



Meeting of the Planning Committee

**Wednesday 8th February, 2023 at 6.00pm
in the Council Chamber
at the Council House, Priory Road, Dudley**

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

1. Chair's Announcement.

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

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

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

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

2. Apologies for absence

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



4. To receive any declarations of interest under the Members' Code of Conduct
5. To confirm and sign the minutes of the meeting held on 12th December 2022 as a correct record (Pages 5 to 10)
6. Plans and Applications to Develop
 - (a) Planning Application No. P22/0476 – Alder Coppice, Greenleighs, Sedgley, Dudley – Demolition of existing dwelling and erection of 1 no. new dwelling (Pages 11 to 43)
 - (b) Planning Application No. P22/1726 – Private Garage Site at Rear of 16 to 24 Marlborough Gardens, Wordsley – Substitution of house types to plots 1, 2 and 3 of planning approval P20/0732 and minor modifications to parking and driveway areas (Plot 4 retained in accordance with permission P20/0732) (Pages 44 to 65)
7. 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).
8. Resolution to exclude the public and press

Chair to move:

“That the public and press be excluded from the meeting for the following item of business on the ground that it involves the likely disclosure of exempt information under Part I of Schedule 12A to the Local Government Act 1972, as amended, for the reasons stated on the agenda.”

Under the provisions of Part I of Schedule 12A to the Local Government Act 1972, the Monitoring Officer has decided that there will be no advance disclosure of the following reports because the public interest in disclosing the information is outweighed by the public interest in maintaining the exemption from disclosure

Agenda - Private Session
(Meeting not open to the public and press)

9. Proposal to apply for an Article 4(1) Direction (Pages 66 to 77)

Distribution:

Councillor D Harley (Chair)

Councillor A Goddard (Vice-Chair)

Councillors H Bills, D Corfield, P Drake, P Miller, W Sullivan, E Taylor and M Westwood.



Chief Executive

Dated: 27th January, 2023

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Submitting Apologies for Absence

- Elected Members can submit apologies by contacting Democratic Services (see our contact details below).

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**Minutes of the Planning Committee
Monday 12th December, 2022 at 6.00 pm
In the Council Chamber at The Council House, Dudley**

Present:

Councillor D Harley (Chair)
Councillors H Bills, B Challenor, D Corfield, P Drake, P Miller, W Sullivan,
E Taylor and M Westwood.

Officers:

C Mellor (Head of Planning), J Todd (Development Manager), P Reed (Principal Planning Officer) (Directorate of Regeneration and Enterprise); P Evans (Public Protection Manager) (Directorate of Public Health and Wellbeing), G Breakwell (Solicitor) and K Malpass (Democratic Services Officer) (Directorate of Finance and Legal).

Observers:

Councillor S Phipps – Cabinet Member Regeneration and Enterprise
Councillors M Howard and S Ridley – Coseley East Ward

38 Apology for Absence

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

39 **Appointment of Substitute Member**

It was reported that Councillor B Challenor had been appointed to serve as a Substitute Member for Councillor A Goddard for this meeting of the Committee only.

40 **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.

41 **Minutes**

Resolved

That the minutes of the meeting held on 16th November, 2022, be approved as a correct record and signed.

42 **Plans and Applications to Develop**

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

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

<u>Application No.</u>	<u>Objectors/Supporters who wished to speak</u>	<u>Agent/Applicant who wished to speak</u>
P22/1485	Councillor P Drake Mr Sheldon	Ms H Rowley

Planning Application No. P22/1485 – Playing field rear of 128 – 194 Central Drive, Coseley, Bilston – Provision of permanent traveller's transit site

Councillor P Drake, in his capacity as Ward Member, made representations and withdrew from the meeting to enable the Committee to make its decision.

In considering the application, Members took into account all of the concerns raised by the objectors, as outlined in the report and as reported at the meeting. It was considered by the objectors that the site was inadequate and unsafe due to the high level of contamination identified on the site and although Members were advised by the Principal Planning Officer that a sufficient level of capping had been used to contain the contamination, concern was raised by the objectors that the site had been deemed inappropriate for housing development. Members were advised by Councillor P Drake that the last in-depth site investigation and gas monitoring had taken place in 1999 and objectors urged Members to listen to what they considered was Government and legal advice on the requirements for Traveller Sites and requested that fresh investigations into land contamination be carried out prior to a decision being made. Members also considered comments by the objectors alleging that the Council had misled residents and Members in relation to the initial proposal to allow temporary permission to use the site as it had been categorised for housing and the site was situated in close proximity to residential properties.

The Committee also took account of the comments made by H Rowley in support of the application in that the Council had a responsibility to provide a transit site to meet the needs of the travelling community and Budden Road had been the only site in the Borough viable to meet appropriate requirements. The site had proved successful due to the significant reduction of illegal encampments across the Borough. Police presence in the area had also reduced significantly due to the positive management of the site and the operation of CCTV, which allowed police resources to be allocated to key areas where high levels of crime had been identified.

Members of the Committee raised concern in relation to the alleged threatening behaviour from people using the site and the risks associated with contaminated land. Members were advised by the Principal Planning Officer that remedial work was conducted, together with appropriate levels of capping installed to prevent pollutants rising to the surface and reassured Members that the site was safe for Travellers. The Principal Planning Officer indicated that the number of illegal encampments had reduced significantly since the transit site had been in operation as it allowed the Council to move camps on quicker.

Resolved

That the application be approved, subject to conditions numbered 1 and 2, as set out in the report submitted.

(At this juncture, Councillor P Drake returned to the meeting).

43 Planning Services Fees 2023

A report of the Director of Regeneration and Enterprise was submitted on proposals for the setting of the Council's Building Regulation Fee Scales to take effect from 1st January 2023, non-statutory Development Management Charges, and the intention to continue to use the Consumer Prices Index (CPI) for Planning Obligations in accordance with the Council Policy. Following adoption of the Community Infrastructure Levy (CIL) Charging Schedule during 2015/16, regulations required any CIL charges to be index linked to the national All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors. The report also referred to the fees for the Local Development Order (LDO) and charges for Pre-Application advice to customers.

Members were advised on updates to the report submitted, which were outlined in the pre-committees notes and circulated to the Committee prior to the meeting as follows:-

- Information provided at paragraph three under the heading Planning Obligations should be replaced with the following wording "There has been a delay in acquiring the necessary Consumer Prices Index (CPI) information and this matter will therefore be reviewed in due course and a further report presented to the Planning Committee early 2023.

- The following additional sentence be included at the end of paragraph two under the heading Community Infrastructure Levy (CIL) “For updated fees, see additional Appendix G submitted.”

Resolved

- (1) That the inflationary increase of 2% of the existing Building Control Fee Schedule, as outlined in Appendix B, be endorsed.
- (2) That the continued use of Consumer Price Index in Planning Obligations costings, as outlined in Appendix C, and in accordance with the adopted Supplementary Planning Document (SPD) “Planning Obligations”, be noted.
- (3) That the use for Community Infrastructure Levy (CIL) charges, following adoption of the national All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors, be noted.
- (4) That the proposed fees for the Local Development Order (LDO), as outlined in Appendix D, be approved.
- (5) That the amended fees for Pre-Application charges, as outlined in Appendix E, be approved.
- (6) That the fee schedule for Development Management Non-Statutory Charges, as outlined in Appendix F, be endorsed.

44 Informal Report on the Enforcement Planning Service

Members noted information provided by the Planning Development Manager on the operation of the planning enforcement service, including details of an alleged unauthorised development in Halesowen and action taken to resolve the matter.

45 Chair’s Comments

The Chair wished Members and Officers a Merry Christmas and a Prosperous New Year.

The meeting ended at 6.33pm.

CHAIR

PC/43

PLANNING APPLICATION NUMBER: P22/0476

Type of approval sought	Full Planning Permission
Ward	Sedgley Ward
Agent	Mr L. Mitchell
Case Officer	Sarah Wilkes
Location:	ALDER COPPICE, GREENLEIGHS, SEDGLEY, DUDLEY, WEST MIDLANDS, DY3 3RZ
Proposal	DEMOLITION OF EXISTING DWELLING AND ERECTION OF 1 NO. NEW DWELLING
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site comprises a large, four bedroom detached house with hipped roof, set within a generous plot with ample parking available to the front. The property occupies a secluded location at the head of a narrow residential street with its frontage almost entirely bounded by hedgerows and trees. It sits significantly lower than the highway with the property itself not read within the context of the street scene with it only being visible upon entering the site boundary through the existing vehicular access. The dwelling has two single storey additions, one to each side, which project beyond the two storey rear elevation, with an elevated rear patio sitting in between. A previous planning approval to enlarge the dwelling to six bedrooms was not implemented (P08/0357). There are protected trees within the site. Site levels fall significantly from east to west.

2. 'Kewstoke' is the neighbouring detached house to the north of the site which is set further forwards than the application property on a higher ground level. This six bedroom property has recently undergone alteration and modernisation with the addition of two storey front and rear extensions, first floor side and single storey rear extensions, a roof extension with rear balcony and a new basement addition. The rear facing windows of this property, closest to the site, consist of bedroom with Juliet balcony (roof level), bedroom with balcony (first floor level) and a cinema/playroom (ground floor level). The lower ground floor contains a gym with no windows.
3. The site adjoins rear gardens of 13 – 21 (odds) Rowena Gardens located perpendicular to the south and 8 Alder Coppice backs onto the site to the west.
4. Greenleighs is a highway which is maintained by the Council to a footpath standard. It is also a Non-Definitive Public Right of Way (SED0569) that links to the Definitive Public Right of Way (SED0009) at the northern boundary of 'Kewstoke'. The narrow and unsurfaced right of way SED0009, then runs along the eastern boundary of the application site at a higher level, separated by fencing and a high conifer hedge. Greenleighs otherwise serves some 20 characteristically mixed dwellings, largely detached houses of different designs, typically occupying generous plots.

PROPOSAL

5. It is proposed to demolish the existing dwelling and erect a replacement 6 bedroom detached house with integral garage, having a basement level providing gym and cinema room. The dwelling would be sited forward of the existing dwelling and would adopt a hipped roof design with deep projecting front gable having undercroft parking beneath. To the rear there would be a small single storey rear projection immediately adjacent to an elevated patio area with steps leading down to the lower garden level. The plans indicate that fencing would be provided on the northern end of the patio.
6. Amended plans were received during the course of the application amending the design and siting of the dwelling to a smaller property and amending the extent of the site red line boundary to incorporate a section of private road within separate ownership immediately to the front of 'Kewstoke'. Certificate B has been signed indicating that notice has been served on the relevant land owner.

HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
P08/0357	Two storey side extension to create garden and games room with bedrooms above. Single storey side extension to create kitchen, utility	Approved with conditions	02/05/2008

	and garden room.		
P06/0694	Erection of a detached bungalow (outline) (siting and access to be considered with all other matters reserved for subsequent approval)	Refused	05/09/2006
SD/49/227	Erection of temporary domestic garage	Approved with conditions	23/11/1949

PUBLIC CONSULTATION

7. Direct notification letters were initially sent to 9 neighbouring properties. A site notice was also displayed and a notice placed in the local press. 11 representations were received including correspondence from an MP and one which has been submitted anonymously. The following concerns are raised;

- That Dudley MBC have declared a climate emergency (Policy dated 26 06 2022) and that to allow the demolition of a structurally sound property and to build a replacement dwelling would be contrary to this policy.
- That the amount of air pollution created by demolition of the dwelling would have a detrimental effect on air quality and the health and welfare of surrounding neighbours.
- Concerns that large delivery vehicles will be needed for collection/delivery of materials and that this will be inconvenient

and will damage 'Greenleighs' which is a narrow unadopted single track road with no turning or passing points that has been deemed unsuitable for vehicles.

- That DMBC is not responsible for upkeep of the road surface and as such this is paid for by the existing residents who have already paid for repair works.
- That the plans show 5 ensuite bedrooms with the potential for the property to be used as a care facility/hostel/multiple occupancy which potentially means more traffic along the lane.
- That there is no footpath and there are concerns that large vehicles reversing along the lane raises pedestrian safety concerns.
- Also concerns that large vehicles will restrict access for emergency vehicles.
- That large vehicles damage hedges, bird nests, boundary walls, street lights etc as well as the road itself.
- That the submitted tree survey fails to include details of a large mature beech tree which is the subject of a Tree Preservation Order. The details indicate that where the tree is located is identified for the storage of building materials and that there doesn't appear to be any planning permission in place for removal of the tree.
- That a large protected beech tree has been removed.
- Concerns regarding environmental damage as a result of noise, heavy traffic and dust.
- That the new dwelling would be out of character with houses in the road.

- That the existing dwelling should be extended rather than demolished.
- That the development will increase the number of vehicles at the property and that the road was never intended for that volume of traffic causing access problems.
- The construction vehicles would block emergency service vehicles.
- Loss of trees

8. Following the submission of amended plans reducing the number of bedrooms from 8 to 6, amending the design of the proposals and amending the siting of the new dwelling, the same neighbours/objectors were reconsulted. 12 representations were subsequently received, two of which are anonymous. The objections largely reiterate previous concerns raised with the following additional concerns raised;

- That the road is not suitable for large houses and concerns that the loft will be converted to provide more bedrooms.
- That the plans do not address previous objections.
- That access to the site is too restrictive to allow safe demolition and the re-build of a new dwelling.
- That the original highways comments should be observed – if the accessway is less than 4.5m wide then a passing place every 20m should be provided. The objector comments that there are no passing points and there is no room for any.
- That the existing house is in good condition and that it is a waste of resources to knock it down and rebuild.

