

## **Meeting of the Planning Committee**

**Thursday 14th December 2023 at 6.00pm  
In the Council Chamber, The Council House, Dudley**

### **Agenda - Public Session (Meeting open to the public and press)**

1. Chair's Announcement.

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

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

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

All those attending this Committee should be aware that additional papers known as the "Pre-Committee Notes" are available to view on the Council's Committee Management Information System (CMIS). These contain amendments, additional representations received, etc, and should be read in conjunction with the main agenda to which they relate. They are fully taken into account before decisions are made.

2. Apologies for absence

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



4. To receive any declarations of interest under the Members' Code of Conduct
5. To confirm and sign the minutes of the meeting held on 13th November 2023 as a correct record (Pages 5 to 8)
6. Plans and Application to Develop
  - (a) Planning Application No. P21/0912 - Former Coseley Baths, Pear Tree Lane, Coseley - Erection of 34 no. Dwellings with Associated Works (Pages 9 to 59)
7. Planning Services Fees 2024 (Pages 60 to 71)
8. To consider any questions from Members to the Chair where two clear days notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).

**Distribution:**

Councillor D Harley (Chair)

Councillor M Webb (Vice-Chair)

Councillors H Bills, S Bothul, B Challenor, P Drake, P Miller, K Razzaq and E Taylor



**Chief Executive**

**Dated: 6<sup>th</sup> December 2023**

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**Minutes of the Planning Committee  
Monday 13<sup>th</sup> November 2023 at 6.00pm  
in the Council Chamber, The Council House,  
Dudley**

**Present:**

Councillor D Harley (Chair)

Councillor M Webb (Vice-Chair)

Councillors H Bills, S Bothul, B Challenor, P Drake, P Miller, K Razzaq and E Taylor.

**Officers:**

P Evans (Public Protection Officer), I Grove (Principle Environmental Health Officer), - Both Directorate of Public Health and Wellbeing, P Reed (Principal Planning Officers), J Todd (Development Manager) – Both Directorate of Regeneration and Enterprise, G Breakwell (Solicitor) and L Jury (Democratic Services Officer) - Both Directorate of Finance and Legal Services.

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29. **Apologies for Absence**

There were no apologies for absence submitted to the Committee.

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30. **Appointment of Substitute Members**

There were no substitute members appointment for this meeting of the Committee.

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31. **Declarations of Interest**



No Member made a declaration of interest in accordance with the Members' Code of Conduct in respect of any matter to be considered.

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32. **Minutes**

**Resolved**

That the minutes of the meeting held on 18<sup>th</sup> October 2023, be approved as a correct record, and signed.

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33. **Plan and Application to Develop**

A report of the Director of Regeneration and Enterprise was submitted on the following plan and application to develop. Details of the plans and application were displayed by electronic means at the meeting. In addition to the report submitted, notes known as Pre-Committee notes had also been circulated prior to the meeting updating Members on certain information given in the report submitted. The content of the notes was taken into account in respect of the application.

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

<b><u>Application No.</u></b>	<b><u>Objectors/Supporters who wished to speak</u></b>	<b><u>Agent/Applicant who wished to speak</u></b>
P22/1180	Councillor P Lowe	Rawdon Gascoigne

**Planning Application No. P22/1180 – Pegasus Grab Hire, Bott Lane, Lye, Stourbridge, DY6 7AW – Section 73 application for the variation of condition 5 (to amend the hours of operation up to 1730 on Saturdays) and variation of condition 6 (to amend aggregate processing hours to between 0630 and 1800 Monday to Friday, and between 0700 and 1730 Saturdays) Planning Permission P20/1801 and an additional condition in relation to the management of dust and dirt on the public highway.**

In considering the application, Members considered speakers comments both for an against the application.

A local Ward Councillor speaking against the proposal reported a significant number of concerns that had been raised by local residents regarding noise, dust and lack of adherence to current opening hours. Concerns were also raised with regard the alleged lack of engagement of the operating company with the local community.

In support, Mr R Gascoigne addressed the Committee and in doing so, advised that his client welcomed the recommendation. Whilst he expressed concerns that he believed some of the conditions were unnecessary as information had already been provided.

The client advised that he did not object to the conditions referred to in respect of dust management and advised that details had been submitted to address this and advised that a wheel wash was now on site. Further he noted that the dust suppression system had been in place since the site had started operating.

Notwithstanding this, he emphasised that he was not seeking to undermine the need for appropriate conditions but needed to ensure that the site could operate sufficiently alongside the neighbouring users within the area. In regard to the principals of the extended conditions, the client considered that these aligned with how other commercial operators operated in the local area, and reference was made to confusion that may have arisen in relation to a number of other sites the client operated within the local area, under the same name, however, these sites were not covered by limitations in terms of when they could operate. It was advised that various consultees had acknowledged this point as set out in the report.

Following the speakers, members raised questions with answers provided by both the Principal Planning Officer and Principal Environmental Health Officer. Members could not support Officers recommendation and proposed an alternative reason for refusal.

## **Resolved**

That the application be refused for reasons of:

The extension of operational hours for deliveries and despatches and for the movement and processing of aggregates may lead to additional unacceptable noise and disturbance to the detriment of residential amenity for the occupiers of properties in the vicinity of the site, contrary to Policies D2, D5 and D6 of the Dudley Borough Development Strategy.

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34. **Questions Under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

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The meeting ended at 6.20pm.

CHAIR

## PLANNING APPLICATION NUMBER:P 21/0912

Type of approval sought	Full Planning Permission
Ward	Coseley East Ward
Agent	Mr A. Singh, W13 Ltd
Case Officer	James Mead
Location:	<b>FORMER COSELEY BATHS, PEAR TREE LANE, COSELEY, WEST MIDLANDS, WV14 8HA</b>
Proposal	<b>ERECTION OF 34 NO. DWELLINGS WITH ASSOCIATED WORKS</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS AND 106</b>

### ADDENDUM

1. Planning Application P21/0912 was originally considered by Planning Committee on 12<sup>th</sup> September 2022. The application for 34 new houses on the site of the former Coseley Swimming Baths was considered acceptable by members and it was resolved to approve the application subject to the signing of S106 agreement to provide 4no. on site affordable dwelling units and an education contribution.
2. However, since September 2022, further land investigation works on the site resulted in a significant increase in the cost of remediating the land to ensure it is safe for residential occupation. Unfortunately, this has impacted on the site's viability in respect to the obligations originally sought by the Local Planning Authority.
3. In accordance with the Planning Obligations SPD (2016) which states "*It is recognised that in dealing with development proposals, exceptional*

*circumstances may occasionally arise which result in genuine financial viability concerns*"; an updated viability assessment has been submitted to demonstrate that as a result of site-specific circumstances the affordable housing and education contribution previously sought are no longer viable, and this has been independently assessed by a viability consultant.

4. It is understood that the viability issue is as a result of increasing abnormal costs for developing the site and the exceptional costs of remediating the land for residential development, that were not originally known 12 months ago. The independent assessor's recommendation to the Local Planning Authority is that the development is still however, capable of providing a total of £156,897 in developer contributions.
  
5. In consultation with the Strategic Housing Team, a number of options were considered as to how this sum could be utilised. While, preference is for affordable housing to be provided on site, in this case only 1no single two-bedroom house for affordable rent or 2no two-bedroom houses for shared ownership could be provided. It is acknowledged, it would be very unlikely for any registered affordable housing provider or housing association to be willing to purchase just one or two units on a development of this size and as such the whole development could be stalled as a result. The Strategic Housing Team acknowledge that there is a sufficient supply of affordable housing within the Coseley Area and therefore in this instance an Off-Site contribution (Commutated Sum) to fund affordable housing within the

Dudley Borough can be considered in lieu of on-site affordable housing provision.

6. Paragraph 63 of the National Planning Policy Framework notes *“Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:*
  - a) *off-site provision or an appropriate financial contribution in lieu can be robustly justified; and*
  - b) *the agreed approach contributes to the objective of creating mixed and balanced communities”*

This is supported by Policy L3 of the Dudley Borough Development Strategy which states *“Commuted Sums for Affordable Housing will only be acceptable where on-site affordable housing can be robustly justified not to be viable or feasible”*

7. Taking in account the issues raised, it is considered, in this case that a off-site provision towards affordable housing is justified and the the agreed approach would still contribute the objective of creating a mixed and balance community within the Dudley Borough and therefore there would not be any conflict with the either National or Local Planning Policy and Guidance in this respect.
8. In addition, in September 2023, the applicant submitted a number of amended plans. The amended plans were in relation to the design and layout of the houses only. No alterations to the wider site layout or

highway design as previously seen by the committee have been made, the number of bedrooms and car parking spaces remain as before.

9. In summary, the number of house types previously proposed was nine. The applicants have reduced this to five. All previous house types proposed houses were 2.5 storeys in height, these have all been reduced to two storey and, as such, across the whole development, the height of the houses has been reduced. The new design is considered much simpler than previous and dormer windows have been removed.
10. As originally submitted, there was no objection to the design and layout. These changes represent a further improvement to the overall scheme, and as such there would not be any significant detrimental impact on the visual or residential amenities of surrounding area or occupiers as a result of these changes.
11. In accordance with agreed procedure, a 10-day consultation was carried out to allow neighbouring occupiers to comment on these revised plans. As result of this exercise, three additional letters of objection were received from neighbouring occupiers. However, issues raised have already been considered and no new comments about the amended proposal were provided.
12. As a result of the changes, condition 2 in relation to the approved plans numbers is altered to the following.

