

DEVELOPMENT CONTROL COMMITTEE

MONDAY 9TH DECEMBER 2013

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

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

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

IMPORTANT NOTICE MEETINGS AT THE COUNCIL HOUSE

Welcome to the Council House

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

There is to be no smoking on the premises in line with national legislation. It is an offence to smoke in or on these premises.

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

Thank you for your co-operation.

DEVELOPMENT CONTROL COMMITTEE

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

THE CHAIRMAN will announce:-

- "The following procedure will be observed:
- The site visit reports will be taken first.
- The applications with public speaking will be taken next, in numerical order.
- The officer will make a brief presentation on each public speaking item. The identified objector will then be called by name and will have no more than 3 minutes to speak. The applicant or agent will then be invited to reply and again will have no more than 3 minutes. Will speakers please make sure that they do not over-run their time. (A system of lights will operate - green when the speaker starts, amber after 2½ minutes and red at 3 minutes).
- After public speaking on each application, the item will be thrown open for discussion by the Committee. There will be no questioning by Members of objectors, applicants or agents, who will not be able to speak again.
- The Committee will make a decision on each item in turn - to approve, refuse or defer.
- The remaining applications will then be taken in numerical order."
- All those attending this Committee should be aware that additional papers known as the "Pre-Committee Notes" are placed around the table and the public area. These contain amendments, additional representations received, etc., and should be read in conjunction with the main agenda to which they relate. They are fully taken into account before decisions are made.

Our Ref:
MKJ091213

Your Ref:

Please Ask For:
Mrs M Johal

Telephone No:
01384 815267

28th November 2013

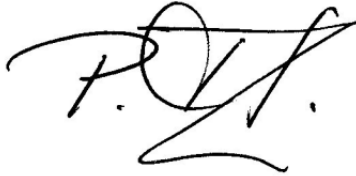
Dear Councillor

DEVELOPMENT CONTROL COMMITTEE
Monday 9th December 2013 at 6.00 p.m.

You are requested to attend a meeting of the Development Control Committee to be held on Monday 9th December, 2013 at 6.00 p.m. in Committee Room 2 at the Council House, Dudley, to consider the business set out in the agenda below.

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

Yours sincerely



Director of Corporate Resources

AGENDA

1. APOLOGIES FOR ABSENCE

To receive apologies for absence from the meeting.

2. APPOINTMENT OF SUBSTITUTE MEMBERS

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

3. DECLARATIONS OF INTEREST

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

4. MINUTES

To approve as a correct record and sign the minutes of the meetings held on 18th November 2013 and 25th November 2013.

5. PLANS AND APPLICATIONS TO DEVELOP (PAGES 1 – 175)

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

Distribution:

To all Members of the Development Control Committee

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

AGENDA INDEX

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

(Upon opening this page select 'Search for a Planning Application' and when prompted input the appropriate planning application number i.e. P09/---)
<http://www.dudley.gov.uk/environment--planning/planning/online-planning-and-building-control>

PLANS AND APPLICATIONS TO DEVELOP

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Pages 21 - 28	P13/1194 – 2 The Limes, Lyddington Drive, Halesowen – Part A – Fell 1 Birch Tree (T2) Part B – Fell 2 Birch Trees (T1 and T3)
Pages 29 - 35	P13/1273 – 4 Stonefield Drive, Pensnett, Brierley Hill – Fell 2 Sycamore Trees
Pages 36 - 44	P13/1317 – 38 Ferndale Park, Pedmore, Stourbridge – Part A – Fell 1 Lime Tree Part B – Fell 2 Pine Trees
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Pages 106 - 117	P13/1448 – 8 Redlake Drive, Pedmore, Stourbridge – Single Storey Front, Side and Rear Extensions (Following Demolition of Existing Utility Room and Carport) with Raising of the Roof and Alterations to the Roof-Space to Create Habitable Rooms at First Floor Level
Pages 118 - 124	P13/1453 – 36 Swindell Road, Pedmore, Stourbridge – Single Storey Storage Shed in Rear Garden (Retrospective)
Pages 125 - 137	P13/1562 – Land on Balds Lane, Lye, Stourbridge – Change of use from B2 (General Industry) to Dismantling and Storage of Cars (Sui-Generis) with Access and Parking and 2.4M High Wire Grill Fencing to Balds Lane Elevation. Erection of Storage/Office Unit and Portable WC (Resubmission of Part Refused Application P13/0620)
Pages 138 - 153	P13/1566 – The Albion Inn, 382 Albion Street, Wall Heath, Kingswinford – Erection of 4 No Dwellings on Existing Car Park and Garden to Existing Public House (Resubmission of Withdrawn Planning Application P13/1115)
Pages 154 - 162	P13/1567 – The Albion Inn, 382 Albion Street, Wall Heath, Kingswinford – Change of use from Public House (A4) to 1 No Dwelling (C3) with Elevational Changes to Include Door, Window and New Garage Doors
Pages 163 - 175	P13/1596 – Ketley Quarry, Dudley Road, Kingswinford – Variation of Condition 1 of Planning Approval 97/50322/C2 to Revise Phasing of Bund 4 Construction from 2015 to 2014

DEVELOPMENT CONTROL COMMITTEE

Monday 18th November, 2013 at 6.00 pm
In Committee Room 2, The Council House, Dudley

PRESENT:-

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

OFFICERS:-

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

46 **DECLARATIONS OF INTEREST**

In accordance with the Members' Code of Conduct, the following Councillors declared a non-pecuniary interest in Planning Application No P13/0677 (7 Straits Road, Lower Gornal, Dudley):-

Councillor Casey as he knew the applicant and he withdrew from the meeting during consideration of the application.

Councillor Westwood as she knew the owners and was also employed by them and she withdrew from the meeting during consideration of the application.

Councillor Wright as he knew the applicants.

47 **MINUTES**

RESOLVED

That the minutes of the meeting of the Committee held on 28th October, 2013, be approved as a correct record and signed.

PLANS AND APPLICATIONS TO DEVELOP

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

The following persons referred to had indicated that they wished to speak at the meeting and, unless indicated, spoke on the planning applications:-

Plan No P13/1260 – Mr Flavell – an objector and Mr Owen an agent/applicant

Plan No P13/1341 – Mr A Barnett – an objector and Mr R Cobb – an agent/applicant

Plan No P13/1331 – Mr Denning – an objector

- (i) Plan No P13/1260 – Woodman Inn, 73 Mount Pleasant, Kingswinford – Change of use of First Floor of Public House to 5 No Bedrooms for Bed and Breakfast (C1) and New Doorway from Attic Flat onto Flat Roof Terrace/Balcony with Balustrade (Retrospective)

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

- (ii) Plan No P13/1341 – 1 Chelford Crescent, Kingswinford – Erection of 1 No Dwelling

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

- (iii) Plan No P13/1331 – 18 Breamore Crescent, Dudley – Erection of a Detached Outbuilding in Rear Garden (Retrospective)

Members noted the comments made by the objector in that residents of neighbouring properties strongly objected to the outbuilding; the purpose of the structure was to house a hot tub; people that would be getting in and out of the hot tub would be visible to neighbouring residents; the structure had caused the loss of light to a neighbouring window; it was considered that the structure had not been constructed in accordance with building regulations; there was no insulation in the booth or the walls and there was also confusion as Officers had said that it was a permitted development, however notice letters had then followed.

The Chair reported that the matter would be deferred to the next meeting to allow the applicant to respond. Members referred to the poor quality of the drawing in the report and asked that a further copy be provided.

Decision: Deferred to the meeting of the Committee to be held on Monday 25th November, 2013 and that the applicant be informed of the comments made by the objector.

- (iv) Plan No P10/0814/E1 – Stourbridge Rolling Mills, Bradley Road, Stourbridge – Extension of Time of Previously Approved Application P10/0814
-

Decision: Approved, subject to the following:-

- 1 The applicant entering into a Section 106 Agreement for a contribution towards the off-site provision and future maintenance of public open space and children's play facilities in accordance with the requirements of the Open Space and Planning Obligations Supplementary Planning Documents, canal side improvements and a management and monitoring fee.
- 2 The completion of the agreement by 18th February, 2014 and, in the event of this not happening, the application being refused, if appropriate.
- 3 Conditions, numbered 1 to 24 (inclusive), as set out in the report submitted, together with additional conditions, numbered 25 and 26, as follows:-
 25. No development shall commence until details of the provision of safe and secure undercover cycle storage provision for the apartments have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved details and the cycle storage retained for the lifetime of the development.
 26. No development shall commence until details for the provision of external electric charging points have been submitted to and approved in writing by the Local Planning Authority. The Electric charging point(s) shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.

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

- (v) Plan No P12/0701 – Former Lloyds (Brierley Hill) Ltd, Brettell Lane, Brierley Hill – Erection of 80 Dwellings with Associated Access (Amended Proposal)
-

Decision: Approved, subject to conditions, numbered 1 and 3 to 26 (inclusive), as set out in the report submitted, together with an amended condition, numbered 2, as follows:-

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 10550-100-003, 10550-100-001-AA, York – 2 bed house, Wyevale – 3 bed house, Wessex – 3 bed house, Salisbury – 3 bed house, Midford – 4 bed house, Conway – 3 bed house, Fernlea – 4 bed house, Malbury – 4 bed house, Lydford – 4 bed house, Longworth – 4 bed house, Kentdale – 4 bed house, Lincoln – 4 bed house, 1A1279-100-5, 10550-906B, 10550-907A, 10550-GAR-01, 10550-GAR-02, 10550-GAR-02, Streetscene Plots 1-21, Streetscene Plots 21-25, Streetscene Plots 34-49.

- (vi) Plan No P12/0974 – 99 High Street, Dudley – Change of use and Alteration to Existing Building and Erection of Four and Five Storey Building to Provide 3 No Retail Units (2 x A1 and 1 x A3 Units) and to Create 20 No One and Two Bedroom Apartments with Associated Works
-

Decision: Approved, subject to the following:-

- 1 The applicant entering into a Section 106 Agreement for the provision of 5 affordable apartments (of which three should be one bedroom and two should be two bedroom apartments) and a management and monitoring fee.
- 2 The completion of the agreement by 16th December, 2013 and, in the event of this not happening, the application being refused, if appropriate.
- 3 Conditions, numbered 1 to 23 (inclusive), as set out in the report submitted

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

Having previously declared a non-pecuniary interest in the following application Councillors Casey and Mrs Westwood left the meeting and rejoined following its consideration.

- (vii) Plan No P13/0677 – 7 Straits Road, Lower Gornal, Dudley – Demolition of Derelict Cottage and Erection of 4 No Dwellings
-

Decision: Approved, subject to conditions, numbered 1 to 14 (inclusive), as set out in the report submitted.

- (viii) Plan No P13/1270 – 7 and 9 High Oak, Pensnett – Demolition of Existing Dwellings and Workshops and Erection of 10 No Dwellings (Outline) (Access and Layout to be Considered) (Resubmission of Refused Application P13/0609)

Decision: Approved, subject to conditions, numbered 1 to 19 (inclusive), as set out in the report submitted.

- (ix) Plan No P13/1287 – 256 Castle Street, Dudley – Change of use from Retail (A1) to Public Toilets (OSG) with New Front Stone Façade and Gated Entrance

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

- (x) Plan No P13/1306 – Land Adjacent to 14 Granville Drive, Kingswinford – Erection of 1 No Dwelling (Resubmission of Refused Application P13/0490)

Decision: Approved, subject to conditions, numbered 1 to 7 (inclusive), as set out in the report submitted, together with an amended condition, numbered 8, as follows:-

8. No development shall commence until an amended site layout plan has been submitted to and approved in writing by the Local Planning Authority showing the provision of a landscaped area and single car parking space to the front of the approved building. The development shall thereafter take place in accordance with the approved details and the landscaped area and parking area retained for the lifetime of the development.

- (xi) Plan No P13/1333 – Land Between 42 and 44 Cobden Street, Wollaston, Stourbridge – Erection of 1 No Dwelling

Decision: Approved, subject to conditions, numbered 1 to 7 (inclusive), as set out in the report submitted.

The meeting ended at 7.40 pm.

CHAIR

SPECIAL MEETING OF THE DEVELOPMENT CONTROL COMMITTEE

Monday 25th November, 2013 at 6.00 pm
In Committee Room 2, The Council House, Dudley

PRESENT:-

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

OFFICERS:-

Mrs H Martin, Mr C Mellor, Mrs A Roberts, Mrs S Willetts (all Directorate of the Urban Environment), Mrs G Breakwell and Mrs M Johal (Directorate of Corporate Resources)

49 APOLOGY FOR ABSENCE

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

50 DECLARATIONS OF INTEREST

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

51 PLANS AND APPLICATIONS TO DEVELOP

A report of the Director of the Urban Environment was submitted on the following plan and application to develop. The application had been deferred from the meeting held on Monday, 18th November, 2013. The Chair advised the Committee to disregard the comments that had been made by the objector that had spoken at the previous meeting and that any decision should be based on comments made at this meeting.

The following persons referred to had indicated that they wished to speak at the meeting and spoke on the planning application:-

Plan No P13/1331 – Mr Denning – an objector and Mr Batavia – an applicant.

Plan No P13/1331 – 18 Breamore Crescent, Dudley – Erection of a Detached Outbuilding in Rear Garden (Retrospective)

Members noted the comments made by the objector in that he was representing the views of a number of neighbouring residents; the house itself was elevated which caused overlooking from a side window into a neighbouring property which resulted in a loss of privacy; the purpose of the structure was to house a hot tub and residents did not want to see people getting in and out of the hot tub; the structure had caused the loss of light to a neighbouring window and the view from their garden was of the back of the structure which resembled a toilet block as it was made of concrete and there were also concerns about the finish of the block; properties would be devalued; the structure could be seen from a neighbouring street and there were also concerns that the surface water would drain into the neighbouring property as there was no suitable drainage.

Members also noted the comments made by the applicant in that work on the structure had ceased pending consideration of the application and that proposed works to the development were to include fascias and guttering and that the concrete block would be painted. He emphasised that he had complied with the required standards.

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

2. Within 3 months of the date of this decision the lower section of window openings on both the front and side elevations, below the opening lights shall be treated with an obscure glazed film to the inside of the window. This obscure glazed film shall be affixed to the windows and retained as such in perpetuity.

52 **DEVELOPMENT CONTROL PERFORMANCE 1ST APRIL 2012 – 31ST MARCH 2013**

A report of the Director of the Urban Environment was submitted on the performance of the Development Control Section for the period 1st April 2012 – 31st March 2013. The report included details of the processing of planning applications, appeals, enforcement investigations and trees and information relating to Planning Obligations in terms of monies approved, received and spent during the same period.

RESOLVED

That the information contained in the report submitted, on the performance of the Development Control Section for the period 1st April 2012 – 31st March 2013 and information relating to Planning Obligations, be noted.

The meeting ended at 6.50 pm.

CHAIR

DC/59

PLANNING APPLICATION NUMBER:P13/1182

Type of approval sought	Full Planning Permission
Ward	Castle and Priory
Applicant	Mr Stephen Burnell, PSP Dudley LLP
Location:	LAND TO REAR OF ASHLEIGH HOUSE, 2, EDNAM ROAD, DUDLEY, WEST MIDLANDS, DY1 1HL
Proposal	ERECTION OF 11 NO. APARTMENTS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The site is a rectangular-shaped area of land at the rear of Ashleigh House on the northern side of Ednam Road, which is a detached three storey late Victorian/early Edwardian building currently in use as Council offices. The site is formed by a parking area immediately at the rear of Ashleigh House (accessed from Ednam Road via a driveway at the side of the building) and an unmanaged area of grass that contains eight mature trees (one whitebeam, one horse chestnut, two pines and four limes) which are close to the northern boundary. This part of the site slopes gently downwards towards the rear boundary.
2. Adjacent to the site to the east is the new Dudley College 6th form campus, which is separated from the site by a post and rail fence and a brick wall. The college building has windows on the upper floors of the elevation facing the site. To the north is the Priory Road car park, which currently has no boundary treatment separating it from the site. The eastern boundary is formed by a brick wall, on the other side of which is Ednam House, a three storey Council office building which has windows at first and second floor facing the site. The site lies within the Dudley Town Centre Conservation Area which also gives the trees at the site protected status.

PROPOSAL

3. Permission is sought to erect a three and four storey building at the site to form 11, 2-bedroom apartments. The building will be formed from three wings, with a central three storey glazed link and is of a contemporary design with flat-roof, fenestration to give vertical emphasis, and materials to match both the modern college building adjacent and the more traditionally-designed buildings in the wider area.
4. Seven parking spaces are to be provided, accessed from the existing driveway which is to be resurfaced. Separate bin and cycle stores are also to be provided, and approximately 450 sq.metres of private amenity space is to be created. A 0.6m high brick wall with 1.2m high steel railings above is to be erected along the northern boundary, and along part of the eastern boundary to replace the existing post and rail fencing.
5. A tree report has been submitted which describes the condition of the existing trees at the site. The report advises that a horse chestnut be removed because its condition has been compromised by previous management action and cannot be realistically retained as a living tree. The submitted layout plan shows this tree removed, with the other trees to be retained.

HISTORY

6. None relevant to the assessment of the application. There is currently a separate undetermined application (P13/01375) for the conversion of Ashleigh House into five apartments.

PUBLIC CONSULTATION

7. Neighbour notification letters have been sent to 8 properties and a site notice has been posted. No representations have been received in response to the neighbour consultation exercise.

OTHER CONSULTATION

8. Head of Environmental Health and Trading Standards: No objection.

Group Engineer (Highways): In areas that are constrained, for example by parking controls and narrow streets and where there is also good public transport and public parking provision plus places and facilities that can be easily accessed by foot or cycling, parking provision below the minimum SPD standards will be considered. The proposal fronts Ednam Road and this road has a prohibition of waiting order and a restriction allowing some unlimited parking after the evening peak in some sections whilst parking during the working day is prohibited apart from 1 hour limited bays outside the application site. The parking enforcement in this area is diligently enforced and therefore the area can be considered a constrained parking area. Residents who choose to live in the dwellings without off street parking must do so on the basis that they either do not have a car or have separate arrangements to park their vehicle in some other location.

Chief Fire Officer: Domestic sprinklers should be fitted to all of the flats as not all parts of the building are accessible by fire fighting equipment.

Coal Authority: No objection.

RELEVANT PLANNING POLICY

9. National Planning Policy 2012

National Planning Policy Framework (NPPF)

Black Country Core Strategy 2011

Policy DEL1 (Infrastructure Provision)

Policy CSP1 (The Growth Network)

Policy HOU2 (Housing Density, Type and Accessibility)

Saved UDP (2005) Policies

Policy DD1 (Urban Design)

Policy HE4 (Conservation Areas)

Policy CR13 (Residential Development in Town Centres)

Supplementary Planning Guidance

Parking Standards SPD (2012)

Dudley Town Centre Area Development Framework (2005)

ASSESSMENT

10. The key issues in the assessment of this application are:

- Principle;
- Impact on the Conservation Area;
- Amenity;
- Parking/Access;
- Planning Obligations

Principle

11. The NPPF encourages residential development on appropriate sites in centres, and advises local planning authorities that such development can play an important role in ensuring the vitality of centres. The site falls within Core Strategy Regeneration Corridor 11a (Policy CSP1 applies); the Core Strategy encourages residential-led regeneration in and around Dudley town centre, in order to improve its viability as a strong centre and historic market town. Similar support is given by Saved Policy CR13 of the UDP. The site lies within the Priory Place opportunity area as designated by the Dudley Town Centre Area Development Framework; the Framework's vision for this part of the town centre is that it will be a high quality residential quarter of high density development.
12. Policy HOU2 of the Core Strategy requires that all developments should aim to achieve a minimum density of 35 dwellings per hectare. Higher density developments such as the one proposed (85 dwellings per hectare) should generally be located in

areas with the best access to public transport and services, such as town centres. Given the site's location, and with regard to the vision of the Town Centre Framework for Priory Place, it is considered that the density of the proposed development is acceptable and therefore the proposal complies with Policy HOU2.

Impact on the Conservation Area

13. Saved Policy HE4 of the UDP advises that the Council will safeguard and seek to preserve or enhance Conservation Areas. Proposals for the inappropriate alteration of buildings in Conservation Areas or works which could be detrimental to their character or setting which will be resisted.
14. At present the open car park makes no contribution to the Conservation Area. By contrast the scale, design and materials to be used in the proposed building complement both the contemporary college building adjacent and the more traditionally-designed Ashleigh House to the front of the site. The front and rear elevations of the buildings are well designed and their appearance will enhance the character of the Conservation Area. At the time of producing this report amendments were being made to the side elevations by the applicant at the request of Officers to ensure that they make a similarly positive impact. The amended plans will be reported in the pre-Committee note.
15. The submitted tree report has been assessed by the Council's Arboricultural Officer who has no objection to the removal of the horse chestnut tree for the reasons stated in the report. The retained trees will frame the development and views into the Conservation Area from the north. The Arboricultural Officer recommends the imposition of specific conditions to ensure that the trees to be retained are not damaged during construction works. These conditions relate to the submission of details of:
 - the method of construction of the proposed boundary walls to avoid damage to the roots of the trees;
 - tree protection measures during construction works;
 - any necessary pruning works;

- a drainage/services layout;
- the method of construction of the hard surfaced parts of the site.

Amenity

16. The NPPF requires that new developments should provide a good standard of amenity for future occupants. The private amenity space to be provided forms a significant proportion of this relatively constrained site and is considered to be of sufficient size to serve the on-site amenity space needs of the future occupants. The site will also benefit from close proximity to the amenities of the town centre and public open space at Coronation Gardens and Priory Park.

Parking

17. On the basis of the comments of the Group Engineer, and given that the site is located within an area of constrained parking in a sustainable location which is readily accessible by public transport facilities, the proposed number of parking spaces is considered to be acceptable. Cycle parking provision is in accordance with Parking Standards SPD standards.

Planning Obligations

18. Black Country Core Strategy Policy DEL1 'Infrastructure Provision' sets out the adopted policy framework for Planning Obligations within Dudley and the Planning Obligations SPD provides further detail on the implementation of this policy; these policy documents were prepared in accordance with national legislation and guidance on planning obligations. Policy DEL1 requires all new developments to be supported by sufficient on and off-site infrastructure to serve the development, mitigate its impact on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.
19. In determining the required planning obligations on this specific application the following three tests as set out in the CIL Regulations, in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:
 - a) necessary to make the development acceptable in planning terms;

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

20. Following consideration of the above tests it is not considered that any off site planning obligations are required in connection with the development. On-site obligations can be sought by condition for nature conservation enhancements, public realm improvements via the submission of details of material to be used in the hardsurfacing of the development and the proposed boundary wall and railings, and air quality improvements by the provision of electric vehicle charging points.

New Homes Bonus

- 21. 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.
- 22. The New Homes Bonus is designed to create an effective fiscal incentive to encourage local authorities to facilitate housing growth. It will ensure the economic benefits of growth are more visible within the local area, by matching the council tax raised on increases in effective stock.
- 23. The Bonus provides local authorities with monies equal to the national average for the council tax band on each additional property and paid for the following six years as a non-ring fenced grant. In addition, to ensure that affordable homes are sufficiently prioritised within supply, there will be a simple and transparent enhancement of a flat rate £350 per annum for each additional affordable home.
- 24. This proposal would provide 11 dwellings generating a grant of 11 times the national average council tax for the relevant bands per annum for 6 years. Whilst this is a significant sum of money the planning merits of the proposal are acceptable in any event and therefore this is not accorded significant weight.

CONCLUSION

25. The proposed development of the site for residential purposes is acceptable in principle. The development would preserve and compliment the character of the Conservation Area and would provide sufficient levels of infrastructure provision, amenity space and parking for future occupants. The proposal complies with Policies DEL1, CSP1 and HOU2 of the Core Strategy and Saved Policies DD1, HE4 and CR13 of the UDP.

RECOMMENDATION

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

APPROVAL STATEMENT INFORMATIVE

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

Conditions and/or reasons:

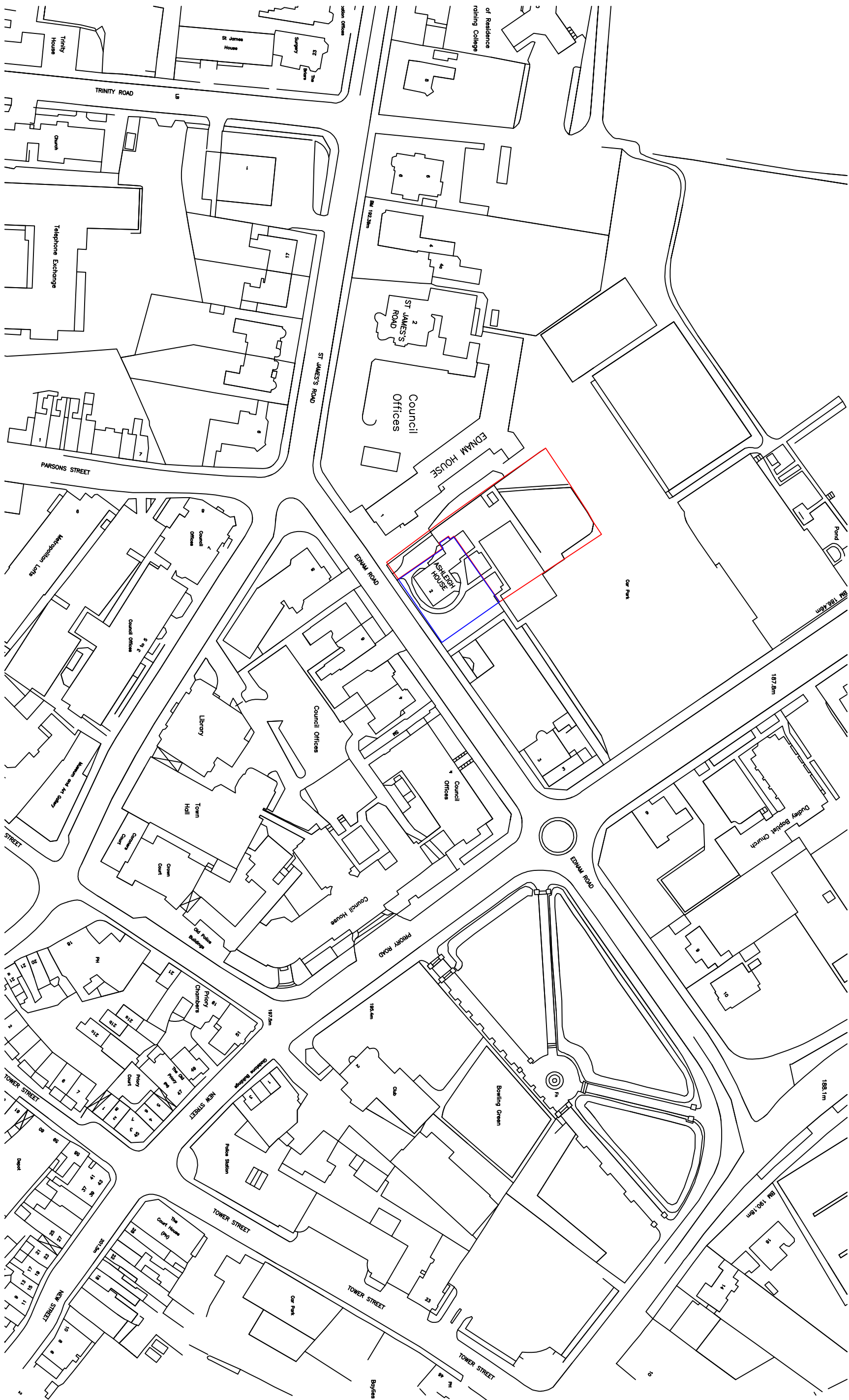
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Prior to the occupation of the building hereby approved, the parking and turning areas shown on the approved plan shall be provided and thereafter maintained for these purposes for the lifetime of the development.
3. Prior to the commencement of development, details of the existing and proposed levels of the site (including finished floor levels), which should be related to those of adjoining land, shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved levels.

4. Prior to the commencement of development, details of the types, colours and textures of the materials to be used in the hard surfacing of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.
5. Prior to the commencement of development, details of the types, colours and textures of the materials to be used on the external surfaces of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
6. No development or other operations shall commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until full details of the proposed brick and railing wall on the northern boundary of the site have been submitted and agreed in writing with the Local Planning Authority. The wall shall be built in full accordance with the agreed details. The detail to be submitted shall include:
 - Details of any excavation required for foundations, pillars or bridging lintels;
 - Full design details of the wall including below ground construction;
 - Details of the construction method of the wall, and measures use to minimise impact on the adjacent trees.
7. No development shall take place until there has been submitted, and approved in writing by the Local Planning Authority details of the tree protection measures on site. The agreed tree protection measures shall be erected / installed prior to the commencement of the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) and shall not be taken down moved or amended in any way without prior written approval of the Local Planning Authority. The tree protection details shall include:
 - a. A plan showing the location and identification (with reference to a survey schedule if necessary) of all trees on, or directly adjacent to the development site, that are to be retained during construction. These trees are to be marked with a continuous outline.
 - b. A plan showing the location and identification (with reference to a survey schedule if necessary) of all the trees on, or directly adjacent to the development site that are to be removed prior to, or during development. These trees are to be marked with a dashed outline.
 - c. A plan showing the extent of the Root Protection Area, which is to be protected by physical barriers during development. The extent of the area that is to be protected will be calculated in accordance with Clause 4.6 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction-

Recommendations'.

- d. Design details of the proposed protective barriers and ground protection to be erected around the trees during development. Any protection barriers should be designed and constructed in accordance with the provisions set out in section 6.2 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction- Recommendations'.
8. No development or other operations shall commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such method statement shall include full detail of the following:
- Implementation, supervision and monitoring of the approved Tree Protection Plan.
 - Implementation, supervision and monitoring of the approved Treework Specification.
 - Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Plan.
 - Timing and phasing of arboricultural works in relation to the approved development.
9. No development or other operations shall commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall commence on site until the approved tree felling and pruning works have been completed. All tree felling and pruning shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998 (2010) Recommendations for Tree Work.
10. 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).
11. No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed service (gas, electricity and telecoms) and foul and surface water drainage layout has been submitted to and approved in writing by the Local Planning Authority. Such layout shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved service/drainage layout.

12. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority technical details of any proposed pathway / hard surfacing / driveway / parking area within the Root Protection Area (as defined by Clause 4.6 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction- Recommendations') of any existing tree situated on or off the site. The details of the vehicular access and parking areas shall include existing and proposed ground levels, materials to be used and the relative time of construction within the whole development and must be in accordance with appropriate guidelines, namely Clause 7.4 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction- Recommendations' and Arboricultural Advisory & Information Service Practice Note 'Driveways Close to Trees' (1996). Any driveway / parking areas within the Root Protection Area of existing trees must be constructed using 'no-dig' techniques incorporating appropriate surfaces to avoid damage to trees and to prevent any potential direct or indirect damage caused by trees.
13. No development shall commence until details of nature conservation enhancement works have been submitted to and approved in writing by the Local Planning Authority. The nature conservation enhancement works shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
14. No development shall commence until an Economic and Community Development Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall address as a minimum, measures to increase the number of jobs open to local people available on the site and the development of initiatives that support activities to upskill local unemployed people of working age so as to support them into sustained employment as outlined in the Council's Planning Obligations Supplementary Planning Document. The development shall be implemented in accordance with the approved Statement and retained in accordance with the Statement for the lifetime of the development.
15. No development shall commence until details for the provision of external electric charging points have been submitted to and approved in writing by the Local Planning Authority. The charging point(s) shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
16. The development hereby permitted shall be carried out in accordance with the following approved plans: AA-485-015A, 005B, 006A, 007A, 008A, 009B, 011A, 012A.
17. The development shall not be occupied until details of secure cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be provided in accordance with the approved details and maintained for the life of the development.
18. No development shall commence until a scheme to provide for a Traffic Regulation Order in the access road (at the applicant's expense) has been submitted to and approved in writing by the local planning authority. Prior to first occupation the Traffic Regulation Order shall be laid out to the agreed details and thereafter maintained for the lifetime of the development.



CLIENT: PSP DUDLEY LLP

JOB: LAND TO REAR, 2 EDNAM ROAD, DUDLEY

JOB NO: AA-485

DRAWING: NEW BUILD

NORTH ELEVATION

DATE: Aug 2013

DRAWING NO: AA-485-012A

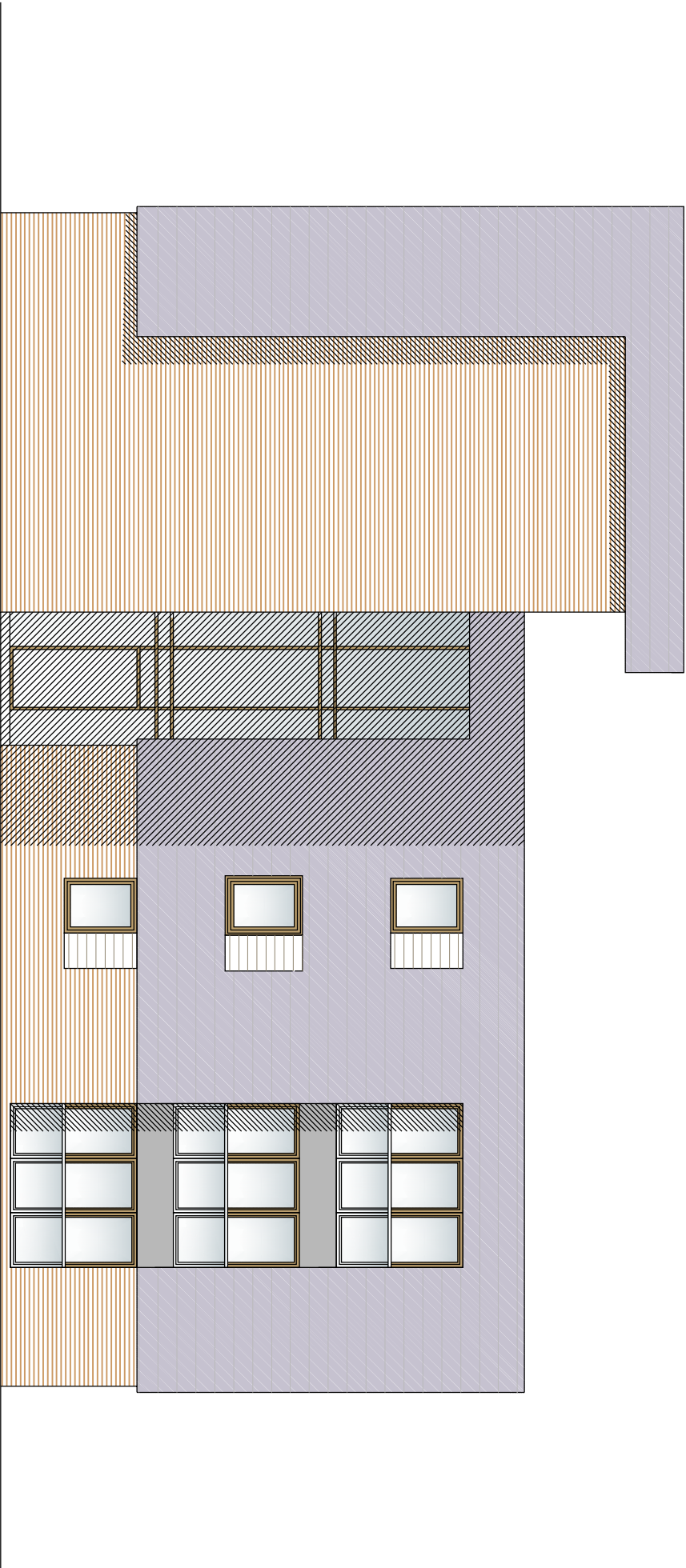
SCALE: 1:100@A3

CHECKED BY:

PROPOSED NORTH ELEVATION



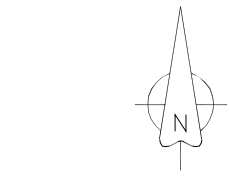
Revision	Date	Details
A	25-11-13	Revised following conservation comments



PROPOSED SOUTH ELEVATION

CLIENT: **PSP DUDLEY LLP**
JOB: **LAND TO REAR, 2 EDNAM ROAD, DUDLEY**
JOB NO: AA-485 DATE: Aug 2013 SCALE: 1:100@A3
DRAWING: NEW BUILD DRAWING NO: AA-485-011A CHECKED BY:
SOUTH ELEVATION

Revision	Date	Details
A	25-11-13	Revised following conservation comments



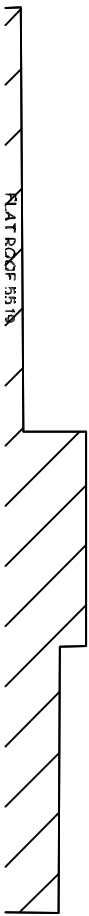
CLIENT: PSP DUDLEY LLP
JOB: ASHLEIGH HOUSE, 2 EDNAM ROAD, DUDLEY
JOB NO: AA-485
DRAWING: NEW BUILD
BLOCKPLAN 2

DATE: Aug 2013

DRAWING NO: AA-485-009B

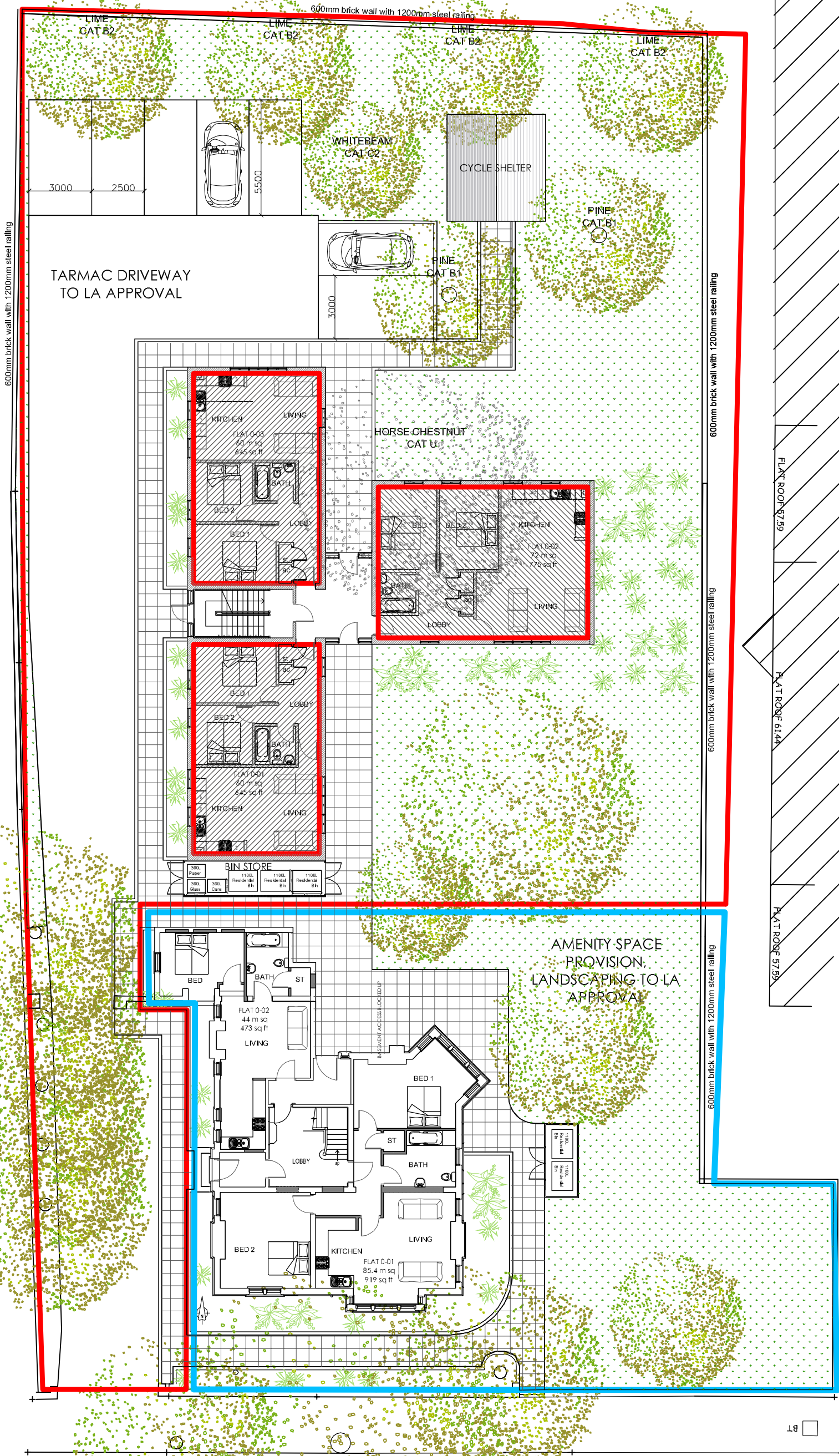
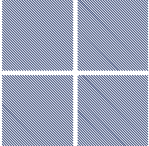
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CHECKED BY:

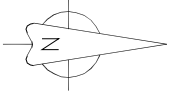
Revision	Date	Details
A	20-11-13	Bin Store relocated
B	25-11-13	Revisions to reflect revised elevations



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Warwickshire | Worcester |

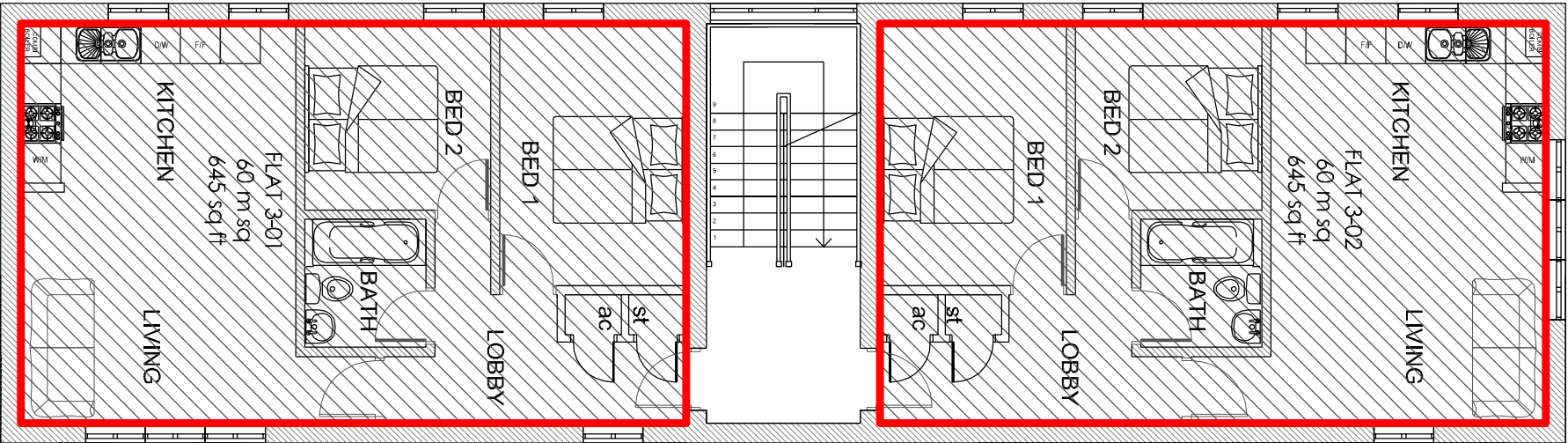
Warwickshire Office - Suite 1, 34 Laurel Drive, 1 Stockton, CV47 8FB
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Worcester Office - Park View Terrace, 1 Worcester, WR3 7AG
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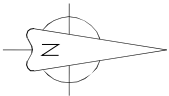


CLIENT: **PSP DUDLEY LLP**
JOB: **LAND TO REAR, 2 EDNAM ROAD, DUDLEY**
JOB NO: AA-485 DATE: Aug 2013
DRAWING: NEW BUILD DRAWING NO: AA-485-008A
THIRD FLOOR PROPOSAL

SCALE: 1:100@A3
CHECKED BY: PH



Revision	Date	Details
A	25-11-13	Revisions to reflect revised elevations



CLIENT: PSP DUDLEY LLP

JOB: ASHLEIGH HOUSE, 2 EDNAM ROAD, DUDLEY

JOB NO: AA-485

DRAWING: NEW BUILD

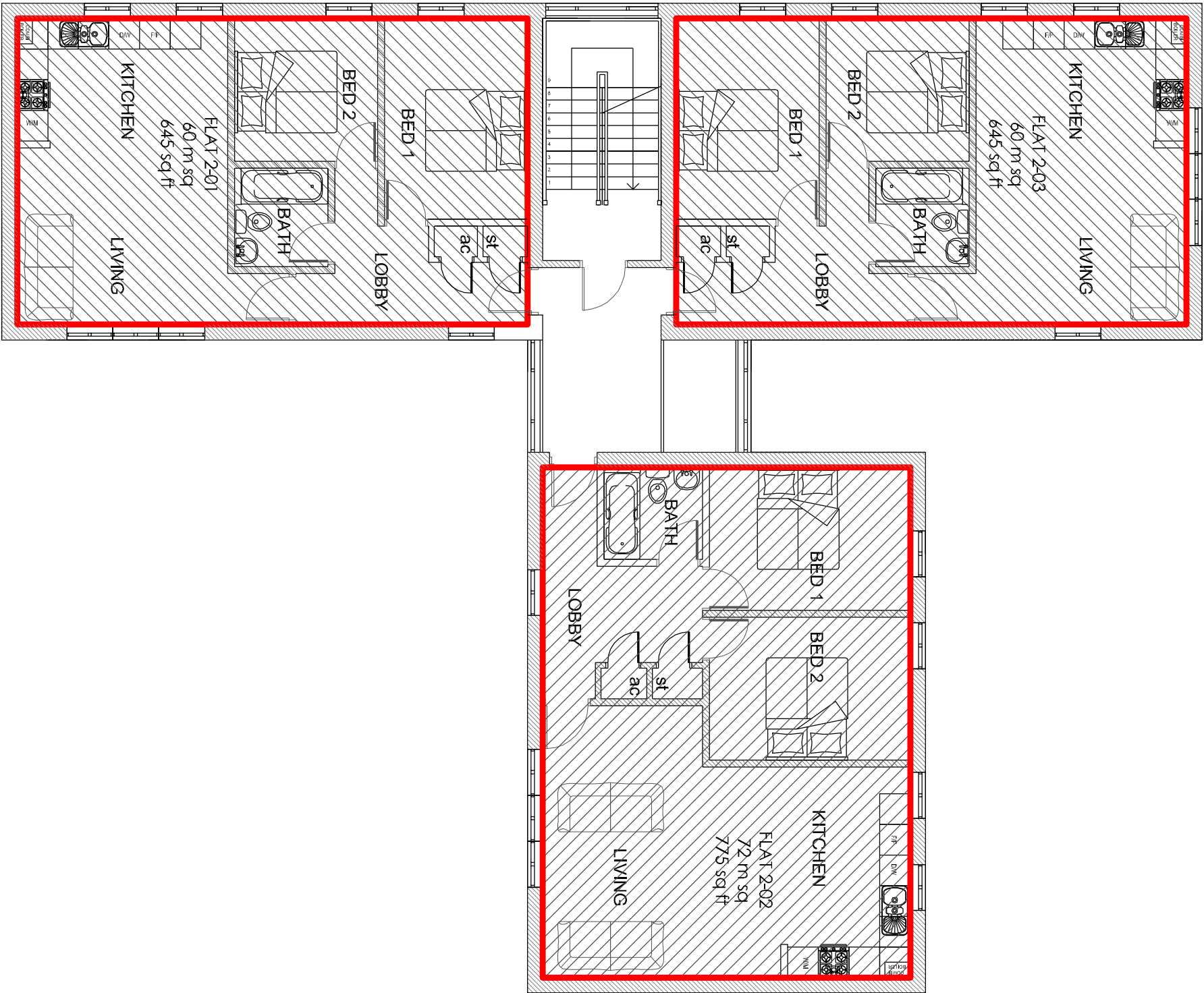
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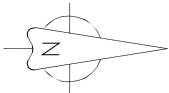
SECOND FLOOR PROPOSAL

