

## **DUDLEY METROPOLITAN BOROUGH**

### **DEVELOPMENT CONTROL COMMITTEE – 18<sup>TH</sup> AUGUST 2021**

#### **PRE - COMMITTEE NOTES**

**Page 1      Application No. P20/1306 – Land at Bourne Street and Cedar Avenue, Coseley**

##### Representations

Three photographs have been submitted from a neighbour via a ward member. These will be included within the Committee presentation.

##### Amended Conditions

Condition 2 amended,

SKM135-BTP-01-rev F replaced by SKM135-BTP-01 Rev G

Condition 3 amended,

SKM135-PL-01 Rev V replaced by SKM135-PL-01 Rev W

Condition 10 amended,

SKM132-BTP-01 Rev D replaced by SKM135-BTP-01 Rev G

Condition 26 amended to read,

Notwithstanding the details contained within the ecological assessment, no development shall commence (excluding site clearance) until full details of nature conservation mitigation and enhancement including the management of the nature conservation mitigation areas to the west, north and east of the site have been submitted to and approved in writing by the Local Planning Authority. The approved nature conservation mitigation and enhancement shall thereafter be provided in accordance with a timetable to be agreed in writing by the Local Planning Authority.

Condition 33 amended to read,

Following implementation and completion of the approved remediation scheme as required by condition 32 above and prior to the first occupation of the development or an individual dwelling a verification

report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

Condition 35 amended to read,

Following the investigation and remediation of those areas required by condition 34 above, remediation of the site must be undertaken in complete accordance with the Remediation Strategy as detailed within the 'Geo-Environmental Assessment Report and Remediation Strategy' by Travis Baker Geo-Environmental Ltd, dated 27 May 2021 unless otherwise agreed in writing by the Local Planning Authority.

Furthermore, no part of the development shall be brought into use or individual dwelling first occupied until the relevant verification report(s) have been submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

Condition 37 amended to read,

Notwithstanding the details contained within the ecological assessment, no development shall commence (excluding site clearance) until full details of nature conservation mitigation and enhancement including the management of the nature conservation mitigation areas to the west, north and east of the site have been submitted to and approved in writing by the Local Planning Authority. The approved nature conservation mitigation and enhancement shall thereafter be provided in accordance with a timetable to be agreed in writing by the Local Planning Authority.

New Condition 41,

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.

REASON: To ensure the protection of Controlled Waters and to comply with BCCS Policy ENV5. (EA)

New Condition 42,

No development shall commence (excluding site clearance and land reclamation) until details of the design, materials and colour(s), of the retaining walls hereby approved on the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details prior to occupation and the walls shall be retained and maintained as approved for the lifetime of the development.

REASON: In the interests of the visual amenities of the site and the surrounding area and to comply with Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part).

New Condition 43,

Demolition or construction works shall not take place outside 1800 hours to 0700 hours Mondays to Fridays and 1700 hours to 0800 hours on Saturdays nor at any time on Sundays or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the amenities of nearby residents in accordance with BCCS Policy ENV1 and DBDS Policy D5.

**Page 50      Application No. P20/1801 – Pegasus Grab Hire, Bott Lane, Lye, Stourbridge**

### Representations

One additional letter of objection has been received. New Issues raised:

- Wheel wash is not being used with mud and dust on the road

### Additional Information from Applicant

A letter has been sent to members of the Committee with an updated legal opinion. These are appended to these notes

### Officer Response to Additional Information from Applicant

In terms of the agent supporting letter, the officer report has been updated to address matters previously raised in the applicants Counsel opinion, in accordance with legal opinion subsequently given to the Council which makes clear that the interpretation of planning policies is a matter for the Local Planning Authority. There is also no obligation for the Council to share such opinion with the applicant.

It is noted in the supporting letter that the applicant does not consider a temporary approval for a period of three years as recommended will give adequate time for operations to be relocated, yet considers that a provision within a longer consent requiring cessation of the use within 12 months of the grant of a detailed planning permission for the redevelopment of the site would be appropriate? A response has previously been made to the applicant on this basis, but clearly, the continued operation of the aggregates facility would prejudice the bringing forward of residential development on adjacent sites. The matter of the length of any approval, or indeed support for continued use is for the consideration of Committee Members. On this basis the officer report is considered to be balanced and brings to the attention of members, concerns related to the operation of the site by residents.