*The development hereby permitted shall be carried out in accordance with the following approved amended plans: PEARTL-WT-XX-00-DR-A-*

2100-P2; PEARTL-WT-XX-00-DR-A-2400-P16; PEARTL-WT-XX-00-DR-A-2408-P1; PEARTL-WT-XX-00-DR-A-2900\_D5\_P1 Archmore; PEARTL-WT-XX-00-DR-A-2901\_D5\_P1 Coniston; PEARTL-WT-XX-00-DR-A-2902\_D5\_P1 Abberton; PEARTL-WT-XX-00-DR-A-2903\_D5\_P2 Lockwood; PEARTL-WT-XX-00-DR-A-2904\_D5\_P2 Derwent; PEARTL-WT-XX-00-DR-A-2905\_D5\_P1 Anders and External Works/Levels Design S3778\_C001.

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

13. In conclusion, the principle of the development on the site is still considered to be acceptable and in accordance with adopted policy. The design and layout, the impact upon residential amenity and highway safety are also acceptable. On this basis the application would be in accordance with the National Planning Policy Guidance, Policies CSP1, CSP3, DEL1, HOU1, HOU2, TRAN2, ENV2, and ENV3, ENV5, ENV6, ENV7 and ENV8 of the Black Country Core Strategy, Policies S1, S2, S5, S6, S7, S8, S12, S16, S17, S19, S21, S22, S29, S36, L1, L2, D2, and D5 of the Dudley Borough Development Strategy, Nature Conservation and Parking Standards Supplementary Planning Documents.

## RECOMMENDATION

It is recommended that the application be APPROVED subject to:

- a) The applicant entering into a Section 106 legal agreement to provide a commuted sum of £156,897 (index linked) towards off-site

affordable housing within the Dudley Borough, with powers delegated to the Director of Regeneration and Enterprise to add remove or revise such conditions as necessary;

- b) In the event that the S106 agreement has not been completed within six months of the resolution to grant approval, the application will be refused if appropriate.

## **ORIGINAL REPORT**

### **SITE AND SURROUNDINGS**

1. This is the site of the former Coseley swimming baths which has remained vacant ever since the baths were demolished. It now consists predominantly of large grassed and hardsurfaced areas.
2. The site falls steeply from its southern end at road level to midway within the site and then is level from that point to the rear (northern) boundary alongside the rear gardens of 22a – 29 The Paddock. At its northernmost end the site drops down again into a small undeveloped area of land containing trees, bordered by the rear gardens of 22 and 22a The Paddock, a bowling green to the north which is part of Coseley Cricket Club, and the rear gardens of 14-19 Peartree Lane to the east.
3. At the front of the site is a large area of highway verge which contains trees. Immediately behind this is the access road which has two access points onto Pear Tree Lane.

4. At the western end of the site, from the garden of 26 The Paddock to the side boundary, is a large open grassed area accessed from a footpath alongside the western boundary. On the opposite side of the footpath is Clayton Park.
5. The site is bordered to the south-west by a commercial yard containing buildings in industrial use.
6. The area opposite the site to the east, across Peartree Lane, is entirely residential in nature, displaying a mixture of house types. The Willowfields Extra Care Facility is also located nearby to the west of the site, in Whitehouse Street.
7. The site measures approximately 0.97 hectares in area, Coseley Railway Station is located 400 metres to the east of the site, and Roseville local centre is located 800 metres to the west.
8. The site is located within Regeneration Corridor 16 and is an allocated housing site – (Ref H16.9) ‘Land off Peartree Lane/Old Meeting Road, Coseley’ within the Dudley Borough Development Strategy.

## PROPOSAL

9. The application proposes the erection of 34no. two storey dwellings and associated works on the site of the former Coseley Baths, Pear Tree Lane, Coseley. The number of houses has been reduced from 36 dwellings from when the application was originally submitted. All

houses would have front and private rear amenity areas and dedicated parking facilities.

10. The accommodation mix is as follows;
  - 26no x 3 bed dwelling
  - 8no x 4 bed dwellings
11. Plots 25 – 33 would take the form of a row of semi-detached and detached properties fronting onto Peartree Lane, with frontage parking. There would be a new vehicular access between plots 29 and 30, creating a new cul-de-sac development with plots 1-4 and 24-34 creating a perimeter block development. The cul-de-sac would terminate next to the boundary with Clayton Park with an access to it.
12. Internally, each dwelling would be provided with living room/dining room; kitchen and WC on the ground floor, with 3 or 4 bedrooms and bathroom at first and second floors. All would be provided with 2 or 3 off street parking spaces and private gardens to the rear.
13. The proposed dwellings would be finished in facing brickwork with areas of render and tile roofs.
14. Site area is 0.97 hectares, giving a density of 35 dwelling/hectare.
15. Plans have been amended during the course of the application to provide a better layout to that originally proposed and has resulted in the reduction from 36 houses to 34. The layout has improved to meet more adopted space standards, the access point has altered at the

request of highway officers, to ensure better visibility at the access and appropriate parking and internal highway layouts. In addition, speed reduction measures along Peartree Lane have been provided to ensure that forward visibility splays on exit from the development are safe and appropriate.

## HISTORY

16. Planning history for this site relates predominately to the former swimming pool use and building on the site. However, an application of relevance to this case is as follows;

<b>APPLICATION</b>	<b>PROPOSAL</b>	<b>DECISION</b>	<b>DATE</b>
P15/1968	Erection of 28 no. dwellings (outline) (access, layout and scale to be considered)	Withdrawn	12/07/2021

17. The above application was considered by Planning Committee on 2<sup>nd</sup> May 2017 where it was resolved that the application could be approved, subject to the signing of S106 agreement to secure an appropriate number of affordable dwelling units within the development. Due to financial viability issues and the passage of time, no agreement was entered into, and the application was eventually withdrawn from the register in July 2021.

## PUBLIC CONSULTATION

18. Initial letters of notification were sent to thirty-seven adjacent and nearby occupiers; a site notice was posted and an advertisement was placed in the Express and Star Newspaper with the final dates for comments being 9<sup>th</sup> July 2021.
  
19. Cllr Sue Ridney (Coseley East), states *“I believe this application is for a larger number of houses than the previous application (2017). I am concerned this is over development. We have received complaints from residents regarding parking especially at weekends and evening during football season in Old Meeting Road and Pear Tree Lane which has been raised with highways and no action was forthcoming. I believe the housing development will contribute to the parking issue unless adequate parking is ensured in the design. Prior to the present pandemic the parking issues in this area were exacerbated by inconsiderate parking by station users and once we return to “normal” I fear there will be a repeat of this situation”*
  
20. Cllr Peter Drake (Coseley East) states *“I wish to object to the proposed housing scheme for the old Coseley baths site at Pear Tree Lane as I have several concerns.*

*I feel that it has too many houses, which may lead to overcrowding and related pressures on parking, space, amenities. It would be a case of over-development. There are more dwellings proposed here than in previous plans, increasing from 24 homes initially to 28 and now to the currently proposed 36. That is a substantial increase for what is the*

*same piece of land, especially considering that these will be 3 bed and 4 bed properties, larger family-sized homes, not small units, with many stacked high in town-house style. That will be a hefty number of people to add to the local population. I can't see any reason for the overall increase in proposed dwellings other than to cram in as many homes as possible.*

*The existing infrastructure will struggle to cope, such as the need for a secondary school and an additional primary school, which are already desperately needed, and I hope that consideration will be given to that.*

*There have been serious parking problems in this part of Coseley, due primarily to proximity of the train station. It has been the bane of residents for years. It has been less acute during the recent lockdowns but will presumably return to its old levels once the economy fully re-opens, and I feel that without improvements to the local infrastructure the Coseley Baths site will have an excessive number of properties that will worsen parking issues and congestion and exacerbate road safety (there have been accidents near here previously involving pedestrians and vehicles).*

*Some of the road surfaces in this part of Coseley are in a poor state of repair, despite requests to re-surface them. We have heavy goods vehicles passing through in large numbers on a daily basis, and nowadays we also have caravans making their way to Budden Road on any number of routes. More cars will mean more damage to the roads which already barely cope with existing levels of traffic.*

*I share the concerns among residents that some of the dwellings may impinge on privacy for existing houses, with little comfort space between them. This may need amending.*

*My preferred option would be for a new public swimming baths to be erected here, to commemorate the Coseley Baths that was taken from the local area some years ago”*

21. In addition, 22 individual letters of objection from 20 surrounding address were received objecting to the application on the following grounds

- There will be a significant loss/impact of wildlife habitat.
- Loss of mature trees that have protection orders
- Houses encroach root protection areas of trees
- The access and exit of the development will pose difficulties to road traffic, due to the nature of the bend in the road.
- Not enough parking provided on site
- Increase in noise pollution.
- Increase in light pollution
- Concerned about existing business being unfairly penalised.
- Worried about piling and retaining wall structures.
- Overdevelopment of the site
- Design is out of character with the traditional style of Pear Tree Lane
- Would overlook existing properties.
- Loss of daylight to existing properties.
- would adversely impact on the adjacent properties

- The land is subject to flooding.
  - Strain on local amenities
22. As a result of changes made to the proposed site layout, to reduce numbers, improve space standards and to retain as many existing trees as possible, a further 21-day consultation was carried out. With the final date for letters to be received being 22<sup>nd</sup> October 2021.
23. Seven letters of objection were received, with objections as follows;
- Only minimal trees will be kept, this will be detrimental to local wildlife
  - Impact on privacy, light and peace and quiet
  - Number of properties is excessive, no infrastructure to support them.
  - The dwellings do not blend with existing properties
  - Detrimental to highway safety
  - Access to existing driveways is impeded.
  - Increase in traffic on Peartree Lane.
24. Due to changes to the highway layout, including an alteration to the access point a further 21-day consultation was carried out with the final dates for comments being 16<sup>th</sup> May 2022.
25. Seven letters were received, and raised the same issues as set out above, however specific reference was made to the new access point as still being dangerous and detrimental to highway safety.