DRAWING NO: AA-485-007A

CHECKED BY: PH



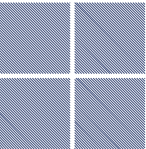
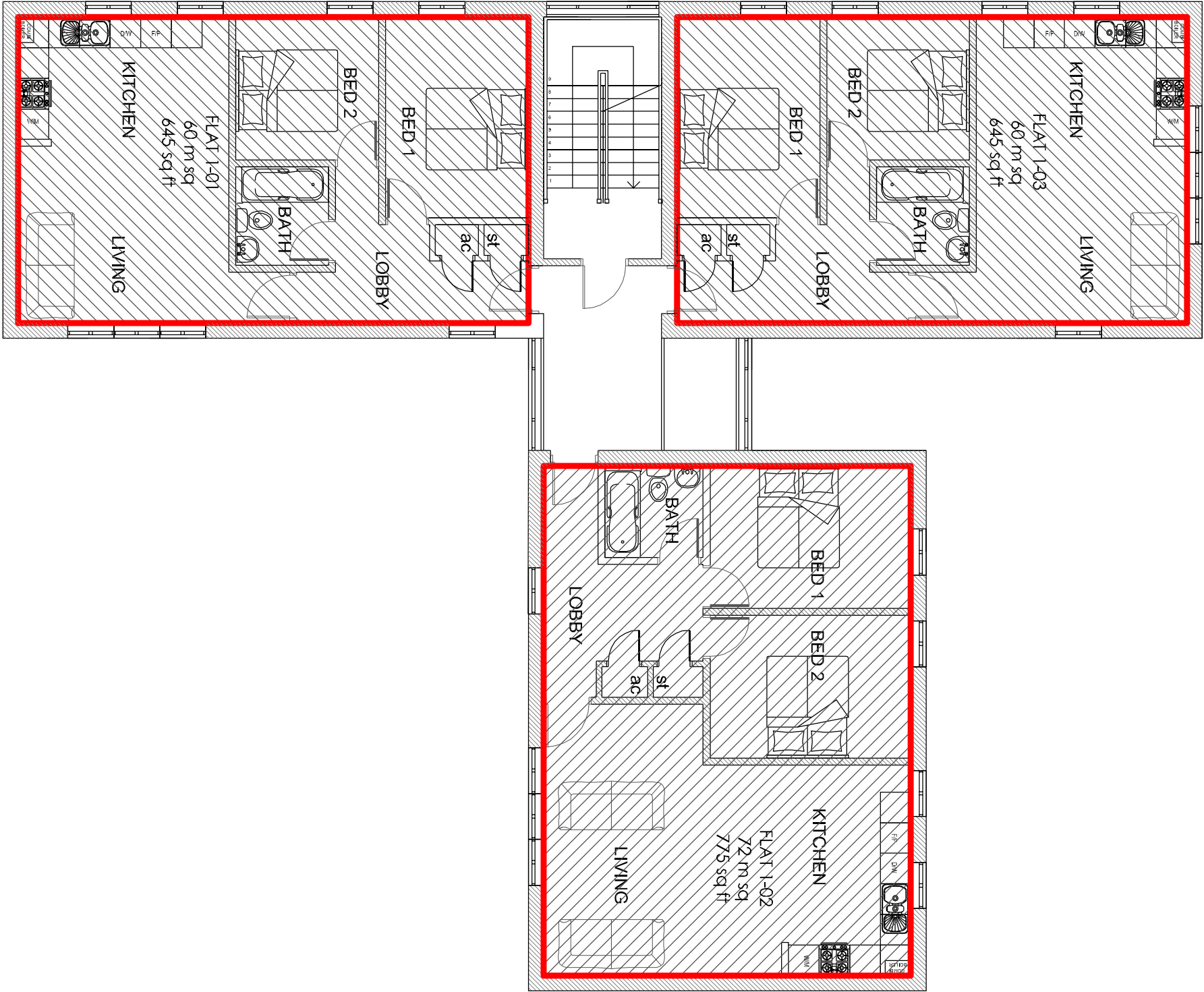
Revision	Date	Details
A	25-11-13	Revisions to reflect revised elevations

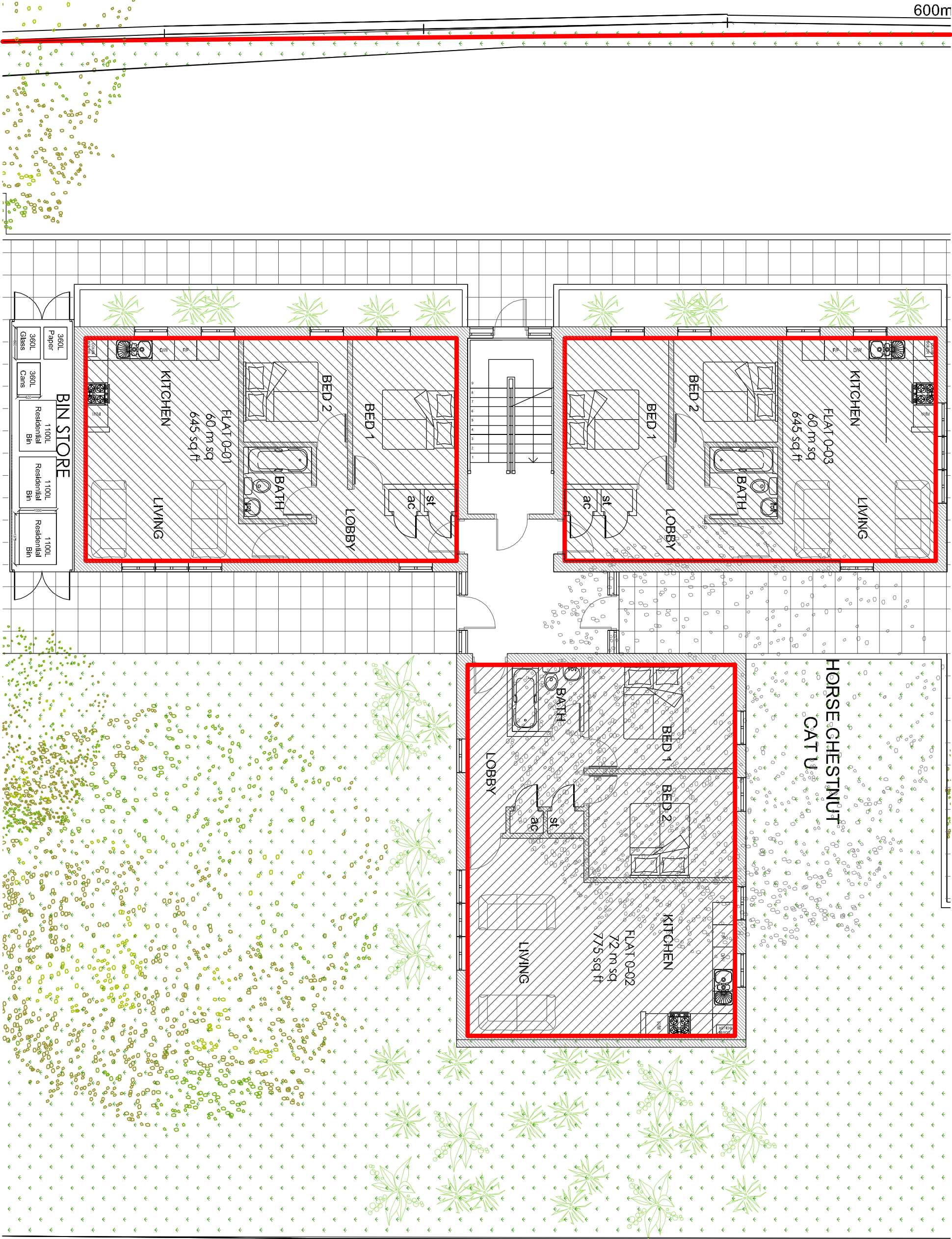


CLIENT: **PSP DUDLEY LLP**
JOB: **LAND TO REAR, 2 EDNAM ROAD, DUDLEY**
JOB NO: AA-485
DRAWING: NEW BUILD
DATE: Aug 2013
DRAWING NO: AA-485-006A

SCALE: 1:100@A3
CHECKED BY: PH

Revision	Date	Details
A	25-11-13	Revisions to reflect revised elevations



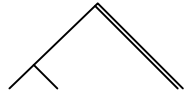
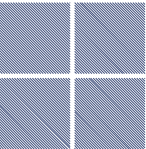


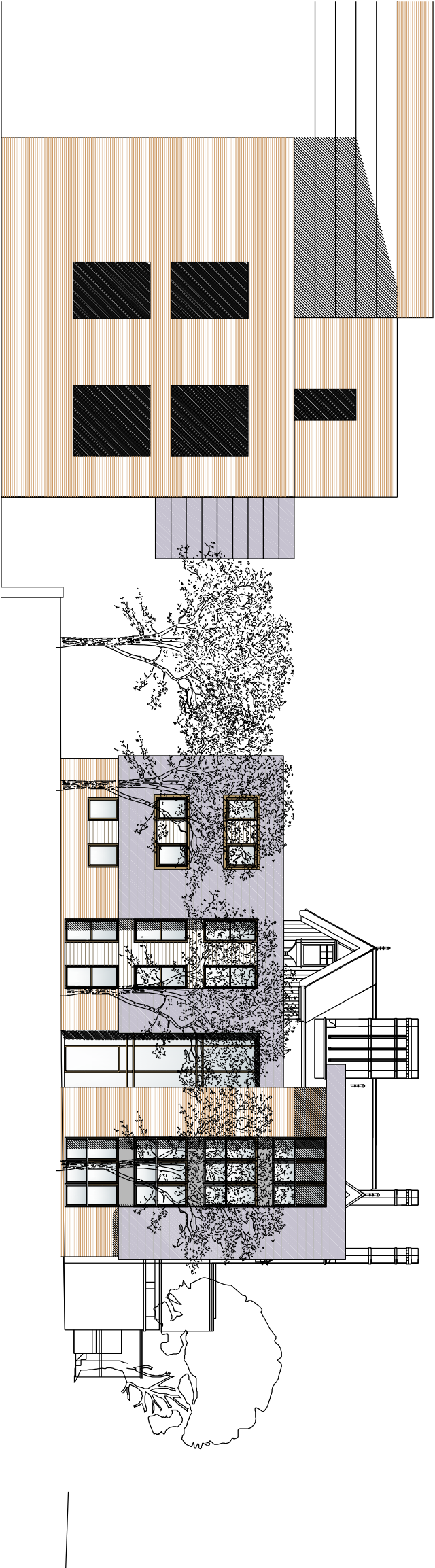
CLIENT: PSP DUDLEY LLP
JOB: LAND TO REAR, 2 EDNAM ROAD, DUDLEY
JOB NO: AA-485
DRAWING: NEW BUILD
DATE: Aug 2013
DRAWING NO: AA-485-005B

SCALE: 1:100@A3
CHECKED BY: PH

Revision	Date	Details
A	20-11-13	Bin Store relocated
B	25-11-13	Revisions to reflect revised elevations

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t: 01905 620077 e: nck@aeagisconsultants.co.uk

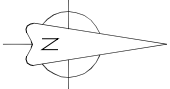




NORTH STREET SCENE



SOUTH STREET SCENE



CLIENT: **PSP DUDLEY LLP**
JOB: **LAND TO REAR, 2 EDNAM ROAD, DUDLEY**
JOB NO: AA-485 DATE: Aug 2013
DRAWING: NEW BUILD DRAWING NO: AA-485-015A
STREET SCENES SCALE: 1:200@A3
CHECKED BY:

Revision	Date	Details
A	25-11-13	Revised following conservation comments

PLANNING APPLICATION NUMBER:P13/1194

Type of approval sought	Tree Preservation Order
Ward	Belle Vale
Applicant	Mr Graham Jones
Location:	2, THE LIMES, LYDDINGTON DRIVE, HALESOWEN, B62 8TS
Proposal	PART A - FELL 1 BIRCH TREE (T2) PART B – FELL 2 BIRCH TREES (T1 & T3)
Recommendation Summary:	SPLIT DECISION

SITE AND SURROUNDINGS

1. The trees subject to this application are 3 Silver birch trees. The trees are located on land at the side of 2 Lyddington Drive.
2. The trees are part of a wider linear feature of trees including other birch and goat willow trees that run along the side of 102 Lodgefield Road and 2 Lyddington Drive.
3. Overall it is considered that the trees, as part of the wider group, provide a high amount of amenity to the surrounding area.
4. The trees are protected under A1 of TPO/261 that was served in 1987.

PROPOSAL

5. Summary of proposals for the works as written on application form is as follows:
 - PART A - Fell 1 Birch tree (T2)
 - PART B – Fell 2 Birch trees (T1 & T3)
6. The trees have been marked on the attached plan.

HISTORY

7. There have been two previous Tree Preservation Order applications on this site.

Application No	Proposal	Decision	Date
96/51404	Prune Silver birch trees	Refused	14/01/93
92/51815	Reduce height of silver birch trees	Refused	14/11/96

PUBLIC CONSULTATION

8. A letter of objection has been received from a neighbour in Chatsworth Road. They object to the application on the grounds that the trees were in situ when the applicant bought the property, and the problems with bird mess is just part of nature and should not be a reason to fell healthy trees. They also have concerns about the potential for the erosion of the bank on which they stand if they are removed.

ASSESSMENT

Tree(s) Appraisal

<i>Tree Structure</i>	Tree 1	Tree 2
Species	Birch	Birch
Height (m)	10	10
Spread (m)	5	5
DBH (mm)	2 x 250	250
Canopy Architecture	Moderate	Moderate
Overall Form	Good	Good
Age Class <i>Yng / EM / M / OM / V</i>	Mature	Mature

Structural Assessment

Trunk / Root Collar	Good	Good
Scaffold Limbs	Good	Good
Secondary Branches	Good	Good
% Deadwood	3%	3%
Root Defects	None Evident	None Evident
Root Disturbance	None Evident	None Evident

Other				
Failure Foreseeable Imm / Likely / Possible / No	Whole No	Part No	Whole No	Whole No

Vigour Assessment

Vascular Defects	None Evident	None Evident
Foliage Defects	None Evident	None Evident
Leaf Size	Not in Leaf	Not in Leaf
Foliage Density	Not In Leaf	Not in Leaf
Other		

Overall

Assessment

Structure	Good	Good
Vigour	Good	Good
Overall Health	Good	Good

Other Issues

Light Obstruction	Yes	Yes
Physical Damage	None Evident	None Evident
Surface Disruption	None Evident	None Evident
Debris	Yes	Yes

Amenity

Assessment

Visible	Yes	Yes
Prominence	High	High
Part of Wider Feature?	Yes	Yes
Characteristic of Area	Yes	Yes
Amenity Value	High	High

<i>Tree Structure</i>	Tree 3
Species	Birch
Height (m)	10
Spread (m)	5
DBH (mm)	250
Canopy Architecture	Good
Overall Form	Good
Age Class <i>Yng / EM / M / OM / V</i>	Mature

Structural

Assessment

Trunk / Root Collar	Good.	
Scaffold Limbs	Moderate	
Secondary Branches	Moderate	
% Deadwood	3%	
Root Defects	None Evident	
Root Disturbance	None Evident	
Other		
Failure Foreseeable Imm / Likely / Possible / No	Whole No	Whole No

Vigour Assessment

Vascular Defects	None Evident
Foliage Defects	None Evident
Leaf Size	Moderate
Foliage Density	Good
Other	

Overall

Assessment

Structure	Moderate
Vigour	Moderate
Overall Health	Moderate

Other Issues

Light Obstruction	Yes
Physical Damage	None Evident
Surface Disruption	None Evident
Debris	Yes

Amenity

Assessment

Visible	Yes
Prominence	High
Part of Wider Feature?	Yes
Characteristic of Area	Yes
Amenity Value	High

Further Assessment

9. The applicant has proposed to fell the trees for the following reasons:
- The trees block substantial amounts of light from the adjacent property;
 - There are problems with bird mess dropping on the patio and conservatory;
 - The property remains damp as it does not get any sun;
 - The slabs of the patio are being stained due to the bird mess and require repeated bleaching to clean;
 - The applicant is unable to put washing out due to the mess from the trees;
 - The gutters get blocked by the debris from the trees.
10. On inspection the trees were all found to be in a good condition with no major defects present.
11. The property, which is younger than the group of adjacent trees, is built at a lower level than the trees, and the conservatory, which takes up most of the enclosed garden, is within approximately 2-2.5 metres of the base of the trees.
12. Given this proximity the overhang from the trees hangs over the conservatory, and totally dominates the enclosed garden area. The trees will cast almost solid shade over the conservatory and small garden area in the morning and early afternoon.
13. It is accepted that there will be significant issues with bird mess and other debris from the trees and that this will cause a substantial amount of works in order to clear and clean the debris. A certain amount of work is expected to be undertaken as part of the routine property maintenance, and generally such issues would not be considered sufficient to fell trees that provide useful amenity to an area.
14. Due to the size of the trees and their relation to the property the trees do have a massively overbearing impact on the garden.
15. Given the small size of the useable garden, and proximity, it is considered that in this case it would be appropriate for some works to be undertaken to alleviate the issues that the trees are causing. However given the high amenity value of the group of trees it is considered that any works that are approved should be undertaken with an aim of preserving as much of this amenity value as possible.
16. Normally it would be considered that the pruning of the trees would be an appropriate mechanism by which to alleviate some of the problems. However as birch trees do not respond well to pruning it is considered that the amount of pruning required would

be detrimental to the health of the trees, and could ultimately lead to a need for all of the trees to be removed.

17. To this end, it is considered that the removal of two of the proposed trees would be acceptable, as this would still leave four birch trees in the wider group. It is considered that T1 and T3 should be removed to thin the group out without creating a significant hole in the group of trees. The removal of the trees will create some gaps in the group thereby providing some respite from the problems caused, whilst still maintaining the overall visual form of the group.
18. It is accepted that the felling of just two trees would not provide a permanent and total solution to the problems caused by the trees, however it should alleviate the problems to a degree and is considered to be the best balance between the applicant's wishes and preserving the amenity that the trees provide to the area.
19. As the recommended tree removal is intended to thin the group out, it is considered that the provision of a replacement tree would be inappropriate as it would struggle to establish amongst the other trees.
20. Overall, it is considered that the removal of two of the three trees would be acceptable, and as such it is recommended that the application is part approved and part refused.

CONCLUSION

21. They have proposed to remove the trees due to the problems caused by shading, bird mess and seasonal debris falling from the tree. Whilst normally the clearing of such problems would be covered by the routine maintenance of a property, in this case, due to the relationship between the property and the trees it is considered that problems experience a sufficiently bad to require some action.
22. As such, it is recommended that two of the trees should be felled in order to alleviate the problems to a degree whilst preserving the amenity value of the wider group of trees as far as possible.
23. As such, it is recommended that the application is part approved and part refused.

RECOMMENDATION

24. It is recommended that Part A (Fell T2) of the application is REFUSED and that Part B (Fell T1 & T3) is APPROVED subject to the stated conditions and informative.

Reason for Approval

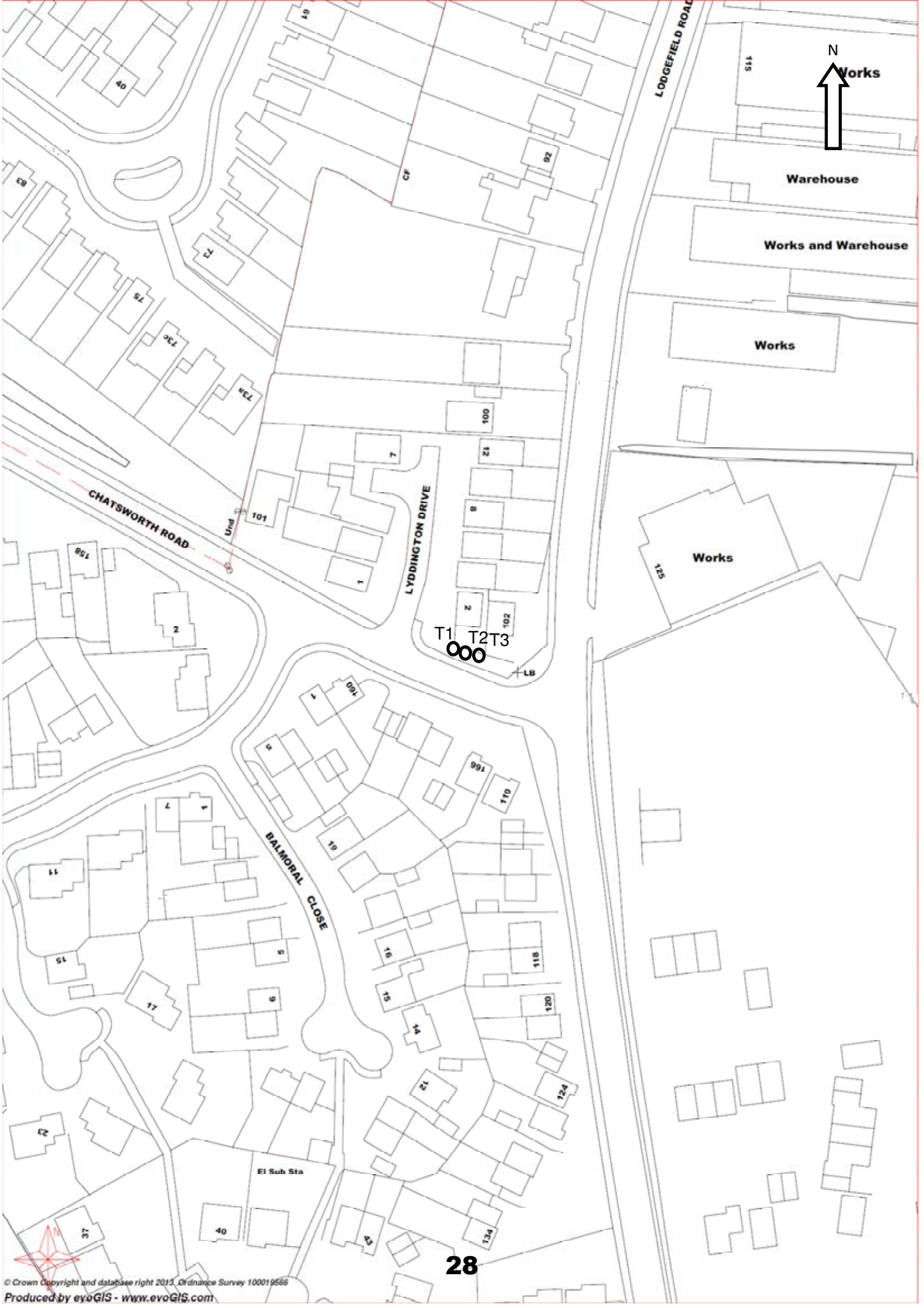
Overall, it is considered that the proposed felling of two of the three birch trees is acceptable as this is considered to be the best balance between going some way to alleviate the problems that the trees are causing and preserving the amenity as far as possible.

Conditions and/or reasons:

1. The tree works subject of this consent shall be carried out in accordance with British Standard BS 3998:2010 'Recommendations for Tree work'.
2. The tree works subject of this consent shall be carried out in accordance with British Standard BS 3998:2010 'Recommendations for Tree work'.

Reason for Refusal:

1. The Birch tree (T2) that is the fifth tree along from the junction of Lyddington Drive subject to this application is considered to provide a high amount of amenity, as part of the wider group, to the surrounding area. It is considered that whilst the felling of the other trees subject to this application has been justified, if this tree were to be felled it would create a significant gap within the wider group and the amenity value of the overall group would be diminished.



Warehouse

Works and Warehouse

Works

Works

T1 T2 T3

PLANNING APPLICATION NUMBER: P13/1273

Type of approval sought	Tree Preservation Order
Ward	Brockmoor and Pensnett
Applicant	Mr John Franks
Location:	4, STONEFIELD DRIVE, PENNETT, BRIERLEY HILL, DY5 4PT
Proposal	FELL 2 SYCAMORE TREES
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The trees subject to this application are 2 sycamore trees that are located in the rear garden of 4 Stonefield Drive.
2. The trees are located immediately adjacent to the rear boundary of the property. Beyond this boundary is a public right of way that links Gibbons Road and Severn Drive. The trees are visible from this walkway but only for a relatively short span due to other trees and the bend of the path.
3. The trees are also publicly visible from in front of 58, Fernhurst Drive, however the visibility does not continue significantly down the road due to the tree becoming screened by adjacent properties.
4. Overall it is considered that the trees provide a moderate to low amount of amenity to the surrounding area.
5. The sycamore tree is protected Under A1 of TPO/333 that was served in 1992.

PROPOSAL

6. Summary of proposals for the works as written on application form is as follows:
 - Fell 2 Sycamore trees.
7. The trees have been marked on the attached plan.

HISTORY

8. There have been no previous Tree Preservation Order applications on this site.

PUBLIC CONSULTATION

9. A letter of objection has been received from a local resident. Comments are provided as follows:

- The trees provide habitat to wildlife;
- The help with noise reduction from the A4101 Dudley Road;
- The trees purify the air;
- The trees absorb carbon dioxide and expel oxygen;
- Their removal would be disruptive to the local ecosystem and cause global warming;
- Any replacement tree would take decades to reduce the carbon footprint to the same degree;
- The trees are unlikely to be causing any significant damage to property.

ASSESSMENT

Tree(s) Appraisal

<i>Tree Structure</i>	Tree 1	Tree 2
Species	Sycamore	Sycamore
Height (m)	11	11
Spread (m)	6	6
DBH (mm)	350	300
Canopy Architecture	Moderate	Moderate
Overall Form	Moderate	Moderate
Age Class <i>Yng / EM / M / OM / V</i>	Mature	Mature

Structural Assessment

Trunk / Root Collar	Good	Good
Scaffold Limbs	Many acute angled forks, and significant inclusion in main fork at approx two – thirds height	Moderate – acute angled forks
Secondary	Good	Good

Branches		
% Deadwood	5%	5%
Root Defects	None Evident	None Evident
Root Disturbance	None Evident	None Evident
Other		
Failure Foreseeable Imm / Likely / Possible / No	Whole No	Part Possible
	Whole No	Whole Possible

Vigour Assessment

Vascular Defects	None Evident	None Evident
Foliage Defects	None Evident	None Evident
Leaf Size	Good	Moderate
Foliage Density	Good (adjusting for lateness of season and leaf fall)	Good (adjusting for lateness of season and leaf fall)
Other		

Overall

Assessment

Structure	Moderate / Poor	Moderate
Vigour	Good	Good
Overall Health	Moderate	Moderate

Other Issues

Light Obstruction	Some to adjacent patio area	Some to adjacent patio area
Physical Damage	None Evident	None Evident
Surface Disruption	None Evident	None Evident
Debris	Yes	Yes

Amenity

Assessment

Visible	Yes	Yes
Prominence	Moderate	Moderate
Part of Wider Feature?	No	No
Characteristic of Area	Yes	Yes
Amenity Value	Moderate / Low	Moderate / Low

Further Assessment

10. The applicant has proposed to fell the trees as they are likely to damage the boundary fence in future, there are concerns about the safety of the trees and branches falling onto the pathway at the rear; the
- The trees are likely to damage the boundary fence in the near future;

- There are concerns about the safety of the trees and branches falling onto the pathway at the rear;
 - The proximity of the trees to each other are affecting their growth;
 - The trees will create proximity issues if a previously approved development on the land on the other side of the path is built;
 - Removal of the trees would prevent the need for future repeated applications to prune the tree that the applicant's would not be able to afford;
 - The trees provide little in the way of public amenity to the surrounding area;
 - A number of trees in the neighbouring properties have succumbed to honey fungus infection. The applicant is concerned that these trees may become infected and become dangerous.
11. On inspection both of the trees were found to have a number of acutely angled forks, and there was an included main fork observed in the crown of Tree 1. Both trees show good vigour.
 12. It is considered that both of the trees are likely to be self seeded trees, and have developed an upright form as they have had to compete with each other and the surrounding trees in order to gain access to the available light. The trees are considered to be relatively poor examples of their type.
 13. Whilst it is not considered that the trees are imminently dangerous, given the growth patterns of the trees, and their vigour nature, it is considered that in the future the trees will become increasingly susceptible to limb loss, especially Tree 1. Given the proximity of the public right of way it is considered that it is more than reasonable to allow works to prevent this.
 14. One remedy to the problem would be to instigate a programme of routine pruning every 5 years or so to initially reduce the size of the trees and then limit their future growth. This will obviously lead to an ongoing cost issue, and given the limited quality and amenity of the trees it is questionable whether this approach is appropriate.
 15. It was noted that the trees were close to the boundary fence, and when viewed from the public right of way at the rear, it is possible that the fence has already suffered from minor displacement due to the trees.
 16. Whilst the felling of trees that provide a good amount of amenity to the surrounding area would not normally be approved on the grounds of minor boundary fence damage, it may be appropriate to fell less valuable trees for this reason.

17. Having checked the planning records, the outline permission for development on the adjacent site has expired. As such, the future design and layout of that site cannot be predicted. The felling of trees on the grounds of potential impact on a future, as yet undetermined, development seems a little premature.
18. It is accepted that a number of trees in the adjacent property have died as the result of a honey fungus infection, and given the ability of honey fungus to spread from tree to tree relatively easily, it is accepted that there is a chance that the sycamore trees may become infected in the future. However the significance of any honey fungus infection will depend on the vigour of the trees and their ability to defend themselves against the infection. As such, the felling of trees should not be approved for this reason until symptoms of honey fungus related decline in the trees can be verified.
19. With regards to the objections that have been received, it is accepted that trees provide many environmental benefits, and that their removal will obviously remove these benefits. However, it is not considered that the removal of these trees will have a significant impact on the environmental quality of the area, due to the number of other trees present in the area.
20. It is also not considered that the removal of these trees will lead to any significant increase in traffic noise from the A4101 Dudley Road. Whilst trees can aid in noise reduction, noticeable reduction in road noise can only be achieved by relatively wide and dense tree belts, rather than by a single line of trees. Also as the road is some 175 metres away from the trees beyond other trees and houses, it is unlikely that these trees are currently provide much noise abatement value at present.
21. Overall it is considered that the felling of the trees is appropriate, as they are of relatively low quality and amenity value, and that their condition is such that they are likely to require frequent and ongoing maintenance in the future.
22. As such it is recommended that the application is approved, subject to a condition requiring a single replacement tree.

CONCLUSION

23. It is considered that the condition of the trees is such that future work are likely to be required in order to keep the trees in a suitable conditions, and that due to the limited amenity value of the trees, their removal is considered appropriate in order to reduce the maintenance burden and cost to the applicant.

RECOMMENDATION

24. It is recommended that the application is APPROVED subject to the stated conditions.

Reason for Approval

Overall, it is considered that the proposed felling of the sycamore trees is acceptable as they are considered to provide a limited amount of amenity to the surrounding area due to their impaired form and condition.

Conditions and/or reasons:

1. The tree works subject of this consent shall be carried out in accordance with British Standard BS 3998:2010 'Recommendations for Tree work'.
2. A replacement tree shall be planted between the beginning of November and the end of March, within 1 year of felling (and replanted if necessary) and maintained until satisfactorily established. The size at planting shall be no less than 1.8 to 2.5 metres tall. The species and the location of the replacement tree shall be agreed in writing with the Local Planning authority prior to the felling of the trees to which this application relates.



T1 T2
OO

35



PLANNING APPLICATION NUMBER: P13/1317

Type of approval sought	Tree Preservation Order
Ward	Pedmore and Stourbridge East
Applicant	Miss Clare Taylor
Location:	38, FERNDALE PARK, PEDMORE, STOURBRIDGE, DY9 0RB
Proposal	PART A - FELL 1 LIME TREE PART B – FELL 2 PINE TREES
Recommendation Summary:	SPLIT DECISION

SITE AND SURROUNDINGS

1. The trees subject to this application are 2 pine trees and a lime tree. The trees are located in the rear garden of 38 Ferndale Park.
2. The lime tree appears to be part of the boundary landscaping of the original Ferndale house that occupied the site prior to the current dwellings. It is unlikely that the pines are old enough to predate the last development of the site; they appear to have been planted as part of the general landscaping when the “new” properties were built, or shortly afterwards.
3. The pine trees are publicly visible from the bridleway at the rear of the property, but do not have any wider visibility. The lime tree is visible from both the bridleway at the rear of the property, and also the crown of the tree is visible above the roof of the applicant’s property from various points in Ferndale Park.
4. Overall it is considered that the pine trees, due to their poor form, provide a low amount of amenity to the surrounding area, and the lime tree provides a high amount of amenity to the surrounding area.
5. The lime tree is protected as T16, and the pine trees are protected under G2 of TPO/277 that was served in 1987.

PROPOSAL

6. Summary of proposals for the works as written on application form is as follows:

- PART A - Fell 1 Lime tree
- PART B – Fell 2 Pine trees

7. The trees have been marked on the attached plan.

HISTORY

8. There have been four previous Tree Preservation Order applications on this site.

Application No	Proposal	Decision	Date
P04/1943	Prune 1 Lime tree	Approved	18/11/2004
P03/0722	Fell 1 Cherry Tree	Approved	05/05/2003
85/51186	Fell 1 Sycamore Tree	Approved	01/08/1985
85/50383	Prune 1 Lime tree	Approved	25/04/1985

PUBLIC CONSULTATION

9. A letter of support has been received from an adjacent neighbour. They support the application on the grounds that the tree is too big for its location and that it would cause substantial damage to their property if it were to fail.

ASSESSMENT

Tree(s) Appraisal

<i>Tree Structure</i>	Tree 1	Tree 2
Species	Lime	Pine
Height (m)	16	7
Spread (m)	11	5
DBH (mm)	750	400
Canopy Architecture	Good / Moderate	Poor
Overall Form	Good	Poor
Age Class <i>Yng / EM / M / OM / V</i>	Mature	Mature

Structural

Assessment

Trunk / Root Collar	Good	Missing patches of missing bark at sites of previous
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		stem wounds. Area of decay on northern side of crown.		
Scaffold Limbs	Good		Moderate	
Secondary Branches	Good		Moderate	
% Deadwood	3%		10%	
Root Defects	None Evident		None Evident	
Root Disturbance	None Evident		None Evident	
Other				
Failure Foreseeable Imm / Likely / Possible / No	Whole No	Part No	Whole No	Whole Possible

Vigour Assessment

Vascular Defects	None Evident		None Evident	
Foliage Defects	None Evident		None Evident	
Leaf Size	Not in Leaf		Moderate	
Foliage Density	Not In Leaf		Good	
Other				

Overall

Assessment

Structure	Good		Moderate	
Vigour	Good		Moderate	
Overall Health	Good		Moderate	

Other Issues

Light Obstruction	Yes		Yes	
Physical Damage	None Evident		None Evident	
Surface Disruption	None Evident		None Evident	
Debris	Some		Some	

Amenity

Assessment

Visible	Yes		Yes	
Prominence	Moderate / High		Moderate / Low	
Part of Wider Feature?	Yes		Yes	
Characteristic of Area	Yes		Yes	
Amenity Value	High		Low	

<i>Tree Structure</i>	Tree 3
Species	Pine
Height (m)	7

Spread (m)	5
DBH (mm)	400
Canopy Architecture	Poor
Overall Form	Poor
Age Class <i>Yng / EM / M / OM / V</i>	Mature

*Structural
Assessment*

Assessment		
Trunk / Root Collar	Good.	
Scaffold Limbs	Moderate	
Secondary Branches	Moderate	
% Deadwood	10%	
Root Defects	None Evident	
Root Disturbance	None Evident	
Other		
Failure Foreseeable Imm / Likely / Possible / No	Whole No	Whole Possible

Vigour Assessment

Vascular Defects	None Evident
Foliage Defects	None Evident
Leaf Size	Moderate
Foliage Density	Good
Other	

*Overall
Assessment*

Structure	Moderate
Vigour	Moderate
Overall Health	Moderate

Other Issues

Light Obstruction	Yes
Physical Damage	None Evident
Surface Disruption	None Evident
Debris	Some

Amenity

Assessment

Visible	Yes
Prominence	Moderate / Low
Part of Wider Feature?	Yes

Characteristic of Area	Yes
Amenity Value	Low

Further Assessment

10. The applicant has proposed to fell the trees on the following grounds:
 - The trees dominate the garden;
 - The lime tree is too large for its position in relation to the applicant's and their neighbour's property;
 - Nearby properties have had similar trees previously removed;
 - Where other nearby properties still have large protected trees that are in larger gardens in more appropriate positions in the garden which are considered to provide more amenity to the area;
 - The trees are of a common type of species;
 - The trees have limited public visibility;
 - The trees have a negative impact on the immediately adjacent residents due to the debris that falls from the trees, and the light they obstruct from the properties, and the amount of work that is required in order to maintain the gardens;
 - The trees obstruct sunlight from the rear of the adjacent properties.
11. On inspection the lime tree was found to be in a good condition with no major defects present. The two pine trees were found to be in a reasonable condition, although both had minor defects that, in time, are likely to limit the safe and useful life span of the trees.
12. Along with the minor defects in the pine trees they were found to be generally poorly formed and unimpressive specimens. It appears that at some point in their early life they have been subject to poor management that has resulted in their current poor form.
13. Overall it is considered that the felling of the pine trees is acceptable, as their poor form and impaired health does not allow them to provide sufficient amenity to warrant their retention.
14. As the lime tree was found to be in a good condition with no major defects present it is not considered that there is any reason why the tree is at any increased risk of failure. As such it is considered that the felling of the tree should not be granted due to the potential for damage should it fail.

15. It is accepted that the lime tree is a large and dominant feature in the rear garden of the applicant's property. However it is considered that, even given the size of the tree, it does not dominate to the extent that prevents the reasonable enjoyment of the property. It is also considered that the relationship between the tree and the property could be improved with appropriate pruning, although there would be a limit to the amount of potential improvement.
16. Overall it is not considered that the size and dominance of the tree in relation to the gardens or adjacent properties is sufficient to justify the impact on the amenity of the area if the tree were felled.
17. The fact that adjacent properties have had approval to remove trees is not in itself considered to add weight to the felling of this tree. From looking at the reasons for some of the recent fellings, the reasons for the approvals either relate to problems with the condition of the trees, or the trees were considered to provide little in the way of amenity. As has been discussed above it is considered that the lime tree is healthy and does provide a significant amount of amenity to the surrounding area. As such it is not considered that the grounds for the felling of adjacent trees could be applied to the lime tree.
18. The applicant has stated that as the trees are of native, and common species, their suitability for protection under a TPO is questionable. Whilst it is accepted that the rarity of a tree may be additional grounds to justify protection, it is not considered that a tree that provides a useful amount of amenity to the surrounding area should not be protected purely due to the widespread availability of other examples of its species. As such it is not considered that this is sufficient grounds for the felling of the lime or the pine trees.
19. The applicant has contended that the lime tree is only just visible from in front of the property, and whilst visible from the bridleway at the rear, due to the height of the trees, they are not obviously visible as by the time they become visible you are pretty much stood underneath them.
20. From walking the local area it is considered that the lime tree is sufficiently publicly visible to provide a useful degree of amenity to the area. It is accepted that from the bridle way it does have a limited prominence although still makes a contribution to the general landscaping and amenity of this side of the property.
21. From Ferndale Park the tree is more visible and more prominent. Whilst when stood directly in front of the property the tree is partially screened from view by the

applicant's house, the majority of the crown of the tree is visible above the adjacent properties and the tree is visible in longer distant views. Given the lack of similarly large trees immediately adjacent to the lime tree it appears to almost stand alone and draws the eye to itself. It is also considered that the tree help to visually stitch together the other large trees that once formed the boundary vegetation of the original property on this site.

22. Overall it is considered that the tree is a significant visual feature in the area, and that this translates to a high amount of public amenity.
23. It is accepted that the trees and especially the lime tree will drop substantial amounts of seasonal debris from their crowns. However the clearance of such debris has been long held to be part of routine property maintenance, and the felling of valuable trees should not be approved for this reason. This stance has been readily accepted by the planning inspectorate.
24. The trees will block sunlight from the adjacent properties from mid-day. However if the pine trees are approved for removal this will alleviate the light obstruction up to a point. It is also considered that the issues of light obstruction could be improved by appropriate pruning to the lime tree. However it is not considered that the light obstruction is so bad, or could not be remedied to the point where it would justify the felling of the lime tree.
25. Overall it is considered that the lime tree is a high value tree, and whilst it is accepted that it will cause some problems in relation to its proximity to the adjacent properties and the debris that falls from the trees, it is not considered that these problems are sufficient to justify the loss of amenity that would result from its felling. As such it is recommended that the proposal to fell the lime tree is refused.
26. The felling of the pine trees is considered appropriate as their impaired form and health are reflected in a low amenity value. It is recommended that the proposal to fell the pine trees subject to a condition requiring a single replacement tree.

CONCLUSION

27. Overall, it is considered that the proposed felling of the pine trees is acceptable due to their impaired form and condition.
28. It is not considered that the felling of the lime tree has been sufficiently justified as it is considered to provide a high amount of amenity to the surrounding area.

29. As such it is recommended that the application is part approved and part refused.

RECOMMENDATION

30. It is recommended that Part A (Fell 1 lime tree) is REFUSED and that Part B (Fell 2 pine trees) is APPROVED subject to the stated conditions and informative.

Reason for Approval

Overall, it is considered that the proposed felling of the pine trees is acceptable as they are considered to provide a limited amount of amenity to the surrounding area due to their impaired form and condition.

Conditions and/or reasons:

1. The tree works subject of this consent shall be carried out in accordance with British Standard BS 3998:2010 'Recommendations for Treework'.
2. The tree works subject of this consent shall be carried out in accordance with British Standard BS 3998:2010 'Recommendations for Treework'.

Reason for Refusal:

1. The Lime tree subject to this application is considered to provide a high amount of amenity to the surrounding area. It is not considered that the felling of this tree and the resultant loss of public amenity, has been adequately justified by the reasons put forward in support of the application.



T3
T2
T1

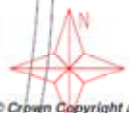
ROBERTS LANE

Path

FERNDALE PARK

Path (um)

44



PLANNING APPLICATION NUMBER: P13/1329

Type of approval sought	Full Planning Permission
Ward	Wollaston & Stourbridge Town
Applicant	Mr N. Lauder, SMP Estates Ltd c/o Pugh Dental Ceramics
Location:	41A, KING STREET, WOLLASTON, STOURBRIDGE, DY8 3QB
Proposal	CONVERT FLAT 3 OF EXISTING BUILDING INTO 2 NO. FLATS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site consists of a former commercial premises, currently being extended and converted into eight residential apartments. A nursery building adjoins the application building on its south-west elevation. Immediately to the front of the building is a hard surfaced area which provides a dedicated parking area for both of the buildings. Opposite the application site beyond the access road is an area under the ownership of the applicant which can be utilised for car parking.
2. The surrounding area is predominantly residential, except for the attached nursery building. The nursery has an extensive parking area to the front. To the west is Kings Court, a modern development of seven semi-detached and terraced houses which is accessed via a private drive off King Street. There is dedicated parking provision directly in front of these properties. Immediately adjacent the site to the east is a row of five terraced residential properties. To the rear are properties within The Greenwoods. Number 10 The Greenwoods is closest to the application site but is separated by a green strip which is planted with semi-mature trees. This green strip is banked with the neighbouring residential properties to the rear being at a substantially lower level than the finished floor level of the application property.

PROPOSAL

3. Permission is sought to convert one of the approved two bedroom flats within the building into 2no.1 bedroom flats. The proposed apartments would have a small rear amenity space each to the rear of the site.

HISTORY

4.

APPLICATION	PROPOSAL	DECISION	DATE
P12/0142	Change of use of dental ceramic laboratory (B1) to residential (C3) for 6 no. flats and elevational changes.	Approved with Conditions	23/05/2012
P13/0525	Change of use of part of day nursery (D1) to 2 no. flats (C3) with elevational changes to include new windows and demolition of outbuildings.	Approved with Conditions	03/09/2013

PUBLIC CONSULTATION

5. 3 letters of objection received, following consultation with 23 adjoining neighbours.
Main issues raised:

- Increase in pressure on street parking.
- Increase parking on a highway bend which causes highway safety concerns.
- Parking spaces opposite do not belong to the applicant, rather Kings Court.
- No need for additional flats as none to date have been sold or rented.

OTHER CONSULTATION

6. Group Engineer (Highways): No objections to the proposed scheme.
7. Head of Environmental Health and Trading Standards: No objections to the proposed scheme.

