'in the interest of highway safety and the amenities of the adjacent residential occupiers'.

## PROPOSAL

6. This application seeks approval for the variation of condition number 4 of planning approval P13/0932. This condition reads:
  - *The existing drive adjacent to Number 12 The Broadway shall not be used at any time for access or egress from the car park or at any time by contractors.*
7. The purpose of varying this condition is to include the word 'vehicular' within the condition. This will allow the college to have clarity with regards to the access/egress to and from the car park via this access path for pedestrians.

## HISTORY

8.

APPLICATION	PROPOSAL	DECISION	DATE
P00/50833	Change of use of zoo land and private gardens and construction of additional college car park.	Approve with conditions.	22 <sup>nd</sup> May 2000
P13/0932	Variation of Condition 5 of planning approval P00/50833 to allow both access and egress from the 30 space car park at the rear of Kelvin House.	Approved with Conditions	20/08/2013

## PUBLIC CONSULTATION

9. Four letters of objection have been received from the occupiers of three neighbouring properties following consultation with thirteen adjoining neighbours. The letters received are from the occupiers and from a solicitor on behalf of the two neighbouring occupiers at the same address. The main issues raised are as follows:

- The application submitted by the college is fundamentally flawed legally. The solicitors advise that their client has instructed a highways consultant and air quality professional to assess the impact of the proposed development in amenity terms. The solicitor request that the application not be determined until this information becomes available.
- The condition to be varied is considered at present to relate to both vehicle and pedestrian access.
- Noise and disturbance associated with the use of the access path. Many students would utilise the path.
- Concerns in relation to the white fencing which has been constructed adjacent to the access path. It is considered inappropriate within the conservation area and questions about its potential use as a graffiti wall.
- Application is flawed as it does not seek to vary the same condition related to P00/50833 only the condition related to P13/0932.

- Concerns that the remainder of the College car park could access the site and utilise the access/egress to the east of the site.
- Condition proposed does not meet the tests of Circular 11/95 due to lack of enforceability.
- The condition is relevant in its current form and should not be amended.
- Potential use of the path by cyclists and motorcyclists.

## OTHER CONSULTATION

10. Group Engineer (Highways): No objection received subject to a condition requiring further details of the proposed gates and associated markings.
11. Head of Trading Standards and Environmental Health: Pedestrian count is low based on the survey data provided. Residents who were not previously disturbed by noise from people movements may now experience disturbance.

## RELEVANT PLANNING POLICY

12. National Planning Guidance(2011)  
National Planning Policy Framework
13. Black Country Core Strategy (2011)  
TRAN2 Managing Transport Impacts of New Development
14. Unitary Development Plan (2005)  
DD4 Development in Residential Areas  
DTC2(v) Block 6 - Broadway/Castle Hill
15. Supplementary Planning Guidance/Documents  
Parking Standards (2012)

## ASSESSMENT

16. The main issues are
- Principle
  - Neighbour Amenity
  - Access and Parking

- Other Issues

#### Principle/Policy

17. The access has been present for some time however it has not been utilised recently due to the presence of the gates at the car park side of the access. These gates were erected in accordance with Condition 3 of P00/50883. However whilst this Condition required the installation of the gates (or a fence) before the car park was brought into use it did not require their future retention. As such the gates could now be removed without any requirement for Planning Permission or other approval from the Local Planning Authority. The use of the car park will remain unchanged as a result of the proposed development.

18. This application would result in Condition 4 being reworded to include the word 'vehicular' and is therefore proposed to read:

*The existing drive adjacent to Number 12 The Broadway shall not be used at any time for vehicular access or egress from the car park or at any time by contractors.*

19. This would allow pedestrians to utilise the access but would continue to prohibit vehicles from utilising it to access the car park.

20. On this basis the proposed development is considered to be in accordance with the requirements of saved UPD Policy DTC2 (v) Block 6 - Broadway/Castle Hill (2005) as there would be no detrimental impact on highway safety as a result of the proposed development.

#### Neighbour Amenity

21. The proposal would allow for the use of the access path by pedestrians passing from the car park to The Broadway. The recently completed pedestrian survey indicated that on average over the operational day 22.6 persons utilised the path. The college has noted that it has 752 students passing between Evolve and The Boulevard campus.

This is considered to be a low number of pedestrian movements. It is noted that this is likely to increase noise and disturbance to the neighbouring occupiers however it is not considered that this would be to a degree that would warrant refusal of the application. It is worthy of note that a condition has been recommended that a further gate be added to The Broadway end of the path to be locked outside the operational hours of the college, including weekends. This would prevent persons potentially loitering within this space. This combined with the path having always been present, albeit not recently used, results in the proposed development being considered acceptable in terms of the requirements of saved UDP Policy DD4 – Development in Residential Areas (2005).

#### Access and parking

22. There is no intention to utilise the access path by vehicles and the proposed reworded condition would ensure this would be enforceable in terms of the requirements of Circular 11/95 relating to planning conditions.
23. The Group Engineer (Highways) requested an additional site plan showing precise markings and the gate location, however as the gates are in situ and the car park already marked out at this is not considered necessary. No objection has been received from the Group Engineer and it is considered that the proposed development would be in accordance with the requirements of saved UDP Policy DD4 – Development in Residential Areas (2005), Policy TRAN 2 - Managing Transport Impacts of New Development of the Black Country Core Strategy (2011) and Parking Standards SPD (2012).

#### Other issues

24. It is worthy of note that it is planning application P13/0932 which has been implemented and on this basis in effect supersedes application P00/50833 planning application. In this regard there is no necessity to vary the same condition associated with this now superseded planning application. The planning system allows for conditions to be varied or removed at any point. On this basis any conditions associated with previous approvals are not to be deemed as to be in place for the

lifetime of a development. The Local Planning Authority are duty bound to determine the application as submitted.

25. The correspondence from the neighbouring occupiers makes reference to a white fence/boarding that has been erected by the college along the side of the existing access path. This does not form part of this application that is solely for the variation of a condition. The erection of the fence/structure has been determined by the Local Planning Authority after consideration as benefiting from permitting development as a means of enclosure.

## CONCLUSION

26. The proposed variation of condition would be acceptable in principal and it is considered there would be no detrimental impact on highway safety or residential amenity.

## RECOMMENDATION

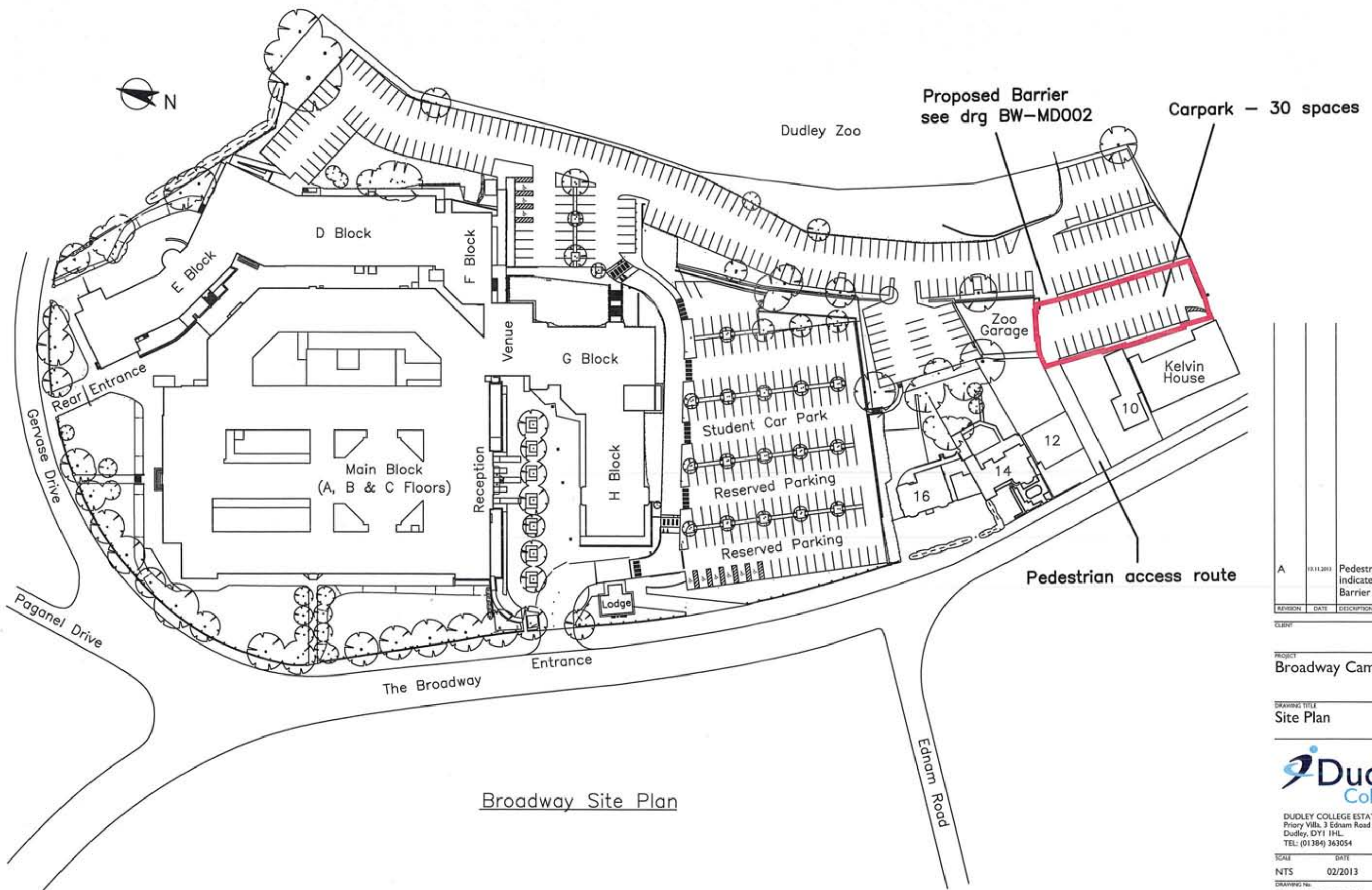
27. It is recommended that the application be APPROVED subject to the following conditions:

### Informative

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

Conditions and/or reasons:

1. The development hereby permitted shall be carried out in complete accordance with the following approved plan: BW-MD001/b and BM--MD002.
2. The approved barrier shall be erected in full accordance with the approved details as outlined on plans BW-MD001/b and BM--MD002 and it shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.
3. The existing path adjacent to Number 12 The Broadway shall not be used at any time for vehicular access or egress from the car park . The gates to the North West end of the access path shall remain in situ for the lifetime of the development and shall be closed and locked between the hours of 2130 and 0800 Monday to Friday and at all times on Saturday, Sunday and Public Holidays.
4. Within one month of the date of this permission details of a gate to be erected across the South Eastern end of the access way shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details within one month of that written approval and shall be retained as such thereafter for the lifetime of the development. The approved gates shall be closed and locked between the hours of 21:30 and 08:00 Monday to Friday and at all times on Saturday, Sunday and Public Holidays.



Broadway Site Plan

A	12.11.2013	Pedestrian access route indicated Barrier note added
REVISION	DATE	DESCRIPTION

CLIENT

PROJECT  
 Broadway Campus

DRAWING TITLE  
 Site Plan

**Dudley College**  
 DUDLEY COLLEGE ESTATES  
 Priory Villa, 3 Ednam Road  
 Dudley, DY1 1HL  
 TEL: (01384) 363054

SCALE	DATE	DRAWN
NTS	02/2013	M Corrigan
DRAWING NO.	REVISION	

BW-MD001/b



## **PLANNING APPLICATION NUMBER:P13/1758**

Type of approval sought	Full Planning Permission
Ward	Castle & Priory St James's
Applicant	Dudley College
Location:	<b>EVOLVE (DUDLEY COLLEGE), TOWER STREET, DUDLEY, WEST MIDLANDS, DY1 1AF</b>
Proposal	<b>FORMATION OF NEW PEDESTRIAN CROSSING</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

### **INTRODUCTION**

1. This application was previously reported to the Committee meeting on January 27<sup>th</sup> 2014. Members resolved to defer making a decision until further information had been submitted relating to accident data, traffic queues and other issues which could potentially result from the development.

### **SITE AND SURROUNDINGS**

2. This proposal relates to the creation of a new pedestrian crossing on The Broadway in Dudley town centre in order to facilitate pedestrian movements between the new Dudley College 'Evolve' campus on Tower Street and the existing campus on the northern side of The Broadway.
3. The Puffin type crossing is to be sited between the Evolve building and 10 The Broadway opposite (a residential dwelling). To the east of no.10 is a former office building which has been converted to residential use and to the west at no.12 is another house. Further to the west are two former residential properties which are now in use by the college for educational/training purposes. The site lies within Dudley Town Centre Conservation Area.

## PROPOSAL

4. The applicant has advised that the Evolve campus accommodates up to 800 students on a peak day, whilst all support services such as refectory, student union, student services etc are located at the Broadway campus. As such there is a significant pedestrian demand to cross The Broadway between the two campuses. This application has been submitted with the intention of providing a safe pedestrian route for students and staff.
5. The applicant has assessed the need for a new crossing at this location against the criteria set out in the Council's Pedestrian Crossing Policy. This assessment was carried out prior to the Evolve campus being brought into use and demonstrated that, based on the traffic and pedestrian movements at the time, a pedestrian crossing on The Broadway was justified. With the Evolve campus now in operation, the number of pedestrians crossing The Broadway has significantly increased, which further justifies the need for a crossing.
6. The applicant has assessed the option of providing an integrated pedestrian crossing facility within the existing traffic signal junction at the junction of The Broadway and Ednam Road which is approximately 65m to the west of the proposed crossing. This junction operates on a signal staging plan for vehicular traffic only with no pedestrian phases. This option has been discounted by the applicant on the basis that the introduction of a pedestrian crossing facility here would, as a worst case scenario, have a detrimental impact on the operation of the junction as it would lead to it operating above capacity. Analysis of the Transport Assessment submitted by the applicant reveals that an additional pedestrian phase at the junction of The Broadway and Ednam Road will result in east bound queue lengths of 84 vehicles, which is nearly 0.5km.
7. Information has been submitted to demonstrate that, coordinating the operation of the existing Ednam Road/Broadway signal junction with the operation of the proposed crossing facility, there would not be any significant impact on the flow of

vehicular traffic on the local highway network. The Group Engineer has confirmed that the average east bound peak queue length is unlikely to exceed 8 vehicles which should not extend beyond the bus shelter adjacent to the Malt Shovel public house car park. The applicant is of the opinion that a proposed facility close to the entrance of the Evolve building will provide a natural crossing point of the desire line of students and staff walking between the two campuses and would encourage a more controlled crossing behaviour.

## HISTORY

8. None relevant to the assessment of the application.

## PUBLIC CONSULTATION

9. Neighbour notification letters have been sent to 10 properties, a press notice has been issued and a site notice posted. Three letters of objection have been received, raising the following concerns:
  - The proposed crossing will disrupt the flow of traffic along The Broadway;
  - Students should be encouraged to use existing crossing facilities;
  - The traffic signals at the junction of The Broadway and Ednam Road should be pedestrianised instead;
  - Noise disturbance and light intrusion from the crossing system;
  - The siting of the crossing will obstruct vehicular access/egress to 10 The Broadway;
  - The footpath on the northern side of The Broadway is of insufficient width to accommodate the numbers of people waiting to use the crossing.

## OTHER CONSULTATION

10. Group Engineer (Highways): No objection.

Head of Environmental Health and Trading Standards: Considers that the development may result in limited air quality and amenity impacts.

## RELEVANT PLANNING POLICY

11. Black Country Core Strategy 2011

Policy CSP5 (Transport Strategy)

Saved 2005 UDP Policies

Policy HE4 (Conservation Areas)

Policy DD4 (Development in Residential Areas)

## ASSESSMENT

12. The key issues are:

- Highway Safety
- Residential Amenity and Air Quality
- Impact on the Conservation Area

Highway Safety

13. The proposed development is required to encourage a more controlled crossing behaviour by students and staff travelling between the two college buildings. The provision of this new safe pedestrian route is in accordance with Policy CSP5 of the Core Strategy, one of the aims of which is to improve road safety as a strategic outcome of the transport strategy for the Black Country. The use of a puffin crossing which detects pedestrian presence would also limit impacts upon traffic flow.

14. During the last five year period there have been four injury accidents involving five slight casualties, none of which were pedestrians. The college development was first occupied in September 2012. There is no record of any accidents involving pedestrians during this period. The college pedestrian count recorded 752 pedestrian movements between Evolve and The Broadway campus in the recent survey.

15. In the applicant's Transport Assessment there is no indication that the access between No's 10 and 12 The Broadway will be used as a link between the two campuses. The access being more likely to be used as a pedestrian desire link from part of the College car park and one of the college buildings, therefore the pedestrian numbers would be split depending on their eventual destination.
16. The Group Engineer has no objection to the proposal and it is therefore considered that the introduction of a crossing at this location would not have any detrimental effect on highway safety or the free flow of traffic, in accordance with Saved Policy DD4 of the UDP. The siting of the signals and crossing would not obstruct access/egress to the vehicle and pedestrian entrances to 10 The Broadway.

#### Residential Amenity and Air Quality

17. Saved Policy DD4 also requires that developments should not have any adverse impact on residential amenity. With regard to the concerns of the objectors to the proposal, cowls can be installed on the traffic signals in order to minimize light spillage. These can be sought at the detailed design stage should the Highway Authority wish to proceed with the installation of a crossing at this location. Any 'bleeping' noise from the crossing could be limited in the evenings and would not, in this busy edge of centre location and against the background of an existing noisy environment, result in undue disturbance to local residents to a level which would warrant refusal of the application. It is not therefore considered that significant impacts would arise to residential amenity in this mixed use locality and given the Group Engineer's view expressed at paragraph 7, that no more than 8 vehicles would queue and cause a quantifiable degradation of air quality.
18. Saved Policy HE4 advises that proposals for development which would be detrimental to the character or setting of Conservation Areas should be resisted. The proposed crossing is a typical feature of an urban location which would not have any adverse impact on the visual amenities of the area. As such the proposal does not contravene Policy HE4.

## CONCLUSION

19. The proposed development would not have any adverse impact on the character of the Conservation Area, residential amenity or highway safety. As such the proposal complies with Policy CSP5 of the Core Strategy and Saved Policies DD4 and HE4 of the UDP.

## RECOMMENDATION

20. It is recommended that the application be APPROVED subject to the following condition:

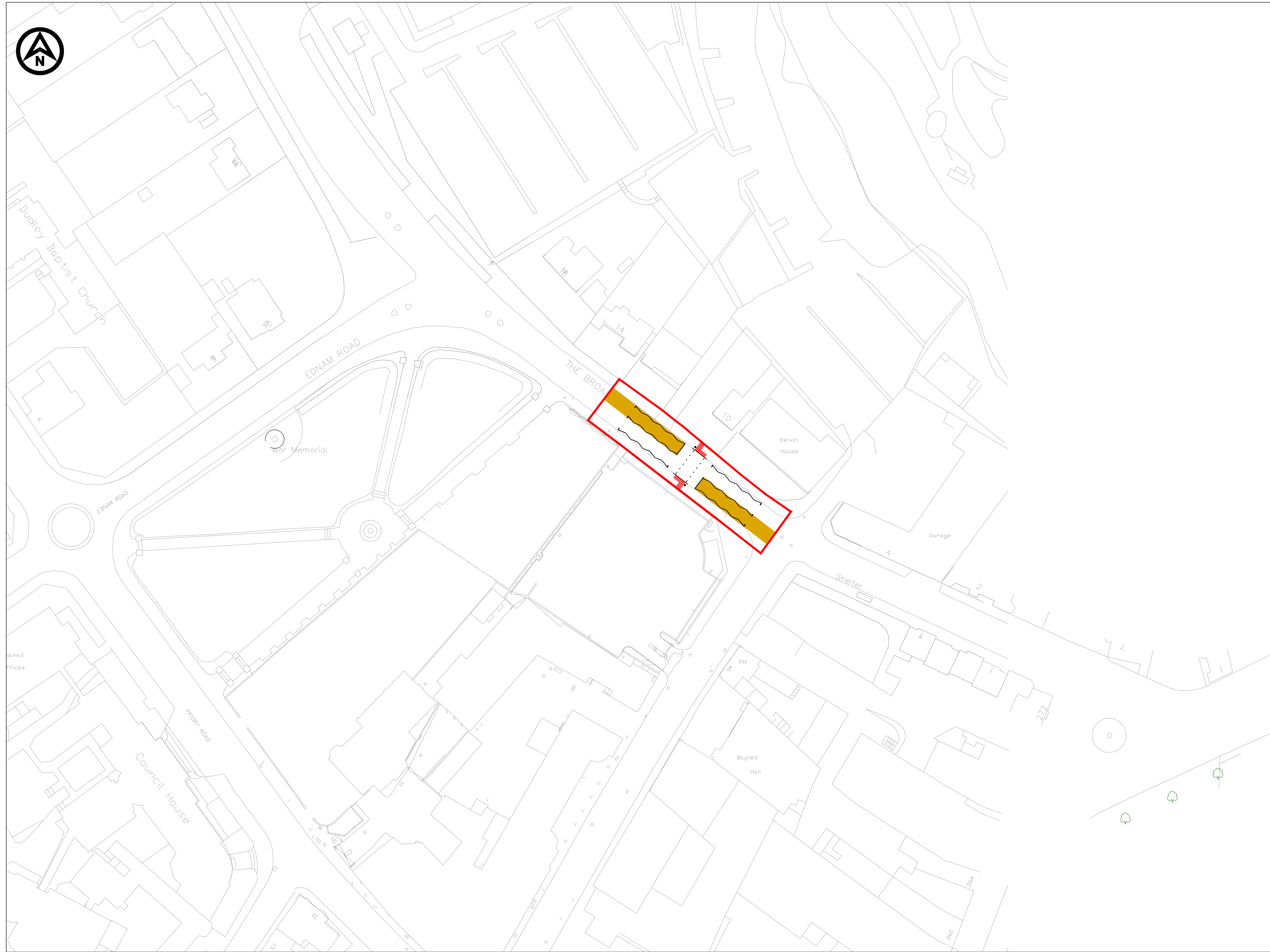
### APPROVAL STATEMENT INFORMATIVE

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

### Conditions and/or reasons:

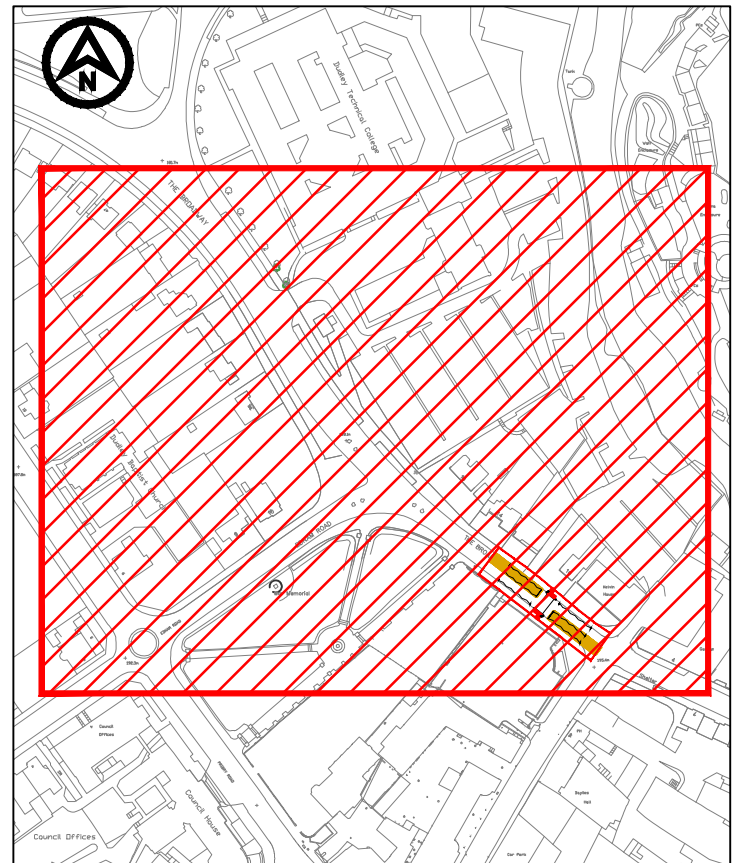
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 9Y1016120001 rev c and 9Y1016GA001 rev c.





