

**Meeting of the Development Control Committee
Wednesday, 12th January 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.

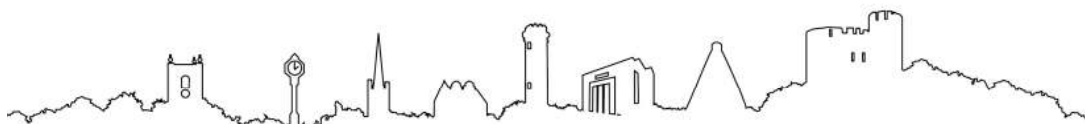
All those attending this Committee should be aware that additional papers known as the "Pre-Committee Notes" are available to view on the Council's Committee Management Information System (CMIS). These contain amendments, additional representations received, etc, and should be read in conjunction with 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 17th November 2021 as a correct record.](#)



6. Plans and Applications to Develop
 - (a) Planning Application No. P21/1386 – 14 Iron Bridge Walk, Pedmore, Stourbridge – First floor rear extension and rear dormer to facilitate loft conversion (Pages 1 - 12)
 - (b) 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) (Pages 13-31)
7. Planning Enforcement – Enforcement Plan Review 2021 (Pages 32-65)
8. 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

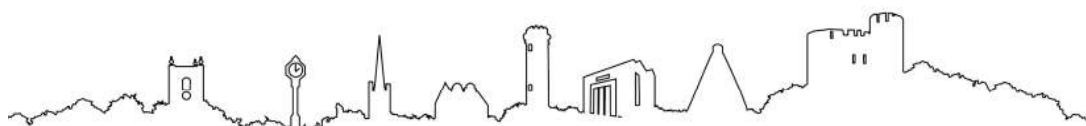
Dated: 21st December 2021

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.



Please note the following concerning meetings at Dudley Council House:

Covid-19 Secure Working

Hands

- Hand Sanitiser and antibacterial wipes are available at various locations. Everyone is asked to sanitise their hands when arriving and leaving the building. Hand washing facilities are also available on site.

Face

- All attendees are strongly advised to wear face coverings in situations where 2m distancing cannot be maintained. There is a supply of masks available for your use. These need to be worn correctly, covering nose and mouth. To assist this, a provision of surgical grade type 2R masks are available. The masks can be removed when you are speaking at the meeting.
- All persons entering or working in the building are strongly encouraged to wear face masks in communal areas and when moving around the building.

Space

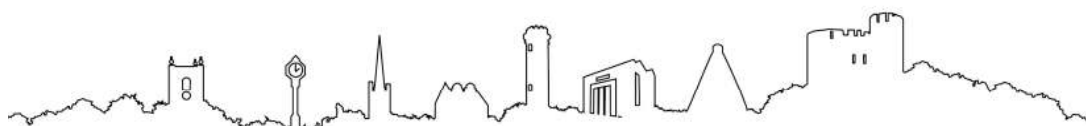
- Please be respectful of everyone's personal space and preferences when you attend meetings.

Testing

- All people attending are encouraged to undertake Lateral Flow Tests twice a week (a supply of kits is available). Anyone testing positive should not attend and should seek further advice including self-isolation and taking a PCR test.
- Anyone unwell should not attend. Or if you have tested positive for Covid-19 in the last 10 days; if you are self-isolating or if you suspect that you are symptomatic.

Ventilation

- Windows will be opened in advance of meetings and will be maintained in an open position during meetings to maximise air flow and air changes within the room.
- Heating on site will be used to ensure minimum welfare requirements are met. The windows are open for ventilation, and this may make the environment cooler, so please dress accordingly.
- Carbon Dioxide Monitors will be situated in the meeting rooms. Data captured is used to monitor and assure effectiveness of ventilation.



Vaccination

- All persons attending meetings are strongly encouraged to be double vaccinated to limit ill-health effects should a transmission of coronavirus occur.

Toilets

- Toilet facilities are available on site and are subject to safety measures that are in place. All the toilets have hand washing facilities.

No smoking

- There is no smoking on the Council House premises in line with national legislation. It is an offence to smoke in or on the premises. You cannot use e-cigarettes and/or similar vaping devices.

In Case of Emergency

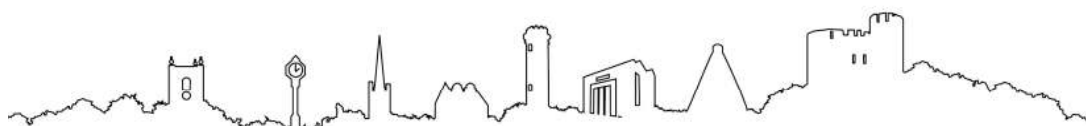
- In the event of the alarms sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.

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).

Private and Confidential Information

- Any agendas containing reports with 'exempt' information should be treated as private and confidential. It is your responsibility to ensure that information containing private and personal data is kept safe and secure at all times. Confidential papers should be handed to Democratic Services for secure disposal. If you choose to retain the documents, you should ensure that the information is securely stored and destroyed within six months.



General

- Public Wi-Fi is available in the Council House.
- The use of mobile devices or electronic facilities is permitted for the purposes of recording/reporting during the public session of the meeting. The use of any such devices must not disrupt the meeting – Please turn off any ringtones or set your devices to silent.
- Information about the Council and our meetings can be viewed on the website www.dudley.gov.uk

If you need advice or assistance

- If you (or anyone you know) requires assistance to access the venue, or if you have any other queries, please contact Democratic Services - Telephone 01384 815238 or E-mail Democratic.Services@dudley.gov.uk



**Minutes of the Development Control Committee
Wednesday 17th November, 2021 at 6.05 pm
In Dudley Town Hall, St James's Road, Dudley**

Present:

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

Officers: -

H Benbow (Principal Planning Officer), T Glews (Public Protection Manager), J Hindley (Highway Officer), C Mellor (Planning Manager), P Mountford (Head of Planning and Regeneration), P Reed (Principal Planning Officer), G Breakwell (Solicitor) and H Mills (Democratic Services Officer).

Also in Attendance: -

73 members of the public

35 **Apology for Absence**

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

36 **Appointment of Substitute Members**

It was reported that Councillor R Ahmed had been appointed to serve as a substitute member for Councillor M Hanif, for this meeting of the Committee only.

37 **Declarations of Interest**

Councillor R Ahmed declared an interest in Planning Application No. P21/1819 – Land at the junction of Steppingstone Street and Greystone Passage, Dudley – Erection of 1 No. Dwelling with Associated Works (Resubmission of P21/1063), in that the applicant was a family member. In accordance with Council Procedure Rule 24.1.4 she took no part in the discussion or voting on this application as the interest related to the disclosable pecuniary interests in respect of a member of her family.



38 **Minutes**

Resolved

That the minutes of the meeting held on 13th October, 2021, be approved as a correct record and signed.

39 **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.

40 **Plans and Applications to Develop**

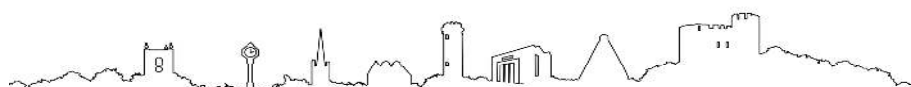
A report of the Director of Regeneration and Enterprise was submitted on the following plans and applications to develop. Where appropriate, details of the plans and applications were displayed by electronic means at the meeting. In addition to the reports submitted, notes known as Pre-Committee notes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

<u>Application No.</u>	<u>Objectors/Supporters who wished to speak</u>	<u>Agent/Applicant who wished to speak</u>
P21/0123	Councillor P Lee L Allen	B Flippance
P21/1402	Councillor K Lewis	C Smith
P21/1505	T Clarke	K Hartley
P21/1568	T Lee	

(a) **Planning Application No. P21/1423 – 148 Wolverhampton Street, Dudley – Variation of Conditions 2 and 9 of Planning Permission P19/1312 in relation to First Floor Windows to eastern elevation**

Resolved



That the application be approved, subject to conditions numbered 1 to 13 (inclusive), as set out in the report submitted.

(b) Planning Application No. P21/1505 – Former Hippodrome and adjacent land and buildings, Castle Hill, Dudley – Demolition of existing buildings and redevelopment for a higher education facility together with associated access, car parking and landscaping

It was emphasised during the presentation that, if the Committee was minded to approve the application, the decision would be subject to referral to the Secretary of State for Levelling Up, Housing and Communities.

In considering the application, Members took into account all of the concerns raised by the objectors, as outlined in the report and as reported at the meeting, in that it was considered the demolition of the historic building would be to the detriment of the area, and the restoration of the building was a significant opportunity and would support the regeneration of Dudley Town Centre.

The Committee also took account of the comments made in support of the application in that the proposals would provide a higher education provision, support the delivery of training for the health care sector and that the proposed building design would provide improved views of Dudley Castle.

The views of all consultees were considered. In particular it was noted that no objections had been raised by Historic England, who considered that the proposal would enhance the significance of Dudley Castle, the listed zoo buildings and the appearance of the Castle Hill Conservation Area. It was considered that this outweighed the harm caused by the proposed demolition.

Resolved

That subject to the referral to the Secretary of State for Levelling Up, Housing and Communities, the application be approved, subject to conditions numbered 1 to 11 (inclusive) as set out in the report submitted, together with amended conditions 12 to 40 (inclusive) as outlined below:-

12. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. 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.
REASON: In the interests of sustainability, reducing flood risk and run off and to comply with Adopted BCCS Policy ENV5 - Flood Risk, Sustainable Drainage Systems and Urban Heat Island (STWA).



13. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- A timetable for its implementation
 - A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime of the development. None of the development shall be occupied until surface water drainage works have been implemented in accordance with the approved details.
- REASON: In the interests of sustainability, reducing flood risk and run off and to comply with Adopted BCCS Policy ENV5 - Flood Risk, Sustainable Drainage Systems and Urban Heat Island.
- INFORMATIVE - The Applicant should supply information showing arrangements to provide adequate long term maintenance, including an appropriate legal agreement to ensure maintenance in perpetuity, before any approval is granted. It is essential that the responsibility for future maintenance, repairs or improvements to the balancing device is ascertained at an early stage of negotiations. The use of Sustainable Drainage techniques such as Green Roofs, Tree Pits and Rainwater Harvesting, for example, should be seriously considered as options for this type of development proposal and form part of the Sustainability Statement.
14. No development shall commence (excluding demolition, site clearance and initial ground works) until full details of soft and hard landscaping works together with public realm enhancement works have been submitted to and approved in writing by the Local Planning Authority. The soft landscaping details must include, where appropriate, planting plans, written specifications, a schedule of plants including species, plant sizes and proposed numbers/densities and a programme of implementation. Plans must also include accurate plotting of all existing landscape features. The hard landscaping details shall include existing and proposed finished levels or contours; the position, types, colours and textures of the materials of all site enclosures, car parking layout and other vehicular (including driveways) and pedestrian areas; hard surfacing areas, minor artefacts and structures (e.g. street furniture, refuse storage areas, cycle stores etc). The works approved as part of this condition shall be completed in accordance with approved details and a timetable which has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details within the first planting season following the first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

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

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

15. No above ground development shall commence until details of the positions, design, materials and type of boundary treatment or means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be carried out in complete accordance with the approved details prior to the occupation of the dwellings hereby approved and shall thereafter retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.

REASON: To safeguard the character, appearance and setting of the Dudley Town Centre Conservation Area and Castle Hill Conservation Area in accordance with Policy S9 (Conservation Areas) of the adopted Dudley Borough Development Strategy and Policy 22 (Dudley Town Centre Conservation Area), Policy 23 (Castle Hill Conservation Area) and Policy 21 (Conservation and enhancement of local character and distinctiveness in Dudley) of the Dudley Area Action Plan and Policy ENV 2 (Historic Character and Local Distinctiveness) of the Black Country Core Strategy (2011).

16. No development shall commence until details of the design, materials and colour(s), of the retaining walls to the car park and service area hereby approved on the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details prior to occupation and the walls shall be retained and maintained as approved for the lifetime of the development.

REASON: In the interests of the visual amenities of the site and the surrounding area and to comply with 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).

17. No development (excluding demolition, site clearance and initial ground works) shall commence until details of works of public art have been submitted to and approved in writing by the Local Planning Authority. The works of public art shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.

REASON: In order to enhance the cultural and social development and identity of the area and make a positive contribution to place-making in accordance with BCCS Policies CSP4 - Place-Making, ENV2 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) in that the required works may need to be incorporated into buildings on the site.

18. No above ground development shall commence until an Economic and Community Development Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall address as a minimum, measures to increase the number of jobs available to local people at the site and the development of initiatives that support activities which will up skill local unemployed people of working age so as to support them into sustained employment. The development shall be implemented in accordance with the approved Statement and operated in accordance with the Statement for the lifetime of the construction project.

REASON: In order to facilitate the creation of local jobs for local people in the interests of economic and community development in accordance with BCCS Policy EMP5 - Improving Access to the Labour Market.

19. Prior to occupation details of how the development shall incorporate the generation of energy from renewable and low carbon sources sufficient to off-set at least 10% of estimated residual energy demand of the development on completion, shall be submitted to and approved in writing by the Local Planning Authority. The development shall accord with the details approved.

REASON: To reduce the environmental impact of the development and to comply with BCCS policy ENV7.



20. The development hereby approved shall not be occupied until the nature conservation enhancement and/or mitigation works which are recommended within the submitted nature conservation report/assessment have been undertaken and completed. The nature conservation enhancement and/or mitigation works shall thereafter be retained and maintained in accordance with the recommendations of the nature conservation report/assessment / or for the lifetime of the development.

REASON: To ensure the provision, protection and maintenance of the site's ecology and comply with BCCS Policies ENV1 - Nature Conservation, CSP3 Environmental Infrastructure and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S21 Nature Conservation Enhancement, Mitigation and Compensation Policy S5 - Minimising Flood Risk and Sustainable Drainage Systems (in part) and Policy S21 Nature Conservation Enhancement, Mitigation and Compensation Policy S20 The Borough's Geology (in part) Policy S1 Presumption in favour of Sustainable Development (in part).

21. No development shall commence (INCLUDING demolition, site clearance and initial ground works) until a scheme detailing how any trenches, including foundations, created on the site at any point during development shall be protected whilst there are no humans on site in order to minimise the risk of harm to badgers and other wildlife has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site throughout development in accordance with the agreed details.

REASON: In order to enhance, encourage and protect the nature conservation value of the site and in accordance with BCCS Policies ENV1 - Nature Conservation, CSP3 Environmental Infrastructure and DEL1 - Infrastructure Provision Borough Development Strategy 2017 Policy S21 Nature Conservation Enhancement, Mitigation and Compensation Policy S20 The Borough's Geology (in part) Policy S1 Presumption in favour of Sustainable Development (in part) and Policy S21 Nature Conservation Enhancement, Mitigation and Compensation (in part) Policy S19 Dudley Borough's Green Network (in part) Black Country Core Strategy Policy ENV1 Nature Conservation (in part). This detail is required prior to the commencement of development in case species which are legally protected are present.

22. A) Prior to the commencement of the development hereby permitted, a written scheme of investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of historic building recording works to be carried out within the site, including post-fieldwork reporting and appropriate publication.

B) The historic building recording site work shall thereafter be implemented in full in accordance with the written scheme of investigation approved under condition (A).

C) The development shall not be occupied until the historic building recording has been completed in accordance with the written scheme of investigation approved under condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

REASON: The development impacts upon heritage/archaeological assets and preservation by record is required, this is in full accordance with the Council's Historic Environment SPD but also in accordance with Policy S15 (Heritage Assets of archaeological interest, Scheduled Ancient Monuments and Archaeological Priority Areas) of the adopted Dudley Borough Development Strategy and ENV2 of the BCCS and Para 205 of the NPPF.

23. The demolition works hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been executed and planning condition 22 has been fully discharged for the redevelopment for which the contract provides. Evidence that a contract has been executed shall be submitted in writing to the Local Planning Authority 14 days prior to any demolition works commencing.

REASON: To preserve the established character of (Name of Conservation Area) Conservation Area pending redevelopment in conformity with Borough Development Strategy 2017 Policy S9 Conservation Areas. Details are required prior to the commencement of works due to the sensitive nature of the site.

24. The development shall not be occupied until details of the design, size, location, artwork and text for an Interpretation Panel (which should have regard of the site's historic context) have been submitted to and approved in writing by the Local Planning Authority. The Interpretation Panel shall thereafter be installed in accordance with the approved details prior to the first occupation of the development and shall be retained for the life of the development.

REASON: In order to illustrate the historical and archaeological background to the site and enhance historic character and local distinctiveness in accordance with BCCS Policies ENV2 - Historic Character and Local Distinctiveness and DEL1 Infrastructure Provision and Borough Development Strategy 2017 Policy S9 Conservations Areas, Policy S10 Listed Buildings and Policy S15 Heritage Assets of Archaeological Interest, Scheduled Ancient Monuments and Archaeological Priority Areas.

25. No above ground development shall commence until details of the types, colours and textures of all the materials to be used on the external surfaces of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

Details/samples of the type, texture, colour and bond of all facing materials and masonry to be used and a sample panel measuring not less that 1m² shall be erected on site and approved in writing by the Local Planning Authority. Key plans to cross reference the

materials to the building facades will be required to clearly explain the use and type of material. The panel shall be retained on site for the duration of the construction and thereafter new brick work shall only be constructed in accordance with these approved details and the details shall follow as closely as possible the details provided in the submitted Design and Access Statement. The development shall be carried out in complete accordance with the approved details.

REASON: To safeguard the character, appearance and setting of the Dudley Town Centre Conservation Area and Castle Hill Conservation Area in accordance with Policy S9 (Conservation Areas) of the adopted Dudley Borough Development Strategy and Policy 22 (Dudley Town Centre Conservation Area), Policy 23 (Castle Hill Conservation Area) and Policy 21 (Conservation and enhancement of local character and distinctiveness in Dudley) of the Dudley Area Action Plan and Policy ENV2 (Historic Character and Local Distinctiveness) of the Black Country Core Strategy (2011).

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

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

27. No above ground development shall commence until details of the materials to be used in the external fenestration (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.

28. No development (excluding demolition) shall take place until a written scheme of investigation (WSI) to secure the implementation of a programme of archaeological works has been submitted to and approved in writing by the Local Planning Authority. The WSI shall include details of the archaeological investigations and timing, subsequent analysis, reporting and archiving. The programme of archaeological work shall be fully implemented in accordance with the approved WSI.
REASON: The site is of archaeological significance and it is important that in accordance with BCCS Policy ENV2 - Historic Character Distinctiveness and Borough Development Strategy 2017 Policy S15 Heritage Assets of Archaeological Interest, Scheduled Ancient Monuments and Archaeological Priority Areas. Details are required prior to the commencement of development/works due to the statutory protection / sensitive nature of the site. NOTE: A brief outlining the work required can be supplied by the Local Planning Authority on request.
29. Notwithstanding the details shown on the approved plans no above ground development shall commence until precise details of modifications to the existing zoo offices car park have been submitted to and approved in writing by the Local Planning Authority. The modified car park shall thereafter be laid out in accordance with the approved plans and shall be provided prior to the first opening of the development unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure there is no conflict with pedestrians and to comply with BCCS Policy TRAN2.
30. The development shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority, including details of a Travel Plan Co-ordinator, mode of travel surveys (including staff and students) details of Car Parking Management, Public Transport, Walking and Cycling initiatives, Publicity and Marketing, Set targets and monitoring, together with a timetable for the implementation of each such element. The Travel Plan shall be implemented in accordance with the details approved by the Local Planning Authority and remain operational for the life of the development.
REASON: In the interests of highway safety and to comply with BCCS Policy TRAN2.

31. No development shall be commenced (excluding demolition, site clearance and initial ground investigation works) until details of the existing highway retaining structures, including sections and calculations to prove the structure is capable of supporting likely future loadings and works to ensure the structure may sustain the future loading have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall thereafter be occupied until such works have been completed in accordance with the approved details.
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.
32. Prior to the first occupation of the development, and where required, details of road restraint systems shall be submitted to and agreed in writing by the Local Planning Authority. Such road restraint systems shall be installed where required in accordance with the approved details and thereafter maintained for the lifetime 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.
33. The development shall not be occupied/used until details of secure and covered staff, student and visitor cycle storage and shower facilities have been 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 use/occupation of the development and shall thereafter be retained and maintained for no other purpose for the life of the development.
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.
34. The development shall not be first occupied/used until details of the bin stores have been submitted to and approved in writing by the Local Planning Authority. The bin stores shall be provided in accordance with the approved details prior to the first use/occupation of the development and shall thereafter be retained and maintained for no other purpose for the life of the development.

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

35. No development shall commence (excluding demolition, site clearance and initial ground works) until details of the Highways Works as indicated on the approved plans including, details of the proposed Public Right of Way, forming a 6m wide Cycleway / Footway between the proposal and metro track on Station Street (including details of lines, widths, levels, gradients, cross sections, drainage and lighting street furniture, signage and lighting) have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the agreed Highway Works have been completed in accordance with the approved details and under the Supervision of the Highway Authority 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.

36. 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.

37. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of the access(es) into the site, together with parking and turning area(s) (including details of lines, widths, levels, gradients, cross sections, drainage and lighting) have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the access(es) into the site, together with parking and turning area(s) within the site have been laid out in accordance with the approved details. These area(s) shall thereafter be retained and not be used for any other purpose for the life of the development.

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



38. No development shall be commenced (excluding demolition, site clearance and initial ground investigation works) until details of a Service Vehicle Management Plan, including details of out of opening servicing times, rear camera systems, a banksman and an off Public Highway area for HGV reversing has been submitted and approved by the Local Planning Authority. No part of the development shall thereafter be occupied until the Service Vehicle Management Plan has been implemented in accordance with the approved details.
REASON: In the interests of highway safety and to comply with BCCS Policy TRAN2.
39. Prior to the occupation of the development a Parking Management Plan, including details of agreed parking capacity on the Zoo car parks, staggered class start and finish times, alternative public parking arrangements and advice on none car travel modes, shall be submitted and approved in writing by the Local Planning Authority.
REASON: In the interests of highway safety and to comply with BCCS Policy TRAN2.
INFORMATIVE: This should also cater for any disabled parking which cannot be provided on site.
40. Prior to first occupation details of the relocation of the lighting columns / signs / bus stops/ bus shelters if required shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the lighting column have been relocated in accordance with the approved details.
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

(At this juncture the meeting adjourned at 6.55pm and reconvened at 7pm)

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- (c) **Planning Application No. P21/0123 – Land off Old Wharf Road, Stourbridge – Approval of Reserved Matters (Appearance, Landscaping, Layout and Scale to be considered) for the erection of 256 No. Dwellings (Following outline approval P18/0921)**

Resolved

That the application be approved, subject to amended conditions numbered 1 to 18 (inclusive) as outlined below:-



1. The development hereby permitted shall be carried out in accordance with the following approved plans: Development Layout C5139/001_02 Rev D; Development Layout C5139/001_03; Housetypes: BRAXTON A/A(R)/B/CON Rev A; BYFORD A/A(G)/A(R)/B/B(G)/CON; CANFORD B; EASDALE A/B/B(C)/CON; GOSFORD A/B/B(G)/CON; HUXFORD A/A(G)/A(R)/B/B(G)/CON; LYDFORD A/A(R)/B/B(G)/CON; MANFORD B; MIDFORD A/A(G)/A(R)/B/B(G)/CON; TRUSDALE A/A(C)/A(R)/B(C)/CON; Double Garage B/CON/G; Single Garage CON/G; APARTMENT BLOCK A - C5139/400_00 Rev A; C5139/400_01 Rev A; C5139/400_02 Rev A; C5139/400_05; C5139/410_01 Rev A; C5139/410_02 Rev A; C5139/410_03 Rev A; C5139/410_04 Rev A; APARTMENT BLOCK B: C5139/430_00 Rev A; C5139/430_01 Rev A; C5139/430_02 Rev A; C5139/430_05; C5139/440_01 Rev A; C5139/440_02 Rev A; C5139/440_03 Rev A; C5139/440_04 Rev A; APARTMENT BLOCK C; C5139/460_00 Rev A; C5139/460_01 Rev A; C5139/460_02 Rev A; C5139/460_05; C5139/470_01 Rev A; C5139/470_02 Rev A; C5139/470_03 Rev A; C5139/470_04 Rev A; Location Plan LP-01; Landscape Masterplans LA5330 001A. Build Phasing Layout LPE-01.
REASON: For the avoidance of doubt and in the interests of proper planning.
2. Unless the residential development of the haulage yard shown on Development Layout C5139/001_02 can be assured or its lawful use as a haulage yard has been extinguished or otherwise no longer exists, the development shall be carried out in full accordance with the submitted Build Phasing Layout (Drawing LPE-01), unless otherwise agreed in writing by the Local Planning Authority.
REASON: To minimise operational conflicts during the construction phase of the site and provide an extended period for the potential relocation of the haulage yard in accordance with Borough Development Strategy Policies L1, D2 and D5.
3. The development shall be carried out in complete accordance with the Materials Distribution Plan C5139/100_01 Rev B 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).