RELEVANT PLANNING POLICY

8. National Planning Policy (2012)
National Planning Policy Framework (NPPF)
9. Black Country Core Strategy (2011)
Policy HOU1 (Delivering Sustainable Housing Growth)
Policy HOU2 (Housing Density, Type and Accessibility)
10. Saved UDP Policies (2005)
Policy DD4 (Development in Residential Areas)
11. Supplementary Planning Guidance
Parking Standards (2012)
New Housing (2012)

ASSESSMENT

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

Principle/Policy

13. The principle of residential use on the site has been established on the site by way of the previous, now extant permission P12/0142. The surrounding area is predominantly residential and on this basis the proposed development is an appropriate land use within the area. The housing type, being small apartment style is characteristic of the approved residential uses already underway in the application building. In this regards the proposed development would be in accordance with the requirements of Policies HOU1 (Delivering Sustainable Housing Growth) and HOU2 (Housing Density, Type and Accessibility) of the Black Country Core Strategy (2011) and saved Policy DD4 Development in Residential Areas of the UDP (2005).

Neighbour Amenity

14. The proposed additional flat would be created as a result of internal reconfiguration of the previously approved scheme with no external changes to the building being proposed. The previously proposed outside amenity area would be subdivided into two separate outside patio areas for use by each flat. The adjacent residential dwellings would not be detrimentally affected by way of loss of privacy given the screening and level differences between the sites. Further, fenestration within this elevation has been established as part of the previous extant approval. In this regard the proposed development would be in accordance with the requirements of saved UDP Policy DD4 – Development in Residential Areas.

Occupier Amenity

15. Residential use upon this site has been established by way of the extant permission and the approved units have been deemed acceptable with each having a small patio to serve as amenity space. The proposed subdivided unit would have small rear patio areas akin to those approved for the previous units. The site is small with little scope for additional amenity area to be provided. On this basis and given the precedent set by the residential units currently under construction the proposed development is considered to be on balance in accordance with the requirements of Policies HOU1 (Delivering Sustainable Housing Growth) and HOU2 (Housing Density, Type and Accessibility) of the Black Country Core Strategy (2011) and saved Policy DD4 Development in Residential Areas of the UDP (2005).

Access and parking

16. The additional one bedroom flat would result in two one bedroom flats in the place of one two bedroom flat. The increased parking demand for this development would be one space. Planning application P13/0525 added two further units to the scheme taking the site up to 8 flats. The parking demand for this site was deemed appropriate.
17. This current scheme for the subdivision of one flat into two provides an additional two parking spaces into the site which are located opposite the application

property. The issue of land ownership in relation to these parking bays opposite the application site has been raised by residents in Kings Court. The land registry plan and associated title deeds have been provided by the agent and these demonstrate that the land is under the ownership of the applicant.

18. On this basis, subject to a condition ensuring the parking remains unallocated the proposed development would be unlikely to have any detrimental impact on highway safety. These comments are supported by the Group Engineer (Highways) and the proposed scheme would be in accordance with the requirements of saved UDP Policy DD4 – Development in Residential Areas (2005) and Parking Standards SPD (2012)

CONCLUSION

19. The proposed development would be acceptable in principle with there being no detrimental impact on highway safety, residential amenity and occupier amenity.

RECOMMENDATION

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

Informative

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

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 541/00E, 541/11H and 541/12E.
3. The parking provision hereby approved shall remain unallocated for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.



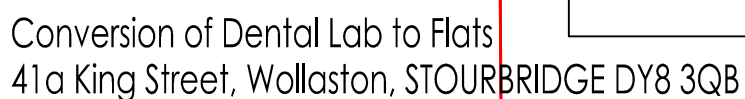
LOCATION 1:500



REVISIONS

- b - red line boundary revised outwards on SW side. 02/04/12
- c - RED LINE BOUNDARY ALTERED - 2 ADDITIONAL FLATS 27/11/12
- d - RED LINE TAKES IN NURSERY PARKING AREA 10/07/13
- e - red line boundary extended into 2 bays of NW parking bay. 05/11/13

BLOCK PLAN 1:1250



PLANNING APPLICATION NUMBER: P13/1343

Type of approval sought	Outline Planning Permission
Ward	Cradley and Wollescote
Applicant	Mr Satwant Singh Aujla
Location:	LAND ADJ TO THE REAR, 84/86, LYDE GREEN, HALESOWEN, B63 2PG
Proposal	OUTLINE RESIDENTIAL DEVELOPMENT (ALL MATTERS RESERVED)
Recommendation Summary:	1. SUBJECT TO ENTERING INTO S106 AND 2.APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site measures approximately 0.47 hectares and is currently open land which is rectangular in shape, being located between Lyde Green to the south and The River Stour to the north. The ground level within the site reduces towards the rear near to the river. The site is bounded by a fence to the south. The site originally featured two industrial units but the unit on the eastern part of the site was demolished in 2008. This part of the site is now open land with hard-standing which is enclosed by 2m high palisade fencing. This site has road frontage, with the boundary also wrapping around behind the Lyde Green café at the eastern end.
2. On the western part of the site is the Osprey fabrications building, set back from the road frontage with a car parking area and 2m high palisade fencing along the frontage.
3. To the west of the site is a vacant area of land enclosed by tall conifers with residential properties beyond, and 2m high fencing to the other boundaries.
4. There are some residential properties to the south / east of the site. The Lyde Green Cafe is also located within the nearest two storey building on the south-eastern edge of the site. The Vine Inn, a public house with associated car park, is located to the south and across the highway. The Vine Inn sits within an island

development where the highway splits. To the west are residential properties on Wesley Avenue and Lyde Green.

5. The surrounding area is fairly mixed in use and features residential and industrial properties in close proximity to the application site. There is a Drop Forge located to the north-east of the site within the Sandwell borough. The nearby residential properties are generally mixed in age, design and size. There are is a mix of well established residential and industrial properties in the area.
6. The site is located within Regeneration Corridor 13 and within an area of Linear Open Space.

PROPOSAL

7. This proposal seeks outline approval for the erection of residential properties on-site with all matters reserved.
8. A design and access statement, noise assessment and Extended Phase 1 Habitat Survey has been submitted in support of the proposal.

HISTORY

9. This property has two previous relevant applications.

APPLICATION	PROPOSAL	DECISION	DATE
P07/0753	Residential development of 24 no. 3 bed dwellings.	Withdrawn	07.06.07
P07/1889	Residential development of 18 no. 1 and 2 bedroom apartments and 20 no.2 and 3 bedroom houses. (Resubmission of withdrawn application P07/0753)	Approved with conditions	05.02.2008

10. P07/1889 was approved at the Development Control Committee on 4th February 2008. This approval is no longer extant.

PUBLIC CONSULTATION

- Direct notification was carried out to thirty-nine surrounding properties to advertise the proposal. A site notice has also been displayed as well as an advert placed in a local newspaper. Five written representations objecting to the scheme have been received; the latest date for receipt of comment was 1st November 2013.
- The objections were based on the following material planning considerations:
 - The proximity of the buildings to No. 53 Lyde Green and impact on privacy
 - The impact of more cars on the highway on this stretch of Lyde Green, particularly as there is no pavement along this stretch of Lyde Green;
 - The increase in traffic;
 - The area is nice and quiet and the resident objects to development of this site.

Other non material planning considerations such as a request to cut down a tree and any possible disturbance from the works have also been mentioned.

- Following receipt of an amended description a further 7 day neighbour notification period was provided to all previously consulted neighbours. No further comments have been received.

OTHER CONSULTATION

- Group Engineer (Highways): No objections.
- Head of Environmental Health and Trading Standards: No objections subject to the suggested conditions.
- West Midlands Fire Service: No objections.
- West Midlands Police: No objections.
- Environment Agency: Objects to the proposal (see further details in paragraphs 37 and 38)
- Sandwell MBC: No comments received.

RELEVANT PLANNING POLICY

National Planning Policy

- National Planning Policy Framework (NPPF) (2012)

Black Country Core Strategy (2011)

- Vision, Objectives and Sustainability Principles
- CSP2 – Development Outside the Growth Network
- CSP5 – Transport Strategy
- HOU1 – Delivering Sustainable Housing Growth
- HOU2 – Housing Density, Type and Accessibility
- DEL1 - Infrastructure Provision
- DEL 2 – Managing the Balance Between Employment Land and Housing
- TRAN2 – Managing Transport Impacts of New development
- TRAN5 – Influencing the Demand for Travel and Travel Choices

Saved Unitary Development Plan (2005)

- DD1 Urban Design
- DD4 Development in Residential Areas
- DD10 Nature Conservation and Development
- NC10 Urban Forest

Supplementary Planning Document(s)

- New Housing Development (2013)
- Parking Standards (2012)
- Planning Obligations (2011)
- Nature Conservation (2006)
- Design for Community Safety SPG (2002)

ASSESSMENT

11. The proposed development must be assessed with regard to its principle, design and siting within the context of the local area. The amenity of the occupiers of nearby residential properties as well as the parking standards and relevant planning obligations must also be assessed.
12. The key issues are
 - Principle
 - Design and siting
 - Residential Amenity
 - Prospective Occupier's Amenity
 - Access and Parking
 - Nature Conservation
 - Flood Risk
 - Impact on trees
 - Planning obligations

Principle

13. Central to the National Planning Policy Framework (NPPF) with respect to decision making is a presumption in favour of sustainable development meaning that:
 - Development proposals should be approved that accord with the development plan without delay; and
 - Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - Specific policies in this Framework indicate development should be restricted.
14. Section 6 of the NPPF has specific relevance to this proposal seeking to significantly boost the supply of housing advising that housing applications should be considered

in the context of the presumption in favour of sustainable development. This site is also located within Regeneration Corridor 13 where housing is a preferred form of development.

15. The NPPF and Black Country Core Strategy requests the provision of housing on previously developed land (PDL). This plot of land is situated within a mixed area comprising residential and industrial uses and in land use terms the principal of residential development in this location is considered as acceptable. The proposed development would constitute the re-use of brown field land in an existing urban area.
16. The general principle of new residential development on the site has previously been found acceptable under application P07/1889. Following the grant of that consent the NPPF and the BCCS have both been adopted. Both documents weigh in favour of this proposal and it is considered that the residential development of this size is acceptable subject to all other material planning considerations.
17. There is no Planning Policy objection to the proposed residential development as sufficient information regarding the loss of employment land has been submitted. The proposal would therefore be considered to comply with the requirements of Policy DEL2 of the BCCS.
18. Given the size of the site it is likely that it would ultimately provide more than 15 dwellings and as such there is a Planning Policy requirement to provide affordable housing.
19. The West Midlands Fire Safety Officer has no objection to the principle of residential development on the site.
20. In this regard the proposed residential development would be consistent with the requirements of Policies HOU1 and HOU2 of the BCCS and the NPPF. The proposal would therefore be found to be in accordance with Policy DD4 – Development in Residential Areas and the New Housing Development SPD.

Design and Siting

21. Policy DD4 of the saved UDP seeks to ensure that new developments do not have any adverse effect on the character of an area. At this outline stage, exact details of the layout, scale and appearance of the proposed houses are not matters for consideration.
22. It is considered that there would also be sufficient space provided on the site for the development to provide an appropriate amount of private amenity space to serve the needs of the occupants of the proposed properties.

Residential amenity

23. The siting of the dwellings has not been assessed at this stage but it is considered that dwellings could be positioned within the site so as not to impact on the amenity of the occupiers of any neighbouring houses through the provision of adequate separation distances. This has previously been achieved under the now expired application P07/1889 where the layout was found acceptable at that time with regards to the impact on the occupiers of existing residential properties. No other properties would be impacted upon by the proposal due to adequate separation distances; thus the proposal would comply with Policy DD4 of the saved UDP and PGN3.

Prospective Occupier's Amenity

24. The application site would be accessed from the highway to the front and car parking spaces would be provided; however the parking provision and access is not to be assessed at this stage.
25. The proposed housing would be partly surrounded by residential properties as well as industrial uses. There are industrial units across the River Stour to the north but the Head of Environmental Health and Trading Standards has no objection in principle to residential development on the site subject to the imposition of suitable conditions.

26. Policy EP7 of the saved UDP (2005) advises that where development would be subject to high noise levels the Council will require the proposal to include measures to reduce noise intrusion to an acceptable level. The findings of the applicant's noise survey indicated that noise levels generated at nearby industrial units would generally not cause nuisance to future residents of the site for the majority of the site. The position of habitable rooms and outside amenity areas within the site would be assessed at the reserved matters stage to ensure that the development would meet recognised guidelines for exposure to noise. The Head of Environmental Health and Trading Standards has recommended a condition be applied to any approval to ensure future residents are protected from nearby industrial noise (condition No. 3).
27. Policy DD5 of the UDP (2005) requires development within industrial areas to safeguard the viability and environmental quality of adjacent industrial and commercial areas – the use of the site for residential purposes should not affect the viability of nearby industrial premises in this case. Given that the noise survey demonstrates that the majority of the site can be development for residential purposes the use would be compatible with existing industrial activity in the immediate vicinity of the site.
28. It is considered that the new dwellings could be designed and positioned so as to ensure that future residents are not adversely affected by noise from nearby industry. The previous application P07/1889 addressed this matter at that time, but as that permission has now expired there is a condition attached to this permission which requires that a scheme of works designed to protect residents from the nearby industrial units is submitted as part of the subsequent Reserved Matters planning application.
29. The proposal would therefore not adversely impact on residential amenity for prospective occupiers and would comply with saved Policy DD4 – Development in Residential Areas.
30. The siting and resultant separation distances between properties can not be assessed until the reserved matters stage, but it is considered that residential

properties could be positioned to not adversely impact on amenity for the prospective occupiers. The siting and resultant separation distances were previously found acceptable under application P07/1889.

31. The proposed housing could also be served by adequate garden / outside amenity areas given the overall size of the site. As such, the proposal would be in accordance with the New Housing Development SPD (2013).
32. The Crime Prevention Design Advisor has no objection in principle to residential development on the site but has commented on some specific issues such as lock systems and the requirement of doors and windows to be accredited by Secured by Design. Comments on the parking provision as well as boundary treatment heights has been mentioned but these would be assessed fully as part of the reserved matters stage.

Access and Parking

33. The indicative plan of the proposed development shows the provision of access from Lyde Green. Parking spaces would be provided on-site but no indicative parking plans have been submitted to enable assessment of the parking provision; this would be assessed at reserved matters stage.
34. The Group Engineer (Highways) has not objected to the principle of residential development on the site. A detailed assessment of whether the access and sufficient parking would be acceptable for the needs of the development, so as to ensure it would not result in unacceptable highway safety concerns would be undertaken at the reserved matters stage. However, the principle of the access and parking provision has previously been found acceptable under application P07/1889.
35. A 2m footpath would be required at the front of the site to ensure that the proposal would have no adverse impact on pedestrians and highway safety. As such, a condition requiring improvements to be made to the footpath at the front of the site would also be required.

Nature Conservation

36. Due to the location of the site adjacent to the River Stour nature conservation enhancements would be required in order to ensure the development would not impact adversely on nature conservation. These requirements would be dealt with at the reserved matters stage, however a relevant Condition was attached to the previous approval and it is proposed to repeat that Condition.
37. An Extended Phase 1 Habitat Survey has been submitted which suggests a number of conditions regarding the eradication of Japanese knotweed, the provision of garden areas to increase the ecological value of the site and that any survey work, such as a further Ecological Survey (to particularly consider the presence of bats) in the event of redevelopment of the properties on the south-east corner of the site, which should be completed between May and September. These conditions would be included on any approval to ensure that the proposal does not impact adversely on nature conservation within the area.

Flood Risk and Environmental Factors

38. Part of the northern edge of the site is located within the Flood Zone of the River Stour. The Environment Agency has not objected in principle to the proposal for residential development.
39. However, the Environment Agency has objected as insufficient information has not been provided to enable a full assessment of the possible contaminants on the site and the resultant ground water contamination as a result. A desktop study has subsequently been submitted to the Environment Agency and an update on their comments will be provided to the Development Control Committee by way of a pre-committee note.

Impact on trees

40. The majority of the site is hard-standing, although there are trees located around the periphery of the site. The Tree Preservation Officer has not objected to the proposals which would comply with Policy NC10 of the saved UDP (2005).

Planning Obligations

41. Black Country Core Strategy (BCCS) Policy DEL1 'Infrastructure Provision' sets out the adopted policy framework for Planning Obligations within Dudley and the Planning Obligations SPD provides further detail on the implementation of this policy; these policy documents were prepared in accordance with national legislation and guidance on planning obligations.
42. 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.
43. In determining the required planning obligations on this specific application the following three tests as set out in the Community Infrastructure Levy (CIL) Regulations, in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:
 - a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development;
 - c) fairly and reasonably related in scale and kind to the development.
44. Following consideration of the above tests no off-site planning obligations are required as part of this planning application.
45. However, on-site planning obligations are required in the form of public realm, nature conservation enhancement and affordable housing provision as these obligations would comply with the CIL tests.
46. However, in order to comply with the Planning Obligations SPD (2011) the proposal would trigger the requirement for the provision of affordable housing on the site. Therefore, 25% of the proposed dwellings to be provided should be affordable units. This would be secured by a Section 106 agreement.

47. The applicant has agreed to enter into a S106 Agreement to ensure that Affordable Housing is provided should the development exceed 15 dwellings.

CONCLUSION

48. It is considered that the proposed residential development would be acceptable in principle, not impacting on amenity for existing or prospective occupiers subject to the suggested conditions. There would be no impact on highway safety and no requirement for planning obligations except the provision of affordable housing. The proposed housing would be acceptable within this area subject to approval at reserved matters stage. The proposal would therefore comply with PGN3 – New Housing Development or Policy DD4 of the saved UDP and all other relevant policies.

RECOMMENDATION

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

- a) The applicant entering into a Section 106 Agreement for 25% onsite provision of affordable housing and a management and monitoring fee of £250;
- b) The completion of the Agreement no later than January 3rd 2014, and in the event of this not happening, the application being refused if appropriate, and
- c) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary

Conditions and/or reasons:

- 1. Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereafter called the ('reserved matters')) shall be obtained from the Local Planning Authority before any development is begun.

2. Application for reserved matters approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission; and the development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
3. The Reserved Matters application that includes siting shall include full details of a scheme for protecting residents in the proposed dwellings from noise from the nearby industrial units. All works which form part of the approved scheme shall be completed before the first occupation of the permitted dwellings, unless otherwise agreed in writing by the Local Planning Authority. The protection measures in the agreed scheme shall be maintained throughout the life of the development.
4. Development shall not begin until details of plans and sections of the lines, widths, levels, gradients and form of construction of service/access roads and drainage systems have been submitted to and approved by the Local Planning Authority. The development shall be built in accordance with the approved plans and retained for the life of the development.
5. Prior to the commencement of development, details of the existing and proposed levels of the site (including finished floor levels), which should be related to those of adjoining land and highways shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved levels.
6. No development shall commence until details of the proposed boundary treatment to the site has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected in accordance with the approved plans prior to the first occupation of any of the dwellings, and shall be retained as such thereafter.
7. Prior to the commencement of development, parking layout details shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details and all parking shall be provided on site prior to the occupation of the development hereby approved.
8. Prior to the commencement of development the Japanese knotweed on the site should be appropriately eradicated.
9. Prior to the commencement of development, details of the types, colours and textures of the materials to be used on the external surfaces of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
10. No development shall commence until details for the provision of external electric charging points have been submitted to and approved in writing by the Local Planning Authority. The Electric Charging point(s) shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
11. No development shall commence until details of nature conservation enhancement works have been submitted to and approved in writing by the Local Planning Authority. The nature conservation enhancement works shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.

12. No development shall commence until details of public realm works have been submitted to and approved in writing by the Local Planning Authority. The public realm works shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
13. No development shall commence until details of secure cycle parking facilities in accordance with the Council's parking standards have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be provided in accordance with the approved details prior to first occupation of the development, shall be made available at all times and be maintained for the life of the development.
14. Full details of works of public art shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details prior to first occupation of the development and shall be maintained thereafter for the life of the development.
15. Prior to the redevelopment of the properties on the south-east corner of the site (Nos. 84 / 86 Lyde Green) a further Ecological Survey with a focus on the potential presence of roosting bats shall be submitted and approved by the Local Planning Authority. Any development should proceed in accordance with the approved details.
16. No development shall commence until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping for the whole site which shall also contain details of specific materials to be utilised for hardscaping and differentiation of surface areas. Unless otherwise agreed in writing by the Local Planning Authority, the scheme shall also include details of the landscape enhancement of the River Stour corridor, between the development area and the river course, specifically to - i) enhance that area's nature conservation value, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection of that area in the course of the development; ii) the potential for the forging of a footpath link through that land, from the application site to the river and also parallel with the river. The approved landscaping scheme shall be implemented in accordance with a timetable to be agreed with the Local Planning Authority.
17. No development approved by this permission, including the construction of any building, shall be commenced until a scheme to deal with contamination of land (including ground gases and vapours) has been submitted to and approved by the Local Planning Authority (LPA). Furthermore, no part of the development shall be occupied until the LPA has been satisfied that the agreed scheme has been fully implemented and completed.

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

- i) A desk-top study to formulate a conceptual model of the site. The requirements of the LPA shall be fully established before the desk-study is commenced;
- ii) Once the desk study has been approved by the LPA, a site investigation shall be carried out to identify and evaluate all potential sources and impacts of

identified contamination in accordance with the conceptual model. The findings of site investigation shall be presented in report format for approval by the LPA and shall include a risk-based interpretation of any identified contaminants in line with UK guidance;

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

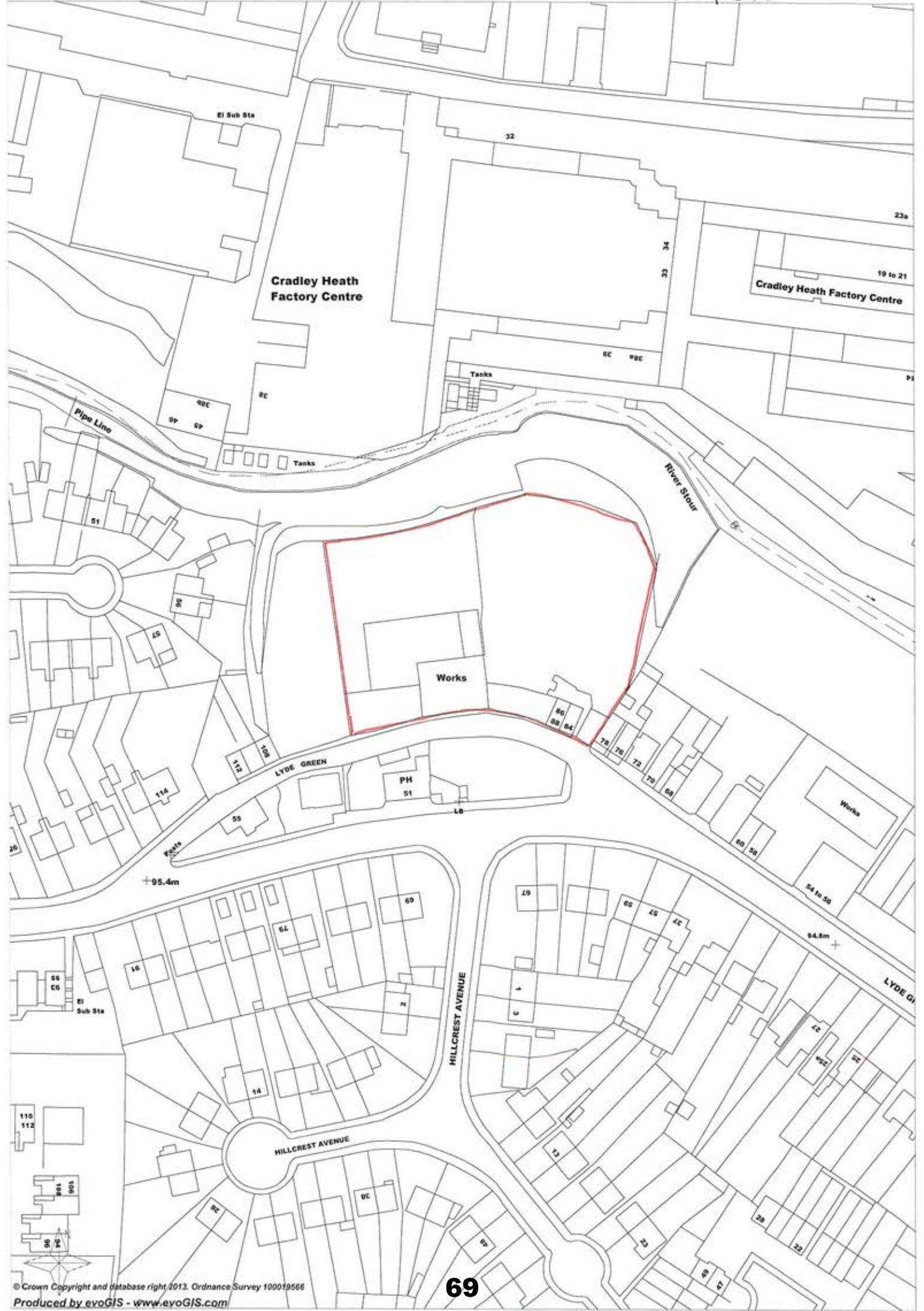
iv) The contamination proposals shall be implemented in full and no deviation shall be made from the contamination proposals without the express written agreement of the LPA.

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

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

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

18. The Reserved Matters application that includes the means of access shall include details of a footpath to be provided at the front of the site. The footpath shall be provided in full accordance with the approved details prior to the first occupation of any of the dwellings and shall be retained as such thereafter for the lifetime of the development.



PLANNING APPLICATION NUMBER: P13/1370

Type of approval sought	Full Planning Permission
Ward	Halesowen North
Applicant	Mr Ranjit Singh
Location:	14, BRANDON ROAD, HALESOWEN, B62 9QD
Proposal	ERECTION OF OUTBUILDING IN REAR GARDEN (RESUBMISSION OF REFUSED APPLICATION P13/0560)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site measures 359m² and the property is a semi-detached pitched roof dwelling built in the 1930s. The house has been extended to the side by way of a single storey lean to garage and a flat roofed rear extension with front porch canopy. The house is set back 15m from the highway to the front and there is a driveway to the front of the house with garden to the rear.
2. No. 15 Brandon Road is attached to the host property and located to the east with No. 13 Brandon Road located to the west. No. 13 is also set 8m further forward within the street. Nos. 28, 30 and 32 Brandon Road are at least 27m to the front of the application property and units 2 and 3 Fairfield Road are located over 50m to the north.
3. The property is located within a predominantly residential area with semi-detached and terraced houses in evidence within the street.

PROPOSAL

4. This proposal seeks approval for a detached out-building to the rear of the dwelling.
5. The detached out-building would be positioned at the end of the garden (18.5m from the original rear elevation) measuring 7.5m in length, 5.1m in width with a 4.4m high

pitched roof. The out-building would be positioned 0.5m from the rear boundary and 0.5m from the western side boundary.

HISTORY

6. This property has two previous relevant applications.

APPLICATION	PROPOSAL	DECISION	DATE
P13/0530	Two storey side/rear extension and single storey front extension. Erection of outbuilding to rear garden.	Refused	18.06.2013
P13/1369/PNA	Prior notification for erection of a single storey rear extension with a projection of 6m from rear wall, 2.6m to eaves and 4m maximum height.	Prior Approval Required	06.11.2013

P13/0530 was refused on the following grounds:

- The two storey side and rear extension would have a significant detrimental impact on the outlook experienced by the occupiers of No. 13 Brandon Road due to the 11.1m long two storey wall located directly along the boundary with this property. This proposal would also create an overbearing feature which would significantly impact on outlook for the occupiers due to the 10m breach of the 45 degree code guidelines and the proposal would be contrary to Policy DD4 of the saved UDP, PGN17 and PGN12.
- The proposed single storey front extension would not be subservient to the original property at 1.8m projection, particularly as it features no design punctuation and projects across the entire front of the house. This type of development would not be characteristic of the property type or the street scene and the proposal would create an incongruous addition to the house which would have an adverse impact on the

appearance of the property, semi-detached pair and street scene. The proposal would therefore be contrary to Policy DD4 of the saved UDP and PGN17 – House Extension Design Guide.

PUBLIC CONSULTATION

- Direct notification was carried out to twelve surrounding properties to advertise the proposal. Four written representations (including one from a Ward Councillor) objecting to the scheme have been received; the latest date for receipt of comments was 4th November 2013.
- The objections are based on the following material considerations:
 - The proposal would create additional traffic and would impact on parking and access for emergency vehicles;
 - The size and proportions of the out-building, particularly when taken in conjunction with the application for a rear extension;
 - There are also objections in principle to the detached out-building.
- Other non-material planning considerations such as the use of the out-building not being for residential purposes and the lack of access from the rear have also been mentioned.

OTHER CONSULTATION

None required

RELEVANT PLANNING POLICY

Saved Unitary Development Plan Policies (2005)

- DD1 Urban Design
- DD4 Development in Residential Areas

Supplementary Planning Documents / Guidance

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

ASSESSMENT

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

Design

9. Policy DD4 of the saved UDP states that extensions to residential dwellings will be allowed provided they do not adversely affect the character of the area or residential amenity.
10. The overall addition would be considered as subservient to the original house and although the proposal would measure a maximum of 4.4m in height, due to the pitched roof design, this would ensure that the addition would not appear as excessive in height.
11. The siting of the out-building would be acceptable as the detached out-building would be located entirely within the rear garden and not visible from the residential street scene to the front. The addition would be visible from the highway to the rear, but this street is industrial in nature and the modest building would be fairly well

screened by vegetation on-site. As such, there would therefore be no adverse impact on the character of the area or the street scene to the front or rear.

12. The pitched roof and fenestration design would relate satisfactorily to the host property.
13. The out-building was also deemed acceptable under P13/0530 and did not feature in the reasons for refusal. As such, the proposal would not have an adverse impact on the visual amenity of the host property and street scene, and, in these respects the proposal would comply with Policy DD4 – Development in Residential Areas of the saved UDP (2005) and PGN 17 – House Extension Design Guide.

Neighbour Amenity

14. The out-building would be over 27.5m from the rear of No. 13 Brandon Road and would not impact on amenity for the occupiers due to this separation distance. Despite the proximity to the boundary and slight change in ground level there would be no impact on privacy due to the single storey nature of the proposal and as the south facing window would be screened by the boundary treatment on-site.
15. The out-building would be 18.75m from the rear of No. 15 Brandon Road. Taking into account this separation distance, the fairly oblique angle and what can be achieved under permitted development rights this part of the proposal would be considered to not impact on amenity for the occupiers.
16. The properties to the front on Brandon Road would not have sight of the out-building which would not impact on residential amenity for the occupiers.
17. The industrial units to the rear would be at least 44m from the out-building. At this distance, and due to the units to the rear being industrial in nature, there would be no impact on amenity for the occupiers.
18. All other properties would be a sufficient distance from the proposal or not in direct line of sight so there would be no adverse impact on residential amenity for these occupiers.

19. It is considered that there would be no demonstrable harm to neighbouring occupiers as a result of the proposed out-building. The development would therefore comply with Policy DD4 – Development in Residential Areas, PGN 12 – The 45 Degree Code - and PGN 17 – House Extension Design Guide.

Access and parking

20. The proposal would not increase the parking requirement of the property and would not reduce the level of parking on-site due to the position within the rear garden. At least four spaces would remain on the frontage of the property which would be in excess of the minimum standards. Therefore, there would be no additional overspill of car parking as a result of the proposal and no impact on highway safety. The development would therefore comply with the Parking Standards SPD (2012) and Policy DD4 of the saved Unitary Development Plan (2005).

CONCLUSION

21. It is considered that the proposed out-building would be acceptable in terms of size and design, and would not impact on residential amenity for surrounding occupiers due to the separation distances involved and taking into account permitted development rights. The proposal would also benefit from sufficient parking on-site and would not impact on highway safety.
22. As such, the development would comply with Policy DD4 (Development in Residential Areas) of the saved Dudley UDP and PGN 17 (House Extension Design Guide).

RECOMMENDATION

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

APPROVAL STATEMENT INFORMATIVE

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

Informative Note

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

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

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

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the details shown on plan labelled 'Proposed Store' and '14 Brandon Road'.
3. The materials to be used in the approved development shall match in appearance, colour and texture those of the existing building unless otherwise agreed in writing with the Local Planning Authority.
4. The out-building hereby approved shall not be sold-off or sub-let separately from the main dwelling, but used only as ancillary accommodation to the main dwelling for the life of the development.



14 BRANDON RD
HALESOWEN.



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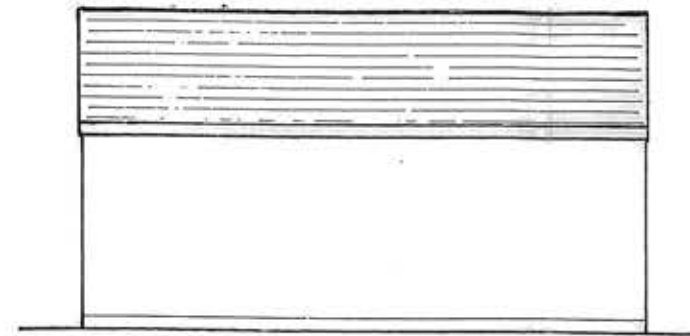
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PROPOSED STORE

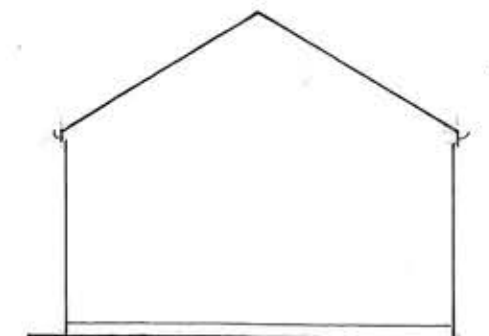
14 BRANDON RD

HALESOWEN

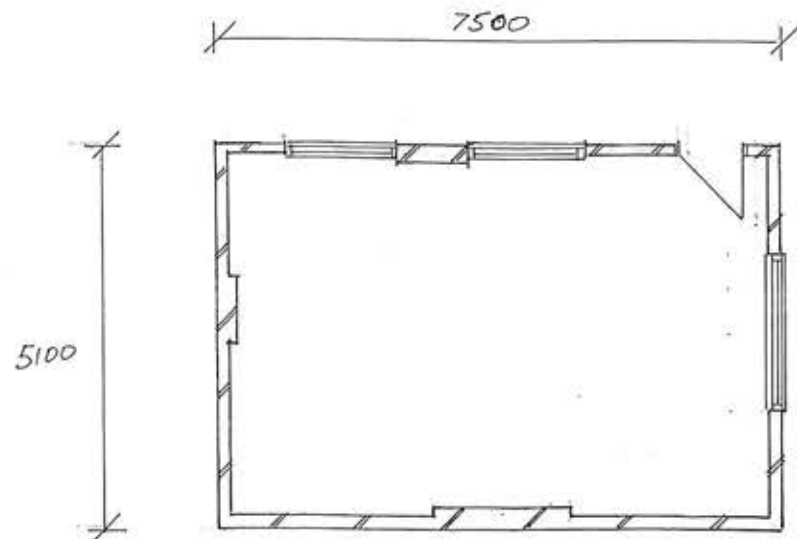
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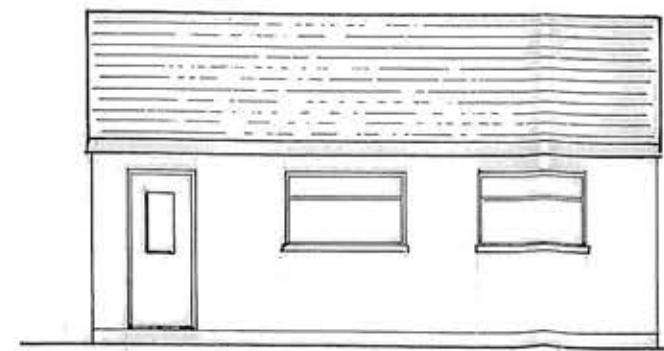
LHS ELEVATION



REAR ELEVATION



LAYOUT PLAN



RHS ELEVATION



FRONT ELEVATION

PLANNING APPLICATION NUMBER: P13/1395

Type of approval sought	Full Planning Permission
Ward	Sedgley
Applicant	Mr R. Smith
Location:	121, COTWALL END ROAD, SEDGLEY, DUDLEY, DY3 3YQ
Proposal	SINGLE STOREY FRONT AND REAR EXTENSIONS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site is a detached house constructed circa 1930's on a substantial plot some 1080 sq.m in area. The property is characterised by hipped roof and part render, part brick finish. It has previously benefitted from a large two storey side extension and single storey extensions to the front and rear.
2. The property is set back by between 17m and 19m from Cotwall End Road and is elevated above the road level. The frontage of the property has parking available for several vehicles and has mature landscaping on the front (eastern) and side (southern) boundaries. The rear garden is slightly raised from ground floor level, comprising of a lawn some 41m long and a patio area alongside the boundary with No. 123 Cotwall End Road.
3. The property is located within a frontage of mixed dwelling types that are set on a staggered building line.
4. No. 123 Cotwall End Road is located north of the application site and is set forward of their front elevation by approximately 5.5m, and set beyond some 9.5m from their rear elevation. This neighbouring dwelling is split level, with the garage at ground floor level and living accommodation at first floor. This first floor level, accessed by a steps running between the boundaries, is some 1.2m higher than the ground floor

level of the application dwelling. An open plan dining room and lounge are located to the front of the dwelling. Due to the projection forward, there are 3 small side windows overlooking the front driveway of No. 121, and a single large window fronting Cotwall End Road.

5. Beyond the southern boundary is 119 Cotwall End Road, this being a detached dwelling set a lower level than the application site, and set 1.5m from their front elevation. A two storey extension sits immediately adjacent to the boundary with No. 121.
6. On the opposite side of the road are individually designed detached dwellings located on a staggered building line.

PROPOSAL

7. There are a few elements to this proposal;
 - Removal of existing porch, and addition of new porch, measuring 1.4m deep by 2.9m wide, completed with hipped roof up to 3.5m high (2.3m to eaves).
 - Front garage extension to facilitate internal works to create a utility room, this would measure 2.1m deep by 3.5m wide, completed with hipped roof up to 3.6m high (2.3m to eaves).
 - Single storey rear extension to enlarge kitchen, shown to measure 3m deep by 4.8m wide, completed with a rear gable incorporating full height glazing up to 4.6m high (2.6m to eaves).
8. During the course of the application a slight amendment was received to confirm the garage roof was entirely hipped with no lean-to element.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
88/51145	Erection of conservatory extension.	Approved with conditions	07/07/88
81/50596	Erection of lounge extension and kitchen extension and porch.	Approved with Conditions	06/04/81
DB/73/11781	Erection of storm porch and first floor extensions.	Approved with Conditions	30/03/73

PUBLIC CONSULTATION

9. Direct notification was carried out to 6 adjoining and adjacent premises as a result of which 1 objection has been received from 123 Cotwall End Road, summarised as follows;
 - a. Extension past building line
 - b. The lounge at the front of the dwelling are main focal windows of the property. 3 south windows are main with total glazed area of 8 sq.m., the east window is secondary with a glazed area of 5.5 sq.m.
 - c. Proposal will block out view from and light to one of the south facing windows in the side elevation.
 - d. Plans do not show the relationship of property against the proposals in terms of windows, levels and distance (*this neighbour has produced a plan to show this*).
 - e. Distance to boundary is not shown, should be 450mm at rear, 750mm at the front
 - f. Original footprint of house was 52.7 sq.m, currently 122sq.m. The proposed addition of 122 sq.m would represent an increase of 170% which is overdevelopment of house.

- g. If this percentage is acceptable, then garage should be attached to the south side of the dwelling, as it would be 2m behind building line and not be seen from the road and not impose on 119 or 121. Or reduce size of utility and not extend garage.

OTHER CONSULTATION

10. None required

RELEVANT PLANNING POLICY

11. Saved UDP Policies (2005)
DD4 – Development in Residential Areas
12. Planning Guidance Note 17 – House Extension Design Guide
13. Parking Standards SPD (2012)

ASSESSMENT

14. The key issues in determination of this application are the impact upon;
- the character and appearance of the area
 - residential amenities of adjacent occupiers
 - highway safety

Character and appearance

15. Saved UDP Policy DD4 – Development in Residential Areas, seeks to ensure that residential development will be allowed where,
- *there would be no adverse effect on the character of the area or upon residential amenity*
 - *the scale, nature and intensity of the use of the proposed development would be in keeping with the surrounding area.*

- *no detrimental effect upon highway safety would result and adequate provision for the parking and manoeuvring of vehicles associated with the proposed development is made whilst preserving the character and amenity of the area.*

16. Amongst other things, PGN17 – House Extension Design Guide advises that proposed extensions should relate to the character of the original house in terms of scale, materials and design details. They should also be of a high standard of design and layout compatible with the character of the surrounding area.

17. PGN 17 provides useful advice on front extensions;

The design and appearance of the fronts of houses and the distance between the buildings and the street are important aspects in defining the character of residential areas. Generally, only modest extensions which are in keeping with the character of the existing house will be allowed, e.g. garage and porch extensions

Extensions at the front of individually designed houses which are set back from the highway or which are set on a staggered building line may, in certain circumstances, be acceptable. The extension must complement the original building and not adversely affect any adjacent properties.

18. It is accepted that this property has been previously extended which has made it larger, this has not resulted in unsympathetic additions. What cannot be ignored is that despite these previous additions, the plot to 121 Cotwall End Road is very generous, being some 1080 sq.m in area and even with the proposed extensions, the built form to plot ratio would amount to 13% development overall. It is difficult to sustain an objection on grounds of overdevelopment of the dwelling as were a new dwelling to be proposed, in principle such a plot ratio would not be inappropriate.

19. PGN 17 accepts that only modest front extensions which are in keeping with the character of the existing house will be allowed. The front porch and garage extension, which re-instates the original bay window by removing the attached

porch, would integrate with the dwelling in design and scale, and not form a dominant or obtrusive feature in the street scene.

20. This is due to mainly to the fact that the significant projection forward of No. 123 Cotwall End Road, masks wider views from north to south along the frontage. In the opposite direction, the mature landscaping further obscures views of these single storey additions.
21. It must also be borne in mind, that the varied building line with individually designed dwelling takes away the need to have uniformly arranged extensions to dwellings, a view accepted by PGN 17 which supports front extensions at the front of individually designed houses which are set back from the highway or which are set on a staggered building line. A distance of at least 15m would remain from the garage as extended to Cotwall End Road, which allows the open character to be retained.
22. A similar front garage extension has been added to 125 Cotwall End Road.
23. The rear single extension would be sympathetic to the scale and architectural style of the original building, and would not be visible within the streetscene.
24. There would be no adverse impact upon the character and appearance of the area in accordance with Saved UDP Policy DD4.

Residential amenity

25. The neighbour at No. 123 Cotwall End Road has produced a plan to indicate precisely how the garage extension would relate to their dwelling and in particular their side facing windows.
26. The first floor of this neighbour is some 1.2m higher than the application dwelling. As acknowledged in their objection, the middle of the 3 side facing windows would have an outlook onto the roof, this being the case, the view would be toward a hipped roof which slopes away from the neighbour. There would also be a distance of at least 3.2m from this window to the proposed garage. The impact of a single

storey garage extension which projects out a minimal 2.1m and sited at a lower land level would not be significant.

27. At present one of the 3 side facing windows looks onto the side elevation of the application dwelling and even if this middle window were to be obscured by the proposal (which is considered not to be the case), there is still a third window allowing an outlook over the frontage of the application site. Furthermore, the principle window to the lounge is contained in the front elevation looking onto Cotwall End Road. The Council maintain that the side facing windows which look over the frontage of No. 121 cannot be considered the principle windows to the room, they do however, serve to provide an additional outlook and sunlight to the room, which would not be compromised by the proposal.
28. Taking the above factors into account, it is considered that the single storey front garage extension would not have a harmful impact upon the immediate outlook from or daylight to the lounge of the neighbour at No. 123 Cotwall End Road.
29. The proposed rear ground floor extension would be built adjacent the flank wall of the No.123, in a section which does not contain any habitable room windows. This element does not therefore result in harm upon the residential amenities of this neighbour.
30. Both front and rear extensions would comply with the 45-Degree Code guidelines in respect of the neighbour at 119 Cotwall End Road. No harm upon these neighbours would arise.
31. This development has been designed to avoid any adverse impact upon neighbouring properties in accordance with Saved UDP Policy DD4 and PGN17.

Highway safety

32. Even with the garage projecting 2.1m forward, there is more than ample provision on the frontage to accommodate the parking demand for this existing 4-bed dwelling.

33. There would be no adverse impact upon highway safety in accordance with Saved UDP Policy DD4 and the Parking Standards SPD.

CONCLUSION

34. The development has been designed to avoid any harm to the upon the character of the area, residential amenities of adjoining neighbours or highway safety, in accordance with Saved UDP Policy DD4 – Development in Residential Areas, Parking Standards SPD (2012) and Planning Guidance Note 17 – House Extension Design Guide.