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  5. FOR DETAILS OF TRAFFIC SIGNAL WORKS REFER TO CANWELL SIGNAL DRAWINGS.
  6. EXTENT OF FOOTWAY RESURFACING MAY BE AMENDED TO REMEDIATE ANY DAMAGE CAUSED BY THE WORKS



KEYPLAN - NTS

RED LINE BOUNDARY  
AREA: 838m<sup>2</sup> (0.084ha)

REV	DATE	DESCRIPTION	BY	CHK	APP
A	21.11.13	FIRST ISSUE	AMO	DJ	DJ

REVISIONS

CLIENT

DUDLEY COLLEGE

PROJECT

PROPOSED PEDESTRIAN CROSSING  
THE BROADWAY, DUDLEY

TITLE

RED LINE BOUNDARY



**Royal  
HaskoningDHV**  
*Enhancing Society Together*

9th Floor Portland Tower  
Portland Street, Manchester, M1 3LP  
Tel: +44(0)161 236 1018  
Email: info.manchester@rhdhv.com  
Website: www.royalhaskoning.com

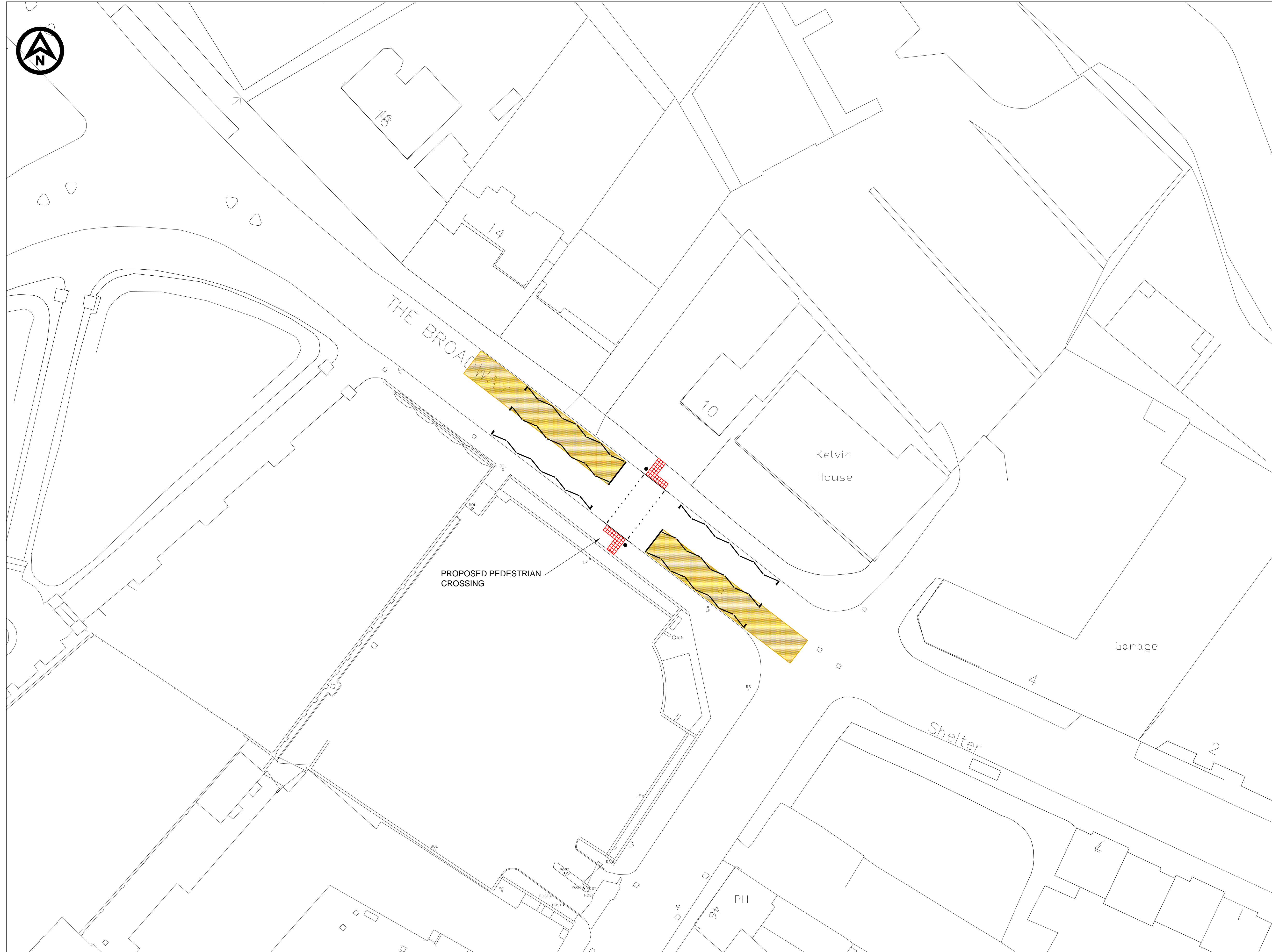
DRAWN	AMO	CHECKED	DJ	APPROVED	DJ
DATE	21.11.13	SCALE AT A1	1:250	CLIENTS REF.	COMMENT

DRAWING No.	9Y1016 278 002	REVISION	A
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KEYPLAN - NTS

C	11.07.13	BUFF HIGH FRICTION DRESSING SHOWN	JC	DJ	DJ
B	09.07.13	AMENDED TO DMBC COMMENTS	JC	DJ	DJ
A1	18.04.13	FIRST ISSUE	JC	DJ	DJ
REV	DATE	DESCRIPTION	BY	CHK	APP

REVISIONS

CLIENT

DUDLEY COLLEGE

PROJECT  
PROPOSED PEDESTRIAN CROSSING  
THE BROADWAY, DUDLEY

TITLE  
GENERAL ARRANGEMENT



**Royal HaskoningDHV**  
Enhancing Society Together

9th Floor Portland Tower  
Portland Street, Manchester, M1 3LP  
Tel: +44(0)161 236 1016  
Email: info.manchester@rhdhv.com  
Website: www.royalhaskoning.com

DRAWN	JC	CHECKED	DJ	APPROVED	DJ
DATE	09.04.13	SCALE AT A1	1:250	CLIENTS REF	COMMENT

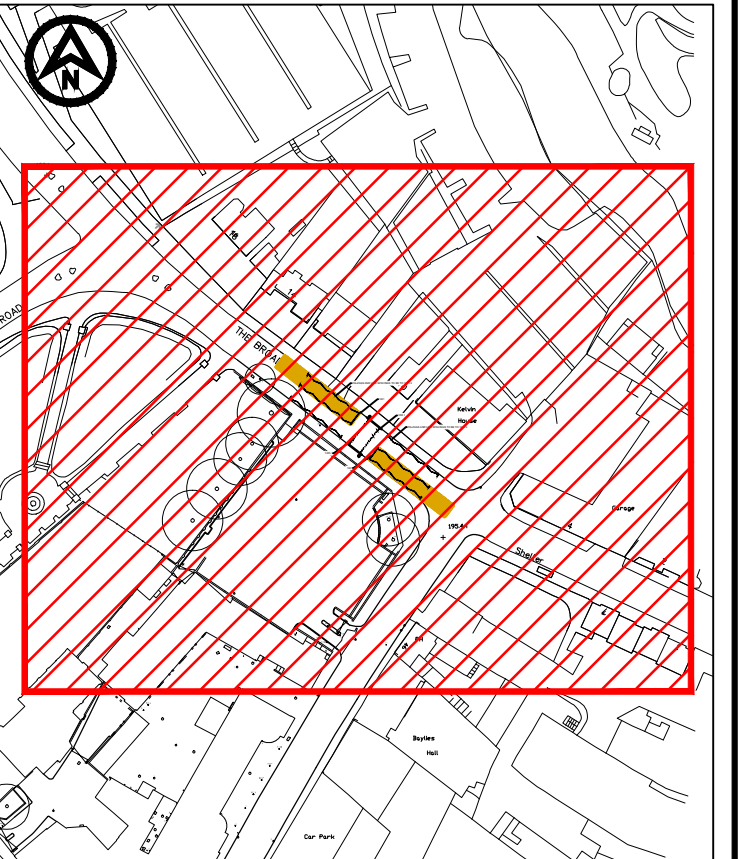
DRAWING No.	9Y1016 GA 001	REVISION	C
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  4. ALL MATERIALS AND WORKMANSHIP WILL BE AS DEFINED IN THE SPECIFICATION UNLESS NOTED OTHERWISE.
  5. FOR DETAILS OF TRAFFIC SIGNAL WORKS REFER TO COUNCIL DRAWINGS.





KEYPLAN - NTS

ROAD MARKING SCHEDULE

1. All Diag Numbers refer to the Traffic Signs Regulations and General Directions 2002.

2. All road markings to conform with the 'Traffic Signs Regulation and General Directions 2002'.

DIAGRAM NAME	DIAGRAM No.	Mark (mm)	Gap (mm)	Width (mm)
Stop Line	D1001	-	-	200
Zig Zag Line	D1001.3	2000	150	100
Road Studs	D1055.1	100	500	100

-  BUFF HIGH FRICTION DRESSING
-  PROPOSED TRAFFIC SIGNAL. REFER TO CANWELL'S BROADWAY PUFFIN CROSSING DRAWING C/1202/100 FOR DETAILS

REV	DATE	DESCRIPTION	BY	CHK	APP
C	11.07.13	BUFF HIGH FRICTION DRESSING SHOWN	JC	DJ	DJ
B	09.07.13	AMENDED TO DMBC COMMENTS	JC	DJ	DJ
A1	18.04.13	FIRST ISSUE	JC	DJ	DJ

REVISIONS

CLIENT

DUDLEY COLLEGE

PROJECT

DUDLEY COLLEGE PEDESTRIAN FACILITIES

TITLE

ROAD MARKINGS

DRAWN		AMO		CHECKED		DJ		APPROVED		DJ	
DATE		09.04.13		SCALE AT A1		1:250		CLIENTS REF.		COMMENT	
DRAWING No.										REVISION	
9Y1016 120001										C	



## PLANNING APPLICATION NUMBER:P14/0002

Type of approval sought	Reserved Matters
Ward	Cradley and Wollescote
Applicant	William Davis Limited
Location:	<b>NORTHERN EDGE OF THE FORMER CRADLEY HIGH SCHOOL, CRADLEY, HALESOWEN, WEST MIDLANDS</b>
Proposal	<b>APPROVAL OF RESERVED MATTERS FOR ERECTION OF 9 NO. DWELLINGS, GARAGES, ASSOCIATED WORKS AND EMERGENCY ACCESS TO THE RETIREMENT VILLAGE (FOLLOWING OUTLINE APPROVAL P12/1447)</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

### SITE AND SURROUNDINGS

1. The application site measures approximately 0.4 hectares in size and was previously part of the wider site that contained the Cradley High School until its demolition in 2010.
2. This part of the site is located to the North East of the wider site and previously contained the school playground. The site is located adjacent to existing residential properties in Ormande Close (to the North) and Brades Close (to the West) and by Homer Hill Park to the South and East.
3. The previously approved Midland Heart Extra Care development is currently under construction on the main part of the site to the South.
4. The site itself is relatively flat however the land falls away from it significantly towards the properties in Brades Close and to a lesser extent towards the properties in Ormande Close.
5. The general character of the surrounding residential properties is of two-storey detached houses although there are bungalows in close proximity.

## PROPOSAL

6. This is a Reserved Matters application for the erection of 9 dwellings that follows on from the granting of Outline planning permission for the erection of dwellings on the site as part of the application for the redevelopment of the wider site with an Extra Care facility (application reference P12/1447).
7. As part of that application Outline consent was granted for up to 11 dwellings on this section of the site. Only the matters of access and landscaping were considered at that time (along with the principle of the development) and this application relates to the appearance, layout and scale of the development.
8. The approved means of access will be provided through an extension to Ormande Close. This new road would not form a link road through to the main part of the application site or through to Homer Hill Road other than for emergency vehicles.

## HISTORY

9. Planning history for the site dates back to 1948 and the former quarry use of the site.
10. Planning history relating to the school dates back to 1976 however none of the applications are directly relevant to the current proposal.

Application	Proposal	Decision	Date
P12/1447	Hybrid application for: Part A: Full planning permission for the development of 120 apartment retirement village. Part B: Outline application for the erection of 11 no. dwellings (access and landscaping to be considered).	Approved	18/02/2013

## PUBLIC CONSULTATION

11. Notification letters were sent to the occupiers of 25 neighbouring properties. As a result one letter of objection has been received raising the following issues:
- The proposal includes semi-detached dwellings which would be out of character with the local housing,
  - Some of the houses have no garages which would result in parking and security problems,
  - Some of the garages are not immediately adjacent to the house they relate to,
  - Lack of detail regarding the layout where Ormande Close and Homer Hill Road 'meet',
12. Two other representations have been received raising concerns about the potential for vehicles to access Homer Hill Road directly from Ormande Close.
13. This matter will be referred to in more detail below however there would not be a direct vehicle access between the two roads other than for emergency vehicles.

## OTHER CONSULTATION

14. Group Engineer (Development): No objection subject to conditions. The means of access to the site was approved at Outline stage.
15. Head of Environmental Health and Trading Standards: No objection subject to conditions.
16. West Midlands Police Crime Prevention Design Advisor: No objection raised. Comments made regarding the location of some garages and other detailed comments regarding the height and design of gates and fences.

## RELEVANT PLANNING POLICY

### 17. National Planning Guidance (2012)

- National Planning Policy Framework
- Technical Guidance to the National Planning Policy Framework
- Section 6: Delivering a wide choice of high quality homes

### 18. Black Country Core Strategy (2011)

- CSP1 The Growth Network
- CSP4 Place Making
- HOU1 Delivering Sustainable Housing Growth
- HOU2 Housing Density, Type and Accessibility
- ENV 2 Historic Character and Local Distinctiveness
- ENV 3 Design Quality

### 19. Unitary Development Plan (2005) (Saved Policies)

- DD1 Urban Design

### 20. Supplementary Planning Guidance/Documents

- Draft New Housing Development Supplementary Planning Document (2012)
- Parking Standards Supplementary Planning Document (2011)

## ASSESSMENT

### 21. The main issues are

- Principle
- Design
- Neighbour Amenity
- Occupier Amenity
- Access and Parking
- Nature Conservation
- New Homes Bonus



## Principle

22. Within the adopted Black Country Core Strategy the site is identified within Regeneration Corridor 13 (Jewellery Line – Rowley Regis to Stourbridge Junction). This corridor has a strategic emphasis on Housing Growth. In more detail, Appendix 2 states that, 'This Corridor will be reborn through a mix of renewal and redevelopment to create new residential environments and green spaces', with a focus on creating high quality sustainable communities.
23. In line with the above, there is general, in principal support for, and a presumption in favour of housing in this corridor. The site is also indicated within the Strategic Housing Land Availability Assessment (update), where this site is identified as a 'deliverable (category 1) housing site' (ref. no. 93) with an indicative delivery timescale of within 5 years.
24. The granting of Outline planning permission in 2013 has also established the principle of residential development on this site. This Reserved Matters application relates to the detailed matters of layout, appearance and scale.

## Design

25. The proposal is for the erection of nine dwellings that would be located around an extension to Ormande Close. The development would include five detached dwellings and two pairs of semi-detached dwellings. All of the houses would be two-storey and would be finished in brick and tile.
26. One of the dwellings would face towards No.3 Homer Hill Road, two would face towards the park and the remaining dwellings would face towards the Extra Care development with four of those dwellings backing onto the rear of the existing properties facing Ormande Close.
27. The proposed dwellings would be relatively traditional in terms of their design which would ensure that they reflected the character of the surrounding area.

28. It is considered that the amount of development and the appearance of the proposed dwellings would be acceptable in this primarily residential area.

#### Neighbour Amenity

29. The dwellings that would back onto the rear of the existing dwellings along Ormande Close would be located between 22.5 and 32 metres away from the existing dwellings which would be in accordance with the Council's required separation distances (as set out in Planning Guidance Note 3: New Housing Development) and would be sufficient to prevent there being an unacceptable impact on amenity from overlooking.
30. As stated above there is a difference in ground level between the application site and the properties in Ormande Close. The finished floor level of Plot 6 would be approximately 1.2m above the finished floor level of No.26 Ormande Close. The rear garden for Plot 6 would be approximately 12.5metres deep and the separation distance between the dwellings would be approximately 22.5metres. In addition the proposed dwelling has been designed so that there is only one habitable room window at first-floor level on the rear of the property (the other windows relate to an en-suite bathroom and landing and can be obscure glazed).
31. The difference in ground level increases as Ormande Close slopes down towards the West however the separation distances between the existing and proposed dwellings increases up to 32 metres. It is therefore considered that the proposed development would not result in a detrimental impact on the amenities of the occupiers of the existing properties in Ormande Close.
32. It is however proposed to impose a planning condition to remove permitted development rights to prevent additional extensions and detached outbuildings from being erected without the requirement for planning permission.
33. The dwelling proposed for Plot 1 would face towards the side of No.3 Homer Hill Road, a detached bungalow. The separation distance between the properties would be approximately 14 metres and it is considered that this would be sufficient to ensure that



there would not be any loss of amenity to the occupiers of that property through loss of privacy.

34. Plot 9 would be sited side on to the rear elevations of the properties within Brades Close. Whilst those properties are set at a significantly lower ground level than the application site the proposed dwelling would be located approximately 37metres from the rear of the closest property. In addition the facing side elevation would not contain any openings and an appropriately worded planning condition could ensure than no further windows are added in the future.
35. It is considered that proposal would not result in a detrimental impact on the amenities of the occupiers of neighbouring residential properties.

#### Occupier Amenity

36. All of the proposed dwellings would have a private rear amenity area with a minimum depth of 12metres with is in accordance with the New Housing SPD. As stated above the separation distances between the proposed and existing dwellings are acceptable. In addition the proposed dwellings would be between 24 and 27 metres away from the facing elevation of the Extra Care facility which would be sufficient to prevent an unacceptable loss of amenity.
37. It is considered that the proposed layout would result in an acceptable level of amenity for the occupiers of the proposed dwellings.

#### Access and parking

38. As stated above vehicular access to the proposed housing would be taken through an extension to Ormande Close and this was approved under the previous planning application. The approved access would also allow for emergency vehicles to enter the Extra Care facility if needed and would also allow for emergency access to Homer Hill Road but both of these access points would be secured with bollards to prevent unrestricted access through the area.

39. A Condition was attached to the previously approved application requiring the submission of details of the proposed emergency access points and this is something that must be done prior to the first occupation of any of the dwellings.
40. Each of the proposed dwellings would be provided with either 2 or 3 parking spaces including the garages. This would be sufficient to cater for the needs of the development in accordance with the adopted Parking Standards SPD.
41. The means of access to the site has already been approved and it is considered that the proposal is acceptable in terms of the proposed level of car parking and internal road layout.

#### Nature Conservation

42. A Site of Local Importance for Nature Conservation (SLINC) lies to the South West of the site. The previously approved Outline application was considered in line with Core Strategy Policy ENV1 that seeks to ensure that development would not negatively impact this designation.
43. As part of that assessment it was concluded that the proposal should make a contribution towards Nature Conservation enhancements and this was secured by the imposition of a suitably worded condition. The applicant is required to comply with that condition prior to the commencement of the development.
44. It is considered that the proposed development would not have a detrimental impact on the Nature Conservation value of the site or adjoining land and that positive enhancements can be achieved.

#### Planning Obligations

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

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

46. Policy DEL1 requires all new developments to be supported by sufficient on and off-site infrastructure to serve the development, mitigate its impact on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.
47. In determining the required planning obligations on this specific application the following three tests as set out in the Community Infrastructure Levy (CIL) Regulations, in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:
  - (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development;
  - (c) fairly and reasonably related in scale and kind to the development.
48. Following consideration of the above tests the following planning obligations were secured for this proposal at the Outline application stage through the imposition of suitably worded planning conditions:
49. On-Site Provision:
  - Public Realm
  - Nature Conservation
  - Public Art
  - Air Quality Enhancement
50. It is considered that these contributions meet the necessary tests as stated above in that they contribute to the delivery of a sustainable development, are being provided directly on the development site itself and are deemed to be in scale and kind to the proposed development.
51. This development complies with the requirements of BCCS Policy DEL1 and the Planning Obligations SPD.

### New Home Bonus

52. Clause (124) of the Localism Act states that: Local planning authorities are to have regard to material considerations in dealing with applications including any local finance considerations, so far as material to the application. A 'local finance consideration' means a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown. This may be taken to cover the payment of New Homes Bonus, or sums that a relevant authority has received, or will or could receive, in payment of CIL.
53. The New Homes Bonus is designed to create an effective fiscal incentive to encourage local authorities to facilitate housing growth. It will ensure the economic benefits of growth are more visible within the local area, by matching the council tax raised on increases in effective stock.
54. The Bonus will sit alongside the existing planning system and provides local authorities with monies equal to the national average for the council tax band on each additional property and paid for the following six years as a non-ring fenced grant. In addition, to ensure that affordable homes are sufficiently prioritised within supply, there will be a simple and transparent enhancement of a flat rate £350 per annum for each additional affordable home.
55. Whilst the clause makes it clear that local finance matters are relevant to planning considerations can be taken into account, it does not change the law in any way. It is not a new basis for planning policy and it remains unlawful for planning permissions to be 'bought'.
56. This proposal would provide 9 houses generating a grant of 9 times the national average council tax for the relevant bands plus an enhancement payment of £350 per unit of affordable housing per annum for 6 years.

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

## **CONCLUSION**

58. The proposed development would provide 9 dwellings on a previously developed site within an identified strategic Regeneration Corridor that has an emphasis on housing led growth. The proposal would not result in a detrimental impact on the occupiers of either existing neighbouring properties or the future occupiers of the proposed development. The proposal would not result in a detrimental impact on highway safety or on the use of the neighbouring open space. Consideration has been given to policies CSP1, CSP4, HOU1, HOU2, DEL1, ENV1 and EMV3 of the Black Country Core Strategy and saved policies DD1, UR9 and NC1 of the Dudley Unitary Development Plan.

## **RECOMMENDATION**

It is recommended that the application be APPROVED subject to the following conditions with delegated powers to the Director of the Urban Environment to make amendments to these as necessary

### **Approval**

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

### **Coal Mining Informatives**

(All developments within coalfield standing advice area)

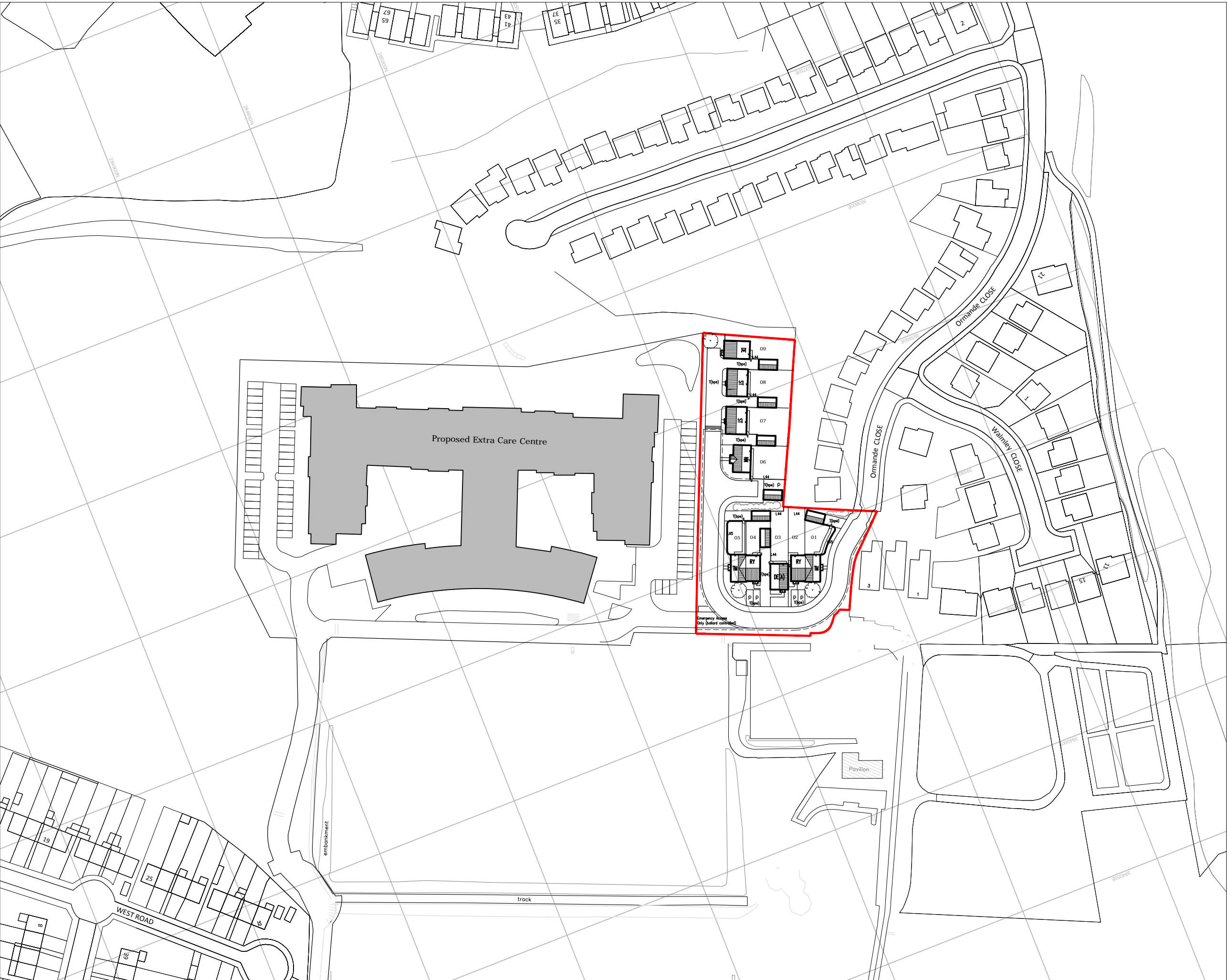
The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to the Coal Authority.

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

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

Conditions and/or reasons:

1. The development hereby permitted shall be built in accordance with the approved plans numbered: 12-105-P002 RevC, 12-105-109; 10-100-101; 10-100-104B; 10-100-110B; 10-100-105; 10-100-133; 7040-P-G23; 6235-L44; 6235-L65; 6235-L52 unless otherwise agreed in writing by the Local Planning Authority.
2. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination until this condition has been complied with in relation to that contamination. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. A risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, all of which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme such completion shall be certified and a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
3. Any site-won materials to be reused and/or soil materials imported to site for use within the development must be the subject of a validation and verification scheme to ensure their suitability for the intended use. Such a scheme shall be approved by the LPA prior to any such materials being used within the development.
4. No construction shall begin until a detailed scheme to protect the development from the effects of soil gases or vapours has been submitted to and approved by the Local Planning Authority.
5. Unless otherwise agreed in writing with the LPA, the approved scheme (required by Condition 4) shall be implemented and a verification report submitted to and approved by the LPA, before the development is first occupied/brought into use.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no development referred to in Schedule 2 Part 1 Classes A to E (inclusive) of that order shall be carried out.



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**ORMANDE CLOSE  
CRADLEY**

Site Location Plan

Drawing status: Preliminary  
Cad reference: 12-105 P  
Drawn: TM  
Team: JM  
Date: Dec 2013  
Scale: 1:1250 @ A3

Project no:	Dwg no:	Rev:
12-105	P001	-

Proposed levels are to be subject to a tolerance of +/-200mm to cater for any engineering changes which may be required during design development.



## Revisions:

**B** - 24.02.14 - CA - Finished floor levels added to dwg.

**C** - 11.03.14 - CA - Amendments to road layout following comments from planner.

Dropped kerb and bollards to be provided to allow emergency access to Homer Hill Road.



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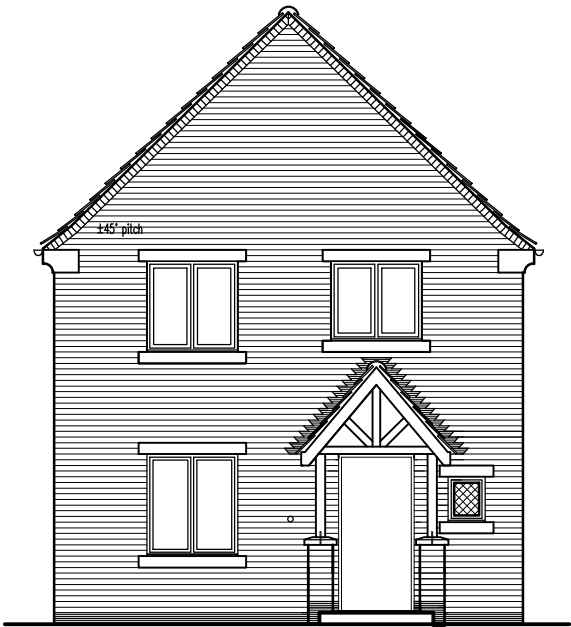
**ORMANDE CLOSE  
CRADLEY**

Site Layout Plan

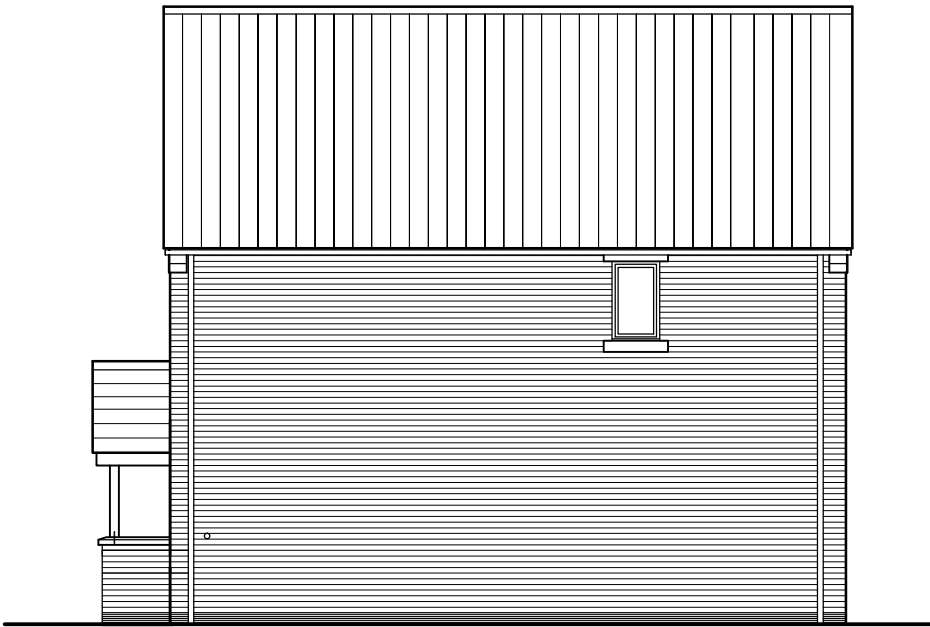
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Drawn:	TM
Team:	JM
Date:	December 2013
Scale:	1:500 @ A4

