



Meeting of the Planning Committee

**Wednesday, 12th, October at 6.00pm
in Committee Room 2
at the Council House, Priory Road, Dudley**

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

1. Chair's Announcement.

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

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

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

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

2. Apologies for absence

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



4. To receive any declarations of interest under the Members' Code of Conduct
5. To confirm and sign the minutes of the meeting held on 12th September 2022 as a correct record (Pages 5 – 14)
6. Site Visit
 - (a) Planning Application No. P22/0727 – Wood & Moore Builders Merchants, Wallows Road, Brockmoor, Brierley Hill – Demolition of existing builders merchants yard and erection of 30 no. dwellings with associated works (Pages 15 – 45)
7. Plans and Applications to Develop
 - (a) Planning Application No. P22/0710 – Fiddlers Arms, 16 Straits Road, Lower Gornal, Dudley – Demolition of existing public house and erection of 9 no. dwellings (Pages 46 – 70)
 - (b) Planning Application No. P22/0960 – 241 Collis Street, Amblecote, Stourbridge – Conversion of 1 no. dwelling into 2 no. apartments and ancillary works including creation of new vehicular access (Pages 71 – 84)
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).

Distribution:

Councillor D Harley (Chair)

Councillor A Goddard (Vice-Chair)

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



Chief Executive

Dated: 30th September, 2022



To continue to protect vulnerable people, you are asked to note the following information when attending meetings:-

- Do not attend if you feel unwell; if you have tested positive for Covid-19; if you are self-isolating or if you suspect that you are symptomatic.
- Windows/doors will be opened to provide adequate ventilation.
- Sanitise your hands when arriving and leaving the building and wash your hands regularly.
- Hand sanitiser and antibacterial wipes are available at various locations.
- People suffering from long term conditions or living with vulnerable people are encouraged to wear face masks in meeting rooms, communal areas and when moving around the building. Surgical masks are available at reception.
- All people are encouraged to be vaccinated to limit any potential ill-health effects.
- Be respectful of everyone's personal space and preferences when you attend meetings.
- If you cannot maintain distancing or in a crowded environment, please wear a mask

Public Gallery

- Seating in the public gallery is subject to limits on capacity and will be allocated on a 'first come' basis.

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).

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

If you are reading these documents on an electronic device, you have saved the Council £7.00 (on average) per printed agenda and helped reduce the Council's carbon footprint



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

Present:

Councillor D Harley (Chair)
Councillor A Goddard (Vice-Chair)
Councillors H Bills, D Corfield, P Drake, P Miller, W Sullivan, E Taylor and M Westwood.

Officers:

K Lowe (Principal Planning Officer), P Reed (Principal Planning Officer), R Bennett (Planning Officer), I Hunt (Project Engineer) (Directorate of Regeneration and Enterprise); I Grove (Principal Environmental Health Officer) (Directorate of Public Health and Wellbeing), G Breakwell (Solicitor) and H Mills (Democratic Services Officer) (Directorate of Finance and Legal).

Observers:

Approximately 10 members of public

17. Minute Silence

As a mark of respect, the Committee and all in attendance, observed a minute silence following the death of Her late Majesty Queen Elizabeth II.

18. Declarations of Interest

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



19. **Minutes**

Resolved

That the minutes of the meeting held on 13th July, 2022, be approved as a correct record and signed.

20. **Site Visit**

Consideration was given to the following planning application in respect of which Members of the Committee had undertaken a site visit earlier that day.

Planning Application No. P22/0546 – Land at Westminister Industrial Estate, Cradley Road, Netherton – Change of use from vacant land to open storage (B8) for temporary use (retrospective)

Resolved

That the application be approved subject to conditions numbered 2 to 4 and 6 (inclusive), as set out in the report submitted and amended conditions numbered 1 and 5, and additional condition numbered 7, as outlined below:-

1. The development hereby permitted shall be carried out in accordance with the following approved plans: PA-01 Rev A and RCA/WIE/001 Rev C.
5. No materials or goods shall be stored, stacked or deposited to a height exceeding 2 metres adjacent to the residential boundaries of the site (north-east) and 3 metres in any other location.

7. Within one month of the date of this approval, details of the continuous acoustic barrier constructed along the north eastern curtilage of the site, of minimum height of 2 metres measured from the ground level and minimum surface density of 10kg/m², shall be submitted to and approved in writing by the Local Planning Authority. Within one month of the approval of the details of the acoustic barrier shall be installed in full accordance with the approved details and shall be maintained and retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

21. **Change in Order of Business**

Pursuant to Council Procedure Rule 1(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.

22. **Plans and Applications to Develop**

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

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

| <u>Application No.</u> | <u>Objectors/Supporters who wished to speak</u> | <u>Agent/Applicant who wished to speak</u> |
|-------------------------------|--|---|
|-------------------------------|--|---|

| | | |
|----------|--|----------|
| P22/0727 | C Boyman (Objector) Councillor J Foster - Ward Councillor (Objector) Councillor R Collins - Ward Councillor (Supporter) | S Dudley |
| P22/0596 | R Hopkins (Objector) | S Clark |
| P22/0937 | P Langford (Objector) Councillor J Cowell (Objector) | J Kaur |

(a) **Planning Application No. P22/0727 – Wood and Moore Builders Merchants, Wallows Road, Brockmoor, Brierley Hill – Demolition of existing builders merchants yard and erection of 30 no. dwellings with associated works.**

In considering the application, Members took account of the objections raised by a local Ward Councillor and residents in relation to the loss of green space for residents, in particular those who lived in Planet Road; an increase in traffic and parking issues in an already congested area; the loss of privacy to residents of Planet Road, as well as the concerns raised with regards to security, anti-social behaviour and increased drug activity, that was envisaged would occur should the proposal be approved.