4. Notwithstanding the details on Boundary Treatments Plan C5139/100_02 Rev D no above ground development shall commence until details of the materials to be used in the construction the boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Such details shall also show specific boundary types, construction and materials of the boundary treatment to be provided between the southern boundary of the development site and the canalside moorings. The boundary treatment shall be erected in full accordance with the approved details and shall be maintained as such for the life of the development.

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).

5. Unless the residential development of the haulage yard shown on Development Layout C5139/001_02 can be assured or its lawful use as a haulage yard has been extinguished or otherwise no longer exists, prior to the occupation of plots 158; 163; 164 and 176 the acoustic barrier of 3m in height and surface density of not less than 10kg/m² along the northern and southern boundaries of the haulage yard shall be installed and retained and maintained for the life of the development, as necessary.

REASON: To safeguard the amenities of the future occupants of the dwellings at the site in accordance with Borough Development Strategy Policies L1, D2 and D5.

6. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- A timetable for its implementation, and
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime of the development. None of the development shall be occupied until surface water drainage works have been implemented in accordance with the approved details.

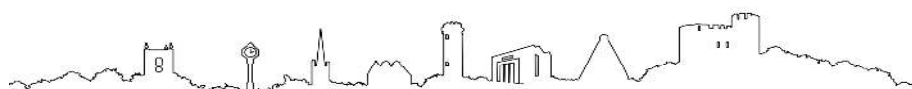
REASON: In the interests of sustainability, reducing flood risk and run off and to comply with Adopted BCCS Policy ENV5 - Flood Risk, Sustainable Drainage Systems and Urban Heat Island.

7. Notwithstanding the details on the Landscape Masterplan (LA5330 001A); development shall not commence (excluding demolition, site clearance and initial ground works) until full details of phased soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details must include, where appropriate, existing and proposed site levels, planting plans, written specifications, a schedule of plants including species, plant sizes and proposed numbers/densities and a programme of implementation. Plans must also include accurate plotting of all existing landscape features and trees. The agreed scheme shall be implemented in accordance with the approved details and in accordance with the Landscape Phasing following the first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority. Any trees or shrubs planted in pursuance of this permission including any planting in replacement for it which is removed, uprooted, severely damaged, destroyed or dies within a period of five years from the date of planting shall be replaced by trees or shrubs of the same size and species and in the same place unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to make a positive contribution to place-making and provide a high quality landscaping and to ensure that the approved landscaping is properly maintained in accordance with BCCS Policies CSP4 - Place-Making, ENV2 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.

8. The development hereby approved shall be undertaken in complete accordance with the details contained within the submitted Arboricultural Method Statement. Any variation or amendment of the submitted Arboricultural Method Statement 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).



9. No above ground development shall commence until details of the position, layout, programme for the construction, construction details (including lines, widths, levels, gradients, cross sections, drainage, lighting and structures) and bringing into use of the access to Stamford Street to form a public access has been submitted to and agreed in writing by the Local Planning Authority. The access shall be constructed in accordance with details submitted and shall be brought into use as soon as any residential development on the land north of Old Wharf Road is occupied and the access is able to link safely and conveniently to roads or footways which have been constructed to at least base course level with an ability to link to Old Wharf Road.

REASON: To facilitate access into and out of the development by sustainable modes of transport and to ensure that residents are not put at risk by travel through a construction site.

10. The development shall not commence until a highways agreement has been submitted to the Highway Authority which provides details of the accesses into the site, together with parking and turning areas (including details of lines, widths, levels, gradients, cross sections, traffic calming, footways, highway trees, bollards, kerbing, drainage, safety barrier systems and lighting) have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the accesses into the site, together with parking and turning area(s) within the site have been laid out in accordance with the approved details. These area(s) shall thereafter be retained and not be used for any other purpose for the life of the development.

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

11. No part of the development shall be occupied until visibility splays from an access road onto Old Wharf Road or up to its extension (to Plot 170 on Site Layout Plan D) with the Highway have been provided at the junction between the proposed means of access and the highway with an 'x' set back distance of 2.4 metres and a 'y' distance of 59 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

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

12. No part of the development shall be occupied until visibility splays from a private access road onto Old Wharf Road or up to its extension (to Plot 170 on Site Layout Plan D) with the Highway have been provided at the junction between the proposed means of access and the highway with an 'x' set back distance of 2 metres and a 'y' distance of 59 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

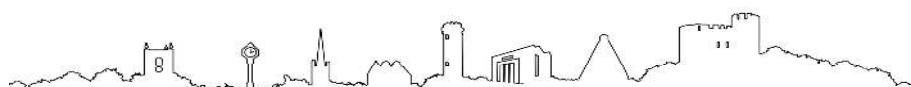
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

13. No part of the development shall be occupied until visibility splays from an access road onto an access road other than Old Wharf Road or up to its extension (to Plot 170 on Site Layout Plan D) with the Highway have been provided at the junction between the proposed means of access and the access road with an 'x' set back distance of 2.4 metres and a 'y' distance of 33 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.

14. No part of the development shall be occupied until visibility splays from a private access onto an access road other than Old Wharf Road or up to its extension (to Plot 170 on Site Layout Plan D) with the Highway have been provided at the junction between the proposed means of access and the access road with an 'x' set back distance of 2 metres and a 'y' distance of 33 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.



15. No part of the development shall be occupied until visibility splays from a private access onto a footway have been provided at the junction between the proposed means of access and the footway with an 'x' set back distance of 2.4 metres and a 'y' distance of 2.4 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.
16. The development shall not be first occupied until details of a scheme to implement (1) a Prohibition of Waiting Order along Old Wharf Road and into the development site to a point level with plot 158 and (2) a 7.5 Tonne Environmental Weight Restriction Traffic Regulation Order for all estate roads outside of (1), has been submitted to and approved in writing by the Local Planning Authority, including any fees which may be due to the Highway Authority. The development shall not thereafter be occupied until the agreed Traffic Regulation Orders have been completed in accordance with the approved details, unless Allens Transport have relocated and the use has been extinguished.
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.
17. The dwelling(s) shall not be occupied until details of a Parking Management Plan for the apartments parking area has been submitted to and approved in writing by the Local Planning Authority (The Parking Management Plan will ensure that no parking spaces are allocated for the sole use of any apartment). This Parking Management Plan 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.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (England) (or any order revoking or re-enacting that order with or without modification); the parking areas identified as garages shall be maintained as such and used for no other purpose for the lifetime of the development. REASON: To ensure the development is provided with appropriate parking and 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.

(d) **Planning Application No. P21/1402 – 3 Guardians Walk, Wordsley, Stourbridge – Change of use of residential property to a mixed use of residential and childminding (retrospective)**

In considering the application, Members took into account the objections as outlined in the report submitted, together with the comments of support made at the meeting, in that the business played a vital role within the community, that there was no evidence of traffic and parking issues within the vicinity and that the noise from children playing outside should be supported.

The Committee were mindful of the concerns raised by Officers in relation to the reduced off-road car parking available at the premises and noted that the Local Authority would be willing to continue to work with the applicant to identify a suitable venue for the business. Officers advised that a timeframe in which enforcement action could be imposed may be specified by the Committee should they be minded to refuse the application, to avoid disadvantage to the families and children in which the business supported. The Committee noted that no evidence had been submitted or objections raised by Environmental Health in relation to noise or parking issues.

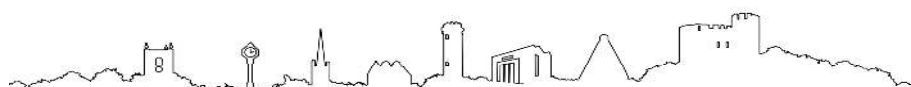
Resolved

- (1) That the application be approved as there had been no formal complaints made or representations from Environmental Health to evidence that there was an issue at the property.
- (2) That the Director of Regeneration and Enterprise be authorised to attach conditions, as deemed appropriate.

(e) **Planning application No. P21/1568 – Old New Inn, 17 High Street, Brierley Hill – Demolition and Conservation of existing building and erection of new building to create 5 bed HMO and 6 No. 1 Bedroom flats with associated works.**

Resolved

That the application be approved, subject to conditions numbered 1 to 16 (inclusive), as set out in the report submitted.



(As Councillor R Ahmed had declared a pecuniary interest in the following matter she took no part in the consideration of the application)

(f) **Planning application No. P21/1819 – Land at the junction of Steppingstone Street and Greystone Passage, Dudley – Erection of 1 No. Dwelling with Associated Works (Resubmission of P21/1063)**

Resolved

That the application be approved, subject to conditions numbered 1 to 19 (inclusive), as set out in the report submitted.

41 **Planning Enforcement – Enforcement Plan Review 2021**

At the request of Officers, this item of business was deferred to a future meeting.

42 **Planning Services Fees 2022**

A report of the Director of Regeneration and Enterprise was submitted on the proposals setting of the Council's Building Regulation Fee Scales to take effect from 1st January 2022, non-statutory Development Management Charges, and the intention to continue to use the Consumer Prices Index (CPI) for Planning Obligations in accordance with the Council Policy. Following adoption of the Community Infrastructure Levy (CIL) Charging Schedule during 2015/16, regulations require any CIL charges to be index linked to the nation All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors. The report also referred to the fees for the Local Development Order (LDO) and charges for Pre-Application advice to customers.

Resolved

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

- (5) That the new proposed/amended fees for Pre-Application charges, as outlined in Appendix E, be approved.
- (6) That the fee schedule for Development Management Non-Statutory Charges, as outlined in Appendix F, be endorsed.

The meeting ended at 8.20pm

CHAIR

PLANNING APPLICATION NUMBER:P21/1386

Type of approval sought	Full Planning Permission
Ward	Pedmore and Stourbridge East
Agent	Mr J. Allsop, EP Architecture
Case Officer	Simrun Hanif
Location:	14, IRON BRIDGE WALK, PEDMORE, STOURBRIDGE, DY9 0SF
Proposal	FIRST FLOOR REAR EXTENSION AND REAR DORMER TO FACILITATE LOFT CONVERSION.
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site relates to a detached dwelling set within a 750 sqm plot and located in a residential cul-de-sac comprising of large, detached dwellings of varying style. The application site features a two-storey front projection gable and a dormer window to the front elevation. The dwelling is characterised with brick work to the elevations with render and timber beams depicting a Mock Tudor design feature to the front elevation. The application site benefits from an integrated garage and a large, paved frontage that can accommodate up to several parked vehicles. The application dwelling benefits from a single storey rear extension and an outbuilding located in the rear garden. To the rear of the site is located the rear garden of No 2 Wigorn Lane.
2. No 12 Iron Bridge Walk is located to the east of the application site, it is very similar in scale and character to the application site and also features a front gable and Mock Tudor design detailing. No 12 benefits from a single storey rear extension and

a single storey side extension. No 12 is set slightly back and at an angle away from the application and at a slightly elevation position.

3. No 16 is located to the west of the application site and is of a different character and style to the application site. It is a “L” shaped dwelling and comprises of a hipped roof profile with a large two storey side and rear extension and a two-storey front projection. The property benefits from brickwork to the elevations.
4. Iron Bridge Walk is predominately a residential street that is predominantly occupied by two storey dwellings. The wider street scene is predominantly brick, although there are instances of render and Mock Tudor fenestration within the street. There is a mix of uniquely designed dwellings alongside small numbers of similarly designed properties. To the rear of the application site is a mixture of two storey dwellings and single storey bungalows.

PROPOSAL

5. It is proposed to erect a first-floor rear extension and a loft conversion.
6. The first-floor rear extension would measure 3.4m deep and span the full width of the original dwelling. The roof profile would feature two gable features to the rear and a dormer that measure 1.6m wide, to facilitate two additional bedrooms in the loft space and increase the room sizes on the first floor.
7. Amended plans have been sought throughout the progression of the application to omit the roof height increase and redesign the roof profile. The height of the proposed first floor rear extension would measure 8.35m in line with the existing roof ridge of the host dwelling with two rear gable features.

PLANNING HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
P14/0238	Lawful Development Certificate	Certificate	03-04-2014

	for proposed single storey rear extensions and new front porch	Granted	
P18/1293	Lawful Development Certificate for proposed single storey outbuilding in rear garden under Schedule 2, Part 1, Class E of the General Permitted Development Order (England) (2015) (as amended)	Certificate Granted	05-11-2018

PUBLIC CONSULTATION

8. The application was advertised by way of neighbour notification letters sent to five nearby properties. Nine letters of representations were received from seven addresses, and the following material issues were raised:

- Loss of light
- Scale/disproportionate
- Design/character
- Overbearing/dominating
- Loss of privacy

The following Non-material issues were raised-

- Construction noise, deliveries, parking
- HMO
- Use of outbuilding

Following amended plans being received, a further 10-day neighbour consultation period was carried out and 12 letters of representations were received from 6 addresses including 1 new address, and the following material issues were raised:

- Overshadowing
- Overlooking
- Excessive scale

- Loss of privacy
- Design/character
- Dormers would dominate roofline
- Parking

The following Non-material issues were raised-

- Use of outbuilding
- Number of occupants
- HMO
- Restrictive covenants on the estate

RELEVANT PLANNING POLICY

National Planning Policy Framework 2021(NPPF)

Black Country Core Strategy (2011)

- ENV 3 Design Quality

Dudley Borough Development Strategy (2017)

- L1 Housing Development, extensions and alterations to existing dwellings
- S8 Local Character and Distinctiveness

Supplementary Planning Documents / Guidance

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

ASSESSMENT

9. The proposed development will be assessed with regards to its design, scale and appearance and whether it would reflect the character of the existing dwelling and the character of the area. Along with any potential impact on the amenity of neighbours.

Key Issues:

- Design, Character and Appearance
- Neighbour Amenity

- Access and Parking

Design, Character and Appearance

10. Dudley Borough Development Strategy (2017) Policy L1, reads that “*extensions to residential dwellings will be allowed providing they do not adversely affect the character of the area or residential amenity*”. The proposed first floor rear extension is considered appropriate in projection and design, having been substantially reduced following an amendment to the application. The extension will assimilate well with the host dwelling with an appropriate roof pitch and design and window alignment. No part of the proposed development will be visible from the street scene as it is sited wholly to the rear of the dwelling. Whilst it is noted that a number of windows are proposed on the roof and front gable of the property, these are modest in size and design and will not significantly impact upon the property and its relationship with the wider streetscene.
11. Planning Guidance Note No.17 states that “*house extensions and alterations- relate to the character of the original house in terms of scale, materials and design details*” An objector commented that the proposed addition is out of scale and out of character with the surrounding properties, however it is noted that the surrounding dwellings vary in scale and design and the proposed development would not be harmful to the street scene. The proposed first floor rear extension projects out a modest 3.4m from the original rear wall and the amendments to the roof profile would result in a more sympathetic addition.
12. Dudley Borough Development Strategy Policy L1 states that extensions to residential dwellings will be allowed provided they do not adversely affect the character of the area or residential amenity. On assessment of the application is considered that all elements of the scheme outlined above would relate satisfactorily in design terms and there would be no demonstrable harm to the street scene or character and appearance of the area proposal therefore complies with Dudley Borough Development strategy Policy L1 – Housing Development, Extensions and Alterations to Existing Dwellings.

13. Comments have been raised regarding the accuracy of the site and location plan provided with regards to the neighbouring dwelling No 12, that show a single storey rear extension that the dwelling does not have. Whilst it is noted that the plans show an outline for a structure closest to the boundary with No 14, the structure is a pergola which is seen as a permanent structure and therefore included on the plans that are provided by Ordnance Survey.

Neighbour Amenity

14. The addition of the first-floor rear extension is not considered to result in a detrimental impact to neighbouring dwellings. Due to the position of the application site in relation to No 12, which is set at an angle away from No 12, there is a separation distance of between 2.25m-2.75m from the proposed extension and common boundary. Moreover the 45 degree line has been take from the $\frac{1}{4}$ point of the first floor rear window and there is no contravention of the 45 Degree Code. It is subsequently considered that the proposed development would not create detrimental harm in terms of outlook, receipt of light or privacy. Whilst the objectors raise concern that the windows within the rear elevation at second floor would lead to a loss of privacy to their rear garden, these windows would look out onto the rear garden of the application property, and it is not considered that this would give rise to undue overlooking of neighbouring gardens.
15. With regards to No 16, there is an existing two storey side/rear extension that projects out considerably further than the proposed extension. It is also noted there are two side facing windows at first floor, however these are obscure glazed and serve non-habitable rooms. It is also noted that No 16 sits at a lower land level to the application site, however given the position of the existing two storey side/rear extension to No 16 and the main garden area located to far west, it is considered that the proposed development would not create detrimental harm in terms of outlook, loss of light or privacy.

16. It is noted that several objections from the rear neighbouring properties have been received regarding the impact that the extension would have on the loss of privacy and overlooking to neighbouring dwellings and rear garden areas. However, the separation distance between the proposed windows within the rear elevation and the rear facing habitable room windows of the properties along Wigorn Lane are in excess of 28m, which complies with the minimum requirement contained in PGN 17 - House Extension Design Guide. Given the depth of the garden would remain at approximately 16metres exceeding the minimum garden length of 13metres as guided by the New Housing Development SPD (2013) it is not considered that the presences of the rear facing windows at first floor or within the roof would result in a significant loss of privacy to the rear gardens. Refusal of permission is not, therefore, deemed sustainable on this basis.
17. It is noted that alongside the velux windows proposed on the front elevation of the dwelling, an additional window is proposed on the front projecting gable of the dwelling. Given the separation distance of the application property to the opposing dwelling, 6 Iron Bridge Walk exceeding 30metres it is not considered that the siting of this window would result in any loss of privacy.
18. It is, therefore, considered that there would be no demonstrable harm to the occupiers of neighbouring properties which adjoin the site in terms of light, outlook or privacy. In this respect the proposal complies with Policy L1 of the Dudley Borough Development Strategy and PGN 17 – House Extension Design Guide.

Access and Parking

19. There would be increase in the number of bedrooms to 7, which would require provision of 4 parking spaces in accordance with the Parking Standards SPD (2017). Adequate off-street parking would be maintained within the curtilage of the application site and would still be in accordance with the Councils Parking Standard SPD (2017). There are no highway safety concerns.

20. Officers note that objections have been raised regarding the current parking layout of the site, objections indicate that no planning permission has been sought for the creation of the parking area within the frontage of the site. Officers acknowledge the concerns, however, as no hard surfacing details are included within the application officers cannot give any consideration to the appropriateness of the existing hardstanding. If the hardstanding does not accord with the requirements of the Town and Country Planning (General Permitted Development) Order 2015 then this may be liable to enforcement action.

Other Considerations

21. Objections have been raised with regards to the potential conversion of the property into an HMO, however the application has been submitted for a domestic extension with no indication of an HMO conversion. As such, the only matter for consideration in the assessment of this application is the impact of the extensions proposed. No consideration can be given to the any potential future use of the property as a 'House in Multiple Occupation'.
22. Further comments have been raised with regards to the use and permission of the outbuilding located in the rear garden. The outbuilding benefits from a Lawful Development Certificate granted under P18/1293.

CONCLUSION

23. The proposed development would be of appropriate design, scale and appearance that would not have an adverse impact upon the character of the area and would not be detrimental to residential amenity. The proposed development would not raise any significant highway safety concerns. The proposal complies with policies contained within ENV3 of the Black Country Core Strategy (2011), Policies S6, S8 and L1 of the Dudley Borough Development Strategy (2017) and Planning Guidance Note 17 (The House Extension Design Guide) and Planning Guidance Note 12 (PGN 12) - 45 Degree Code.

RECOMMENDATION

It is recommended that the application is APPROVED, subject to conditions;

Conditions and/or reasons:

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91 of the Town & Country Planning Act 1990, as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed loft plan and elevations, location plan and block plan DRG NO 21143-03C, Proposed ground and first floor plans DRG NO - 21143-02A

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

3) 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)

Approved Drawings

These drawings have been prepared solely for Planning and Building Regulations purposes. The approved design must be agreed on site with the Local Building Inspector before works are undertaken.

Part 'B' Fire Safety

New walls and ceilings to provide 30min separate to adjoining areas. F230 fire door with self-closing device and fire-rated with heat activated seals in conjunction with flexible-edge seals installed between garage and dwelling.

All new ceilings to be 12.5mm plasterboard with skim finish to give 30min fire protection.

All new steelwork to be encased in 2 layers of 12.5mm plasterboard to give 30 min fire protection.

A Fire Detection and Alarm System designed and installed in accordance with BS 5839 part 2/2014 comprising ceiling mounted standard mains 4.5m from habitable rooms and min 300mm off adjacent walls and light fittings. Permanently wired to a separate fused circuit at the distribution board. Alarms to be linked together to a battery back up supply. Provide a 1hour detection to kitchen.

New F230 fire doors to have a minimum 32mm rubber an anti-smouldering if required.

Part 'F' Ventilation
Kitchens and Utility Rooms to be ventilated to provide Min 60 m³/hr and provided by an intermittent timer and light switch with 20 minutes cut-off time.

Bathrooms, Ensuites and WC to be ventilated to provide intermittent extraction opening and/or an intermittent timer and light switch. Or set to 60-90 minutes.

Internal rooms to be ventilated to 3 air changes/hr, unless kitchen or bathroom opening to 9m from the building. All new glass for the light switch and ceiling fan 20 minutes after room has been in use.

Part 'F' Drainage

Shower, bath and sink waste pipes are to be fitted with 40mm Min dia waste pipes. Wash hand basins to be fitted with 32mm Min dia waste pipes. All waste pipes to be fixed with 32mm Min dia 'W' Where 'Min' dia' wastes exceed 3m in length, or 3mm dia wastes exceed 1.7m in length, anti-siphon traps must be fitted.

40mm and 32mm dia' wastes shall be installed at a gradient of 1:100. All waste pipes to be installed at a gradient of 1:100. All new geyser/baths, sinks and wash basins to be fitted with 75mm deep seal traps. Any new SVP to terminate not less than 900mm above any window within 3m of the pipe.