Project no:	Dwg no:	Rev:
12 - 105	P002	C

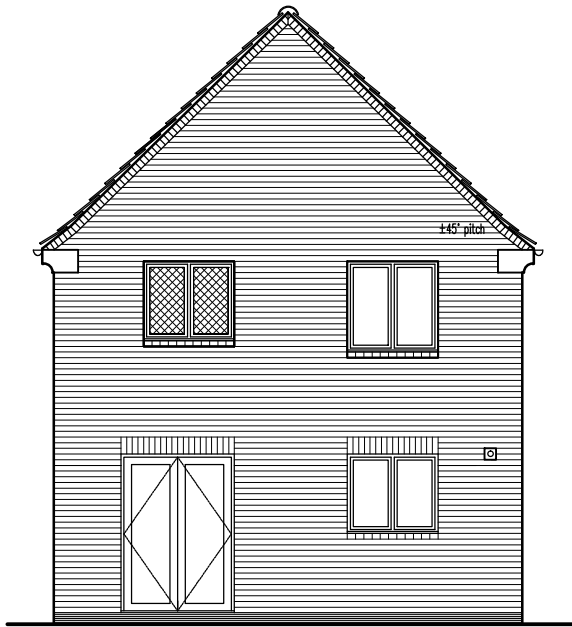




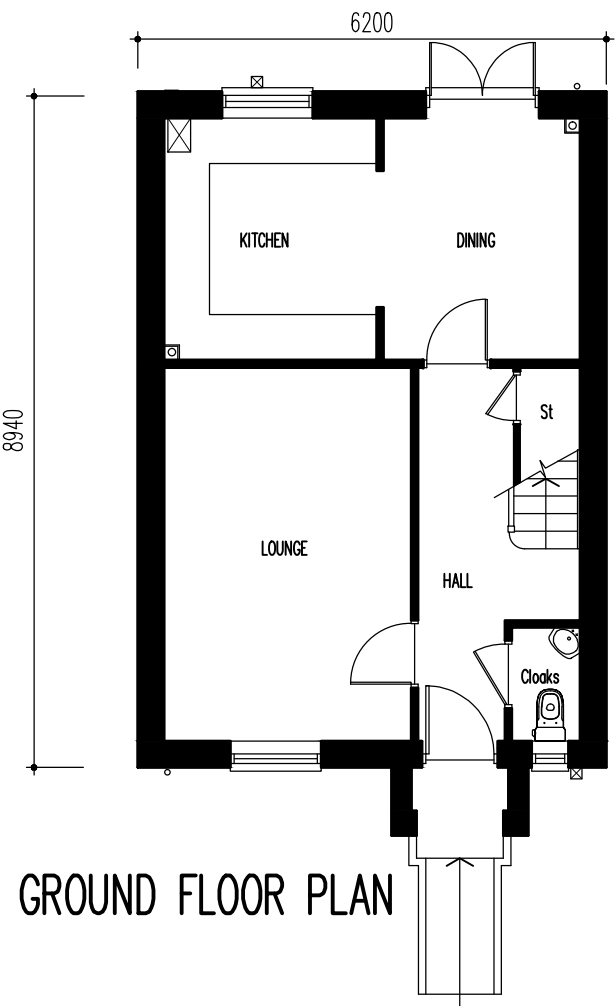
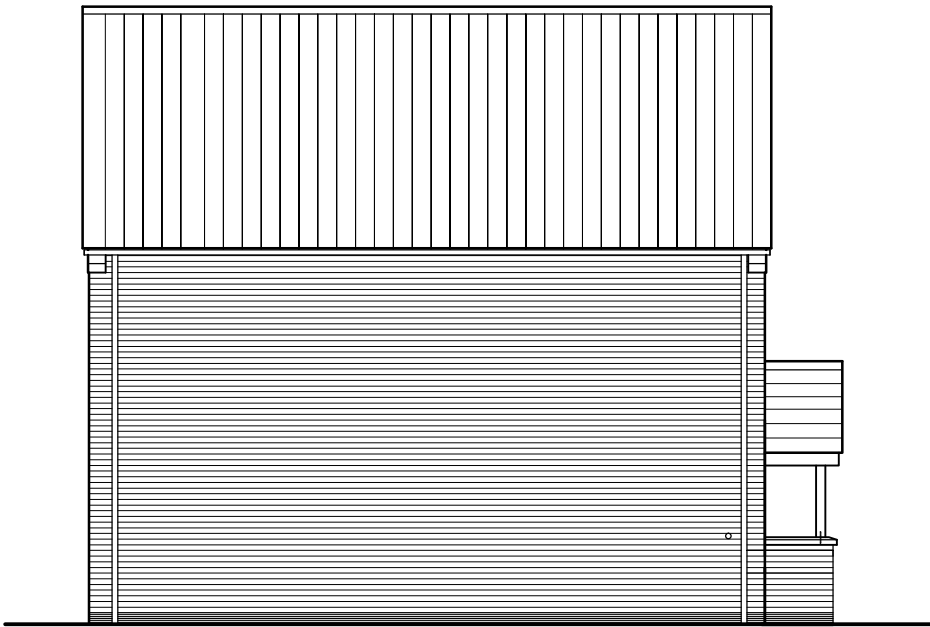
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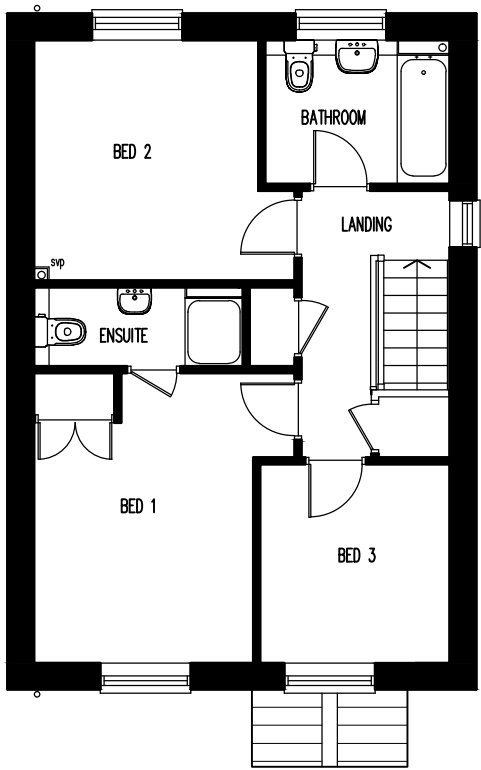
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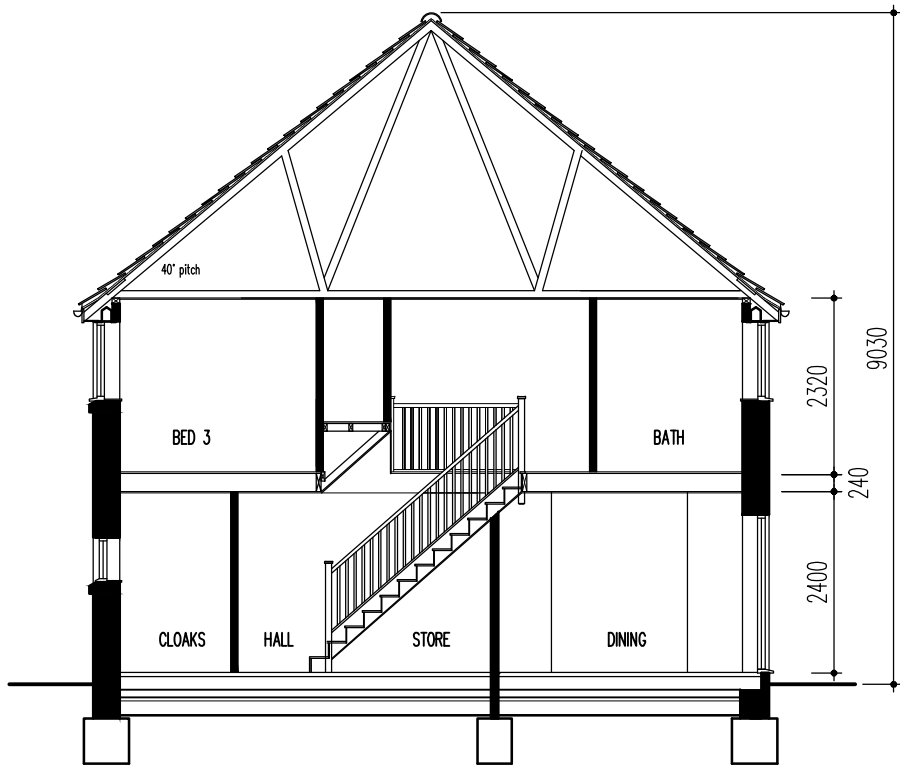
REAR ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECTION

90.64 sq.m  
975 sq.ft.

12-101



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HOUSE TYPE  
DOVE (DE-A)

PLANS, ELEVATIONS  
+ SECTION

Drawing status: Planning  
Cad reference: 12-101 P  
Drawn:  
Team:  
Date: August 2013  
Scale: 1:100 @ A2

Project no: Dwg no: Rev:  
12-105 P109

Revisions :  
A 17.01.13 Wall and partition widths revised (DA)  
B 29.01.13 Porch dimension amended (DA)



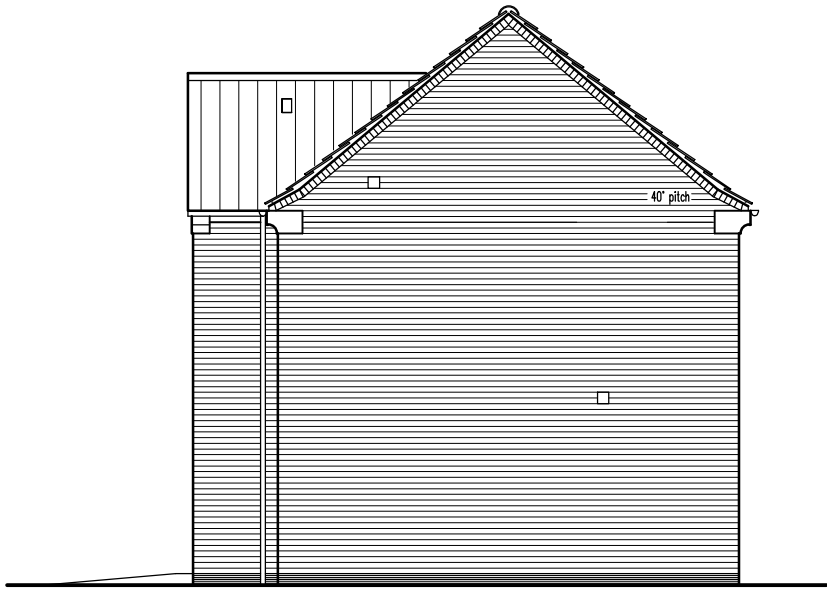
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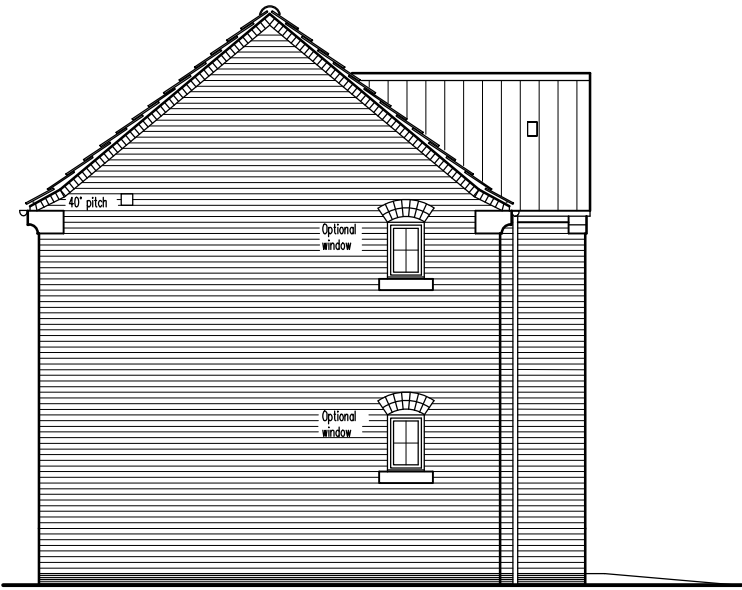
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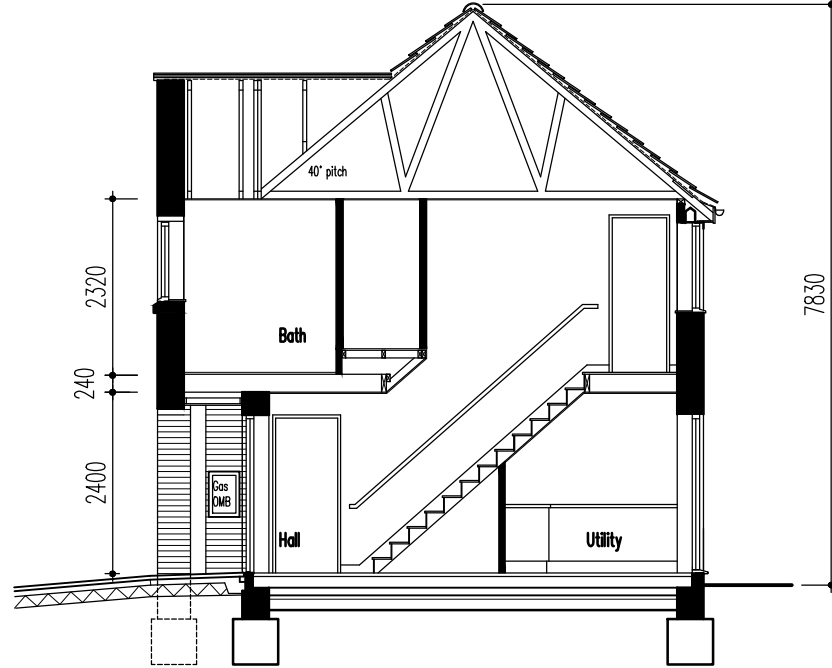
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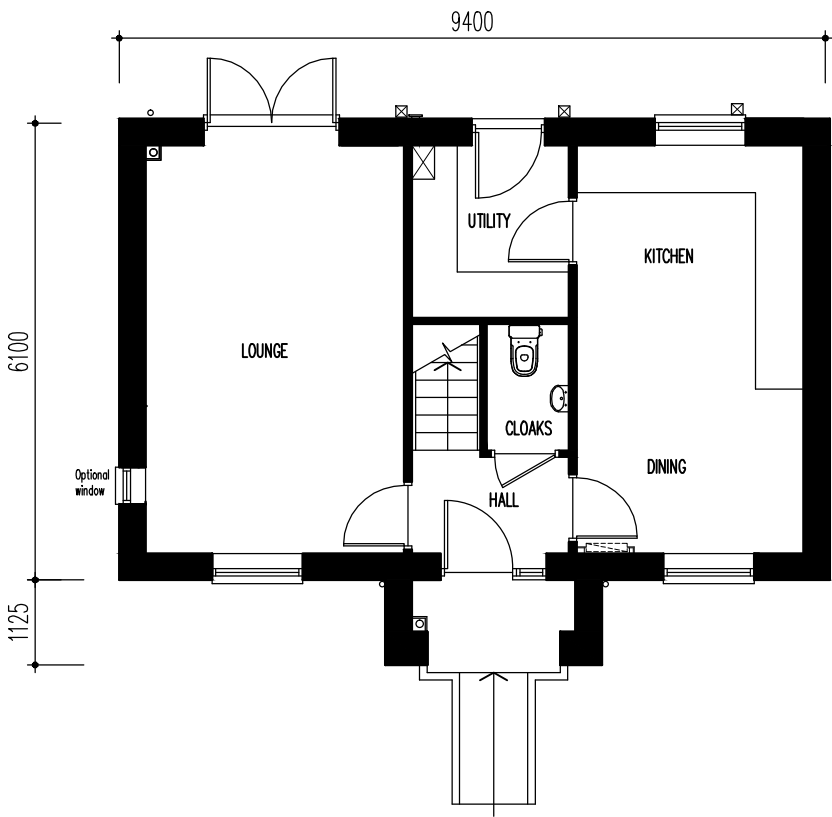
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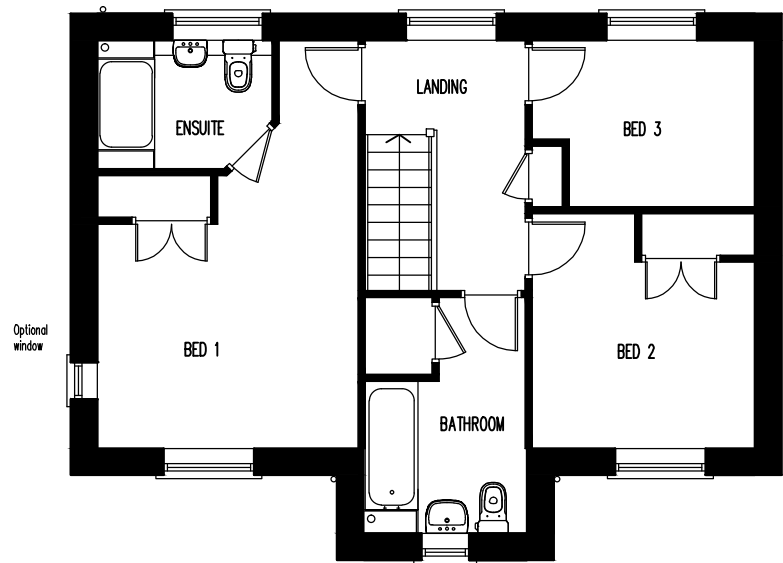
SIDE ELEVATION INDICATING OPTIONAL WINDOWS TO SIDE ELEVATION \*\*



SECTION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

96.15 sq.m.  
1034 sq.ft.

10-100



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HOUSE TYPE  
NENE - NN

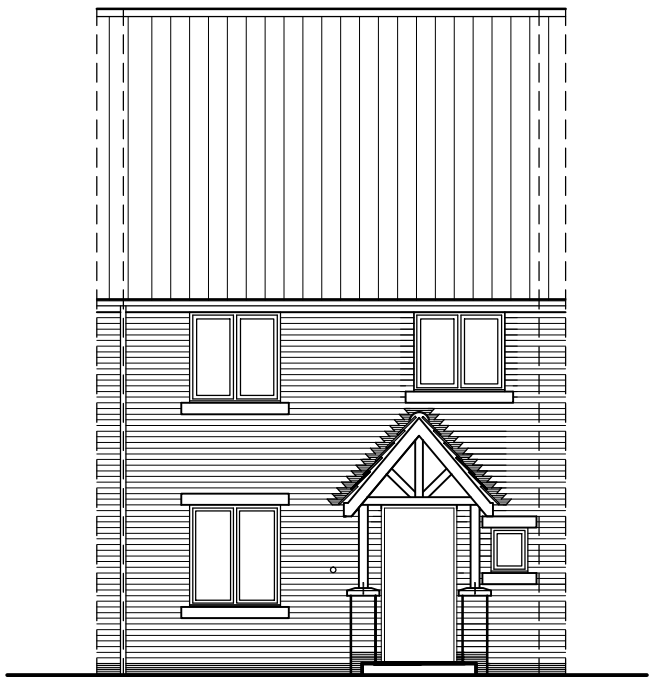
PLANS, ELEVATIONS + SECTION

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Drawn:  
Team: JM  
Date: June 2012  
Scale: 1:100 @ A2

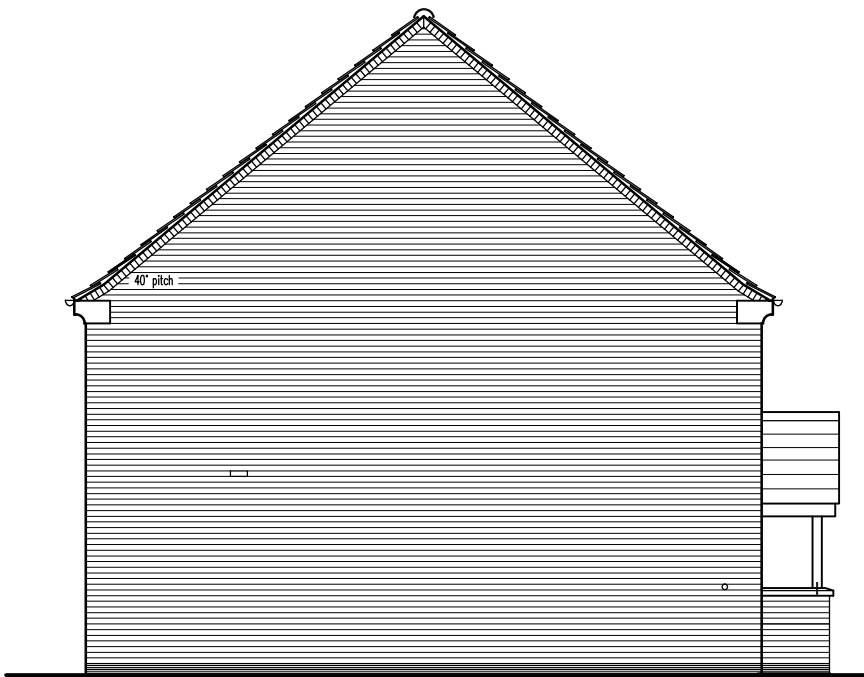
Project no:	Dwg no:	Rev:
10-100	105	B



FRONT ELEVATION  
(end-unit)



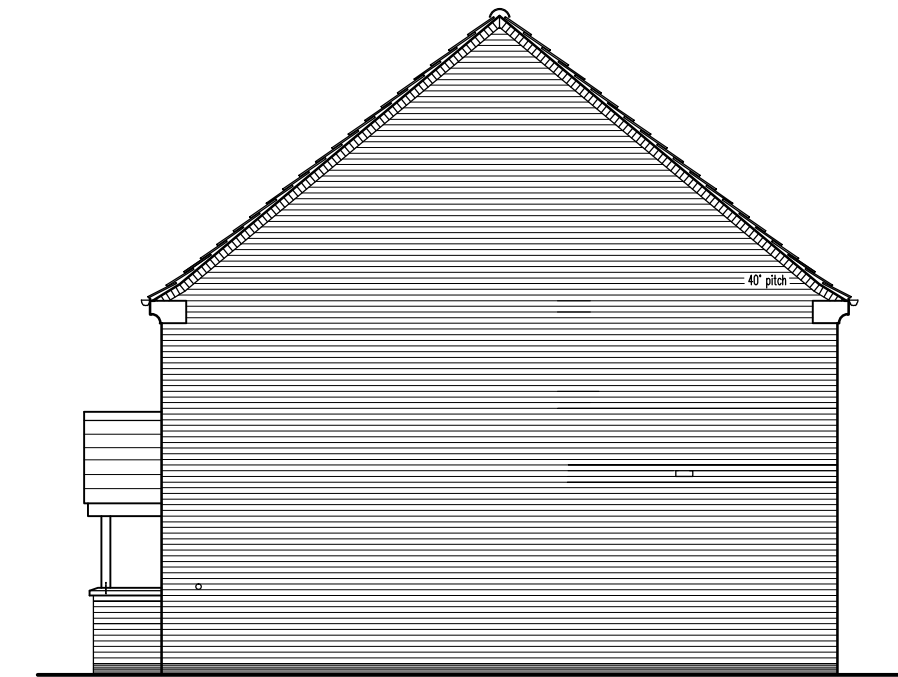
FRONT ELEVATION  
(mid-unit)



SIDE ELEVATION



REAR ELEVATION  
(end-unit)



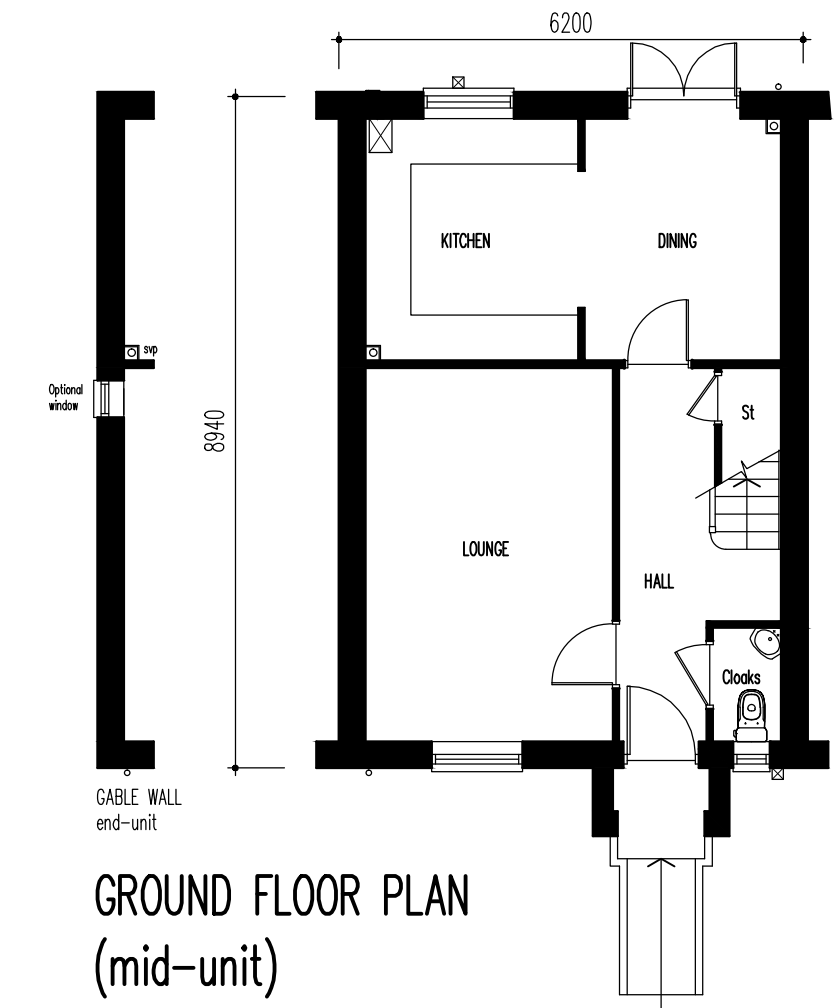
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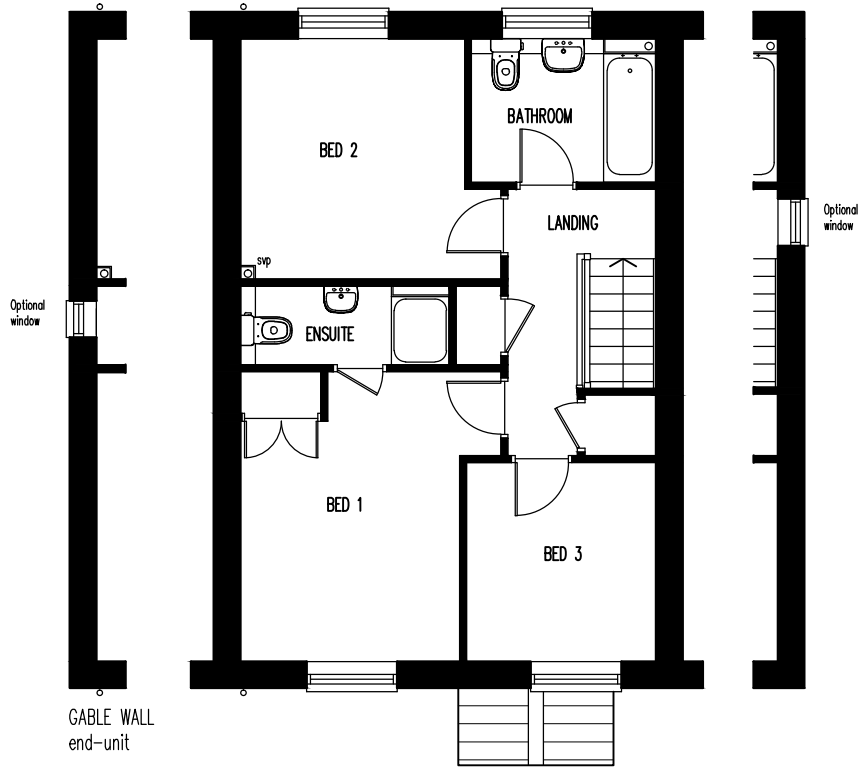
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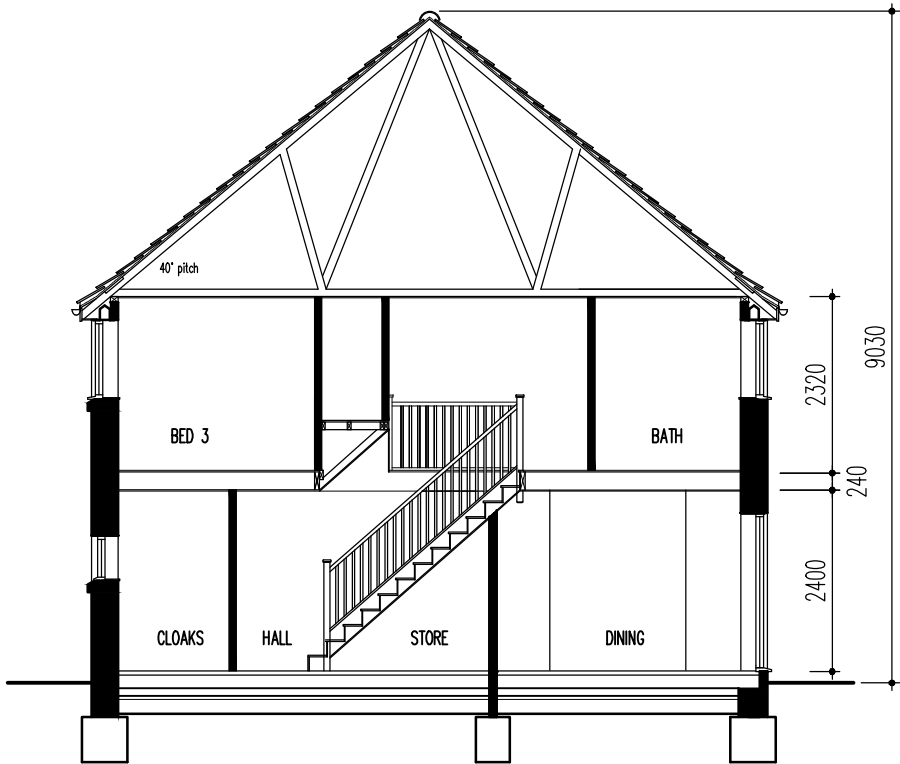
SIDE ELEVATION INDICATING OPTIONAL WINDOWS TO SIDE ELEVATION



GROUND FLOOR PLAN  
(mid-unit)



FIRST FLOOR PLAN  
(mid-unit)



SECTION

Revisions :  
A 17.01.13 Wall and partition widths revised (DA)  
B 31.05.13 Additional side elevations with blank walls added (AC)

90.64 sq.m  
975 sq.ft.