The Committee were also mindful of the supporting comments made by the applicant's representative and local Ward Councillor in that the developer had been proactive in their approach and had made numerous revisions to the application prior to submission, to ensure that the application was policy compliant. It was emphasised that the proposed site was brownfield land and therefore considered appropriate for housing development.

In view of all the comments and the suggestion from all parties that Members visit the site prior to a decision being made, it was

Resolved

That the application be deferred for a site visit.

(b) **Planning Application No. P22/0596 – 161 Lower High Street, Stourbridge – Change of use of basement and ground floor from retail (E) to drinking establishment (sui generis)**

In presenting the planning application, the Committee were advised that the application had been submitted by an Elected Member, and as the neighbour consultation period did not expire until 17th September, 2022, should the Committee be minded to approve the application, it was recommended for the decision to be delegated to the Head of Planning, subject to any further additional material planning matters being received.

(In accordance with Paragraph 3 of the Code of Practice for Members and Officers dealing with Planning Matters, S Clark, following his public speaking address, withdrew from the meeting whilst the Committee considered the proposal)

The Committee considered the objections raised by a local resident in relation to the impact the application would have on the residential amenity of Lower High Street, which was considered to be predominately residential and much quieter than the High Street. Members took account of the concerns raised in relation to noise nuisance, particularly as there was no dedicated outdoor smoking area and the proximity of the premises to residents, as well as the concerns in relation to anti-social behaviour and increased crime activity.

Members, however, were mindful that no objections at this stage had been presented by West Midlands Police and that there were other licensed premises within close proximity to the site, suggesting there to be a mix of residential and retail within Lower High Street.

Resolved

That the Head of Planning be authorised to approve the application, subject to conditions numbered 1 to 5 (inclusive), as set out in the report submitted, provided that no further additional material planning matters are received from any objectors within the consultation period, which expires on 17th September, 2022.

(c) **Planning Application No. P22/0937 – Garage site adjacent 15 Belle Vue Road, Quarry Bank, Dudley – Demolition of existing garages and erection of 2 no. dwellings with associated works (Resubmission of P22/0391)**

In considering the application, Members took into account the objections raised by a local Ward Councillor and residents, in that the proposed development would overlook and impact upon the loss of privacy for residents who lived in Birch Coppice; that Belle Vue Road was a narrow road, which lacked turning space and already had limited on-street parking for visitors, which would worsen should the development be approved; the proposed dwellings would not be comparable to the character of the surrounding area and concerns in relation to the maintenance and stability of the 8ft retaining wall, which was of a poor state of repair.

Members were mindful of the concerns raised with regard to the condition and stability of the existing retaining wall, which residents had reported to be leaning. P Reed, Principal Planning Officer advised that planning condition numbered 22, as outlined in the report, stated that no development should commence until details of the existing highway retaining structures had been approved by the Local Planning Authority. Whilst the condition did not directly refer to the retaining wall, the condition could be amended to that effect.

Members were of the view that should the application be approved, it was vital that the retaining wall was repaired or replaced to ensure stability and to avoid any detrimental impact to the premises below. It was also suggested that the wall be covered/screened in an appropriate manner, to ensure that it was not unsightly for local residents.

Resolved

That the application be approved, subject to conditions numbered 1 to 21, 23 to 24 (inclusive) and amended condition numbered 22 as outlined below:-

22. No development shall be commenced (excluding demolition, site clearance and initial ground investigation works) until details of the existing and proposed highway retaining structures and rear retaining walls, including design, materials, sections and calculations to prove the structure is capable of supporting likely future loadings and works to ensure the structure may sustain the future loadings and is of an appropriate appearance 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.

(d) **Planning Application No. P21/0912 – Former Coseley Baths, Pear Tree Lane, Coseley – Erection of 34 no. dwellings with associated works.**

(At this juncture, Councillor P Drake declared a non-pecuniary interest in relation to the application, as he had made representations as a Ward Councillor, and therefore withdrew from the meeting and had no involvement in the determination of the application.)

Resolved

That the application be approved, subject to:-

- (1) The applicant entering into a Section 106 Legal Agreement to provide affordable dwelling units within the development and the education contributions, with powers delegated to the Director of Regeneration and Enterprise to add, remove or revise such conditions, as necessary.
- (2) That in the event the Section 106 Agreement has not been completed within six months of the resolution to grant approval, the application be refused, if appropriate.
- (3) Conditions numbered 1 to 42 (inclusive), as set out in the report submitted.

-
- (e) **Planning Application No. P22/0265 – Land Adjacent to 22 High Street, Wordsley – Erection of a three storey building consisting of 6 No. apartments with associated car parking and works**

Resolved

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

- (f) **Planning Application No. P22/0672 – Dudley Bus Station, Dudley Town Centre, East of Castle Street and West of Duncan Edwards Street, Dudley – Demolition of existing Bus Station buildings and shelters, Co-Operative/Farmfoods building, 3 Birmingham Street, the warehouse in the rear grounds of 3 Birmingham Street. Construction of a new Transport Interchange and associated works. Realignment of St Joseph's Street with associated highway and junction works, including new footways and cycleways. Provision of soft and hard landscaping, with new car parking on the site of 3 Birmingham Street and to the side/rear of Our Blessed Land and St Thomas of Canterbury RC Church**

Resolved

That the application be approved, subject to:-

- (1) The developer being invited to make an application to the Secretary of State for an Order under Section 247 of the Town and Country Planning Act 1990 (as amended) based on Plan D056 Rev E to allow the development to take place. The developer shall pay the full costs of the Order. The new and improved highways shall be supervised by the Council and be maintainable at public expense.
 - (2) Conditions numbered 1 to 35 (inclusive), as set out in the report submitted.
-

23. Recommendations for Article 4 Direction for Houses in Multiple Occupation (HMO)



A report of the Director of Regeneration and Enterprise was submitted on the decision agreed by Cabinet in June 2022 in relation to a Borough wide Article 4 direction for Houses in Multiple Occupation (HMO) and the necessary consultation.

