

DEVELOPMENT CONTROL COMMITTEE

MONDAY 28TH JANUARY 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
Internal Ext – 5267
External – 01384 815267
E-mail – manjit.johal@dudley.gov.uk
You can view information about Dudley MBC on
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:
MKJ070113

Your Ref:

Please Ask For:
Mrs M Johal

Telephone No:
01384 815267

17th January 2013

Dear Councillor

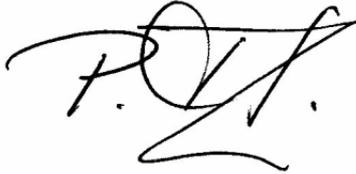
DEVELOPMENT CONTROL COMMITTEE

Monday 28th January, 2013 at 6.00 p.m.

You are requested to attend a meeting of the Development Control Committee to be held on Monday 28th January, 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 meeting held on 7th January 2013

5. PLANS AND APPLICATIONS TO DEVELOP (PAGES 58 - 251)

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

Distribution:

To all Members of the Development Control Committee

Casey	Harris	Herbert	Roberts	S Turner
Mrs Westwood	C Wilson	Wright	Zada	

AGENDA INDEX

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

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

PLANS AND APPLICATIONS TO DEVELOP

Pages 1 – 36	P12/0462 – Vacant Land between Jackson Street and Clinic Drive, Lye, Stourbridge – Erection of New Health Centre, to include a Retail Pharmacy and Associated Car Parking
Pages 37 – 57	P12/1239 – Dental Surgery, 103, Spies Lane, Halesowen – Single Storey Front Extension and New Front Stepped Access. First Floor and Two Storey Rear Extension
Pages 58 – 98	P12/1347 – Chemviron Carbon, Foxyards, Bean Road, Tipton – Erection of Storage Bunkers, Storage/Maintenance Warehouse, Bulk React Carbon Storage Silo, Bulk Tanker Truck Loading Area and Increase the Height of the Building
Pages 99 – 115	P12/1425 – Lapal House, Lapal Lane South, Halesowen – Following Demolition of Existing Outbuilding. Erection of Purpose made Outbuildings for Garages, Storage and Short Stay Respite Care (Resubmission of Withdrawn application P11/1390)
Pages 116 - 129	P12/1554 – 69 and 69A Frankley Avenue, Halesowen – Conversion of Existing Granny Annexe (No 69A) to 1 No Dwelling with New Window to Rear Elevation, New Vehicular Access from Seven Acres Road and Associated Parking (Following Demolition of Existing Garage). New Patio Window to Side Elevation of 69 Frankley Avenue
Pages 130 – 139	P12/1317 – 24–26 Stone Street, Dudley – Change of use from A2 (Professional and Financial Services) to A3/A5 (Restaurants and Cafés/Hot Food Takeaway) with Proposed Fume Extraction
Pages 140 – 150	P12/1448 – Corner House, 71 Halesowen Street, Rowley Regis – Conversion of Dwelling into 3 No Flats
Pages 151 – 168	P12/1464 – Land and Garages, off The School Drive, Dudley – Demolition of Existing Garages and Erection of 2 No Dwellings with Associated Car Parking
Pages 169 – 178	P12/1468 – 32 West Road, Cradley, Halesowen - Erection of 2 No Dwellings (Part Retrospective)

DEVELOPMENT CONTROL COMMITTEE

Monday 7th January, 2013 at 6.00 pm
in Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Harris (Chair)
Councillor Roberts (Vice-Chair)
Councillors Casey, Perks, S Turner, Mrs Westwood, C Wilson, Wright and Zada

OFFICERS:-

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

53 **APOLOGY FOR ABSENCE**

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

54 **APPOINTMENT OF SUBSTITUTE MEMBER**

It was reported that Councillor Perks had been appointed as a substitute member for Councillor Herbert for this meeting only.

55 **DECLARATIONS OF INTEREST**

Declarations of non-pecuniary interests, in accordance with the Members' Code of Conduct, were made by the following:-

Councillor Wright in Planning Application Nos P11/1274 (Former Kuehne and Nagel UK, Netherton), P12/1273 (Priory Road Car Park, Dudley), P12/1354 (Dudley Canal Trust, Dudley) and P12/1426 (Former Wordsley Hospital, Wordsley) in view of reference made to the West Midlands Fire Service and the Black Country Living Museum, as he is a member of the West Midlands Fire and Rescue Authority and a Trustee of Black Country Living Museum.

Councillor Wright in Planning Application No P12/0928 (Fire Station, Hagley Road, Halesowen) as the application had been submitted by the West Midlands Fire Service and he is a member of the West Midlands Fire and Rescue Authority. Councillor Wright withdrew from the meeting during consideration of this item.

Councillor Harris in Agenda Item No 7 (Design in Brierley Hill Town Centre Supplementary Planning Document) in view of being a Member of the Brierley Hill Town Centre Partnership and Honorary Treasurer of Brierley Hill Civic Society as they were consultees on the Supplementary Planning Document.

Councillor Perks in Planning Application No P12/1354 – Dudley Canal Trust, Todds End Field, Dudley) in view of reference made to the Black Country Museum as she is a volunteer at the Museum.

56 MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 10th December, 2012, be approved as a correct record and signed.

57 SITE VISIT

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

Plan No P12/0581 – Trindle Road, Dudley – Demolition of Existing Buildings and Erection of Foodstore (A1), Car Park and Petrol Filling Station Together with Associated Access Works, Servicing and Landscaping

The Pre Committee note for this application was read out in full and the Committee considered the detailed information given by the Head of Planning regarding the letter received from Planning Prospects on the 4th January 2013 and the related responses.

Decision: Approved, subject to the following:-

- (1) Referral to the Secretary of State for consideration in accordance with Section 77 of the Town and Country Planning Act 1990.
- (2) The applicant being invited to make an application to the Secretary of State, under Section 247 of the Town and Country Planning Act 1990 to close, create and improve highways as shown on Drawing No 13238-22 revision K or subsequent revised drawing as agreed under delegated powers by the Director of the Urban Environment to enable development authorised by planning permission to take place; the full costs and works to the Local Authorities' satisfaction shall be met by the developer.

- (3) Conditions, numbered 1 to 31 (inclusive), as set out in the report submitted.
-

58

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 P12/1426 – Ms Rowena Jeremy – an objector and Mr Howard Thorne – an agent/applicant (Not in Attendance)

- (i) Plan No P12/1426 – Building 12, Former Wordsley Hospital, Stream Road, Wordsley – Conversion of Existing Building to 9 No Apartments with Associated Parking (Amendment to Previously Approved Application P11/1511)

Decision: Approved, subject to conditions, numbered 1 to 18 (inclusive), as set out in the report submitted.

- (ii) Plan No P12/1274 – Former Kuehne and Nagel UK, Saltwells Road, Netherton, Dudley – Outline Application for the Demolition of Existing Building and Erection of 70 No Dwellings (Access to be Considered)

Decision: Approved, subject to the following:-

- (1) The applicant entering into a Section 106 Agreement for a contribution towards footpath improvements within Saltwells Local Nature Reserve totalling £2,365.72 and 10% affordable housing to be provided on site and a management and monitoring charge of £250.
- (2) The completion of the Agreement within three months of the date of this approval and, in the event of this not happening, the application being refused, if appropriate.
- (3) Conditions, numbered 1 to 22 and 24 to 27 (inclusive), as set out in the report submitted, together with amended conditions, numbered 9, 10, 12, 13 and 23 and additional conditions, numbered 28, 29 and 30, as follows:-

9. Where the approved risk assessment (required by condition 8) identifies contamination posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the Local Planning Authority.
10. Unless otherwise agreed in writing with the Local Planning Authority, the approved scheme (required by condition 9) shall be implemented and a verification report submitted to and approved by the Local Planning Authority, before the development (or relevant phase of the development) is first occupied/brought into use.
12. Where the approved risk assessment (required by condition 11) 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.
13. Unless otherwise agreed in writing with the Local Planning Authority, the approved scheme (required by condition 12) shall be implemented and a verification report submitted to and approved by the Local Planning Authority, before the development (or relevant phase of the development) is first occupied/brought into use.
23. Prior to demolition if this is in advance of any subsequent planning applications bat surveys to the standard of either the Nature Conservation SPD or Bat Conservation Trust's Bat Surveys: Good Practice Guidelines (2012) must be submitted along with a plan of any mitigation required for agreement at Reserved Matters stage. The surveys must include the whole of the site (including appropriate areas adjacent to the site) and be carried out by an experienced and qualified bat worker and integrated into a site mitigation plan. All works must be carried out in accordance to the approved plan and retained for the lifetime of the development.

28. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up and including the 1 in 100 year + 30% critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- Limiting the surface water runoff to Greenfield Rates, around 5l/s per hectare
- Details of how the scheme shall be maintained and managed after completion.

29. No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- 1) A preliminary risk assessment which has identified:
All previous uses
Potential contaminants associated with those uses
A conceptual model of the site indicating sources, pathways and receptors
Potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

30. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

and that the Director of the Urban Environment be authorised to amend the foregoing conditions as necessary.

- (iii) Plan No P12/0928 – Fire Station, Hagley Road, Halesowen – Outline Application for Demolition of Fire Station and Erection of 14 No Dwellings (Access to be Considered)

Decision: Approved, subject to conditions, numbered 1 to 7 and 9 to 27 (inclusive), as set out in the report submitted, together with a revised condition, numbered 8, and additional condition, numbered 28, as follows:-

8. For the avoidance of doubt any subsequent reserved matters application shall include details of the parking and turning areas within the site. The development shall be carried out in full accordance with those details prior to the first occupation of any of the dwellings hereby approved and shall be retained as such thereafter.

28. For the avoidance of doubt any subsequent reserved matters application shall take account of the existing turning head on Ashfield Grove and the development shall not encroach into it.

(iv) Plan No P12/1273 – Priory Road Car Park, Priory Road, Dudley – Erection of New Four-Storey Education Building, Together with Associated Access Works, Car Parking and Landscaping

Decision: Approved, subject to conditions, numbered 1 and 2, 5, 7 to 9 and 11 and 13 to 20 (inclusive), as set out in the report submitted, together with the deletion of condition, numbered 12 and revised conditions, numbered 3, 4, 6 and 10, as follows:-

3. No development shall take place unless an obligation under Section 106 of the Town and Country Planning Act 1990 between the Local Planning Authority and all persons interested in the land within the application site has been executed, such obligation to secure the following:
 - (1) The payment of £10,000.00 for Car Parking Monitoring and associated Traffic Regulation Orders
 - (2) £1,340.00 for the monitoring, management and implementation of the above obligations, and
 - (3) An agreement not to implement the development approved under planning permission P10/0954 in the event that the development approved under this application is implemented, and
 - (4) The Council's Legal Fees for drafting the agreement.
4. Prior to the first occupation of the development, details of nature conservation enhancement works shall be submitted to and approved in writing by the Local Planning Authority. The nature conservation enhancements 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.
6. Prior to the first occupation of the development, details of works of public art shall be submitted to and approved in writing by the Local Planning Authority. The works of public art 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. Prior to the commencement of development, a detailed landscaping scheme (incorporating all hard and soft landscaping) for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include provisions for the maintenance of landscaped areas on the site, including a commitment to replacement planting in the event that any planting becomes diseased, damaged or removed. The agreed scheme shall be implemented in accordance with the approved details before the building hereby approved first being brought into use (for the hard landscaping) and before the end of the first planting season following initial occupation of the development (for the soft landscaping).

(v) Plan No P12/1333 – Land Adjacent to 122 High Street, Lye, Stourbridge – Outline Application for the Erection of 19 No Dwellings (All Matters Reserved)

Decision: Approved, subject to the following:-

- (1) The applicant entering into a Section 106 Agreement for 25% onsite provision of affordable housing and management and monitoring fees of £500.
- (2) The completion of the Agreement within three months of the date of this approval and, in the event of this not happening, the application being refused, if appropriate.
- (3) Conditions, numbered 1 to 12 and 15 to 24 (inclusive), as set out in the report submitted, together with amended conditions, numbered 13 and 14, as follows:-
 13. Where the approved risk assessment (required by condition No 12) identifies contamination posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the Local Planning Authority.
 14. Unless otherwise agreed in writing with the Local Planning Authority, the approved scheme (required by condition No 13) shall be implemented and a verification report submitted to and approved by the Local Planning Authority, before the development (or relevant phase of the development) is first occupied/brought into use.

and that the Director of the Urban Environment be authorised to amend the foregoing conditions as necessary.

- (vi) Plan No P12/1354 – Dudley Canal Trust, Todds End Field, Birmingham New Road, Dudley – Erection of a Portal (Learning and Access Hub) with Associated Works to Include Pedestrian Swing Bridge (Over Canal), Car Park Improvements and Landscaping

Decision: Approved, subject to conditions, numbered 1 to 15 (inclusive), as set out in the report submitted.

- (vii) Plan No P12/1359 – Dudley College, The Broadway, Dudley – Variation of Conditions 3, 8, 20 of Planning Application P10/0954

Decision: Approved, subject to conditions, numbered 1, 4, 6 to 10 and 12 to 23 (inclusive), as set out in the report submitted, together with revised conditions, numbered 2, 3, 5 and 11, as follows:-

2. Prior to the first occupation details of public realms works shall be submitted to and approved in writing by the Local Planning Authority. The public realm works shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
3. Prior to the first occupation details of works of public art shall be submitted to and approved in writing by the Local Planning Authority. The works of public art 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.
5. Application for Reserved Matters shall be made and the development shall commence before 24th September 2015.
11. The development shall not be begun until the revocation or expiry of planning permission P06/2167/E1 has been secured.

- (viii) Plan No P12/1413 – Netherend Unitarian Chapel, Park Lane, Cradley, Halesowen – Fell 5 Lime Trees and 1 Beech Tree. Pollard 7 Lime Trees

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

- (ix) Plan No P12/1450 – LCP House (Building 36), First Avenue, Pensnett Trading Estate, Kingswinford – Fell 12 Leylandii Trees. Fell 3 Multi-Stem Ash Seedlings, Coppice 8 Multi-Stem Willow Trees and 30 Single Stem Willow Trees. Crown Lift all Trees to a Height of 5 Metres Along Boundary Fence from 46 Hinsford Close over 30 Metres as on Plan. Crown Lift all Trees to a Height of 3.6 Metres Along Stallings Lane as on Plan. Pollard 1 Willow Tree.

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

- (x) Plan No P12/1585 – 11 Heath Street, Stourbridge – Fell 1 Cypress Tree and Reduce 1 Sycamore by 30%. Trim off Epicormic Growth

Decision: That the Director of the Urban Environment be authorised to approve the application subject to no adverse comments being received following the expiration of the public consultation period, and to the condition, numbered 1, as set out in the report submitted.

59 DESIGN IN BRIERLEY HILL TOWN CENTRE SUPPLEMENTARY PLANNING DOCUMENT

A report of the Director of the Urban Environment was submitted on the Design in Brierley Hill Town Centre Supplementary Planning Document (SPD) and its role as supporting guidance to the adopted Brierley Hill Area Action Plan.

RESOLVED

That the information contained in the report submitted on the Design in Brierley Hill Town Centre Supplementary Planning Document (SPD) and its role as supporting guidance to the adopted Brierley Hill Area Action Plan, be noted.

60 REVOCAION OF TREE PRESERVATION ORDER

A report of the Director of the Urban Environment was submitted on whether the Tree Preservation Order, as indicated in Appendix 1 of the report submitted, should be revoked due to a change in circumstances since it was originally made.

RESOLVED

That approval be given to the revocation of the Tree Preservation Order indicated in Appendix 1 of the report submitted, namely: The Borough of Dudley (80/82. Ellowes Road, Lower Gornal) Tree Preservation Order 1995.

The meeting ended at 7.30 pm.

CHAIR

PLANNING APPLICATION NUMBER:P12/0462

Type of approval sought	Full Planning Permission
Ward	Lye and Stourbridge North
Applicant	Ms Julie Gunning, NHS Dudley Primary Care Trust
Location:	VACANT LAND BETWEEN JACKSON STREET & CLINIC DRIVE, LYE, STOURBRIDGE, WEST MIDLANDS
Proposal	ERECTION OF NEW HEALTH CENTRE TO INCLUDE A RETAIL PHARMACY AND ASSOCIATED CAR PARKING
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The application site measures approximately 0.28 hectares in area and is bounded on three sides by public highways; to the north by the A458, Lye By-Pass, to the East by Clinic Drive and to the West by Jackson Street. Lye By-Pass and Clinic Drive are both one-way and the former is part of the transport corridor which links Stourbridge, Halesowen and Birmingham. Jackson Street is partly one and two way from the High Street and Lye Bye- Pass to enable access and egress from Jackson Street car park. The by-pass runs west to east, with Clinic Drive and Jackson Street running south and north respectively, connecting Lye High Street to the By- Pass. The South side of the site is bounded by a number of rear gardens / yards relating to properties fronting the High Street.
2. The site relates to the Orchard Lane Car Park and is previously developed land or a 'Brown field' site located to the north of Lye Town Centre surrounded in the main by commercial properties. Historically the site was recorded as being occupied by a number of domestic or commercial properties fronting out onto what is now the Lye By-pass.

3. The site is subject to subsoil contamination by its previous uses and from fly tipping. The site is also affected by a large spread of Japanese Knotweed, which would require treatment / removal before development could begin. The site is also populated by a number of mature and semi mature trees.
4. The site slopes downwards from the east to the west by approximately 4 metres in total with the gradient across the site evident from the By Pass.

PROPOSAL

5. The application seeks full planning permission for the erection of a three storey medical centre. The proposed building is to be used to accommodate the relocation of two local GP practices (The Limes and Pedmore Road) and Primary Care Services (including a pharmacy) over a gross floor area of 2657sq. metres.
6. The scheme would accommodate soft and hard landscaping and provide approximately 25 car parking spaces on two gated car parks located to each end of the site. The 'Staff' car park would provide 14 no. parking spaces and would be accessed via Jackson Street. Within this parking area, provision would be made for a visiting 'mobile' Screening unit which would also utilise a turning area on Jackson Street car park opposite; however, it should be noted that this facility is only expected to be used once or twice every 3 years.
7. The 'patients' car park would provide approximately 10 no. parking spaces (with the majority being marked or unmarked disabled parking bay spaces) and would be accessed via a barrier arm gate from Clinic Drive which would link to the first floor of the development due to the level change across the site.
8. The expected opening hours would be 07:00 to 20:00 (Monday to Friday) and 08:00 to 10:00 (Saturday) and closed Sunday and Bank Holidays. The applicant also expects 36 full time people would be employed (21 medical staff and 15 non-medical staff).

9. The application is accompanied by the following information:

- Planning Statement
- Design and Access Statement
- Air Quality Assessment
- Tree Assessment
- Ecological Appraisal
- Accessibility Report
- Japanese Knotweed Report
- Geo-environmental Assessment
- Transport Assessment
- Travel Plan Framework
- Parking Strategy

HISTORY

Application Site

APPLICATION	PROPOSAL	DECISION	DATE
93/51619	Full planning permission for the construction of a single carriageway bypass to the north of Lye town centre between cemetery road and Hayes Lane	Approved With conditions	13 January 1994

PUBLIC CONSULTATION

10. The application was advertised by way of neighbour notification letters being sent to the occupiers of 180 properties within the vicinity of the site, by the display of a site notice and by an advert within the local press. Two objections were received expressing concern to the impact the development would have upon prescriptive rights of way / servicing of vehicles, as well as land ownership. Amended plans were received, resulting in further neighbour notification letters being sent to the same occupiers. The latest date for comments was the 26 November 2012, with no further representations being received.

OTHER CONSULTATION

11. Group Engineer (Development): No objection raised subject to highway conditions (including a travel plan) and the applicant entering into Section 38 and Section 278 agreements under the Highway Act 1980 to allow for highway works to include a new widened footway in clinic drive and new footways in Jackson Street to an adoptable highway standard. The existing footways in Jackson Street shall also be improved to a carriageway construction specification to be able to withstand loads from large articulated vehicles.

The Group Engineer (Development) advises that the targets for the Travel Plan should be no more than 900 average daily vehicle movements or 10% reduction in vehicle movements (whichever is the lesser), as measured by the initial post development opening vehicle survey which should be undertaken within 3 months of the first occupation of the building. This target should be attained within 5 years of first occupation.

12. Head of Environmental Health and Trading Standards: The air quality assessment concludes that there will be small but insignificant air quality impacts resulting from traffic increases on the local network. To combat the synergic air quality impacts of developments of this type due to an increase in trip generation a condition is recommended for the onsite provision of charging points for electric vehicles (Condition 7). Additionally, to ensure that any noise from fixed plant such as air condition systems would not lead to a loss of amenity a noise condition should be included (Condition 10).
13. Severn Trent Water: No objection raised subject to a condition (Condition 8) to ensure satisfactory drainage plans for the disposal of surface water and foul sewage.

14. Coal Authority: The Coal Authority considers that the content and conclusions of the Geo-environmental Assessment are sufficient for the purposes of the planning system and meet the requirements of the National Planning Policy framework (NPPF) in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore raises no objection to the development subject to the imposition of a condition (Condition 9) requiring intrusive site investigation works as recommended within the Geo-environmental Assessment are undertaken prior to commencement of development.
15. West Midlands Police: No objection raised; however a number of detailed observations are suggested relative to the operation of the site.
16. West Midlands Fire Service: No objection raised as scheme would be satisfactory for fire service access

RELEVANT PLANNING POLICY

National Planning Guidance

- National Planning Policy Framework (NPPF) (2012)

Black Country Core Strategy (BCCS) (2011)

- The Vision
- Sustainability Principles
- The Spatial Objectives
- CSP1 The Growth Network
- CSP4 Place Making
- CSP5 Transport Strategy
- DEL1 Infrastructure Provision
- HOU5 Education and Health Care Facilities
- CEN1 The Importance of the Black Country Centres for the Regeneration Strategy
- CEN2 Hierarchy of Centres
- CEN6 Meeting Local Needs for Shopping and Services

- CEN8 Car Parking in Centres
- TRAN2 Managing Transport Impacts of New Development
- ENV 1 Nature Conservation
- ENV 3 Design Quality
- ENV 5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV 7 Renewable Energy
- ENV 8 Air Quality

Saved Unitary Development Plan (UDP) Policies (2005)

- DD1 Urban Design
- DD2 Mixed Use
- DD3 Design of Retail Development
- DD9 Public Art
- DD10 Nature Conservation and Development
- UR9 Contaminated Land
- CS3 Community Facilities
- NC1 Biodiversity
- NC6 Wildlife Species
- NC9 Mature Trees
- NC10 The Urban Forest
- EP3 Water Protection
- EP6 Light Pollution
- EP7 Noise Pollution

Supplementary Planning Documents (SPD)

- Nature Conservation
- Parking Standards
- Planning Obligations

Supplementary Planning Guidance (SPG)

- Design for Community Safety

ASSESSMENT

17. The determining issues in the assessment of this application are the:

- Principle
- Impact on the character of the area
- Highway Issues
- Nature Conservation
- Planning Obligations

Principle

18. The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development and that this can be achieved, in part, by providing support for healthy communities and accessible local services, which reflect the community's needs and support its health, social and cultural well-being. The NPPF also promotes the provision of mixed use developments as one of its 12 core planning principles, as does Policy HOU5 (Education and Health Care Facilities) of the Black Country Core Strategy (BCCS), which supports the provision of a mix of compatible community service uses on a single site. Saved Policy DD2 (Mixed Use) of the Dudley Unitary Development Plan also encourages mixed use developments as a key component of the vitality and viability of local areas.
19. The application site constitutes previously developed land ('brown field') within a highly sustainable district centre location served by a number public transport routes (including bus and rail). The health care facility would allow for the re-location of the existing Limes and Pedmore Road GP Practices to form a hub of GP services alongside specialist primary care services including a Pharmacy, offices and a community room. In addition to health care facilities, it also includes a community

room, library and seminar rooms thereby, providing a number of uses in the local centre within one building. The development is therefore considered to be acceptable in principle with regard to the above NPPF advice and Policy HOU5 of the BCCS and Saved Policy DD2 of the Dudley UDP.

20. Policy HOU5 of the BCCS also requires that new health care facilities should be well related to public transport infrastructure and directed to a centre appropriate in role and scale to the proposed development and its catchment area. It is considered that the site is ideally located to serve the local Lye community, as it is within walking distance of residential properties, has bus stops within close proximity (on the highway frontage), as well as the nearby train station, to the north of the site. In this respect the proposal also complies with Policy CSP4 (Place Making) of the BCCS which advises that centres should provide a focus and concentration for essential local services with easy access by walking, cycling and public transport.

Impact on the Character of the Area

21. A contemporary approach has been taken towards the design and appearance of the building, which would deliver a distinctive statement to building that hares design elements with the 'sure start' development to the east.
22. The building would be flat roofed and of a maximum of three storeys in height with white and green render to create a modern façade complimented by traditional red brick, located at back of pavement to ensure that it would have a strong and active street frontage. The Clinic Drive and Jackson Street frontages would be denoted by brick walls with railings over, denoting the public and private realms. The development would make a positive contribution to the character of the area. In this respect the proposal complies with:
 - The NPPF, which advises that in determining applications great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area;

- Policy ENV3 (Design Quality) of the BCCS which seeks to deliver a successful urban renaissance through high quality design;
- Saved Policy DD1 (Urban Design) of the UDP which requires that new developments should make a positive contribution to the character and appearance of the area.

Highway Issues

23. Policy TRAN 2 (Managing Transport Impacts of New Development) of the BCCS requires that new developments should demonstrate their travel and transportation impacts together with proposals for mitigation, and advises that it is important that accessibility by a choice of sustainable modes of transport is maximized at all developments.
24. To accord with the standards set out in the Parking Standards Supplementary Planning Document (SPD) for medical facilities (1 space per member of staff and 2 spaces per treatment room) the development should provide a maximum of 82 parking spaces; however, in this instance approximately 25 parking spaces are to be provided which would result in a shortfall of some 50 parking spaces from the maximum standards but given that there is additional capacity in adjacent 'public' car parks, this shortfall would be accommodated. It should also be considered that the site lies in a sustainable location near to public transport nodes. The choice of transport modes available to patients and staff (walking, car, cycle, and public transport) would therefore ensure the accessibility of the site in accordance with Policy TRAN2 of the BCCS.
25. With regard to the comments of the Group Engineer it is recommended that a condition be imposed requiring the submission of a delivery management strategy, in order to prescribe the types of vehicle allowed to visit the site, the means by which they gain access to the site, and the hours during which they can visit. The imposition of such a condition would ensure that the development would not prejudice highway safety implications. This shall be secured by condition (Condition 6)

Nature Conservation

26. The Ecology Appraisal by FPCR Environment and Design Ltd, dated September 2010, confirms that there are no likely impacts upon protected species, accordingly the proposal is supported by nature conservation planning policies and mitigation would be secured through on site mitigation in the form of low-level lighting and the planting of native trees, hedgerows and wild flower planting. Low-level lighting would also be introduced. The scheme would accord with Policy ENV 1 (Nature Conservation) of the BCCS and Saved Policy DD10 (Nature Conservation and Development) and Nature Conservation SPD.

Planning Obligations

27. Policy DEL1 (Infrastructure Provision) of the BCCS 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 of the BCCS 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.
28. The obligations potentially triggered according to the Planning Obligations SPD are Economic and Community Development, Public Art, Public Realm Improvements, Transport Infrastructure Improvements, Air Quality Improvements and Nature Conservation Improvements. 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.

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

On-Site Provision (to be secured by condition)

- Economic and Community Benefit – to source local labour and materials to aid stimulus of the both the local economy and employment opportunities and to reduce the carbon footprint of the development by sourcing materials locally and to ensure best fit with the local materials of the surrounding built environment (Condition 11).
- Public Art – 1% of the Design and Build Costs. The public art feature details as submitted (incorporated within the frontage boundary wall treatment) shall be secured by condition (Condition 12).
- Air Quality – to provide an electric vehicle charging point within the development (specifically the staff parking area (Condition 7).
- Nature Conservation – to an equivalent value of £1,456.00; wildflower planting and native hedgerows shall be secured within the soft landscaping by condition (Condition 4) and replacement native trees (Condition 18). Low-level lighting would also be introduced (Condition 19). This would allow the development to make a positive contribution to the natural environment.

30. It is considered that these contributions meet the necessary tests as stated above in that they contribute to the delivery of a sustainable development, are being provided directly on the development site itself and are deemed to be in scale and kind to the proposed development.

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

CONCLUSION

32. No significant adverse impacts have been identified but positive impacts would arise in terms of economic, social, environmental and health and wellbeing issues.
33. In terms of economic issues the development would generate economic outputs, physical regeneration and local employment. The development could create 36 jobs for 21 medical staff and 15 non-medical staff. The development would also generate jobs in the construction phase of the development. The medical centre would therefore generate a significant number of new jobs and economic benefits to Dudley, the Black Country and the West Midlands as a whole at a time of high unemployment.
34. The principle of the use of the site as a medical centre accords with the relevant Saved UDP land designation for this part of Lye as the proposal provides a regeneration opportunity to help sustain the town centre as a whole and would help to achieve one of the aims of the NPPF to secure economic growth in order to create jobs and prosperity.
35. The scheme would provide a degree of parking and would be located adjacent to further 'public' car parks to provide other ambulant parking which would support the development. The proposed highway improvement works would ensure that the increased vehicular pedestrian and vehicle generation can also be satisfactorily accommodated. An appropriate amount of additional infrastructure is to be provided to ensure that the development achieves its sustainability objectives.

In terms of social benefits, the development would help to achieve the NPPF aim of supporting the health and social well-being of communities, by creating a high quality built environment within a neglected part of the town centre with no active developed frontage.

36. With respect to the environmental benefits of the scheme the development would contribute to the enhancement of the built environment, having a positive impact on the appearance of the town centre. An appropriate amount of additional infrastructure is to be provided to ensure that the development achieves its sustainability objectives.
37. Finally, there is a positive health and wellbeing impact from the development which would be well linked to the rest of the centre and the wider area, and proposes clear and legible pedestrian routes, active street frontages which can help to create healthy, inclusive communities.
38. The principle of the proposed development on a sustainable 'brown field' site is acceptable in that it would be a mixed use development providing health care and community facilities in a sustainable location within the community it will serve. The proposed development would provide regeneration benefits and apply the principles of good urban design whilst making a positive contribution to the character of the area. The development would also provide satisfactory parking and delivery arrangements whilst having no significant impact upon highway safety.
39. Planning Obligations can be secured by condition with Economic and Community Development, Public Art, Air Quality Improvements and Nature Conservation Improvements being provided on site. On this basis, the development is considered compliant with policy and the associated guidance.

RECOMMENDATION

40. It is recommended that the application be **approved subject to conditions:**

Reason for approval

The principle of the proposed development on a sustainable 'brown field' site is acceptable in that it will be a mixed use development providing health care and community facilities in a sustainable location within the community it will serve. The proposed development would make a positive contribution to the character of the area and would have no significant impact upon highway safety.

Planning Obligations can be secured by condition with Economic and Community Development, Public Art, Air Quality Improvements and Nature Conservation Improvements being provided on site. On this basis, the development is considered compliant with policy and the associated guidance.

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Black Country Core Strategy (BCCS) (2011), the Saved Dudley Unitary Development Plan (UDP) (2005) and to all other relevant material considerations.

The above is intended as a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report.

Approval Statement

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 (NPPF).

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. Notwithstanding the car parking details shown upon the approved plans and prior to the commencement of development, a plan shall be submitted and approved in writing by the Local Planning Authority showing 5 No. marked parking bays and 4 No. widened unmarked bays within the patients parking area. The parking layout shall be provided prior to the first occupation of the development and shall be retained throughout the life of the development
3. 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.

4. Landscape plans (including an establishment and maintenance programme), taking into account appropriate improvements for nature conservation shall be submitted and approved by the local planning authority before any development commences. All works must be carried out in accordance to the approved plans and programmes.
5. Prior to the commencement of development, details of the boundary treatments to be installed on the whole site shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details, which shall be installed on site prior to occupation and thereafter maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
6. No development shall commence until a Delivery Management and Parking Strategy has been submitted to and approved in writing by the local planning authority. The Strategy shall include details of the following:

- 1) the type and size of all vehicles (other than staff and patient vehicles), to ensure that there is sufficient space within the site to enter and exit in forward gear;
- 2) delivery times, to ensure that vehicles do not visit the site when the access gates are closed;
- 3) the route taken by vehicles to the site, to ensure that vehicles do not turn left into or out of the site.
- 4) details of the gate(s) operation system.
- 5) details of the banksman system and bollarding of spaces as required.

The development shall thereafter take place in accordance with the approved details, and shall take place in perpetuity in accordance with those details for the lifetime of the development.

7. 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.
8. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use and maintained throughout the life of the development.
9. Prior to the commencement of development, further site investigation works recommended within the Geo-environmental Assessment shall be undertaken. If the site investigations confirm the need for remedial works to treat any areas of shallow mine workings to ensure the safety and stability of the approved development, these measures shall be submitted to and approved in writing by the Local Planning Authority and prior to commencement of the development.
10. The noise rating level of any fixed plant and/or machinery associated with the development shall not exceed background noise levels at any nearby dwelling by more than 5dB(A), as assessed under the methodology of BS 4142 (1997) (Method for rating industrial noise affecting mixed residential and industrial areas) and/or its subsequent amendments.

11. 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.
12. Prior to the first occupation of the building, the public art shall be implemented in accordance with the approved details (submitted under drawing No. A-DWG-2012-01-P (Revision R01) and Dated 29 October 2012. The works of public art shall thereafter be maintained for the life of the development.
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. No part of the development hereby permitted shall be commenced until full details of soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details must include, where appropriate, planting plans, written specifications, a schedule of plants including species, plant sizes and proposed numbers/densities and a programme of implementation. Plans must also include accurate plotting of all existing landscape features.

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

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

15. No works should commence, or continue, if the most recent protected species survey and assessment is over 12 months old. These surveys and assessments must be of, or above, the standard detailed within the Nature Conservation SPD. They must include the whole of the site and be carried out by an experienced and qualified ecological consultant and integrated into a site mitigation plan. All of these must be submitted to and approved in writing by the Council before any works commence (or continue). All works must be carried out in accordance to the approved plan.
16. If protected species are found during any stage of the development all works must stop immediately and Natural England, the project's ecologist and the Council's Nature Conservation Officer must be contacted immediately. Works should not re-commence until relevant licences have been obtained and written permission is granted by Natural England and the Council.

17. The demolition of the buildings and the clearance of trees and other vegetation should avoid the bird nesting season (February – August inclusive) unless a breeding bird assessment (with recommendations) is carried out by a trained ecologist within 7 days of the works commencing. This should be submitted in writing and approved by the Council before works begin. All works must be carried out in accordance to the approved assessment's recommendations.
18. A plan detailing suitable replacement native trees, and their establishment programme, should be submitted and approved in writing by the Council before any works proceed. All works must be carried out in accordance to the approved plan and programme.
19. Any outside lighting should conform to the Bat Conservation Trust and Institute for Lighting Engineers' guidance 'Bats and lighting in the UK'. It should be close to the ground and directed downwards. It should be activated by a timed sensor with a low movement sensitivity, so as not to be triggered by wildlife. A plan detailing outside lighting will be submitted and approved in writing by the Council before any works proceed. All works must be carried out in accordance to the approved plan.
20. 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.
21. The development shall not be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority, including details of a Travel Plan Co-ordinator, Staff Travel Survey, Car Parking Management, Walking and Cycling initiatives, Publicity and Marketing, Set targets and monitoring and to join Company Travel Wise in Dudley together with a timetable for the implementation of each such element. The Travel Plan shall be implemented in accordance with the details approved by the local planning authority and remain operational for the life of the development.
22. No development shall commence until details of the highway works have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until these highway works have been implemented in accordance with the approved details. The highway works shall include a new widened footway in clinic drive, new footways in Jackson Street to an adoptable highway standard. The existing footways in Jackson Street shall also be improved to a carriageway construction specification to be able to withstand loads from large articulated vehicles.
23. The development hereby permitted shall be carried out in accordance with the following approved plans:
'A-DWG-010-004-P (Revision R05) Dated 08 March 2012', 'A-DWG-101-00-P (Revision R03) Dated 08 March 2012', 'A-DWG-101-02-P (Revision R03) Dated 08 March 2012', 'A-DWG-200-02-P (Revision R07) Dated 08 March 2012', 'A-DWG-210-01-P (Revision R01) Dated 29 October 2012', 'A-DWG-060-01-P (Revision R04) Dated 08 March 2012', 'A-DWG-101-01-P (Revision R06) Dated 08 March 2012', 'A-DWG-101-04-P (Revision R03) Dated 08 March 2012', 'A-DWG-200-04-P (Revision R06) Dated 08 March 2012', 'A-DWG-200-03-P (Revision R07) Dated 08 March 2012', 'A-DWG-301-00-P (Revision R02) Dated

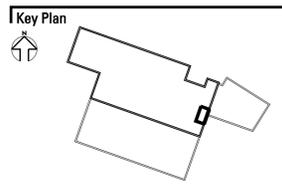
08 March 2012' 'A-DWG-200-05-P (Revision R05) Dated 08 March 2012', 'A-DWG-302-00-P (Revision R03) Dated 08 March 2012', 'A-DWG-015-01-P (Revision R02) Dated 08 March 2012', 'A-DWG-050-02-P (Revision R03) Dated 08 March 2012', 'A-DWG-050-01-P (Revision R03) Dated 08 March 2012', 'A-DWG-011-00-P (Revision R02) Dated 30 March 2012', ' A-DWG-020-00-P (Revision R05) Dated 08 March 2012' and A-DWG-010-001-P (Revision R05) Dated 08 March 2012'.

Rev.	Date	Description	By
R01	30.03.12	Planning Issue	SG
R02	30.03.12	Planning Issue	SG
R03	30.03.12	Planning Issue	SG
R04	02.04.12	Planning Issue	SG
R05	02.04.12	Planning Issue	SG

Notes

Site level information obtained from Interlock Surveys Ltd Drawing dated 20/08/10

— Site area of development to be acquired by LIFT Co.