26. Finally, as a result of the submission of details setting out speed reduction measures along Peartree Lane, a further period of consultation was carried out with the dates for final comments being 31<sup>st</sup> July 2022.
27. Three letters were received, with comments reiterating points made above regarding overdevelopment. Specific reference to the speed reduction measures were that the introduction of speed humps will further reduce the available on street parking along Peartree Lane.

## OTHER CONSULTATION

28. Head of Environmental Safety and Health.  
No objection subject to safeguarding conditions with respect to noise and air quality.
29. Head of Planning and Development (Highway Engineer):  
There were concerns raised with the initial layout of this proposal. The revised scheme takes on board the recommendations of the Highways Officer with appropriate access, parking and highway layout. Speed reduction measures along Peartree Lane have also been provided.
30. Land Contamination:  
No adverse comments, safeguarding conditions are recommended.
31. Lead Local Flood Authority  
Details of an appropriate sustainable drainage scheme are required and can be conditioned.

32. Strategic Housing

There is a demonstrable need for the provision of affordable housing in the area so if possible, pending viability, we would like to see the provision of affordable housing as part of this scheme.

33. The Coal Authority

No objection, subject to conditions for site investigations relating to coal mining legacy

34. West Midlands Police

No objection raised.

35. Severn Trent

No objection subject to appropriate drainage conditions

36. Education

Financial contributions towards local schools are requested if the scheme is viable.

## RELEVANT PLANNING POLICY

37. National Planning Guidance

- National Planning Policy Framework (2021)
- Technical Guidance to the National Planning Policy Framework (2012)
- Planning Practice Guidance (2014)
- Community Infrastructure Levy Regulations (as amended) (2014)

38. Black Country Core Strategy (2011)

- DEL1 Infrastructure Provision
- CSP1 The Growth Network
- CSP4 Place Making
- HOU1 Delivering Sustainable Housing Growth
- HOU2 Housing Density, Type and Accessibility
- HOU3 Delivering Affordable Housing
- TRAN2 Managing Transport Impacts of New Development
- ENV1 Nature Conservation
- ENV2 Historic Character and Local Distinctiveness
- ENV3 Design Quality
- ENV5 Flood Risk, Sustainable Drainage and Urban Heat Islands
- ENV7 Renewable Energy
- ENV 8 Air Quality

39. Dudley Borough Development Strategy (2017)

- S1 Presumption in favour of Sustainable Development
- S5 Minimising Flood Risk and Sustainable Drainage Systems
- S6 Urban Design
- L1 Housing Development, extensions and alterations to existing Dwellings
- L3 Provision of Affordable housing in New Developments
- L8 Protecting the Viability of Integrity of Industrial and Business Uses
- S19 Dudley Borough's Green Network
- S21 Nature Conservation Enhancement, Mitigation and Compensation

- S22 Mature Trees, Woodland and Ancient Woodland
- S17 Access and Impact of Development on the Transport Network
- Regeneration Corridor 16 and is an
- Allocated housing site – (Ref H16.9) ‘Land off Peartree Lane/Old Meeting Road, Coseley’

40. Supplementary Planning Guidance/Documents

- New Housing Development Supplementary Planning Document (2013)
- Parking Standards Supplementary Planning Document (2017)
- Planning Obligations SPD (2016)

## ASSESSMENT

41. The main issues are

- Policy/Principle
- Design and Layout
- Neighbour and Occupier Amenity
- Access and Parking
- Nature Conservation/Trees
- Land Contamination and Stability
- Flood Risk and Drainage
- Planning Obligations
- Financial Material Considerations

## Policy/Principle

42. The National Planning Policy Framework (NPPF) seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF also seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
43. The Black Country Core Strategy adopted in 2011 sets out The Vision, Sustainability Principles and The Spatial Objectives 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 land, that make the most of opportunities such as public transport, 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 environments and are well integrated with surrounding areas.
44. The Black Country Core Strategy (BCCS), Policy HOU1: 'Delivering Sustainable Housing Growth' also requires at least 63,000 new homes up to 2026.

45. Policy L1 of the Dudley Borough Development Strategy states that new development will be supported on previously developed land and on sites in sustainable locations, close to public transport facilities and links. Housing development will be permitted, provided that the design of the development is of an appropriate form, siting, scale, and mass; that it would not cause unacceptable harm to the amenities of the occupiers of neighbouring dwellings; that it would provide an appropriate level of amenity for future occupiers of the development and that the development would provide adequate access, parking and provision for the manoeuvring of vehicles, with no detrimental impact on highway safety and free flow of traffic.
46. This is the site of the former Coseley swimming baths which has remained vacant since the demolition of the building in March 2010. It now consists predominantly of large self-set grassed and hard surfaced areas. The surrounding area is mainly residential in setting with a small pocket of industrial land still existing and in use to the south. Coseley is a sustainably accessible ward area in the Borough – Coseley Railway Station is situated on the West Coast Main Line, providing direct rail links to many part of Birmingham and the Black Country. Bus services in Coseley travel to Sedgley, Dudley, Wolverhampton, Tipton, Stourbridge, Birmingham, and Bilston on a regular weekday schedule.
47. Core Strategy Policy CSP1 directs major housing development to identified Regeneration Corridors. This site lies within Regeneration Corridor 16 (Dudley Town Centre to Coseley), the strategy for which in terms of new housing is to create high quality residential communities,

in order to improve the environment of the area and attract and retain a thriving local population.

48. Within the Dudley Borough Development Strategy, the site is allocated as a housing site - Ref H16.9 'Land off Peartree Lane/Old Meeting Road, Coseley' and therefore this proposal is policy compliant. The principle of redeveloping this site for residential purposes would be a positive step in line with national and local policy. It would comprise the redevelopment of a vacant previously developed site and an allocated housing site within the Growth Network for residential development. The proposed development would deliver homes through the effective re-use of this site. It would allow for the provision of new dwellings to meet a part of the housing needs of the borough.

#### Design and Layout

49. Chapter 12 of the NPPF focuses on good design as a key element of sustainable development. Paragraph 126 states "*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*"
50. Policy HOU2 of the Core Strategy states that the density and type of new housing provided on each site will be informed by, amongst other things, the need to achieve high quality design and minimise amenity impacts. All developments will aim to achieve a minimum net density of 35 dwellings per hectare.

51. Policy S6 (Urban Design) of the Dudley Borough Development Plan identifies that new development should be designed in accordance with good urban design principles. In addition, 'The New Housing Development' SPD encourages good quality accommodation in attractive environments. It contains a series of urban design principles and refers to minimum design and amenity guidance. Particular emphasis is given to assessing context and responding positively to local character.
52. The density of the proposed development at 35 dwellings per hectare and the two and half storey scale of the proposed houses would be appropriate to the existing form and pattern of development in the wider area which is varied in terms of house type. The siting of the houses to the front would enhance the existing street scene along Pear Tree Lane and the development would form a small residential estate with its own distinct character around a new cul-de-sac forming perimeter block development with streets surrounding. The dwellings would be of an appropriate scale and design taking into account the constraints of the site. All dwellings would be brick built with rendered areas with concrete interlocking roof tiles. This would help to assimilate the new development with the existing surrounding area and result in a design that would enable the creation of a good-quality residential environment that would sit comfortably within its surroundings.

#### Neighbours and Occupier Amenity

53. The Council's New Housing SPD recommends a series of numerical standards to ensure existing and future occupier privacy and outlook. In

this instance, the development as amended, has been designed so that the front facing main habitable room windows of the proposed dwellings are orientated away from existing properties and meet the separation distances set out. Windows to the side elevation would either be obscurely glazed secondary windows, not serve habitable rooms, be set at appropriate distance or would not overlook due to proposed boundary treatment.