RECOMMENDATION

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

INFORMATIVE NOTE – THE COAL AUTHORITY

Householder Referral Area

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

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

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

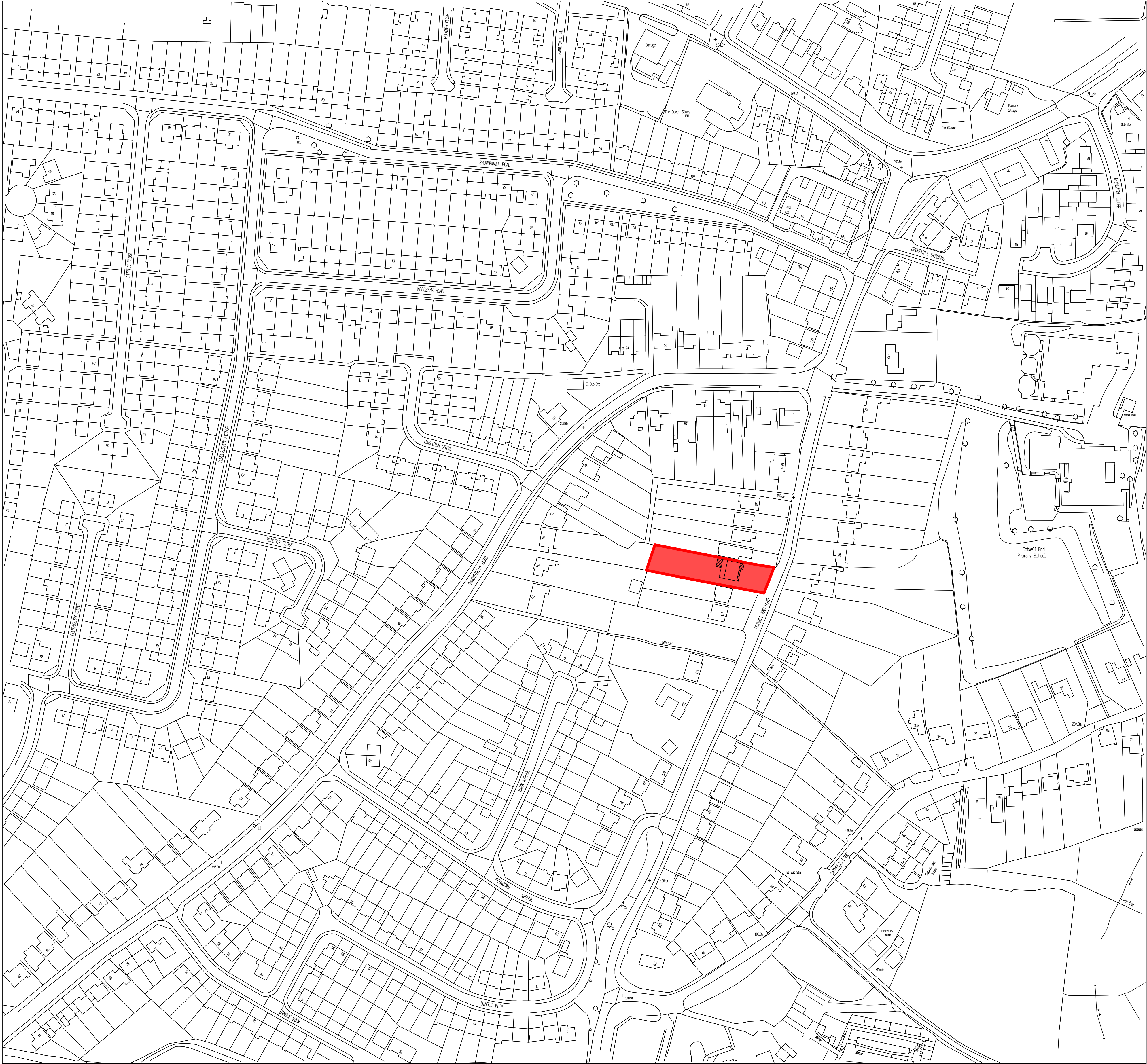
Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

APPROVAL STATEMENT INFORMATIVE

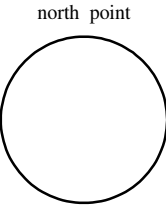
In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining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

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 597 06A and 597 07.
3. The materials to be used in the approved development shall match in appearance, colour and texture those of the existing building unless otherwise agreed in writing with the Local Planning Authority.



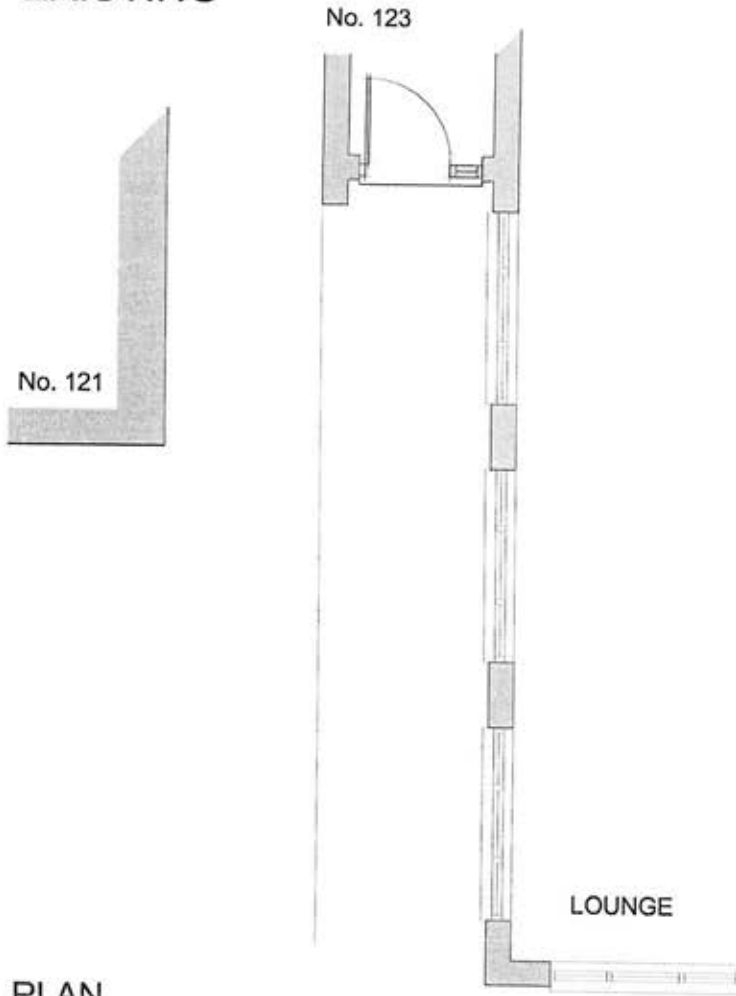
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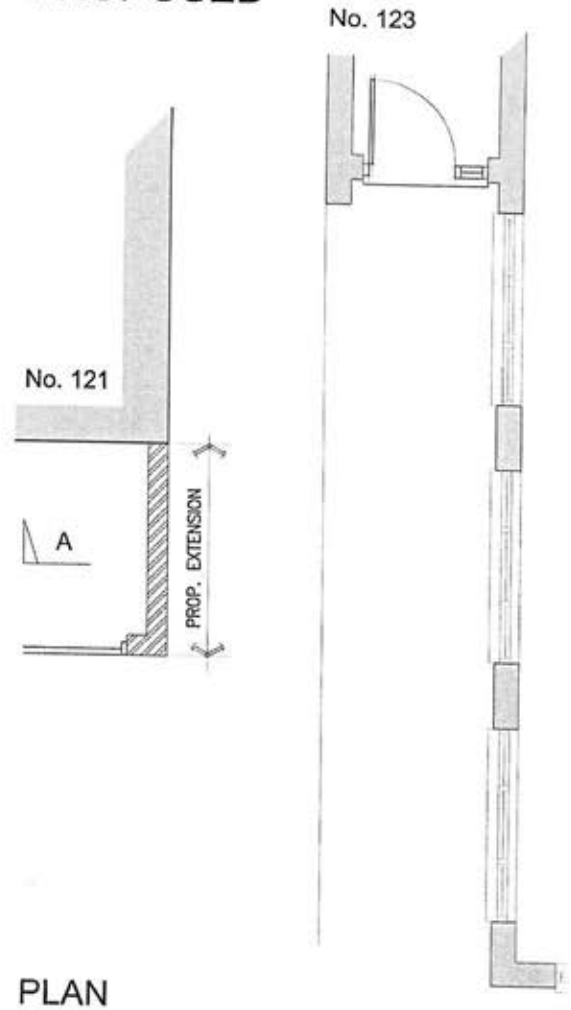
notes

revision	
scale	1:1250
drawn	JOS
date	16/07/2013
client	Mr & Mrs R. Smith
job	Proposed Extension & Alterations to 121 Cotwall End Road, Sedgley, Dudley DY3 3YQ
drawing	OS Map Location
no.	597 07
STONELEIGH ARCHITECTURAL SERVICES LTD.	
COMPTON WHARF BRIDGNORTH ROAD COMPTON WOLVERHAMPTON WV6 8AA TEL 01902 746181 Fax 01902 746388	

EXISTING



PROPOSED

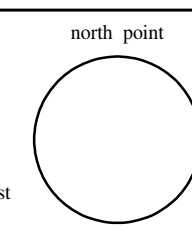


SECTIONAL ELEVATION

SECTIONAL ELEVATION

<p>Job Objection to Planning Application P13/1395 at 121 Cotwall End Road Sedgley</p>		
<p>Drawing Title Plan & elevation to show proposals in relationship to No. 123</p>		
Date 30th Oct. 13	Scale 1:50	Drawing No. 001

Figured dimensions only to be taken from this drawing.
All contractors must visit the site and be responsible for taking and checking dimensions relative to this work.
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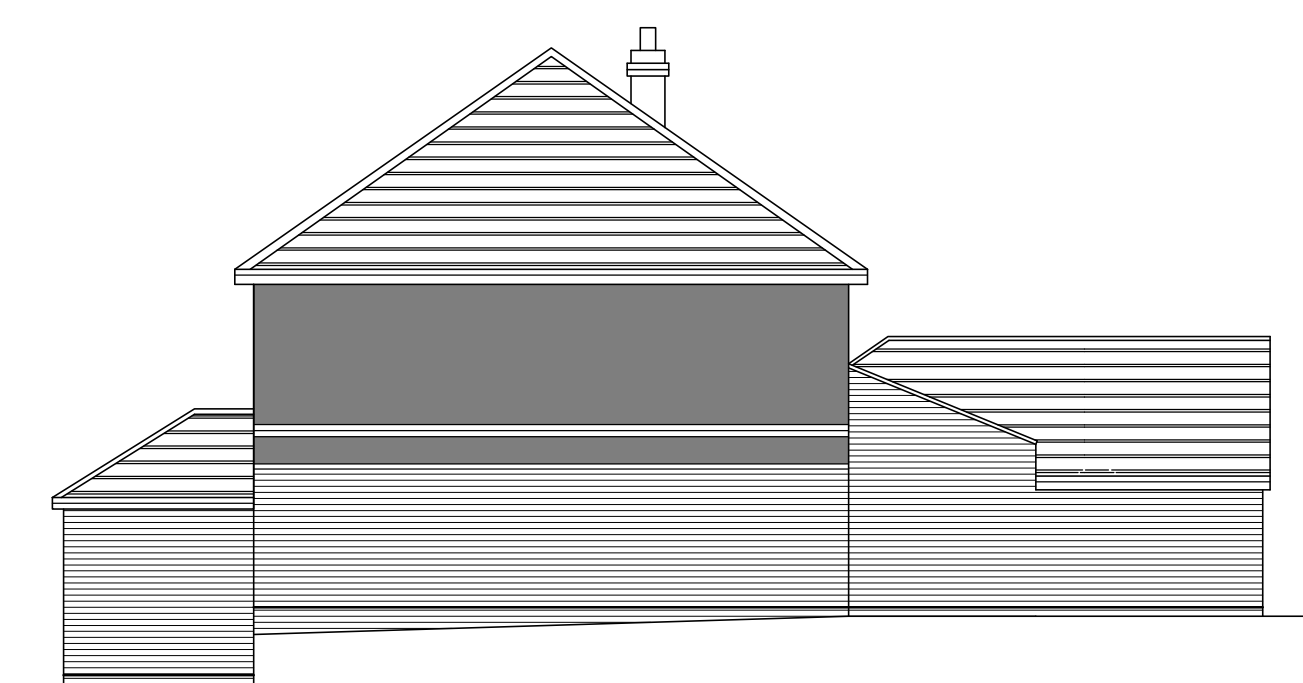
notes



Front Elevation



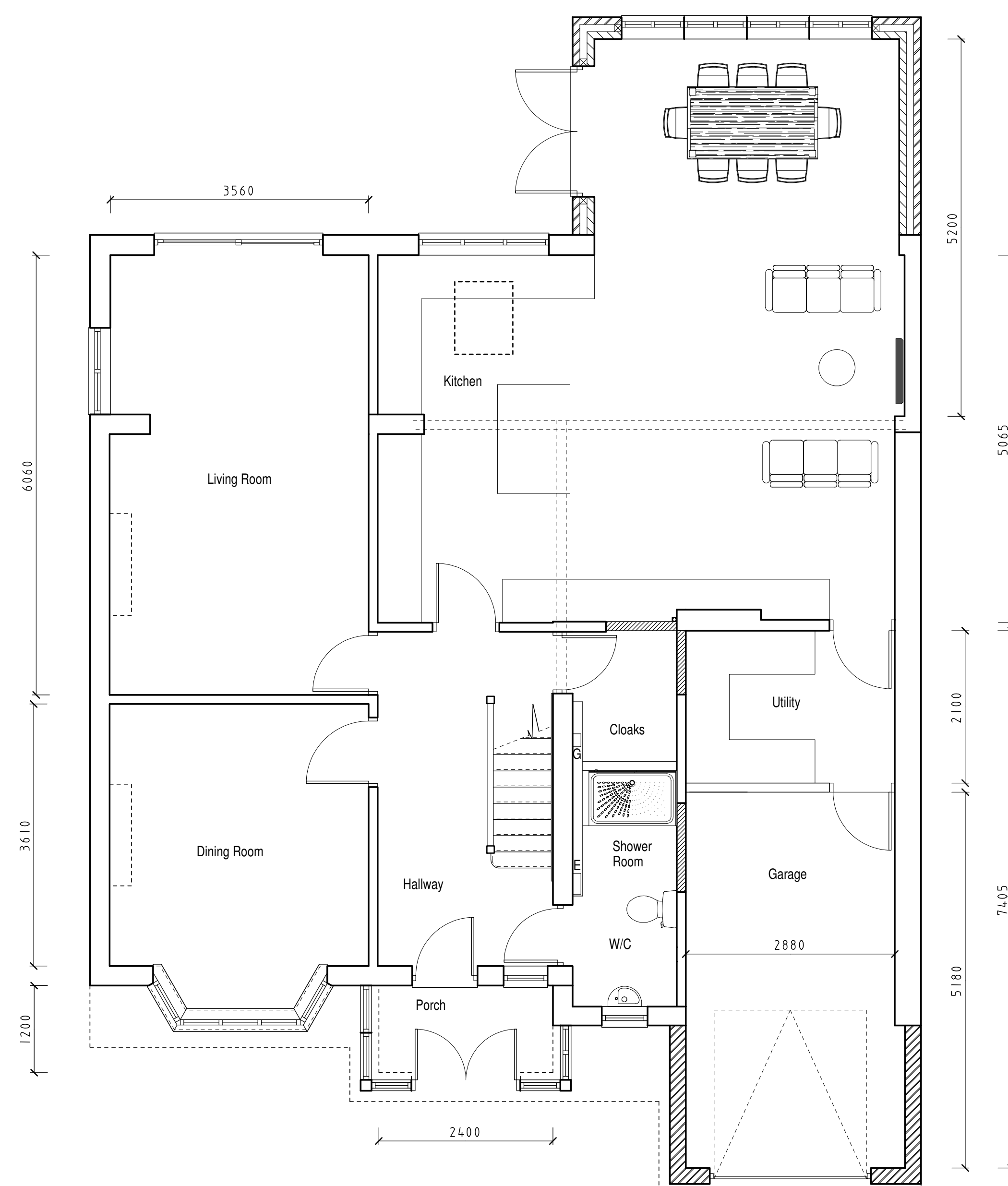
Side Elevation



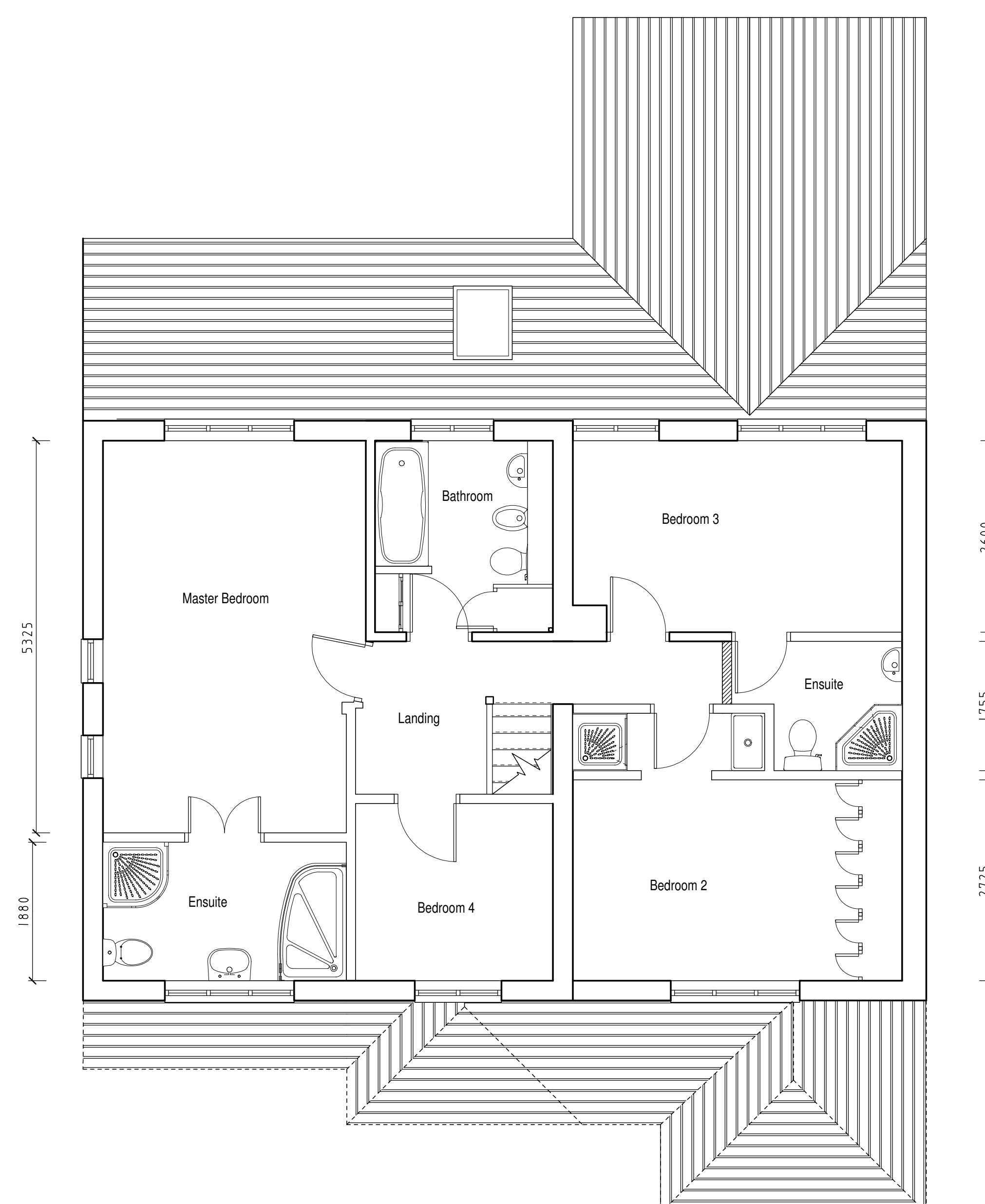
Side Elevation



Rear Elevation



Ground Floor Plan



First Floor Plan

revision
scale 1:50 1:100
drawn JOS
date 27/08/2013
client

Mr and Mrs R. Smith

job
Proposed Extension & Alterations to
121 Cotwell End Road, Sedgley, Dudley
DY3 3YQ

drawing
Proposals E

no.
597 06A
**STONELEIGH ARCHITECTURAL
SERVICES LTD.**

COMPTON WHARF
BRIDGNORTH ROAD
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PLANNING APPLICATION NUMBER:P13/1433

Type of approval sought	Tree Preservation Order
Ward	Sedgley
Applicant	Mrs E. Cox
Location:	43, GOSPEL END STREET, SEDGLEY, DUDLEY, DY3 3LR
Proposal	FELL 1 BLUE CEDAR TREE
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The tree subject to this application is an early mature cedar tree that is located in the front garden of 43 Gospel End Street. The tree is visible as part of the street scene, especially when approaching Sedgley town centre, and is considered to provide a moderate to high amount of amenity to the surrounding area.
2. The tree is protected as Tree 1 of TPO 594 that was served in 2002.

PROPOSAL

3. Summary of proposals for the works as written on application form is as follows:
 - Fell 1 Cedar tree.
4. The tree has been marked on the attached plan.

HISTORY

5. There has been one previous Tree Preservation Order applications on this site.

Application No	Proposal	Decision	Date
P07/1945	Prune 1 Cedar tree.	Approved with conditions	29/11/2007

6. Given the tree's location in a conservation area the tree was protected prior to the service of the TPO. As such, it is likely that the TPO was served in response to a notification to do works under the Conservation Area process.

PUBLIC CONSULTATION

7. A letter of objection has been received from an adjacent neighbour. The objection to the application is made on the following grounds:

- The tree provides visual amenity to the surrounding area;
- The applicant's do not appear to appear to have made all attempts to improve the condition of the tree;
- The tree is host to nesting birds and its removal will have an impact on the local bird population;
- The application does not clarify what disease is causing the problems, and there may be a solution;
- The removal of the tree will lead to a loss of privacy to the objector's property as the house will be more visible from the street.

ASSESSMENT

Tree(s) Appraisal

<i>Tree Structure</i>	Tree 1
TPO No	T1
Species	Cedar
Height (m)	10m
Spread (m)	7m
DBH (mm)	450mm
Canopy Architecture	Good
Overall Form	Good / Moderate – Canopy growth on north western side limited.
Age Class <i>Yng / EM / M / OM / V</i>	Mature

Structural Assessment

Trunk / Root Collar	Good
Scaffold Limbs	Good
Secondary Branches	Structurally sound, poor vigour.

% Deadwood	10%	
Root Defects	None Evident	
Root Disturbance	None Evident	
Other		
Failure Foreseeable Imm / Likely / Possible / No	Whole No	Whole Possible

Vigour Assessment

Vascular Defects	Extensive dieback though out crown and minimal recovery growth.
Foliage Defects	None Evident
Leaf Size	Poor
Foliage Density	Poor
Other	

*Overall
Assessment*

Structure	Good
Vigour	Poor
Overall Health	Poor

Other Issues

Light Obstruction	Yes
Physical Damage	None Evident
Surface Disruption	None Evident
Debris	Some

**Amenity
Assessment**

Visible	Yes
Prominence	High
Part of Wider Feature?	No
Characteristic of Area	Yes
Amenity Value	High / Moderate

Further Assessment

8. The applicant has proposed to fell the tree due to the poor condition of the tree following a period of needle loss.
9. The needle loss was first observed by the case officer in July 2012, when the applicant made an enquiry as they were concerned about the condition of the tree. On first inspection it was noted that there had been significant needle death from the tree, and that it had a sparse and unhealthy appearance.

10. From investigating around the base of the tree no evidence of any infection was observed, and none of the adjacent plants seemed to be in distress. As such the root cause of the problem could not be identified.
11. Cedar trees can sometimes go through a period of needle loss due to climatic conditions, usually related to drought. Such periods of leaf drop are usually relatively short and healthy trees will swiftly recover. As such, during this first visit it was recommended that the tree was monitored to see if any recovery occurred.
12. Having visited the tree a number of times since then, the expected recovery did not happen, and whilst some new needles have developed they were relatively small and not extensive enough to signify a significant recovery. It is considered that the tree is currently in poor health
13. From observation it is considered that the most likely cause of the needle dieback is due to a loss of root function, rather than any external causes such as climatic conditions. It is likely that the loss of root function has been caused by fungal infection that has served to decay the roots.
14. Overall it is now considered that the tree will not make a full recovery and will remain a specimen with a poor appearance and is likely to die within the next 5 years or so. It is considered that the amenity of the area would be best served by the felling and replacement of the tree.

CONCLUSION

15. It is considered that the tree is suffering from a loss of root function, probably caused by fungal infection. Overall it is considered that the tree is likely to die in the next 5 years. As such the long term amenity will be best served by the removal and replacement of the tree
16. On balance, it is considered that the application should be approved.

RECOMMENDATION

17. It is recommended that application is APPROVED for the reasons set out below.

Conditions and/or reasons:

1. The tree works subject of this consent shall be carried out in accordance with British Standard BS 3998:2010 'Recommendations for Tree work'.
2. A replacement tree shall be planted between the beginning of November and the end of March, within 1 year of felling (and replanted if necessary) and maintained until satisfactorily established. The size at planting shall be no less than 1.8 to 2.5 metres tall. The species and the location of the replacement tree shall be agreed in writing with the Local Planning authority prior to the felling of the trees to which this application relates.



Graveyard

PARKDALE

HALL STREET

PCs

222.8m

Police Station

GOSPEL END STREET

223.1m

T1

218.5m

The Mount

211.8m

Sub Sta

Works

AVINGTON CLOSE

WILKES CROFT

97

FEREDAY'S CROFT

PLANNING APPLICATION NUMBER: P13/1443

Type of approval sought	Full Planning Permission
Ward	Halesowen South
Applicant	Mr A. Ross
Location:	131, HOWLEY GRANGE ROAD, HALESOWEN, B62 0HT
Proposal	PART A: FRONT CANOPY ROOF (RETROSPECTIVE) PART B: PROVISION OF DECKING IN REAR GARDEN (RETROSPECTIVE)
Recommendation Summary:	SPLIT DECISION AND ENFORCE

SITE AND SURROUNDINGS

1. The application site is a semi-detached dwelling occupying a plot of 292m² and is set within a well established residential area. The application property has a completed two storey side extension, single storey rear extension and front canopy. To the rear of the property is an area of raised decking forming a patio.
2. The application site is bound on both sides by residential dwellings. To the north is number 129 Howley Grange Road, the adjoining semi detached dwelling. To the south is number 133 Howley Grange Road, a semi detached dwelling with a converted garage abutting the application site boundary.

PROPOSAL

3. This application seeks retrospective approval for the front canopy roof and rear decking.
4. The front canopy roof as constructed is a deviation from that approved under the previously approved application P11/0770. The canopy as built is larger and stretches across the entire front elevation, including that of the two storey side extension. It is hipped at each end and has a forward facing gable feature. This

forward facing gable projects forward of the rest of the canopy and is supported by wooden support beams which have a natural finish.

5. The decking is sited to the rear and forms a patio. It is 0.5m in height with steps down to the remaining garden area. It has a balustrade of 0.85m

6. Given the above the description of proposed works is as follows:

Part A: Front canopy roof (Retrospective)

Part B: Provision of decking in rear garden (Retrospective)

HISTORY

- 7.

APPLICATION	PROPOSAL	DECISION	DATE
P11/0770	Two storey side extension and single storey side/rear extension following demolition of existing side extension. New canopy roof to front elevation.	Approved with Conditions	22/08/2011

PUBLIC CONSULTATION

8. No representations received, following consultation with 9 adjoining neighbours.

OTHER CONSULTATION

9. None required

RELEVANT PLANNING POLICY

10. Saved Unitary Development Plan Policies (2005)
- DD4 – Development in Residential Areas

11. Supplementary Planning Guidance

- Planning Guidance Note (PGN) 12 – The 45 Degree Code
- Planning Guidance Note (PGN) 17– House Extension Design Guide (1997)
- Parking Standards (2012)

ASSESSMENT

12. Key issues.

- Impact on visual amenity and character of the area
- Residential amenity

Impact on the visual amenity and character of the area

13. The decking is not visible within the street scene. From the rear the decked area is characteristic of a domestic dwelling and is only 0.2m in higher than that which could be constructed under permitted development rights. In this regard the decking is considered to be in accordance with the requirements of saved Policy DD4 of the UDP (2005).
14. The canopy roof is larger than that approved under planning application P11/0770. It projects out further onto the driveway as well as being higher to the pitch and is of a varying design. The canopy is not considered to be characteristic within the street scene. The area has examples of modest front alterations to dwellings including canopies, very similar in design to that which was approved under the previous planning application (P11/0770).
15. It is considered that the scale and design of the extension as built is not characteristic of the host property and appears overly large upon the front elevation. In addition the large timber pillars draw no reference from the main dwelling house and appear out of place.
16. As a result of the above the canopy is considered to detract from the street scene and host dwelling being an incongruous addition. The development would therefore be contrary to, in terms of visual considerations, saved Policy DD4 of the adopted UDP and the provisions in PGN17.

Residential amenity

17. The decking to the rear is not considered to have any impact on the residential amenity of neighbouring occupiers. The height is considered appropriate in order to not result in excessive overlooking and therefore loss of privacy. The decking therefore complies with saved UDP Policy DD4 and PGN17, in terms of protecting the amenity of neighbouring occupiers.
18. The canopy roof has no detrimental impact on neighbouring amenity. The use of a hipped roof finish ensures that the forward facing habitable roof windows to both neighbouring properties would not suffer detrimentally from loss of light. The canopy therefore complies with saved UDP Policy DD4, PGN12 and PGN17, in terms of protecting the amenity of neighbouring occupiers.

CONCLUSION

19. The decking is acceptable in terms of design and residential amenity. The canopy however due to scale and design is considered as an incongruous addition to both the host property and the street scene.

1st RECOMMENDATION

20. Part A – Front canopy roof (Retrospective) is REFUSED for the following Reason:

The canopy roof is an incongruous addition to the host property and street scene being overly large and of an inappropriate design to the detriment of the dwelling and wider area contrary to the requirements of saved UDP Policy DD4 - Development in Residential Areas (2005), and Planning Guidance Note 17 (1997).

Part B - Provision of decking in rear garden (Retrospective) be APPROVED.

2nd RECOMMENDATION

21. Enforcement action is sought.

Informative

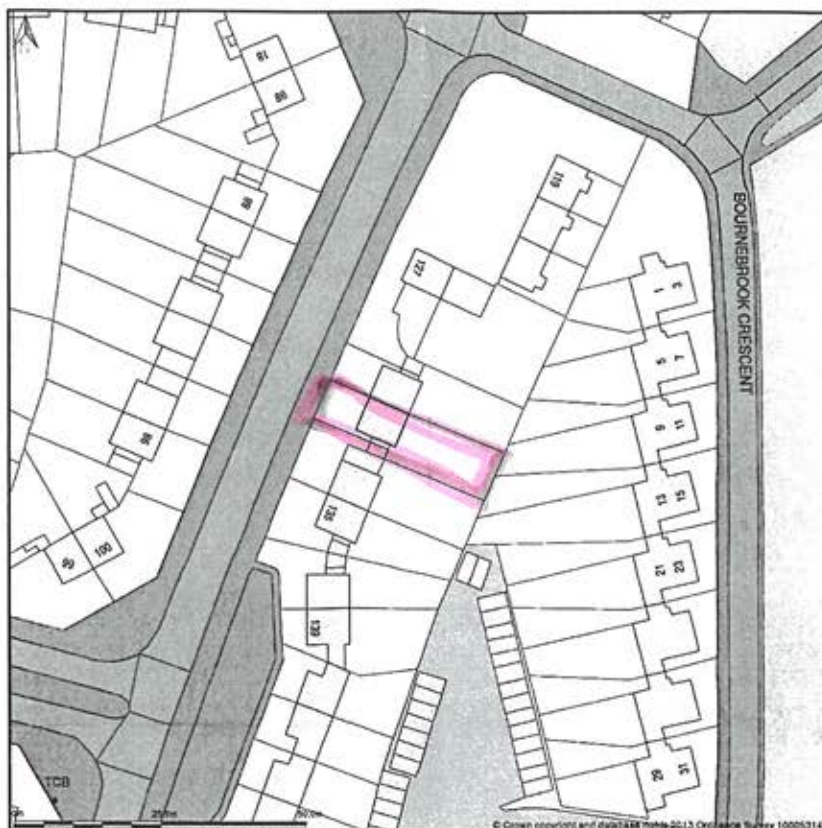
Part A of proposed works

The local planning authority is aware of the requirement of paragraph 186 and 187 in the National Planning Policy Framework to work with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application. In this case, after careful balanced consideration the Local Planning Authority considers that there are insurmountable design issues that have not been satisfactorily resolved to demonstrate that the scheme would result in the creation of a sustainable form of development and thereby failing to improve the economic, social and environmental conditions of the area.

Part B of proposed works

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

131 Howley Grange Road, Halesowen, B62 0HT



Site Plan shows area bounded by: 399079.02,283955.36 399220.44,284096.78 (at a scale of 1:1250) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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[illegible]

A hand-drawn floor plan of a rectangular room. The room is oriented horizontally. The top wall is labeled "FRONT" and has a door on the right side. The bottom wall is labeled "REAR WALL" and has a door on the left side. The left wall is labeled "SIDE WALL" and has a door on the left side. The right wall is labeled "SIDE WALL" and has a door on the right side. The dimensions are given as 850m x 1100m. The drawing is on a grid background.

1800mm Zoning

800mm Reluctance

800mm

Step and Access

Turnout Landing

KOL BUDHAN SHADY

GATEWAY BUILDING (1100)

850mm

1050mm

BOUNDARY WALLING TO FRONT

BOUNDARY WALLING

REVISION 28.9.71
R ANDERSON

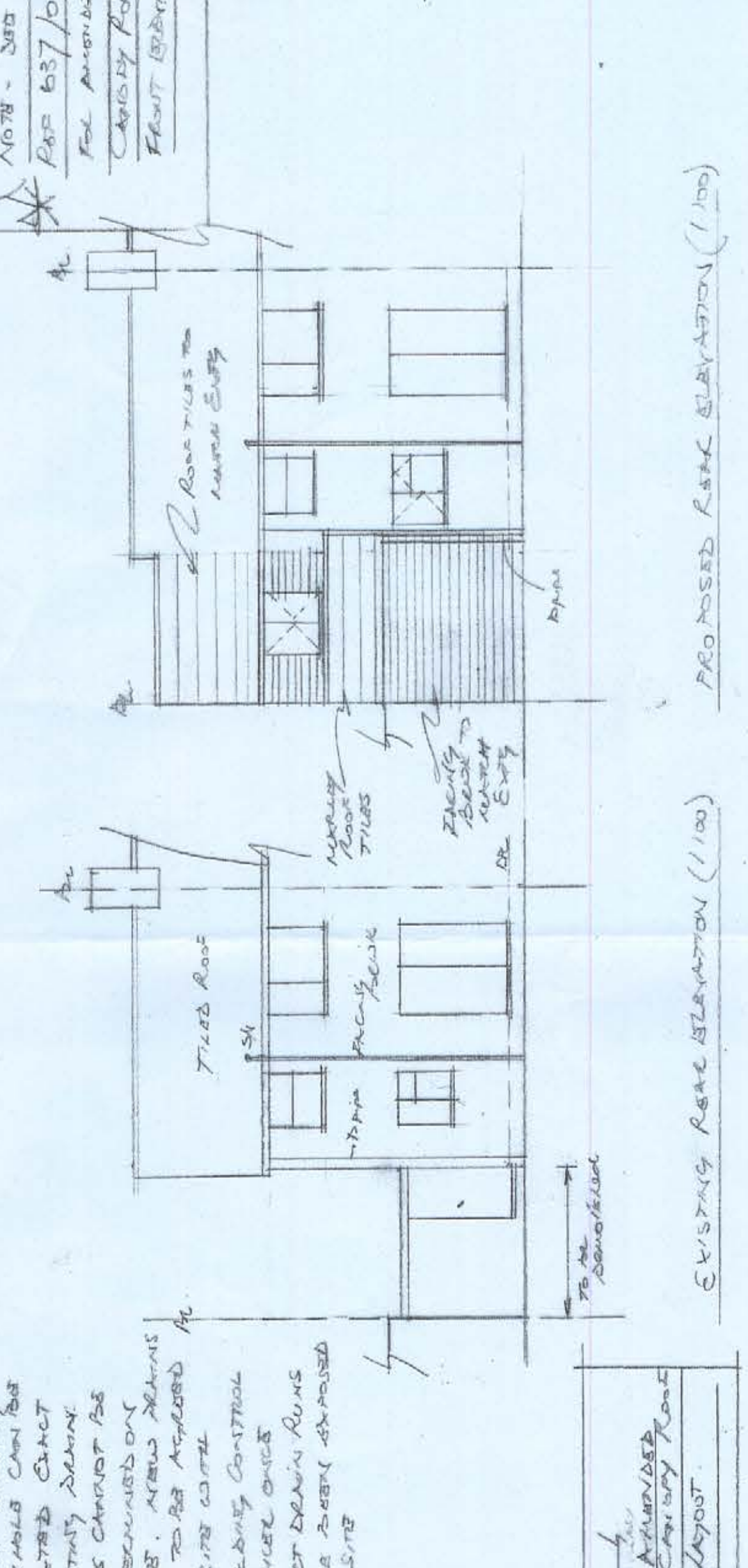
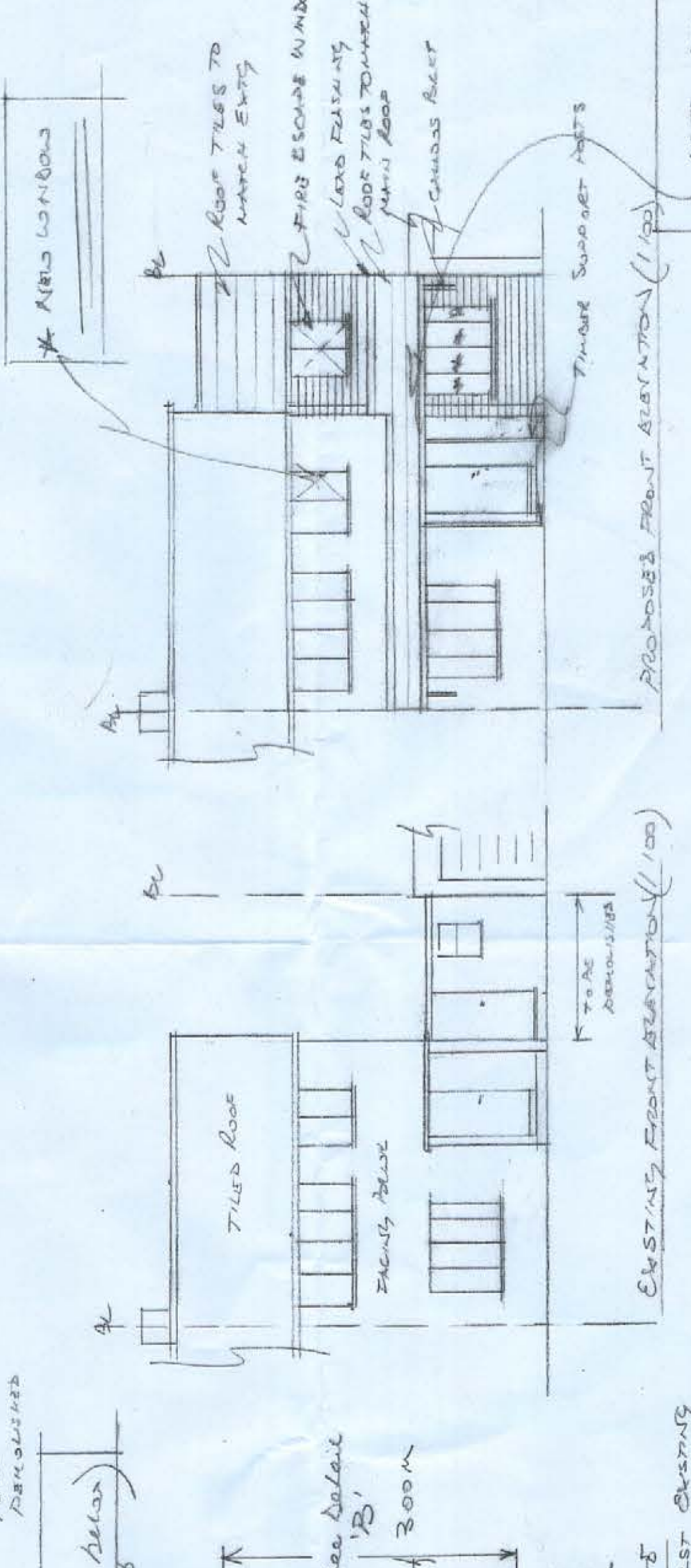
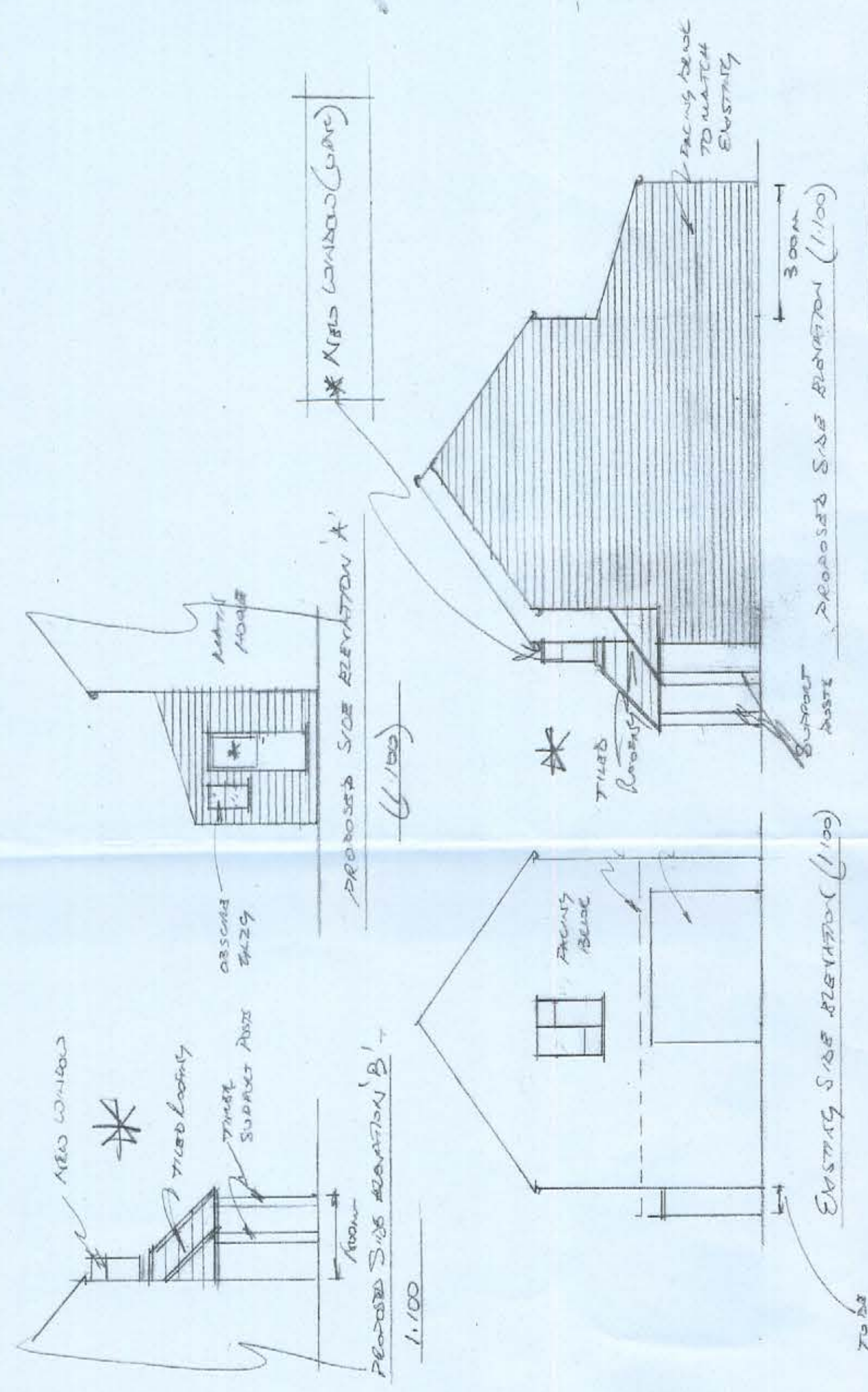
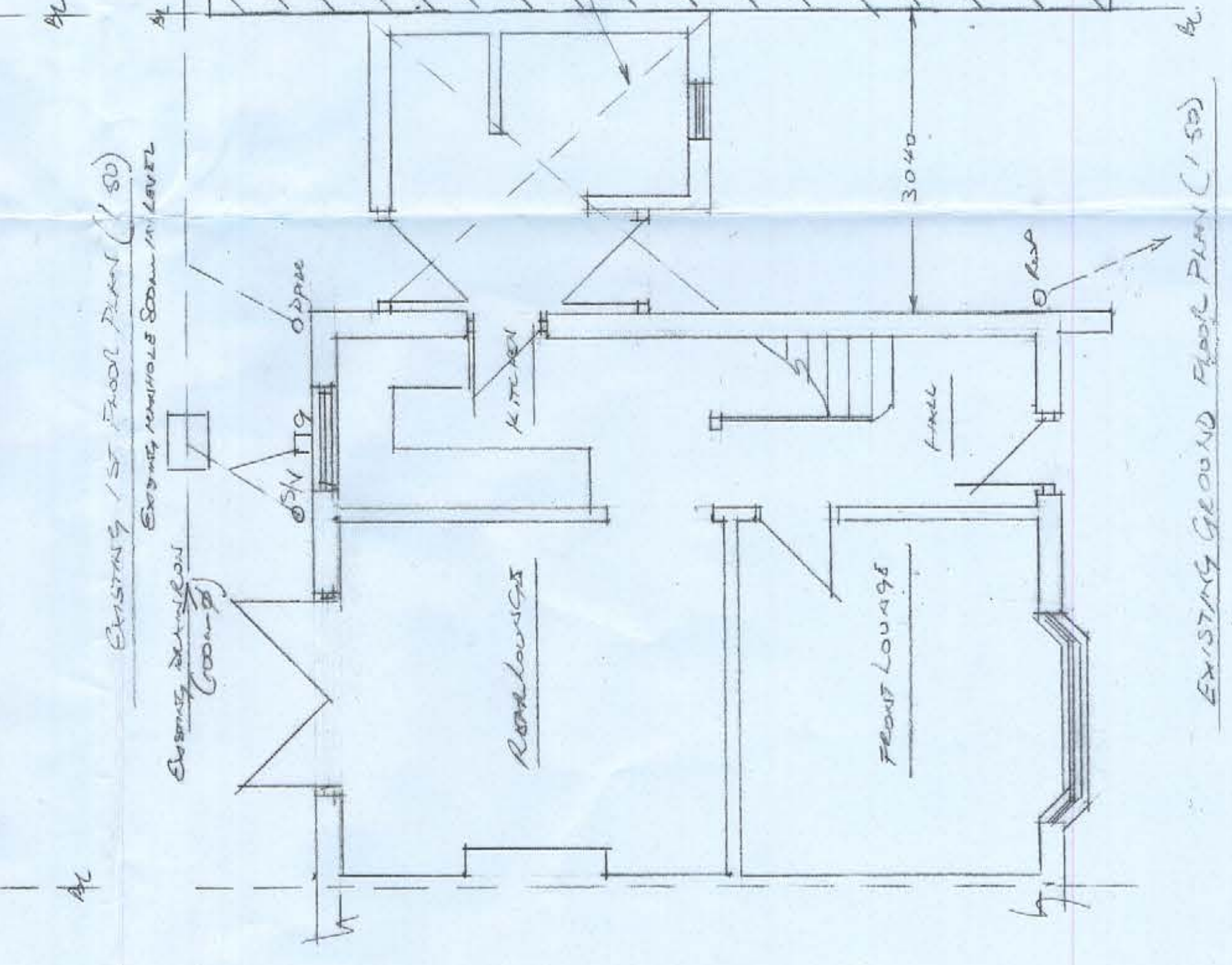
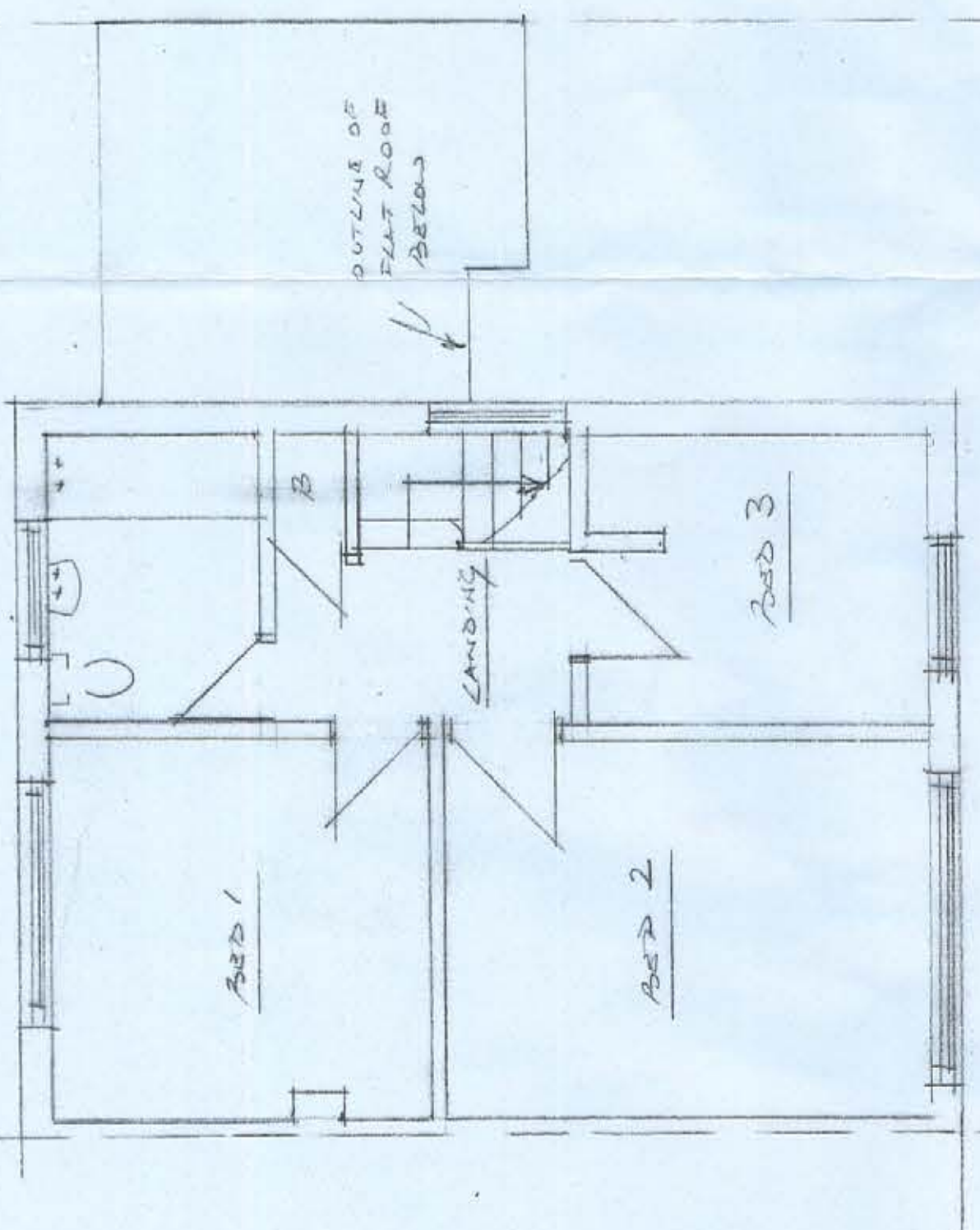
ROOF TILES AS PER
MAIN ROOF

NEED TO ADD A
"MOSBY FLOWER" TREE

104

PROPOSED EXTENSION WORKS
AT: 131 HOWLEY GRANGE RD,
HALESOWEN, B62 0HT
FOR MR A. ROSS
REF CHS/637/01
JUNE 2011

* AMENDMENT 02 TO B - TO B3 READ
IN CONJUNCTION WITH CHS/637/03
- AMENDED CANNY ROOF AT FRONT, ALSO
UPSTAIRS (CONSIDER TO FRONT ELEVATION), REAR
GARDEN DECKING & ROUGHLY CHALKING TO FRONT GARDEN



PROPOSED GROUND FLOOR PLAN (1:50)

PLANNING APPLICATION NUMBER:P13/1448

Type of approval sought	Full Planning Permission
Ward	Pedmore and Stourbridge East
Applicant	Mr N Shipley
Location:	8, REDLAKE DRIVE, PEDMORE, STOURBRIDGE, DY9 0RX
Proposal	SINGLE STOREY FRONT, SIDE AND REAR EXTENSIONS (FOLLOWING DEMOLITION OF EXISTING UTILITY ROOM AND CARPORT) WITH RAISING OF THE ROOF AND ALTERATIONS TO THE ROOF-SPACE TO CREATE HABITABLE ROOMS AT FIRST FLOOR LEVEL
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site measures 1567m² and the property is a detached pitched roof bungalow built in the late 1970s. The bungalow features a central front gable and also benefits from a car port and garage projection to the front. The bungalow itself is set well back from the highway (25m) and positioned within a large plot.