DO NOT SCALE FROM DRAWING ALL DIMENSIONS TO BE CHECKED ON SITE

FOR PLANNING APPROVAL

ARCHITECTS **sh**
 200 St John Street
 London
 EC1V 4RN
 T (020) 7549 4050
 F (020) 7549 4051
 www.steffian.com

Project Number	Scale	A1
8202.000	1:500	

Client
**Dudley Infracare LIFT
 Ashley House PLC**

Project
Lye Health Centre

Title
Location Plan

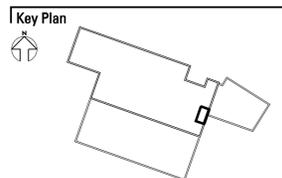
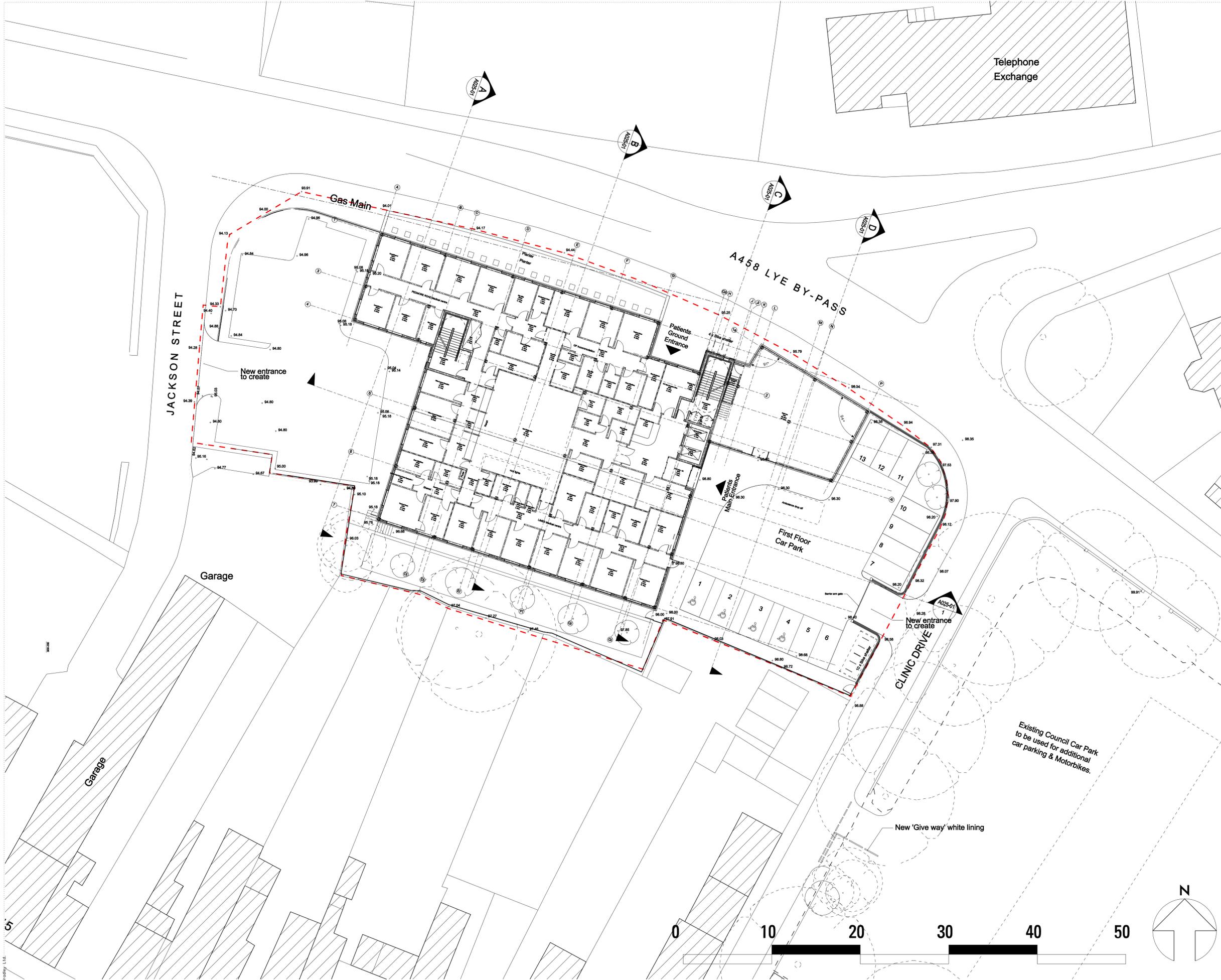
Drawing No	Revisions
A-DWG-010-001-P	R05

Date	Drawn	Checked	Approved
03/03/12	KJ	SG	RC

Plotted: datedatedatedated
 By: usernameuser

Rev.	Date	Description	By
R01	30.03.12	Planning Issue	SG
R02	30.03.12	Planning Issue	SG
R03	30.03.12	Planning Issue	SG
R04	30.03.12	Planning Issue	SG
R05	16.04.12	Planning Issue	SG
R06	22.10.12	Planning Issue	ST

Notes



DO NOT SCALE FROM DRAWING ALL DIMENSIONS TO BE CHECKED ON SITE
FOR PLANNING APPROVAL

ARCHITECTS **sh**
200 St John Street
London
EC1V 4RN
T (020) 7549 4050
F (020) 7549 4051
www.steffian.com

Project Number 8202.000 Scale 1:200 @ A1

Client
**Dudley Infracare LIFT
Ashley House PLC**

Project
Lye Health Centre

Title
**General Arrangement
Upper Ground**

Drawing No **A-DWG-101-01-P** Revisions **R06**

Date	Drawn	Checked	Approved
03/03/12	SG	DH	RC
File: d:\dwg\101-01-p.dwg Plotted: datedatedatedated By: usernameuser			



Staff Entrance Elevation
(West)

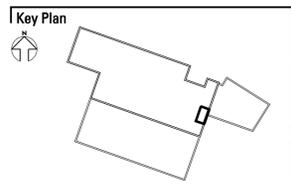


Lye by-pass Elevation
(North)

Rev.	Date	Description	By
R01	30.03.12	Planning Issue	SG
R02	30.03.12	Planning Issue	SG
R03	30.03.12	Planning Issue	SG
R04	02.04.12	Planning Issue	SG
R05	29.10.12	Planning Issue	ST
R06	31.10.12	Planning Issue	ST

Notes
ILLUSTRATIVE PURPOSES NOT TO SCALE

- Indicative artwork proposal.
- For further information refer to drawing: A-DWG-210-01-P
- For images of railings around the car parks refer to drawing: A-DWG-060-01-P



DO NOT SCALE FROM DRAWING ALL DIMENSIONS TO BE CHECKED ON SITE

FOR PLANNING APPROVAL

ARCHITECTS
sh
200 St John Street
London
EC1V 4RN
T (020) 7549 4050
F (020) 7549 4051
www.steffian.com

Project Number 8202.000 Scale NA A1

Client
Dudley Infracare LIFT
Ashley House PLC

Project
Lye Health Centre

Title
North & West
Colour Elevation

Drawing No A-DWG-200-04-P Revisions R06

Date	Drawn	Checked	Approved
03/03/12	SG	DH	RC

Plotted: datedatedatedated
By: usernameuser



Main Entrance Elevation
(East)

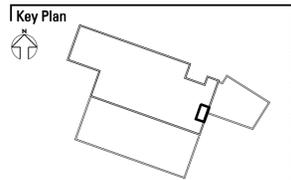


East Elevation
(South)

Rev.	Date	Description	By
R01	30.03.12	Planning Issue	SG
R02	30.03.12	Planning Issue	SG
R03	30.03.12	Planning Issue	SG
R04	02.04.12	Planning Issue	SG
R05	29.10.12	Planning Issue	ST

Notes

FOR ILLUSTRATIVE PURPOSES ONLY
NOT TO SCALE
REFER TO DRAWING:
A-DWG-060-01-P
FOR RAILINGS AROUND
CAR PARK



DO NOT SCALE FROM DRAWING ALL
DIMENSIONS TO BE CHECKED ON SITE

FOR PLANNING APPROVAL

ARCHITECTS
sha
200 St John Street
London
EC1V 4RN
T (020) 7549 4050
F (020) 7549 4051
www.steffian.com

Project Number 8202.000 Scale NA A1

Client
Dudley Infracare LIFT
Ashley House PLC

Project
Lye Health Centre

Title
South & East
Colour Elevations

Drawing No A-DWG-200-05-P Revisions R05

Date	Drawn	Checked	Approved
03/03/12	SG	DH	RC
Plotted: datedatedatedated By: usernameuser			

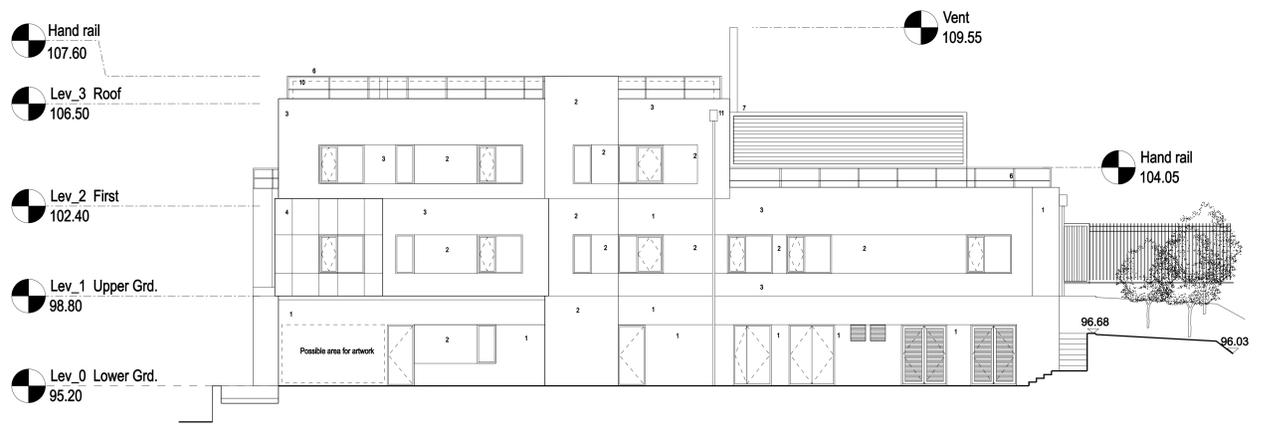
Rev.	Date	Description	By
R01	20.03.12	Planning Issue	SG
R02	20.03.12	Planning Issue	SG
R03	20.03.12	Planning Issue	SG
R04	02.04.12	Planning Issue	SG
R05	16.04.12	Planning Issue	SG
R06	22.10.12	Planning Issue	ST
R07	31.10.12	Planning Issue	ST

Notes

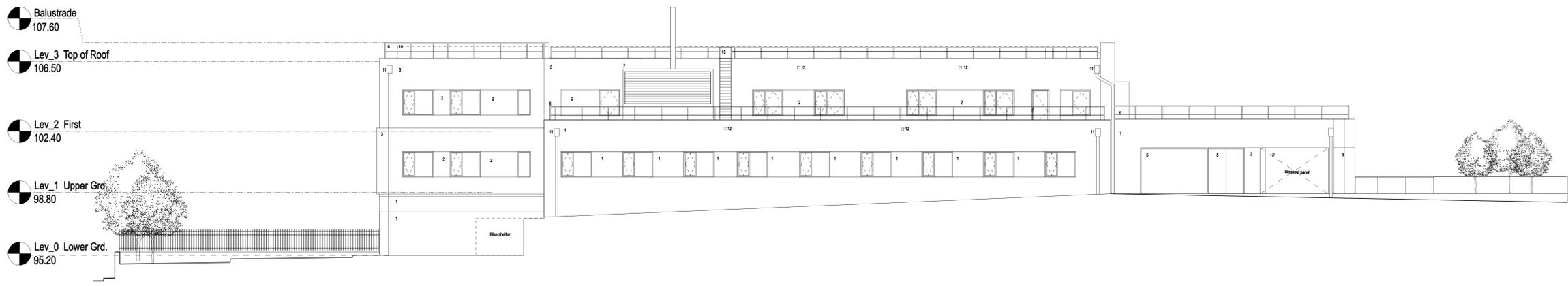
Material Key

Note: Please read in conjunction with colour elevations and illustrations on drawings: A_200_04 + 200_5 + 060_01

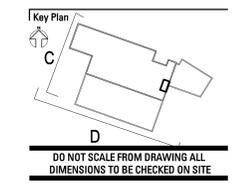
1. Brickwork with recessed detailing.
2. Green acrylic high performance render with reveal joints shown.
3. White acrylic high performance render with reveal joints shown.
4. 'Copper' look alkali rain screen cladding system. With possible break out panels. Colour: LuraDecor - Patina Copper V
5. Grey window frames and door frame unit
6. Galvanised steel handrail
7. Pressed aluminium paneling/ lower panels. Light grey colour.
8. Metal railings
9. Low level brick planters
10. Photo voltaics
11. Square section drain pipe with hopper.
12. Overflow
13. Cat ladder



Staff Entrance Elevation
(C) West



Rear Elevation
(D) South



DO NOT SCALE FROM DRAWING ALL DIMENSIONS TO BE CHECKED ON SITE

FOR PLANNING APPROVAL

ARCHITECTS sha 200 St John Street London EC1V 4RN T: (020) 7549 4090 F: (020) 7549 4061 www.steffian.com

Project Number: 8202.000 | Scale: 1:100 @ A0

Client: Dudley Infracare LIFT Ashley House PLC

Project: Lye Health Centre

Title: West & South Lye Elevations

Drawing No: A-DWG-200-03-P | Revisions: R07

Date	Drawn	Checked	Approved
08.03.12	SG	DN	MC



No.	Date	Description	By
01	24.01.12	Final Issue	SB
02	02.04.12	Final Issue	SB

Notes

Site level information obtained from Interlock Surveys Ltd Drawing dated 20/08/10

— Site area of development to be acquired by LIFT Co.

Key Plan

DO NOT SCALE FROM DRAWING ALL DIMENSIONS TO BE CHECKED ON SITE

ARCHITECTS

200 St John Street
London
EC1V 4RN
T (020) 7649 4060
F (020) 7649 4061
www.steffian.com

Project Number 8203.000
Scale 1:1250 @ A4

Client
Dudley Infracare LIFT
Ashley House PLC

Project
Lye Health Centre

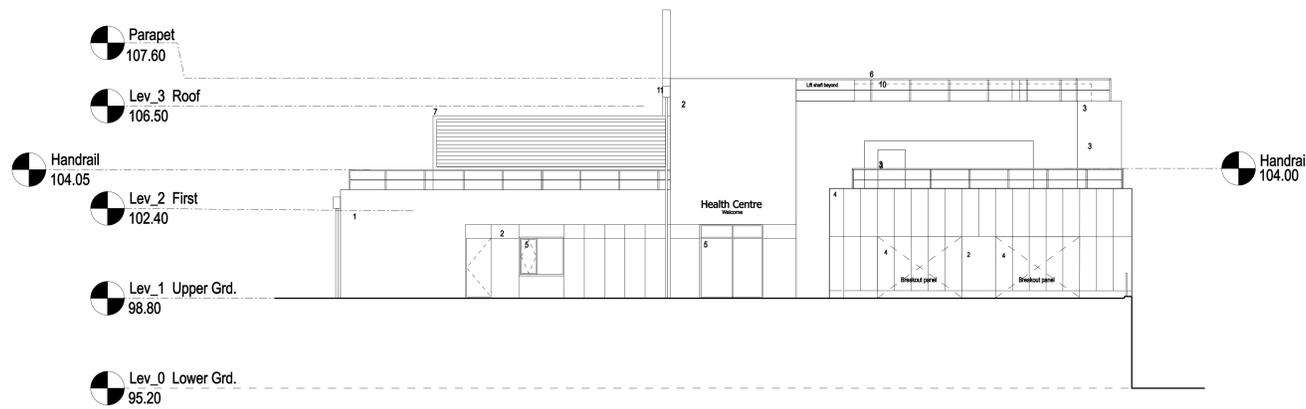
Title
Existing Site Plan

Drawing No A-DWG-011-00-P
Revisions R02

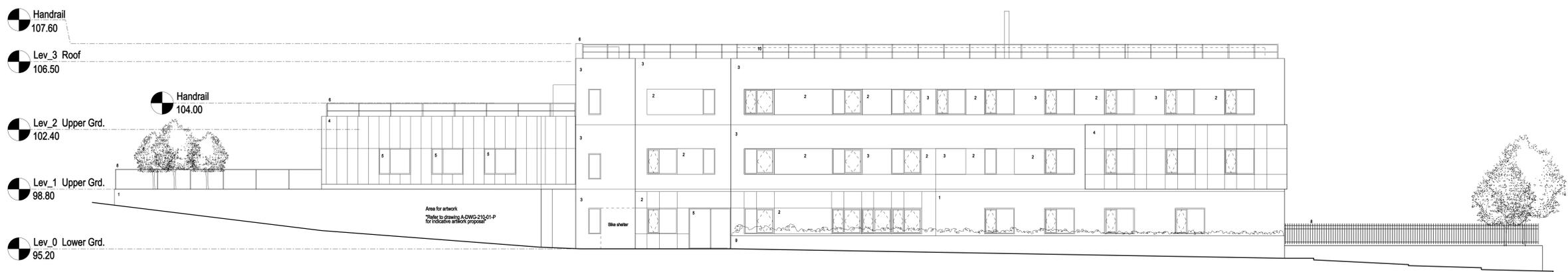
Date	Drawn	Checked	Approved
20.03.12	SB	SB	KJ

Rev.	Date	Description	By
R01	20.03.12	Planning Issue	SS
R02	20.03.12	Planning Issue	SS
R03	20.03.12	Planning Issue	SS
R04	02.04.12	Planning Issue	SS
R05	22.10.12	Planning Issue	ST
R06	26.10.12	Planning Issue	ST
R07	31.10.12	Planning Issue	ST

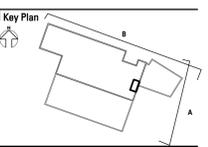
- Notes**
- Material Key**
- Note: Please read in conjunction with colour elevations and illustrations on drawings:
 A_200_04 + 200_5 + 60_01
 1. Brickwork with recessed detailing. Colour: Red/ orange/brown
 2. Green acrylic high performance render with reveal joints shown.
 3. White acrylic high performance render with reveal joints shown.
 4. Copper look alloy main screen cladding system. With possible break out panels. Colour: EuroDecor - Patina Copper V
 5. Grey window frames and door frame unit
 6. Galvanised steel handrail
 7. Pressed aluminium paneling/ lower panels. Light grey colour. to conceal plant beyond
 8. Metal railings
 9. Low level brick planters
 10. Photo voltaics
 11. Square section drain pipe with hopper. Colour: grey to match window and door frames.
 12. Overflow



Main Entrance Elevation (A) East



Lye by-pass Elevation (B) North



DO NOT SCALE FROM DRAWING ALL DIMENSIONS TO BE CHECKED ON SITE

FOR PLANNING APPROVAL

ARCHITECTS **sha** 200 St John Street London EC1V 4RN T: (020) 7549 4060 F: (020) 7549 4061 www.steffian.com

Project Number 8202.000 Scale 1:100 @ A0

Client Dudley Infracare LIFT Ashley House PLC

Project Lye Health Centre

Title North & East Lye Elevations

Drawing No A-DWG- 200-02-P Revisions R07

Date	Drawn	Checked	Approved
08.12	SS	SS	SS



Rev.	Date	Description	By
R01	30.03.12	Planning Issue	SG
R02	30.03.12	Planning Issue	SG
R03	02.04.12	Planning Issue	SG
R04	05.10.12	Planning Issue	SG
R05	01.11.12	Planning Issue	ST

Notes

- Total Site Area 2,989m² (0.298 ha)
- HARD LANDSCAPING
- INTENSIVE WILD FLOWERS / MEADOW PLANTING
- SOFT LANDSCAPING LOW MAINTAINANCE PLANTING
- HEDGING
- POSSIBLE TREE TYPE: PYRUS CALLERYANA 'CHANTICLEER'.

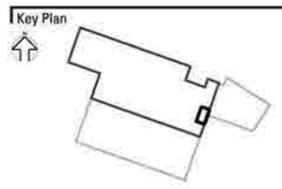
Bicycle store: 20
 Motorbike stores: 2
 Ownership boundary defined by Land Registry
 Official copy of the plan.
 Title number WM924820
 Email dated 11th October 2010



HEDGING EXAMPLES



WILDFLOWERS AND GRASSES



DO NOT SCALE FROM DRAWING ALL DIMENSIONS TO BE CHECKED ON SITE

FOR PLANNING APPROVAL

ARCHITECTS **sha**
 200 St John Street
 London
 EC1V 4RN
 T (020) 7549 4050
 F (020) 7549 4051
 www.steffian.com

Project Number	Scale	A1
8202.000	1:200	

Client
**Dudley Infracare LIFT
 Ashley House PLC**

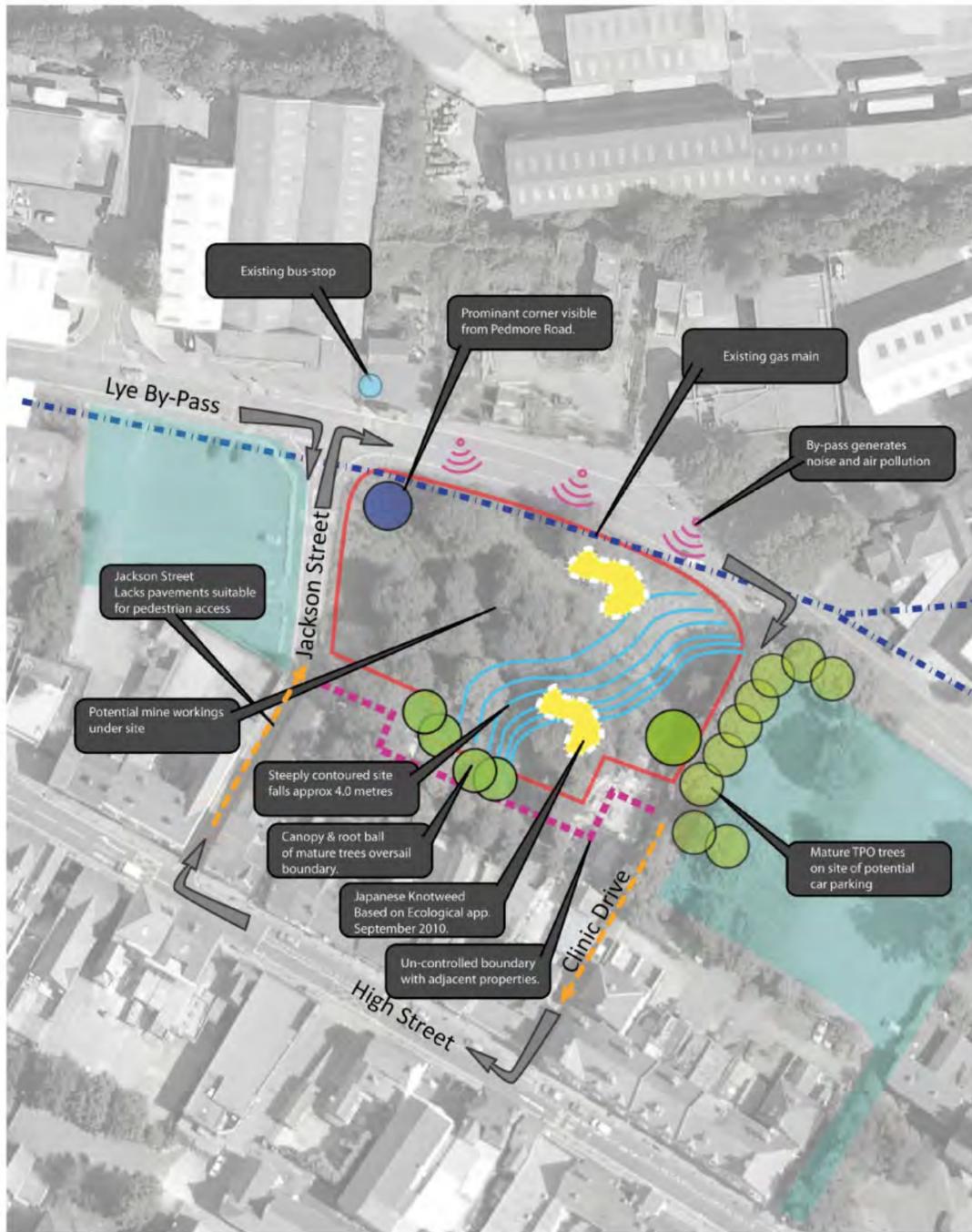
Project
Lye Health Centre

Title
**Hard & Soft
 Landscaping**

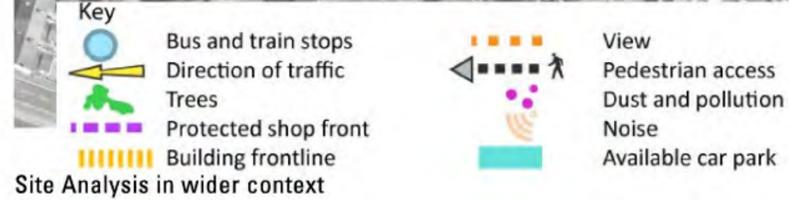
Drawing No	Revisions
A-DWG-010-004-P	R05

Date	Drawn	Checked	Approved
05.03.12	KJ	CS	RC

Plotted: datedatedatedated
 By: usernameuser



Site Constraints



Site Analysis in wider context



Clinic Drive view



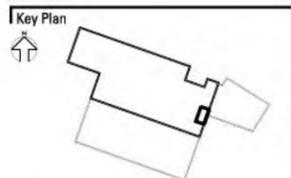
View from Jackson Street towards site
Single side pedestrian access.
'One-way' road towards Lye High Street.



View towards site

Rev.	Date	Description	By
R01	30.03.12	Planning Issue	SG
R02	30.03.12	Planning Issue	SG
R03	02.24.12	Planning Issue	SG

Notes
 Read in conjunction with drawing series A-DWG-010, A-DWG-015 & A-DWG-010-002
 Site level information obtained from Interlock Surveys Ltd drawing dated 30/8/10
 Read in conjunction with Regeneration Plan for Lye, Eco Appraisal and Bot Survey Document Tree Assessment document



DO NOT SCALE FROM DRAWING ALL DIMENSIONS TO BE CHECKED ON SITE
 FOR PLANNING APPROVAL

ARCHITECTS sha
 200 St John Street
 London
 EC1V 4RN
 T (020) 7549 4050
 F (020) 7549 4051
 www.steffian.com

Project Number 8202.000 Scale A1

Client Dudley Infracare LIFT Ashley House PLC

Project Lye Health Centre

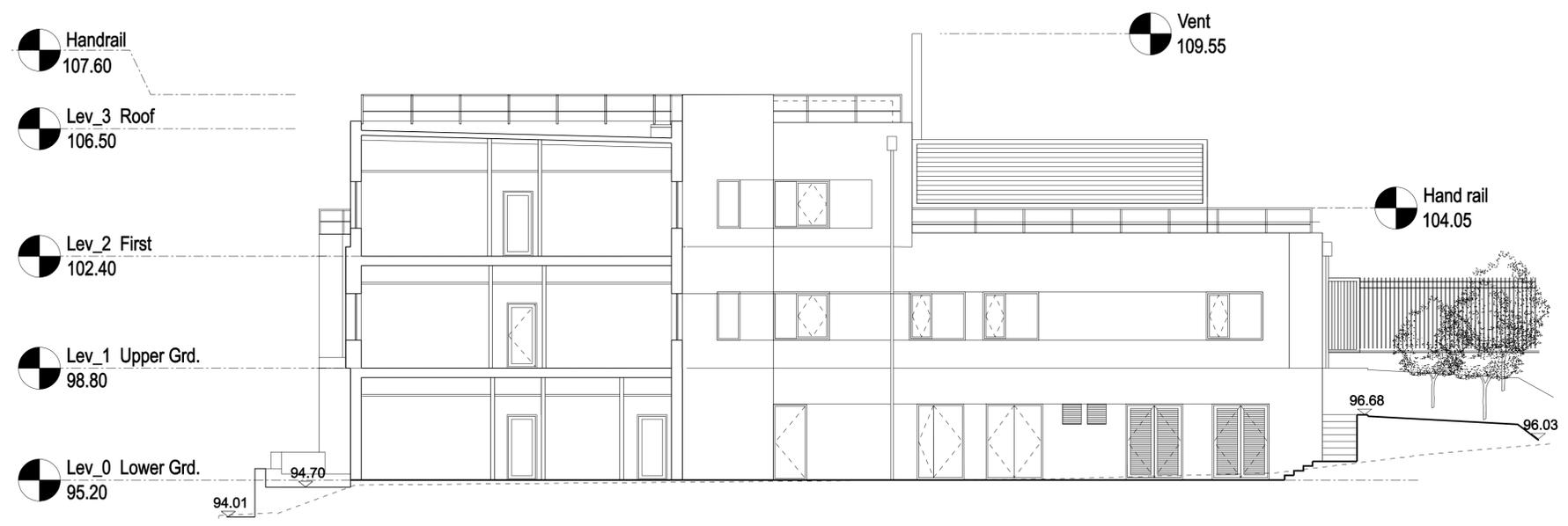
Title Existing Site Analysis & Site Constraints

Drawing No A-DWG-050-01-P Revisions R03

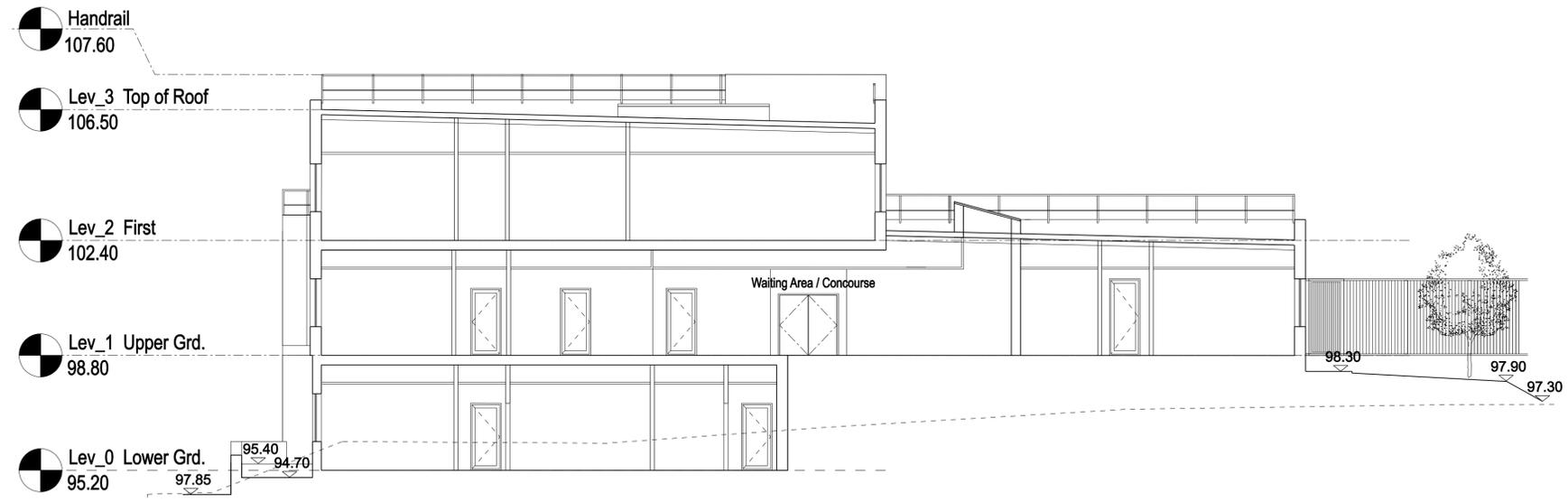
Date	Drawn	Checked	Approved

Rev.	Date	Description	By
R01	30.03.12	Planning Issue	SG
R02	22.10.12	Planning Issue	ST

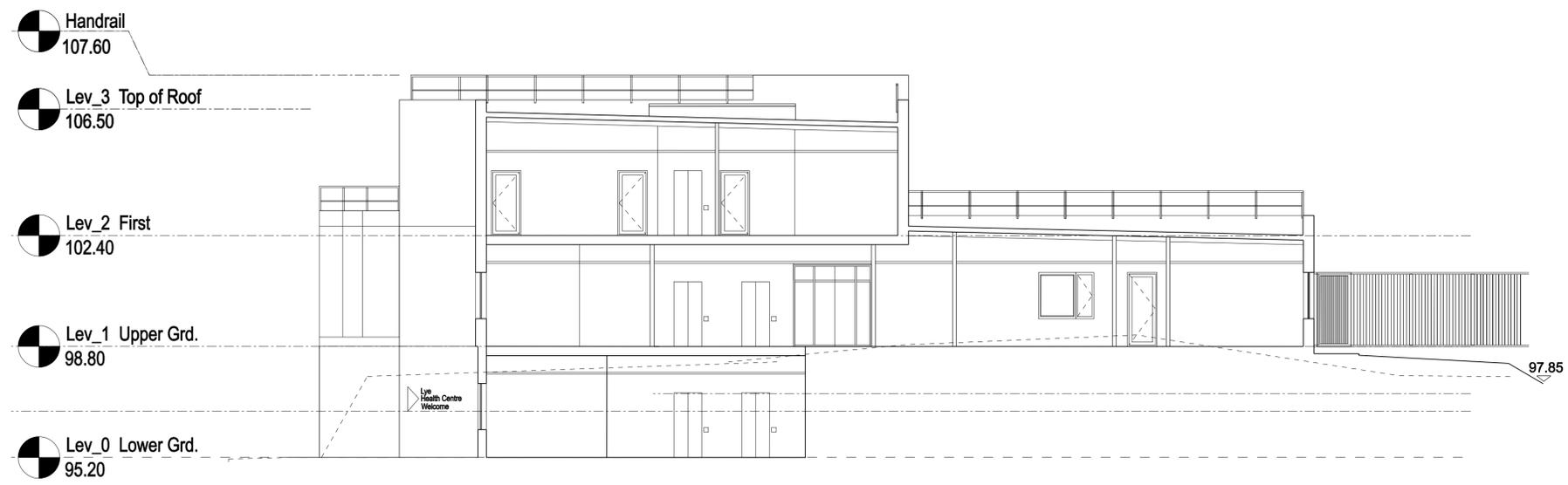
Notes



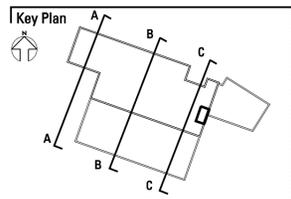
Section A



Section B



Section C



DO NOT SCALE FROM DRAWING ALL DIMENSIONS TO BE CHECKED ON SITE

FOR PLANNING APPROVAL

ARCHITECTS **sh**
 200 St John Street
 London
 EC1V 4RN
 T (020) 7549 4050
 F (020) 7549 4051
 www.steffian.com

Project Number	Scale	
8202.000	1:100	A1

Client
**Dudley Infracare LIFT
 Ashley House PLC**

Project
Lye Health Centre

Title
Building Sections

Drawing No	Revisions
A-DWG-301-00-P	R02

Date	Drawn	Checked	Approved
03/03/12	SG	DH	RC
Plotted: datedatedatedated By: usernameuser			

Rev.	Date	Description	By
R01	30.03.12	Planning Issue	SG
R02	30.03.12	Planning Issue	SG
R03	02.04.12	Planning Issue	SG
R04	29.10.12	Planning Issue	ST

Notes



Ariel view from By-pass Road towards staff entrance corner



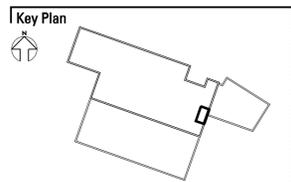
Ariel view from By-pass Road towards pharmacy building



View from Jackson Street towards Staff Entrance



Rear View towards Patient drop off and visitors car park



DO NOT SCALE FROM DRAWING ALL DIMENSIONS TO BE CHECKED ON SITE

FOR PLANNING APPROVAL

200 St John Street
London
EC1V 4RN
T (020) 7549 4050
F (020) 7549 4051
www.steffian.com

Project Number 8202.000 Scale NOT TO SCALE A1

Client Dudley Infracare LIFT Ashley House PLC

Project Lye Health Centre

Title

Illustrations/ Perspective

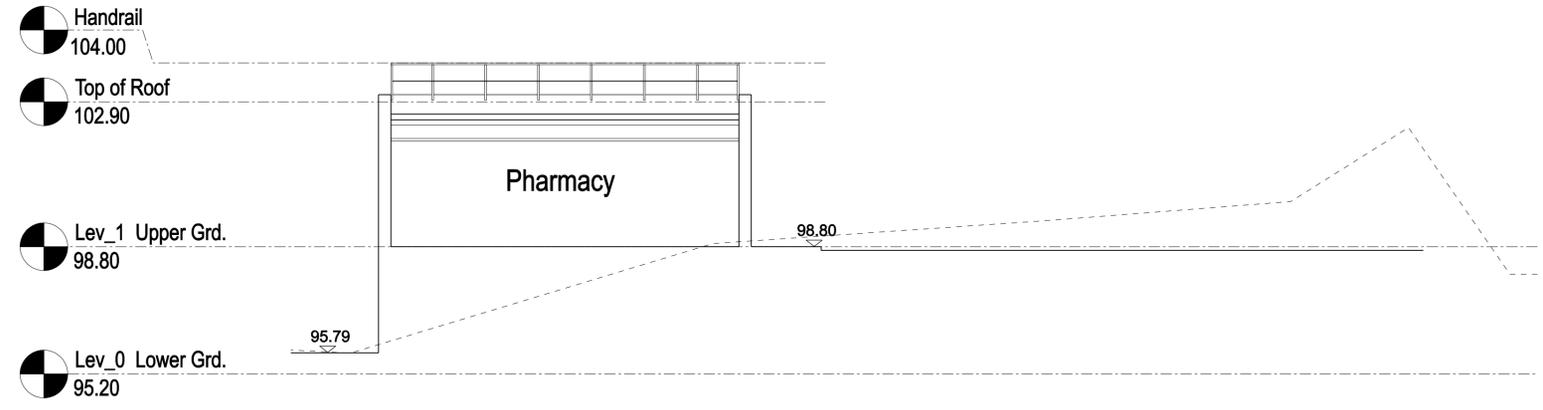
Drawing No A-DWG-060-01-P Revisions R04

Date	Drawn	Checked	Approved
03/03/12	SG	DH	RC

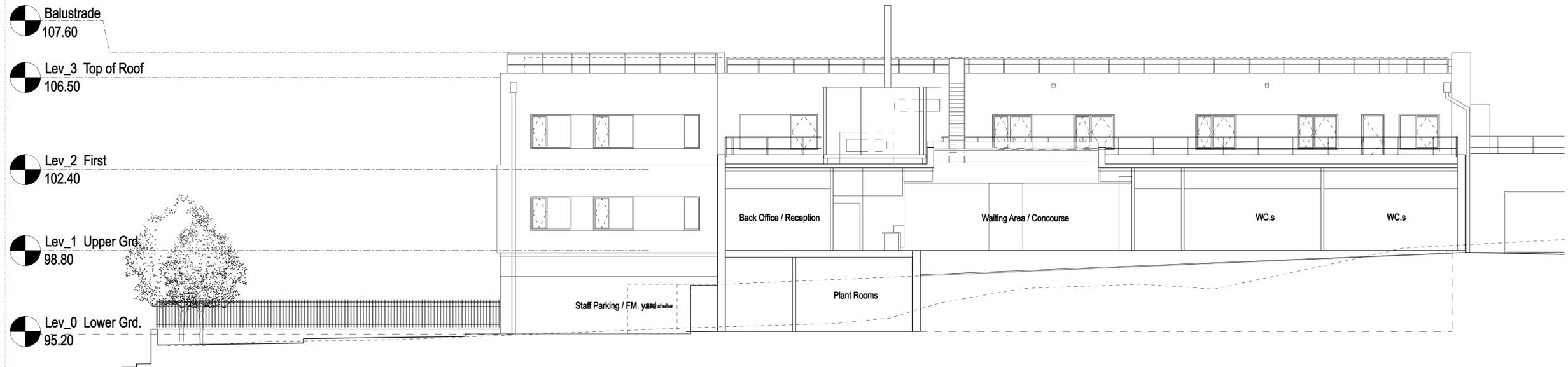
File: d:\dwg\060\01\p\01.dwg
Plotted: 29/10/12 10:00:00
By: userameuser

Rev.	Date	Description	By
R01	30.03.12	Planning Issue	SG
R02	30.03.12	Planning Issue	SG
R03	22.10.12	Planning Issue	ST

Notes

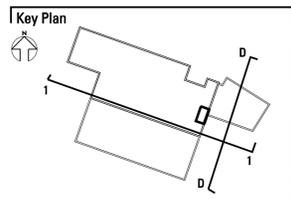


Section D



Section 1

Refer to Elevations: _200_2 and 200_3



DO NOT SCALE FROM DRAWING ALL DIMENSIONS TO BE CHECKED ON SITE
FOR PLANNING APPROVAL

ARCHITECTS **sha** STEFFIAN
200 St John Street
London
EC1V 4RN
T (020) 7549 4050
F (020) 7549 4051
www.steffian.com

Project Number 8202.000 Scale 1:100 A1

Client
**Dudley Infracare LIFT
Ashley House PLC**

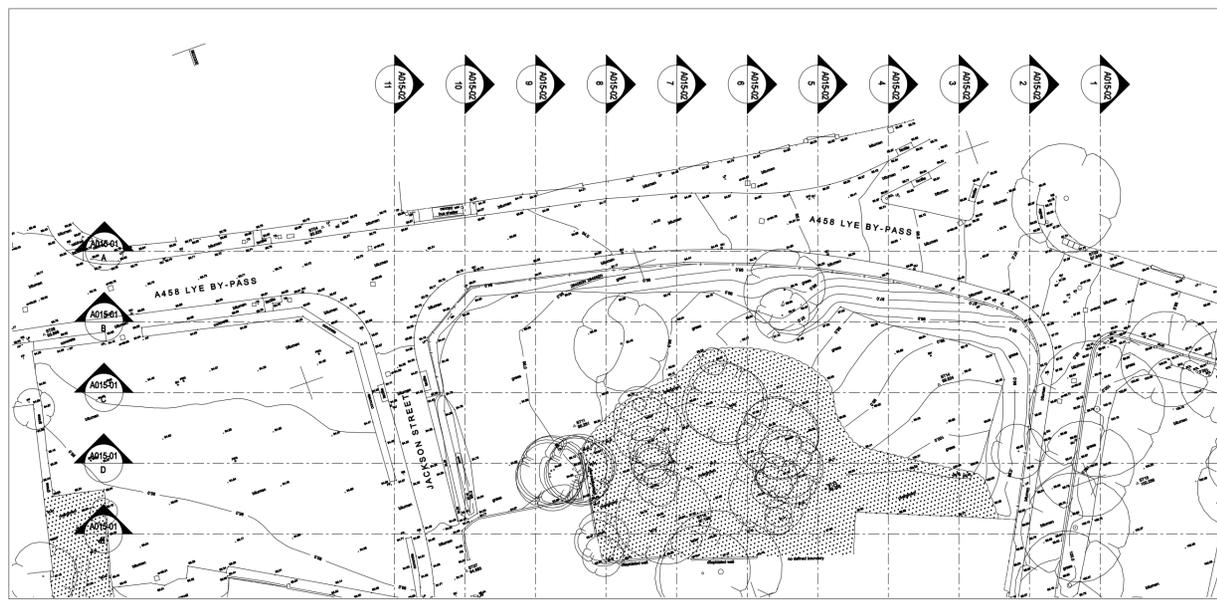
Project
Lye Health Centre

Title
Building Sections

Drawing No **A-DWG-302-00-P** Revisions **R03**

Date	Drawn	Checked	Approved
03/03/12	SG	DH	RC

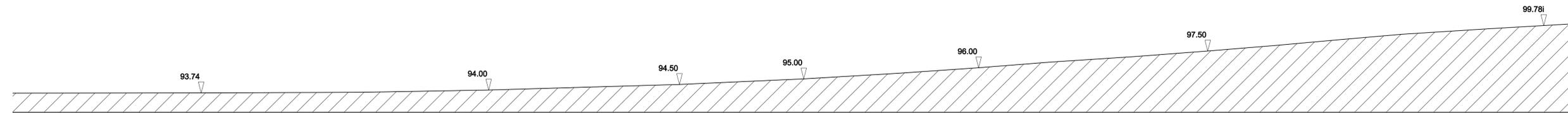
Plotted: datedatedatedated
By: usernameuser



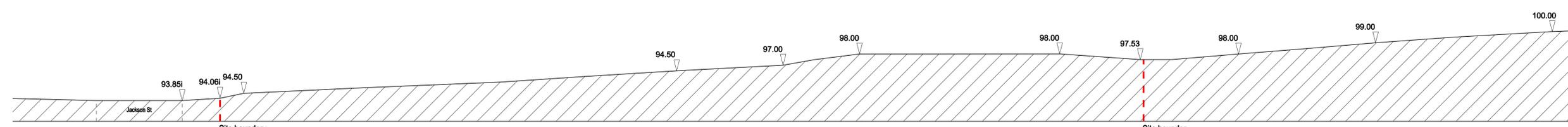
Rev.	Date	Description	By
R01	30.03.12	Planning Issue	SG
R02	30.03.12	Planning Issue	SG

Notes

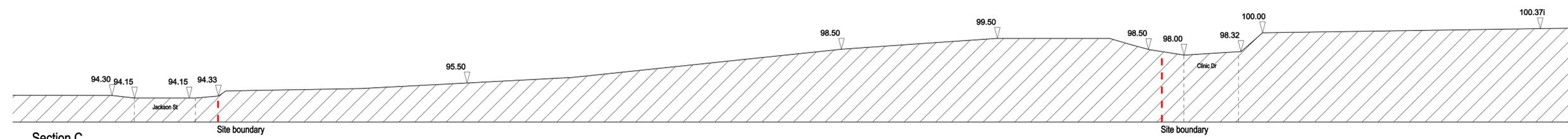
Total Site Area 2,989m² (0.298 ha)
 Read in conjunction with drawing:
 A-DWG-015-02



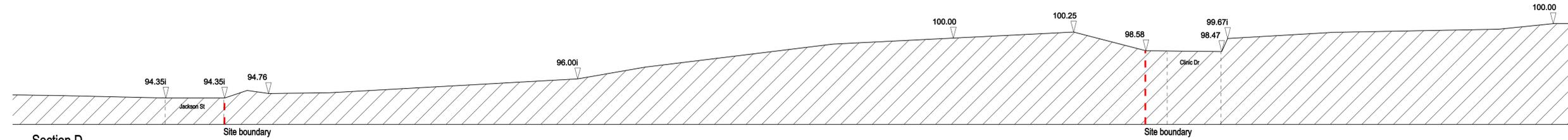
Section A



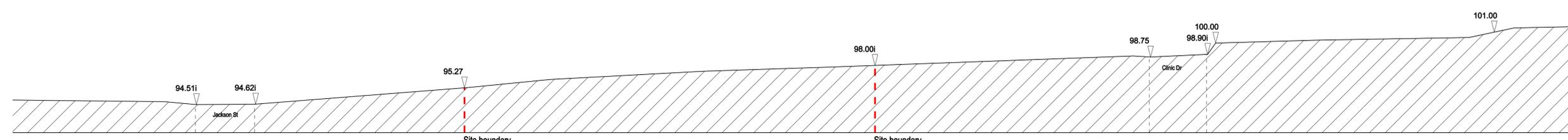
Section B



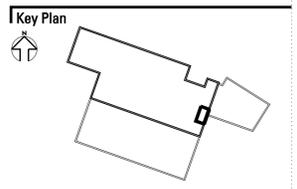
Section C



Section D



Section E



DO NOT SCALE FROM DRAWING ALL DIMENSIONS TO BE CHECKED ON SITE
 FOR PLANNING APPROVAL

ARCHITECTS
sh
 200 St John Street
 London
 EC1V 4RN
 T (020) 7549 4050
 F (020) 7549 4051
 www.steffian.com

Project Number	Scale	A1
8202.000	1:200	

Client
**Dudley Infracare LIFT
 Ashley House PLC**

Project
Lye Health Centre

Title
**Existing Site Sections
 East/West**

Drawing No	Revisions
A-DWG-015-01-P	R02

Date	Drawn	Checked	Approved
03/03/12	KJ	SG	RC

PLANNING APPLICATION NUMBER:P12/1239

Type of approval sought	Full Planning Permission
Ward	Halesowen South
Applicant	Dr A.P. Najran, Oakleigh Dental Practice
Location:	DENTAL SURGERY, 103, SPIES LANE, HALESOWEN, B62 9SS
Proposal	SINGLE STOREY FRONT EXTENSION AND NEW FRONT STEPPED ACCESS. FIRST FLOOR AND TWO STOREY REAR EXTENSION
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

- 1 The application site consists of a dental surgery which has been provided within a converted detached dwelling on the edge of the small local shopping area located at the junction of Spies Lane and Kent Road.
- 2 The building has been extended previously with a conservatory and single storey extension to the rear.
- 3 There is a parking area to the front of the site, which has room for between two and three cars. Vehicles are not able to enter and leave the site in forward gear.
- 4 To the east of the site is an extended semi detached dwelling (105 Spies Lane), and to the other side is a vacant site which has planning permission for a small supermarket. Opposite the site on the other side of Spies Lane is a block of 1990s retirement flats (Pegasus Court). There is also a dwelling (No 100 Kent Road) at the rear.