K Lowe, Principal Planning Officer, presented the report in detail and in doing so confirmed that following a motion at Council on 11th October, 2021, the Cabinet, at its meeting on 27th June, 2022, authorised the Director of Regeneration and Enterprise to prepare a non-immediate Article 4 direction, which would be applied Borough-wide, to remove the permitted development rights for change of use of dwelling houses (C3) to small houses in multiple occupation (C4).

It was reported that, subject to the Committees approval, notice of the Article 4 direction would be published in the local newspaper and displayed at sites within Dudley, Stourbridge and Halesowen Town Centres, as well as at district centres. All HMO agents who had submitted an application within the last two years and those on the Planning database would also be consulted. It was anticipated that the consultation period would commence on 15th September, 2022 and run for a period of six weeks, closing on 31st October, 2022. The Article 4 direction, however, would not be confirmed or become effective until September, 2023, to eliminate the likelihood of payable compensation to affected landowners.

Resolved

- (1) That the decision of the Cabinet, at its meeting on 27th June, 2022, for the Director of Regeneration and Enterprise to be authorised to prepare a non-immediate Article 4 direction, to be applied to the Council's administrative area (borough wide) to remove Permitted Development Rights for the change of use of dwelling houses (C3) to small houses in multiple occupation (C4), be noted and endorsed.
- (2) That notice of the Article 4 direction, be published for a period of at least six weeks, to allow members of the public to submit comments on the proposal.
- (3) That a further report, following completion of the representation period, be submitted to a future meeting of the Planning Committee.

- (4) That the Article 4 notice will not be confirmed until 12 months after the first notice has been made.
-

The meeting ended at 7.35pm.

CHAIR



PLANNING APPLICATION NUMBER: P22/0727

| | |
|-------------------------|--|
| Type of approval sought | Full Planning Permission |
| Ward | Brockmoor and Pensnett Ward |
| Agent | Mr S. Dudley, SJD Architects & Developments Ltd |
| Case Officer | James Mead |
| Location: | WOOD & MOORE BUILDERS MERCHANTS, WALLOWS ROAD, BROCKMOOR, BRIERLEY HILL, DY5 1HQ |
| Proposal | DEMOLITION OF EXISTING BUILDERS MERCHANTS YARD AND ERECTION OF 30 NO. DWELLINGS WITH ASSOCIATED WORKS |
| Recommendation Summary: | APPROVE SUBJECT TO CONDITIONS |

SITE & SURROUNDINGS

1. The site is currently occupied by Wood & Moore Ltd, a builder's merchant, who currently utilise the site for the storage of building materials across the external areas, and within buildings that remain on the site.

2. The application site is currently accessed off Wallows Road. Opposite the entrance to the site is a large retail warehouse (Wickes), with a 'Locally Listed' Public House (The Blue Brick) situated to the Eastern corner of the site. The building at the entrance is a former public house, in poor condition that is now used as an office for the business along with storage and sale of goods.

3. The site is triangular in shape, relatively flat and predominantly hard standing with areas of scrubland and self-seeded vegetation to the long narrow extension to the South-West, parallel to the railway cutting present along the South-Eastern boundary which provides access to the Round Oak Steel Terminal which is solely for freight. Beyond this, are some commercial uses including Brierley Hill Fire Station.

4. Adjoining the North Western boundary of the site are the rear gardens of properties fronting onto Planet Road. A small area of low quality, unsupervised green space is

currently accessed from Planet Road is located within the centre of the application site.

5. The surrounding area is mixed residential, retail and commercial in character. The site is approximately 0.78 hectares and is located within close proximity of Brierley Hill Town Centre.
6. The site is located within Regeneration Corridor 11a (Dudley Town Centre to Brierley Hill) as set out within the Dudley Borough Development Strategy.

PROPOSAL

7. The application proposes the demolition of the existing buildings on the site and the erection of 30no. dwellings and associated works. All new dwellings would be two storeys, as would the two blocks of flats. The applicant proposed a 100% affordable housing scheme.
8. The accommodation mix is as follows;
 - 8no x 1 bed flats
 - 15 x 2 bed houses
 - 7 x 3 bed houses
9. Plots 1 – 26 would take the form of a new cul-de-sac with vehicular and pedestrian access and egress from Wallows Road, providing perimeter block development with properties on Planet Road; frontage properties facing Wallows Road and flatted development and housing set around the turning head. There would be a new private vehicular access off Planet Road serving three new dwellings and one new dwelling fronting Planet Road.
10. Internally, each dwelling would be provided with living room/dining room; kitchen and WC on the ground floor, with 2 or 3 bedrooms and bathroom at first floor. All eight flats would have open plan lounge/dining area with one bedroom and bathroom. All houses would be provided with 2 or 3 off street parking spaces and

private gardens to the rear. The flats would be provided with some communal green space and at least one car parking space

11. The proposed dwellings would be finished in facing brickwork with areas of render with tile roofs, with an eclectic mix of materials.
12. Site area is 0.78 hectares, density 44 dwellings/hectare.

