

# PLANNING APPLICATION NUMBER:P21/1763

Type of approval sought	Full Planning Permission
Ward	Cradley and Wollescote Ward
Agent	Mr Sudera
Case Officer	Catherine Golightly
Location:	<b>EVERLEY RESIDENTIAL HOME, 15, LYDE GREEN, CRADLEY, HALESOWEN, B63 2PQ</b>
Proposal	<b>FIRST FLOOR REAR EXTENSION, SINGLE STOREY REAR INFILL EXTENSION, ELEVATIONAL CHANGES TO INCLUDE NEW FRONT PORCH, NEW WINDOWS/DOORS, RENDER TO ALL ELEVATIONS, AND ALTERATIONS TO EXISTING FRONT BOUNDARY WALL (RESUBMISSION OF P21/0928)</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

## SITE AND SURROUNDINGS

1. The former Everley Retirement Home (No. 15 Lyde Green) is a well established care facility (Use Class C2) that has been operational since the 1980's, when its use was first approved.
2. The property comprises of a large traditional detached premises constructed in the late Victorian or Edwardian period that occupies a large plot of approx. 0.09 hectares. The property has been extended historically over the years and now incorporates a two-storey flat roof component to the south east side of the building adjacent to No. 11 Lyde Green, with a large L-shaped single storey extension to the rear. An external staircase has also been erected to the side of the dwelling facing 17 Lyde Green. The property has a private garden area to the rear, with a large parking area to the frontage. The existing front boundary comprises of a brick wall and pillars which is reflective of the host property in terms of its age and materials.
3. The application site is adjoined on all boundaries with other residential dwellings, with the properties to the rear being set up from the application site. The opposing

site of Lyde Green is defined by commercial and other industrial uses, including other Childrens care facilities.

## PROPOSAL

4. This application is a resubmission of a previously withdrawn application (reference P21/0928) which sought approval for the erection of a more intensive form of development that included a two storey extension adjacent to No.17 Lyde Green, which resulted in unacceptable impact on the amenities of this neighbouring dwelling.
5. This revised proposal seeks to omit this extension from the proposal, and now seeks permission for first floor rear extension with replacement roof, single storey rear infill extension, with elevational changes which include a new front porch, new windows/doors, and render to all elevations, and the relocation of the existing external staircase. These extensions are associated with internal alterations to reduce the facility from 14 existing bed spaces to 8 bedrooms to serve the revised facility.
6. Amended plans have been provided through the progression of the application to omit the proposed railings from the boundary wall to the front and seeks changes to the parking layout to the frontage.
7. The proposed first floor side extension would be sited to the south west elevation of the building adjacent to the boundary with No.11 Lyde Green. This extension would be 4.2m wide, 5.3m in depth and would incorporate a new roof over the existing two storey flat roofed extension to the side. This proposed roof would again have a gabled roof design with an eaves height of 6.3m and a maximum height of 9.7m.
8. The single storey rear infill extension would be centrally located within the site, beneath the existing canopy to the rear. This addition would be 2.9m in width, 2.3m in depth and would be level with the existing single storey extensions to the rear.

9. The proposed elevation changes include a new front porch, the bricking up of some of the existing windows in the side elevation, the inclusion of new windows in the rear elevations and the proposal to render the whole building.
10. The supporting statements submitted with this application demonstrate that the proposed care facility is to change from an elderly care facility to a young persons care facility. However, given that these uses fall within the same Use Class as defined within the current Use Class Order (as amended) no planning permission is required for such a change.

## HISTORY

11. Relevant planning history is outlined below:

APP NO.	PROPOSAL	DECISION	DATE
84/50488	Change of Use to Residential Home for Elderly Persons.	Approved with Conditions	26/04/1984
84/51556	Change of Use from Residential to Home for Mentally Handicapped Persons.	Approved with Conditions	04/10/1984
87/51184	Erection of Single Storey Extension to Provide Additional Accommodation for The Elderly.	Approved with Conditions	29/10/1987
P08/0870	One and Two Storey Side and First Floor Side Extensions to Create Additional Bedrooms. Relocation of External Staircase.	Refused by reason of its detrimental impact on No.17	08/07/2008
P08/1662	Two Storey Side Extension and Single Storey Side Extension to Create Additional Bedrooms. Relocation of External Staircase. (Resubmission of Refused Application P08/0870)	Refused by reason of its detrimental impact on No.17	22/12/2008
P14/0793	Part A - One and two storey side extension and Orangery to western side and rear of	Split decision: Part A –Refused by reason of its	01/07/2014

	<p>building.</p> <p>Part B - First floor rear extension to eastern side of building, laundry room extension to rear and internal alterations. Enlarge existing vehicular access</p>	<p>detrimental impact on No.17.</p> <p>Part B – Approved.</p>	
P21/0928	<p>Two storey side extension, first floor rear extension, single storey rear infill extension, elevational changes to include replacement of flat roof with pitched roof, ramp, new front porch, new windows/doors, and render to all elevations, and new metal railings to front boundary</p>	<p>Withdrawn following concerns regarding the two storey side extension adjacent to No.17 Lyde Green.</p>	