- Do not feel reassured by the submitted demolition statement – that there will still be the same amount of detritus to be removed from the site and many deliveries will be necessary. Questions whether all of the existing materials will be used to rebuild.
 - Questions whether the cinema room would be noise proofed to prevent noise breakout to the surrounding area.
 - If approved will there be a limit on the number of hours worked on the site to minimise noise disruption?
 - That the lane is marked as ‘not suitable for motor vehicles’
9. The same neighbours were reconsulted again following amendments to the red line boundary of the site. 10 representations were subsequently received including correspondence from an MP. The objections largely reiterate previous concerns advising that the amended plans do not overcome the issues raised.

OTHER CONSULTATION

10. Head of Planning and Development (Highways Engineer); No objection following the submission of revised plans and subject to conditions relating to a Construction Management Plan and a car parking and turning plan.
11. Head of Environmental Safety and Health Team; Standard air quality and noise conditions are recommended.
12. Head of Contaminated Land Team; No adverse comments

RELEVANT PLANNING POLICY

National Planning Guidance

- National Planning Policy Framework (Revised 2021)
- National Design Guide (2019)

Black Country Core Strategy (2011)

- CSP4 – Place Making
- DEL1 - Infrastructure Provision
- HOU1 – Delivering Sustainable Housing Growth
- HOU2 – Housing Density, Type and Accessibility
- TRAN2 – Managing Transport Impacts of New Development
- TRAN5 – Influencing the Demand for Travel and Travel Choices
- ENV1 – Nature Conservation
- ENV2 – Historic Character and Local Distinctiveness
- ENV3 – Design Quality
- ENV8 – Air Quality

Dudley Borough Development Strategy (2017)

- S1 Presumption In favour of sustainable development
- S6 Urban Design
- S7 Landscape Design
- S8 Local Character and Distinctiveness
- S16 Infrastructure Improvements
- S17 Access & Impact of Development on the Transport Network
- S22 Mature Trees and Woodland
- L1 Housing Development, extensions and alterations to existing dwellings

- D2 Incompatible Land Uses
- D3 Contaminated Land
- D4 Unstable Land
- D5 Noise Pollution

Supplementary Planning Documents / Guidance

- CIL Charging Schedule
- Parking Standards SPD (2017)
- New Housing Development SPD (2013)

ASSESSMENT

13. The key issues are

- Policy
- Principle
- Character and Visual Amenity
- Neighbouring Amenity
- Trees
- Ecology
- Highway Safety
- Financial Obligations

Policy

14. The National Planning Policy Framework (NPPF) advises that housing applications should be considered in the context of the presumption in favour of sustainable development. 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. The Core Strategy under Policy HOU1 – Delivering Sustainable Housing Growth requires that ‘at least’ 95% of new housing (gross) be built on previously developed land (pdl)

15. Paragraph 28 of the NPPF (2021) supports the use of non-strategic policies to influence local design character, and sets out that “*Non-strategic policies should be used by Local Planning Authorities and communities to set out more detailed policies for specific areas... establishing design principles*”. This rhetoric is also supported under paragraph 126 and 136 of the NPPF (2021). Furthermore, in considering the importance of good design, paragraph 134 further states 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.*”
16. The above statement makes specific reference to the good design principles contained within the National Design Guide released in 2019 by the Ministry of Housing, Communities and Local Government. This document emphasises the importance of good design within the Planning System and how this influences the quality of our experience of any place. In response, paragraphs 23 (*Layout*), 24 (*Form*), 26 (*Scale*) 27 (*Appearance*) and 29 (*materials*) highlight that, amongst other matters, these form a significant contribution in the creation of good design.

17. Policy CSP4 - Place Making - of the Black Country Core Strategy outlines that, *“The Black Country has a unique heritage and urban structure which requires a bespoke approach to place-making and a high quality of design of the built and natural environment. All development will be required to demonstrate a clear understanding of the historic character and local distinctiveness of the area and show how proposals make a positive contribution to place-making and environmental improvement in the following spatial terms”*
18. Policy ENV2 – Historic Character and Local Distinctiveness – of the Black Country Core Strategy outlines that development proposals will be required to preserve and enhance local character and those aspects of the historic environment together with their settings which are recognised as being of special historic, archaeological, architectural, landscape or townscape quality. The policy outlines that this includes areas of extensive lower density suburban developments of the mid-20th century including public housing and private developments of semi-detached and detached housing as being one which requires special attention.
19. Dudley Borough Development Strategy Policy S6 – Urban Design outlines the significance of good design and its importance in underpinning all development, seeking to achieve the highest standards of design. In doing so *“Dudley Council will support appropriately designed, sustainable development which is responsive to the character and/or visual amenities of the local area”* and ensuring developments must make a positive contribution to the character and appearance of the area with appropriate massing and bulk.

20. This rhetoric is further supported by Policy S8 – Local Character and Distinctiveness - of the of the Dudley Borough Development Strategy outlines that *“All development proposals within the Dudley Borough should take account of the locally distinctive character of the area in which they are to be sited..... and should respect and respond to its positive attributes.”*

Principle

21. The site is an existing dwellinghouse within an established suburban setting, close to local services and public transport. There is, in principle, national policy support for the type of development proposed subject to the satisfaction of all relevant material planning considerations including whether or not the replacement dwelling would result in demonstrable harm to visual amenity, neighbouring amenity and highway safety.
22. Whilst neighbours’ raise concern regarding the carbon footprint of the development, given the proposal is to demolish an existing dwelling rather than repurpose it, refusal of permission on this basis is not considered to be proportionate given the scale of development proposed. Additionally, the matter of the carbon footprint must be considered amongst other principles of sustainability. The foundation of this overall concept is made up of three pillars: the economy, society, and the environment. In any event the applicant advises that the dwelling will be demolished by hand with the majority of materials retained on site.

Character and Visual Amenity

23. Whilst it is proposed to demolish an existing dwelling, the building is not a heritage asset and refusal of permission on the grounds of the loss of the existing building is not deemed to be sustainable.
24. Whilst the replacement dwelling would be larger than the house it would replace, Greenleighs is characteristically mixed with large dwellings occupying typically generous plots. Whilst large, it is not considered that the replacement dwelling would be disproportionate or detract significantly from this context. The proposed replacement dwelling would also occupy a very secluded location given the sites position at the very end of Greenleighs and, on balance, refusal of permission on visual amenity grounds is not considered to be sustainable. A condition removing permitted development rights is, however, considered to be appropriate in the interests of visual and neighbour amenity.
25. It is considered that there would be no demonstrable harm to the character and appearance of the area and in this respect, the proposal complies with the NPPF, Policy CSP4, ENV2, ENV3, HOU1 and HOU2 of the Black Country Core Strategy, Policy L1, S6 & S8 of the Dudley Borough Development Strategy and the Council's New Housing Development SPD (2013).

Neighbouring Amenity

26. For all developments, the Council will seek to ensure that any such proposals would not harm the occupiers of adjacent properties in terms of daylight, outlook, privacy and inter-visibility.

27. The proposed dwelling would extend significantly further back than the rear elevation of 'Kewstoke' to the north of the site, however, this property occupies a higher ground level and has recently undergone significant extension. Whilst there would be a notional breach of the 45 Degree Code guidelines with regard to the first floor bedroom window and those serving the play room/cinema room in the rear elevation of this neighbouring property, the distance to the point of contravention would be significant. Given the relationship with this neighbour and the level differences, any impact would be insignificant and in this regard, refusal of permission would not be sustainable. Due to the position of the proposed patio in relation to this neighbour, a condition securing an appropriate privacy screen to the northern end of the patio is, however, deemed appropriate to maintain privacy.
28. Amended plans were received to move the proposed dwelling further forwards within the site and to remove side facing windows which would have had the potential to overlook the rear garden of 21 Rowena Gardens. As such, the southern elevation of the proposed dwelling does not directly impact upon windows in the rear elevation of this neighbouring property. Whilst the proposed building would be substantial, this neighbouring property is to the south of the site and there would be no demonstrable harm in terms of light, outlook or privacy, given the proposed siting and degree of separation.
29. The other properties which adjoin the site within Rowena Gardens, back onto the site southern boundary and would not be directly aligned with the new dwelling itself. In this respect there would be no demonstrable harm in light, outlook or privacy terms.

30. The Council's Environmental Health & Safety Team raise no objection in noise terms subject to a standard condition restricting hours of works. Whilst objectors raise air quality concerns, the Environmental Health & Safety Team raise no objection in air quality terms, subject to relevant conditions including the requirement for the submission of Dust Method Statement to control dust arising from the demolition and construction of the development. A condition securing electric vehicle charging is also deemed to be appropriate.

Trees

31. It is evident that a protected tree has at some point been lost from the property frontage following probable failure. Refusal of permission on the basis of the loss of the tree is not sustainable, however, a landscaping condition to secure replacement tree planting is appropriate and there are no arboricultural issues arising as a consequence of the proposed development.

Ecology

32. The site is not a designated site of ecological significance, however, it is considered reasonable that the proposed development provides a biodiversity uplift at this location, through the provision of suitable measures to enhance wildlife in the form of bird and bat boxes, so as to accord with the provisions of Black Country Core Strategy Policy ENV1 Nature Conservation as articulated through the Nature Conservation SPD. A condition will be imposed on any approval to ensure provision is made for bird and bat boxes within the site.

Highway Safety

33. Objectors' raise numerous concerns in relation to the potential for disruption to residents, damage to the undefined public right of way and private properties and pedestrian safety during construction works, arising from the movement of construction vehicles along Greenleighs, given its narrow width as there are no vehicular passing points. Concerns that construction vehicles may block access for emergency service vehicles were also raised.
34. Greenleighs serves multiple properties and concerns raised regarding disruption arising from larger vehicles using the road could apply to any vehicles servicing any of the existing properties within the street, including construction vehicles associated with any building works that may take place. Whilst the demolition of one property and its replacement with another would undoubtedly result in a temporarily higher volume of construction vehicles and the potential for disruption to residents and pedestrians using the undefined public right of way, refusal of permission for a replacement dwelling is not deemed to be sustainable material planning consideration given that this is an existing street serving multiple properties.
35. The Highways Engineer advises that a condition requiring the submission of a construction management plan would be in the public interest and should include details of a turning area for construction vehicles and a banksman system to escort large construction vehicles. Worker's vehicles should be parked within the site or off the Public Right of Way in an identified suitable location. Whilst the proposal is for a single replacement dwelling only, given the status and limitations of

Greenleighs, a pre-commencement condition requiring a construction management plan is deemed appropriate in this instance.

36. In terms of any potential damage to the public right of way, whilst the objector's state that they have historically paid for repair works to the road, the Council's Highways Engineer confirms that Greenleighs is maintained at public expense to a footpath standard and The Highways Authority have powers under the 1980's Highways Act to require the applicant to undertake repairs during and after construction in order to ensure its safe use as a Public Right of Way.
37. A construction and management plan condition requiring the applicant to provide advance notice of any commencement of development is deemed appropriate in order for the Highways Authority to ascertain the condition of Greenleighs before the onset of any potential damage. Any subsequent repair works to the undefined public right of way, that are deemed to be necessary, can then be identified and undertaken by the Highways Authority at the applicant's expense. Any damage to private land or property would be a civil matter between the developer and the relevant land owner(s) as is the case with all development proposals.
38. The Highways Engineer notes that the proposed garage is not long enough to accommodate two vehicles and therefore requests that a car parking layout is required indicating four compliant parking spaces on the frontage and also demonstrating that 3.5 tonne delivery vehicle can turn within the site. This information will be subject to condition and ample space exists within the site frontage to accommodate such.

39. Subject to appropriate conditions, it is therefore considered that the highway safety matters can be adequately addressed so as to render the proposals acceptable from a highway's perspective.

Financial Material Considerations

40. 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).
41. 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'.
42. This proposal would provide one replacement dwelling generating a New Homes Bonus grant of one times the national average council tax for the relevant bands.
43. The proposal is liable for CIL and falls within Zone 2 which has a rate of £25.63 per square meter. The CIL amount is calculated at £15 762.45.

CONCLUSION

44. The proposed development would be of appropriate design, scale and appearance that would not have an adverse impact upon the character of the area and would not be detrimental to residential amenity.

Greenleights is an undefined public right of way which serves a number of existing properties. Appropriate conditions to secure a construction management plan and to ensure that the Highways Authority is provided with advanced notice of commencement of works to enable a condition survey to be undertaken is considered to address resident concerns and highway safety matters. On this basis the application is considered to be acceptable, being in accordance with the relevant policies contained within the Black Country Core Strategy and Dudley Borough Development Strategy as well as the relevant Supplementary Planning Documents.

RECOMMENDATION

45. It is recommended that the application is APPROVED subject to the following conditions;

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
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; Existing Floor Plans Drg No. 100/1512-01, Existing Elevations Drg No. 100/1512-02, Proposed Basement and Location Plan Drg No. 100/1512-03, Proposed Ground Floor Plan Drg No. 100/1512-04, Proposed First Floor Plan Drg No. 100/1512-05, Proposed Loft Floor Plan Drg No. 100/1512-06, Proposed Front and Rear Elevations Drg

No. 100/1512-07 & Proposed Side Elevations Drg No. 100/1512-08
(all recieved by email on 6th December 2022).

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

3. No development shall commence (including demolition, site clearance and initial ground investigation works and prior to the delivery of any materials or equipment associated with the approved development to/from the site), until three months advanced notice of the date of commencement of development has been provided in writing to the Local Planning Authority. The development shall not commence, and there shall be no construction traffic associated with the approved development to and from the site, prior to the agreed date unless otherwise agreed in writing with the Local Planning Authority.

REASON: To allow the Council's Highways Officers to undertake a condition survey of the Footpath prior to the onset of works to maintain its safe use as a Public Right of Way and to comply 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 and TRAN5 of the Black Country Core Strategy.

