

**Meeting of the Development Control Committee
Wednesday, 9th March 2022 at 6.00pm
In Committee Room 2, The Council House, 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 January 2022 as a correct record.](#)



6. Plans and Applications to Develop

- (a) Planning Application No. P21/1989 – Sedgley Police Station and Car Park, Vicar Street, Sedgley, Dudley – Demolition of existing garages and part police station, erection of 3 no. dwellings on existing carpark and conversion of existing police station into 9 no. flats to include two storey extension and associated works (Pages 1 - 27)
- (b) Planning Application No. P21/2052 – 9 Alderwood Precinct, Sedgley, Dudley – First floor extension to create 2 no. flats with associated works and installation of solar panels on roof. Erection of garage block (Pages 28 - 42)
- (c) Planning Application No. P21/2163 – 336 Hagley Road, Stourbridge – Fell and replace 1 no. Redwood (Sequoia) tree (Pages 43 – 48)

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).



Chief Executive
Dated: 28th February 2022

Distribution:

Councillor A Goddard (Chair)
Councillor D Harley (Vice-Chair)
Councillors D Corfield, M Hanif, S Mughal, C Neale, W Sullivan, E Taylor and M Westwood.

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Submitting Apologies for Absence

- Elected Members can submit apologies by contacting Democratic Services (see our contact details below). Members wishing to appoint a substitute should notify Democratic Services as soon as possible in advance of the meeting. Any substitute Members must be eligible to serve on the meeting in question (for example, he/she must have received the training required by the Council).

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**Minutes of the Development Control Committee
Wednesday 12th January, 2022 at 6.00 pm
In the Committee Room 2, Council House, Dudley**

Present:

Councillor A Goddard (Chair)
Councillor D Harley (Vice-Chair)
Councillors D Corfield, M Hanif, C Neale, W Sullivan, E Taylor, and M Westwood.

Officers: -

J Hindley (Highways Officer), C Mellor (Planning Manager), P Mountford (Head of Planning and Regeneration), E Napier (Principal Planning Officer), G Breakwell (Solicitor) and L Jury (Democratic Services Officer).

Also in Attendance: -

8 members of the public

43. **An apology for Absence**

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

44. **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.

45. **Minutes**

Resolved

That the minutes of the meeting held on 17th November, 2021, be approved as a correct record and signed.

46. **Change in order of business**

Pursuant to Council Procedure Rule 13(c) it was: -

Resolved

That the order of business be varied, and the agenda items be considered in the order set out in the minutes below.

47. **Plans and Applications to Develop**

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

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>
P21/1763	Councillor T Crumpton E Napier – on behalf of K Garbala who had elected to speak but was unable to attend the meeting due to medical reasons.	Mr S Parma – Marrons Planning (on behalf of Applicant)

(a) **Planning Application No. P21/1763- Everley Residential Home, 15 Lyde Green, Cradley, Halesowen – 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)**

In considering the application, Members took into account all of the concerns raised by the objectors and the Ward Councillor, as outlined in the report and as reported at the meeting, in regard to the application requiring a change of use for a secure institution for troubled children and young people and the accommodation not being registered with Ofsted which was a requirement. Also corporate parenting duties had not been addressed in the report, neither had safeguarding concerns as the accommodation was in close proximity to a play/nursery facility and on a route used by local primary school aged children, the inappropriate location for this type of facility due to vulnerable and elderly residents in close proximity and the fear of an increase in crime and disorder in the area. Objections were also raised due to overlooking and loss of privacy.

The Committee also took account of the comments made in support of the application, in that the applicant had previously addressed concerns raised by planning officers and the building when completed would be of a high standard of design and be visually attractive from the street, and that permission was not required for a change of use class as it was the client's intention to simply rejuvenate and enhance the existing facility. Assurance was given to Members that the facility would be professionally managed and that reference to any proposed increase in crime and safety was purely speculative and unjustified, and that determination of the application should proceed based on the physical alterations and the extension to the building only.

Officers advised that in respect of the concerns raised in relation to the change of use of the facility, they had considered a management plan which had been provided to support the application and were satisfied that the facility would be used for care purposes that fell within the C2 class. The recommendation made by officers had been made purely in respect of the extension and alterations to the existing building, and that the applicant was not seeking consent for the change of use of the building, and a care home for young people would not fall within a different use class to a residential care home. Officers were not able to consider the appropriateness of the location for such a use.

In response to concerns raised by the Committee, Officers advised that if in future it became evident that this facility was not being used for an activity that fell within the C2 use class, the Local Authority would investigate and advise the applicant to either cease the use or apply for that use retrospectively. Reference was also made to the Local Authority's powers to take enforcement action if necessary.

Members were reminded that they were not being asked to consider a change of use of the facility and that the application before them should be determined only on the basis of the proposed physical extensions and building work alterations and in the context of the facility being of C2 use.

Resolved

That the application be approved, subject to conditions numbered 1 to 4 (inclusive), as set out in the report submitted, together with an amended condition, numbered 5, as set out below:-

5. Prior to the first occupation of the development, details of electric vehicle charging bays with a vehicle charging point, to be provided in accordance with the Council's standard (Parking Standards SPD) shall be 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. The electric charging points and bays shall be installed prior to first occupation 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.

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- (b) **Planning Application No. P21/1386 – 14 Iron Bridge Walk, Pedmore, Stourbridge – First floor extension and rear Dormer to facilitate loft conversion.**

Resolved

That the application be approved, subject to conditions numbered 1 to 3 (inclusive), as set out in the report submitted.

48. **Planning Enforcement – Enforcement Plan Review 2021**

The Committee received a report of the Director of Regeneration and Enterprise on a review of the Enforcement Plan that had been introduced in 2017. The report also provided information on the activities of the Borough's Planning Enforcement team, together with a brief appraisal of the enforcement teams performance across 2019/2020 and 2020/2021.

The Principal Planning Officer presented the report and in doing so, referred to the Enforcement Plan that had been produced in 2017 which had provided a focus point for members of the public to observe the activities of the Enforcement Team and how they investigated enforcement cases. It was noted that a recommendation within the plan, committed the section to undertake a review every two years which was completed in 2021 and the details and outcomes of the review were outlined in the document attached as Appendix 1. Minor amendments were recommended to the Enforcement Plan, attached as Appendix 2, and the Enforcement Complaint Form, attached as Appendix 3 to the report.

It was advised that one of the main reasons for introducing an enforcement plan and complaint form related to the high number of enforcement complaints that the authority received that were not planning related which prevented Officers from focusing on investigating significant planning breaches that required action.

It was noted that a large number of cases related to domestic household applications and it was believed that the reason for this related to national Government having introduced a number of changes to permitted development over the years which had enabled people to carry out alterations to their homes without requiring planning permission. However, officers were still required to investigate such cases if referred to the local authority and it was noted that a large number of cases were being closed where the end result identified no planning breach had taken place. Therefore, it was recommended that enforcement complaints that related to domestic properties, be moved from priority 2 to priority 3 cases, to enable officers to have more time to investigate the matter, and it was also recommended to remove the requirement for officers to provide updates to complainants after 28 days and 56 days, and instead to update complainants as soon as action had been agreed.

In relation to domestic properties, it was also proposed to encourage members of the public to undertake their own research to ascertain whether buildings/extensions undertaken on neighbouring properties had been done under permitted development. To assist the public in this, a section would be added to the enforcement complaint form which would enquire whether permitted development rights had been checked before contacting the local planning authority. It was noted that this had already been implemented and had resulted in a reduction in the number of cases received as the public become more aware of what alterations/extensions were permitted.

It was also recommended that additional guidance be included relating to steps that were to be taken prior to formal action being taken, stressing that if action had not been addressed after an agreement had been made, there would be a greater risk of enforcement action being undertaken without any further communication from officers. Additional guidance would also be included on how the Local Planning Authority would determine whether prosecution action was expedient.

The Principal Planning Officer referred to the overall productivity of the Enforcement Team, advising that there had been a reduction in the number of notices that had been served in 2020 due to the pandemic, but assurance was given that from April to October 2021, the number of notices served had already exceeded the number of notices served before the pandemic, demonstrating that officers were addressing any backlog that had occurred due to the pandemic.

In conclusion, the Principal Planning Officer advised that the minor changes recommended to the plan were needed and it was anticipated that it would result in Officers being better resourced and equipped to process enforcement cases more efficiently and expediently as they would be able to focus on cases that required prioritisation.

Arising from the presentation of the report, Members raised questions which were answered at the meeting in relation to breaches in conditions and made comments in relation to the frustration felt by many Members regarding the time taken to undertake enforcement action once a breach had been identified. In response, Officers advised that enforcement could be a slow process, often due to the complexity of cases, sometimes dealing with contentious issues, having to comply with legislation, and often having to ensure that issues were dealt with in a certain order to ensure compliance if taken to appeal. It was acknowledged that Officers needed to improve communication with the public and Members with regards to delays and provide more updates when matters had been actioned.

The work carried out by the enforcement team was presented, and it was noted that the team consisting of three officers had served more enforcement notices and undertook more visits than other local authorities, emphasising that the work could be very labour intensive and acknowledging the excellent negotiating skills of the Officers within the team who were able to resolve issues with the public without the need for enforcement action. It was suggested that if Members were in agreement, some ambiguous cases for proposed enforcement, that had been delegated to Officers for determination, be submitted to the Committee for consideration.

In response to a question raised by a Member in relation to the number of enquiries received by the local planning authority relating to possible breaches in planning rights, the Planning Manager suggested that the number of enquires received in a year by the planning support team be submitted to a future meeting.

Resolved

- (1) That the information contained in the report and Appendices to the report submitted, be noted.
- (2) That the minor amendments made to the enforcement plan and enforcement complaint form following the review, be approved.

- (3) That certain ambiguous enforcement action proposals, otherwise delegated to officers for determination, be submitted to the Committee for consideration.
- (4) That the number of enquires received yearly by the planning support team in relation to possible breaches in planning rights, be submitted to a future meeting for consideration.

The meeting ended at 7.10pm.

CHAIR

PLANNING APPLICATION NUMBER: P21/1989

Type of approval sought	Full Planning Permission
Ward	Sedgley Ward
Agent	R. Robinson
Case Officer	Richard Stevenson
Location:	SEDGLEY POLICE STATION AND CAR PARK, VICAR STREET, SEDGLEY, DUDLEY, DY3 3SD
Proposal	DEMOLITION OF EXISTING GARAGES AND PART POLICE STATION, ERECTION OF 3 NO. DWELLINGS ON EXISTING CARPARK AND CONVERSION OF EXISTING POLICE STATION INTO 9 NO. FLATS TO INCLUDE SINGLE STOREY EXTENSION AND ASSOCIATED WORKS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site consists of two parts. The first part consists of the former Sedgley Police Station building located on Vicar Street, with the site extending to the side and rear onto Gospel End Street. To the rear of the site is an area of open space with the listed All Saints Parish Church to the rear. There is a single dwelling to the east of the site and further housing opposite on the south side of Vicar Street.
2. The police station has been altered and extended over the years, although it is understood that the oldest parts date from the early 19th century and that it was originally used as a workhouse, before being extended and converted to a police station. The building is considered to be a non-designated heritage asset.
3. There is an existing brick wall to the Vicar Street frontage with a Gornal stone wall extending around the corner and along Gospel End Street. Due to the land falling away to the west, the western part of the site is elevated above Vicar Street and Gospel End Street.

- 4 The second part of the site is located on the former police station car park site on Gospel End Street. The only building within the site is a block of garages. This site is of a split level with an upper level near to Gospel End Street and a lower level which backs onto a cemetery. The cemetery is accessed by a track to the south of the site.
- 5 There are buildings to the north and south of the site which appear to be of considerable age and are considered to be non-designated heritage assets in their own right. These fall within a number of uses, although residential is the predominate use of these buildings. The residential buildings to the north of the site face directly towards the application land and include habitable room windows. There are no windows in the side elevation of the building to the south.
- 6 Both parts of the site are located within the All Saints Sedgley Conservation Area.

PROPOSAL

- 7 This is a full planning application for the conversion of the former police station into 9 self-contained apartments and the erection of three terraced houses on the existing car park, with parking for the houses and flats at the former police station building.
- 8 With respect of the former police station, an existing wing to the rear of the building is to be demolished and reconstructed on a larger footprint. Other alterations are also proposed such as changes to windows, however, these are generally minor works.
- 9 During the course of the application the rear extension which was to have been two storeys has now been reduced to single storey. The proposed bin collection point to Gospel End Street has also been relocated, which means that the existing wall will be retained. Proposed railings to Vicar Street which were inappropriate have been removed from the application.
- 10 This former police station site has no on-site parking, with off-road parking to be located on the west side of Gospel End Street. Pedestrian access will be from Vicar

Street with a further access from Gospel End Street which provides a direct link to the car park.

- 11 In respect of the car park site, the existing garage buildings will be demolished, and three dwellings will be located towards the rear of the site. The front of the site will be used for parking for both the proposed dwellings and the police station conversion.
- 12 During the course of the application the design of the proposed dwellings has been modified, there have been some changes to the proposed car parking and gates have been replaced with a barrier to prevent unauthorised parking.
- 13 The application is accompanied by a tree survey and a Design and Access Statement/Heritage Statement.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
SD/50/405	Alterations to Form Garage for Police Cars.	Granted	16/10/1950
SD/60/2243	New Lavatory Accommodation.	Granted	02/01/1961
SD/62/2599	Alterations to Decontamination Centre for Police Garage.	Granted	02/07/1962
88/51191	Renovation of Front Boundary Wall.	Granted	07/07/1988
89/52704	Application for Listed Building Consent for Part Demolition of Old Decontamination Unit and Enlargement of Car Park.	Granted	01/11/1990
89/52944	Demolition of Part of Old Decontamination Block and Creation of Carpark Extension.	Granted	01/03/1990
97/51001	Extension to Police Station	Granted	21/08/1997
99/51611	External Rendering of Existing Painted Brickwork and Painting White as Existing	Granted	13/12/1999

PUBLIC CONSULTATION

- 14 7 letters of objection have been received (including five from the same address) following consultation with 15 adjoining neighbours, the posting of a site notice and the publication of an advert within a local newspaper. Main issues raised:
- Conversion into 9 apartments is excessive
 - Not enough parking
 - Will be on street parking which leads to accidents
 - Disruption during construction
 - Nowhere for deliveries
 - Will park in adjoining apartment car park

OTHER CONSULTATION

- 15 Head of Planning and Regeneration (Highway Engineer): No objection in principle. There will be a shortfall of parking spaces for the apartments, however, the location is within the town centre and is constrained for on street parking, so parking below the minimum standard would not be a reason for refusal in this case. However, a parking management plan will be required to ensure residents understand who has or has not got parking rights for the car park. Note that the access has been widened as requested and that the parking spaces now comply with the SPD size requirement.
- 16 Head of Planning and Regeneration (Land Contamination Team): The site has been in use as a police station since the earliest plans (1885) and consequently the presence of contamination including asbestos or garage related sources together with demolition derived sources cannot be discounted. Whilst not in a coal mining high risk area vapours associated with former garage use cannot be discounted, hence should vapours be encountered then assessment should be undertaken
- 17 Environmental Safety and Health: There are no objections on grounds of noise or air quality. The former police station is located at the corner of a busy road junction and subjected to elevated levels of traffic noise from vehicles using Gospel End Road and Vicar Street. Therefore, a condition will be required in relation to protecting residents from road noise.

- 18 Integrated Commissioning Performance & Partnerships Intelligence: No education contributions are required.
- 19 Lead Local Flood Authority: No objection. No conditions required.
- 20 West Midlands Police: No objection. Provide generic secure by design advice.
- 21 Severn Trent Water: No objection subject to conditions.

RELEVANT PLANNING POLICY

- National Planning Guidance
National Planning Policy Framework (Revised 2021)
Technical Guidance to the National Planning Policy Framework (2012)
Planning Practice Guidance (2014)
- Black Country Core Strategy (2011)
CSP2 Development Outside The Growth Network
DEL1 Infrastructure Provision
HOU1 Delivering Sustainable Housing Growth
HOU2 Housing Density, Type and Accessibility
CEN8 Car Parking in Centres
TRAN2 Managing Transport Impacts of New Development
ENV 2 Historic Character and Local Distinctiveness
ENV 3 Design Quality
ENV 4 Canals
ENV 5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island
ENV 7 Renewable Energy
ENV 8 Air Quality
- Dudley Borough Development Strategy (2017)
S1 Presumption in favour of Sustainable Development

S3 Renewable Energy
S5 Minimising Flood Risk and Sustainable Drainage Systems (SuDS)
S6 Urban Design
S7 Landscape Design
S8 Conservation and Enhancement of Local Character and Distinctiveness
S9 Conservation Areas
S10 Listed Buildings
S17 Access & Impact of Development on the Transport Network
S18 Cycling
S21 Nature Conservation Enhancement, Mitigation and Compensation
S22 Mature Trees, Woodland and Ancient Woodland
L1 Housing Development, extensions and alterations to existing Dwellings
L11 Parking in Town Centres
D3 Contaminated Land
D5 Noise Pollution

- Supplementary Planning Guidance/Documents

Access for All Supplementary Planning Document

CIL Charging Schedule (2015) (updated 2017)

Design for Community Safety Supplementary Planning Guidance (2002)

Historic Environment Supplementary Planning Document (2017)

New Housing Development Supplementary Planning Document (2013)

Parking Standards Supplementary Planning Document (2017)

ASSESSMENT

22 The main issues are

- Principle/Policy
- Design
- Neighbour Amenity
- Occupier Amenity
- Access and Parking
- Trees

- Land Contamination & Air Quality
- Financial Material Considerations

Principle/Policy

- 23 The split application site is not subject of any planning allocation, however, both parts of the site are located in sustainable location within the Sedgley town centre boundary. Subject to consideration of other planning matters, the principle of residential conversion in the case of the former police station, and redevelopment of the former car park for three dwellings is considered to acceptable. In the case of the former police station, this constitutes an efficient reuse of an existing building, and in the case of the car park would allow for the redevelopment of previously developed or brownfield site.