## PUBLIC CONSULTATION

12. Neighbour notification letters have been sent to ten nearby properties. As of the 8<sup>th</sup> December a total of 42 responses had been received from various addresses, 3 of which are anonymous and some of which are from Wards some distance away from the application site. An objection has also been received from Councillor Crumpton. Material objections have been raised on the following grounds:

- Loss of light,
- Loss of outlook,
- Overlooking and loss of privacy,
- Increase in noise and disturbance,
- Light pollution,
- Increase in traffic,
- Displacement of cars onto the highway,
- Obstruction of the highway,
- Insufficient parking to meet the need of the extended care facility,
- Inadequate consultation being undertaken to inform neighbours,

13. Further to the above, other matters have been raised regarding the proposed use of the site, which is not for consideration under this application, these include the following:
  - The application requires a Change of Use,
  - Inappropriate location for a young persons home,
  - Too close to an existing Childrens nursery,
  - Creating safeguarding concerns,
  - Not an appropriate location for a Young Offenders institution,
  - Disruption to local community,
  - Increase in crime and disorder in the area,
  - Fear of Crime,
  - Extra pressure of Police and other local resources,
  - Increase in anti-social behaviour locally,
  - Directors of the facility are not local and are too young to have the experience to deal with the risks of the site,
  - Increase in traffic incidents associated with the use,
  - Concerns for existing pedestrians,
  - Loss of property values,
  - Accessibility issues,
  - Impact on health and peace of mind.
  
14. Notwithstanding the above, two letters of support have also been received who have raised positive comments on the following:
  - Creation of new jobs,
  - The need for such facilities to support local community.
  
15. A formal request has been received from Suzanne Webb MP seeking that the application be sent to Development Control Committee for determination.
  
16. The Local Planning Authority are aware that a Change.org petition has been set up regarding concerns surrounding the use of the building.

## OTHER CONSULTATION

17. Head of Planning and Development (Highway Engineer):

The amended parking layout is considered acceptable subject to appropriate conditions being attached to ensure the installation of electric vehicle charging units at the address and other highways works are undertaken to amend the existing kerbs.

18. Head of Environmental Health and Trading Standards:

No adverse comments while encouraging the installation of electric vehicle charging units at the address.

19. Head of Planning and Regeneration (Land Contamination):

No adverse comments.

## RELEVANT PLANNING POLICY

20. The Town and Country Planning (Use Classes) Order 1987 (as amended)

21. National Planning Policy Framework (2021)

22. National Design Guide (2019)

23. Black Country Core Strategy (2011)

- TRAN2 - Managing Transport Impacts of New Development
- ENV2 - Historic Character and Local Distinctiveness
- ENV3 – Design Quality
- CSP4 Placemaking

24. Dudley Borough Development Strategy (2017)

- S1 - Sustainable Development
- S6 - Urban Design

- S8 - Local Character and Distinctiveness
- S17 - Access and Impact of Development on the transport Network
- L2 - Supported Accommodation
- D2 - Incompatible Land Uses
- D5 - Noise Pollution

25. Supplementary Planning Guidance

- Parking Standards SPD (2017)
- PGN 12 - 45 Degree Code
- PGN 17 – House Extension Design Guide

## ASSESSMENT

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

- Use/Principle
- Impact on Street Scene/Design
- Residential amenity
- Access and Parking
- Other matters

Use/Principle

27. The Council, as outlined within Policy L2 of the Dudley Borough Development Strategy, will seek to support the provision of accommodation for people with specific needs providing that appropriate provisions are in place to support the facility, including links to local services, its compatibility with adjacent uses, that the character of the area is maintained, adequate parking is secured, and adequate levels of amenity is provided.

28. The application has been submitted for proposed extensions to the established care facility, which previously provided 14 bedspaces for the elderly. However, this will now change to provide care for up to 8 young persons between the ages of 16-24. Officers note that a significant number of objections have been submitted that cite the use for young persons care. However, the site is a lawful existing care facility,

and has historically been operated as a care home, as demonstrated in the above planning history, this use falls within C2 Use Class as defined within Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 (as amended). This Use Class includes any use as a *'residential institution'* which provides *'residential accommodation and care to people in need of care'* or for use as *'a hospital or nursing home'* or *'use as a residential school, college or training centre'*. In this instance and despite that the care will cater for a different age of resident, the facility will remain within the established C2 Use Class, and as such, a change of use of the site is not required in this instance.

29. Whilst it is acknowledged that a number of objections have referred to the care facility being used to provide residential accommodation for young offenders or as a detention centre. These alternative uses would fall within a different Use Class, and as such, would require a Change of Use to be sought, and would be subject to a separate assessment by the Local Planning Authority. However, there is no evidence available to suggest that this application is seeking permission for such a *'secure residential institution'*. As such, these objections do not form a material consideration as part of the assessment of this application for the extensions/alterations to the existing premises.
30. In light of the above Officers consider that this is an established care facility and its established lawful use will not change as part of this application. As such, the assessment can only be considered on the merits of the proposed modifications and the extensions to the host premises and its associated parking provision only.

#### Impact on Street Scene/Design

31. In considering the design of the proposed additions/alterations there are a number of relevant policies to consider, both at the national and local level.
32. At the national level, the National Planning Policy Framework recognises that *"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"* (Paragraph



126) ensuring that developments add to the “*overall quality of an area*”, ensuring that developments are “*visually attractive*” and are “*sympathetic to the local character and history, including the surrounding built environment*” (paragraph 130).