2. No. 6 Redlake Drive is positioned to the north of the application site and set 10m further forward within the street than the garage projection. No. 10 Redlake Drive is located to the south and is similar in size and design to the application site. Abutting the rear of the site are Nos. 14 Walnut Close and No. 15 Tye Gardens. To the front is No. 5 Redlake Drive and the playing field of Pedmore Church of England Primary School.

3. The property is located within a predominantly residential area with a fairly mixed street scene. This property is set within a row of pitched roof bungalows, with many varying in design to the application property. This part of the street has a very staggered building line.

PROPOSAL

4. This proposal seeks approval to raise the roof of the original bungalow and extend it by way of front, side and rear additions. This development would provide an enlarged garage with utility and boot room, an enlarged kitchen, bedroom, living room and dressing room at ground floor. Habitable rooms would also be provided in the roof space; this would consist of two further bedrooms with en-suite bathrooms and a storage area.
5. The amended plans show that the roof would be raised by a maximum of 0.8m to create a ridge height of 6.3m at a maximum. This has been reduced by 0.2m from the originally submitted plans.
6. The existing car port would be converted into a habitable room and the garage would be extended by 5m to the front. This element of the proposal would also extend 1m to the side. The amended plans show that this part of the proposal would have a flat roof measuring 2.7m in height. This part of the proposal has been reduced in scale and the height has been reduced by 2.3m.
7. The bungalow would be extended to the rear. The rear elevation would be staggered and would project a maximum of 4m past the original rear elevation (5.85m to the canopy roof) and 1.8m past the side elevation.
8. The front projection on the southern side would have a projection of 2m and would be 4.6m in width with a 4.1m high hipped roof.
9. The fenestration would also be altered on the bungalow.

HISTORY

10. This property has no previous relevant applications.

11. Direct notification was carried out to five surrounding properties and a site notice displayed to advertise the proposal. There have been five written representations received which are objecting to the scheme; the latest date for receipt of comment was 12th December 2013.

12. The objections were based on the following material planning considerations:

- The property would no longer be a bungalow and all properties in this area of the road are single storey bungalows;
- The expanse of roof space would be out of proportion and the bungalow would be incompatible with its neighbours; the property would dwarf over its neighbours;
- The proposal would set a precedent for this type of work which would impact on the character of the area;
- The design lacks architectural merit and would encourage other blank facades within the street;
- No. 6 would have the outlook of a long blank wall with a large area of pitched roof;
- The possible impact or loss of trees;
- Impact on daylight provision and overshadowing to No. 6 (the kitchen / diner);
- Impact on privacy – for Nos. 6, 10 and 12 Redlake Drive from the proposed first floor windows;
- The proposal would represent over-development of the plot;
- The additions would be large and would double the size of the bungalow, extending it in all ways;
- 4 covered parking spaces seems excessive.

13. Other non material planning considerations such as possible damage to nearby properties and possible disturbance from the works as well as impact on non-habitable rooms has also been mentioned.

14. A further 7 day notification period was provided for neighbouring occupiers to comment on the amended plans.

OTHER CONSULTATION

Tree Preservation Officer: No objections subject to the suggested condition.

RELEVANT PLANNING POLICY

Saved Unitary Development Plan Policies (2005)

- DD1 - Urban Design
- DD4 - Development in Residential Areas
- NC10 – Urban Forest

Supplementary Planning Documents / Guidance

- Parking Standards SPD (2012)
- PGN 17. House extension design guide
- PGN12 45 Degree code guidelines

ASSESSMENT

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

16. The key issues are

- Design
- Impact on the protected trees
- Neighbour Amenity
- Access and Parking

Design

17. Policy DD4 of the saved UDP states that extensions to residential dwellings will be allowed provided they do not adversely affect the character of the area or residential amenity. The proposed roof would be 0.8m higher than the existing. This raising of the roof of the original bungalow would not be considered as excessive in overall size and height considering the mixed street scene; this has been illustrated by the submitted street scene drawing. Although the bungalow currently matches the height of the adjacent bungalow, No. 10 Redlake Drive, as the street scene consists of bungalows of varying size, with some nearby properties featuring rooms within the roof, such as Nos. 3 and 4 Redlake Drive, this would be considered as acceptable in this location.
18. The proposed hipped roof would differ from the existing pitched roof however, there is one hipped roof property nearby, No. 3 Redlake Drive, and the surrounding dwellings are all of a mixed design. In addition the hipped design of the roof would also help to limit its visual impact.
19. The proposal would be considered to be in keeping with the mixed character of the surrounding area. Although the adjacent property, No. 10 Redlake Drive, is of a similar design to the application property, roof additions are not wholly out of place within the mixed street scene. Due to the set back from the highway to the front the roof proposals would not be overly prominent and the bungalow would not be considered to be an incongruous addition within the mixed street scene.
20. The overall size and height of the alterations to the bungalow would not be classed as subservient to the original bungalow. However, due to the position of the bungalow within the mixed street scene and the principle of rooms within the roof-space being acceptable due to other properties with this arrangement the proposal would be acceptable. It is considered there would be no detrimental impact on the appearance of the property or street scene as a result.
21. The proposed rear extensions would be fairly large in size and would add a significant level of foot-print. However, the amended plans have reduced the

additions to an acceptable size, which would not be significantly larger than the projection that could be achieved under permitted development rights.

22. The front addition on the southern side would be fairly modest in overall size and design and would relate to the proposed hipped roof and amended fenestration design on the front elevation.

23. The principle of a front addition on the northern side of the bungalow is acceptable due to the very staggered building line and screening provided by the adjacent property, No. 6 Redlake Drive. The reduced height and amended design of the front extension would now be acceptable and would not dominate over the original property.

24. The general modernisation and fenestration alterations would be acceptable in terms of the mixed character of the surrounding area.

25. The overall size of the extensions would be fairly large but based on the position of the property within a mixed street scene with individually designed properties surrounding the principle of the raising of the roof and rear / side / front additions would be acceptable.

26. The proposed extensions would be acceptable on this property and would not impact significantly on the appearance of the host property or mixed street scene. In these respects the proposal complies with saved UDP Policy DD4 – Development in Residential Areas of the saved UDP (2005) and PGN 17 – House Extension Design Guide.

Impact on the protected trees

27. The property benefits from several protected trees within close proximity to the front addition. However, the separation distance of the proposal would be considered as acceptable and the development would not impact on the health of the protected trees. The Tree Preservation Officer has no objections subject to the suggested

condition and the proposal would comply with Policy NC10 of the saved UPD (2005).

Neighbour Amenity

28. There would be no significant impact on residential amenity for the occupiers of No. 10 Redlake Drive. The proposed rear and front extensions would not breach the 45 degree code guidelines and the raising of the roof would not be significant enough to impact on amenity considering its location directly to the side of the property. As such, the proposals would have no impact on daylight provision or outlook for the occupiers. The proposed side facing windows are high level and could be conditioned to be obscurely glazed to ensure no impact on privacy from the additions. None of the proposed windows within the roof would impact on privacy for the occupiers.
29. There would be no significant impact on daylight provision or outlook for the occupiers of No. 6 Redlake Drive as the amended plans have reduced the size of the front / rear/ side addition to an acceptable overall size and height. Due to the reduced width and projection of the rear / side extension, combined with the 3.2m set off the boundary and the hipped roof design, the extensions to the main bungalow would not have a significant impact on daylight provision or outlook for the occupiers to the main rear facing kitchen / dining room window. The removal of the hipped roof and reduction in height of the front garage projection has also reduced the potential for any impact on the occupiers of No. 6. Although there are two additional kitchen windows on the side elevation these are in the same room as the main rear window and would be classed as ancillary so would not be afforded the same protection as the rear facing window. The proposed first floor side facing windows would be obscurely glazed and high level to ensure there would be no impact on privacy for the occupiers of No. 6 Redlake Drive.
30. All other properties would be located at in excess of 22m from the proposed works or not in direct line of sight so would suffer no impact on amenity as a result of the proposals.

31. It is considered that there would be no demonstrable harm to the occupiers of neighbouring properties in terms of loss of light, outlook or privacy as a result of the amended proposal. The proposal therefore complies with saved Policy DD4 – Development in Residential Areas, PGN 12 – The 45 Degree Code - and PGN 17 – House Extension Design Guide.

Access and parking

32. There would be an additional parking requirement as a result of the proposal but a satisfactory level of parking would be provided on-site and safely off the highway. Taking into account the parking provision at the property the proposal would comply with the minimum standards of the Parking Standards SPD (2012) and Policy DD4 of the saved Unitary Development Plan (2005).

CONCLUSION

33. It is considered that the roof addition (as amended) with front / side and rear additions would be acceptable in terms of size and design considering the mixed street scene and staggered building line. There would be no detrimental impact on the character of the surrounding area.

34. It is considered that there would be no impact on residential amenity for any surrounding properties due to the orientation of the properties, separation distances and reduced size of the proposals where adjacent to the boundary. The additions would have no significant impact on daylight provision or outlook for neighbouring occupiers. The proposed windows would also not impact on privacy due to the position within the roof and a condition to ensure the windows are obscurely glazed.

35. The proposal would increase the parking requirement of the property but sufficient space would be provided on-site for the development.

36. The development therefore complies with saved UDP Policy DD4 (Development in Residential Areas) and PGN 17 (House Extension Design Guide).

RECOMMENDATION

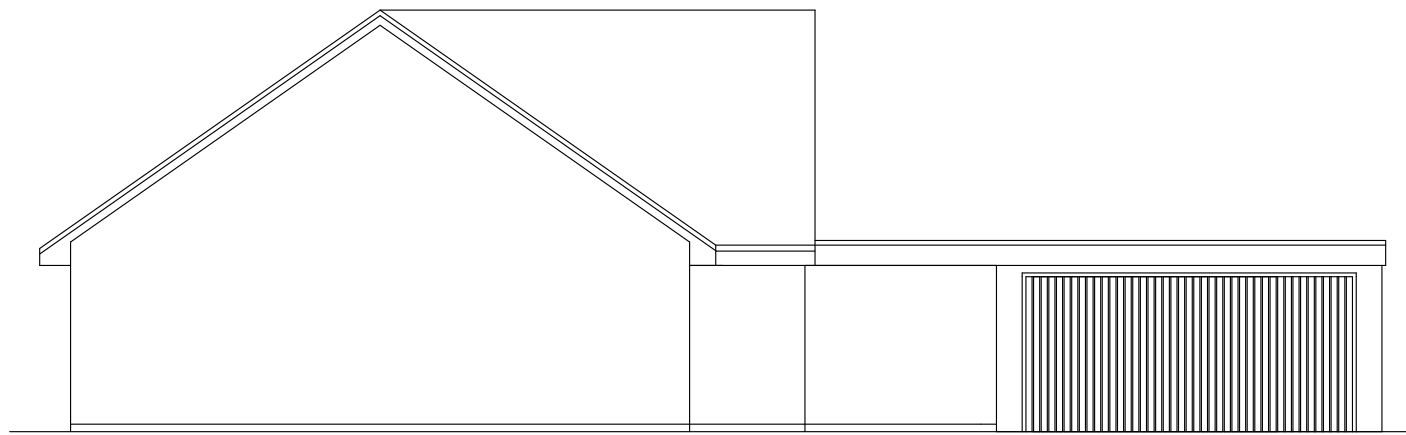
It is recommended that the application is APPROVED subject to the following conditions and receipt of no further objections raising additional material planning considerations by the 12th December 2013:

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the details shown on plan labelled '1351.02 rev B'
3. The materials to be used in the approved development shall match in appearance, colour and texture those of the existing building unless otherwise agreed in writing with the Local Planning Authority.
4. No development shall take place until there has been submitted, and approved in writing by the Local Planning Authority details of the tree protection measures on site. The agreed tree protection measures shall be erected / installed prior to the commencement of the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) and shall not be taken down moved or amended in any way without prior written approval of the Local Planning Authority. The tree protection details shall include:
 - a. A plan showing the location and identification (with reference to a survey schedule if necessary) of all trees on, or directly adjacent to the development site, that are to be retained during construction. These trees are to be marked with a continuous outline.
 - b. A plan showing the location and identification (with reference to a survey schedule if necessary) of all the trees on, or directly adjacent to the development site that are to be removed prior to, or during development. These trees are to be marked with a dashed outline.
 - c. A plan showing the extent of the Root Protection Area, which is to be protected by physical barriers during development. The extent of the area that is to be protected will be calculated in accordance with Clause 4.6 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction-

Recommendations'.

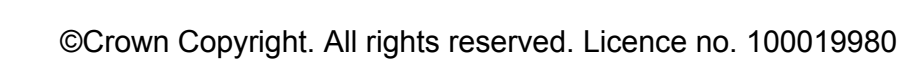
- d. Design details of the proposed protective barriers and ground protection to be erected around the trees during development. Any protection barriers should be designed and constructed in accordance with the provisions set out in section 6.2 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction- Recommendations'.
- 5. The first floor roof windows to be inserted into the northern elevation of the building hereby approved shall be obscurely glazed for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.
- 6. No additional openings shall be formed in the northern or southern elevations of the dwelling without the prior written approval of the Local Planning Authority.



EXISTING SIDE ELAVATION



EXISTING SIDE ELAVATION



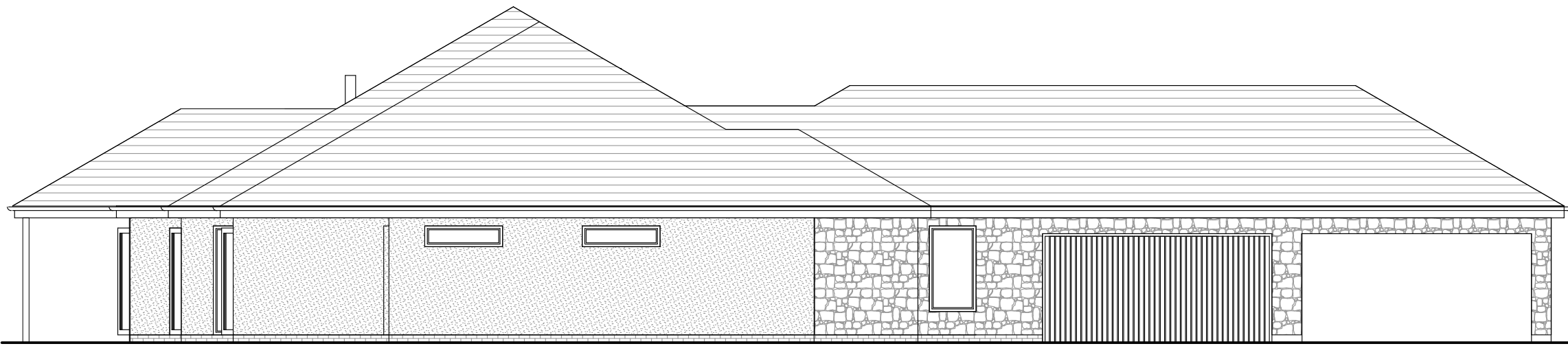
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PROPOSED EXTENSION AND ALTERATIONS
8 REDLAKE DRIVE
PEDMORE
WEST MIDLANDS
DY9 8OX

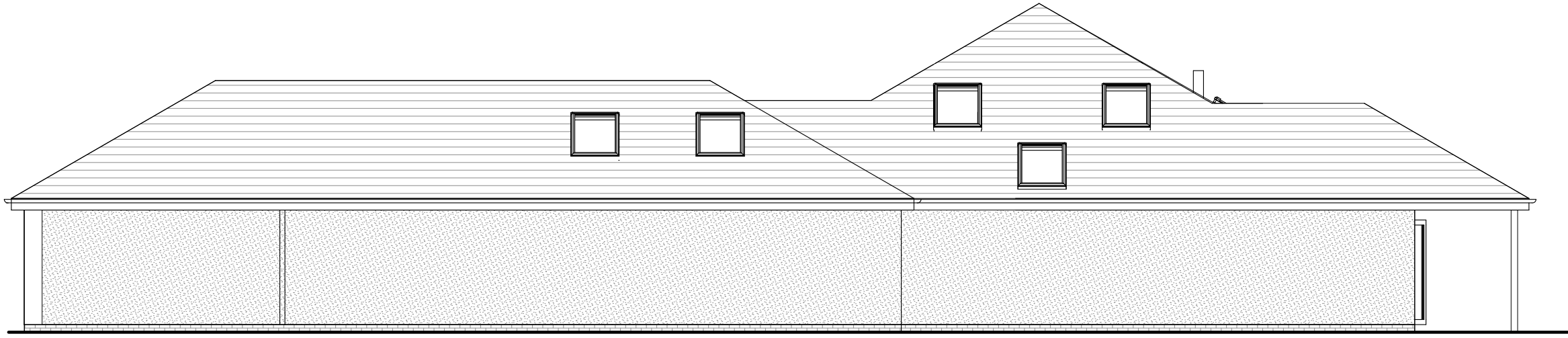
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PROPOSED FRONT ELVATION



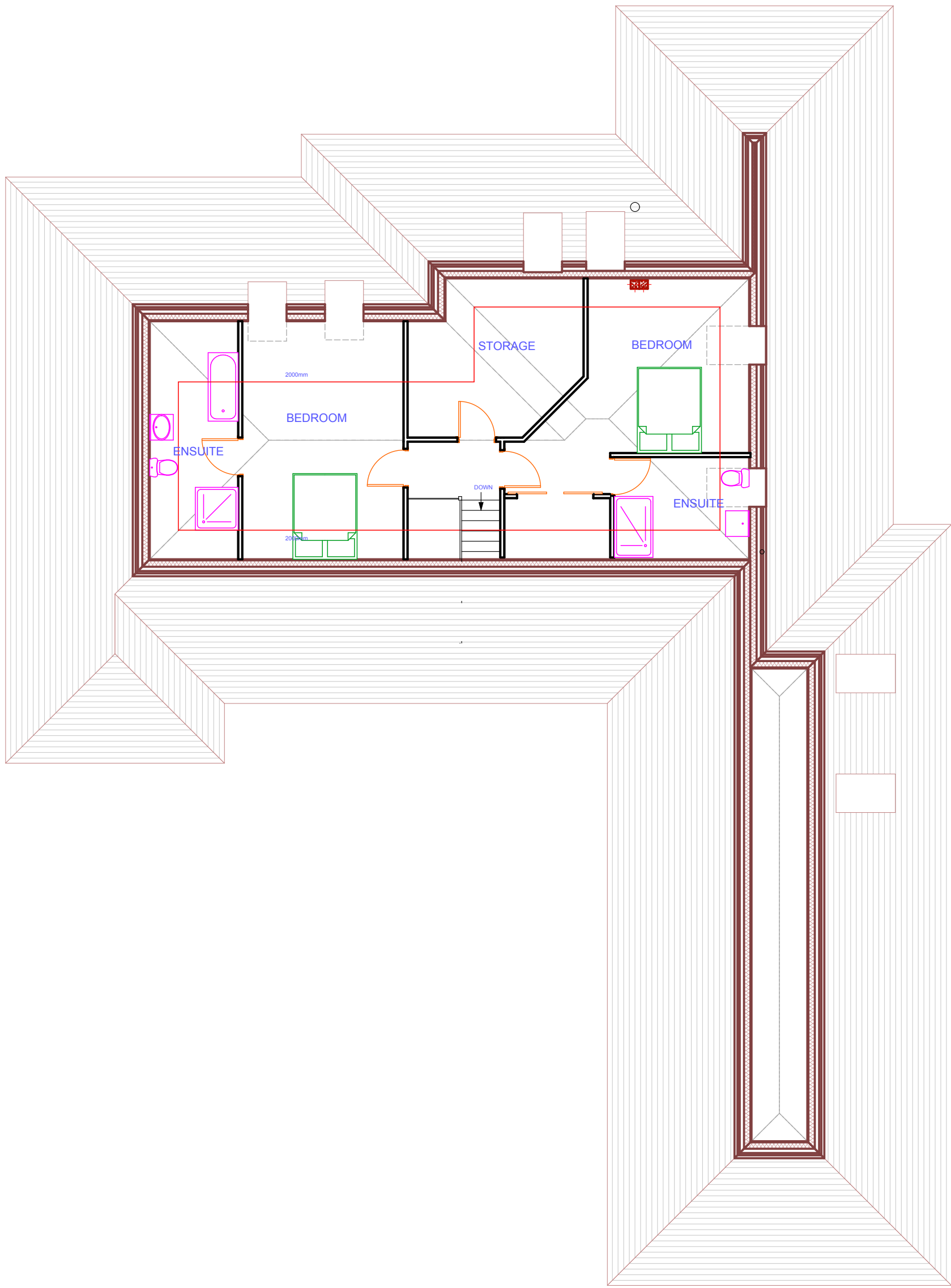
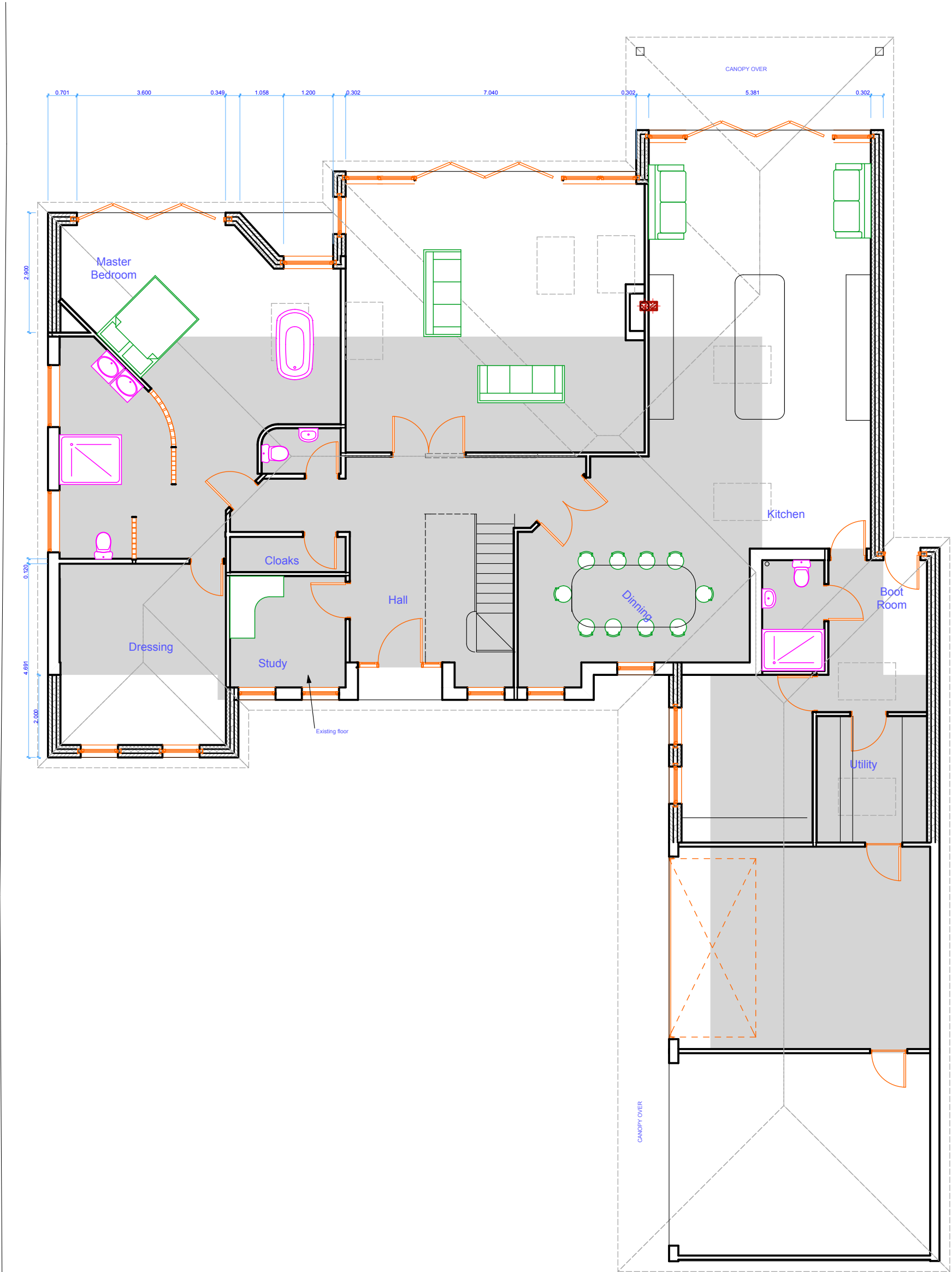
PROPOSED SIDE ELVATION



PROPOSED SIDE ELVATION



PROPOSED REAR ELVATION



rev	a	Title revised	24-10-2013
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202 Spies Lane, Halesowen, West Midlands, B62 9SW Tel: 0121 602 6581 Fax : 0121 602 6586 Mobile: 07973 663290 Email: tdfdesign@aol.com			
PROPOSED EXTENSION AND ALTERATIONS 8 REDLAKE DRIVE PEDMORE WEST MIDLANDS DY9 8OX			
Drawing No	1351.02	Date	OCT 2013
Scale	1:100	Drawn	MF

PLANNING APPLICATION NUMBER:P13/1453

Type of approval sought	Full Planning Permission
Ward	Pedmore and Stourbridge East
Applicant	Mr M. Doveston
Location:	36, SWINDELL ROAD, PEDMORE, STOURBRIDGE, DY9 0TJ
Proposal	SINGLE STOREY STORAGE SHED IN REAR GARDEN (RETROSPECTIVE)
Recommendation Summary:	REFUSE AND ENFORCE

SITE AND SURROUNDINGS

1. The site is located within a 1950's housing development which is within a predominantly residential area. The site contains a detached pitched roof dwelling that has a long garden extending just over 29m.

PROPOSAL

2. Retrospective planning permission is sought for a single storey rear garden shed. It is a timber structure with uPVC windows in the front elevation and concrete roof tiles. It measures 3.7m wide, has a depth of 3.1m and a ridge height of 3.3m. It is located in the extreme south eastern corner of the garden close to but not overhanging the rear garden of the adjacent dwellings.

HISTORY

3. Relevant history

APPLICATION	PROPOSAL	DECISION	DATE
SB/68/160	Extension to form dining room	Approved	29/05/1968
P12/0782	Two storey side extension (following demolition of garage). Single storey rear and front extensions	Approved	29/08/2012

PUBLIC CONSULTATION

4. Five notification letters have been sent directly to nearby and adjacent dwellings. Two letters of objection have been received to the application which make the following points:
- It projects 6 feet above a 6 feet high fence. From my garden level it is 12 feet high;
 - In close proximity to my property (approx 12 feet) leading to loss of light to my house and garden;
 - The building is more obtrusive than necessary for a garden shed. It has a pitched tiled roof and guttering. It has windows and doors similar to those for a small residence which make it look more like a chalet than a shed;
 - It is large and dominant when viewed from bedroom windows and is much higher and larger than any other sheds in neighbouring gardens

RELEVANT PLANNING POLICY

5. National Planning Policy Framework (2012)
Paragraph No. 56 states that good design is a key aspect of sustainable development.
6. Black Country Core Strategy (2011)
ENV2 - Historic Character and Local Distinctiveness
7. Saved Dudley Unitary Development Plan Policies (2005)
Policy DD1 – Urban Design

ASSESSMENT

Key Issues

- Design and Appearance
- The impact of the development on adjacent residents

Design and Appearance

8. The garden shed is constructed with horizontal wooden boards and a pitched concrete tiled roof. There are two uPVC windows in the front elevation on either side of a wooden entrance door. In appearance, the choice of materials, general design and the construction of the building are of a good quality. However, compared with other garden sheds nearby and, considering that it is only a storage shed, it does appear to be relatively tall.

Impact of the development on adjacent residents

9. Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) states that a building within 2.0m of the curtilage of a dwelling house cannot exceed 2.5m in height without the benefit of planning approval. This is to minimise the impact of development upon adjacent neighbours when a building is built in close proximity to the site curtilage.
10. In this case, the building has a height of 3.3m and is set within the extreme south eastern corner of the rear garden within inches of the site curtilage. To the rear the visual impact of this building is exacerbated by a number of factors:
 - the change in levels between the application site and the house directly to the rear (8 Wythwood Close) which is set at a lower level such that a significant proportion of the rear of the building is visible above the boundary fence;
 - 8 Wythwood Close is angled slightly towards the shed such that its side and rear elevation are in close proximity to the building;

- The shed can be readily viewed from the patio and particularly a side facing lounge window of 8 Wythwood Close which is within approximately 6.0m of the shed.

11. Taking these factors into account it is considered that the structure has an overbearing appearance when viewed from 8 Wythwood Close and is therefore detrimental to the residential amenity of the occupant of that dwelling.
12. An objection letter has also been received from the occupant of 1 Lightwoods Road citing the excessive scale of the building. However, whilst it is accepted that the building can be seen by other surrounding dwellings, it is considered that it is of sufficient distance to prevent an adverse impact upon habitable room windows and garden patios of other dwellings within the vicinity of the site.

CONCLUSION

- 13 The choice of materials and general design of the building are considered to be acceptable. However, the height of the development, in close proximity to the rear site boundary, gives the building an overbearing appearance when viewed from the adjacent dwelling 8 Wythwood Close which is set at a lower level and in close proximity to it. On this basis it is considered that the development would adversely affect the amenity of the occupants of that dwelling and would therefore not comply with National Planning Policy Guidance, Policy ENV2 of the Black Country Core Strategy and Policies DD1 and DD4 of the adopted Dudley Unitary Development Plan.

RECOMMENDATION

14. It is recommended that the application is REFUSED for the following reason:

2nd RECOMMENDATION

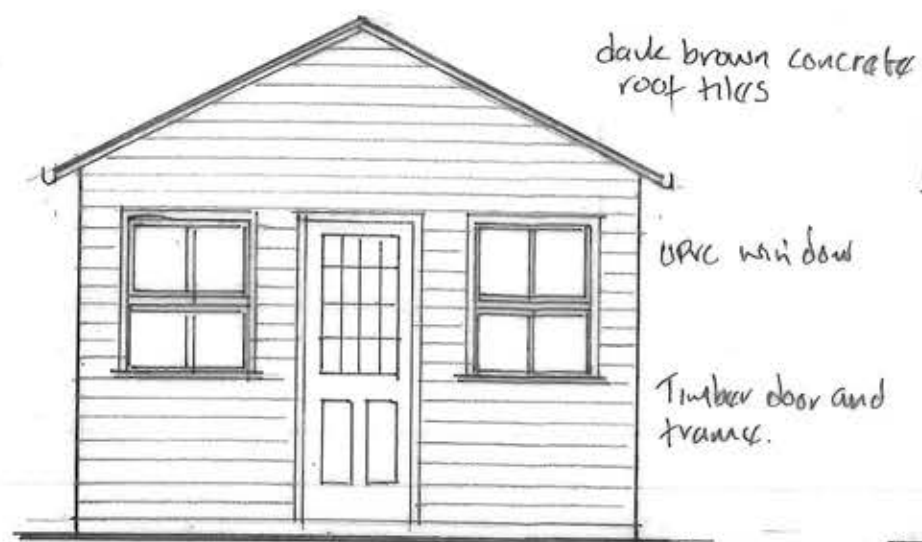
15. That Enforcement Action is authorised for the removal/relocation of the structure.

Conditions and/or reasons:

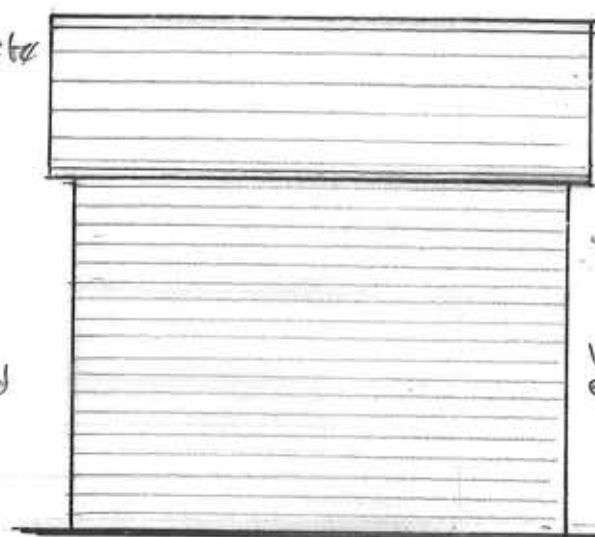
1. The height of the development, in close proximity to the rear site boundary, gives the building an overbearing appearance when viewed from the adjacent dwelling 8 Wythwood Close which is set at a lower level and in close proximity to the structure as such it is contrary to National Planning Policy Guidance, Policy ENV2 of the Black Country Core Strategy and Policies DD1 and DD4 of the adopted Dudley Unitary Development Plan.
2. That Enforcement Action is taken with respect to the structure which is the subject of this application.

P13/1453

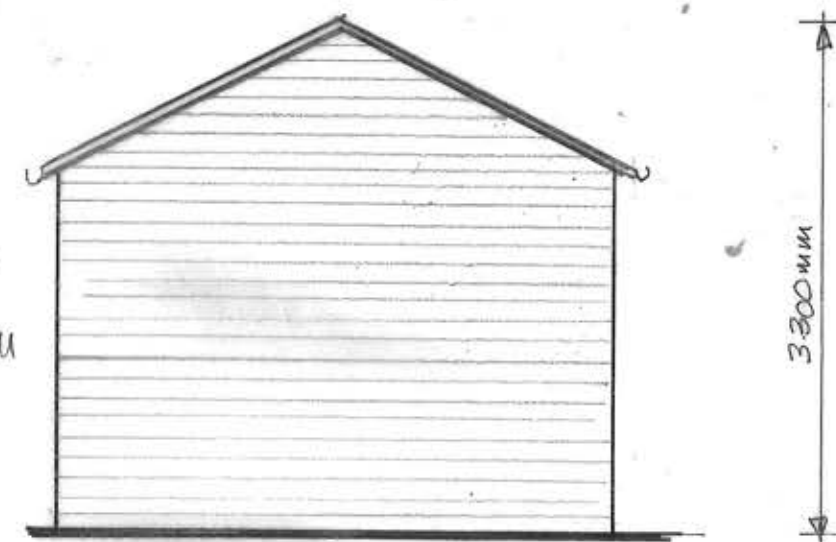




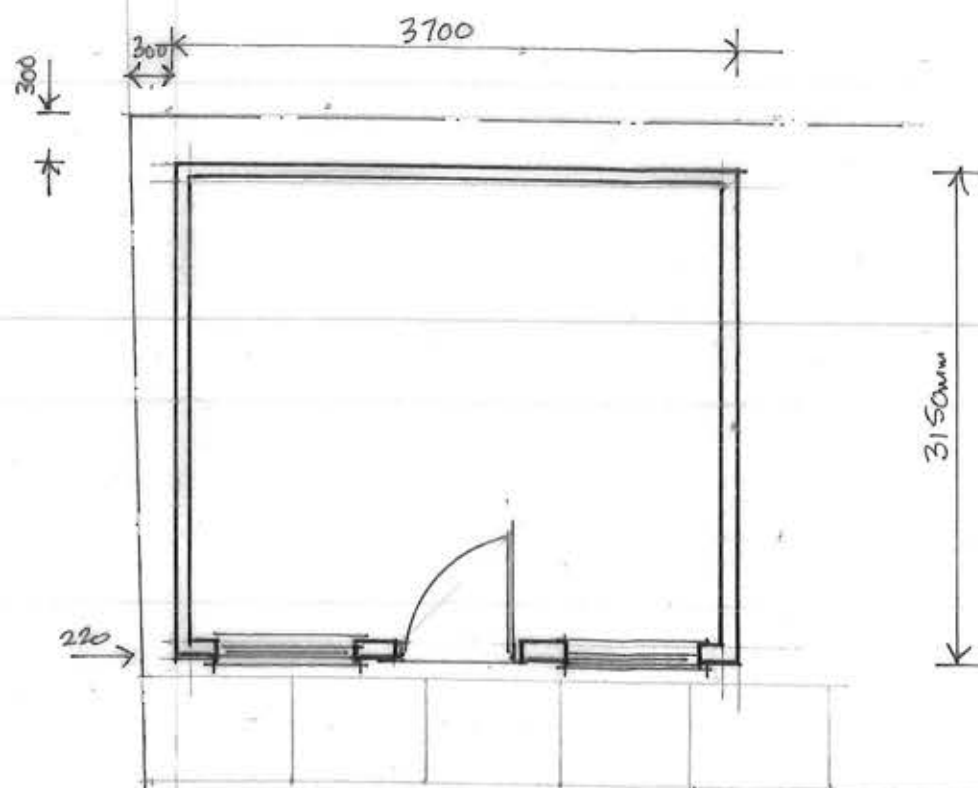
FRONT ELEVATION (FACING HOUSE)



SIDE ELEVATIONS



REAR ELEVATION.



PLAN

Client MR. M. DOVESTON	
Address 36, SWINDELL ROAD, PEDMORE, STOURBRIDGE DY9 0TS	
Project PROPOSED GARDEN SHED	
Scale 1:50	Drawn PJC
Dwg No 0015/13/01	Date OCT 2013

PLANNING APPLICATION NUMBER:P13/1562

Type of approval sought	Full Planning Permission
Ward	Cradley and Wollescote
Applicant	Mr Atif Taj
Location:	LAND ON BALDS LANE, LYE, STOURBRIDGE, WEST MIDLANDS
Proposal	CHANGE OF USE FROM B2 (GENERAL INDUSTRY) TO DISMANTLING AND STORAGE OF CARS (SUI-GENERIS) WITH ACCESS AND PARKING AND 2.4M HIGH WIRE GRILL FENCING TO BALDS LANE ELEVATION. ERECTION OF STORAGE/OFFICE UNIT AND PORTABLE WC (RESUBMISSION OF PART REFUSED APPLICATION P13/0620)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- The site was previously part of the curtilage of the adjacent company formerly known as “The Perkson Works”. It is roughly rectangular in shape and has a long frontage running north to south along Balds Lane. The site has an overgrown/unkempt appearance and is located within a mixed use area of industrial units and residential properties.

PROPOSAL

- The application is for a change of use of the site from B2 (general industry) to the dismantling and storage of cars (sui generis). It also comprises:
 - The construction of a single storey pitched roof storage unit measuring 6.0m wide with a depth of 5.0m located in the south-eastern corner of the site;
 - The installation of a portable toilet in the extreme south-eastern corner of the site adjacent to the new storage building;
 - Replacement frontage fencing 2.4m high with the retention of the existing access and egress gates;
 - Access and parking arrangements

3. The boundary of this site is the same as the previously considered application P13/0620. The location of the storage building and its size has however been amended and this has led to an amendment to the parking layout and an increase in the area for parking within the site. A portable wc has been added to the application. The fencing details have also been amended such that the existing palisade fencing would be replaced by wire mesh fencing. The existing gates would remain.

HISTORY

4. As part of a large industrial site there is a long site history, only the most recent planning history is therefore indicated below:

APPLICATION	PROPOSAL	DECISION	DATE
P07/0219	Erection of industrial unit with service yard and parking	Approved	29/03/2007
P08/0071	Erection of industrial unit with service yard and parking (resubmission of)	Approved	07/03/2008
P08/1342	Erection of B2/B8 unit	Refused at Appeal	27/07/2009
P13/0620	Part A: 2.4 m high palisade fencing and gates (retrospective) Part B: Change of use from B2 (general industry) to dismantling and storage of cars (sui generis). Erection of storage unit and access and parking.	Refuse Part A Approve Part B	06/08/2013

5. P13/0620 was given a split decision. The change of use, erection of a storage building and parking was considered to be acceptable. However, the retention of the 2.4m high palisade fencing and gates was refused for the following reason:

“The retrospective fencing and gates (Part A) would, by their height and design, have an overbearing, incongruous appearance in the street scene contrary to

PUBLIC CONSULTATION

6. The application has been advertised by means of ten letters which were sent to the occupants of adjacent commercial and residential properties.
7. One letter of objection has been received which states that it is a dangerous area to cross the road especially when there are children along the whole of Brook Street and there is a school which is located less than a mile away from the site. The objector contends that the granting of the application would put many children at risk as they are walking to and from school and this may also cause parents to choose a different route to walk to school.
8. A petition containing 38 signatures of support from local residents and businesses has been submitted with the application.