4. Prior to the commencement of development (including demolition, site clearance and initial ground investigation works) details of a Construction Management Plan [Including deliveries, vehicle types, times of operation, parking, banksmen, details of how all vehicles will access and egress in a forward gear] shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be commenced until the Construction Management Plan has been approved and shall be implemented stricly in accordance with the approved details.

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

5. 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, and drainage] 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.

6. No above ground development shall commence until details of the electric vehicle charging points, to be provided for the dwelling 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.

7. 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 dwelling 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 S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings

Policy D2 Incompatible Land Uses (in part).

8. 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)

9. No above ground development shall begin until details of the types, sizes and locations of the boundary treatments around the site have 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.

10. No development shall commence (excluding demolition, site clearance and initial ground works) until full details of the soft landscaping scheme for the site which shall include replacement tree planting, have been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before the end of the first planting season following first occupation of the development.

Any trees or shrubs planted in pursuance of this permission including any planting in replacement for 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 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.

11. No development or other operations shall take place except in complete accordance with the tree protection measures identified in the Tree Protection Plan prepared by Wolverhampton Tree Services Ref: Alder Coppice, Greenleighs, Sedgley WTS_TPP_01 with measures to be implemented in accordance with BS 5837:2012 Trees in relation to design, demolition and construction. - Recommendations.

REASON: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality having regard to the Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part).

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

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

13. 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 agreed in writing by the Local Planning Authority.

REASON: To maintain the visual and environmental quality of the site and surrounding area in accordance with the Borough

Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part).

14. Prior to the first occupation or use of the development details of the type and location of bat roost and bird nesting provision on the site shall be submitted to and approved in writing by the local planning authority. Prior to the first occupation or use of the development the agreed provision shall be installed on site and thereafter maintained and retained for the lifetime of the development.

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

Policy S20 The Borough's Geology (in part)

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

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

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

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

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

15. 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 protect existing residents in the area from dust arising from demolition and construction works on the proposed site in compliance with the Black Country Core Strategy Policy ENV8 and the adopted Air Quality SPD.

16. Demolition or construction works shall only take place between 07:00 hours to 18:00 hours Mondays to Friday and 0800 hours to 1700 hours on Saturdays and shall not take place at any time on Sundays or Public Holidays

REASON: To protect the amenities of nearby residents in

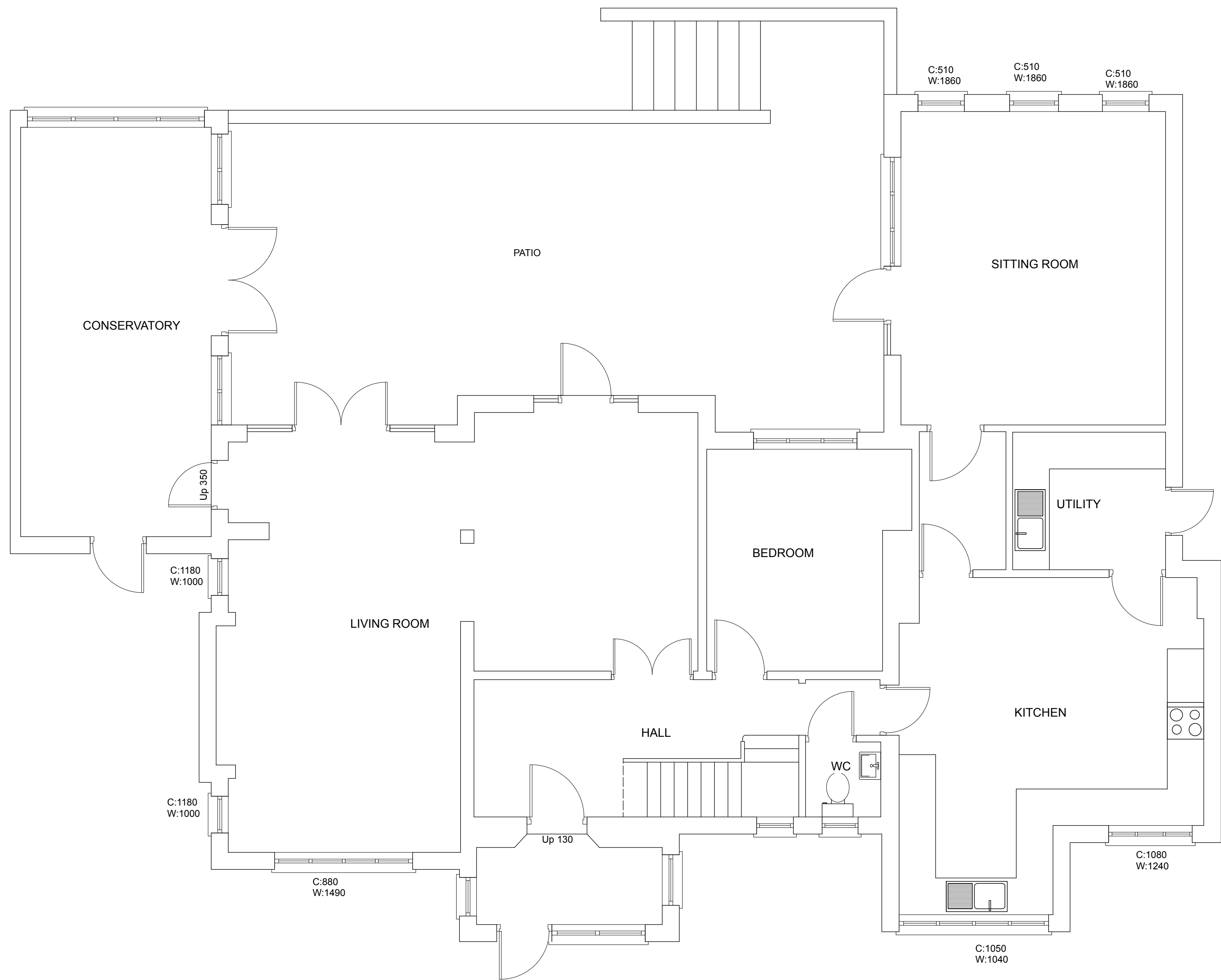
accordance with Saved UDP policies EP7 - Noise Pollution and DD4 - Development in Residential Areas

17. 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.

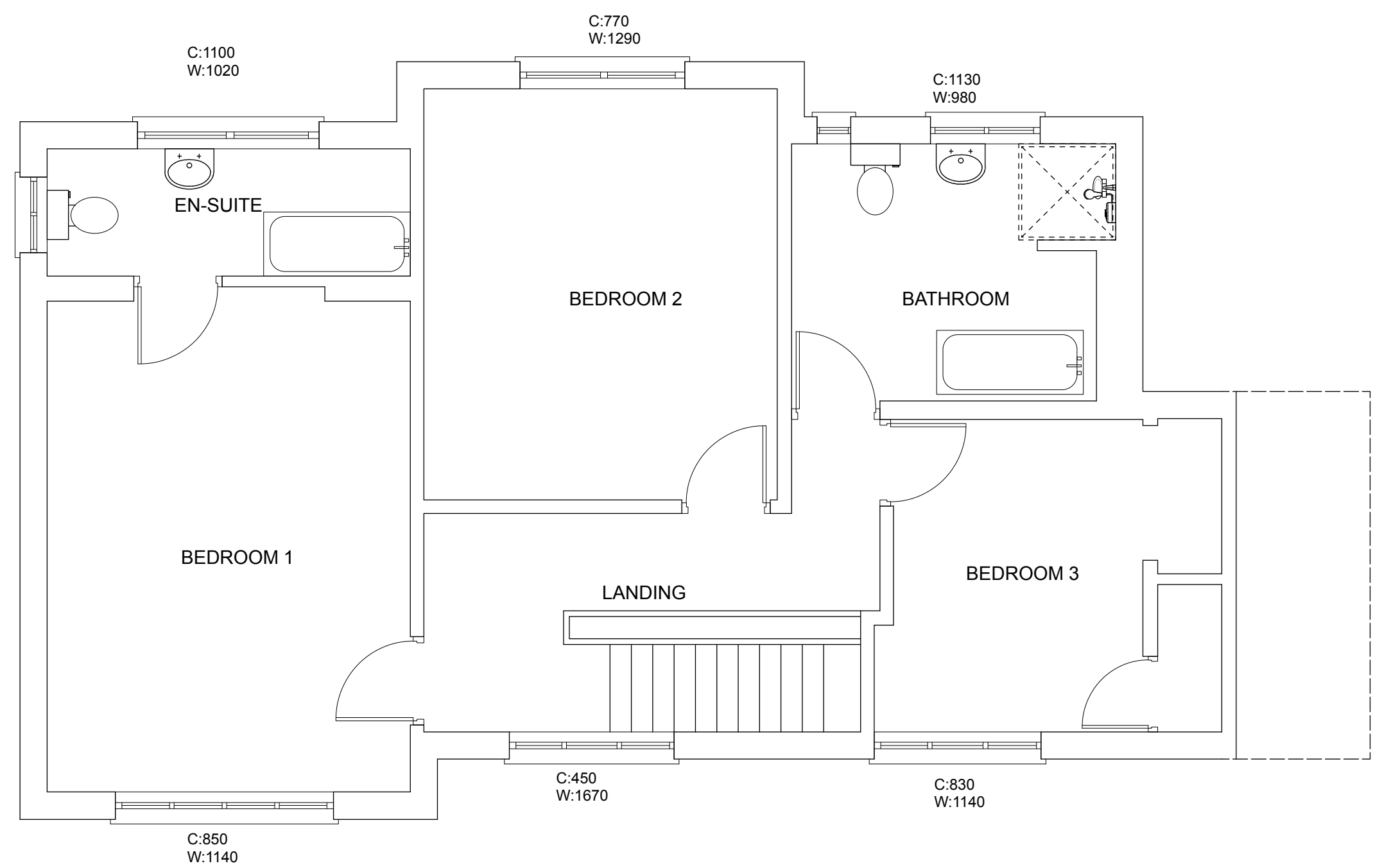
REASON: To safeguard the air quality of the Borough which is an Air Quality Management Area in compliance with the Black Country Core Strategy Policy ENV8 and the adopted Air Quality SPD.

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

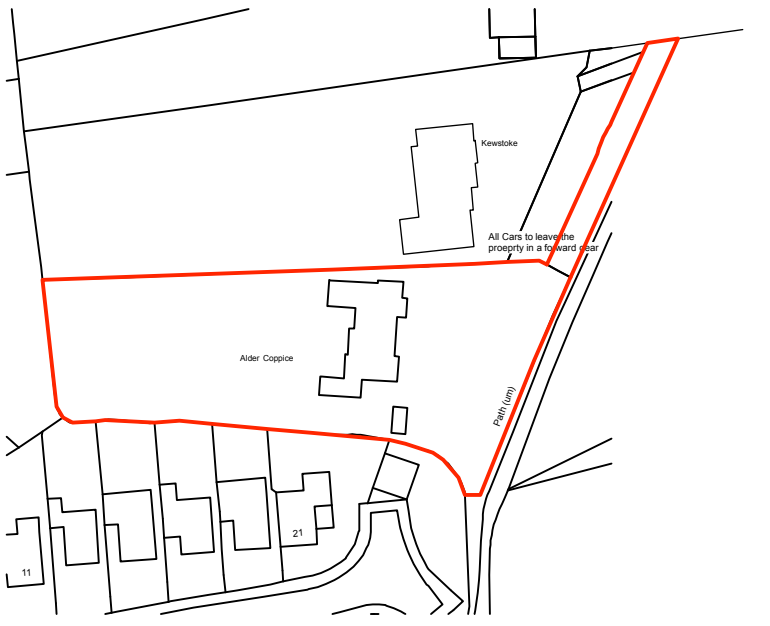
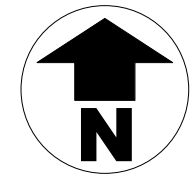
REASON: In the interests of the privacy and amenity of surrounding residents in accordance with Borough Development Strategy 2017 Policy L1 Housing Development, extensions and alterations to existing dwellings, Policy D2 Incompatible Land Uses (in part).