33. Furthermore, in considering the importance of good design, Paragraph 134 of the National Planning Policy Framework outlines that “*Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes*”.
34. In support of the above, Paragraph 129 of the National Planning Policy Framework makes specific reference of the National Design Guide as one document of particular note. This design guide focuses on ten key characteristics that collectively contribute to well-designed places outlining that “*a well designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including: the layout; the form and scale of buildings; their appearance; landscape; materials; and their detailing*” (Paragraph 21), all of which contribute to the basis of good design and the character of a place.
35. At the local level, Policy ENV2 – Historic Character and Local Distinctiveness – of the Black Country Core Strategy states that “*All new development should aim to protect and promote special qualities, historic character and local distinctiveness of the Black Country in order to help maintain its cultural identity and strong sense of place. Development proposals will be required to preserve and, where appropriate, enhance local character and those aspects of the historic environment together with their setting which are recognised as being of special historic, archaeological, architectural, landscape or townscape quality*”
36. In addition to the above, Policy S6 – Urban Design of the Dudley Borough Development Strategy outlines that proposed extensions must make a positive contribution to the character and appearance of the area with appropriate massing and bulk.

37. Furthermore, Policy L1 Housing Development, Extensions and Alterations to Existing Dwellings of the Dudley Borough Development Strategy, amongst other things, outlines that extensions should be in scale and balance with the whole of the original building; and the design of which should be of an appropriate form, siting, scale, and mass, with the use of appropriate materials, which respect and are responsive to the context and character of the surrounding area.
38. As stated above, the application site consists of a late Victorian or Edwardian building which retains some of its original character, but also has been extended and altered to accommodate its use as a care facility with the most notable alterations consisting of a two storey flat roof addition to the eastern side elevation, and a large single storey addition to the rear.
39. The proposed development seeks to secure a new first floor extension to the eastern side of the premises and a modest single storey extension to the rear. The proposed first floor side extension would incorporate a new dual pitched roof over the existing flat roofed extension to the side. The nature and design of these alterations are considered acceptable as the works would improve the appearance of the premises by replicating the character and appearance of the original roof and modifying unsympathetic alterations that have been undertaken historically.
40. Furthermore, the installation and alterations to the proposed windows to the frontage, along with the new entrance porch provides a new entrance feature that would further enhance the appearance of the premises while replicating the traditional window detailing that are authentic to the property of this era. Whilst it is noted that the existing premises has a brick façade, the historical modifications have degraded the appearance of the property to the frontage and the proposed rendering would enhance the façade of the premises, improving its appearance within the street. There are a number of rendered properties within the street scene and this alteration would not be out of keeping within this context.
41. Therefore, and considering the appearance of the proposed extensions and modifications to the premises, the alterations would upgrade and enhance the

appearance of the premises, and improve the visual amenity of the wider street scene.

42. Amendments have been provided through the progression of the application to omit the proposed railings from the front boundary treatment to ensure the character and appearance of the establish front boundary wall is retained as part of the development proposal.

### Residential Amenity

43. In considering the impact of the extensions being proposed, it is appropriate to consider the Paragraphs 130 of the National Planning Policy Framework which seeks to ensure developments maintain *“a high standard of amenity for existing and future users”*.
44. In terms of the proposed amenities to serve the facility, the existing amenity area to the rear of the premises is to be retained largely in tact, and as such, adequate private amenity space is provided to serve the care facility in line with the requirements of Policy L2 - Supported Accommodation of the Dudley Borough Development Strategy.
45. The national policy principles of the National Planning Policy Framework are carried through to the local level within Policy L1 of the Dudley Borough Development Strategy, PGN 12 and PGN17, all of which seek to protect the amenities of neighbouring dwellings ensuring that developments should *“not cause unacceptable harm to the amenities of the occupiers of neighbouring dwellings, including harm arising from loss of privacy, outlook and sunlight, taking into account factors such as levels, orientation and the separation of development”* (Policy L1).
46. When considering the proposed impact on loss of light to No.11, it is acknowledged that there are habitable rooms to the rear elevation of this dwelling. However, the proposed first floor extension, together with the works to the roof would comply with the 45 Degree Code to this neighbouring dwelling. Furthermore, the building works are set in from the boundary with the neighbour. Therefore, this element of the

scheme is considered to be acceptable in terms of this neighbours' amenity and there would be no significant impact of loss of light.

47. Similarly, and despite the objections that have been raised from neighbouring properties in terms of overlooking, the development would meet with the distance separation standards as suggested in the Councils design policies, including the House Extension Design Guide which is designed to ensure developments do not adversely affect neighbouring amenities. In this instance, acceptable distances would be maintained between the extension and their respective neighbours to the rear. Furthermore, due to the elevated ground levels of the properties to the rear, together with the existing fencing to the side and rear, adequate screening is provided to maintain privacy to neighbouring properties.
48. It is noted that the proposal also seeks to relocate the existing external staircase adjacent to No.17. The nature of these alterations would improve the associated overlooking impacts on the neighbouring dwelling by moving the elevated part of the stairs further away from the neighbouring garden, thereby improving this existing relationship with the neighbouring dwelling.
49. Further to the above, additional objections have been raised in terms of noise disturbance to neighbours, however, this is an existing residential care facility and the noise associated with this use would not change as a result of this application. A view that is shared by Environmental Health and Trading Standards Officers who have raised no objections to the proposal.
50. In light of the above, and despite the objections that have been raised in terms of the neighbouring amenities, the development would have no further impact on the neighbouring properties than the existing situation. As such, the proposal would comply with the policies contained within the National Planning Policy Framework, Policy L1 of the Dudley Borough Development strategy, and amenity principles contained within PGN 12 - 45 Degree Code and PGN 17 – House Extension Design Guide.