OTHER CONSULTATION

9. Group Engineer - Highways – The Highway Authority has no objections to the proposal, subject to a condition that requires the submission and agreement of a traffic management scheme, including signing and lining to control the one-way operation within the site.
10. Head of Environmental Health and Trading Standards - no objection in principle to the proposed change of use. The area is predominantly industrial in nature and the proposed use is unlikely to have a significant adverse impact on the noise climate of the area. However, as there are also existing residential properties close it is recommended that the operating/delivery hours are restricted to ensure that any noise arising from the premises does not occur at unsociable times. The supporting statement includes an intention to install a gas proof membrane under the new building. To ensure this is achieved a relevant standard condition is required.

11. The Environment Agency – no objection to the proposed development as submitted however the proposed change of use will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency. Under this legislation permitted sites should not cause harm to human health or pollution of the environment. The operator is required to have appropriate measures in place at the site to prevent pollution to the environment, harm to human health, the quality of the environment, detriment to the surrounding amenity, offence to a human sense or damage to material property. A meeting has been held with the applicant to discuss the requirements of the environmental permit, the permit application process and any issues likely to be raised.
12. The Coal Authority - the application site falls within the defined Development High Risk Area. Records indicate that the application site is likely to have been subject to past coal mining activities, which would include likely historic unrecorded underground coal mining at shallow depth. The proposed storage building does not appear to require substantial foundations or earthworks, and consequential loading placed on the ground by this building is likely to be less than for other forms of development. Therefore we do not consider that a Coal Mining Risk Assessment is necessary for this proposal and do not object to this planning application.

RELEVANT PLANNING POLICY

13. National Planning Guidance (2012)
The National Planning Policy Framework (NPPF) has replaced all of the previous Central Government Planning Policy Guidance. It sets out the planning policies for England and how they are expected to be applied. The document states that the “golden thread” running through both plan making and decision taking is a presumption in favour of sustainable development. In making decisions planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
14. Black Country Core Strategy (2011)
DEL1 Infrastructure Provision
Regeneration Corridor 13–Jewellery Line–Rowley Regis–Stourbridge

Junction

ENV3 Design Quality

EMP3 Local Quality Employment Areas

TRAN1 Priorities for the Development of the Transport Network

TRAN2 Managing Transport Impacts of New Development

15. Saved Dudley Unitary Development Plan Policies (2005)

Policy DD1 – Urban Design

Policy DD2 – Mixed Use

Policy DD4 – Development in Residential Areas

Policy EP7 - Noise Pollution

16. Supplementary Planning Documents/Guidance

Parking Standards (2012)

ASSESSMENT

Key Issues

- Background
- Storage building
- Access and Parking
- Fencing and gates

Background

17. The principle of the change of use from B2 (general industry) to the dismantling and storage of cars (sui generis) was established in the previously approved application P13/0620. The site is situated within a mixed use area. Currently undeveloped, it is adjacent to an existing industrial building and there are industrial buildings directly opposite on the other side of Balds Lane. The site is located within Regeneration Corridor 13 (Jewellery Line – Rowley Regis – Stourbridge Junction. Within this Corridor, the application site is located within an indicative area identified for 'significant local employment retention'. Policy EMP3 (Local Quality Employment Areas) of the Black Country Core Strategy (BCCS) safeguards/encourages industry

and warehousing, and wider related uses such as car repairs, garages, scrap metal and waste management facilities and as such the dismantling and storage of cars (and car parts) can be considered appropriate within a designated BCCS Policy EMP3 Local Quality Employment Area

The impact of the use upon adjacent occupiers

18. The applicant intends to dismantle cars (sui generis) on the premises and sell the parts over the internet. The applicant has confirmed that the vehicles would be de-polluted and the batteries removed prior to the vehicle being delivered. It would then be dismantled by hand. The parts would be stored and the car body would be taken from the site for scrap. No cars would be stacked and the plan indicates 26 parking spaces for such vehicles at any one time. In order to ensure that this takes place, the prevention of stacking and the restriction in the number of vehicles stored on the site can both be the subject of condition of permission. The Environment Agency does not object to this application and it is their role to regulate the waste management activity on the site. They have confirmed that an environmental permit would regulate the site, and be issued with conditions that will ensure the car dismantling operation does not pose a risk of pollution.
19. The closest part of the site would be approximately 32m from the principal elevation of 55 Brook Street (the closest house to the development). There are industrial premises in front of and to the one side of this dwelling (on the opposite side of Balds Lane). The Head of Environmental Health and Trading Standards is of the opinion that, given the predominantly industrial nature of the area, the proposed use is unlikely to have a significant adverse impact on the noise climate of the area. As such he does not object to the application provided that the operating/delivery hours are restricted to ensure that any noise arising from the premises does not occur at unsociable times.

Storage Building

20. The plans indicate a single storey pitched roof storage/office building which would face into the site and be “side-on” to Balds Lane. It would be a modern metal clad

design. The building would be located in the south eastern corner of the site. It would be located in close proximity to the large grey, metal clad building belonging to the adjacent industrial user to the east and adjacent to a metal clad structure belonging to another site to the south. Given the location, design and scale of the building it is considered to be acceptable.

21. The application indicates the provision of a portable wc which would be visually hidden from Balds Lane to the side of the new building. This is considered to be acceptable.

Access and Parking

22. The plans indicate a one way system for traffic through the site. Vehicles would enter via gates at the northern end of the site and exit via a gated access at the southern end. The Group Engineer is supportive of this scheme subject to a condition which requires the submission and agreement of a traffic management scheme, including signing and lining to control the one-way operation within the site.
23. The submitted plan indicates 2 parking spaces for staff and 26 spaces in which to park the cars that would be dismantled. This is considered to be acceptable.

Fencing and Gates

24. The fencing and gates along the site frontage are the only retrospective part of the application. The applicant has agreed to remove the existing galvanised palisade fencing and replace it with 2.4m high wire mesh fencing to match the existing paladin fencing directly to the north of the site. The application seeks to retain the existing gates at both ends of the site and to paint them to match the colour of the new mesh fencing. Saved Policy DD1(Urban Design) of the adopted Dudley Unitary Development Plan and Policy ENV3 (Design Quality) of the Black Country Core Strategy both seek to encourage quality design and to encouraged schemes which enhance and positively contribute to the visually quality of the area. It is considered that the removal of the long section of galvanised fencing and its replacement with wire mesh fencing would greatly improve the visual appearance of the site. The retention of the existing gates can be supported provided that they are painted to match the new fencing.

CONCLUSION

25. It is considered that the change of use from general industry (B2) to the dismantling and storage of cars (sui generis) would be acceptable in principle. The scale and design of the single storey storage/office building would be visually acceptable as would the fencing and gates. The access and parking arrangements can also be supported. On this basis the application would be in accordance with Policies DEL1, ENV3, EMP3, TRAN1 and TRAN2 of the Black Country Core Strategy, Saved Policies DD1, DD2, DD4, and EP7 of the adopted Dudley Unitary Development Plan and Parking Standards Supplementary Planning Document.

RECOMMENDATION

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

Informative

In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The change of use would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework. However, after careful balanced consideration the LPA/Officers consider that there are insurmountable technical issues with regard to the fencing and gates that have not been satisfactorily resolved to demonstrate that the scheme would result in the creation of a sustainable form of development and thereby failing to improve the economic, social and environmental conditions of the area.

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards

can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

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

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

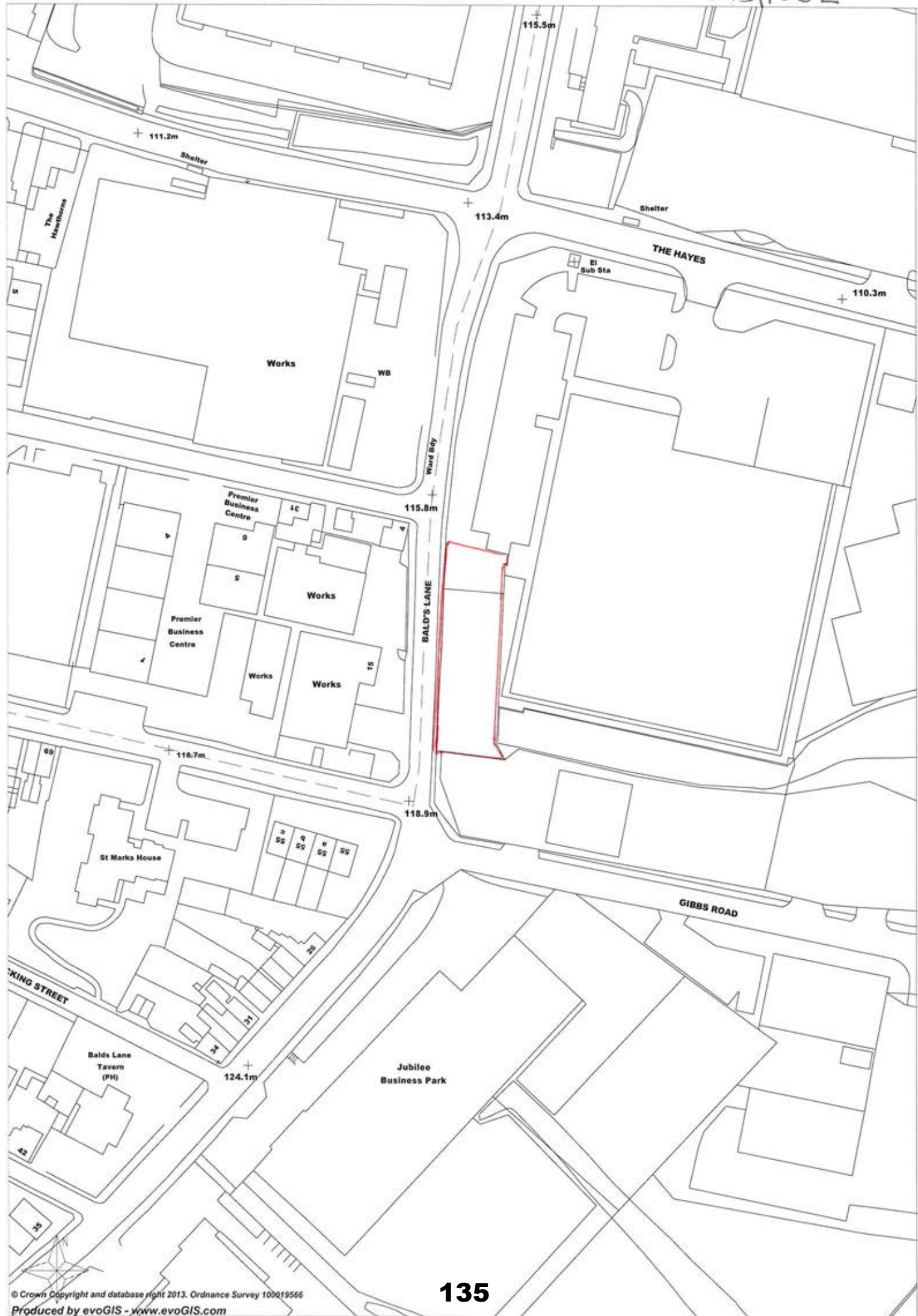
Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

The proposed change of use will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency.

Conditions and/or reasons:

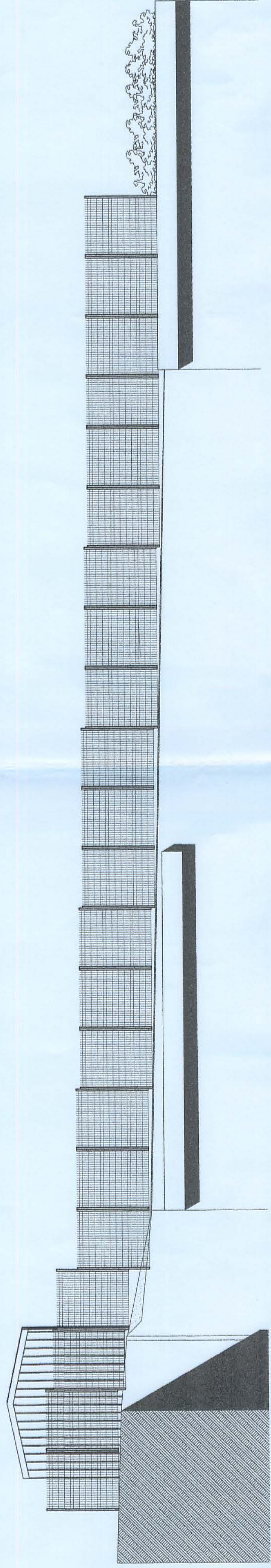
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The premises shall be used for a car dismantling/storage and internet sales only and for no other purpose. No A1 retail sales to members of the public shall take place on the site.
3. The use hereby approved shall not be operated before the hour of 0800 nor after 1800 Monday to Saturdays and not at all on Sundays and Public Holidays.
4. No deliveries or despatches shall be made to or from the site, and no delivery or despatch vehicles shall enter or leave the site (whether laden or unladen), before the hours of 0800 or after 1800 Monday to Saturday and not at all on Sundays and Public Holidays.

5. No development shall begin until an assessment of the risks posed by any ground gases or vapours has been submitted to and approved by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.
6. Where the approved risk assessment (required by Condition 5) identifies ground gases or vapours posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the Local Planning Authority.
7. Unless otherwise agreed in writing with the LPA, the approved scheme (required by Condition 6) shall be implemented and a verification report submitted to and approved by the LPA, before the development (or relevant phase of the development) is first occupied/brought into use.
8. Prior to the commencement of development, details of the landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before the occupation of the development.
9. Prior to the implementation of the use hereby permitted, the galvanised palisade fence along the frontage of the site shall be removed and replaced by wire mesh powder coated black paladin fencing and the retained gates painted black to match. Both shall be retained for the lifetime of the development.
10. Only 26 cars shall be stored/dismantled on the site at any one time, no stacking of cars on top of each other shall take place for the lifetime of the development.
11. Development shall not commence until the submission and agreement of a traffic management scheme, including signing and lining to control the one-way operation within the site has been approved in writing by the Local Planning Authority.
12. Prior to the commencement of development, details of the works for the disposal of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. All works shall be completed in accordance with the approved details prior to the occupation of the dwellings hereby permitted.
13. Prior to the commencement of development, details of the existing and proposed levels of the site (including finished floor levels), which should be related to those of adjoining land and highways shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved levels.
14. The building shall not be occupied until the area shown for car parking and dismantling on the approved plan has been graded, levelled, surfaced, drained and marked out in accordance with the agreed scheme and that area shall not thereafter be used for any other purpose unless otherwise agreed in writing with the Local Planning Authority.
15. Prior to the commencement of development, details of the types, colours and textures of the materials to be used on the external surfaces of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
16. The development hereby permitted shall be carried out in accordance with the following approved plans:
3898/9 and 3898/10

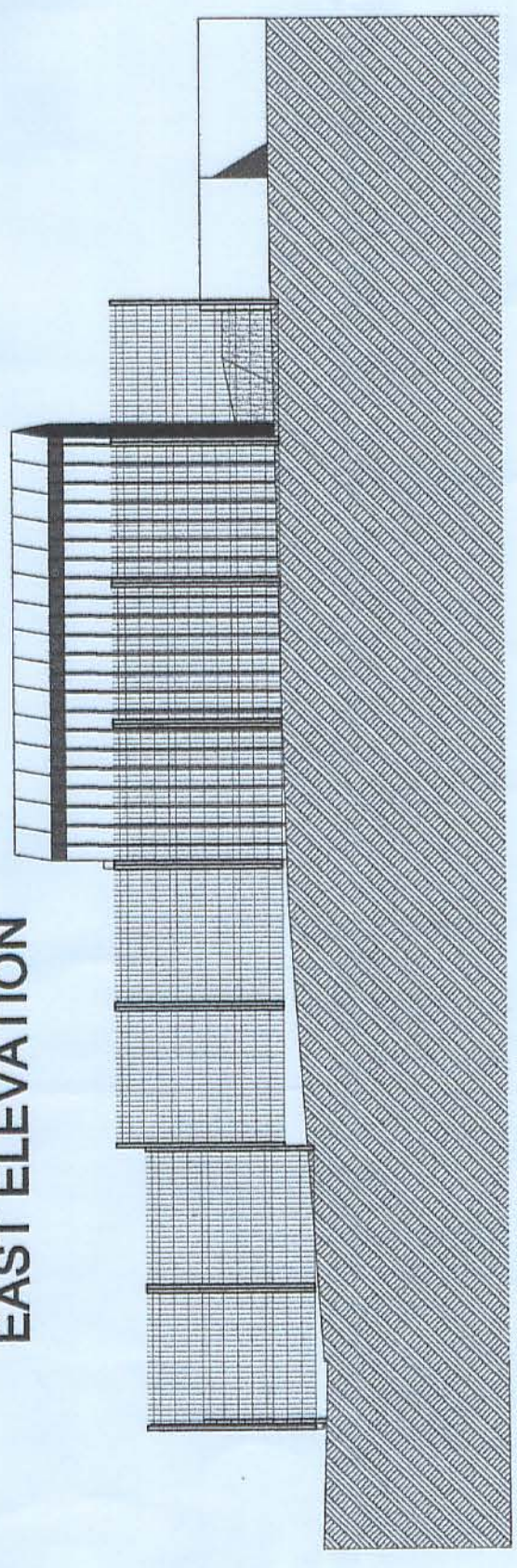


Pot Works , Balds Lane Lye

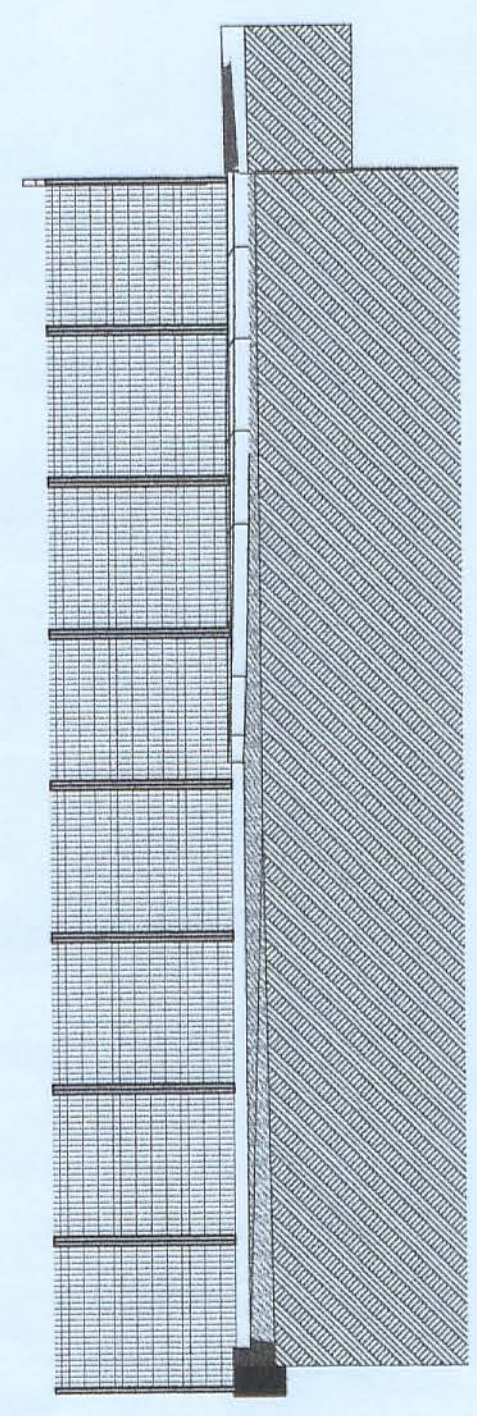
Elections1(A2) - P13/1562



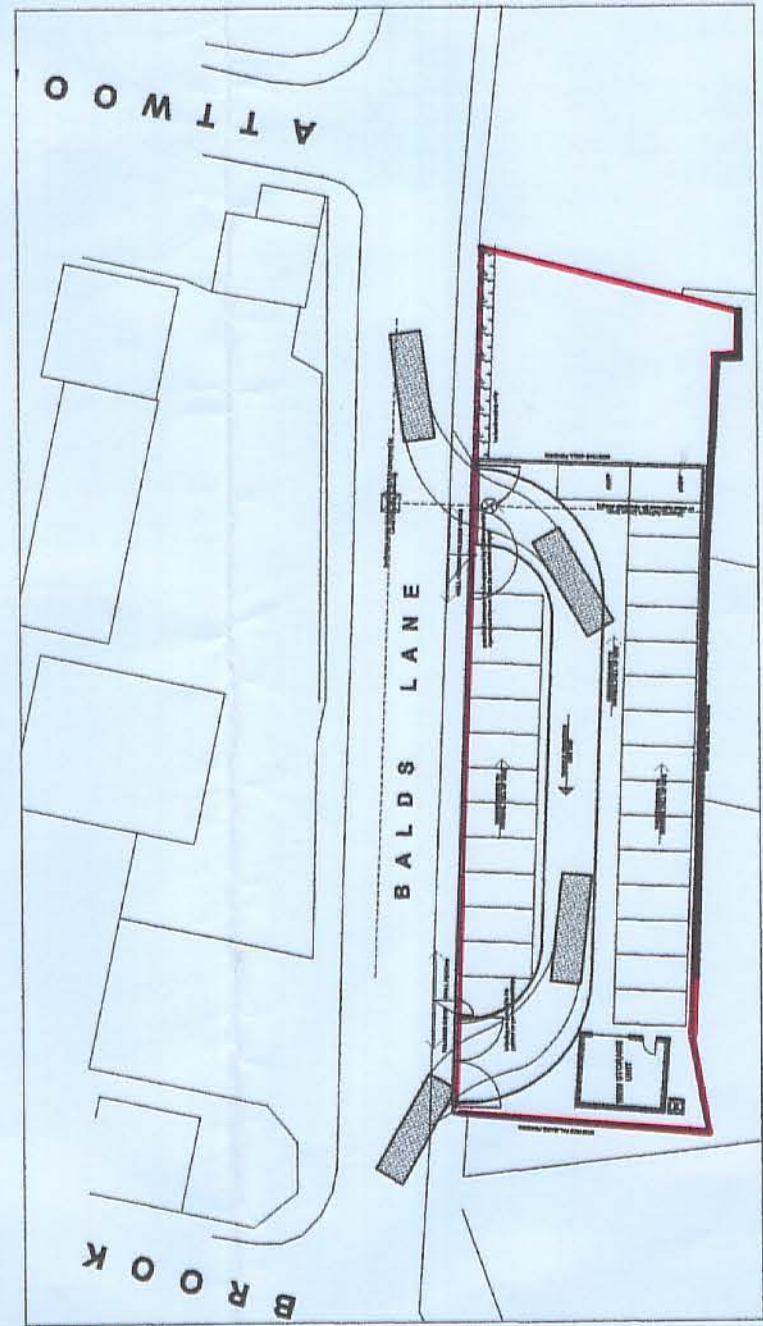
EAST ELEVATION



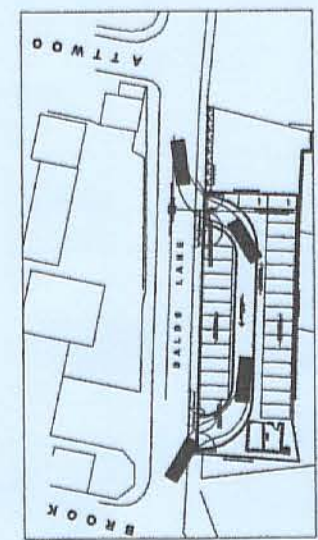
SOUTH ELEVATION



NORTH ELEVATION



BLOCK PLAN
1:500



LOCATION PLAN
1:1250



SIMMS DAVIES
PARTNERSHIP
 ARCHITECTS AND BUILDING SURVEYORS

OLD REFRACTORY WORKS, 34 THORN EIGH ES
 BLOWERS GREEN, DUDLEY, WEST MIDLANDS
 DY2 8UB
 01384 242300
info@simms-davies.co.uk
simms-davies.co.uk

[illegible]

PLANNING APPLICATION NUMBER: P13/1566

Type of approval sought	Full Planning Permission
Ward	Kingswinford North and Wall Heath
Applicant	Lombard Properties Limited
Location:	THE ALBION INN, 382, ALBION STREET, WALL HEATH, KINGSWINFORD, DY6 0JP
Proposal	ERECTION OF 4 NO. DWELLINGS ON EXISTING CAR PARK AND GARDEN TO EXISTING PUBLIC HOUSE (RESUBMISSION OF WITHDRAWN PLANNING APPLICATION P13/1115)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The Albion Public House is a vacant two storey building located on the eastern side of Albion Street, in a residential area characterised by housing of a variety of styles and ages. Immediately to the rear of the building is a yard area containing several outbuildings, to the north of which is a beer garden. Immediately adjacent to the north of the public house is the site's car park.

2. To the south of the site is 378 Albion Street, a modern style semi-detached house. The outbuildings at the rear of the public house are located along the boundary with this property and the remainder of the boundary is formed by a 2m high wall. To the east of the yard area and beer garden are the rear gardens of bungalows at 3 and 4 Maidensbridge Gardens. There are existing trees within the rear gardens which screen views of the site from the rear windows of those properties.

3. To the north of the site is a terrace of four properties – 432, 436 and 450 Albion Street and 25 Victoria Street. To the east of the site's parking area and north of the beer garden are the gardens of those properties and a communal yard area used by the occupants, separated from the site by a wall with a hedge in front which is approximately 2.5m high. The yard area and gardens are approximately 1m lower than the level of the site. The northern boundary is formed by the two storey side

wall of no.432, the side wall of a single storey extension to it, and a 1.8m high brick wall.

PROPOSAL

4. This is an application for the erection of four detached 3-bedroom houses at a density of 31 dwellings per hectare, two within the existing parking area and the other two within the beer garden and rear yard. A separate application (P13/1567) has been submitted for the conversion of the public house to a 4-bedroom house.
5. The proposed houses on the parking area (plots 1 and 2) front Albion Street and have 12m long rear gardens. Each of the properties has a single parking space to the side and a detached garage accessed from Albion Street (the garage at plot 1 is to be sited alongside the single storey extension at 432 Albion Street).
6. Plots 3 and 4 at the rear of the site are to be accessed from Albion Street via a private drive. Each of the properties has a garage with a parking space to the front. Both properties have rear gardens which border the rear garden of 378 Albion Street. Plot 3 has a 10m long garden and plot 4 has a 17m long garden. An existing tree within the beer garden is to be retained.

HISTORY

7.

APPLICATION No.	PROPOSAL	DECISION	DATE
P13/1115	Erection of 4 no. dwellings on existing car park and garden to existing public house	Withdrawn	September 2013

8. The above application was withdrawn due to Officer concerns relating to the siting and design of the proposed buildings and access/parking issues.

PUBLIC CONSULTATION

9. Neighbour notification letters have been sent to 19 properties. In response 8 letters of objection have been received, raising the following concerns over the proposal:

- Loss of privacy at neighbouring properties resulting from overlooking from first floor windows;
- The proposed buildings will have an overbearing effect on neighbouring properties and their siting will result in overshadowing and loss of outlook;
- The proposal constitutes overdevelopment of the site and the buildings are not in keeping with the character of the wider area;
- The siting of plot 4 will result in damage to the roots of trees within the gardens of 3 and 4 Maidensbridge Gardens which may result in their loss;
- The development will increase on-street parking along Albion Street;
- Loss of light to communal yard area shared by 4 properties on Albion Street and Victoria Road.

OTHER CONSULTATION

10. Group Engineer (Highways) – The development should provide 9 parking spaces to accord with the Parking SPD standards. 8 spaces are proposed, which will result in a single vehicle being parked on the highway. There is sufficient space available on-street to accommodate an additional vehicle.

Should permission be granted it is recommended that a condition be imposed which prohibits the development of this site until the conversion works to the public house sought by application P13/1567 have commenced. This is to ensure that the public house is not retained without any off-street parking provision.

11. Head of Environmental Health and Trading Standards – No objection.

RELEVANT PLANNING POLICY

12. National Planning Guidance
National Planning Policy Framework (NPPF) 2012

Black Country Core Strategy 2011

HOU1 Delivering Sustainable Housing Growth

HOU2 Housing Density, Type and Accessibility

ENV1 Environmental Infrastructure

Saved Adopted Dudley Unitary Development Plan 2005

Policy DD1 Urban Design

Policy DD4 Development in Residential Areas

Supplementary Planning Documents

New Housing Development SPD

Parking Standards and Travel Plans SPD

ASSESSMENT

13. The key issues in the assessment of this application are:

- Principle;
- Impact upon the character of the area;
- Residential amenity;
- Access and highway safety;

Principle

14. The NPPF encourages the effective use of brownfield land as one of its core planning principles. The principle of the development of this site for housing purposes is also in accordance with the aim of Policy HOU1 of the Core Strategy which seeks to ensure the provision of sufficient land to provide for sustainable housing growth, to be achieved by building at least 95% of new housing on previously developed land. This site constitutes previously developed land.

Character

15. Policy HOU2 of the Core Strategy seeks the provision of high quality design in new housing developments and states that all developments should aim to achieve a minimum net density of 35 dwellings per hectare. Saved Policy DD1 of the UDP

requires that new developments should have a positive impact on the character and appearance of the area.

16. With regard to Policy HOU2 advice in terms of density, and in the context of the pattern of existing development in the immediate vicinity of the site, the density of the proposed development is considered to be appropriate. The proposed buildings are well-designed and of an appropriate scale. The buildings on plots 1 and 2 are to be built along the same build line as the public house and the properties to the north and as such would assimilate well into the existing built form along this part of Albion Street. The development of houses at the rear of the site, behind this established build line, is acceptable given that the wider street scene along the eastern side of Albion Street consists of properties which are set back varying distances from the highway. The retention of the existing tree is to be welcomed as it is an important feature of this part of Albion Street.
17. In view of the above it is considered that the development would make a positive contribution to the character of the area, in accordance with Policy HOU2 of the Core Strategy and Saved Policy DD1 of the UDP.

Residential Amenity

18. One of the core land-use planning principles set out in the NPPF is that a good standard of amenity should be provided for future occupants of buildings. The New Housing Development SPD sets out guidelines for the provision of rear gardens in developments, in the case of three bedroom properties this being 65sq.metres minimum area and 11m minimum length. The garden length at plot 3 is 1m less than this guidance, however given that the overall area is in excess of 65 sq.metres it is considered that there would be sufficient private amenity space for use by the future occupants with no issues of direct overlooking arising.
19. Saved Policy DD4 of the UDP requires that new developments do not have a harmful effect on residential amenity. The first floor windows of the houses on plots 1 and 2 would look towards the gardens and adjacent communal yard area of 432, 436 and 450 Albion Street and 25 Victoria Street (at distances of 14m to the

gardens and 12m to the yard). This is considered to be sufficient distance separation to ensure that no loss of privacy would result to the occupants when using the gardens and yard. Approximately 0.8m of the garage at plot 1 would be visible above a rear extension at 432 Albion Street from windows on the rear elevations, which would not result in any materially harmful impact on outlook from those properties.

20. The rear elevation of the proposed building on plot 4 would be 14.8m from the rear windows of 3 Maidensbridge Gardens to the east. The elevation contains two obscure glazed non-habitable room windows at first floor and is therefore effectively a blank gable wall where no overlooking will arise. The New Housing Development SPD requires the provision of a minimum distance of 14m metres between rear facing windows of one property and the gable of another. On the basis of this guidance it is considered that the erection of the building would not have any adverse impact on outlook from 3 Maidensbridge Gardens, with existing trees within the garden of no.3 also helping to screen views of the proposed building (a condition can be imposed to seek details of the proposed methods of construction of the foundations at plot 3, to ensure that no damage take place to the roots of the trees which may potentially lead to their loss). No loss of privacy would occur at properties on Maidensbridge Gardens as there are no habitable room windows on the rear elevations of plots 3 and 4.
21. Plot 3 has a bedroom window on the side elevation facing the garden of 378 Albion Street. Tree planting is proposed along the boundary which will screen views from the window of that garden. The window would look out onto the central part of the garden, with angled views only towards the more 'sensitive' area of the garden immediately to the rear of the house. It is therefore considered that the development will not result in any significant degree of privacy loss at 378 which may warrant refusal of the application. The retained 2m boundary wall will also prevent overlooking of the rear garden.

Highway Safety

22. The development will result in one additional vehicle being parked on the highway. The Group Engineer has advised that this does not raise any adverse highway safety implications. In this respect the proposal complies with Saved UDP Policy DD4. The condition recommended by the Group Engineer must be imposed, to avoid a potential situation whereby the development of the four houses takes place resulting in no parking provision for the public house were it to remain in operation.

CONCLUSION

23. The layout, scale, density and appearance of the new dwellings are considered to be acceptable. The development would not adversely impact the amenities of adjacent residents. Parking provision and means of access are considered to be appropriate. As such the proposal complies with Policies HOU1 and HOU2 of the Core Strategy and Saved Policies DD1 and DD4 of the UDP.

RECOMMENDATION

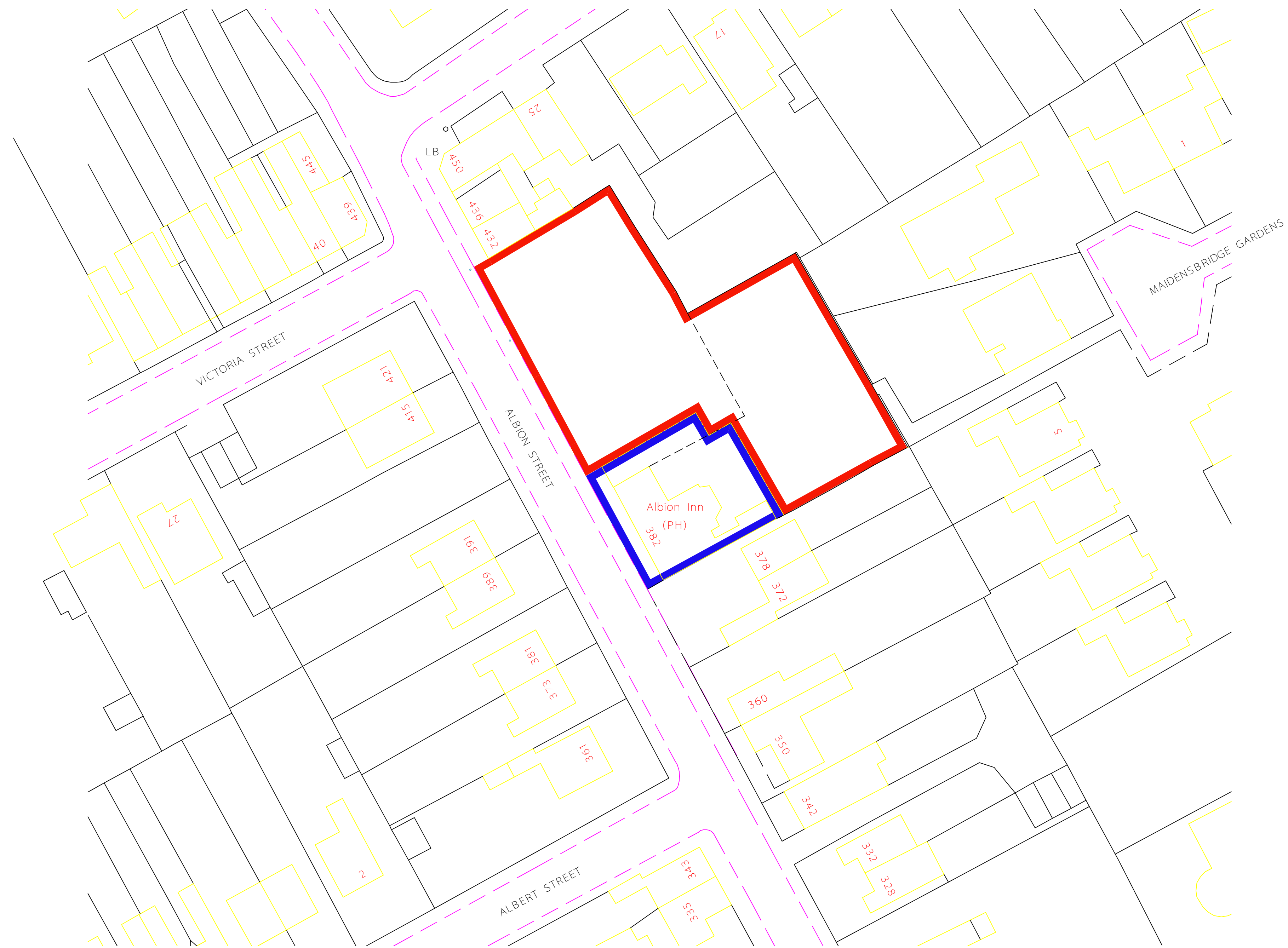
24. It is recommended that the application is APPROVED subject to the following conditions:

APPROVAL STATEMENT INFORMATIVE

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

Conditions and/or reasons:

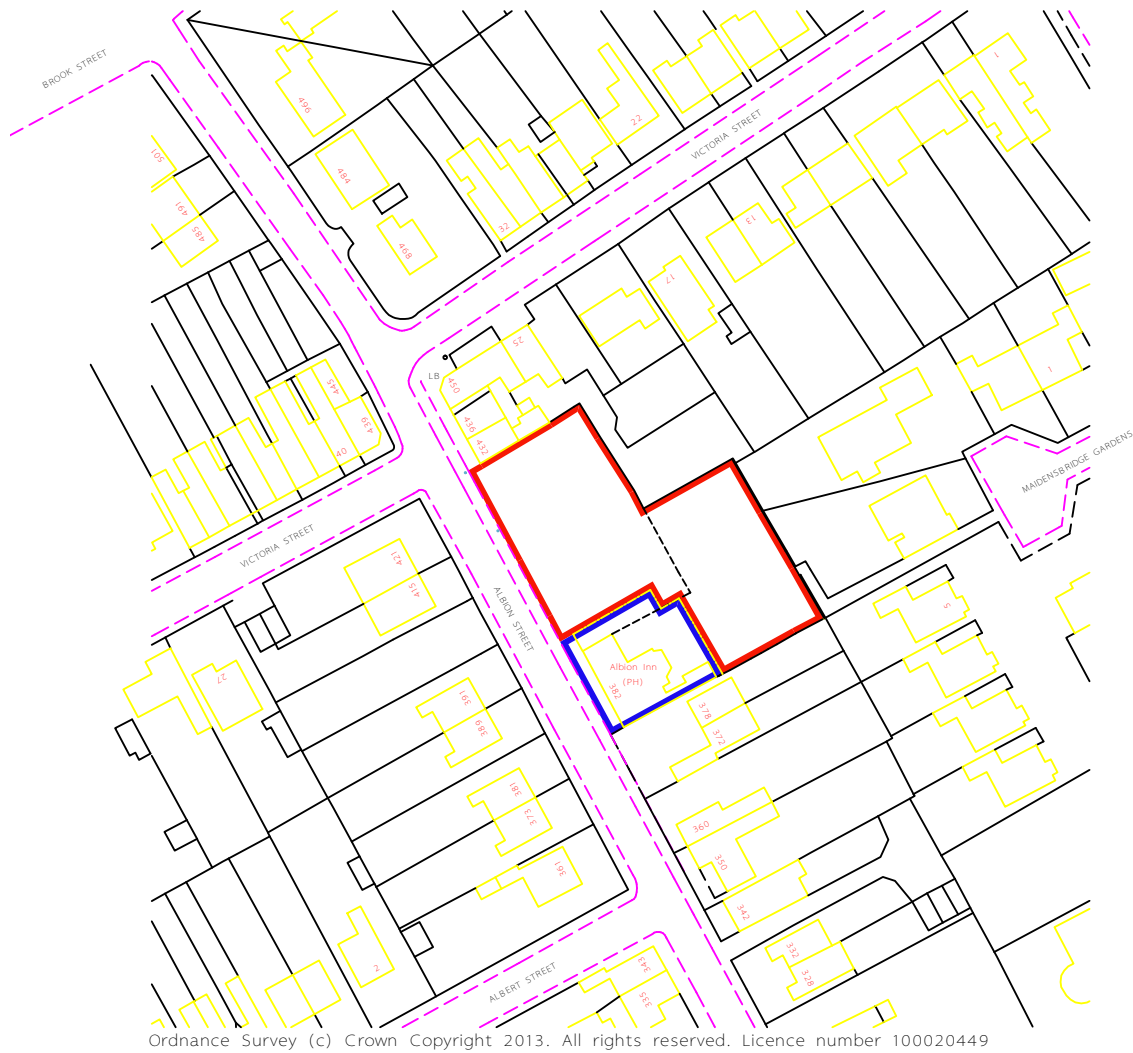
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall not commence until the conversion works to the Albion Public House approved by application P13/1567 have been implemented.
3. No development shall commence until details of the materials to be used in the external surfaces of the buildings have been submitted to and approved in writing by the local planning authority. The development shall thereafter take place in accordance with the approved details.
4. No development shall commence until details of the materials to be used for the surfacing of the parking and access areas of the development have been submitted to and approved in writing by the local planning authority. The development shall thereafter take place in accordance with the approved details.
5. The development shall not be occupied until the parking spaces shown on the approved plans have been provided. The spaces shall thereafter be retained in perpetuity and used for no other purpose than the parking of vehicles.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no development referred to in Schedule 2 Part [1] Class [A] of that order shall be carried out.
7. The existing tree indicated on the approved drawings to be retained shall be protected by suitable fencing and at a suitable distance as outlined in BS:5837 - 2005 - 'Trees in Relation to Construction', or such alternatives as may be agreed in writing by the Local Planning Authority. Such fences shall be erected before any materials are brought onto site or development commences. No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence(s), nor shall any changes in ground level be made within the fence(s) unless previously agreed in writing by the Local Planning Authority.
8. The landscaped areas shall be retained in the form shown on the approved plan throughout the life of the development and shall not be used for any other purpose, unless otherwise agreed in writing by the Local Planning Authority.
9. No development shall commence until details for the provision of external electric charging points have been submitted to and approved in writing by the Local Planning Authority. The charging points shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
10. No development shall commence until plot 3 until full details of the proposed raft type foundations with root protection facilities to be used in the construction of the building have been submitted and agreed in writing with the Local Planning Authority. The development shall thereafter take place in full accordance with the agreed details.
11. The development hereby permitted shall be carried out in accordance with the following approved plans: 13-1382/01L, 3D, 4B, 05A, 2C, 06A, 12A.



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Project: ALBION STREET, WALL HEATH

NORTH



0 25 50 75 100 125m

1 : 1250

3:
50

Project Number:
13-1382/L

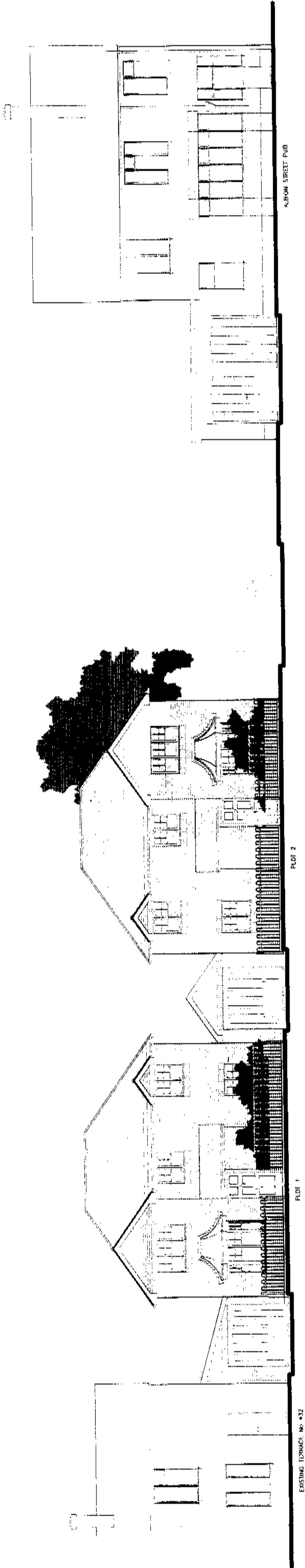
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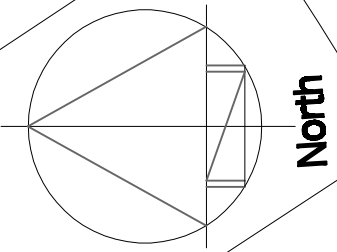


Gould Singleton Architects

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Fax: 0121 550 0000



STREET SCENE ELEVATION



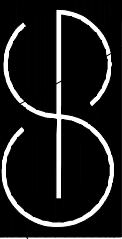
Layout based upon
OS sheet and minimal
check dimensions.
Full topographical
survey not undertaken.