HISTORY

13. Planning history for this site relates predominately to the use of the site as a builder's yard. With permission for the use dating back to the 1950's. The most recent application is as follows.

| APPLICATION | PROPOSAL | DECISION | DATE |
|-------------|--|--------------------------|------------|
| P16/1745 | Demolition of three outbuildings and partial demolition of workshop and erection of new storage building to link to existing storage building. | Approved with conditions | 08/02/2017 |

PUBLIC CONSULTATION

14. Letters of notification were sent to thirty adjacent and nearby occupiers; a site notice was posted and an advertisement was placed in the Express and Star Newspaper with the final dates for comments being 5th July 2022.
15. Councillor Judy Foster (Brockmoor and Pensnett) objects to the proposal stating;

"In support of my constituents, I wish to place on record my objection to the above planning application. Whilst in principle I support the supply of additional affordable housing in the borough, I consider there are serious problems with this particular

application which will have a significant impact on the quality of life of existing residents, especially those who live in Planet Road.

These are as follows;

- Loss of green space to the rear of houses 11- 16 Planet Road. Potential loss of established trees and natural habitats through the relocation of green space which is currently used regularly by local people and which is currently in a safer and more central location than the proposed location of the new green space.*
- Vehicular and pedestrian access from the proposed development to Planet Road leading to additional traffic which will create additional noise and traffic movements in an already narrow street.*
- Parking - there is already limited parking due to many households in Planet Road not having their own off-road parking and so relying on on-street parking. The new development appears to have insufficient parking when potential numbers of cars per household and their visitors are taken into consideration, thereby potentially pushing the problem into Planet Road.*
- Proximity of new buildings to existing homes in Planet Road and loss of privacy.*

I am aware that you have already received representations from residents in the form of a letter and petition. I would be prepared to speak at Planning Committee should this application now go before it. I would also be strongly advising Planning Committee members to visit the site before coming to a final decision”

16. In addition to the above, 10 individual letters of objection and a petition containing 24 signatures mainly from residents on Planet Road were received, objecting to the application on the following grounds.

- The development would result in more on street parking on Planet Road.
- It would stop emergency vehicles from accessing Planet Road.
- It will increase footfall to the area.
- There is not enough parking in the area.

- Will increase noise in the area.
- Dwellings would be overbearing and over dominate surrounding properties.
- Not in keeping with the surrounding area.
- There will be an increase in overlooking.
- Loss of open space.

OTHER CONSULTATION

17. Head of Environmental Safety and Health.

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

18. Head of Planning (Highway Engineer):

Concerns have been raised with regards to some plots having remote parking; footpath and road widths; tracking of larger vehicles and parking for existing houses. Revised plans have been submitted to take on board many of the recommendations of the Highways Officer.

19. Land Contamination:

No adverse comments, safeguarding conditions are recommended.

20. LLFA

No comments received. Details of an appropriate sustainable drainage scheme are required and can be conditioned.

21. Strategic Housing

We are happy with the proposed tenure and property type/size mix.

22. Network Rail

After initial concerns were raised, Network Rail raise no objection to the application.

23. West Midlands Police

No objection raised.

24. Severn Trent
No objection subject to appropriate drainage conditions
25. Education
No education contribution sought for this development.
26. Black Country & West Birmingham Clinical Commissioning Group
A contribution towards local healthcare infrastructure is requested.

RELEVANT PLANNING POLICY

27. National Planning Guidance
- National Planning Policy Framework (2021)
 - Technical Guidance to the National Planning Policy Framework (2012)
 - Planning Practice Guidance (2014)
 - Community Infrastructure Levy Regulations (as amended) (2014)
28. Black Country Core Strategy (2011)
- DEL1 Infrastructure Provision
 - DEL 2 Managing the balance between employment land and housing
 - CSP1 The Growth Network
 - CSP4 Place Making
 - HOU1 Delivering Sustainable Housing Growth
 - HOU2 Housing Density, Type and Accessibility
 - HOU3 Delivering Affordable Housing
 - TRAN2 Managing Transport Impacts of New Development
 - ENV1 Nature Conservation
 - ENV2 Historic Character and Local Distinctiveness
 - ENV3 Design Quality
 - ENV5 Flood Risk, Sustainable Drainage and Urban Heat Islands
 - ENV7 Renewable Energy
 - ENV 8 Air Quality

29. Dudley Borough Development Strategy (2017)

- S1 Presumption in favour of Sustainable Development
- S5 Minimising Flood Risk and Sustainable Drainage Systems
- S6 Urban Design
- L1 Housing Development, extensions and alterations to existing Dwellings
- L3 Provision of Affordable housing in New Developments
- L8 Protecting the Viability of Integrity of Industrial and Business Uses
- S19 Dudley Borough's Green Network
- S21 Nature Conservation Enhancement, Mitigation and Compensation
- S22 Mature Trees, Woodland and Ancient Woodland
- S17 Access and Impact of Development on the Transport Network
- Regeneration Corridor 11A

30. Supplementary Planning Guidance/Documents

- New Housing Development Supplementary Planning Document (2013)
- Parking Standards Supplementary Planning Document (2017)
- Planning Obligations SPD (2016)

ASSESSMENT

31. The main issues are

- Policy/Principle
- Design and Layout
- Neighbour and Occupier Amenity
- Noise and the Relationship with Adjoining Railway
- Access and Parking
- Nature Conservation/Trees
- Land Contamination
- Flood Risk and Drainage
- Renewable Energy
- Planning Obligations