## Access and Parking

51. Policy TRAN2 - Managing Transport Impacts of New Development – of the Black Country Core Strategy states that *“Planning permission will not be granted for development proposals that are likely to have significant transport implications unless applications are accompanied by proposals to provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development including, in particular, access by walking, cycling, public transport and car sharing.”*
52. Furthermore, Policy S17 - Access and Impact of Development on the Transport Network - of the Dudley Borough Development Strategy outlines that developments should have regard to the Councils Parking Standards SPD and should ensure *“Adequate and safe provision for access and egress by vehicle users, cyclists, pedestrians and other users.”* It also outlines that *“Developers should ensure that adequate provision is made on site for the managing of delivery operation and the servicing of new properties and businesses.”*
53. The Councils Parking Standards SPD has been introduced to ensure that developments do not result in on-street parking congestion to the detriment of highway and pedestrian safety, and efficient operation of the highway network. Paragraph 4.11 of this document outlines the necessary parking standards that will be required for developments, outlining that *“Council will not be able to support development that may give rise to road safety issues or which may have a detrimental impact on the free flow of the highway network.”* It is also noted that when considering residential developments the policy expresses that *“Developments that suggest likely on-street parking which would create or exacerbate issues of highway safety will not be supported.”*
54. With regard to the above, the submitted Management Plans suggests that a minimum of 8 members of staff will be on site at any one time, with the potential to have further visitors as and when required. The amendments that have been sought through the progression of the application, on request of Highway Engineers, has

ensured that further parking provision is provided within the frontage to meet with these requirements. As such, and as confirmed by Highway Engineers sufficient parking would be provided to serve the facility to prevent the displacement of parking onto the street.

55. Whilst objections have been raised on highway safety grounds, the proposed development has been amended appropriately to provide sufficient parking to account for the parking demands of the facility, thereby preventing the displacement of vehicles onto the street, and causing an obstruction of the highway. As such, the development would comply with Policies TRAN2 of the Black Country Core Strategy, S17 of the Dudley Borough Developments Strategy and the Parking Standards SPD.

#### Other matters

56. As part of the neighbour consultation process it is noted that other material planning considerations have been made regarding potential noise disturbance associated with the extended property. However, the Head of Environmental Health and Trading Standards have considered the principle of the development as an established care facility and the nature of which will not result in any consequential noise or air quality concerns.
57. Despite the objections that have been provided, including comments from West Midlands Police, who have raised significant security concerns regarding the use of the site for a young persons care facility. However, as outlined previously in this report, the proposed use of the site is not up for consideration as part of this application, and as such, these concerns do not form a material planning considerations that can be taken into account as part of the assessment of this application.
58. Officers note the objections made by the West Midlands Police, which largely appear to raise concerns in respect of the intended use of the building. Having reviewed the comments made by the West Midlands Police officers are satisfied that the extensions and alterations proposed as part of the application would not

increase or contribute further to the concerns highlighted by the WMP in respect of the operation of the facility within the existing use class. Concerns in respect of the flat roof are noted, and officers consider that the first-floor flat roof would be removed and replaced with a pitched roof as part of the development, and as such this represents an improvement on the existing building.

## CONCLUSION

59. Having regard to the above, the design of the proposed extensions and alterations to the premises are considered acceptable as the works would enhance the appearance of the premises within the street. The proposal would not result in any demonstrable harm to nearby residents or on highway safety. As such, the proposal would comply with the policies and guidance contained within the National Planning Policy Framework, the National Design Guide, policies CSP4, TRAN2, ENV2 and ENV3 of the Black Country Core Strategy and policies S1, S6, L1 and S17 of the Dudley Borough Development Strategy, PGN 17 - House Extension Design Guide, the Parking Standards SPD and PGN 12 – 45 Degree Code.

## RECOMMENDATION

60. It is recommended that the application is Approved subject to 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 plans and amended plans: DSA-21035-PL-ES-01-A, DSA-21035-PL-PRO-01-D, DSA-21035-PL-SL-02-D (as submitted on the 10/12/2021).  
REASON: For the avoidance of doubt and in the interests of proper planning.
3. No materials other than those indicated on the approved plans shall be used without the approval in writing of the Local Planning Authority.  
REASON: To ensure the satisfactory appearance of the development in accordance with BCCS Policy 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).