54. Garden lengths are all in excess of 11m, except for plots 1, 2, and 8 which provide 10.5m and there is in excess of 22m between rear facing elevations of the proposed dwellings and those existing on the The Paddock. It is considered this is a characteristic form of development which also results from the constraints of the site and this issue alone could not warrant the refusal of the application. However, it is recommended that the permitted development rights for extensions to the dwellings are removed. Further, and of some merit, the gardens for all properties provide in excess of the 65sqm of space recommended. Furthermore, any potential overlooking between the new properties could be mitigated by boundary treatment at ground floor level. Whilst the outlook from some existing, surrounding properties would change, it would be a residential outlook, that is common between many properties in the borough. It is not considered that this would be a sufficient reason to warrant refusal of the application, given the positive benefits of providing new homes of this type and tenure within the borough.
55. In addition, the properties would provide an internal layout of suitable size, with at least one good sized accessible double bedroom and a

furniture layout shows that ample storage can be accommodated to meet the expected requirements.

56. In considering 45-degree code guidelines, it is noted that the properties would not breach the guidelines to any neighbouring property. Therefore, it is not considered there would be any undue loss of light or outlook to any adjacent property.

#### Access and parking

57. Paragraph 111 of the NPPF identifies that “*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”
58. Policy L1 also requires that development should provide adequate access and parking to ensure that there would be no detrimental impact on highway safety.
59. The applicant has amended the scheme to alleviate the concerns of the Council Highways Engineer. Footways within the site are all 2m wide and information regarding gradients of the road and driveways have been provided; tracking diagrams have been provided to ensure appropriate vehicles can access and turn within the site and in response to concerns regarding visibility, the access has been moved to a higher point.

60. In addition, information about potential speed reduction measures in the form of speed bumps along Peartree Lane has been provided. These works will form part of a package of Highway measures to reduce the speed of cars towards the access to the development and in the wider area, to the benefit of highway safety.
61. Objectors note the weight of existing on-street parking, a situation which is unfortunate. However, at the time when the surrounding area was developed there would have been lower levels of car ownership and therefore less parking demand. It is unlawful for the Local Planning Authority to require the applicant to make provisions to address the pre-existing parking problem.
62. Furthermore, the Local Planning Authority cannot legally refuse this proposed development on the grounds of loss of existing, informal on-street car parking. Nor can it require that the applicant mitigates against that loss. On recent and past visits to the site Highways Officers did not observe parking near the access that may interfere with visibility. There are double yellow lines on the adjacent Highway at the site frontage and point of access. Some illegal convenience parking had been observed opposite the access, however, the access has been designed to allow for large vehicles to turn with on street parking.
63. The Local Planning Authority can however require that the proposed scheme provides sufficient car parking for the potential occupiers of the new properties so as not to cause any additional harm to highway safety or significant increase in traffic

64. All properties are provided with policy compliant parking, with all three-bedroom properties provided with two car parking spaces and all four bedroom properties provided with 3 off-street, car parking spaces. Therefore, the proposals accord with the minimum standards as set out in the Car Parking Standard SPD.
65. It is not considered traffic and parking demand associated with a residential use on this site would materially increase and the impact of new houses at this location on the surrounding highway network would be negligible. This is particularly pertinent when considering that an increase in only six houses is proposed above a development previously resolved to be approved. In addition, there are good public transport links close to this location.
66. Electric Vehicle Charging points in accordance with the guidance in the Car Parking SPD should also be provided. Again, a condition to secure this is recommended.

#### Nature Conservation/Trees

67. The supporting Arboricultural Impact Assessment identifies a total of 45 individual trees and 7 Groups of trees within and immediately adjacent to the application site. The assessment categorised trees in accordance with Table 1 of BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations on the basis of tree quality and value and considers the impact of the proposed development and the number and quality of trees that would need to be removed to facilitate development.

68. Originally, it was proposed that nearly all trees would be removed from the site (41 in total), however, after concerns were raised about this issue and other layout matters, a total of 18 individual and 3 groups require removal to facilitate development. The majority of these trees are situated along the southern boundary, which bounds the commercial areas, along with a central group in the middle of the site. Those trees to the northern side of the site remain between the development and houses to The Paddock.
69. The trees to be lost range from having a high amenity value to being of poor quality and not worthy of retention, all however, are protected by a Tree Preservation Order. Whilst the loss of trees from the site is regrettable; regard must be given to their condition and siting along the southern boundary, and that this development provides much needed housing on a suitable brownfield site. The proposed development would afford the opportunity to secure replacement planting and indeed other new planting by condition that could potentially realise both a quantitative and qualitative enhancement in terms of trees in the longer term and therefore, in this instance, its considered that the visual harm caused by the loss of these trees would not outweigh the benefits of delivering housing on this site and would not be sufficient reason to refuse the application.
70. Where, exceptionally, the strategic benefits of a development clearly outweigh the importance of a local nature conservation site, species, habitat or geological feature, damage must be minimised. Any remaining impacts, including any reduction in area, must be fully

mitigated. Compensation will only be accepted in exceptional circumstances. A mitigation strategy must accompany relevant planning applications.

71. Since the closure and demolition of the swimming baths the land has been left to overgrow. The submitted ecological survey states that the main vegetative habitats to be lost are scrub and species-poor grassland which are of low ecological importance. However, the sites tree lined boundaries, are likely to serve a landscape scale role in connecting nearby residential gardens to the site and so is ecologically valuable green infrastructure. These also have supporting value for protected species. The sites boundary trees and scrub are likely to support nesting birds and have the potential support hedgehogs and foraging bats. All other protected species are likely absent from the site due to the unsuitable habitats, levels of disturbance; species range and/or landscape context.
72. Following inspection, the trees identified to have potential roosting features for bats are currently proposed for retention. Measures should be taken to reduce disturbance to these and should be implemented during the construction phase. It is also important therefore, for light pollution to be kept to a minimum and linear tree cover maximised as much as possible. Mixed native hedgerows should also be maximised to aid migration of bats and to replace scrub lost through the proposal. This can be controlled by condition.
73. There is evidence of other protected species on the site. The proposed development would, in the main, clear the site. The submitted ecology

report and associated recommendations satisfactorily deal with this issue.

### Land Contamination and Stability

74. The Council's Contaminated Land officer has raised no objection to the proposal, but notes the submission of the Phase 2 Ground Investigation and Remediation Strategy is identified as interim with outstanding gas monitoring and groundwater testing still being required. As such, it is considered appropriate that conditions to secure the submission of a Risk Assessment and Remediation Strategy of the risk posed by any ground contamination and ground gases and vapours is added to any approval.
75. The NPPF at paragraph 183 states that "*Planning policies and decisions should ensure that:*
- a) *a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
  - b) *after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
  - c) *adequate site investigation information, prepared by a competent person, is available to inform these assessments.*

76. Paragraph 184 goes on to state “Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
77. Sections of the application site fall within the defined Development High Risk Area. The Coal Authority’s information indicates that the application site lies in an area where historic unrecorded underground coal mining activity is likely to have taken place at shallow depth. The applicant has submitted an appropriate Coal Mining Risk Assessment. The Assessment has been informed by an appropriate range of geological, historical and coal mining information.
78. The report considers that the site is at a high risk due to the presence of on-site mine entries. In addition, the risk from unrecorded shallow coal mining cannot at this stage, be ruled out. Accordingly, recommendations have been made that intrusive ground investigations/further gas monitoring are required to confirm the location/condition/treatment details of the mine entries and to establish the presence or otherwise from shallow coal mine workings. The findings of the site investigations should inform the design of any remedial/ mitigation measures required in the event of a catastrophic failure of the mine entries and shallow coal mine workings to ensure the development will be safe and stable.
79. However, the applicant has afforded due consideration to the on-site mine entries with a drawing to illustrate the current recorded position/influencing distance of the mine entries. The Coal Authority are

therefore satisfied that the intrusive site investigations can be undertaken post decision, but are secured by an appropriate condition.

### Flood Risk and Drainage

80. The site is located in Flood Zone 1 and there are no critical drainage issues associated with the site. The use of sustainable urban drainage systems (SuDS) has not been considered and should where possible be incorporated within the design. Appropriate conditions to secure this is recommended.

### Planning Obligations

81. 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.
82. 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.
83. The obligations potentially triggered according to the Planning Obligations SPD are Transport Infrastructure Improvements, Air Quality

Improvements, Historic Environment, Nature Conservation, Education, Economic and Community Development Statement and Affordable Housing.

84. 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;
- a) directly related to the development;
- b) fairly and reasonably related in scale and kind to the development.

85. Following consideration of the above tests the following planning obligations are required for this application:

**On-Site Provision (to be secured by S106 Agreement)**

Affordable Housing (25%)

Education Contributions

**On-Site Provision (to be secured by condition)**

Nature Conservation

Environmental Protection – Provision of external charging points/appropriate gas boilers

Renewable Energy

86. In respect of obligations sought, a viability assessment has been submitted by the applicants in respect of the affordable housing and

education contributions being sought. In accordance with the Planning Obligations SPD (2016) which sets out "*It is recognised that in dealing with development proposals, exceptional circumstances may occasionally arise which result in genuine financial viability concerns*". A viability assessment has subsequently been submitted to demonstrate that as a result of site-specific circumstances the full affordable housing and education contributions are not viable, and this has been independently assessed by a viability consultant. It is understood that the viability issue is as a result of abnormal costs for developing the site and the exceptional costs of remediating the land for residential development.