Below Ground

New drainage to conform with part F of the Building Regulations (New drainage to conform with part F of the Building Regulations otherwise stated) Harpnotch Siphonless, laid in straight and even beds of Min 140 for foul and 180 for surface water, with flexible water joints. Or Flex. No bedding consisting of 750mm regular granular material to BS 5301:1985 and Min cover of selected fill free from stones larger than 40mm, lumps of clay over 100mm, timber, frozen material or other vegetable matter. Where rigid pipes shall be surrounded with concrete with a thickness of at least the dia of the pipe.

Below-ground Buildings

Drains under buildings to be surrounded with a Min 100mm granular material. Drains within 300mm of the underside of the floor slab should be surrounded in 150mm Min of concrete. Where drains pass through a wall or under foundations, Min 100mm clearance around pipes to openings. Openings in walls need to be masked either side with rigid sheet material.

Where a trench containing a drain is within 1m of the building fill with concrete to the lowest level of the building or where more than 1m from the building, fill with concrete to a level equal to the distance from the building less 150mm.

New Manholes are to be constructed in 215mm Class B engineering brickwork to BS 3921, laid in english bond in 1:3 cement:sand concrete. Covers to be heavy duty to BS 597.

Inspection chambers less than 900mm deep to be in proprietary polypropylene construction. Inspection chambers in accordance with manufacturers instructions. Covers to be medium duty to BS 597.

Part 'F' Combustion Appliances
New installations to have TRVs.

Part 'N' Glazing

Windows to match existing, fitted with trickle vents to give 8000mm sq ventilation area or 4000mm sq. The windows shall be as scheduled or as otherwise described on the drawings. All windows to be fitted with trickle vents. U-value of 1.6W/m²K. New Glazing to be max 25% of floor area. If above this ratio calculations for whole house glazing to be supplied. Doors between house and conservatories to be external grade with a U Value of 1.6W/m²K.

Part 'U' Conservation of Fuel and Power
1. No Energy efficient light fitting which will only take a lamp having a luminous efficiency greater than 40 lumens per watt-watt must be provided.

New Conducing boiler to have a SEDBUK value of 91% or more.

Part 'V' Disabled Access
Switched Socket Outlets to be 450mm above Finished Floor Level as outlined in Approved Document M2 diagram 22.

Part 'E' Electrical Installations
All electrical installations to be installed, inspected and tested in accordance with BS 7671:2018 (I.E. Wiring Regulations 17th Edition). The works are to be undertaken by an installer registered under a suitable electrical self-certification scheme, with completion of a certificate produced to Building Control on completion of the works.

Before works begin
Contractors must verify all dimensions on site before commencing works on site. Any discrepancies must be reported to EP Architecture before works are undertaken or materials are ordered.



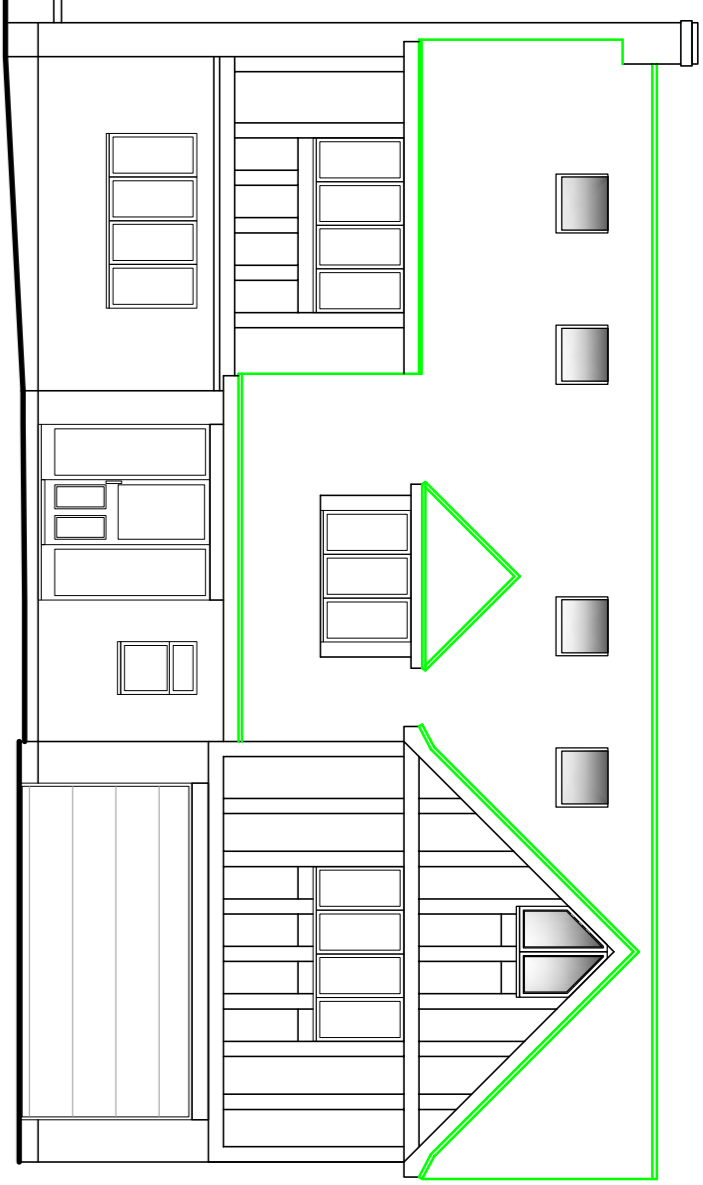
46, Snyburny St,
Kiddeminder
Weir, Cumbria, DT10 2JY
Telephone 01562 630767

Project
Proposed Extension & Loft Conversion
14 Ironbridge Walk,
Redmore, Stourbridge,
DY9 0SFJ
Drawing

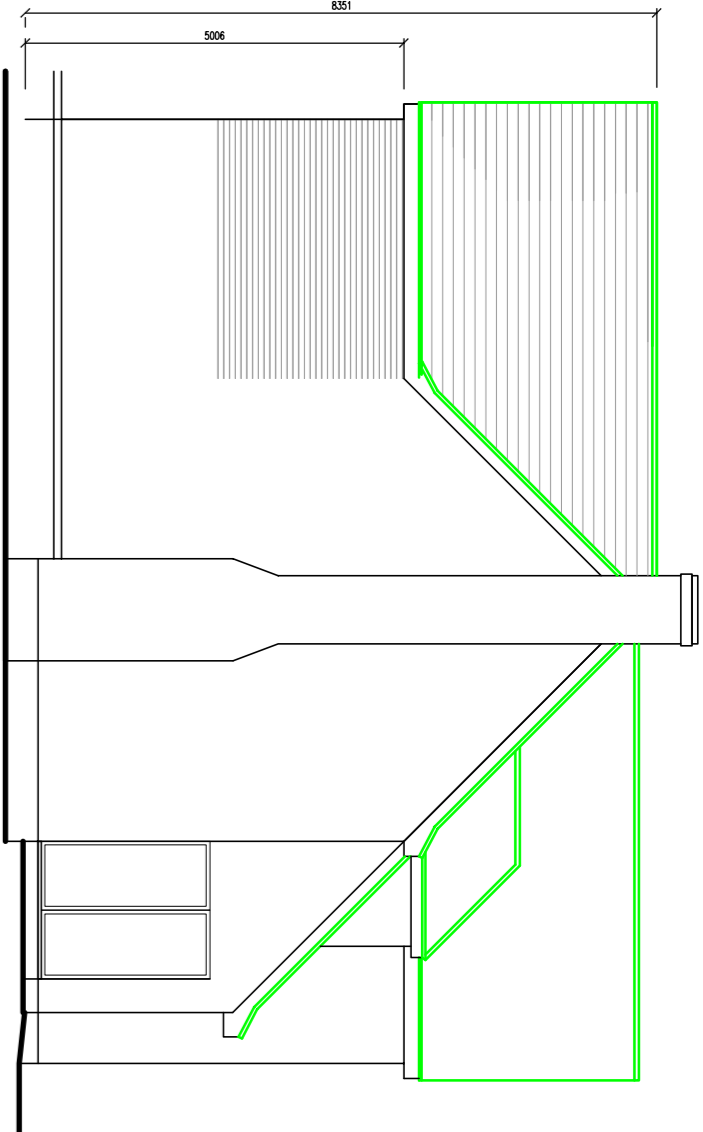
Proposed Floor Plans & Elevations
scale 1:50/1:100 date 30/06/21 drawn 05

Job no 21143-03C

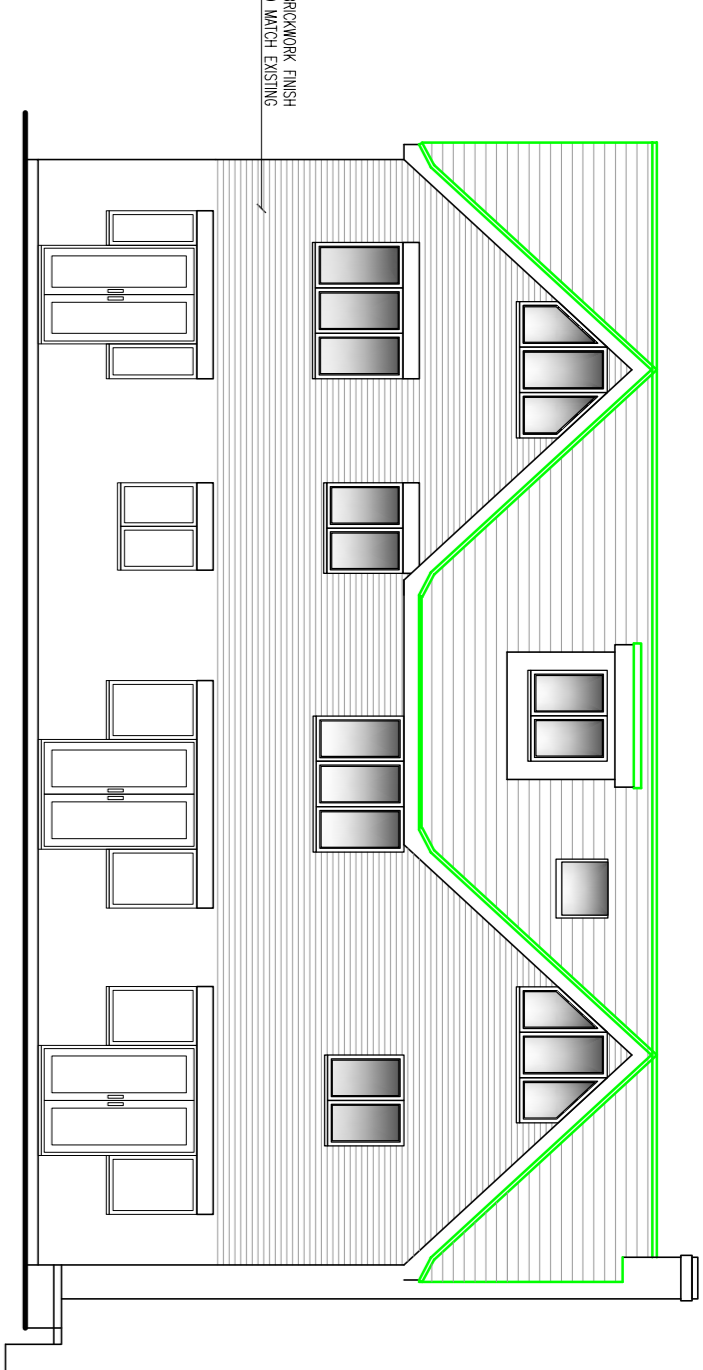
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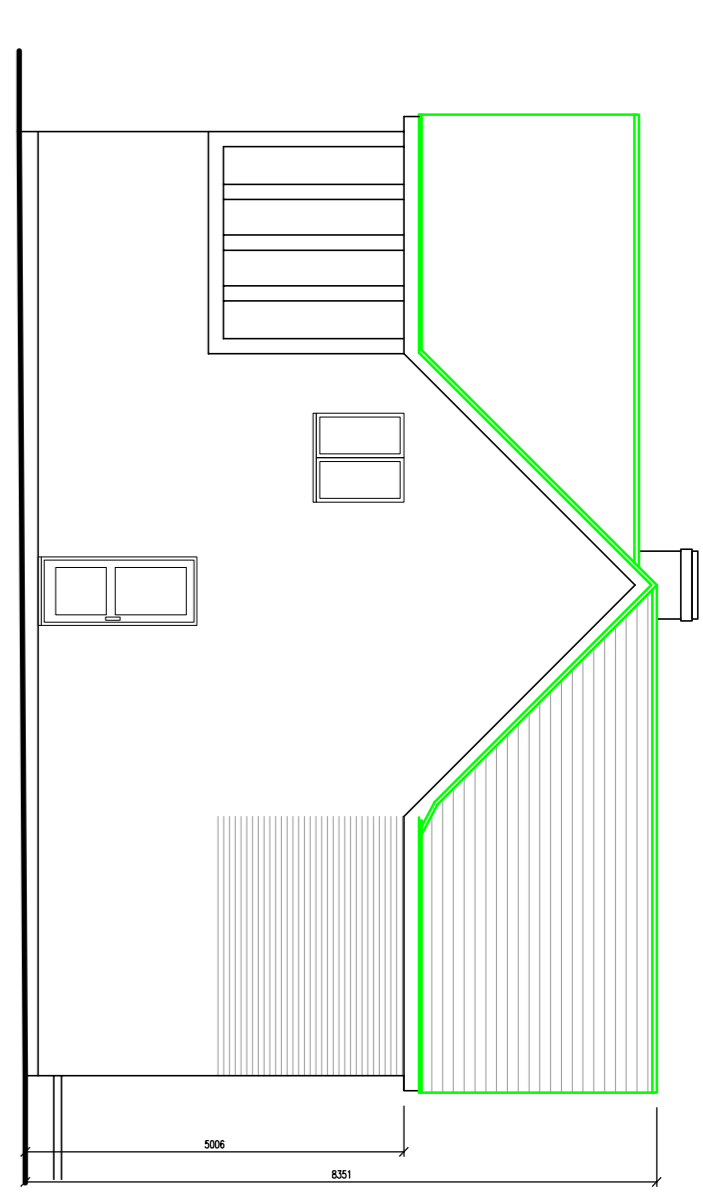
Proposed Front Elevation



Proposed Side Elevation

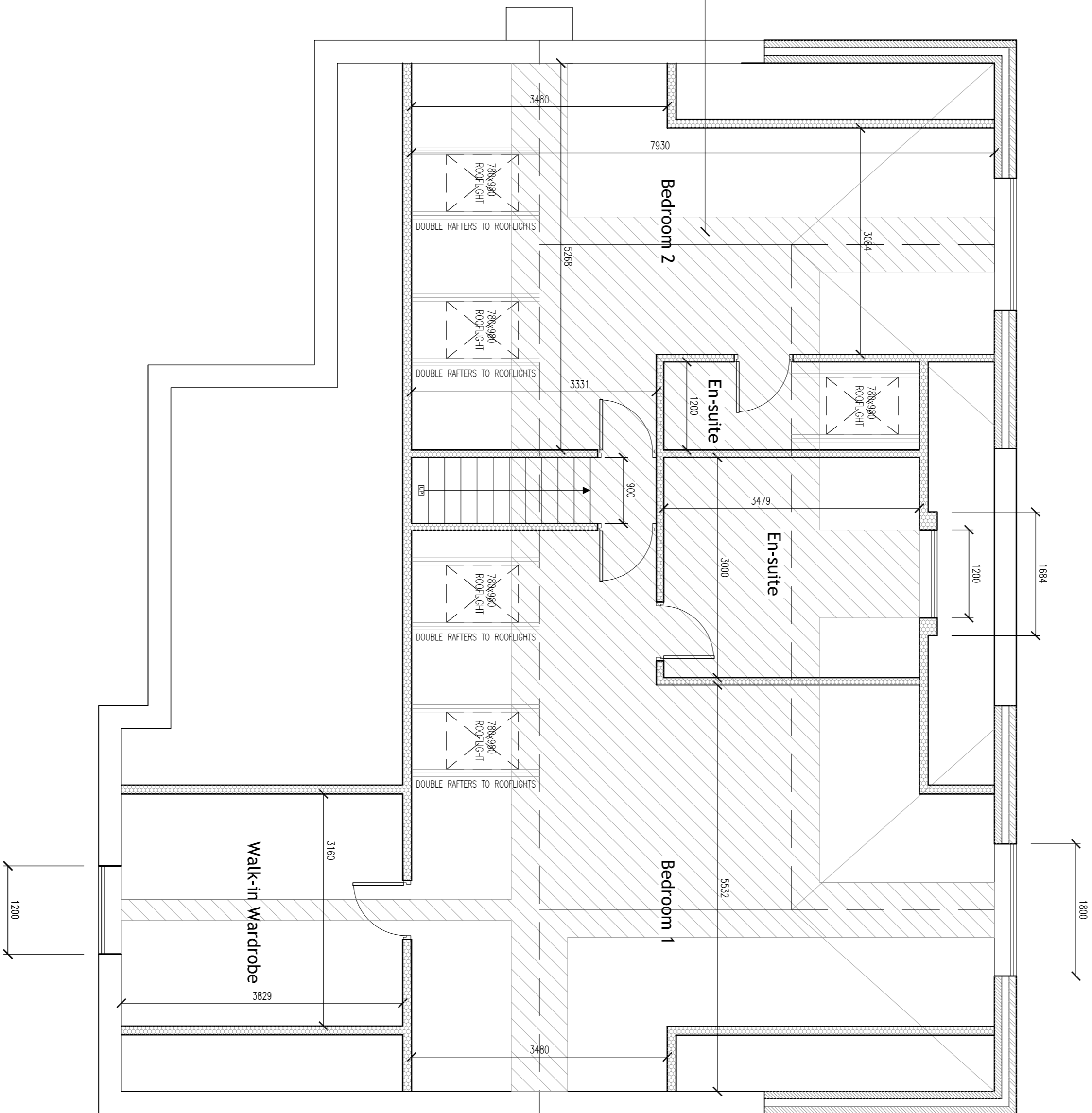


Proposed Rear Elevation



Proposed Side Elevation

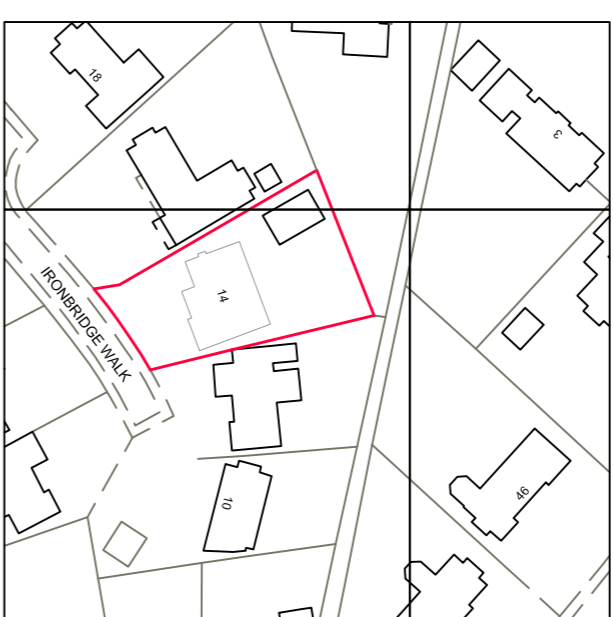
HATCHED AREA INDICATES
OVER 2M HEADROOM



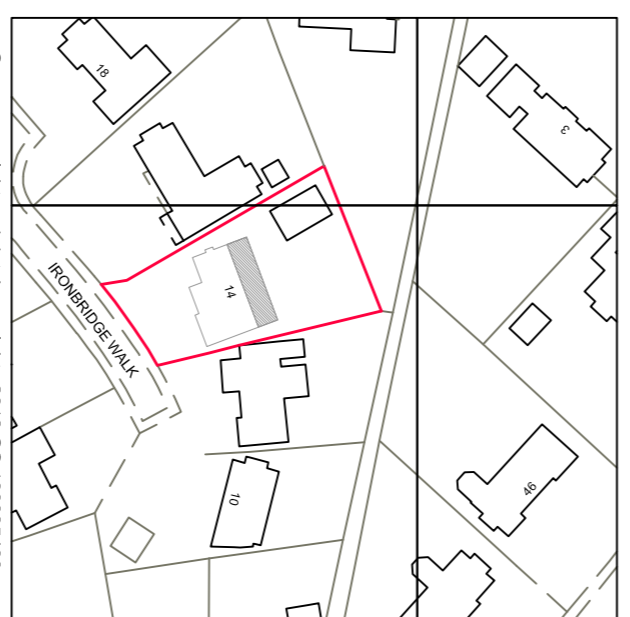
Proposed Loft Plan



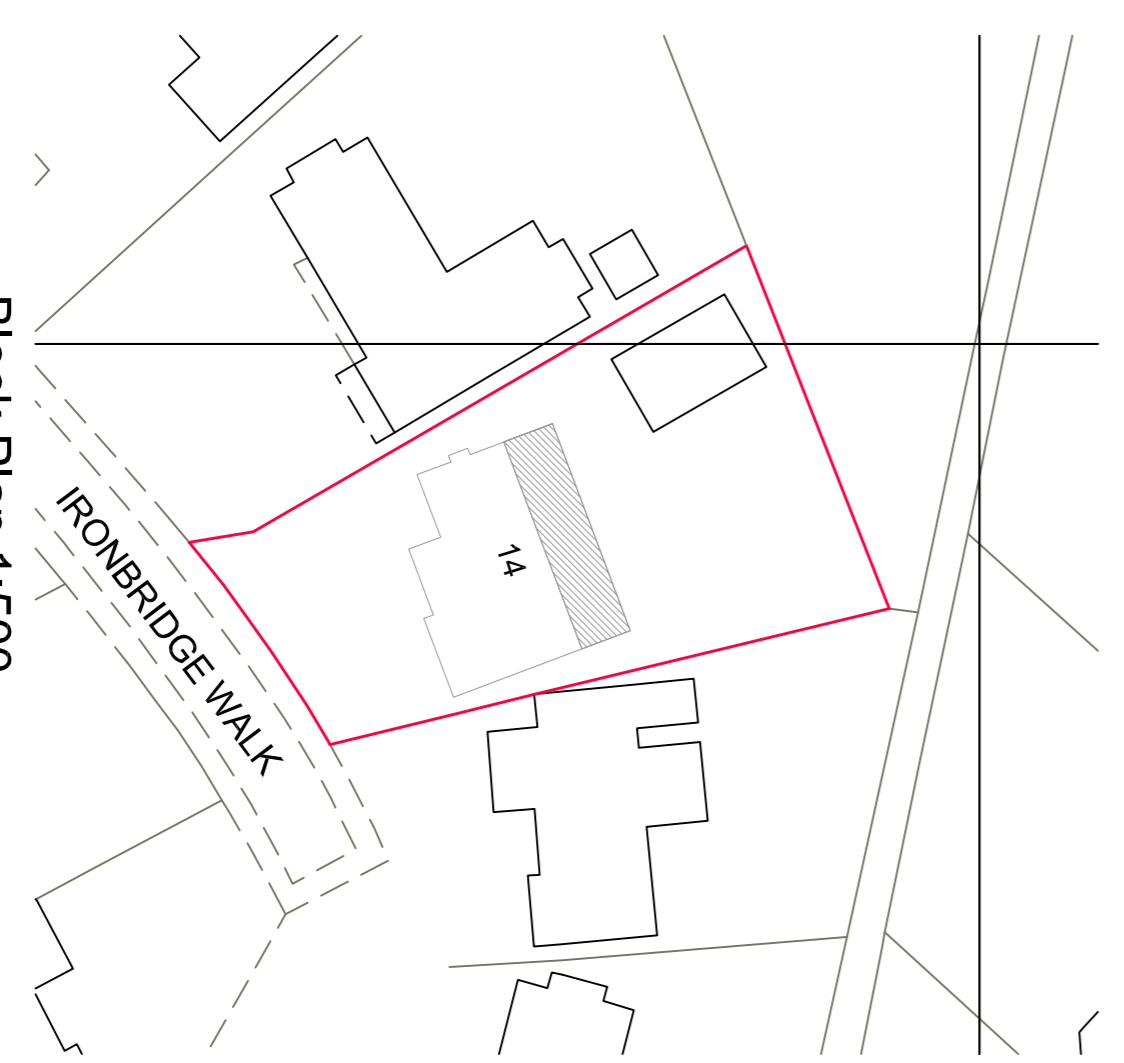
Existing Site Location Plan 1:1250



Site Location Plan 1:1250



Block Plan 1:500



NOTE:
These drawings are subject to inspection by a Qualified Building Engineer to identify any structural deficiencies that may be required. Beam and Trimmer locations that are already marked on the drawings are suggested locations only.