- Financial Material Considerations

Policy/Principle

32. The National Planning Policy Framework (NPPF) seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF also seeks to boost housing supply and supports the delivery of a wide choice of high-quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
33. The Black Country Core Strategy adopted in 2011 sets out The Vision, Sustainability Principles and The Spatial Objectives for future development in the Black Country to 2026. One of the Spatial Objectives of the Strategy is to help to deliver sustainable communities on redundant land, that make the most of opportunities such as public transport, are well served by residential services and green infrastructure, have good walking, cycling and public transport links to retained employment areas and centres, are set in high quality natural and built environments and are well integrated with surrounding areas.
34. The Black Country Core Strategy (BCCS), Policy HOU1: 'Delivering Sustainable Housing Growth' also requires at least 63,000 net new homes up to 2026.
35. Policy L1 of the Dudley Borough Development Strategy states that new development will be supported on previously developed land and on sites in sustainable locations, close to public transport facilities and links. Housing development will be permitted, provided that the design of the development is of an appropriate form, siting, scale, and mass; that it would not cause unacceptable harm to the amenities of the occupiers of neighbouring dwellings; that it would

provide an appropriate level of amenity for future occupiers of the development and that the development would provide adequate access, parking and provision for the manoeuvring of vehicles, with no detrimental impact on highway safety and free flow of traffic.

36. This builder's merchants yard as current arguably represents a non-conforming use located adjacent to residential development and a public house. The proposal for housing can be supported in principle (in planning policy terms) given that, residential development of the site would accord with the NPPF's core planning principles, as well as targets set within the Local Plan. To add further weight to the principle of residential in this location, BCCS Policy CSP1(The Growth Network) directs major housing development to identified Regeneration Corridors. This site lies within Regeneration Corridor 11A (Dudley Town Centre to Brierley Hill), the strategy for which in terms of new housing is to create high quality residential communities in order to improve the environment of the area and attract and retain a thriving local population. This is reflected in the sites identification within the Strategic Housing Land Availability Assessment (SHLAA) as a site with residential potential (Ref 389).
37. The loss of the existing industrial employment use is factored into the assessment through the provisions of BCCS Policy DEL2 (Managing the balance between employment land and housing). This is given that builders' merchants are listed as an appropriate industrial employment use (within Local Employment Areas) and there is no local plan residential allocation attaching to the site, other than through the SHLAA (evidence base).
38. However, on this matter, the sale of the site is due to the owner retiring and due to the fact that the business is no longer viable, noting that a Wickes Builders Merchant is located directly opposite the site off Wallows Road. In addition, this represents a non-conforming use at this locality, especially as it is backed onto by existing residential properties fronting onto Planet Road.

39. The principle of redeveloping this site for residential purposes would be a positive step in line with national and local policy. It would comprise the redevelopment of a previously developed brownfield site within the Growth Network for residential development. The proposed development would deliver homes through the effective re-use of this site. It would allow for the provision of new dwellings to meet part of the housing needs of the borough.

Design and Layout

40. Chapter 12 of the NPPF focuses on good design as a key element of sustainable development. Paragraph 126 states *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*
41. Policy HOU2 of the Core Strategy states that the density and type of new housing provided on each site will be informed by, amongst other things, the need to achieve high quality design and minimise amenity impacts. All developments will aim to achieve a minimum net density of 35 dwellings per hectare.
42. Policy S6 (Urban Design) of the Dudley Borough Development Plan identifies that new development should be designed in accordance with good urban design principles. In addition, ‘The New Housing Development’ SPD encourages good quality accommodation in attractive environments. It contains a series of urban design principles and refers to minimum design and amenity guidance. Particular emphasis is given to assessing context and responding positively to local character.
43. The density of the proposed development at 44 dwellings per hectare and the two-storey scale of the proposed houses would be appropriate to the existing form and pattern of development in the wider area which is varied in terms of house type. The siting of the houses to the front would enhance the existing street scene along Wallows Road and the development would form a small residential estate with its own distinct character around a new cul-de-sac forming perimeter block development with streets surrounding. The dwellings would be of an appropriate

scale and design taking into account the constraints of the site. All dwellings would be brick built with rendered areas with concrete interlocking roof tiles. This would help to assimilate the new development with the existing surrounding area and result in a design that would enable the creation of a good-quality residential environment that would sit comfortably within its surroundings. A condition requiring details of materials to be used is considered appropriate.

Neighbours and Occupier Amenity

44. The Council's New Housing SPD recommends a series of numerical standards to ensure existing and future occupier privacy and outlook. In this instance, the development, has been designed so that the front facing main habitable room windows of the proposed dwellings are orientated away from existing properties and meet the separation distances set out. Windows to the side elevation would either be obscurely glazed secondary windows, not serve habitable rooms, be set at appropriate distance or would not overlook due to proposed boundary treatment.
45. Garden lengths are all in excess of 11m, except for plots 10, 24, 25 & 27 which provide between 9m and 10.5m. However, there is in excess of 22m between rear facing elevations of the proposed dwellings and those existing on the Planet Road. These plots are set at angles and provide appropriate garden areas that are considered to be a characteristic form of development and is a result of the constraints of the site. This issue alone would not warrant the refusal of the application. However, it is recommended that given the shortfall the permitted development rights for the dwellings are removed. Further, and of merit, the gardens for all properties (bar plots 3, 4, & 6) provide the 65sqm of private garden space recommended within the New Housing SPD, with the shortfall of the above-mentioned plots being just 5sqm. Furthermore, any overlooking between the new properties could be mitigated by boundary treatment at ground floor level. While the outlook from some existing, surrounding properties would change, it would be a residential outlook, that is common from many properties in the borough and it is not considered that this would be a sufficient reason to warrant refusal of the

application, given the positive benefits of providing new homes of this type and tenure within the borough.