Design and Historic Environment

- 24 Both parts of the site are located within the All Saints Sedgley Conservation Area and as such Policy S9 of the Dudley Borough Development Strategy is of relevance. The policy seeks safeguard and enhance such designations, with inappropriate demolition and alterations being resisted. Appropriate design and materials are required in relation to new development. This policy is mirrored by national planning policy contained within the National Planning Policy Framework.
- 25 In addition both parts of the site are located within a wider Area of High Historic Townscape Value (Policy S12 of the Dudley Borough Development Strategy) but is of less significance given the statutory designation of the conservation area.
- 26 Also of relevance to the application is Dudley Borough Development Strategy Policy S10 - Listed Buildings, given the Grade II* listed All Saints Parish Church is immediately to the north east of the former police station. This policy seeks to protect the setting of listed buildings, and parallels policies within the NPPF and the Black Country Core Strategy.

- 27 The former police station is a prominent non-designated heritage asset within a conservation area. The building which has been extended over the years retains a significant amount of its character, including what appears to be an early to mid-19th century element towards the western end of the building. The alterations which are proposed to the building apart from one extension are considered to be relatively minor. Some changes to windows raise no significant concerns.
- 28 With regard to the extension, this would replace an existing single storey wing on a larger footprint. The design of this extension with pitched roof is considered to be acceptable.
- 29 Whilst the building is not statutorily listed, the applicants are intending to sympathetically reuse the existing cell block within the proposed development which is welcomed from a historical perspective.
- 30 Railing infill was proposed to the Vicar Street frontage, however, this was removed from the application as it was not considered to be appropriate to the setting the conservation area and not typical of immediate vernacular, where brick or stone walls are more evident.
- 31 With regard to the car park, this currently forms a gap site in the conservation area with historic buildings to the immediate north and south of the site and appears incongruous within the conservation area designation.
- 32 The siting of the proposed dwellings would be located towards the rear of the site with the car park retained in front. Consideration was given to siting to the front of the site, however, this was ruled out due parking being more remote in relation to the conversion, the need to maintain the necessary visibility requirements onto Gospel End Street and the relationship with the trees to the south.
- 33 To provide more enclosure to the site, a low wall is to be provided to the frontage, although the height is limited to 600mm to ensure the visibility splay can be maintained. Additionally, there is also space for soft landscaping which will allow the

existing space to be enhanced. This proposal also replaced previously proposed railings and gates which were not considered to be appropriate in context, as with the police station site.

- 34 With regard to the proposed terrace at rear of the site, there is a close precedent on other sites with dwellings located away from the road. Whilst there were some initial concerns relating to the appearance of the building, the design was revised with a short central projection rather than two end projections as proposed. Additionally, more appropriate detailing has been provided with heads and cills to windows, taking inspiration from a housing development close to the school on Bilston Street on the eastern side of the town centre.
- 35 Therefore, the provision of a wall to the car park, the area for soft landscaping together with a modified design means this part of the development is considered to be acceptable in relation to the conservation area designation.

Neighbour Amenity

- 36 With regard to the conversion, the only dwelling which would immediately be affected would be No. 6 Vicar Street to the east of the site. Initial concerns were that the proposed two storey extension to the rear of the building would have an impact on light to this neighbour, which would be exacerbated by the northern outlook and presence of mature trees. However, with the reduction of the extension to single storey these concerns have been overcome.
- 37 With regard to privacy, some windows will be provided in the side elevation of the new extension. However, the provision of a fence to the boundary with No. 6 would overcome this issue and can be secured through an appropriately worded condition.
- 38 With regard the new build terrace, the relationship with No. 67 Gospel End Street to the south is considered to be acceptable in that it is off-set, is some 18m away and there are existing trees which form the boundary that would be retained. No. 67 is also set around 3m higher than the slab level of the proposed dwellings.

- 39 In relation to the dwellings to the north, there are Nos, 77, 79 and 80 Gospel End Street. With regard to No. 80 which has a flat above, this has a principal outlook onto Gospel End Street directly and therefore would not be adversely affected. With regard No. 79 this would continue to overlook an area of car park.
- 40 In relation to No. 77, the relationship would be more complex, as it has windows which face towards the site as well as windows which overlook its own garden at the rear. With regard to the sting of the proposed dwellings, these would be off- set and therefore the outlook from windows would not be directly be affected. With regard to windows in the rear elevation, there would be small breach of the 45 Degree code, however, this would be at a distance of some 10m and as such, no concerns are raised from an amenity point of view. Additionally, the finished floor levels of the completed dwelling would be similar to that of No. 77, which would limit any impact.
- 41 Immediately to the rear of the proposed terrace there is a cemetery, and such no concerns are raised in relation to amenity here.

Occupier Amenity

- 42 Environmental Safety and Health note the site's location would mean residents of the conversion would be subject high levels of traffic noise. However, this can be overcome by the imposition of an appropriately worded planning condition. Due to the site's location in a conservation area the use of secondary glazing may be more appropriate rather replacing historic windows with higher acoustic reduction properties.
- 43 With regard to the conversion there would be shared amenity space within the site. A fair amount of visual amenity would also be gained from the open space and the church yard to the north.
- 44 With regard to the new build element, each of the proposed dwellings would have private gardens to the rear. These are slightly substandard at 9.5m but this is

considered to be acceptable given the modest scale of the dwellings, the town centre location and that amenity can be drawn from significant views over the cemetery and the distant Shropshire Hills.

Access and parking

- 45 As noted previously, parking for both parts of the development will be located in the former parking area for the police station accessed off Gospel End Road. A rear entrance to the police station conversion would be utilised to allow for a direct access to the parking area.
- 46 Initially some concerns regarding the width of the proposed access, the proposed visibility splay and size of the proposed parking spaces was raised. However, the applicants have widened the access to 5.5m, have lowered the height of the proposed wall, and have marked on the visibility splay to show compliance with safety requirements. The parking spaces have also been enlarged, to ensure compliance with the Parking Standards SPD.
- 47 The proposals are for three 2 bed houses on the existing car park with two dedicated spaces for each dwelling and another 9 spaces for the seven 2 bed apartments and two 1 bed apartments within the Police Station conversion opposite.
- 48 The minimum requirement for a two-bedroom house is two spaces, with the normal standard for apartment conversions being 1.2 spaces for two beds and one space for one beds, giving a requirement overall for 18 spaces.
- 49 In this case 15 spaces are proposed, which is slightly below the adopted standard, with two spaces for each of the houses and one space for each of the flats. However, the location is within the town centre and is constrained for parking, so parking below the minimum standard would not be a reason for refusal in this case. Moreover, the planning balance of ensuring a long-term viable use for the former police station which is a non-designated heritage asset within a conservation area asset also has merit.

- 50 Cycle parking is proposed to the proposed conversion and will either be provided with the relevant apartment or within a communal area.
- 51 Regarding bin storage and collection points, these are shown on the submitted plans and are considered to be adequate.

Trees

- 52 As both parts of the site are located within the All saints Sedgley Conservation Area, most trees are deemed to be protected by the designation. With regard to the conversion which involves a small new build, no concerns are raised in relation to the trees.
- 53 With regard to the new build element, all trees are to be retained apart from one Goat Willow (T1) which identified as a poor category C2. All other trees are to be retained, although two will need to be trimmed. No foundation works to the new build would be located within the root protection area of any of the retained trees.
- 54 There is potential to for replacement trees to the front of the site which has been identified in the submitted arboriculture report. This report also provides a method statement and together with the submitted tree protection plan are to be conditioned.

Land Contamination and Air Quality

- 55 There are no significant concerns regarding contamination here given the sites location, but a precautionary approach is required in relation to the garages and potential oil contamination. Similarly, there are no concerns from an air quality point of view given the modest scale of the development, although electric vehicle charging point and dust management conditions are requested by Environmental Safety and Health.

Financial Material Considerations

- 56 Section (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).
- 57 The section 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'.
- 58 This proposal would provide 12 dwellings generating a New Homes Bonus grant of 12 times the national average council tax for the relevant bands.
- 59 The proposal is fully liable for CIL at a rate of £25.63 per square metre of CIL Liable floor space.
- 60 This money could be earmarked to be spent on improving the strategic infrastructure which is set out on the Regulation 123 list of infrastructure.
- 61 Whilst these are significant sum(s) of money the planning merits of the proposal are acceptable in any event and therefore this is not accorded significant weight.

CONCLUSION

- 62 The proposed development is acceptable in principle and given its town centre location is considered to have sufficient off-street car parking. Moreover, the proposed development would be of acceptable design and would have no adverse impact on the setting of the conservation area designation. The proposed development would have no material adverse impact to neighbour amenity. Consideration has been given to policies within the Black Country Core Strategy (2013); and the Dudley Borough Development Strategy (2017);

RECOMMENDATION

It is recommended that the application be 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 approved plans:
1867/20 rev B
1867/21 rev A
1867/22 rev B
1867/23
1867/24 rev B
1867/25 rev C
BALDS033-21 TPP Rev A
Tree Report
REASON: For the avoidance of doubt and in the interests of proper planning.
3. No development excluding above ground demolition shall commence until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.
REASON: These details are required prior to the commencement of development to ensure that the risks associated with any contamination are reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land.
4. Where the approved risk assessment (required by condition 3 above) identifies contamination posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such contamination has been submitted to and approved in writing by the Local Planning Authority. Following approval, such remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.
REASON: These details are required prior to the commencement of development to ensure that the risks associated with any contamination are reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land.
5. Following implementation and completion of the approved remediation scheme (required by condition 4 above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

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

6. No above ground development shall commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details before the development is first brought into use.

REASON: This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution and to comply with BCCS Policy ENV5 and DBDS Policy S5. (STWA)

7. Development shall not begin until a scheme for protecting residents in the proposed dwellings in the former Police Station with habitable rooms facing Gospel End Road and Vicar Street from noise from road traffic has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before occupation of the relevant permitted dwellings, unless otherwise agreed in writing by the Local Planning Authority. The protection measures in the agreed scheme shall be maintained throughout the life of the development

REASON: In order to safeguard the amenities of the occupiers of the proposed dwellings and to comply with DBDS Policy D5.

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

REASON: To minimise the impacts to air quality associated with the development and to protect the health and well being of residents in accordance with BCCS Policy ENV8 - Air Quality.

9. 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.

10. The electric vehicle charging points shall be installed in accordance with the approved plans and which shall be supplied with a 32 amp radial circuit prior to first occupation of the developments 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.

11. No development shall commence (excluding demolition, site clearance and initial ground works) until full details of the soft landscaping scheme for the site 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.

12. No above ground development shall commence until details of the types, colours and textures of the materials to be used in the hard surfacing of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.

REASON: In order to make a positive contribution to place-making and provide a high quality landscaping in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision Borough Development Strategy 2017 Policy S6 Urban Design and

Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part)

This detail is required as landscaping is integral to providing a high quality and sustainable development.

13. No above ground development shall begin until details of the types, sizes and locations of the boundary treatments around the site and between the proposed plots has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be carried out in complete accordance with the approved details prior to the occupation of the dwellings hereby approved and shall thereafter retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.

REASON: In order to make a positive contribution to place-making and provide a high quality public realm in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban Design and

Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part)

This detail is required prior to the commencement of above ground works as the

required works may need to be incorporated into buildings on the site and as well as needing to protect the amenity of existing and proposed occupiers.

14. The development shall not be first occupied until details of the future management of the open space and any communal areas (excluding private gardens) which are not to be transferred to the Council have been submitted to and approved in writing by the Local Planning Authority. The open space and any communal areas shall thereafter be maintained and managed in accordance with the approved details for the life of the development.

REASON In order to make a positive contribution to place-making and provide a high quality open space is properly maintained in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and LR1 - Open Space

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any order revoking and re-enacting that Order), at no time during the life of the development shall the areas approved for landscaping be used for any other purpose unless otherwise agreed in writing by the Local Planning Authority.

REASON: To preserve the character and visual amenities of the area, 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).

16. The development hereby approved shall be undertaken in complete accordance with the details contained within the submitted tree report and tree protection plan. Any variation or amendment of the submitted tree report and tree protection plan shall be approved in writing with the Local Planning Authority before implementation on site.

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

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

18. The soil levels within the root protection zone of the retained trees are not to be altered, raised or lowered, without the prior written approval of the Local Planning Authority.

REASON: To ensure that existing trees are not damaged through the loss of

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

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

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

20. 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 and G and Part 2, Class A; Part 3 Class L of that Order shall be carried out without the express grant of planning permission.

REASON: To protect the character of the conservation area, and in the interests of highway safety and to comply with BCCS policies xx and xx, and DBDS policies xx and xx.

21. 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.

22. No part of the development shall be occupied until visibility splays to the new access have been provided at the junction between the proposed means of access and the highway with an 'x' set back distance of 2.4m metres and a 'y' distance of 43 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

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

23. No above ground development shall commence to the new build dwellings until a schedule of the types, colours and textures of the materials to be used on the external surfaces of the new build dwellings 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)

24. The materials to be used to the proposed extension to the former police station shall match in appearance, colour and texture those of the existing building unless otherwise agreed in writing with 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).

25. No vent pipes, heating appliances, flues, air intake and extraction equipment terminals shall be installed at the former police station until details have been submitted to and approved in writing by the Local Planning Authority of the location of all vent pipes, heating appliances, flues, air intake and extraction equipment terminals to the former police station in order to demonstrate that they will not have a detrimental impact on the appearance of the building. The scheme shall be implemented in accordance with the approved details and retained for the lifetime of the development.

REASON: To safeguard the architectural and historic integrity of the listed structure in accordance with BCCS Policy ENV2 - Historic Character and Distinctiveness and Borough Development Strategy 2017 Policy S10 Listed Buildings . Details are required prior to the commencement of development/works due to the statutory protection / sensitive nature of the site.

26. All new rooflights shall be of a conservation type and shall be installed flush with the roof slope.

REASON: In order to prevent detrimental impacts to the appearance of the listed building in accordance with BCCS Policy ENV2 - Historic Character Distinctiveness and Borough Development Strategy 2017 Policy S10 Listed Buildings.

27. No external joinery shall be installed until details of the joinery to be used in the external elevations (windows, doors) and their colour and finish have been submitted to and approved in writing by the local planning authority. Large scale architectural drawings at 1:1, 1:2 or 1:5 and samples of the sections and profiles of jambs, heads, cills and glazing bars together with their relationships to masonry apertures. Development/works shall proceed in accordance with the agreed details and be retained for the lifetime of the development.

REASON: To safeguard the architectural and historic integrity of the listed structure in accordance with BCCS Policy ENV2 - Historic Character and Distinctiveness and Borough Development Strategy 2017 Policy S10 Listed Buildings. Details are required prior to the commencement of development/works due to the statutory protection / sensitive nature of the site.

28. The development hereby approved shall not be first occupied until a car park management plan has been submitted to and approved in writing by the Local Planning Authority. The car park shall thereafter be managed in accordance with

the approved plan for the life time of the development.