10-100



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HOUSE TYPE  
DOVE -DE

PLANS, ELEVATIONS  
+ SECTION

Drawing status: Planning  
Cad reference: 10-100 P  
Drawn:  
Team:  
Date: June 2012  
Scale: 1:100 @ A2

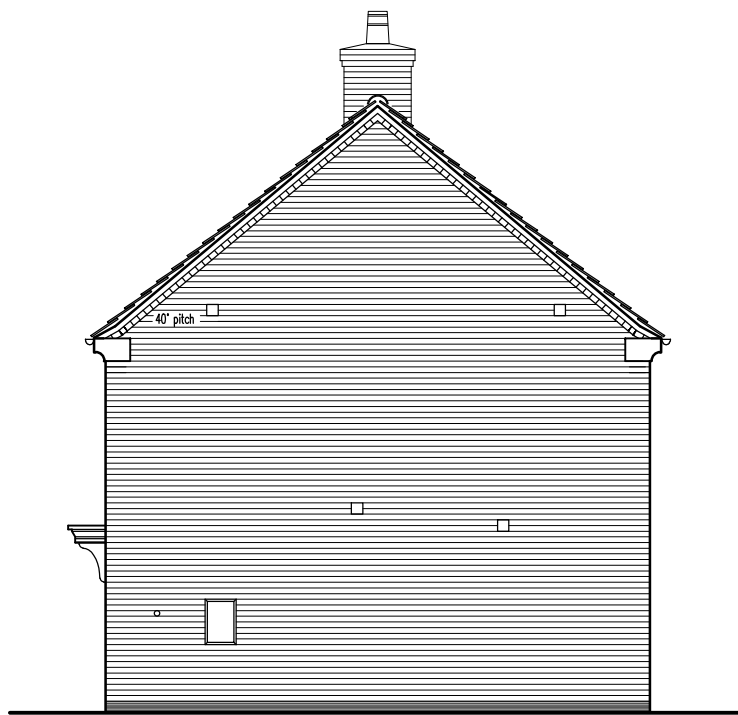
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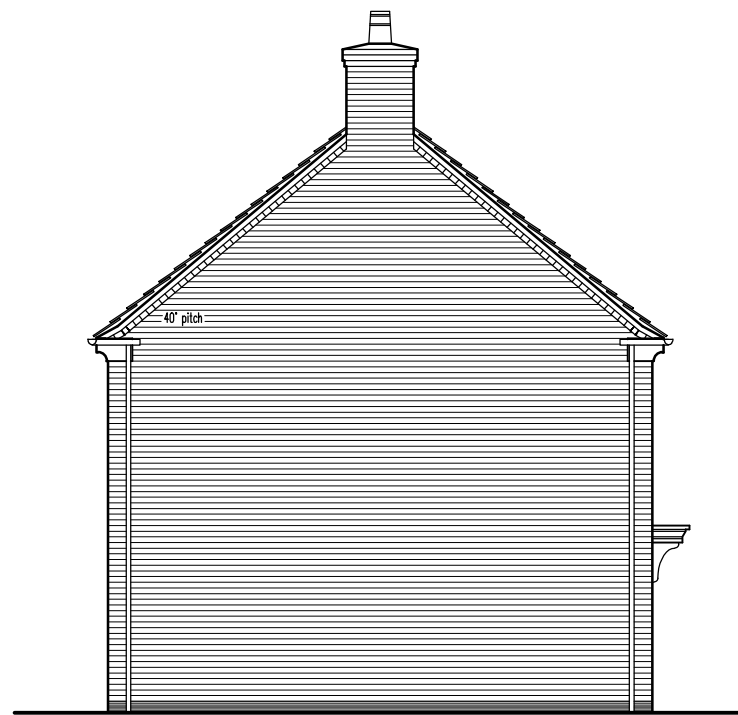
FRONT ELEVATION  
INDICATING OPTIONAL PROJECTING  
CHIMNEY



FRONT ELEVATION



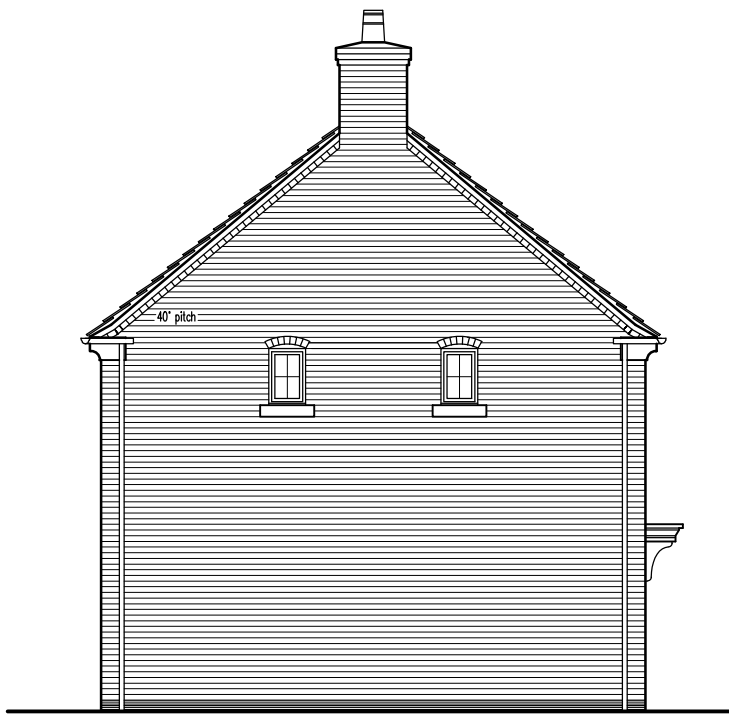
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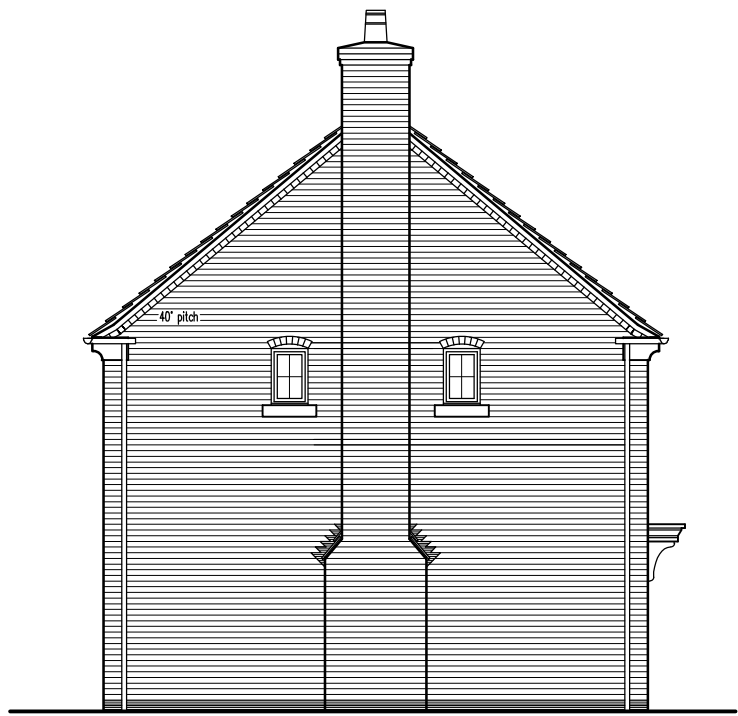
SIDE ELEVATION INDICATING FLUSH CHIMNEY AND NO WINDOWS



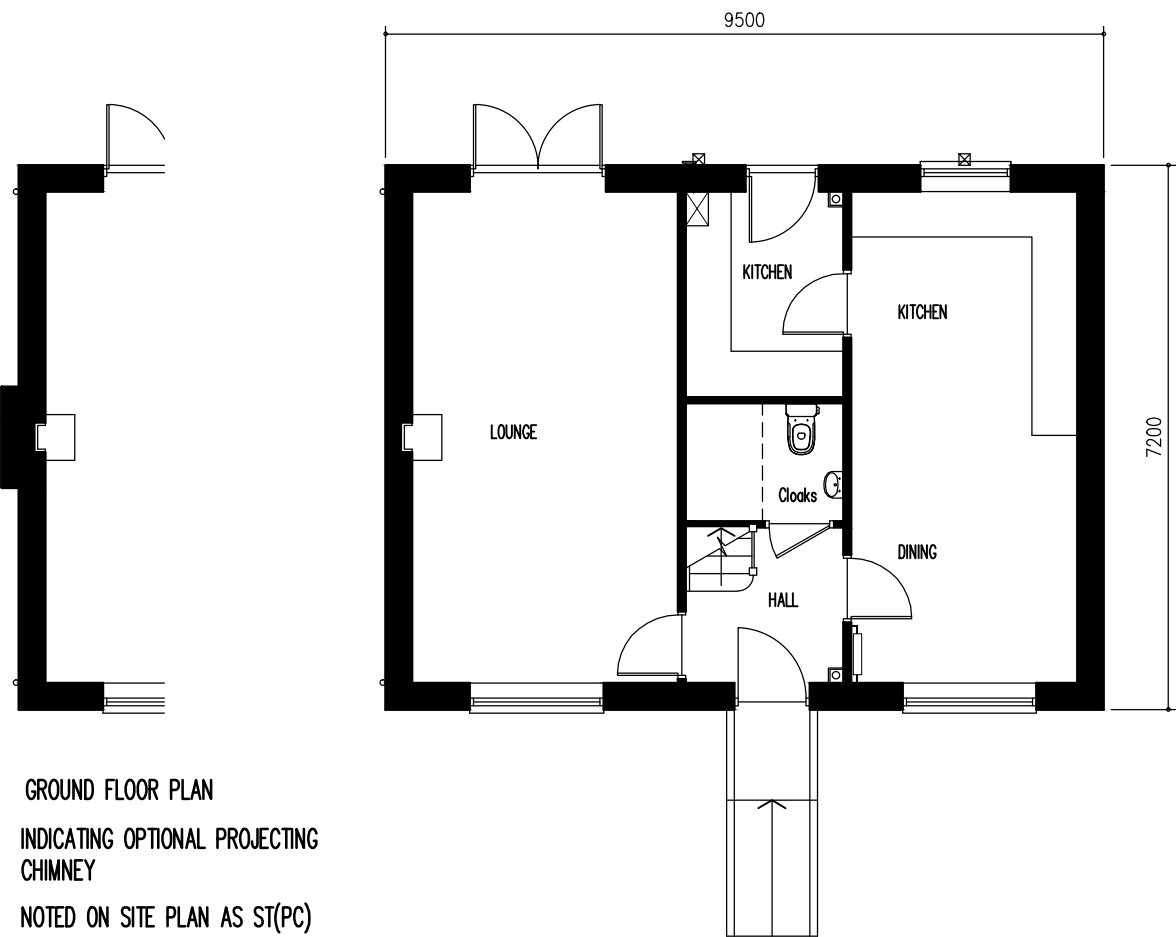
REAR ELEVATION



SIDE ELEVATION INDICATING OPTIONAL WINDOWS TO SIDE ELEVATION \*\*

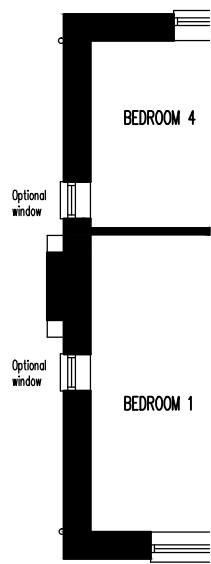


SIDE ELEVATION INDICATING OPTIONAL WINDOWS TO SIDE ELEVATION \*\*  
AND OPTIONAL PROJECTING CHIMNEY

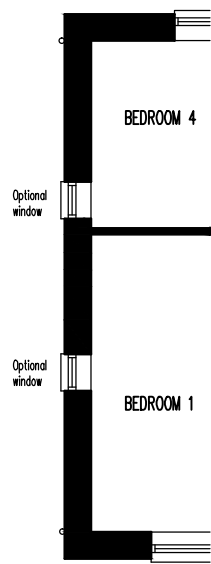


GROUND FLOOR PLAN  
INDICATING OPTIONAL PROJECTING  
CHIMNEY  
NOTED ON SITE PLAN AS ST(PC)

GROUND FLOOR PLAN

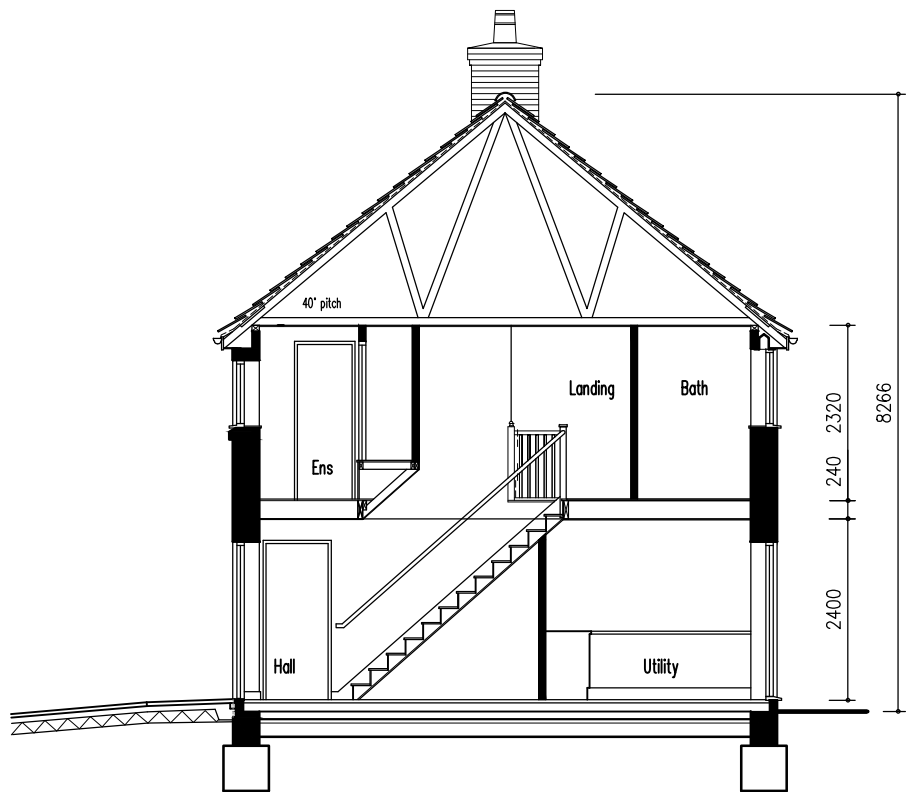
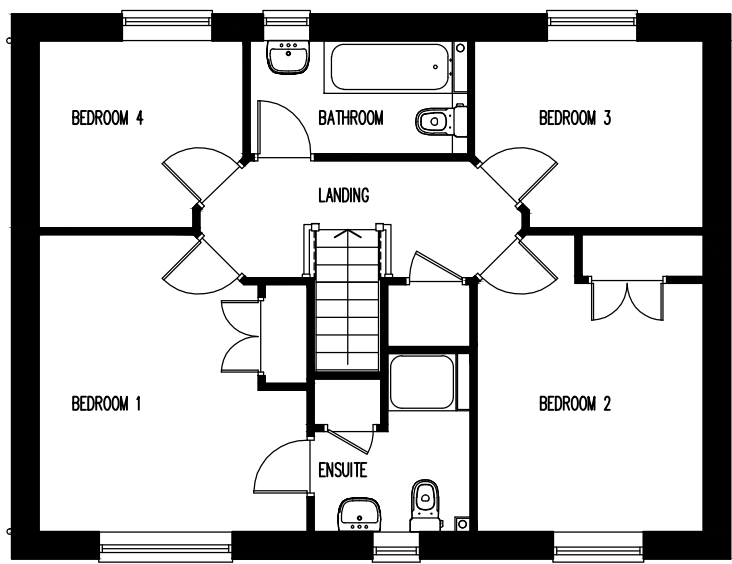


FIRST FLOOR PLAN  
INDICATING OPTIONAL PROJECTING  
CHIMNEY



FIRST FLOOR PLAN  
FLUSH CHIMNEY & OPTIONAL WINDOWS

FIRST FLOOR PLAN



SECTION

Revisions :  
A 17.01.13 Wall and partition widths  
revised (DA)  
B 31.05.13 Additional side elevations  
with blank walls added (AC)

114.40 sq.m.  
1231 sq.ft.

10-100



Architects | Masterplanners  
**STEPHEN GEORGE  
& PARTNERS LLP**

170 London Road  
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HOUSE TYPE  
SOLENT - ST

PLANS, ELEVATIONS + SECTION

Drawing status: Planning  
Cad reference: 10-100 P  
Drawn: JJD  
Team: JM  
Date: June 2012  
Scale: 1:100 @ A2

Project no:	Dwg no:	Rev:
10-100	110	B

## PLANNING APPLICATION NUMBER:P14/0066

Type of approval sought	Full Planning Permission
Ward	Quarry Bank & Dudley Wood
Applicant	Miss Samantha Raybould
Location:	<b>25, DUNSMORE DRIVE, QUARRY BANK, BRIERLEY HILL, WEST MIDLANDS, DY5 2EB</b>
Proposal	<b>CONVERSION AND EXTENSIONS TO EXISTING GARAGE TO CREATE HABITABLE ROOM. SINGLE STOREY SIDE/FRONT EXTENSION AND NEW FRONT PORCH.</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

### SITE AND SURROUNDINGS

1. The 488m<sup>2</sup> application site comprises a 1970s pitched roof semi-detached dormer style house. The property occupies a wide plot at the head of the cul-de-sac and has an existing flat roofed garage and store on its western side which is set back 6m from the front elevation and which projects 3m beyond the main rear elevation. The main entrance to the dwelling is within the western side elevation. The site rises significantly towards the south and west and there is frontage parking for two vehicles.
2. 23 Dunsmore Drive is the adjoining semi-detached property to the east and this property also has a garage to the side which projects beyond the rear elevation. Fencing of approximately 1.8m forms the common rear boundary. 24 & 37 Brickon Drive form part of a modern housing development adjacent the site to the west, which are elevated significantly in relation to the application property. The site backs onto 13 Park Walk and 64 Park Road to the south.
3. The property is situated within a wholly residential area characterised by semi-detached properties of two distinct house types.

## PROPOSAL

4. It is proposed to convert and extend the existing garage in order to create a lounge, office, sitting room, hall, wc and porch.
5. The garage would be extended a maximum of 5.3m forward of the existing structure and a dual pitched roof to a maximum height of 4.7m would be added above. The roof would finish with gable ends to the north and west and a lower hipped roof would be incorporated above the porch which is located centrally within the front elevation. The width of the existing structure and the degree to which it projections beyond the rear wall of the dwelling would be unaltered.
6. The application has been submitted by the relative of an employee of Dudley MBC, Department of the Urban Environment.

## HISTORY

7. None

## PUBLIC CONSULTATION

8. Direct notification was carried out to six neighbouring properties with the final date for receipt of objection letters being 11<sup>th</sup> March 2014. No representations have been received.

## OTHER CONSULTATION

- None required

## RELEVANT PLANNING POLICY

National Planning Policy Framework (NPPF) (2012)

Black Country Core Strategy (2011)

- ENV3 Design Quality

### Saved Unitary Development Plan Policies (2005)

- DD1 Urban Design
- DD4 Development in Residential Areas

### Supplementary Planning Documents / Guidance

- PGN 12. The 45 Degree Code
- PGN 17. House extension design guide

## **ASSESSMENT**

### 9. Key issues;

- Visual Amenity
- Neighbour Amenity
- Highway Safety

#### Visual Amenity

10. Saved Policy DD4 of the UDP states that alterations to residential dwellings will be allowed provided they do not adversely affect the character of the area or residential amenity. The extension would be wider than the main part of the existing dwelling, however, the property occupies a generous plot with ample room on its western side. Amended plans were sought to centralise the porch within the front elevation and to incorporate a hipped roof above this element ensuring that the extension appears subservient to the main dwelling house. A set-back would be maintained from the principal front elevation and it is considered that the proposal would relate satisfactorily in design terms. There would be no demonstrable harm to the street scene or character and appearance of the area and in this respect it is considered to be compliant with saved UDP Policy DD1 and DD4 of the Dudley UDP (2005) and PGN 17 – House Extension Design Guide.

### Neighbour Amenity

11. The roof of the extension would be relatively high at 4.7m, however, the structure overall would be set in significantly from the eastern boundary with the adjoining semi-detached property. No significant loss of light, outlook or privacy is envisaged in this respect given the orientation.
12. Properties to the west of the site are elevated significantly and would suffer no adverse effects as a result of the proposal. Similarly properties to the rear are too far away to suffer any adverse effects. It is therefore considered that there would be no demonstrable harm to the general amenities of neighbouring properties which adjoin the site and the proposal is therefore considered compliant with saved Policy DD4 – Development in Residential Areas of the UDP (2005).

### Highway Safety

13. There would be some loss of hard standing to the front of the property which is currently used to park vehicles and the garage would also be lost. A distance of approximately 8m would be retained in front of the extension which is sufficient to park vehicles clear of the highway and there would be scope to provide additional parking within the frontage given its width. The property is located within a residential cul-de-sac and there are no highway safety issues arising as a consequence of the development. In this respect the proposal therefore complies with saved UDP Policy DD4.

## **CONCLUSION**

14. It is considered that the proposed extension would relate satisfactorily to the existing dwelling house maintaining visual and residential amenity. There are no highway safety issues arising as a consequence of the development and the proposal is considered compliant with Saved UDP Policies DD1 - Urban Design and DD4 – Development in Residential Areas, Planning Guidance Note 17 – House Extension Design Guide and 12 The 45 Degree Code.



## **RECOMMENDATION**

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

### **APPROVAL STATEMENT INFORMATIVE**

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

### **NOTE TO APPLICANT**

The granting of planning permission does not confirm the structural integrity of the proposed development. Local Planning Authorities do not have a duty of care to individual landowners when granting applications for planning permission and are not liable for loss caused to an adjoining landowner for permitting development. Sections 77 and 78 of the Building Act 1984, provides Local Authorities with powers to take action with respect to dangerous buildings/structures. Therefore, should the development raise concerns in the future with respect to its structural stability there are powers under separate legislation to planning that would enable the situation to be rectified.

### **Informative**

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are

often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

#### Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: The drawings entitled Proposed Single Storey Side Extension, Front Storm Porch, Garage Conversion and Internal Alterations at 25 Dunsmore Drive Quarry Bank DY5 2EB stamped AMENDED PLAN recieved on 10th March 2014.
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.

SITE LOCATION PLAN

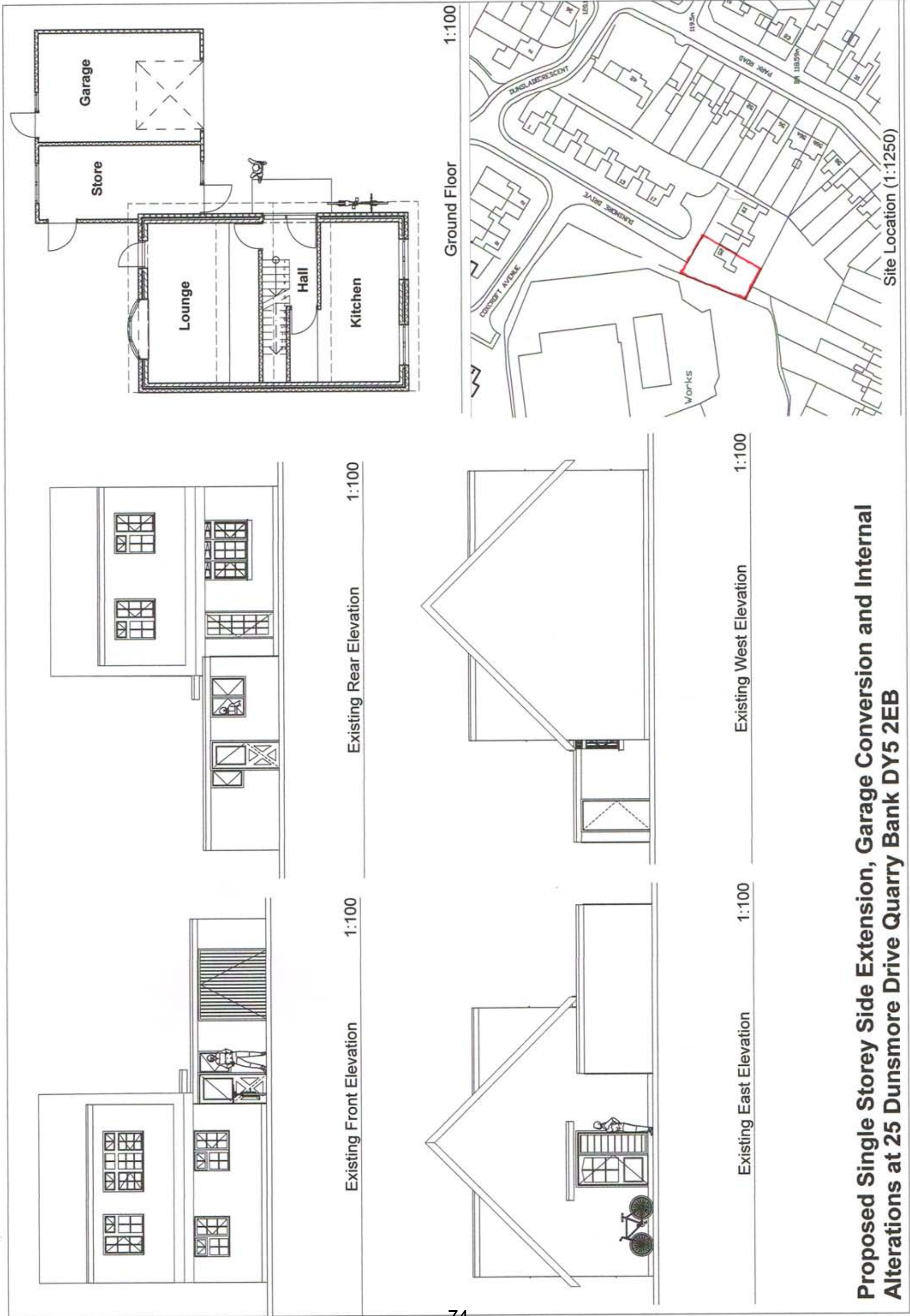
AREA 2 HA

SCALE: 1:1250 on A4

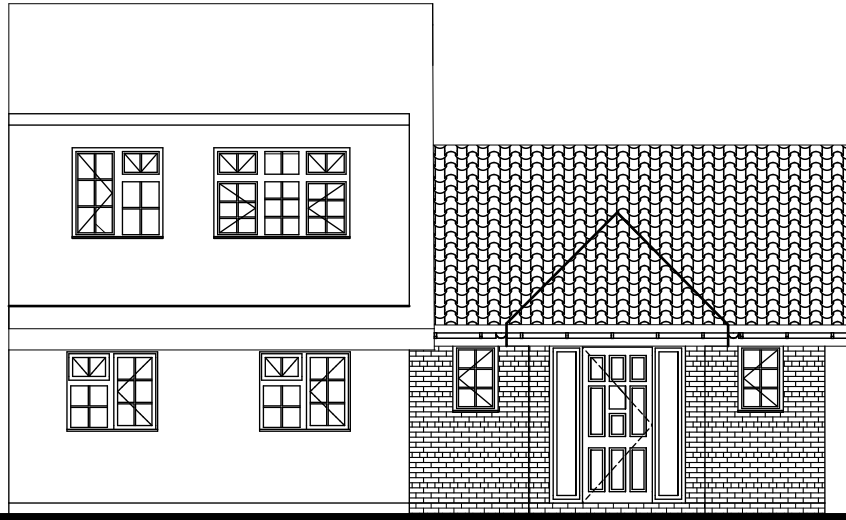
CENTRE COORDINATES: 392736 , 285863



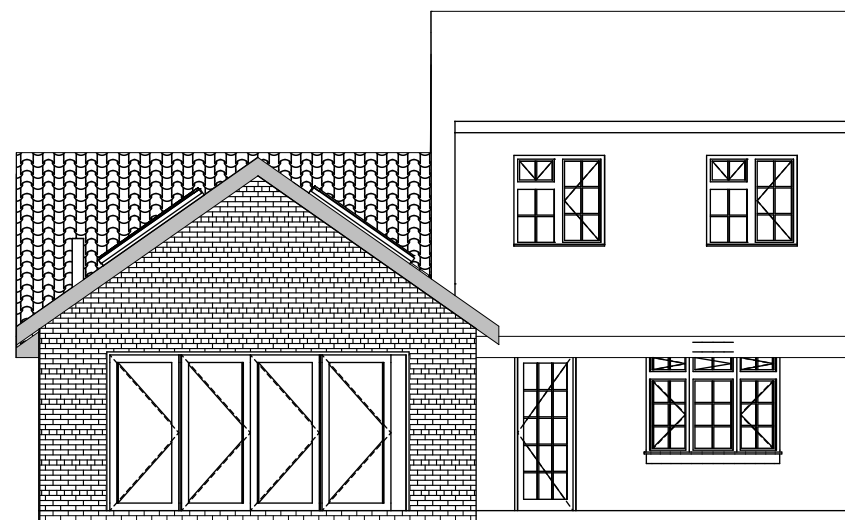
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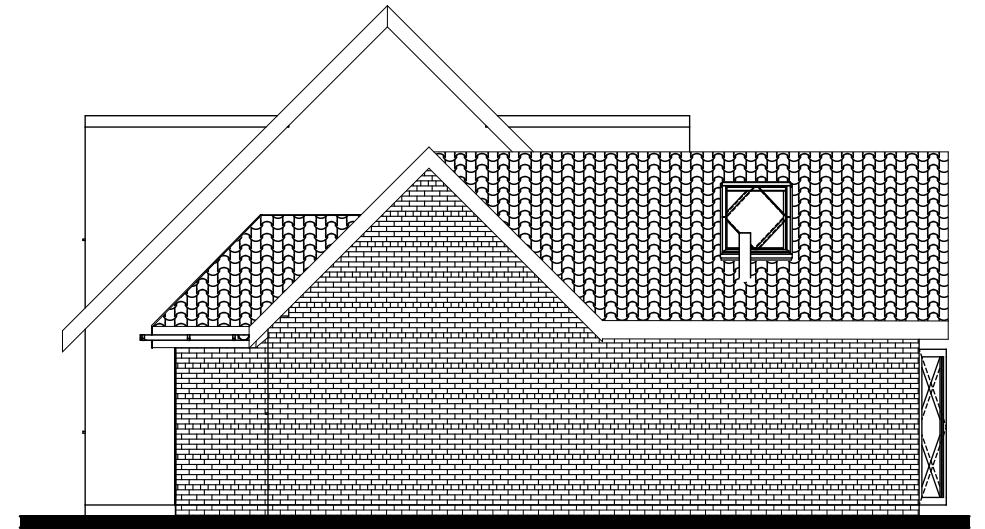