46. In addition, the properties would provide an internal layout of suitable size, with at least one good sized accessible double bedroom and a furniture layout shows that ample storage can be accommodated to meet the expected requirements.
47. Applying the 45-degree code, it is noted that the properties would not breach the code, to any neighbouring property. Therefore, it is not considered there would be any undue loss of light or outlook to any adjacent property.

Noise and the Relationship with Adjoining Railway

48. The NPPF 2021 states at paragraph 174 that *“Planning policies and decisions should contribute to and enhance the natural and local environment by: ... e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of ... noise pollution ...”*. Further, paragraph 185 states that *“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts health and the quality of life ...”* Also of relevance is DBDS Policy D5 – Noise Pollution that states that, *“Dudley Council will not permit development for either noise-generating or for noise sensitive proposals where a juxtaposition of uses arise”*
49. Submitted with the application is a Railway Noise Assessment, within which recommendations of appropriate noise mitigation measures have been made in order to achieve appropriate acoustic criteria in line with relevant British Standard guidelines, including specific glazing for properties closer to and with a line of sight

of the railway. The Council's Head of Environmental Health and Safety has reviewed this document and raises no objection subject to a condition to ensure the mitigation set out in the noise report is undertaken before the development is occupied.

50. As development is proposed within 10m of operational railway land, Network Rail have been consulted on this application. There were some initial concerns from Network Rail as construction works had not been agreed with them. The applicant has liaised directly with them and as a result Network Rail have removed their concerns noting that there is a 2m gap between the development and Network Rail boundary and that the development should continue to liaise with Network Rail Asset Protection.

Access and parking

51. Paragraph 111 of the NPPF identifies that *"development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*
52. Policy L1 also requires that development should provide adequate access and parking to ensure that there would be no detrimental impact on highway safety.
53. Access to the site is proposed principally from Wallows Road, with a secondary private drive access also proposed from Planet Road.
54. The applicant has provided amended plans to alleviate the concerns of the Council's Highways Engineer. Footways within the site are all 2m wide and information regarding gradients of the road and driveways have been provided; tracking diagrams have been provided to ensure appropriate vehicles can access and turn within the site. Matters relating to insufficient parking and remote parking in the main have been addressed, although the latter issue has been addressed by providing railings without gates which round corners to link to the remote parking

areas in order to reduce the likelihood of parking on the highway at bends and junctions where good forward visibility is required.

55. Objectors' note the weight of existing on-street parking on Planet Road, a situation which is unfortunate. However, at the time when the surrounding area was developed there would have been lower levels of car ownership and therefore less parking demand. It is unlawful for the Local Planning Authority to require the applicant to make provisions to address the pre-existing parking problem. In addition, a request to provide parking to the existing properties of 17 and 18 Planet Road which would front onto the new private access drive serving plots 27, 29 and 30 is not considered reasonable as parking is already provided for these properties in a 17-space car park on the opposite side of Planet Road and as this would be private land, it is within the gist of the developer to deal with any vehicles parked on private land in an appropriate manner.
56. Furthermore, the Local Planning Authority cannot legally refuse this proposed development on the grounds of loss of existing, informal on-street car parking. Nor can it require that the applicant mitigates against that loss.
57. The Local Planning Authority can however require that the proposed scheme provides sufficient car parking for the potential occupiers of the new properties so as not to cause any additional harm to highway safety or significant increase in traffic.
58. All properties are provided with policy compliant parking, with all properties provided with two car parking spaces and the flats one space. Therefore, the proposals accord with the minimum standards as set out in the Car Parking Standard SPD.
59. It is not considered traffic and parking demand associated with a residential use on this site would materially increase and the impact of new houses at this location on the surrounding highway network would be negligible. In addition, there are good public transport links close to this location.

60. In addition, a footpath link from Planet Road though to Wallows Road is provided, providing appropriate site permeability and Electric Vehicle Charging points in accordance with the guidance in the Car Parking SPD should also be provided. Again, a condition to secure this is recommended.

Nature Conservation/Trees

61. The overall site has little existing significant vegetation cover and very few significant individual trees or tree groups within the site curtilage. Within the railway site margin there are some scattered small trees and shrubs, all are self-set with low overall landscape and biodiversity interest. The proposed development would afford the opportunity to secure replacement planting and indeed other new planting by condition that could potentially realise both a quantitative and qualitative enhancement in terms of trees in the longer term and therefore, in this instance, it is considered that the visual harm caused by the loss of any trees would not outweigh the benefits of delivering housing on this site and would not be sufficient reason to refuse the application.
62. Where, exceptionally, the strategic benefits of a development clearly outweigh the importance of a local nature conservation site, species, habitat or geological feature, damage must be minimised. Any remaining impacts, including any reduction in area, must be fully mitigated. Compensation will only be accepted in exceptional circumstances. A mitigation strategy must accompany relevant planning applications.
63. An Ecological Survey has been undertaken and submitted as part of the application and concluded the site is of 'low ecological value' consisting primarily of hardstanding and amenity grass, although the trees and native scrub on site and along the site edges have moderate ecological value. The site recorded no protected species. The main vegetative habitats to be lost are scrub and species-poor grassland which are of low ecological importance. The development offers clear opportunities to include a comprehensive landscape and tree planting plan to add environmental and community value. Given the linear nature of much of the site

and the poor-quality existing vegetation, a well-planted future 'green link' through the developed site would generate significant environmental benefit. A condition to ensure an appropriate landscaping scheme and further ecological enhancement including Bird and Bat Boxes are recommended.