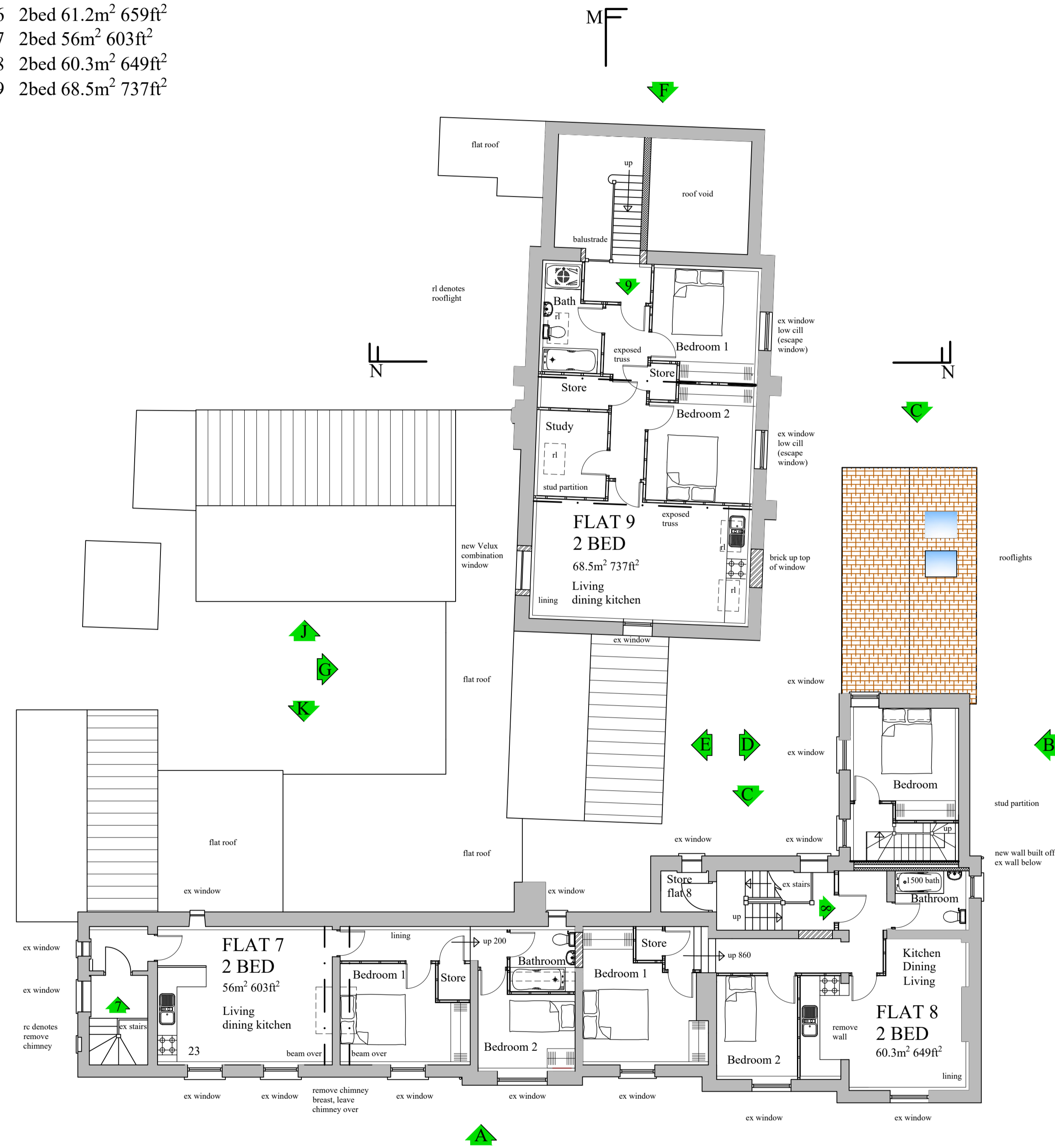
REASON: In the interests of highway safety and to comply with DBDS Policy S16.

29. The cycle parking to the former police station shall be provided in accordance in the approved plan prior to the first occupation of the development.

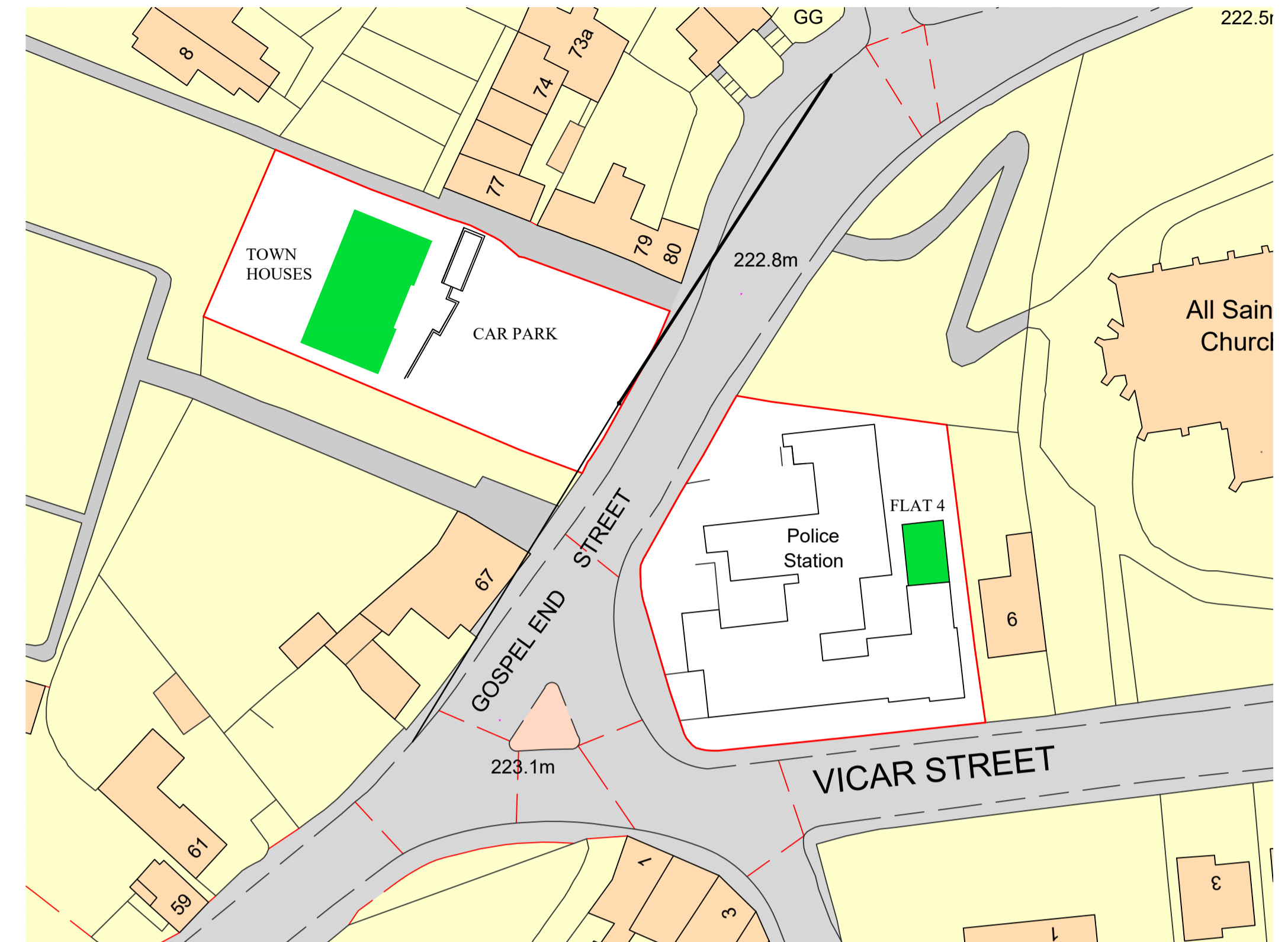
REASON In the interests of sustainable transport and to comply with DBDS Policy S18.

Schedule of flat types

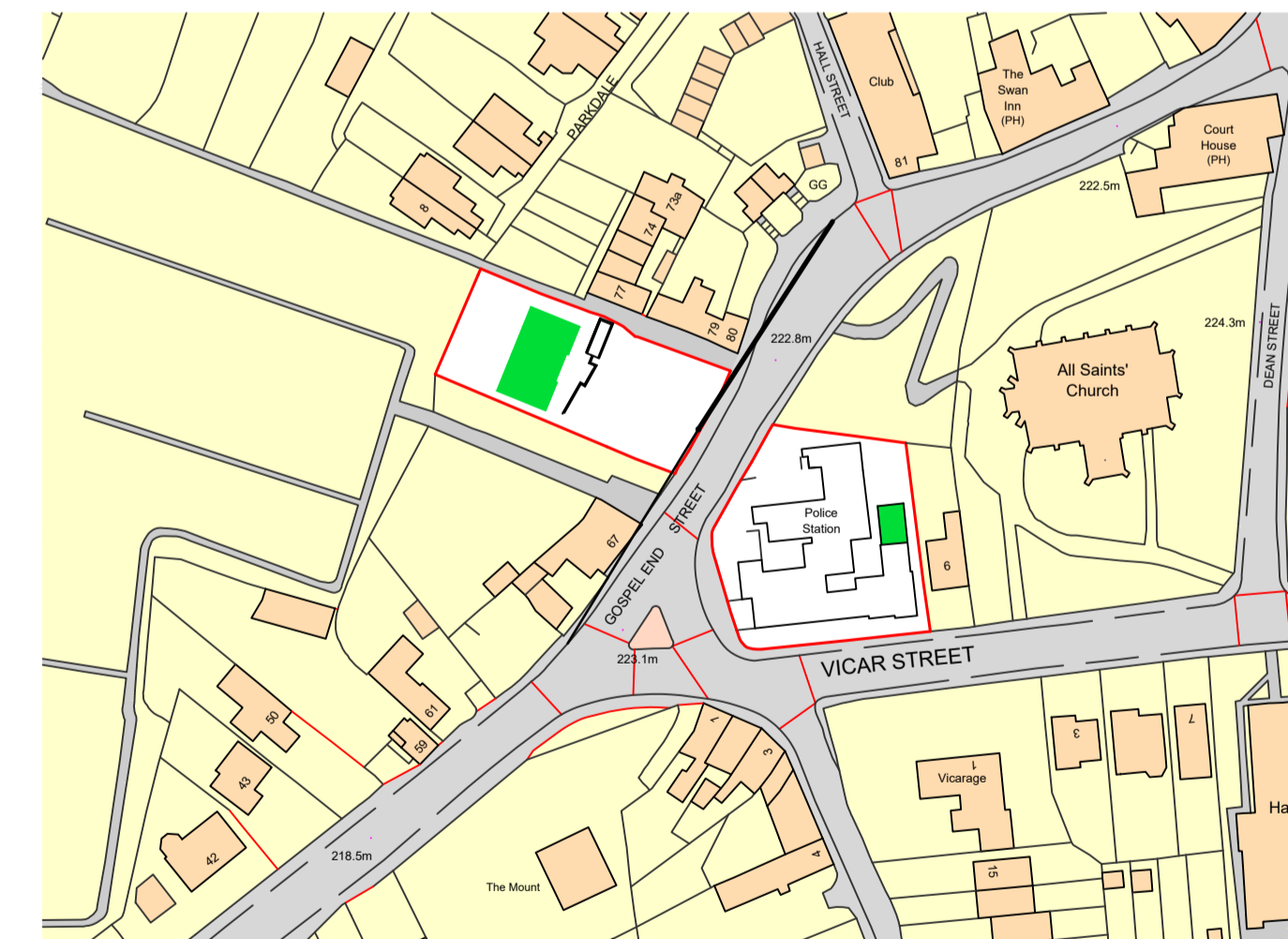
- Flat 1 2bed 64m² 688ft²
- Flat 2 1bed 53.7m² 578ft²
- Flat 3 2bed 58.8m² 632ft²
- Flat 4 1bed 51.6m² 555ft²
- Flat 5 2bed 98m² 1054ft²
- Flat 6 2bed 61.2m² 659ft²
- Flat 7 2bed 56m² 603ft²
- Flat 8 2bed 60.3m² 649ft²
- Flat 9 2bed 68.5m² 737ft²



FIRST FLOOR PLAN scale 1:100

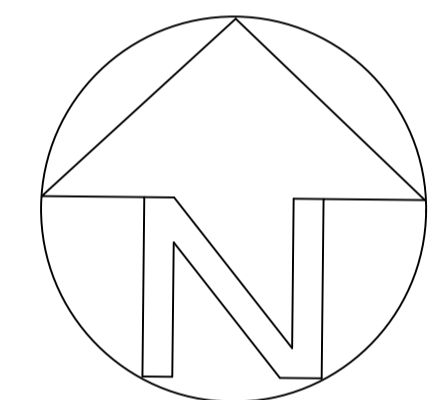


BLOCK PLAN scale 1:500



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LOCATION PLAN scale 1:1250



Rev A Feb 2022 planning revisions

Project Name
Former police station
Vicar Street
Dudley
DY3 3SD

Drawing Name
First floor plan location plans
Planning

AEC
Architectural & Engineering Consultants
AEC
59 Pave Lane
Chelwynn Aston
Newport
Shropshire
TF10 9LQ

Telephone: 01952 812220
Fax: 01952 811130
E-Mail: aecconsultants@btconnect.com

Scale Date
1:100 1:500 1:1250 @ A1 October 2021

Drawn by Checked by

Plot Date

Drawing No. Revision

1867/21 A

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all new materials to match existing

ELEVATION A fronting Vicar Street scale 1:100



clay plain tiles to match existing
facing bricks to match
exposed rafters to match
timber sash window
brick / stone banding

ELEVATION B



ELEVATION C



ELEVATION D



ELEVATION E



ELEVATION F

Rev B Feb 2022 planning revisions
Rev A Feb 2022 planning revisions

Project Name
Former police station
Vicar Street
Dudley
DY3 3SD

Drawing Name
Elevations as proposed sheet 1
Planning

AEC
Architectural & Engineering Consultants

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Cheswynd Aston
Newport
Shropshire
TF10 9LQ

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E-Mail: aecconsultants@btconnect.com

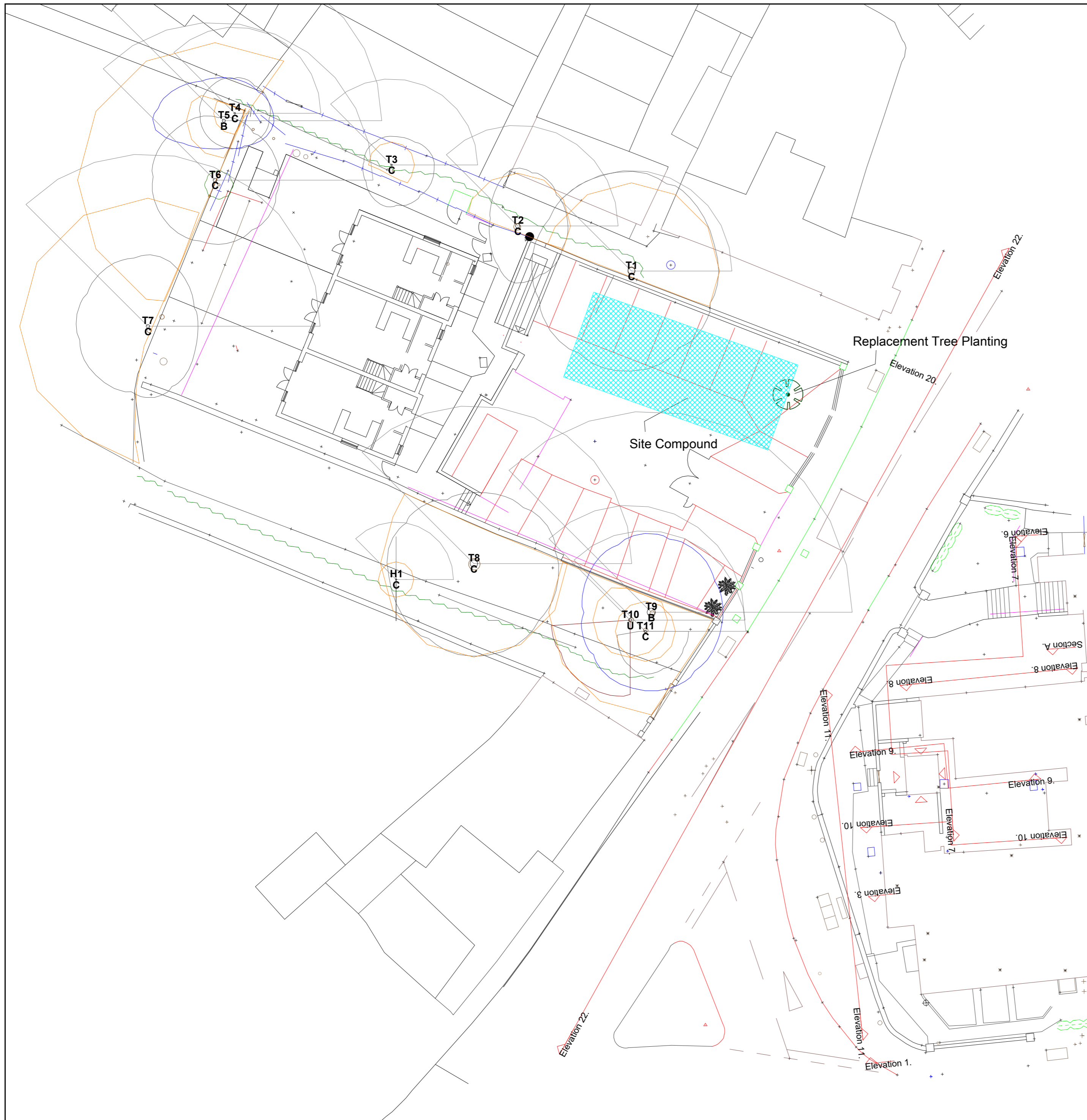
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1867/22 B