EXISTING GROUND FLOOR PLAN
Scale 1:50



EXISTING FIRST FLOOR PLAN
Scale 1:50



OS MAP
Scale 1:1250



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M: 07881923447 T: 01902 404910

Rev	Date	Comments	Rev	Ch
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Project Address
GREENLEIGHS, SEDGLEY, DY3 3RZ

Drawing Title
EXISTING FLOOR PLANS

Client Name/Organisation
-

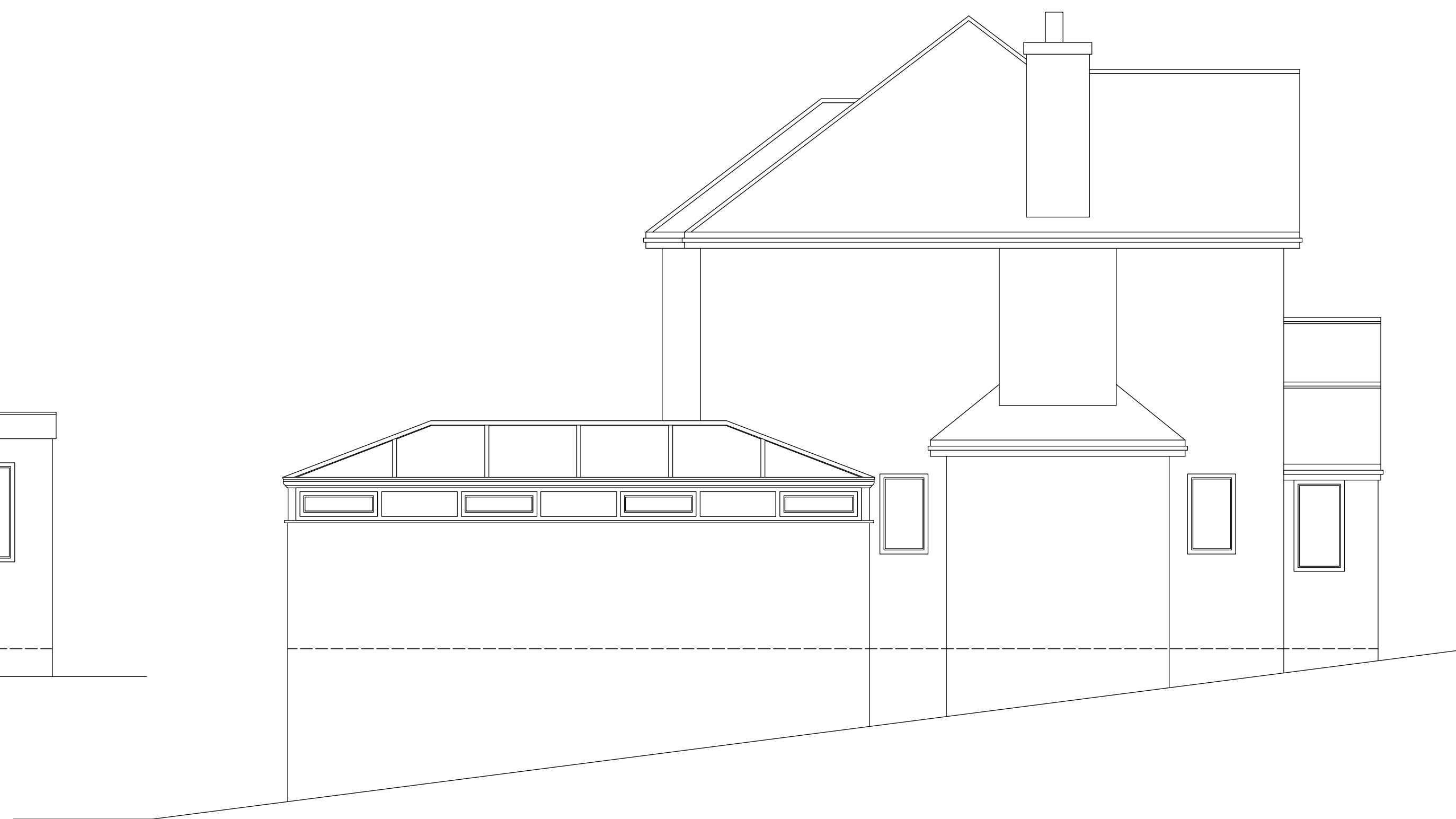
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A1 Landscape

Scales
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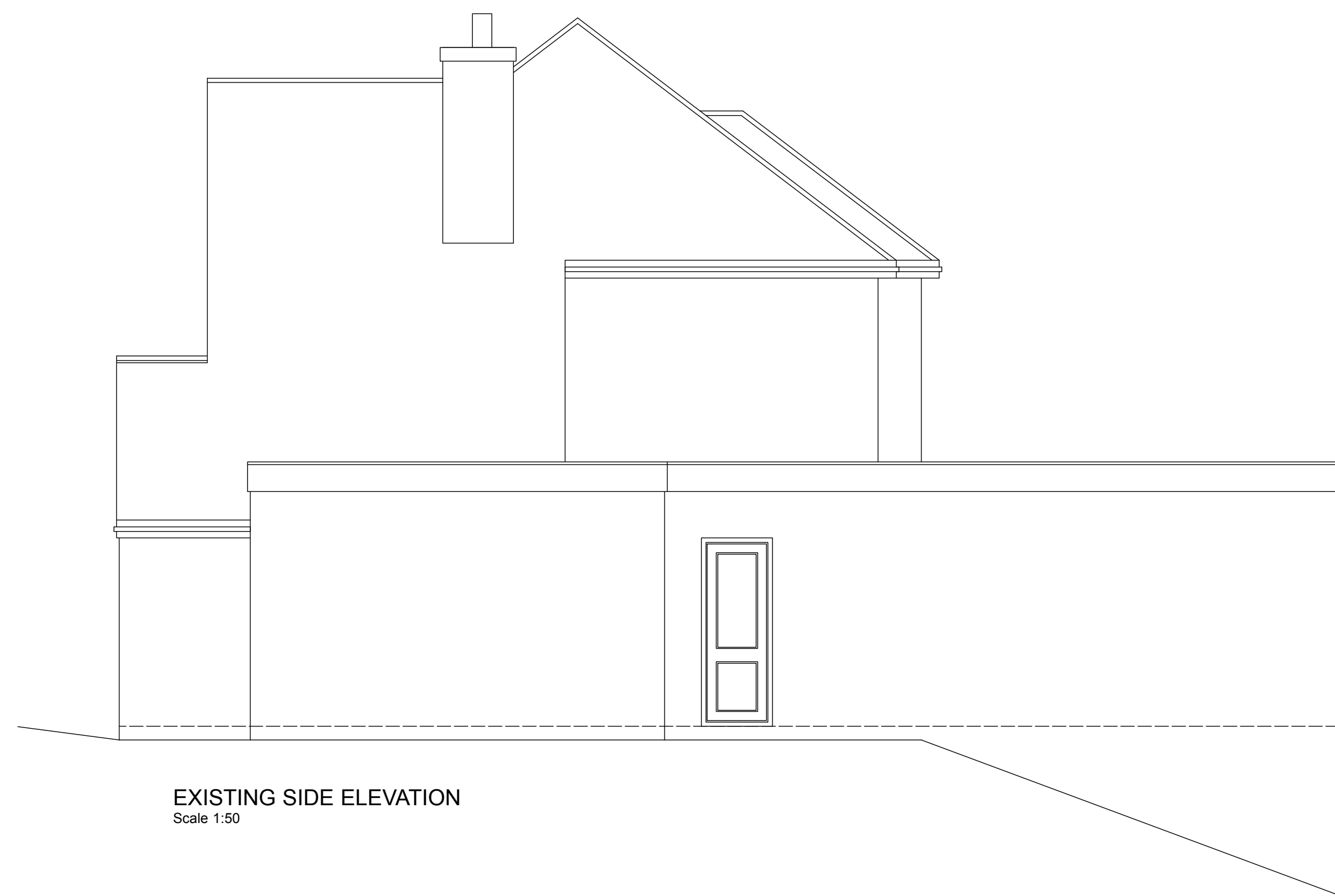
EXISTING FRONT ELEVATION
Scale 1:50



EXISTING SIDE ELEVATION
Scale 1:50



EXISTING REAR ELEVATION
Scale 1:50



EXISTING SIDE ELEVATION
Scale 1:50



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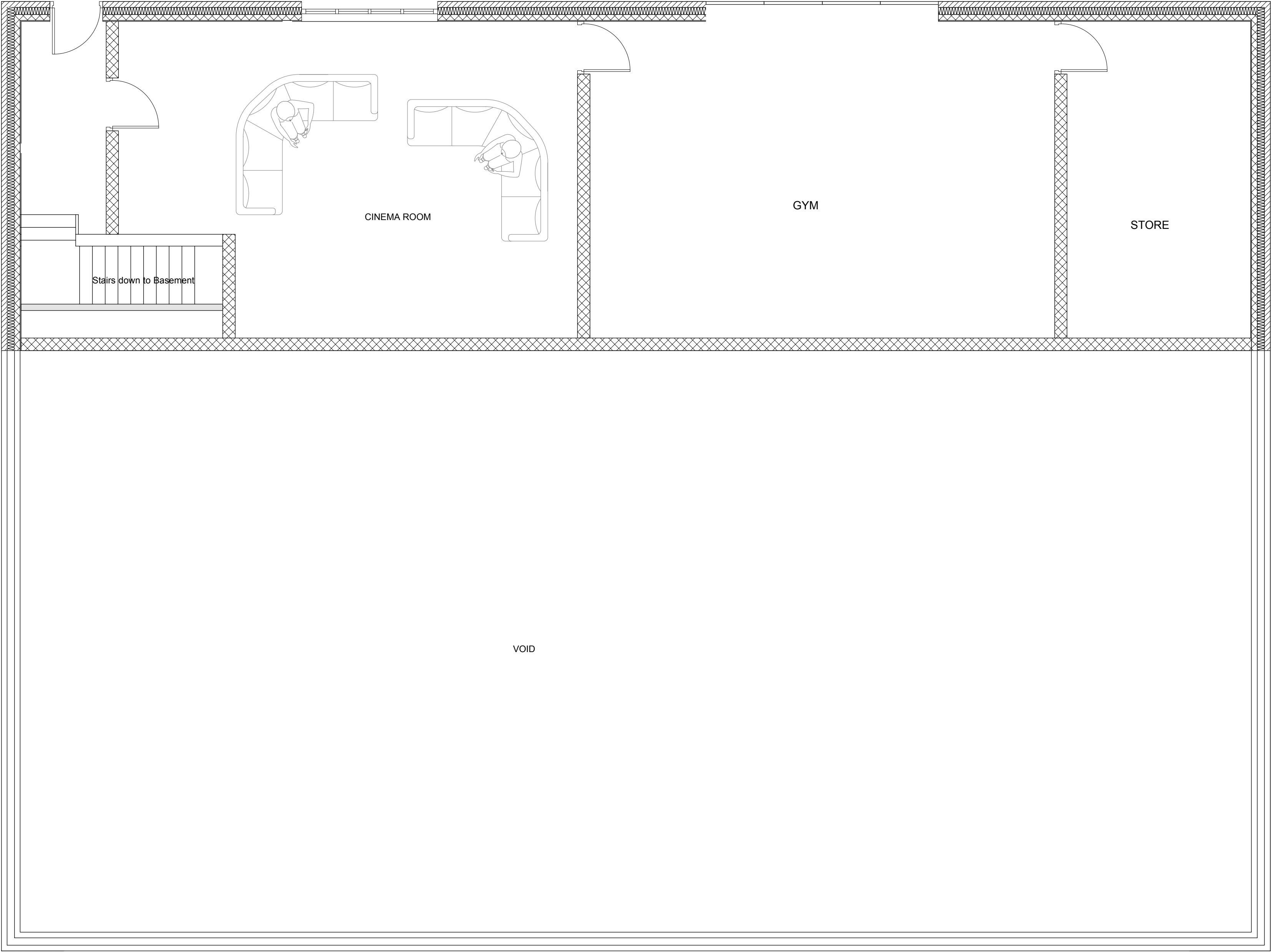
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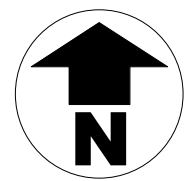
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EXISTING ELEVATIONS

Client Name/Organisation
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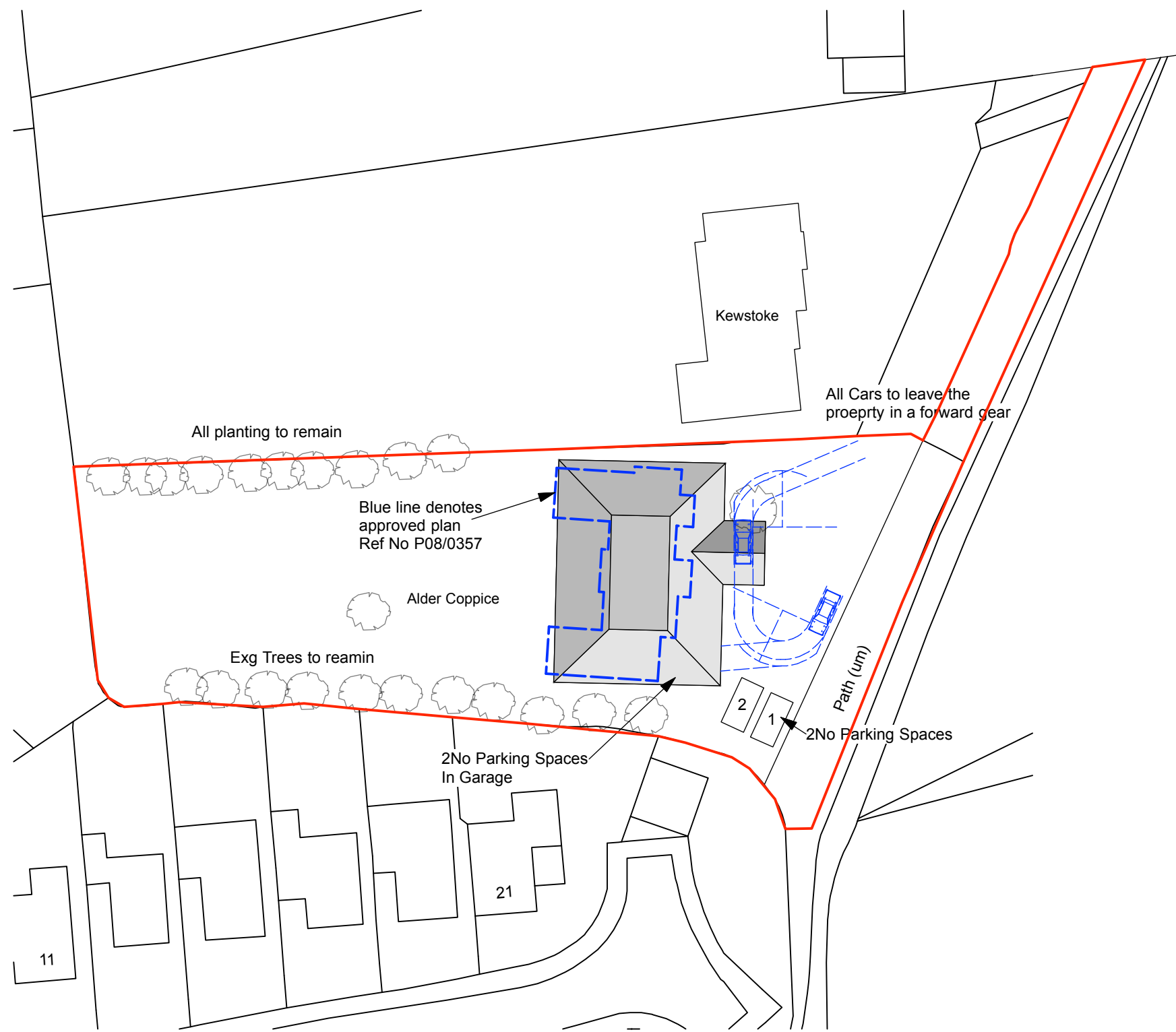
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100/1512- 02 Original Paper Size
A1 Landscape