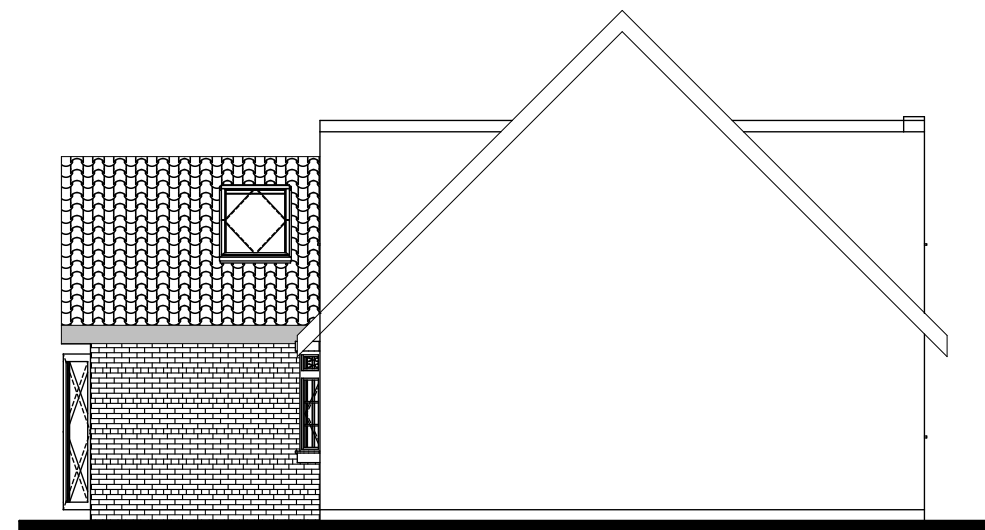
Proposed Front Elevation 1:100



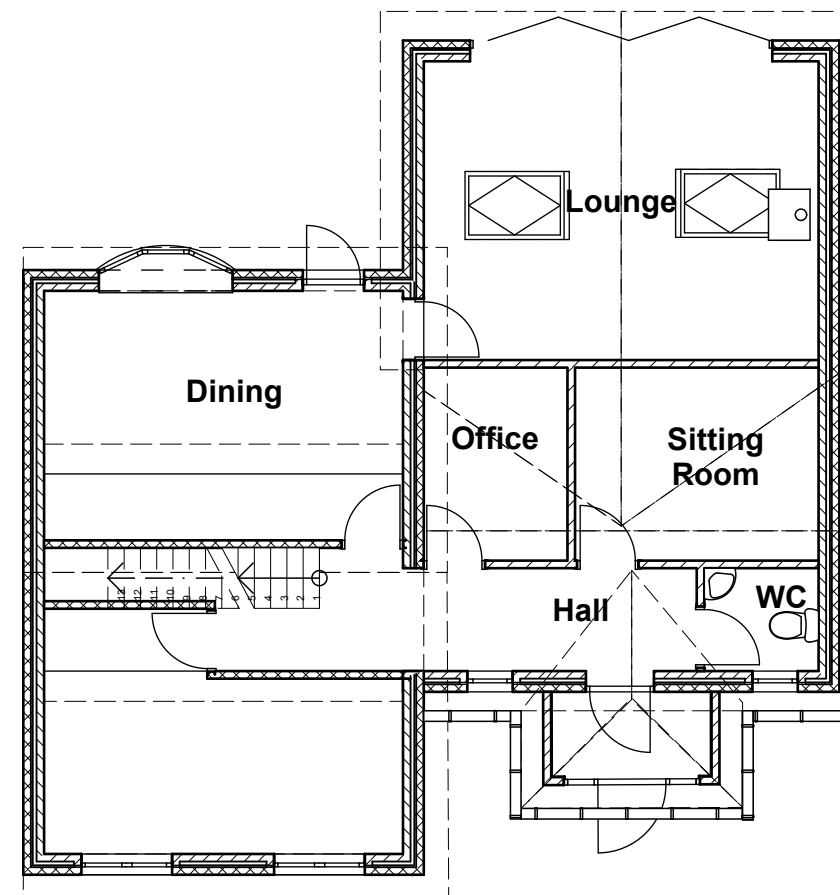
Proposed Rear Elevation 1:100



Proposed East Elevation 1:100



Proposed West Elevation 1:100



0. Ground Floor 1:100

## Notes:

1. All materials to match existing in colour and texture.
2. Roof tiles to match existing and be verified by the Local Authority prior to use.
3. Facing brickwork to match existing in colour and texture. Samples to be submitted to LA prior to commencement.
4. Soffits, gutters and fascia boards to match existing and to the clients requirements.
5. All stormwater to discharge into the existing SWD or to the satisfaction of the Local Authority Building Control officer.
6. Windows to match existing in style and colour.

**Proposed Single Storey Side Extension, Front Storm Porch, Garage Conversion and Internal Alterations at 25 Dunsmore Drive Quarry Bank DY5 2EB**

## PLANNING APPLICATION NUMBER: P14/0106

Type of approval sought	Full Planning Permission
Ward	Norton
Applicant	Mr Ben Tromans
Location:	<b>3 LINDEN DRIVE, OLDSWINFORD, STOURBRIDGE, WEST MIDLANDS, DY8 2LF</b>
Proposal	<b>SINGLE AND TWO STOREY SIDE, FIRST FLOOR SIDE/REAR AND TWO STOREY REAR EXTENSIONS. PART CONVERSION OF EXISTING GARAGE TO CREATE HABITABLE ROOM. (RESUBMISSION OF WITHDRAWN APPLICATION P13/1704).</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

### SITE AND SURROUNDINGS

1. The application site measures 376m<sup>2</sup> and the property is a detached pitched roof dwelling built in the 1970s. The house features a single storey side / rear garage addition. The property is set back at least 4.75m from the highway to the front with a driveway and garden to the front of the property and a garden to the rear.
  
2. No. 2 Linden Drive is positioned to the south whilst No. 4 Linden Drive is located to the north. Abutting the rear of the site is a block of flats, Nos. 1 – 34 Doveton House. To the front are Nos. 6, 7 and 8 Linden Drive at 24m distance.
  
3. The surrounding area is an established residential area with this street consisting of a mix of properties. The application property is positioned within a mixed street scene with properties being detached. The building line is fairly common along this part of the street.

## PROPOSAL

4. This proposal seeks approval for a two storey side and rear extension. This development would provide an enlarged kitchen, utility and garage at ground floor with two bedrooms, an en-suite bathroom and dressing room at first floor level.
5. The two storey side addition would be set back 1.35m from the front and would measure 5.15m in width at ground floor (4.14m at first floor), 6.85m in length and 9m in total width at ground floor due to the wrap around design. The first floor would be set 1m off the northern boundary. The projection would be 2.65m in rear projection and would overlap by 3.85m along the rear elevation.
6. A new ground floor rear facing window would be inserted into the original part of the house. This would constitute permitted development.
7. A new first floor window would also be inserted into the original northern elevation of the house.

## HISTORY

8. This property has one previous relevant application.

APPLICATION	PROPOSAL	DECISION	DATE
P13/1704	Two storey side and rear and first floor side extension	Withdrawn	16.12.2013

P13/1704 was withdrawn to enable the application to enter into pre-application discussions to improve the design and overall size of the extension.

## PUBLIC CONSULTATION

- Direct notification was carried out to five surrounding properties and a site notice displayed at the site to advertise the proposal. One written representation objecting to the scheme has been received by the latest date for receipt of these comments which was 18<sup>th</sup> March 2014.
- The objection was based on the following material planning considerations:

- The proposed side facing windows would overlook No. 4 Linden Drive;
- The addition would impact on daylight provision to the lounge and bedroom window on No.4 and would overshadow the property;
- The scale of the development would be overly large;
- The proposal may impact on the mature trees within the garden of No. 4.

## OTHER CONSULTATION

None relevant

## RELEVANT PLANNING POLICY

### Saved Unitary Development Plan Policies (2005)

- DD1 Urban Design
- DD4 Development in Residential Areas

### Supplementary Planning Documents / Guidance

- Parking Standards SPD (2012)
- PGN12 The 45 Degree Code Guidelines
- PGN 17. House extension design guide

## ASSESSMENT

9. The proposed development must be assessed with regard to its design and whether it would be compatible with the existing dwelling and the character of the area. The potential impact on the amenity of nearby neighbours must also be assessed along with the relevant parking standard requirements.

10. The key issues are

- Design
- Neighbour Amenity
- Access and Parking



## Design

11. Policy DD4 of the saved UDP states that extensions to residential dwellings will be allowed provided they do not adversely affect the character of the area or residential amenity. The application property is a detached house positioned within a row of differing properties in terms of size and design. The application property is already fairly wide and the proposed extension would be fairly modest in terms of width and overall size. Although the property would extend across the majority of the plot following the development there would still be a gap on the southern side and a 1m gap at first floor on the northern side. Therefore, the property would still appear as a detached house and there would be no terracing effect within the street.
12. The proposed first floor and two storey side / rear extensions would be acceptable in size in terms of the original house and plot size, and the projection to the rear would not be significant. The set back from the front of the house and set down of the roof would also help the proposal to be subservient to the original house. The pitched roof design and fenestration would match up with the original property to ensure that the proposal is in-keeping with the 1970s house. The mono-pitched roof to the side of the first floor addition would also be an appropriate part of the extension. Despite the wrap around design the proposal would not appear out of keeping with the house. The pitched roof design of this part of the proposal has also been much improved since the previous application, P13/1740. As such, the proposal would not have an adverse impact on the visual amenity of the host property and would be an acceptable addition within the mixed street scene.
13. The entire development would therefore be an appropriate addition to the host property and would not have an adverse impact on the dwelling or street scene. As such, the development would comply with Policy DD4 – Development in Residential Areas of the saved UDP (2005) and PGN 17 – House Extension Design Guide.

### Neighbour Amenity

14. There would be no impact on residential amenity for the occupiers of No. 2 Linden Drive as the rear extension would be positioned 11.5m from the boundary. As such, the fairly modest rear projection would not impact on daylight provision or outlook for the occupiers. The side facing first floor windows would be conditioned to be obscurely glazed to ensure there would be no impact on privacy for the occupiers. The ground floor window would be well screened by the boundary treatment between the properties.
15. The single storey garage addition would project up to the boundary and past the rear elevation of No. 4 Linden Drive, but this is no different than the existing situation. The mono-pitched roof addition above the garage would have no further impact on daylight provision or outlook than the existing situation due to it sloping away from the boundary and because of the modest roof size. The addition of a first floor side / rear extension, which would be set 1m off the boundary with No.4, would not breach the 45 degree code guidelines to the nearest windows on No. 4 at ground or first floor. The ground floor window on the rear of No. 4 is also part of a through lounge which features a window at the front as well. As there is no breach there would be no impact on daylight provision or outlook as a result, despite the orientation of the houses. The 2.65m projection past the rear elevation of No. 4 would also not be over-bearing to the occupiers due to the set off the boundary. The side facing windows at first floor would be conditioned to be obscurely glazed and top opening to ensure there would be no impact on privacy for the occupiers. The nearby trees are not protected and it is considered that the proximity of these trees would not be a reason to warrant refusal of the application.
16. The additions would be 30m from the western section of Doveton House and 18.5m, and at rights angles, from the southern section of the building. The proposal would also be at least 7m from the boundary with the car park of these flats. At these distances there would be no impact on amenity for the occupiers.

17. The proposal would be at least 26m from the properties to the front on Linden Drive. At this distance there would be no impact on amenity for the occupiers of these properties.

18. It is considered that there would be no demonstrable harm to the occupiers of any neighbouring properties. The development therefore complies with Policy DD4 – Development in Residential Areas, PGN12 - The 45 degree code guidelines and PGN 17 – House Extension Design Guide.

#### Access and parking

19. The existing parking requirement is for 2.5 spaces to be provided on-site and only two spaces are currently provided on the frontage. The garage would be lost as part of this proposal but this is not currently classed as an available parking space given its limited size. Following the development, four bedrooms and at least seven habitable rooms would be provided and the parking demand would be 2.6 spaces. The proposal would slightly reduce the level of parking on-site due to the side addition but this could be lost under permitted development rights.

20. Two would be left on the frontage following the proposal. Despite the additional bedrooms, and therefore increase in requirement, the proposal would not have an adverse impact on highway safety due to the position within a residential area and availability of parking on the street to the front. As such, the proposal would comply with the Parking Standards SPD (2012) and Policy DD4 of the saved Unitary Development Plan (2005).

## **CONCLUSION**

21. It is considered that the proposed two storey side / rear extensions would be acceptable on this property due to the acceptable size and in-keeping design. The proposals would therefore not result in an adverse impact on the appearance of the host property.

22. The additions would also not have a significant impact on the residential amenity for the occupiers of any neighbouring properties due to the reduction in size and set in from the northern boundary. The proposal would therefore not significantly impact on daylight provision and outlook for any nearby occupiers.

23. Despite only two spaces being provided on the site following the development, taking into account the existing situation and the possibility for parking on the road, there would be no adverse impact on parking requirements for the property in this residential area. As such, there would be no adverse impact on highway safety.

24. The proposal would therefore comply with Policy DD4 (Development in Residential Areas) of the saved Dudley UDP and PGN 17 (House Extension Design Guide).

## **RECOMMENDATION**

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

### **APPROVAL STATEMENT INFORMATIVE**

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

### **Informative Note**

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

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

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

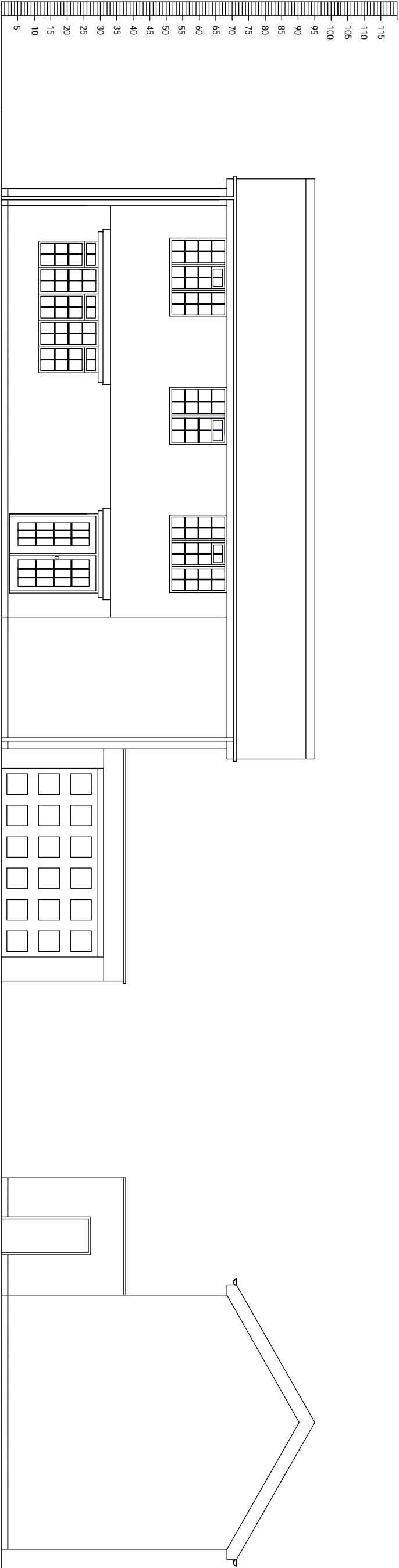
Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the details shown on plan labelled 'Kitchen/bedroom extension Option 1' and 'Option 1'
3. The materials to be used in the approved development shall match in appearance, colour and texture those of the existing building unless otherwise agreed in writing with the Local Planning Authority.
4. The first floor windows to be installed in the northern and southern elevations of the building hereby approved shall be obscure-glazed, and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and thereafter maintained in that condition.

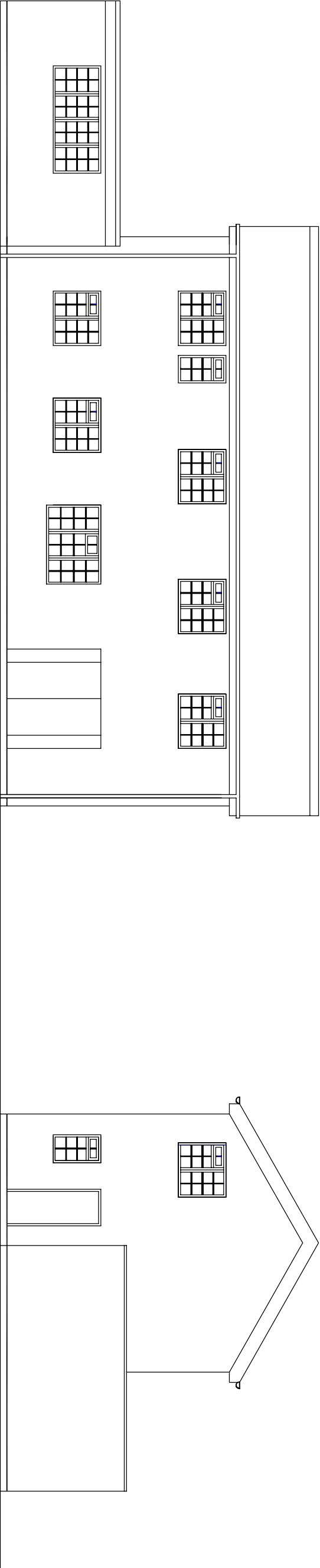
SITE LOCATION PLAN  
AREA 2 HA  
SCALE 1:1250 on A4  
CENTRE COORDINATES: 390207, 283056



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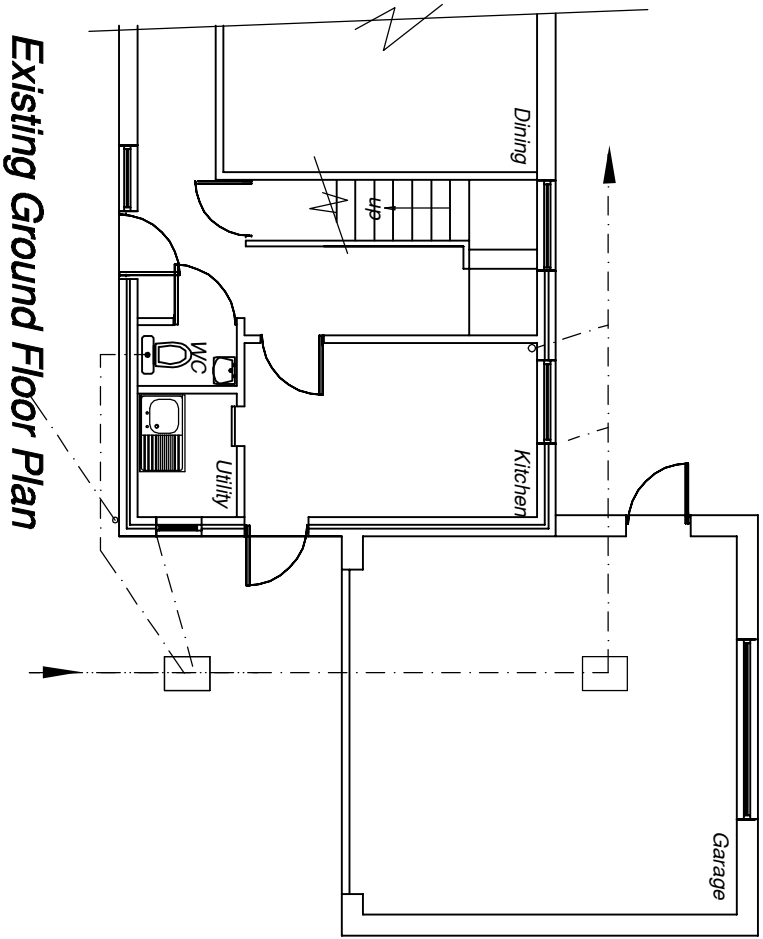


Existing Front Elevation

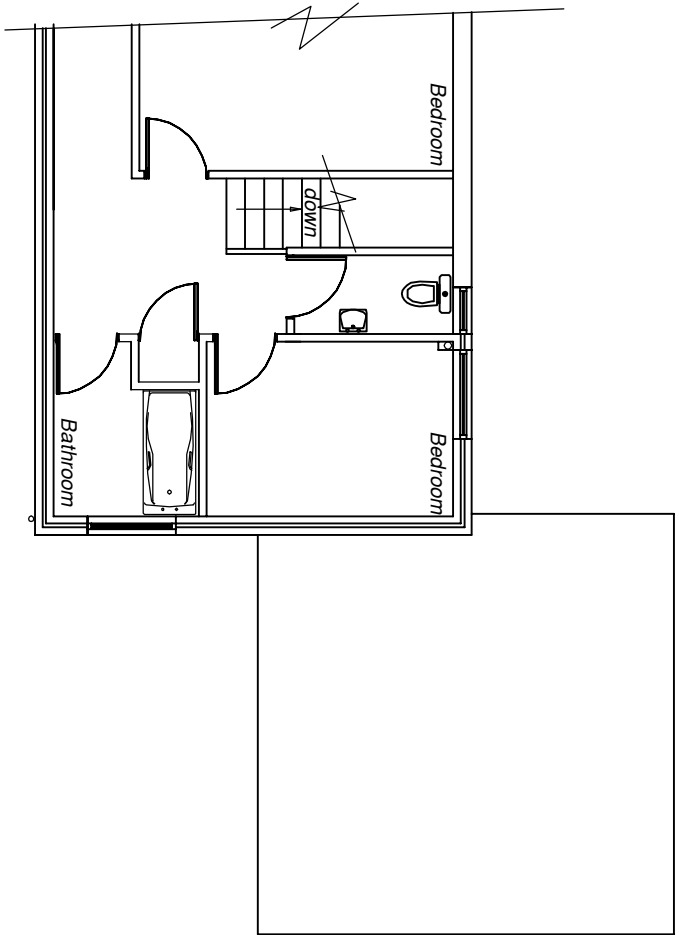


Existing Rear Elevation

Site	Date	Scale	Project
3 Linden Drive, Oldswinford, Stourbridge	Aug 2013	1:100	Kitchen Extension