Approved Drawings

These drawings have been prepared solely for Planning and Building Regulations purposes. The drawings are not to be used for any other purpose without the prior written consent of the architect. The approved design must be agreed on site with the local Building Inspector before works are undertaken.

Part 3rd Fire Safety

New walls and ceilings to provide 30min separate to adjoining areas. EFD30 fire door with self-closing device and fitted with heat activated seals in conjunction with flexible-edge seals installed between garage and dwelling.

Part 4th Fire Protection

All new ceiling to be 12.5mm plasterboard with skim finish to give 30min fire protection.

All new staircase to be enclosed in 2 layers of 12.5mm plasterboard to give 30 min fire protection.

A Fire Detection and Alarm System designed and installed in accordance with BS 5839 part 2:2004 comprising ceiling mounted standard mains 4.5m from habitable rooms and min 300mm off adjacent walls and light fittings. Permanently wired to a separate fused circuit at the distribution board. Alarms to be linked together in a standby back-up supply. Provide a hard screen to kitchen.

New EFD30 fire doors to have a minimum 32mm rebates in the door frame to be stopped to the ceiling door frame/battling if required.

Part 5th Ventilation

Kitchens and Utility Rooms to be ventilated to provide Mfr 60 with 2 air changes per hour.

Part 6th Drainage

Internal rooms to be ventilated to 3 air changes/hr, unless kitchen or bathroom. External rooms to be ventilated to 2 air changes/hr. Light switches and sockets to be switched off for 20 minutes after room has been in use.

Internal

Showers, bath and sink waste pipes are to be fitted with 40mm Mir data waste pipes. Wash hand basins to be fitted with 32mm Mir data waste pipes. All waste pipes to be fixed with 32mm Mir data. Where 'down the' wastes exceed 3m in length, or 3mm diameter wastes exceed 1.7m in length, anti-siphon traps must be fitted.

Below Ground

New drainage to conform with Part F of the Building Regulations. New drainage to conform with BS 5251:2009. All drainage to be installed in accordance with BS 5251:2009. All drainage to be installed in accordance with BS 5251:2009. All drainage to be installed in accordance with BS 5251:2009.

Below Ground

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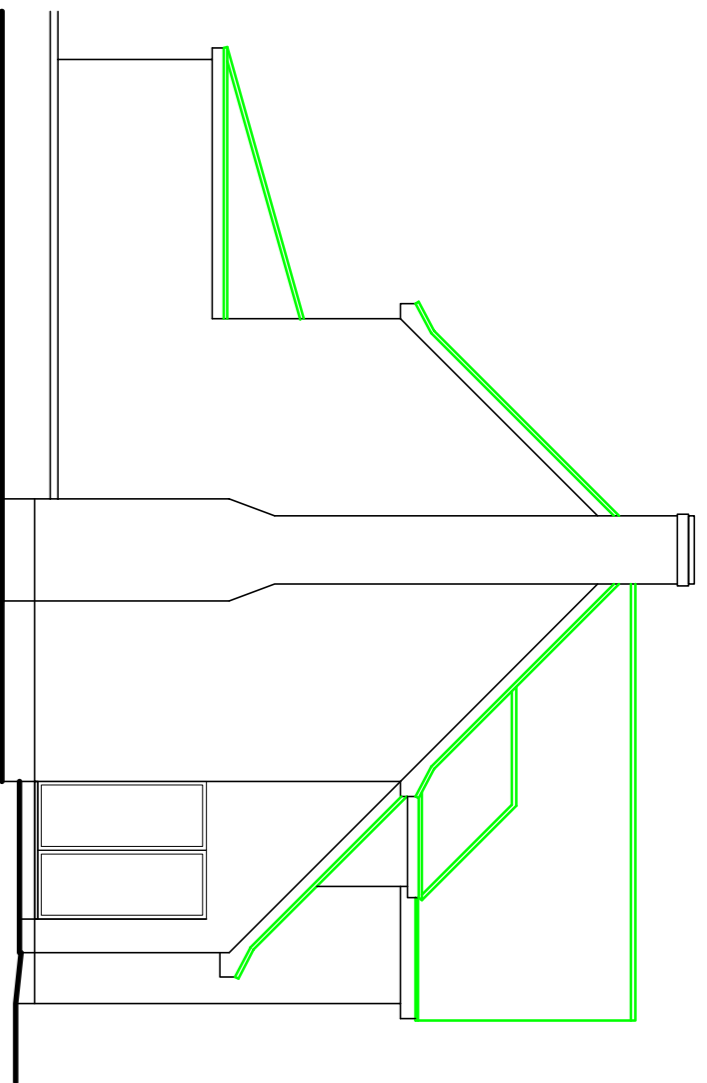
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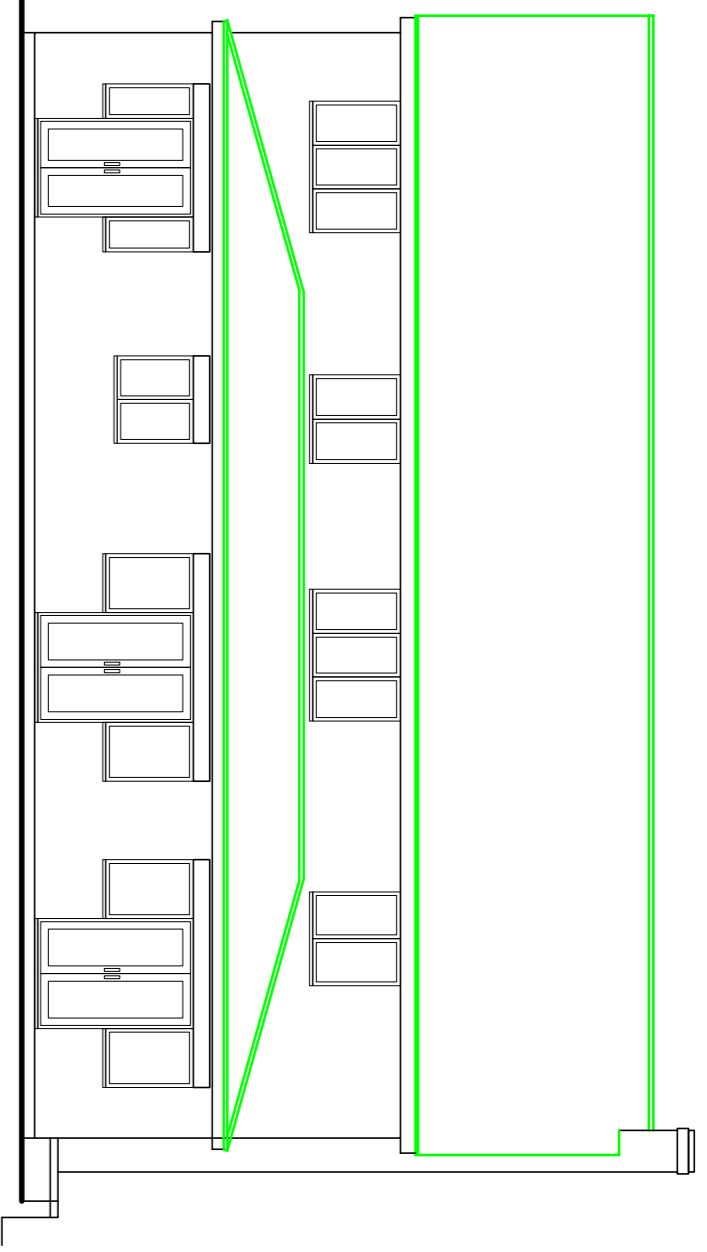
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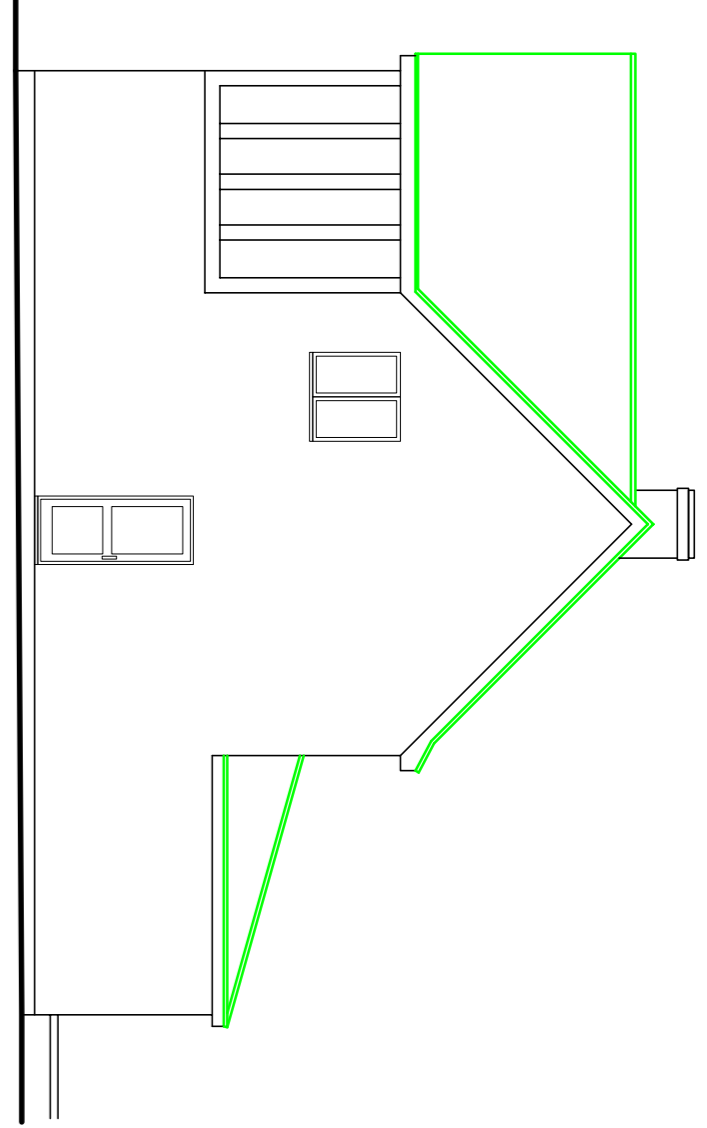
Existing Front Elevation



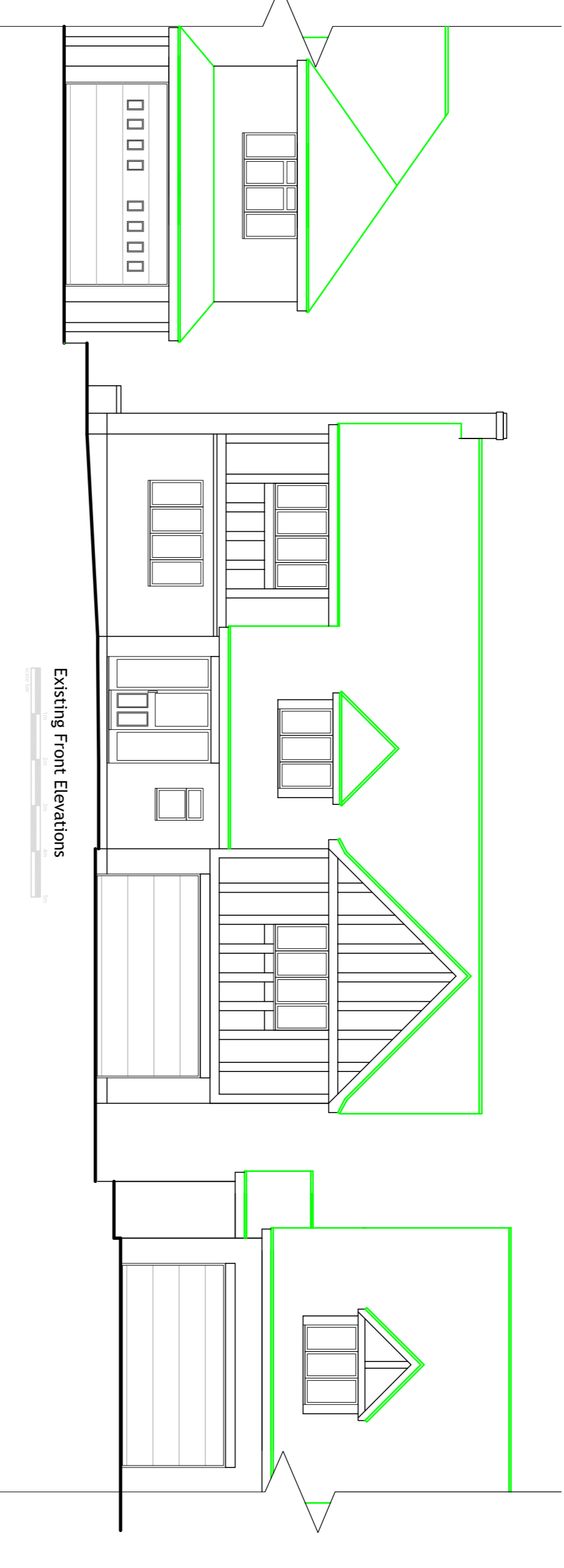
Existing Side Elevation



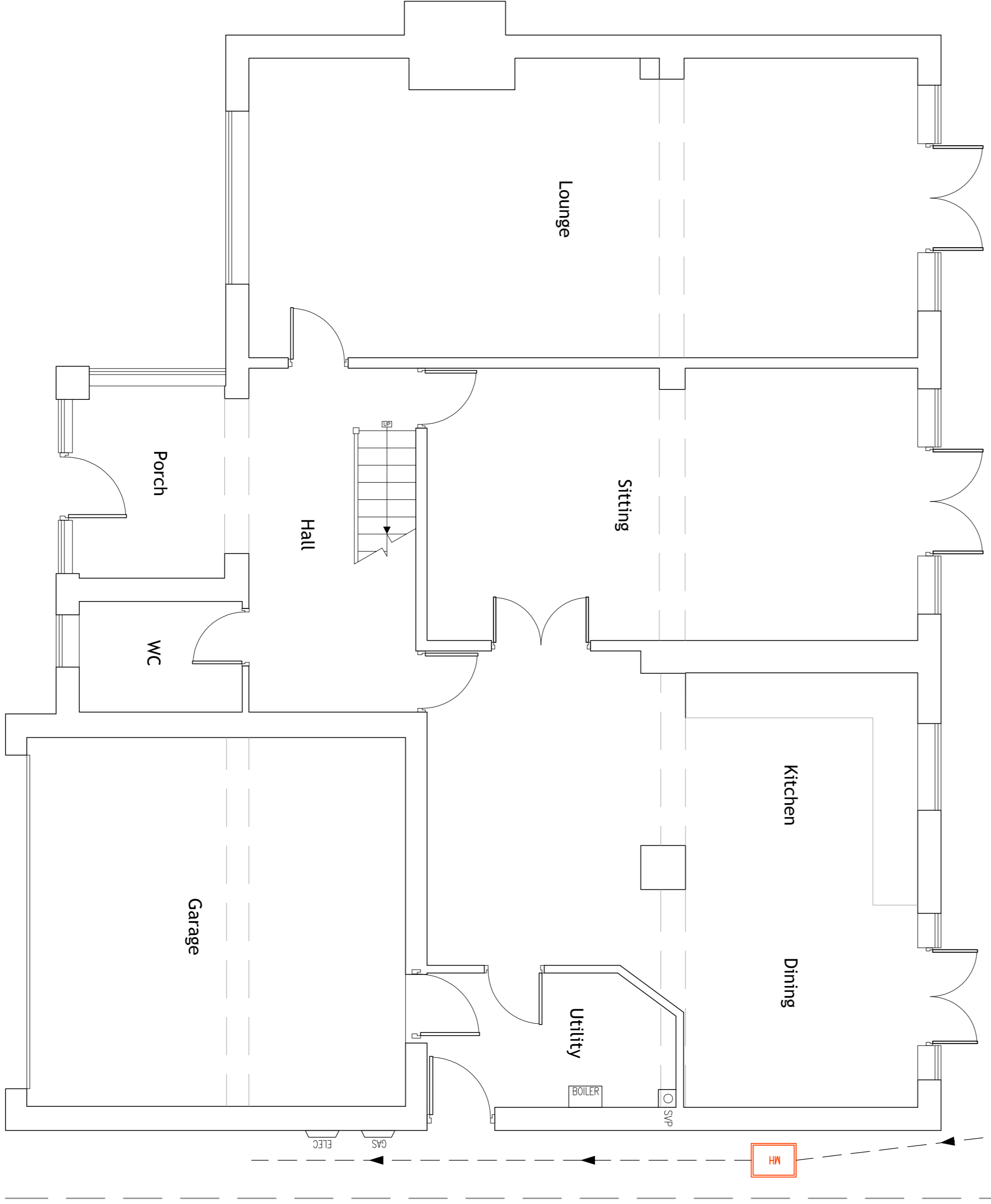
Existing Rear Elevation



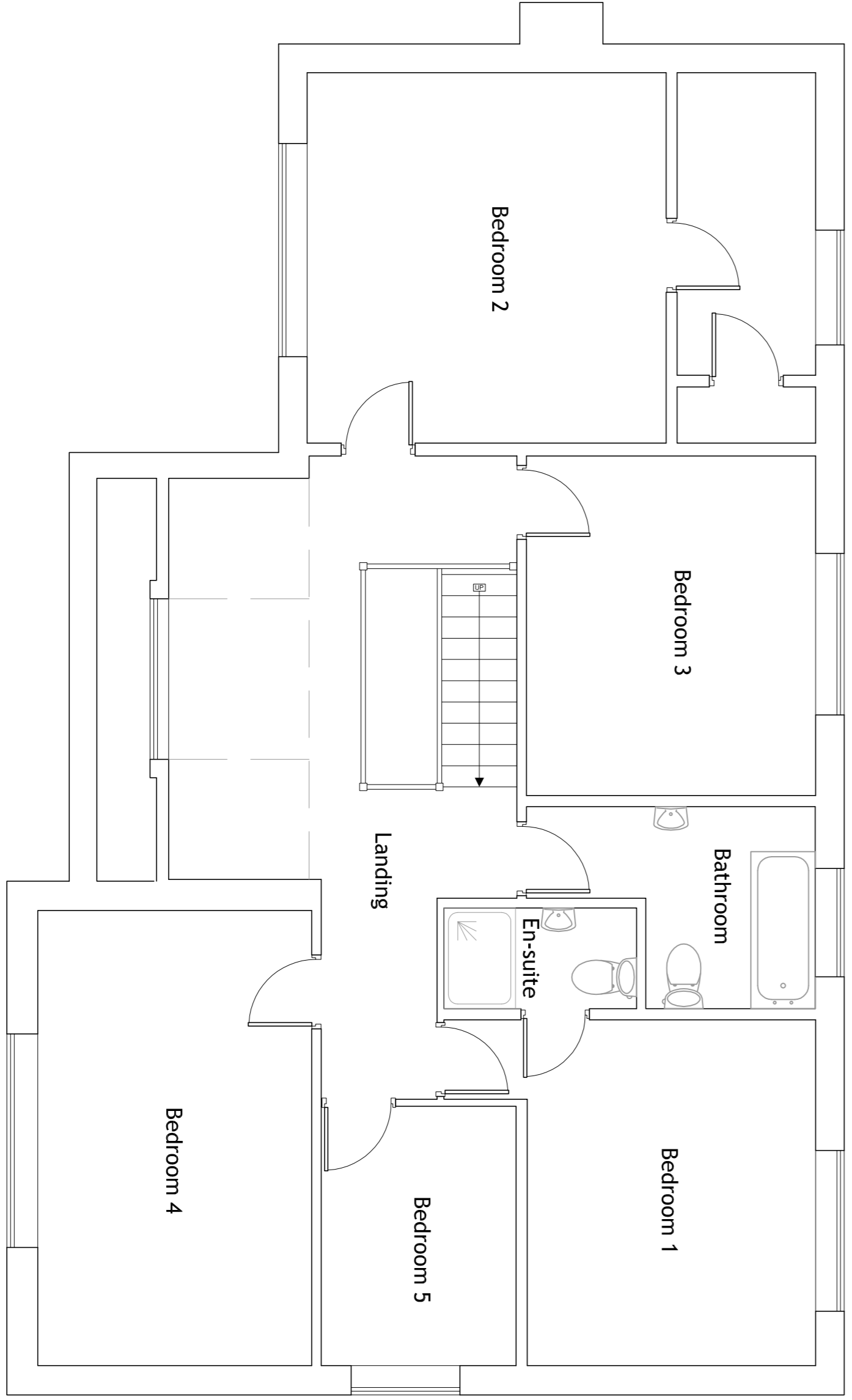
Existing Side Elevation



Existing Front Elevations



Existing Ground Floor Plan



Existing First Floor Plan

NOTE: These drawings are subject to inspection by a qualified structural engineer to identify structural locations that are already marked on the drawings are suggested locations only.



46, Sandhury St,
Kiddeminder
Worcestershire, DY10 2JY
Telephone 01562 630767

Project
Proposed Extension & Loft Conversion
14 Ironbridge Walk,
Redmore, Stourbridge,
DY19 0SFJ
Drawing

Existing Floor Plans & Elevations
Scale 1:50/1:100 date 30/06/21 drawn 05
Job no 21143-01B

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Approved Drawings

These drawings have been prepared solely for Planning and Building Regulations purposes. It is the responsibility of the client to ensure that the approved design must be agreed on site with the local Building Inspector before works are undertaken.

Part 3: Fire Safety

New walls and ceilings to provide 30min separate to adjoining areas
 FD30 fire door with self-closing device and fitted with heat activated seals in conjunction with flexible-edge seals installed between garage and dwelling.

All new ceilings to be 12.5mm plasterboard with skim finish to give 30min fire protection.

All new steelwork to be encased in 2 layers of 12.5mm plasterboard to give 60 min fire protection.

A Fire Detection and Alarm System designed and installed in accordance with BS 5839 part 2:2014 comprising ceiling mounted smoke detectors, manual call points, fire alarm control panel, sounders situated max 4.5m from habitable rooms and min 300mm off adjacent walls and light fittings. Permanently wired to a separate fused circuit at the distribution board. Alarms to be linked together and a battery back up supply. Provide a fire detection to kitchen.

New FD30 fire doors to have a minimum 32mm rebates and be fitted with 20min fire protection.

Part 7: Ventilation

Kitchens and Utility Rooms to be ventilated to provide Mtr 60 with 20 minutes extraction.

Bathrooms, En-suites and wc to be ventilated to provide

En-suite ventilation, open and dry an intermittent timer and

Intermittent rooms to be ventilated to 3 air changes/hr, unless kitchen or

light switch and 9m from the 20 minutes after room has been in use.

Part 7: Drainage

Showers, bath and sink waste pipes are to be fitted with 40mm Mir

40mm Mir, wash basins to be fitted with 32mm Mir. Mir

When 40mm dia, unless second 3m in length, or 32mm dia unless

exceed 1.7m in length, anti-siphon traps must be fitted.