Plots 1 & 2
2no. 3 bed houses
Plots 3 & 4
2no. 3 bed houses



rev	date	drawn	chk'd
JG			
TD			
TD			
TD			
TD			
TD			
TD			
MH			

Tel: 0121 550 0359 Fax: 0121 550 8088
e-mail: postmaster@gould-singleton.co.uk



Gould Singleton Architects
Earls Way, Halesowen, West Midlands, B63 3HR

1:200@A2
scales

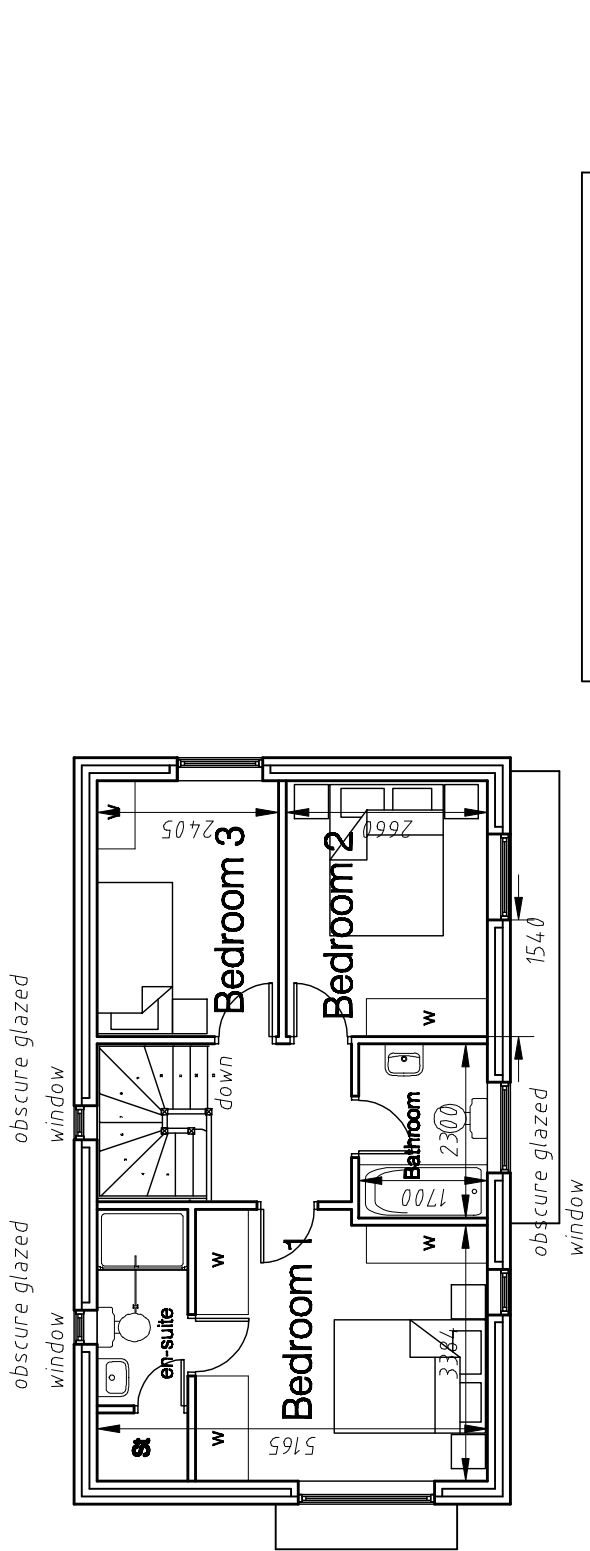
PROPOSED DEVELOPMENT
ALBION STREET
WALL HEATH for
PRESTBURY LIMITED

June 13
date

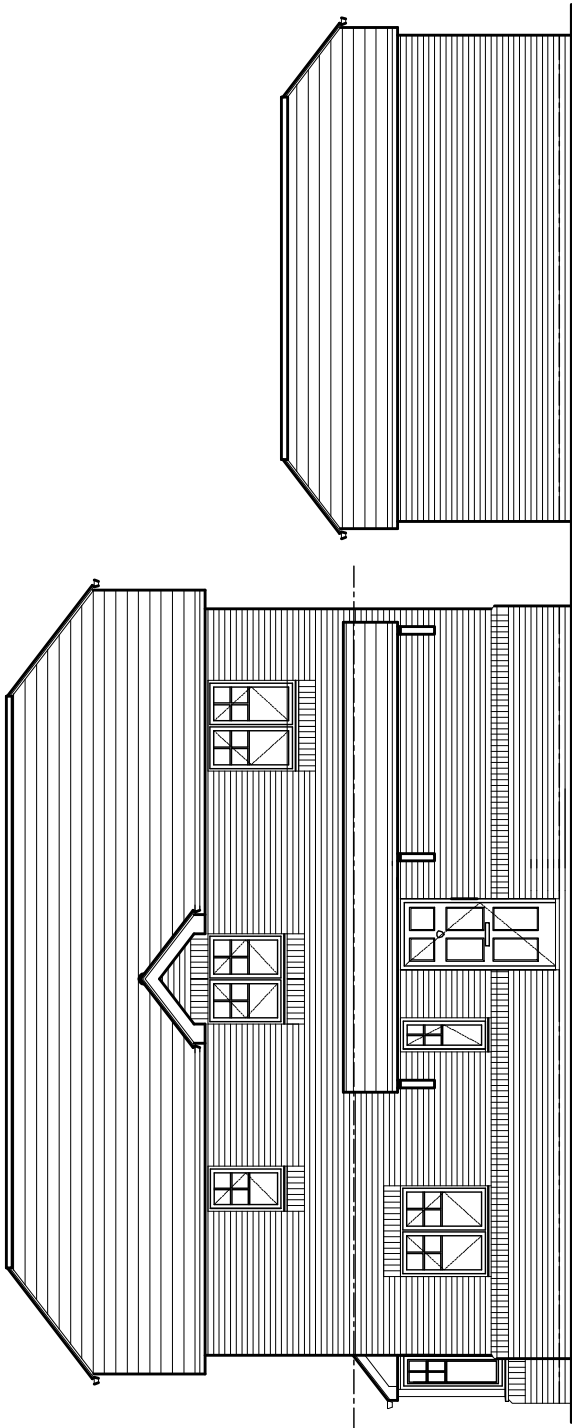
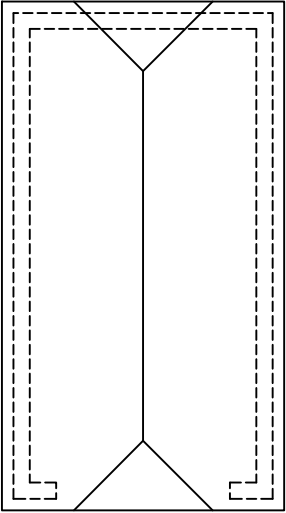
JH GSA
checked
Proposed Site Plan

13-1382/011
number

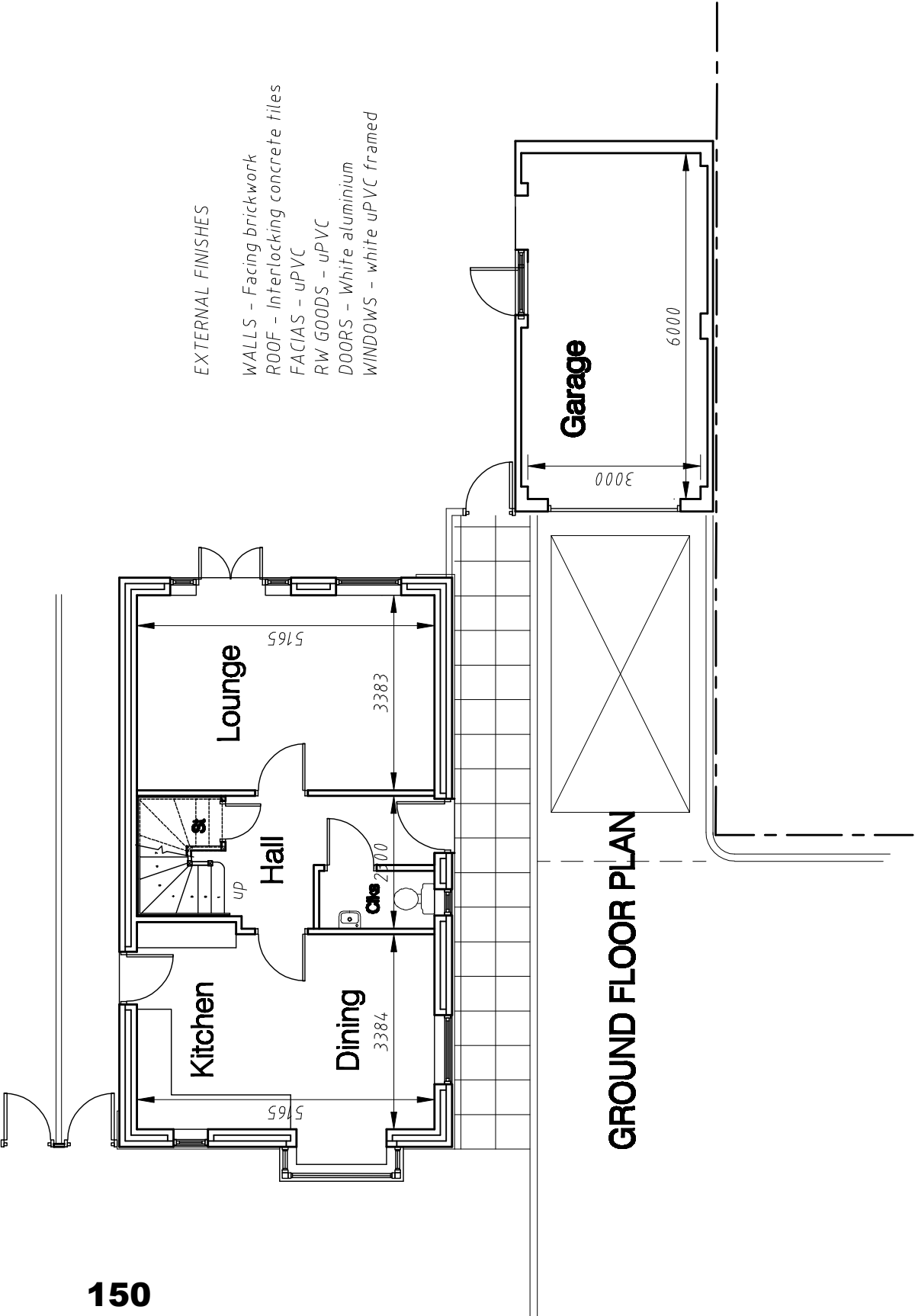
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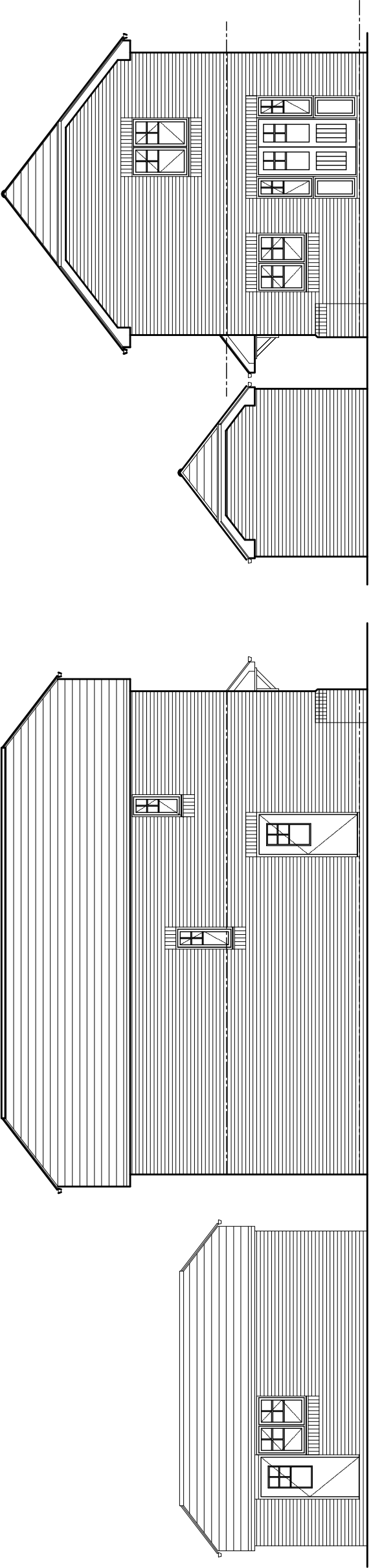
FIRST FLOOR PLAN



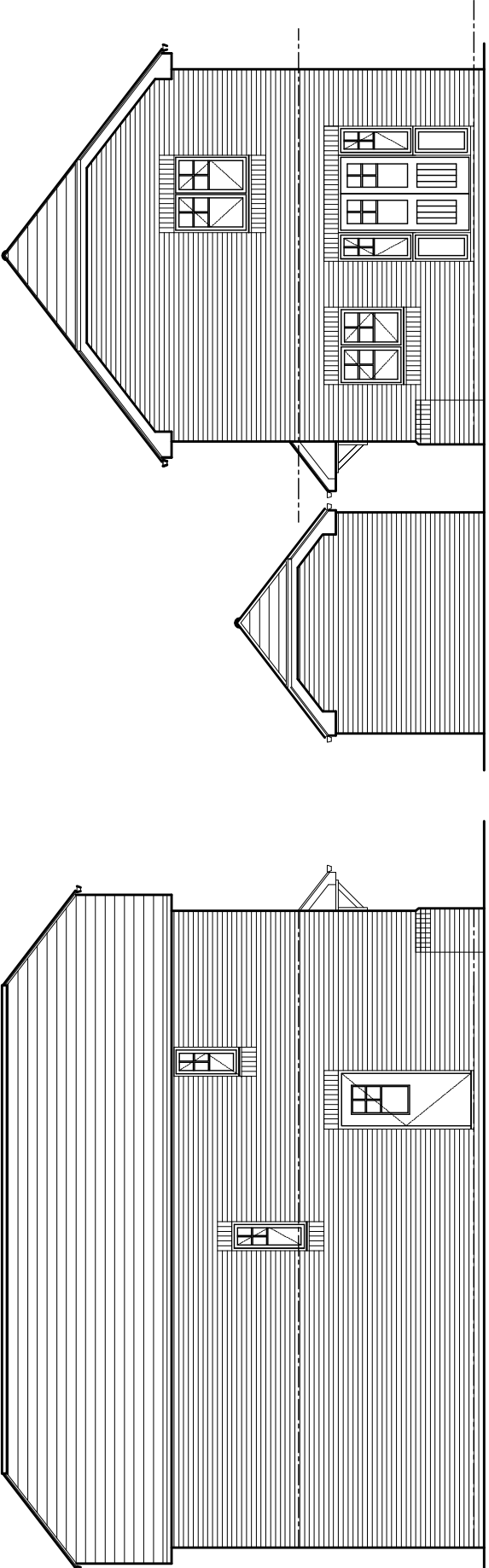
SIDE ELEVATION



GROUND FLOOR PLAN



SIDE ELEVATION



REAR ELEVATION

D	20.11.13	Revised to planners requirements.	JG
C	04.10.13	Garage moved.	TD
B	26.07.13	Layout amended.	TD
A	16.07.13	Redrawn	TD
rev.	date		drawn chk'd

Tel: 0121 550 0359 Fax: 0121 550 8088
e-mail: postmaster@gould-singleton.co.uk



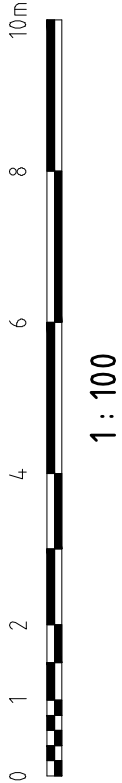
Gould Singleton Architects

Earls Way, Halesowen, West Midlands, B63 3HR

1:100@A2	PROPOSED DEVELOPMENT
July 13	ALBION STREET
TD GSA	WALL HEATH for
checked	PRESTBURY LIMITED
13-1382/3D	HOUSE TYPE - PLOT 3

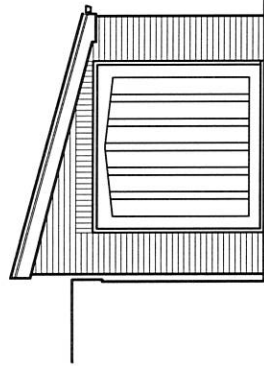
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Plot 3
3 bed house area 1040sq ft plus
garage



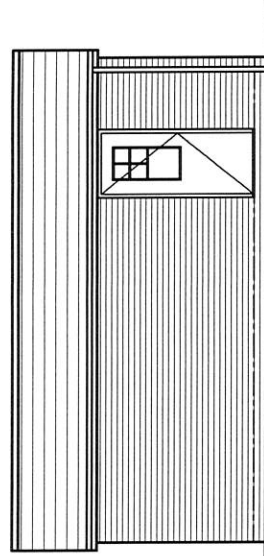


ROOF PLAN

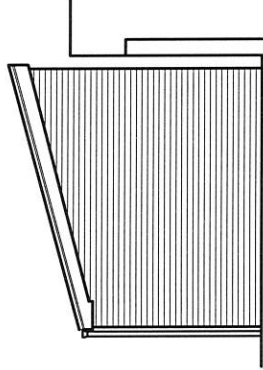


up and over garage door

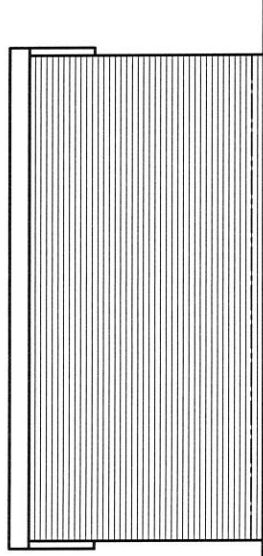
FRONT ELEVATION



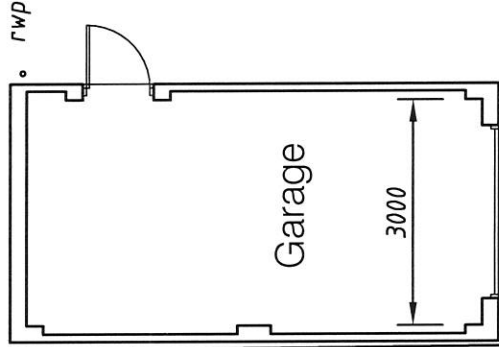
SIDE ELEVATION



REAR ELEVATION



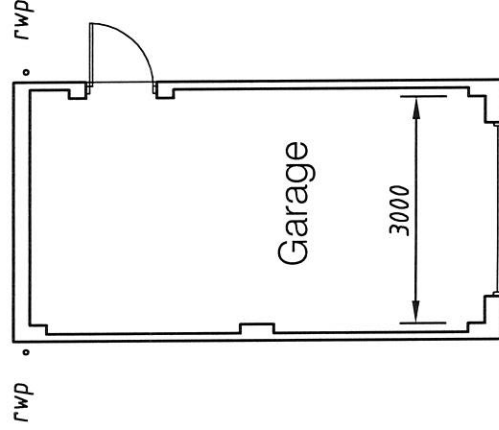
SIDE ELEVATION



Drive

GROUND FLOOR PLAN

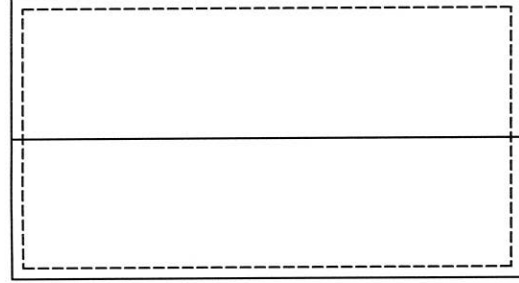
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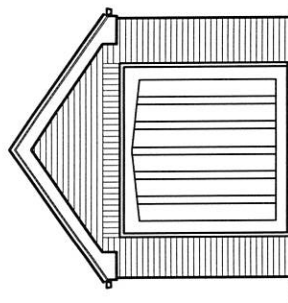
Drive

GROUND FLOOR PLAN

PLOT 2

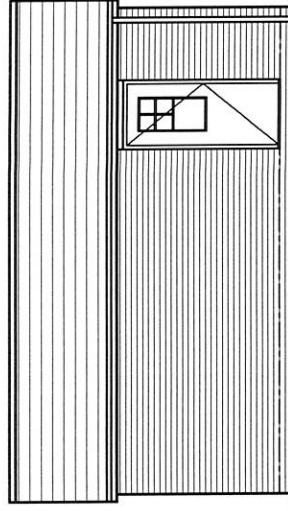


ROOF PLAN

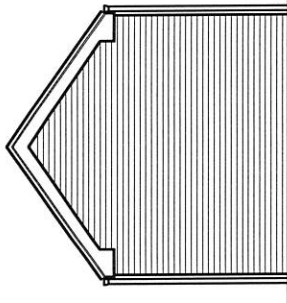


up and over garage door

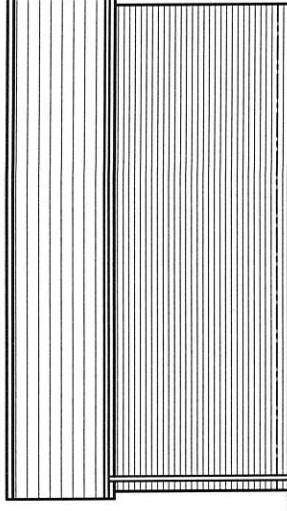
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

EXTERNAL FINISHES

WALLS - Facing brickwork
ROOF - Interlocking concrete tiles
FACIAS - uPVC
RW GOODS - uPVC
DOORS - White aluminium

EXTERNAL FINISHES

WALLS - Facing brickwork
ROOF - Interlocking concrete tiles
FACIAS - uPVC
RW GOODS - uPVC
DOORS - White aluminium

RECEIVED

23 OCT 2003

A 07.10.13 Garages redrawn

TD

rev. date

drawn chk'd



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1:100@A3
scale

PROPOSED DEVELOPMENT

ALBION STREET

WALL HEATH for

PRESTBURY LIMITED

13 JULY 2013
date

TD GSA
checked

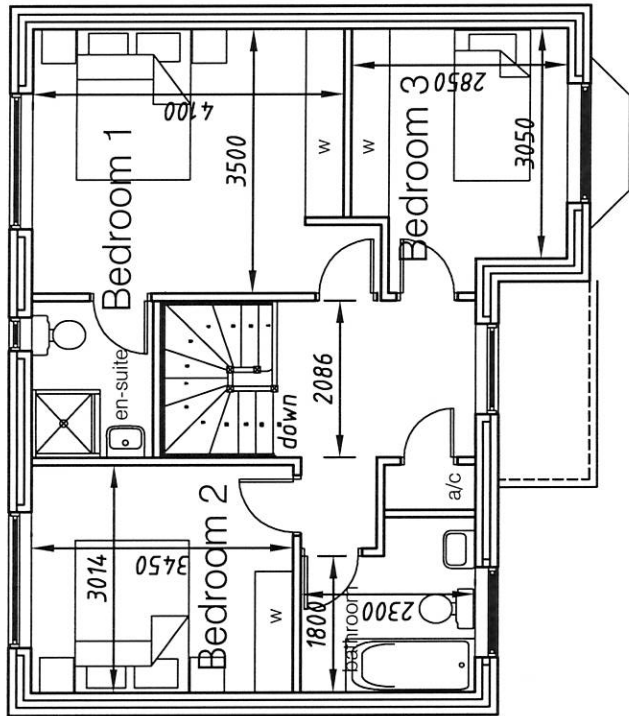
GARAGES TO PLOTS 1 & 2

number
13-1382/06A

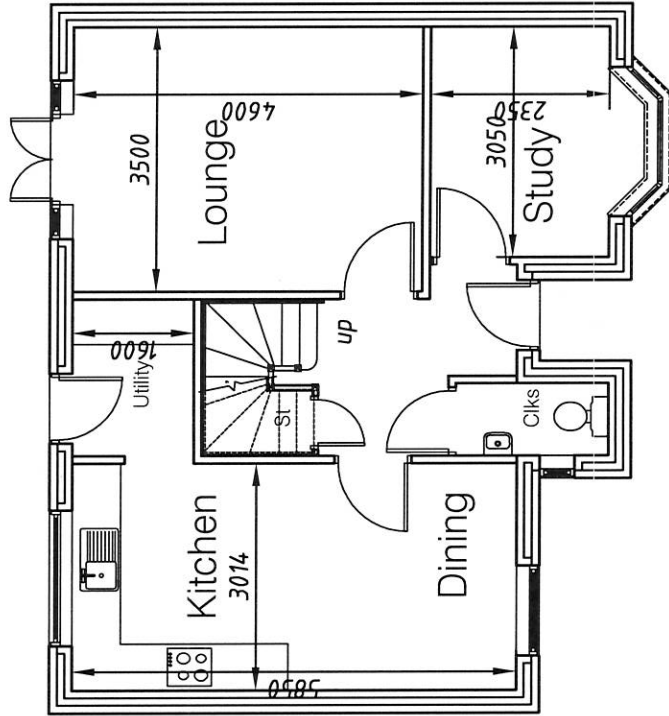
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FIRST FLOOR PLAN

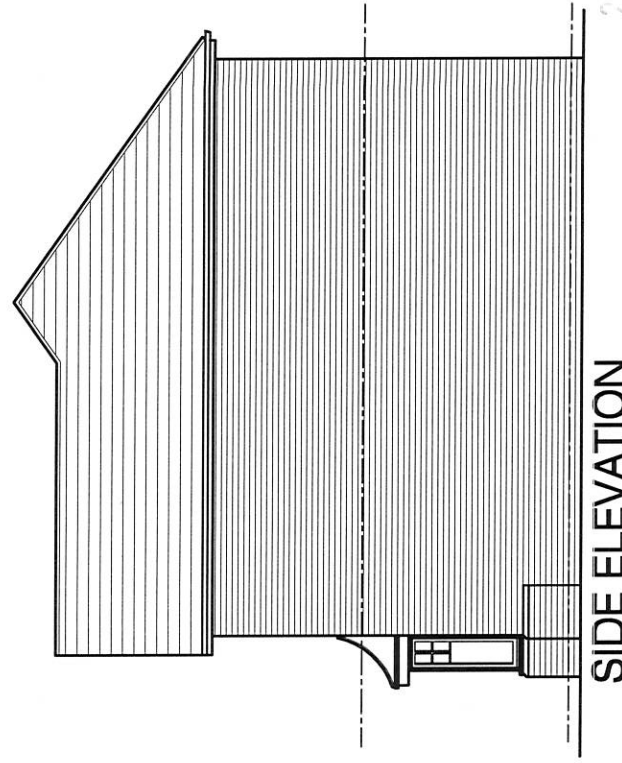
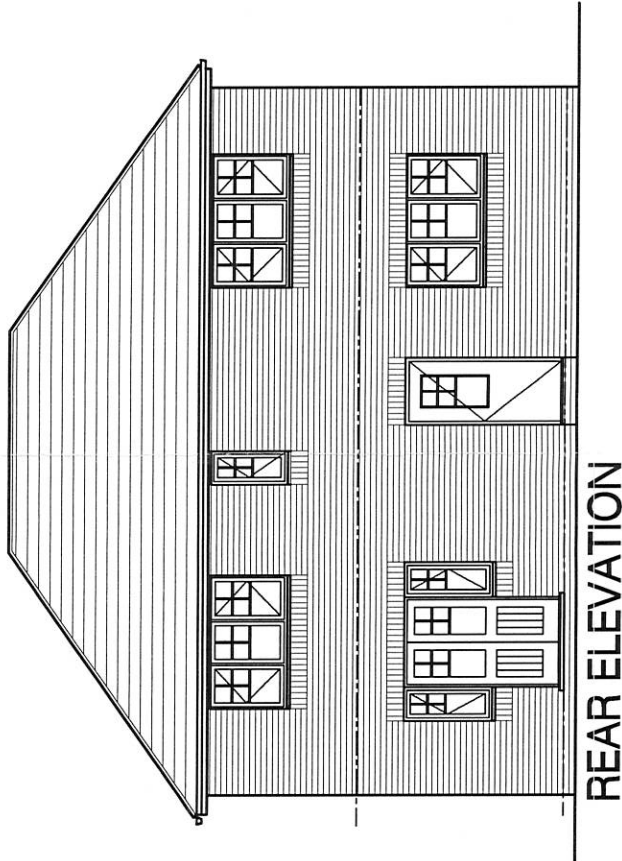
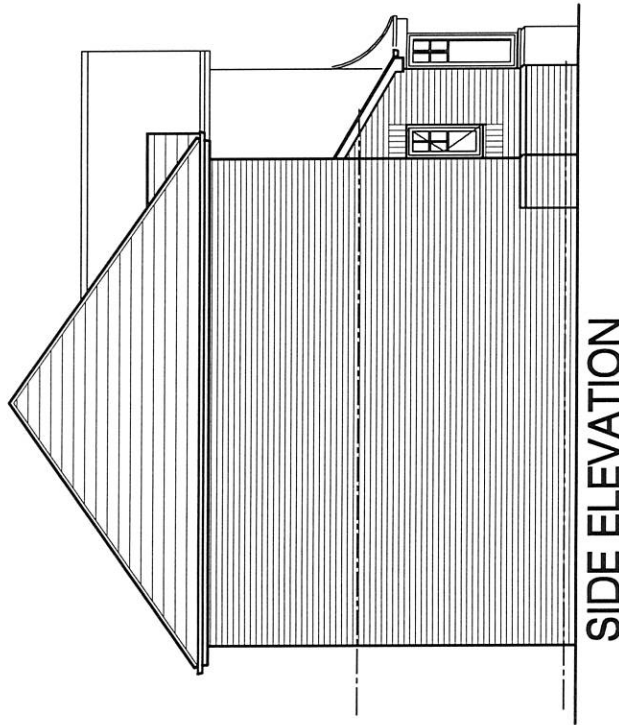
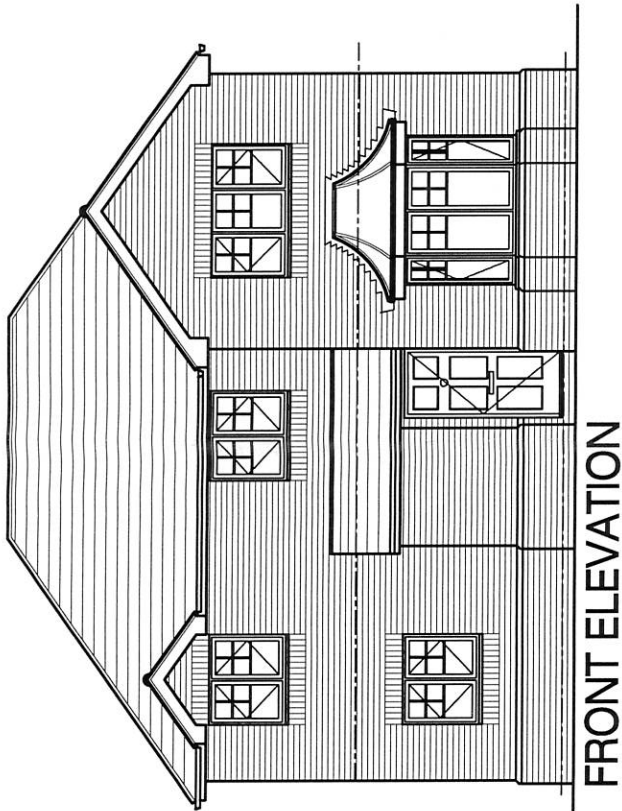


GROUND FLOOR PLAN

Plot 2
3 bed house area 1200sq ft plus
garage



1 : 100



EXTERNAL FINISHES

WALLS - Facing brickwork
ROOF - Interlocking concrete tiles
FACIAS - uPVC
RW GOODS - uPVC
DOORS - White aluminium
WINDOWS - white uPVC framed

A 04.10.13 rev. date

TD

drawn/chk'd



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1:100@A3 scales

PROPOSED DEVELOPMENT

ALBION STREET

WALL HEATH for

PRESTBURY LIMITED

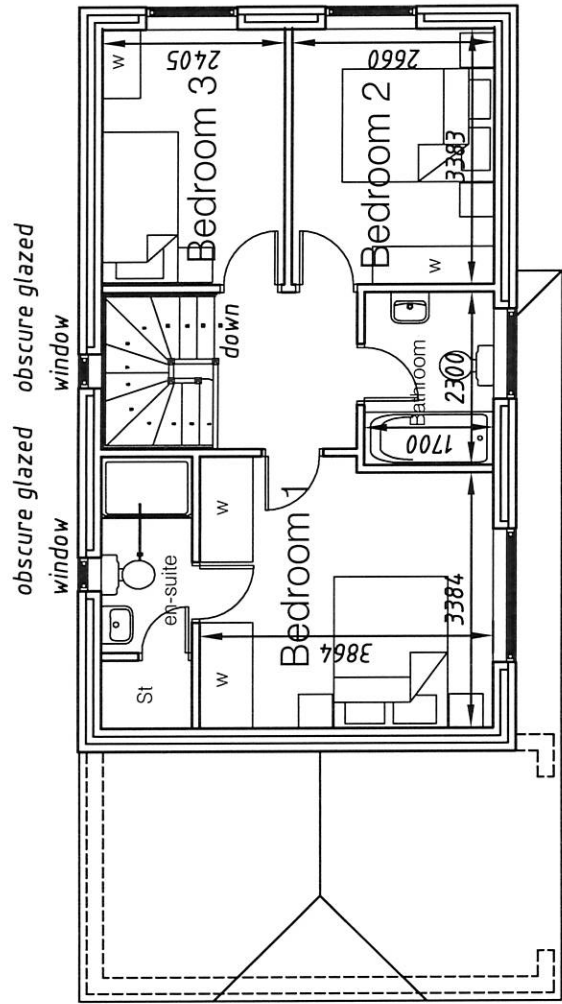
13-1382/05A number

HOUSE TYPE PLOT 2

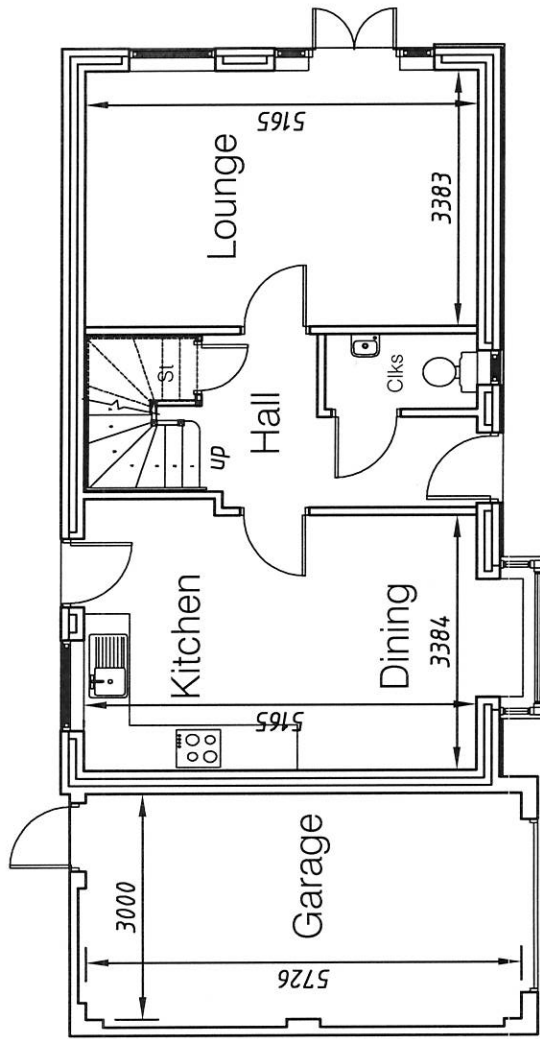
TD 3 GSA checked

HOUSE TYPE PLOT 2

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FIRST FLOOR PLAN



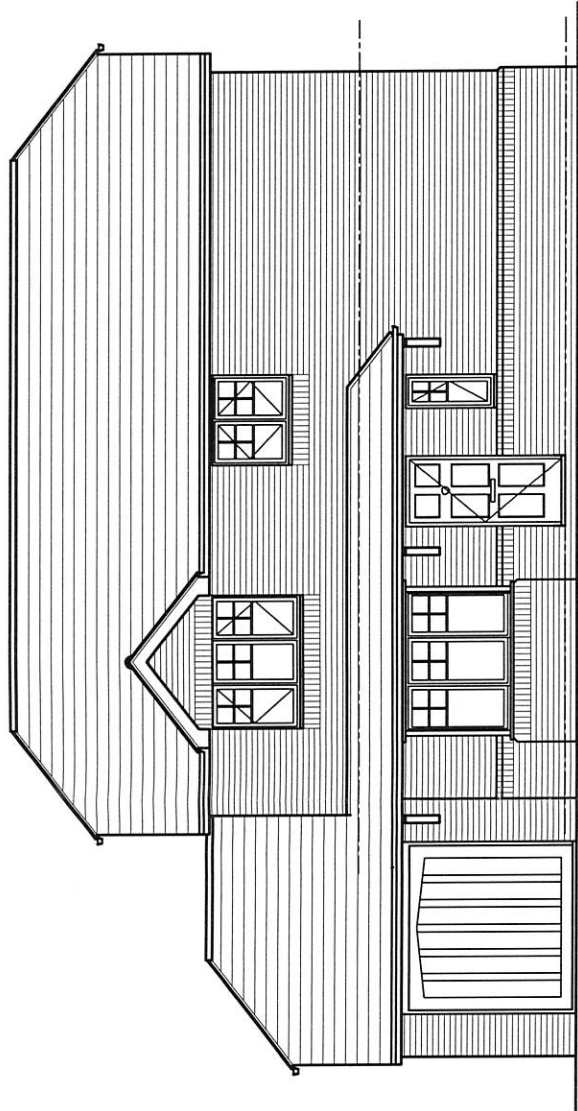
GROUND FLOOR PLAN

Plot 4
3 bed house area 1040sq ft plus garage

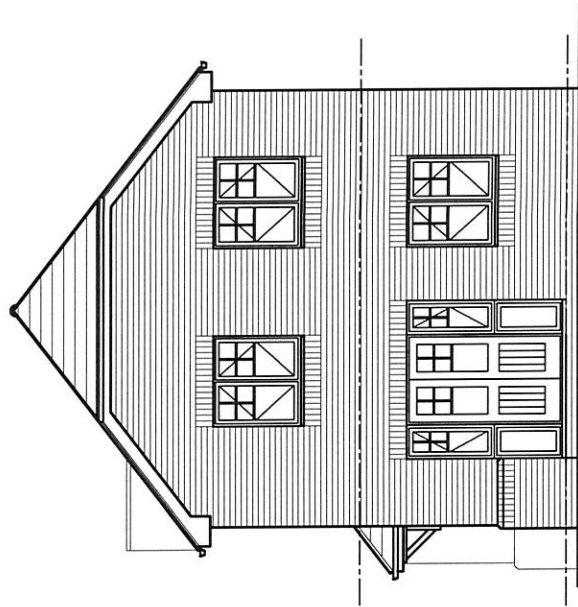
- EXTERNAL FINISHES
- WALLS - Facing brickwork
 - ROOF - Interlocking concrete tiles
 - FACIAS - uPVC
 - RW GOODS - uPVC
 - DOORS - White aluminium
 - WINDOWS - white uPVC framed



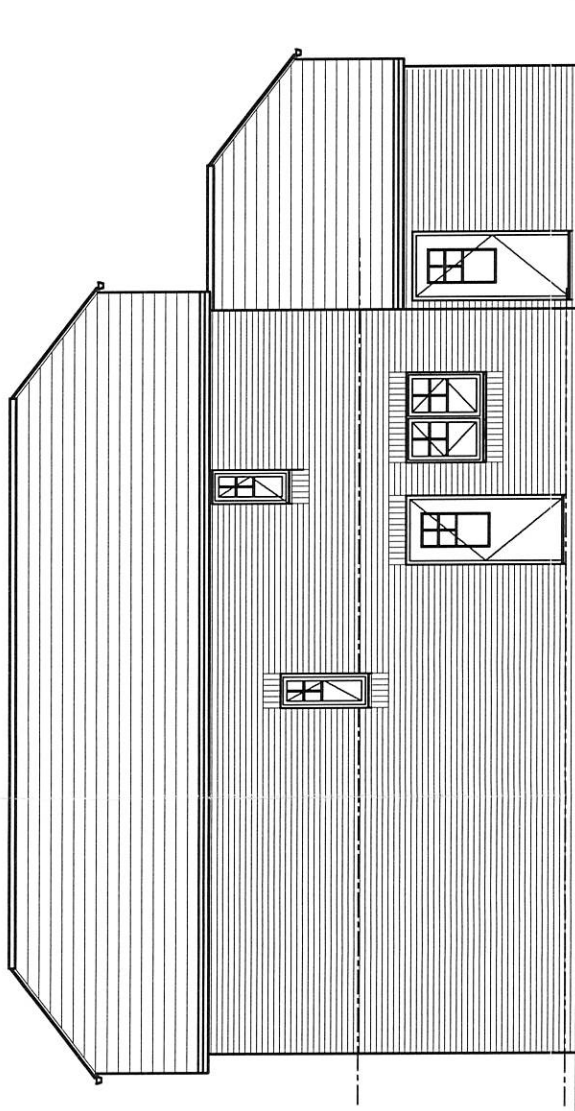
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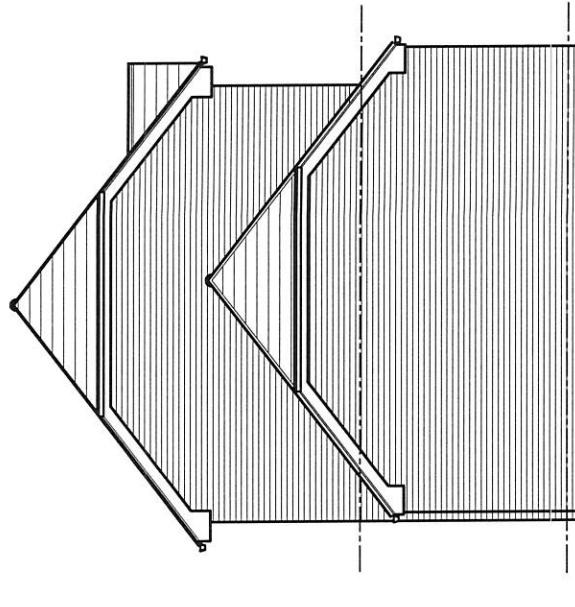
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

B	26.07.13	Layout amended.	TD
A	16.07.13	Redrawn	TD
rev.	date		drawn chk'd



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1:100@A3	PROPOSED DEVELOPMENT	23 OCT 2013
JULY 2013	ALBION STREET	
date	WALL HEATH for	
drawn	PRESTBURY LIMITED	
checked	HOUSE TYPE - PLOT 4	
TD GSA		
13-1382/4B		
number		

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PLANNING APPLICATION NUMBER: P13/1567

Type of approval sought	Full Planning Permission
Ward	Kingswinford North and Wall Heath
Applicant	Lombard Properties Ltd
Location:	THE ALBION INN, 382, ALBION STREET, WALL HEATH, KINGSWINFORD, DY6 0JP
Proposal	CHANGE OF USE FROM PUBLIC HOUSE (A4) TO 1 NO. DWELLING (C3) WITH ELEVATIONAL CHANGES TO INCLUDE DOOR, WINDOW AND NEW GARAGE DOORS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- The Albion Public House is a vacant two storey building located on the eastern side of Albion Street, in a residential area characterised by housing of a variety of styles and ages. The building has rear single storey extensions and a flat roofed single storey extension on its northern side. To the rear of the building is an L-shaped area containing a yard with outbuildings and a beer garden. Immediately adjacent the public house to the north is the site's car park. To the south of the site is 378 Albion Street, a semi-detached house.

PROPOSAL

- This is an application to convert the building to a four-bedroom house. An associated application has been submitted (P13/1566) for the erection of 4 houses on the car park and within the yard and beer garden. The side extension is to be converted to a double garage and two further parking spaces are to be provided on the northern side of the site alongside the access drive to the proposed four houses. A garden area is to be created at the rear of the building and tree planting proposed along the rear (eastern boundary).

HISTORY

3. None relevant to the assessment of the application.

PUBLIC CONSULTATION

4. Neighbour notification letters have been sent to 19 properties. In response 3 letters of support have been received, raising the following issues:
- The public house has been '*shut more times than it has been open*' over the past few years and was '*generally empty without customers*' during the periods when it was open;
 - The use of the building as a public house has in the past led to noise disturbance to nearby residents;
 - There are 3 other public houses in the village of Wall Heath which is sufficient to serve the community;
 - The proposed use will provide a safer, cleaner and quieter environment for local residents.
5. A Pub Preservation Officer (Dudley Branch) objects to the loss of the public house on the basis that it has previously been operated successfully and cannot be used again as a public house if this application is approved.

OTHER CONSULTATION

6. Group Engineer (Highways) – No objection.

Head of Environmental Health and Trading Standards – No objection.

RELEVANT PLANNING POLICY

7. National Planning Guidance
National Planning Policy Framework (NPPF) 2012
- Black Country Core Strategy 2011
HOU1 Delivering Sustainable Housing Growth

ASSESSMENT

8. The key issues in the assessment of this application are:

- Principle;
- Impact upon the character of the area;
- Residential amenity;
- Highway safety;

Principle

9. The NPPF encourages the effective use of brownfield land as one of its core planning principles. The principle of the development of this site for housing purposes is also in accordance with the aim of Policy HOU1 of the Core Strategy which seeks to ensure the provision of sufficient land to provide for sustainable housing growth, to be achieved by building at least 95% of new housing on previously developed land.
10. The applicant has advised that the public house was marketed for sale in February this year following '*a succession of failed tenants*'. Details were sent to 522 pub applicants and the premises were marketed in trade publications, websites, national offices and local press. The applicant has provided information to show that in the opinion of marketing experts the public house has no future in the licensed trade.

Character

11. The proposed use of the building as a house in this residential area will have no adverse impact on its existing character. The building at present is of domestic scale and appearance. No significant alterations to the front elevation are proposed other than the insertion of garage doors in the side extension. As such the proposal complies with Saved UDP Policy DD4.

Residential Amenity

12. One of the core land-use planning principles set out in the NPPF is that a good standard of amenity should be provided for future occupants of buildings. The New Housing Development SPD sets out guidelines for the provision of rear gardens in developments, in the case of four bedroom properties this being 65sq.metres minimum area and 11m length. The proposed garden area is in excess of these recommended standards and as such the development provides sufficient private amenity space for use by the future occupants.
13. Saved Policy DD4 of the UDP requires that new developments do not have a harmful effect on residential amenity. Plot 3 of the proposed development on the remainder of the site is to be sited approximately 14m to the rear of the public house and has habitable room windows facing it. There would be angled views only between those windows and first floor windows at the application property, and the proposed planting of trees along the rear boundary of the site will provide screening of both properties. As such it is considered that the relationship between the two buildings is acceptable. The development would not have any detrimental effect on the occupants of 378 Albion Street.

Highway Safety

14. Parking provision for the development is in accordance with the standards set out in the Parking Standards SPD. No on-street parking will therefore occur as a result of the development and therefore there would be no detrimental effect on highway safety. In this respect the proposal complies with Saved UDP Policy.

CONCLUSION

15. The proposed development would have no adverse impact on the character of the area, residential amenity or highway safety and therefore complies with Saved Policy DD4 of the UDP.

