



Meeting of the Planning Committee

**Wednesday 26th, July 2023 at 6.00pm
at Saltwells Education Development Centre,
Bowling Green Road, Netherton**

Agenda - Public Session

(Meeting open to the public and press)

1. Chair's Announcement.

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

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

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

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

2. Apologies for absence

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



4. To receive any declarations of interest under the Members' Code of Conduct
5. To confirm and sign the minutes of the meeting held on 31st May 2023 as a correct record (Pages 5 to 8)
6. Plans and Applications to Develop
 - (a) Planning Application No. P22/1853 – Land located off The Straits, Lower Gornal – Erection of 14 No. New Dwellings with Associated Access, Parking and Landscaping following demolition of 129A The Straits to facilitate the creation of an Access Road (Pages 9 to 40)
7. Adoption of the Residential Design Guide Supplementary Planning Document (SPD) (Pages 41 to 68)
8. Recommendations for Article 4 Direction for Houses in Multiple Occupation (HMOs) (Pages 69 to 78)
9. To consider any questions from Members to the Chair where two clear days notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).

Distribution:

Councillor D Harley (Chair)

(Vice-Chair) - Vacancy

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

Substitute Councillor R Collins for K Razzaq



Chief Executive

Dated: 17th July 2023

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**Minutes of the Planning Committee
Wednesday 31st May 2023 at 6.00 pm
At Saltwells Education Development Centre, Bowling
Green Road, Netherton**

Present:

Councillor D Harley (Chair)
Councillor W Sullivan (Vice-Chair)
Councillors H Bills, S Bothul, P Drake, S Keasey, P Lee and E Taylor.

Officers:

P Reed (Principal Planning Officer), J Todd (Development Manager), C Golightly (Senior Planning Officer), B Shinton (Planning Officer) (Directorate of Regeneration and Enterprise) and K Taylor (Senior Democratic Services Officer) (Directorate of Finance and Legal Services).

Also in Attendance:

S Evans (Legal Advisor)

Observers:

Approximately 15 members of the public.

1 **Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Councillors B Challenor, P Miller and K Razzaq.

2 **Appointment of Substitute Members**



It was reported that Councillors S Keasey and P Lee had been appointed to serve as substitute Members for Councillors B Challenor and K Razzaq, respectively, for this meeting of the Committee only.

3 **Declarations of Interest**

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

4 **Minutes**

Resolved

That the minutes of the meeting held on 19th April 2023, be approved as a correct record and signed.

5 **Plan and Applications to Develop**

A report of the Director of Regeneration and Enterprise was submitted on the following plans and applications to develop. Details of the plans and applications were displayed by electronic means at the meeting.

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

<u>Application No.</u>	<u>Objectors/Supporters who wished to speak</u>	<u>Agent/Application who wished to speak</u>
P21/1233	Mrs K Highway	Mr G Barton
P22/1657	Councillor S Phipps (written statement) Mrs C Wetton	Mr P Icke

Planning Application No. P21/1233 – Land at Zoar Street, Lower Gornal – Demolition of 23 & 25 (Eggingtons Chemist) Abbey Road and 7, 8 & 9 Zoar Street. Erection of 1 no. retail store and pharmacy (E(a)) with associated access, car parking, servicing and landscaping.

Resolved

That the application be approved subject to:-

- (1) The applicant entering into a unilateral undertaking in relation to providing the requirements outlined in paragraph 80 of the report submitted.
- (2) Conditions numbered 1 to 31 (inclusive), as set out in the report submitted, with delegated powers to the Head of Planning to make amendments to these as necessary.
- (3) That the developer be invited to make an application for an Order to the Secretary of State for the stopping up and provision of new highway based on plan 14079-SK2301112.1-A under S247 of the Town and Country Planning Act 1990 to allow development authorised by planning permission to take place. The costs associated with the Order shall be at the developer's expense.

Planning Application No. P22/1657 – Hayley Fasteners (Site 2), Shelah Road, Halesowen – Demolition of existing commercial buildings to facilitate the erection of 1 no. warehouse with ancillary support offices, car park alterations, fencing, gates with modifications to access from Public Highway, Extension and Alterations to existing Office Block (3) with new fenestration rain screen cladding to existing Block (2). Elevational changes to include new roller shutter entrances. New unloading canopies between existing and new warehouses and control kiosk to front.

Resolved

That the application be approved subject to conditions numbered 1 to 23 (inclusive), as set out in the report submitted.

A report of the Director of Regeneration and Enterprise was submitted on the updated Planning Obligations Costings updated from 1st April in accordance with Council Policy. A report on the Planning Services Fees 2023 was considered by the Planning Committee on 12th December, 2022.

Resolved

- (1) That the continued use of Consumer Price Index in Planning Obligations costings and in accordance with the adopted Supplementary Planning Document (SPD) “Planning Obligations”, as previously reported to the Planning Committee on 12th December, 2023 (Planning Service Fees), be noted.
- (2) That the updated Planning Obligations costings as outlined in Appendix 1, in line with the Consumer Price Index rates since 2019 to 2023, be noted.

7 Questions Under Council Procedure Rule 11.8

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

The meeting ended at 7.05pm.

CHAIR

PLANNING APPLICATION NUMBER: P22/1853

Type of approval sought	Full Planning Permission
Ward	Gornal Ward Himley and Swindon Ward
Agent	Mr C. Jones
Case Officer	James Mead
Location:	LAND LOCATED OFF THE STRAITS, THE STRAITS, LOWER GORNAL
Proposal	ERECTION OF 14 NO. NEW DWELLINGS WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING FOLLOWING DEMOLITION OF 129A THE STRAITS TO FACILITATE CREATION OF ACCESS ROAD
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site is a 0.72-hectare area of land situated to the rear of 131 – 153 (Odds) The Straits, Lower Gornal. The land is currently used for grazing and once formed part of a wider farm use, with buildings situated along the southwestern boundary and to the northwest. The area to the northwest has been developed for housing and forms the cul-de-sac development of Majors Fold. An existing access point with dropped kerb is located between No's 129a and 131, The Straits, with this area consisting of overgrown and dense vegetation. The site has an even fall of some 2-3m across the site in both directions from the northern corner on Majors Fold.

2. The site also includes the property of 129a The Straits, which is a two storey end of terrace house, set back from road behind a large front garden area, with no off-street parking. There is long private garden area to the rear, with wooden fencing along the boundary with 129 The Straits.

3. The surrounding area to the north and east of the site is predominately residential forming part of the wider housing estate known as The Straits. There is a mix of housing, with a predominance of two storey semi-detached properties set out in linear rows forming perimeter blocks with occasional cul-de-sac development breaking this rhythm. Majors Fold consists of recently constructed large, detached dwellings. There is a small shopping parade providing local services located opposite the site on The Straits. To the south is open countryside which falls outside of the Dudley Borough, with the site south-western and south-eastern boundaries forming the boundary with South Staffordshire. There are a number of mature trees located along the boundaries of the site.
4. The site is designated within the Dudley Borough Development Strategy as a Housing Proposal Site (Ref. HO.20) - 'Majors Fold – Upper Gornal'.

PROPOSAL

5. The application proposes the erection of 14no. two storey dwellings and associated works on the site at the rear of 131-153 (Odds) The Straits, Lower Gornal. All houses would have front and private rear amenity spaces and dedicated parking facilities.
6. The accommodation mix is as follows.
 - 4no x 3 bed dwellings
 - 10no x 4 bed dwellings
7. Plots 1-9 and 14 would take the form of a rows of semi-detached and detached properties fronting onto a new cul-de-sac, with parking to the side or shared driveways. There would be a new vehicular access between 129 and 131 The Straits (with 129a The Straits being demolished to accommodate this). Plots 10-13 would front onto a new private drive as an extension of the new cul-de-sac, with a substantial landscaped buffer to the southwestern boundary and open countryside beyond.

8. Internally, each dwelling would be provided with living room, dining room, kitchen, and WC on the ground floor, with 3 or 4 bedrooms (some with e-suite) and bathroom at first floors. All would be provided with a single garage and two further off-street parking spaces.
9. The proposed dwellings would be finished in facing brickwork with areas of render with tile roofs.
10. Site area is 0.72 hectares, giving a density 20 dwelling/hectare.
11. Plans have been amended during the course of the application to improve the visibility splay at the access to the site off The Straits.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
S1/70/9798	Siting of caravan to the rear of 155 The Straits	Approved with conditions	30/06/1970
S1/61/4822	Residential Development (Outline) (Access to be considered)	Refused	23/03/1961
S1/72/11237	Use of land for the purpose of training horses and riding school	Approved with conditions	16/05/1973
S1/72/10944	Erection of twenty-seven houses	Refused	04/07/1972
S1/77/1028	Outline Planning for residential development	Refused	02/11/1977

12. Direct notification was carried out to the occupiers of 26 neighbouring residential properties adjoining the site; a site notice was posted and an advert was placed in the Express and Star newspaper.
13. Marco Longhi MP objects to the application, noting that there are 'Brownfield' sites that can be used. He considers that the application fails to respect and enhance the surrounding environment, particularly with regards to the nature and conservation. In addition, he considers that there would be a significant impact on the amenities of neighbouring properties, by way of the loss of open space that has been enjoyed by residents for many years. He notes that local sentiment is also strongly against this development, which people see as an overdevelopment of the area. There would be a higher number of cars creating more traffic congestion and impacting on air quality. There is other land available in the borough which would be more suitable for such a development, and he does not believe that there is a sufficient requirement for this development.
14. In addition, he considers there is inadequate mitigation in regard to nature conservation and the application fails to give assurances that there will be no loss to the natural diversity of the environment at this location, and there is no mention of plans to restore habitat loss and how the natural environment will be preserved. It is suggested that the application be refused as it does not contain an adequate Ecological appraisal. Finally, he considers that insufficient information has been provided to demonstrate that an acceptable drainage strategy is in place and that the absence of an adequate drainage strategy is sufficient reason for the refusal of planning permission"
15. Cllr Bryn Challenor (Gornal) objects to the application, stating *"This site should never have been considered for development, it has such a wide biodiversity, with many wild animals, and mature oak trees, the site is also subject to flooding and currently acts as the buffer between Dudley and South Staffordshire. Dudley's Conservative led council promotes a brownfield first policy, so does our local MP*

and the Mayor of the West Midlands, there are plenty of alternative brownfield sites that could be used to replace the use of this green open space. Gornal already suffers from traffic problems, a strain on its services like school places and GP appointments, this development will only add to this, increasing pollution, adding new dangerous junction onto The Straits, and the removal of a green area”

16. Former Cllr Anne Millward (Gornal) objected to the application, stating; *“I object to this application on the grounds that it encroached onto green belt. I’m fully aware that the land was previously designated as a housing proposal site under policy HO.20 but in my opinion, should never have been considered or indeed, given this designation...”* She goes on to state *“The land in question, is rich in biodiversity, is prone to flooding and acts as a natural green buffer to the boundary of South Staffs. As there is a call for ‘Brownfield first’ as advocated by the Leader of the Council, the MP and the Mayor of the West Midlands, who have all stated that the green belt be protected and have vowed to do so, this proposed development is a smack in the face to those who have fought long and hard to protect it”.*

17. In addition to the above, 167 individual letters of objection from 119 local addresses were received. Objecting to the application on the following grounds.

Principle of Development

- The development is not needed.
- The development should not be on Greenfield Land
- This is Green Belt and should not be built on
- ‘Brownfield First’
- No Infrastructure to support the development
- No affordable housing is provided
- Empty houses should be considered first.
- This is not sustainable development

Amenity

- Loss of views
- The new houses will overlook those on The Straits
- Increase in noise pollution
- Increase in light pollution
- Homes are not characteristic of the area
- Houses are too close to electricity pylons

Environmental Issues

- There will be a loss of wildlife
- How will the development achieve Biodiversity Net Gain
- Loss of mature trees from the site
- Inappropriate drainage on the site
- No land level details have been provided

Highway Matters

- The development would be detrimental to highway safety
- Visibility splays are inappropriate

18. As a result of amended plans which slightly altered the access arrangement to ensure appropriate visibility at the entrance to the development, a further 10-day consultation period was carried out, with letters being sent to all those that had previously objected. As result of this exercise the following was received.

19. Marco Longhi MP states *“My approach is brownfield first and building on greenfield sites is unnecessary. After corresponding with residents, the following points have been raised”*

- *Issues raised in the highways report are not addressed in the new submission.*
- *The refuse vehicle use in the tracking by developer is smaller than the one*

used by refuse collectors,

- *Parking – All 4 bed houses to have at 3 spaces, garages only court at a specific size.*
- *Visibility onto The Straits, Highway say is unachievable.*
- *Other issues raised – drainage, wildlife that were raised in other reports haven't been addressed in new plans.”*

20. In addition, seventy-nine further letters of objection from sixty-two local addresses have been received. No new major issues are raised from those set out above, with objections being as follows.

- The drainage in the area cannot cope (recent storms have demonstrated this)
- The visibility at the entrance is not sufficient
- The site cannot cope with extra traffic
- The junction is dangerous
- Greenbelt land should not be used for housing when there is alternative sites/brownfield First
- Destruction of wildlife and habitats
- No infrastructure to support the development
- Impact on residents' mental wellbeing.
- Street trees will cause damage to existing properties
- Vehicles will not be able to manoeuvre property within the site
- Overlooking
- Demolition of 129 The Straits not part of the original proposal

OTHER CONSULTATION

21. Highway Engineer:

Initial concerns were raised by the Highways Engineer regarding the access. Amended plans have been submitted to address issues with regards to visibility, and the access road needing to accommodate large refuse collection vehicles.