87. The independent assessor's recommendation to the Local Planning Authority is that the development is capable of providing 4 no affordable units with a mix of 1 affordable rent and 3 shared ownership units. (11.7% of the total number of units on site). In addition, the development can also provide a contribution of £92,622 towards Secondary and SEND school places at schools within the locality.
88. Subsequently, officers seek delegated approval to consider and negotiate the section 106 agreement, as necessary and in accordance with the Council's Planning Obligations SPD (2016), the National Planning Policy Framework (2019), The National Planning Practice Guidance, the Black Country Core strategy (2011), and the Dudley Borough Development Strategy (2013).
89. Notwithstanding the above, 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.

90. This development complies with the requirements of BCCS Policy DEL1 and the Planning Obligations SPD.

### Financial Material Considerations

91. 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' 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 the Community Infrastructure Levy (CIL).
92. The clause 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'.
93. This proposal would provide thirty-four additional new dwellings generating a New Homes Bonus grant of thirty-four times the national average council tax for the relevant bands.
94. The proposal is liable for CIL but the site falls within Zone 1 which has a £0 rate thus no CIL charge is required

95. Whilst these are significant sums of money the planning merits of the proposal are acceptable in any event and therefore this is not accorded significant weight.

## CONCLUSION

96. The principle of the development on the site is considered to be acceptable and in accordance with adopted policy. The design and layout, the impact upon residential amenity and highway safety are also acceptable. On this basis the application would be in accordance with the National Planning Policy Guidance, Policies CSP1, CSP3, DEL1, HOU1, HOU2, TRAN2, ENV2, and ENV3, ENV5, ENV6, ENV7 and ENV8 of the Black Country Core Strategy, Policies S1, S2, S5, S6, S7, S8, S12, S16, S17, S19, S21, S22, S29, S36, L1, L2, D2, and D5 of the Dudley Borough Development Strategy, Nature Conservation and Parking Standards Supplementary Planning Documents.

## RECOMMENDATION

It is recommended that the application be APPROVED subject to:

- a) The applicant entering into a Section 106 legal agreement to provide affordable dwelling units within the development and the education contributions, with powers delegated to the Director of Regeneration and Enterprise to add remove or revise such conditions as necessary;

- b) In the event that the S106 agreement has not been completed within six months of the resolution to grant approval, the application will be refused if appropriate.

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved amended plans: PEARTL-WT-XX-00-DR-A-2100-P2; PEARTL-WT-XX-00-DR-A-2400-P16; PEARTL-WT-XX-00-DR-A-2408-P1; PEARTL-WT-XX-00-DR-A-2900\_D5\_P1 Archmore; PEARTL-WT-XX-00-DR-A-2901\_D5\_P1 Coniston; PEARTL-WT-XX-00-DR-A-2902\_D5\_P1 Abberton; PEARTL-WT-XX-00-DR-A-2903\_D5\_P2 Lockwood; PEARTL-WT-XX-00-DR-A-2904\_D5\_P2 Derwent; PEARTL-WT-XX-00-DR-A-2905\_D5\_P1 Anders and External Works/Levels Design S3778\_C001.  
REASON: For the avoidance of doubt and in the interests of proper planning.
3. No development shall commence until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.  
REASON: These details are required prior to the commencement of development to ensure that the risks associated with any contamination are reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land.

4. Where the approved risk assessment (required by condition 3 above) identifies contamination posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such contamination has been submitted to and approved in writing by the Local Planning Authority. Following approval, such remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.  
REASON: These details are required prior to the commencement of development to ensure that the risks associated with any contamination are reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land.
5. Following implementation and completion of the approved remediation scheme (required by condition 4 above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.  
REASON: To ensure that the risks associated with any contamination have been reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land and the NPPF.
6. No development shall commence until an assessment of the risks posed by any ground gases or vapours has been submitted to and approved in writing by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.  
REASON: These details are required prior to the commencement of development to ensure that the risks associated with any contamination are reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land.
7. Where the approved risk assessment (required by condition 6 above) identifies ground gases or vapours posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such ground gases or vapours has been submitted to and approved in writing by the Local Planning Authority. Following approval, such remediation scheme

shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

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

8. Following implementation and completion of the approved remediation scheme (required by condition 7 above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

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

9. In the event that contamination is found at any time when carrying out the approved development which was not previously identified, development shall STOP on that part of the site affected by the unexpected contamination and it must be immediately reported in writing to the Local Planning Authority. An additional investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared, which shall be submitted to and approved in writing of the Local Planning Authority. Following approval, such remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

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

10. No development shall commence (excluding demolition, site clearance and initial ground works) until a scheme for a continuous acoustic barrier constructed along the boundary of the site with the adjoining employment premises, of a minimum height of 2 metres measured from the ground level of an adjacent residential plot and minimum surface density of 10 kg/m<sup>2</sup> 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 any of the dwellings are first occupied. The barrier shall thereafter be retained throughout the life of the development.

REASON: In order to safeguard the amenities and wellbeing of the occupiers of the proposed dwelling(s) in compliance with Borough Development Strategy 2017 Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and EP7 - Noise Pollution.

11. A scheme of noise mitigation in the form of double glazing and acoustic ventilation to habitable rooms shall be implemented in compliance with the recommendations in Section 5.4.2 of the Noise Impact Assessment from Parker Jones Acoustics dated 12th March 2021. No plot shall be occupied until the relevant glazing and ventilation recommendation has been installed in full in its dwelling. The double glazing and ventilation measures shall be retained for the life of each dwelling.

REASON: In order to safeguard the amenities and wellbeing of the occupiers of the proposed dwelling(s) in compliance with Borough Development Strategy 2017 Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and EP7 - Noise Pollution.

12. Work shall not begin on the construction of the development until a method statement for the control of dust and emissions arising from the construction of the development has been submitted to and approved by the Local Planning Authority. All works which form part of the approved scheme shall be implemented throughout the construction phase of the development.

REASON: To protect the amenity of residents in the vicinity of the site during construction of the development and to comply with Borough Development Strategy 2017 Policy L1 Housing Development, extensions and alterations to existing dwellings.

13. No above ground development shall commence until details of the electric vehicle charging points, to be provided for the dwellings in accordance with the Council's standard (Parking Standards SPD), has been submitted to and approved in writing by the Local Planning Authority. Prior to first occupation the electric vehicle charging points shall be provided in accordance with the approved details and shall be maintained for the life of the development.

REASON: In the interests of creating a sustainable form of development and to encourage the use of ultra low emission vehicles

in accordance with Policies ENV8 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy.

14. In order to minimise the impact of the development on local air quality, any gas boilers provided within the development must meet a dry NO<sub>x</sub> emission concentration rate of <40mg/kWh. The specification of the gas boilers shall be submitted to and approved in writing by the Local Planning Authority and the approved specification of boilers shall thereafter be fitted in accordance with such details.

REASON: To safeguard the air quality of the Borough which is an Air Quality Management Area in compliance with the Black Country Core Strategy Policy ENV8 and the adopted Air Quality SPD.

15. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), with the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

-Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

-Include a timetable for its implementation; and

-Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout the lifetime of the development.

None of the development shall be occupied until surface water drainage works have been implemented in accordance with the approved details.

REASON: In the interests of sustainability, reducing flood risk and run off and to comply with Adopted BCCS Policy ENV5 - Flood Risk, Sustainable Drainage Systems and Urban Heat Island.

16. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of the implementation, maintenance and management of the sustainable

drainage scheme have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Those details shall include:

-A timetable for its implementation, and

-A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime of the development.

None of the development shall be occupied until surface water drainage works have been implemented in accordance with the approved details.

REASON: In the interests of sustainability, reducing flood risk and run off and to comply with Adopted BCCS Policy ENV5 - Flood Risk, Sustainable Drainage Systems and Urban Heat Island.

17. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of the works for the disposal of foul water drainage have been submitted to and approved in writing by the Local Planning Authority. All works shall be completed in accordance with the approved details prior to the occupation of the development hereby approved. The approved works shall thereafter be retained for the life of the development.

REASON: In the interests of sustainability, reducing flood risk, run off and pollution of watercourses and to comply with Adopted BCCS Policy ENV5 - Flood Risk, Sustainable Drainage Systems and Urban Heat Island and Borough Development Strategy 2017 Policy S5 Minimising Flood Risk and Sustainable Drainage Systems (SuDS).

18. Notwithstanding the details submitted, no above ground development shall begin until details of the types, sizes and locations of the boundary treatments around the site and between the proposed plots has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be carried out in complete accordance with the approved details prior to the occupation of the dwellings hereby approved and shall thereafter retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority

REASON: In order to make a positive contribution to place-making and provide a high quality public realm in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban

Design and Policy L1 Housing Development, extensions and alterations to existing dwellings

Policy D2 Incompatible Land Uses (in part).