RECOMMENDATION

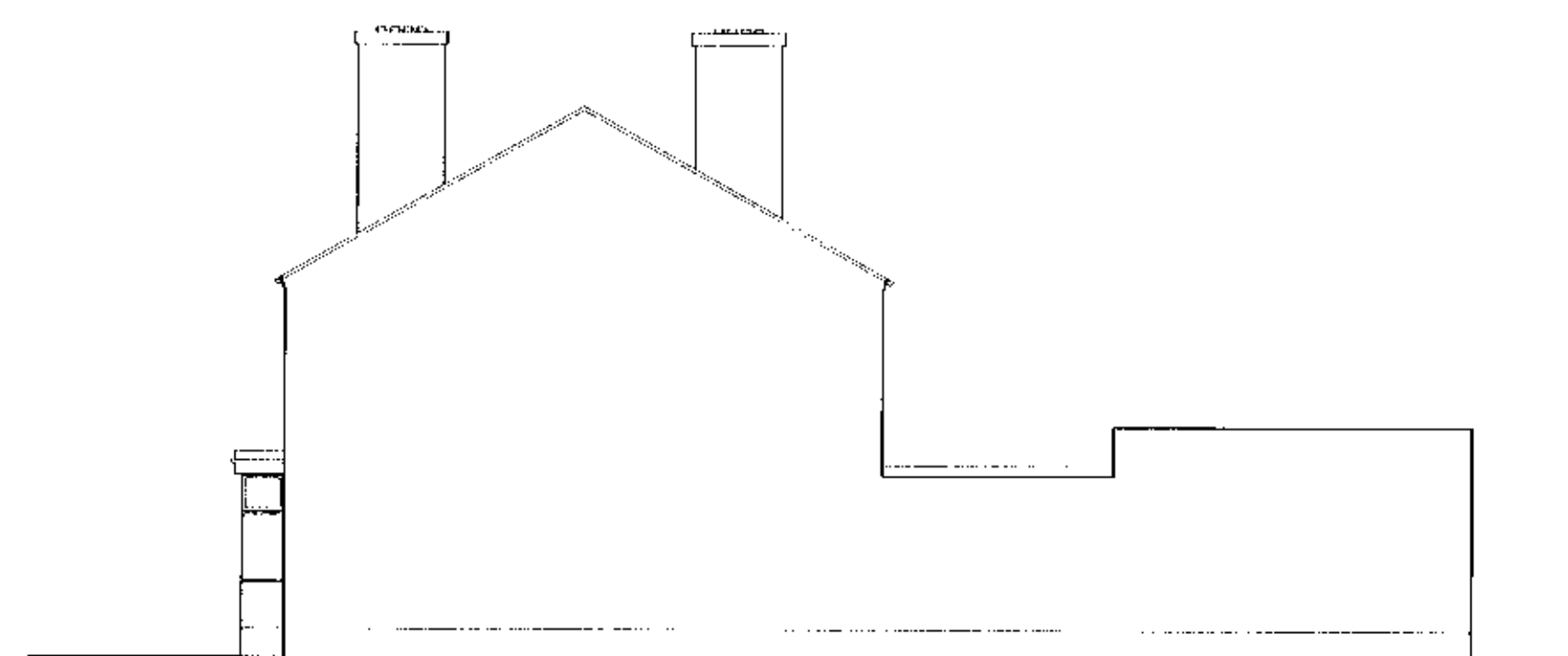
16. It is recommended that the application is APPROVED subject to the following conditions:

Conditions and/or reasons:

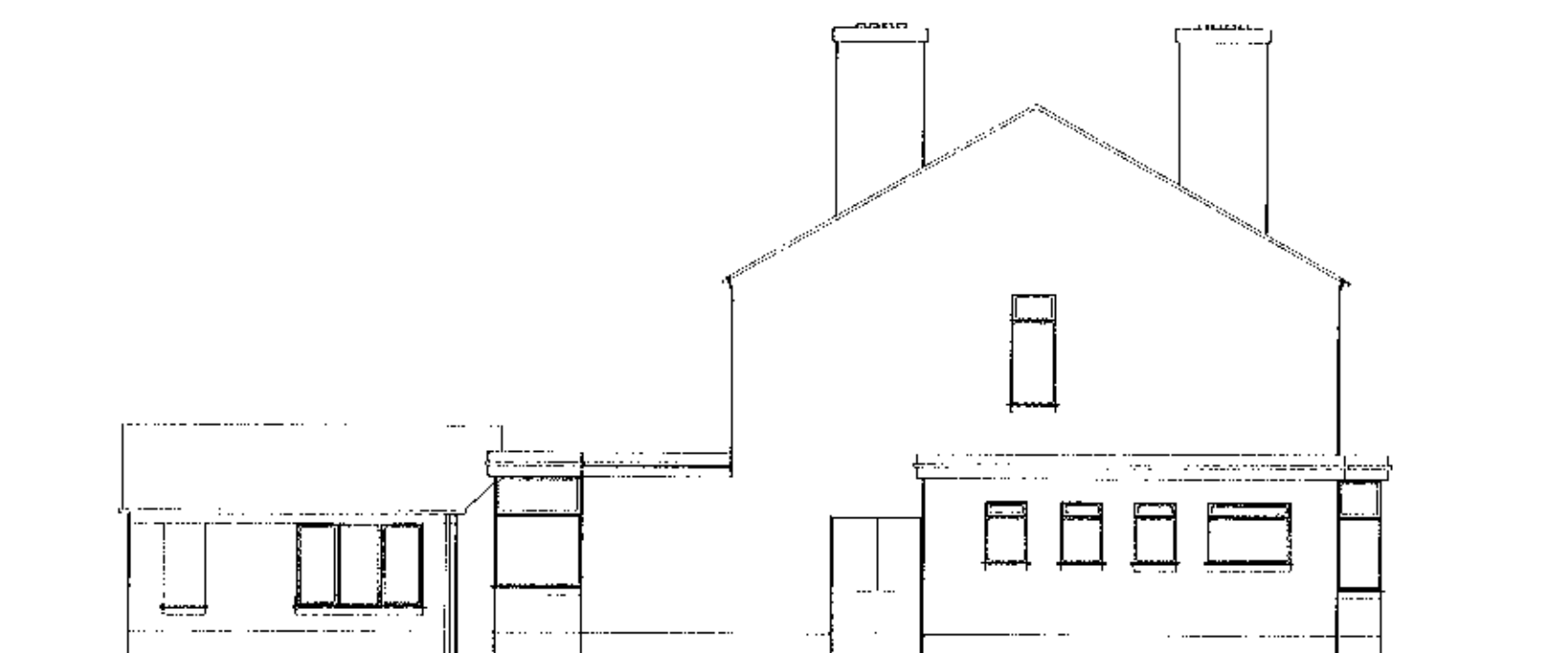
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The building shall not be occupied until the parking spaces shown on the approved plans have been provided. The spaces shall thereafter be retained and used for no other purpose than the parking of vehicles.
3. The landscaped areas shall be retained in the form shown on the approved plan throughout the life of the development and shall not be used for any other purpose, unless otherwise agreed in writing by the Local Planning Authority.
4. The development hereby permitted shall be carried out in accordance with the following approved plans: 13-1382/11A, 10, and 01L.
5. The development hereby approved shall be implemented prior to the commencement of the development on the remainder of the site approved under application P13/1566.



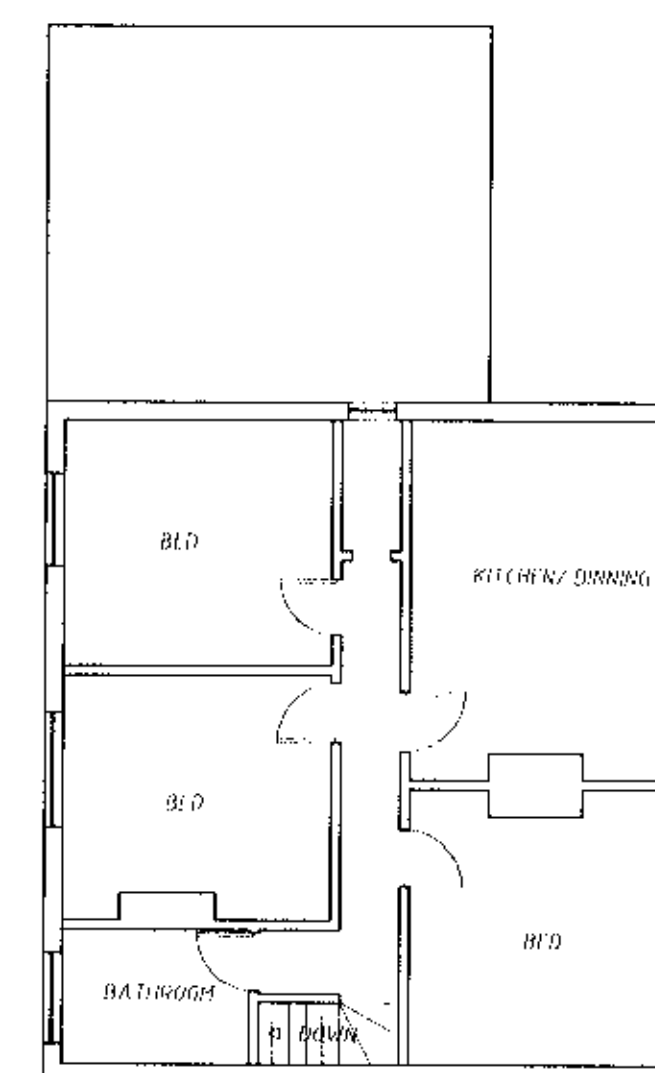
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SOUTH EAST ELEVATION



NORTH WEST ELEVATION



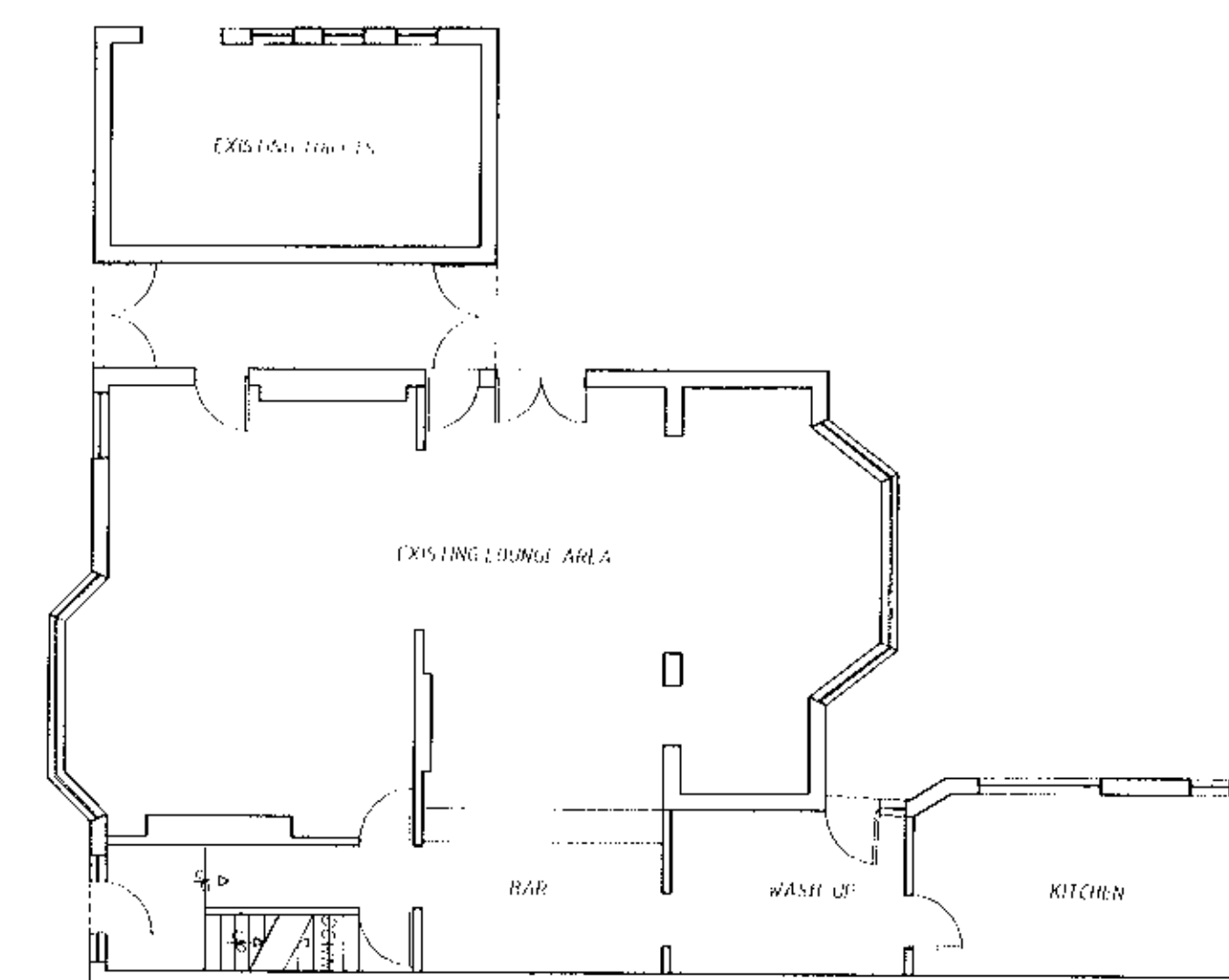
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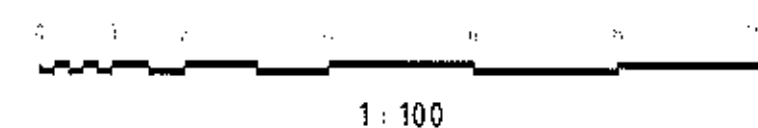
NORTH EAST ELEVATION



SOUTH WEST ELEVATION



GROUND FLOOR



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1:50 @ A1

PROPOSED DEVELOPMENT
ALBION STREET
WALL HEATH for
PRESTBURY LIMITED

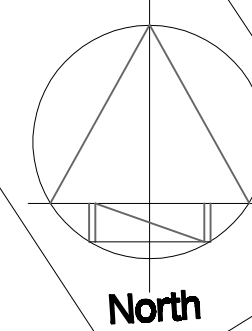
J.G. GSA

ALBION PUB - PLANS & ELEVATIONS

13 - 1382 - 10

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Layout based upon
OS sheet and minimal
check dimensions.
Full topographical
survey not undertaken.



Plots 1 & 2
2no. 3 bed houses

Plots 3 & 4
2no. 3 bed houses



existing brick wall
approx 1800mm high

Plot 1

Plot 2

Plot 4

ALBION STREET

1 : 200

Rev I 20/11/13 Revised to planners requirements.
Rev H 10/10/13 out line of Albion Inn 1st floor added.
Rev G 04/10/13 Layout amended to Planners Comments
Rev F 06/08/13 Existing LP and TP shown. Boundary to Pub adjusted.
Plots 1 & 2 adjusted to suit extg LP.
Rev E 29/07/13 layout amended.
Rev D 26/07/13 House types + layout amended.
Rev C 17/07/13 House types + layout amended.
Rev B 10/07/13 Layout amended.
Rev A 12/06/13 Layout amended, New house type added

JG
TD
TD

TD
TD
TD
TD
TD
MH

rev.	date
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drawn	chk'd
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1:200@A2

PROPOSED DEVELOPMENT
ALBION STREET
WALL HEATH for
PRESTBURY LIMITED

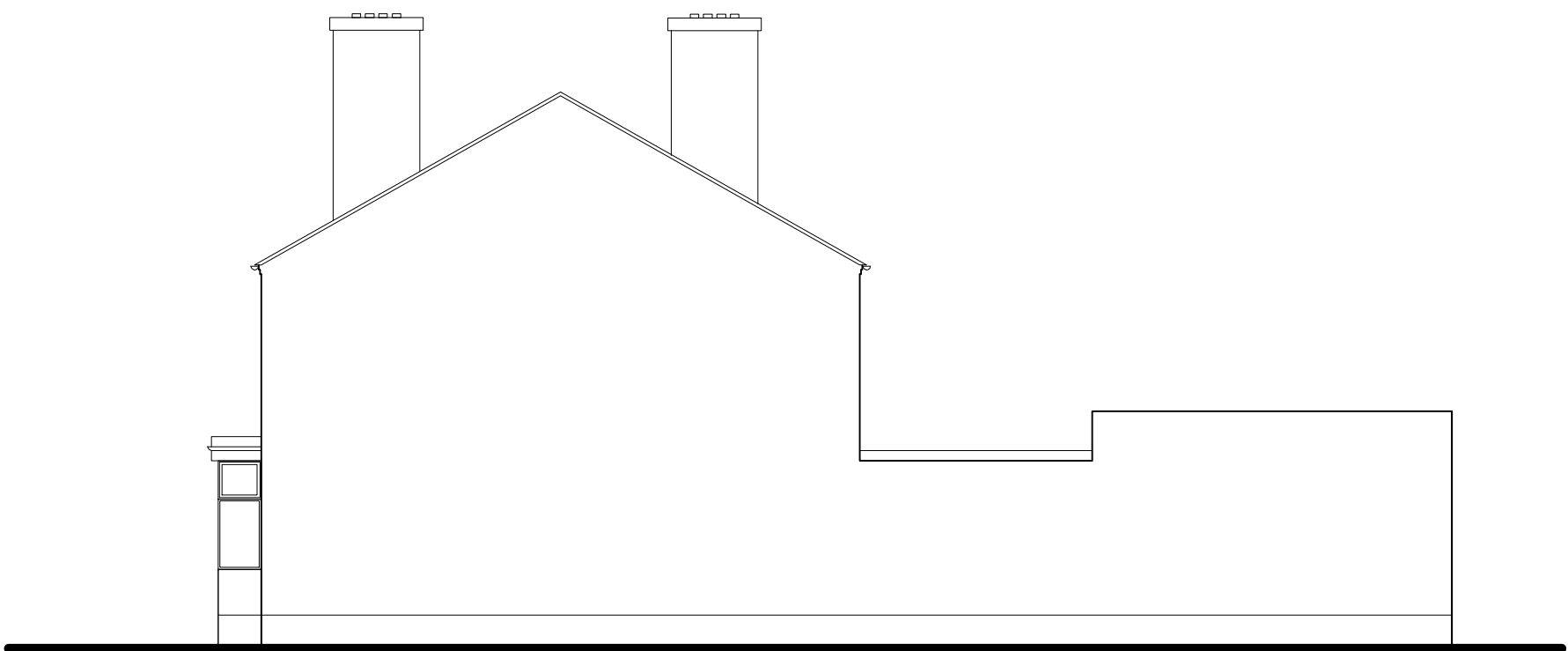
June 13

rawn
JH necked GSA

Proposed Site Plan

13-1382/011

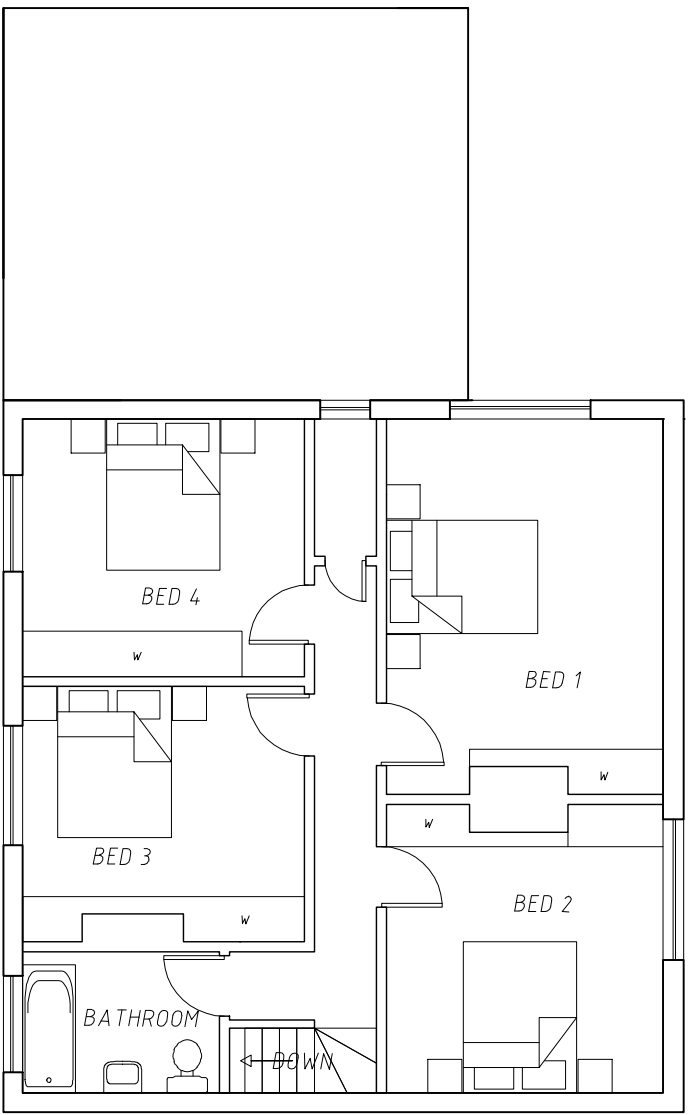
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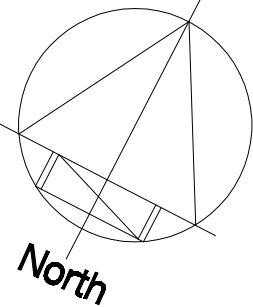
SIDE ELEVATION



SIDE ELEVATION



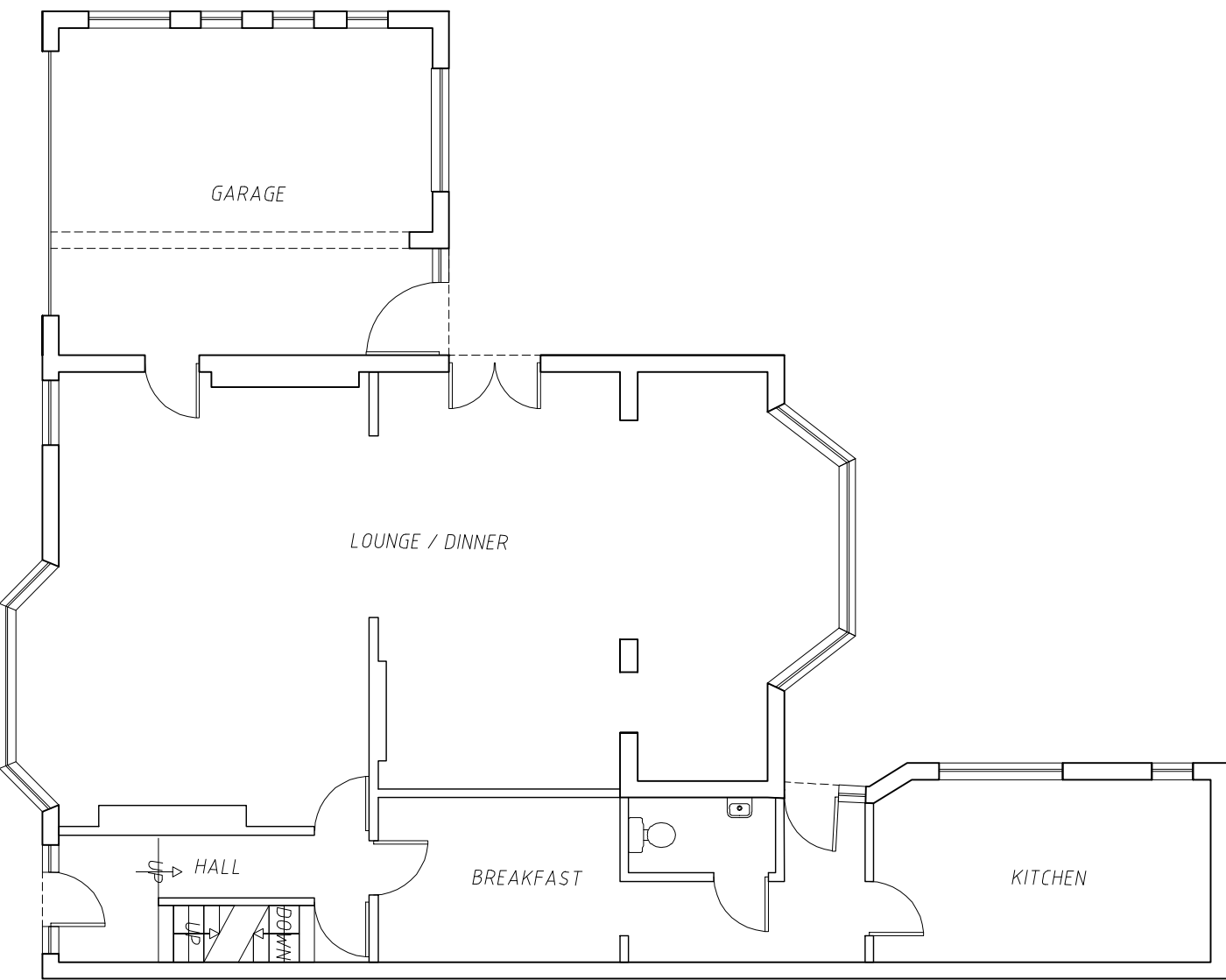
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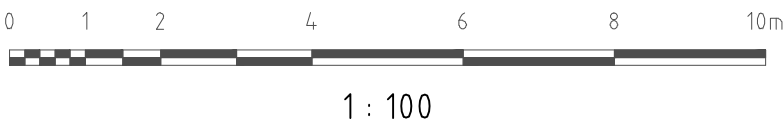
REAR ELEVATION



FRONT ELEVATION



GROUND FLOOR PLAN



1 : 100

A 20.11.13 Amended to planners requirements JG

rev.	date	drawn	chk'd
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		Gould Singleton Architects Earls Way, Halesowen, West Midlands, B63 3HR	
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scales
1:100@A1

date
09/10/2013 AS PROPOSED PLANS & ELEVATIONS

number	drawn	checked	date
JG	GSA		

THE ALBION PUB - WALLHEATH

13 - 1382/11A
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PLANNING APPLICATION NUMBER:P13/1596

Type of approval sought	Full Planning Permission
Ward	Kingswinford South
Applicant	Mr K. Preston, Hinton, Perry & Davenhill Limited
Location:	KETLEY QUARRY, DUDLEY ROAD, KINGSWINFORD, WEST MIDLANDS
Proposal	VARIATION OF CONDITION 1 OF PLANNING APPROVAL 97/50322/C2 TO REVISE PHASING OF BUND 4 CONSTRUCTION FROM 2015 TO 2014
Recommendation Summary:	APPROVE

SITE AND SURROUNDINGS

1. Ketley Quarry is situated immediately behind The Kingswinford Hotel and the adjoining BP petrol station fronting the A4101 between Pensnett and Kingswinford. It extends over 19.4 hectares and has been worked for Etruria marl and sandstone since the 1800's with the first planning permission being granted by Staffordshire County Council in 1952. The quarry consists of worked out areas that have been filled and are used for storage of overburden, clay reserves and clay cake to the west. To the east is the existing quarry working area and void, with future phases for mineral extraction that have grass or raised tree cover. An area of land adjacent to the The Kingswinford Hotel and the adjoining BP petrol station is designated as a Site of Special Scientific Interest (SSSI) due to the geological outcrop with adjacent vegetated areas and the wider quarry area being designated as a Site of Local Interest to Nature Conservation (SLINC).
2. The quarry is adjoined by inter-war residential development in Ketley Road to the west and south and 1960s residential development on the Crestwood Park estate to the south-east. The Dawley Brook runs alongside the western boundary in a wooded dingle, beyond which is the residential Sandpipers estate dating from the 1990's.

3. Across the A4101 is the Pensnett (Industrial) Estate and to the west of the Sandpipers estate is the Gibbons Industrial Park. Accordingly, the surrounding area is mixed in character. The brick and tile works of the quarry owners Hinton Perry and Davenhill Limited, is situated some 500m away in Dreadnought Road. All of the company's products are manufactured at the Dreadnought Works which takes raw material from the site which has been mixed with other imported clays to provide an appropriate material for the manufacture of its distinctive brick and tile products.
4. Access to the quarry is gained from two main points, one in Ketley Road and one from the A4101Dudley Road, just to the east of the petrol filling station. A third point of access leads solely from the end of Ketley Road across a field to the south-west of the site where the tile storage area is located.
5. The main Ketley Road access is used for the importation of clays to be stored and mixed with quarried clay. In order to form an appropriate clay mix for the manufacture of bricks and tiles, the imported clays are mixed with quarried clay and stored in a 'cake' adjacent to the Ketley Road access where they can weather, before being taken to the Dreadnought Works for product manufacture. The importation of clay is undertaken on a bulk basis when an appropriate amount of mineral becomes available each two to three years.
6. The Dudley Road access is used for the importation of inert wastes for the formation of screen bunds and those to be used for the infilling and restoration of the quarry. The access will also be used as an exit for loaded vehicles taking recycled secondary aggregates off the site for construction purposes. The Dudley Road access leads directly to a fenced, gated and concrete surfaced compound which accommodates the site offices, weighbridge, car parking and plant maintenance areas. Beyond the rear compound gates is an extended concrete apron leading to the working quarry internal haul route. The extended concrete apron accommodates a fixed drive-through, high pressure wheel washing facility sited for use by all road vehicles leaving the working quarry.
7. The quarry operates under a 2012 planning approval issued as a result of a requirement of the Environment Act 1995, to review the operational conditions of

older minerals planning consents on a fifteen year cycle, the previous consent having been granted in 1997. The definition and scope of the 2012 consent provides for mineral extraction and removal, stocking of extracted and imported minerals, internal haulage of minerals, the importation, processing, treatment, tipping and storage of waste, landscaping, planting and restoration of mineral workings. The duration of the consent for the winning and working of minerals or depositing of waste is to cease not later than 21 February 2042.

PROPOSAL

8. The 1997 planning permission approved on 19th June 1997 under reference 97/5032, was subject to 34 controlling conditions imposed to limit noise impacts, protect the amenities of the area, to screen residential properties from future extraction activities and to ensure the appropriate restoration of the site for beneficial use.
9. Under the terms of the Environment Act 1995, the operational approval under 97/50322 was the subject of specific conditional requirements to submit detailed proposals for the screening and restoration of the working quarry before the first 15 year periodic review. To this end, screening proposals required under condition 23 of the above the above consent were submitted and approved under planning application reference 97/50322/C2 on 29th November 2012.
10. Such details provided a specification for the height, construction and location of the mounds (bunds) necessary to screen the occupiers of residential dwellings adjoining the site from noise arising from future phases of mineral extraction, infilling and the restoration of the quarry. A plan accompanying the submitted details indicated the expected construction programme of the bunds in eight phases from 2012 to 2019. The approval was also the subject of requirements for land drains to the base of the bunds and for landscaping of the bunds following completion.
11. Following recent completion of the 2013 bund construction adjacent to the Dawley Brook dingle, the applicant Hinton Perry and Davenhill have considered the indicated 2015 construction timing for bund 4 that will be located to the rear of five

properties at 106-122 Oregon Close and which is proposed to follow the 2014 construction of bund 3 at the rear eight properties at 56-106 Oregon Close.

12. The above mentioned properties are located on the outside of a right angled corner of Oregon Close, in close proximity to the quarry and overlook the proposed location of the bunds.
13. The applicant is due to install the approved drainage scheme to the rear of proposed bunds 3 and 4 in January 2014 and considers that both bunds could thereafter be constructed in 25 days, (weather permitting) to also enable landscaping to be implemented within the current planting season which ordinarily runs until the end of March. The applicant considers that due to the corner location of the properties on Oregon Close, the currently proposed bund construction programme would impact upon residents twice within a thirteen month period and not building bund 4, would expose residents to excavation disturbance generated from soil stripping and the removal of overburden needed to access deeper lying clay, in the existing phase of extraction. The applicant therefore seeks a variation to the bund construction plan to bring forward the construction of bund 4 to 2014 In order to minimise impacts upon residents.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
BH/48/138	Surface working of clay and marl in Site A (Ketley Quarry) and tipping of waste material in Site B (adjacent the brick and tile works in Dreadnought Road)	Approved	21.12.50
97/50322	Determination of conditions for a Mineral Site – Environment Act 1995	Approved	19.6.97
P11/0920	Variation of condition 6b to allow lorries to enter and leave the site from 0700 rather than 0730 (unloaded)/0800 (loaded)	Refused	12.12.11
P11/1026	Improve and upgrade site access, compound, site offices, weighbridge, ancillary facilities,	Approved	31/01/12

	security fencing and car parking.		
P11/1245	Variation of condition 13(b) of planning application 97/50322 to permit the 'The construction and removal of noise barrier mounds including the removal of topsoil, subsoil and overburden in connection with their construction and removal. This activity shall not exceed 200 days in any one calendar year.	Withdrawn	20/01/12
P12/0399	Variation of condition 6 (b) of planning application 97/50322 to be revised to 'On the Dudley Road, Loaded vehicles shall not enter the site or leave the site before 07.30. Unloaded vehicles shall not enter or leave the site before 07.30. On the Ketley Road, Loaded vehicles shall not enter the site or leave the site before 08.00. Unloaded vehicles shall not enter or leave the site before 07.30.' (Resubmission of refused application P11/0920)	Approved	29/05/12
P11/1144	Inert recycling and treatment facility with material storage to process and screen waste prior to deposition and to produce primary and secondary aggregates	Approved subject to conditions	29/11/2012
97/50322/C1	Discharge of condition 30 of planning approval 97/50322 requiring details to be submitted for approval relating to the infilling, restoration, aftercare and after use of the quarry.	Approved subject to conditions	29/11/2012
97/50322/C2	Discharge of condition 23 of planning approval 97/50322 requiring details to be submitted of further bunds and tree planting to mitigate the impact of future extraction on residential properties.	Approved subject conditions to	29/11/2012
P12/0773	Periodic review of mineral consent under Environment Act 1995	Approved subject conditions to	17/05/13

PUBLIC CONSULTATION

14. Since receipt of the application, the proposal has been publicised through direct neighbour notification letters, the posting of a site notice and the publication of a notice within a local newspaper.
15. One letter of objection has been received from a resident of Oregon Close on the grounds of potential concerns relating to the structural stability of the houses and retaining walls to rear gardens and shortened timescales to arrange for structural surveys and monitoring equipment to confirm impacts from heavy plant vibration and the proposed bund. Noise impacts from the bund construction and earlier quarry operation and emissions from exhaust and dust particles are also raised as concerns.
16. An 11 signature petition from the occupiers of 106-146 Oregon Close (to the rear of bund 4) and raised by the above objector, re-iterates the above concerns and confirms that it is considered that quality of life and health will be affected 12 months earlier than envisaged from the approved bund construction programme plan.
17. It should be noted that the matter of impacts upon the structural integrity of retaining walls was previously considered in the determination of planning application reference 97/50322 which approved the height, location and construction of screen bunds, with such bunds being located far away enough from the walls to impose no additional loading.

OTHER CONSULTATION

Head of Environmental Health and Trading Standards:

18. No objection is raised to the application relative to noise issues.

Group Engineer Highways

19. No objection is raised in terms of traffic flow and highway safety.

RELEVANT PLANNING POLICY

20. National Planning Policy Framework (March 2012)

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

21. The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development. In respect of minerals, the framework requires that due regard is given to the importance of reserves to support economic growth and to safeguard supplies, especially Etruria Marl, which is considered to be a mineral of local and national importance. The Technical Guidance to the National Planning Policy Framework provides advice further advice on Minerals Policy.

Minerals Planning Guidance 14: Review of Mineral Planning Permissions

Black Country Core Strategy 2011

CSP5 Transport Strategy

TRAN3 The Efficient Movement of Freight

WM1 Sustainable Waste and Resource Management

WM2 Protecting and Enhancing Existing Waste Management Capacity

Waste

WM1 Sustainable Waste and Resource Management

WM4 Locational Considerations for New Waste Management Facilities

WM5 Resource Management and New Development

Minerals

MIN1 Managing and Safeguarding Mineral Resources

MIN2 Production of Aggregate Minerals

MIN3 Maintaining Supplies of Brick Clay

MIN5 New Proposals for Mineral Development

Nature Conservation / Geology

ENV1 Nature Conservation; the application site / wider Ketley Quarry variously having designations as:

- Site of Special Scientific Interest (SSSI)
- Site of Importance for Nature Conservation (SINC)
- Site of Local Importance for Nature Conservation (SLINC)

Saved Unitary Development Plan Policies (2005)

DD4 Development in Residential Areas

EP7 Noise Pollution

Supplementary Planning Guidance/Documents

PGN6. Highway considerations in development

ASSESSMENT

22. The main issues for consideration in this application are;

- Background, Policy and Principle
- Residential Amenity

Background, Policy and Principle

23. Operations at Ketley Quarry are governed by a Schedule of Conditions approved by the Council as Mineral Planning Authority in May 2013 under reference P12/0773, which sets the duration of the permission with the working of minerals or depositing of waste to cease not later than 21 February 2042. The detailed construction, location and height of bunds has been approved under application reference 97/50322/C2.

24. Condition 8 of approval P12/0773 relates to the control of noise and the duration of activities such bund building, at a maximum of 42 days in any calendar year, the full text of which is reproduced below;

Condition 8

Noise emitted from the site shall not exceed 55 dB(A)Leq (one hour) (freefield) between the hours of 07.30 hours and 18.00 on weekdays and 07.30 and 13.00 hours on Saturdays.

Noise emitted from the following activities shall not exceed 70dB(A) Leq (one hour) (freefield) unless agreed in writing with the Mineral Planning Authority;

- (a) *The construction of the cake stock pile adjacent to Ketley Road. This activity shall not exceed 44 working days in any one calendar year unless otherwise agreed in writing by the Mineral Planning Authority.*
- (b) *The construction and removal of noise barrier mounds including the removal of topsoil, subsoil and overburden in connection with their construction and removal. This activity shall not exceed 44 working days in any one calendar year unless otherwise agreed in writing by the Mineral Planning Authority.*
- (c) *The loading of vehicles for the removal of clay from the clay cake storage area via Ketley Road, which activity shall not be undertaken on Saturdays and shall not exceed six hours in aggregate in every working week unless otherwise agreed in writing by the Mineral Planning Authority.*
- (d) *The working, levelling and removal of tiles and bricks. These activities shall not exceed 20 working days in any one calendar year unless otherwise agreed in writing by the Mineral Planning Authority.*

All noise levels shall be measured at the nearest noise sensitive dwelling.

In all instances where a time limit is applicable to the undertaking of a particular activity, formally documented records shall be maintained and shall be made available to the Mineral Planning Authority upon request to verify the actual time worked.

- 25. The applicants have carried out an appraisal of the works required to construct both bunds, with volumes calculated as 14000 m³ and 9000 m³ for bunds 3 and 4 respectively. The applicants who operate the quarry consider that in winter months, the volume of material that can be moved for the construction of the bunds is in the region of 1200 m³ per day and are confident that the bund construction phase would last no longer than 25 days, including for the stripping of topsoil and re-spreading of the soil when construction is complete.
- 26. The principal of such works at the site is therefore set and it would appear that both bunds can be built comfortably within the 44 day period permitted duration for such works. It is also clear from reference to the location plan that should the variation of the bund construction plan not be permitted, that residents proximate to both corners of Oregon Close would be subjected to two bouts of disturbance rather than one and

that landscaping could be achieved in one phase to permit earlier maturity and a single impact upon outlook.

27. It must also be borne in mind that whilst the construction of the bunds in a single phase may also be economically advantageous to the applicant MPG14 remains national policy following the introduction of NPPF and in dealing with periodic reviews, MPG 14 points out that following the introduction of the 1995 Environment Act, new minerals permissions will have been issued that would include up to date conditions to protect amenity. Paragraph 174 of MPG14 states:

“There should not therefore be any need for further changes to working rights and the Government’s view is that conditions, other than restoration and aftercare conditions, which would restrict working rights should not be imposed except in exceptional circumstances”.

28. On the basis of the above there would be no in principle reason to restrict the variation of the construction programme which will reduce, rather than increase permitted direct impacts upon local residents.

Residential Amenity

29. The authorised activities currently undertaken on site will not be intensified by this application. The noise assessment submitted in association with application 97/50322/C2 was audited utilising three dimensional mapping of noise sources, which confirmed main impacts to be from extraction activities. Bund construction will protect local residents from both existing and future infilling and extraction phases.
30. Whilst neighbour concerns have been raised in relation to impacts occurring earlier from the quarry, it must be noted that additional impacts upon amenities which could be prevented are material to consideration.
31. Bunds will be formed from processed materials already located on the site and from sub-soils and top soils which will be stripped from the site and stored for use in final restoration of the site. No additional external vehicular activities will be required or will arise to enable the earlier construction of bund 4.

32. The matter of construction impacts arising upon retaining walls from the formation of the bunds is not material to the consideration of this application with such matters being a matter for the contractor to consider in the use of appropriate machinery and the proximity to site boundaries. As previously noted, the location of the foot of the bund at six metres away from site boundaries will not impose any additional loadings.

CONCLUSION

The revision to the proposed construction programme of bunds which are needed to protect the amenities of surrounding residents, whilst ensuring the appropriate future extraction of minerals and eventual restoration of the site can be achieved within existing operational controls and will prevent a duplication of disturbance to nearby residents the following year. No changes in the authorised operations of the site will arise and the earlier construction of the bund will also provide screening to residential properties from such operations. Comprehensive landscape treatment of the completed bunds within the current planting season will enable the earlier establishment of planting which will remain until the final restoration of the site is completed. The development is therefore considered to accord with the requirements of the National Planning Policy Framework, the Black Country Core Strategy and saved policies of the Dudley Unitary Development Plan.

RECOMMENDATION

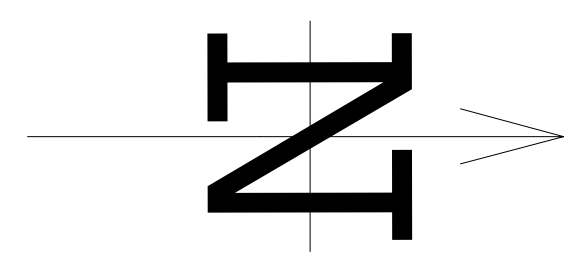
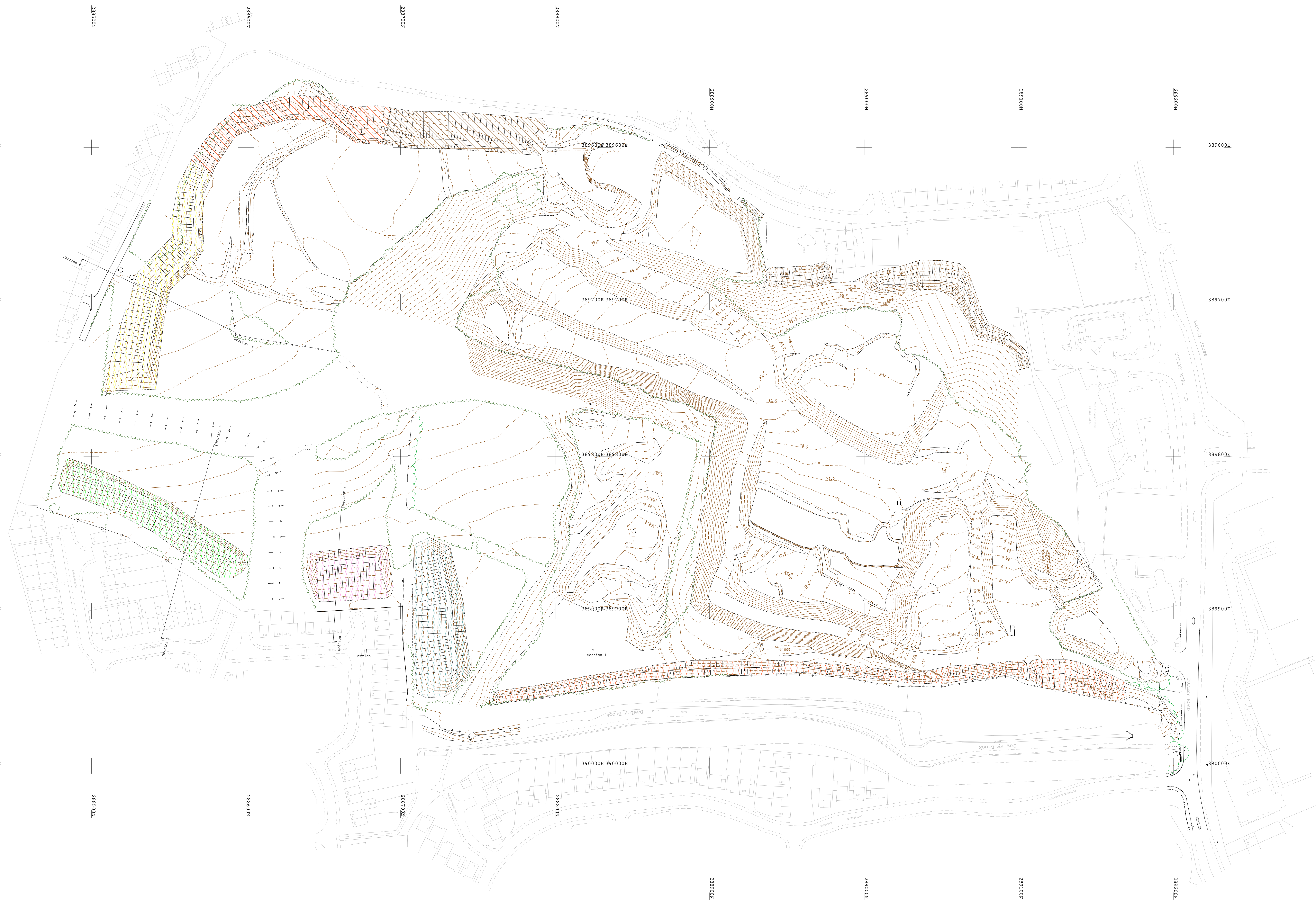
33. It is recommended that the application is APPROVED.

APPROVAL STATEMENT INFORMATIVE

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

P13/1596
Location Plan





- BUND 1 (2012)
- BUND 2 (2013)
- BUND 3 (2014)
- BUND 4 (2015)
- BUND 5 (2016)
- BUND 6 (2017)
- BUND 7 (2018)
- BUND 8 (2019)

A	BUND 2 EXTENDED.	AS	19.10.12	AY
Re	Information	By	Date	Check

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CLIENT: WCL

LOCATION: KETLEY QUARRY,
DUDLEY.

DRAWING TITLE: PROPOSED BUNDS
CONSTRUCTION PROGRAMME.

SCALE: 1:1000	SHEET SIZE: A0	REV
DATE: 02.02.12	DRAWING NO: 10/068_14	A
DRAWN BY: AS	CHECKED BY: AH	
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