40mm and 32mm dia waste shall be installed at a gradient of

1:100. All new pipework to be installed at a minimum 100mm

above finished floor level. All new pipework, tanks, sinks and wash basins

to be fitted with 75mm deep seal traps. Any new

SVP to terminate not less than 900mm above any window within

Below Ground

New drainage to conform with part 10 of the Building Regulations
 (unless stated) Hypocaust, suspended, laid in straight and even

balls of Mir 1:40 for foul and 1:80 for surface water, with flexible

water joints. 40mm. No bedding, bedding of 100mm regular

granular material to BS 8301:1985 and Mir cover of selected fill

free from stones larger than 40mm, lumps of clay over 100mm,

limber, frozen material or other vegetable matter. Where rigid pipes

shall be surrounded with concrete with a thickness of at least the dia

of the pipe.

Below Ground Buildings

Drains under buildings to be surrounded with a Mir 100mm

granular material. Drains within 300mm of the underside of the

floor slab should be surrounded in 150mm Mir of concrete.

Where drains run through a wall or under foundations, maintain a

50mm clearance around pipes to openings. Openings in walls need

to be masked either side with rigid sheet material.

Where a trench containing a drain is within 1m of the building, fill

with concrete to the lowest level of the building or where more than

1m from the building, fill with concrete to a level equal to the

distance from the building less 150mm.

New Manholes are to be constructed in 215mm Class B engineering

brickwork to BS 3921, laid in English bond in 1:3 concrete/sand

concrete. Covers to be heavy duty to BS 687.

Inspection chambers less than 900mm deep to be in proprietary

polypropylene construction. Inspection chambers in accordance with

manufacturers instructions. Covers to be medium duty to BS 897.

Part 7: Combustion Appliances to be extended into new rooms. All

new radiators to have TRVs.

Part 7: Chimneys

Windows to match existing, fitted with trickle vents to give

8000mm sq ventilation area or 400mm sq. The windows shall be as

scheduled or as otherwise described on the drawings. All windows

U-value of 1.0W/m²K. New Glazing to be max 25% of floor area. If

above this ratio calculations for whole house glazing to be supplied.

Doors between house and conservatories to be external grade with a

U Value of 1.0W/m²K.

Part 11: Conservation of Fuel and Power

1. No Energy

efficient light fitting which will only take a lamp having a luminous

efficiency greater than 40 lumens per watt-watt must be

provided.

New Condensing boiler to have a SEDBUK value of 91% or more

provided.

Part 11: Disabled Access

Switched Socket Outlets to be 450mm above Finished Floor Level

as outlined in Approved Document M2 diagram 22

Part 11: Electrical Installations

1. New electrical installations to be installed, inspected and tested

in accordance with BS 7671:2001 (I.E.E. Wiring Regulations 17th

Edition). The works are to be undertaken by an installer

registered under a suitable electrical self-certification scheme, with

completion of the works.

Before works begin

Contractors must verify all dimensions on site before commencing

works on site. Any discrepancies must be reported to EP

Architecture before works are undertaken or materials are ordered.



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 Keddinsthorpe, DT10 2QY
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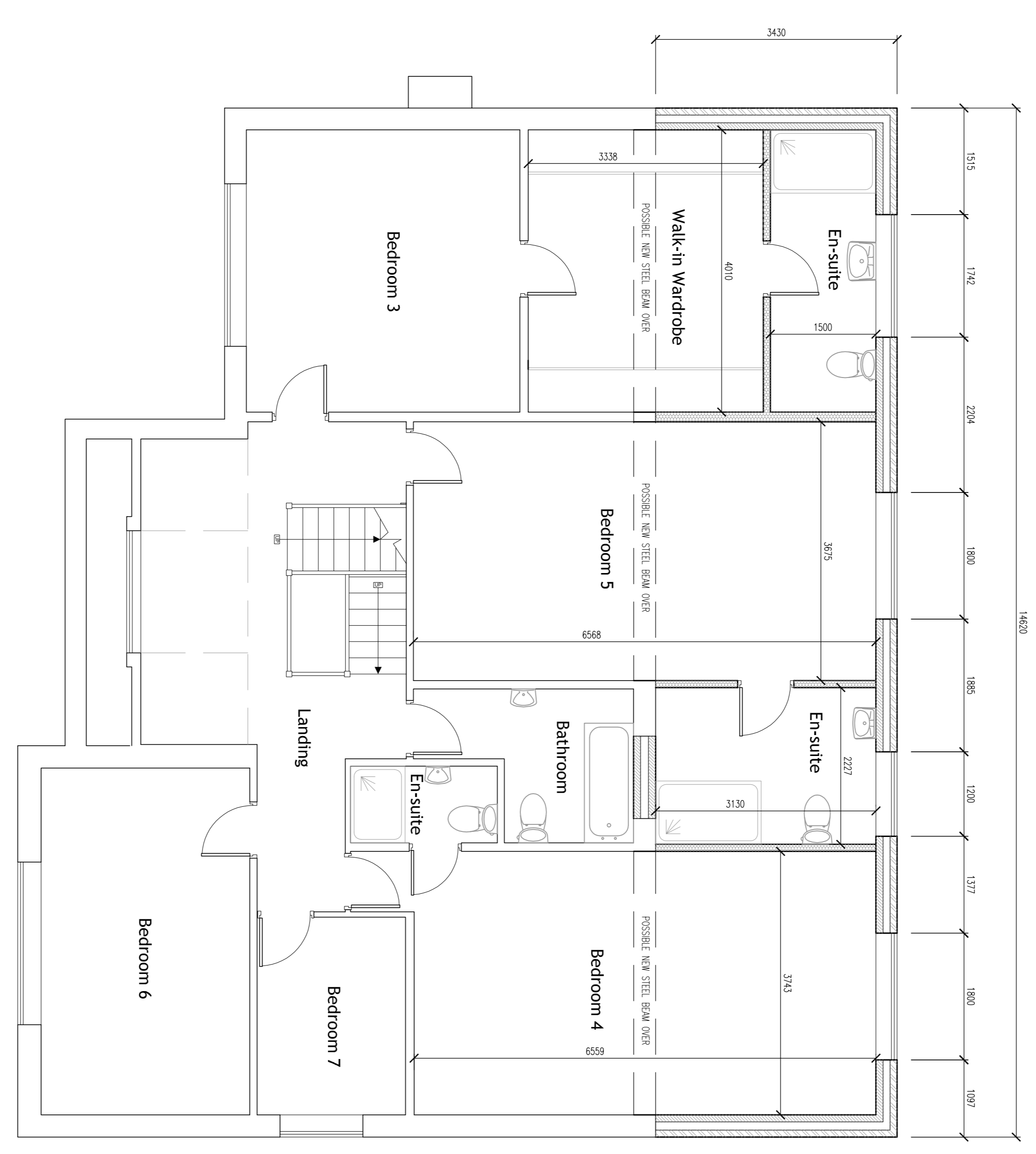
Project
 Proposed Extension & Loft Conversion
 14 Ironbridge Walk,
 Redmore, Stourbridge,
 DY19 0SFD
Drawing
 Proposed Floor Plans

Scale 1:50/1:100 **date** 30/06/21 **drawn** 05

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Proposed Ground Floor Plan



Proposed First Floor Plan

NOTE:
 These drawings are subject to inspection by a Qualified Structural Engineer to identify structural locations that may be required. Beam and trimer locations that are already marked on the drawings are suggested locations only.

PLANNING APPLICATION NUMBER: P21/1763

Type of approval sought	Full Planning Permission
Ward	Cradley and Wollescote Ward
Agent	Mr Sudera
Case Officer	Catherine Golightly
Location:	EVERLEY RESIDENTIAL HOME, 15, LYDE GREEN, CRADLEY, HALESOWEN, B63 2PQ
Proposal	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)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The former Everley Retirement Home (No. 15 Lyde Green) is a well established care facility (Use Class C2) that has been operational since the 1980's, when its use was first approved.

2. The property comprises of a large traditional detached premises constructed in the late Victorian or Edwardian period that occupies a large plot of approx. 0.09 hectares. The property has been extended historically over the years and now incorporates a two-storey flat roof component to the south east side of the building adjacent to No. 11 Lyde Green, with a large L-shaped single storey extension to the rear. An external staircase has also been erected to the side of the dwelling facing 17 Lyde Green. The property has a private garden area to the rear, with a large parking area to the frontage. The existing front boundary comprises of a brick wall and pillars which is reflective of the host property in terms of its age and materials.

3. The application site is adjoined on all boundaries with other residential dwellings, with the properties to the rear being set up from the application site. The opposing

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

PROPOSAL

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

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

HISTORY

11. Relevant planning history is outlined below:

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

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

PUBLIC CONSULTATION

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

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

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

OTHER CONSULTATION

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

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

18. Head of Environmental Health and Trading Standards:

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

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

No adverse comments.

RELEVANT PLANNING POLICY

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

21. National Planning Policy Framework (2021)

22. National Design Guide (2019)

23. Black Country Core Strategy (2011)

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

24. Dudley Borough Development Strategy (2017)

- S1 - Sustainable Development
- S6 - Urban Design

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

25. Supplementary Planning Guidance

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

ASSESSMENT

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

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

Use/Principle

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

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

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

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

Impact on Street Scene/Design

31. In considering the design of the proposed additions/alterations there are a number of relevant policies to consider, both at the national and local level.
32. At the national level, the National Planning Policy Framework recognises that *"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities"* (Paragraph

- 126) ensuring that developments add to the “*overall quality of an area*”, ensuring that developments are “*visually attractive*” and are “*sympathetic to the local character and history, including the surrounding built environment*” (paragraph 130).
33. Furthermore, in considering the importance of good design, Paragraph 134 of the National Planning Policy Framework outlines that “*Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes*”.
34. In support of the above, Paragraph 129 of the National Planning Policy Framework makes specific reference of the National Design Guide as one document of particular note. This design guide focuses on ten key characteristics that collectively contribute to well-designed places outlining that “*a well designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including: the layout; the form and scale of buildings; their appearance; landscape; materials; and their detailing*” (Paragraph 21), all of which contribute to the basis of good design and the character of a place.
35. At the local level, Policy ENV2 – Historic Character and Local Distinctiveness – of the Black Country Core Strategy states that “*All new development should aim to protect and promote special qualities, historic character and local distinctiveness of the Black Country in order to help maintain its cultural identity and strong sense of place. Development proposals will be required to preserve and, where appropriate, enhance local character and those aspects of the historic environment together with their setting which are recognised as being of special historic, archaeological, architectural, landscape or townscape quality*”
36. In addition to the above, Policy S6 – Urban Design of the Dudley Borough Development Strategy outlines that proposed extensions must make a positive contribution to the character and appearance of the area with appropriate massing and bulk.

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

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

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

Residential Amenity

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

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

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

Access and Parking

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

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

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

Other matters

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

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

CONCLUSION

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

RECOMMENDATION

60. It is recommended that the application is Approved subject to conditions:

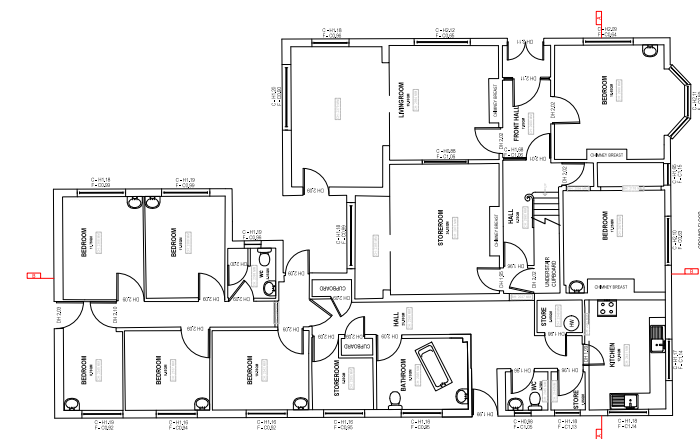
Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following plans and amended plans: DSA-21035-PL-ES-01-A, DSA-21035-PL-PRO-01-D, DSA-21035-PL-SL-02-D (as submitted on the 10/12/2021).
REASON: For the avoidance of doubt and in the interests of proper planning.
3. No materials other than those indicated on the approved plans shall be used without the approval in writing of the Local Planning Authority.
REASON: To ensure the satisfactory appearance of the development in accordance with BCCS Policy ENV2 - Historic Character and Local Distinctiveness and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to

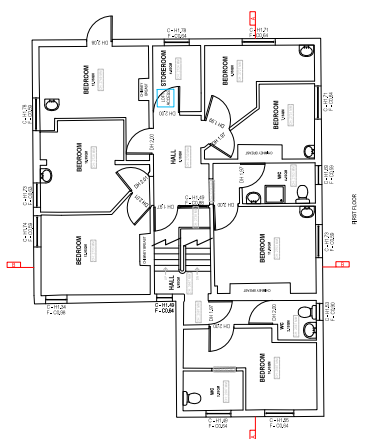
existing dwellings

Policy D2 Incompatible Land Uses (in part).

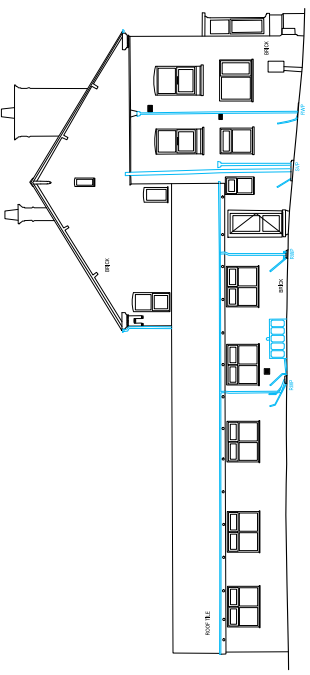
4. Prior to first occupation all redundant dropped kerbs should be replaced with matching full height kerbs and the adjacent Highway made good.
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings, Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.
5. No above ground development shall commence until details of electric vehicle charging bays with a vehicle charging point, to be provided in accordance with the Council's standard (Parking Standards SPD) have been submitted and approved in writing by the Local Planning Authority. Such details shall include signs and bay markings indicating that bays will be used for parking of electric vehicles only whilst being charged. Prior to first occupation, the electric charging points and bays shall be installed in accordance with the approved details and shall thereafter be maintained for the life of the development.
REASON: In the interests of creating a sustainable form of development and to encourage the use of ultra low emission vehicles in accordance with Policies ENV8 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy.



EXISTING GROUND FLOOR PLAN
SCALE 1/500

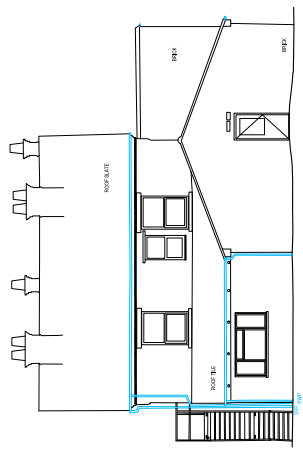


EXISTING FIRST FLOOR PLAN
SCALE 1/500



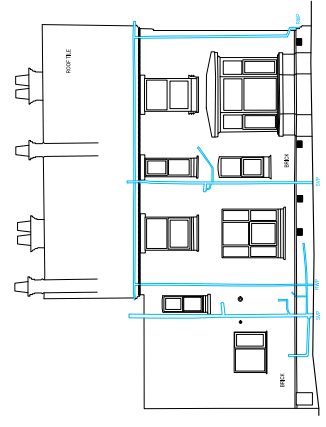
EXISTING SIDE ELEVATION
SCALE 1/500

LIFT ELEVATOR



EXISTING REAR ELEVATION
SCALE 1/500

REAR ELEVATOR



EXISTING FRONT ELEVATION
SCALE 1/500

FRONT ELEVATOR



SITE LOCATION MAP
SCALE 1/2500

Revision: 1 - 000011-14-2020-000000

dsa design studio
architects.



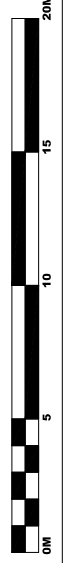
Regent House,
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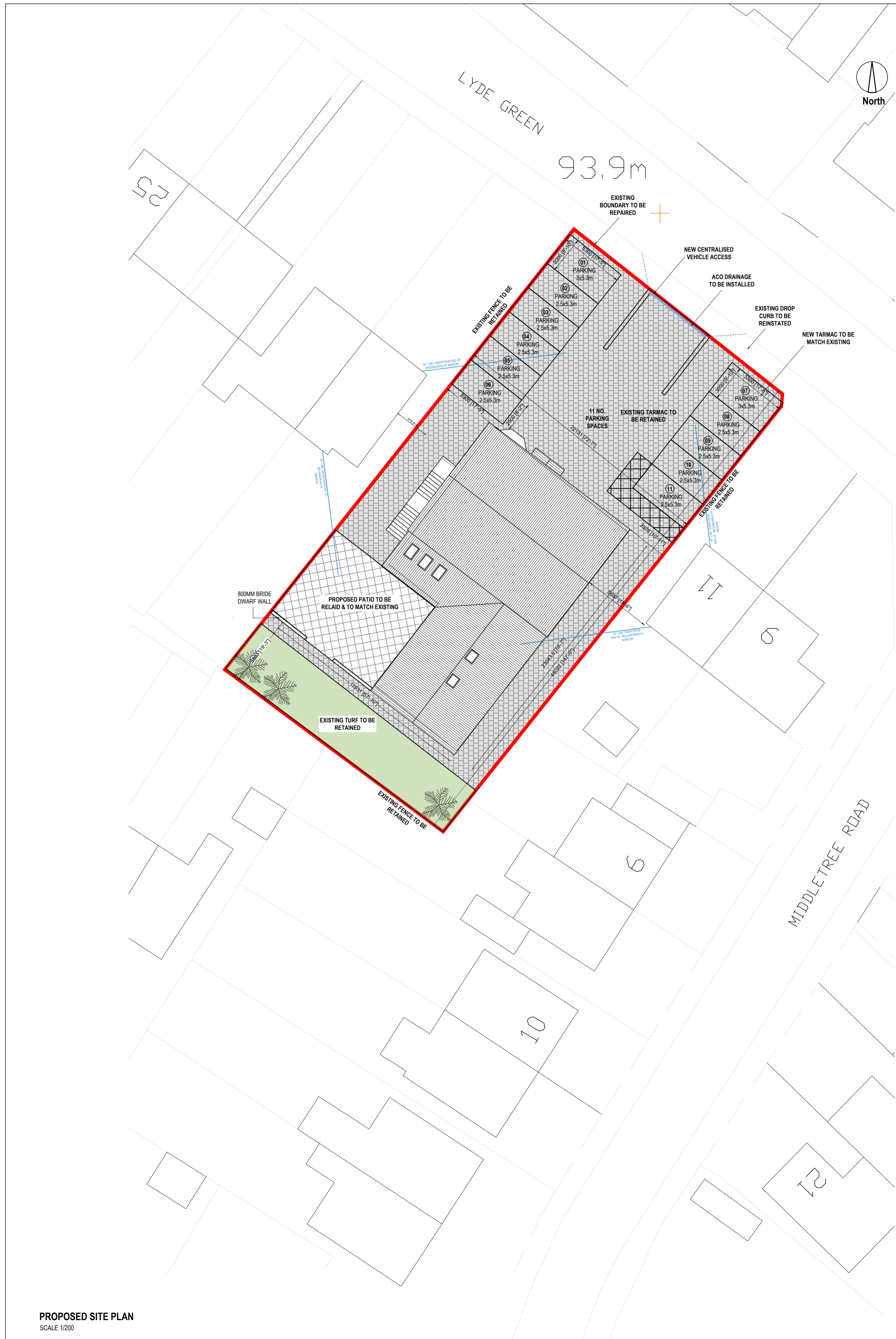
FEASIBILITY	TENDER
PLANNING	CONSTRUCTION
BUILDING REGULATIONS	AS BUILT

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

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 Ref: DSA-21035-PL-ES-01-A
 Scale: Various @ A1
 Date: 23-04-21
 Drawn: S.S.
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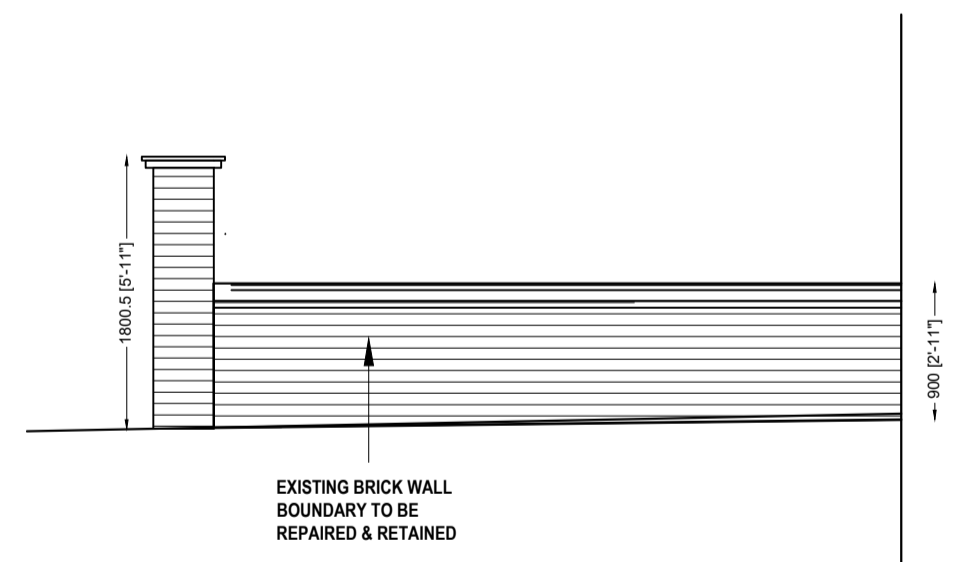




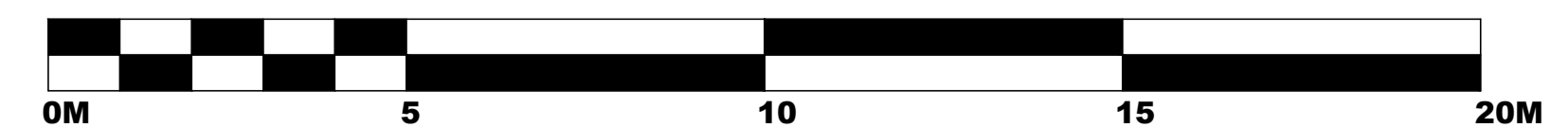
PROPOSED SITE PLAN
SCALE 1/200



PROPOSED STREET SCENE FROM LYDE GREEN
SCALE 1/200



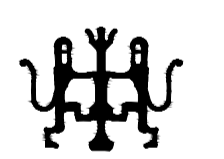
PROPOSED BOUNDARY INFORMATION
SCALE 1/50



Revision: D - 10.12.21 - PF - HIGHWAYS COMMENTS



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Drawing Stage	
FEASIBILITY	TENDER
PLANNING	CONSTRUCTION
BUILDING REGULATIONS	AS BUILT