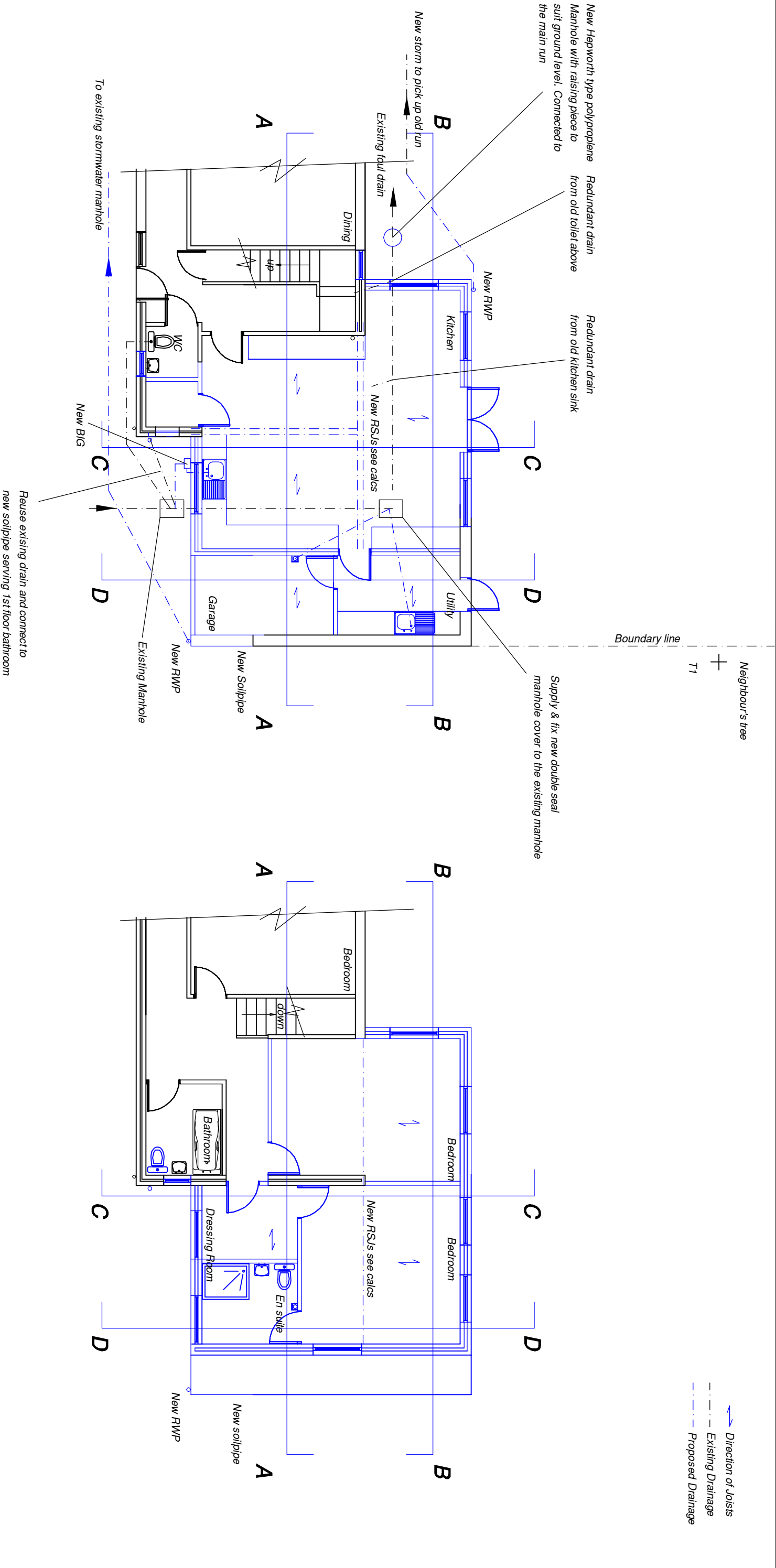


*Existing Ground Floor Plan*

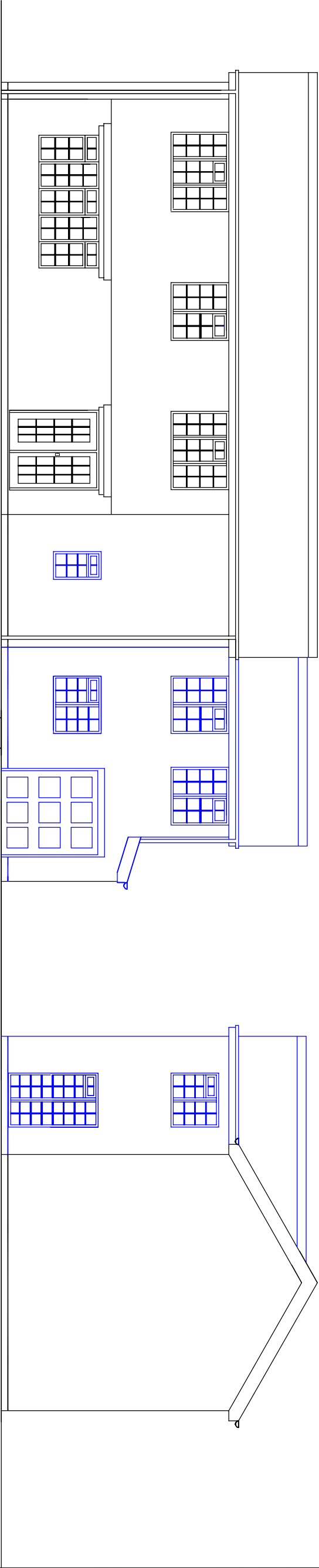


*Existing 1st Floor Plan*

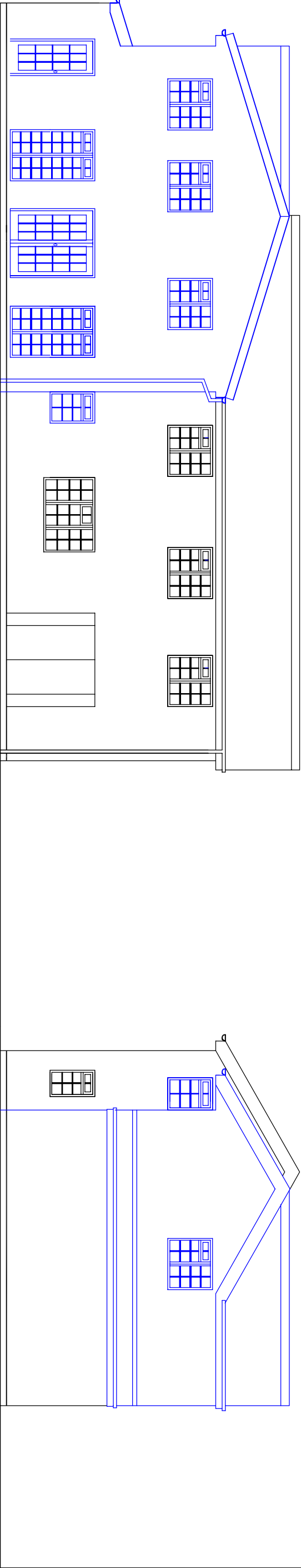




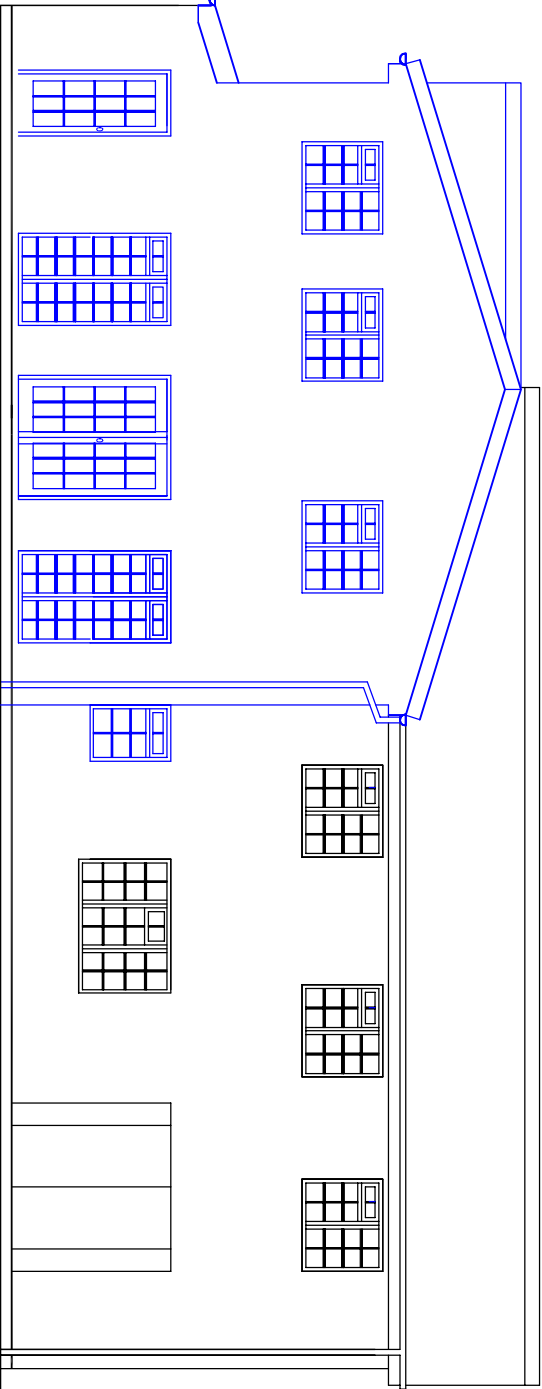
Site	Date	Scale	Project	Planning Amendment Date 12/12/13 Planning Amendment Date 3/1/14 Planning Amendment Date 21/1/14
3 Linden Drive, Oldswinford, Stourbridge	Aug 2013	1:100	Option 1	



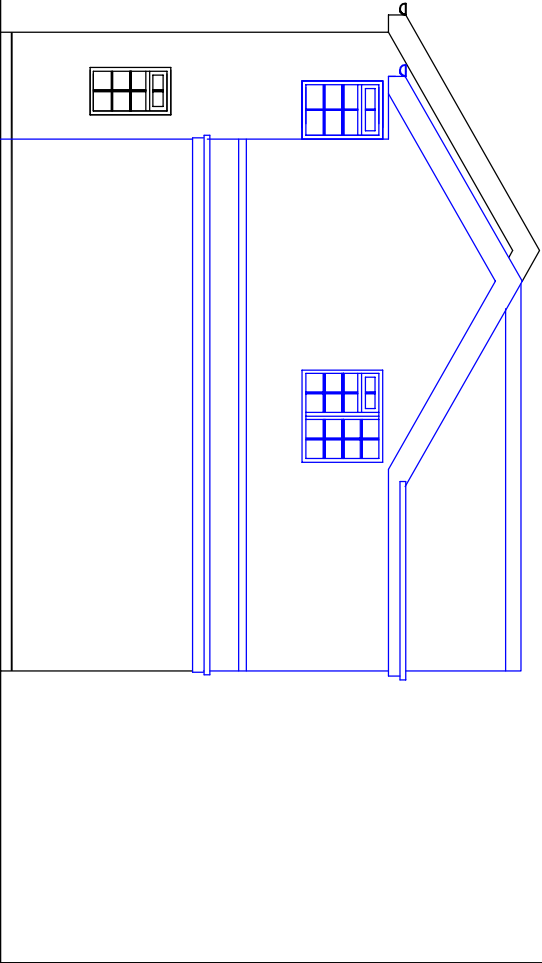
*Proposed Front Elevation*



*Proposed Side (East) Elevation*



*Proposed Rear Elevation*



*Proposed Side (West) Elevation*

Site	Date	Scale	Project	Planning Amendment Date 12/12/13 Planning Amendment Date 3/1/14 Planning Amendment Date 21/1/14
3 Linden Drive, Oldswinford, Stourbridge	Aug 2013	1:100	Kitchen/Bedroom Extension Option 1	

## PLANNING APPLICATION NUMBER:P14/0162

Type of approval sought	Full Planning Permission
Ward	Halesowen North
Applicant	Mr Adam Goulding
Location:	<b>CORNER SITE OF CLEMENT ROAD AND NIMMINGS ROAD, BLACK HEATH, WEST MIDLANDS, B62 9JJ</b>
Proposal	<b>ERECTION OF A TWO STOREY BUILDING TO CREATE 6 NO. APARTMENTS</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

### SITE AND SURROUNDINGS

1. The site is located on the corner of Clement Road and Nimmings Road, Halesowen just within the boundary of Shell Corner Local Shopping Centre. It is a prominent, vacant site, situated within a mixed use area comprising housing and commercial uses. Clement Road, from which the site gains access, is a residential road, containing predominantly terraced dwellings with some semi's and detached interspersed throughout. Directly opposite on Nimmings Road is a carpet sales business and terraced houses. There is a vacant, former dental practice on the opposite corner of Clement Road. Abutting the site to the south-west is an electricity sub-station with an MOT garage beyond which gains rear access off the driveway to the application site off Clement Road. This access drive also serves a single storey industrial unit which is to the rear of 'Hazeldine' which is a residential dwelling fronting Clement Road.

### PROPOSAL

2. This application proposes the erection of one, two storey block of six, one bedroom flats. The building would be situated on the corner of Nimmings Road and Clement Road.

3. Gated access to a private parking area would utilise the existing access point on Clement Road. Seven off- street parking spaces are indicated.
4. An amenity area for residents is provided behind the sub-station adjacent to the parking spaces.

## HISTORY

### 5. Relevant history

Application no.	Proposal	Decision	Decision Date
P06/0537	Demolition of existing stores and erection of new stores. Change of use to include car sales (sui generis)	Approved	05/05/2006
P06/1878	Erection of two, two storey blocks one bedroom flats	Withdrawn	17/11/2006
P07/0126	Erection of two, two storey blocks of one bedroom flats (re-submission of withdrawn application P06/1878)	Approved	12/10/2007

## PUBLIC CONSULTATION

6. The application has been advertised by means of a site notice and thirty three letters have been sent directly to adjacent and nearby residents and commercial premises. Five letters of objection have been received which make the following points:
  - There are already on-street parking problems within the vicinity of the site in the day and during the evening;
  - There are double yellow lines and a one way system has been installed:

- The scheme indicates seven parking spaces for six flats. It is unlikely that every resident will only have one car meaning further pressure on available space in Clement road and Nimmings Road;
- There is only one way in and out of the site and there is a business which also uses this access. How will traffic flow cope;
- No need for more flats, there are plenty for sale and rent in the area;
- Small one bedroom flats, on the corner of a one way system and next door to a sub-station, garage and workshops would not appeal to tenants or owners;
- Disruption to the area during construction;
- Shell Corner should regenerate for business as there are plenty of residential dwellings

## OTHER CONSULTATION

7. The Group Engineer, Highways: Table 2 of the Parking Standards SPD requires that 6 No 1 bed apartments have 7.2 parking spaces. There are 6 independently accessible parking spaces which is a slight shortfall below the minimum standard. Should the application be approved then a condition that the parking bays remain unallocated for the life of the development is required.

The parking area should be 10.3m deep and each space 2.5m wide the parking layout will require amending. End bays should be 3m wide. The access road should be a minimum of 4.5m to comply with the SPD Parking standards. overlooked, well lit, secure and undercover cycle parking facilities should be incorporated into any developments that have the potential to attract cyclists. Cycle parking should be located in positions that will encourage their use and where possible within the building. Electric charging points will also be required.

8. The Head of Environmental Health and Trading Standards: I have reviewed the Walkover Survey and Desk Study Report by Sub Surface Midlands Limited (Dated January 2014) and agree with the recommendations for site investigation to be undertaken for both land contamination and ground gases. I therefore recommend conditions be attached regarding land contamination and ground gases and vapours. No adverse comments in terms of noise.

## RELEVANT PLANNING POLICY

### 9. National Planning Policy Framework 2012

The National Planning Policy Framework (NPPF) has replaced all of the previous Central Government Planning Policy Guidance. It 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.

### 10. Black Country Core Strategy (2011)

ENV2 - Historic Character and Local Distinctiveness

HOU1 – Delivering Sustainable Housing Growth

HOU2 – Housing Density, Type and Accessibility

HOU3 – Delivering Affordable Housing

CEN1 – The Importance of the Black Country Centres for the Regeneration Strategy

CEN2 – Hierarchy of Centres

CEN5 – District and Local Centres

DEL1 – Infrastructure Provision

TRAN2 – Managing Transport Impacts of New Development

Regeneration Corridor 13 – Jewellery Line-Rowley Regis-Stourbridge  
Junction

### 11. Saved Dudley Unitary Development Plan (2005)

Policy DD1 – Urban Design

Policy DD4 – Development in Residential Areas

EP7 – Noise Pollution

### 12. Supplementary Planning Documents

New Housing Development (2013)

Parking Standards (2012)

## ASSESSMENT

### Key Issues

- Principle
- Design and Appearance
- Residential Amenity
- Access and Parking
- The adjacent substation
- Planning Obligations

### Principle

13. The application site comprises an area of hard standing which, according to the application form, was last used for car sales. As such the site is an urban brownfield site which would deliver new housing in accordance with the National Planning Policy Framework. The site occupies a prominent location on the corner of Clement Road and Nimmings Road just within the boundary of Shell Corner Local Shopping Centre. The site is also located within Regeneration Corridor 13 – Jewellery Line – Rowley Regis – Stourbridge Junction where Shell Corner Local Shopping Centre has ‘.. opportunities for appropriate scale retail and housing growth’
14. A previous planning approval was granted (P07/0126) for the erection of two, two storey blocks of one bedroom flats which was approved on 12<sup>th</sup> October 2007. The site area of that application was larger than the current application which included this site and the site known as ‘Tites Garage’ which operates from the other side of the electricity sub-station. The previous scheme indicated two separate blocks of apartments and it is relevant to note that the current scheme for consideration is very similar to that which was approved for this part of the site.
15. On the basis of the above it is considered that the development is acceptable, in principle.

### Scale & Appearance

16. The apartments are proposed to be built at a density of some 60 dwellings per hectare (dph). Given the relative mix of dwelling types that surround the application site, with densities ranging from approximately 30dph (dwellings on Clement Road) to 70dph (terraced dwellings located on Nimmings Road), it is considered that 60dph, would be appropriate for this highly urbanised local centre and would therefore be in accordance with the New Housing Development Supplementary Planning Document.
17. The building would be two storey and would turn the corner with Clement Road and Nimmings Lane. There is a mix of both the modern and traditional building forms on different sized plots within the vicinity of the site, especially along Clement Road. A continuation of the established building line with the properties within Nimmings Road has been incorporated into the plot layout. The development would project 2.5m forward of the nearest residential property 'Hazeldine' in Clement Road however, similar relationships of varied building lines are already apparent within Clement Road.
18. The built frontage would further add enclosure to this part of the street scene, which unlike elsewhere in the area, is currently rather fragmented and lacks definition. Therefore it is considered that the proposed siting and appearance of the apartments would be compliant with Policy ENV2 (Historic Character and Local Distinctiveness) of the Black Country Core Strategy and Saved Policies DD1 and DD4 of the adopted Dudley Unitary Development Plan.

### Residential Amenity

19. Although the position of the building is situated forward of Hazeldine, there is no conflict with the 45-Degree code guidelines and as there would be separation of 5m between these buildings, it is not therefore anticipated that any loss of residential amenity would occur to the residents of that dwelling.



20. Furthermore, the removal of the commercial car sales from the site is likely to improve the amenities of residents in Clement Road, and therefore is deemed to conform with Policy DD4 of the Adopted UDP. No issues of noise have been raised by the Head of Environmental Health and Trading Standards.
21. The applicant has shown a total area of private amenity space of some 77.6m<sup>2</sup>. New Housing Development SPD suggests that 30m<sup>2</sup> amenity space per flat should be provided for a communal area. Whilst the provision on this site would fall short of the guidelines it is considered to be acceptable within such a highly urbanised centre. It must also be anticipated that the potential occupiers of these 1-bed apartments are unlikely to consist of families requiring greater amounts of amenity space.

Access and highway safety

22. The proposed development would utilise the existing vehicular access from Clement Road. This access serves an MOT business fronting Nimmings Road, a single storey industrial unit and a small group of garages. The Group Engineer, Highways has considered the application and does not object to the scheme provided that the driveway is increased to 4.5m wide. An amended plan is awaited which indicates this and will be available in the form of a Pre-Committee note. It is also relevant to note that the site could revert to a car sales business, where vehicular movements into and out of the site would be significantly greater than the development of the site for six one bedroom flats.
23. Five objections have been received to the application. The recurring theme of concern is the lack of parking in the vicinity of the site and the possibility that the development would lead to further pressure for on-street parking. Parking Standards SPD requires that six, one bedroom apartments have 7.2 parking spaces. The scheme indicates 6 independently accessible parking spaces and one tandem parking space which is slightly below the minimum standard. However, provided that the dimensions of the bays are slightly increased in size and remain unallocated for the life of the development the Group Engineer, Highways is satisfied with the level of parking provision. He has also requested conditions to secure cycle parking and electric charging points.

#### The adjacent sub-station

24. As the site is adjacent to an electricity sub-station a condition with respect to electro-magnetic fields to prevent adverse impacts upon health is required.

#### Planning Obligations

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

Following consideration of the above tests on-site Nature Conservation and Public Realm works could be justified as they are deemed to be in scale and kind to the proposed development.

29. On this basis, this change of use complies with the requirements of BCCS Policy DEL1 and the Planning Obligations SPD.

## CONCLUSION

30. Consistent with national planning guidance, the proposal makes efficient use of land within the urban area for residential development in a highly sustainable location. The design of the proposed apartments complements the character and appearance of the surrounding area. With the imposition of necessary conditions, it is considered that the residential amenities of the adjacent neighbours can be protected and avoid any adverse impact upon highway safety. Having taken regard for the Councils policies controlling such development and other material considerations, for the reasons set out above it is considered that the proposed development would satisfy the National Planning Policy Framework, Policies ENV2, HOU1, HOU2, HOU3, CEN1, CEN2, CEN5, DEL1, TRAN2 and Regeneration Corridor 13 – Jewellery Line-Rowley Regis-Stourbridge Junction of the Black Country Core Strategy, Saved Policies DD1, DD4 and EP7 of the adopted Dudley Unitary Development Plan and Supplementary Planning Documents New Housing Development and Parking Standards.

### Conditions and/or reasons:

1. No development shall commence until details of nature conservation enhancement works have been submitted to and approved in writing by the Local Planning Authority. The nature conservation enhancement works shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
2. No development shall commence until details of public realm works have been submitted to and approved in writing by the Local Planning Authority. The public realm works shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
3. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
4. Development shall not begin until details of the type, texture and colour of materials to be used in the external elevations have been submitted to and approved by the local planning authority.

5. The development shall not be occupied until the area shown for access and the car parking bays on the approved plan have been graded, levelled, surfaced, drained and marked out, and that area shall not thereafter be used for any other purpose other than the parking of vehicles.
6. None of the dwellings shall be occupied until works for the disposal of foul and surface water drainage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Local Planning Authority.
7. Development shall not begin until details of plans and sections of the lines, widths, levels, gradients and form of construction of service/access roads and drainage systems have been submitted to and approved by the local planning authority. Development shall thereafter be implemented in accordance with such approved plans.
8. Development shall not begin until details of the existing and proposed levels of the site, which should be related to those of adjoining land and highways, have been submitted to and approved by the local planning authority.
9. No development shall begin until an assessment of the risks posed by any contamination has been submitted to and approved by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.
10. Where the approved risk assessment (required by CL01a) identifies contamination posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the Local Planning Authority.
11. Unless otherwise agreed in writing with the LPA, the approved scheme (required by CL01b) shall be implemented and a verification report submitted to and approved by the LPA, before the development (or relevant phase of the development) is first occupied/brought into use.
12. No development shall begin until an assessment of the risks posed by any ground gases or vapours has been submitted to and approved by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.
13. Where the approved risk assessment (required by CL02a) identifies ground gases or vapours posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the Local Planning Authority.
14. Unless otherwise agreed in writing with the LPA, the approved scheme (required by CL02b) shall be implemented and a verification report submitted to and approved by the LPA, before the development (or relevant phase of the development) is first occupied/brought into use.
15. Details of the following matters shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development hereby approved:
  - i. Full detailed design and construction details of the boundary fencing to the Nimmings Road and Clement Road frontage.
  - ii. Full detailed design and location of the proposed dustbin storage.
  - iii. Full detailed design and location of the proposed cycle rack

The development shall thereafter be implemented in accordance with such plans.

16. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.
17. All planting, seeding or turfing comprised in the details of landscaping approved in accordance with condition 10 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees, hedgerows or plants contained in the approved planting scheme which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
18. No development shall commence until a detailed assessment and analysis of the impacts of electro magnetic fields emanating from the electricity sub-station upon human health has been undertaken to prove that the proposed development can be safely implemented with, if necessary, the building in of safeguarding measures and such has been submitted to and agreed in writing by the Local Planning Authority. Any required works shall be implemented prior to the first occupation of the development and shall be maintained for the life of the development.
19. Development shall not begin until a scheme for protecting residents in the proposed dwellings from electromagnetic fields from the adjacent electricity sub-station has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before occupation of the permitted dwellings, unless otherwise agreed in writing by the Local Planning Authority.
20. The development hereby permitted shall be carried out in accordance with the approved location, elevation and floorplan received by email on 17 March 2014.

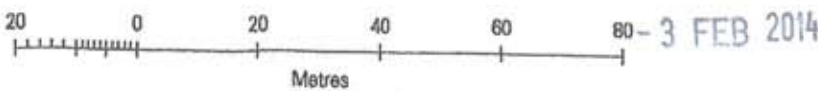
Nimmings Road



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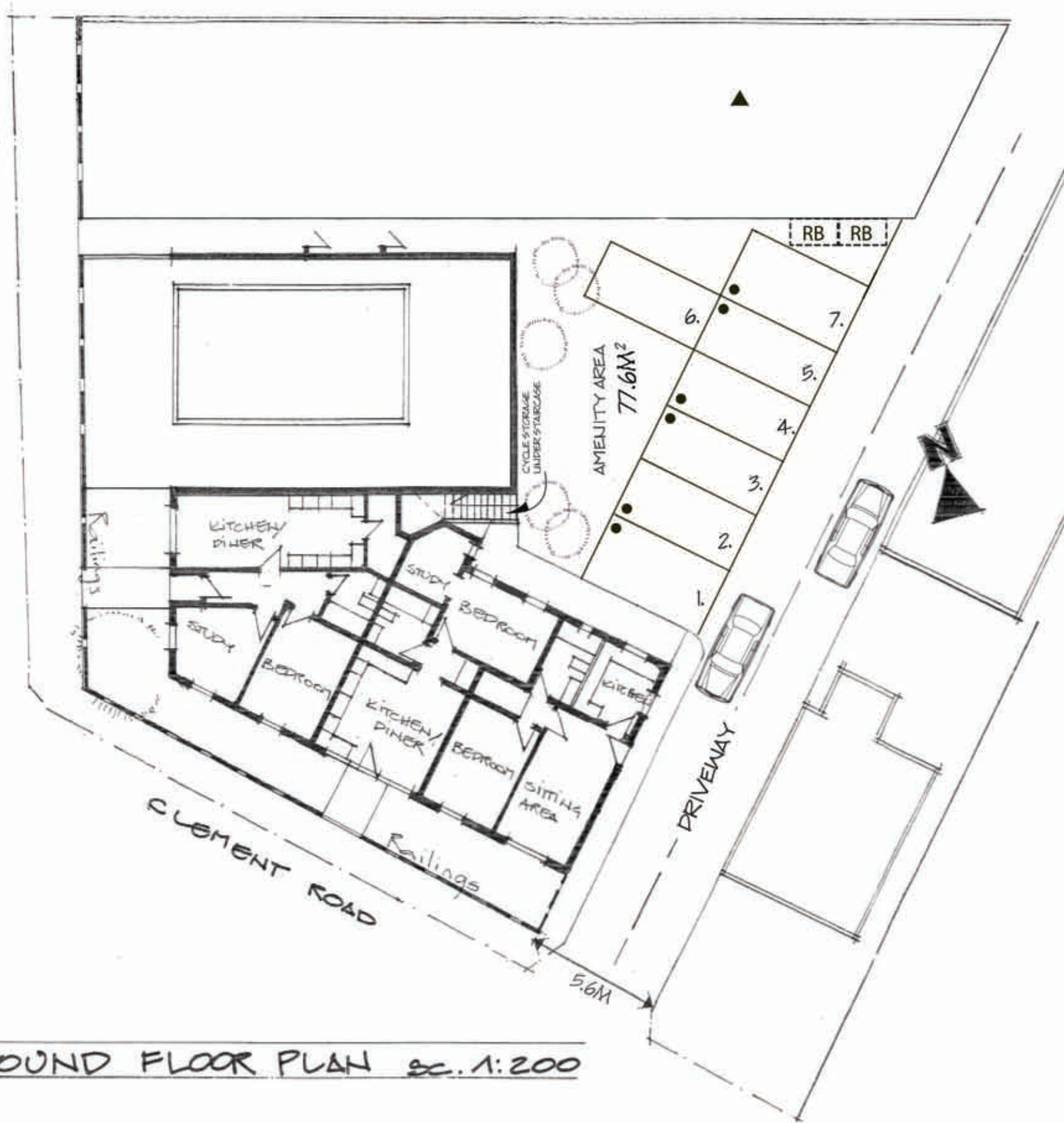


Centre Coordinates: 397851 285909  
National Grid sheet reference at centre of this Siteplan: SO9785NE  
Supplied by: CENTREMAPS Malcolm Hughes  
Serial Number: 00352500