PROPOSED GROUND FLOOR PLAN
Scale 1:50



OS MAP
Scale 1:1250



OS MAP
Scale 1:1250



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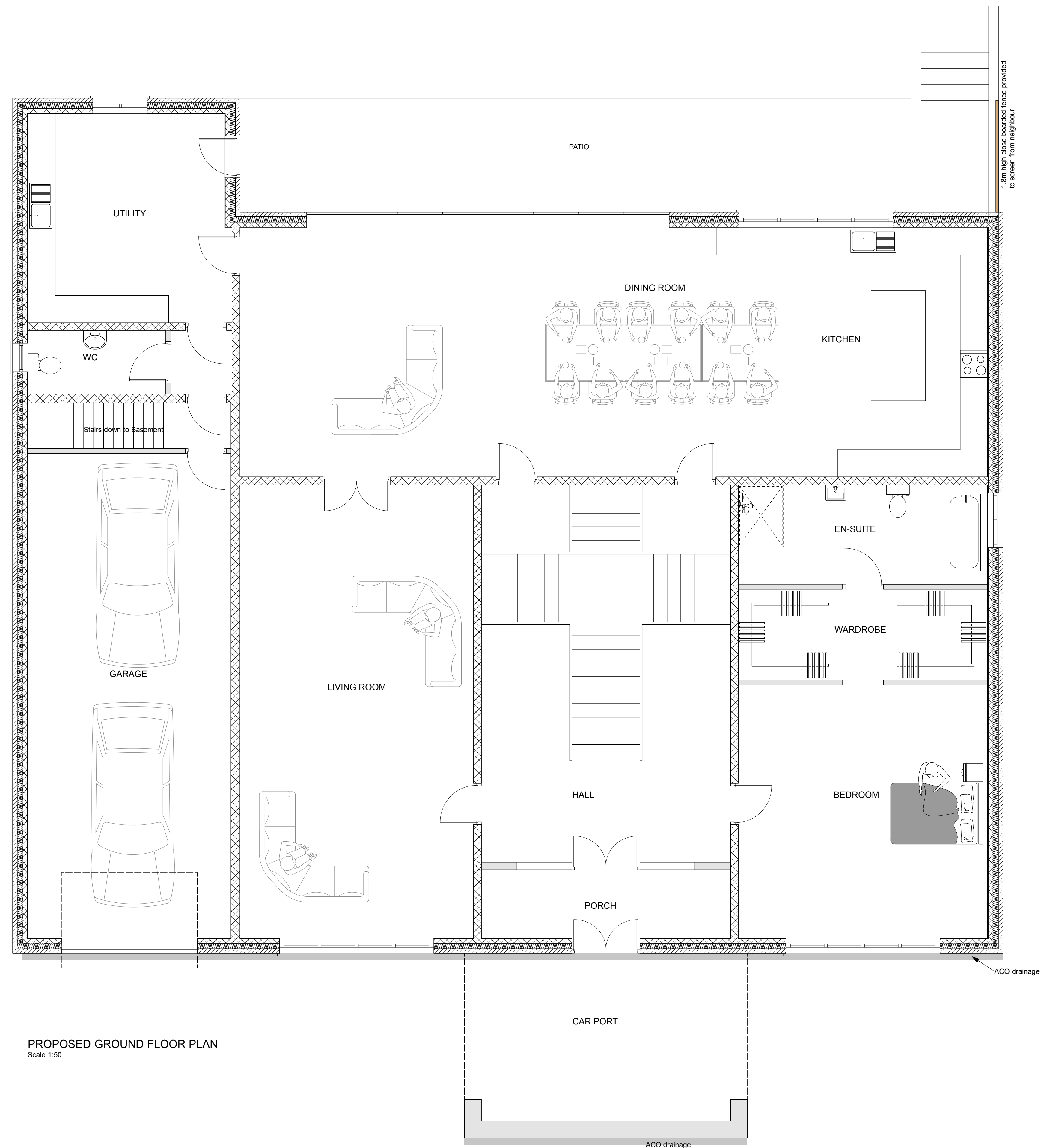
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Project Address
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Drawing Title
PROPOSED BASEMENT AND LCOATION PLAN

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Drawing Number
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A1 Landscape



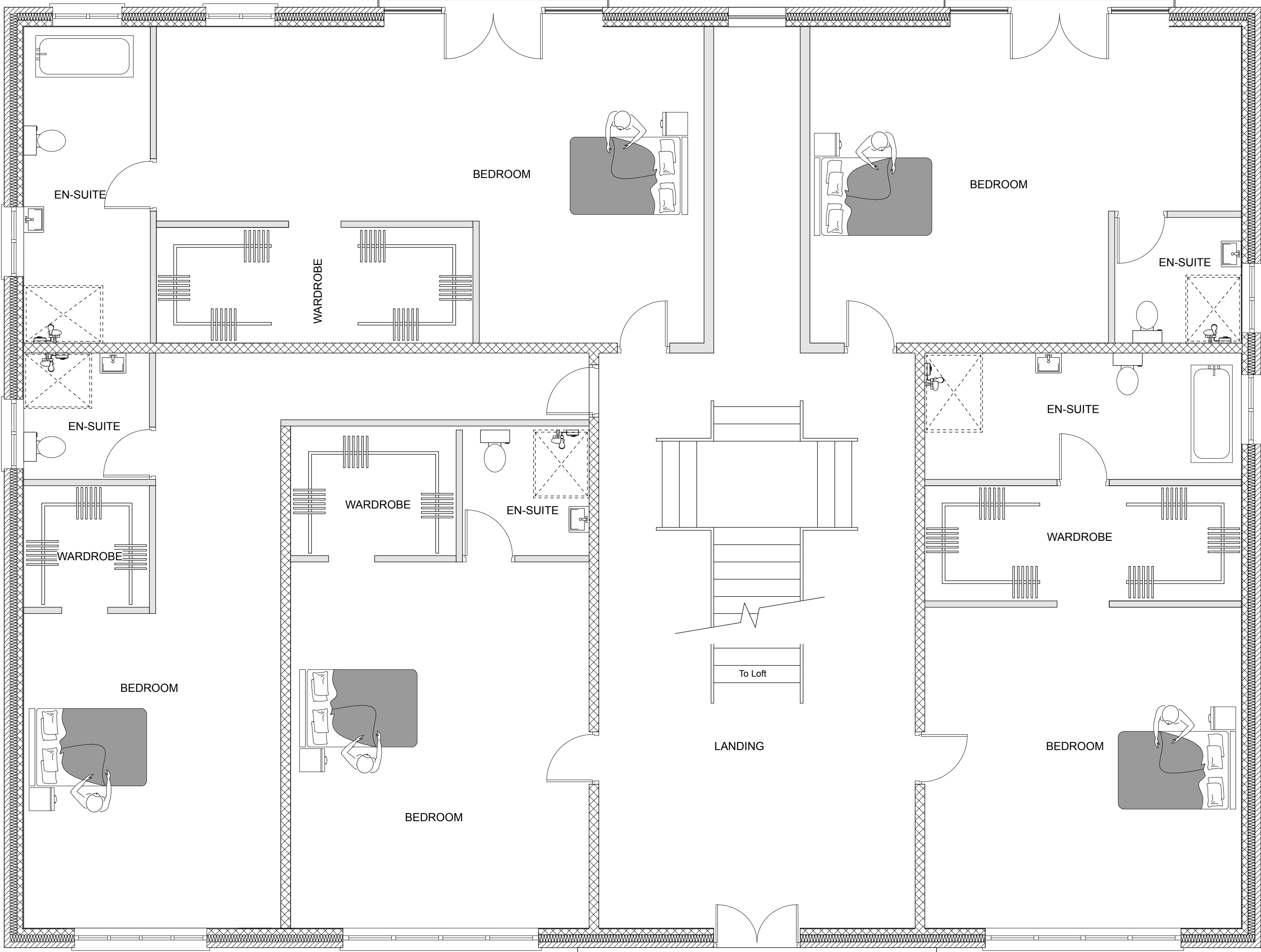
PROPOSED GROUND FLOOR PLAN
Scale 1:50



**SPECTOR
DESIGN**
ARCHITECTURE AND SURVEYING

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Rev	Date	Comments	Rev	Ch
Project Address				
GREENLEIGHS, SEDGLEY, DY3 3RZ				
Drawing Title				
PROPOSED GROUND FLOOR PLAN				
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Drawing Number				Original Paper Size
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PROPOSED FIRST FLOOR PLAN
Scale 1:50



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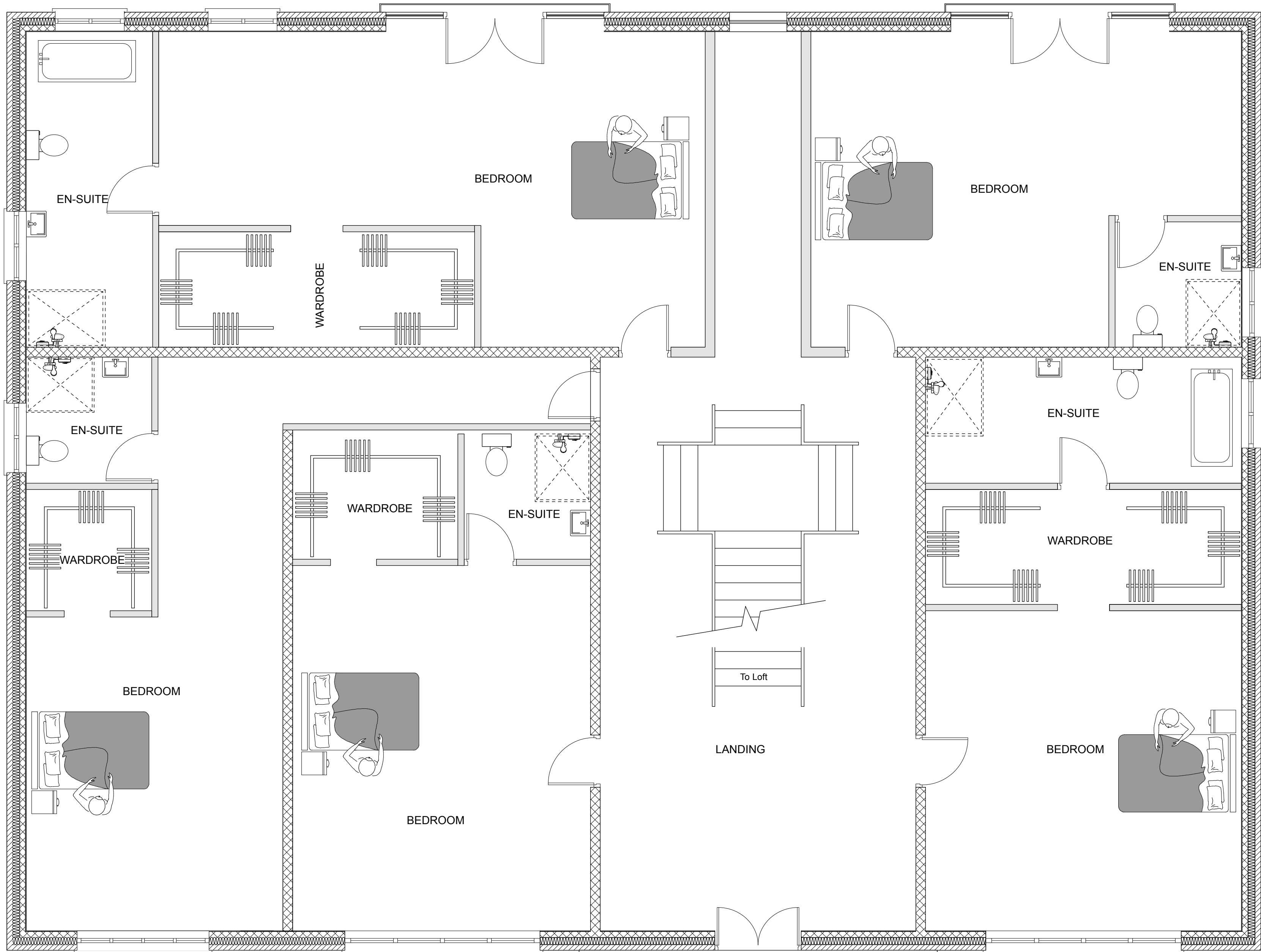
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Drawing Number
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Original Paper Size
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PROPOSED FIRST FLOOR PLAN
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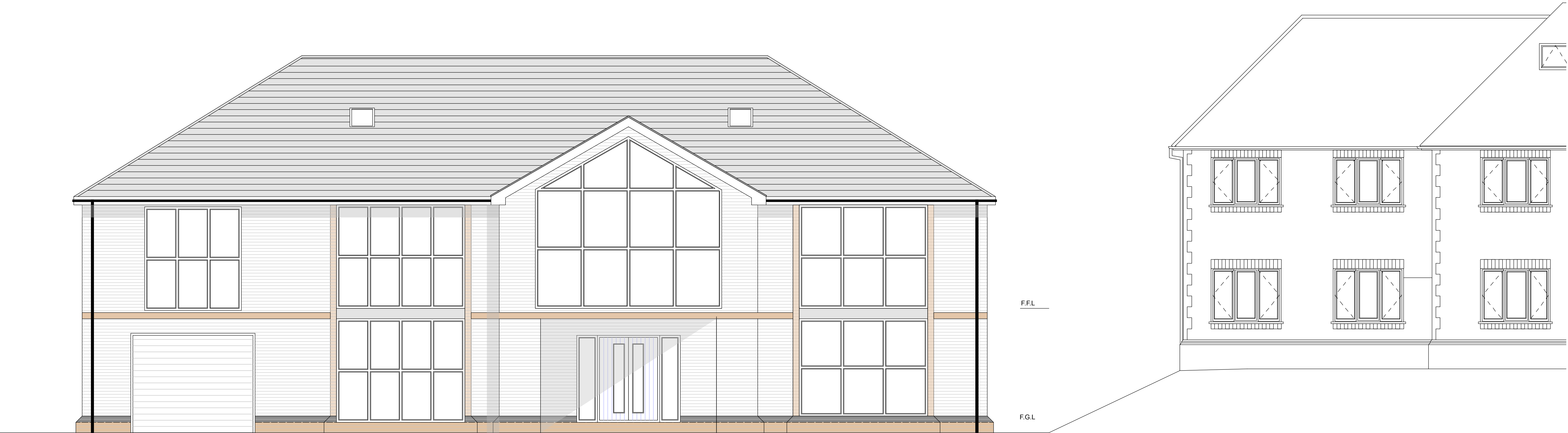
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Project Address
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Drawing Title
PROPOSED FIRST FLOOR PLAN