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

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

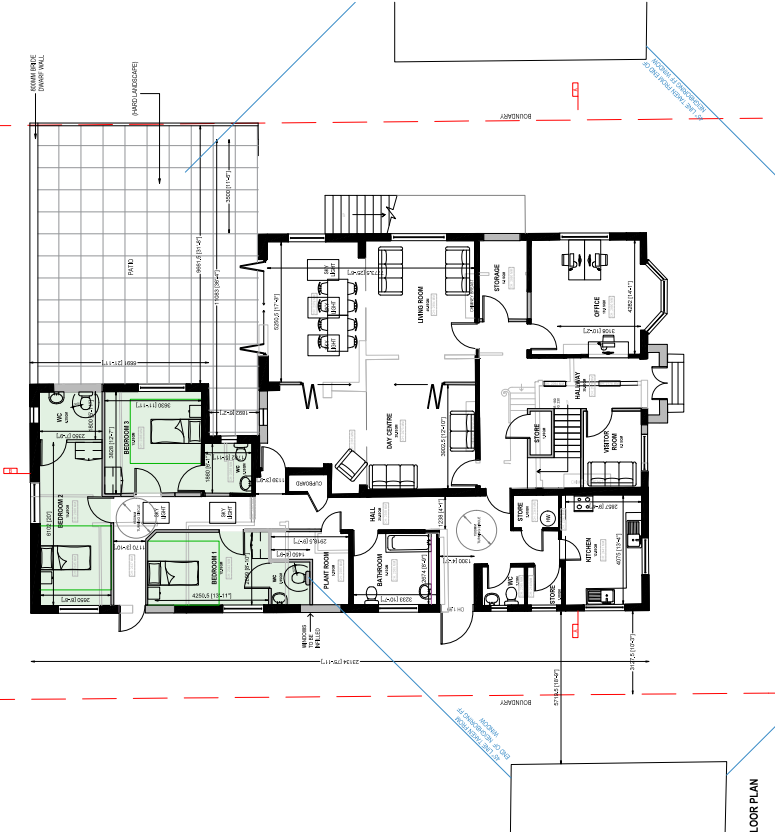
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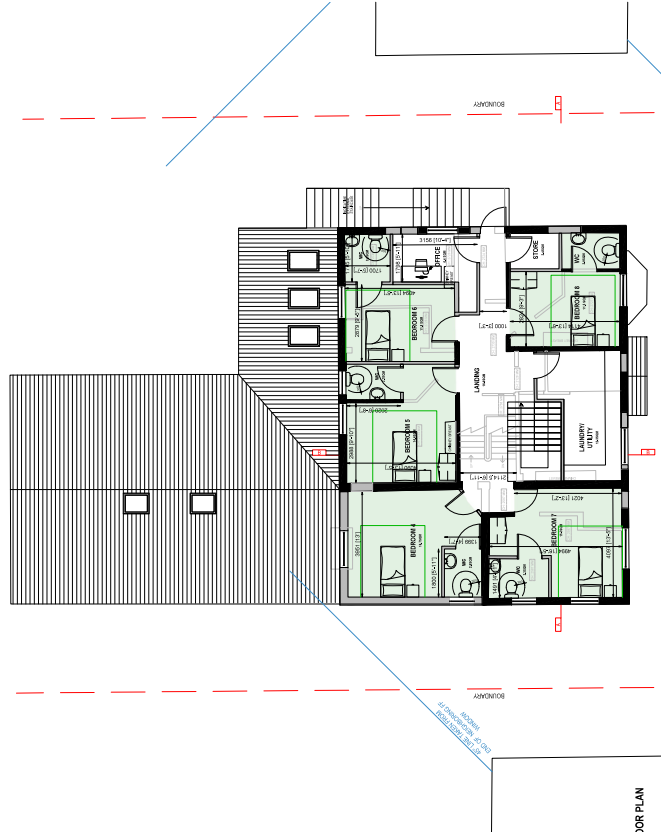
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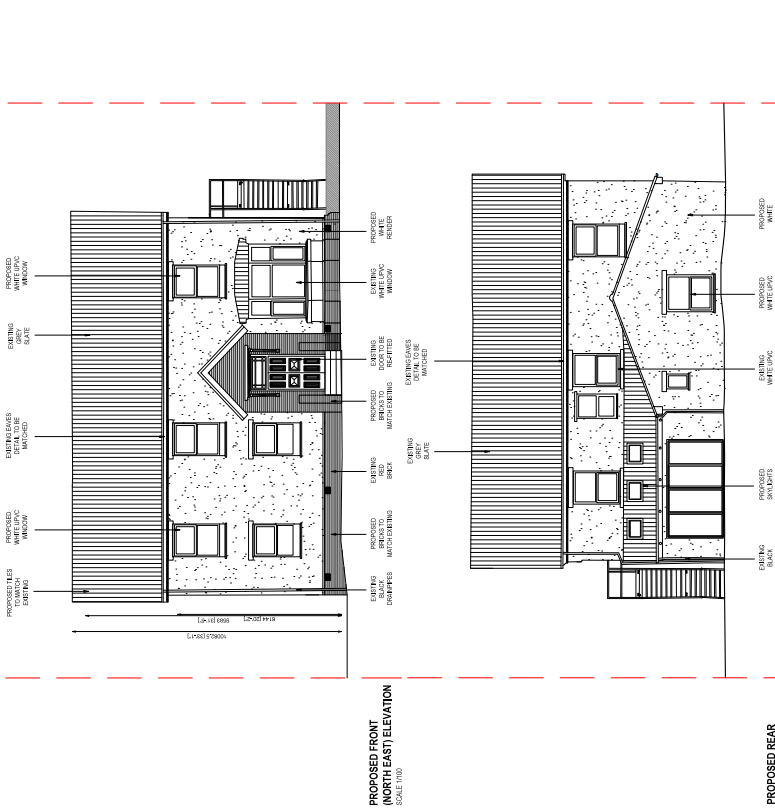
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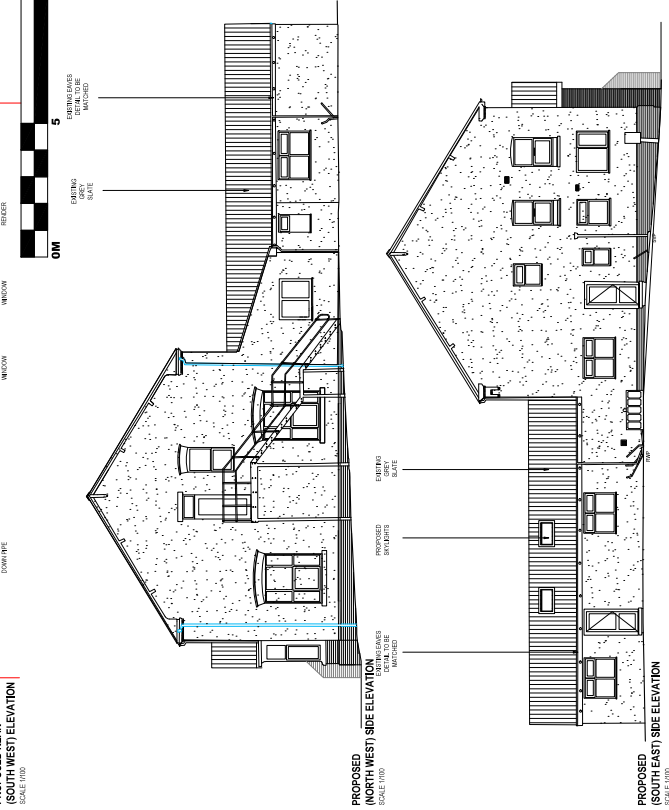
31
PROPOSED GROUND FLOOR PLAN
 SCALE: 1:100



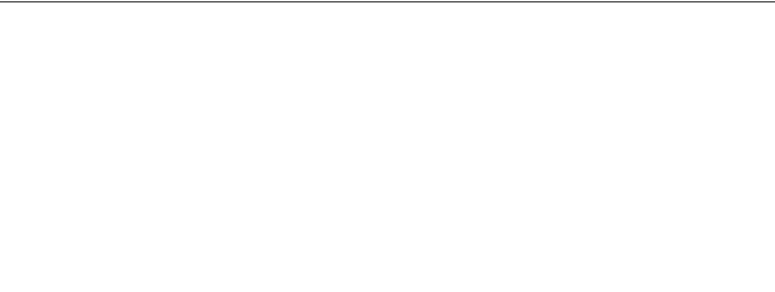
PROPOSED FIRST FLOOR PLAN
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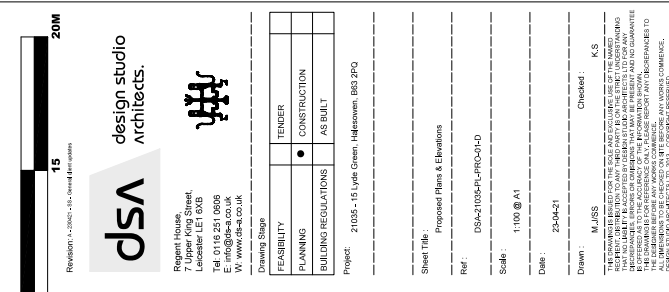
PROPOSED FRONT (NORTH WEST) ELEVATION
 SCALE: 1:100



PROPOSED REAR (SOUTH WEST) ELEVATION
 SCALE: 1:100



PROPOSED (NORTH WEST) SIDE ELEVATION
 SCALE: 1:100



PROPOSED (SOUTH EAST) SIDE ELEVATION
 SCALE: 1:100

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FEASIBILITY	TENDER
PLANNING	CONSTRUCTION
BUILDING REGULATIONS	AS BUILT

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

Sheet Title: Proposed Plans & Elevations
 Ref: DSA-21035-PL-PROJ-1-D
 Scale: 1:100 @ A1
 Date: 23/04/21
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Development Control Committee – 12th January, 2022

Report of the Director of Regeneration and Enterprise

Planning Enforcement – Enforcement Plan Review 2021

Purpose

1. The purpose of this report is to provide a review of the Enforcement Plan that was introduced in 2017. The report also seeks to inform Committee of the activities of the Borough's Planning Enforcement team, and to provide a brief appraisal of the enforcement teams performance across 2019/2020 and 2020/2021

Recommendations

2. It is recommended:-
 - That the information contained in the report and document (attached as Appendix 1) be noted.
 - That the minor amendments made to the enforcement plan and enforcement complaint form following the review be approved.

Background

3. The Borough's adopted Planning Enforcement Plan (2017) commits officers to report periodically on the activities and performance of the Development Management section in respect of enforcement matters.
4. The enforcement plan also commits the Section to undertake a review every two years. This forms the first review of the plan since its introduction.
5. The review has resulted in the following changes to the Enforcement Plan (appendix 2), and Enforcement Complaint Form (appendix 3):
 - Enforcement complaints related to domestic properties to be moved from priority 2 to priority 3 cases.

- Remove requirement for officers to provide updates to complainants after 28 days and 56 days, and instead officers to update complainants as soon as action agreed.
- Additional guidance to be included related to the steps that will be taken prior to formal action being taken.
- Additional guidance as to how the Local Planning Authority will determine whether prosecution action is expedient.

Finance

6. There are no direct financial implications resulting from this report.

Law

7. The enforcement plan is not a statutory requirement, however, the production of one is recommended within paragraph 59 of the National Planning Policy Framework. The Enforcement Team are afforded relevant powers to enforce unauthorised development under Part V11 Sections 171-196 of the Town and Country Planning Act 1990, Part IV Sections 38-46 of the Planning (Listed Building and Conservation Areas) Act 1990 and Regulation 7 of the Town and Country Planning (Control of Advertisements England) Regulations 2007.

Risk Management

8. Officers have reviewed the Council's Risk Management Framework and do not consider that there are any material risks arising from the findings, or recommendations of this report.

Equality Impact

9. There are no equality impacts arising from the recommendations of this report.

Human Resources/Organisational Development

10. This report makes reference to the remodelling of the Planning Enforcement service following the adoption of the Enforcement Plan. It has no other implications in terms of human resources or service transformation.

Commercial/Procurement

11. It is not considered that there are any impacts upon Commercial or Procurement legislation arising from this report.

Council Priorities

12. The Council's Enforcement Plan is intended to accord with the following Council priorities:



- *'Regenerating the Borough'* – The enforcement plan sets a clear direction for when unauthorised developments will be enforced against and how. The effective functioning of the enforcement team ensures that the Council's policies and aspirations for regeneration of the Borough can be adequately managed and where unauthorised developments may conflict with this they can be adequately controlled.
- *'Create a cleaner and greener place'*: The Council's Borough Development Strategy sets out key policies and aspirations to safeguard and promote the sustainability of the borough. Through effective enforcement the Planning Service can ensure that development within the borough complies with these policies.
- *"support stronger and safer communities"*: The Enforcement Plan empowers residents within the borough to be self-reliant ensuring that members of the community proactively engage with the Planning Service to report unauthorised developments within their community.

13. The Council declared a climate change emergency in July 2019 and committed to net zero carbon emissions by 2041. The enforcement team will continue to promote compliance with sustainability objectives in existing and future planning policies.

Helen BMartin

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Appendices

Appendix 1: Enforcement Plan Review

Appendix 2: Enforcement Plan (updated)

Appendix 3: Enforcement Complaint Form



Planning Enforcement

Review of the Enforcement Plan and performance and service delivery update.

Introduction to enforcement plan review

In April 2017 Development Control Committee formally endorsed the Borough's new Planning Enforcement Plan. The Plan came into effect in September 2017 and set out that a review of the plan was proposed for 2019. The main aspirations of the Plan were to:

- Improve the provision of publicly available information, both in the Enforcement Plan document itself and on the Council's web pages, to enable residents to look into their issue themselves where possible and to clarify whether it was actually a planning matter which enforcement officers could help with.
- Significantly reduce instances of logging and investigation of complaints which were not planning related or where there was clearly no planning breach, freeing up enforcement officers to more effectively use their resources to resolve genuine enforcement issues more efficiently and to undertake more proactive enforcement/regeneration work.
- Improve procedures and introduce a new complaint form to ensure that investigating enforcement officers have the necessary information to 'hit the ground running' once a new case is logged, thereby reducing response times for residents.

A previous review of the service was undertaken in 2019 and sought to understand the impacts of the introduction of the plan. This demonstrated that there has been a drop in the number of enforcement complaints relating to issues which do not represent a breach of planning control. The aspiration of the plan was to reduce the amount of unproductive

paperwork being carried out by Enforcement officers, in order to free up resources for more positive and proactive enforcement activity.

CASES OPENED:

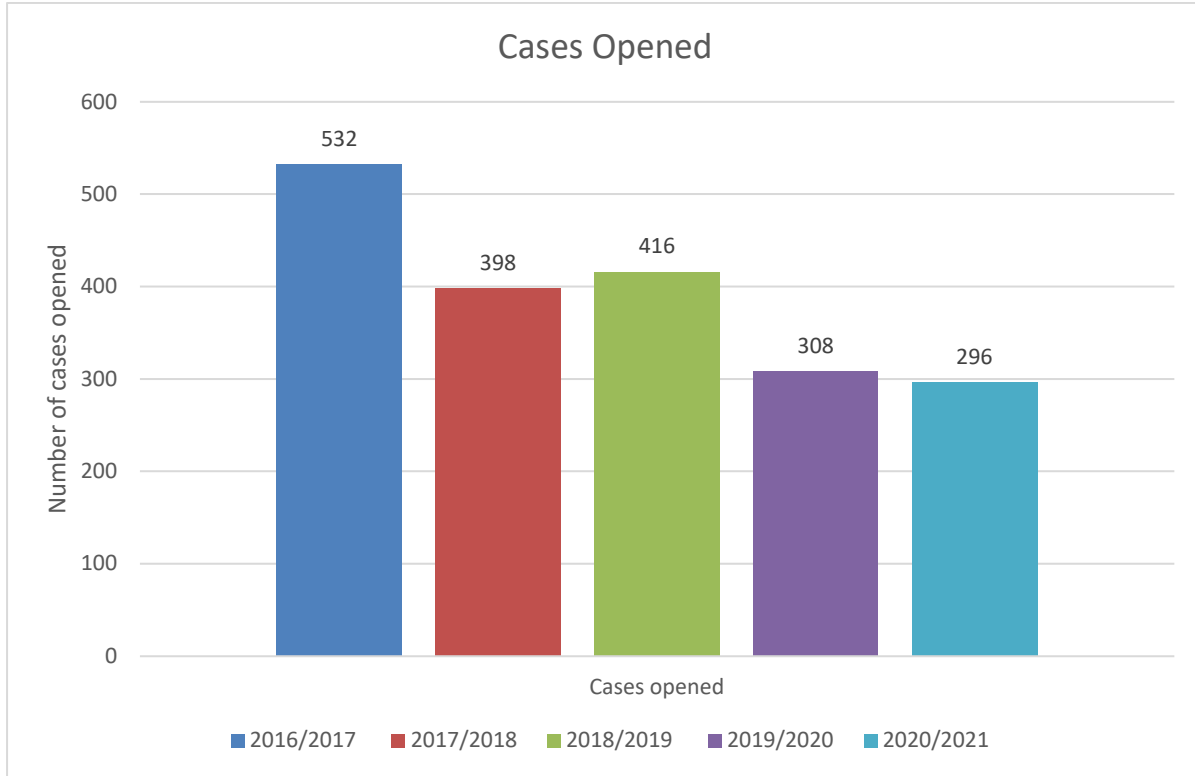


Table 1 - Number of enforcement complaints received per annum

Table 1 demonstrates that there has been a steady decline in the number of enforcement cases opened since the introduction of the Enforcement Plan. This does indicate that the introduction of the plan, and the requirement for an enforcement complaint has reduced the number of frivolous cases, which was an objective. However, further consideration is required as to whether the requirement for a form, and the guidance contained within the plan has also acted as a barrier for the submission of genuine enforcement complaints.

CASES CLOSED:

No breach cases:

Two reasons for cases being closed with no further action are where, following an investigation, the Local Planning Authority determine that no breach of planning has occurred. Since the introduction of the plan a brief snapshot of the circumstances that have led to a closure reason of “no breach” are as follows:

- Breach of planning has occurred for more than 10 years

- Development undertaken in accordance with the Town and Country Planning (General Permitted Development) Order 2015.
- No evidence of breach of conditions occurring
- Works being undertaken in accordance with planning permission
- Complaint relates to Council Owned land and therefore passed onto relevant department
- Renovations to property not considered to be a change of use
- Use of dwelling as Small HMO less than 6 people and accords with Town and Country Planning (General Permitted Development) Order.

The second reason being where the matter is not considered to be a planning issue. Since the introduction of the enforcement plan, a number of reasons for cases being closed due to the complaint not being a planning manner have included the following;

- Concerns with pests
- Neighbouring fence not replaced
- Queries regarding reinstatement of Public Right of Way
- Growing of trees (pleaching)
- Overhanging gutter (Civil matter)

The following table (table 2) reflects the number of cases closed per annum, that have been closed as the development was not a breach of planning, or the complaint was not planning related.

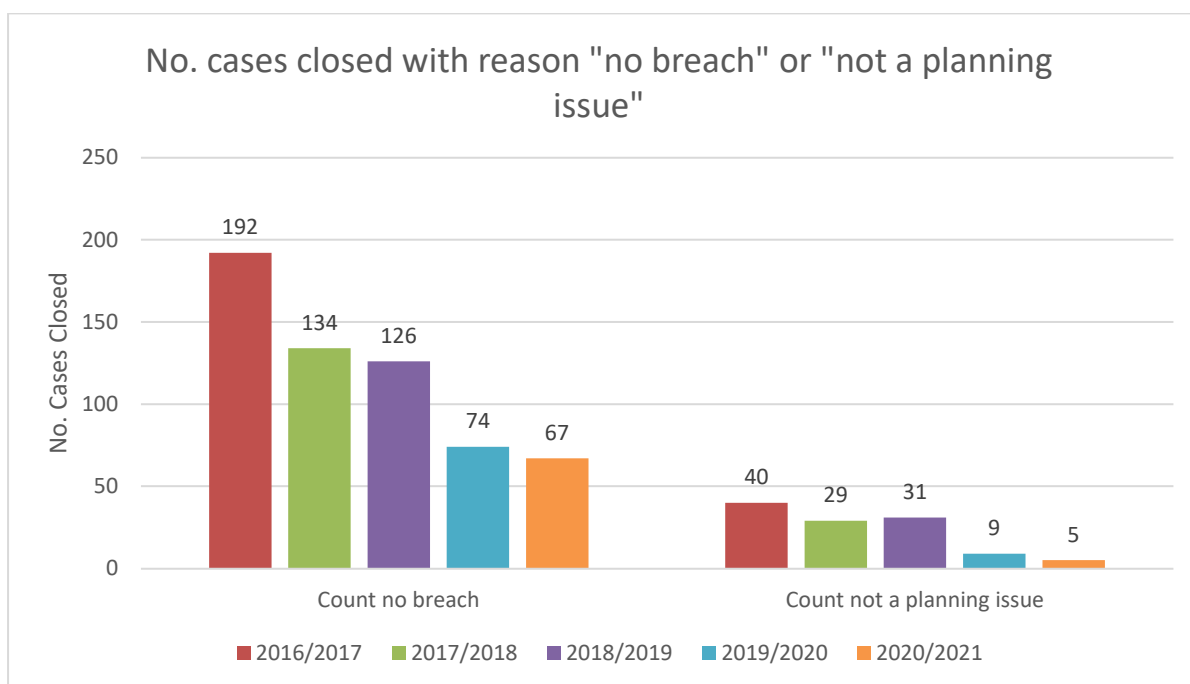


Table 2 - No. of cases closed per annum with reason "no breach" or "not a planning issue"



Table 2 indicates that there has been a reduction in the number of complaints submitted which, upon investigation, are found to not be a breach of planning (67 during 2020/21 compared to 192 in 2016/17).

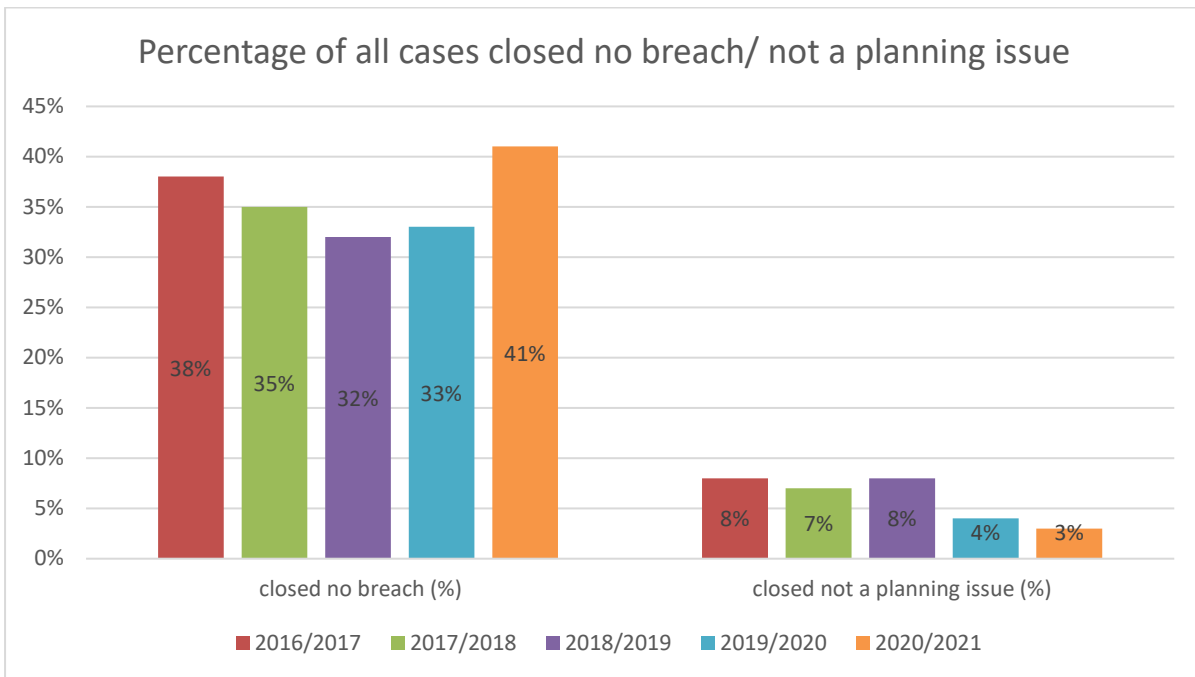


Table 3- Percentage of cases closed by reason "No breach" or "not a planning issue"

However, when comparing this number as a percentage of all cases closed, as seen in table 3 (above), it does appear that the introduction of the enforcement plan has not resulted in any significant changes in terms of the overall percentage of cases being investigated and closed where there is no planning breach following investigation. This could mean that the enforcement plan has also resulted in a reduction in enforcement complaints being submitted relating to actual breaches of planning.