22. Head of Environmental Safety and Health.

No objection subject to safeguarding conditions with respect to noise and air quality.

23. Land Contamination:

No adverse comments, safeguarding conditions for a detailed remediation scheme and verification plans are recommended.

24. Tree Officer

No objection raised.

25. LLFA

Insufficient details have been provided.

26. West Midlands Police

No objection raised.

27. Severn Trent

No objection subject to appropriate drainage conditions

28. Education

No education contributions sought due to size of development.

29. South Staffordshire Borough Council

No comments received.

30. Black Country & West Birmingham Clinical Commissioning Group

A contribution towards local healthcare infrastructure is requested

31. Birmingham & Black Country Wildlife Trust

A Construction Environmental Management Plan should be submitted in support of the application. This should details all measures to be put in place during the construction phase.

RELEVANT PLANNING POLICY

32. National Planning Guidance

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

33. Black Country Core Strategy (2011)

- DEL1 Infrastructure Provision
- CSP1 The Growth Network
- CSP4 Place Making
- HOU1 Delivering Sustainable Housing Growth
- HOU2 Housing Density, Type and Accessibility
- HOU3 Delivering Affordable Housing
- TRAN2 Managing Transport Impacts of New Development
- ENV1 Nature Conservation
- ENV2 Historic Character and Local Distinctiveness
- ENV3 Design Quality
- ENV5 Flood Risk, Sustainable Drainage and Urban Heat Islands
- ENV6
- ENV7 Renewable Energy

34. Dudley Borough Development Strategy (2017)

- S1 Presumption in favour of Sustainable Development
- S6 Urban Design

- S7 Landscape Design
- S8 Local Character and Distinctiveness
- L1 Housing Development, extensions, and alterations to existing Dwellings
- L3 Affordable Housing in New Developments
- D4 Unstable Land
- S19 Dudley Borough's Green Network
- S21 Nature Conservation Enhancement, Mitigation and Compensation
- S22 Mature Trees, Woodland, and Ancient Woodland
- S17 Access and Impact of Development on the Transport Network
- S29

35. Supplementary Planning Guidance/Documents

- Residential Design Guide SPD (2023)
- Parking Standards Supplementary Planning Document (2017)
- Open Space Sports and Recreation Supplementary Planning Document (2007)
- Planning Obligations SPD (2016)

ASSESSMENT

36. The main issues are

- Principle/Policy
- Housing Mix and Tenure
- Design and Layout
- Neighbours and Occupiers Amenity
- Highway Matters
- Land Contamination
- Trees/Ecology
- Drainage
- Financial Material Considerations

Principle/Policy

National Planning Policy Framework (2021)

37. The National Planning Policy Framework (NPPF) seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF also seeks to boost housing supply and supports the delivery of a wide choice of high-quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive, and mixed communities.

Black County Core Strategy (2011)

38. The Black Country Core Strategy adopted in 2011 sets out The Vision, Sustainability Principles and The Spatial Objectives for future development in the Black Country to 2026. One of the Spatial Objectives of the Strategy is to help to deliver sustainable communities on redundant land, that make the most of opportunities such as public transport, are well served by residential services and green infrastructure, have good walking, cycling and public transport links to retained employment areas and centres, are set in high quality natural and built environments and are well integrated with surrounding areas.

39. The Black Country Core Strategy (BCCS), Policy HOU1: 'Delivering Sustainable Housing Growth' also requires at least 63,000 net new homes up to 2026.

Dudley Borough Development Strategy (2017)

40. The Dudley Borough Development Plan identifies the site as forming part of housing allocation HO.20 – Site Allocations Map. It forms part of an area of amenity/grazing space and is expected to provide up to 23 dwellings. The evidence base which

supports the Local Plan designations – the identification of Majors Fold/The Straits, Lower Gornal as site ref 200 within the Strategic Housing Land Availability Assessment (SHLAA) – with the site identified as contributing to the Borough’s 5-year housing land supply.

41. Policy L1 of the Dudley Borough Development Strategy (DBDS) states that new development will be supported on previously developed land **and** on sites in sustainable locations, close to public transport facilities and links. Housing development will be permitted, provided that the design of the development is of an appropriate form, siting, scale, and mass; that it would not cause unacceptable harm to the amenities of the occupiers of neighbouring dwellings; that it would provide an appropriate level of amenity for future occupiers of the development and that the development would provide adequate access, parking and provision for the manoeuvring of vehicles, with no detrimental impact on highway safety and free flow of traffic.
42. The proposal would constitute development on existing amenity land. While the overriding strategy is for residential led regeneration of previously development land, this is a small site providing a net gain of fourteen dwellings and would not prejudice the overall strategy.
43. Furthermore, this land can be described as amenity space, as a result of it not having a specific open space function e.g., for sports pitches or as a nature conservation asset.
44. In terms of quality, and with reference to Black Country Core Strategy (BCCS) Policy ENV6 (Open Space Sport and Recreation), Dudley Borough Development Strategy (DBDS) Policy S29 (Public Open Space) and National Planning Policy Framework (NPPF) paras 98 and 99, it would not have a significant inherent value to the local community, the site is privately owned and there is a locked gate at the end of Majors Fold. There are gaps in the boundary meaning it may be accessible to dog walkers in particular and helps to shape the local character of the area. However, it is not official publicly accessible open space.

45. In terms of quantity or the impact of the potential loss of these areas of open space on the open space network within the Black Country overall (BCCS Policy ENV6), with reference to the Green Space Audit/ Dudley Open Space Review (2019), this area is not identified or assessed on the relevant Community Forum Map and, furthermore, is within a 400m walking distance of alternative area of similarly functioning publicly accessible amenity space at Tennyson Road.
46. It is considered the principle of redeveloping this site for residential purposes would be a positive step in line with national and local policy. The site is within close proximity to established residential areas, close to public transport links and with easy access to local services. There is consequently alignment with the local plan policies in chief, especially in meeting the housing targets set out in Black Country Core Strategy (BCCS) Policy HOU1 (Delivering Sustainable Housing Growth) and given that the proposal represents sustainable development.
47. The Dudley Borough Development Strategy also includes overarching policies in relation to other environmental considerations which are discussed in more detail in subsequent sections of this report.

Housing Mix and Tenure

48. Policy HOU3 of the Black Country Core Strategy states “*Local Planning Authorities will seek to secure 25% affordable housing on all sites of 15 dwellings or more where this is financially viable*”. This is supported by Policy L3 – Provision of Affordable Housing in New Developments within the Dudley Borough Development Strategy. This proposal does not trigger the requirement for affordable housing to be provided. These are larger family homes and will help to achieve a small part of the boroughs housing needs.

Design and Layout

49. Chapter 12 of the NPPF focuses on good design as a key element of sustainable development. Paragraph 126 states “*Good design is a key aspect of sustainable*

development, creates better places in which to live and work and helps make development acceptable to communities”

50. Policy HOU2 of the Core Strategy states that the density and type of new housing provided on each site will be informed by, amongst other things, the need to achieve high quality design and minimise amenity impacts. All developments will aim to achieve a minimum net density of 35 dwellings per hectare.
51. Policy S6 (Urban Design) of the Dudley Borough Development Plan identifies that new development should be designed in accordance with good urban design principles. In addition, the ‘Dudley Council Residential Design Guide’ SPD encourages good quality accommodation in attractive environments. It contains a series of urban design principles and refers to minimum design and amenity guidance. Particular emphasis is given to assessing context and responding positively to local character.
52. The density of the proposed development at 20 dwellings per hectare and the two-storey scale of the proposed houses would be appropriate to the existing form and pattern of development in the wider area which is varied in terms of house type. The siting of the houses would form a small residential estate with its own distinct character around a new cul-de-sac forming perimeter block development with streets surrounding. The dwellings would be of an appropriate scale and design taking into account the constraints of the site. All dwellings would be brick built with rendered areas with concrete interlocking roof tiles. This would help to assimilate the new development with the existing surrounding area and result in a design that would enable the creation of a good-quality residential environment that would sit comfortably within its surroundings. A condition requiring details of materials to be used is considered appropriate.

Neighbours and Occupier Amenity

53. The Council’s Residential Design Guide SPD recommends a series of numerical standards to ensure existing and future occupier privacy and outlook. In this

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

54. Garden lengths are in excess of 11m, except for plots 10, 12 and 13 which provide 10.5m and there is in excess of 22m between rear facing elevations of the proposed dwellings and those existing on The Straits and Majors Fold, there is a slight shortfall of 0.4m between the front of 4 Majors Fold and the rear of Plot 8. It is considered this is a characteristic form of development and is a result of the constraints of the site and these very minor shortfalls alone would not warrant the refusal of the application. Further, and of merit, the gardens for all properties provide in excess of the 65sqm of space recommended. Furthermore, any overlooking between the new properties could be mitigated by boundary treatment at ground floor level. While the outlook from some existing, surrounding properties would change, it would be a residential outlook, that is common from many properties in the borough and it is not considered that this would be a sufficient reason to warrant refusal of the application, given the positive benefits of providing new homes of this type and tenure within the borough.

55. In addition, the properties would provide an internal layout of suitable size, with at least one good sized accessible double bedroom and a furniture layout shows that ample storage can be accommodated to meet the expected requirements.

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

Highway Matters

57. Paragraph 111 of the NPPF identifies that “*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”
58. Policy L1 also requires that development should provide adequate access and parking to ensure that there would be no detrimental impact on highway safety.
59. The applicant has amended to address issues raised by the Council’s Highways Engineer. A 2m wide Footway has been provided on both sides of the access at least for the first 5m into the site, then provided with tactile paving and dropped kerbs to help pedestrians cross. The turning head and access entrance has been tracked appropriately with a refuse vehicle of 11.2m in length, which is over the 9.62m length of the ‘*Mercedes Econic Kerbsider*’ the largest used within Dudley Borough. In addition, a visibility splay of 2.4m x 59m is shown and could be shown to be achieved, after Officer visits to the site to establish the appropriate position of the access.
60. The Councils Parking Standards SPD requires two spaces for three bed dwellings and three spaces for each 4-bed dwelling, garages are allowed as a parking space if they are 3m x 6m internally. All properties are provided with policy compliant parking, with all three-bedroom properties provided with two car parking spaces and all four-bedroom properties provided with three off-street car parking spaces. All garages measure 3m x 6m. Therefore, the proposal accords with the minimum standards as set out in the Car Parking Standard SPD.
61. Despite concerns raised by local residents, it is not considered that increased traffic and parking demand associated with a residential use on this site would increase significantly, and the impact of fourteen new houses at this location on the surrounding highway network would be negligible. In addition, there are good public

transport links close to this location, with bus service 27 running between Wolverhampton and Dudley, along The Straits.

62. Electric Vehicle Charging points will be provided in accordance with the guidance in the Car Parking SPD.

Land Contamination

63. The Council's Contaminated Land officer has raised no objection to the proposal. The submitted report entitled "Geo-environmental assessment Majors Fold/The Straits, Lower Gornal" (revision dated June 2022) issued by Georisk Management Ltd has been reviewed. Some remediation works will be required to facilitate the development and a condition to secure the details of this will be needed, along with the submission of a verification plan once the works have been completed.

Trees/Ecology

64. The supporting Arboricultural Impact Assessment identifies a total of thirteen individual trees within and immediately adjacent to the application site. The assessment has categorised trees in accordance with Table 1 of BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations on the basis of tree quality and value and considers the impact of the proposed development and the number and quality of trees that would need to be removed to facilitate development.
65. All trees within the site will be retained, in addition, the proposed development would afford the opportunity to secure new tree planting and indeed other planting by condition that could potential realise both a quantitative and qualitative enhancement in terms of trees in the longer term. The Council's Arboricultural Officer raises no objection to the application and a number of safeguarding conditions are recommended to ensure the integrity of the trees during construction.
66. Where, exceptionally, the strategic benefits of a development clearly outweigh the importance of a local nature conservation site, species, habitat or geological

feature, damage must be minimised. Any remaining impacts, including any reduction in area, must be fully mitigated. Compensation will only be accepted in exceptional circumstances. A mitigation strategy must accompany relevant planning applications.

67. The submitted ecological survey states that the site is formed of a mix of neutral semi-improved grassland and tall ruderal vegetation. There is a short section of hedge planned for removal to facilitate the access. Mature oak trees line the southwest and southeast boundaries, some of which have clearly visible potential roost features for bats. The nearest records of badgers are at a site approximately 570m away recorded in 2000. On this site, some tracks were visible through the grassland, most commonly along the northern end of the site with spurs leading to the gardens that could indicate they were created by domestic animals. No latrines, prints or hairs were found to indicate the site had been used by badgers. No sett entrances were found in the immediate surroundings or on site. The trees and hedgerows around the site offer suitable habitat for nesting birds. No evidence of ground nesting birds was seen amongst the grassland. Nest boxes were seen on some trees, but no evidence of occupation was seen, and some of the boxes were in a poor state of repair. No suitable habitat for amphibians or reptiles was found on site, no potential refugia or hibernacula were seen on site. There was also no evidence of invasive species on the site.