19. No development shall commence (excluding demolition, site clearance and initial ground works) 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 agreed scheme shall be implemented in accordance with the approved details within the first planting season following the first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

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

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

20. No development shall commence (excluding demolition, site clearance and initial ground works) until full details of hard landscape works for the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include existing and proposed finished levels or contours; the position, types, colours and textures of the materials of all site enclosures, car parking layout and other vehicular (including driveways) and pedestrian areas; hard surfacing areas, minor artefacts and structures (e.g. street furniture, refuse storage areas, cycle stores etc), The works approved as part

of this condition shall be completed in accordance with an approved details and a timetable which has been submitted to approved in writing by the Local Planning Authority. The hard landscape works shall thereafter be retained for the life of the development.

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

21. No materials other than those indicated on the approved plans shall be used without the approval in writing of the Local Planning Authority.

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

Policy D2 Incompatible Land Uses (in part).

22. At least 10% of the energy supply of the development shall be secured on site from renewable or low-carbon energy sources. Details and a timetable showing how this is to be achieved for each phase of development including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement (excluding demotion, site clearance and grounds works) for that phase. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter or the use of the building, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To reduce the impact of climate change and to comply with BCCS Policy ENV 7 and the Renewable Energy SPD

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

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

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings

Policy D2 Incompatible Land Uses (in part)

and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

24. No part of the development shall be occupied until visibility splays to any access onto Pear Tree Lane / Old Meeting Road has been provided at the junction between the proposed means of access and the highway (Carriageway with an 'x' set back distance of 2.4 metres and a 'y' distance of 59 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

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

25. No part of the development shall be occupied until visibility splays to the new access have been provided at the junction between the proposed means of access and the highway with an 'x' set back distance of INSERT metres and a 'y' distance of INSERT metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

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

26. No part of the development shall be occupied until visibility splays to any access within the application site has been provided at the junction access and new access road within the site with an 'x' set back distance of 2.4 metres and a 'y' distance of 33 metres. No

structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

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

27. The development shall not be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority, including details of a Travel Plan Co-ordinator, public transport, walking and cycling initiatives, Publicity and Marketing, Set targets and monitoring and to join a Travel Wise scheme in Dudley together with a timetable for the implementation of each such element. The Travel Plan shall be implemented in accordance with the details approved by the Local Planning Authority and remain operational for the life of the development.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings

Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

28. Prior to first occupation all redundant dropped kerbs should be replaced with matching full height kerbs and the adjacent Highway made good.

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

29. No development shall commence (excluding demolition, site clearance and initial ground works) 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.

REASON: In order to enhance, encourage and protect the nature conservation value of the site and in accordance with BCCS Policies ENV1 - Nature Conservation, CSP3 Environmental Infrastructure

and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S21 Nature Conservation Enhancement, Mitigation and Compensation Policy S20 The Borough's Geology (in part) Policy S1 Presumption in favour of Sustainable Development (in part) and Policy S21 Nature Conservation Enhancement, Mitigation and Compensation (in part) Policy S19 Dudley Borough's Green Network (in part) Black Country Core Strategy Policy ENV1 Nature Conservation (in part)

This detail is required pre commencement (excluding demolition, site clearance and initial ground works) in that the required works may need to be incorporated into buildings on the site.

30. Prior to the first occupation or use of the development details of the type and location of bat roost provision on the site shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation or use of the development the agreed provision shall be installed on site and thereafter maintained and retained for the lifetime of the development.

REASON: In order to enhance, encourage and protect the nature conservation value of the site and in accordance with BCCS Policies ENV1 - Nature Conservation, CSP3 Environmental Infrastructure and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S21 Nature Conservation Enhancement, Mitigation and Compensation

Policy S20 The Borough's Geology (in part)

Policy S1 Presumption in favour of Sustainable Development (in part) and

Policy S21 Nature Conservation Enhancement, Mitigation and Compensation (in part)

Policy S19 Dudley Borough's Green Network (in part)

Black Country Core Strategy Policy ENV1 Nature Conservation (in part)

This detail is required pre commencement (excluding demolition, site clearance and initial ground works) in that the required works may need to be incorporated into buildings on the site.

31. Prior to the first occupation or use of the development details of the type and location of bird nesting provision on the site shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation or use of the development the agreed provision shall be installed on site and thereafter maintained and retained for the lifetime of the development.

REASON: In order to enhance, encourage and protect the nature conservation value of the site and in accordance with BCCS Policies

ENV1 - Nature Conservation, CSP3 Environmental Infrastructure and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S21 Nature Conservation Enhancement, Mitigation and Compensation

Policy S20 The Borough's Geology (in part)

Policy S1 Presumption in favour of Sustainable Development (in part) and

Policy S21 Nature Conservation Enhancement, Mitigation and Compensation (in part)

Policy S19 Dudley Borough's Green Network (in part)

Black Country Core Strategy Policy ENV1 Nature Conservation (in part). This detail is required pre commencement (excluding demolition, site clearance and initial ground works) in that the required works may need to be incorporated into buildings on the site.

32. No development shall commence nor shall any other operations commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such method statement shall include full detail of the following:
- Implementation, supervision and monitoring of the approved Tree Protection Plan.
  - Implementation, supervision and monitoring of the approved Treework Specification.
  - Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Plan.
  - Timing and phasing of arboricultural works in relation to the approved development.

REASON: To ensure that those trees and hedges to be retained on the development site are not subject to damage because of either works carried out on site or during the carrying out of such works in accordance with Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part) . This detail is required prior to the commencement of development to

ensure trees which are shown to be retained or are legally protected are not damaged during the construction process.

33. No development shall commence nor shall any other operations commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall commence on site until the approved tree felling and pruning works have been completed. All tree felling and pruning shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998 (2010) Recommendations for Tree Work. REASON: To ensure that all tree works carried out on site are appropriate and justified in line with the proposed development and the safeguarding of the visual and environmental amenity in accordance with Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part). This detail is required prior to the commencement of development to ensure trees which are shown to be retained or are legally protected are not damaged during the construction process.
34. No development shall commence nor shall any other operations commence on site or in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed service (gas, electricity and telecoms) and foul and surface water drainage layout has been submitted to and approved in writing by the Local Planning Authority. Such layout shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved service/drainage layout. REASON: To ensure that existing trees are not damaged through the loss of roots, to maintain the visual and environmental quality of the site and surrounding area in accordance with Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part). This detail is required prior to the commencement of development to ensure trees which are shown to be retained or are legally protected are not damaged during the construction process.

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

REASON: To ensure that existing trees within the site and in close proximity are not damaged or put under pressure for removal as a result of actual or perceived risk of driveway damage, thereby maintaining the visual and environmental quality of the site and the surrounding area in accordance with Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part). This detail is required prior to the commencement of development to ensure trees which are shown to be retained or are legally protected are not damaged during the construction process.

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

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

37. The soil levels within the root protection zone of the retained trees are not to be altered, raised or lowered, without the prior written

approval of the Local Planning Authority.

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

38. The existing trees shown on the approved plans to be retained shall not be damaged or destroyed, uprooted, felled, lopped or topped during the construction period of the development without prior written consent of the local planning authority. Any trees removed without such consent or dying or being seriously damaged or diseased during that period shall be replaced with healthy trees of such size and species as may be submitted to and agreed in writing by the local planning authority. The replacement trees shall be provided in accordance with a time table to be submitted to and agreed in writing by the Local Planning Authority and shall thereafter be retained for the life of the development.

REASON: To maintain the visual and environmental quality of the site and surrounding area in accordance with Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part).

39. No development shall commence until;
- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
  - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. This should include the submission of the approved layout plan that illustrates the exact location of the on-site mine entries including the calculated zone of influence of all mine entries based on the ground conditions encountered adjacent to these mining features. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

REASON: The site has most likely have been affected by historic coal mining and such the applicant needs to demonstrate that development can proceed without impacting on the stability of the site. Consideration has been given to Dudley Borough Development Strategy Policy D4 - Unstable Land

40. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a

suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

REASON: The site has most likely have been affected by historic coal mining and such the applicant needs to demonstrate that development can proceed without impacting on the stability of the site. Consideration has been given to Dudley Borough Development Strategy Policy D4 - Unstable Land

41. No development shall commence (excluding demolition, site clearance and initial ground works) until details of the Highways Works as indicated on drawing Dwg. No. PEARTL-WT-XX-00-DR-A-2409 Rev P2, including, traffic calming measures and amendments to the Traffic Regulation Order has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the agreed Highway Works have been completed in accordance with the approved details.

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

42. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any order revoking or re-enacting that order with or without modification) no development referred to in Schedule 2, Part 1, Classes A, B, C, D and E of that order shall be carried out without the express grant of planning permission.

REASON: In the interests of the privacy and amenity of surrounding residents in accordance with Borough Development Strategy 2017 Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part).



NORTH

All dimensions to be verified on site by Main Contractor before the start of any shop drawings or work whatsoever either on their own behalf or that of sub-contractors.

Report any discrepancies to the Contract Administrator at once.  
This drawing is to be read with all relevant Architect's and Engineer's drawings and other relevant information.

Do Not scale unless for the purposes of verifying or determining any planning application.