Positively, as seen in table 2 and 3, there has been a consistent decline in the number of cases closed which have not been a planning issue, falling from 8% prior to the introduction of the plan, to 3% of cases in 2020/2021. This demonstrates that the introduction of the enforcement plan and enforcement complaint form has had a positive outcome in reducing the number of frivolous complaints.

The tables above demonstrates that the proportion of cases closed as a result of 'no breach of planning' remains consistent, despite numbers of enforcement complaints dropping overall. When a valid enforcement complaint is received it will be categorised into a "type" of enforcement, this enables the enforcement service to better understand the number and types of development which are investigated, it is of note that the

category “enforcement” includes developments which do not easily fall into a category (such as erection of stables or development on land with no identifiable use) . Table 4, below, shows the greatest number of enforcement complaints which are closed as a result of “no breach” remains highest in respect of those related to domestic properties.

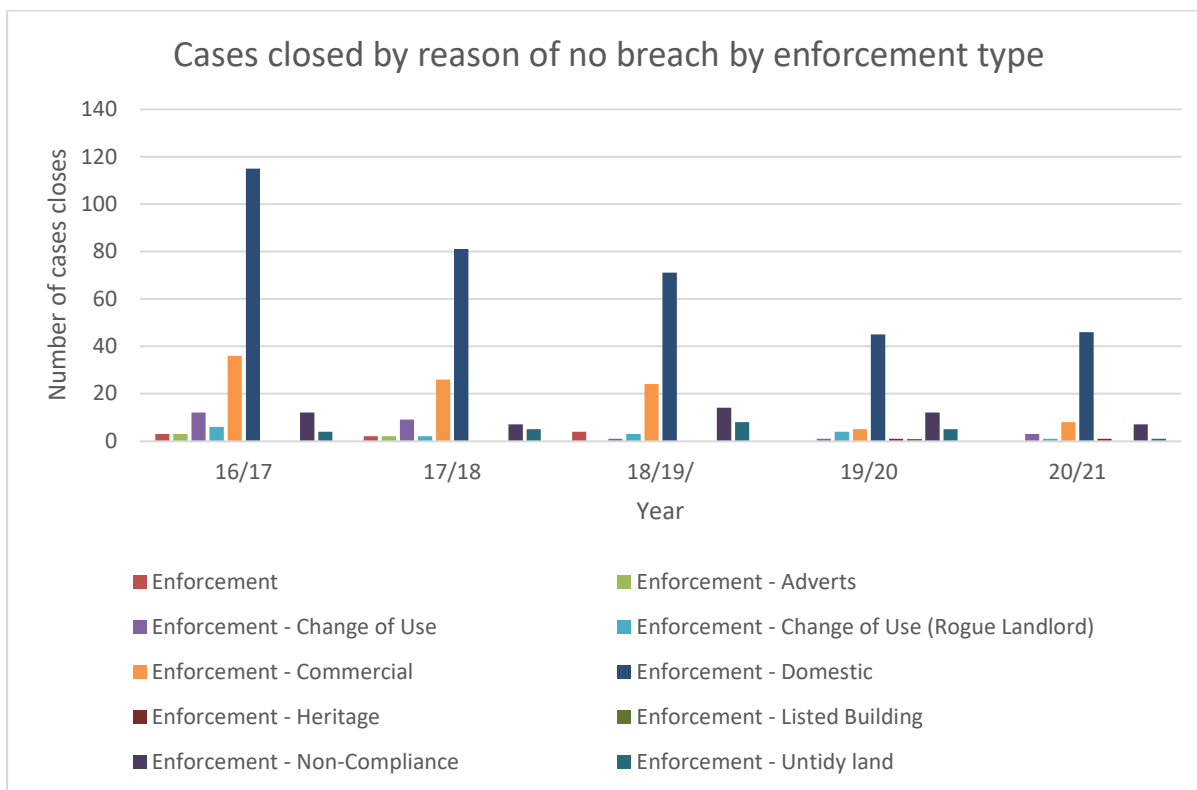


Table 4 - cases closed for reason of "no breach" by enforcement type

These numbers are likely due to the extent of Permitted Development rights afforded to dwellings through the Town and Country Planning (General Permitted Development) Order 2015. As such it is inevitable that the number of cases closed as a result of the development not being in breach of planning will remain highest in respect of domestic properties. Noting the uplift in investigations concluding in a “no breach” during 2020/21, this may be linked with increased Permitted Development rights afforded to homeowners, alongside the change in lifestyles and home working arising from the Covid-19 pandemic which could have potentially led to homeowners extending homes.

The enforcement complaint form does already direct members of the public to details of permitted development rights in order to assist members of the public in understanding whether the breach of planning may relate to something which has the benefit of Permitted Development before an enforcement complaint is submitted. Furthermore, efforts were also made to facilitate officers undertaking desk-based assessments

avoiding unnecessary site visits, which, where there is no breach of planning, or the complaint relates to non-planning matters are a use of resource that could be directed to higher priority cases, as such there is a requirement for enforcement complaints to be submitted with photographs.

Currently, domestic extensions are a priority 2, and as such the intention is to visit sites within 10 days of receipt of a valid complaint. However, on the basis of the above evidence it is considered that given the high numbers of cases closed where no breach of planning has occurred, alterations and extensions to domestic properties should be moved to Priority 3, which requires a site visit to be conducted within 15 days of receipt of a valid complaint.

Given the number of complaints investigated that resolve in no breach being identified it is also considered that the current timescale of 28 days for an initial update to be provided to a complainant with a further update at 56 days is unnecessarily burdensome. As such it is considered that the requirement for officers to update complainant after 28 days will be omitted, and instead officers will update complainants once a decision as to what action will be taken has been determined.

Furthermore, the enforcement complaint form will be updated to include specific reference to key aspects of the General Permitted Development Order, in order to assist officers with determining whether the works will likely have been constructed in accordance with the GPDO.

The suggested changes will ensure that officers are better resourced to respond to and investigate complaints where there is a greater certainty that a breach of planning has occurred and potentially greater harm arising as a result.

COUNCILLOR ENQUIRIES:

The Enforcement Plan has sought to encourage a consistent and clear complaints process regarding alleged breaches of planning from the public. There will likely be many instances where Councillors become involved in enforcement cases. However, a review of cases indicates that during 2019/2020 there were 20 complaints submitted and in 2020/2021 there were 22 cases submitted which were based solely on a complaint from

an elected member. In 100% of these cases there was no formal Enforcement Complaint form submitted.

As explained above, the use of the enforcement complaint form is a tool to assist officers in undertaking a desk assessment prior to a site visit to determine whether a breach of planning has occurred. The enforcement complaint form, also assists the Local Planning Authority is being able to demonstrate harm and public interest should matters ever escalate to prosecution.

In respect of consistency, fairness and to assist the efficiency investigations elected members should also endeavour to submit a formal complaint form when raising an enforcement issue. It is proposed efforts are made to inform/remind members of this process and how to access and complete the form. This would also assist with understanding of the process when they are advising or directing constituents to the Enforcement Complaint Form. It would also assist with Councillors own commitments and pressures as they will not be required to keep constituents updated on enforcement matters as the enforcement team will be able to contact complainants directly for updates.

Impact of the pandemic on enforcement:

The enforcement team have faced a notable challenge since the start of 2020 in light of the pandemic. Due to government restrictions the enforcement team were faced with greater challenges in accessing sites to conduct investigations. Ensuring that officers and the public were safe during the unprecedented times was of upmost priority for the council. National guidance has also been issued to enforcement local planning authorities to have regard for changing business practices during the pandemic and have issued a variety of temporary exemptions from planning consent over this period.

Phase 1 performance:

When a planning enforcement enquiry is received, the case officer carries out an initial 'Phase 1' investigation. This is to establish whether or not a breach is occurring and if so, to establish the most appropriate means of addressing the issue. Once this initial investigation is concluded, where necessary the case officer escalates the case to 'Phase 2' whilst more formal action is progressed. For example, where the initial investigation identifies a breach and the landowner is invited to submit a retrospective planning application for consideration, once the application is received the initial enforcement

investigation is concluded, and the case therefore progresses to 'Phase 2' status while the application is considered and determined.

- In 2019/2020 308 enforcement complaints were logged.
- In 2020/2021 296 enforcement complaints were logged.

Below is a breakdown of the outcomes of Phase 1 investigations during 2019/2020.

Cases resolved and closed at Phase 1 Stage:

Reason for Closure	Cases closed	
	2019/2020	2020/2021
Breach Ceased	41	19
No Breach	77	54
Not a Planning issue	9	8
Not expedient to take Action	37	16
Resolved by Negotiation	6	3
Planning application granted	3	3

Phase 1 investigations completed and progressed to Phase 2 for further action.

Reason for Closure	Cases Closed	
	2019/2020	2020/2021
Informal compliance period set	1	0
Notice served	12	7
Planning application submitted	49	43
Legal Instructed*	0	1

*This applies to cases where there is an immediate offence, or where court intervention is required (e.g Planning Injunction).

Enforcement Fee Income

Retrospective planning applications are subject to the same application fees as conventional applications. Therefore, the submission of retrospective applications

following investigation by Enforcement Officers results in additional funds coming into the Council which would not otherwise be obtained. During the 2019-2020 financial year, retrospective planning applications attracted **£7,498**, and during 2020/2021 **£4,678** in application fees, which have contributed to the overall Planning budget.

Furthermore, when an enforcement notice appeal is made to the Planning Inspectorate, a fee may be required if a Ground (a) appeal is made. When a notice is appealed there are 7 potential grounds that this appeal can be made, Ground (a) appeals are where it is considered by the appellant that planning permission should be granted for what is alleged in the notice (or that the condition or limitation referred to in the enforcement notice should be removed). In 2019/20 4 appeals under Ground A were made generating an income of £2160, whilst in 2020/21 £924 was received from Ground 'a' appeals. The enforcement service therefore continues to generate income.

Service of enforcement notices

The Council's current Enforcement Plan sets out that when an investigation establishes that a planning breach is taking place, Enforcement officers will aim to resolve the issue by a number of means (e.g through submission of an application or through informal negotiation), and formal enforcement action will only be taken as a last resort. This action must be proportionate to the scale of the scale of the breach and the harm caused. In 2019/2020, it was necessary to serve formal enforcement notices on **24** occasions, details of which are set out below:

Enforcement Notice.....	17
Breach of Condition Notice.....	2
Listed Building Enforcement Notice.....	1
Section 215 (Tidy up) Notice.....	4

In 2020/2021, the enforcement team ceased the service of formal enforcement notices when the pandemic commenced. This was as a result of Government restrictions, meaning that any formal action taken would unlikely have been able to be resolved, or in seeking to comply with the notice. Other Government Legislation may have been breached, and as such formal action was not warranted. This approach was taken until the first National Lockdown had ceased and as such no notices were until July 2020.



Following this, it was necessary to serve formal enforcement notices on **7** occasions, details of which are set out below:

Enforcement Notice.....	5
Section 215 (Tidy up) Notice.....	1
Tree Replacement Notice.....	1

This is a significant drop in the number of cases that have resulted in formal action being taken. However, in light of government restrictions, the Planning Service have had to ensure that the interests and health and safety of all interested parties (including those affected by a breach of planning) were prioritised. Reflective of this, in the 6 months since April 2021 formal action has already matched the year 2019/2020 as government restrictions have eased.

Furthermore, Government figures indicate that there has been a reduction in the number of notices served nationally, with 1,000 less enforcement notices being served in 2020/2021 than in 2019/20. Furthermore, across England during 2020/21 the lowest amount of Breach of Condition Notices were served since records began.

Formal action is an important element of the Planning Service and ensures that trust in the Council's Planning Service is maintained. Further work is required to improve the Council's policies in taking formal action, including the period of time and opportunities afforded prior to taking formal action. This will not only give greater clarity to complainant, but those individuals who have undertaken a breach in order to ensure that any required actions are undertaken expeditiously.

As such the following additional guidance is proposed for inclusion within the Enforcement Plan:

- Where a breach is identified and would likely be acceptable with conditions a planning application will be invited. If an application is not submitted within a reasonable timeframe then formal action will be considered.
- Where a breach is identified but could be mitigated with alterations these will first be negotiated informally. If these works to resolve or mitigate the breach are not undertaken within a reasonable period then formal action will be considered.



Prosecution proceedings

Wherever possible, the enforcement team ensures that all enforcement notices are complied with. However, where a notice is not complied with within the given time period, the Authority has the power, when it is in the public interest, to pursue prosecution proceedings. In 2019/2020, 1 prosecution was brought in respect of the breach of a Section 215 Notice, this resulted in the defendant being found Guilty and fined **£200** ordered to pay costs of **£655** and a victim surcharge of **£30**. Whilst no prosecutions were taken forward during 2020/2021, the Council did seek 1 Court Injunction related to unauthorised works in proximity of protected trees, in this case the Courts Granted the Planning Injunction and the defendant was required to pay the Council's costs of the claim in the sum of **£3,439**. Where prosecution proceedings are successful, the enforcement team continues to seek compliance with the notice and where necessary pursues repeat prosecutions.

Further policies are considered appropriate to influence the process for the Local Planning Authority in determining whether Prosecution is necessary and expedient. The following additional guidance in respect of prosecution proceedings will therefore be included within the enforcement plan:

Does the LPA have sufficient evidence?

- Is there sufficient evidence to provide a realistic prospect of conviction on each charge?
- Consider what the defence case may be and how it is likely to affect the prospects of conviction.
- Can the evidence be used in court?
 - o Could the evidence be excluded by the court?
 - o Is the evidence reliable?
 - o Is the identification of the defendant reliable?
 - o Are the witnesses reliable and credible?

Is prosecution in the public interest?

Examples of public interest may be:

- Conviction likely to result in a significant sentence
- The offence was pre-meditated

- Prosecution would have a significant positive impact on maintaining community confidence in planning
- There are grounds for believing that the offence is likely to continue or be repeated
- There are previous relevant previous convictions or simple cautions
- The offence was committed in order to facilitate more serious offending
- Advantage was taken of a vulnerable victim

Common public interest factors tending against prosecution:

- The court is likely to impose a nominal penalty
- The seriousness and consequences of the offence can be dealt with by a simple caution
- Offence was committed as a result of a genuine mistake or misunderstanding (balanced against seriousness)
- Loss/harm is minor and result of single incident
- Defendant has put right the loss or harm
- Long delay between offence and report/trial (with exceptions)
- Prosecution will be likely to have serious consequences on a victims health
- Defendant suffering from significant mental or physical ill health (balanced against seriousness and risk of offence being repeated)

Summary and Conclusions

Enforcement of planning control remains a high priority for Dudley MBC and underpins the integrity of the planning system within the Borough. The Council envisages that the new, streamlined methods of working adopted under the Enforcement Plan will enable the Planning Enforcement Team to continue to carry out this important work more efficiently in future. The performance statistics reported above relating to 2019/2020 and 2020/2021 are considered to indicate the high level of service provided to residents over the past year.

A number of minor changes to the Enforcement Plan are required in order to assist the Planning Enforcement team in targeting resources towards resolving the highest priority enforcement complaints, where the greatest harm is arising as a result of breaches of planning. The amendments to the plan are summarised as follows:

- Enforcement complaints related to domestic properties to be moved from priority 2 to priority 3 cases.
- Remove requirement for officers to provide updates to complainants after 28 days and 56 days, and instead officers to update complainants as soon as action agreed.
- Additional guidance to be included related to the steps that will be taken prior to formal action being taken.
- Additional guidance as to how the Local Planning Authority will determine whether prosecution action is expedient.

Going forward, the team will continue to work on positive and proactive enforcement based activities. For example, more project-based regeneration work, using Section 215 notices, direct action and enforced sale proceedings to bring long-term problem sites back into a positive use, and the pursuit of further POCA claims to recover funds illegally appropriated by rogue landlords and other landowners. This will enable the service to continue to make its contribution to achieving the vision set out in the Council Plan and improving the Borough for its residents.



Planning Enforcement Plan

September 2017
(reviewed November 2021)



Section 1 The purpose of planning enforcement

The council's planning enforcement function is a vital part of the development management process and ensures that where development is undertaken without planning permission, action is taken to minimise or remove any harm which is being caused.

The council is committed to ensuring that all valid **and** registered enquiries relating to an alleged breach of planning control are duly investigated and the appropriate action taken. These actions range from taking no action if there is no breach which can be dealt with under planning powers, through to formal enforcement action and prosecution proceedings if necessary.

Every year the council receives a large number of enquiries relating to alleged breaches of planning control. The council appreciates that local people play a vital role in reporting suspected planning breaches which require further investigation, in order to help protect residents and businesses within the community from the sometimes harmful effects of unauthorised development.

The aims of the enforcement plan:

- **To set out the council's commitment to enforcing planning control in the borough and its policies for achieving this**
- **To be clear on the complaints process as well as explaining what falls in and out of the council's planning enforcement powers**
- **To explain how the planning enforcement process works and to set out what residents can expect if they submit a planning enforcement complaint to the council**
- **To explain what you should do if you are the subject of an enforcement complaint**

The legal basis for the planning enforcement policy

Planning legislation empowers the council to control and manage development and use of land and buildings in the public interest. These powers are set out in the Town and Country Planning Act 1990 (as amended), which defines what can be considered as 'development' and sets out the processes for enforcing against unauthorised development. The Act defines a breach of planning control as:

"the carrying out of a development without the required planning permission, or failing to comply with any condition or limitation subject to which planning permission has been granted."

The Act is supported by the National Planning Policy Framework, adopted by Government in 2012, which provides guidance to Local Authorities in terms of how they should manage breaches of planning control and when enforcement action should be taken. Paragraph 207 of the Framework states the following:

"Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so."

Section 2 What can the planning enforcement team investigate under its powers?

Residents often report issues to the council which, although they relate to buildings or land, are not always covered under planning enforcement powers. Below is a guide to the complaints which can, and cannot, be investigated by planning enforcement. Where appropriate, the guide also includes contact details for the relevant council department which may be able to assist if the issue is not planning related.

Planning enforcement issues

- Works to **listed buildings**
- **Demolition** of buildings in a **Conservation Area** (and some buildings in other locations)
- Works to trees subject of a **Tree Preservation Order (TPO) or in a conservation area**
- **Building** without consent (i.e. extensions, outbuildings, fences, walls)
- **Change of use** of buildings or land
- **Advertisements** and signage
- **Non-compliance with conditions** attached to planning permissions
- **Not building in accordance with the approved plans** of planning permissions
- **Untidy land** where it affects the amenity of the area
- **Engineering operations**, such as raising of ground levels or earth bunds
- **Deliberate concealment** of unauthorised building works or changes of use

Non-planning enforcement issues

- **Internal works** to a non-listed building
- **Obstruction of a highway** or public right of way (these matters are dealt with by the police - dial 101)
- **Temporary structures/fencing** associated with building works
- **Parking caravans** on residential driveways or within the curtilage of domestic properties as long as they are incidental to the enjoyment of the property
- Running a business from home where the residential use remains the primary use and there is no adverse impact on residential amenity
- Boundary disputes, land ownership disputes or trespass issues (these must be raised with the people involved or failing that, through a solicitor)
- Covenants imposed on **property deeds** (these must be raised with the people involved or failing that through a solicitor)
- Any development or works that are **exempt from planning** controls under the Town and Country Planning (General Permitted Development) Order 2015 or by any Local Development Orders. Check this here:

www.planningportal.co.uk/info/200125/do_you_need_permission

www.dudley.gov.uk/resident/planning/planning-services/local-development-order/

- **Advertisements which do not require advertising consent** under the Town and Country Planning (Control of Advertisements, England) Regulations 2007. A booklet providing guidance on this can be found here:
<https://www.gov.uk/government/publications/outdoor-advertisements-and-signs-a-guide-for-advertisers>
- **Dangerous structures or other health and safety issues** (these must be raised with the council's dangerous structures team on 0300 555 2345)
- Activity at a neighbouring site which the complainant feels could **devalue their property**
- **Unsociable working hours** or practices on building sites (e.g. noise or dust from building work)
- Issues relating to **party walls**. A booklet providing guidance on party wall matters can be found here:
www.gov.uk/guidance/party-wall-etc-act-1996-guidance

Section 3 How can residents report a planning enforcement issue to the council?

Once you have checked to make sure there is a planning breach, in order for the planning enforcement team to investigate your complaint you will need to submit a planning enforcement enquiry form. This is necessary in order for us to obtain a full picture of the situation and avoid allocating resources to enquiries which cannot be taken further.

You can obtain an enquiry form by:

- Visiting www.dudley.gov.uk/resident/planning/planning-services/planning-enforcement/
- Emailing planning.enforcement@dudley.gov.uk
- Calling **01384 814136**
- Writing to Planning Enforcement, Council House, Priory Road, Dudley, West Midlands DY1 1HF
- Asking for a form in person at 4 Ednam Road, Dudley, West Midlands DY1 1HL

Submit the completed enquiry form online, via email, in writing or in person using the details above.

PLEASE NOTE: Enquiries received without a completed enquiry form will be deemed invalid and will not be investigated.

All complainants are required to provide their full name and a postal address. Anonymous complaints and those made by telephone will not be investigated. This is to ensure that public resources are not spent unnecessarily investigating hoax or malicious complaints. It is also important that, should legal action become necessary in relation to a complaint, the council can state in court that the matter was reported by a local resident. All details provided by a complainant will always remain totally confidential, unless the information is required for use as evidence in court. If this does happen, the council will make all reasonable efforts to check with you before disclosing any information.

We may also need to contact you prior to any site inspection being carried out to look into your complaint, for the team to seek further information or clarification from you regarding the details of the alleged breach. This is because some development, particularly that which is carried out at domestic properties, is exempt from planning control as it qualifies as 'permitted development', meaning that planning permission is not required. It may therefore be the case that the development in question does not need permission and therefore cannot be enforced against. You are strongly advised, prior to submitting any enquiry, to check using the web links in Section 2, whether the particular development or activity which is causing you concern is exempt from planning permission.

PLEASE NOTE: the council will not investigate enquiries relating to matters which are outside of the remit of the planning system or where the development or activity qualifies as 'permitted development' and does not require planning permission.

Section 4 What happens when a valid complaint is received?

Upon receiving a valid complaint, the planning enforcement team will log the details and begin investigating as quickly as possible. Once the complaint has been confirmed as valid and has been logged, an acknowledgment letter will be sent out immediately. All registered complainants' details are kept confidential. The council will not disclose complainants' personal or contact details or any other information that could help identify the person who registered the enquiry, and will do everything possible to protect the anonymity of anyone who submits an enquiry, notwithstanding the advice in Section 3. This information will be held in full accordance with the provisions of the Data Protection Act 1998 and in accordance with the Freedom of Information Act 2000.

How we deal with different cases

The council understands that all issues raised with the planning enforcement team are very important to the person who has reported them, and that planning matters can cause major concern and often distress. As the council receives a large number of planning enforcement enquiries every year and has limited resources for investigating them the planning enforcement team has a system of prioritising complaints to make sure that the most serious or potentially dangerous issues are investigated most urgently.