Client Name/Organisation	Scales
-	1:50 @ A1

Drawing Number	Original Paper Size
100/1512- 05	A1 Landscape



PROPOSED FRONT STREET SCENE ELEVATION
Scale 1:50

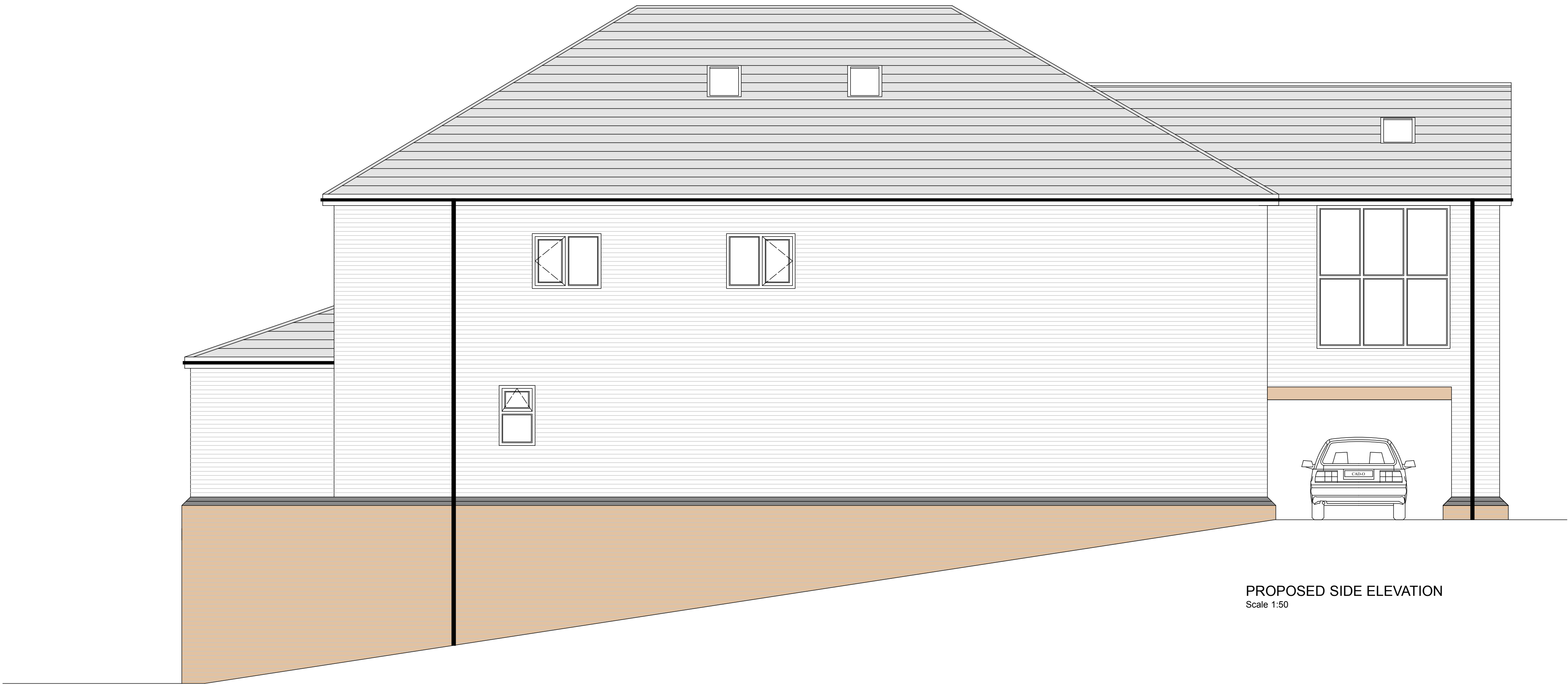


PROPOSED REAR ELEVATION
Scale 1:50

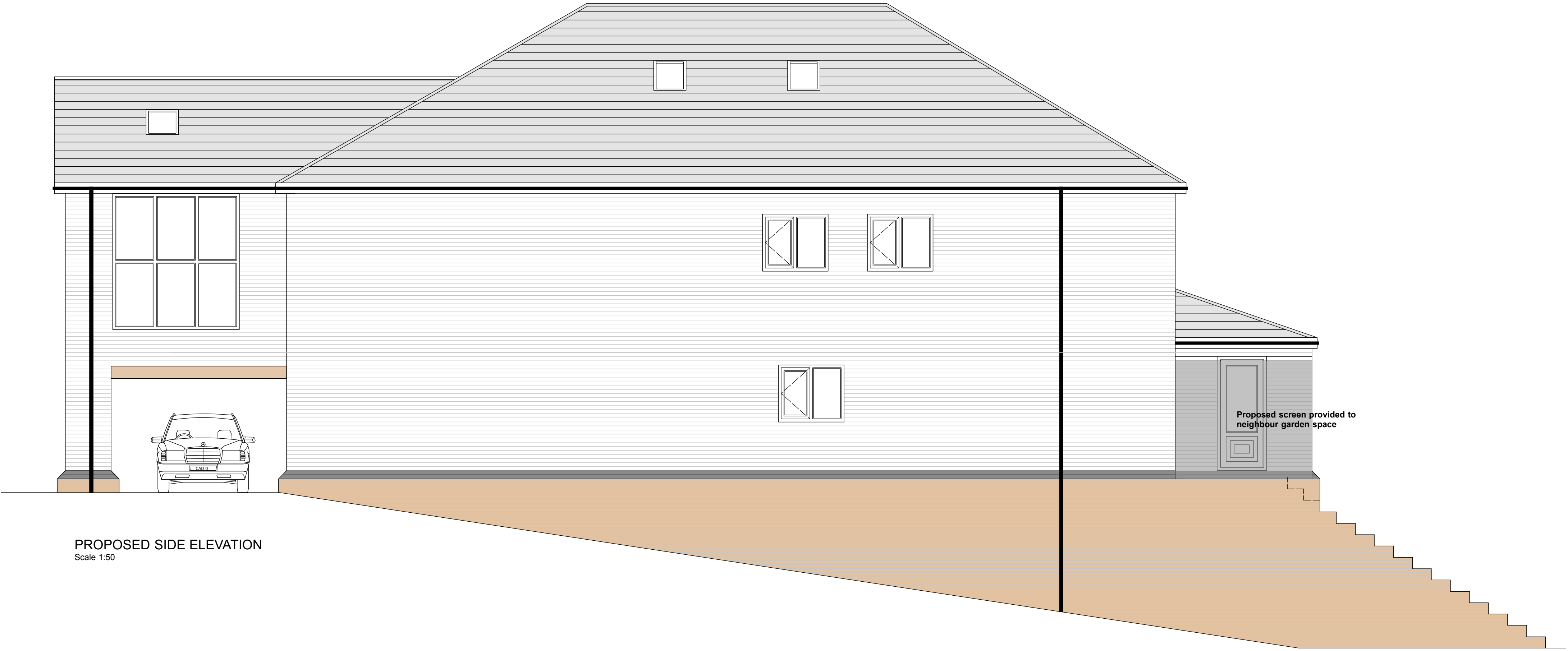


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Rev	Date	Comments	Rev	Ch
Project Address				
GREENLEIGHS, SEDGLEY, DY3 3RZ				
Drawing Title				
PROPOSED FRONT AND REAR ELEVATIONS				
Client Name/Organisation			Scales	
-			1:50 @ A1	
Drawing Number			Original Paper Size	
100/1512- 07			A1 Landscape	



PROPOSED SIDE ELEVATION
Scale 1:50



PROPOSED SIDE ELEVATION
Scale 1:50



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Rev	Date	Comments	Rev	Ch
Project Address				
GREENLEIGHS, SEDGLEY, DY3 3RZ				
Drawing Title				
PROPOSED SIDE ELEVATIONS				
Client Name/Organisation			Scales	
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Drawing Number			Original Paper Size	
100/1512- 08			A1 Landscape	

PLANNING APPLICATION NUMBER: P22/1726

Type of approval sought	Full Planning Permission
Ward	Wordsley Ward
Agent	Mr A. Adshead, Planapp
Case Officer	James Mead
Location:	PRIVATE GARAGE SITE AT REAR OF 16 TO 24, MARLBOROUGH GARDENS, WORDSLEY
Proposal	SUBSTITUTION OF HOUSE TYPES TO PLOTS 1, 2 & 3 OF PLANNING APPROVAL P20/0732 AND MINOR MODIFICATIONS TO PARKING AND DRIVEWAY AREAS (PLOT 4 RETAINED IN ACCORDANCE WITH PERMISSION P20/0732)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. This is a 0.12-hectare site, consisting of 18 garages which are to be demolished. The site is bounded by residential housing with the gardens of residential properties on Ashwood Avenue to the north; Ascot Gardens to the east and Marlborough Gardens to the south and west. The site slopes from south west to north east, with the access into the site sloping down from Marlborough Gardens.
2. The sites current land use is for private parking of vehicles.

3. The site is largely hardstanding with limited areas of greenery to the northern part of the site. Vehicular access to the site is gained via an existing access located between No's 21 and 22 Marlborough Gardens.
4. The site is bounded by a number of public rights of way, which would be unaffected by the proposals.

PROPOSAL

5. This application proposes the substitution of house types on plots 1, 2, and 3 of planning approval P20/0732 and minor modifications to parking and driveway areas.
6. Planning application P20/0732 proposed the erection of 2no. two bed semi-detached dwellings and 2no. three bed detached dwellings. This included associated works set within a new cul-de-sac development with access from Marlborough Gardens, with off street parking to the front and sides and some modest landscaping. All four dwellings would benefit from private garden areas to the rear.
7. The changes proposed are as follows
 - Plots 1 and 2 have been changed from 2 bed to 3 bed dwellings.
 - The elevation treatment of Plots 1 and 2 introduces a stepped front and gable and provides a covered porch integrated into the design.
 - The first floor bedroom window on plot 3 has been relocated to the east elevation. This removes a window at the first floor facing

the rear of 12 Ascot Gardens. A small 'dummy window' recess within the brickwork will be formed.

- Plot 1 has been moved approximately 200mm east, slightly increasing the distance to the rear elevation of the dwellings fronting Marlborough Gardens.
- This results in a slimmer design, albeit slightly longer, than originally approved.
- The gap between plots 2 and 3 is reduced to 1m.
- Plot 3 is moved slightly further from the eastern boundary.
- A shared rear access to plots 2 and 3 is removed both now have separate access to the rear.

8. There is no change to Plot 4.

HISTORY

APPLICATION NO.	PROPOSAL	DECISION	DATE
CC/78/654	Erection of 8no 1 bedrooms residential flats in a two storey block	Refused	22/05/1978
P19/01660	Demolition of existing garages and erection of 4 no. dwellings	Approved with conditions	21/04/2020*

P20/0732	Demolition of existing garages and erection of 4 no. dwellings (Re-submission of P19/1660)	Approved by Committee with conditions	03/02/2021
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*Planning Committee subsequently resolved that they would have refused the application had they been in a position to make the decision.

PUBLIC CONSULTATION

9. Letters of notification were sent to the occupiers of 58 surrounding and nearby addresses. A site notice was posted. The final date for comments to be received was 30th December 2022.
10. Two letters of objections were received from neighbouring occupiers, objecting to the application on the following grounds.
 - The proposal is overdevelopment.
 - There is no parking in the surrounding area
 - No access for emergency vehicles.

OTHER CONSULTATION

11. Engineer (Highways):

The application is for minor changes to that previously approved. Some dwellings will have additional bedrooms, however, the parking provision with one shared visitor parking space meets the Councils minimum parking standards policy.