Blackheath  
Birmingham  
B62 100

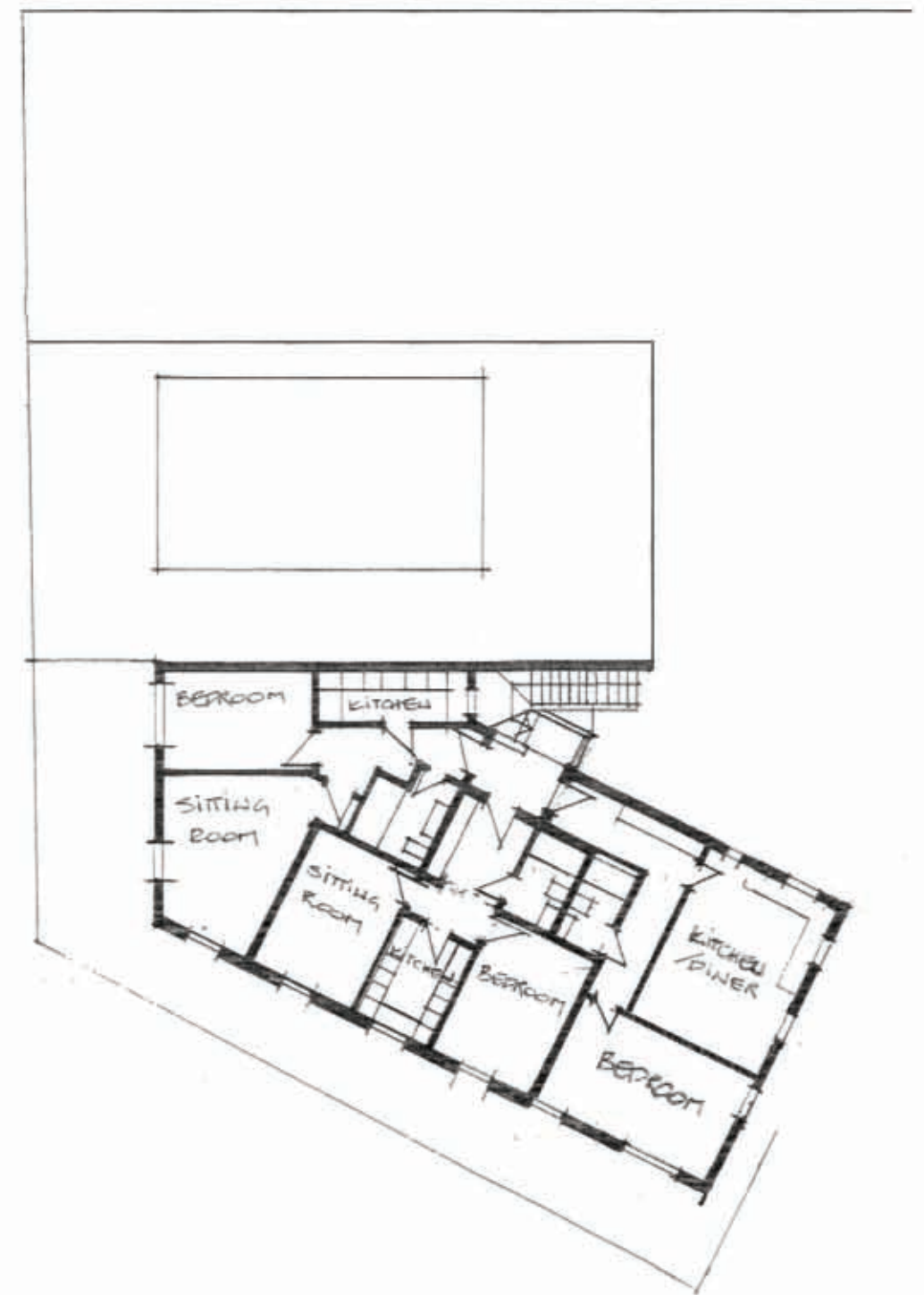


NIMING ROAD



GROUND FLOOR PLAN sc. 1:200

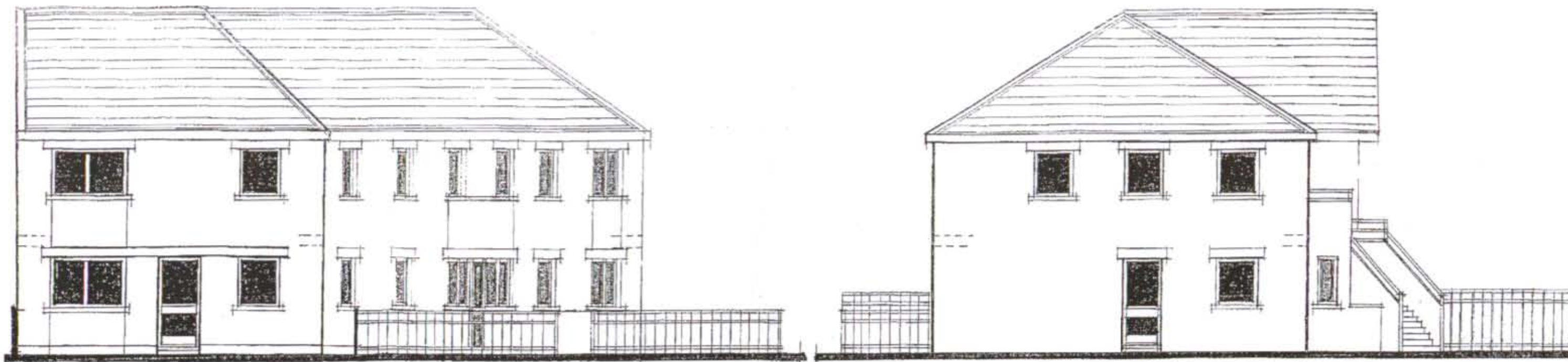
- ▲ SEWER CONNECTION
- RB REFUGE BUNKER
- CHARGING POINT



FIRST FLOOR PLAN sc. 1:200

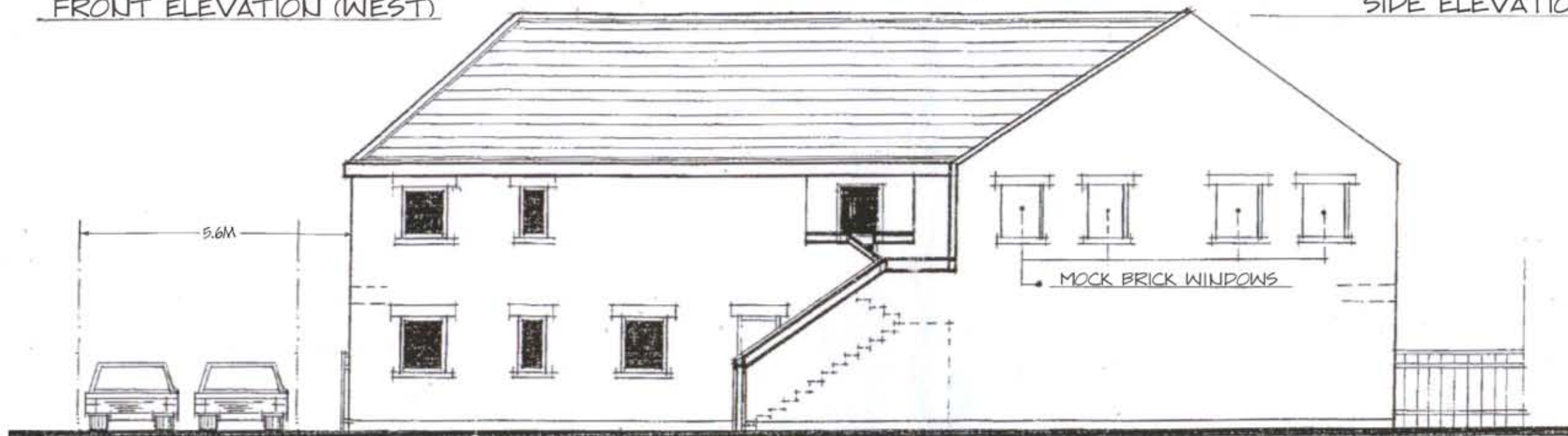
REVISED PLAN NO. P14/0162





FRONT ELEVATION (WEST)

SIDE ELEVATION



MOCK BRICK WINDOWS

REAR ELEVATION



FRONT ELEVATION (SOUTHWEST)

DEVELOPMENT PROPOSAL - ELEVATIONS

CORNER OF NIMMINGS RD & CLEMENT RD. B62 9U

REVISED PLAN NO. P14/0162



## PLANNING APPLICATION NUMBER:P14/0165

Type of approval sought	Full Planning Permission
Ward	Netherton Woodside and St Andrews
Applicant	Mrs R. Farooq
Location:	<b>LAND ADJACENT TO 31, GADS GREEN, NETHERTON, DUDLEY, WEST MIDLANDS</b>
Proposal	<b>ERECTION OF 1 NO. DWELLING TO INCLUDE LOWER GROUND FLOOR ASSOCIATED 1 NO. BEDROOM ANNEX WITH ANCILLARY WORKS (RESUBMISSION OF WITHDRAWN PLANNING APPLICATION P13/0612)</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

### SITE AND SURROUNDINGS

1. The application site measures 760 sq m and is an unused overgrown parcel of land to the side and rear of a bungalow at 31 Gads Green. The site access is located between 31 Gads Green and the public right of way (PROW) which gives access to 3 and 4 Gads Green and leads towards Bumble Hole Conservation Area and St Georges Road.
2. Facing the site access on the south side of Gads Green, are a row of 1990's detached houses and on the opposite side of the PROW to the application site are a pair of 1950's era semi detached houses.
3. Adjoining the site to the south and west at a higher level is the bungalow and garden of 31 Gads Green, beyond which are located four houses and the rear gardens of 23-29 St Peters Road which face towards the site at a distance of some 20-27 metres.
4. To the north of the site at a higher level is a grassed area with a number of single storey buildings adjacent to the site boundary. The access for 3 Gads

Green also runs to the north of the site with a highways verge comprising a line of Hawthorn and Sycamore trees and general shrubbery before the PROW to the east.

5. The site is close to the Bumble Hole Conservation Area, the boundary of which is along the PROW.
6. There are levels differences within and adjoining the site with the site access sloping down into the site from Gads Green with a drop of 2.5m. The PROW which rises up from Gads Green towards St Georges Road is also set at some 3m higher level with the highway verge sloping towards the site.
7. The rear garden of the bungalow at 31 Gads Green has two levels, with the lowest level matching that of the application site and the higher level 2m above and fenced off, being level with the bungalow.

## PROPOSAL

8. This application seeks permission for a three storey detached house with a one bedroom parents annexe located on the lower ground floor. Vehicular access from Gads Green slopes down to the lower ground floor to a double garage with an additional higher level access to the main dwelling running above the subterranean garage. On the ground floor level is a lounge, sitting room, dining room, kitchen, study and two balconies, with five en-suite bedrooms at first floor.
9. The irregular shape of the site allows for garden areas to the side (west) and rear (north) of the property with two additional patio areas and balconies at ground floor level. The dwelling has been designed with obscure glazing to windows in the south western elevation to prevent any overlooking of the bungalow at 31 Gads Green.
10. The application is accompanied by a design and access statement, tree survey and ecological survey.

## HISTORY

11.

APPLICATION No.	PROPOSAL	DECISION	DATE
P00/51768	Erection of two four bedroom detached houses	Withdrawn	04/01/01
P08/0299	Outline application for the erection of 2 No dwellings (access and layout to be considered)	Granted	30/04/08
P08/0299/E1	Extension of time of previously approved application P08/0299 (outline application for the erection of 2 No. Dwellings)	Granted	17/05/11
P12/1397	Erection of 1 No. dwelling to include lower ground floor associated 1 No. bedroom annex with ancillary works	Withdrawn	15/02/13
P13/0612	Erection of 1 No. dwelling to include lower ground floor associated 1 No. bedroom annex with ancillary works	Withdrawn	20/01/14

## PUBLIC CONSULTATION

12. The application has been advertised by direct neighbour notifications to 40 properties and the display of press and site notices. As a result. twenty two emails and letters of objection have been received raising the following concerns:

- Size of dwelling
- Not in keeping
- Out of scale

- Overlooking
- Possible future uses specifically a nursing home
- PROW unsafe during building works
- Overspill of parking onto street
- Existing parking issues
- Close to a nature reserve
- Increase in noise and disruption

13. Thirteen emails and letters of support have been received which include comments that the house has been reduced in size, would now fit in with surrounding area, utilises the difficult sunken plot, will improve security for people using the track, that the site is in a poor visual condition and a preference for one plot instead of two as approved by the outline permission.

14. The letters of objection are mainly from Gads Green and St Peters Road. The thirteen email/letters of support are from Gads Green, one from an address in St Georges Road and one from the Bridgnorth area.

#### Councillors

15. An objection has been received from Councillor T Wood raising issues about potential loss of privacy, overlooking, overshadowing, visual impact, the design not in keeping and out of character with the area. The Councillor does not object to the development of the land but does not support this particular proposal.

16. An email of support has been received from Councillor S Safeena who is of the view that the application 'should be approved to help facilitate an easier lifestyle for the disabled residents'. It is understood that the term disabled residents relates to the appellant's parents who would be moving into the annexe.

## OTHER CONSULTATION

17. Head of Environmental Health and Trading Standards – No adverse comments in terms of noise, and subject to conditions relating to the assessment of the risks posed by any ground gases or vapours there are no objections.
18. Group Engineer (Highways) – no objections subject to conditions relating to the provision of the access and parking prior to first occupation.
19. West Midlands Fire Service – no objections.

## RELEVANT PLANNING POLICY

### 20. National Planning Policy Framework (2012)

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

### 21. Black Country Core Strategy (2011)

- DEL1 Infrastructure Provision
- TRAN2 Managing Transport Impacts of New Development
- TRAN5 Influencing the Demand for Travel and Travel Choices
- CSP1 The Growth Network
- CSP2 Outside the Growth Network
- ENV3 Design Quality
- HOU1 Delivering Sustainable Housing Growth
- HOU2 Housing Density, Type and Accessibility

## 22. Saved Dudley Unitary Development Plan (2005)

- DD1 Urban Design
- DD4 Development in Residential Areas
- EP7 Noise Pollution
- HE4 Conservation Areas
- UR9 Contaminated Land

## 23. Supplementary Planning Documents / Guidance

- Parking Standards
- Planning Obligations
- New Housing Development – Revised 2013

## ASSESSMENT

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

- Principle
- Street Scene/Design
- Residential Amenity
- Access and Parking
- Planning Obligations

### Principle

25. There is an extant outline planning permission, P08/0299, for 2 dwellings approved in May 2011. The principle of residential development has therefore already been established by the granting and subsequent renewal of the outline planning permission.

### Street Scene/Design

26. The immediate area is characterised by 2 storey houses on St Peters Road, opposite the site in Gad Greens and at 1 and 2 Gads Green. There is one bungalow next to the site at 31 Gads Green and due to the change in levels, 3

Gads Green is a mixture of single and two storey and 4 Gads Green is a large dormer style dwelling.

27. The proposed house would be of 3 storey scale overall, with a hipped roof to reduce mass and visual impact, but would appear as a two storey dwelling from outside the site due to the sunken site levels. Whilst the proposed dwelling would undoubtedly be a large structure, the mass of the property has been limited by consolidating the design relative to previous applications and it is not now considered to be of a scale which would have an adverse impact upon the street scene and the immediate character of the area, in accordance with Saved Policy DD4.

28. The design would comprise a brick built dwelling with low hipped roof and generally balanced fenestration with tile feature panels and emphasis on window lintels and cills to provide features within the design.

#### Impact upon the Conservation Area

29. The application site is located to the west of the PROW and the boundary of the Bumble Hole Conservation Area is along the PROW and predominantly includes the land to the east side of the PROW. The application site adjoins other residential sites and the residential nature of the proposed scheme would have a neutral impact on the adjacent generally open conservation area and its surrounding environs.

30. When viewed from the conservation area, there is an existing landscaped highways verge of up to 3.5 m width containing a number of trees and shrubbery which partly obscures the site. The steep drop into the site is noticeable from the PROW and the house would be at a lower level reducing the impact of its 3 storey height from the PROW, with the house would be set against the backdrop of existing houses. The side elevation facing towards the PROW has been revised to allow for a more active elevation facing towards the conservation area to give an improved visual appearance. It is considered that the setting of the proposed dwelling, its height and relationship to existing buildings would not appear inappropriate relative to the setting of the conservation area.

### Residential Amenity

31. The proposed dwelling is set within the site to allow a separation distance of 12m between the dwelling and 31 Gads Green at its closest point. Due to the higher level of the bungalow, close boarded fencing surrounding the higher level of the bungalow and that the bungalow angles away from the proposed dwelling, residential amenity would not be adversely affected. Windows facing the bungalow are also to be obscure glazed to prevent overlooking.
32. There would be a minimum separation distance of 28m rising up to 36m between the rear facing habitable windows of 23-29 (odds) St Peters Road and front/side habitable windows of the proposed dwelling. The ground floor balcony on the west side of the dwelling, would measure 2m wide by 6.2m long and would be a minimum 25m from the rear of the dwellings in St Peters Road.
33. There would be a separation distance of 20m between the blank side elevation of 3 Gads Green and the proposed dwelling which will be separated by boundary fencing and the side driveway of 3 Gads Green.
34. In regards to the impact upon 1 and 2 Gads Green whilst the front elevation of the proposed dwelling and the rear elevations of 1 and 2 do not face each other, the side elevation of the proposed dwelling would face east over the PROW and a portion of the rear gardens of 1 and 2 Gads Green. The upper two storeys of the proposed dwelling would contain one dining room window and one sitting room with two bedroom windows on the top floor on the east elevation. There would be minimum separation distances of between 12m and 28m between the side elevation of the proposed dwelling and the rear garden boundaries of 1 and 2 Gads Green respectively, which is considered to be appropriate to maintain amenity.



35. Between the front of the dwelling and the detached 1990's properties in Gads Green there would be a separation distance of 28m with intervening front drive, pavements and the highway.
36. Whilst undoubtedly the proposed dwelling would be a large structure and visible from neighbouring properties, the lower level difference within the site means that the proposed dwelling would have ridge heights comparable with, for example, 1 and 3 Gads Green.
37. Taking into account the separation distances, siting, height, massing, orientation and levels it is considered that on balance, the proposed dwelling would not adversely impact upon residential amenity, notwithstanding objections received, in accordance with Saved Policy DD4 of the adopted UDP (2005).

#### Access and Parking

38. Access to the site would provide for two driveways with the higher driveway to the right serving the main entrance and a lower driveway serving the double garage, parking area and annexe at the lower ground floor level. The site could therefore accommodate parking for some five vehicles with safe manoeuvring without overspill onto the locality. Subject to conditions the proposed scheme is considered satisfactory from a highways viewpoint, in accordance with UDP policy DD4.

#### Ecology

39. An ecological survey report submitted with the application concluded that there was no potential for bat roosting on the application site and no badger sets were found on the site. Common toads were found on the site during the survey, but no Great Crested Newts.
40. There is an opportunity to enhance the areas wildlife potential by planting a suitable mix of native species when landscaping using a mix of species already found within the local area and provide more suitable habitats for protected species, such as bat boxes, within the redevelopment site.

## CONCLUSION

41. The siting and the external appearance of the proposed dwelling are considered to be acceptable and to have a neutral impact upon the setting of the conservation area. The proposed development will make full and efficient use of the land and the scheme conforms to the local context and character of the area. Neighbours amenity and street scene are not considered to be adversely affected and the scheme is in accordance with the Core Strategy and Saved UDP Policies.

## RECOMMENDATION

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

### **APPROVAL STATEMENT INFORMATIVE**

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

### **NOTE TO APPLICANT**

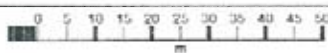
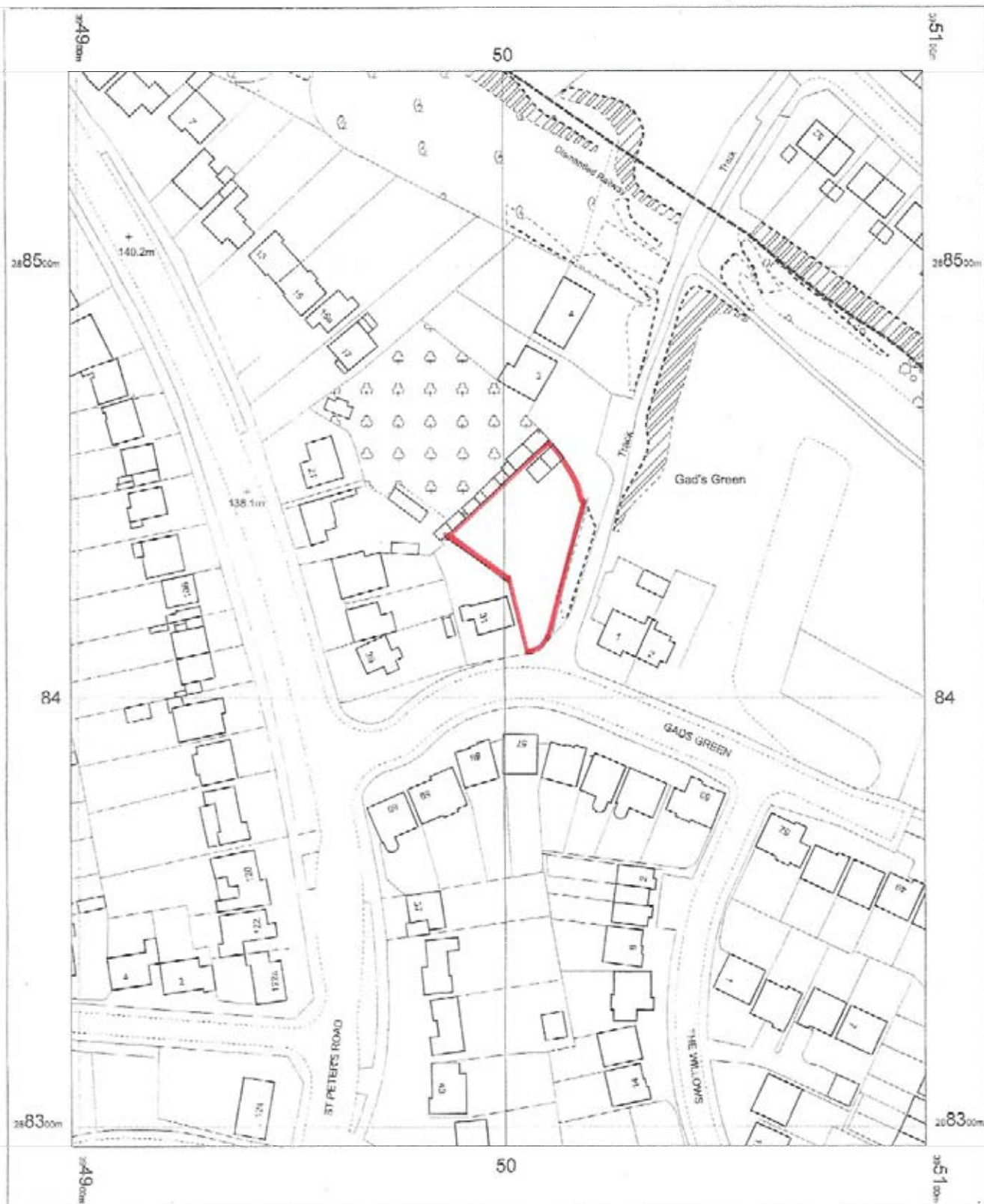
The granting of planning permission does not confirm the structural integrity of the proposed development. Local Planning Authorities do not have a duty of care to individual landowners when granting applications for planning permission and are not liable for loss caused to an adjoining landowner for permitting development.

Sections 77 and 78 of the Building Act 1984, provides Local Authorities with powers to take action with respect to dangerous buildings/structures. Therefore, should the development raise concerns in the future with respect to its structural stability there are powers under separate legislation to planning that would enable the situation to be rectified.

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 31GG/001-2014, 31GG/002-2014, 31GG/003-2014, 31GG/004-2014, 31GG/005-2014, 31GG/006-2014 and the 1:1250 scale location plan.
3. Prior to the commencement of development, details of the landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before the end of the first planting season following initial occupation of the development.
4. Prior to the commencement of development, details of the types, sizes and locations of the boundary treatments around the site and shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be carried out in complete accordance with the approved details prior to the occupation of the dwellings hereby approved and thereafter retained for the lifetime of the development unless otherwise agreed in writing with the local planning authority.
5. Prior to first occupation of the dwelling, the means of access and parking areas will be provided in accordance with the approved details and graded, levelled, surfaced, drained and marked out. These areas will be maintained for no other purpose for the life of the development.
6. Prior to the commencement of development, details of the types, colours and textures of the materials to be used on the external surfaces of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
7. No additional openings shall be formed in the side elevations of the dwelling hereby approved without the prior written approval of the local planning authority.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no development referred to in Schedule 2 Part A Class A, B, C, D and E of that order shall be carried out.

9. No development shall commence until details for the provision of external electric charging points have been submitted to and approved in writing by the Local Planning Authority. The Electric Charging point(s) shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
10. Notwithstanding the approved drawings, prior to the commencement of development, details of the fenestration to be used on the external surfaces of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
11. Prior to the commencement of development, details of the existing and proposed levels of the site (including finished floor levels), which should be related to those of adjoining land and highways, shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved levels.
12. Prior to the commencement of development, details of the retaining walls (and structural calculations) to be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The retaining walls, as agreed, shall be implemented on site prior to first occupation of the dwelling and thereafter maintained for the lifetime of the development.
13. No development shall commence until details for the provision of automatic security gates have been submitted to and approved in writing by the Local Planning Authority. The automatic security gates shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
14. Prior to the commencement of development, a plan detailing 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 occupation of the development hereby approved, the agreed provision will be installed on site and thereafter maintained available for use for the lifetime of the development.
15. No development shall begin until an assessment of the risks posed by any ground gases or vapours has been submitted to and approved by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.
16. Where the approved risk assessment (required by condition 15) identifies ground gases or vapours posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the Local Planning Authority.
17. Unless otherwise agreed in writing with the LPA, the approved scheme (required by condition 16) shall be implemented and a verification report submitted to and approved by the LPA, before the development (or relevant phase of the development) is first occupied/brought into use.
18. The lower ground floor of the building hereby approved shall not be sold-off or sub-let separately from the main dwelling, but occupied and used as ancillary to the main dwelling dwelling unit.



OS Mastermap  
01 November 2012, ID: CM-00187183  
[www.centremapslive.co.uk](http://www.centremapslive.co.uk)

1:1250 scale print at A4, Centre: 394998 E, 288420 N

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# AZIMUTH

## ARCHITECTURE

Chestnut Corner, 69 Braemar Avenue,  
Wordsley, Stourbridge,  
West Midlands, DY8 5HU.  
Tel/FAX: 01384 838776.  
E-mail: kevin@x-tremebase.com

A	Date	Revisions

Client  
MRS. REHANA FAROOQ,  
9 BELBORNE ROAD, DUDLEY, DY2 8LJ

Job Title  
PROPOSED ERECTION OF ONE DETACHED DWELLING ON  
LAND ADJACENT TO 31 GADS GREEN, NETHERTON,  
DUDLEY, DY2 9HQ.

Drawing Title  
PROPOSED SITE PLAN

Scale  
1:200,

Date  
29th JANUARY 2014.