Once a case has been assigned to a planning enforcement officer they will carry out an initial desk top assessment in order to establish the facts of the enquiry and to determine whether or not a site inspection will be necessary.

PLEASE NOTE: The council does not automatically visit every site which is the subject of an enforcement enquiry. A visit will be made only if it is necessary to further investigate the matter and establish the facts.

Priority system for planning enforcement investigations

Priority 1 (most urgent)

- Unauthorised works to listed buildings
- Unauthorised demolition of buildings in Conservation Areas
- Unauthorised felling of or works to trees protected by a Tree Preservation Order

(If an inspection is necessary, these sites will be visited on the day of receipt of a valid complaint if possible, or within one working day if not)

Priority 2

- Unauthorised development which could cause immediate serious harm to surrounding residents, businesses or members of the public (e.g. unauthorised changes of use resulting in noise or health or other pollution issues)
- Unauthorised development where prompt intervention by the council would reduce or prevent further harm being caused (e.g. unauthorised erection or conversion of buildings or serious breaches of planning conditions which are fundamental to the development)
- Minor unauthorised development and deviations from approved plans which are causing some harm to residents (e.g. extensions built larger than approved or with windows and doors in places different to shown on plans)

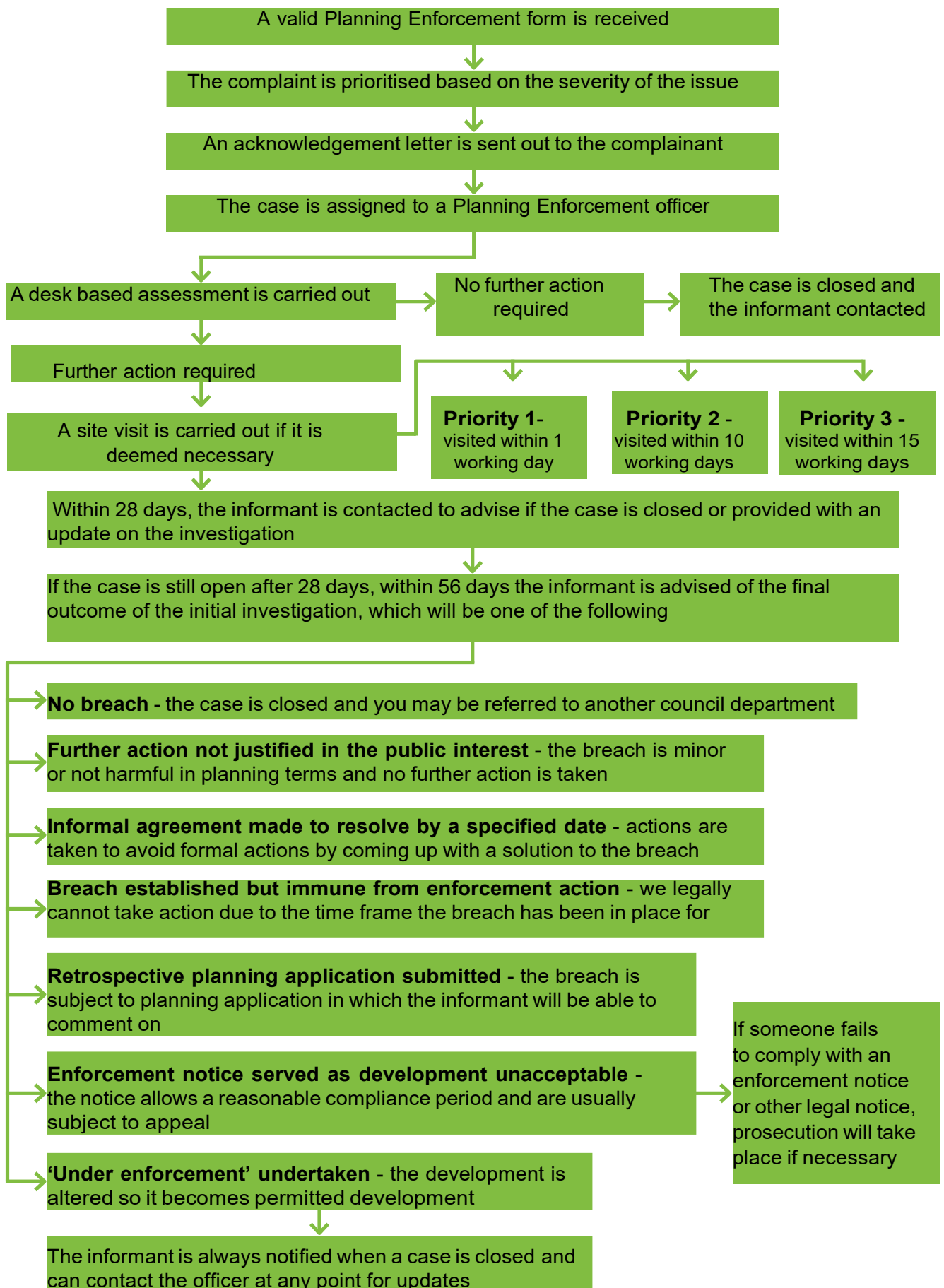
(If an inspection is necessary, these sites will be visited within 10 working days of receipt of valid complaint)

Priority 3

- Minor alterations which are not causing immediate harm but which may require permission, e.g. fencing, walls, advertisements, untidy sites
- Unauthorised development relating to existing residential dwellings, including extensions and alterations.
- Where buildings/structures are complete

(If an inspection is necessary, these sites will be visited within 15 working days of receipt of valid complaint)

Section 5 If a site visit is necessary, what happens after it has been carried out?



Once a site visit has been carried out to investigate an enquiry, the case officer will take the appropriate action to progress the matter. The case officer will be available throughout the investigation to respond to queries and phone calls and, as a minimum, will provide written responses to the complainant at certain points in the investigation (listed below).

It is important to note that, with the exception of works to listed buildings, works to protected trees, and the display of some advertisements, breaching planning control is not, in itself, an offence. The process of dealing with planning enforcement issues therefore requires time and, where appropriate, negotiation with the persons responsible. Formal action is taken as a last resort once all other attempts to resolve the issues have failed.

Following assessment and once appropriate course of action has been determined - a full response advising either that the case is closed and the reasons for this decision, or an update on the investigation up to that point and what is likely to happen with the case next. For example we may allow the defendant time to resolve the breach, allow the defendant time to submit an application, allow the defendant time to implement an agreed compromise or allow time for a formal enforcement notice to be served.

Upon closure, or progression to formal action - a further letter or email advising that the case has been closed or moved to the next stage for further formal action.

Possible outcomes of the investigation

- **No breach** - The investigation reveals that no breach of planning control has occurred
- **Further action not justified in the public interest** - The investigation reveals that there is a planning breach but that, in the council's judgment, it is minor in nature or is not harmful in planning terms
- **Informal agreement made with the landowner to resolve the matter by a specified date** - Planning legislation requires the council, where possible, to negotiate resolutions to planning breaches, thus avoiding formal action. If the investigation does reveal a planning breach, the council will seek, where possible, to negotiate with the responsible parties and agree an informal solution. This could mean, for example, allowing a landowner a set time period to tidy a piece of land, or to cease an unauthorised use. If these works to resolve or mitigate the breach are not undertaken within the requested period then formal action will be considered.
- **Breach established but now immune from enforcement action** - The investigation reveals that a planning breach has occurred, but that it has been occurring continuously for so long that it has now become immune from enforcement action. The complainant will receive confirmation of this, in writing, including an explanation of the legal circumstances relating to this type of planning breach. In cases relating to residential development or structures this period is normally four years. In other cases such as changes of use, advertisements and breaches of planning conditions, it is normally two years
- **Retrospective planning application submitted** - Where the investigation reveals that a planning breach has taken place, the landowner is entitled, should they wish, to submit a retrospective planning application seeking consent to retain the structure or continue the use. This means that the development will be subject to the planning application process and assessed against planning policies, taking into consideration the views of local residents. The planning team will advise the complainant of this in writing and provide the relevant details so that the complainant can submit any comments they may have regarding the development for

consideration during the application (the contents of the enforcement investigation file will not be carried over to that of the planning application as this is a public document). If the unauthorised development is deemed unacceptable, the council will not automatically invite a retrospective application, but will act to cease the unauthorised development within a reasonable timeframe. If a retrospective application is not received within the requested period then formal action through will be considered

- **Enforcement Notice served because development deemed to be unacceptable** - In cases where the investigation reveals that a planning breach has occurred, and where the council is of the view that the development is clearly not acceptable and that harm can be demonstrated, it will if necessary serve a Planning Enforcement Notice on the responsible parties. In serving a notice the council is again required to allow a reasonable compliance period, and notices are usually subject to an appeal process. There are various enforcement notices which the council is able to serve if negotiation is not possible. If an enforcement notice is served, the case officer will explain to the enquirer which type of notice is being served and how it works (the formal process for the service of notices can be viewed here <http://www.dudley.gov.uk/resident/planning/planning-services/planning-enforcement-/types-of-enforcement-notices/>)
- **'Under-enforcement' undertaken** - In instances where unauthorised development has occurred which is unacceptable, but could be made acceptable by an alteration or a change in operation, the council is required by planning legislation to seek to 'under-enforce'. This means that the council may not require an unauthorised development to be reversed entirely, but may require it to be altered in a way which makes it acceptable. For example, in a case where a wall was built too high but would be acceptable if its height were to be reduced, the council would require that it was reduced to the appropriate height, rather than forcing the builder to take it down altogether. Where possible, the council will seek to negotiate, using under-enforcement, to reach a resolution to a planning breach which is fair and reasonable to all parties. If the council agrees to under-enforce a planning breach by negotiating with the person responsible, the enquirer will be informed of the agreed solution and the reasoning behind it

In all cases the complainant will receive confirmation, in writing, explaining the outcome of the investigation and the reasons why this is the case. If further action is to be taken in relation to the subject of the complaint, the next steps will also be explained in this letter. If the issue can be investigated by another service within the council, the complainant will be referred to them for further attention.

Prosecutions

It is not an offence to carry out development without planning permission. However, failing to comply with a Planning Enforcement Notice or other legal notice issued by the council is an offence for which those responsible can be prosecuted. In cases where the council has served an enforcement notice and the persons responsible fail to comply by the set deadline, they will have committed an offence for which, if the council deems it to be in the public interest, will proceed with prosecution. In deciding whether or not to prosecute a person for failing to comply with an enforcement notice, the council will be mindful of the likelihood of any prosecution being successful, and whether or not it represents a responsible use of public resources.

In determining whether prosecution action is appropriate the Local Planning Authority will have regard to the following:

Does the LPA have sufficient evidence?

- Is there sufficient evidence to provide a realistic prospect of conviction on each charge?
- Consider what the defence case may be and how it is likely to affect the prospects of conviction.
- Can the evidence be used in court?
 - Could the evidence be excluded by the court?
 - Is the evidence reliable?
 - Is the identification of the defendant reliable?
 - Are the witnesses reliable and credible?

Is prosecution in the public interest?

Examples of public interest may be:

- Conviction likely to result in a significant sentence
- The offence was pre-meditated
- Prosecution would have a significant positive impact on maintaining community confidence in planning
- There are grounds for believing that the offence is likely to continue or be repeated
- There are previous relevant previous convictions or simple cautions
- The offence was committed in order to facilitate more serious offending
- Advantage was taken of a vulnerable victim

Common public interest factors tending against prosecution:

- The court is likely to impose a nominal penalty
- The seriousness and consequences of the offence can be dealt with by a simple caution
- Offence was committed as a result of a genuine mistake or misunderstanding (balanced against seriousness)
- Loss/harm is minor and result of single incident
- Defendant has put right the loss or harm
- Long delay between offence and report/trial (with exceptions)
- Prosecution will be likely to have serious consequences on a victims health
- Defendant suffering from significant mental or physical ill health (balanced against seriousness and risk of offence being repeated)

Section 6 What should I do if someone makes a complaint against me?

The council recognises the anxiety that is caused by finding out that someone has complained about alleged development or activity on your property. It is therefore important to us to make sure that people or companies who are the subject of the planning enforcement complaints are treated fairly and given the opportunity as part of the investigation to explain the situation from their perspective.

If you have received a visit or a letter from an enforcement officer explaining that a complaint has been made against you:

DO make contact with the council at the earliest opportunity to discuss the complaint, whether this is by responding to a letter or holding a meeting with the enforcement officer at the site. In many cases a short meeting with the enforcement officer, or even a telephone conversation, can be sufficient to clear up whether or not a planning breach has occurred and whether or not enforcement action will be required. If you make contact with the planning enforcement team early on, they will be able to:

- **Confirm whether or not a planning breach has occurred** and whether or not further action will be necessary on your part in order to resolve the matter
- **Advise** you on the next steps in the investigation, whether that be:
 - Inviting you to submit a retrospective planning application seeking permission for the development/activity which has taken place
 - Negotiating a solution with you to address the problem in a way that is fair both to you and to the complainant. This could mean reducing the scale of development or activity, altering or reconfiguring it, or relocating it
 - Requesting that you reverse the unauthorised development or cease the unauthorised activity within a reasonable timeframe

Planning enforcement officers will always seek, where possible, to agree a negotiated solution to an issue rather than pursue formal action. It is therefore in your interests, should a complaint be made against you, to co-operate with the enforcement team and to make sure that the investigating officer is aware of your perspective and has the fullest possible information available to them. This will enable them to give you the clearest possible advice when handling the complaint in terms of what you need to do in order to avoid formal action and potentially prosecution. If a request is made to resolve or mitigate the breach, or for a retrospective application to be submitted the Local Planning Authority will provide a reasonable time scale to comply with this request. However, if the necessary actions are not undertaken then the Local Planning Authority will consider taking formal action to mitigate or resolve the breach.

DON'T ignore the issue and pretend that you aren't aware of the complaint. When the council receives a complaint from a member of the public it is obliged to carry out all necessary investigations to get to the bottom of it. The law provides the council with a series of tools in order to make sure this happens. This means that the matter will not 'go away' if you ignore the correspondence you have received regarding the complaint which has been made against you. If you do not engage with the council from the outset to address the matter, one of the following will be likely to happen:

- A **Planning Contravention Notice** will be issued requiring you to answer a series of questions

regarding the complaint. Failure to respond to such a notice and provide the requested information is an offence which you will be prosecuted for if necessary

- The council will use its **powers of entry** to access the site of the alleged planning issue and investigate further. Obstructing an officer who needs to gain access to investigate a complaint is also an offence
- You will be called to an **interview** under conditions set out in the Police and Criminal Evidence Act. The interview will be carried out **under caution**, meaning that your responses will be recorded and potentially used against you as evidence in court if prosecution proceedings are necessary
- If the council has reason to believe that development or activity is taking place which requires planning permission, it has the right to serve various types of **enforcement notices** upon you without further notice. Again, failure to comply with an enforcement notice is an offence. Any person prosecuted for failing to comply with a Planning Enforcement Notice faces an unlimited fine upon conviction, and is also liable for the full costs incurred by the council in bringing the matter to court. It is therefore in your interests, should a complaint be made about you, to engage with the council early on in order to avoid this

Section 7 What should I do if I am not satisfied with the way the case was managed?

If, having received the council's final response to your enforcement enquiry, you are dissatisfied with the way the investigation has been managed (rather than being unhappy with the outcome if it has been decided that no action can be taken), you should, in the first instance, raise these concerns with the relevant manager within the planning service. If, having done that, you are still dissatisfied with the team's handling of your enquiry; you may submit a complaint using the council's corporate procedure which is three stages.

Corporate complaints can be submitted by clicking <http://www.dudley.gov.uk/community/directorates/contact-us/compliments-comments-complaints/>, or by contacting Dudley Council Plus on **0300 555 2345**.

If, having received the council's final response to your complaint, you are still not satisfied with the outcome; you can refer the matter to the Local Government Ombudsman via www.lgo.org.uk/make-a-complaint

Please note The Ombudsman will not investigate any complaint until the complainant has first followed the council's own corporate complaints procedure and sought resolution directly with the council in the first instance.

Section 8 Review and monitoring of this plan

In formulating this plan the council recognises the need to make sure that it is reviewed periodically and updated as necessary to ensure that it remains fit for purpose in the future. The planning department will therefore undertake a review of the plan every two years and submit any proposed amendments or updates to Development Control Committee for consideration and endorsement on that basis. The first review of this plan will be carried out in early 2019, and will be reported to the Development Control Committee shortly afterwards.

It is also considered important that the Development Control Committee is kept informed of officers' ongoing activities and performance in respect of planning enforcement matters. In this regard, a quarterly monitoring report will be submitted to the committee for information, containing the following data:

- Number of planning enforcement enquiries received
- Number of valid enquiries investigated
- Number of enforcement notices served (including Section 215 'tidy up' notices)
- Number of prosecutions concluded
- Number of cases resolved
- Number of appeals determined

Finally, as and when appropriate officers submit to the Development Control Committee, individual reports relating to enforcement cases either where the view of the committee is sought regarding a proposed course of action, or where specific cases arise which are considered to be of wider interest to members, or where members have requested that the issue is reported to the committee.

1. Basic details

Please note: All parts of this section **must** be completed in order for the enquiry to be registered as valid. Photographs must be attached. All details are kept confidential and are used to keep you up to date on the progress of the application.

A. Declaration	E. Type of Complaint			
<p>I can confirm that I have read the 'Dudley Planning Enforcement Plan' and checked that this is a valid planning enforcement complaint</p> <p>Signature:</p>	<p>Please tick any of the following which are relevant to the complaint. If your complaint does not appear on this list please refer to the 'Planning Enforcement Plan' which lists what can be investigated as an enforcement complaint</p>			
B. Your contact details	<p>i. Adverts Please go to section 2A & 2J</p> <p>ii. Change of use Please go to section 2B & 2J</p> <p>iii. Commercial Please go to section 2C & 2J</p> <p>iv. House extensions Please go to section 2D & 2J</p> <p>v. Walls and Fencing Please go to section 2E & 2J</p> <p>vi. Heritage and listed buildings Please go to section 2F & 2J</p> <p>vii. Breach of planning conditions Please go to section 2G & 2J</p> <p>viii. Works on a protected tree Please go to section 2H & 2J</p> <p>ix. Untidy site Please go to section 2I & 2J</p> <p>x. Other (please specify)</p>			
<p>Name:</p> <p>Address:</p> <p>Postcode:</p> <p>Our preferred method of communication is via email which must be provided where possible</p> <p>Email:</p> <p>Telephone:</p> <p>Mobile:</p>	<p>Please note if your complaint is not listed and you have checked the enforcement plan to ensure that it is a valid complaint you will need to read each section and answer only those which are relevant</p>			
C. Site of breach				
<p>Business name (if applicable):</p> <p>Full address:</p> <p>Postcode:</p> <p>If the full address is not known you will need to attach a plan to show the exact location. This can be a 'Google map' with road names included for identification purposes.</p>				
D. Time				
<p>Please clarify when the building was erected or the activity commenced. If this is unknown please select when you first noticed the breach.</p> <table border="0"> <tr> <td>Less than 4 years</td> <td>Between 4- 10 years</td> <td>More than 10 years</td> </tr> </table>	Less than 4 years	Between 4- 10 years	More than 10 years	
Less than 4 years	Between 4- 10 years	More than 10 years		

Please only answer questions in this section as directed to in section 1E.

A. Signage and advertisements

- i. Is the sign attached to a building?
- Yes No
- ii. Is the sign illuminated?
- Yes No
- iii. Does the sign flash?
- Yes No
- iv. Is the sign new or a replacement of an existing sign?
- New Replacement
- v. Does the sign relate to a business or activity which takes place on the site or elsewhere?
- On site Elsewhere

For more information on what is permitted development for adverts and signs please refer to the following links:

https://www.planningportal.co.uk/info/200130/common_projects/4/adverts_and_signs

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11499/326679.pdf

B. Change of use

- i. What was the use of the site before the breach (most recent if the site was not in use)
- ii. What is the current use

B. Change of use (continued)

- iii. As part of the new use have there been any external changes to the building or site (e.g. doors, windows, flues, roller shutters or access arrangements)?

Yes No

If yes, please describe the changes.

For more information on use classes and what are permitted change of uses please refer to the following links:

https://www.planningportal.co.uk/info/200130/common_projects/9/change_of_use

https://www.planningportal.co.uk/info/200130/common_projects/9/change_of_use/2

<http://www.dudley.gov.uk/resident/planning/planning-services/local-development-order/>

C. Commercial

- i. Where on the building is the breach?
- ii. Does the breach relate to a planning application
- Yes No
- iii. If yes please provide the planning application number

D. House Extensions

i. Is the development attached to the main dwelling (e.g. extension) or detached (e.g. outbuilding)?

Attached

Detached

ii. Where is the development in relation to the main dwelling?

Front

Back

Side

Garden

iii. What type of property is the dwelling?

Detached

Semi-detached

Terrace

Flat

iv. In the case of single storey rear extensions, how far does the extension project:

More than 3m

More than 4m

For more information on what is permitted development for householder development please see the following links:

https://www.planningportal.co.uk/info/200130/common_projects/17/extensions

https://www.planningportal.co.uk/info/200130/common_projects/43/outbuildings

https://www.planningportal.co.uk/info/200130/common_projects/36/loft_conversion

E. Walls and Fencing

i. How tall is the wall/fencing?

metres

ii. What is the wall/fencing made out of?

iii. How far is the wall/fencing from the nearest highway and/or pavement?

Less than 2m

More than 2m

iv. Is the wall/fencing new or a replacement?

New

Replacement

E. Walls and Fencing (continued)

For more information on what is permitted development for walls and fencing please see the following link:

https://www.planningportal.co.uk/info/200130/common_projects/20/fences_gates_and_garden_walls

F. Heritage Sites

i. What development has taken place on the site?

ii. What heritage status does the building or site have (please note this question must be answered to validate the application)

For more information on heritage sites and to find out the heritage status please see the following links:

<http://www.dudley.gov.uk/resident/planning/hi-storic-environment/>

<http://www.dudley.gov.uk/resident/planning/planning-policy/local-plan/devstrat/>

G. Breach of Planning conditions

(please note answers to both of these are required in order to validate the application).

i. Please provide the reference number for the planning permission the breach is in relation to

ii. Please provide the number(s) of the condition(s) being breached

You can search for a planning application reference number via the following link. You will find the decision notice in the documents section which will show the conditions.

<http://www.dudley.gov.uk/resident/planning/planning-services/search-for-a-planning-application/>

H. Works on a protected tree

- i. Describe nature of works undertaken:
- ii. Where is the tree located within the property?
- | | | |
|-------|------|--------|
| Front | Back | Street |
|-------|------|--------|
- iii. When were the works undertaken?
- iv. Who instructed the works (if known)?

I. Untidy site

- v. Is the site publicly visible (i.e. can it be seen from the street)?
- | | |
|-----|----|
| Yes | No |
|-----|----|
- vi. Is the site a building site or is building due to commence on it?
- | | |
|-----|----|
| Yes | No |
|-----|----|
- vii. Is there planning permission on the site (within the last three years)?
- | | |
|-----|----|
| Yes | No |
|-----|----|
- v. If yes please provide the application reference
- vi. Please provide details of what is making the site untidy (e.g. fly tipping, overgrown, poorly maintained buildings)

J. Further information

- i. Please explain how the development has affected you (e.g. blocking light, noise, disturbance)
- ii. Please provide any additional information which you feel is relevant or will help the council investigate your complaint (e.g. dimensions of a structure, information on land levels, details of opening hours, name of person responsible)

Email a copy of this form together with any supporting photos to development.control@dudley.gov.uk
Your complaint will not be validated without them.