In the matter of the Counsel opinion, it is to be regarded as an opinion only and matters raised in the initial opinion of May 2021 were the subject of consideration by Counsel appointed by the Local Planning Authority. The advice received has been correctly incorporated into the updated officer report and this has been considered by the Council's own legal team. The consideration and interpretation of planning policies is a matter for the Council.

The applicants Counsel has identified that the boundary of emerging policy DUH003 on the map of the Draft Black Country Plan proposed

allocation, has incorrectly excluded the Vanguard Foundry and additional adjacent land.

This has occurred, due to drafting error. The correct boundary is as shown for site H13.26 West of Engine Lane, north of the railway, Lye within the adopted Dudley Borough Development Strategy which does cover the wider area and Vanguard Foundry, which includes a housing allocation.

The correct site area for the Draft Black Country Plan allocation is 6.0ha, as per Table 14 of the Dudley Allocations Chapter of the Draft Black Country Plan and Regeneration Corridor 13 of the Dudley Borough Development Strategy. The correct site boundary is likely to be the subject a Supplementary Site Consultation as part of the Black Country Plan later in the year.

Despite assertions that housing redevelopment will not come forward, neither the applicant or their Counsel have concrete evidence to the contrary, that the wider area will not come forward for residential development in accordance with the ambitions of the Council and potential development partners, if a favourable financial opportunity is available to landowners.

The officer report is, therefore, considered to appropriately address the policy context and material considerations of the application and Members are able to consider an appropriate determination of the application.



BOTT LANE  
OPINION (AUGUST 2



20-022 - Letter to  
Councillors - applica

**Page 74      Application No. P21/0178 – 11 Hagley Road, Stourbridge, DY8 1QH**

One additional objection from a previous objector has been received with the following commentary and photos attached to be considered:



Additional  
objection.pdf

Additional Info received.



Supplemental  
Images - PA 21-0178

**Page 106      Application No. P21/1010 – 52 Mount Pleasant, Kingswinford, DY6 9SE**

1. The Applicant has provided the following photos with commentary attached to be considered:



Committee Meeting  
Photos.pdf

2. The Applicant has provided the following commentary and photos attached to be considered in response to the Officer's Report in relation to information about the design and what gains there are to the current scheme:



Property  
Information\_.pdf

3. The Agent has provided the following commentary and attached Technical Note for consideration with regards to the parking arrangements:

- Please find a brief note attached to present the vehicle tracking and visibility considerations for the two access arrangements. I conclude that the frontage parking is a better option than the eastern driveway access.
- The turning movements into the eastern driveway appear to present the worst overrunning into the neighbouring property. I do appreciate that this is worse for larger cars, but I also need to demonstrate that the frontage parking works.
- Note, I have indicated the extent of on-street parking opposite the property and assumed 2m offset – again, if I increase further then I struggle to accommodate certain movements associated with the frontage parking.



2021-08-10  
Technical Note V1.p

4. The Agent has provided the following information for consideration:

I write in response to comments made in respect of the above application.

1. Can you explain why comments in respect of 20/1913 are added to the consultation responses on the current application, P21/1010; the current comments appear in any case to be simply a cut and paste of the original comments. Can the original be deleted?

2. I note the comments of the Historic Environment Officer on the current application confirm our case:

*"Despite this approved scheme being in-place, it was not implemented, it has been disregarded and instead an alternative scheme, not in accordance with the approved plans has been erected and it is for this scheme that retrospective consent is being sought."* (my emphasis)

That being the case - as I have always argued, supported by Counsel's advice - the following work does not require planning permission:

- new windows;
- blocking up door;
- canopy, and;
- drive

3. Whilst a retrospective application is required for the rear extension approved under P19/1040, the form has been accepted, and details of doors and windows must be considered in light of the work done to the original house.