68. The submitted report includes a number of mitigation measures to reduce disturbance during construction and then to encourage the biodiversity of the site by a series of measures including the planting of wildflower areas, provision of roosting opportunities for bats; hedgehog holes; bird nesting boxes and bug houses. This can be controlled by condition.

69. In accordance with Policy ENV1 the full assessment of the site which has been undertaken for the proposed development establishes that the development will not lead to adverse impacts upon important habitat, species, or geological features. The proposed development is expected to positively contribute to the natural

environment and ongoing management will be delivered through the management plan which is secured by way of planning condition.

70. Further, a Construction Environmental Management Plan (CEMP) to set out measures to be put in place during the construction phase of the development, to ensure no negative impact on those receptors identified in the Ecological Report can be secured by way of condition.

Drainage

71. The site is located in Flood Zone 1 and there are no critical drainage issues associated with the site as would be identified by the Environment Agency. The use of sustainable urban drainage systems (SuDS) has been considered. The surface water from the site has to discharge, in order of priority, to either an adequate soakaway system, a suitable watercourse or to a sewer. As the near-surface geology comprises clay soil, it is considered that surface water from the development would not be efficiently discharged by soakaway drainage and an alternative drainage solution of an on-site attenuated storm water system is proposed. This consists of underground storm water storage tanks in conjunction with a hydro-brake to control/restrict the storm water run-off rates to an agreed discharge rate into the sewer network.

72. The Lead Local Flooding Authority have reviewed the submitted information and consider this to be insufficient to fully demonstrate that it is an acceptable drainage strategy. However, upon reading their comments in detail they are requesting further information about the proposed drainage scheme to ensure it is provided appropriately and information regarding the use of permeable materials, rainwater harvesting; a SuDS Operation and Maintenance strategy and details of finished floor levels are requested. These are matters that the Local Planning Authority can request by appropriately worded pre-commencement conditions being attached to any permission, an approach which is adopted on planning applications across the whole borough.

73. As such, it is considered that subject to the above-mentioned conditions, that a suitable drainage strategy for the site can be adopted and achieved and it would not be sufficient reason to refuse the application on this matter in this instance.

74. Severn Trent Water have raised no objection to the application and request a condition in relation to mains drainage, as is standard practice.

Financial Material Considerations

75. Clause (124) of the Localism Act states that: Local planning authorities are to have regard to material considerations in dealing with applications including any local finance considerations, so far as material to the application. A 'local finance consideration' may be taken to cover the payment of New Homes Bonus, or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy (CIL).

76. The clause does not change the law in any way. It is not a new basis for planning policy, and it remains unlawful for planning permissions to be 'bought.'

77. This proposal would provide fourteen new dwellings generating a New Homes Bonus grant of fourteen times the national average council tax for the relevant bands.

78. The proposal is fully liable for CIL and is identified under Map 1 at a rate of £27.41 per square metre. Based on a CIL Liable floorspace of 1678 square metres the CIL Charge is calculated at £45,993.98.

CONCLUSION

79. The proposed development is acceptable in principle. Submitted information and revisions to proposals have confirmed that the scheme will constitute a sustainable development which is acceptable on in terms of both National and Local planning policy. The development is considered to have mitigated planning harm and subject

to the imposition of appropriate conditions will have addressed physical and natural impacts arising from and to the surrounding environment.

RECOMMENDATION

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

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: WHB-SA[20]0001 Rev P01 – Site Location Plan; WHB-SA[20]0010 Rev P05 – Site Plan as Proposed; WHB-SA[20]002 Rev P01 – Site Survey Plan; WHB-SA[21]0001 Rev P01 – Site Sections (Sheet 1); WHB-SA[21]0002 Rev P0 – Site Sections (Sheet 2); MAJ-G-P/4HA-01 Rev E – 4B House A- SHAKESPEARE; MAJ-G-P/4HA-02 Rev A – 4B House A- SHAKESPEARE; MAJ-G-P/4.02-01 Rev D Crofton (4.02); MAJ-G-P/4.02-02 Rev A Crofton (4.02); MAJ-G-P/4.01-01 Rev C Beckbury (4.01); MAJ-G-P/4.01-02 Rev A Beckbury (4.01); MAJ-G-P/3.02-01 Rev E Brocton (4.02) Type 1; G-SG2-MAJ1 Rev B Single Garage; G-SG2-MAJ2 Rev B Single Garage Details; G-SG2-MAJ3 Twin Garage Details; G-SG2-MAJ4 Rev A Single Garage Details (6318 x 3206);
REASON: For the avoidance of doubt and in the interests of proper planning.
3. No development shall commence until a detailed remediation scheme to protect the development from the effects of such contamination has been submitted to and approved in writing by the Local Planning Authority. A validation and verification plan must be formulated, form part of the remediation scheme and be approved by the Local Planning Authority. Following approval, such remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.
REASON: These details are required prior to the commencement of development to ensure that the risks associated with any contamination are reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land.
4. Following implementation and completion of the approved remediation scheme (required by condition 3 above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

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

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

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

6. No above ground development shall commence until a schedule of the types, colours and textures of the materials to be used on the external surfaces of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the visual amenities of the area and to comply with BCCS Policies CSP4 - Place-Making and ENV2 - Historic Character and Local Distinctiveness and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part)

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

REASON: In the interests of creating a sustainable form of development and to encourage the use of ultra low emission vehicles in accordance with Policies ENV8 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy.

8. In order to minimise the impact of the development on local air quality, any gas boilers provided within the development must meet a dry NO_x emission concentration rate of <40mg/kWh. The specification of the gas boilers shall be submitted to and approved in writing by the Local Planning Authority and the approved specification of boilers shall thereafter be fitted in accordance with such details.

Reason: To safeguard the air quality of the Borough which is an Air Quality

Management Area in compliance with the Black Country Core Strategy Policy ENV8 and the adopted Air Quality SPD.

9. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), with the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - Include a timetable for its implementation; and
 - Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout the lifetime of the development.None of the development shall be occupied until surface water drainage works have been implemented in accordance with the approved details.

REASON: In the interests of sustainability, reducing flood risk and run off and to comply with Adopted BCCS Policy ENV5 - Flood Risk, Sustainable Drainage Systems and Urban Heat Island.
10. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of the works for the disposal of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. All works shall be completed in accordance with the approved details prior to the occupation of the development hereby approved. The approved works shall thereafter be retained for the life of the development.

REASON: In the interests of sustainability, reducing flood risk, run off and pollution of watercourses and to comply with Adopted BCCS Policy ENV5 - Flood Risk, Sustainable Drainage Systems and Urban Heat Island and Borough Development Strategy 2017 Policy S5 Minimising Flood Risk and Sustainable Drainage Systems (SuDS).
11. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of the access(es) into the site, together with parking and turning area(s) [including details of lines, widths, levels, gradients, cross sections, drainage and lighting] have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the access(es) into the site, together with parking and turning area(s) within the site have been laid out in accordance with the approved details. These area(s) shall thereafter be retained and not be used for any other purpose for the life of the development.

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

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

12. No part of the development shall be occupied until visibility splays to the new accesses have been provided at the junction between the proposed means of access and the highway with an 'x' set back distance of 2.4m metres and a 'y' distance of 59 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings
13. No development shall commence (excluding demolition, site clearance and initial ground works) until full details of soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details must include, where appropriate, planting plans, written specifications, a schedule of plants including species, plant sizes and proposed numbers/densities and a programme of implementation. Plans must also include accurate plotting of all existing landscape features. The agreed scheme shall be implemented in accordance with the approved details within the first planting season following the first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.
Any trees or shrubs planted in pursuance of this permission including any planting in replacement for it which is removed, uprooted, severely damaged, destroyed or dies within a period of five years from the date of planting shall be replaced by trees or shrubs of the same size and species and in the same place unless otherwise agreed in writing by the Local Planning Authority.
REASON: In order to make a positive contribution to place-making and provide a high quality landscaping and to ensure that the approved landscaping is properly maintained in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part). This detail is required pre commencement (excluding demolition, site clearance and initial ground works) as landscaping is integral to providing a high quality and sustainable development.
14. The development shall not be first occupied until a schedule of landscape maintenance to the areas of open space and any communal areas (excluding private gardens), including details of its implementation for a minimum period of five years from first planting has been submitted to and approved in writing by the Local Planning Authority. The open space and any communal areas shall thereafter be cared for in accordance landscape maintenance scheme.
REASON: In order to make a positive contribution to place-making and provide a high quality landscaping and to ensure that the approved landscaping is properly maintained in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban Design and

- Policy L1 Housing Development, extensions and alterations to existing dwellings
Policy D2 Incompatible Land Uses (in part) and LR1 - Open Space
15. No above ground development shall commence until details of the types, colours and textures of the materials to be used in the hard surfacing of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing with the local planning authority.
REASON: In order to make a positive contribution to place-making and provide a high quality landscaping in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision Borough Development Strategy 2017 Policy S6 Urban Design and
Policy L1 Housing Development, extensions and alterations to existing dwellings
Policy D2 Incompatible Land Uses (in part)
This detail is required as landscaping is integral to providing a high quality and sustainable development.
16. No above ground development shall begin until details of the types, sizes and locations of the boundary treatments around the site and between the proposed plots has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be carried out in complete accordance with the approved details prior to the occupation of the dwellings hereby approved and shall thereafter retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority
REASON: In order to make a positive contribution to place-making and provide a high quality public realm in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban Design and
Policy L1 Housing Development, extensions and alterations to existing dwellings
Policy D2 Incompatible Land Uses (in part)
This detail is required prior to the commencement of above ground works as the required works may need to be incorporated into buildings on the site and as well as needing to protect the amenity of existing and proposed occupiers.
17. The development hereby by approved shall not be first occupied until the nature conservation enhancement and/or mitigation works which are recommended within the submitted nature conservation report/assessment have been undertaken and completed. The nature conservation enhancement and/or mitigation works shall thereafter be retained and maintained in accordance with the recommendations of the nature conservation report/assessment / or for the life time of the development.
REASON: To ensure the provision, protection and maintenance of the site's ecology and comply with BCCS Policies ENV1 - Nature Conservation, CSP3 Environmental Infrastructure and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S21 Nature Conservation Enhancement, Mitigation and Compensation
Policy S5 - Minimising Flood Risk and Sustainable Drainage Systems (in part) and Policy S21 Nature Conservation Enhancement, Mitigation and

Compensation Policy S20 The Borough's Geology (in part) Policy S1 Presumption in favour of Sustainable Development (in part)

18. No development shall commence (including demolition, site clearance and initial ground works) until a Construction Ecological Management Plan (CEcMP) has been created to minimise the potential impact during the construction stage on the existing ecology of the wider Potential Site of Importance. This shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the approved recommendations and method statement(s) of the agreed ecological survey and assessment.

REASON: In order to enhance, encourage and protect the nature conservation value of the site and in accordance with BCCS Policies ENV1 - Nature Conservation, CSP3 Environmental Infrastructure and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S19 Dudley Borough's Green Network (in part), Policy S21 Nature Conservation Enhancement, Mitigation and Compensation, and Policy S1 Presumption in favour of Sustainable Development (in part)

This detail is required prior to the commencement of development in case species which are legally protected are present

19. The development shall be first occupied/used until details of the bin stores have been submitted to and approved in writing by the Local Planning Authority. The bin stores shall be provided in accordance with the approved details prior to the first use/occupation of the development and shall thereafter be retained and maintained for no other purpose for the life of the development.

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

20. No development shall commence (excluding demolition, site clearance and initial ground works) until detailed plans and sections showing existing site levels and proposed ground floor levels of the dwellings and adjacent garden levels have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in complete accordance with the approved details.

REASON: In the interests of the visual amenities of the area and to safeguard the amenities of occupants of neighbouring properties and to comply with BCCS Policies CSP4 - Place-Making and ENV2 - Historic Character and Local Distinctiveness and Borough Development Strategy 2017 Policy Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part).

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

REASON: To minimise the impacts to air quality associated with the

development and to protect the health and well being of residents in accordance with BCCS Policy ENV8 - Air Quality.

22. At least 10% of the energy supply of the development shall be secured on site from renewable or low-carbon energy sources. Details and a timetable showing how this is to be achieved for each phase of development including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement (excluding demotion, site clearance and grounds works) for that phase. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter or the use of the building, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To reduce the impact of climate change and to comply with BCCS Policy ENV 7 and the Renewable Energy SPD
23. No development shall commence until details of the tree protection measures on site have been submitted to and approved in writing by the Local Planning Authority. The agreed tree protection measures shall be erected / installed prior to the commencement of the development (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery), and shall not be taken down moved or amended in any way without prior written approval of the local planning authority. The tree protection details shall include:
- a. A plan showing the location and identification (with reference to a survey schedule if necessary) of all trees on, or directly adjacent to the development site, that are to be retained during construction. These trees are to be marked with a continuous outline.
 - b. A plan showing the location and identification (with reference to a survey schedule if necessary) of all the trees on, or directly adjacent to the development site that are to be removed prior to, or during development. These trees are to be marked with a dashed outline.
 - c. A plan showing the extent of the Root Protection Area, which is to be protected by physical barriers during development. The extent of the area that is to be protected will be calculated in accordance with Clause 4.6 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction- Recommendations'.
 - d. Design details of the proposed protective barriers and ground protection to be erected around the trees during development. Any protection barriers should be designed and constructed in accordance with the provisions set out in section 6.2 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction- Recommendations'.
- Reason: To ensure that those trees and hedges to be retained on the development site are not subject to damage because of either works carried out on site or during the carrying out of such works in accordance with Saved UDP Policy NC10 - The Urban Forest. This detail is required prior to the commencement of development to ensure trees which are shown to be retained or are legally protected are not damaged during the construction process.
24. No development shall commence nor shall any other operations commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access

construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall commence on site until the approved tree felling and pruning works have been completed. All tree felling and pruning shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998 (2010) Recommendations for Tree Work.