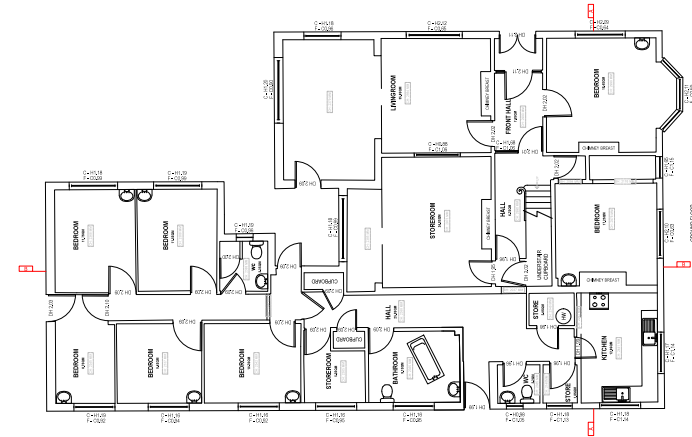
4. Prior to first occupation all redundant dropped kerbs should be replaced with matching full height kerbs and the adjacent Highway made good.

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

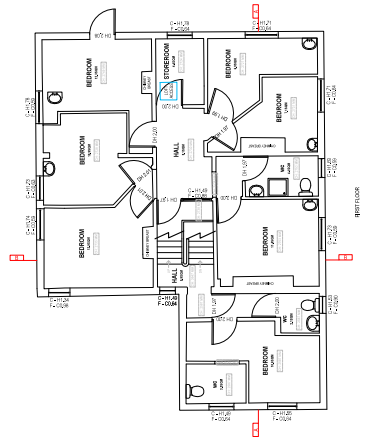
5. No above ground development shall commence until details of electric vehicle charging bays with a vehicle charging point, to be provided in accordance with the Council's standard (Parking Standards SPD) have been submitted and approved in writing by the Local Planning Authority. Such details shall include signs and bay markings indicating that bays will be used for parking of electric vehicles only whilst being charged. Prior to first occupation, the electric charging points and bays shall be installed in accordance with the approved details and shall thereafter 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.

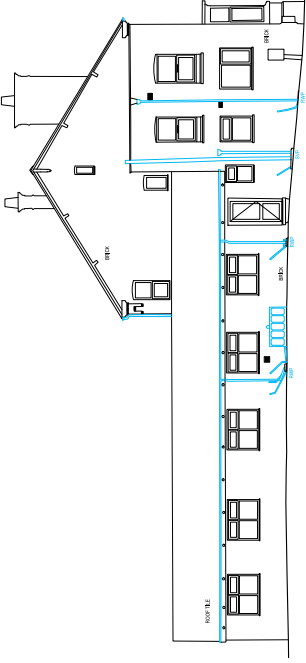




EXISTING GROUND FLOOR PLAN  
SCALE 1/500

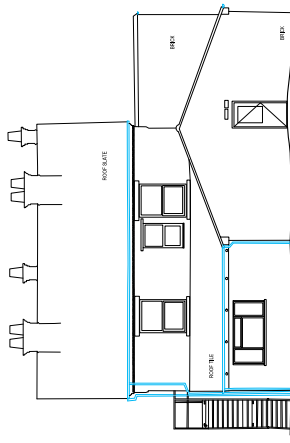


EXISTING FIRST FLOOR PLAN  
SCALE 1/500



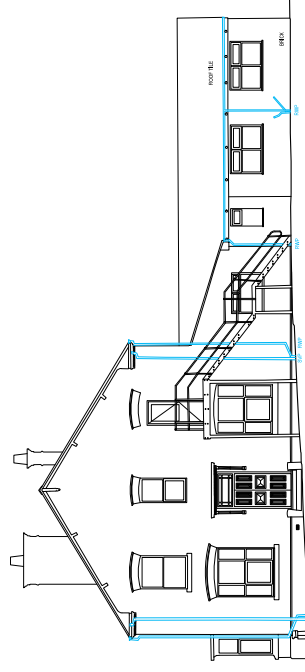
EXISTING SIDE ELEVATION  
SCALE 1/500

LIFT ELEVATOR



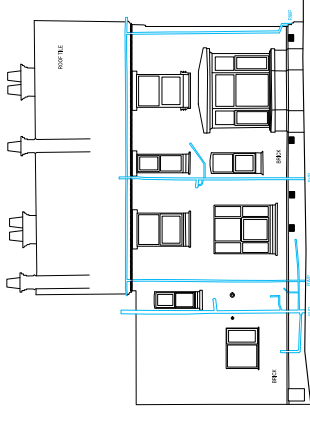
EXISTING REAR ELEVATION  
SCALE 1/500

REAR ELEVATOR



EXISTING SIDE ELEVATION  
SCALE 1/500

REAR ELEVATOR



EXISTING FRONT ELEVATION  
SCALE 1/500

ROOF ELEVATOR



SITE LOCATION MAP  
SCALE 1/2500

Revision: 1 - 000011-14-2020-0000000

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Drawing Stage:

FEASIBILITY	TENDER
PLANNING	CONSTRUCTION
BUILDING REGULATIONS	AS BUILT

Project: 211035 - 15 Lyde Green, Halesowen, B63 2PG

Sheet Title: Planning Application - Existing Information

Ref: DS/A-2103M-PL-ES-01-A

Scale: Various @ A1

Date: 23/04/21

Drawn: S.S

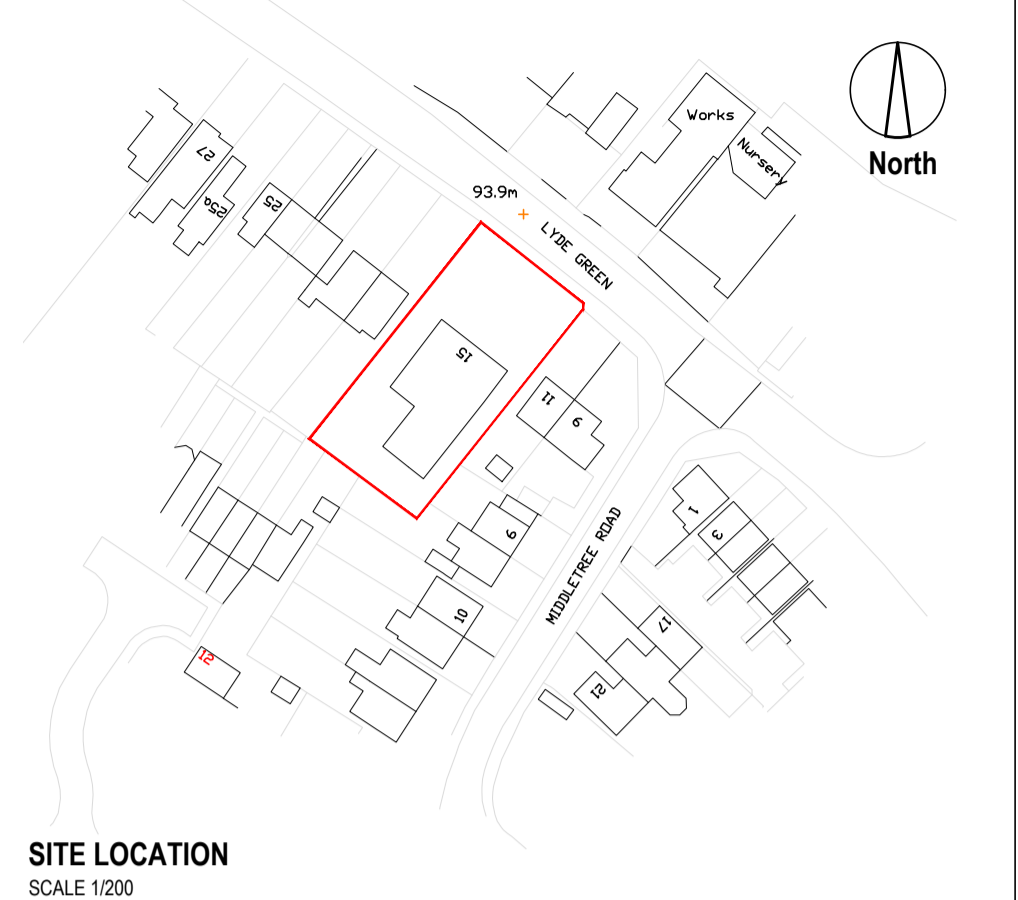
Checked: K.S

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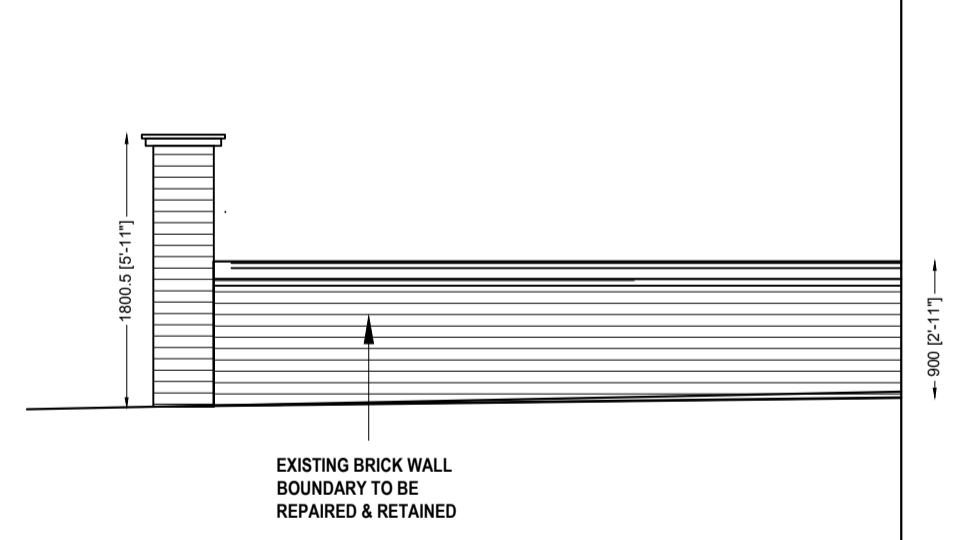




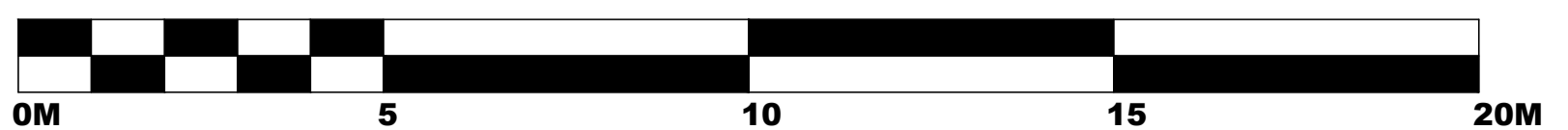
PROPOSED SITE PLAN  
SCALE 1/200



PROPOSED STREET SCENE FROM LYDE GREEN  
SCALE 1/200



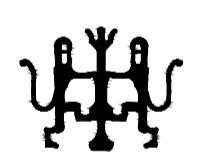
PROPOSED BOUNDARY INFORMATION  
SCALE 1/50