12. Head of Planning and Regeneration (Land Contamination Team):

The site and its immediate surroundings were open fields prior to the introduction of residential development during the 1960's onwards. Significant contamination would not generally be expected on a domestic garage site, (however careful demolition must be undertaken in the event of asbestos roofs etc. being present). A condition is recommended in the event that any unexpected contamination is encountered during the redevelopment of the site;

13. Head of Environmental Safety and Health:

No objection, subject to safeguarding conditions

14. Public Rights of Way Officer

No comments

RELEVANT PLANNING POLICY

15. National Planning Policy

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

16. Black Country Core Strategy 2011

- Policy CSP3 (Environmental Infrastructure)
- Policy DEL1 (Infrastructure Provision)
- Policy HOU1 (Delivering Sustainable Housing Growth)

- Policy HOU2 (Housing Density, Type and Accessibility)
- Policy TRAN2 (Managing Transport Impacts of New Development)
- Policy ENV 3 (Design Quality)

17. Dudley Borough Development Strategy 2017

- Policy S1 (Presumption in favour of Sustainable Development)
- Policy L1 (Housing Development)
- Policy S6 (Urban Design)

18. Supplementary Planning Guidance

- Parking Standards SPD
- New Housing Development SPD

ASSESSMENT

19. The main issues are

- Principle
- Layout and Design
- Neighbour and Occupier Amenity
- Access and Parking
- Land Contamination and Stability
- Financial Material Considerations
- Planning Obligations

Principle/Policy

20. The proposal would constitute windfall development on a brownfield site. The overriding strategy is for residential led regeneration of previously development land, this is a small site providing a net gain of four dwellings and would not prejudice the overall strategy. It is considered the principle of redeveloping this site for residential purposes would be a positive step in line with national and local policy and has been firmly established by the approval of the previous applications on this site. The site is within an established residential area, close to public transport links and with easy access to local services.

Layout and Design

21. There are some layout changes from the previous application, with a slight repositioning of plots 1, 2 and 3. And some design changes to plots 1 and 2. However, as a whole, it is considered that the position/width of these proposed dwellings would not appear out of context. They are still two storey properties that are a featured elsewhere and there are mixed house types including detached, semi-detached and terraced rows. It still results in a development following a broad pattern of development and would not be harmful to the surrounding area.
22. The density of the proposed development is still 33 dwellings per hectare; this is acceptable in this case given the narrow-elongated nature of the site which restricts its development potential and reflects

the density of the surrounding residential estate. As such, it is not considered that the development results in overdevelopment of this site.

23. The dwellings would be of an appropriate scale and design. All dwellings would be brick built with slate roof tiles. The materials proposed have been set out within supporting documentation and are as follows. Walls - Forterra Russet Mixture; Roof - Marley Modern colour smooth grey; Windows - PVCU white Entry Doors - Insulated Composite door. These materials are considered appropriate for this location and help to assimilate the new development with the existing surrounding area and result in a design that would enable the creation of a high-quality residential environment that would sit comfortably within its surroundings.
24. With respect to boundary treatment, the site is bounded predominately by existing residential boundaries which will be retained. Internal boundaries would consist of 2m high close boarded fencing between properties, with a low level trip rail along more exposed footpaths. This boundary treatment accords with the character of the wider area and is acceptable.

Neighbours and Occupier Amenity

25. The Council's New Housing SPD recommends a series of numerical standards to ensure existing and future occupiers' privacy and outlook. It is noted the proposed layout changes results in no significant changes to separation distance and would on the whole marginally increase some distances from that previously approved.

26. It was noted on the previously approved development that there would be approximately 19m between rear facing windows of 14 Ascot Garden and the front of Plot 3, which was a 3m shortfall of the 22m required. This was not considered a significant matter; however, this revised application moves the habitable window to the side elevation and replaces with a 'dummy' recessed brick elevation. This is considered acceptable, as there is an appropriate separation from the side elevation to the boundaries of the site and would not impact on the wider area. The development still follows the prevailing pattern of development, and these separation distances are reflective of the surrounding area. As such, it is not considered that there would be overlooking of adjacent properties.
27. The layout shows that there would still be private gardens to the rear or side of each property. All would be afforded well over 65sqm in garden space. In addition, the properties would provide an internal layout of suitable size, with one good sized double bedroom and one further double bedroom and a furniture layout shows that ample storage can be accommodated to meet the expected requirements.
28. Applying the 45-degree code, it is noted that the properties would not breach the code, to any neighbouring property.

Access and Parking

29. Policy L1 also requires that development should provide adequate access and parking to ensure that there would be no detrimental impact on highway safety. Concerns were raised previously regarding matters of highway safety and manoeuvring within the site and the lack of

parking. Plans provided show how the development can provide an adequate level of parking, including the provision of an additional parking space for visitors.

30. Each property is provided with two off street car parking spaces. Therefore, the proposal accords with the minimum standards as set out in the Car Parking Standard SPD. The SPD also requires 0.2 visitor spaces per dwelling. (This figure is derived and based on Government Guidance and research, Residential Car Parking Research 2007). Based on 4 properties the requirement would be 0.8 of a visitor space, and therefore the development provides the appropriate amount of parking in accordance with policy and guidance and there would not be sufficient reason to warrant the refusal of the application on the lack of parking in this instance.
31. In terms of manoeuvring, the access road area adjacent the dwellings is also some 15m long, a minimum of 6.5m wide with sections 10m wide and 8.2m wide. New residential streets are designed and given technical approval by the Highway Authority at 5.5m wide carriageway, the design therefore provides a substantial amount of turning space for vehicles above that normally approved. The Council Highways Engineer previously noted that a turning circle for a family type of vehicle is typically some 5m radius, therefore there is ample space within the access area fronting the dwellings for manoeuvring.
32. The proposed means of access to the site is well established by the garage use. It is wide enough for a vehicle and a pedestrian to pass. Given the limited number of dwellings that the site could accommodate, the Highway Engineer concluded that the likelihood of conflict at the

narrow access was minimal. Marlborough Gardens is not considered to be a busy road and reversing would not be a significant issue in any case.

33. As with the previous application, the objection raised in relation to car parking refers to the limited parking available along the roads adjacent to this site, specifically Marlborough Gardens and Ascot Gardens.
34. The Local Planning Authority cannot legally refuse this proposed development on the grounds of loss of existing, informal car parking. Nor can it require that the applicant mitigates against that loss. The Local Planning Authority can however require that the proposed scheme provides sufficient car parking for the potential occupiers of the new properties so as not to cause any additional harm to highway safety or significant increase in traffic, which this proposal does.

Other Matters

35. Residents have raised concerns about site drainage. Given the small-scale nature of the development SuDs are not a requirement. This is a matter for consideration at building control stage and not for consideration in the planning process.
36. Concerns about access to the site for Emergency Vehicles have been raised, in particular access for the Fire Service. In this case the applicant has stated that each property will be fitted with a domestic sprinkler system, and with each property less than 90m from the access a fire hose would reach. In any event, this is a matter for consideration and approval under Buildings Regulations.

37. There is also ample room for the residents of the new properties to place their bins on the shared surface pavement at the top of the access so that they can be collected.

Financial Material Considerations

38. 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). 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'.
39. This proposal would provide 4 dwellings generating a New Homes Bonus grant of 4 times the national average council tax for the relevant bands. Whilst this is a significant sum of money the planning merits of the proposal are acceptable in any event and therefore this is not accorded significant weight.
40. The proposal is liable for CIL but the site falls within Zone 1 which has a £0 rate thus no CIL charge is required.

CONCLUSION

41. This revised application demonstrates that the redevelopment of the site for housing accords with both national and local policy. The development would provide new housing to help meet the boroughs demand for new homes, and the proposed type, tenure, layout and design are appropriate for the area and can be accommodated without any significant adverse impact on existing residents, trees and ecology, on safety or traffic on the local highway network. The proposals would provide a high-quality development, which is considered would make a positive contribution to the area and which constitutes sustainable development.

RECOMMENDATION

42. 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: Location Plan 001; Proposed Site Plan 002 Rev A; Plots 1/2/3 Plans and Elevations 003 Rev A; Proposed Levels 004 Rev A; Highway Layout 005 Rev A; Site Sections 006 Rev A; 3742-05A (Proposed Development Plot 4).
REASON: For the avoidance of doubt and in the interests of proper planning.

3. The development shall take place in full accordance with the submitted Construction Method Statement.
REASON: To protect the amenity of residents in the vicinity of the site during construction of the development and to comply with Borough Development Strategy 2017 Policy L1 Housing Development, extensions and alterations to existing dwellings.
4. 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.
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.
5. 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.
6. No materials other than those indicated on the approved plans shall be used without the approval in writing of the Local Planning Authority.
REASON: In the interests of the visual amenities of the area and to comply with BCCS Policies CSP4 - Place-Making and ENV2 - Historic Character and Local Distinctiveness and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part).
7. 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

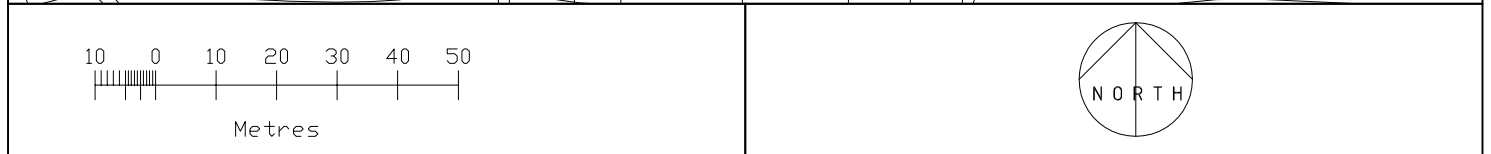
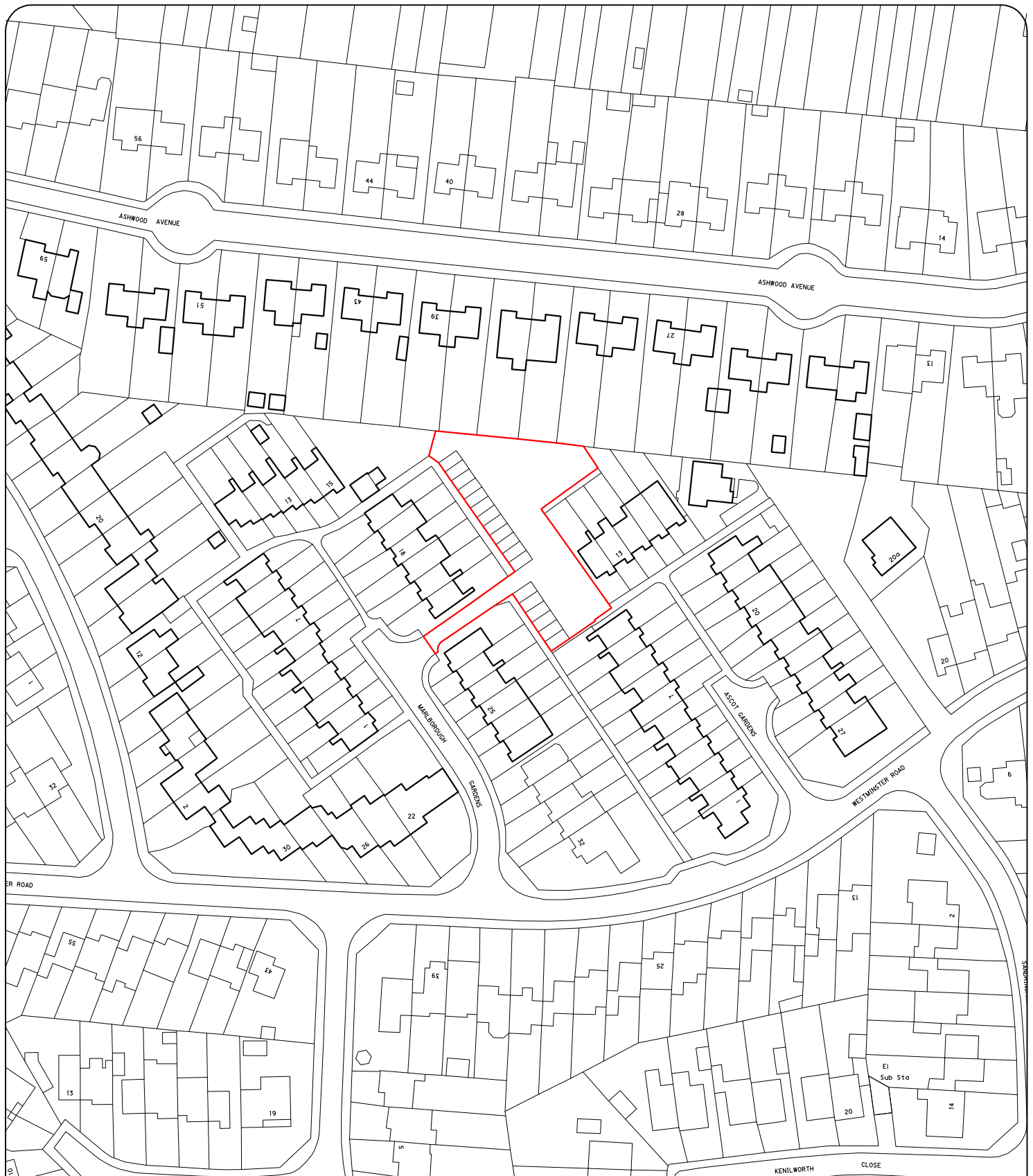
the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land and the NPPF.

8. 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).