PROPOSAL

- 5 The planning application involves the provision of a single storey extension to the front to provide an extended office area, a front porch extension with modified steps. To the side will be a modified ramped access.
- 6 To the rear a two storey extension is proposed, on the site of the existing conservatory. The extension would project out 4m, from the original rear wall. The extension would be finished in brick with tile to the roof, and would provide an additional consulting room at first floor level and a staff room to the ground floor.
- 7 The applicant has provided additional supporting information with the applicant advising the additional larger treatment room is required to accommodate specialist apparatus for implant surgery and also the amount of people that need to be present for the procedure. During the implant surgery the patient is sedated and left in the room for the drugs to take effect. The surgery procedure takes about 2 to 3 hours and then the patient is left in the room for about an hour to recover to preserve the dignity and privacy of patients after certain treatments. The implant surgery is not performed on a daily basis.
- 8 The applicant has also provided details of the occupancy of the existing treatment rooms at the site, demonstrating that they are not all used all week.
- 9 The applicant has stated that residential units in the area generally have three off road parking spaces and that a number of patients walk or take the bus to the site. They also state that the surgery is open between 0900 and 1700hrs.

HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
82/50844	Change of use of first floor flat into Dental surgery.	Granted	07/06/82
96/51020	Erection of conservatory to rear of existing dental practice	Granted	15/08/96
P12/1012	Display of free standing non illuminated sign (retrospective)	Granted	17/10/2012

PUBLIC CONSULTATION

- 10 4 letters of objection have been received (including two from same source), following consultation with 47 adjoining neighbours. Main issues raised:
- On street parking would increase
 - Spies Lane is a busy road
 - Only 3 off road spaces
 - Employees park on street (neighbour counted 4 on one day)
 - Front extension will reduce parking
 - Applicant is seeking to take on NHS patients, at present only private
 - Visitors to flats opposite are unable to park
 - Rear extension will lead to overlooking
 - Rear extension will lead to loss of light
- 11 In addition a 44 name petition has been received objecting to the application due to the problems with parking in the area, including parking on the footway and on the verge.

- 12 The applicant has submitted a letter of support and a set of 6 statements also in support. Main issues raised:
- Improved Access
 - Present building difficult to use for people with mobility problems
 - Parking is a problem but can be improved
 - Needs modernisation
 - High quality care at surgery
- 13 A 12 name petition in support of the application also has been received, advising that the development would improve access to the surgery, provide a better environment to staff and provide vocational training.

OTHER CONSULTATION

- 14 Group Engineer (Development): Has significant concerns regarding the parking situation in Spies Lane and has noted that a number of vehicles from staff and patients are regularly parked in Spies Lane near the busy roundabout junction. He has some sympathy with the objections received from residents regarding the parking issue.

However, the applicant provided information that the additional consulting room would only provide specialist treatment for implant surgery and would be used for no more than generally 2 to 3 patients per day and that no additional staff will be at the site.

If the development is carried out in accordance with the details provided by the applicant then the Group Engineer (Development) would raise no objection.

- 15 Head of Environmental Health and Trading Standards – No Objection, subject to a land contamination condition.

RELEVANT PLANNING POLICY

- National Planning Guidance
National Planning Policy Framework 2012
- Black Country Core Strategy (BCCS) 2011
CSP2 Development Outside the Growth Network
DEL1 Infrastructure Provision
DEL2 Managing the Balance Between Employment Land and Housing
TRAN2 Managing Transport Impacts of New Development
ENV 2 Historic Character and Local Distinctiveness
ENV 8 Air Quality
- Saved Unitary Development Plan (UDP) 2005
DD1 Urban Design
DD4 Development in Residential Areas
CS3 Community Facilities
- Supplementary Planning Guidance/Documents
Planning Obligations Supplementary Planning Document 2011
Parking Standards Supplementary Planning Document 2012
Access for All Supplementary Planning Document
PGN 12: The 45 degree code
PGN 17: House extension design guide

ASSESSMENT

- 16 The main issues are
- Policy
 - Design
 - Neighbour Amenity
 - Parking
 - Access
 - Planning Obligations

Policy

- 17 There is no specific policy that deals with such planning application, with the most relevant policy being CS3, Community Facilities of the Saved Dudley Unitary Development Plan (UDP), which states that applications will be supported where they meet a recognised need, are located within the community they serve, are accessible by public transport and would not adversely affect the character or amenity of the nearby area.
- 18 In addition the locality is mostly residential in nature and therefore saved Policy DD4 – Development in Residential Areas the UDP is of relevance. The policy states that development should have no adverse impact on character or residential amenity and should have no detrimental impact on highway safety and should provide sufficient parking.
- 19 Policy TRAN2 – Managing Transport Impacts of New Development of the Black Country Core Strategy, states that planning permission should not be granted for development where proposals are likely to have significant transport implications.

Design

- 20 The existing building retains a significant amount of its interwar residential character, for which the building was used for prior to becoming a dental surgery, and generally reflects the wider character of the area with medium to dark red brick and plain tile roof.
- 21 The extensions are considered to be appropriate in terms of materials which would match the existing. In respect of the front extensions the design is considered to be appropriate in context and would be subservient.

- 22 The two-storey rear extension would be comparatively prominent from Kent Road, and somewhat exacerbated by the lack of windows to the flank elevations. However, this is not considered to constitute a reason for refusal, and once the proposed supermarket is constructed such views would be reduced.

Neighbour Amenity

- 23 The closest neighbours to the application site are No. 105 Spies Lane to the east and No. 100 Kent Road to the rear. The site to the west is current vacant, although it does have planning permission for a small supermarket.
- 24 In respect of No.100 Kent Road, the back to back distance is in excess of the 22m required by PGN 17 and therefore no concerns are raised.
- 25 The relationship with No. 105 is more complicated in that it will be closest to the proposed two storey extension, and therefore the potential impact on light and privacy has to be considered.
- 26 In respect of privacy no concerns are raised in that no windows would overlook the site. With regard to light there are a number of habitable rooms to the rear of the dwelling. However, these would not be adversely impacted upon, in that the extension is set in 3m from the boundary and also complies with the 45 Degree Code (PGN 17). A further form of mitigation is the existing high hedge to the boundary.
- 27 Therefore in conclusion the proposed development would not have an adverse impact on amenity.

Parking

- 28 Table 9, of the revised Parking Standards indicates that the maximum parking standard for medical facilities is one space per member of staff plus two spaces per treatment room. The application indicates there are seven staff and therefore the parking standards requires a maximum of 15 spaces.
- 29 The applicant is not proposing to provide any additional parking above the three spaces currently provided. This is a shortfall of 12 spaces from the maximum standard. However this is in accordance with the Councils maximum standards parking policy.
- 30 However, the site is located next to a busy roundabout junction and is a popular crossing point with pedestrians. Highways officers have previously observed parking in the adjacent Highway, blocking footways, pedestrians, impeding the free flow of traffic and creating a potential road safety hazard. It is noted that objections to the application have also raised similar parking concerns.
- 31 The proposal could potentially exacerbate the existing parking situation created by visitors to the surgery and the Group Engineer (Development) therefore initially raised fundamental Highway safety concerns.
- 32 The proposed steps would encroach into part of the parking area to the front of the site. However, the fore court would still maintain a depth of around 7m which is sufficient to prevent parked vehicles from overhanging the footway.
- 33 However, the applicant has provided supporting evidence stating that the additional larger treatment room is required to accommodate specialist apparatus for implant surgery and also the amount of people that need to be present for the procedure. The surgery procedure takes about 2 to 3 hours and then the patient is left in the room for about an hour to recover. It also understood that the implant surgery given in the specialised treatment room is not performed on a daily basis.

- 34 On the basis of the supporting information put forward by the applicant about how the additional consulting room would be operated, (i.e. it would not be used as regularly as the other consulting rooms, and when it is used the number of patients visiting in one day would be limited to no more than two or three due to the length of procedure and due to pre and after care) the Group Engineer (Development) would be prepared to support the application subject to the imposition of a condition controlling the use of the additional supporting room.
- 35 Having given careful consideration it is considered that such a condition would fail to meet the tests in Circular 10/95 due to the difficulty in being able to enforce the condition.
- 36 Therefore, on that basis the additional specialist consulting room could be operated as a general consulting room which could result in additional parking demand for the site.
- 37 However the applicant has stated that the room would be used as a specialist treatment room and there is no reason to doubt this. In addition the matter of patient care and the ability to provide a higher level of treatment have also been taken into account and on balance the proposal is considered to be acceptable, despite it not being possible to restrict the future use of the additional treatment room.
- 38 However, it will be possible to control the use of the proposed ground floor staff room to prevent it from being used as consulting room in the future as this condition would be enforceable and would meet the tests set out in Circular 10/95.

Access

- 39 The proposed replacement stepped access to the main entrance is in compliance with the Access for All Supplementary Planning Document.

- 40 The provision for an additional ramped access to the main entrance of the property has not been considered within the Design and Access Statement. However, taking into account the significant difference in levels, the fall of the ground from the back of pavement to the main entrance and the limited space to the front (currently used for car parking), it is considered that the installation of a fully compliant ramp would be unreasonable in this instance.
- 41 The Access Officer notes a 'modified ramp' has been proposed, leading to a side elevation entrance/reception door. Further details are required to ensure that this ramp will be compliant. If the 'modified ramp' is designed to a gradient of 1 in 21 or less, then none of the usual ramp specifications (handrails etc) would be required. However, the applicant has advised the ramp will not be compliant and therefore hand rails will be required. This matter would be controlled through the building regulations process.

Planning Obligations

- 42 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.
- 43 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.
- 44 The obligations potentially triggered according to the Planning Obligations SPD are:
- Air Quality Enhancement
 - Nature Conservation
 - Transport Infrastructure Improvements

45 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.

46 Following consideration of the above tests the following planning obligations:

On-Site Provision (to be secured by condition)

- Air Quality Enhancement (Electric Vehicle Charging Point)

47 It is considered that these contributions meet the necessary tests as stated above in that they contribute to the delivery of a sustainable development, are being provided directly on the development site itself and are deemed to be in scale and kind to the proposed development.

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

CONCLUSION

49 The proposed front extensions are considered to be of acceptable design and cause no harm to neighbour amenity. Whilst there is deficiency of parking at the site which can lead to overspill parking on the highway the applicant has provided evidence that additional consulting room would be used on less than regular basis and when used would generate few additional trips. . Consideration has been given to policies CSP2 Development Outside the Growth Network DEL1 Infrastructure Provision DEL2 Managing the Balance Between Employment Land and Housing TRAN2 Managing Transport Impacts of New Development ENV 2 Historic Character and Local Distinctiveness and ENV 8 Air Quality of the Black Country

Core Strategy and saved policies DD1 Urban Design DD4 Development in Residential Areas and CS3 Community Facilities of the Dudley Unitary Development Plan.

RECOMMENDATION

That planning permission is GRANTED subject to the following conditions:

Reason for approval

The proposed front extensions are considered to be of acceptable design and cause no harm to neighbour amenity. Whilst there is deficiency of parking at the site which can lead to overspill parking on the highway the applicant has provided evidence that additional consulting room would be used on less than regular basis and when used would generate few additional trips. . Consideration has been given to policies CSP2 Development Outside the Growth Network DEL1 Infrastructure Provision DEL2 Managing the Balance Between Employment Land and Housing TRAN2 Managing Transport Impacts of New Development ENV 2 Historic Character and Local Distinctiveness and ENV 8 Air Quality of the Black Country Core Strategy and saved policies DD1 Urban Design DD4 Development in Residential Areas and CS3 Community Facilities of the Dudley Unitary Development Plan.

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Dudley UDP (2005) and to all other relevant material considerations.

The above is intended as a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report.

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:

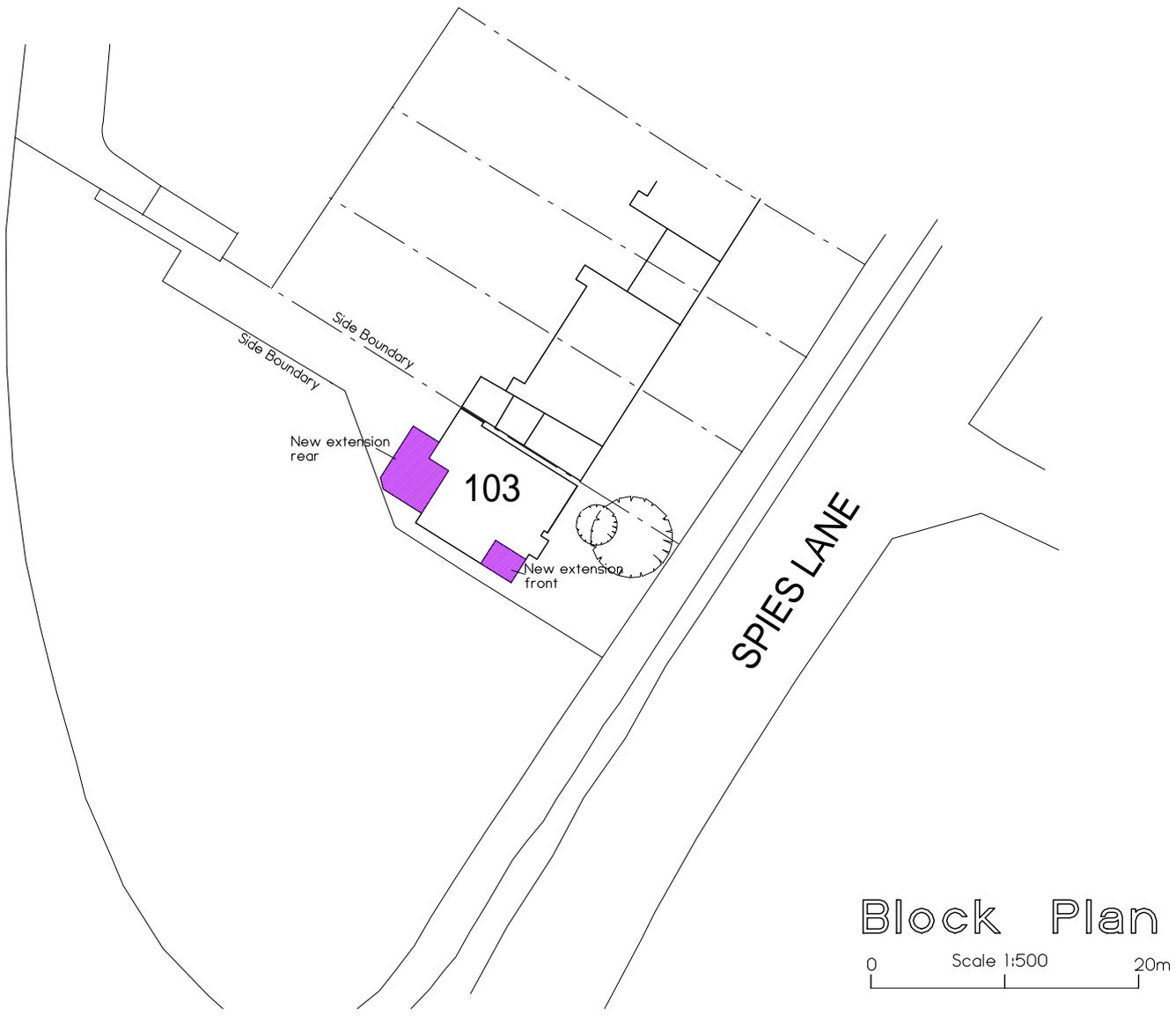
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan, Plan 64/12 Sheets 1 to 5
3. The ground floor staff room shall be used for that purpose only and shall not be used for any purposes, unless otherwise agreed in writing by the Local Planning Authority.
4. No development shall commence until details of secure cycle parking facilities in accordance with the Council's parking standards have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be provided in accordance with the approved details prior to first occupation of the development, shall be made available at all times and be maintained for the life of the development.
5. No development shall commence until details for the provision of external electric charging points have been submitted to and approved in writing by the Local Planning Authority. The Electric Charging point(s) shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
6. The facing materials to the extensions shall match those of the existing building.
7. 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.
8. Where the approved risk assessment (required by Condition 7) 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.
9. Unless otherwise agreed in writing with the LPA, the approved scheme (required by Condition 8) 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.



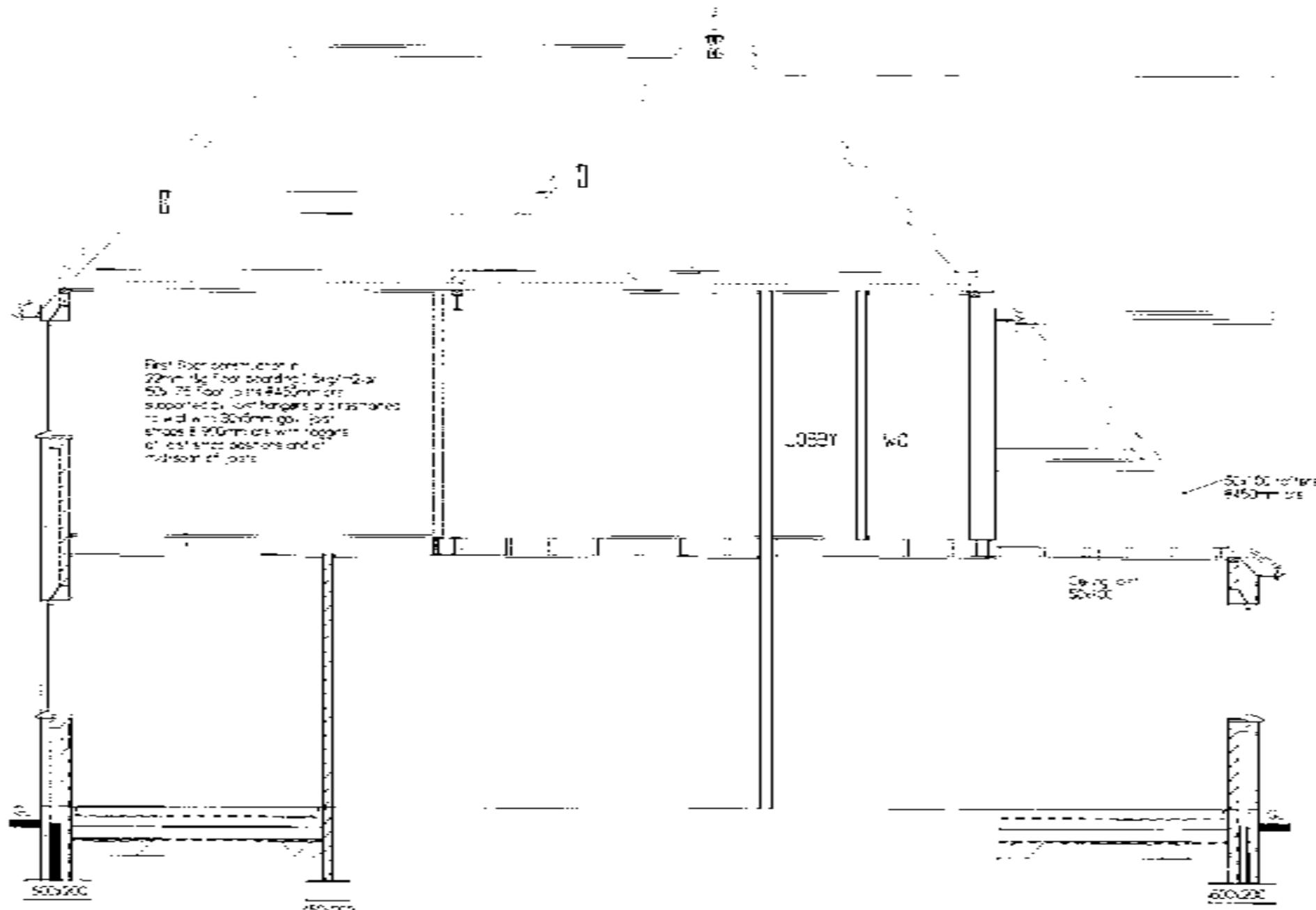
Promap

Oakleigh Dental Practice 103 Spies Lane Halesowen B62 9SS

© Crown Copyright
© Ordnance Survey
100019511

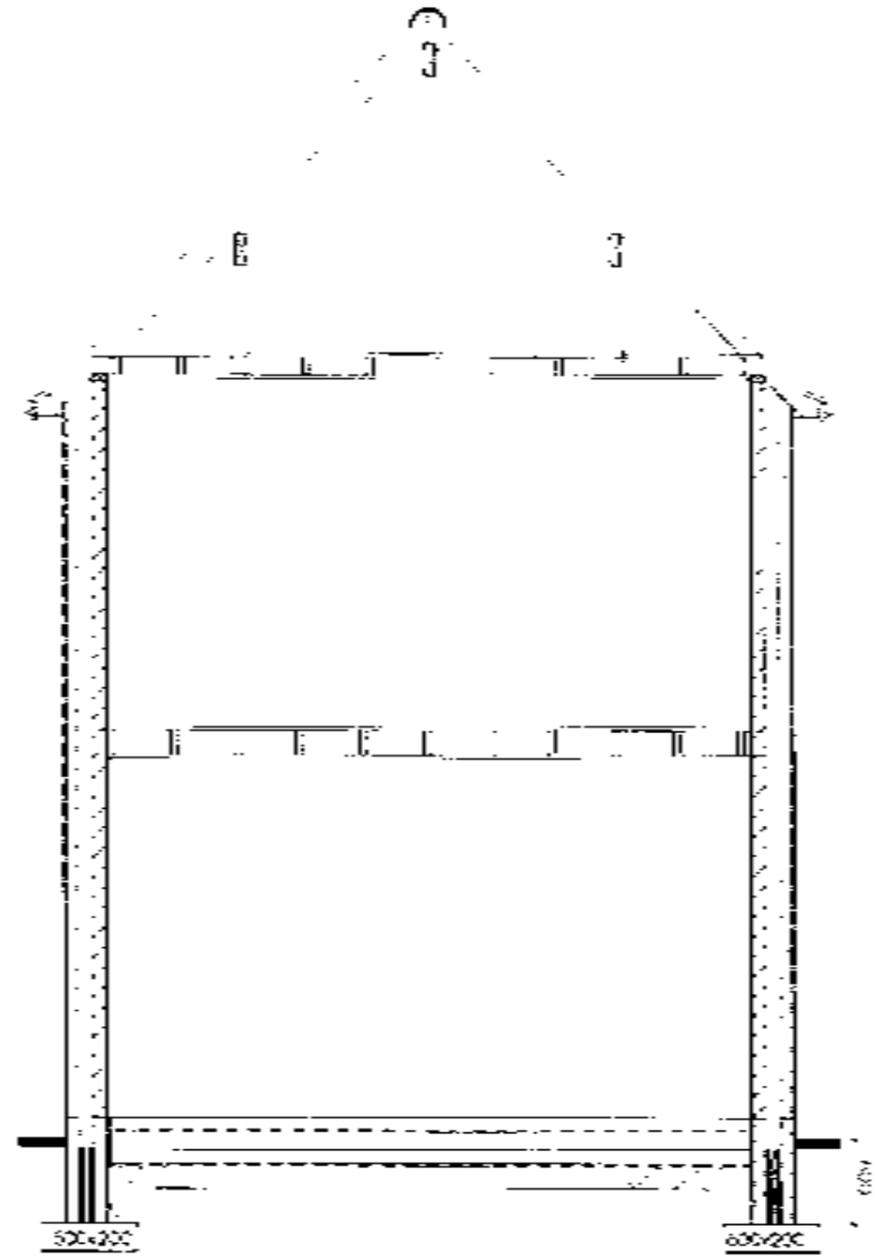


SITE: 103 Spies Lane Block Plan

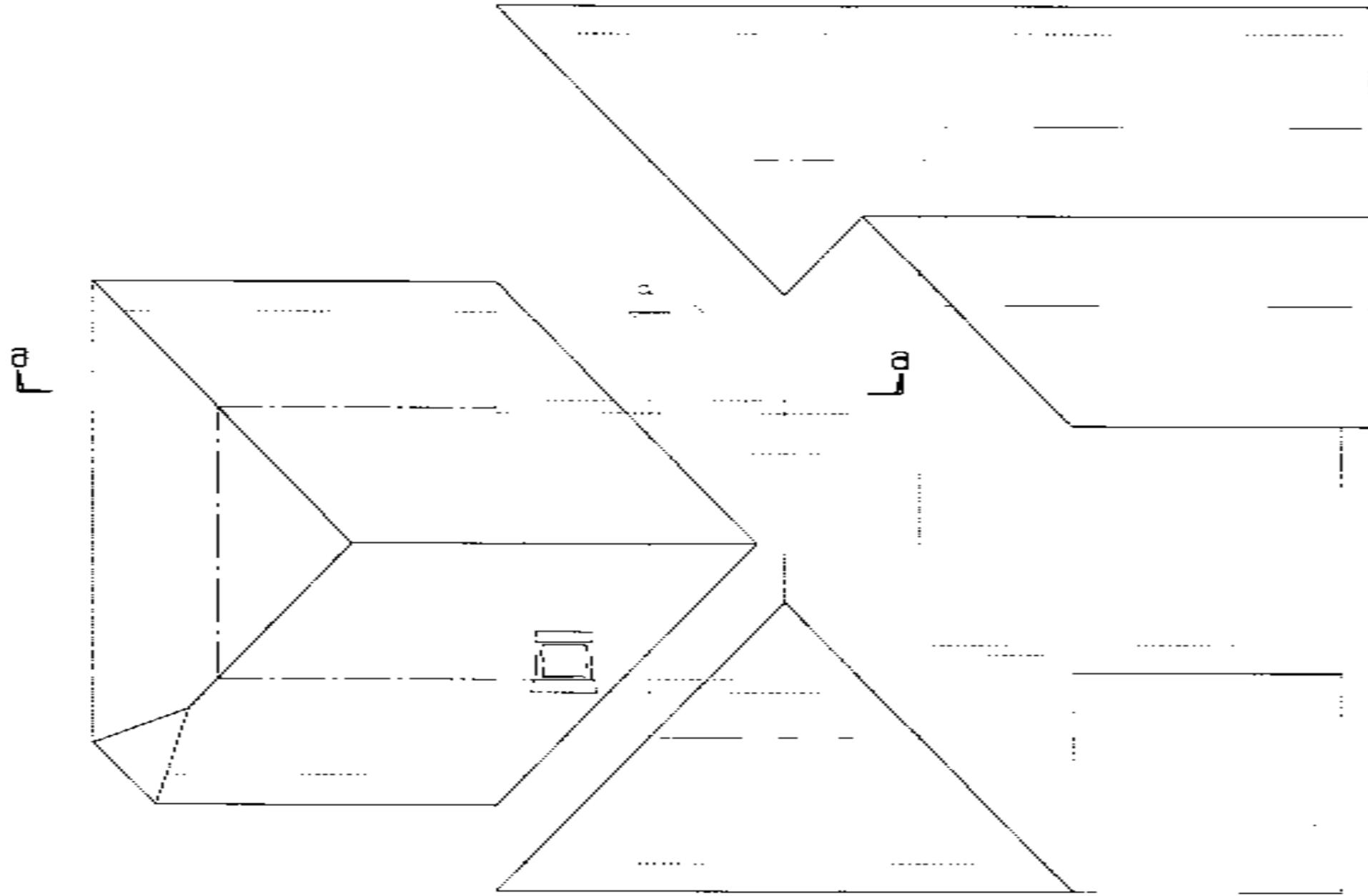


First floor construction is 20mm thick floor board on 150mm x 200mm joists #450mm apart supported by cast hangers or braced to wall with 30x50mm gal. post straps # 900mm apart with logs at post strap positions and at midspan of joist

Section a-a
Scale 50



Section b-b
Scale 50



C. 512
 letters 4x2
 June 93
 442503
 Unit 8 1/2
 Roof for 1st floor

Roof Plan

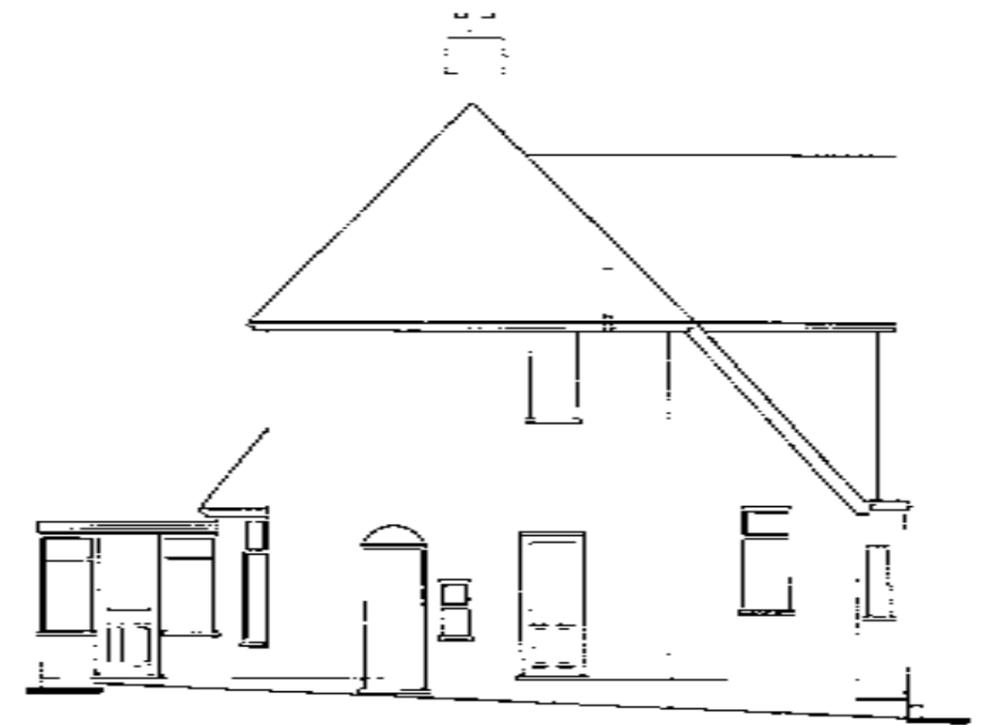
1 1/2" = 1'-0"
 1/4" = 1'-0"



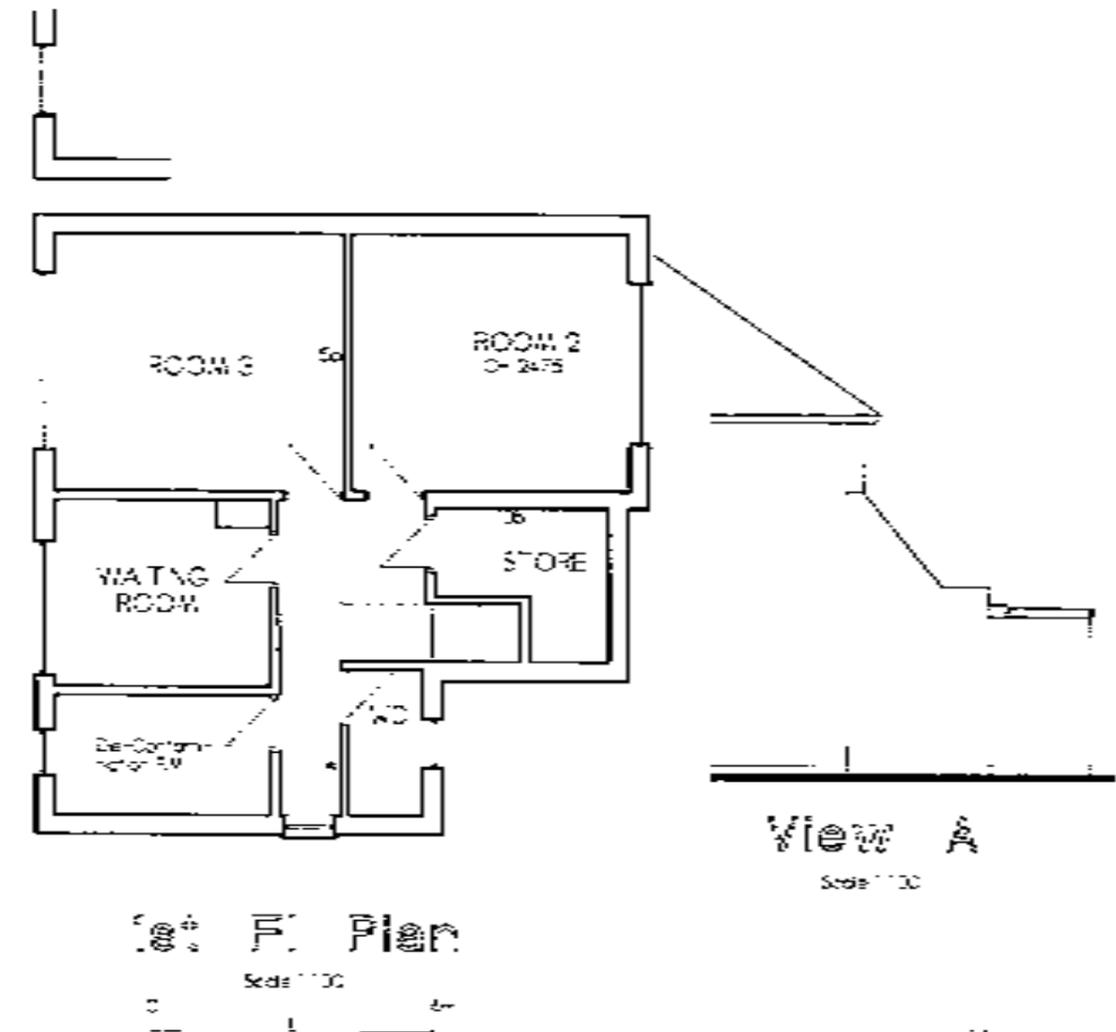
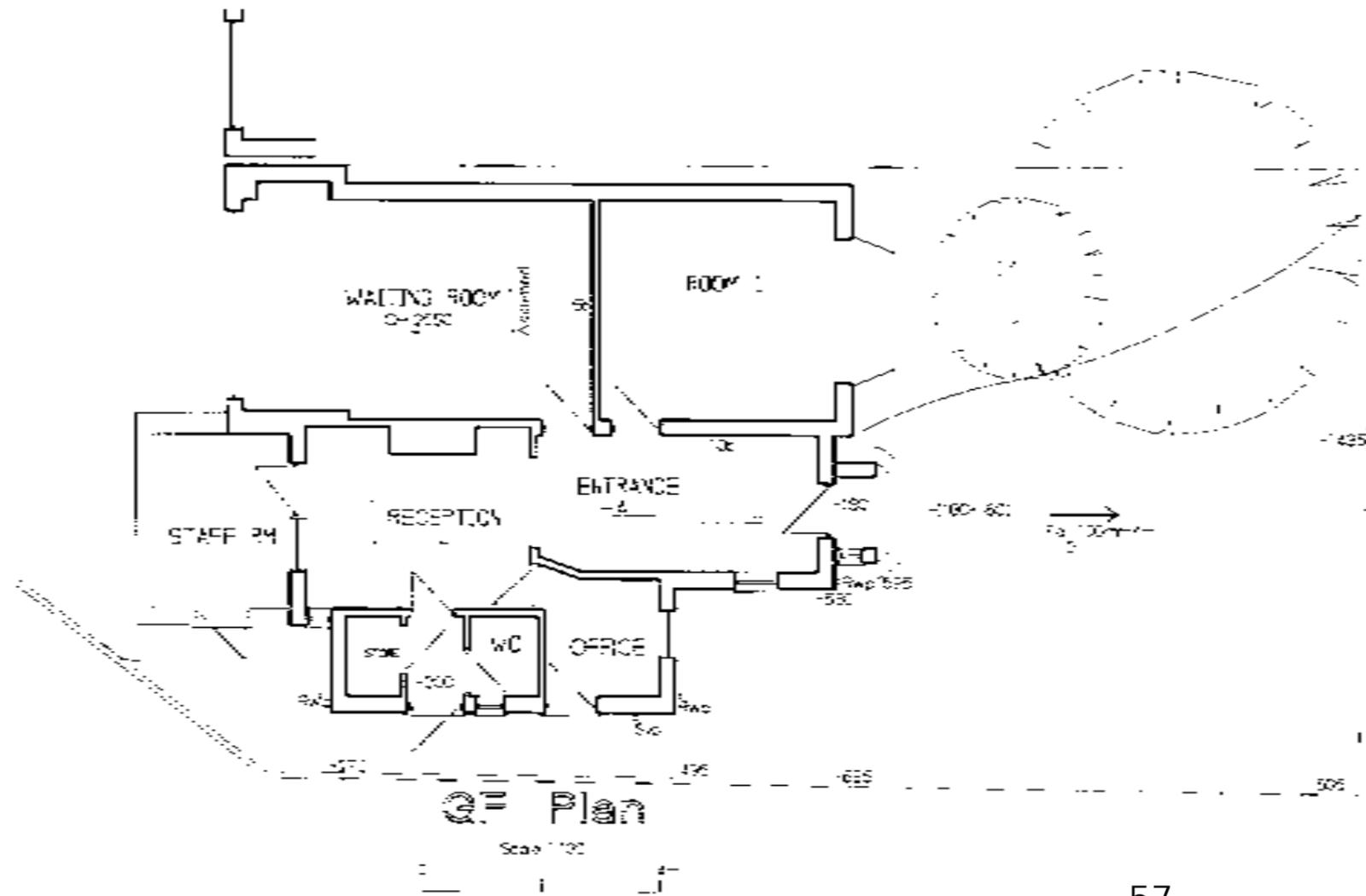
Front Elevation
Scale 1:50



Rear Elevation
Scale 1:50



Side Elevation
Scale 1:50



PLANNING APPLICATION NUMBER: P12/1347

Type of approval sought	Full Planning Permission
Ward	Coseley East
Applicant	Mr J. McManus, Chemviron Carbon Ltd
Location:	CHEMVIRON CARBON, FOXYARDS, BEAN ROAD, TIPTON, DY4 9AQ
Proposal	ERECTION OF STORAGE BUNKERS, STORAGE/MAINTENANCE WAREHOUSE, BULK REACT CARBON STORAGE SILO, BULK TANKER TRUCK LOADING AREA AND INCREASE THE HEIGHT OF THE BUILDING.
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The site measures 1.65 hectares. The site is not currently operating but was last used by Severn Trent Water as a plant for the reactivation of spent granular activated carbon. The new owners, Chemviron Carbon Limited, acquired the site in 2011 and will re-open the plant. The applicant would not change the use of the site. The use involves the heat treatment of carbon granules previously used generally for filtration purposes in order to reactivate them for further use. The application submission would increase the production capacity of the site by 50% from its previous operation level and to improve the efficiency of the site seeking to secure its long term use. The site would remain within B2 industrial use.