Reason: To ensure that all tree works carried out on site are appropriate and justified in line with the proposed development and the safeguarding of the visual and environmental amenity in accordance with Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part). This detail is required prior to the commencement of development to ensure trees which are shown to be retained or are legally protected are not damaged during the construction process.

25. No development shall commence nor shall any other operations commence on site or in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed service (gas, electricity and telecoms) and foul and surface water drainage layout has been submitted to and approved in writing by the Local Planning Authority. Such layout shall provide for the long term retention of the trees and demonstrate no raising of land levels around the trees. No development or other operations shall take place except in complete accordance with the approved service/drainage layout.

Reason: To ensure that existing trees are not damaged through the loss of roots, to maintain the visual and environmental quality of the site and surrounding area in accordance with Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part). This detail is required prior to the commencement of development to ensure trees which are shown to be retained or are legally protected are not damaged during the construction process.

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

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

27. Demolition or construction works shall not take place outside the hours of 07:00 to 18:00 hours Mondays to Fridays and 08:00 hours to 17:00 hours on Saturdays nor at any time on Sundays or Public Holidays

REASON: To protect the amenities of nearby residents in accordance with

Borough Development Strategy 2017 Policy D5 Noise Pollution, Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part).

PROJECT ARCHITECTS TO BE NOTIFIED OF ANY DISCREPANCIES TO THE CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE. THIS DRAWING IS COPYRIGHT.



Orientation

Schedule of Area

Key

P01 - Planning issue	30.04.22
P02 - Preliminary issue	24.03.21
Rev	Description
	Date



Whitebox Architecture + Design
3 Kenswick Manor
Lower Broadheath
Worcester, WR2 6QB

Client

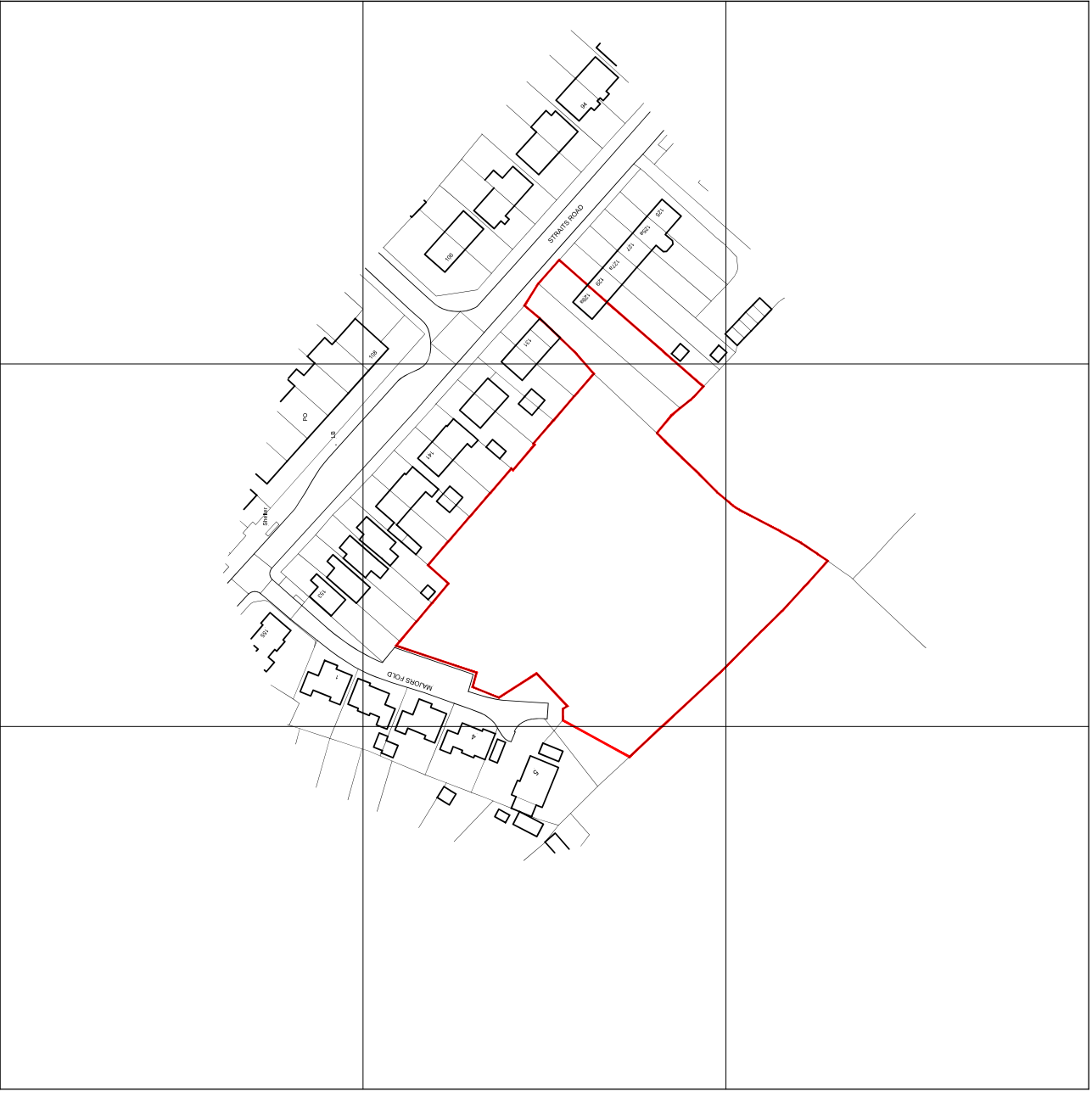


Project: MAJORS FOLD, STRAITS ROAD
LOWER GORNAL DUDLEY

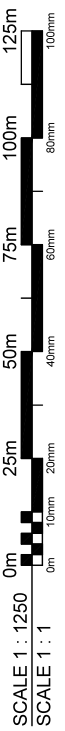
Drawing Title: SITE LOCATION PLAN

Project No.	Drawn By	Revision
Scale	Date	Drawn By
1:1250@A3	24.03.21	WHB
Status	PLANNING	

3899000m 3900000m 3901000m 3902000m



291700m 291800m 291900m 292000m




SCALE 1 : 1250
SCALE 1 : 1

01

SITE LOCATION PLAN

PROJECT ARCHITECT TO BE NOTIFIED OF ANY CHANGES TO THE PROPOSED SITE PLAN BY THE CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE. THIS DRAWING IS COPYRIGHT.

Orientation



Schedule of Area

Site Area	7,170 m ²
Pk1 1	Crofton 4 Bed 7 Person 1248 sq.ft
Pk1 2	Beckbury 4 Bed 8 Person 1498 sq.ft
Pk1 3	Brocton 3 Bed 5 Person 904 sq.ft
Pk1 4	Brocton 3 Bed 5 Person 904 sq.ft
Pk1 5	Brocton 3 Bed 5 Person 904 sq.ft
Pk1 6	Brocton 3 Bed 5 Person 904 sq.ft
Pk1 7	Beckbury 4 Bed 8 Person 1498 sq.ft
Pk1 8	Crofton 4 Bed 7 Person 1248 sq.ft
Pk1 9	Crofton 4 Bed 7 Person 1248 sq.ft
Pk1 10	Shakespear 4 Bed 7 Person 1615 sq.ft
Pk1 11	Shakespear 4 Bed 7 Person 1615 sq.ft
Pk1 12	Shakespear 4 Bed 7 Person 1615 sq.ft
Pk1 13	Shakespear 4 Bed 7 Person 1615 sq.ft
Pk1 14	Crofton 4 Bed 7 Person 1248 sq.ft
Total GFA	18,990 sq.ft

Key

- Root Protection Area (RPA)
- Existing tree (retained)
- New tree planting to Landscape
- Architect's details
- New soft landscaping to Landscape
- Architect's details
- New hard landscaping to Landscape
- Architect's details

Rev	Description	Date
P05	Access amended to LPA comments	21.06.23
P04	Planning Issue	16.01.23
P03	Planning Issue	29.04.22
P02	Updated to client's comments	28.04.22
P01	Updated to client's comments	27.04.22
P00	Preliminary Issue	22.04.22



Whiteley Architects + Design
3 Kenswick Manor
Lower Broadheath
Worcester WR2 6QB

Client

Project
LAND AT MAJORS ROAD, STRAITS ROAD
LOWER BROADHEATH, WORCESTER

Drawing Title
SITE PLAN AS PROPOSED

Project No.
10119

Drawing No.
WB-SP-010

Date
23.04.22

Drawn By
JMB/SJ

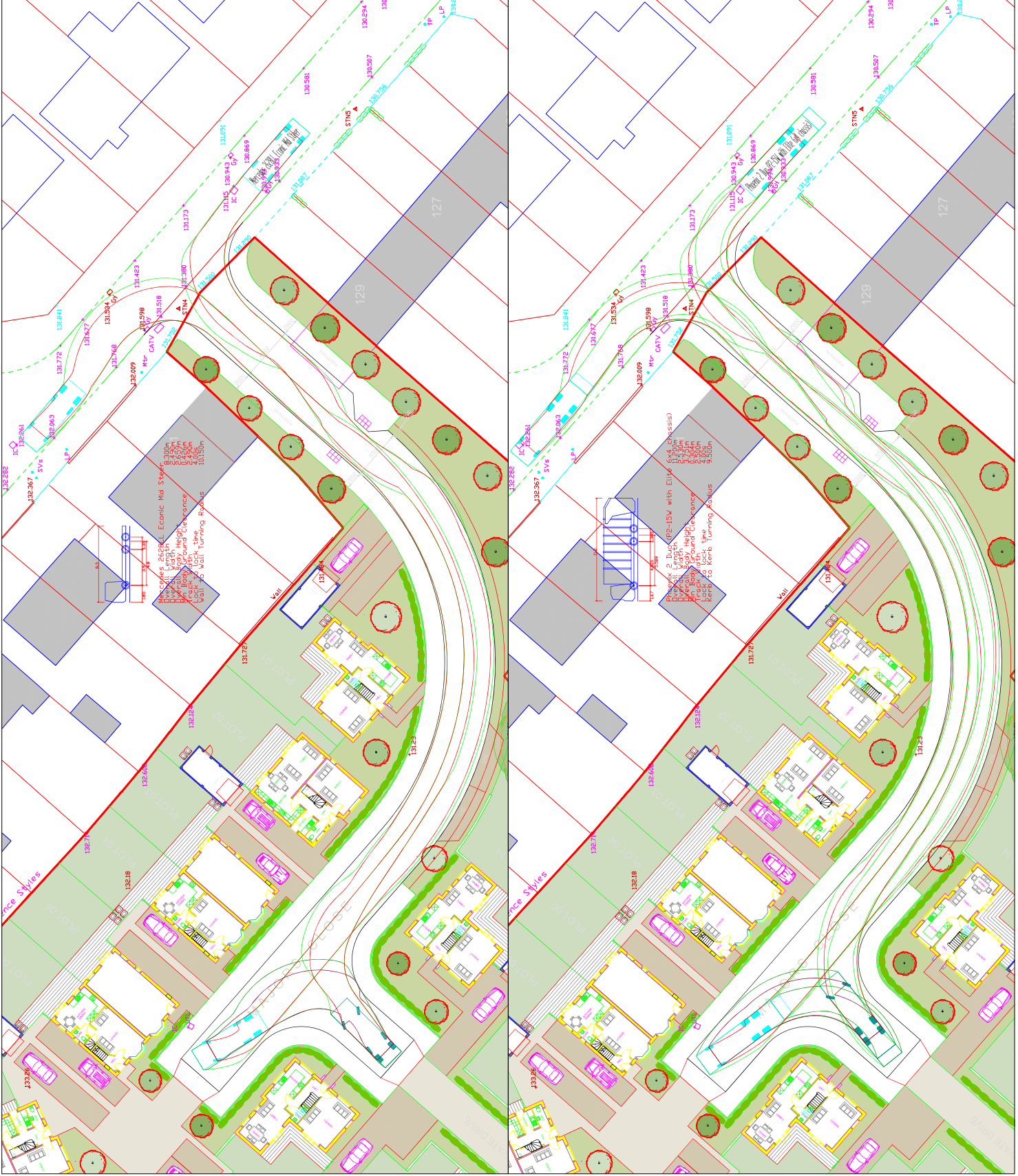
Checked By
JMB

Status
PLANNING



01 SITE PLAN AS PROPOSED
1:250

rev.	amendment	checked	date



Meeting of Planning Committee – 26th July 2023

Report of the Director of Regeneration & Enterprise

Adoption of the Residential Design Guide Supplementary Planning Document (SPD)

Purpose of report

1. To inform Planning Committee of the adoption of the Residential Design Guide SPD by Cabinet on the 28th June 2023

Recommendations

2. It is recommended:-
 - That Planning Committee notes the adoption of the Residential Design Guide SPD on the 28th June 2023, which replaces the New Housing SPD and Planning Guidance Notes 17 (House Extensions) and 12 (45 Degree Code).