Revision: D - 10.12.21 - PF - HIGHWAYS COMMENTS



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Drawing Stage	
FEASIBILITY	TENDER
PLANNING	CONSTRUCTION
BUILDING REGULATIONS	AS BUILT

Project: 21035 - 15 Lyde Green, Halesowen, B63 2PQ

Sheet Title: Proposed Site Plan, Street elevation & Boundary information

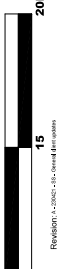
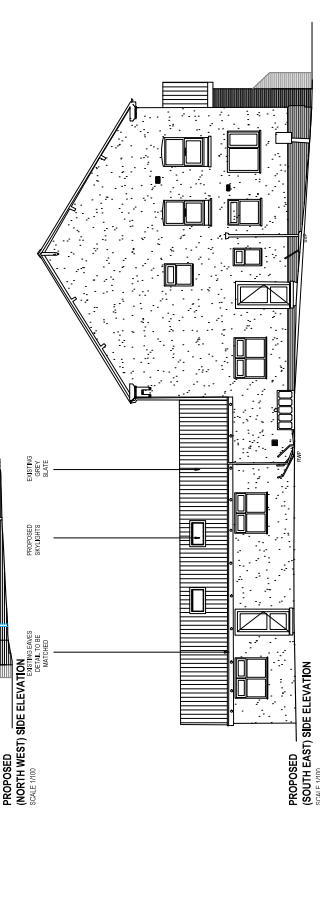
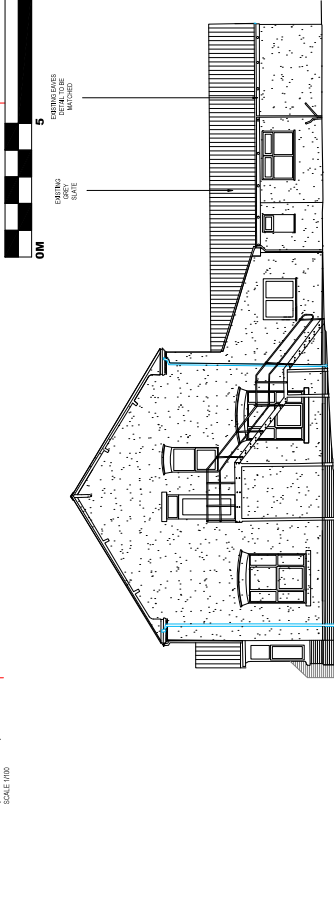
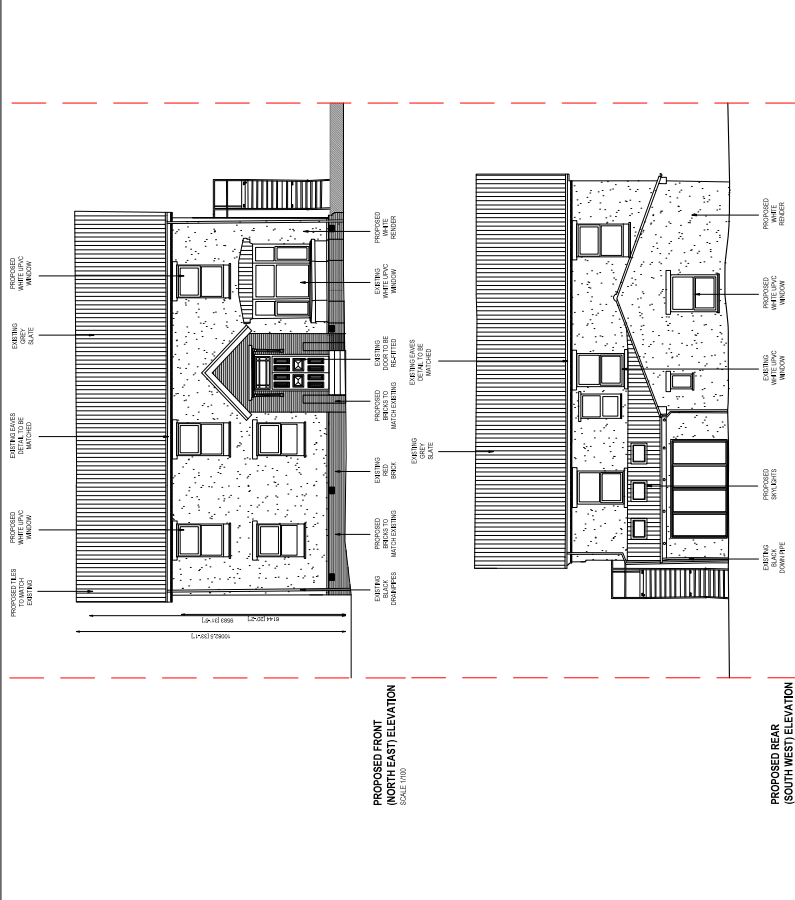