2. The site is broadly triangular in shape with the built development being focused within the southern part of the site. This includes the main regeneration plant, associated tanks, access road and parking areas. The northern and eastern parts of the site are largely undeveloped comprising a significant number of mature trees on the sites boundaries and amenity grass. The site is accessed via Bean Road through a set of controlled gates. Bean Road links with the Birmingham New Road (A4123).

3. The southern part of the site is relatively flat. The undeveloped parts of the site rise slightly up towards the canal.
4. Immediately adjoining the southern and south-western boundary of the site is a Biffa Waste Transfer Station and a mix of B1c, B2 and B8 industrial uses. Abutting the north-western boundary of the site is a former sewage treatment works that is currently used by NDI Tyre and Tube Supplies part of the Wellington Road Industrial Estate. Existing industrial units located to the south west of the site are currently unoccupied. Located immediately beyond the eastern and north-eastern boundaries of the site is the Birmingham Canal.

PROPOSAL

5. The application seeks to bring the previous use back into operation whilst increasing the capacity and efficiency of the reactivation of carbon. The scheme includes the following development:
6. Erection of a building to store spent carbon within the north-western part of the site. This building would have a footprint of 760m² measuring 34.05m wide and 22.14m deep. The maximum height of the building would be 12.12m.
7. Erection of a building for the storage of the reactivated carbon. This building would be located immediately to the north of the existing reactivation building with a foot print of 900m². The building would be 34.55m wide and 26.09m deep and would be a maximum of 13.57m high.
8. Construction of new internal access road and parking/turning areas. The new access road would broadly following the north-western and north-eastern perimeter of the site providing tanker access to the spent carbon dry storage building for unloading and access to the reactivated carbon warehouse for reloading. The new internal roadways would form a one-way vehicular route through the site providing access from the dry storage area for the unloading of spent carbon and the storage warehouse for reactivated carbon for re-loading.

9. Re-location of the existing acid storage facility.
10. Erection of a dry carbon feed system to the furnace in the form a chain conveyor and feed hoppers.
11. Increasing the height of the existing furnace building by 3 metres to 21.55m high within the existing regeneration plant building. This would facilitate the installation of an additional hearth within the kiln of the furnace. This would allow the increase in production capacity at the site.
12. The application submission would increase the production capacity of the site by 50% from its previous operation level. A key component for increasing production at the site would be the use of dry feeding the spent carbon to the process furnace. The plant would include a facility to handle spent carbon from industrial applications. The site would not involve the reactivation of hazardous substances.
13. The applicant has confirmed that the former occupiers of the site used 2000m³ of water per day in the processing of carbon granules. The process improvements planned at the site would reduce this quantity by 75%, but requires an increase in the capacity of the dry storage area for spent carbon prior to processing and an increase in capacity for the storage of reactivated carbon post processing.
14. The application has been submitted with a number of supporting documents as follows:
 - Design and Access Statement
 - Noise Survey
 - Phase 1 Habitat Survey
 - Tree Survey
 - Flood Risk Assessment
 - Transport Statement

HISTORY

Application Site

APPLICATION No.	PROPOSAL	DECISION	DATE
90/51357	Construction of building with 20.5m high chimneys and two multi-hearth furnaces to regenerate activated carbon.	Allowed on appeal	30/07/92
97/51856	Erection of external crane gantry and extension to existing building.	Approved with conditions	19/02/98
P00/51806	Installation of a new water treatment plant with associated access road and a new pre-acid wash tank.	Approved with conditions	05/03/01
P04/1400	Installation of 1 no. bagging plant (7.75m high silo and 2.6m high vacuum unit).	Approved with conditions.	02/09/04

Adjoining site (Coseley Eco-Park)

APPLICATION No.	PROPOSAL	DECISION	DATE
P11/1336	Demolition of all buildings (excluding buildings of local interests in Sedgley Road West). Mixed use redevelopment to form Coseley Eco Park comprising employment (B1, B2, B8), residential (C3), retail (A1),	Approved with conditions	20/09/12

	community hall (D1), football pitch (D2), car showroom, trade wholesale, household waste recycling facility (OSG) with associated access, roads and car parking.		
--	--	--	--

PUBLIC CONSULTATION

15. The application was advertised by way of neighbour notification letters being sent to the occupiers of twelve properties within close proximity to the site, the display of a site notice and the placing of an advertisement within the local press. The latest date for comments was the 3rd December 2012.
16. Two letters have been received from Skelton Group Investments (the applicant for the Coseley Eco-Park application P11/1336 and owners of land adjoining the application site, which raise the following concerns:

Letter received 26/11/12 from Skelton Group Investments

17. The approved Coseley Eco Park application includes residential use within the northern part of the site, which adjoins the application site. Planning application P11/1336 submitted an Environmental Impact Assessment to take into account the effects of the operation of the application site, since at the time of the submission of the Eco Park application it was still operating.
 - The proposed development falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. An EIA should have been carried out to assess the impact of the proposed development in environmental terms. The Council should refuse the application in accordance with Regulation 3 (4) of the EIA Regulations. The current application is unlawful and should not have been validated.

- The Chemviron proposals should not inhibit or limit the implementation of the Coseley Eco Park outline consent.
- The following aspects should be considered within an EIA:

Air Quality: No air quality assessment has been submitted despite the proposals intensifying the use of the site. The Eco Park application required extensive air quality assessments to be undertaken with a condition requiring the submission of a low emissions strategy for mitigating air quality impacts.

Visual Impact: Concerned regarding the proposals to increase the height of the furnace and building housing by 2.2m and 3m but no visual impact assessment has been submitted to evaluate the potential impacts of the proposed development. It is considered that without this assessment that the Council cannot properly judge the impact of the proposals on the character and appearance of the area and distant viewpoints and the outlook and amenities of existing and future residents of the adjoining Eco Park development.

Ecology: No habitat studies seem to have been submitted. Since the scheme would result in the proposed loss of a significant area of landscaping without such information it is impossible to comment on or establish the impacts of the development upon ecology or the need for mitigation.

Noise: Land immediately to the north of the Chemviron site is to be developed for residential dwellings as part of the Eco Park permission. Before development of the dwellings can take place, condition D2 of the Eco Park permission requires a scheme to be approved by the LPA for protecting residents in these dwellings from noise from the existing carbon regeneration facility.

18. Skelton Group Investments have reviewed the submitted Noise Impact Assessment that supports the planning application and in addition to their letter of objection, have submitted a report prepared by Vibrock and entitled "Response to Noise Impact Review, Report No. 21513.01.v3, dated October 2012.
19. Skelton Group Investments consider that the submitted noise report prepared by Hepworth Acoustics is inadequate in terms of its methodologies and therefore resultant conclusions. Skelton's are of the opinion that suitable conditions must be imposed on this application to limit noise levels to those set out within their original noise impact assessment that formed part of the Ecopark application. Skelton is of the view that without this control, there would not be a means of regulating noise emissions from the proposed facility.
20. In summary, Skelton's consider that the proposed development should not be permitted unless it is accompanied by a full EIA and planning conditions which either:
 - Prohibit any increase in noise levels over and above that associated with the existing permitted use of the site; and/or
 - Requires noise mitigation measures to be adopted within the Chemviron site, such that the increased noise levels would have no greater impact on the residential dwellings within the Eco Park than is associated with the existing permitted use.
21. Without these conditions, the objector considers that it would be unreasonable for the Local Planning Authority to require any future noise scheme associated with the implementation of the Eco Park permission to include more stringent levels of mitigation than would be required had the intensification of use of the Chemviron site not been permitted.

Letter from Chemviron (applicant) received 13th December 2012:

22. The applicant has formally responded to the above objection in a letter as follows:

EIA: The planning application would not be unlawful. The Local Planning Authority has issued its Screening Opinion and confirmed that the proposed development would not be of more than local importance; and that the site is not within an environmentally sensitive area as defined by the Regulations.

Air Quality: This was not considered particularly relevant regarding the planning application submission. The site is classed as a Part A installation under the Environmental Permitting Regulations 2010. Air quality would be controlled by an EPR Permit regulated by the Environment Agency. The permit sets strict air emission limits that the site must adhere to. A formal variation of the EPR Permit will be required and this will include an assessment on emissions.

Visual Assessment: The Design and Access Statement considers the potential visual impact of the development. The applicant considers that the increase in the building height, which is located within an Industrial Estate, is not deemed to be a change that would result in any significant detrimental impact on the amenity value of the area.

Ecology: A Phase 1 Habitat Survey and tree survey has been submitted.

Noise: Pre-application discussions took place with the Local Planning Authority and Environmental Health on the scope and methodology of the submitted noise report. The applicant's noise consultant has reviewed the report prepared by Vibrock on behalf of Skelton Group Investments and comment as follows:

'The omission of determining noise levels at existing dwellings in the area does not affect the resultant findings of the survey. The nearest current residential properties are 300m North West of the site on Sangwin Road. These properties are therefore further away from the site than the recently approved dwellings. Any increase in noise levels from the Chemviron Carbon Limited site associated with the proposals

at current dwellings will be less than the predicted levels at the approved dwellings directly north of the site.'

Hepworth Acoustics disagree with Skelton Group Investments' claim that the noise measurement they had conducted at 'Position C', the reference, are representative of the monitoring and predicted locations used by Hepworth Acoustics. Position C is 150m to the west of the proposed dwellings closest to the Chemviron Carbon Limited site, whereas Hepworth Acoustics 'Location 1' is only 50m south of the proposed dwellings. Therefore it is not possible to directly compare the measurements at the two locations as the prevailing ambient noise climates are different. Due to the remoteness of 'Position C' it is argued that 'Location 1' is more representative of noise levels that would be experienced at the proposed dwellings closest to the Chemviron Carbon Limited site. This is further strengthened by the fact that at 'Position C' road & rail traffic is understood to be the main sources of noise, whereas at 'Location 1' fixed plant and distant transportation are the main sources of noise.'

Hepworth Acoustics explain that the reasons for predicated night-time noise levels being higher than those in the daytime due to the fact that predicted noise levels were for 1 hour periods in the daytime and 5 minute periods at night, as agreed with Environmental Health. Therefore there will be proportionally longer periods of lower noise from the site in a 1hr worst case period than there would be in a busy 5 minute period at night.

Chemviron Carbon Limited stands by the noise survey conducted by Hepworth Acoustic. The survey was conducted in the most sensible manner as measurements were either taken on other Chemviron Carbon Limited sites where similar equipment/vehicles are operating as the ones intended to be implemented at the Tipton site. This study was conducted based on actual facts and not on assumptions only."

Further letter received from Skelton Group Investments 10th January 2013

23. Skelton Group Investments Limited confirms that it has received a copy of the Local Planning Authorities Screening Opinion. Skelton raises concerns that referencing within the text is incorrect and that the correct test in assessing the potential significant effects on the environment of the proposed development should apply to (i) major developments of more than local importance; (ii) development proposed for particularly environmentally sensitive or vulnerable locations; (iii) developments with unusual complex or potential hazardous environmental effects.
24. Skelton's consider that the development falls within (ii) and (iii) as the site is adjacent to a valuable nature conservation area and a SLINC as well as being classed as a Part A installation under the Environmental Permitting Regulations 2010, which the applicant has confirmed.
25. Skelton's stated that other statutory and non-statutory designations which are not included in the definition of sensitive areas, but which are nonetheless environmentally sensitive, may also be relevant in determining whether an EIA is required.
26. Skelton's state that the Screening Opinion does not provide evidence to justify that the likely adverse impacts would not equate to a significant effect on the environment under the EIA Regulations. Skelton's state that the application should not have been registered without the submission of a full EIA.

Air Quality: No air quality assessment has been assessed. If the application is to be determined then conditions should be imposed to ensure that the applicant is required to provide a low emissions strategy for mitigating the air quality impacts of the development, to be approved by the Council, prior to the commencement of development.

Visual Impact: In the absence of a landscape and visual impact assessment it cannot be proved or substantiated that the proposed development would not have

an adverse impact upon the character of the area. If the application is approved, a condition should be imposed to ensure that a full LVIA is completed and approved by the Council prior to the commencement of any development.

Ecology: Skelton's assume that no habitat surveys have been undertaken as none are available on the Council's website. Without such information, it is impossible to establish the impacts of the proposed development.

Noise: The submitted noise report has not been completed in accordance with BS4142:1997 and therefore fails to comply with the Council's own required standards and no justification have been provided for this departure.

The applicant has not addressed the points raised in the Vibrock report with the main concern being that the report does not comply with industry standard BS4142:1997.

Skelton's state that should the application be determined,

'...then conditions should be included to restrict noise levels, operating hours and vehicle movements until such a time that the applicant can prove that the noise levels of the proposed development do not exceed the existing facility. Any increase in noise levels over that of the existing facility should be mitigated by the applicant. Without such conditions any consent would be contrary to the Council's own policies and in particular saved UDP Policies EP7 and DD4.

In summary we therefore consider that the proposed development should not be permitted unless it is accompanied by planning conditions which either:

- *prohibits any increase in noise levels over and above that associated with the existing permitted use of the site; and/or*
- *requires noise mitigation measures to be adopted within the Chemviron site, such that the increased noise levels would have no greater impact on the*

residential dwellings within the Eco Park than is associated with the existing permitted use.'

Letter received from the applicant dated the 10th January 2013

27. The applicant has met with Skelton's to discuss the noise that would be generated by the plant after the proposed development compared to the existing (former operation). The applicant has reiterated that they cannot agree with the Vibrock noise report since even though the proposed development would increase the throughput of carbon through the site, the basic industrial process remains the same with the same equipment or type of equipment hence the conclusion that the additional noise generated is not deemed to differ in intensity or nature from the existing (former) operation. The applicant has stated in a letter received on the 10th January 2013 that they were:

'...willing to help them understand our position and noise assessment conclusions by getting our respective noise consultants to talk to each other.'

OTHER CONSULTATION

28. Group Engineer (Development): No objections subject to conditions requiring an amended parking layout for a widened disabled bay, cycle storage and shower facilities and provision of an electric vehicle charging point.
29. Head of Environmental Health and Trading Standards: No objections in principle to the proposed development with respect to ground conditions, noise and air quality.
30. Environment Agency: No objection
31. Canal and River Trust: No objection subject to conditions relating to boundary treatment, storage of trade effluent and hazardous materials and drainage.
32. West Midlands Fire Service: No objection

RELEVANT PLANNING POLICY

National Planning Guidance (2012)

33. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions, but does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.
34. The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development comprises the economic, social and environmental roles of the planning system. The NPPF reaffirms that the planning system is underpinned by a presumption in favour of allowing sustainable development provided that proposed development would be in accordance with the development unless material considerations indicate otherwise. Paragraph 12 of the NPPF states:

'Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise...'

35. Paragraph 123 of the NPPF provides specific guidance regarding the making of planning decisions in terms of noise. The third bullet point of this paragraph states:

'...recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because changes in nearby land uses since they were established...'

Technical Guidance to the National Planning Policy Framework
Circular 11/95 – The Use Conditions in Planning Conditions

Black Country Core Strategy (2011 BCCS)

EMP1 Providing for Economic Growth

EMP3 Local Quality Employment Areas

TRAN2 Managing Transport Impacts of New Development

ENV 1 Nature Conservation

ENV 3 Design Quality

ENV 4 Canals

ENV 5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island

ENV 8 Air Quality

DEL1 Infrastructure Provision

Unitary Development Plan (2005 UDP)

DD5 Development in Industrial Areas

DD10 Nature Conservation and Development

NC1 Biodiversity

NC6 Wildlife Species

NC9 Mature Trees

NC10 The Urban Forest

EP1 Incompatible Land Uses

EP3 Water Protection

EP7 Noise Pollution

Supplementary Planning Guidance/Documents

Nature Conservation Supplementary Planning Document

Planning Obligations Supplementary Planning Document

Parking Standards Supplementary Planning Document

36. The main issues are
- Principle
 - Environmental Impact Assessment
 - Design and Layout
 - Access and Parking
 - Flood Risk
 - Noise
 - Air Quality
 - Visual Impact
 - Ecology and Biodiversity
 - Trees
 - Planning Obligations

Principle

37. The National Planning Policy Framework (NPPF) was adopted in March 2012 and is now a material consideration in planning decisions and sets out the Government's planning policies for England and how these should be applied.
38. The Black Country Core Strategy sets out the strategy for future development in the sub-region to 2026. Following adoption of the Core Strategy some policies in the UDP have been superseded.
39. The application site is located within the Core Strategy Regeneration Corridor (RC) 16 'Coseley – Tipton – Princes End.' The vision for that corridor is that 'by 2026 it will provide high quality sustainable residential communities and fit for purpose local employment areas. There will be an improved public realm and canal network, along with improved links between residential communities and parks/open spaces such as the Wrens Nest Local Nature Reserve. This will ensure that the Corridor will have significant accessible biodiversity and local green infrastructure'.

40. The application site is shown as an area proposed for 'local employment retention' (Policy EMP3) within RC16. Local quality employment areas are characterised by a critical mass of industrial, warehousing and service activity in fit for purpose accommodation with good access to local markets and employees.
41. The planning application proposes to continue an existing B2 use in addition to new built development that would serve to increase production at the site. The production capacity at the site would be increased by 50% as a result of the proposed development. The proposals would improve the processing of spent carbon through the use of 'dry feeding' spent carbon to the furnace. The use of dry feeding would reduce the use of water in the processing of carbon by 75% from 2000m³ of water per day. The re-opening of the plant would employ 13 full-time employees.
42. The proposed development would be in accordance with Policy EM3 of the BCCS through bringing back into use an existing viable employment use whilst facilitating an increase in its production capacity as well as creating 13 jobs.

Environmental Impact Assessment

43. The applicant sought pre-application advice with respect to the proposed development in 2012. Given the nature of the proposed development and the site area, a screening opinion was undertaken on the 26th April 2012 in accordance with The Environmental Impact Regulations. The Screening Opinion stated the following: *'The proposal falls within the description of development as set out within Section 10 (b) of Schedule 2 of the Regulations being defined as an 'Urban Development Project' The site in question does not fall within a 'sensitive area' within the context of the Regulations 2011 but due to the size of the site (exceeding 0.5ha) consideration must still be given as to whether the proposed development would likely to have significant environmental effects.'*
 - In determining whether the proposed development would have significant environmental effects consideration has been given to the criteria set out in Regulation 4 (6) and to the advice set out in paragraph 33 of Circular 2/99 which

states that and ES would normally only be expected to be submitted as a part of a planning application where;

1. It was a major development of more than local importance;
2. The development was proposed within an environmentally sensitive location related to developments with unusually complex or potential hazardous environmental effects.

- Annex A to Circular 2/99 provides further advice as to the need for EIA with respect to Schedule 2 development with paragraphs A18 and A19 providing specific advice regarding urban development projects and Schedule 3 of the Regulations setting out criteria to be considered in terms of the characteristics of the development, location of development and characteristics of the potential impact.
- Having regard to the legislative background and context we consider that development would not be of more than local importance and that the site is not within an environmentally sensitive area as defined by the Regulations. The site is located within an existing industrial area and was last used for industrial purposes.
- The potential environmental effects of the proposed development during the construction phase would largely relate to noise. These issues could be dealt with in a supporting report submitted with a planning application submission. During the operational phase of the development the environmental effects are likely to relate to increased vehicle movements, changes with respect to noise and air quality and impacts upon trees and nature conservation. Technical reports are proposed to be submitted as part of a planning application submission to address these issues.

- The main environmental effects of the proposed development would relate to traffic, air quality, noise, trees and nature conservation. I can confirm that the Local Planning Authority would agree that the potential environmental effects of the proposed development would be suitably assessed through the submission of technical reports forming part of a planning application and that due to the scale, nature, characteristics and non-environmentally sensitive location of the site, that the potential environmental impacts would not individually or cumulatively require the submission of an ES as part of a planning application submission.”
44. The proposed development would not be a Schedule 1 project whereby an EIA is always be required. The proposed development falls within Schedule 2, whereby the legislation and Regulations confirm that EIA may be required depending on the size, nature and location of the proposed development. In essence, the submission of an ES is discretionary.
45. The objector rightly refers the Local Planning Authority to Regulation 3 (4) of the Regulations that prohibits the granting of planning permission for Schedule 2 development which is likely to have significant environmental effects because of such factors as its nature, size, or location, unless the EIA procedures have been followed.
46. The Local Planning Authority has followed the procedures within the Regulations in issuing a Screening Opinion prior at the pre-application stage. In determining the need for an ES to not be submitted, the Local Planning Authority has considered the ‘selection criteria’ set out in Schedule 3 to the Regulations and the Screening Opinion complied with Regulation 2 (1) and Schedule 4 of the Regulations in terms of the information contained therein.
47. Circular 02/99 (Paragraph 33) makes it clear that in assessing the criteria for the need or otherwise of EIA that not all of the criteria will be relevant in every case and that the criteria provides broad guidelines with respect to the characteristics of the development, the environmental sensitivity of the location and the characteristics of the potential impacts. This translates to the view made by the Secretary of State that:

'...in general, EIA, will be needed for Schedule 2 developments in three main types of case:

a) for major developments which are of more local importance (paragraph 35):

b) for developments which are proposed for particularly environmentally sensitive or vulnerable locations (paragraphs 36-40); and

c) for developments with unusually complex and potentially hazardous environmental effects (paragraphs 41-42).'

48. Paragraph 34 of the Circular 02/99 goes on to confirm that the number of EIA developments will be a very small proportion of the total number of Schedule 2 developments and confirms that the basis test of the need for EIA is the likelihood of significant effects on the environment.
49. The site is an existing industrial plant last used for the re-activation of spent carbon. The proposed development would bring the existing established use back into use but would increase the amount of spent carbon that is re-activated through increasing the capacity of the furnace and changing the operation of the site to reactivating dry rather than wet carbon. The site is not designated for any particular use within the Development Plan but adjoins a Site of Local Importance for Nature Conservation. It is acknowledged that the use falls within Part A of the Environmental Permitting Regulations 2010.
50. Having regard to the scale, nature and characteristics of the proposed development, the main environmental impacts would relate to air quality and noise in terms of an increase of 10 tanker trips per day as a result of an increase in production at the plant, a loss of existing habitat through the felling of trees within the site in order to facilitate the construction of additional buildings and internal roadways/parking areas and the impacts of the development upon the adjoining SLINC.

51. The number of EIA developments falling within Schedule 2 should be a small proportion and should only be requested where there would be a likelihood of a significant effect on the environment as a result of the proposed development. The proposed development would have an affect on the environment in terms of air quality, noise, loss of trees and possibly the SLINC but it is unlikely that the environmental effects would be significant to warrant the submission of an ES.
52. The application has been submitted with a number of supporting documents to enable the Local Planning Authority to determine the potential environmental effects of the development. These supporting reports adequately address the environmental impacts of the proposed development and provide a mechanism for the Local Planning Authority to secure mitigation and/or amendments to the scheme.
53. In conclusion, the application as submitted is lawful and valid, with the absence of an ES being in accordance with the Environmental Impact Assessment Regulations 2011, Circular 02/99 and the Screening Opinion provided by the Local Planning Authority on the 26th April 2012.

Design and Layout and Visual Impacts

54. The proposed development would result in the erection of two new buildings on the site (spent carbon storage building and reactivated carbon building), the construction of new internal access roads and parking/turning areas, re-located acid storage facility, a dry feed carbon system to the furnace in the form a chain conveyor and feed hoppers and increasing the existing height of the furnace by 3m.
55. The site is located within an industrial area characterised by heavy industrial uses and adjoins a waste transfer station. The new development would not appear out of context. The existing regeneration plant stands 18.55 high. The two new buildings would be 12.12m and 13.57m high, thereby significantly lower than the highest building on the existing site. Whilst the proposed development would increase the height of the furnace building by 3m, given the large scale of the building and its location within an industrial area the increase in height would not be harmful to the character of the area.

56. If the residential development granted outline planning permission within the Coseley Eco Park development is implemented this would be sited at least 121m away from the existing furnace building. An increase in the height of this building by 3 metres when viewed from such a distance would not be visually harmful or result in a negative impact upon the immediate outlook from dwellings or having an adverse impact upon views.
57. The new buildings would be more modest in scale at 12 and 13m high and would be positioned some 40m away from the boundary of the residential component of the Ecopark site. The separation distances between the proposed buildings and furnace building and the residential component of the Ecopark application would be sufficient to ensure that there would not be a harmful visual impact and therefore no loss of residential amenity to the occupiers of the prospective dwellings.
58. The proposed development is not of a scale or nature to warrant or justify the submission of a landscape and visual appraisal. It is perfectly reasonable to assess and judge the potential visual impact of the development using the information submitted as part of the planning application submission.
59. The Ecopark application was submitted with a landscape and visual appraisal since this scheme was an EA application with such an appraisal being a requirement of the Environmental Impact Assessment Regulations. The initial Ecopark scheme included an energy recovery facility with indicative heights associated with the approved masterplan showing a building that would be 22m in height with an associated incinerator of 70m. The height of the incinerator required consideration of its potential visual impact upon short, medium and long distance views from within and surrounding the site. In this case, the proposed development is being assessed against existing buildings of a similar scale and therefore a landscape and visual appraisal would not serve any purpose.

60. The appearance of the development would be of a functional design with the two new buildings complementing the appearance of the existing regeneration plant. The scheme seeks to locate the buildings close to the existing built development in order to improve the operation and function of the site as well as seeking to protect the tree lined boundaries of the site adjoining the Canal and Westminster Trading Estate.
61. The design and layout of the site and resultant visual impact of the proposed development would not have an adverse impact upon the character of the area, would be appropriate having to the existing industrial nature of the area and would not prejudice the delivery of prospective Ecopark development, thereby being in accordance with Policy ENV3 of the BCCS and saved Policy DD5 of the Dudley Unitary Development Plan.

Access and Parking

62. Parking Provision: The existing facility comprises a 1000 sq m warehouse, furnace and silo. The proposed development would provide an additional 1200 sq. m. of warehouse and storage floor space to help facilitate an increase in the production of the reactivation of granular activated carbon used in the water industry.
63. The maximum parking demand for a B2 use would be 31 spaces (1 space per 70 sq m). Whilst the site falls within B2 use it is not a typical B2 operation. The development proposes to employ some 13 staff and would provide 15 spaces overall for staff and visitors. Whilst the parking provision would be significantly below the maximum standard, sufficient spaces would be provided for staff and visitors specific to this particular use.
64. Disabled Spaces: The adopted parking standards SPD requires the provision of a minimum of 5% of spaces (1.5 spaces) to be for disabled users. The submitted layout would provide 1 space. The identified space does not meet the requirements of the parking standards SPD in terms of its dimensions but this is addressed by condition (7) attached to this report.

65. Traffic Generation: The transport statement states the number of vehicle movements would increase from 2200 to 5000 movements per year. This would result in an increase of 10 movements or 5 loads per day giving a total of 20 vehicles per day overall. Given the location of the existing industrial estate off Bean Road and the existing operation of the site, no concerns are raised regarding the increase in trip generation by Group Engineer (Development).
66. Cycle Parking: Paragraph 8.1 of the Refreshed Parking Standards SPD states that overlooked, well lit, secure and undercover cycle parking facilities should be incorporated into any developments that have the potential to attract cyclists. Cycle parking should be located in positions that will encourage their use and where possible within the building. The provision of shower facilities plays an important role in encouraging people to cycle.
67. The transport statement indicates that staff showers and lockers would be available within the building. The Adopted Parking Standards SPD Table 6 states that the Local Planning Authority aims to provide cycle parking for at least 10% of all people journeys. Where long stay cycle parking space is provided i.e.: for members of staff, shower facilities should also be provided unless it is unfeasible to do so. There is no requirement for shower facilities to be provided for customers or visitors. The application would provide for 5 cycle storage spaces which exceeds the 10 % of all journeys minimum and is acceptable. Details of the storage and shower facilities should be provided but this can be secured by condition.
68. Electric Vehicle Charging Points: The adopted Parking Standards SPD sees the provision of 5% of all parking spaces relating to commercial development to be covered with an electric vehicle charging point in the interests of improving air quality. The proposed development should provision 1 EV charging point in order to comply with this component of the SPD. The submitted plans show the location of the EV charging point. The charging point would need to conform to EN62196-2 (J1772), Type 2 with Mode 3 with a 7 pin socket and provide a 32 amp, 7kw supply. All wiring must comply with BS7671 or equivalent. This can be secured by condition.

69. The proposed development would not result in any highway safety concerns with the development providing sufficient parking to meet the needs of the development and the proposed internal roadways and parking areas being of a suitable layout and dimensions to allow for the safe turning and manoeuvring of vehicles. The proposed development would therefore be in accordance with TRAN2 of the BCCS and the adopted Parking Standards SPD.

Flood Risk

70. The southern part of the site falls within indicative flood zones 2 and 3 of the Swan Brook tributary. The proposed spent carbon dry storage shed would be located within the northern part of the site and outside of the indicative floodplain and therefore raises no issues. The Environment Agency has confirmed that the flood zones depicted in this area are not accurate as the flood zone does not follow the line of the watercourse. The watercourse is further away from the site than the floodplain suggests and it is therefore considered that the proposed reactivated/virgin carbon storage within the southern part of the site would be at a very low risk of fluvial flooding. In this regard, the Environment Agency raise no objections to the proposed development and it would be in accordance with Policy ENV5 of the BCCS saved Policy EP3 of the Dudley Unitary Development Plan

Noise and Air Quality

71. The application site is currently approved for unrestricted B2 use and this proposal would not result in any change to that use classification. There is therefore no opportunity to unreasonably restrict the hours of operation and permitted delivery hours.
72. The noise impact assessment submitted with this application have been examined and the findings are accepted. The report concludes that the proposed changes to the Chemviron site will increase noise emissions from the site, but that the resulting noise levels will only be elevated by around 3dB overall (worst case scenario). A 3dB increase in noise level is considered to be the threshold at which changes in noise levels become noticeable. The site, in its current form, already produces noise typically associated with an industrial process and the proposed additions will

therefore only result in a marginal increase in this. The impact is therefore not considered to be of such significance as to justify any additional noise mitigation measures over and above the layout of the site and the inherent noise reduction properties of the proposed building construction.

73. The recently approved residential development to the North (P11/1336) is likely to be affected by noise from this site, both with and without this development, and as such has been approved with a condition requiring on-site mitigation measures to be put in place should they be deemed necessary following an assessment of the noise at the time any development is delivered. In the context of the approved planning application P11/1336 the onus is therefore on the developer of this neighbouring site to ensure that noise from the industrial process is adequately addressed to not affect the amenity of residents of these new dwellings, as and when they are to be built. The Head of Environmental Health and Trading Standards confirms that with the proposed changes at Chemviron in place, on-site mitigation at the neighbouring site would still be achievable.
74. The Head of Environmental Health and Trading Standards has considered and assessed the two objection letters submitted by Skelton's with respect to noise and the applicant's response to these stating that:
- The 3dB increase in noise levels is what has been concluded in the Chemviron report. The Head of Environmental Health and Trading Standards sees no major flaws in the methodology of the submitted noise report confirming the predicted noise levels are based on measurements taken at another Chemviron site.
 - It has always been accepted that the Chemviron site was not operating when the first Skelton noise assessment was carried out with respect to planning application P11/1336. It was also accepted at the time that the site had recently been purchased and would be subject to change. This is the reason why a condition was attached to the Eco-Park application requiring the

completion of another noise assessment at the reserved matters stage and that a no-development buffer zone might be required.

75. The Head of Environmental Health and Trading Standards states that at this stage we do not know the layout of the residential site so it would be very difficult to stipulate mitigation (on the Chemvicon site) that would definitely be successful. The only option would be a bund and barrier but this would be difficult to seek given that the noise report concludes that the proposed development would not result in a significant increase in noise. If the proposed development was for a new B2 use then it would be reasonable to seek the attachment of restrictive conditions in terms of operational/delivery hours, but that is not an option here. Also, it should be recognised that the National Planning Policy Framework is very clear and states that existing industrial uses should not be unreasonably restricted so this would appear to support this view.
76. The Head of Environmental Health and Trading Standards confirm that it considers the applicant is right to use their own data from other sites rather than 'off the shelf' levels as it makes it more relevant to their actual activities. The main argument being put forward by Skelton's with respect to noise is quite a technical one about the use and interpretation of BS4142.
77. The letter from Skeltons states that a BS4142 assessment has not been undertaken as agreed with the Council and one should therefore be carried out. In original discussions with Chemvicon and their consultant it was agreed that as long as the assessment was carried out along the lines of BS4142, utilising the appropriate methodologies contained within it, that it would be appropriate. This is not necessarily the same as completing an assessment strictly in line with all elements of the standards.
78. The Head of Environmental Health and Trading Standards has confirmed that they are satisfied that the Chemvicon assessment has been conducted in accordance with what has been agreed at the pre-application stage with the most important elements being, that the predicted noise from the proposed development has been compared

with the existing noise climate. (The existing noise climate being noise with the site fully operational in its current form as the premises have been in situ for some time.) It would be wrong to ignore it and compare only with the noise level in its absence.

79. Skeltons are of the opinion that they agreed to mitigate noise from Chemviron as it could currently operate and not following any extensions or changes to the operation of the site. This is not the view of the Head of Environmental Health and Trading Standards who considers that it was made clear to Skelton's during negotiations with respect to P12/1366 that we anticipated that the noise levels from Chemviron might change (the sale and their plans for investment were known then) and there would be little point in assessing the noise at that stage and subsequently devising mitigation that may or may not be appropriate. Hence the approach that was taken requiring further assessment at the reserved matters stage.
80. In terms of the comments regarding air quality, it is the view of the Head of Environmental Health and Trading Standards that allowing the EA permit to regulate emissions is the appropriate stance to take here. With regards to a low emission strategy for the development, additional vehicle movements, amounting to 10 per day, is not significant. Therefore requiring a Low Emission Strategy for what is essentially quite a small change would not be appropriate as the impact on ambient air quality would be insignificant.
81. In light of the above, the Head of Environmental Health and Trading Standards has no objections in principle to the proposed development with respect to ground conditions, noise and air quality. The proposed development would be in accordance with the NPPF and specifically paragraph 123, Policy ENV 8 of the BCCS and saved Policy EP7 of the Dudley Unitary Development Plan.

Ecology and Biodiversity

82. Despite the industrialised nature of the area, the northern and eastern boundaries of the site adjoin the Canal. The Canal and land located to the west of the site is designated as a Site of Local Importance for Nature Conservation.

83. Saved Policy NC6 of the Dudley Unitary Development Plan requires that development that is likely to have an adverse effect on habitats that are important to wildlife species and that are specially protected by law, are rare and vulnerable in the Black Country and/or are the subject of a Species Action Plan in the UK or Local Biodiversity Action Plan will only be permitted where certain criteria are met. This includes accommodating the needs of the species in the design and layout of the proposal and providing adequate mitigation for any effects of the proposed development upon species active on the site.
84. A Phase I Habitat Survey has been submitted in support of the application to determine the value of the existing habitat on the site and its potential to support protected species and wildlife generally. The survey confirmed that all species and habitats found are common and widespread and no rare or unusual plants were found. The site does not offer a suitable habitat for the presence of amphibians, badgers; bats or reptiles and no further survey work would be required.
85. The site does offer the potential for nesting and foraging for birds in the form of hedgerows, trees and woodland. The report recommends that vegetation clearance takes place outside March to August and that if this is not possible, to check vegetation before work starts. If any bird nests are found then a 5m buffer should be placed around them until the young have fledged.
86. The Phase 1 Habitat Survey recommends that if the local planning authority is minded to grant planning permission for the proposed development that ecological enhancement should be secured through the attachment of a condition. An Impact Assessment and Mitigation Report has been submitted considering the impacts of the proposed development on the adjoining SLINC. An amended plan has been received with respect to the layout of the site to provide an ecological buffer between the site and the adjoining SLINC. The buffer would be enhanced with a landscaping scheme involving the planting of trees and native species, bat boxes on existing trees and on the proposed buildings and bird boxes on trees and the proposed buildings. The delivery of this ecological enhancement scheme has been sought in the form of an on-site condition in order to mitigate against the impacts of the loss of the groups of

trees on the site in terms of their potential wildlife value as well as providing a mechanism to enhance the adjoining SLINC and the ability of the site to provide an improved wildlife corridor along the Canal. The proposed development retains the existing mature tree bund along the northern boundary of the site adjoining part of the SLINC and therefore would have limited impact upon the integrity and function of the SLINC. In light of these comments, the proposed development would be in accordance with Policy ENV4 of the BCCS, saved Policies NC1 and NC6 of the Adopted Dudley Unitary Development Plan and the Nature Conservation SPD.

Trees

87. The northern part of the site, in particular, its boundaries that adjoin the Canal and the Westminster Industrial Estate are characterised by a tree belt. The trees are planted on a bund that adjoins the Canal.

88. A Tree Survey has been submitted in support of the proposed development detailing the amount of trees that would be lost as a result of the scheme. There are 60 individual trees and 3 grouped areas of trees within the site. The tree stock is young to mature in age range. All of the trees are in an acceptable condition and no trees are deemed unsafe or unstable. The applicant's tree consultant confirms that the likely arboricultural impacts of the proposed development would be able to be addressed by attaching appropriate arboricultural conditions to any consent to ensure an appropriate method of construction to protect trees and possibly some minor amendments to the proposals.

89. The proposed development would result in the loss of most of the 3 grouped areas of trees within the site. Due to the existing land levels, the groups of trees are not visible from outside of the site. As such, it is not considered that the removal of these trees should be an obstacle to the development from an arboricultural point of view. The main area of trees of value relates to those planted on the bund that adjoins the boundary with the canal. These trees form a visual screen of the site from the canal as well as having a positive role in terms of their biodiversity value immediately adjoining the Canal, which is designated as a Site of Local Importance for Nature Conservation. The proposed layout and site levels would result in the removal of part

of this central area of boundary planting (T40-T48, T59 and T60 on the tree survey) in order to achieve the proposed development. This would reduce the existing screening from the Canal and a potential loss of integrity of this particular part of the SLINC. The screening would only be reduced within a small part of the overall boundary and not along the entire length of the boundary with the canal. The nature conservation enhancement and mitigation plan to be secured by condition would ensure the delivery of replacement planting and the temporary loss of screening would only be similar to existing industrial units that abut the canal to the north of the application site.

Planning Obligations

90. 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.
91. 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.
92. The obligations potentially triggered according to the Planning Obligations SPD are:
 - Local Employment Strategy
 - Transport Infrastructure Improvements
 - Air Quality Enhancement
 - Nature Conservation Enhancement
 - Public Art

93. 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.
94. At the time of writing the report, consultation was taking place on the need for an off-site contribution towards transport infrastructure improvements. The position as to whether this meets the three tests above and therefore being sought will be reported in a pre-committee note.

On-Site Provision (to be secured by condition)

- 1. Air Quality Improvements (provision of Electric Vehicle Charging Point)
- 2. Nature Conservation Enhancements and Mitigation to the equivalent of £8,910

95. It is considered that these contributions meet the necessary tests as stated above in that they contribute to the delivery of a sustainable development, are being provided directly on the development site itself and are deemed to be in scale and kind to the proposed development.
96. This development complies with the requirements of BCCS Policy DEL1 and the Planning Obligations SPD.

CONCLUSION

97. The planning application proposes to bring back into use an existing B2 use in addition to new built development that would serve to increase production at the site. The production capacity at the site would be increased by 50% as a result of the proposed development. The proposals would improve the processing of spent carbon

through the use of 'dry feeding' spent carbon to the furnace. The use of dry feeding would reduce the use of water in the processing of carbon by 75% from 2000m³ of water per day. The re-opening of the plant would employ 13 full-time employees.

98. The NPPF supports the proposed development stating that proposed development that accords with an up-to-date Local Plan should be approved unless material considerations indicate otherwise with paragraph 123 specifically recognising '*...that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because changes in nearby land uses since they were established...*'
99. The proposed development falls within Schedule 2 of the Environmental Impact Assessment Regulations but the scheme would not have significant environmental effects to warrant the submission of an ES. The submission of an ES in this case is discretionary and it is of the opinion of the Local Planning Authority that in the absence of significant environmental effects that it would be unreasonable to suggest that the proposals would be EIA development.
100. The proposed development would form a logical extension to the existing plant siting buildings in locations to support the improved operation of the site in terms of the movement of vehicles and storage of spent and reactivated carbon.
101. The scheme would not raise any fundamental highway safety concerns with the enhanced production increasing trips by 10 per day. This would not raise issues in terms of the capacity of the local highway network and the layout of the site would be appropriate to facilitate the increased movements that would occur during the day. The proposed layout would provide sufficient off street parking to meet the parking demand associated with the site.
102. The scheme would not raise any flood risk issues due to the floodplain associated with Swan Brook being located away from the site.