Background

3. The previous 'New Housing Development Supplementary Planning Document (SPD)' was adopted in 2007 and updated in 2013. The aim of the SPD is to provide guidance in relation to residential design and density, ensuring that local context and distinctiveness help define successful housing development. The revised SPD will be used to inform decisions on planning applications relating to new residential developments as well as household extensions and other residential related uses.
4. The updated SPD incorporates the Council's Planning Guidance Note (PGN) 17 – 'House Extensions' thus bringing all guidance relating to new housing developments and residential extensions into one document. Additionally, it will reflect revisions to the NPPF regarding the importance of

design and sustainability and ensure that the guidance is future-proofed against further changes to local and national policies.

5. The updated SPD is retitled 'Residential Design Guide' SPD and intends to provide localised guidance with respect to design and density to ensure that residential applications, including new housing development and householder extensions, respect local character and identity of the borough and achieve a high level of design.
6. The SPD includes new sections and guidance to address changes to people's living and working environments following the Covid-19 Pandemic, such as a move to greater home working and running a business from home. It also includes guidance in relation to the Council's approach to assessing applications for Homes of Multiple Occupancy (HMOs) and Children's Care Homes.
7. The updated SPD continues to include details of appropriate density for housing development and provides new guidance on the implementation of high-density developments. This is to ensure that any future high-density schemes are located in appropriate locations and achieve a high level of design.
8. It should be noted that the new SPD does not include any new housing allocations or housing related policies but instead provides guidance and additional details for applicants and their agents when submitting planning applications for residential development.

Consultation

9. This report has already been consulted on internally for the Cabinet process. The SPD was adopted at Cabinet on 28th June 2023.

In terms of public consultation, Cabinet approved, a six-week public consultation from 9th January 2023 to 20th February 2023 on the draft SPD on 14th December 2022. During the consultation period a total of 12 representations were received and a number of comments made within these representations have been incorporated into the final SPD (Appendix 1).

10. In accordance with the Town and County Planning (Local Development) (England) Regulations (as amended), the council must make available for inspection the finalised SPD, the Consultation Statement (Appendix 2) setting out the main issues raised from the representations received and how these have been addressed in the SPD, as well as an Adoption Statement (Appendix 4).

11. A list of comments received from the public consultation, as well as the Council's response to them are included within the Consultation Statement (Appendix 2)
12. Following the approval for adoption, the SPD will be used to inform decisions on planning applications and is now available on the Council's [Residential Design Guide SPD web page](#).

Finance

13. All costs associated with the review and adoption of the Residential Design SPD has been funded from existing budgets and resources.

Law

14. Following consultation and adoption, the 'Residential Design SPD' is a material consideration in the determination of planning applications. The SPD was prepared and adopted under the provisions of the Planning and Compulsory Purchase Act (2004) and the Town and Country Planning (Local Development) (England) Regulations (2012).

Risk Management

15. There are not considered to be any material risks from this report.

Equality Impact

16. An Equalities Impact Assessment has been undertaken and is attached in Appendix 3. The assessment found that the SPD had no specific impacts on protected characteristics. The Residential Design Guide SPD will lead to improved, well design and accessible new developments.
17. The SPD provides guidance relating to the mix and type of tenures which will have a positive impact on younger people's needs as well as older people.

Human Resources/Organisational Development

18. It is considered that there is no additional human resources or organisational development implications resulting from this report. Work on the Residential Design SPD is carried out by the Planning Policy Team in the Regeneration & Enterprise Directorate with assistance from officers in other Departments where necessary.

Commercial/Procurement

19. There are not considered to be any commercial/procurement implications because of this report.

Environment/Climate Change

20. Meeting the challenge of climate change is a core principle of the Residential Design SPD. The SPD states that places should be shaped in ways that 'contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'

Council Priorities and Projects

21. The SPD will support the Council's priorities to be the 'Destination of Choice' and the 'Safe and Healthy Borough' by ensuring housing developments that are well designed, more accessible and built to higher environmental standards that reduces emissions and creates a sense of place.
22. In addition, the proposed interventions will support the aspirations of the Dudley Borough Vision 2030 by creating healthy, attractive environments where people want to live and have opportunities for recreation from their doorstep.



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Appendices

Avoid attaching lengthy Appendices and consider alternatives (e.g.: hyperlinks or include a summary in the main report).

Include a list of Appendices in the background documents below.

- Appendix 1 – Residential Design SPD (June 2023)
- Appendix 2 – Consultation Statement (May 2023)
- Appendix 3 – Residential Design Supplementary Planning Document – Equalities Impact Assessment May 2023
- Adoption Statement (June 2023)

List of Background Documents

- *New Housing SPD (2013) - <https://www.dudley.gov.uk/media/6495/final-new-housing-spd-2013-web.pdf>*
- *Planning Guidance Note 17 – Housing - <https://www.dudley.gov.uk/media/6580/planningguidancenote17.pdf>*



Consultation Statement – Residential Design Guide Supplementary Planning Document (SPD)

The council has produced an overarching Statement of Community Involvement (SCI), which explains how local communities and stakeholders can be involved in the production of the SPD. In connection with the preparation of the Residential Design Guide SPD, a consultation statement has been produced which demonstrates who has been consulted and how we have engaged with local people and other interested parties during the preparation stages of the SPD.

A six week consultation on the draft of the Residential Design SPD took place between Monday 9th January 2023 to Monday 20th February 2023. In accordance with the Council's Statement of Community Involvement all Statutory Consultees were consulted along with other key stakeholders considered appropriate. In addition, residents and organisations on the Dudley Local Plan Consultation Database and agents/developers who regularly submit planning applications in the Borough were contacted.

The consultation was advertised via the Council's website and social media channels and copies of the draft SPD were available to view in the following locations:

- Dudley Council House
- Dudley Library
- Brierley Hill Library
- Stourbridge Library
- Halesowen Library

A total of 12 representation were made on the draft SPD and are summarised in the table below.

Respondent	Summary of Response	Officer's Recommendation
<p>Cllr Adam Davies</p>	<p>Section 1, reference High Density Developments, states: <i>“High density developments over 50dph may be acceptable in certain locations and character areas within the borough, such as in the Strategic and Town Centres, particularly around sustainable transport nodes. High Density developments should be well designed, respect the character and identity of the surrounding area and create a sense of place.”</i></p> <p>This follows Figure 4 which is titled “Transport corridors within the Borough” – however, Figure 4 does not actually show current transport corridors but in some cases proposed transport corridors, namely Metro stops in and around Brierley Hill, even though these stops have not been built yet</p> <p>Therefore, I think it would be wrong to encourage high density developments in Brierley Hill on the basis that they would be “around a sustainable transport node” that does not yet exist. If, as we hope, these Metro stops are built and come into use in the near future, this could then be considered in future SPD updates.</p>	<p>NPPF Chapter 11 [Making effective use of land] paragraph 125 states:</p> <p><i>Plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport.</i></p> <p>In line with the NPPF a higher density is proposed to be acceptable in some centre locations to ensure that effective use of land is met.</p> <p>Additionally, the typical densities are only indicative figures, and any scheme would need to demonstrate respect for the local character of the area.</p>
<p>Cllr Adam Davies</p>	<p>Reference to High Density Developments. Encouraging more high density developments in and around town centres like Brierley Hill without regard for the fact this would be adding more smaller (likely 1 and 2 bedroom) properties to an area where these likely already make up a disproportionately high percentage of the local housing</p>	<p>High Density developments do not need to be exclusively small 1 and 2 bed units. Paragraph 5 of the High Density section includes reference to high density developments that include town houses</p>

	<p>stock, risks overloading these areas with properties that are more catered to people who do not intend to stay in that area for more than a few years before moving onto their next home. This risks the situation where a disproportionately high number of residents are transient and do not 'lay down roots' in the community in the way that residents naturally do when settling down into what they perceive to be their long term or family home.</p> <p>Therefore, I would like to see some consideration being given in this guide/document to the existing housing stock in all areas, including town centres, and for efforts to then be made to encourage a healthy mix of developments that ensure provision of a range of property sizes – catering for individuals who may be getting on the property ladder with the purchase of a 1 bedroom property as their first home, as well as for families who may be looking for a property where they can settle with 3 or 4 bedrooms. This should help encourage provision of the homes that people need, and ensure that these are in stable communities, wherever in the borough they may be located.</p>	<p>(Eg. 3 storey homes) and family homes, to <i>provide a range of accommodation to meet market demand.</i></p> <p>Additional text has been added to make it clearer that proposed developments should provide a range of homes including long-term or family homes to ensure that there is an appropriate range of housing types available.</p> <p>In regard to encouraging a mix of property sizes, section 2 contains a paragraph on housing mix. This suggests housing mix being provided in line with local policies (e.g. BCCS Policy HOU2) Additional reference to the need for housing mix has been added to the section titled '<i>A range of property types and sizes</i>' Page 13. to strengthen this point.</p>
<p>Cllr Adam Davies</p>	<p>The draft guide/document does not provide parking provision for HMOs. I think this ignores the fundamental reality that residents of HMOs are likely to be car owners and will thus need somewhere to park their car.</p> <p>Therefore, I would like to see the guide/document changed to specifically include a parking provision requirement for HMOs in the same way that many other local authorities do.</p>	<p>This SPD does not supersede the adopted Parking SPD. The Parking SPD and any updated versions are signposted in the document.</p> <p>Wording has been added which suggests that parking should be in line with the Parking SPD (as amended). There will be</p>

	<p>For example, South Gloucestershire Council require that: <i>“Where planning permission is required for a House in Multiple Occupation (HMO), the minimum number of 0.5 car parking spaces per bedroom should be provided (rounded up to the nearest whole number of spaces).”</i></p> <p>With more car drivers also moving over to electric/plug in hybrid vehicles each year, I think it would be sensible for the SPD to include a requirement for parking provision to be designed with this in mind where possible.</p> <p>As well as the above changes to the draft SPD, I would also like to see DMBC adopting a HMO specific SPD similar to the one adopted by South Gloucestershire Council.</p>	<p>an opportunity to comment on the amended Parking SPD when it is published for consultation in late 2023.</p> <p>In relation to electric vehicle charging – this is required for new developments through the Parking SPD, however reference to this requirement has been made in the SPD (Page 32 Section 2 - Electric Charging Points). In addition, electric vehicle charging is now required through building regulations [Part S of Schedule 1, Building Regulations 2010 (2022)] (which sits outside of the remit of this SPD).</p> <p>Housing policies, <u>which</u> <u>take</u>ing account of HMO development, is being considered as part of the Dudley Local Plan process.</p>
<p>Sue Harris – Wall Heath & Kingswinford Greenbelt Group</p>	<p>Clarification in relation to how the Planning Department would enforce the ‘Climate Change’ issues listed on page 20 of the consultation document (provided they are agreed), on future housing developers/developments via:</p> <ul style="list-style-type: none"> Solar Water Heating Small Wind Turbine Loft Insulation Runoff Water Usage Ventilation with Heat Recovery Composting and recycling 	<p>The SPD sets out guidance for new developments but does not create new policy. The existing policies in the Black Country Core Strategy and Dudley Borough Development Strategy set out what is required from developments. The SPD provides additional guidance on other initiatives which could be incorporated into schemes to create a well-designed and sustainable developments.</p>

	<p>Cavity Wall Insulation Ground source Heat Pump Smart Metering Elec Vehicle Charging Facility Double Glazing Photovoltaic Electricity</p>	
<p>Sue Harris – Wall Heath & Kingswinford Greenbelt Group</p>	<p>1. Specific Policy for Climate Change... I noted that Policies S3 – Renewable Energy and S7 - Landscape Design, encompass climate change issues, but is there a generic Policy Statement detailing the Council’s commitment to tackling Climate Change currently in place, or in the pipeline?</p> <p>3. Would the best practice guidance set out in the National Design Guide be enforced by the Planning Department, specifically the 10 listed characteristics which help to sustain a sense of community and work to address climate related issues together with the criteria contained in the West Midlands Design Guide?</p>	<p>The SPD sets out guidance for new developments but does not create new policy. The existing policies in the Black Country Core Strategy and Dudley Borough Development Strategy set out what is required from developments. The SPD provides additional guidance on what additional works would create a well-designed and sustainable development.</p>
<p>Martin Redden (resident)</p>	<p>I'm excited to be asked to participate in the New Housing Consultation. Like many people this is something that I feel strongly about. I feel that we need to move on from the idea that towns are bad and green belt is good. Just because there are many bad towns, it doesn't mean that we can't ever build nice ones.</p> <p>We build houses the same way as we did in the 1930s. There doesn't seem to be any Imagination to new builds. Perhaps it's because the town planning idealism of the 1960s and 1970s is seen</p>	<p>This SPD sets out guidance to ensure that new residential developments within Dudley borough achieve a high level of design and create a well built and beautiful borough.</p> <p>In regard to the conflict between cars, pedestrians and sustainable design, there are sections within the document relating to the importance of sustainable transport</p>