Land Contamination

64. The Council's Contaminated Land officer has raised no objection to the proposal. The submitted geo-environmental report has been reviewed. Intrusive site investigation has identified a range of inorganic and contaminants which will require remediation. It is recommended that further risk assessment, along with appropriate remediation strategy and verification reports are provide, which can be conditioned.

Flood Risk and Drainage

65. The site is located in Flood Zone 1 and there are no critical drainage issues associated with the site. The use of sustainable urban drainage systems (SuDS) has been considered. The surface water from the site has to discharge, in order of priority, to either an adequate soakaway system, a suitable watercourse or to a sewer. As the ground conditions are not considered suitable for soakaways, an on-site attenuated storm water system is proposed. This consists of underground storm water storage tanks in conjunction with a hydro-brake to control/restrict the storm water run-off rates to an agreed discharge rate into the sewer network. Further information required by condition in relation to the existing network and proposed connections to ensure there are no capacity issues is appropriate and a SuDs Operation and Maintenance strategy is required. Severn Trent has also requested a condition in relation to mains drainage.

Planning Obligations

66. Black Country Core Strategy (BCCS) Policy DEL1 'Infrastructure Provision' sets out the adopted policy framework for Planning Obligations within Dudley and the

Planning Obligations SPD provides further detail on the implementation of this policy; these policy documents were prepared in accordance with national legislation and guidance on planning obligations.

67. Policy DEL1 requires all new developments to be supported by sufficient on and off-site infrastructure to serve the development, mitigate its impact on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.
68. In determining the required planning obligations on this specific application the following three tests as set out in the Community Infrastructure Levy (CIL) Regulations, in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:
 - a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development;
 - b) fairly and reasonably related in scale and kind to the development.
69. Following consideration of the above tests and in accordance with the requirements of the adopted Planning Obligations SPD, the following planning obligations are required for this application:

On-Site Provision (to be secured by Condition)

Affordable Housing (25%) - In accordance with Policy HOU3 of the Core Strategy which requires the provision of 25% affordable housing on all development sites of 15 dwellings or more.

The Wallows Road site has been designed on the basis that the tenure will be 100% Affordable Rent. The developers preferred client is a Registered Provider who will access grant funding from Homes England for 100% of the units on site. On this basis, it would not be appropriate to require a Section 106 agreement for affordable housing provision for this site. There will be no cross subsidy for non-grant funded affordable housing as there will be no housing for open market sale or shared

ownership on this site. A planning condition will secure that 25% of the units are provided as affordable housing

On-Site Provision (to be secured by condition)

Nature Conservation

Environmental Protection – Provision of external charging points/appropriate gas boilers

Renewable Energy

70. It is considered that these contributions meet the necessary tests as stated above in that they contribute to the delivery of a sustainable development, being provided directly on the development site itself and are deemed to be in scale and kind to the proposed development.
71. This development complies with the requirements of BCCS Policy DEL1 and the Planning Obligations SPD.

Financial Material Considerations

72. Section (124) of the Localism Act states that: Local planning authorities are to have regard to material considerations in dealing with applications including any local finance considerations, so far as material to the application. A 'local finance consideration' may be taken to cover the payment of New Homes Bonus, or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy (CIL).
73. The section does not change the law in any way. It is not a new basis for planning policy and it remains unlawful for planning permissions to be 'bought'.
74. This proposal would provide 30 new homes generating a New Homes Bonus grant of 30 times the national average council tax for the relevant bands.

75. The proposal is liable for CIL but the site falls within Zone 1 which has a £0 rate thus no CIL charge is required
76. Whilst these are significant sums of money the planning merits of the proposal are acceptable in any event and therefore this is not accorded significant weight.

CONCLUSION

77. The principle of the development on the site is considered to be acceptable. The design and layout, the impact upon residential amenity and highway safety are also acceptable. On this basis the application would be in accordance with the National Planning Policy Guidance, Policies CSP1, CSP3, DEL1, HOU1, HOU2, TRAN2, ENV2, and ENV3, ENV5, ENV6, ENV7 and ENV8 of the Black Country Core Strategy, Policies S1, S2, S5, S6, S7, S8, S12, S16, S17, S19, S21, S22, S29, S36, L1, L2, D2, and D5 of the Dudley Borough Development Strategy, Nature Conservation and Parking Standards Supplementary Planning Documents.

RECOMMENDATION

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

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: SJD-281-016 Rev C; SJD-281-017 Rev C; SJD-281-018 Rev B; SJD-281-019 Rev B; SJD-281-020 Rev B; SJD-281-021 Rev B; SJD-281-022 Rev B; SJD-281-023 Rev B; SJD-281-024 Rev C; SJD-281-025 Rev C; SJD-281-026 Rev A, SJD-281-027 Rev A and 1618-006.
REASON: For the avoidance of doubt and in the interests of proper planning.
3. No development shall commence until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the Local Planning Authority. Such an assessment shall be carried out in accordance with

authoritative UK guidance.

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

4. Where the approved risk assessment (required by condition 3 above) identifies contamination posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such contamination has been submitted to and approved in writing by the Local Planning Authority. Following approval, such remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

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

5. Following implementation and completion of the approved remediation scheme (required by condition 4 above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

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

6. No development shall commence until an assessment of the risks posed by any ground gases or vapours has been submitted to and approved in writing by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.