103. The application site is currently approved for unrestricted B2 use and this proposal would not result in any change to that use classification. There is therefore no opportunity to unreasonably restrict the hours of operation and permitted delivery hours.
104. The noise impact assessment submitted with this application has been examined and the findings are accepted. The report concludes that the proposed changes to the Chemviron site will increase noise emissions from the site but that the resulting noise levels will only be elevated by around 3dB overall (worst case scenario). A 3dB increase in noise level is considered to be the threshold at which changes in noise levels become noticeable. The site, in its current form, already produces noise typically associated with an industrial process and the proposed additions will therefore only result in a marginal increase in this. The impact is therefore not considered to be so significant as to justify any additional noise mitigation measures over and above the layout of the site and the inherent noise reduction properties of the proposed building construction.
105. The increase in trips associated with the development would not raise significant concerns with respect to air quality. An electric vehicle charging point would be secured by condition to help encourage the use of more sustainable forms of private cars thereby helping to reduce emissions. The additional trips per day would not be significant and would not require the submission of a low emission strategy. It is acknowledged that the site would be controlled by the Environment Agency under its permit and as part of Part A of the Environmental Permitting Regulations 2010. This would be the appropriate mechanism for the regulation of emissions relating to the development.
106. The siting and scale of the new buildings would be significantly lower than the existing furnace building and of a similar scale to existing industrial units within the area. Whilst the proposed development would increase the height of the furnace building by 3 metres this is not considered significant having regard to the industrial nature of the site and the siting of the site away from residential properties. The proposed development would not have an adverse visual impact.

107. The site has limited value in terms of biodiversity comprising common habitat providing limited opportunities for wildlife. The proposed development would result in the loss of a significant number of trees. These trees have limited amenity value and some wildlife value. The scheme would largely retain the tree belt running along the eastern boundary of the site adjoining the canal. This would serve to protect the integrity of this part of the SLINC and the canal wildlife corridor generally. A condition can be attached to secure the provision of replacement planting and a nature conservation enhancement scheme to mitigate against these impacts.

RECOMMENDATION

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

Reason for approval

The planning application proposes to bring back into use an existing B2 use in addition to new built development that would serve to increase production at the site. The production capacity at the site would be increased by 50% as a result of the proposed development. The proposals would improve the processing of spent carbon through the use of 'dry feeding' spent carbon to the furnace. The use of dry feeding would reduce the use of water in the processing of carbon by 75% from 2000m³ of water per day. The re-opening of the plant would employ 13 full-time employees.

The NPPF supports the proposed development stating that proposed development that accords with an up-to-date Local Plan should be approved unless material considerations indicate otherwise with paragraph 123 specifically recognising '*...that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because changes in nearby land uses since they were established...*'

The proposed development falls within Schedule 2 of the Environmental Impact Assessment Regulations but the scheme would not have significant environmental effects

to warrant the submission of an ES. The submission of an ES in this case is discretionary and it is of the opinion of the Local Planning Authority that in the absence of significant environmental effects that it would be unreasonable to suggest that the proposals would be EIA development.

The proposed development would form a logical extension to the existing plant siting buildings in locations to support the improved operation of the site in terms of the movement of vehicles and storage of spent and reactivated carbon.

The scheme would not raise any fundamental highway safety concerns with the enhanced production increasing trips by 10 per day. This would not raise issues in terms of the capacity of the local highway network and the layout of the site would be appropriate to facilitate the increased movements that would occur during the day. The proposed layout would provide sufficient off street parking to meet the parking demand associated with the site.

The scheme would not raise any flood risk issues due to the floodplain associated with Swan Brook being located away from the site.

The application site is currently approved for unrestricted B2 use and this proposal would not result in any change to that use classification. There is therefore no opportunity to unreasonably restrict the hours of operation and permitted delivery hours.

The noise impact assessment submitted with this application has been examined and the findings are accepted. The report concludes that the proposed changes to the Chemviron site will increase noise emissions from the site but that the resulting noise levels will only be elevated by around 3dB overall (worst case scenario). A 3dB increase in noise level is considered to be the threshold at which changes in noise levels become noticeable. The site, in its current form, already produces noise typically associated with an industrial process and the proposed additions will therefore only result in a marginal increase in this. The impact is therefore not considered to be so significant as to justify any additional noise mitigation measures over and above the layout of the site and the inherent noise reduction properties of the proposed building construction.

The increase in trips associated with the development would not raise significant concerns with respect to air quality. An electric vehicle charging point could be secured by condition to help encourage the use of more sustainable forms of private cars thereby helping to reduce emissions. The additional trips per day would not be significant and would not require the submission of a low emission strategy. It is acknowledged that the site would be controlled by the Environment Agency under its permit and as part of Part A of the Environmental Permitting Regulations 2010. This would be the appropriate mechanism for the regulation of emissions relating to the development.

The siting and scale of the new buildings would be significantly lower than the existing furnace building and of a similar scale to existing industrial units within the area. Whilst the proposed development would increase the height of the furnace building by 3 metres this is not considered significant having regard to the industrial nature of the site and the siting of the site away from residential properties. The proposed development would not have an adverse visual impact.

The site has limited value in terms of biodiversity comprising common habitat providing limited opportunities for wildlife. The proposed development would result in the loss of a significant number of trees. These trees have limited amenity value and some wildlife value. The scheme would largely retain the tree belt running along the eastern boundary of the site adjoining the canal. This would serve to protect the integrity of this part of the SLINC and the canal wildlife corridor generally. A condition can be attached to secure the provision of replacement planting and a nature conservation enhancement scheme to mitigate against these impacts.

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Dudley UDP (2005) and to all other relevant material considerations.

The above is intended as a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report.

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: TRP-05-001/04-0010A, TRP-05-001/04-001B, TRP-05-001/04-0011, TRP-05-001/04-0012, TRP-05-001/04-0013, TRP-05-001/04-0015, TRP-05-001/04-0016, TRP-05-001/04 0017, TRP-05-001/04 0018, TRP-05-001/04 0019, TRP-05-001/04 0020, TRP-05-001/04-0021, TRP-05-001/04 0022 sheets 1 Of 3, 2 of 3 and 3 of 3., TRP-05-001/04-0027 and 14643-1.
3. Notwithstanding the plans submitted prior to the commencement of development, details of the proposed boundary treatment (showing height, specification, colour, materials and/or planting) shall be submitted to and agreed in writing by the Local Planning Authority. The development shall subsequently be implemented in accordance with the agreed details unless otherwise agreed in writing.
4. If surface water run-off and ground water is proposed to drain into the waterway details including the design of interceptors shall be submitted for consideration.
5. Notwithstanding the plans submitted, prior to the commencement of development details of the proposed storage of trade effluent, hazardous substances, materials etc. shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing and thereafter retained.
6. Development shall not begin until details of the type, texture and colour of materials to be used in the external elevations of the buildings hereby approved have been submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details and retained for the lifetime of the development.
7. Notwithstanding the details submitted as part of this planning application, a revised parking layout shall be submitted to and approved in writing by the Local Planning Authority showing the provision of 1 No. widened disabled bay. The scheme shall be implemented in accordance with the approved details and retained for the lifetime of the development.
8. Notwithstanding the details shown on the approved plans, details shall be submitted to and approved in writing by the Local Planning Authority showing the proposed method of drainage associated with the parking and servicing areas associated with

the proposed development. The drainage strategy shall ensure the limitation of surface water run-off from the site. The scheme shall be implemented in accordance with the approved details and retained for the lifetime of the development.

9. No development shall commence until details of nature conservation enhancement and mitigation 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.
10. No development shall commence until details of secure cycle parking and shower 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.
11. 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.
12. Prior to the commencement of development, details of the landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before the end of the first planting season following initial occupation of the development and retained for the lifetime of the development.
13. 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 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’.

14. No development or other operations shall commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall commence on site until the approved tree felling and pruning works have been completed. All tree felling and pruning shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998 (2010) Recommendations for Tree Work.
15. 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.
16. Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of a lighting scheme associated with the proposed development. The lighting shall be implemented in accordance with the approved details and retained for the lifetime of the development.
17. Prior to the commencement of development, intrusive site investigation works should be undertaken to establish the exact situation regarding coal mining legacy issues on site. In the event that the site investigations confirm the need for remedial works to treat the mine entries and/or areas of shallow mine workings to ensure safety and stability of the proposed development, remedial works identified by the site investigation shall be undertaken before development begins.



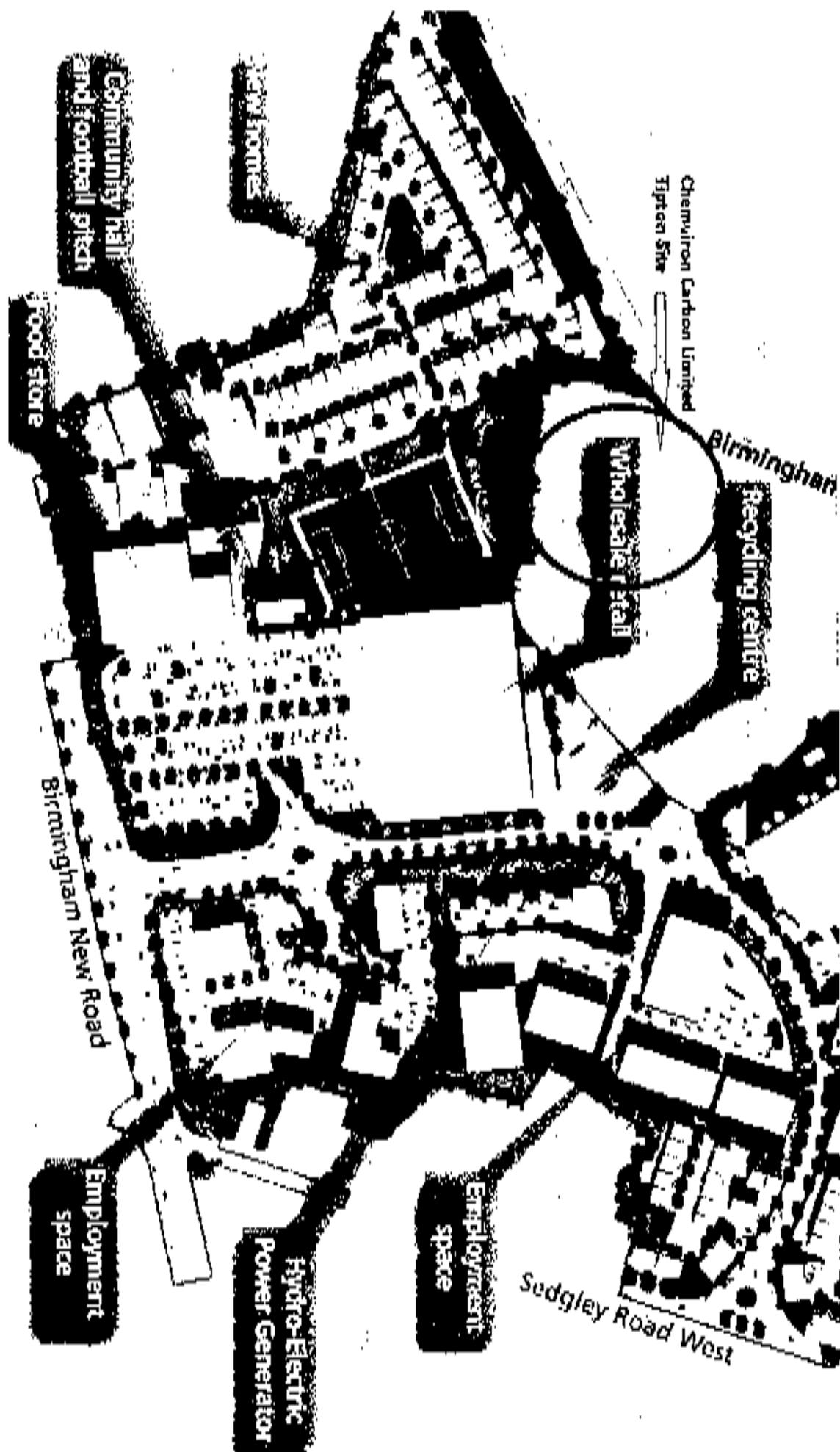
AREA 16 HA
SCALE 1:2500

CENTRE COORDINATES: 394557, 293012



Supplied by Streetwise Maps Ltd

Image of the approved EcoPark Masterplan (P1117366) in relation to the application site.



PLANNING APPLICATION NUMBER: P12/1425

Type of approval sought	Full Planning Permission
Ward	Halesowen South
Applicant	Mr & Mrs Billingham
Location:	LAPAL HOUSE, LAPAL LANE SOUTH, HALESOWEN, B62 0ES
Proposal	FOLLOWING DEMOLITION OF EXISTING OUTBUILDING ERECTION OF PURPOSE MADE OUTBUILDINGS FOR GARAGES, STORAGE AND SHORT STAY RESPITE CARE (RESUBMISSION OF WITHDRAWN APPLICATION P11/1390)
Recommendation Summary:	REFUSE

SITE AND SURROUNDINGS

- 1 The application site consists of the late 19th Century Lapal House and Lapal Lodge, which are set within mature landscaped gardens located within the southern Green Belt off the rural Lapal Lane South.

- 2 The approximately 1.5 hectare site is located within an undulating landscape of fields with only part of the Lapal Lodge buildings visible from the highway. The rest of the site is substantially screened by mature tree planting and the location of the site within a depression, with Lapal Farm to the east being at a higher level.

- 3 The principal buildings on the site, Lapal House and Lapal Lodge operate as a residential care home and have been extended a number of times in their lifetime.

- 4 The site is within the green belt and open countryside.

PROPOSAL

- 5 The application seeks the removal of an existing group of garages, car ports and other outbuildings which are located about 40m to the north west of the main building on the site, and for erection of a new single storey U shaped building, which would include some accommodation within part of its roof space.
- 6 The building would be constructed of oak with a steep pitched roof with cupula detailing. The building would have a floor space of approximately 430m² and would includes two garages, a high car port, a large lobby area, 5 units of accommodation each with its own lounge, bedroom and bathroom on the ground floor for short term respite care. At first floor level there would be a further smaller lobby with an office and a store.
- 7 The building would also have a raised platform around three sides of the building, extending out by up to 3.5m on the rear (northwest) elevation.
- 8 The application has been supported by a Design and Access Statement, a ecological report and structural calculations.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
97/50820	Erection Of Extension To Provide 10 Self Contained Single Bed Units.	Granted	11/9/97
P00/50738	Erection Of Laundry Room Extension (Retrospective).	Granted	15/06/00
P02/1585	Extension To Provide 10 No. Bedrooms.	Granted	21/10/02
P04/0572	Rear/Side Extension To Lapal House, Two Storey Extension To Lapal Lodge And Sun Room Extension	Withdrawn	19/11/04
P05/0137	Rear/Side Extension To Lapal House, And Two Storey Extension To Lapal Lodge And Sun Room Extension (Resubmission Of Withdrawn	Granted	18/03/05

	Application P04/0572)		
P07/1081	Erection of new garages, storage and day facilities	Granted	23/7/07
P08/1257	Erection Of Two Storey Rear Extension To House A Lift	Granted	12/8/08
P10/1491	Demolition Of Existing Conservatory And Erection Of Enlarged Conservatory.	Granted	9/12/10
P11/0381	Variation Of Conditions 2 & 3 Of Planning Approval P10/1491 To Allow Materials Other Than Those Indicated On The Approved Plans And That The Development Shall Be Carried Out In Accordance With The Following Plans 0996/01 And 0996/02 A.	Granted	6/6/11
P11/1390	Erection Of Purpose Made Outbuildings For Garages, Storage And Short Stay Respite Care (Following Demolition Of Existing Outbuildings)	Withdrawn	5/1/12
P11/1498	Erection Of Two Storey Rear Extension To House Lift.	Granted	16/1/12

- 9 Planning application P11/1390 was identical to this application but was withdrawn to allow negotiation with the Canal and Rivers Trust with regard to the Lapal canal tunnel which is understood to pass under the site.
- 10 Planning application P07/1081 granted planning permission for a similarly design building in 2007. However, this permission has now expired and therefore has little weight. The use of the building with that proposal including garaging and storage, but included a replacement day room which is currently located next to the main nursing home building.
- 11 The height of the building was also less than currently proposed as no accommodation was proposed within the roof space. The day room use is no longer proposed with the current application and the existing sizeable day room is to be retained.

PUBLIC CONSULTATION

- 12 No representations received, following consultation with 4 adjoining neighbours, posting of a site notice and the publication of an advert within a local newspaper.

OTHER CONSULTATION

- 13 Group Engineer (Development): No objection.
- 14 Head of Environmental Health and Trading Standards: No objection
- 15 Canal and Rivers Trust: No objection, subject to a drainage condition

RELEVANT PLANNING POLICY

- National Planning Guidance 2012

National Planning Policy Framework

- Section 9 – Protecting the Green Belt

- Black Country Core Strategy (BCCS) (2011)

CSP2 Development Outside the Growth Network

DEL1 Infrastructure Provision

HOU5 Education and Health Care Facilities

ENV 1 Nature Conservation

ENV 2 Historic Character and Local Distinctiveness

ENV 3 Design Quality

ENV 4 Canals

- Saved Unitary Development Plan (UDP) (2005)

DD1 Urban Design

DD4 Development in Residential Areas

DD10 Nature Conservation and Development

CS1 Special Needs Accommodation

NC1 Biodiversity

NC6 Wildlife Species
NC9 Mature Trees
NC10 The Urban Forest
SO1 Green Belt

- Supplementary Planning Guidance/Documents

Nature Conservation Supplementary Planning Document
Planning Obligations Supplementary Planning Document 2011
Design for Community Safety Supplementary Planning Guidance
A Strategy for Dudley Canals
Parking Standards Supplementary Planning Document 2012

ASSESSMENT

16 The main issues are

- Principle
- Design and Green Belt Issues
- Neighbour Amenity
- Occupier Amenity
- Access and Parking
- Nature Conservation
- Planning Obligations

Principle

17 The site is located with the Green Belt as such paragraphs 79 to 92 of the National Planning Policy Framework (NPPF) are of relevance to the application. The purpose of the designation is protect the openness of green belt land and,

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and

- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 18 When considering any planning application, the NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘
- 19 A local planning authority should regard the construction of new buildings as inappropriate in Green Belt and should not be approved unless there are Very Special Circumstances that would outweigh the harm caused. Exceptions to this are:
- buildings for agriculture and forestry;
 - provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
 - the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - limited infilling in villages, and limited affordable housing for local community needs; or
 - limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 20 In addition the NPPF does permit the re-use of buildings provided that the buildings are of permanent and substantial construction, as well as transport infrastructure or development related to mineral extraction.

- 21 The NPPF states that very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 22 Policy CS1 – Special Needs Accommodation states the future provision of special needs accommodation within the Borough will be supported. The policy states that the accommodation (Generally C2 use) should be distributed throughout the borough to maximise choice.
- 23 The policy also states that the use should be within easy reach of a shopping centre and public transport, be suitable for providing care, provide a reasonable and attractive area of open space, or should be near public open space, be in scale and character with the surrounding area, as well as having satisfactory parking. In addition there is a need to prevent over concentration of such uses.
- 24 Also are of relevance are the general design and amenity policies (DD1 and DD4 of the Saved Dudley Unitary Development Plan and ENV2 of the Black Country Core Strategy) that require proposals to appropriate to the character of the area and to be of appropriate design. In addition DD4 expressly requires development not to cause harm to residential amenity.

Design and Green Belt Issues

- 25 The proposed building is proposed within the grounds of the existing nursing home and would be roughly U shape in form with garaging down the one side. The building would be constructed in timber with steep pitched roofs on two sides, of which one side includes accommodation within the roof space. The building includes a small cupula to the roof, feature gablets and half gable detailing. The building also incorporates raised platforms and walkways on three sides. Overall the building could be said to have the appearance of a sports pavilion or large scale equestrian building.

- 26 Whilst the building through its use of timber is unconventional in the locality it is not considered that its design is harmful. Moreover, the timber design in part has been selected due to the light weight nature, as the Lapal canal tunnel is believed to be located close to the site. This matter is considered in more detail below.
- 27 The existing buildings to be demolished to make way for the proposed development consist of a series of light weight/temporary structures, such as shed car ports and storage buildings and a summer house. The approximate floor space of these buildings is just over 130m² and based on the figures supplied by the applicant have an approximately cumulative volume of 338m³. These buildings are also generally single storey and as such do not exceed much more than 3m in height.
- 28 The replacement building would have a floor space of just 429m² and if the raised platforms are added this increases to over 520m². The height of the proposed building to its main eaves level would be 2.3m, but rising to 7m to the main ridge height at the lowest ground level.
- 29 The volume of the proposed building would in excess of 1300m³, and this excludes the volume from the gablets and dormers, the raised platforms and the volume below the finished floor level which have been excluded from the calculation.
- 30 As stated above the NPPF requires any replacement building to not be materially larger than what it replaces. In this case the replacement building would be some four times larger, and as such is considered to be materially larger.
- 31 The NPPF also requires replacement buildings to be in the same use as the previous use. In this case the garage and storage use would be acceptable, but clearly the respite care accommodation is considered to be a new planning use.
- 32 The provision of the accommodation for respite care is a consideration and provides an opportunity for full time carers to take a break for caring for their dependants. However, the advice within the NPPF is clear that *very special circumstances* need to be put forward to justify inappropriate development in the green belt and the harm

caused from normal green belt policy. In this case no very special circumstances are considered to exist which would overcome the substantial harm caused and to allow deviation from the established green belt policy.

- 33 It is accepted that the building is well screened by the main nursing home itself and the planting within the grounds of the home. However, the advice within the NPPF makes no exception to the provision of unacceptable development even if it is well screened from the surrounding area, as the purpose of the green belt is to principally protect openness and prevent sporadic development.
- 34 The applicant has briefly made reference to the surrendering of other part implemented planning permissions at the site. However, no formal offer has been made to the Council. In addition whilst a planning permission which has not been implemented can effectively be revoked through a legal agreement it is not considered possible to revoke where a permission has been partly implemented as it would potentially make the development thus far complete unauthorised.
- 35 As stated above planning permission was previously granted for a similar building in the same position. However, this permission has expired and therefore no fall back exists. The previous permission differs from this application in that the building was proposed in part for a different use (a day room) and a large existing building on the site was also to be demolished. This building is to be retained in this case.

Neighbour Amenity

- 36 The location of the development within the large grounds to the nursing home means there would be no adverse impact to neighbour amenity.

Occupier Amenity

- 37 The site is not subject to any sources of noise, with the A456 and the M5 sufficiently distant as not to cause harm to amenity.

Access and parking

- 38 There are considerable areas of hard standing and car parking within the site which can accommodate the additional car parking requirement for the proposed development.

Nature Conservation

- 39 A nature conservation survey has been submitted with the application due to the rural nature of the site.
- 40 The report concludes that there was little bat activity in the locality and the emergent survey work suggested no bats were coming from any of the outbuildings. However, the survey does recommend that care is taken when demolishing the buildings.
- 41 The report advises that there is potential for nature conservation enhancement at the site by enhancing bat roosting opportunities and providing native planting. The report also advises that high intensity security should be avoided as well.

Trees

- 42 No mitigation has been proposed for the loss of trees, the impact of construction. However, the Council's Tree Protection Officer previously recommended a number of conditions including the carrying out of a BS:5837 Tree survey assessing the quality of trees on site prior to commencement of development. As long as this is complied with, then it is not anticipated that any adverse impact upon mature trees will occur in accordance with Policies NC9 – Mature Trees and NC10 – The Urban Forest.

Canal Issues

- 43 The application site is located on or close to the alignment of the abandoned Lapal canal tunnel and as such is a material consideration.
- 44 The Canal & River Trust (formerly British Waterways) objected to the previous application (P11/1390) as there was insufficient information to establish that the developer has taken any potential instability into account.
- 45 The Design and Access Statement submitted with the current application, under Geological Constraints states:-

'A previous application identical to this one was withdrawn on 5 January 2012 number P11/1390 to enable discussions with British Waterways concerning an underground tunnel which passes below the proposed development.'

'After consultations it was agreed that an area of earth beneath the building should be removed as an under-croft to balance out and equal the loading above the tunnel.'

'Structural calculations have confirmed that this equates to a depth of 1.2m of subsoil below the footprint of the proposals, this would form the under-croft void below a concrete beam and block floor.'

- 46 Canal & River Trust have confirmed that consultants working on behalf of the applicant have been in dialogue and the 'under-croft' design proposed by the designers which has been accepted by the Trust
- 47 Canal & River Trust are of the view that the site is not directly over the line of the tunnel (taking the line to be straight between the portals) but care should still be exercised when excavating for the foundations in case any former shaft structures are located. If any shafts are located then they should be treated and an exclusion

zone of at least twice the diameter of the shaft should be established around the shaft.

- 48 Therefore the Canal & River Trust have no objection in principle subject to the development being constructed in accordance with the approved details the imposition of a drainage condition, together with an informative.

Planning Obligations

- 49 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.

- 50 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.

- 51 The obligations which have been potentially triggered according to the Planning Obligations SPD if the proposed development would have been acceptable are:

- Nature Conservation
- Transport Infrastructure Improvements
- Air Quality Enhancement

- 52 However, as the development is not acceptable in principle no obligations are required to off set the impact of the proposed development.

CONCLUSION

53 The application site is located with the green belt as such there is presumption against new development, unless it relates to agriculture forestry or one of the acceptable uses outlined in the (National Planning Policy Framework) NPPF. Moreover, the NPPF does allow for the replacement buildings as long as they are not materially larger and of the same use as the buildings replaced. In this case the proposed replacement building is significantly larger and introduces an additional use beyond what the existing buildings are used for. The development, however, poses no harm to neighbour, amenity is of acceptable design and would provide sufficient space for parking. Consideration has been given to policies CSP2 Development Outside the Growth Network, DEL1 Infrastructure Provision, HOU5 Education and Health Care Facilities, ENV 1 Nature Conservation, ENV 2 Historic Character and Local Distinctiveness, ENV 3 Design Quality, and ENV 4 Canals of the Black Country Core Strategy and saved policies DD1 Urban Design, DD4 Development in Residential Areas, DD10 Nature Conservation and Development, CS1 Special Needs Accommodation, NC1 Biodiversity, NC6 Wildlife Species, NC9 Mature Trees, NC10 The Urban Forest, and SO1 Green Belt of the Dudley Unitary Development Plan.

RECOMMENDATION

It is recommended that the application be REFUSED

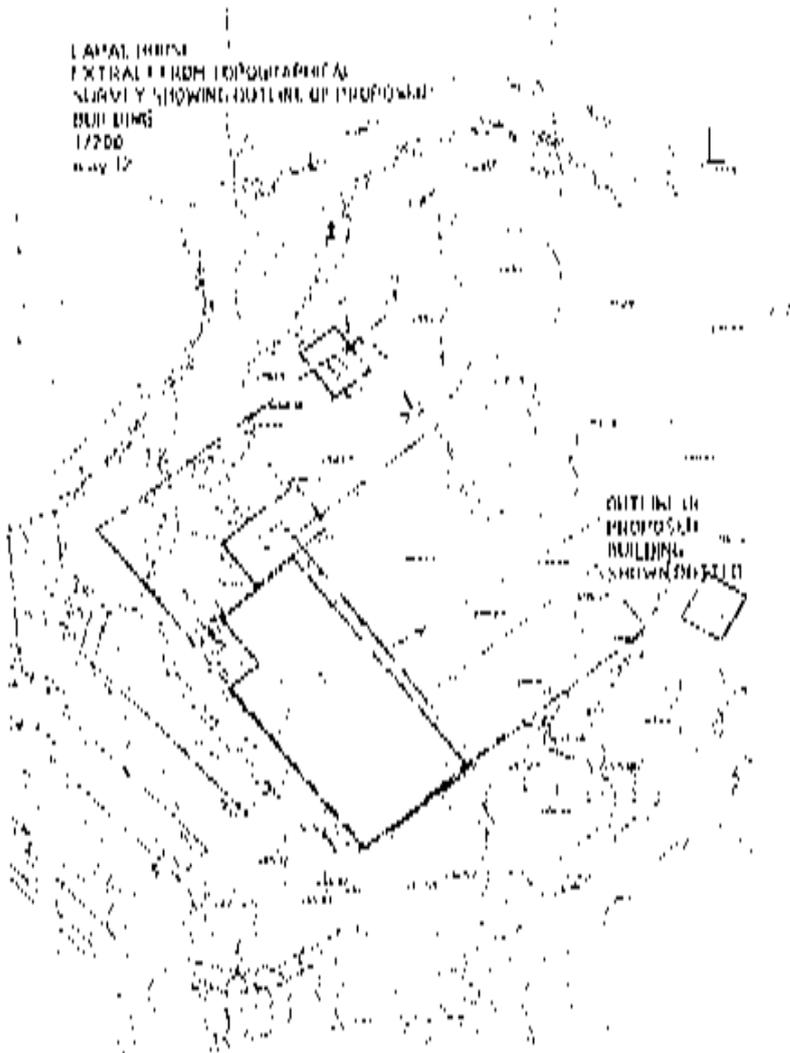
Informative

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 LPA/Officers maintains that the principle of development cannot be supported as the scheme is contrary to the Development Plan and the proposal would not result in the creation of a sustainable form of development and thereby failing to improve the economic, social and environmental conditions of the area.

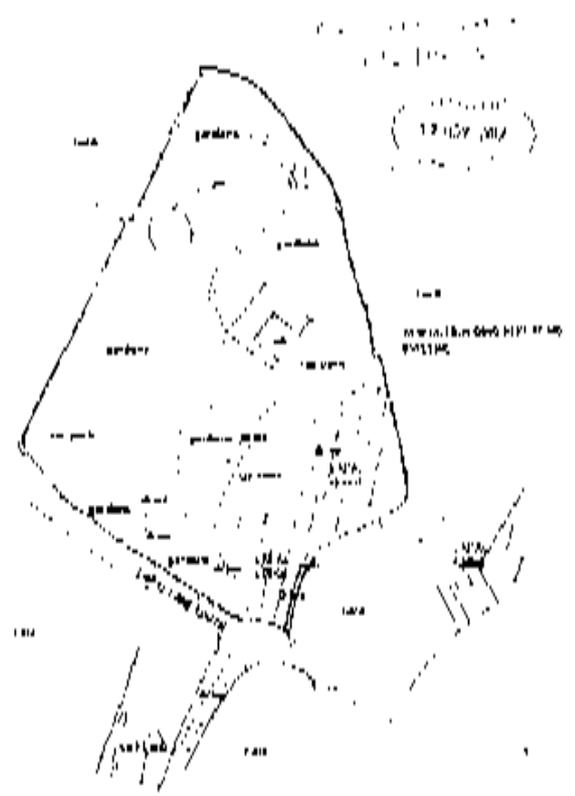
Conditions and/or reasons:

1. There is a general presumption against new development in green belt. Exceptions to this general presumption include where existing buildings are to be redeveloped for the same use as long as they are of similar scale to the buildings they replace. In this case the replacement building will introduce an additional use and would be disproportionately larger than the buildings being replaced. In addition there are no very special circumstances in this case to outweigh the harm that would be caused to the green belt and deviate from established green belt policy. Therefore the proposed development is contrary to saved Policy SO1 of the Dudley Unitary Development Plan and Paragraphs 79 to 92 of the National Planning Policy Framework.

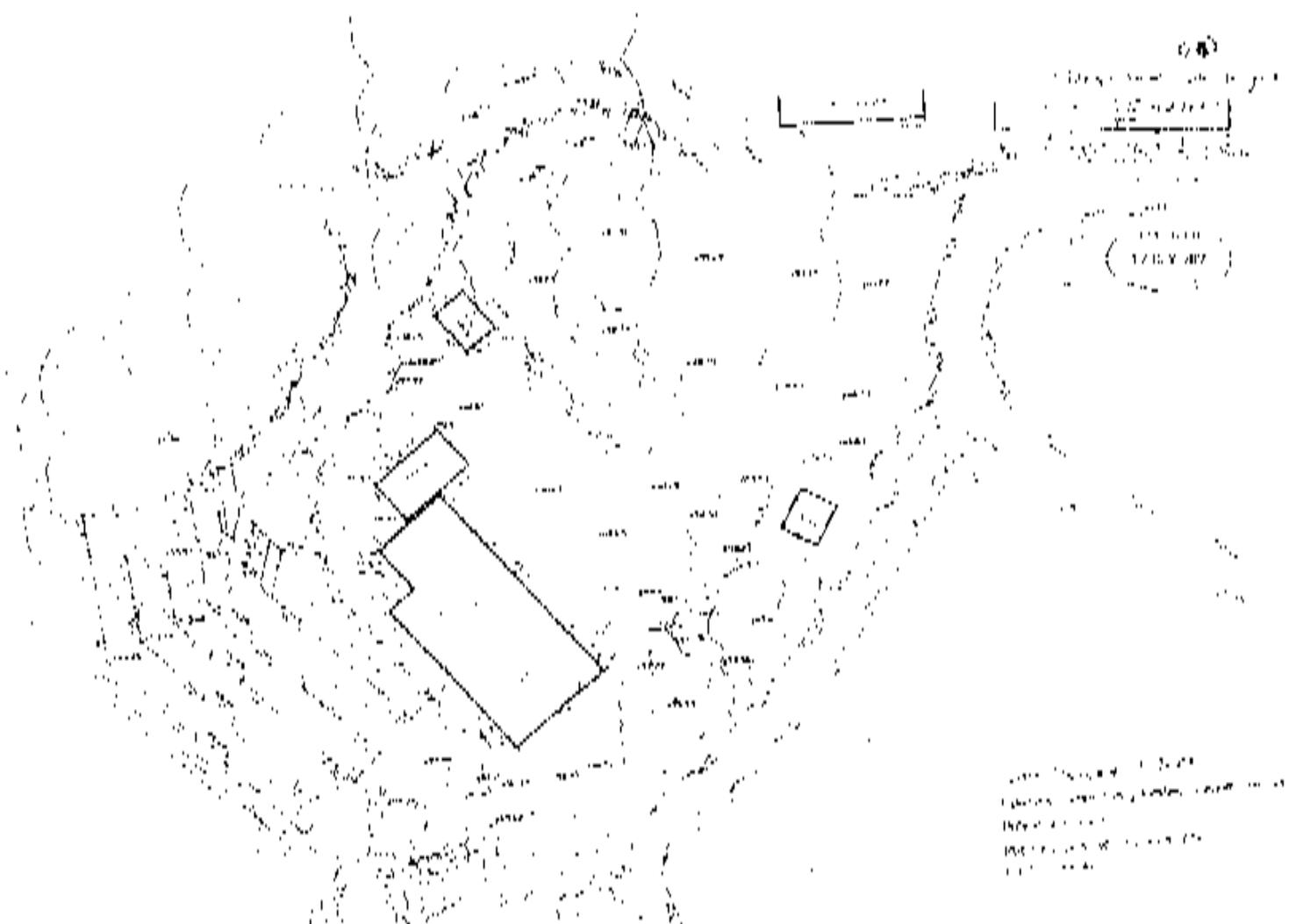
LAMAL IRONS
 EXTRACT FROM TOPOGRAPHICAL
 SURVEY SHOWING OUTLINE OF PROPOSED
 BUILDING
 1/200
 May 12



OUTLINE OF
 PROPOSED
 BUILDING
 SHOWN IN RED

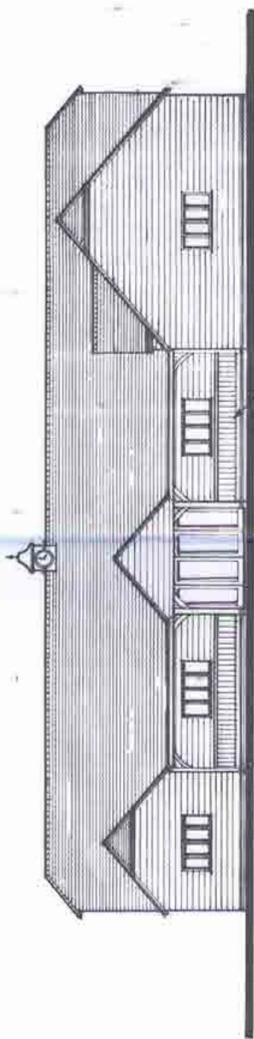


LOCATION PLAN 1/250
 showing proposed layout with new foundations

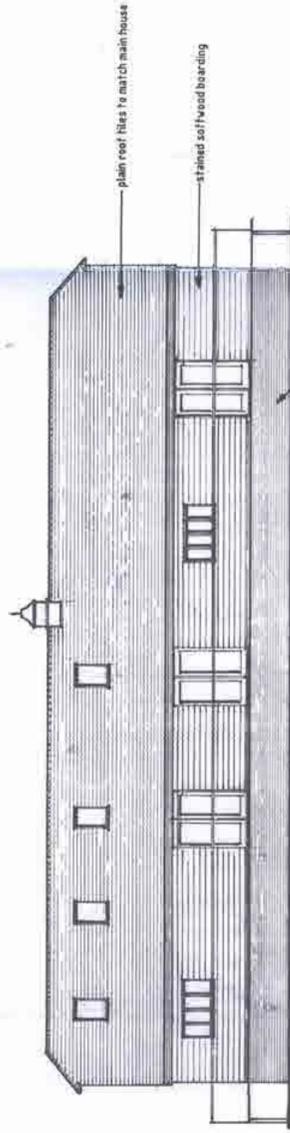


DC/ASA
 dty no. 0964/01/rev B
 Proposed floor plans and elevations
 P12/1425

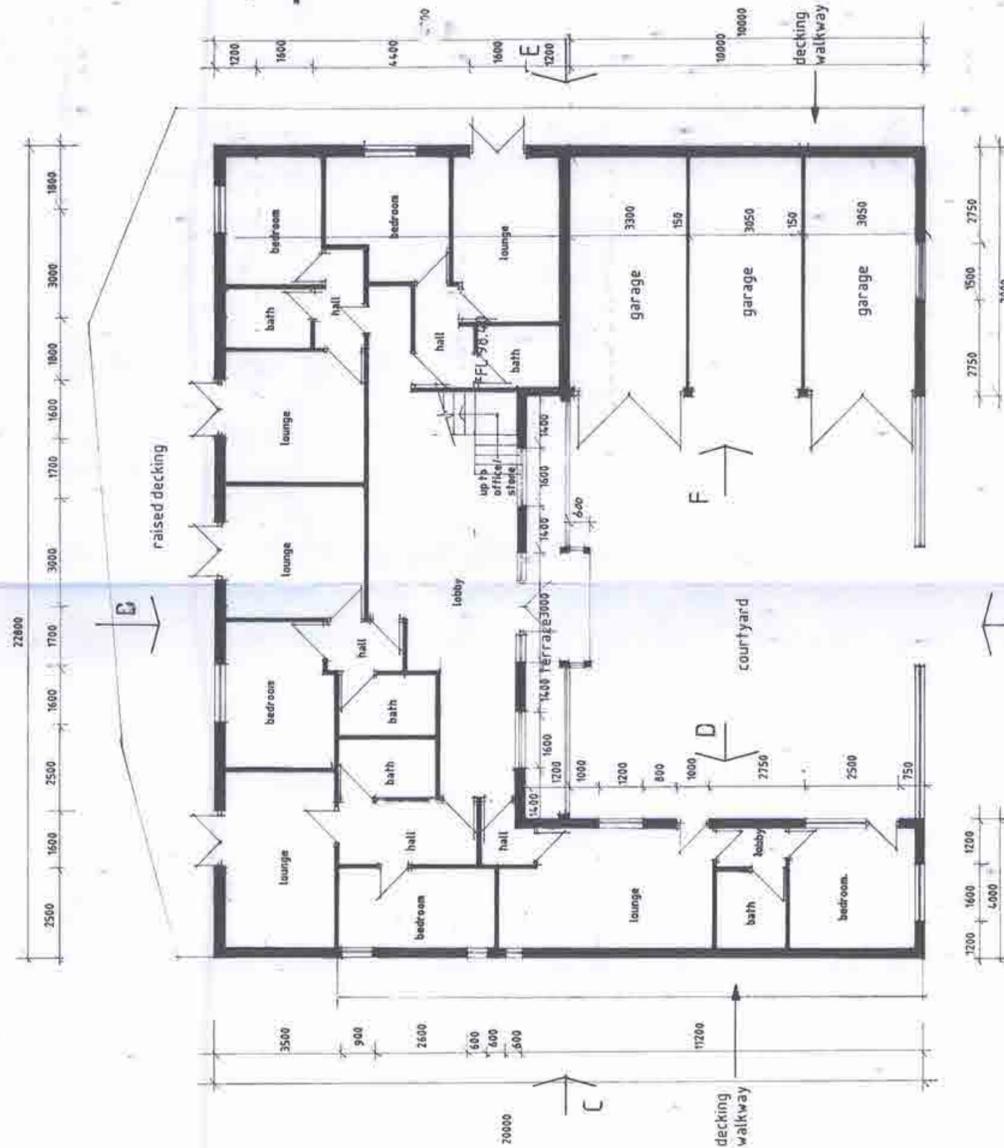
ELEVATIONS: 1/100



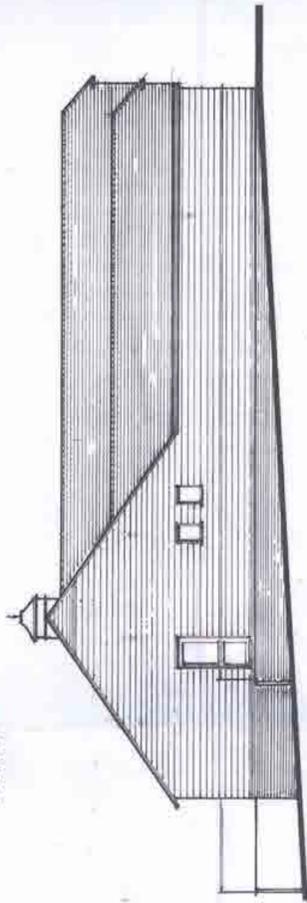
VIEW A



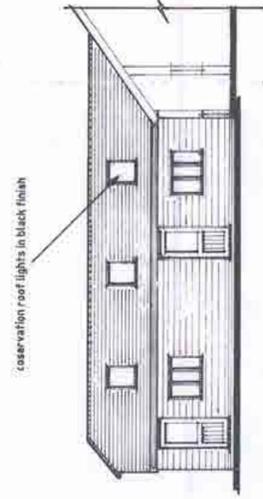
VIEW B



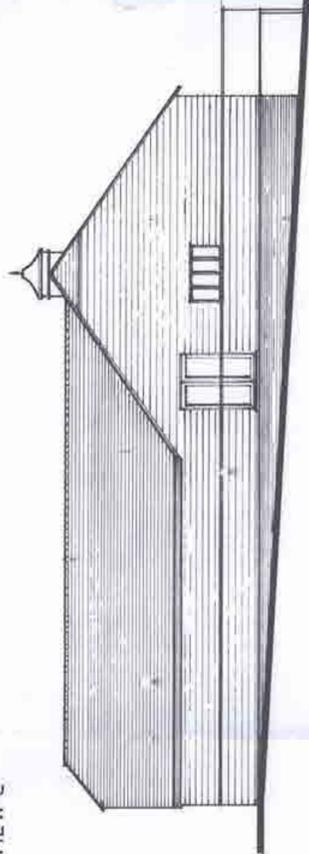
SITE/FLOOR PLAN 1/100



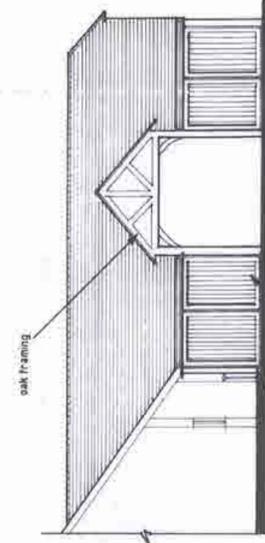
VIEW C



VIEW D



VIEW E



VIEW F



REV B first floor added oct 11
 REV A building reg. details added feb. 08

PROJECT
 PROPOSED REPLACEMENT OF EXISTING OUTBUILDINGS TO PROVIDE
 PURPOSE MADE OUTBUILDINGS FOR GARAGES, STORAGE, AND
 SHORT STAY RESPIRE CARE
 AT LAPAL HOUSE AND LODGE CARE HOME, LAPAL LANE SOUTH
 HALESOWEN

FIRST FLOOR PLAN 1/100

CLIVE WALKER AND ASSOCIATES

DATE	SCALE	DRG. NO.	REV.
nov 06	1/100	0964/01	B

PLANNING APPLICATION NUMBER:P12/1554

Type of approval sought	Full Planning Permission
Ward	Halesowen South
Applicant	Mr B.S. Shergill
Location:	69 & 69A, FRANKLEY AVENUE, HALESOWEN, WEST MIDLANDS
Proposal	CONVERSION OF EXISTING GRANNY ANNEXE (NO. 69A) TO 1 NO. DWELLING WITH NEW WINDOW TO REAR ELEVATION, NEW VEHICULAR ACCESS FROM SEVEN ACRES ROAD AND ASSOCIATED PARKING (FOLLOWING DEMOLITION OF EXISTING GARAGE). NEW PATIO WINDOW TO SIDE ELEVATION OF 69 FRANKLEY AVENUE.
Recommendation Summary:	REFUSE

SITE AND SURROUNDINGS

- 1 The site is situated within a well established residential area. It occupies a position on the corner of Frankley Avenue and Seven Acres Road.
- 2 The site is occupied by a bungalow which has been extensively extended at the rear to create a disabled person's annexe. The site frontage has an open appearance to Frankley Avenue however, the side of the site facing Seven Acres Road is bounded by vegetation and 2.0m high fencing containing wooden entrance gates serving a rear garage.