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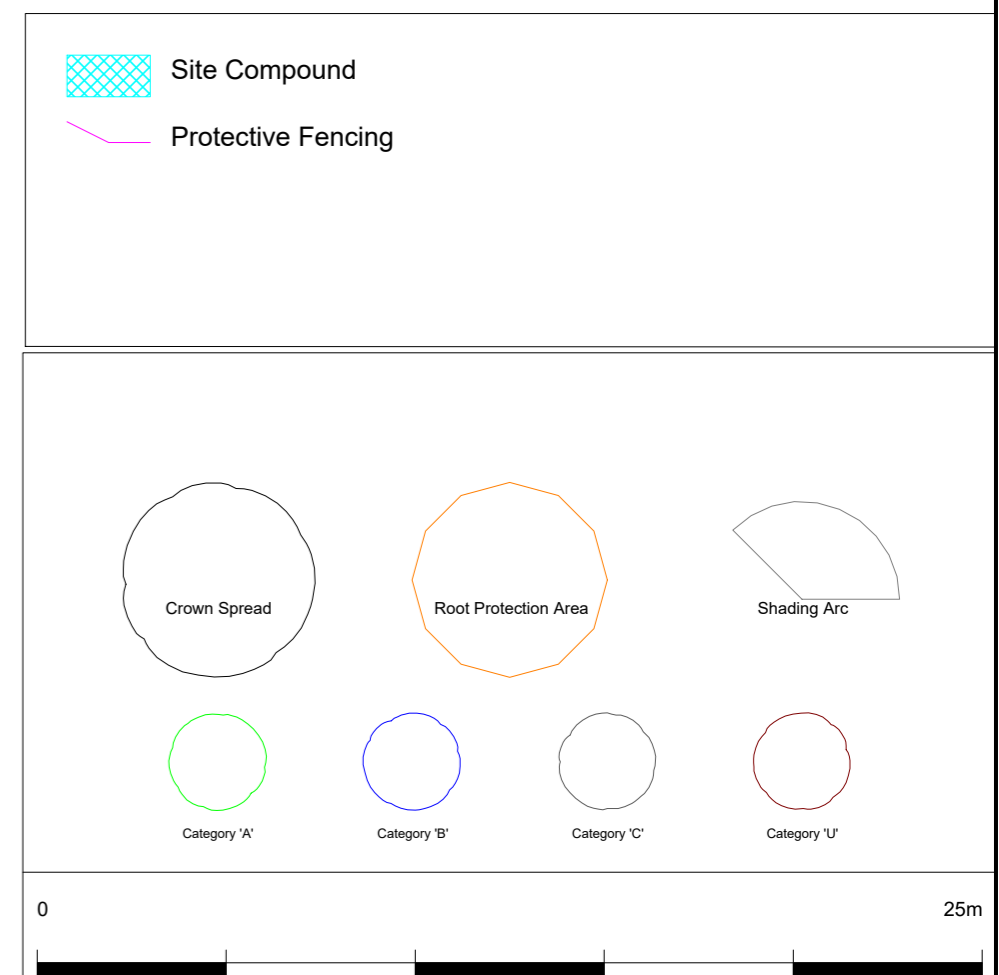
PROTECTIVE FENCING

Fencing must comprise of 2 meter high weldmesh panels supported on a driven scaffold frame to prevent movement. Fencing must be installed prior to any demolition or development activity on site and remain in situ until all activity is completed and cleared.

The Original of this plan was produced in colour a monochrome copy should not be relied upon



Replacement Tree Planting



Braemar Arboriculture Ltd

Tel: 07749 068624

Email: braemararbld@gmail.com

**Tree Protection Plan
Former Police Station, Dudley**

SCALE :
1 : 200 @ A2

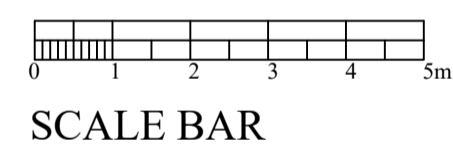
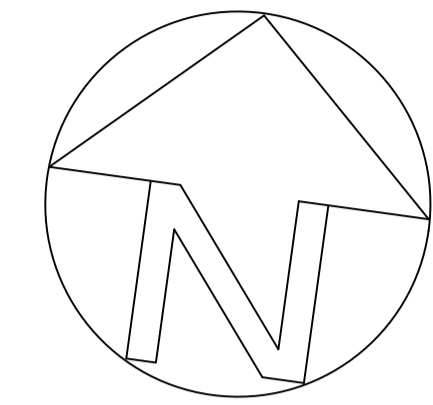
DATE :
27/11/2021



MAP FILENAME :
BALDS033-21 TPP, Rev A

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GOSPEL END STREET



VICAR STREET

GROUND FLOOR PLAN scale 1:100

Rev B Feb 2022 planning revisions
 Rev A November scale bar added
 Project Name
 Former police station
 Vicar Street
 Dudley
 DY3 3SD
 Drawing Name
 Ground floor plan police station
 Planning

AEC
 Architectural & Engineering Consultants

59 Pave Lane
 Cheshwynd Aston
 Newport
 Shropshire
 TF10 9LQ

Telephone: 01952 812220
 Fax: 01952 811130
 E-Mail: aeconsultants@btconnect.com

Scale	Date
1:100 @ A1	October 2021

Drawn by _____ Checked by _____

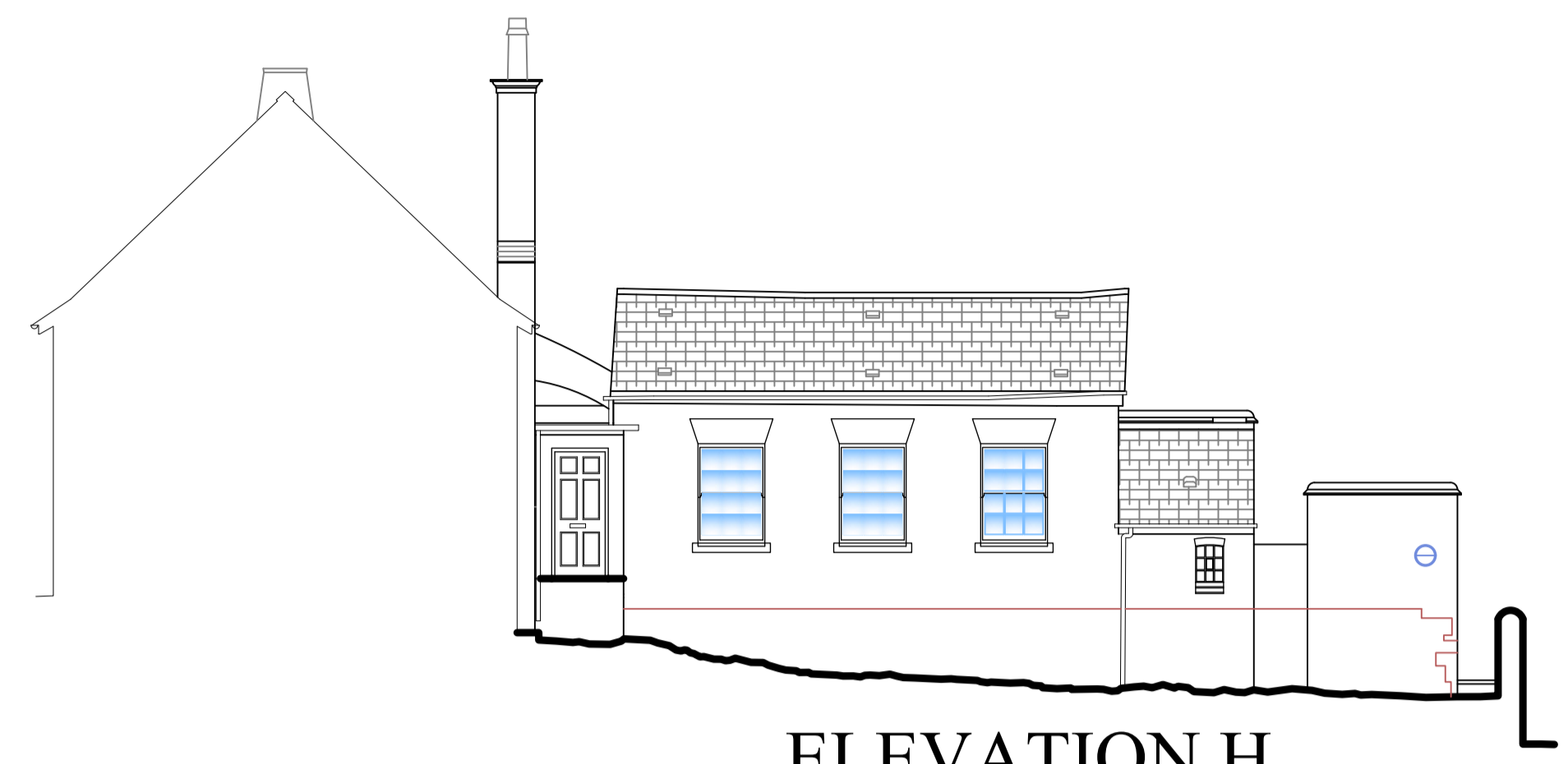
Plot Date _____

Drawing No.	Revision
1867/20	B

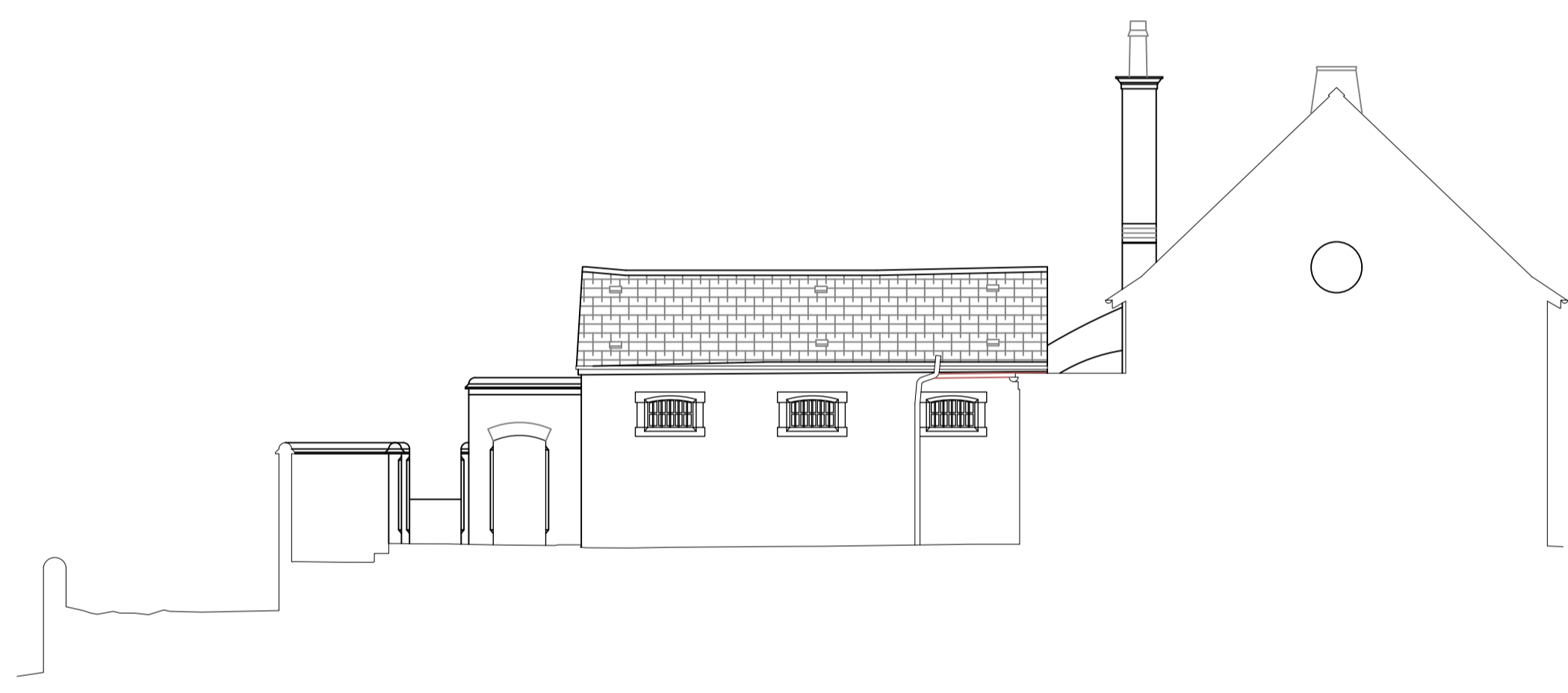
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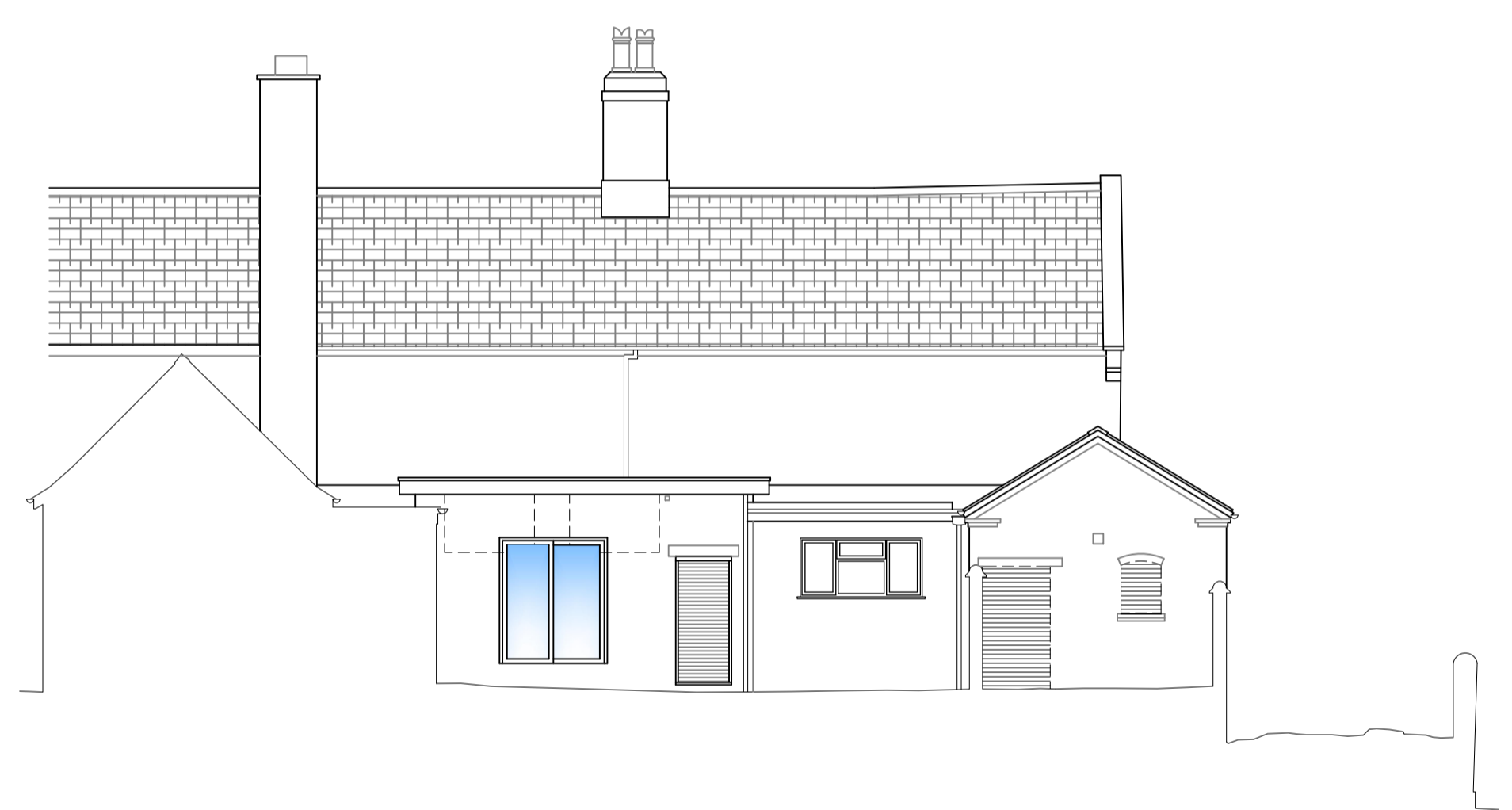
ELEVATION G