Dwg No: 3100/001-2014. Rev:

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15 JAN 2014



PROPOSED SITE PLAN

RIDGE 144.20  
EAVES 143.50  
FFL 141.40  
FFL 138.70  
FFL 136.00



FRONT



SIDE



REAR



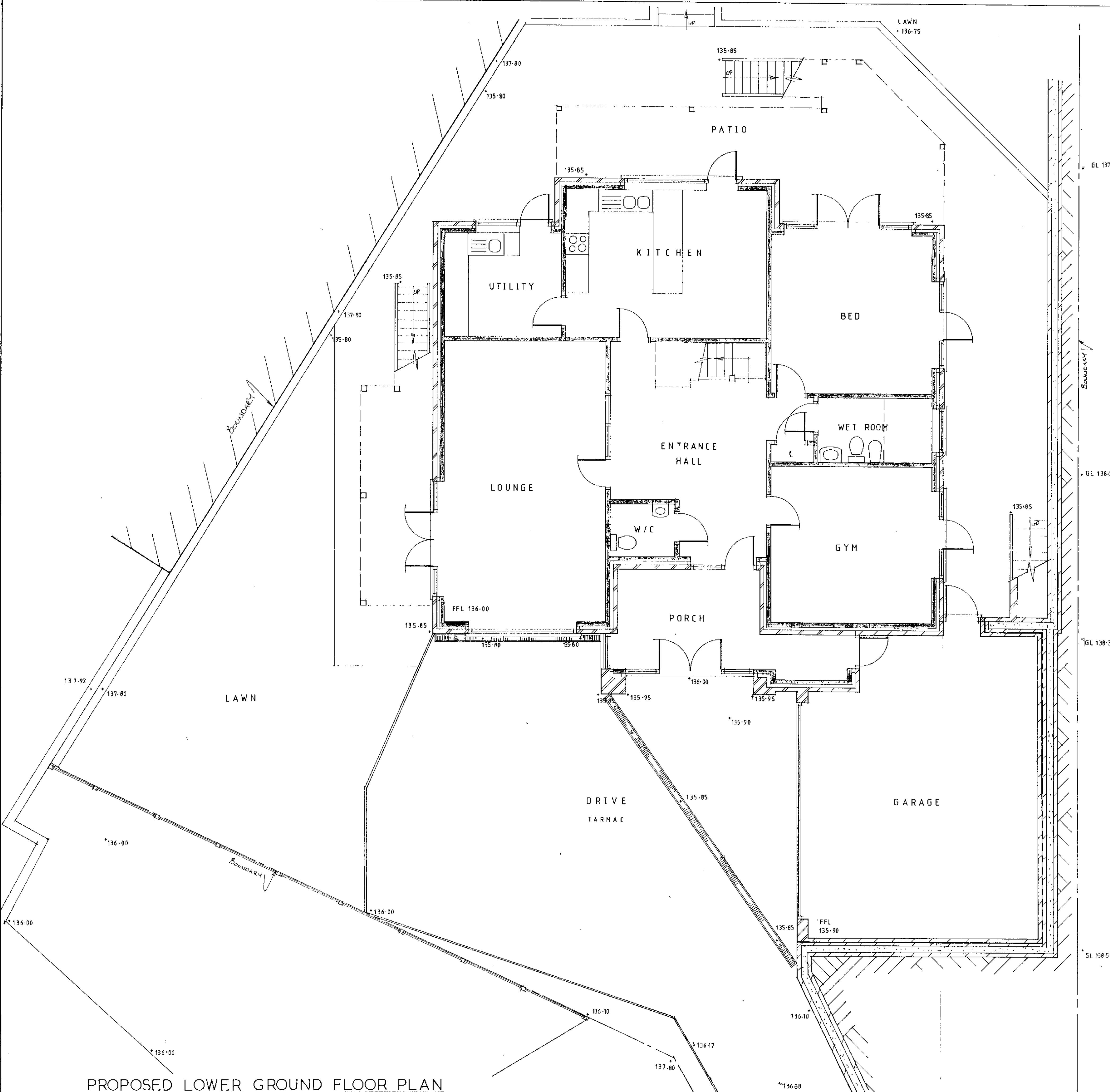
SIDE

## AZIMUTH ARCHITECTURE

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Date	Revisions	
Client		
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Job Title		
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Drawing Title		
PROPOSED ELEVATIONS.		
Scale		
1:50		
Date		
29 <sup>th</sup> JANUARY 2014.		
Dwg No:		Rev:
31GG/008-2014.		
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PROPOSED LOWER GROUND FLOOR PLAN

**AZIMUTH**  
**ARCHITECTURE**  
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A	Date	Revisions

Client  
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Job Title  
PROPOSED ERECTION OF ONE DETACHED DWELLING ON  
LAND ADJACENT TO 31 GADSDEN, NETHERTON,  
DUDLEY, DY2 9HQ.

Drawing Title  
PROPOSED LOWER GROUND FLOOR PLAN

Scale  
1:50

Date  
29th JANUARY 2014.

Dwg No: 31QG/D02-2014.	Rev: 
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# AZIMUTH

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A	Date	Revisions

### Client

MRS. REHANA FAROOQ,  
9 SELBORNE ROAD, DUDLEY, DY2 8LJ

### Job Title

PROPOSED ERECTION OF ONE DETACHED DWELLING ON  
LAND ADJACENT TO 31 GADS GREEN, NETHERTON,  
DUDLEY, DY2 9HQ.

### Drawing Title

PROPOSED GROUND FLOOR PLAN

### Scale

1:50

### Date

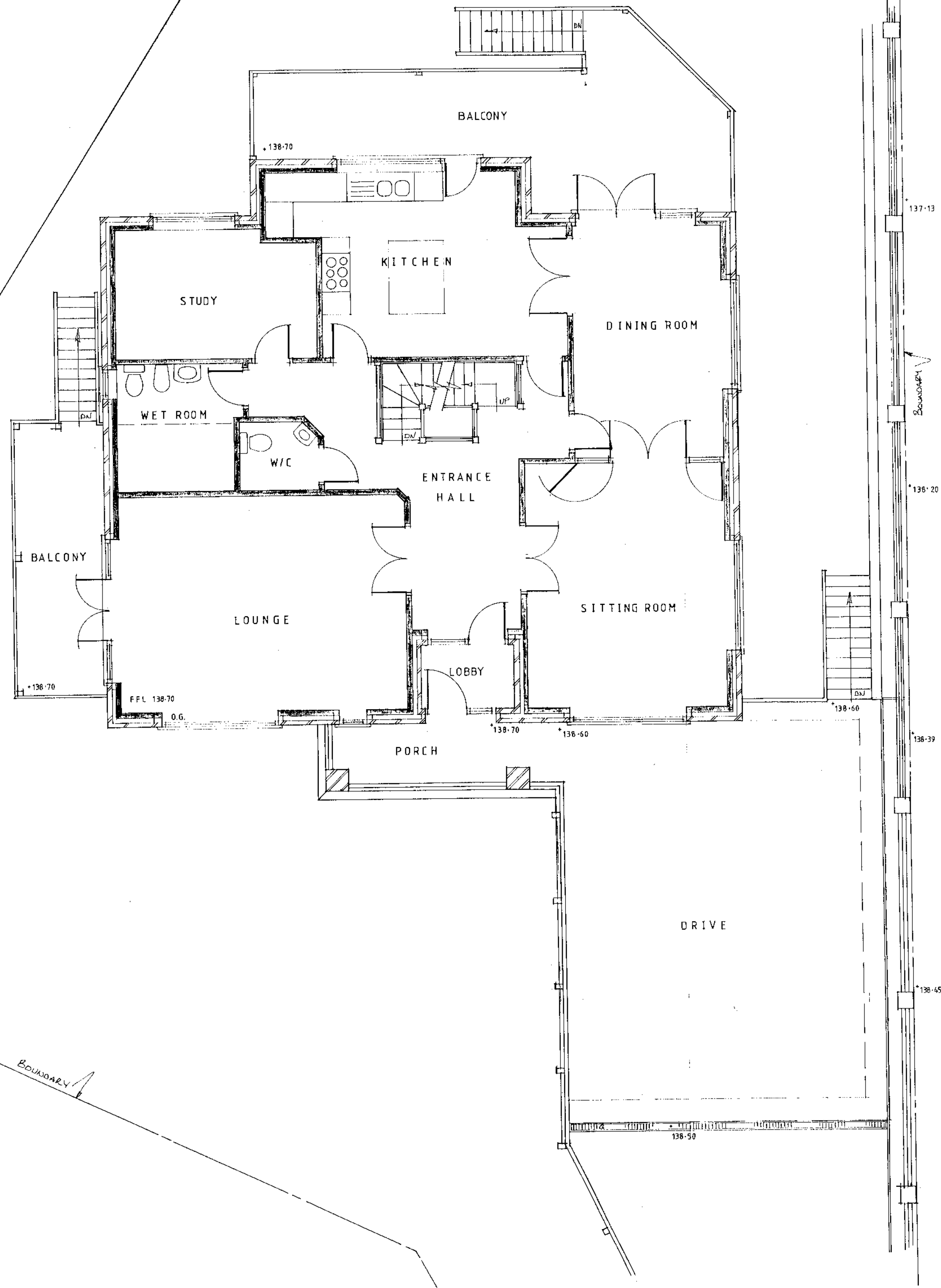
29<sup>th</sup> JANUARY 2014.

### Dwg No:

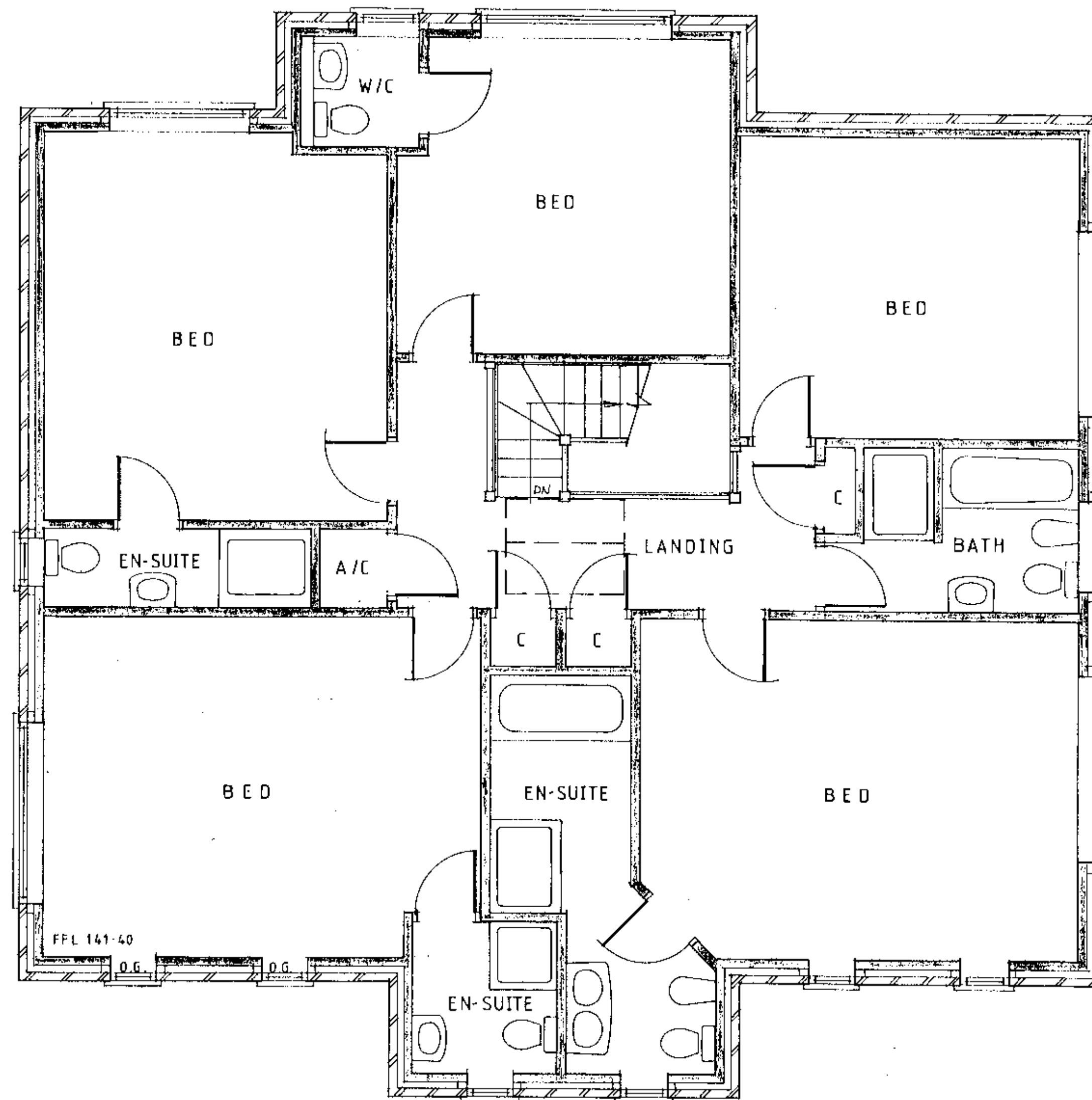
31G0/003-2014.

### Rev:

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PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

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A	Date	Revisions
Client MRS. REHANA FAROOQ, 9 SHELBOURNE ROAD, DUDLEY, DY2 8LJ		
Job Title PROPOSED ERECTION OF ONE DETACHED DWELLING ON LAND ADJACENT TO 31 GADSDEN GREEN, WETHERTON, DUDLEY, DY2 9HQ.		
Drawing Title PROPOSED FIRST FLOOR PLAN		
Scale 1:50,		
Date 29th JANUARY 2014.		
Drg No: 31GG/004-2014.		
Rev:		
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## PLANNING APPLICATION NUMBER: P14/0166

Type of approval sought	Full Planning Permission
Ward	Wollaston and Stourbridge Town
Applicant	Mr L. Griffin, CM Community Care Services
Location:	<b>SOMERSET HOUSE, 121, ENVILLE STREET, STOURBRIDGE, DY8 3TQ</b>
Proposal	<b>PART A - ERECTION OF SMOKING SHELTER TO THE EASTERN BOUNDARY (RETROSPECTIVE) PART B - SINGLE STOREY SIDE/REAR EXTENSION AND ALTERATION OF ACCESS TO FIRST FLOOR OFFICE ACCOMMODATION.</b>
Recommendation Summary:	<b>PART APPROVE &amp; PART REFUSE (SPLIT DEC'N)</b>

### SITE AND SURROUNDINGS

- 1 The application site consists of a vacant public house located on the southern side of Enville Street, about 0.5km from the centre of Stourbridge.
  
- 2 The building which is indeterminate age as it appears to have been subject of rebuilding at some point, has a beer garden to the side and car parking for 19 cars to the rear accessed from Summer Street to the west of the site.
  
- 3 The area is mixed in character with residential and commercial uses being present, with a further public house to the east although to the south east and south of the site are the rear gardens of dwellings which face onto Cecil Street and Agenoria Drive.

### PROPOSAL

- 4 The planning application is to provide for an approximately 120m<sup>2</sup> single storey extension to the side and partly to the rear of the existing public house (Part B). The plans indicate the space would be used as a restaurant area and a kitchen. A small

part of the extension would also provide an access to the recently approved offices above the public house.

- 5 The extension would be flat roofed with a parapet wall, with a glass lantern feature which would illuminate the proposed restaurant area. large windows are proposed to the restaurants external elevations with high level windows to the kitchen area.
- 6 In addition certain internal works, such as providing a disabled toilet are proposed which do not need planning permission.
- 7 Also proposed (retrospective) is a timber smoking shelter (Part A) which measures 7m by 3m and is located between the eastern boundary of the site against the boundaries with Nos. 2 to 6 Cecil Street and the car park. The building has a pitched roof and is open on three sides.

## HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
87/51300	Alterations Including Extensions And Car Park.	Granted	21/09/87
88/51117	Alterations Including Extensions And Car Park.	Granted	14/06/88
P07/2340	Erection of a timber pergola (smoking shelter)	Granted	28/01/2008
P13/1864	Change of Use of first floor of public house into offices (B1)	Granted	27-Jan-2014

- 8 It is believed that planning permission P13/1864 has been implemented in that diffuser lighting is evident through the first floor windows together the displaying of banner signs to the building.

## PUBLIC CONSULTATION

- 9 7 letters of objection (although three neighbours have written two letters each) received, following consultation with 19 adjoining neighbours. Main issues raised:
  - Visual impact of shelter

- Size of shelter
- Shelter should be closer to pub
- Concerns about parking and resulting pollution
- Increase to traffic on Summer Street
- Impact of passive smoking from shelter
- Concerns about privacy from the shelter, as gardens to Agenoria Drive are lower.
- Concerns about access
- Previous noise issues from public house
- Concerns about anti social behaviour from restaurant extension
- Restaurant could have been provided to first floor if offices were not there
- Opening times condition should be imposed
- Potential odour from restaurant/kitchen/refuse
- Design of extension is out of keeping

## OTHER CONSULTATION

- 10 Group Engineer (Development): No objection to the provision of a disabled parking space and an electric vehicle charging point.
- 11 Head of Environmental Health and Trading Standards: No objection to the proposed extension subject to an extraction/odour condition. However, object to the smoking shelter due to the impact to neighbour amenity.

## RELEVANT PLANNING POLICY

- National Planning Guidance  
National Planning Policy Framework (2012)
- Black Country Core Strategy (2011)  
CSP2 Development Outside the Growth Network  
DEL1 Infrastructure Provision  
CEN2 Hierarchy of Centres  
CEN5 District Centres and Local Centres

CEN6 Meeting Local Needs for Shopping and Services  
CEN7 Controlling Out-of-Centre Development  
TRAN2 Managing Transport Impacts of New Development  
ENV 2 Historic Character and Local Distinctiveness  
ENV 8 Air Quality

- Dudley Unitary Development Plan (Saved Policies)  
DD1 Urban Design  
DD4 Development in Residential Areas  
EP7 Noise Pollution
- Supplementary Planning Guidance/Documents  
Design for Community Safety Supplementary Planning Guidance  
Parking Standards Supplementary Planning Document (2011)  
PGN 30. Smoking Shelters and Other Features

## ASSESSMENT

- 12 The main issues are
- Policy
  - Design
  - Neighbour Amenity
  - Access and Parking

### Policy

- 10 Policies CEN4 and CEN5 of the Black Country Core Strategy, together with the National Planning Policy Framework (NPPF) seeks to locate new public houses (and extensions therein) and within town centres, as well as district and local centres. This site is outside of any of these designated areas.
- 11 However, the policies do allow for limited extension as long as the cumulative floor space does not exceed 200m<sup>2</sup>.

- 12 In this case the existing floor space and new floor space would be just over 300m<sup>2</sup>, taking it above this threshold.
- 13 However, public houses are typically located away from town centres, and often exceed 200m<sup>2</sup>. In addition public houses, particularly modest sized urban ones such as typically have a small catchment area, often serving a local community where many people would be within walking distance.
- 14 In addition this application seeks to provide for dining, with a new kitchen and dining area, which would in no doubt improve the long term viability of the public house, particularly when so many similar facilities have been lost in recent years.
- 13 Moreover, Saved Policy CS3 of the Dudley Unitary Development Plan states the provision of community facilities will be supported where they meet a recognised need, are located within the community they are intended to serve, are accessible by public transport and does not adversely the character of amenity of the area. In this case in can be considered that the public house is a community facility.

### Design

- 14 The proposed extension to the side and partly to the rear would have a flat roof. Whilst it may be more desirable to have with a pitched roof it considered that this may be overly dominant given the modest scale of the existing building.
- 15 However, unlike many flat roofed extensions, the proposed flat roof extension would have a parapet wall which would provide a fairly neat finish to the development.
- 16 The extension particularly to the front and side is heavily glazed and has a roof lantern. This gives the appearance of orangery or garden room, which is considered acceptable in context.

- 17 The design of the smoking shelter is considered to be acceptable. Although constructed in timber is well constructed and does not have the appearance of a temporary structure which some shelters can.

#### Neighbour Amenity

- 18 The proposed side extension is not considered to pose any significant risk to neighbour amenity in that it mostly adjoins the blank flank wall of an adjoining public house. The extension also would be no closer to the existing residential properties on the opposite side of Enville Street. In addition the Head of Environmental Health and Trading Standards raises no objection to the proposed extension subject to conditions controlling the odour from the proposed kitchen.
- 19 The smoking shelter which is located against the boundary is located at the end of rear gardens of Nos. 4 to 8 Cecil Street, with other rear garden boundaries to this street and close by Agenoria Drive.
- 20 Substantive concerns are raised in that the shelter is considered to be inappropriately located very close to these residential properties and the Head of Environmental Health and Trading Standards is of the opinion that there is scope for the site to accommodate a smoking shelter situated further away from residential properties. This view is supported by planning officers.
- 21 The large size of the shelter and its location at a distance from the public house indicates that the shelter would also provide additional outdoor amenity area for patrons to smoke and congregate, particularly in warmer weather when nearby residents are likely to be using their gardens. Noise from people using the shelter is likely to cause loss of amenity for nearby residents, who at present only have the rear car park adjacent to their properties. Therefore the shelter as currently located cannot be supported.



- 22 It is considered that the shelter could be located elsewhere in the site, for example along the flank wall of the adjoining public house, which have the potential to cause less harm to amenity.

#### Access and Parking

- 23 Enville Road (A458) forms part of the strategic highway network. These roads are for long distance and strategic traffic. Street parking and direct frontage access will be kept to a minimum to ensure the effective flow of traffic, and the Council will give a high priority to improvements and traffic management measures to assist traffic flows.
- 24 The Parking Standards Supplementary Planning Document has a parking standard of 1 parking space for every 30m<sup>2</sup> of gross floor space of B1 office floor space (the first floor use). The B1 office has a gross floor space of 172sq.m office which equates to a need for 6 parking spaces.
- 25 The SPD has an A4 Drinking establishment has a parking standard of 1 parking space for every 8m<sup>2</sup> of gross floor space. Therefore the extended drinking establishment, with a gross floor space of 312sq.m should provide: 39 parking spaces.
- 26 Therefore, based on the refreshed Parking Standard and Travel Plan SPD the proposed development has a combined maximum parking requirement of: 45 car parking spaces.
- 27 However, the submitted plan shows the provision of 19 car parking spaces. However, when this is assessed against the TRICS (Trip Rate Information Computer System) shows a maximum vehicle accumulation of 14 vehicles for the combined uses on site, at 13:00 to 14:00, with 5 parking spaces remaining available. Therefore the proposed development is considered to be acceptable in terms of parking provision which means there is unlikely to be any displacement of vehicles onto the highway.

- 28 There is all a requirement to provide 1 electric vehicle charging point and a disabled parking space, both of which can be controlled by condition.

## CONCLUSION

- 29 The proposed extension is considered to be acceptable in principle, is of acceptable design, cause no undue harm to highway safety or amenity. Whilst the design of the smoking shelter in itself is considered acceptable it is considered that its location close to residential garden would have the potential to cause harm to amenity. Consideration has been given to policies CSP2 Development Outside the Growth Network DEL1 Infrastructure Provision CEN2 Hierarchy of Centres CEN5 District Centres and Local Centres CEN6 Meeting Local Needs for Shopping and Services CEN7 Controlling Out-of-Centre Development TRAN2 Managing Transport Impacts of New Development ENV 2 Historic Character and Local Distinctiveness and ENV 8 Air Quality of the Black Country Core Strategy and saved policies DD1 Urban Design DD4 Development in Residential Areas and EP7 Noise Pollution of the Dudley Unitary Development Plan.

## RECOMMENDATION

- 1) It is recommended that PART A of the application be REFUSED for the following reason(s):
- 2) It is recommended that PART B of the application be APPROVED subject to the following condition(s):
- 3) That the Director of the Urban Environment be given delegated powers to take enforcement action against the unauthorised smoking shelter, should negotiations regarding a more appropriate location do not succeed.

### Notes to Applicant

For clarification Part A - - Erection of smoking shelter to the eastern boundary (retrospective) is REFUSED and Part B - Single storey side/rear extension and alteration of access to first floor office accommodation is APPROVED.

**Part A** - The Local Planning Authority is aware of the requirement of paragraph 186 and 187 in the National Planning Policy Framework to work with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application. In this case, after careful balanced consideration the Officers maintains that the principle of development cannot be supported as the scheme is contrary to the Development Plan and the proposal would not result in the creation of a sustainable form of development and thereby failing to improve the economic, social and environmental conditions of the area.

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

Conditions and/or reasons:

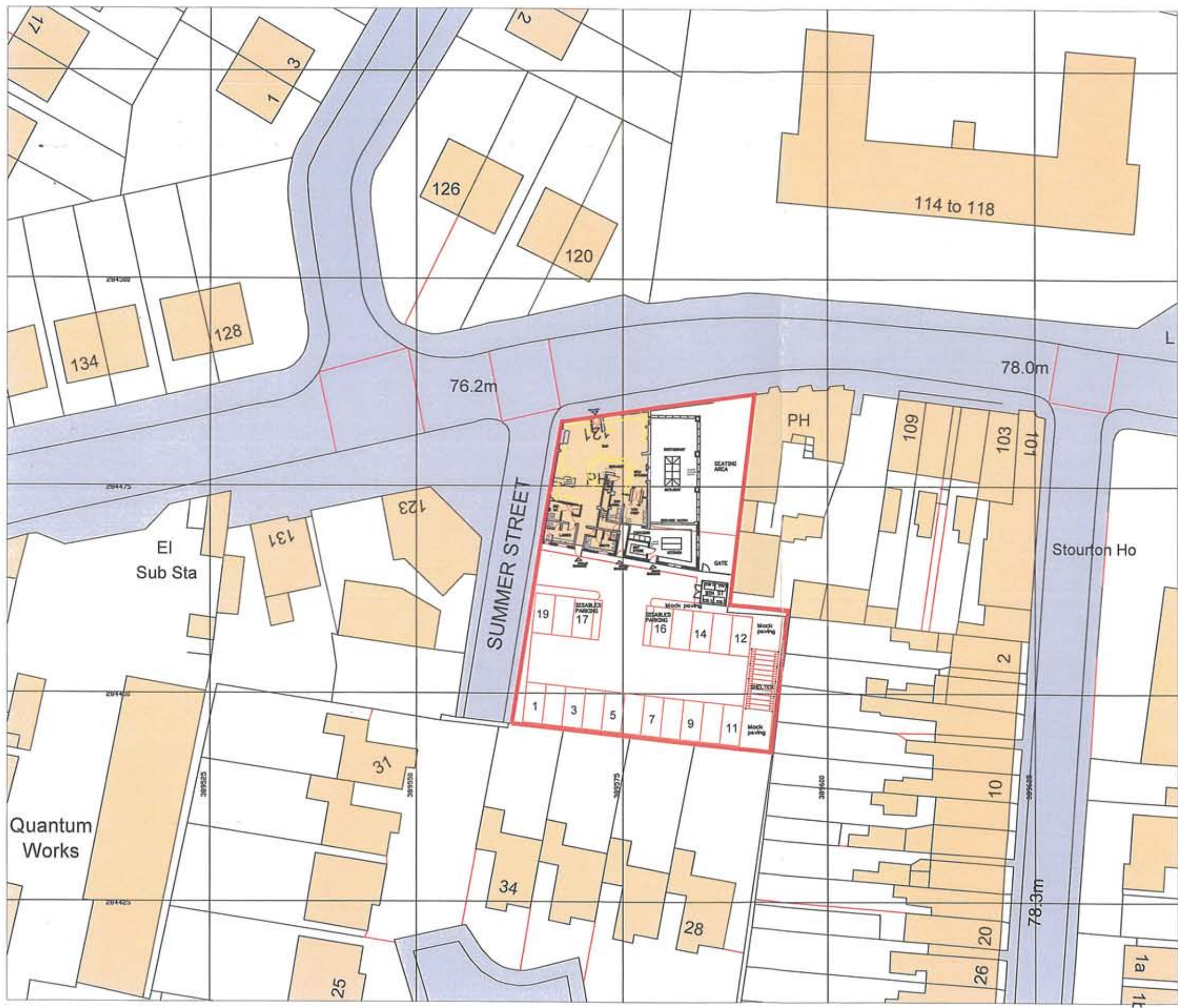
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 2928/LOC (except the smoking shelter), 2928-302-02 Rev A.
3. The materials to be used in the approved development shall match in appearance, colour and texture those of the existing building unless otherwise agreed in writing with the Local Planning Authority.
4. No development shall commence until details of secure cycle parking facilities in accordance with the Council's parking standards have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be provided in accordance with the approved details prior to first occupation of the development, shall be made available at all times and be maintained for the life of the development.
5. No development shall commence until details for the provision of external electric charging points have been submitted to and approved in writing by the Local Planning Authority. The Electric Charging point(s) shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.

6. No development shall commence until a plan showing the provision of disabled space which shall be in accordance with dimensions in the Parking Standards Supplementary Planning Document shall be submitted to and approved in writing by the Local Planning Authority. The disabled space shall thereafter be provided and marked out in accordance with the approved plan and shall be retained for the life.
7. Prior to commencement of development, a scheme containing full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues, shall be submitted to and approved in writing by the Local Planning Authority. The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out unless otherwise agreed beforehand in writing with the Local Planning Authority.

#### REASON FOR REFUSAL:

The large size of the shelter and its location at a distance from the public house indicates that the shelter would also provide additional outdoor amenity area for patrons to smoke and congregate, particularly in warmer weather when nearby residents are likely to be using their gardens which immediately adjoin the shelter. Noise from people using the shelter is likely to cause loss of amenity for nearby residents, who at present only have the rear car park adjacent to their properties. Therefore the provision of the shelter in its current location would be contrary to Saved Policy DD4 of the Dudley Unitary Development Plan.





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- 3 FEB 2014

Rev C 30.01.14 Shelter arrangement updated.  
Rev B 16.01.14 Extension shown to building, carparking layout revised, bin store and shelter added.  
Rev A 07.01.14 Existing car park layout added

**PROJECT**  
**121 ENVILE STREET**  
**WOLLASTON, STOURBRIDGE**  
**WEST MIDLANDS**

**TITLE**  
**SITE PLAN**

DRG No. **2928/LOC** **A3**

DATE: 19.11.13	DESIGNED BY:
SCALE: 1:500	DRAWN BY:
REVISION: C	CHECKED BY:

FILE PATH:

**ddp**

**DEVELOPMENT  
DESIGN  
PARTNERSHIP**

**ARCHITECTURAL  
ENGINEERING  
DESIGN**

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