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LEGEND

ACCOMMODATION SCHEDULE

	DWELLING TYPE	GIFA	HEIGHT (STOREYS)	AMOUNT	%
1	2BED 3P- ARCHMORE (SEMI)	70m <sup>2</sup>	2	6	18
2	2BED 3P-CONISTON (SEMI)	70m <sup>2</sup>	2	14	41
3	2BED 3P- ANDERS (SEMI)	70m <sup>2</sup>	2	2	6
4	2BED 3P-ABBERTON (SEMI)	74m <sup>2</sup>	2	8	23
5	3BED 5P- LOCKWOOD (DETACHED)	94m <sup>2</sup>	2	1	3
6	4 BED 6P- DERWENT (DETACHED)	108m <sup>2</sup>	2	3	9
TOTAL				34	100

KEY

- Area owned by client but is remaining in current state
- 10m 'no build zone' radius around mine shaft location
- Existing well which has been blocked up
- Existing trees to remain
- Application Boundary - 9508m<sup>2</sup> / 0.95Ha / 2.3 Acres
- Tree planted/ build out traffic calming

Density = 34 dwellings per hectare  
 Note: EV charging to all houses  
 Total communal external amenity space - 130m<sup>2</sup>  
 Total private amenity space - 3610m<sup>2</sup>  
 Slab levels info by S.E. - 2021.04.10

Flood Risk

Site is 0.9 ha and in flood zone 1, therefore flood risk assessment not required. Land assessed to be low risk for main river and surface water flood risk.

Drainage Strategy and SUDS

Dwellings to incorporate rainwater harvesting- storage or reuse or soakways where appropriate.

Driveways to be constructed of permeable materials, provided ground conditions are appropriate.

The development is to incorporate a SUDS based drainage solution designed in accordance with CIRA C697.

A detailed drainage scheme is to be provided indicating outfall locations, agreed discharge rates and consents, ownership (private or sewers adoption) and long term maintenance and responsibilities.

Gradients

See S.E. drawings for gradients on all roads.



P16	House types amended	23/09/21	AS	SS
P15	House types amended	23/09/06	AS	SS
P14	Parking for plot 8 amended	23/08/24	AS	SS
P13	Layout amended	23/04/24	AS	SS
P12	Red Line Boundary Amended	23/03/10	AS	SS
P11	Amended to highway comments	22/06/16	AS	SS
P10	Amended to Highway comments	22/03/25	AS	SS
P9	House locations amended to sewer protection zone	22/01/05	AS	SS
P8	Amended design to planning comments	21/10/27	AS	SS
P7	Amended design to planning comments	21/10/18	AS	SS
P6	Updated design to planning comments	21/09/06	AS	SS
P5	Updated design to planning comments	21/08/11	AS	SS
P4	Planning issue	21/04/09	AS	SS
P3	Minor amendments	21/03/19	AS	SS
P2	Minor amendments	21/03/16	AS	SS
P1	Preliminary issue	21/02/10	AS	SS
Project No:		Scale:	Drawn By:	
1001		1:500 @ A2	AS	



Project:  
**Pear Tree Lane**  
**Coseley**  
**Willenhall**  
**WV14 8HA**

Client:

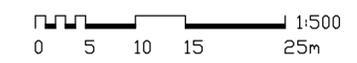
-

Title:

Proposed Site Plan

Drawing Number: PEARTL-WT-XX-00-DR-A-2400

Status: D5	Purpose of Issue: Planning	Revision: P16
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**Meeting of the Planning Committee – 14<sup>th</sup> December, 2023**

**Report of the Director of Regeneration and Enterprise**

**Planning Services Fees 2024**

**Purpose**

1. To consider the proposals within the report with regard to the setting of the Council's Planning Fees to take effect from 1st January 2024, non-statutory Development Management Charges; updated Community Infrastructure Levy (CIL) Charging Schedule (effective from 1<sup>st</sup> January 2024-31<sup>st</sup> December 2024); fees for the Local Development Order (LDO); and charges for Pre-Application advice to customers.

**Recommendations**

2. It is recommended that Planning Committee: -
  - Note the continued use of Consumer Price Index in Planning Obligations costings and approve the proposed S106/Unilateral administrative and monitoring fee.
  - Note the updated CIL indexations costs will be applicable from 1<sup>st</sup> January 2024 until 31<sup>st</sup> December 2024. (Appendix A)
  - To approve proposed fees for the Local Development Order (LDO) as outlined in Appendix B.
  - To approve amended fees for Pre-Application charges Appendix C.
  - To approve the fee schedule for Development Management Non-Statutory Charges as outlined in Appendix D.

All fees to come into effect from 1<sup>st</sup> January 2024.

## **Background**

3. In line with council policy all non-statutory fees and charges are updated annually.

### 4. Planning Obligations

4.1 The use of planning obligations to secure financial developer contributions towards the delivery of local infrastructure is a key and well-established element of the planning system and is required on certain planning applications depending on the scale and nature of development.

4.2 In line with the Planning Obligations Supplementary Planning Document (SPD) adopted in 2016, the use of inflationary indices (CPI) for Planning Obligations is an established principle and the Council uplifts contributions annually from the 1st April. A further report setting out the updated planning obligations fees will be reported to Planning Committee in April for information.

4.3 Notwithstanding the above, paragraphs 36 and 37 of the Planning Obligations SPD highlight the need for admin and/or legal fees for S106 or Unilateral agreements. Due to the technical nature of these documents and the need to involve a Council Solicitor, legal fees will always be required and the applicant will be invoiced directly for those costs. Further, the completion of a planning obligation involves the council in various administrative/monitoring work, which has a cost which should be recovered through the request for Section 106 monitoring fees. Regulation 122 (2A) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) permits this. Therefore, building upon the provision of the Planning Obligation SPD monitoring fees should be sought on all S106 and Unilateral agreements going forward on the following basis;

<b>Monetary value of S106</b>	<b>Administrative/monitoring fee</b>
Less than £10,000	£500
£10,000-£20,000	£1,000
More than £20,000	2.5% up to a maximum of £10,000

4.4 The applicant will be advised of the costs directly or it will form part of any resolution to Planning Committee but it is also included in the table in Appendix D for reference.

## 5. Community Infrastructure Levy (CIL)

- 5.1 Community Infrastructure Levy (CIL) CIL is a levy, adopted in 2015/16, that allows Local Authorities to charge on new developments. The money can be used to support development by funding infrastructure that the Council, local community, and neighbourhoods want. There is a need to index link CIL contributions to keep the levy responsive to market conditions; as a failure to do so would result, over time, in insufficient contributions being secured.
- 5.2 The requirement to apply an index of inflation is set out within regulation 40 of the CIL Regulations 2010 (as amended). This regulation requires CIL contributions to be index linked using the national All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors. On this basis the CIL costs for Dudley have been increased based on the most recent All-In Tender Price Index of construction costs published by the Royal Institute of Chartered Surveyors on 23 October 2023 (See Appendix A). The updated CIL indexations costs will be applicable from 1<sup>st</sup> January 2024- 31<sup>st</sup> December 2024.

## 6. Local Development Order (LDOs)

- 6.1 The Council adopted a Local Development Order (LDO) for Household Extensions in 2017. If homeowners choose to take advantage of the LDO there is a process for gaining a letter of determination with a fee originally set at half the fee of a household application. There is also a fee to make a minor amendment to the development following the issue of the letter of determination to cover the administration costs of the process.
- 6.2 The fee was increased last year by 2% in accordance with all discretionary charges to reflect inflationary pressures. However, the Government are increasing national planning fees by 25% for non-major development, including householder applications, from 6<sup>th</sup> December 2023. Therefore, to maintain the link between cost-of-service provision and charge it is recommended that the LDO fee is increased by a similar percentage. The existing and proposed fees for the LDO are therefore outlined in Appendix B.

## 7. Pre-Application

- 7.1 The pre-application process is where advice is provided on informal development proposals, which are submitted to the planning service. It offers significant potential to improve both the efficiency and effectiveness of the planning application system and improve the quality of planning applications and their likelihood of success. Councils can charge for this service and whilst it is not a statutory function this is now frequent practice in councils.
- 7.2 Dudley has charged for pre-app for several years and in past years there have been moderate increases to reflect inflationary pressures and the cost of providing the service. As such it is proposed to increase the fees this year by approximately 5% to reflect recent significant inflationary pressures. Given the recent increases to national planning fees of 25% and 35% respectively I do not consider 5% to be unreasonable (new national fees took effect 6<sup>th</sup> December 2023). Further, whilst a wider review of the pre-app service is to be undertaken there is an opportunity to introduce some immediate changes to ensure the fees reflect the cost of the service more comprehensively and to ensure the service is transparent and consistent regardless of applicant and/or the type of proposal.
- 7.3 Previously householders have benefitted from a free first enquiry, with only repeat applications charged. However, such queries make up a sizeable proportion of the query's received and take a considerable amount of officer time. As such, to accurately reflect impact on resources it is proposed that all householder pre-application queries are charged for. This is widespread practice for most other LPAs.
- 7.4 Applications submitted by or in partnership with Dudley MBC, developments in relation to charities (for the purpose of the charity function), disabled occupiers (no repeat householder fee) and where the scheme has been subject to grant funding have previously been exempt from the charges. However, this is inconsistent with the national fee charges for formal submissions and the many benefits of the pre-app is currently being absorbed by the service rather than the applicant. Charges for the pre-application service are well established and with the exemption of disabled occupiers (for a householder extension) fees should be charged accordingly.
- 7.5 In addition, there is currently no provision for fees to be charged for non-residential/commercial developments. Again, this is inconsistent with national fee charges for formal applications and new charging categories are therefore proposed.