ELEVATION H



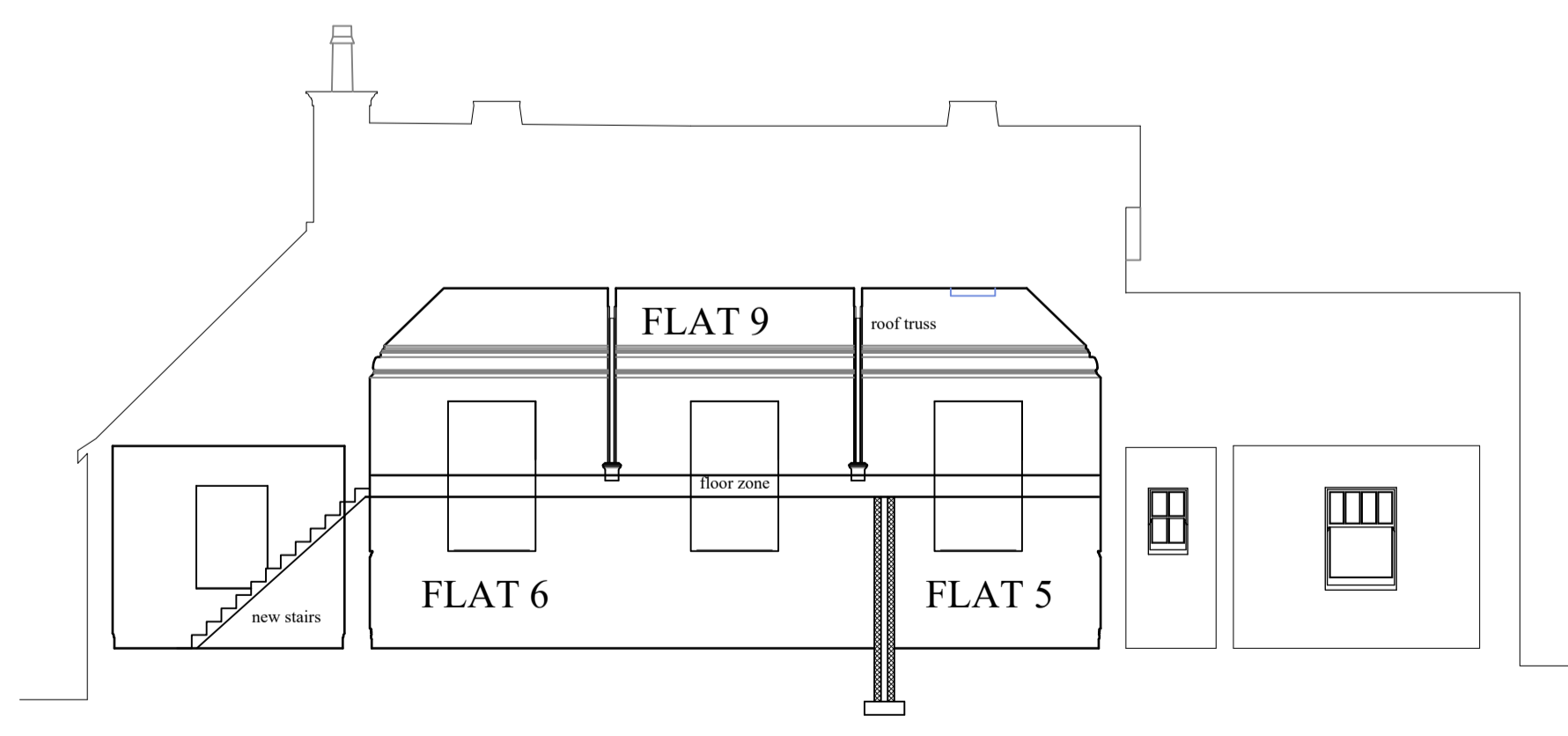
ELEVATION J



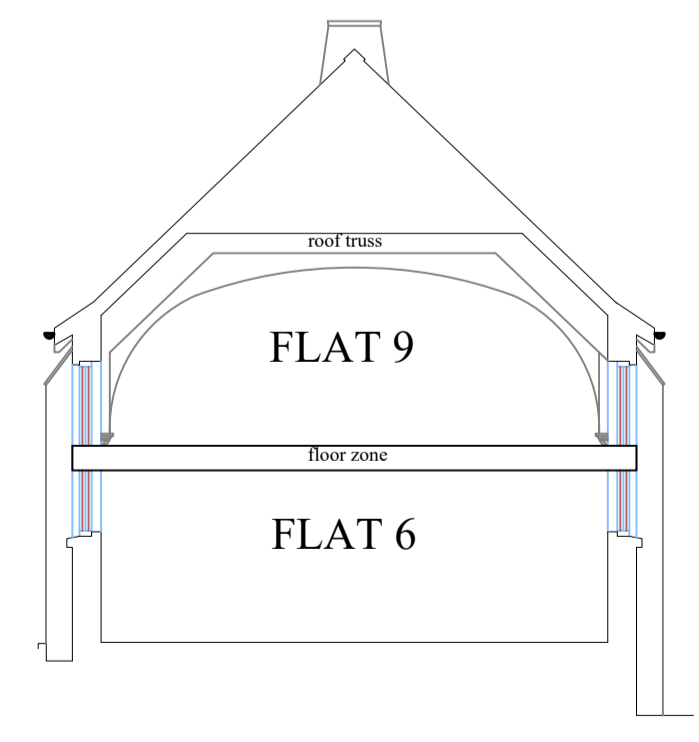
ELEVATION K



ELEVATION L



CROSS SECTION M



CROSS SECTION N

Project Name
 Former police station
 Vicar Street
 Dudley
 DY3 3SD

Drawing Name
 Elevations as proposed sheet 2
 Planning

AEC
 Architectural & Engineering Consultants

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 59 Prave Lane
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 TF10 9LQ

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 Fax: 01952 811130
 E-Mail: aecconsultants@btconnect.com

Scale Date
 1:100 @ A1 October 2021

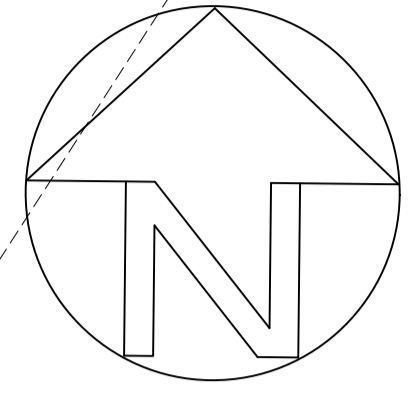
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Plot Date

Drawing No. Revision
 1867/23

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AutoCAD reference:



SITE PLAN scale 1:100
Former parking area

Rev B Feb 2022 planning revisions
Rev A Feb 2022 planning revisions

Project Name
Former police station
Vicar Street
Dudley
DY3 3SD

Drawing Name
Site plan new houses
Planning

AEC
Architectural & Engineering Consultants
AEC
59 Pave Lane
Chesham Aston
Newport
Shropshire
TF10 9LQ

Telephone: 01952 812220
Fax: 01952 811130
E-Mail: aecconsultants@btconnect.com

Scale Date
1:100 @ A1 October 2021

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Plot Date

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1867/24 B

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PLANNING APPLICATION NUMBER: P21/2052

Type of approval sought	Full Planning Permission
Ward	Sedgley Ward
Agent	Mukesh Mistry, Mistry Deisgn Services
Case Officer	Richard Stevenson
Location:	9, ALDERWOOD PRECINCT, SEDGLEY, DUDLEY, DY3 3QY
Proposal	FIRST FLOOR EXTENSION TO CREATE 2 NO. FLATS WITH ASSOCIATED WORKS AND INSTALLATION OF SOLAR PANELS ON ROOF AND ASSOCIATED PARKING.
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- 1 The application site is located within the Alderwood Precinct which includes a selection of shops, flats above shops, a public house and a doctors surgery. There are car parks which serve the Precinct which are accessed from North Way.
- 2 This application relates to No. 9 which is located on the south western corner of the wider precinct that consists of single storey, flat roofed convenience store and an adjoining two storey building which has been subject of a planning approval to convert the ground floor into 4 flats. It is understood that there are flats to the first floor as well. This element has pitched roof.
- 3 To the immediate rear (north) of the site is service road, serving area to the convenience store and parking area for the existing flats, the new flats to the ground floor.
- 4 Beyond this area, to the (north) are the rear gardens and houses located on Braemar Close.

PROPOSAL

- 5 This is full application to provide a first-floor extension above the existing single storey building which contains a convenience store, to provide two self-contained flats. The application proposes a pitched roof to match that on the main part of the buildings.
- 6 Also included within the application are alterations to the existing main building with alterations to one of the flats which involves the reconfiguration of the internal space to facilitate the development.
- 7 The application also includes the provision of solar panels to the new pitched roof and the provision of parking. A garage block which was originally proposed has been removed from the application.
- 8 The application has been submitted with a noise survey in relation to the plant associated with the convenience store.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
P19/1496	Conversion of ground floor into 4 no. flats	Granted	07-Feb-2020
P21/0765/PN20AB	Prior Notification for an upward extension to provide 2 no. residential units over 1 no. additional floor with associated works	Refused	01-Jun-2021

- 9 P19/1496 relates to the ground floor of the existing two storey element of the building and has been implemented.
- 10 P21/0765/PN20AB was refused in that the application did not meet the nationally prescribed space standards ,plus, there was potential noise conflict from the plant associated with the store below together with impact to the living conditions of an

adjoining flat. However, there were no concerns in relation to the amenity of neighbours in Braemar Close to the north.

PUBLIC CONSULTATION

- 11 4 letters of objection and a petition with 8 names has been received, following consultation with 17 adjoining neighbours. Main issues raised:
- Will impact on views and block light
 - Loss of privacy
 - Parking area is used by shop, doctors surgery and flats
 - Potential conflict with pedestrians due to parking area
 - Will be detrimental to area

OTHER CONSULTATION

- 12 Head of Planning and Regeneration (Highway Engineer): No objection. The proposals now comply with the adopted parking standards. Conditions will be required to ensure lockable bollards and electric vehicle charging points are provided.
- 13 Head of Planning and Regeneration (Land Contamination Team): No objection.
- 14 Head of Environmental Health and Trading Standards: No objection from an air quality perspective, subject to gas boiler and electric vehicle charging point conditions. The relocation of the plant will reduce the impact to amenity. However, conditions will be required to protect amenity.

RELEVANT PLANNING POLICY

- National Planning Guidance
National Planning Policy Framework (Revised 2021)
- Black Country Core Strategy (2011)
CSP2 Development Outside the Growth Network
HOU1 Delivering Sustainable Housing Growth

HOU2 Housing Density, Type and Accessibility
TRAN2 Managing Transport Impacts of New Development
ENV 3 Design Quality
ENV 7 Renewable Energy
ENV 8 Air Quality

- Dudley Borough Development Strategy (2017)
 - S1 Presumption in favour of Sustainable Development
 - S3 Renewable Energy
 - S6 Urban Design
 - S17 Access & Impact of Development on the Transport Network
 - L1 Housing Development, extensions and alterations to existing Dwellings
 - L10 Living over Shops
 - D2 Incompatible Land Uses
 - D5 Noise Pollution

- Supplementary Planning Guidance/Documents
 - New Housing Development Supplementary Planning Document (2013)
 - Parking Standards Supplementary Planning Document (2017)

ASSESSMENT

- 15 The main issues to be considered are;
- Principle
 - Design
 - Neighbour Amenity
 - Occupier Amenity
 - Access and Parking
 - Air Quality and
 - Financial Material Considerations

Principle

- 16 Whilst the application site is located outside one of the growth corridors outlined in the Black Country Core Strategy and the Dudley Borough Development Strategy, it is located in an established residential area and is well served by local services and public transport links to Dudley, Sedgley and Wolverhampton. Therefore, subject to the consideration of other planning matters the proposed development is considered to be acceptable in principle.

Design

- 17 The wider building consists in-part of a two-storey building with a pitched roof, with application area of the site currently consisting of a single storey flat roof building. Submitted plans show this element being extended upwards with a pitched roof to match the main part of the building. From a scale and design perspective, the proposed upward extension is considered to be acceptable form of development.
- 18 However, the relocation of the plant associated with the convenience store from the rear to the side elevation (to overcome potential noise and vibration issues to the proposed flats) has been a consideration from a visual point of view. Subject to appropriate screening of the plant on the side elevation as shown on the updated plans it is considered to be acceptable from a visual amenity point of view.

Neighbour Amenity

- 19 Neighbours living in the houses to the rear in Bramear Close have raised concerns in relation to overlooking and potential loss of light. The separation distance between the habitable room windows of the existing dwellings and those of the proposed dwellings at its closest point would be 25 metres. This is considered to more than adequate to comply with the councils adopted standard of 22 metres between opposing habitable room windows, as required by annex A of the New Housing Development Supplementary Planning Document. No windows are proposed in the elevation facing the doctors surgery.

- 20 Within the previous application there were concerns in relation to one of the existing flats in the main part of the building, as two of the habitable room windows would have been blocked, leading to a living room being adversely affected in terms of light and outlook. This has been resolved with this current application, with the internal space being reconfigured to ensure the living room has sufficient light and outlook. This matter will be conditioned to ensure the works are undertaken.

Occupier Amenity

- 21 The proposed flats will meet the national space standards and as such, the flats are considered to be of sufficient size to provide a reasonable level of amenity for occupiers. Given the relationship described above there are no concerns from a privacy point of view.
- 22 Another concern with the previous application was the potential for impacts from existing plant, currently located on the rear of the building which service the convenience store and its position that would have an impact on amenity in relation to noise and vibration.
- 23 To overcome the previous concerns of Environmental Safety and Health, it is now proposed to relocate the plant to the side elevation where no windows are located or proposed. This raised concerns from a visual amenity perspective given their appearance and increased prominence. There is therefore a need to provide screening to reduce their visual impact which is shown on updated plans.

Access and Parking

- 24 Car parking for the proposed flats was initially proposed in block of freestanding garages which would have been provided to the east of the application site access, across what was originally envisaged as a pedestrian area, but from observations at the site visit, now appears to be used as shared area.

- 25 Due to the proposed garages not meeting the minimum internal dimensions of 3m by 6m to be considered as a parking space in accordance with the Parking Standards Supplementary Planning Document, they were removed from the application.
- 26 Parking is now shown as being within the existing service yard to the north for the wider development, with six spaces to serve the residential development within the de facto shared space area. These spaces comply with adopted standards in terms of size and manoeuvring space. To ensure the spaces are used by residents only the highway officer requires each space to be provided with a lockable bollard.
- 27 Subject to appropriately worded conditions there are no objections from a highway safety point of view.

Air Quality and Renewables

- 28 Environmental Safety and Health have no objection to the proposed development on air quality grounds subject to the imposition of conditions in relation to electric vehicle charging points and low NOX output from any gas boilers that are to be fitted.
- 29 Solar panels to be provided to the southern roof slope are considered to be a sustainable form of renewable energy and can be used for space heating and heating of water. The provision of the facility, subject to other planning considerations, is encouraged in that it has the ability to help with air quality through the burning of less gas, as well as working to national climate change goals.

Financial Material Considerations

- 30 Section (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).

- 31 The section 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'.
- 32 This proposal would provide two dwellings generating a New Homes Bonus grant of two times the national average council tax for the relevant bands.
- 33 The proposal is fully liable for CIL at a rate of £25 per square metre. Based on a CIL Liable floor space, the CIL Charge is calculated at: £3878.33
- 34 This money could be earmarked to be spent on improving the strategic infrastructure which is set out on the Regulation 123 list of infrastructure.
- 35 However, due to the scale of the development no separate planning obligations are required.
- 36 Whilst these are significant sums of money the planning merits of the proposal are acceptable in any event and therefore this is not accorded significant weight.

CONCLUSION

- 37 The proposed development is considered to be acceptable in principle and is acceptable from an amenity, highway safety and design point of view. Consideration has been given to policies within the Black Country Core Strategy (2013); and the Dudley Borough Development Strategy (2017).