4. The sole outstanding issue therefore is the garage.

The proposed frontage parking has a number of significant advantages over the original rear garage. DMBC's consultation response from highways confirms that the proposal complies with adopted parking standards with regard to minimum dimensions for the frontage parking and garage. At the time of the original application, the side access arrangement, with internal arrangements to enable entry and egress in forward gear, was preferred as it was considered beneficial to minimise reversing conflict. It is assumed that the perceived risk of conflict was with the potential for on-street parking that occurs opposite the property, and which the response makes reference to.

The alternative driveway access to the eastern side of the house is narrow. Furthermore, the adjacent carriageway is made narrow by on-street parking that occurs opposite the access. As a result, tracking confirms that cars will overrun land associated with the neighbouring house when entering and leaving as a result of the narrow driveway access and adjacent carriageway, rendering the driveway unusable.

The current proposal allows cars to reverse into the area of frontage parking and enter the adjacent carriageway in forward gear without overrunning land associated with neighbouring properties. Drivers manoeuvring in and out of the frontage parking have the benefit of a section of adjacent carriageway where cars are not permitted to park on-street (due to the presence of access to frontage parking and associated solid white line). Visibility when exiting the frontage parking is also greater than at the eastern driveway access.

The garage position as built also removes noise and disturbance from motor vehicles to the private gardens of neighbouring properties, so often given as a reason for refusing such development; the relative position of the garage as built, set back from the road behind the front elevation of houses means that it is not readily visible from the wider area.

5. I have explained previously, and I know you are aware that the work was not carried out by the applicant; instead, she moved in after the property was completed, enforcement action only being pursued by the



Council after the family had done so. The applicants bought this house so that Mrs Hill's elderly parents could live with them. Whilst Mrs Hill's father has since died, he was terminally ill (lung disease and cancer) and had limited mobility, so often used a wheelchair; the front drive allowed easy access to the car for appointments when possible. At other times he used the ambulance service who parked on the drive as the street is too narrow and congested. Mrs Hill's 80-year-old mother has a bedroom in the ground floor of the front part of the house, and the works are vital to allow her to keep living with the family.

6. The applicants are heartened by the support to the proposals shown by the local community. You will note that all of the surrounding neighbours are in support of the application; 8 have submitted written comments of support and do not want changes made to the house.

For all of these reasons I hope Officers will reconsider its recommendation.

A printing error has been noted in at least one agenda where page 117 of this report has not been present. In case this has happened with other agendas the page is reproduced below.

51. However, as part of the original application P19/1040, consideration was given to the need for on-street parking for the terraced properties opposite the site. It was considered beneficial at that time to minimise reversing conflict and retain the existing side access with provision of an internal arrangement that would allow entry and egress in a forward gear. Furthermore, a side door was incorporated within the utility room for direct loading / unloading of goods into the kitchen from the driveway.

52. It was recognised that this arrangement would also maintain the cottage garden frontage.

53. Highways are reluctant to support this application without material reasons, such as ground conditions, that prevented construction of the original proposal.

## CONCLUSION

54. No.52 Mount Pleasant is a locally listed heritage asset that positively contributes to the local character and distinctiveness of the Kingswinford townscape. The proposal to erect an attached garage and to form a vehicular entrance drive off Mount Pleasant as proposed will harm the significance of No.52 Mount Pleasant and collectively result in an inappropriate alteration and extension to a building on the Council's Local List. The proposals conflict with the intrinsic historic value of the building and its detached setting, furthermore the proposal fails to respond adequately to the local character, distinctiveness and context of the locally listed building and to the local area and as such is considered not to be sustainable

development and is therefore contrary to paragraphs 8, 197 and 203 of the NPPF and contrary to Policies CSP3, CSP4, and ENV2 of the Black Country Core Strategy and contrary to Policies S8 (Conservation and Enhancement of Local Character and Distinctiveness) and S11 (Buildings of Local Historic or Architectural Importance) of the adopted Dudley Borough Development Strategy.

55. Paragraph 8 of the NPPF advises that to achieve sustainable development, economic, social and environmental objectives should be pursued in mutually supportive ways. The applicant has failed to demonstrate the economic, social and