PROPOSAL

- 3 The application is for the change of use of the annexe to a separate dwelling. The floor plan details indicate than the existing one bedroom annexe would be converted into a two bedroom bungalow. This is a resubmission of two almost identical planning applications which were recently refused one under delegated powers and the other by the Development Control Committee.

- 4 Internally the existing internal lobby door between the bungalow and annexe would be closed and a 2.0m high fence erected across the garden between the two buildings. Changes to the side of the building facing Seven Acres Road comprise the insertion of patio windows in the side elevation of the bungalow (in order to face the side amenity space) and an increase in size of the kitchen window in the annexe.
- 5 Vehicular access for the existing dwelling would be from the existing access on Frankley Avenue.
- 6 The changes from the last application are the parking area to the annex would now be located outside the front door of the annexe, which the applicant advises is for convenience and to allow for a private enclosed garden.
- 7 The applicant advises that the existing gate (which serves the garage which is to be demolished) would be replaced with low walling, fencing and hedging to match the existing boundary treatment along Seven Acres Road. Vehicular access to the main dwelling would remain unchanged.
- 8 The applicant has submitted a design and access statement with the application. The applicant considers that with the changes proposed the development would comply with saved policies DD1 and DD4 of the Dudley Unitary Development Plan and policy ENV2 of the Black Country Core Strategy.
- 9 The applicant also states that the proposed development complies with Planning Guidance Note 3 (PGN3) in that both properties have gardens of more than 65m², with a rear garden area of 138m² to the main bungalow (44m² to the front/side garden) and 119m² to the annex.
- 10 The applicant advises that the side garden is presently used as the rear garden area. They advise that the annex can be opened up to front onto Seven Acres Road, with the provision of parking in front of the annex, but the rest of the frontage would be enclosed to maintain privacy.

HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
LA/54/47	Two detached dwellings	Approved	08/04/54
HB/54/294	One bungalow	Approved	07/07/54
CC/78/498	Erection of a two bedroom bungalow	Refused	20/04/78
92/51519	Erection of one bedroom bungalow for disabled person (outline)	Refused	19/11/92
92/51520	Erection of "Granny Flat" as extension to existing bungalow	Approved	19/11/92
P12/0867	Conversion of existing granny annexe (No 69a) to 1 No. dwelling with new window to rear elevation and associated parking (following demolition of existing garage). Widen existing driveway and elevation changes to windows at No. 69.	Refused	14/8/12
P12/1112	Conversion of existing granny annexe (No 69a) to 1 No. dwelling with new window to rear elevation and associated parking (following demolition of existing garage). Widen existing driveway and elevational changes to No. 69 (resubmission of refused application P12/0867)	Refused	10/10/12

- 11 Planning application P12/0867 was refused for the following reason:

The development, if approved, would lead to a poorly designed layout for both the host and new properties due to the overdeveloped nature of the site. Both plots would be without rear gardens and the allocated amenity areas would not relate well, particularly for the new dwelling, where the majority would be in the form of a front garden. In consequence, it would be out of keeping with the character of the area contrary to Policies DD1 and DD4 of the adopted Dudley Unitary Development Plan and Planning Guidance Note No. 3 'New Housing Development'.

- 12 Planning application P12/1112 was refused for the following reason:

The development would lead to a poorly designed layout for both the host and new properties due to the overdeveloped nature of the site. Both plots would be without

rear gardens and the allocated amenity areas would not relate well, particularly for the new dwelling, where the majority would be in the form of a front garden. In consequence, it would be out of keeping with the character of the area contrary to Policies DD1 and DD4 of the adopted Dudley Unitary Development Plan, Policy ENV2 of the Black Country Core Strategy and Planning Guidance Note No. 3 'New Housing Development'.

PUBLIC CONSULTATION

- 13 No representations received, following consultation with 8 adjoining neighbours.

OTHER CONSULTATION

- 14 Group Engineer (Development): A detailed parking layout plan is required. The garage may not be of sufficient size. Electric Vehicle Charging point condition is required.
- 15 Head of Environmental Health and Trading Standards: No objection.

RELEVANT PLANNING POLICY

- National Planning Guidance (2012)
National Planning Policy Framework
- Black Country Core Strategy (BCCS) (2011)
CSP2 Development Outside the Growth Network
ENV2 Historic Character and Local Distinctiveness
HOU1 Delivering Sustainable Housing Growth
HOU2 Housing density, Type and Accessibility
- Unitary Development Plan (2005) (Saved Policies)
DD1 Urban Design
DD4 Development in Residential Areas
- Supplementary Planning Guidance/Documents
Draft New Housing Development Supplementary Planning Document (2012)
Parking Standards Supplementary Planning Document (2012)

ASSESSMENT

- 16 The main issues are
- Principle
 - Scale/Appearance
 - Access and parking

Principle

- 17 The National Planning Policy Framework excludes private residential gardens from the definition of 'previously developed land.' Therefore there is not a presumption in favour of development on such land. Paragraph No.53 states that local authorities should consider the case for setting out policies to resist what it calls 'inappropriate development' of residential gardens for example where it would cause harm to the local area. In this case the physical development has already occurred however there is a clear distinction between this annexe which is an extension to the existing dwelling and the formation of a separate dwelling on the site.
- 18 The planning history for the site indicates that there have been aspirations to create a second dwelling on this site in the past. Planning application CC/78/498 for a two bedroom bungalow was refused on 20th April 1978 for the following reasons:
1. *The site is too restricted in depth and width to accommodate the development proposed and to provide satisfactory amenity space at both the front and rear of the site.*
 2. *The development proposed would reduce the rear amenity space of the existing bungalow by an unacceptable amount.*
- 19 A later planning application CC/92/51519 sought outline permission for a one bedroom bungalow for a disabled person which was refused on 19th November 1992 for the following reasons:

1. *The site is too restricted in its area and particularly in its depth to accommodate the development.*
2. *The proposed development would result in a dwelling unit with inadequate rear amenity space.*

20 The planning application for the erection of a 'Granny Flat' (CC/92/51520) was considered at the same time as CC/92/51519. In making an assessment of the application for the extension to the dwelling it was considered that such a scheme could be supported as it would enable an elderly relative to live independently within the site unit whilst, from a planning point of view, it would enable a sense of space for residents, with a shared view of the communal garden. On this basis the application was approved on 19th November 1992.

21 Since this approval was given, and the extension constructed, the site boundary has remained the same. The reasons for the refusal, on two separate occasions, for a separate dwelling on the site also remain valid.

22 As stated above this application is the resubmission of a planning application that was refused in August 2011. The refusal related to the lack of appropriate garden area and loss of character. This application differs from the previous refusal in that an existing garage to the side of the annex is now shown to be demolished and the position of a side fence to the host dwelling has been slightly repositioned.

23 Planning Guidance Note No. 3 'New Housing Development' (PGN) and the emerging revised New Housing Development Supplementary Planning Document (SPD) states that for two bedroom detached units, with a plot width of over 4.0m, a minimum garden area of 65m² is required. Both sets of guidance require the depth of the private rear garden to be 11m. PGN3 (but not the emerging SPD) also states that there may occasionally be cases where garden/amenity space can be provided at the side rather than at the rear of the dwelling.

24 Whilst both dwellings would have amenity areas above the 65m² their usability is questioned due to the position and depth (i.e. less than 11m in depth). Indeed, with

the exception of a very small garden area to the side of the annex (where the garage is to be demolished) the majority would be provided at the front of the property.

- 25 Likewise the 'host' dwelling would lose its rear garden and would only have amenity space at the side of the dwelling. Taking the whole layout into consideration, it is considered that the scheme has a contrived and overdeveloped appearance, which would be out of context with the character of the surrounding area.
- 26 It is noted that the applicant intend to retain and enhance the boundary treatment to Seven Acres Road, apart from in front of the proposed parking area to the annex. Whilst this does enable privacy to be retained and allow for a larger area of private garden space to be provided this has to be balanced against the prevailing character of the area which consists of dwellings with open plan frontages, and therefore a hedge to the front as proposed would not be characteristic of the wider area.
- 27 The applicant has made reference to an appeal site which has been noted. However, this relates to a domestic extension rather than the formation of new dwelling which is being proposed here. In addition, there is doubt over whether a condition can be applied to retain a hedge in the long run (despite the Inspectors comments), as the model condition relating to maintenance and retention of soft landscaping (i.e. a hedge) in Circular 11/95 only requires soft landscaping retention and replacement within the five years following the completion of the development. After that period the model condition no longer applies.
- 28 A further consideration is the wider character of the area which is defined by detached or semi detached houses within generous plots and large rear gardens which are associated with interwar and immediate post war housing. It is considered that the subdivision of the existing planning unit would be out of character with the established pattern of development. This is a key consideration when assessing the proposal against the adopted New Housing Development Supplementary Planning Document, and its emerging replacement, as well as

policy ENV2 of the Black Country Core Strategy, where the protection of areas of lower density suburban development of the mid 20th century is also recognised.

Access and parking

- 29 In accordance with the Parking Standards Supplementary Planning Document five off-road parking spaces would be required for the development. The Group Engineer (Development) did not object to the previous application subject to two off-street parking spaces being provided for each dwelling subject to their dimensions being increased from that shown. He also requested that if the application is approved that, in accordance with the Parking Standards SPD, the new dwelling would have an electric vehicle charging point. Both matters could be secured by condition, however, it should be noted that the increase in the dimension of the parking spaces would be likely to result in a decrease in the size of the proposed amenity areas.

New Home Bonus

- 30 Clause (124) of the Localism Act states that: Local planning authorities are to have regard to material considerations in dealing with applications including any local finance considerations, so far as material to the application. A 'local finance consideration' means a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown. This may be taken to cover the payment of New Homes Bonus, or sums that a relevant authority has received, or will or could receive, in payment of CIL.
- 31 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.

- 32 The Bonus will sit alongside the existing planning system and provides local authorities with monies equal to the national average for the council tax band on each additional property and paid for the following six years as a non-ring fenced grant.
- 33 Whilst the clause makes it clear that local finance matters are relevant to planning considerations and can be taken into account, it does not change the law in any way. It is not a new basis for planning policy and it remains unlawful for planning permissions to be “bought”.
- 34 This proposal would provide 1 house generating a grant of 1 times the national average council tax for the relevant bands.
- 35 Whilst this is a significant sum of money the proposal fails to accord with adopted policy as detailed above and the allocation of NHB is not considered to be of sufficient weight to overcome the harm arising and therefore fails to justify departing from adopted policy.

CONCLUSION

- 36 Since the annexe to this dwelling was constructed, the boundary of the site has remained the same. It is considered therefore that the reasons for the refusal, on previous occasions, for a separate dwelling on the site also remain valid. The layout of the site would be poor with the host property losing its rear garden. The new dwelling would have no rear garden and the majority of amenity space would be at the front of the dwelling. Overall it represents an overdevelopment of the site which would be out of keeping with the character of the area. It would therefore be contrary to saved Policies DD1 and DD4 of the adopted Dudley Unitary Development Plan and Planning Guidance Note No. 3 'New Housing Development'.

RECOMMENDATION

It is recommended that the application be REFUSED for the following reason(s):

Notes to Applicant/Informative

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 LPA/Officers maintains that the principle of development cannot be supported as the scheme is contrary to the Development Plan and the proposal would not result in the creation of a sustainable form of development and thereby failing to improve the economic, social and environmental conditions of the area.

Conditions and/or reasons:

1. The development would lead to a poorly designed layout for both the host and new properties due to the overdeveloped nature of the site. Both plots would be without rear gardens and the allocated amenity areas would not relate well, particularly for the new dwelling, where the majority would be in the form of a front garden. In consequence, it would be out of keeping with the character of the area contrary to Policies DD1 and DD4 of the adopted Dudley Unitary Development Plan, Policy ENV2 of the Black Country Core Strategy and Planning Guidance Note No. 3 'New Housing Development' and the Draft New Housing Development Supplementary Planning Document

LOCATION PLAN 1:1250 Scale
69, FRANKLEY AVENUE
HALESOWEN.
H125/LP1

P12/1552
NORTH
P12/1554



RECEIVED
- 8 DEC 2012
126



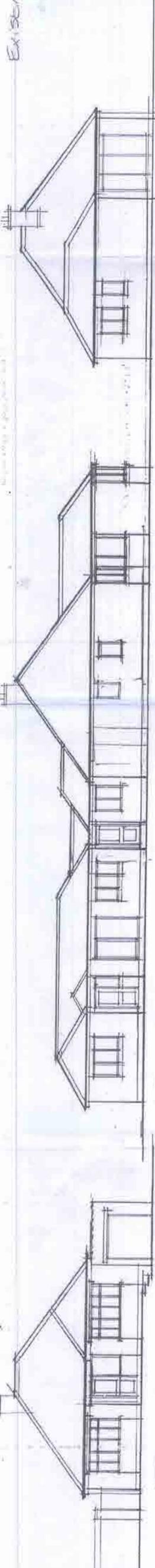
SEVEN ACRES ROAD

FRANKLEY AVENUE



BLOCK PLAN 1500127 H125/BP1

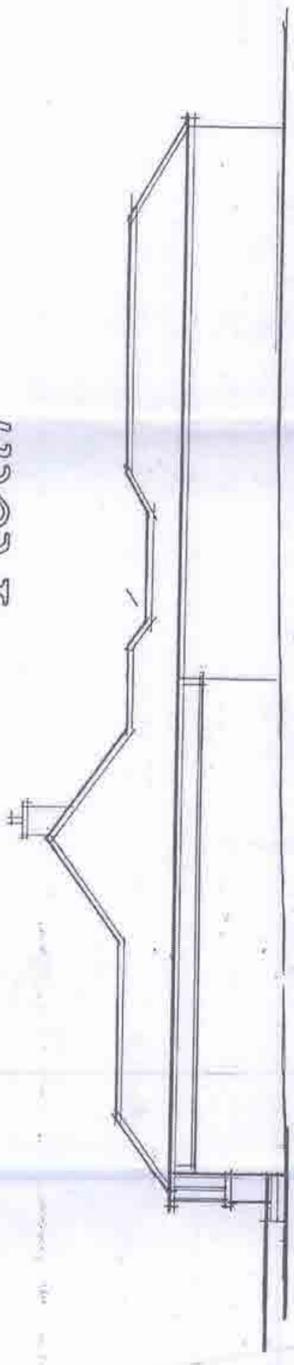
EXISTING PLANS (A1) -
P.12/1554



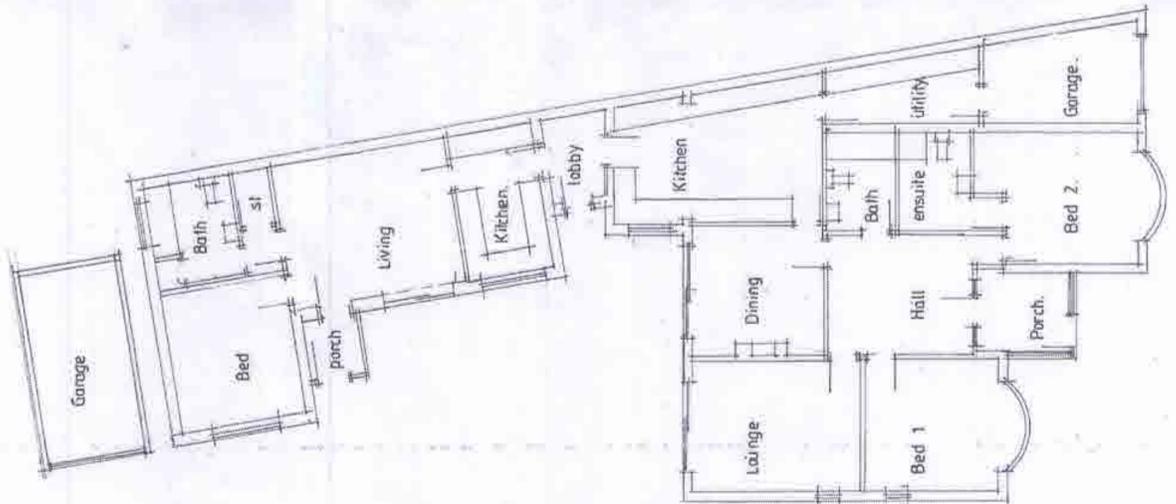
Front

Side

Rear



Side



Floor Plan



Steven J. Dunn & Associates Ltd.
SURVEYING ARCHITECTURAL & PLANNING
Plymouth, Balaquaid Lane
Nr. Bishops Cleeve
Tel: 01228 82520

Client
B. S. SHERGILL

Job
69, FRANKLEY AVENUE,
HALESOWEN

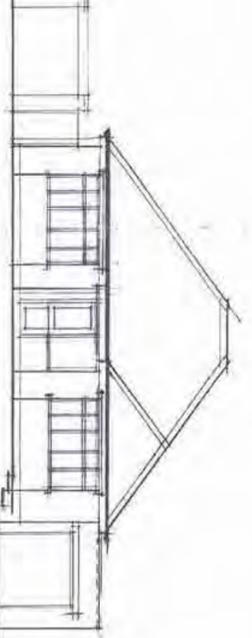
Title
PLANS & ELEVATIONS AS
EXISTING

Scale: 1:100

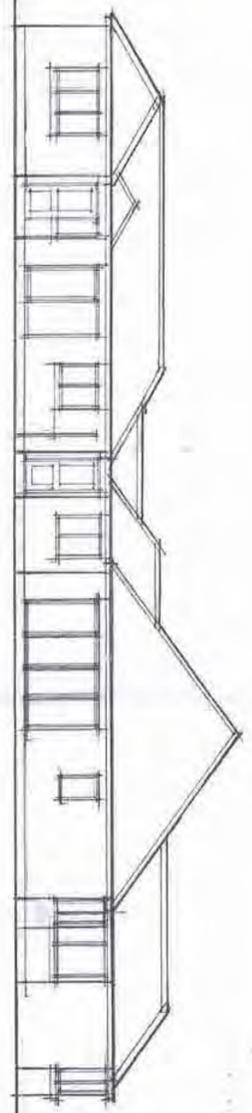
Date: 7.12

Drawn	Job No.	Disc. No.	Rev
SJD	H125	AS 1	

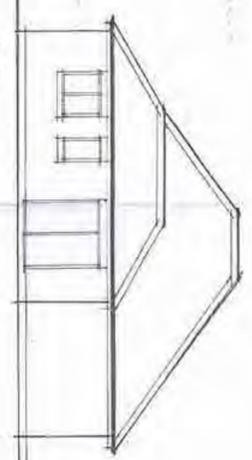
The drawings are for building work and are subject to the provisions of the Building Regulations 2010. The Contractor is to check and verify all building and construction details and to ensure that all work is carried out in accordance with the Building Regulations 2010. The Contractor is to ensure that all work is carried out in accordance with the Building Regulations 2010. The Contractor is to ensure that all work is carried out in accordance with the Building Regulations 2010.



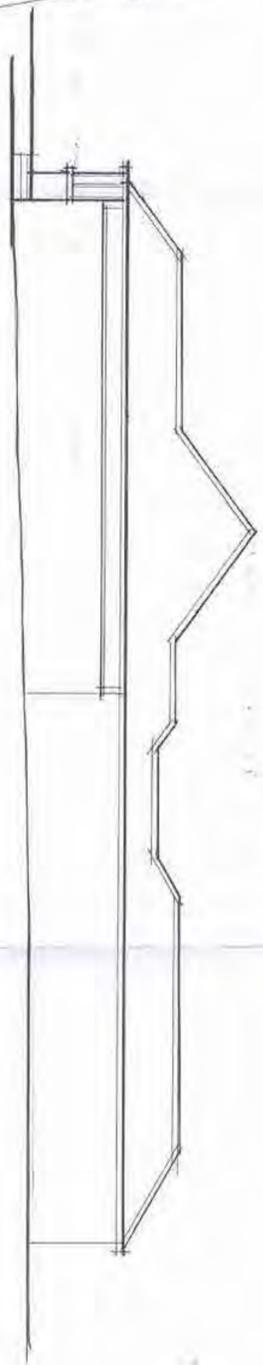
Front



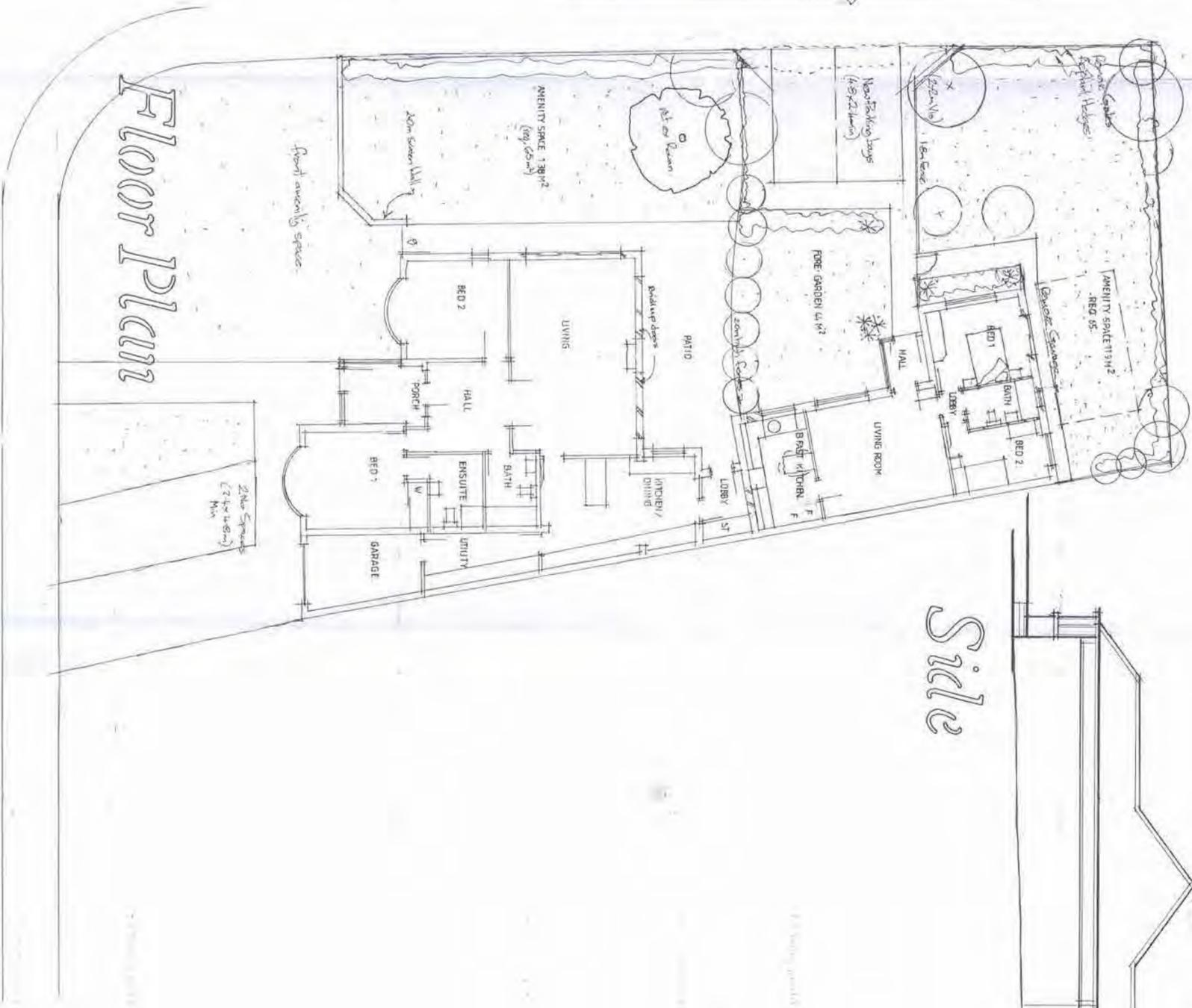
Side



Rear



Side



Floor Plan

Revised Plans (A1)
D.111554



Steven J. Dunn & Associates Ltd. SURVEYING ARCHITECTURAL & PLANNING			
Client B. S. SHERGILL			
Job 69, FRANKLEY AVENUE, HALESOWEN, THE PLANS & ELEVATIONS AS PROPOSED			
Scale: 1:100			
Date: 07/12			
Drawn SJD	Job No. H125	Eng No. SK 1	Rev B
<small> This drawing and the building work depicted are copyright and may not be reproduced without the written permission of Steven J. Dunn & Associates Ltd. The Contractor is to check and verify all building and construction details before work starts. All work undertaken prior to official statutory approval, including ground, shall be the responsibility of the Contractor. This drawing must be read with and checked against any existing or other relevant drawings. The Contractor is to comply in all respects with the provisions of the Building Regulations and any other statutory requirements. This drawing is an instrument in pursuance of the Building Regulations, 2000, and shall be used in accordance with the provisions of the Building Regulations, 2000, and shall be used in accordance with the provisions of the Building Regulations, 2000. </small>			

PLANNING APPLICATION NUMBER: P12/1317

Type of approval sought	Full Planning Permission
Ward	St James's
Applicant	Miss A. Darlak
Location:	24 - 26, STONE STREET, DUDLEY, DY1 1NT
Proposal	CHANGE OF USE FROM A2 (PROFESSIONAL AND FINANCIAL SERVICES) TO A3/A5 (RESTAURANTS AND CAFES/HOT FOOD TAKEAWAY) WITH PROPOSED FUME EXTRACTION
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site comprises three vacant properties No's 24, 25 and 26 Stone Street in Dudley Town Centre. The properties were previously used as offices.

2. The site is within Dudley Town Centre Conservation Area. At the rear, separated by a rear service road is the side elevation of the Fountain Arcade, which is a Locally Listed Building.

3. The uses within this area of Stone Street are as follows:

No 23 Stone Street – A2 Estate Agents

No's 24 – 26 – Application Site

No's 27 and 28 – A2 Office

No 29 – Vacant

No 30 - A3/A5 Cafe/Hot Food Take Away

Opposite Side of Stone Street

No 3 – A1 Hairdressers

No's 4 and 5 – A2 Estate Agents

No's 6 and 7 – A2 Betting Shop

No 8 – A4 Public House

No's 9, 10 and 11 – A2 Building Society

No 12 – A2 Employment Agency

No's 13 and 14 – A2 Solicitors

No 15 – A3 and A1 – One half Cafe and the other half Hairdressers

No 16 – A2 Professional Services

PROPOSAL

4. This proposal seeks approval for a change of use from A2 (professional and financial services) to A3/A5 (restaurants and cafes/hot food takeaway) with proposed fume extraction.
5. The application is accompanied by a Design Statement

HISTORY

6.

APPLICATION No.	PROPOSAL	DECISION	DATE
P01/1731	Change of use from retail to financial and professional services (A2).	Approved	06/11/01

PUBLIC CONSULTATION

7. The application was advertised by way of neighbour notification, press and site notice. Public consultation time expired 29 November 2012. One petition has been received on behalf of 14 businesses and raising the following issues:
 - Existing businesses are struggling
 - Another food outlet
 - Increase in number of cafes will force existing cafes to close.

- Overall general concerns about another cafe/hot food establishment in the locality.

8. With regards to the petition, the Council has a duty to take into account the views that represent 'Material Planning Considerations'. These can include issues such as loss of light or overshadowing, scale of development proposed and impact on highway safety. Considerations involving competition are a matter for economic judgement and not a material planning consideration.

OTHER CONSULTATION

9. Group Engineer (Development) – no objections
10. Head of Environmental Health and Trading Standards – no objections subject to a condition relating to noise and fume extraction.

RELEVANT PLANNING POLICY

11. National Planning Guidance (2012)

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

12. Black Country Core Strategy (BCCS) (2011)

CEN4 Regeneration of Town Centres

ENV2 Historic Character and Local Distinctiveness

DEL1 Infrastructure Provision

13. Dudley Unitary Development Plan (2005)

- DD1 Urban Design
- DD4 Development in Residential Areas
- EP7 Noise Pollution
- HE4 Conservation Areas
- HE5 Buildings of Local Historic Importance

14. Supplementary Planning Documents

- Historic Environment
- Planning Obligations

ASSESSMENT

15. The key issues for consideration in this application are as follows:

- Principle
- Design
- Amenity
- Parking
- Planning Obligations

Principle

16. The application site, No's 24-26 Stone Street and the row of properties in which it is situated are not located within the protected frontages policy of the Saved Dudley UDP (2005).

17. The existing use is a non-retail A2 (professional and financial services) use and therefore the proposed development would not involve the loss of an established A1 retail use. The frontage would therefore consist of uses to include an A2 Estate Agents, the A3/A5 use proposed, A2 offices vacant retail and an A£/A% unit. In this case it considered that the proposed A3/A5 use would comply with the Saved Dudley UDP (2005) and the Core Strategy.

Design

18. The only external change to the building would be the installation of a fume extraction system which would be located on the rear elevation of the building which is not open to any public view.
19. At the rear the service access route is gated and the service access is located close to the Stone Street/Tower Street junction. The gated and locked gate ensures it is not possible for members of the public to walk up and view the rear elevation of the application site. Furthermore the angle of No 23 Stone Street (Dixons Estate Agents) is such that the building obscures the rear elevations of the application site when viewed from the gated entrance and Tower Street.
20. The side elevation of the Fountain Arcade, a Locally Listed Building is separated from the rear elevation of the application site by a rear service route, accessed via the same gated entrance from Tower Street. The side elevation of the Fountain Arcade is primarily blank and it is considered that a flue on the rear elevation of the application premises and separated by the service road, would not adversely impact upon the setting of the locally listed building in accordance with Saved Policy HE5.
21. The proposed flue would be sited at the rear and would not be visible from the street, due to the position of the adjoining property No 23 Stone Street and the gated access. Details of the flue would be conditioned as a part of any approval and it is considered that the rear siting of the flue would not adversely impact upon the character and appearance of the Dudley Town Centre Conservation Area, visual amenity and the street scene in accordance with Saved Policies DD1 and DD4, HE4.

Amenity

22. The application site is located within Dudley Town Centre and there are first floor offices adjoining the premises. At the rear of the premises, separated by the service road, is the long side wall of the Fountain Shopping Arcade. It is considered that the proposed use would be compatible with the town centre location and would not adversely impact upon amenity in accordance with Saved Policy DD4

Parking

23. The site is within Dudley Town Centre with its associated bus routes and there is on street designated spaces along Stone Street and cars parks nearby. There are no objections from a Highways point of view to the proposed change of use.

Planning Obligations

24. The proposed change of use does not meet the threshold for planning infrastructure requirements.

CONCLUSION

25. It is considered that the proposed scheme is acceptable in terms of use, scale and appearance and would not have an adverse impact on residential amenity and the street scene, in accordance with Saved Policies DD1 and DD4, HE4 and HE5 of the Dudley UDP (2005).

RECOMMENDATION

REASON FOR APPROVAL

It is considered that the proposed development is acceptable in terms of scale and appearance and would not have a detrimental impact on residential amenity and the street scene and is compliant with Saved Policies DD1, DD4, HE4 and HE5 of the Dudley UDP (2005).

The decision to grant planning permission has been taken with regard to the policies and proposals in the Saved Dudley Unitary Development Plan (2005), the Black Country Core Strategy (2011) and to all other relevant material considerations.

The above is intended as a summary of the reasons for the grant of planning permission. For further details on the decision please see the application report.

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: 105, 100 and 101A.
3. The premises shall only be open between 1000 hours and 2300 hours Monday to Sunday including Bank Holidays.
4. Prior to the commencement of development a scheme containing full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues, shall be submitted to and approved in writing by the Local Planning Authority. The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out unless otherwise agreed beforehand in writing with the Local Planning Authority and retained for the lifetime of the development.
5. The noise rating level of any fixed plant and/or machinery associated with the development (including the discharge of cooking fume from a flue) shall not exceed background noise levels at any nearby dwelling by more than 5dB(A), as assessed under the methodology of BS 4142 (1997) (Method for rating industrial noise affecting mixed residential and industrial areas) and/or its subsequent amendments.



General Notes:
 This drawing is to be read in conjunction with Architect's General Arrangement drawings

Copyright of this drawing is vested in the Architect and it must not be copied or reproduced without consent.

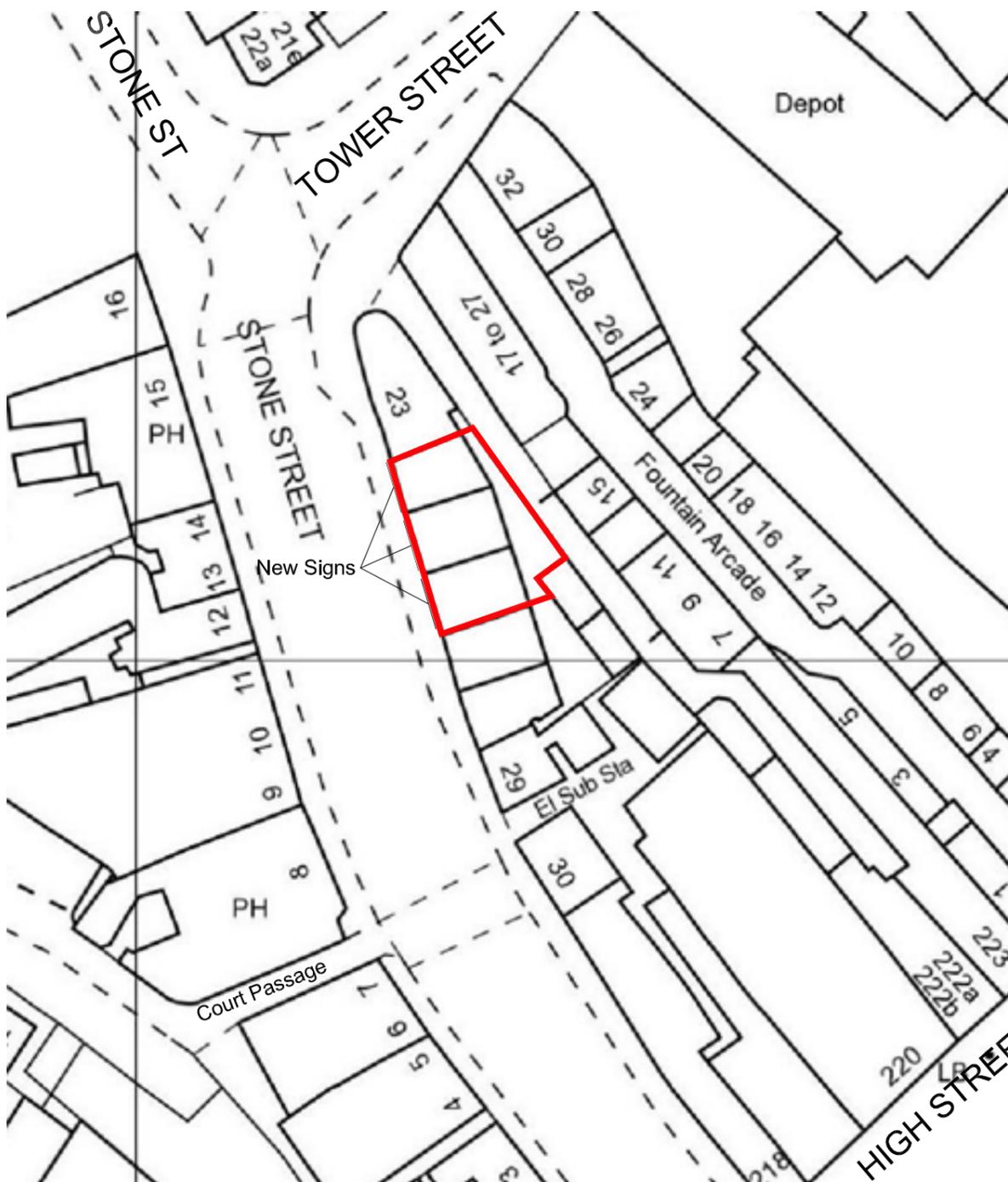
Figured dimensions only are to be taken from this drawing. All contractors must visit the site and be responsible for taking and checking all dimensions relative to their work. The Architect is to be advised of any variation between drawings and site conditions.

DO NOT SCALE OFF THIS DRAWING - IF IN DOUBT ASK.

Where applicable all drawings are to be read in conjunction with relevant Structural and M&E Engineers drawings and specifications

 Denotes revision locations (Current Issue Only)

1 LOCATION PLAN
 1:1250



2 SITE PLAN
 1:500

REVISION	DETAILS	DATE	INITIALS
AMENDMENTS			
<input type="radio"/>	APPROVAL	<input checked="" type="radio"/>	PLANNING
<input type="radio"/>	B.CONTROL	<input type="radio"/>	TENDER

DRAWING No. _____

105

CLIENT: _____

SEBASTIAN AND ANITA DARLAK

ADDRESS: _____

24 - 26 Stone Street

Dudley

West Midlands

DY1 1NT

DRAWING TITLE: _____

SITE PLANS PROPOSED

SCALE: **As Shown @ A3** DATE: **Sept 2012**

DO NOT SCALE. IF IN DOUBT ASK

This dimension should measure 100mm at the correct scale

General Notes:

This drawing is to be read in conjunction with Architect's General Arrangement drawings

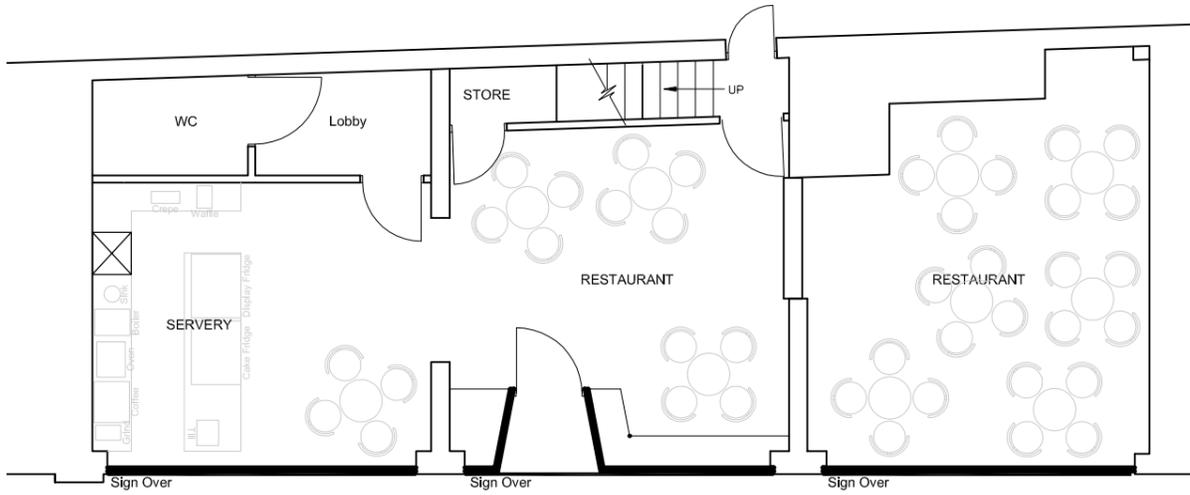
Copyright of this drawing is vested in the Architect and it must not be copied or reproduced without consent.