RECOMMENDATION

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

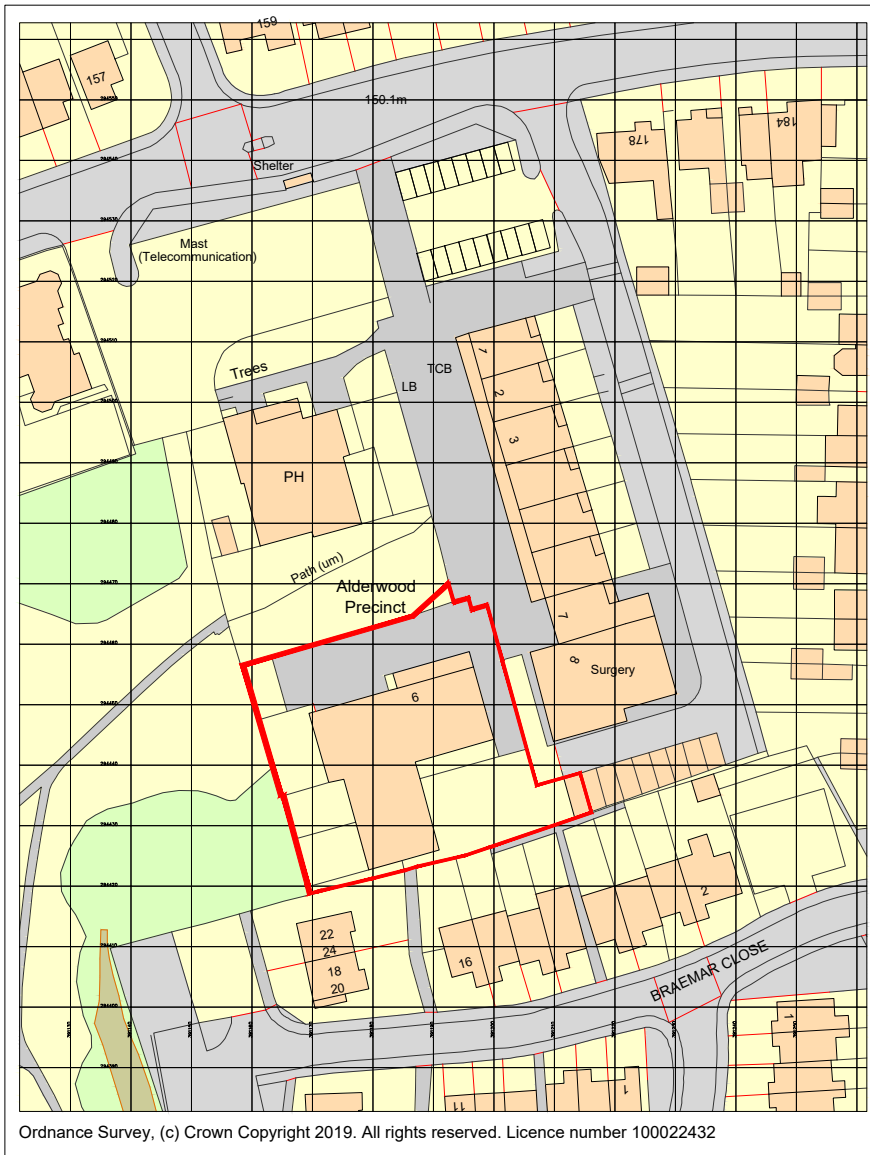
Conditions and/or reasons:

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 approved plans:
Block Plan (excluding garages)
201920/2M
201920/3/L
201920/7F
solar panel specification
REASON: For the avoidance of doubt and in the interests of proper planning.
3. 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.
4. The electric vehicle charging points, shall be provided in accordance with the approved plans prior to first occupation of development 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.
5. The development hereby approved shall not be first occupied until the parking layout including the provision of lockable bollards has been provided in accordance with plan 201920/2M. The parking area and lockable bollards shall thereafter be retained for the life of the development.
REASON; To ensure sufficient parking is provided and to comply with BCCS Policy TRAN2.
6. The dwelling(s) shall not be occupied until details of secure and covered cycle storage have be submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details prior to the first occupation of the dwelling(s) and shall thereafter be retained and maintained for no other purpose, for the life of the development.
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings

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

7. The materials to be used in the approved development shall match in appearance, colour and texture those of the existing building unless otherwise agreed in writing with the Local Planning Authority.
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).
8. The development hereby approved shall not be first occupied until flat 3 has been reconfigured in accordance with the approved plans.
REASON To protect the amenity of future occupiers and to comply with DBDS Policy L1.
9. Before any relocated external plant associated with the development is used, a scheme to mitigate disturbance to occupiers of the application building from conducted noise and vibration arising from its operation shall be submitted to and approved in writing by the Local Planning Authority. All works that form part of the approved scheme shall be completed before use of the relocated external plant and retained during use of the plant for the duration of the development.
REASON To protect amenity and to comply with DBDS Policy D5.
10. The rating level of sound emitted from relocated external plant shall not exceed background sound levels by more than 5dB(A) between the hours of 0700-2300 (taken as a 15 minute LA90 at the nearest /any sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at the nearest sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.
Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.
Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.
REASON To protect amenity and to comply with DBDS Policy D5.
11. The development hereby approved shall not be first occupied until the plant has been relocated and placed within the screening cabinet to the side elevation in accordance with the approved plans. The screening cabinet shall thereafter be maintained for the life of the development.
REASON: In the interests of visual amenity and to comply with BCCS Policy ENV2.

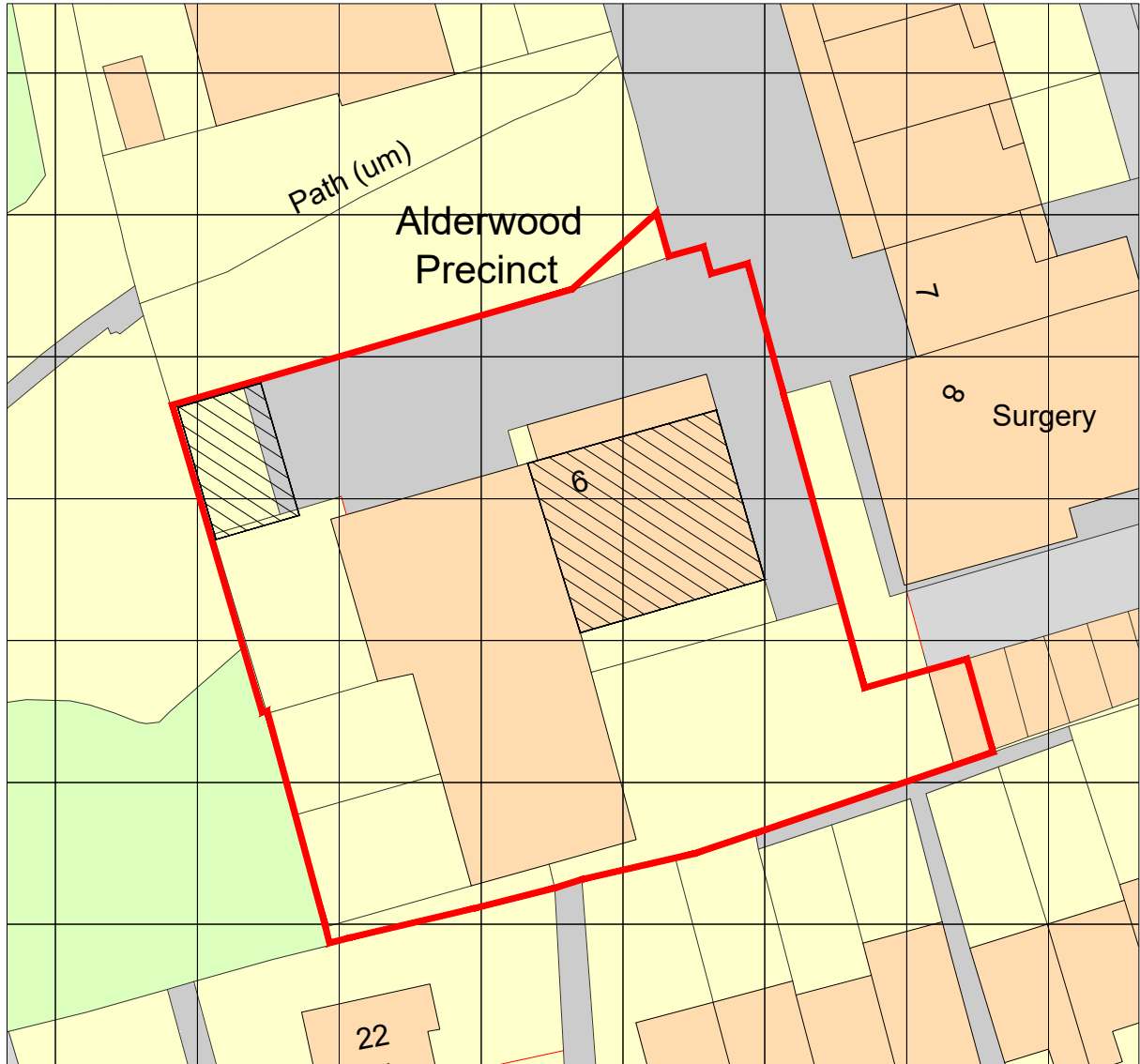
LOCATION PLAN



SCALE 1:1250

9 Alderwood Precinct,
Northway, Sedgeley,
West Midlands.
DY3 3QY

BLOCK PLAN

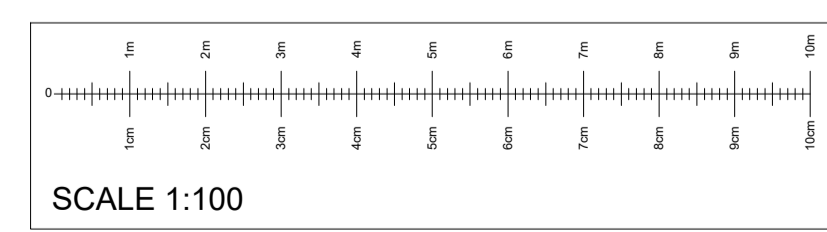


SCALE 1:500

9 Alderwood Precinct,
Northway, Sedgeley,
West Midlands.
DY3 3QY



Site & Ground Floor Plan As Proposed.
Scale 1:100

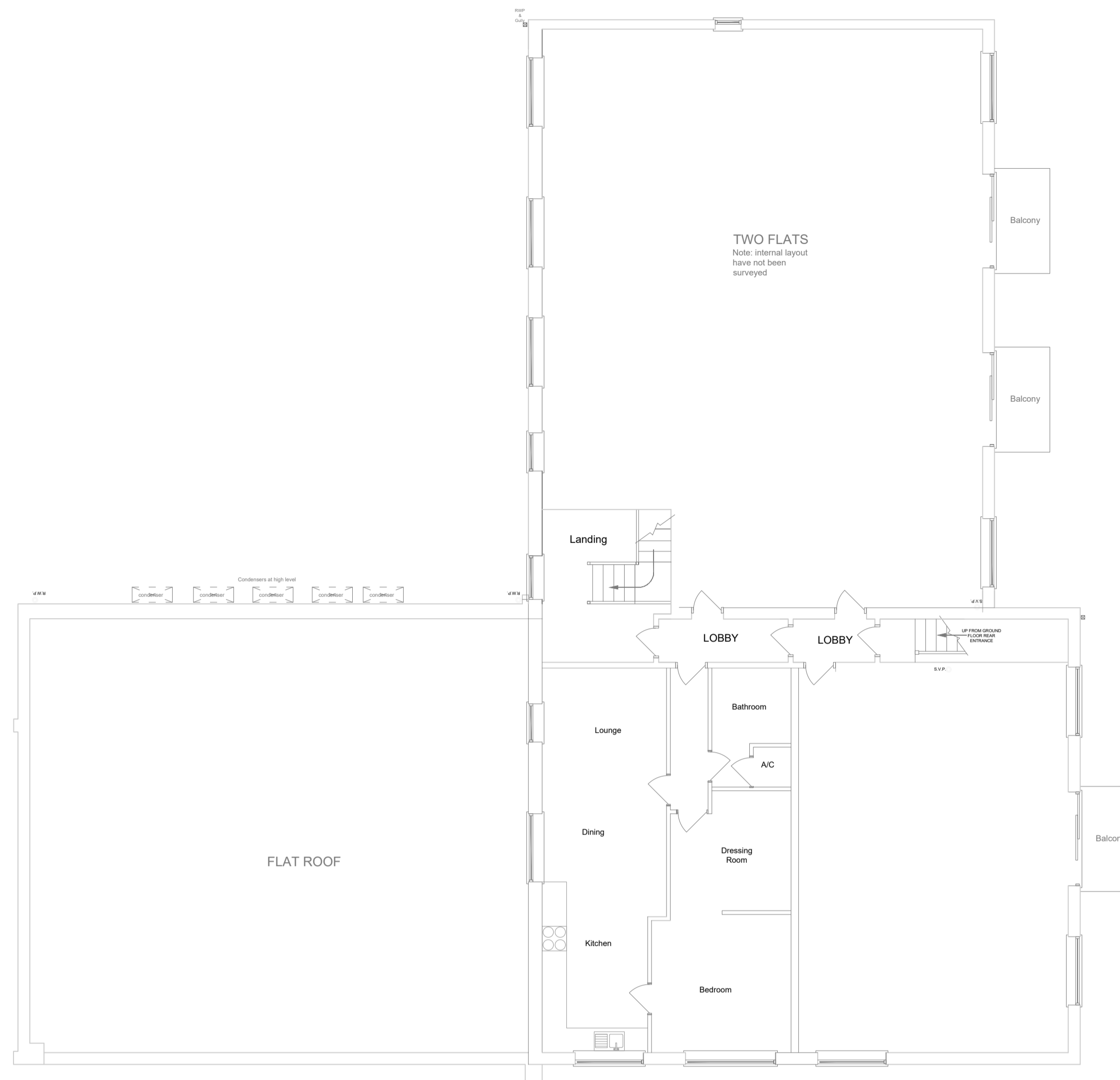


Revised:
 A, 1/8/2019, Details amended as agreed with client.
 B, 2/11/2019, Plan revised to show boundary line in red due to local residents misinterpretation.
 C, 30/1/2019, Plans revised in regards to comments made by local residents and observations made by Environmental Safety 4 Health, Highways.
 D, 1/8/2019, Plans revised in regards to PD comments.
 E, 20/1/2019, Two parking spaces removed as PD requested.
 F, 16/03/2021, Plan note added referring to approved application.
 G, 14/04/2021, Plans revised to show additional notes.
 H, 17/05/2021, Plan revised to show additional parking spaces.
 I, 10/10/2021, Plans revised as PD requested.
 J, 17/01/2022, Garage proposal removed off plan.
 K, 31/01/2022, Plans revised to show amended car parking layout.
 M, 07/02/2022, Plan revised to show lockable bollards to parking spaces to prevent customers parking.

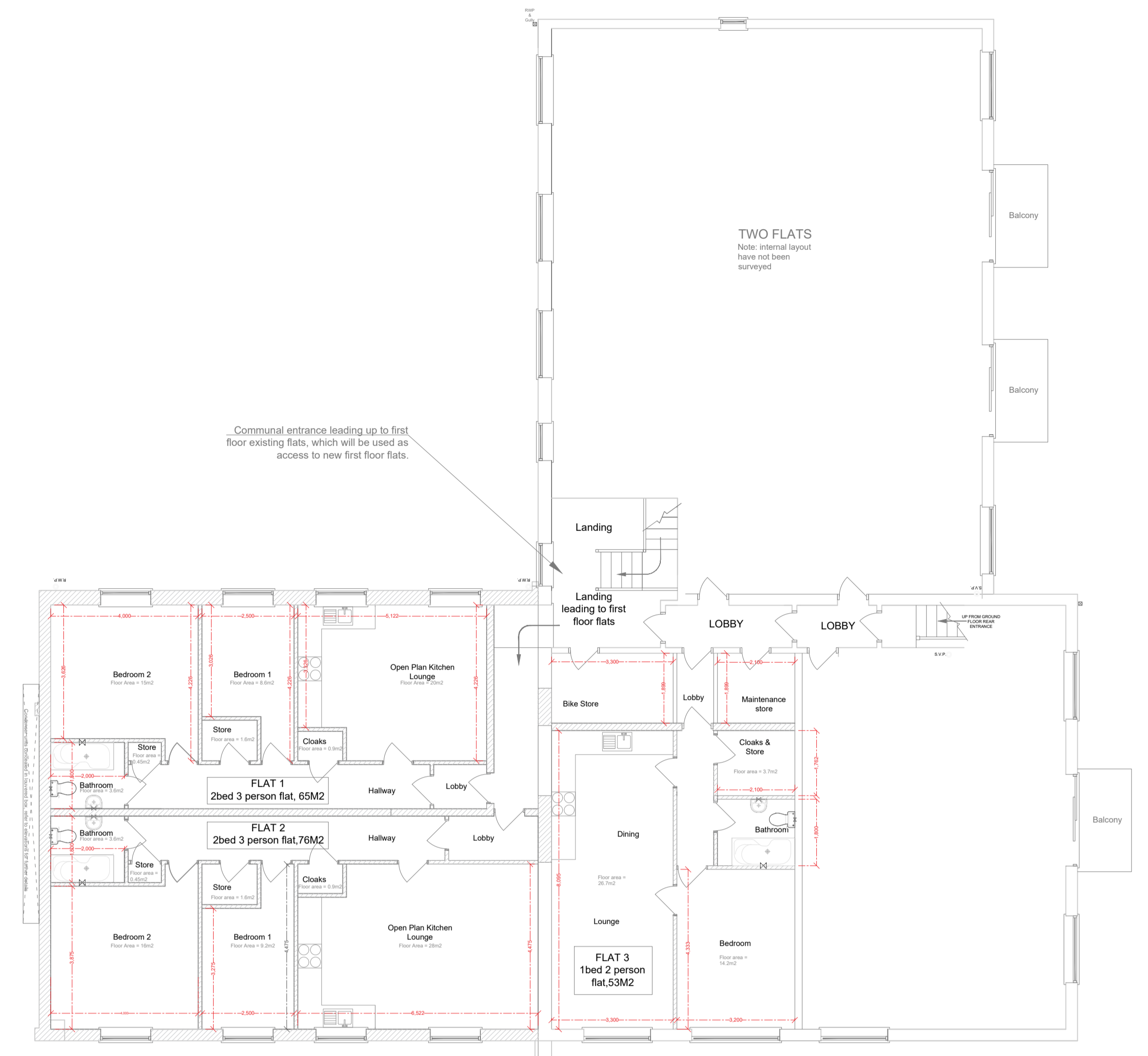
Dimensions given in mm as a guide only. Drawings produced for Planning Permission only, it is not a building regulations drawing. It is the contractor and clients responsibility that the building is built to the dimension shown otherwise there may be a high risk that planning permission would be required. © Copyright 2019