	<p>as leaving us with 'rough estates', that we now only seem to build modern versions of the 1930s semi.</p> <p>I'm always going around telling anyone who'll listen to me that if we built nice towns, then we wouldn't feel so protective about the green belt. People get misty eyed about smelly working farms and quagmires of mud. If we built a beautiful town, perhaps like the model villages of Bournville, Port Sunlight, Letchworth etc, then people would not only love to live there, but they wouldn't feel the need to travel away to holidays all the</p> <p>Going back to the 1930s design. You wouldn't design a factory the way that we design roads and houses, on the grounds of safety. Factories wouldn't put vehicles and pedestrians in the same area. In most roads in Dudley Borough you can't walk down the pavement without bumping into parked cars, or having to avoid those same cars as they drive off or avoiding people reversing off their drive. I have a simple solution cars at the back, in a service road, and then have the pedestrians using a front exit into beautiful parklands with footpaths, trees and flowers.</p> <p>And that brings me onto another thing, parks. I don't agree with parks, the way that they are implemented in most places, including Dudley. People should live in the parks, not have to travel to them for a day out. The houses, should be in the parks. I'm describing something like Bournville, I think those model villages and garden cities should be a start for planning in Dudley Borough. Mary Stevens parks should cover the whole of Stourbridge and</p>	<p>methods such as walking and reducing the emphasis on car-centric design. However, reference on car parking being located within 2m of the entrance of dwelling (as opposed to remote parking as suggested in the response) is to ensure that parking is used by residents and reduces on street parking.</p> <p>Regarding flooding and tarmacking, most frontages are paved under permitted development, however this does require materials to be permeable in order to reduce surface water flooding. In addition, the document does set out that proposals for new developments incorporate SuDs (Sustainable Urban Drainage) to reduce the impact of flooding in line with national and local policies. In addition, the importance of landscaping is also detailed in the document.</p>
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	<p>there should be houses, schools and shops in that same park.</p> <p>If we built a model village on green belt, then people would see that it was an improvement to the smelly muddy farms that were there before. I'm not talking about building on important areas of natural beauty such as Clent and Kinver.</p> <p>One last thing, - downstream flooding. If the front of our upland houses in Dudley were parkland, rather than block paving or tarmac to accommodate the car that endangers pedestrians every time it reverses off; then perhaps the poor residents who live near the River Severn wouldn't get flooded every time we have a bit of rain in Dudley</p> <p>Dudley Garden City – now there's an idea for the council</p>	
<p>P Hind (Resident)</p>	<p>The statement below are essential to our future Dudley –</p> <ul style="list-style-type: none"> • Pedestrian and cycling priority, not vehicle priority • Good cycling infrastructure • Provide clear and legible pedestrian/cycle routes which encourage active and continual use ie. Active travel. <p>All the above will greatly improve air quality, especially everyone's health therefore reducing costs to NHS. Also accessibility for non-car owner and those who do not have car access. Also environmental and quality of life benefits or all communities.</p> <p>Sadly, the SPD does not see safety and security as an issue, which discourages people from travelling actively. Especially or women and children. Safety and security must be improved in particular areas of Dudley are not safe to walk/cycle through therefore more</p>	<p>The SPD provides guidance on new housing developments and alterations to residential properties. Page 22 includes a section on reducing the emphasis on car-centric design and sustainable movement. This provides guidance on how new developments should focus on providing other methods of transport to car travel. This includes a section on encouraging the use of active travel, outlining the benefits it has on healthier lifestyles.</p> <p>Regarding safety and security, the Council has an adopted Secured by Design SPD</p>

	<p>people use cars instead. Future plans must reassure everyone this issues is being addressed</p>	<p>(signposted in the document on page 22) which sets out the principles on how to create safe and accessible developments. The SPD encourages the active and continual use of pedestrian and cycle routes.</p>
<p>Canal and River Trust</p>	<p>The Trust requests that policy ENV4 is added to the list of relevant adopted BCCS policies as it sets a context for the importance of the waterway network to the history of Dudley and the role it can play in the evolution of future development. The policy states, “The Black Country’s canal network is one of its most defining historical and environmental assets and its preservation and enhancement is a major objective in the Vision for environmental transformation and the delivery of Spatial Objective 6”. This importance is worthy of emphasis.</p>	<p>Noted and added.</p>
<p>Canal and River Trust</p>	<p>The Trust welcomes mention of, “green/blue corridors, particularly its canal network...” within this scene-setting section.</p> <p>The Trust also welcomes mention of the potential of discharge to watercourses within SUDs schemes. Whilst such discharge also requires a licence from the Trust as landowner, investigation of potential use of the canal network as part of sustainable drainage design is encouraged and the Trust is willing to assist at pre-application stage to investigate feasibility of this to inform the evolution of residential scheme design where this form of sustainable drainage is a possibility.</p>	<p>Support noted and no change required.</p>

	<p>The Trust shares the Council's view of the importance of pre-application engagement and remains keen to input into such discussions with both the Council and with developers direct on schemes with a close relationship to our network. Details of our own free pre-application advice service are available on our website here: https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice</p> <p>This helps to ensure that the implications of developments on the Structural stability of the network, water quality, drainage, nature Conservation and biodiversity, and sustainable travel are incorporated into development schemes at an early stage.</p>	
<p>Canal and River Trust</p>	<p><u>Section 1 – Development Context</u></p> <p>Overall, the Trust's aspiration is for development adjoining our network to fully investigate potential for embracing the canal frontage rather than turning its back on canal corridors as might have been more traditionally the case in the past. Canals offer great opportunity for permeability and sustainable travel links to other residential, employment, leisure, and retail destinations and other travel hubs. Increasingly canals are recognised as areas for the promotion of well-being and public health agendas in addition to their obvious visual contribution to the public realm, all of which are components of the National Design Guide. The Trust therefore requests specific mention of our network within this section on the wider development context of Dudley, including the importance of the canal's heritage assets.</p>	<p>Comments noted, there is reference to the canal policy and the importance of the blue network in the document.</p>

Canal and River Trust	We note that Figure 4 – Transport Corridors within the Borough on page 12 appears to focus only on vehicle based transport corridors. We suggest that it be expanded to include the cycle network and the canal network, thereby covering non-car modes of transport fully in the interests of promoting sustainable travel.	Figure 4 shows public transport nodes, it does not illustrate all transport in the borough (including car travel). To make this clearer, the figure has been renamed.
Canal and River Trust	Ecology and Geology (pg 15) – the Trust welcomes mention of the canal network within the sub-section on the Black Country Global Geopark. However, we feel that given its mention in the text our network should be added into Figure 5 – Dudley Borough Green Network.	Noted and the blue network has been added to this figure.
Canal and River Trust	Historic Environment (pg 16) Given the importance BCCS Policy ENV4 places on the overall vision for Dudley’s environmental transformation, the Trust requests specific mention of the canal network within this section.	Noted, reference to Policy ENV4 has been included on page 6.
Canal and River Trust	Section 2 - Design Principles for New Development (pg 18) Climate Change (pg 20) – in the second bullet point the Trust requests the addition of ‘water-source’ heat- pumps to the list	Noted and changes made in line with the response.

	<p>already including air and ground source versions. This reflects the opportunity for use of canals for heat exchange purposes.</p> <p>Sustainable movement, permeability and surveillance (pg 22) – the Trust requests specific mention of the waterway network within this section of discussion given its obvious role in promoting modal shift away from the private car and use of walking and cycling for a variety of linked living, work and leisure purposes. More recently we commented on the Draft Dudley MBC Public Rights of Way Improvement Plan (2023) and encouraged further engagement opportunities with the Council to promote delivery of our shared sustainable travel, health and tourism, and heritage agendas across the often-interlinked Council and Trust footpath networks within Dudley.</p>	
<p>Canal and River Trust</p>	<p>Section 3 - House Extensions (pg 35)</p> <p>Whilst the Trust has no comments to make on the detailed design guidance offered for house extensions, we would clarify that even for these there will be occasions where even small-scale domestic proposals are in such close proximity to our network that they will need to demonstrate the avoidance of adverse land stability, water quality or environmental impacts on our network. In these instances, the Trust will set out matters for further investigation and mitigation within our statutory consultation responses.</p>	<p>Noted.</p>
<p>Canal and River trust</p>	<p>In conclusion, the canal network has played an iconic role in Dudley’s history and today offers a unique opportunity around which to focus new residential development which borders it, in terms of both urban design initiative but also the promotion of sustainable travel, the protection and enhancement of biodiversity and the</p>	<p>Noted.</p>

	<p>historic environment, and the promotion of well-being and healthy living. We are keen to engage with the Council in the forthcoming Dudley Local Plan and other emerging policy documents and master planning exercises to build a sound base for the continuing role of our network within Dudley’s development aspirations, and also directly with the Council and third-party developers through proactive pre-application engagement.</p>	
Coal Authority	No Comments	Noted.
Environment Agency	No Comments	Noted.
Historic England	<p>We welcome a section setting out Dudley’s unique character and what is locally important about the area on page 7, as well as a reference to the UNESCO Black Country Geopark. We welcome the inclusion of design principles and the aspiration for new development to be sensitive to its setting and contribute to the area, in its own right.</p> <p>We support the Council’s aspirations to respond to climate change through adaptation and mitigation and draw the Council’s attention to recent work undertaken by Historic England dealing with a response to climate change for the historic environment. Link below: https://historicengland.org.uk/whats-new/features/climate-change/</p> <p>We support Section 1, on page 11 and the aim to respect and respond to the historic character and local distinctiveness of places. Table 1 is a useful exercise in illustrating the different types of locally distinctive design.</p>	Noted.

	We support the reference on page 13 to building heights	
Historic England	The section on public realm within page 14 could benefit from a reference to the historic environment and the opportunities to better reveal the historic environment and interpretation/ art opportunities that tell the story of place.	Noted and changes made in line with the response
Historic England	We welcome a specific and detailed section on the historic environment, beginning on page 16. It may be useful to provide some additional detail on what a Heritage Statement should cover, so that they are fit for purpose when submitted.	Given the scope of this document this detail has not been added. However the document does signpost to other documents which contain this information.
Historic England	Further it would be useful to have a section in the document that details how the principles may differ where development affects a heritage asset, for example where an extension or alteration may require listed building consent or where development is proposed within or adjacent to a Conservation Area and alternative considerations may be needed. Additionally, it would be helpful to include a section on retrofitting climate change mitigation and adaptation for existing buildings and how this may need specific considerations for the historic environment.	Details regarding heritage assets are covered within the existing Historic Environment SPD.
National Highways	No Comments	Noted.
Natural England	No Comments	Noted.
Severn Trent	Page 20 – Climate Change Severn Trent are very supportive of the use of sustainable drainage to mitigate the adverse effects of Climate Change and, whilst it is noted that the use of SuDS is mentioned on this page, it is under a heading of “other green initiatives” which we feel lessens the	Noted – however given the scope of the document, we feel the Climate Change section is the most suitable location for this section.

	<p>perceived importance of the subject. We feel that the use of SuDS should be discussed in further detail to highlight the importance of this area.</p> <p>For your information we have set out some general guidelines and relevant policy wording that may be useful to you.</p>	<p>In addition, the requirement and importance of SuDS can also be seen in Dudley Borough Development Strategy S5 [Minimising Flood Risk and Sustainable Drainage Systems (SuDS)] and Black Country Core Strategy [Flood Risk, Sustainable Drainage Systems and Urban Heat Island].</p> <p>This document is an SPD and cannot introduce new policies, it provides guidance to existing policies.</p>
Wildlife Trust	<p>Section 1 – Development Context</p> <p>Ecology and Geology –</p> <p>This section includes a figure of the Dudley Borough Green Network. We feel that this should be replaced with the more recent Black Country Local Nature Recovery Opportunities Map (April 2021). Whilst this was part of the Draft Black Country Local Plan, which is no longer being taken forward, we would expect the Black Country Nature Recovery Network (and associated mapping) to feature heavily in any future Local Plans in the Black Country.</p>	<p>The figure suggested was part of the Black Country Plan which is no longer progressing. The new Dudley Local Plan is currently being prepared and this will be reviewed as part of this process, in the meantime the existing figure will remain</p>
Wildlife Trust	<p>Climate Change –</p> <p>We are of the opinion that some of the wording in this section should be changed to be more definitive. For example, it is</p>	<p>Noted, however as this document is an SPD it cannot require additional measures above those required by existing and</p>

	<p>suggested that 'Other green initiatives include...' We do not feel that simply making a reader aware of potential options is the purpose of an SPD and it should instead state what is required of a developer looking to apply for planning permission.</p> <p>In this instance, we recommend that instead wording along the lines of 'New dwellings should seek to include at least one of the following measures;' be used in order to encourage early uptake of these sustainable design ideas, instead of suggesting that they are optional extras.</p>	<p>adopted policies, as such the wording has not been changed.</p>
Wildlife Trust	<p>This section of the document should also include wording on the importance of integrating soft landscaping design into adjoining land uses, where these are valuable/ strategically important habitats. Development should also seek opportunities to contribute to strategic landscape-wide habitat creation initiatives (such as the Nature Recovery Network), as well as linking with green infrastructure.</p>	<p>Noted and changes made in line with the response.</p>
Wildlife Trust	<p>Ecology –</p> <p>There is an over-reliance, in this section, on referring the reader to the Nature Conservation SPD rather than including useful detail in this document. There are simple, but key design requirements contained in the Nature Conservation SPD that are not reflected in this document at all.</p>	<p>The document is not a nature conservation document and therefore signposting to the Nature Conservation SPD shall remain as both SPD documents will be relevant considerations for future applications.</p>
Wildlife Trust	<p>Ecology –</p>	<p>Noted and changes made in line with the response.</p>

	<p>Wording in the first paragraph should be amended to ‘... the loss of valuable habitats within a site...’ – not all ‘established’ habitat is of value to biodiversity and some may actively limit a site’s potential.</p> <p>Mitigation is referred to quite heavily in this section, but mitigation is only part of the wider ‘Mitigation Hierarchy’ (avoidance, mitigation, compensation) as set out in the NPPF. The importance of avoidance as the first mitigation measure should be reflected in this text.</p> <p>In the fourth bullet point, ‘extreme’ should be replaced with ‘some’. It is felt this word has undesirable negative connotations in this context.</p>	
Wildlife Trust	<p>Bird Boxes and Bat Boxes –</p> <p>Two key points that are contained in the Conservation SPD should also be included here. First that there is an expectation that these boxes be integrated into the design of buildings (rather than mounted externally or on trees) and secondly that they should be provided at rate of 1 box per 3 residences. The earlier a developer is aware of this expectation, the more likely they will be able to integrate these requirements into the design of their development.</p> <p>Similarly to previous comments; a list of initiatives which ‘can’ be included within a scheme is less useful than measures which are ‘required’.</p>	The document is not a nature conservation document and therefore signposting to the Nature Conservation SPD shall remain as both SPD documents will be relevant considerations for future applications.