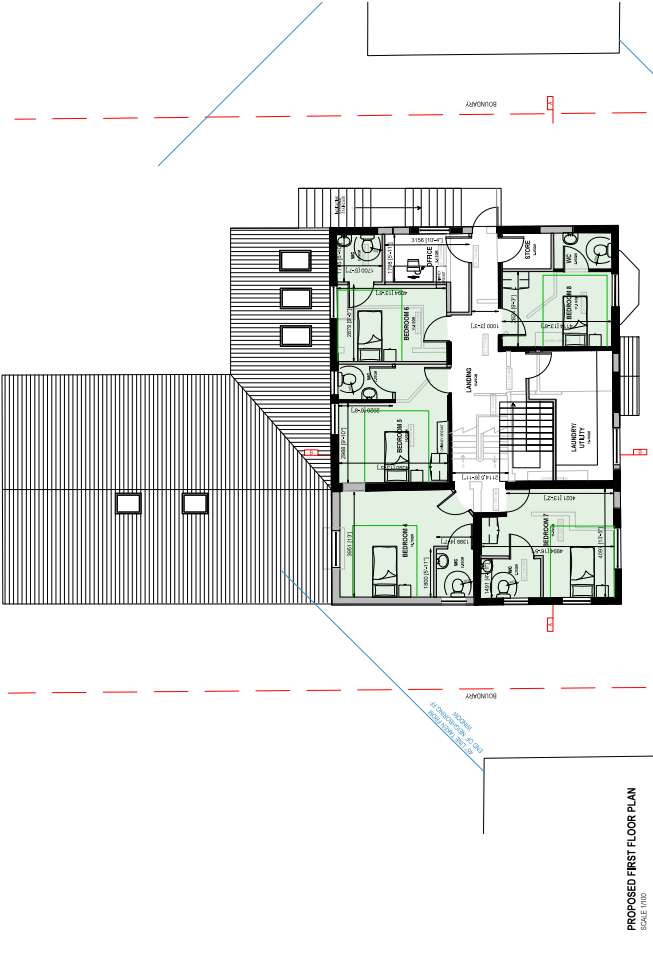
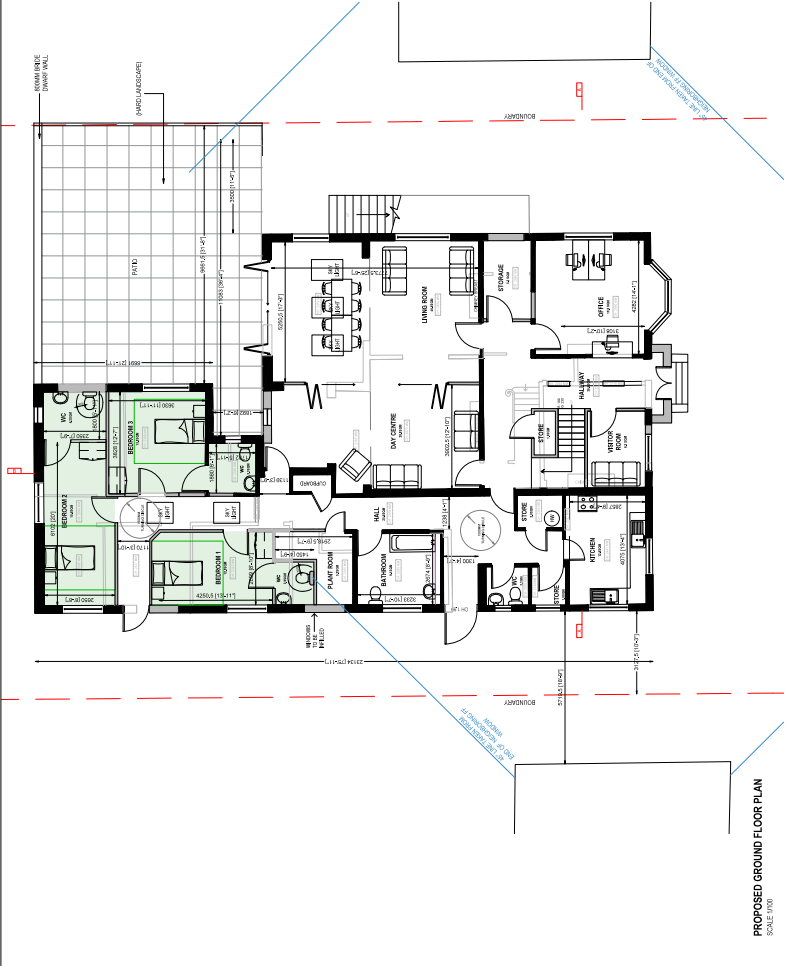
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Scale: 1:100 @ A1

Date: 23-04-21

Drawn: M.JJSS Checked: K.S

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PLANNING	CONSTRUCTION
BUILDING REGULATIONS	AS BUILT

Project : 211035 - 15 Lyde Green, Halesowen, B63 2PG

Sheet Title: Proposed Plans & Elevations  
 Ref: DSA-21035-PL-PROJ-1-D  
 Scale: 1:100 @ A1  
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