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9 Alderwood Precinct, Northway, Sedgley, West Midlands, DY3 3QY
 Client: Mr A Singh
 Title: Proposed Site and GF Plan
 Drawing No: 201920 (ZM) 1:100 Date: Oct 2019
 Drawn By: MPM



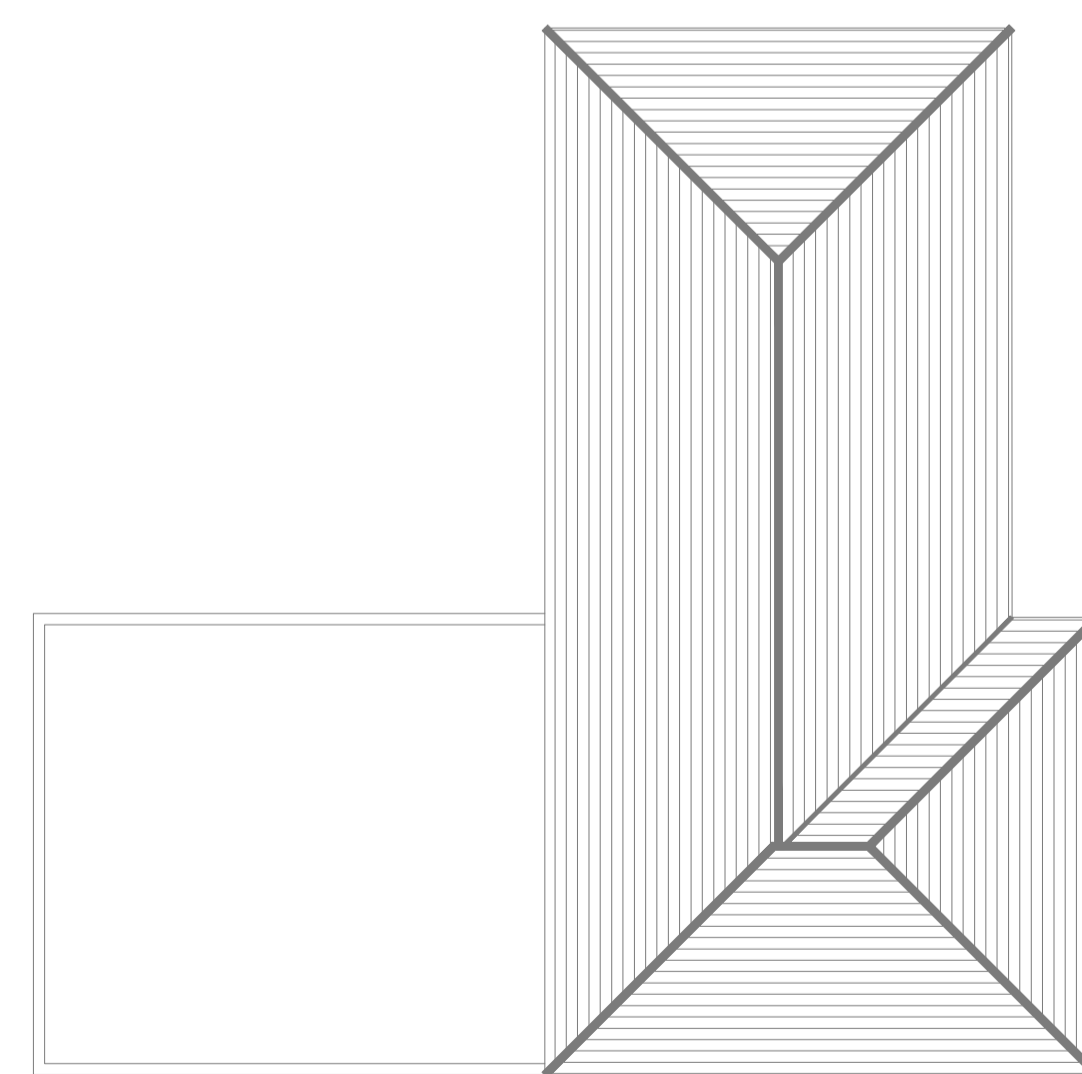
First Floor Plan As Existing,
Scale 1:100



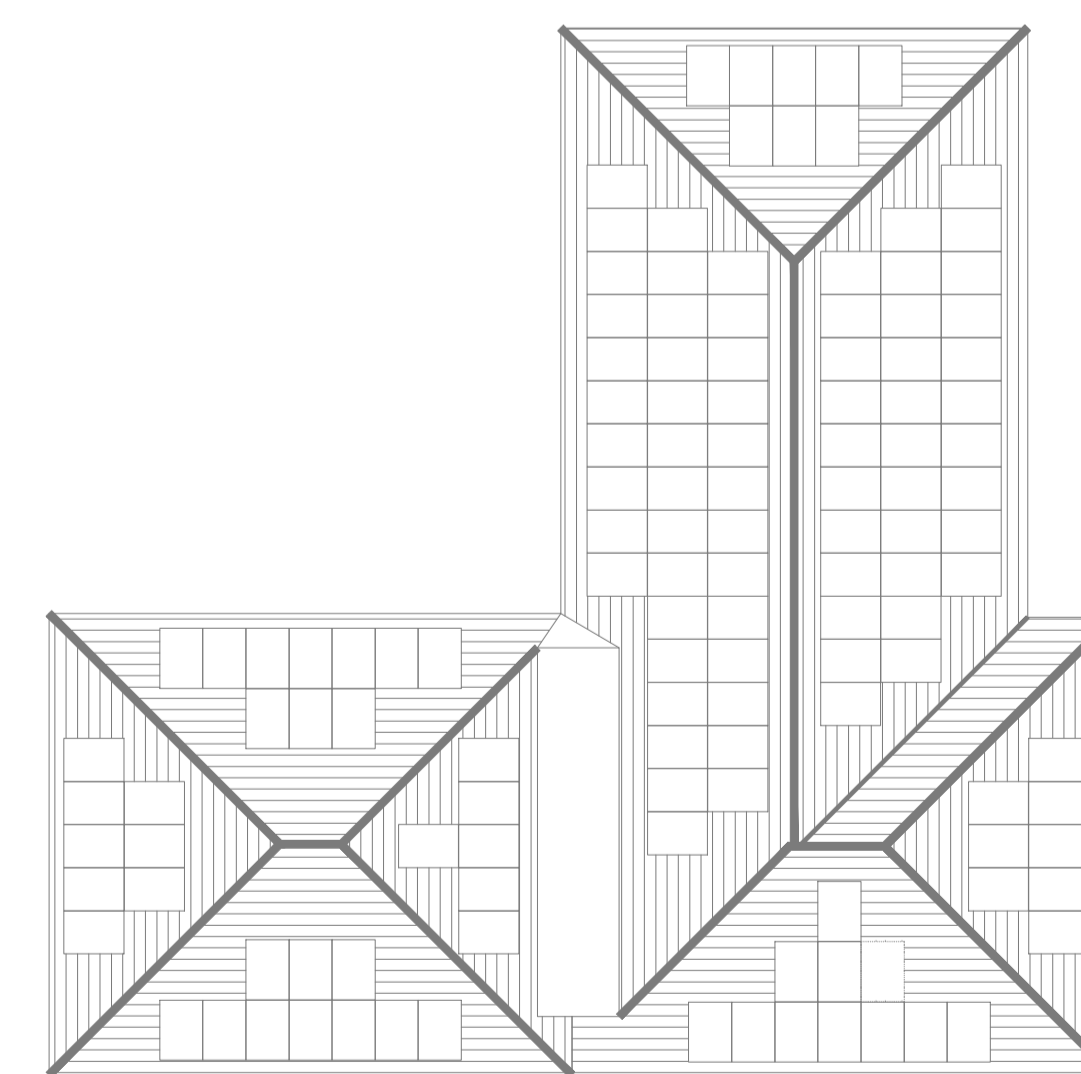
First Floor Plan As Proposed,
Scale 1:100

Revised:
 A, 22/04/2021, Plan revised as requested by planner
 B, 14/02/2021, Plan revised in line with comment made by PO.
 C, 04/11/2021, Plan revised to show existing and proposed roof pans and new position of condensers.
 D, 1/01/2022, Revised to show new position of condensers.
 E, 1/01/2022, Plan revised to show solar panels.
 F, 1/02/2022, Plan revised to show new position of condensers.
 Dimensions given in mm as a guide only.
 Drawings produced for Planning Permission only, it is not a building regulations drawing. It is the contractor and clients responsibility that the building is built to the dimension shown otherwise there may be a high risk that planning permission would be required.
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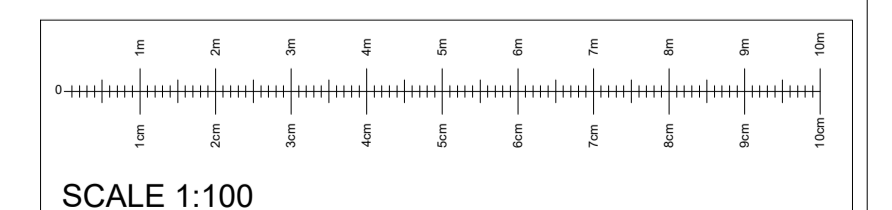
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 E-mail: mmistry1212@live.co.uk
 9 Alderwood Precinct,
 Northway, Sedgley,
 West Midlands,
 DY3 3QY
 Client:
 Mr A Singh
 Title:
 Proposed FF Plan
 Drawing No: _____ Scale: _____ Date:
 201920/FF 1:100 Feb 2021
 Drawn By: MPM Plan Size A1



Existing Main Roof Plan
Scale 1:200



Proposed Main Roof Plan
Scale 1:200

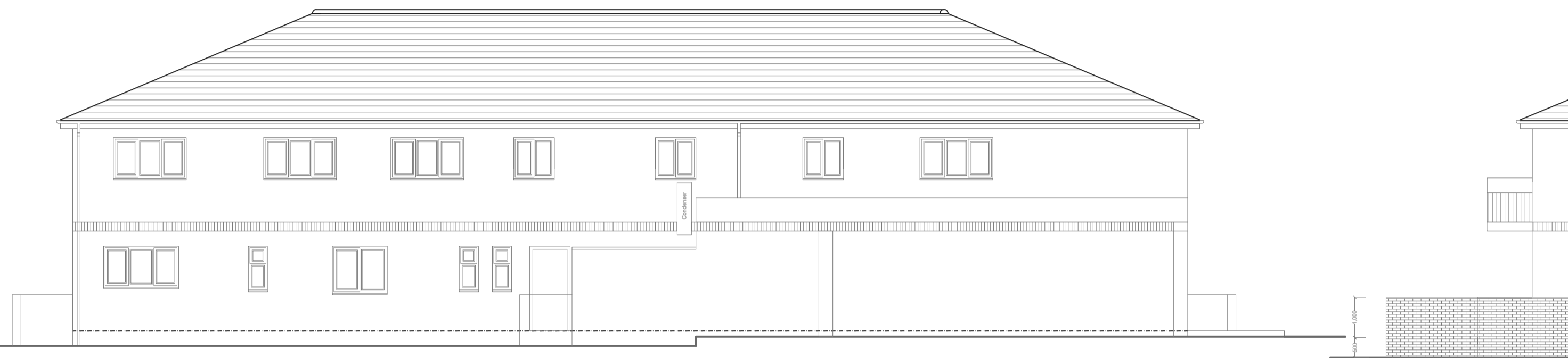




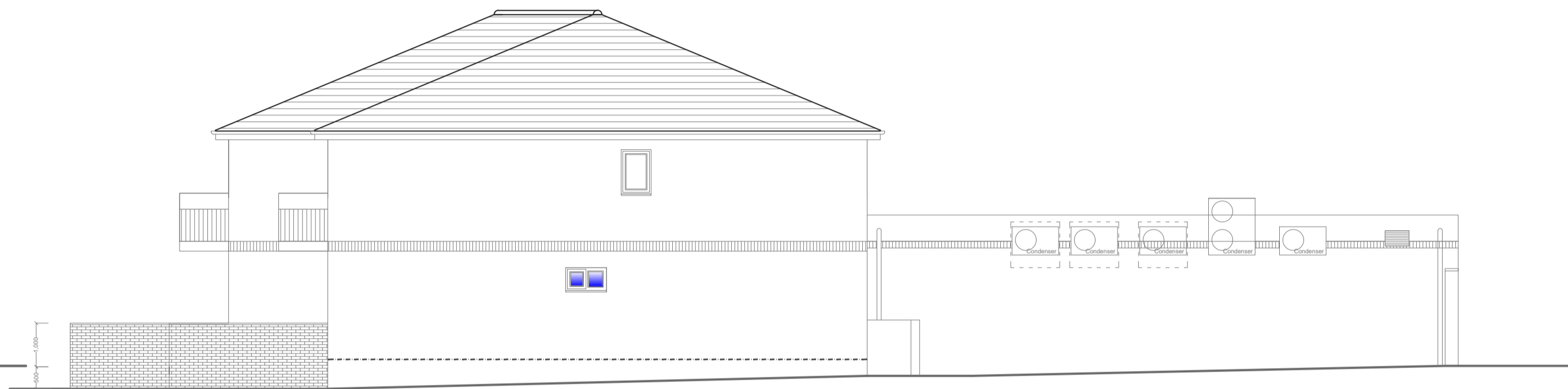
North Facing Elevation As Existing,
Scale 1:100



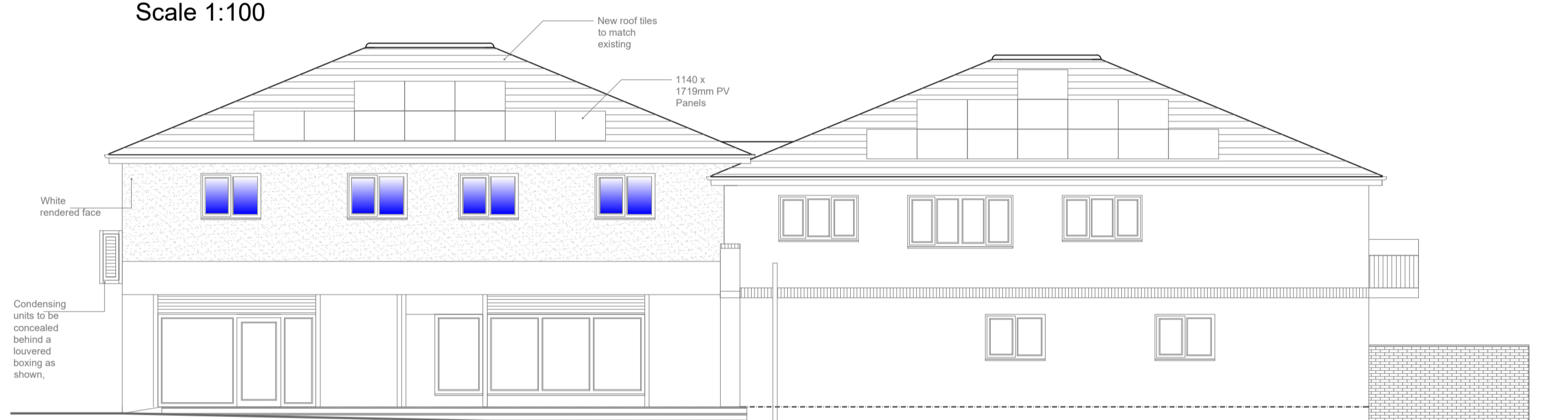
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East Facing Elevation As Existing,
Scale 1:100



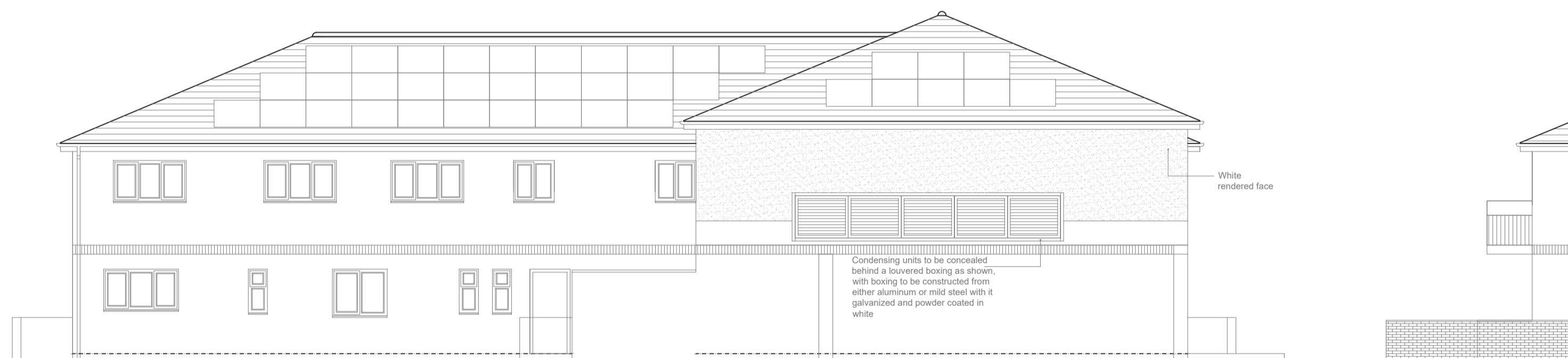
South Facing Elevation As Existing,
Scale 1:100