	<p>Hard and Soft Landscaping –</p> <p>This section includes topics such as the need to protect retained habitats on site during construction and considering how these habitats are managed long-term. This would be an excellent opportunity to make developers aware that a Construction Environmental Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP) should contain these details, respectively.</p> <p>Boundary Treatment –</p> <p>The final paragraph of this section should be amended to ‘Opportunities for maximising the ecological permeability of the site should be designed into the development from an early stage’.</p>	<p>Noted and changes made in line with response</p>
<p>Wildlife Trust</p>	<p>Appendix B – Tree Replacement</p> <p>What guidance are the recommendations contained in this table taken from? It would be more conventional to have tree replacement be on a 1:1 ratio, with additional trees being secured through enhancement measures where appropriate. Is stem diameter the best metric for measuring the relative quality of a tree? A large sycamore could be considered less ‘valuable’ than a semi-mature black poplar, for example.</p>	<p>Noted, however this guidance for tree replacement has been developed by the Bristol Tree Officers Association which is based on the value of larger trees (e.g. carbon capture) and how many trees are required to mitigate this loss.</p> <p>This is only guidance on the replacement of trees. The loss of specific trees which may have different value will be dealt with on a case-by-case basis.</p>

Initial assessment or screening

(to be used to decide whether or not an equality impact assessment is needed)

Name of policy, service or decision: Residential Design Guide Supplementary Planning Document (SPD)

Lead directorate: Regeneration and Enterprise

1. Description – what is being assessed?

The Residential Design Guide Supplementary Planning Document (SPD) is being considered at cabinet for adoption.

The existing 'New Housing Development SPD' was first adopted in 2007 and updated in 2013. The updated SPD will be retitled 'Residential Design Guide SPD' and will incorporate the Council's Planning Guidance Note (PGN) 17 – Housing Extensions, thus bringing all guidance relating to new housing development and residential extensions into one document.

The aim of the SPD is to provide localised guidance in relation to design and density to ensure that residential applications, including new housing development and householder extensions, respect the local character, identity of the borough and achieve a high level of design.

The Updated SPD will include new sections and guidance to address the changes to peoples living and working environments following Covid-19 Pandemic, such as a greater move to home working and running a business from home. As well as including guidance in relation to the Council's approach to assessing applications for Homes of Multiple Occupancy (HMOs) and Children's Care Homes.

Following consultation and adoption of the SPD, the 'Residential Design Guide SPD' will supersede current guidance and will become a material consideration in the determination of planning applications.

The SPD is being prepared under the provisions of the Planning and Compulsory Purchase Act (2004) and the Town and Country Planning (Local Development) (England) Regulations (2012)

2. Lead officer on assessment: Robyn Bennett (Planning Officer)

3. Head of service: Carl Mellor

4. Members of assessment team: Robyn Bennett (Planning Officer)

Elizabeth Vesty (Principal Planning Officer)

5. What are the main issues relating to each protected characteristic? Consider all three parts of the public sector equality duty.	
Protected characteristic	Issues
All protected characteristics	It is considered that there would be no significant impacts as a result of the SPD and it is not anticipated to have any significant impact on the protected characteristic classes (reviewed below).
Age	<p>The SPD provides guidance relating to the requirement for a mix of housing types and tenures which would have a positive impact on both younger and older people by requiring different housing types to meet the needs of varying demographics.</p> <p>Additionally, guidance is provided requiring new developments to incorporate accessibility and sustainable design measures. This will have a positive impact on younger and older generations who rely more on public transport to access local amenities and facilities.</p> <p>The overall guidance requires a high level of design and the creation of sustainable developments, which will have a positive impact for all ages, creating a healthier living environment, and help mitigate against climate change.</p>
Disability	While the SPD does not provide specific guidance for accessibility for disabilities, as this is covered in the existing Access for All SPD, the Residential Design Guide SPD does require accessibility and legibility for new developments, as well as wider connectivity of new developments. This would result in a positive impact on residents with disabilities through improved accessibility.
Gender reassignment	No potential impacts have been identified for this group as a result of the guidance contained within the SPD.
Pregnancy or maternity	No potential impacts have been identified for this group as a result of the guidance contained within the SPD.
Race	No potential impacts have been identified for this group as a result of the guidance contained within the SPD.
Religion or belief	No potential impacts have been identified for this group as a result of the guidance contained within the SPD.

Sex	No potential impacts have been identified for this group as a result of the guidance contained within the SPD.
Sexual Orientation	No potential impacts have been identified for this group as a result of the guidance contained within the SPD.
Are there any significant issues relating to other groups of people e.g. through social class or in particular parts of the borough?	
None	
<p>6. Outline any information, such as from data collection, engagement feedback or complaints, which indicates a differential impact on particular protected groups.</p> <p>Part 5 of the Town and Country (Local Planning) (England) Regulations (2012) sets out the requirements for public consultation to be undertaken in the preparation of the SPD.</p> <p>A six-week consultation on the draft SPD took place between Monday 9th January 2023 until Monday 20th February 2023. In accordance with the Council's Statement of Community Involvement, all Statutory Consultees were consulted along with other key stakeholders considered appropriate. In addition, residents, and organisations on the Dudley Local Plan Consultation Database, as well as agents/developers who regularly submit planning applications in the Borough were contacted.</p> <p>The consultation was advertised via the Council's website and social media channels and copies of the draft SPD were available to view in the following locations:</p> <ul style="list-style-type: none"> o Dudley Council House, o Dudley Library o Brierley Hill Library o Stourbridge Library o Halesowen Library <p>A total of 12 representations were received during the consultation. All representations received were analysed and addressed in the production of a final version of the SPD. A consultation statement detailing the comments received and how they were addressed has been produced and will be published alongside the Residential Design Guide SPD, once adopted.</p> <p>None of the representations received raised any additional comments relating to the EqIA.</p>	

Conclusions

7. On the basis of sections 5 and 6, is an equality impact assessment required? Provide a justification for your answer.

As the SPD provides guidance on existing policies contained within the Local Plan, it is considered there would be no significant impacts and therefore no equality impact assessment is required.

It is considered that the guidance contained within the SPD will result in the requirement for well-designed and accessible new developments which respond to climate change and ensure housing developments are well designed, more accessible, built to higher environmental standards and create a sense of place. Therefore, there is likely to be an overall positive impact for residents, including equality groups.

8. If no, list any actions identified. If yes, what priority do you assign to the EIA (high, medium, low) and why?

This screening document will be published alongside the SPD on the Council's Website

Signed assessment lead officer: Robyn Bennett

Date: 17/05/2023

Signed head of service: Carl Mellor

Date: 24/05/2023

Version: February 2019



Adoption Statement

Residential Design Guide Supplementary Planning Document (SPD) 2023

Dudley Metropolitan Borough Council adopted the Residential Design Guide Supplementary Planning Document on 28th June 2023. This adoption statement is required by Regulation 14 of the Town and Country Planning (Local Development) (England) Regulations 2012.

Title of Document: Dudley Metropolitan Borough Council Residential Design Guide Supplementary Planning Document (SPD) 2023

Subject Matter: The purpose of the SPD is to provide detailed localised guidance for residential developments within the Borough, this includes new housing developments, residential householder extensions, Houses of Multiple Occupancy and Children's Care Homes.

The SPD will be used to inform decisions on planning applications for residential developments to ensure new residential developments and householder extensions respect local character and identity of the borough, achieving a high level of design.

The SPD does not include new housing designations or housing related policies but instead provides guidance and additional details for applicants and their agents when submitting planning applications.

Area of Document: The SPD applies to the entire Dudley Metropolitan Borough i.e. the administrative area of Dudley Metropolitan Borough Council.

Availability of Document The Residential Design Guide SPD 2023 can be found:

- During office hours at Dudley Council House, 4 Priory Road, Dudley, DY1 1HF
- On the Council's website:
<https://www.dudley.gov.uk/residents/planning/planning-policy/dudley-local-plan/residential-design-guide-spd/>

Documentation Published Alongside the adopted SPD, the following documents have been published:



- Adoption Statement
- Consultation Statement

Any person aggrieved by the decision to adopt the SPD may make an application to the High Court for permission to apply for judicial review of the decision. Any such application must be made promptly and, in any event, no later than 28th September 2023.

Meeting Planning Committee 26 July 2023

Report of the Director of Regeneration & Enterprise

Recommendations for Article 4 Direction for Houses in Multiple Occupation (HMOs)

Purpose of report

1. Consideration of Consultation Responses & Confirmation of Article 4 Direction in relation to small Houses in Multiple Occupation

Recommendations

2. It is recommended: -
 - That Planning Committee considers the consultation responses and authorises the Director for Regeneration and Enterprise to confirm an Article 4 direction which will be applied to the Council's administrative area (borough wide) to remove Permitted Development Rights for the change of use of dwelling houses (C3 use) to small houses in multiple occupation (C4 use) to come in to force on 15th September 2023, following Cabinet Approval on 28th June 2023

Background

3. On the 11th October 2021, Councillors voted on a motion that "*Given the negative impact that the uncontrolled proliferation of HMOs can have on a geographical area..... 1. The Director for Regeneration and Enterprise be requested to gather the evidence base required for a decision to be made on the introduction of an Article 4 Direction*". As such Officers were tasked with gathering necessary evidence to enable Councillors to determine whether additional controls are required in respect of Smaller HMO's.

4. At Cabinet on 29th June 2022 Cabinet authorised the Director for Regeneration and Enterprise to prepare a non-immediate Article 4 direction which will be applied to the Council's administrative area (borough wide) to remove Permitted Development Rights for the change of use of dwelling houses (C3 use) to small houses in multiple occupation (C4 use) as well as publicising and consulting the Article 4 Direction for 6 weeks.
5. A non-immediate Article 4 direction allowed all consultation views to be taken into account before the direction was confirmed. It would also reduce or eliminate the likelihood of compensation being payable to affected landowners under sections 107 and 108 of the Town and Country Planning Act 1990. The use of an immediate direction could have considerable compensation implications. The Article 4 Direction would therefore not come into force if confirmed before 15th September 2023.
6. In order for such a Direction to come into effect, the Council must have first undertaken a consultation exercise and any representations must be considered when the Cabinet decides whether to confirm the Direction or not. This report summarises the representations received to allow Cabinet to make an informed decision on whether the Direction should be confirmed and whether this should be within the timescales set out in the Cabinet report dated the 27th June 2022 and subsequently at Planning Committee on 12th September 2022. On June 28th 2023, Cabinet agreed to authorise the Director for Regeneration and Enterprise to confirm an Article 4 direction as set out above. This report has already been consulted on internally for the Cabinet process.
7. Article 4 Direction Consultation Process

Following the making of the Direction on the 14th September 2022 the consultation period was open from the 15th September to 31st October 2022. A copy of the Direction (with map) as made appears at Annex 1 to this report.

The following actions were taken:

- A Legal notice was placed in the Express and Star newspaper;
- Site notices were placed in the main town and district centres in the borough;
- Applicants who had previously applied for HMOs and consultees on the planning consultation database were contacted via email or letter to inform them of the consultation;
- Tenants and Residents Associations were informed of the consultation
- The consultation was advertised on the Council's Website.

8. The consultation process was therefore fully compliant with the Town and Country Planning (General Permitted Development) Order 2015.

In total four representations were received. One supported and welcomed the Article 4, and three raised concerns about the proposed changes.