Figured dimensions only are to be taken from this drawing. All contractors must visit the site and be responsible for taking and checking all dimensions relative to their work. The Architect is to be advised of any variation between drawings and site conditions.

DO NOT SCALE OFF THIS DRAWING - IF IN DOUBT ASK.

Where applicable all drawings are to be read in conjunction with relevant Structural and M&E Engineers drawings and specifications

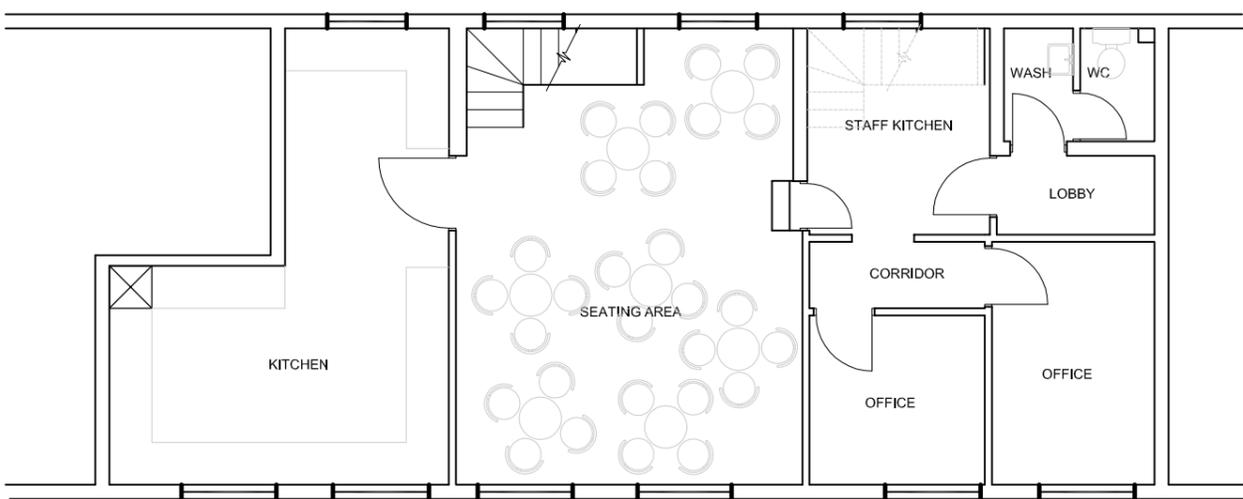
 Denotes revision locations (Current Issue Only)



1 PROPOSED GROUND FLOOR
1:100



2 PROPOSED STREET ELEVATION
1:100



3 PROPOSED FIRST FLOOR
1:100

REVISION	DETAILS	DATE	INITIALS
A	Canopies removed	14.10.2012	RK

AMENDMENTS

APPROVAL PLANNING B.CONTROL TENDER

DRAWING No. **101A**

CLIENT: **SEBASTIAN AND ANITA DARLAK**

ADDRESS: **24 - 26 Stone Street**

Dudley

West Midlands

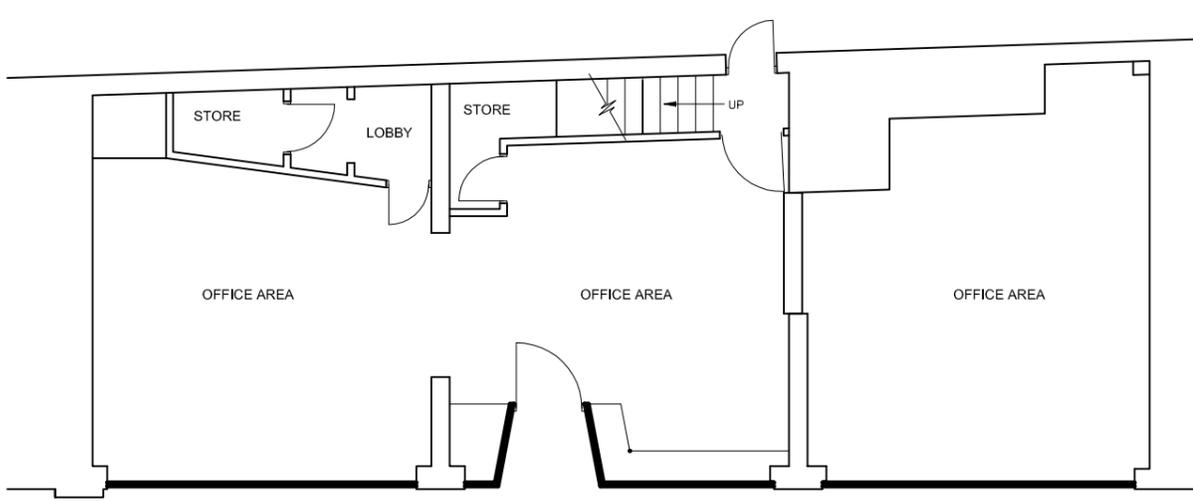
DY1 1NT

DRAWING TITLE: **PROPOSED PLANS AND ELEVATIONS**

SCALE: **As Shown @ A3** DATE: **Sept 2012**

DO NOT SCALE. IF IN DOUBT ASK

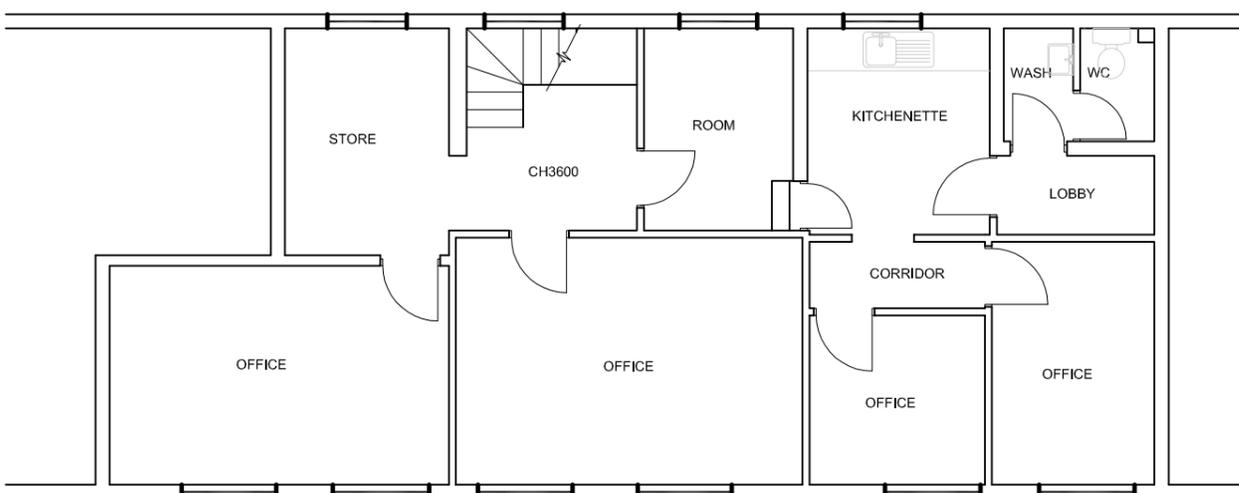
This dimension should measure 100mm at the correct scale



1 EXISTING GROUND FLOOR
1:100



2 EXISTING STREET ELEVATION
1:100



3 EXISTING FIRST FLOOR
1:100

General Notes:

This drawing is to be read in conjunction with Architect's General Arrangement drawings

Copyright of this drawing is vested in the Architect and it must not be copied or reproduced without consent.

Figured dimensions only are to be taken from this drawing. All contractors must visit the site and be responsible for taking and checking all dimensions relative to their work. The Architect is to be advised of any variation between drawings and site conditions.

DO NOT SCALE OFF THIS DRAWING - IF IN DOUBT ASK.

Where applicable all drawings are to be read in conjunction with relevant Structural and M&E Engineers drawings and specifications



Denotes revision locations
(Current Issue Only)

REVISION	DETAILS	DATE	INITIALS
----------	---------	------	----------

AMENDMENTS

APPROVAL PLANNING B.CONTROL TENDER

DRAWING No.

100

CLIENT:

SEBASTIAN AND ANITA DARLAK

ADDRESS:

24 - 26 Stone Street

Dudley

West Midlands

DY1 1NT

DRAWING TITLE:

EXISTING PLANS AND ELEVATIONS

SCALE: As Shown @ A3 DATE: Sept 2012

DO NOT SCALE. IF IN DOUBT ASK

This dimension should measure 100mm at the correct scale

PLANNING APPLICATION NUMBER:P12/1448

Type of approval sought	Full Planning Permission
Ward	Halesowen North
Applicant	Mrs Surinder Kaur
Location:	CORNER HOUSE, 71, HALESOWEN STREET, ROWLEY REGIS, B65 0HE
Proposal	CONVERSION OF DWELLING INTO 3 NO.FLATS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The site occupies a prominent location on the corner of Halesowen Street and Cocksheds Lane. There is a small convenience store on part of the ground floor with one residential unit above it which also wraps around to the rear and side of the property.
2. Vehicular access to the site is gained via an existing access off Cocksheds Lane. Pedestrian access would be via an existing gate off Halesowen Street.

PROPOSAL

3. The application is for the conversion of the single dwelling into 3 No. apartments. The existing dwelling has a lounge, kitchen and conservatory at ground floor level and 5 No. bedrooms at first floor level. The scheme comprises 1 No. two bedroom flat on the ground floor and 2 No. one bedroom flats on the first floor.
4. Vehicular access to the site would be gained via the existing access off Cocksheds Lane. A revised parking scheme has been submitted which indicates 4 No. parking spaces and removes the existing detached garage on the site.

5. There would also be a separate pedestrian access via an existing gate off Halesowen Street.

HISTORY

6. Relevant Planning History

<u>APPLICATION No.</u>	<u>PROPOSAL</u>	<u>DECISION</u>	<u>DATE</u>
87/50982	Alterations to shop front and rear single storey lounge extension	Approved	16/07/1987
88/52026	Erection of lounge and kitchen extension and detached garage	Approved	28/09/1988
90/52007	Extension to shop	Approved	09/11/1990

PUBLIC CONSULTATION

7. Nine letters have been sent to adjacent and nearby dwellings which are in close proximity to the site. A Site Notice was also put up. Two letters of objection have been received from the same address No. 70 Halesowen Street which makes the following observations:

- The entrance to the flats will be directly next door to our main bedroom which will cause noise and disturbance;
- Loss of privacy by overlooking onto the rear of the property

OTHER CONSULTATION

8. West Midlands Police - between 24/11/11 - 23/11/12 there were 13 incidents in Halesowen Street reported to the police, these included vehicle crime, burglary and anti social behaviour. From personal experience there are parking issues in Halesowen Street caused by inconsiderate customers patronising the store, this causes unnecessary problems at the traffic control lights. In summary:

- Have concerns that an increase in residents will create additional parking problems and obstruction to the highway and traffic control system
- Main entrance doors to the flats should be Secured by Design accredited

- There should be consideration in relation to lighting at the entrance to residential premises and any parking provision
9. Group Engineer – Development - The proposed amendments address the Highway Authorities issues and subject to the parking provision remaining unallocated he has no objections to the proposal.
 10. Head of Environmental Health and Trading Standards – The application site is not particularly suitable for residential dwellings in terms of noise, with the proposed flats being situated adjacent to and above a convenience store and next to a busy main road junction. However, there is existing residential accommodation above the retail unit and other residential dwellings in the vicinity (He notes also that it is permitted development for a residential dwelling above a retail unit). As such, he does not object in principle to the proposals in terms of noise. He recommends that a condition is attached to any approval to ensure residents are protected from road traffic noise.

RELEVANT PLANNING POLICY

11. National Planning Policy Framework (2012)
This 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. Paragraph No. 56 of the document states that good design is a key aspect of sustainable development.
12. Black Country Core Strategy (BCCS) 2011
DEL 1 Infrastructure Provision
HOU1 Delivering Sustainable Housing Growth
HOU2 Housing density, Type and Accessibility
13. Unitary Development Plan Policies (2005)
DD1 Urban Design
DD4 Development in Residential Areas

14. Supplementary Planning Documents

Car Parking Standards

ASSESSMENT

Key Issues

- Principle
- Residential Amenity
- Access and parking

Principle

15. The application site contains a large detached two storey building. The majority of the ground floor is taken up by a convenience store, the remainder forming part of the existing residential dwelling on the site. Above the shop and part of the ground floor residential area is the first floor element of the existing dwelling. The application is for the change of use of the dwelling into 3 No. residential flats.
16. On 1st October 2012 the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2012 came into force. Effectively this now allows up to two flats to be incorporated above a shop within the auspices of permitted development. Although this application indicates two flats that are not entirely above the ground floor shop this recent change in legislation has a bearing on the consideration of the planning merits of the case. Indeed it is not considered to be unreasonable to convert what is a large residential unit within a mixed use site into three smaller flats.

Residential Amenity

17. With the exception of the repositioning of a ground floor door for the shop there would be no changes to the external appearance of the buildings. On this basis all of the window openings already exist. The only side facing window close to the side boundary with No. 70 Halesowen Street is to an existing bathroom (which would remain as a bathroom). It would also face the side gable of the adjacent residential dwelling. It is considered therefore that there would be little potential for overlooking from this window. Two other first floor side facing windows consist of a proposed window to a shower room and another to a kitchen. Both would be angled away from

the objectors dwelling however in order to prevent overlooking towards Nos. 65 and 66 Halesowen Street the agent has agreed to a condition that these windows shall become obscure glazed. On this basis no issues of loss of privacy are envisaged.

18. The objector also raises concerns regarding noise nuisance issues which are envisaged due to the location of the existing access door to the flats which is located in the side gable of the building adjacent to No. 70 Halesowen Street. Having raised the issue with the Head of Environmental Health and Trading Standards he considers that as it would serve only three flats that it would not pose a serious threat to residential amenity and therefore could not support a refusal on this basis.
19. The plans indicate an amenity area for future residents. This is to be supported as it would provide an opportunity for residents to have some outside space.

Access and parking

20. An amended parking layout plan has been submitted which indicates four unallocated off-street parking spaces which are required in accordance with the Parking Standards Supplementary Planning. These parking spaces are of the correct dimension and there is adequate manoeuvring space. On this basis, despite concerns from West Midlands Police regarding on-street parking in the vicinity of the site, the Group Engineer, Development considers that the application can be supported.
21. The current access gates to the rear parking area off Cocksheds Lane are particularly unsightly. The agent has agreed to a condition which requires the replacement of these gates with ones which are more visually sympathetic to their environment.

CONCLUSION

22. The site currently contains a mixed use of a shop and a residential unit. The conversion of the residential unit to 3 No. flats can be supported in principle. There are not envisaged to be issues regarding loss of privacy as existing residential window openings are to be utilised and, in any event, obscure glazing is to be placed on all windows facing towards No. 70 Halesowen Street. With regard to issues of noise and disturbance, there is not considered to be such potential as to warrant a refusal. The access to the site is considered to be acceptable and there is sufficient off-street parking provided within the site. On this basis it is considered that the application is compliant with the National Planning Policy Framework, Policies DEL

1, HOU1 and HOU2 of the Black Country Core Strategy, Policy DD4 of the adopted Dudley Unitary Development Plan and Car Parking Standards Supplementary Planning Document.

RECOMMENDATION

23. It is recommended that the application is approved subject to conditions.

Reason for approval

The site currently contains a mixed use of a shop and a residential unit. The conversion of the residential unit to 3 No. flats can be supported in principle. There are not envisaged to be issues regarding loss of privacy as existing residential window openings are to be utilised and, in any event, obscure glazing is to be placed on all windows facing towards No. 70 Halesowen Street. With regard to issues of noise and disturbance, there is not considered to be such potential as to warrant a refusal. The access to the site is considered to be acceptable and there is sufficient off-street parking provided within the site. On this basis it is considered that the application is compliant with the National Planning Policy Framework, Policies DEL 1, HOU1 and HOU2 of the Black Country Core Strategy, Policy DD4 of the adopted Dudley Unitary Development Plan and Car Parking Standards Supplementary Planning Document.

The decision to grant planning permission has been taken with regard to the Saved Dudley Unitary Development Plan policies, the Adopted Black Country Core Strategy and to all relevant material considerations including Supplementary Planning Guidance.

The above is intended as a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report.

Informative

This permission does not permit the formation of a balcony on the flat roof element of the building which would require separate planning approval.

Positive and Proactive Statement

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 existing garage on the site shall be used as a storage area in connection with the residential units only and retained as such for the lifetime of the development.
3. The flats shall not be occupied until the area shown for car parking on the approved plan numbered 1751/100A 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.
4. The areas indicated as communal garden shall be retained in such use for the lifetime of the development.
5. Prior to the commencement of development a scheme for the layout of the amenity areas shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the first dwelling.
6. Development shall not begin until a scheme for protecting residents in the proposed dwelling from noise from road traffic on Halesowen Street and Cocksheds Lane has been submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed before occupation of the permitted dwelling, 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.
7. Prior to the first occupation of the flats all first floor windows in the elevation facing towards No. 70 Halesowen Street shall have obscure glazing installed and thereafter retained for the lifetime of the development.

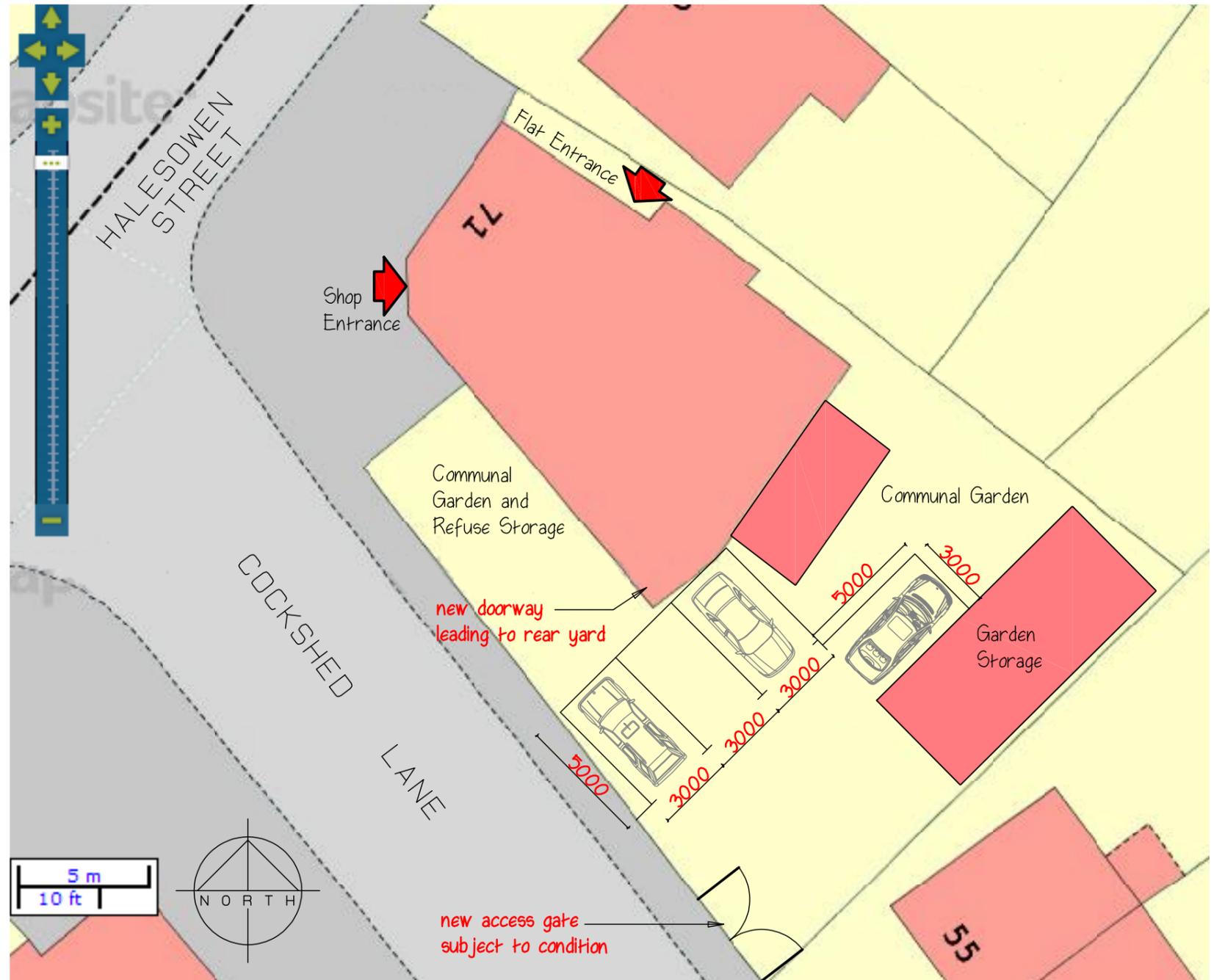
8. Prior to the commencement of development a scheme for the replacement of the access gates off Cocksheds Lane shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the first dwelling and thereafter retained for the lifetime of the development.
9. Prior to the commencement of development a scheme for the rear lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the first dwelling and thereafter retained for the lifetime of the development.
10. The development hereby permitted shall be carried out in accordance with the following approved plans:
1751/100A, 1751/101, 1751/102

Proposed Change of Use from Single Dwelling to 3no. Residential Flats

Location Plan 1:1000



(Proposed Site Layout) Block Plan 1:200



Rev A (02/01/13) Parking Layout Revised & Notes added regarding Access Gate

Corner of Halesowen Street & Cockshed Lane
71 Halesowen Street Rowley Regis B65 0HN

1: 5=25cm	1: 200=10m
1: 10=50cm	1: 250=12.5m
1: 20=100cm	1: 500=25m
1: 50=25m	1:1250=62.5m
1:100=5m	1:2500=125m

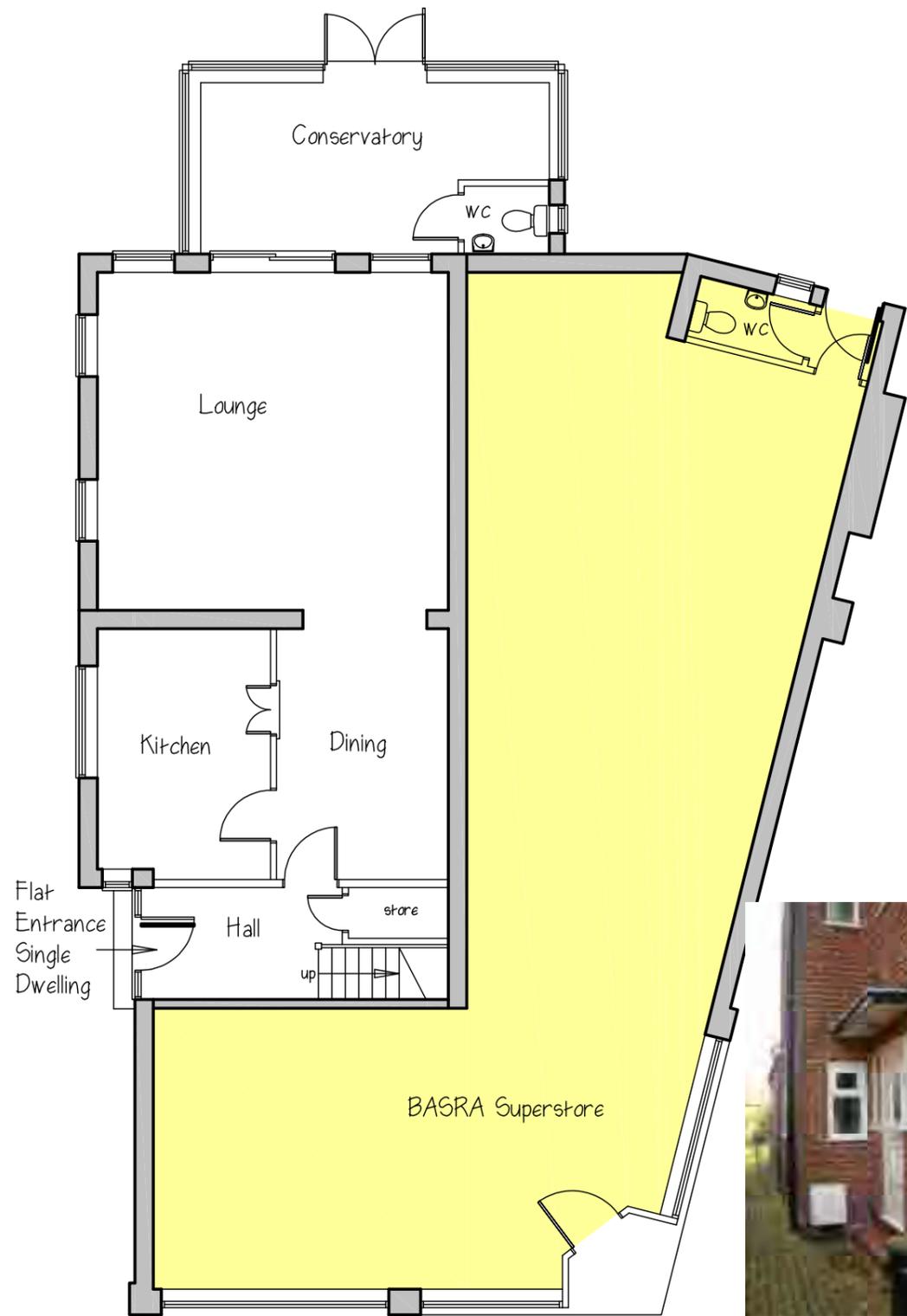
Drwg No. 1751/100A
Scale as shown (A3)
Date 10 Nov 2012

A & T DESIGN STUDIO
6 Shilton Road
Sutton Coldfield
West Midlands
B72 1NR
Mobile: 07887 966 008
Email: simmyismwong@gmail.com

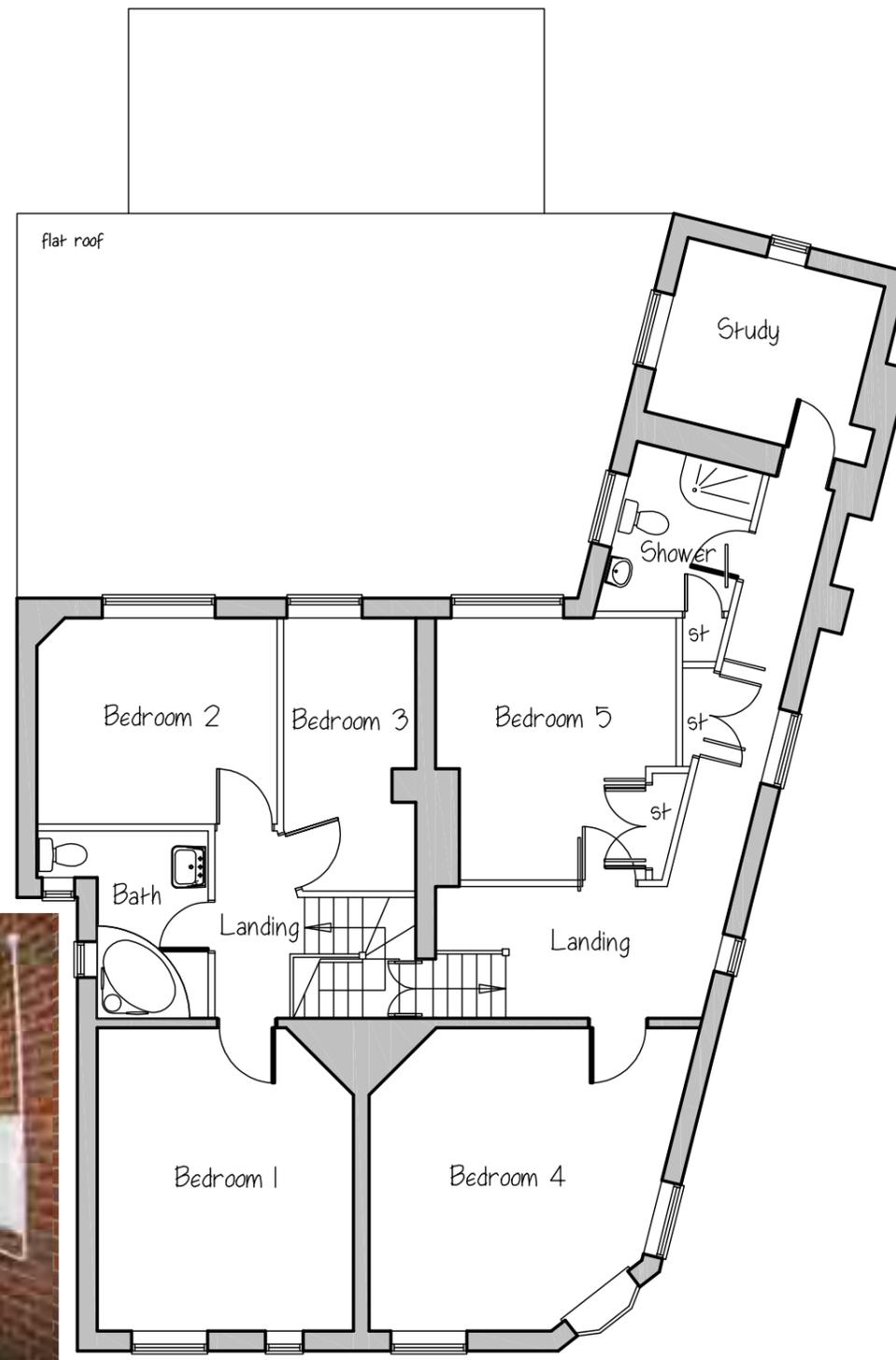
Architect
Interior Designer
Building Consultants

EXISTING

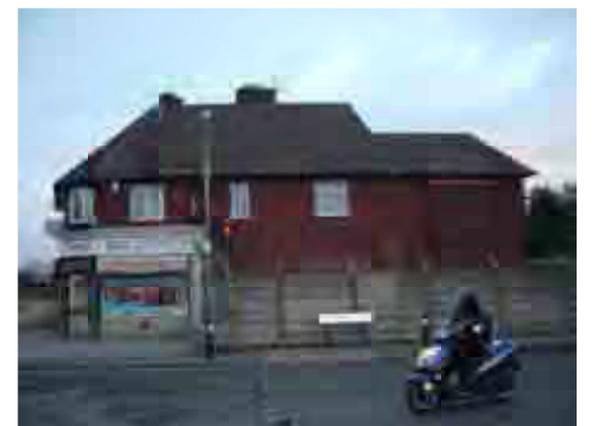
1: 5=25cm	1: 200=10m
1: 10=50cm	1: 250=12.5m
1: 20=100cm	1: 500=25m
1: 50=2.5m	1:1250=62.5m
1:100=5m	1:2500=125m



Existing Ground Floor Plan



Existing First Floor Plan



Proposed Change of Use from 1no. Dwelling to 3no. Residential Flats
 71 Halesowen Street Rowley Regis B65 0HN

Drwg No. 1751/101
 Scale 1:100 (A3)
 Date 10 Nov 2012

A & T DESIGN STUDIO
 6 Shilton Road
 Sutton Coldfield
 West Midlands
 B72 1NR
 Mobile: 07887 966 008
 Email: simmyanwong@gmail.com

Architect
 Interior Designer
 Building Consultant

PROPOSED

1: 5=25cm	1: 200=10m
1: 10=50cm	1: 250=12.5m
1: 20=100cm	1: 500=25m
1: 50=2.5m	1:1250=62.5m
1:100=5m	1:2500=125m



Proposed Ground Floor Plan



Proposed First Floor Plan

Proposed Change of Use from 1no. Dwelling to 3no. Residential Flats
71 Halesowen Street Rowley Regis B65 0HN

Drwg No. 1751/102
 Scale 1:100 (A3)
 Date 10 Nov 2012

A & T DESIGN STUDIO
 © Shilton Road
 Sutton Coldfield
 West Midlands
 B72 1NR
 Mobile: 07887 966 008
 E-mail: aatdesignstudio@gmail.com
 T: +44 (0)121 713 1111
 Architects
 Interior Designers
 Building Consultants

PLANNING APPLICATION NUMBER: P12/1464

Type of approval sought	Full Planning Permission
Ward	St Thomas's
Applicant	Mr & Mrs K. Jeavons
Location:	LAND AND GARAGES, OFF THE SCHOOL DRIVE, DUDLEY, WEST MIDLANDS, DY2 8EH
Proposal	DEMOLITION OF EXISTING GARAGES AND ERECTION OF 2 NO. DWELLINGS WITH ASSOCIATED CAR PARKING
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. This 0.1 hectares site is an existing private garage parking court located off The School Drive. There is an existing single width unmade access between residential dwellings leading to single storey garages.
2. On the west side of the site, there are the rear gardens of dwelling fronting Buffery Road, these dwellings are in an elevated position, such that gardens tier down to meet the rear brick wall of the garages.
3. The eastern boundary of the site is adjoined by a detached dwelling (The School House), behind which is Sledmere Community Centre which has a 2m fence running alongside their boundary, this property is a single storey hut on a slightly higher land level, beyond which are the playing fields for Sledmere Primary School. The remaining section of the eastern boundary is adjoined by the rear garden of 57 Warrens Hall Road.
4. The site itself is generally quite level, but at the end of the run of garages, towards the north-east, there is an embankment which leads to another small garage court. There is also a small MEB substation elevated above the application site.

5. There does appear to be an informal right of way running through this site, however, a formal Public Right of Way runs north of the site, providing linkage between Warrens Hall Road and Buffery Road.
6. The School Drive comprises of a mix of property types including terraced, semi detached and detached dwellings.

PROPOSAL

7. Demolition of garages and the construction of 2 No. 2 bed bungalows.
8. Each plot is shown to measure 9.2m wide by 6.5m deep and 4.6m high to ridge (2.5m to eaves).
9. Plot 1 has a triangular shaped garden, up to 12.5m long, whilst Plot 2 has a 9.1m deep rear garden.
10. Parking is provided for 5 cars.
11. A Design and Access Statement and Protected Species Survey accompany the application.
12. During the course of this application the following amendments were made to the scheme;
 - Introduction of side elevation windows serving habitable rooms in both dwellings to further aid natural surveillance
 - Increasing the height of fence at 2m and some form of tree planting on the boundary to improve the outlook from the rear of Plot 1
 - Handing of property on Plot 2, so that the living room and kitchen windows are further away from the boundary with 101 Buffery Road.
 - Window added in front elevation to improve visual appearance.
 - Increase parking spaces from 4 to 5.

RELEVANT PLANNING HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
DY/59/198	Erection of 18 lock-up garages.	Approved	17/04/59
DY/59/76	Development of land for	Approved	24/02/59

	erection of 16 lock-up garages.	with Conditions	

PUBLIC CONSULTATION

13. Direct neighbour consultation was carried out to 21 adjoining and adjacent neighbours and site notice was posted, as a result of which 2 letters of objection have been received, summarised as follows;

- Demolition of garages would leave rear gardens exposed during building work.
- The plans indicate rear boundary goes further back than the rear wall of garages. This area has been fenced off and used by all dwellings for over 35 years without objections.
- To remove objection, require replacement wall in the same place to provide security and privacy.
- Possible disturbance to roots and damage to conifer tree
- Right of way exists across application site by virtue of constant use
- Concerns about street lighting.
- Garage roofs may be asbestos, precautions need to be in place to ensure no risk to neighbours
- How could Fire Service access the site?

14. A third letter has been received from the Sledmere Centre Association who welcome the proposal as this would improve the look of the area and the security of the building and surroundings. However, future occupiers should be made aware of the use of the centre which is open daily up to 10.00pm, and events could cause nuisance.

OTHER CONSULTATION

15. Group Engineer (Development): No objection subject to condition regarding provision of electric charging point and relocated bin storage position.

16. Head of Environmental Health and Trading Standards: No objection subject to conditions relating to land contamination and ground gases and vapours.
17. West Midlands Fire Service: Objection due to site access being less than 3.1m wide (as per Approved Document B), and the distance from The School Drive to dwellings in more than 45m.

RELEVANT PLANNING POLICY

18. National Planning Policy Framework (NPPF)

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

19. BCCS Policies

- CSP2 - Development outside the Growth Network
- CSP4 – Place Making
- HOU1 – Delivering Sustainable Housing Growth
- HOU2 – Housing Density, Type and Accessibility
- TRAN2 – Managing Transport Impacts of New Development
- TRAN5 – Influencing the Demand for Travel and Travel Choices
- ENV1 – Nature Conservation
- ENV2 – Historic Environment and Local Distinctiveness
- ENV3 – Design Quality

20. Saved UDP Policies

- DD1 – Urban Design
- DD4 – Development in Residential Areas
- NC6 – Wildlife Species

21. Supplementary Planning Document

- Parking Standards – Review (2012)
- New Housing Development
- Nature Conservation

ASSESSMENT

22. The key issues in determination of this application are;

- Principle of development
- Character and appearance of the area
- Residential amenities of nearby occupiers
- Highway safety
- Impact upon wildlife species

Principle of development

23. At the heart of National Planning Policy Framework is a presumption in favour of sustainable development such that development proposals that accord with the development plan should be approved without delay.

24. The Framework sets out a number of core planning principles, including that planning should always seek a high quality design, encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided it is not of high environmental value and a good standard of amenity for all existing and future occupants of land and buildings.

25. Given that this site is considered to be previously developed and is located within a largely residential area, it would constitute sustainable development; the principle of residential development is therefore acceptable. The extent to which other factors are dealt with, are explored below.

Character and appearance

26. BCCS policy HOU2 'Housing Density, Type and Accessibility' sets out the objectives for density and types of new housing, promoting the need to achieve high quality design and minimise amenity impacts, taking into account the characteristics and mix of uses in the area where the proposal is located.

27. BCCS policies CSP4 'Place Making', ENV2 'Historic Character and Local Distinctiveness' and ENV3 'Design Quality' requires that all development

demonstrates a clear understanding of historic character and local distinctiveness and demonstrates how proposals make a positive contribution to place-making and environmental improvement through high quality design.

28. The Council New Residential Development SPD (2007) is a useful tool in establishing a character led approach to new development based on identifiable context and characteristics. The general area shares characteristics of development in 'inner and outer suburbs', and therefore the development criteria of such has been used to assess whether this dwelling is designed within its context.
29. Development criteria that has been incorporated into the scheme include;
- Development should respect local character of height and massing proportions.
 - Retain space around the building
 - Provision of off-street parking in front or side of house/garden
 - Retain back gardens
30. The NPPF suggests that Council's should set out their own approach to housing density to reflect local circumstances.
31. The new bungalows would be built to a density of 20dph, which is considered appropriate for this area. Adjoining development at 2-8 The School Drive was built to 36dph, No's at 1-5 The School Drive were built to a density of 30dph, 89-111 Buffery Road were built to a density of 32dph. Whilst the proposal has a lower density, this is largely due to retaining the single storey scale to reduce impact on neighbours. In this respect the development would make efficient use of land.
32. The bungalows are set perpendicular to the rear elevations of properties in Buffery Road, such that the side elevation of the bungalows would be visible from the neighbouring properties. Given the relative low eaves height of 2.5m, and overall height of 4.67m, the new buildings would not harm the wider character and appearance of the area.
33. The external design of the bungalows would be appropriate within the area, the site being a back land setting ensure that the dwellings would not be harmful to the streetscene along The School Drive or from Warrens Hall Road.
34. Though constrained, every effort has been made by the applicant to incorporate window openings to facilitate natural surveillance of the drive. The main parking areas are within a central overlooked position, surrounded by natural landscaping.

35. The proposal makes a positive contribution to place making through high quality design. It would therefore comply with BCCS Policies CSP4, ENV3 and HOU2, and Saved UDP Policies DD1 and HE4.

Residential amenity

36. The applicant has provided a response to neighbour concerns advising that upon removal of garages the replacement brick wall would be constructed on the legal boundary. This can be secured by condition. The applicant also advises that there would be no street lighting proposed.

37. The dwellings along Buffery Road are in an elevated position, and would maintain a distance of some 23.5m from their rear elevations to the side elevation of the bungalows. The perpendicular arrangement helps to protect any direct views between habitable rooms. There is a greater distance of 31m between the rear elevations of 1-3 The School Drive and the rear elevation of the bungalows. The proposal would not harm the residential amenities of these neighbours in accordance with Saved UDP Policy DD4.

38. The Council did initially raise concern about the position of Plot 2 being located adjacent the rear boundary of 101 Buffery Road, which contains mature conifer trees some 5m high overhanging the site. The living room and kitchen windows were moved further away from the boundary with 101 Buffery Road, so that future occupiers would not be harmed by the proximity of these conifers. Any potential damage to the conifers would constitute a civil matter, particularly as the trees are not subject to the Tree Preservation Orders.

39. Within the site, there is the minimum 22m separation between facing habitable rooms of the new bungalows. This ensures an appropriate level of privacy and outlook for future occupiers.

40. The new dwellings would have private rear gardens of between 9m-12.5m long, with each having an area greater than the minimum 65m² suggested in PGN3 – New Housing Development. This would ensure that future occupiers would have more than ample private amenity space.

41. The garden of Plot 1 adjoins a raised area of land, which contains an electricity sub-station. The Local Planning Authority suggested that the private garden would benefit from increasing the height of fence at 2m and some form of tree planting

on the boundary to improve the outlook from their rear windows / garden. In agreement the applicant updated the layout plan to show this.

42. With regard to the concerns of the Sledmere Community Centre, this is obviously an existing use and any future residents would take this into account before purchasing a property. However there is existing boundary fence along the rear of the premises which would act to ameliorate any disturbance to the bungalows which are located some 13 metres away from the hut and would have fenced amenity areas. It must also be noted that the Head of Environmental Health and Trading Standards raised no objections on grounds of noise and disturbance.
43. The proposal would comply with BCCS Policy HOU2 which seeks to minimise amenity impacts and Saved UDP Policy DD4.