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

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



revision	initial	Revision notes				date
drawing		Location Plan				
project		Marlborough Gardens				
date		scale	dwg no	001	Rev	
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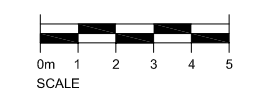


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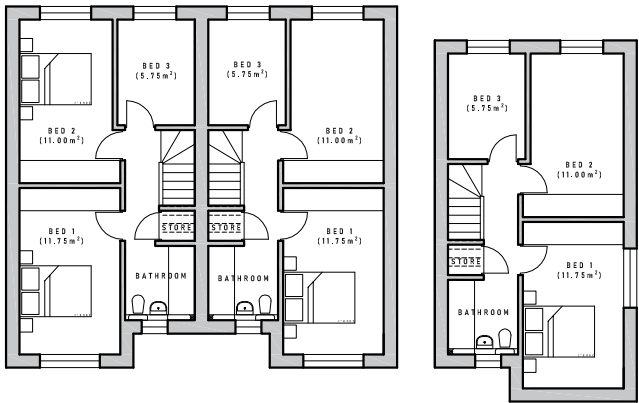
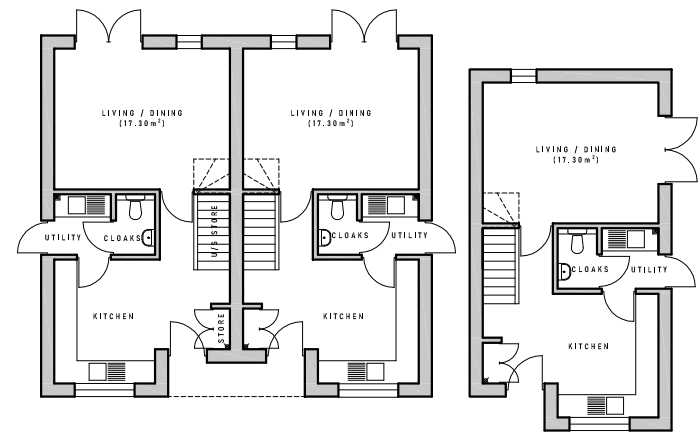
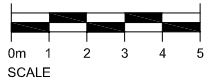
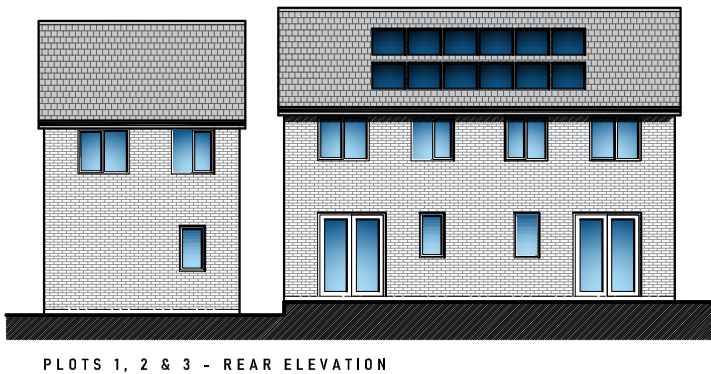
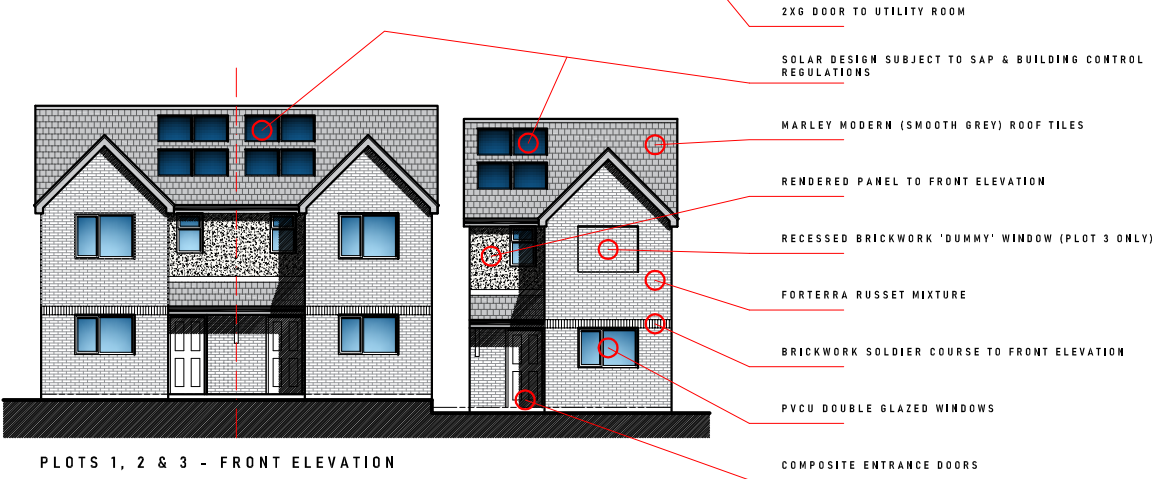
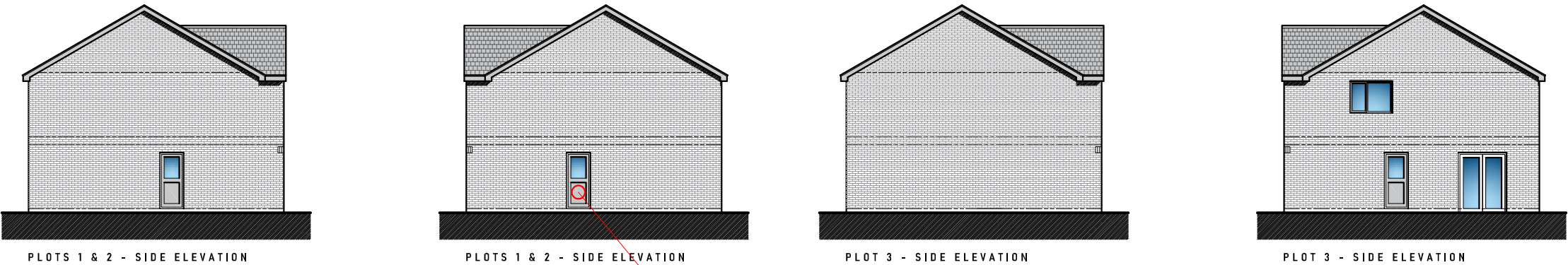
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contract/site	<input type="checkbox"/>	H&S file <input type="checkbox"/>
Client		
DY9 Limited		
Project		
Marlborough Gardens Wordsley		
Drawing		
Proposed Site Plan		
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Job No	Drawing No	Revision
383	002	A

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Rev.	Revision notes	Date

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Client
DY9 Limited

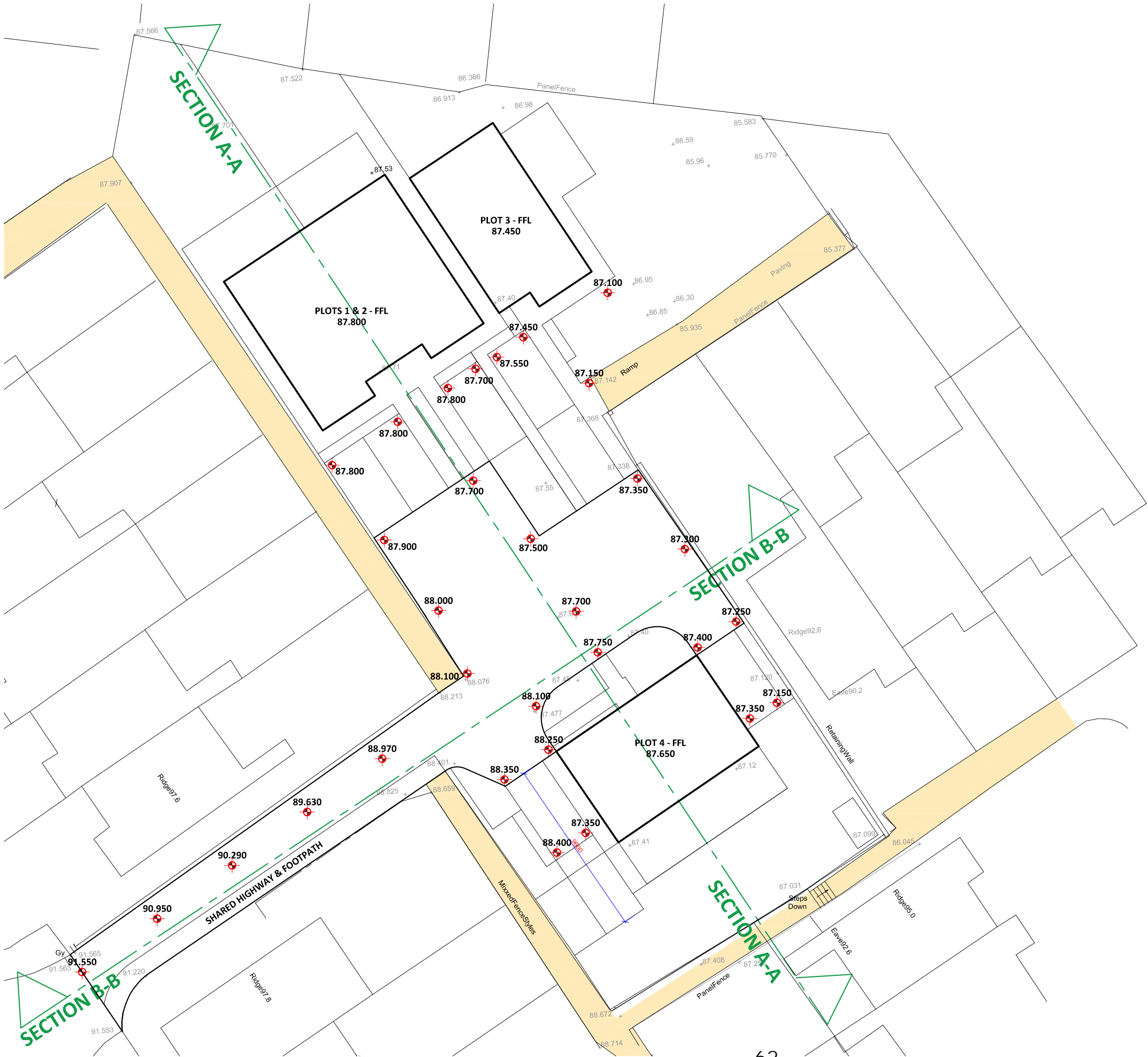
Project
**Marlborough Gardens
Wordsley**

Drawing
Plots 1/2/3 Plans & Elevations

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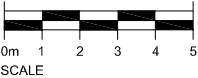


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	contract/site	<input type="checkbox"/>	H&S file	<input type="checkbox"/>

Client
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Project
Marlborough Gardens Wordsley

Drawing
Proposed Levels

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Job No	Drawing No	Revision
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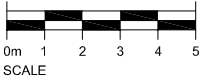


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contract/site	<input type="checkbox"/>	H&S file <input type="checkbox"/>

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Project
**Marlborough Gardens
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Drawing
Highway Layout

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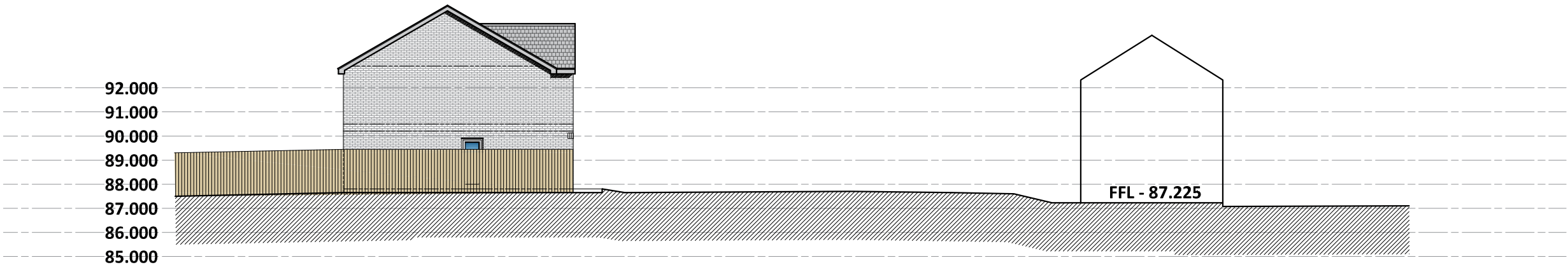
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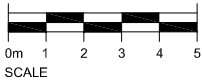
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SECTION A - A



SECTION B - B

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Rev.	Revision notes	Date

Issue		
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contract/site	<input type="checkbox"/>	H&S file <input type="checkbox"/>

Client
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Project
**Marlborough Gardens
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Drawing
Site Sections

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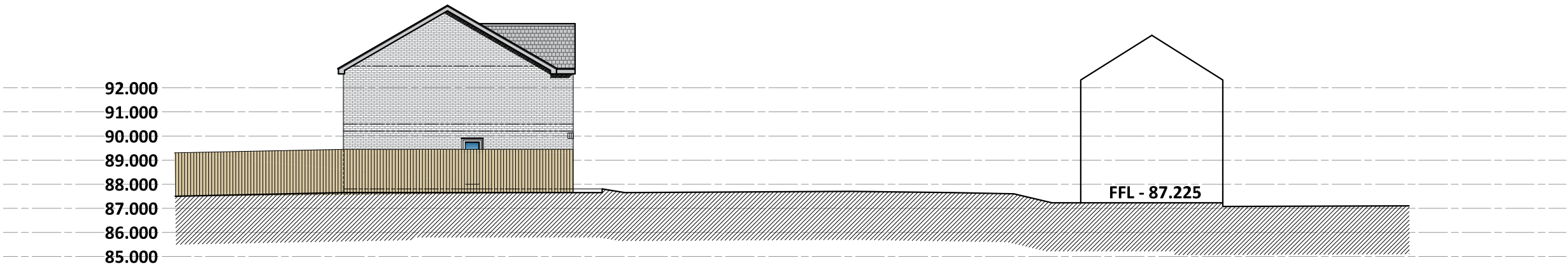
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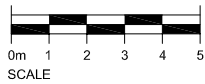
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SECTION A - A



SECTION B - B

A	PLANNING APPLICATION ISSUE	29 10 22
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Issue		
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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.