The main themes arising from the representations were as follows:

- The Article 4 would cause more delays and cost
- The association between anti-social behaviour and HMOs is an implied causal link
- The Article 4 would disadvantage single men who are typical users of HMO's

9. It is not considered that any of the issues raised through the representations outweigh the recommendation that the Article 4 direction be Confirmed. The introduction of the Article 4 is not restricting small HMOs but means that, as set out above, the Permitted Development Rights for the change of use of dwelling houses (C3 use) to small houses in multiple occupation (C4 use) will be removed and planning permission will need to be sought for this use. As a result, smaller HMO's would be dealt with in the same regard as larger HMO's currently are by requiring planning consent.

10. The Secretary of State for Levelling Up, Housing and Communities was notified on 15th September 2022 of the intention to introduce the Article 4 direction and the commencement of the consultation process. We have since been informed that officials acting on behalf of the Secretary of State, have reviewed the HMO Article 4 direction and the evidence provided. They do not intend to take any further action. However, it should be noted that this does not preclude the Secretary of State using their powers to intervene in the future. Although an Article 4 direction can remain in place permanently once it has been confirmed, local planning authorities should regularly review their Article 4 directions to ensure that the original reasons for the direction remain valid. Where an Article 4 direction is no longer necessary it can be cancelled by the local planning authority. Any such process would be subject to the relevant approval processes as set out in the constitution at the time.

Finance

11. There are two types of Article 4 direction: immediate and non-immediate. A non-immediate direction as proposed allowed consultation views to be taken into account before the direction is confirmed. It also reduces or eliminates the likelihood of compensation being payable to affected landowners under

sections 107 and 108 of the Town and Country Planning Act 1990. The use of an immediate direction would have had considerable compensation implications.

12. Therefore, it was previously recommended and approved by Cabinet and Planning Committee that an Article 4 direction on a non-immediate basis be enacted.

Law

13. The recommendations made have been informed by the requirements of the Town and Country Planning Act 1990, and the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
14. Furthermore, in considering the appropriateness of a borough-wide Article 4 direction regard has been had to the Council's Equality Duty under S149 of the Equality Act 2010. The use of the Article 4 will not eliminate a much-needed housing tenure from the borough but will ensure the appropriate provision in areas of need.

Risk Management

15. As previously set out in the Committee report from September 2022 there is a reduced risk of claims for compensation for costs associated with the Article 4 as a non-immediate order that has been pursued. However, there are also mechanisms within Section 108 of the Town and Country Planning Act 1990 that reduce this risk, such as where notice is given of the Order not less than 12 months before the Direction takes effect.

16. This report ensures that following the 6-week consultation, the details of the outcome of the consultation, and any recommendations resulting from that, are reported to Planning Committee for a decision before the expiry of 12 months from the date that the Notice of the Article 4 Direction was first made (14th September 2022).

Equality Impact

17. There are no Equality Impact Implications arising directly from this report. However, an Equality Impact Assessment was undertaken in the Making of the Article 4 Direction and then at any future stages of any projects being implemented.

Human Resources/Organisational Development

18. The proposals contained in this report will not directly impact on either the Council's current Human Resources or required future resources. Any work arising from this decision will be from existing internal resources which provide the necessary flexibility in the effective delivery of the Council's Services under changing external circumstances.

Commercial/Procurement

19. Any procurement required will comply with DMBC's Contract Standing Orders (which are fully compliant with Public Sector and OJEU procurement rules and guidelines) and all funders' requirements. There are no direct commercial implications associated with this report.


Environment/Climate Change

20. There are no impacts upon environment and climate change from the Article 4.

Council Priorities and Projects

21. The confirmation of this borough wide Article 4 direction is considered to accord with the following Council priorities:

Support the priority to 'Support stronger and safe communities' and in addition the proposed interventions will support the aspirations of the Dudley Borough Vision 2030 by creating healthy, attractive environments



Helen Martin
Director of Regeneration & Enterprise

Report Author: Kaliegh Lowe
Telephone: 01384 814172
Email: Kaliegh.lowe@dudley.gov.uk

Appendices

Appendix One – Map and Made sealed Article 4 Direction
Appendix Two – Legal Advert

The Direction

THE BOROUGH COUNCIL OF DUDLEY

Direction made under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Non immediate Borough-wide Article 4 Direction 2022 Houses in Multi Occupation

WHEREAS THE BOROUGH COUNCIL OF DUDLEY (“the Council”) being the appropriate Local Planning Authority within the meaning of Article 4(5) of the Town and Country Planning (General Permitted Development (England) Order 2015 (as amended) (“the Order”) is satisfied that it is expedient that the development of the description set out in the First Schedule below should not be carried out on the land within the Borough of Dudley (“the Land”) described in the Second Schedule below unless permission is granted on an application made under Part III of the Town and Country Planning Act 1990 (as amended).

And WHEREAS the Council considers that development of the said description would be prejudicial to the proper planning of its area and would constitute a threat to the amenities of its area and that the provisions of Schedule 3 paragraph 2 (1)(a) of the Order apply.

NOW THEREFORE the said Council in pursuance of the power conferred on it by Article 4(1) of the said Order hereby directs that the permission granted by Article 3 of the said Order shall not apply to development of the description set out in the First Schedule on the Land specified in the Second Schedule unless planning permission is granted by the Council.

FIRST SCHEDULE
("The Development")

The Direction and removal of permitted development rights applies in respect of land described in the Second Schedule to development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C4 (houses in multiple occupations) of the Schedule to the Town and Country (Use Classes) Order 1987 (as amended) from a use falling within Class C3 (dwellinghouses) of the Schedule to the Town and Country (Use Classes) Order 1987 (as amended), being development comprised within Class L of Part 3 of Schedule 2 to the Order, within the Council boundary.

SECOND SCHEDULE
("The Land")

This Direction relates to the whole of the Borough of Dudley as shown (edged red) on the Plan attached to this Direction.

MADE under **THE COMMON SEAL** of)
THE BOROUGH COUNCIL OF DUDLEY)
this 14th day of September 2022)

THE COMMON SEAL of **THE BOROUGH**)
COUNCIL OF DUDLEY was hereunto)
affixed in the presence of: *Jo White, clerk* .)




PRINCIPAL LAWYER
RICHARD CLARK.

R.M.
PRINCIPAL LAWYER
Richard Clark



CONFIRMED under THE COMMON)
SEAL of THE BOROUGH COUNCIL OF)
DUDLEY this day of)
in the presence of

THE COMMON SEAL of THE BOROUGH)
COUNCIL OF DUDLEY was hereunto)
affixed in the presence of:)

Public Notices



**THE BOROUGH COUNCIL OF DUDLEY
TOWN AND COUNTRY PLANNING (GENERAL
PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015
(as amended)**

PUBLIC NOTICE

**NOTICE OF MAKING OF A BOROUGH-WIDE DIRECTION UNDER ARTICLE 4(1)
HOUSES IN MULTI OCCUPATION**

NOTICE IS GIVEN by the Borough Council of Dudley ("the Council") being the appropriate local planning authority that it has made a Direction under article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the Order")

The Direction was made on 14th September 2022 and is subject to the further consideration of any representations received during the consultation period and thereafter will come into force, subject to confirmation by the Council, on 15th September 2023.

The Direction applies to development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C4 (houses in multiple occupations) of the Schedule to the Town and Country (Use Classes) Order 1987 (as amended) ("the Order") from a use falling within Class C3 (dwellinghouses) of the Schedule to the Order, being development comprised within Class L of Part 3 of Schedule 2 to the Order within the Borough of Dudley.

The effect of the Direction is that planning permissions granted by Article 3 of the Order shall not apply to development described above and such development shall not be carried out within the Borough of Dudley unless planning permission is granted by the Council on an application made under Part III of the Town and Country Planning Act 1990 (as amended).

A copy of the Direction and a plan showing the area to which it relates may be seen at the offices of the Council at Dudley Council House, 1 Priory Road, Dudley, DY1 1HF during normal office hours. Alternatively a copy of the Direction, including the plan showing the area to which it relates can be viewed: **Online: <https://www.dudley.gov.uk/residents/planning/planning-policy/dudley-local-plan/>**

Any objection or representations concerning this Direction should be submitted in writing to the above address (Ref: HMO – Article 4 Direction) or by email to planning.policy@dudley.gov.uk from the 15th September 2022 until Monday 31st October 2022 by no later than 5pm. We are not able to accept anonymous comments - you must provide us with your name and contact details. Please note that any representations received will be of public record and may be published. Any personal data will be processed in line with the Strategic Planning Privacy Notice, available on the council's website.

**DUDLEY METROPOLITAN BOROUGH
THE TOWN & COUNTRY PLANNING (DEVELOPMENT
MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015
NOTICE UNDER ARTICLE 15
PLANNING (LISTED BUILDINGS & CONSERVATION AREAS)
REGULATIONS 1990**

These applications affect the character or appearance of a Conservation Area or the setting of a Listed Building.

P22/1204 – The Occupier for Erection of replacement Shed at 19, Farlands Road, Oldswinford, Stourbridge, DY8 2DD

P22/1244 – The Occupier for Single storey rear and side extension (following part demolition of kitchen) (Resubmission of Withdrawn application P22/0925) at 29, Wood Street, Wollaston, Stourbridge, DY8 4NN

Anyone wishing to make representations about these applications should write to the address below or submit direct on the website within 23 days of the date of publication of this notice.

Please note that any comments made will be published in full on the Internet. When responding electronically, please send your comments as attachments if you do not wish your e-mail address or telephone number to be published. However, please include your name and address, the application number and site address in any correspondence/attachment sent to the Council. Additionally, you may consider excluding your signature on letters to remove any fears of signatures being copied or identity theft.

Copies of all applications may be inspected between 9.00am and 5.00pm Monday to Friday at the Directorate of the Urban Environment or online at: www.dudley.gov.uk/planning
**H. Martin – Director of Regeneration & Enterprise
4, Ednam Road, Dudley, DY1 1HL**

**GOODS VEHICLE
OPERATOR'S
LICENCE**

Sukhbinder Singh trading as SSS Trading Transport Ltd of 8 St Benedicts Close, West Bromwich, B70 6TD is applying to change an existing licence as follows:

To keep an extra 3 goods vehicles and 3 trailers at the operating centre at A Rated Secure Windows Limited, Unit 2, Thomas Street, West Bromwich, B70 6LY.

Owners or occupiers of land (including buildings) near the operating centre(s) who believe that their use or enjoyment of that land would be affected, should make written representations to the Traffic Commissioner at Hillcrest House, 386 Harehills Lane, Leeds LS9 6NF stating their reasons, within 21 days of this notice. Representors must at the same time send a copy of their representations to the applicant at the address given at the top of this notice. A Guide to Making Representations is available from the Traffic Commissioner's Office.

Dated: September 17, 2022.



**Planning (Listed Buildings and Conservation Areas)
Act 1990**

22/01050/RC. **Applicant:** Mr N Ahmad. **Proposed development/works:** Minor material amendment/removal of planning condition 2 of planning permission 22/00026/FUL. Changes include internal layout modifications, change to some external doorways and windows, change the position and size of the external staircase (including new privacy screen). Change from a hipped roof to a gable end at the rear and the addition of a Juliet balcony (facing No. 265), installation of rooflight windows and two ("Velux") rooflight opening balconies at 267 Tettenhall Road, Wolverhampton, WV6 0DE.

A copy of this application can be viewed at the Civic Centre main reception desk on the ground floor or www.wolverhampton.gov.uk/planningapplications

Representations or requests to speak to Planning Committee can be made in writing to Planning, Civic Centre, St Peter's Square, Wolverhampton WV1 1RP or e-mail planning@wolverhampton.gov.uk by 8 October 2022.

LEGAL / PUBLIC NOTICES

For convenience you may email any advertising requirements.

Please send email to publicnotices@mnamedia.co.uk or call Suzanne Cooper on 01902 319695.

Please include a name and contact number for confirmation of receipt.

Material considerations	Non Material considerations
Layout: does it reflect the character of the area, does it protect existing resident's amenity, does it provide sufficient amenity space, and does it protect businesses/future residents from noise/odour/dust complaints.	Market competition (competition with centres in terms of the requirement for a sequential approach to town centre development is material, but general competition with local shops or business is not).
Design and appearance: materials, scale, massing, style of development in terms of proportions, vertical or horizontal emphasis, heights. Appropriate to host building, immediate neighbours and wider street scene.	Loss of view (unless you own all the land between you and the view you have no right to it).
Landscaping: is this appropriate, sufficient, particularly if forming a screen or providing some form of mitigation	Loss of property value
Highway safety: can safe access and egress be made, is there sufficient car parking, can the site be serviced by fire engines, bin lorries, delivery vehicles.	Matters covered by other legislation
Impact on heritage assets/nature conservation; does the development have a positive, neutral or negative impact on heritage assets. Can the impact be mitigated through the provision of enhancements elsewhere?	Matters that can be adequately controlled by the imposition of a suitably worded condition.
Planning history: has a similar scheme been approved before/refused before? Is there appeal history.	The fact the application is for a retrospective development. Development without consent is not unlawful - it only becomes so once formal enforcement action is taken and the developer fails to comply.
	The fact the application is a repeat application (repeat non amended applications can in exceptional circumstance be refused to be registered but once registered they must be

	considered on their merits).
	The fact the developer/applicant has a history of non compliance with conditions/consents. Non compliance is dealt with through planning enforcement not through decision making.
	What may or may not happen as a result of the decision in the future.