Highway safety

44. The Group Engineer (Development) advises that the reuse of the existing vehicular access for residential purposes is acceptable. The access has a width of approximately 3m which cannot accommodate two-way traffic or a vehicle and pedestrian. However, the traffic movements generated by the former use as a garage court would have generated greater levels of traffic. Further work was required to be undertaken, to ensure adequate refuse collection and emergency access.
45. A Transport Statement was submitted to deal with these issues. The Fire Service quotes the Building Regulations Approved Document requirement for a fire appliance to be able to reach a point within 45 metres of a suitable entrance to the dwelling. The dwellings are 50m away, just over the 45m. However, this requirement can be waived if a full domestic sprinkler system is installed thereby being an appropriate compensatory feature. The amended plans show annotated on the layout/elevation that a domestic sprinkler system will be installed to comply with Building Regulations and Fire Service requirements. As a safeguard this will need to be secured by condition.
46. There is no ability to place the bins significantly closer to the highway as the land is in third party ownership. They can be placed on the diagonal of the site boundary which would close the distance by some 5m or 34m from the highway. This would only be slightly longer than the Building Regulations guidance of no

more than 30m for residents to carry waste to a storage point. A condition is required to secure this.

47. The Group Engineer (Development) raises no objection to this proposal, subject to provision of electric charging point which can be secured by condition. The scheme would provide 5 off-street parking spaces in accordance with the Parking Standards SPD (2012).
48. With regard to objections concerning access through the site, this is not a formal public right of way, the applicant advising that anyone using this route would be trespassing on their land. The applicant would be within his rights to place permanent barriers at each end of the site to prevent through access.
49. With appropriate conditions, the development would not have a detrimental effect upon highway safety and adequate provision is made for the parking and manoeuvring of vehicles associated with the proposed development in accordance with BCCS Policy CSP4 and Saved UDP Policy DD4.

Protected Wildlife Species

50. A Protected Species Survey was submitted under the requirements of Saved UDP Policy NC6 – Wildlife Species and the Nature Conservation SPD. This concludes that there were no signs of bats found within the garage block. It is recommended that a minimum of two bat roosting boxes are installed under the eaves on the exterior walls of the proposed new bungalows in order to provide roosting opportunities for the local bat population.
51. The applicant should also ensure clearance works avoid the bird breeding season and ensure the protection of habitats to continue to support wildlife.
52. The survey work is satisfactory, and as long as relevant conditions are attached to implement the recommendations, it would be in accordance with Saved UDP Policy NC6 – Wildlife Species, BCCS Policy ENV1 – Nature Conservation and the Nature Conservation SPD.

New Homes Bonus

53. Clause (124) of the Localism Act states that: Local planning authorities are to have regard to material considerations in dealing with applications including any local finance considerations, so far as material to the application. A 'local finance

consideration' means a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown. This may be taken to cover the payment of New Homes Bonus, or sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

54. 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.
55. The Bonus will sit alongside the existing planning system and provides local authorities with monies equal to the national average for the council tax band on each additional property and paid for the following six years as a non-ring fenced grant. In addition, to ensure that affordable homes are sufficiently prioritised within supply, there will be a simple and transparent enhancement of a flat rate £350 per annum for each additional affordable home.
56. Whilst the clause makes it clear that local finance matters are relevant to planning considerations can be taken into account, it does not change the law in any way. It is not a new basis for planning policy and it remains unlawful for planning permissions to be 'bought'.
57. Under this system the proposal would provide a sufficient sum of money; however it must be advised that the planning merits of the proposal are acceptable in any event and therefore this is not accorded significant weight.

CONCLUSION

58. The proposal respects the character and distinctiveness of the area making a positive contribution to place making through high quality design without harming the amenity of existing or future occupiers. There would be no detrimental impact on highway safety or protected wildlife species. The development would comply with BCCS Policies CSP2 - Development outside the Growth Network, CSP4 – Place Making, HOU1 – Delivering Sustainable Housing Growth, HOU2 – Housing Density, Type and Accessibility, TRAN2 – Managing Transport Impacts of New Development, TRAN5 – Influencing the Demand for Travel and Travel Choices,

ENV1 – Nature Conservation, ENV2 – Historic Environment and Local Distinctiveness, ENV3 – Design Quality, Saved UDP Policies - DD1 – Urban Design, DD4 – Development in Residential Areas and NC6 – Wildlife Species, and Supplementary Planning Documents - Parking Standards – Review (2012), New Housing Development and Nature Conservation.

RECOMMENDATION

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

REASON FOR THE GRANT OF PLANNING PERMISSION

The proposal respects the character and distinctiveness of the area making a positive contribution to place making through high quality design without harming the amenity of existing or future occupiers. There would be no detrimental impact on highway safety or protected wildlife species. The development would comply with BCCS Policies CSP2 - Development outside the Growth Network, CSP4 – Place Making, HOU1 – Delivering Sustainable Housing Growth, HOU2 – Housing Density, Type and Accessibility, TRAN2 – Managing Transport Impacts of New Development, TRAN5 – Influencing the Demand for Travel and Travel Choices, ENV1 – Nature Conservation, ENV2 – Historic Environment and Local Distinctiveness, ENV3 – Design Quality, Saved UDP Policies - DD1 – Urban Design, DD4 – Development in Residential Areas and NC6 – Wildlife Species, and Supplementary Planning Documents - Parking Standards – Review (2012), New Housing Development and Nature Conservation.

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Black Country Core Strategy (2011), the Saved UDP (2011) and to all other relevant material considerations.

The above is intended as a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report.

INFORMATIVE NOTE – THE COAL AUTHORITY

ALL DEVELOPMENTS WITHIN COALFIELD STANDING ADVICE AREAS

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

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

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

APPROVAL STATEMENT INFORMATIVE

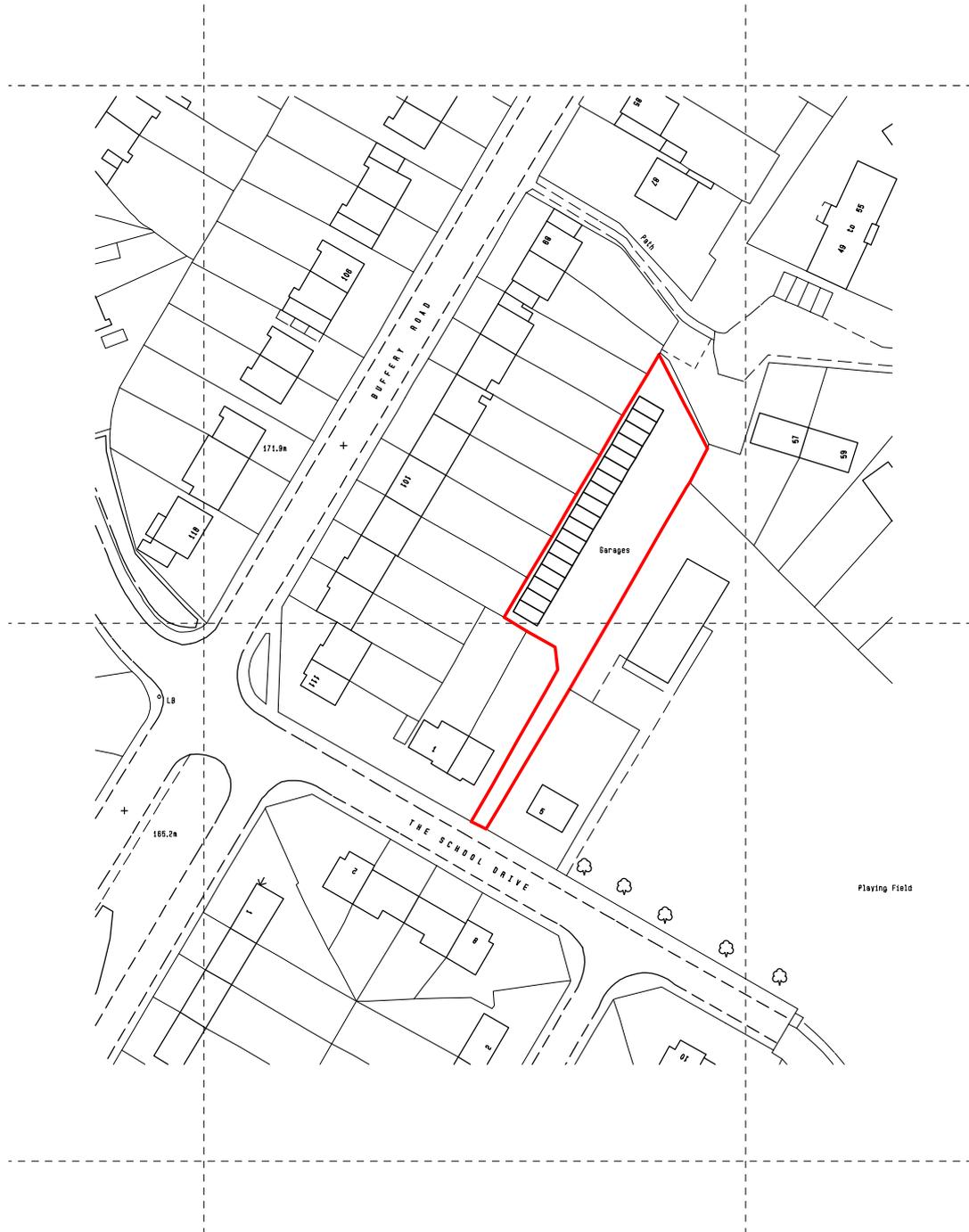
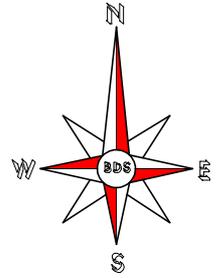
In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining 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.
1. The development hereby permitted shall be carried out in accordance with the following approved plans: 10712: 01/RevA, 03/RevB and 05/Rev A
2. 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.
3. Prior to the commencement of development, details of the existing and proposed levels of the site (including finished floor levels), which should be related to those of adjoining land and highways, [including sections in direction xxx] shall be submitted

- to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved levels.
4. No development shall begin until an assessment of the risks posed by any contamination has been submitted to and approved by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.
 5. Where the approved risk assessment (required by condition 5) identifies contamination posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the local planning authority.
 6. 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.
 7. 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.
 8. Where the approved risk assessment (required by condition 8) 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.
 9. Unless otherwise agreed in writing with the LPA, the approved scheme (required by condition 9) 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.
 10. Prior to the commencement of development, details of the landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before the end of the first planting season following initial occupation of the development. Any new trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
 11. The dwellings shall not be occupied until the area shown for the access, car parking, and manoeuvring area on the plan numbered 10712/03/RevB 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
 12. No development shall commence until details for the provision of external electric charging points have been submitted to and approved in writing by the Local Planning Authority. The Electric Charging points shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
 13. Prior to commencement of development, detailed plans showing the location of the bin store on the diagonal of the site boundary in line with the recommendation set out Transport Statement dated January 2013, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be available

- for use prior to the development being occupied and shall be permanently retained thereafter, unless otherwise first approved in writing by the Local Planning Authority.
14. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. This shall make provision for a 2m high brick wall on the rear boundary adjoining the rear gardens of properties on Buffery Road. The boundary treatment shall be carried out in accordance with the approved details shall be and completed before the dwellings are occupied.
 15. Prior to the commencement of development, details of biodiversity measures to be incorporated into the development in line with those recommended in the Protected Species Survey Assessment dated December 2012 shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out and maintained in accordance with the approved details.
 16. No works should commence, or continue, if the most recent protected species survey and assessment is over 12 months old at the commencement of development, and work should cease if it becomes more than 12 months old during construction, until it is replaced with a version less than 12 months old. These surveys and assessments must be of, or above, the standard detailed within the Nature Conservation SPD. All of these must be submitted to and approved in writing by the Council before any works commence (or continue). All works must be carried out in accordance to the approved plan.
 17. The building hereby approved shall not be occupied until a domestic sprinkler system has been installed. The system shall thereafter be retained at the property in perpetuity.
 18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order, with or without modification), no development permitted by Classes A, B or E of Part 1 of Schedule 2 of the Order, shall be carried out within the site of the dwelling hereby permitted (except as expressly approved by this grant of planning permission) without the prior approval in writing of the local planning authority.



Ordnance Survey (c) Crown Copyright 2012.
All rights reserved. Licence number 100020449

BUILDING DESIGN SERVICES

10 Harpford Close, Brightmet, Bolton. BL2 6TN.
Tel : 01204 : 383793. Mob : 07966 : 211995.
jeff.bds93@hotmail.co.uk



165

Project : *School Drive, Dudley.*

Drawing : *Location Plan.*

Scale : *1 : 1250 @ A4*

Date : *10.10.2012.*

Drawing Number : **04**

General Notes :

Copyright in all documents and drawings prepared by the Architect / Technologist and any works executed from these documents and drawings shall, unless otherwise agreed, remain the property of the Architect / Technologist and must not be reproduced by, lent or disclosed to a third party without the written consent of Building Design Services.

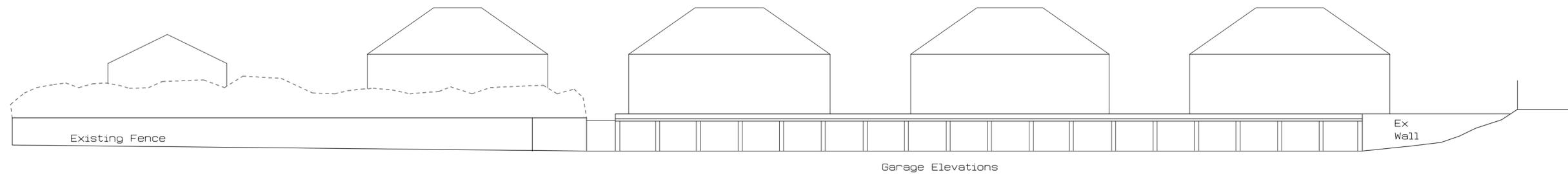
Do not scale off this drawing, all dimensions to be checked on site by the Contractor and any discrepancies to be referred back to the Architect / Technologist before proceeding with any work.

All Levels to be checked on site by the Contractor and any discrepancies to be referred back to the Architect / Technologist before proceeding with any work.

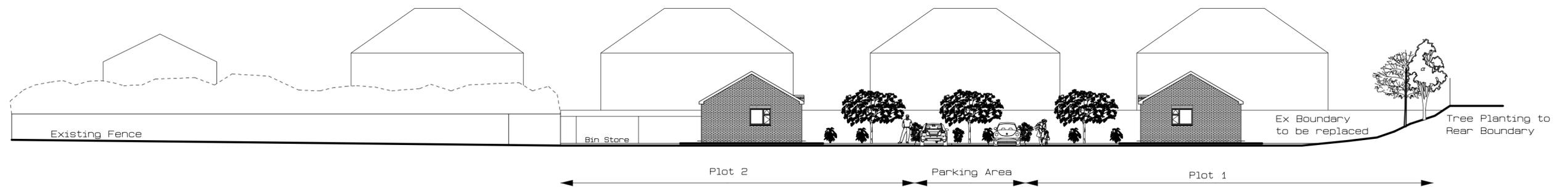
All component sizes and references to be checked with the manufacturer prior to ordering any materials.

The positions and designation of any Manholes for Foul, Surface Water or Combined Drainage runs on site to be checked and traced by the Contractor, and confirmed prior to commencement of any new Drainage Works. Any existing drainage runs to which additional connections are to be made, to be checked as necessary to ensure they are suitable to accommodate any additional capacity and the type of effluent being connected.

All relevant Boundary positions to be checked prior to proceeding with any Building Works, and all necessary Party Wall agreements entered into prior to the commencement of any Construction.



Existing Street Scene



Proposed Street Scene

Rev	Comment	Date	Initials
A	Amended to suit Planners	21.12.12	J. C.

BUILDING DESIGN SERVICES
Chartered Architectural Technologist

10 Harpford Close, Brightmet,
Bolton. BL2 6TN.
Tel : 01204 : 383793. Mob : 07966 : 221995.
jeff.bds93@hotmail.co.uk



Client : *Ms D Jeavans.*

Project : *Proposed Dwellings, The School Drive, Dudley.*

Drawing :
*Existing & Proposed
Street Scene*

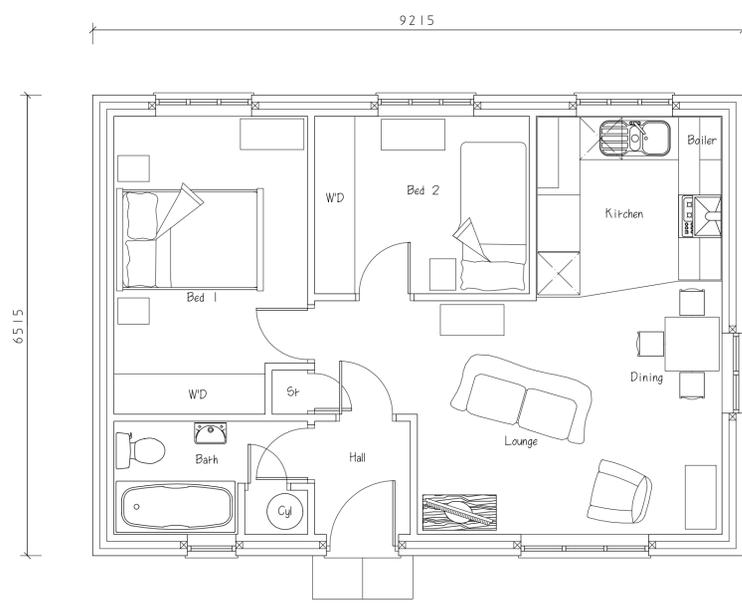
Drawn : *J. C.*
Date : *21.11.2012.*

Job Number : **10712**

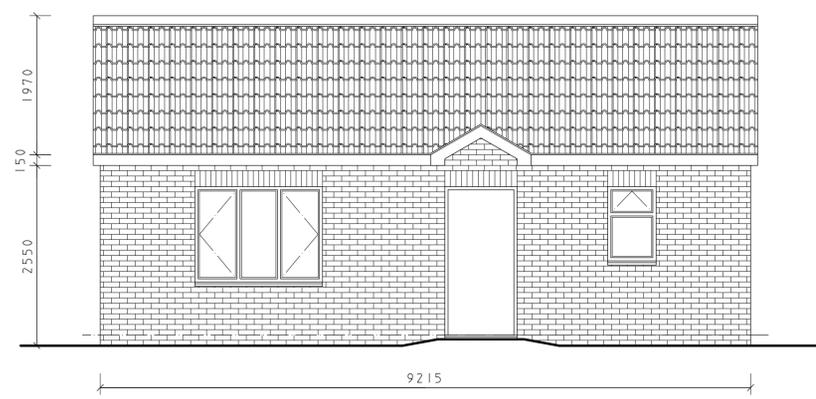
Scale : *1:200 @ A2*
Drawing Number : **05** Rev : **A**

General Notes :
 Copyright in all documents and drawings prepared by the Architect / Technologist and any works executed from these documents and drawings shall, unless otherwise agreed, remain the property of the Architect / Technologist and must not be reproduced by, lent or disclosed to a third party without the written consent of Building Design Services.
 Do not scale off this drawing, all dimensions to be checked on site by the Contractor and any discrepancies to be referred back to the Architect / Technologist before proceeding with any work.
 All levels to be checked on site by the Contractor and any discrepancies to be referred back to the Architect / Technologist before proceeding with any work.
 All component sizes and references to be checked with the manufacturer prior to ordering any materials.
 The positions and designation of any Manholes for Foul, Surface Water or Combined Drainage runs on site to be checked and traced by the Contractor, and confirmed prior to commencement of any new Drainage Works. Any existing drainage runs to which additional connections are to be made, to be checked as necessary to ensure they are suitable to accommodate any additional capacity and the type of effluent being connected.
 All relevant Boundary positions to be checked prior to proceeding with any Building Works, and all necessary Party Wall agreements entered into prior to the commencement of any Construction.

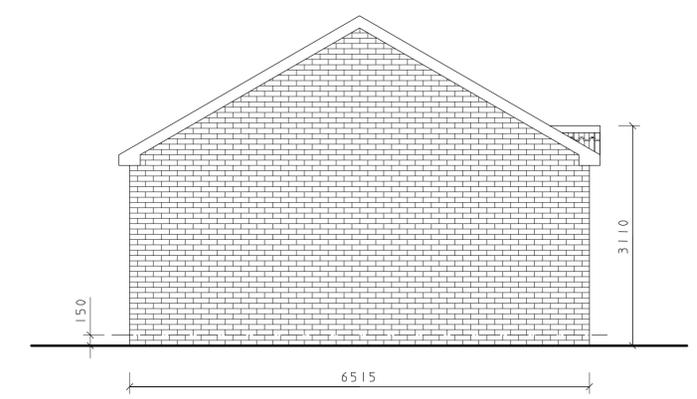
Note :
 Properties to have sprinkler system installed to comply with Building Regulations.



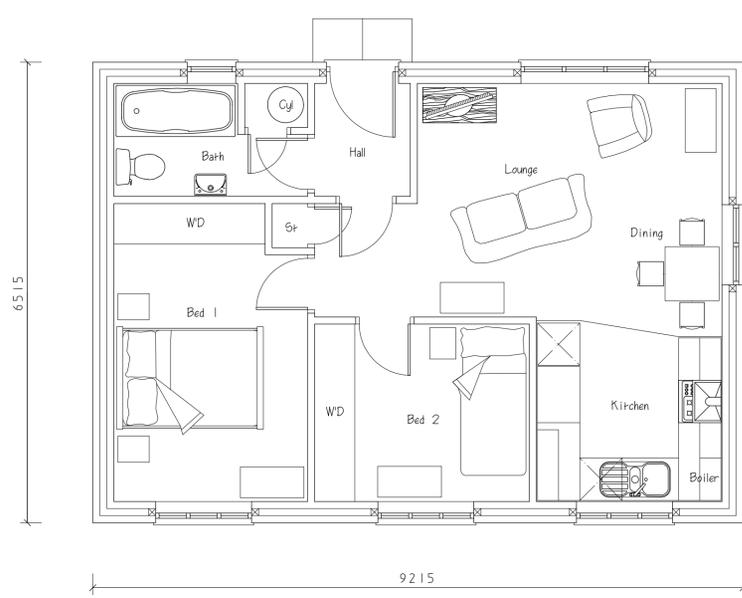
Plot 1



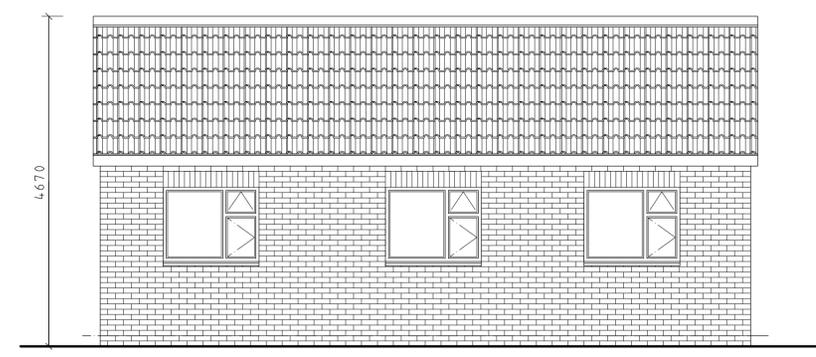
Front Elevation



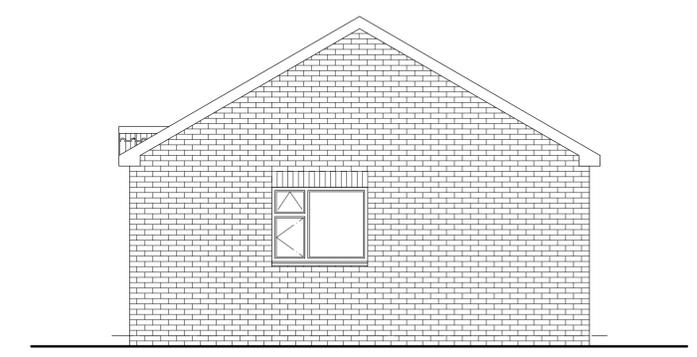
Side Elevation



Plot 2



Rear Elevation



Side Elevation

Rev	Comment	Date	Initials
A	Amended to suit Planners	21.12.12	J. C.

BUILDING DESIGN SERVICES
 20 Harpford Close,
 Brightonmet,
 Bolton. BL2 6TN.
 Tel : 01204 383793.
 Mob : 07966 211995.
 jeff.bd593@hotmail.co.uk

Client : *Ms D Jeavons.*

Project : *Proposed Dwellings, The School Drive, Dudley.*

Drawing : *Proposed Plans*
 Drawn : *J. C.*
 Date : *15.10.2012.*

Scale : *1:50 @ A2 - 1:100 @ A3*

Job Number : **10712**
 Drawing Number : **01** Rev : **A**



General Notes :
 Copyright in all documents and drawings prepared by the Architect / Technologist and any works executed from these documents and drawings shall, unless otherwise agreed, remain the property of the Architect / Technologist and must not be reproduced by, lent or disclosed to a third party without the written consent of Building Design Services.
 Do not scale off this drawing, all dimensions to be checked on site by the Contractor and any discrepancies to be referred back to the Architect / Technologist before proceeding with any work.
 All levels to be checked on site by the Contractor and any discrepancies to be referred back to the Architect / Technologist before proceeding with any work.
 All component sizes and references to be checked with the manufacturer prior to ordering any materials.
 The positions and designation of any Manholes for Foul, Surface Water or Combined Drainage runs on site to be checked and traced by the Contractor, and confirmed prior to commencement of any new Drainage Works. Any existing drainage runs to which additional connections are to be made, to be checked as necessary to ensure they are suitable to accommodate any additional capacity and the type of effluent being connected.
 All relevant Boundary positions to be checked prior to proceeding with any Building Works, and all necessary Party Wall agreements entered into prior to the commencement of any Construction.

Rev	Comment	Date	Initials
B	Additional Car Park Space added to suit Planners	09.01.13	J. C.
A	Amended to suit Planners	21.12.12	J. C.

BUILDING DESIGN SERVICES
 10 Harford Close,
 Breightmet,
 Bolton. BL2 6TN.
 Tel : 01204 383793.
 Mob : 07966 211995.
 jeff.bd593@hotmail.co.uk



Client : *Ms D. Jeavons.*

Project : *Proposed Dwellings, The School Drive, Dudley.*

Drawing : *Proposed Site Layout*
 Drawn : *J. C.*
 Date : *10.10.2012.*

Scale : *1:200 @ A1*
 Job Number : **10712**
 Drawing Number : **03** Rev : **B**

PLANNING APPLICATION NUMBER:P12/1468

Type of approval sought	Full Planning Permission
Ward	Cradley and Wollescote
Applicant	Mr C. Wyatt
Location:	32, WEST ROAD, CRADLEY, HALESOWEN, B63 2US
Proposal	ERECTION OF 2 NO. DWELLINGS (PART RETROSPECTIVE)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site is set at the end of a wholly residential cul-de-sac of traditionally styled brick and render, bow fronted houses with clay tile hipped roofs.

2. The majority of dwellings are set in terraces of four on the street frontage, with dwarf walls to front gardens. Houses are generally set above the level of the highway on this frontage with levels falling towards the application site. Houses opposite are set at, or below the level of the highway.

3. The site is visible from adjoining open space to the side and rear (a designated Local Park) where there is an access drive leading to the former Cradley High school. Near to the northern and western boundaries of the site are playing fields and parkland beyond that.

4. The character of the area is of inner-suburban residential.

5. The dwellings have already been partially constructed to roof level.

PROPOSAL

6. This application seeks approval for the erection of a pair of two-storey semi-detached houses, both of which would have one-bedroom and a small study. The overall height and size of the buildings would be reduced in comparison to the partially completed buildings that are currently on the site.
7. Both properties would have a 3.5m deep projecting two storey rear wing which would accommodate a kitchen and first floor bathroom.
8. Both properties would have a stepped access from the front of the site and would have private rear gardens.

HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
P03/0386	Erection of a pair of semi-detached dwellings	Approved	15/12/88
P08/1768	Erection of a pair of semi-detached dwellings (Two storey extension and dormer roof at rear) (amendment to P03/0386)	Refused	13/01/09
P10/0380	Retention of unauthorised development with amendments to roof and additional rear extensions to create two three-bedroom semi-detached properties.	Refused	

P08/1768 was submitted as a retrospective revision to P03/0386, with an additional two storey rear wing to accommodate a kitchen and bathroom and a flat roof rear dormer addition to accommodate a roof bedroom with two front roof lights. This application was refused on the following two grounds;

1. The Local Planning Authority consider that the proposed additional building works would significantly increase the mass of the dwellings, providing for a “block-like” development, particularly when viewed from the rear and along the exposed side

elevation. This would give rise to a development which would appear out of context with the existing character of the area and also cause visual harm within the setting of the adjoining Local Park. The proposal is therefore contrary to Unitary Development Plan (UDP) policies DD4 and S06 and the Supplementary Planning Document (SPD) on new Housing Development.

2. Also, as a result of the additional built development, the residual garden area would be limited in extent and quality (an effect exacerbated by the amenity space being to the north west of the plots and hemmed in by retaining walls). There is consequently inadequate amenity space shown to be provided for future occupiers, contrary to UDP Policy DD4.

P10/0380 was submitted as a retrospective revision to P03/0386, with an additional two storey rear wing to accommodate a kitchen and bathroom and a flat roof rear dormer addition to accommodate a roof bedroom with two front roof lights. This application was refused on the following two grounds;

- 1 The proposal would result in a form of development that is starkly at odds with the scale, character and context of adjacent development. Furthermore, the proposed two-storey, three metre deep rear wings, will strongly contribute to an oppressive form of overdevelopment at this corner site which will be able to be viewed over significant distances from within the Local Park. Such impact arising at an appropriate point for transition and a loosening of built development on meeting the openness of the Local Park. The proposal will therefore give rise to a development of significant massing and over-dominance, highly visible from within the open space and thereby unduly impinging on the setting of the park, contrary to UDP Policies DD1, DD4 and SO6.
- 2 The quantity and quality of amenity space proposed for the family dwellings would be detrimental to the amenities of future occupiers by being unacceptably enclosed and overshadowed by the two storey rear wings. The development is therefore contrary to adopted UDP Policy DD4 and Planning Guidance Note 3-Housing.

Following on from the refusal of the last planning application the applicant has been engaged in pre-application discussions with Officers in order to agree on an acceptable scheme. This application has been submitted following those discussions.

PUBLIC CONSULTATION

9. A total of 9 notification letters were sent to the occupiers of neighbouring properties and the application was advertised with a site notice. As a result one letter of objection has been received raising the following issues:

- The dwellings are not in keeping
- Existing parking problems would be made worse
- No work has been done on the houses for three years
- The site is an eyesore

OTHER CONSULTATION

Group Engineer (Development): No objections received.

Head of Environmental Health and Trading Standards: No objections received.

RELEVANT PLANNING POLICY

National Planning Guidance

- National Planning Policy Framework

Black Country Core Strategy (2011)

- CSP2 Development Outside the Growth Network
- CSP4 Place Making
- HOU1 Delivering Sustainable Housing Growth
- HOU2 Housing Density, Type and Accessibility
- TRAN2 Managing Transport Impacts of New Development
- ENV 2 Historic Character and Local Distinctiveness
- ENV 3 Design Quality

Unitary Development Plan (2005) (Saved Policies)

- DD1 Urban Design
- DD4 Development in Residential Areas

Supplementary Planning Guidance/Documents

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

ASSESSMENT

10. The main issues are
- Principle
 - Design
 - Neighbour Amenity
 - Occupier Amenity
 - Access and Parking
 - New Homes Bonus

Principle/Policy

11. Planning permission was granted in 2003 for the erection of two dwellings on this site, with an almost identical footprint to those being proposed now.
12. Whilst it is considered by the Local Planning Authority that the development was never implemented and that the existing structures are unlawful it is still considered that the erection of two dwellings on the site would be acceptable in principle.
13. The subsequent applications in 2008 and 2010 were both refused by the Local Planning Authority but neither of the applications were refused on the grounds that the development was regarded as unacceptable in principle.

Design

14. The proposed dwellings would better reflect the design of those that were previously approved on the site and the general character and appearance of the area.
15. As stated above the proposal also includes the erection of the two-storey rear projecting wings that were not included on the original scheme. The previously refused schemes proposed a higher roof and sizeable rear dormer windows within

the rear facing roof plane. When taken together it was considered that the design, scale and appearance of the dwellings would have been unacceptable. Without the other additional elements previously proposed it is considered that the rear facing gables are acceptable.

16. It is considered that the development that is now being proposed is of an acceptable design quality and that, when compared to the previously approved scheme, they would form an acceptable development in terms of its appearance on the streetscene and from the neighbouring park.

Neighbour Amenity

17. The footprint of the dwellings would generally be the same as that previously approved and a separation distance of approximately 22 metres would be maintained to the dwellings on the opposite side of the road in accordance with the Council's separation standards.
18. There is a two-storey extension at the rear of No.32 West Road adjacent to the application site. The proposed dwellings would not project beyond that extension and as such there would be no detrimental impact on the amenities of the occupiers of that property.

Occupier Amenity

19. The proposals include rear gardens for both of the dwellings which would be private.
20. It is considered that the proposal would be acceptable in terms of the level of amenity that would be provided to the potential future occupiers of the dwellings.

Access and parking

21. The development that was previously approved for this site included a parking area for a total of three vehicles to serve the both of the two-bedroom dwellings.

22. The same area is available for car parking and given that the number of bedrooms has reduced from two to one in each of the dwellings it would be unreasonable to request a higher level of off-street parking.
23. It is considered necessary to ensure that the parking area is provided in advance of the dwellings first being occupied.

New Home Bonus

24. Clause (124) of the Localism Act states that: Local planning authorities are to have regard to material considerations in dealing with applications including any local finance considerations, so far as material to the application. A “local finance consideration” means a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown. This may be taken to cover the payment of New Homes Bonus, or sums that a relevant authority has received, or will or could receive, in payment of CIL.
25. 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.
26. The Bonus will sit alongside the existing planning system and provides local authorities with monies equal to the national average for the council tax band on each additional property and paid for the following six years as a non-ring fenced grant.
27. Whilst the clause makes it clear that local finance matters are relevant to planning considerations can be taken into account, it does not change the law in any way. It is not a new basis for planning policy and it remains unlawful for planning permissions to be “bought”.

- 28 This proposal would provide two houses generating a grant of two times the national average council tax for the relevant bands per annum for 6 years.
- 29 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

30. The principle of residential development on this site would be acceptable. The proposal is sympathetic to the character of the surrounding area, while preserving the residential amenities of the adjacent neighbours and highway safety would not be adversely affected. Therefore the proposal complies with ENV 2 & ENV 3 of the Black Country Core Strategy, saved UDP Policies DD1 and DD4 of the UDP, and Parking Standards Supplementary Planning Document.

RECOMMENDATION

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

Reason for approval

The principle of residential development on this site would be acceptable. The proposal is sympathetic to the character of the surrounding area, while preserving the residential amenities of the adjacent neighbours and highway safety would not be adversely affected. Therefore the proposal complies with ENV 2 & ENV 3 of the Black Country Core Strategy, saved UDP Policies DD1 and DD4 of the UDP, and Parking Standards Supplementary Planning Document.

The decision to grant planning permission has been taken with regard to the policies and proposal of the Black Country Core Strategy (2011) and the saved policies and proposals in the adopted Dudley Unitary Development Plan (2005) and to all other relevant material considerations.

The above is intended as a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report.

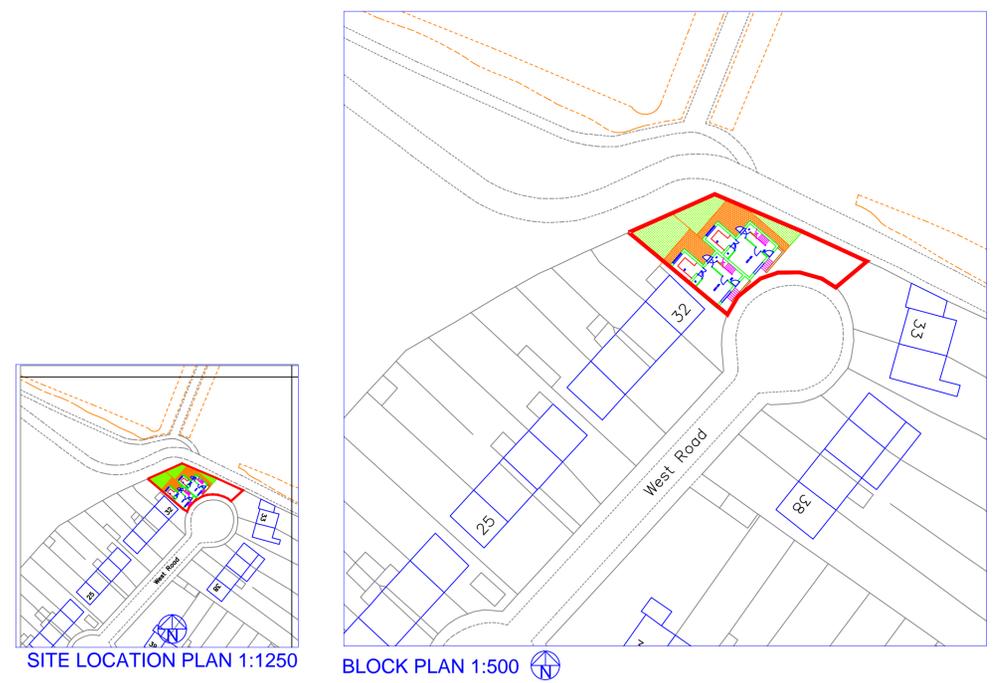
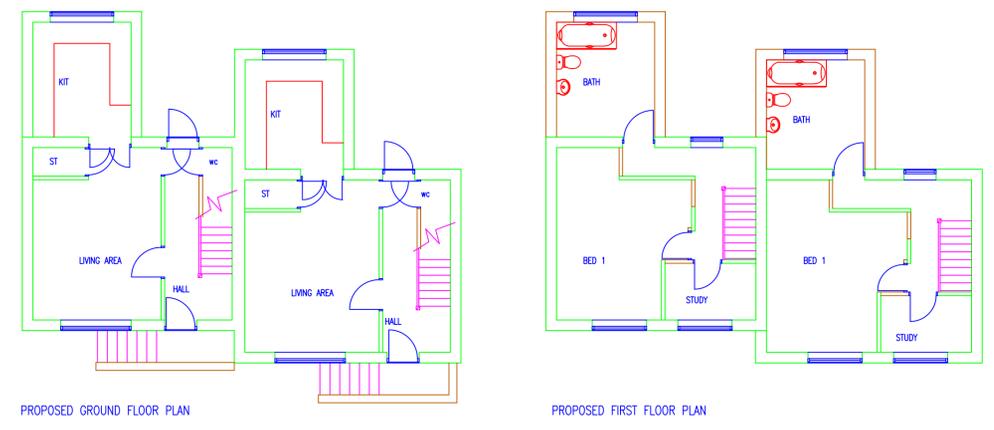
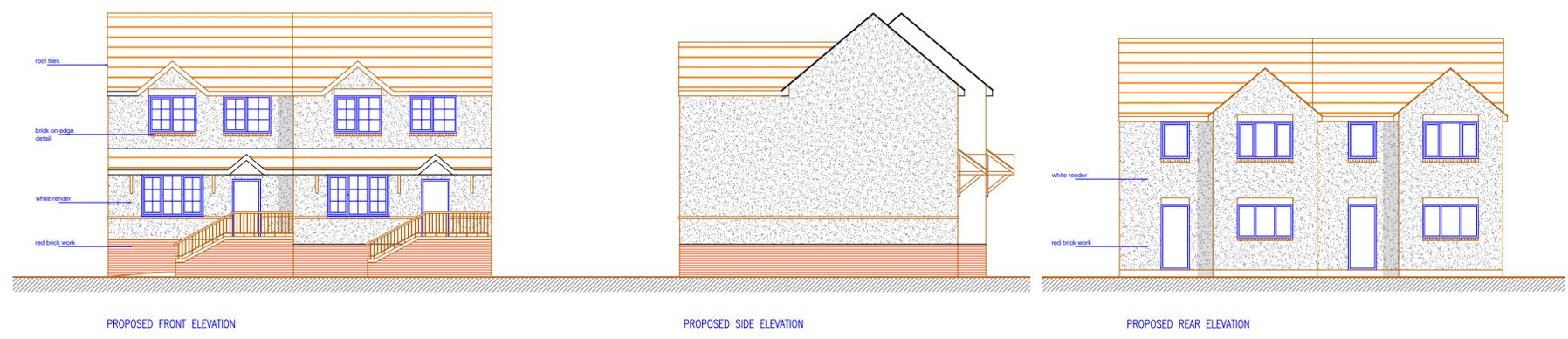
Notes to Applicant/Informative

Approval

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

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of six months from the date of this permission.
2. Prior to their erection details of the types, sizes and locations of the boundary treatments around the site and between the proposed plots shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be carried out in complete accordance with the approved details prior to the first occupation of the dwellings hereby approved and thereafter retained for the lifetime of the development unless otherwise agreed in writing with the local planning authority.
3. Prior to the first occupation of the 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 first occupation of the development hereby approved.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no development referred to in Schedule 2 Part 1 Classes A, B, D E and F of that order shall be carried out.
5. Prior to the first occupaton of the development details of the landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before the end of the first planting season following initial occupation of the development.



C	Scheme revised to planning requirement	23/08/2012
B	Scheme revised to planning requirement	20/08/2012
A	Scheme revised to planning requirement	26/06/2012
No.	Revision/Issue	Date

The Architectural Consultancy Ltd



5 Sandy Croft
KingsHeath
Birmingham
tel 0191 6837756

Project Name and address
Redesign of semi-detached house

For
Mr C.D.Wyatt
at
32 West Road
Colley Gate

Project
Existing & Proposed
Plan & Elevations

Project 2011/43-01	Sheet
Date Feb 2012	
Scale 1/100, 500, 1250	