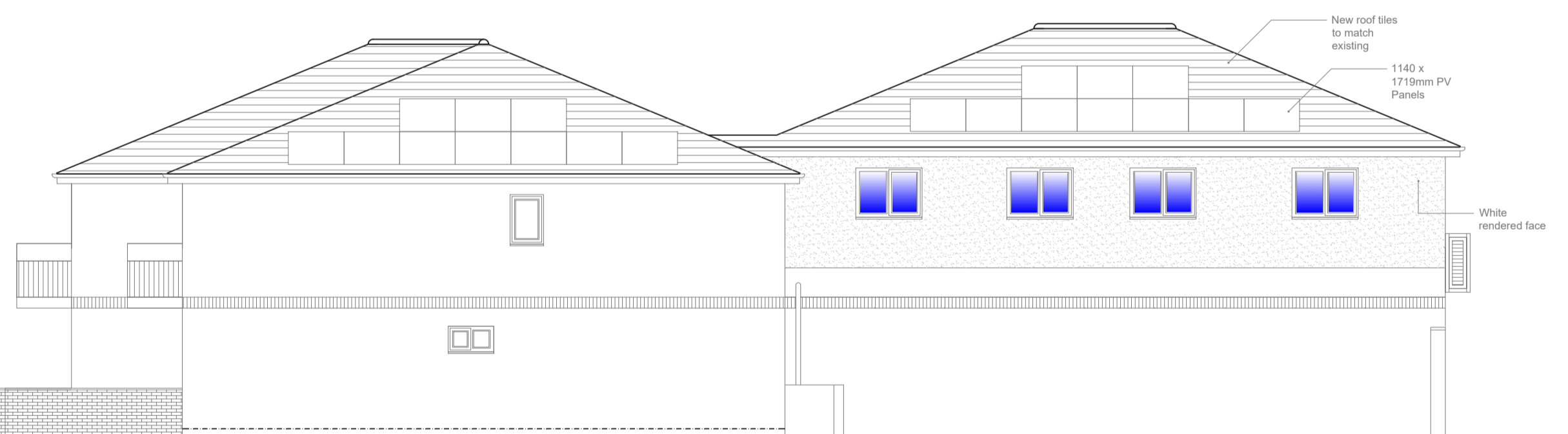
North Facing Elevation As Proposed,
Scale 1:100



West Facing Elevation As Proposed,
Scale 1:100



East Facing Elevation As Proposed,
Scale 1:100

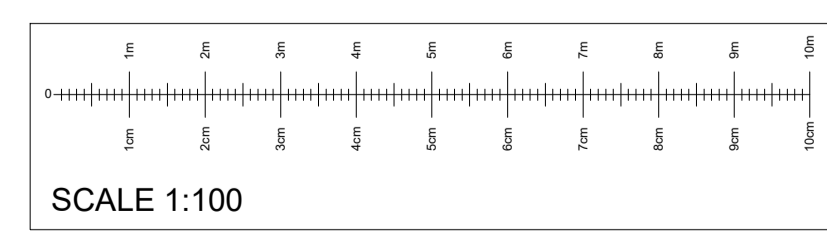


South Facing Elevation As Proposed,
Scale 1:100

Revised:
 A, 09/10/2019, Plans revised.
 B, 19/11/2019, Plans revised with elevations revised to reflect changes on plans.
 C, 24/02/2020, Plans revised with elevations revised to reflect changes on plans.
 D, 26/02/2020, Plans revised to show finishes and levels.
 E, 06/03/2021, Plans revised as client requested.
 F, 18/04/2021, Plans revised to show changes.
 G, 22/04/2021, Plans revised as RD requested.
 H, 04/11/2021, Plans revised to show new position of condensing units and louvered housing.
 I, 10/11/2021, Plans revised with notes revised and condensing units repositioned and additional garage added.
 J, 18/11/2021, Plans revised as requested by technical.
 K, 17/01/2022, Garage elevations removed off plans with condensing units repositioned in new plant room.
 L, 18/02/2022, Plans revised to show reposition of condensing units with screening.
 Dimensions given in mm as a guide only.
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9 Alderwood Precinct,
 Northway, Sedgley,
 West Midlands,
 DY3 3QY
 Client:
 Mr A Singh
 Title:
 Exty 4 Prop Elevations
 Drawing No: 201920/SL Scale: 1:100 Date: Oct 2019
 Drawn By: MPM



PLANNING APPLICATION NUMBER: P21/2163

Type of approval sought	Tree Preservation Order
Ward	Pedmore and Stourbridge East
Agent	Mr M. Rogers, Absolute Tree Solutions
Case Officer	John Fraser
Location:	336, HAGLEY ROAD, STOURBRIDGE, DY9 0RD
Proposal	FELL AND REPLACE 1 NO. REDWOOD (SEQUOIA) TREE
Recommendation Summary:	REFUSE

Application No.	P21/2163		
Location:	336 Hagley Road, Stourbridge, DY9 0RD		
Proposal Summary:	Fell and replace Wellingtonia (<i>Sequoiadendron giganteum</i>)		
Site Visit Date:	30/11/2021 & 15/12/2021	Site Notice Expiry Date:	N/A
Site Notice Displayed?	Not required	Tree Preservation Order Number / Year:	TPO/227/T32 (1987)
Key Site and Surroundings:	<p>The Wellingtonia (<i>Sequoiadendron giganteum</i>) subject to the application occupies a prominent roadside position and is clearly visible to users of Hagley Road, Ferndale Park and Bromwich Lane.</p> <p>The tree stands at an approx. height of 30 - 35m with a crown spread of 8m and a diameter at breast height (DBH) of 1600mm.</p> <p>Due to its position, maturity of form and stature it has a positive impact on the character and appearance of the area.</p>		
Relevant Application History?	<p>P08/1822 Fell Redwood – Refused (TPO committee decision)</p> <p>Appeal Ref: APP/TPO/C4615/537 - Dismissed</p>		

Representations Received?	Yes		
If Yes, how many? (Support, Objection, Comment)	Support	Objection	Comment
		1	
Comments Received:	Cllr. Ian Kettle opposes the application P21/2163 to fell the giant redwood at 336 Hagley road. 'It's the only redwood I know of in the Borough and is a very good specimen therefore unique'.		

Tree(s) Appraisal – Tree 1

Species:	Wellingtonia (<i>Sequoiadendron giganteum</i>)				
Age Class:	Early mature		Overall Health:	Good	
Light obstruction:	Yes	Physical damage:	No	Surface disruption:	None-evident

Amenity Assessment

Visible:	Yes	Prominence:	High	Characteristic of the Area:	Yes
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Overall Amenity Value? (High, Medium, Low, None):	High				
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Further assessment if not covered:

A previous application to remove the Wellingtonia P08/1822 was referred to the TPO committee and subsequently refused by Members. The decision was appealed - ref: APP/TPO/C4615/537 – and dismissed by the Planning Inspectorate 12th August 2008.

The current application is supported by a tree condition report prepared by the applicant's agent Cllr. Matt Rodgers, owner of Absolute Tree Solutions. The report states that it is in accord with BS5837:2012 Trees in relation to Design, Demolition and Construction, however it should be noted that it would be more usual for a tree condition report to be in accord with BS3998:2010 Tree Work – Recommendations, as this is the more relevant British Standard.

A band of discoloured/dead foliage extending up the tree was observed during the officer site inspection, however, 70% of the tree remains unaffected and displays normal vitality for the species. Subject to the removal of dead wood, an inspection from ground level found no evidence of any structural defects that would present an imminent risk to persons or property.

The arboricultural justification given within the report for the removal of the tree is that it is suffering from a fungal pathogen, commonly referred to as Red Band Needle Blight

(*Dothistroma septosporum*). Red Band Needle Blight is a disease affecting Pine species, most commonly found on Corsican pines (*Pinus nigra*). It is not a disease associated with Wellingtonia and there have been no recorded incidents of infection of Wellingtonia. Furthermore, the pattern and appearance of the dead foliage observed is inconsistent with Red Band Needle Blight and therefore, I am unable to agree with the agent's diagnosis.

In my opinion, and having consulted other qualified arboriculturists, the most likely cause of the discoloured foliage is a minor lightning strike. The pattern of the damaged foliage – wider at the bottom than at the top of the tree – would be consistent with this hypothesis. As an alternative to felling the tree, the affected branches could be removed or shortened to reduce the risk of falling deadwood using the technique of natural target pruning, although Wellingtonia will 'hang-on' to deadwood for a considerable amount of time. The health of the tree should be further monitored over the course of a growing season. It is accepted that the removal of the affected branches would have a negative impact upon the visual amenity currently offered by the tree, however Wellingtonia have the ability to sprout new branches from the main stem in response to damage and so may compensate for the loss of these branches over time. In addition, Wellingtonia are widely regarded as being the most 'wind fast' species of tree in the world and it is unlikely that the removal of the damaged branches would have any adverse effect upon the biomechanics of the canopy or the long-term wellbeing and safety of the tree.

A further submitted reason for the removal of the tree is possible subsidence of the property. For subsidence to occur due to the influence of a tree, the affected property must have been built on a shrinkable clay soil. No evidence has been submitted to suggest that the ground beneath the house is of a shrinkable clay and on the contrary, the submitted report observes that the soil is free draining and that the sub-soil is believed to be sand. If this is the case, it would be proven that the tree could not be a cause of subsidence. None of the required technical evidence has been submitted to support the application which could demonstrate that the tree is likely to cause subsidence to the property at any point in the future. Furthermore, the submitted report shows photographs of 15 Wellingtonia which the agent claims are growing within a one-mile radius of 336 Hagley Road. At the time of writing this report I have no evidence of any recorded cases of subsidence damage being attributed to the presence of these trees adjacent to residential properties.

The report also suggests that the tree should be removed as the roots have historically caused blocked drains and sewer pipes. Research has shown that tree roots are not capable of direct damage to drains and pipes. If a pipe is already damaged then roots can ingress and worsen the problem, however they are not the principal cause of damage. Since the drains were last repaired in 2009 no damage has been reported or further costs incurred. This would suggest that the replacement of the original terracotta pipes with modern plastic pipes has proven effective.

Further reasons given for felling of the tree were 'damage to the owner's driveway and restricting access to the garage'. Inspection confirmed no visible evidence of surface disruption to the owner's driveway nor of any physical obstruction to the access to the garage.

The issue of shading has been considered, however, it is concluded that the current and potential future amenity value provided by the Wellingtonia, currently outweighs any adverse impact upon the applicant's garden and usage.

Trees will shed debris and this factor is a natural characteristic of all trees within a residential environment. Leaf fall and bird droppings are also a natural occurrence and cleaning up after such activity goes hand in hand with living in a property with a tree within its grounds. It is accepted that this can be an inconvenience and the evidence indicates that the tree owner carries out these works currently. It is appreciated that, in years to come, the applicant may require the services of a professional to undertake such maintenance, but there is nothing submitted to suggest that this would be an onerous expense.

It is recognised that the applicant is willing to plant replacement trees, however, the principle of justifying the premature removal of a large mature protected tree on the grounds that planting replacement trees will offset any resulting loss of amenity is inconsistent with prudent arboricultural management. It would take a great many trees to compensate for the loss of ecosystem services currently provided by the tree. Furthermore, the area of land identified for the replacement trees is not in the ownership of the applicant and neither is it within the gift of the applicant's agent to promise such.

The submission claims that the presence of the tree has devalued the applicant's property. Whilst there may be sympathy with this concern, it is not the purpose of the planning system to protect the private interests of individual parties. Accordingly, weight cannot be attached to the concern that the tree will de-value the existing property and this is a matter which is certainly discounted in appeal decisions.

Conclusion:

Red Band Needle Bight is not known to affect Wellingtonia.

The soil beneath the house has been described as free draining sand.

It is accepted as proven by Insurance companies and the wider arboricultural community that for a tree to be the cause of subsidence damage to a built structure, the underlying soil must be of a shrinkable clay.

It is considered the proposed removal of the tree and the subsequent decay of any roots underneath the property would be far more likely to result in ground settlement and a downward rotational movement of the foundations.

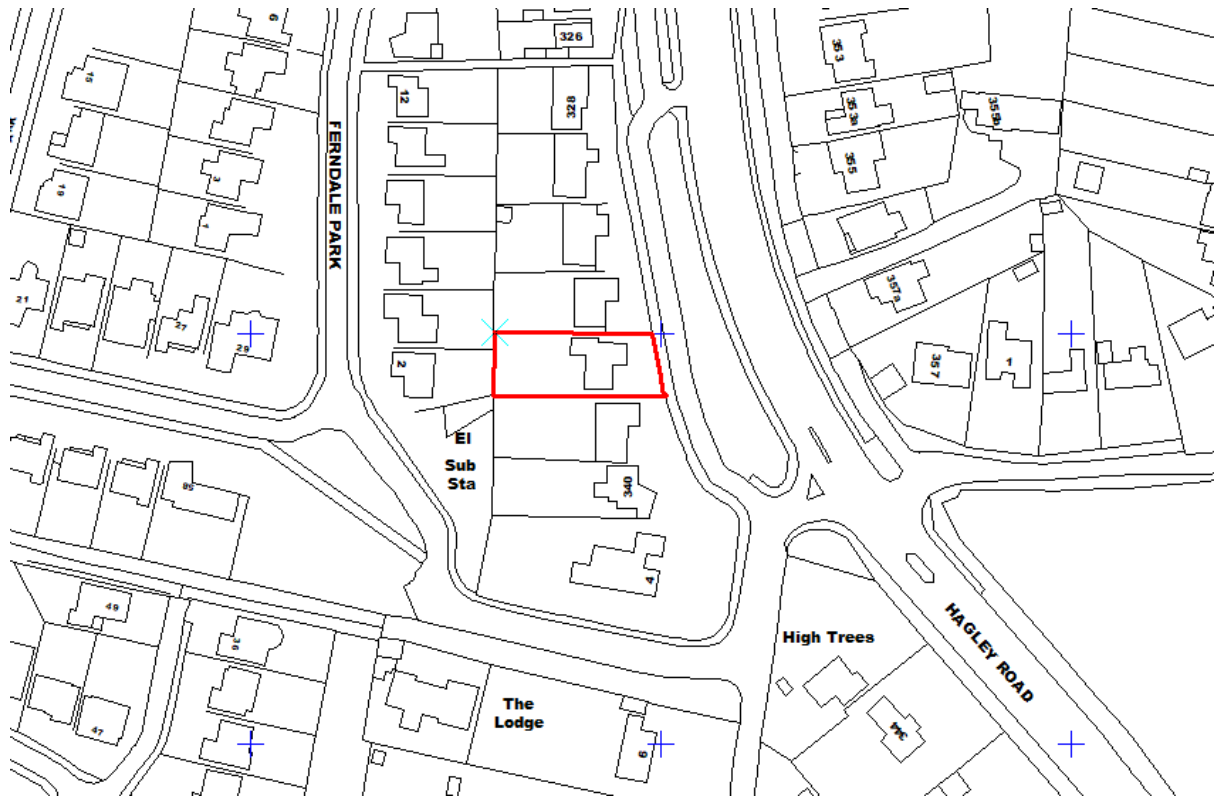
The tree is a highly visible natural feature in a suburban setting offering a high amenity value due to its contribution to the character and appearance of the area.

The removal of the tree would diminish and harm the visual amenity of the area and based on the available evidence as presented, there are insufficient grounds to justify felling this protected tree at the present time.

Recommendation:	Recommend refusal of the application.							
Condition(s) or Reason for Refusal:	Amended Works	N/a	Replacement Planting	N/a	5 Days Notice	N/a	Pre-commencement Meeting	N/a
	The adverse impact of proposed works on the amenity of the area is considered high in that the tree does present high public amenity value and is considered to be an important feature in the landscape character of both the immediate and wider landscape.							
Amended Works:	N/A							
Informative:	N/a							
Case Officer:	John Fraser			Date of Final Report:	16/02/2022			

Conditions and/or reasons:

1. The removal of the tree would diminish and harm the visual amenity of the area and, based on the available evidence as presented, there are insufficient grounds to justify felling this protected tree at the present time. The adverse impact of proposed works on the amenity of the area is considered high in that the tree does present high public amenity value and is considered to be an important feature in the landscape character of both the immediate and wider landscape contrary to Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland



Material considerations	Non Material considerations
<p>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.</p>	<p>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).</p>
<p>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.</p>	<p>Loss of view (unless you own all the land between you and the view you have no right to it).</p>
<p>Landscaping: is this appropriate, sufficient, particularly if forming a screen or providing some form of mitigation</p>	<p>Loss of property value</p>
<p>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.</p>	<p>Matters covered by other legislation</p>
<p>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?</p>	<p>Matters that can be adequately controlled by the imposition of a suitably worded condition.</p>
<p>Planning history: has a similar scheme been approved before/refused before? Is there appeal history.</p>	<p>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.</p>
	<p>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</p>

	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.