- 7.6 There is also no provision for Planning Performance Agreements (PPAs) which is actively encouraged by the government and particularly relevant for large complex proposals which need a specifically targeted resource.

Accordingly, the new fee schedule is outlined in Appendix C.

## 8. Trees

- 8.1 The submission of formal applications for works to protected trees is free as determined nationally. This will remain unchanged, but we charge for pre-application advice which is provided by the Tree Officer should it be sought. The fee charges were previously split between less than 10 trees and between 11+ trees. However, to more accurately reflect time and costs associated with providing this service, which includes a site visit, it is now proposed to further split these categories as follows:

- 1-4 trees
- 5-9 trees
- 9-14 trees
- 15+

As such the new charges are outlined in Appendix C.

The authority will also continue to charge for copies of Tree Preservation Orders this fee has increased by 5% (as outlined in Appendix D).

## 9. Historic Environment

- 9.1 As with trees the submission of applications for Listed Building consent or Conservation Area consent is free as determined nationally. However, we will continue to charge for pre-application advice which is provided by the Historic Environment Officer should it be sought. Again, in line with other pre-app changes it is proposed to increase the fees in by approximately 5% to reflect general inflation increases.

## 10. Discharging or Modifying S106 Agreements

- 10.1 Planning obligations sometimes need to be modified and/or requests to confirm the obligation has been met (it can be discharged) are received. Typically, proposals to vary S106 agreements will form part

of a S73 application to make material amendments to an existing planning permission. In such cases the council will not require a separate fee to cover planning officer costs to handle the variation of the original S106 agreement. However, occasionally an applicant may consider it necessary to seek to vary a S106 agreement outside of a S73 application and/ or request to discharge is received which results in planning administration charges. Therefore, in order to cover council costs, a flat rate fee of £200 was introduced from 1<sup>st</sup> January 2023 for handling these requests (appendix D).

- 10.2 The fees are reflective of the planning officer costs associated with responding to the request but are not inclusive of the council's legal costs, which will still be separately calculated by our solicitors as currently happens.
- 10.3 They also do not include any third-party specialist advice that the council may reasonably need to procure to independently assess proposed variations (such as viability advice). Where third party specialist advice is required, it will continue to be the expectation that the applicant will meet the costs incurred by the council.
- 10.4 As this charge was only introduced at the beginning of this year insufficient numbers of applications have been processed to fully, and accurately, break down the costs of processing these applications to warrant increased fee(s)/greater number of categories as such no fee increase is currently proposed.

## 11. Development Management Non-Statutory Fees

- 11.1 Development Management carry out several non-statutory functions including providing copies of decision notices and supply of Tree Preservation Orders, to members of the public. Whilst non-essential it is generally considered that they add value to the service by enhancing the statutory function provided.
- 11.2 When setting fees for the non-statutory services the increase is reflective of the supporting administration and technical costs and in line with inflationary increases. See Appendix D for non-statutory Development Management fees.

## Finance

12. The Development Management fees included within this report are non-statutory and any charge is to cover administrative and technical costs of providing the service only.

All monies received are receipted and banked in line with Council policy.

### **Law**

13. The CIL Regulations 2010 (as amended) set out the requirements for the indexation of CIL charges.

The CIL Regulations 2010 (as amended) permit local planning authorities to charge legal fees for preparation of s106 agreements.

Local planning authorities may charge for providing discretionary services including the cost of pre application work under section 93 of the Local Government Act 2003

Regulation 122 (2A) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) permits a local planning authority to collect administrative and monitoring charges.

### **Risk Management**

14. There are no material risks to the Council resulting from the report.

### **Equality Impact**

15. An initial fee exemption is proposed for those seeking pre-application advice for house extensions when related to their disability consistent with the national fee exemptions. There are no other implications arising from this report.

### **Environmental/Climate Change**

16. There are no environmental or climate change issues.

### **Human Resources/Organisational Development**

17. There are no direct Human Resources or Organisational Development Implications.

### **Commercial/Procurement**

18. All fees and charges are appropriate to the works undertaken.

## **Council Priorities**

19. Having appropriate Planning and Building Control Fee's in place for both residential and commercial development supports the council's priority of *regenerating the borough* as well as helping to create a cleaner and greener place.



**Helen Martin**  
**Director of Regeneration and Enterprise**

Contact Officer: Carl Mellor  
Telephone: 01384 814157  
Email: [carl.mellor@dudley.gov.uk](mailto:carl.mellor@dudley.gov.uk)

### **List of Background Papers**

The Community Infrastructure Levy (CIL) Regulations 2010 (as amended):  
<http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>

## APPENDIX A

### Current Costings and Planning Obligations\*

Type of Obligation	Current Costings applicable to planning applications submitted after 1 <sup>st</sup> January 2022
<b>Affordable Housing</b>	25% on-site obligation on all sites proposing 15 dwellings or more
<b>Education</b>	Calculated on a site-by-site basis: £11,616 per nursery/primary school place, £17,503.65 per secondary school place and £18,983 per post 16
<b>Highway Infrastructure Works</b>	Calculated on a site-by-site basis – usually non-financial
<b>Air Quality Improvements</b>	£35.92 per additional traffic-based trip
<b>Nature Conservation</b>	Calculated on a site-by-site basis – usually non-financial
<b>Open Space, Sport and Recreation</b>	On sites 80 dwellings or more where onsite provision cannot be accommodated: £1,147.71 per flat and £2,064.24 per house
<b>Environmental Safety and Health</b>	Calculated on a site-by-site basis
<b>Historic Environment</b>	Calculated on a site-by-site basis

\* Current Costings Table to be updated annually on 1<sup>st</sup> January 2024 in line with CPI, subject to Council approval.

## APPENDIX B

### Local Development Order (LDO) Fees 2024

<b>LDO Request</b>	<b>2023</b>	<b>2024</b>	<b>Increase</b>
Application and Letter of Determination	105.00	129.00	Increased to half the cost of the expected new planning application fee
Minor Amendment to Approved LDO Application	49.00	64.5	Increased to half the application fee

**APPENDIX C**
**Pre-Applications Fees 2024**

<b>Type</b>	<b>2023</b>	<b>2024</b>	<b>Comments</b>
Householder	£0	£60*	Less than half application cost
Change of use	£118	Minor £124 Major £250	
Advertisements –			
Signage	£33.50	£35	
Hoardings	£118	£124	
Listed Building/Conservation Area	£61	£64	
Trees –			This fee includes a site visit by the planning services Arboriculturist and verbal or written advice
1-4	(Less than 10)	£110	
5-9	£102	£220	
9-14	(11+)	£330	
15+	£204	£440	
Telecoms	£85.50	£90	
New Residential Development –			This includes change of use to residential as well as new builds and includes all types of new residential units including flats.
In principle only advice	£102	£107	
1-3 units	£102	£107	
4-9 units	£204	£214	
10-49 units	£510	£535	
50-99 units	£970	£1019	
100-299 units	£1530	£1606	
300+ units	£3060	£3213	
New commercial development			
Minor (<1000 sqm)	No charge	£250	
Major (1001-2499 sqm)		£500	
(2500-4999 sqm)		£750	
(5000 sqm+)		£1000	
PPA	Not offered	Dependent on type and nature of development	
Meeting with the case officer –			These meetings will be at the discretion of the case office on an as required/necessary basis. They are not compulsory.
Virtual	£51 per hour	£54	
In person (Council offices)	£102 per hour	£107	
On site	£204 per hour	£214	

*\* First enquiry for disabled homeowners seeking to extend their home for the purposes of their disability would be exempt.*

## APPENDIX D

### Non-Statutory Fees and Charges Review–Development Management from 1<sup>st</sup> January 2024

<b>Fee Description</b>	<b>Increase</b>	<b>2023 (Prices Inclusive of VAT)</b>	<b>2024 (Prices Inclusive of VAT)</b>
<p>Photocopy/printing of Planning or Building Control application documentation (Falling within Councils retention period of 15 years)</p> <p>Copies of documentation falling within the retention period are available free of charge from the council's website.</p> <p>We cannot guarantee availability of documents falling outside of the retention period.</p>	5%	£21.70 per document	£22.80 per document
Photocopy/printing of Planning or Building Control application documentation (Falling within or outside of Councils retention period of 15 years)	5%	£35.40 per document	£37.20 per document
Copy of Tree Preservation Order	5%	£35.40 per order	£37.20 per order
<p>Formal response to confirm Discharge of Conditions on an application site (applications within 10 years of decision date).</p> <p>Householder</p> <p>Other Developments</p>	5%	<p>£41.40 per application</p> <p>£140.60 per application</p>	<p>£43.50 per application</p> <p>£147.60 per application</p>
High Hedge Complaint	5%	£536.80	£564
Copy of a Planning Enforcement Notice	5%	£35.40 per notice	£37.20 per notice
HER Searches (charges for the first-hour research)	5%	£102 per search	£107 per search
Varying/discharging S106	No increase	£200	£200