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

7. Where the approved risk assessment (required by condition 6 above) identifies ground gases or vapours posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such ground gases or vapours has been submitted to and approved in writing by the Local Planning Authority. Following approval, such remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: These details are required prior to the commencement of development to ensure that the risks associated with any contamination are reduced to acceptable levels and that the health and wellbeing of future

occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land.

8. Following implementation and completion of the approved remediation scheme (required by condition 7 above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

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

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

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

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

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

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

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

12. 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.

13. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of the works for the disposal of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. All works shall be completed in accordance with the approved details prior to the occupation of the development hereby approved. The approved works shall thereafter be retained for the life of the development.

REASON: In the interests of sustainability, reducing flood risk, run off and pollution of watercourses and to comply with Adopted BCCS Policy ENV5 - Flood Risk, Sustainable Drainage Systems and Urban Heat Island and Borough Development Strategy 2017 Policy S5 Minimising Flood Risk and Sustainable Drainage Systems (SuDS).

14. 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.

15. No part of the development shall be occupied until visibility splays to the new accesses have been provided at the junction between the proposed means of access and the highway with an 'x' set back distance of 2.4m metres and a 'y' distance of 59 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

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

16. 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, public transport, walking and cycling initiatives,

Publicity and Marketing, Set targets and monitoring and to join a Travel Wise scheme in Dudley 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 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. 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.

18. 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.

19. No development shall commence (excluding demolition, site clearance and initial ground works) until full details of soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details must include, where appropriate, planting plans, written specifications, a schedule of plants including species, plant sizes and proposed numbers/densities and a programme of implementation. Plans must also include accurate plotting of all existing landscape features. The agreed scheme shall be implemented in accordance with the approved details within the first planting season following the first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

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

REASON: In order to make a positive contribution to place-making and provide a high quality landscaping and to ensure that the approved landscaping is properly maintained in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and

DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part). This detail is required pre commencement (excluding demolition, site clearance and initial ground works) as landscaping is integral to providing a high quality and sustainable development.

20. The development shall not be first occupied until a schedule of landscape maintenance to the areas of open space and any communal areas (excluding private gardens), including details of its implementation for a minimum period of five years from first planting has been submitted to and approved in writing by the Local Planning Authority. The open space and any communal areas shall thereafter be cared for in accordance landscape maintenance scheme.
 REASON: In order to make a positive contribution to place-making and provide a high quality landscaping and to ensure that the approved landscaping is properly maintained in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and LR1 - Open Space
21. No above ground development shall commence until details of the types, colours and textures of the materials to be used in the hard surfacing of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing with the local planning authority.
 REASON: In order to make a positive contribution to place-making and provide a high quality landscaping in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part)
 This detail is required as landscaping is integral to providing a high quality and sustainable development.
22. No above ground development shall begin until details of the types, sizes and locations of the boundary treatments around the site and between the proposed plots has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be carried out in complete accordance with the approved details prior to the occupation of the dwellings hereby approved and shall thereafter retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority
 REASON: In order to make a positive contribution to place-making and provide a high quality public realm in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part)

This detail is required prior to the commencement of above ground works as the required works may need to be incorporated into buildings on the site and as well as needing to protect the amenity of existing and proposed occupiers.

23. No development shall commence (excluding demolition, site clearance and initial ground works) until details of nature conservation enhancement works have been submitted to and approved in writing by the Local Planning Authority. The nature conservation enhancement works 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, encourage and protect the nature conservation value of the site and in accordance with BCCS Policies ENV1 - Nature Conservation, CSP3 Environmental Infrastructure and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S21 Nature Conservation Enhancement, Mitigation and Compensation
Policy S20 The Borough's Geology (in part)
Policy S1 Presumption in favour of Sustainable Development (in part) and
Policy S21 Nature Conservation Enhancement, Mitigation and Compensation (in part)

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

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

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

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

REASON: In order to enhance, encourage and protect the nature conservation value of the site and in accordance with BCCS Policies ENV1 - Nature Conservation, CSP3 Environmental Infrastructure and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S21 Nature Conservation Enhancement, Mitigation and Compensation
Policy S20 The Borough's Geology (in part)
Policy S1 Presumption in favour of Sustainable Development (in part) and
Policy S21 Nature Conservation Enhancement, Mitigation and Compensation (in part)

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

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

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

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

REASON: In order to enhance, encourage and protect the nature conservation

value of the site and in accordance with BCCS Policies ENV1 - Nature Conservation, CSP3 Environmental Infrastructure and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S21 Nature Conservation Enhancement, Mitigation and Compensation
 Policy S20 The Borough's Geology (in part)
 Policy S1 Presumption in favour of Sustainable Development (in part) and
 Policy S21 Nature Conservation Enhancement, Mitigation and Compensation (in part)
 Policy S19 Dudley Borough's Green Network (in part)
 Black Country Core Strategy Policy ENV1 Nature Conservation (in part). This detail is required pre commencement (excluding demolition, site clearance and initial ground works) in that the required works may need to be incorporated into buildings on the site.

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any order revoking or re-enacting that order with or without modification) no development referred to in Schedule 2, Part 1, Classes A, B, C and D of that order shall be carried out without the express grant of planning permission.
 REASON: In the interests of the privacy and amenity of surrounding residents in accordance with Borough Development Strategy 2017 Policy L1 Housing Development, extensions and alterations to existing dwellings
 Policy D2 Incompatible Land Uses (in part).
27. No development shall commence (excluding demolition, site clearance and initial ground works) until a scheme for protecting residents in the proposed dwelling(s) from noise from the railway has been submitted to and approved in writing by the Local Planning Authority. The scheme shall comply with the recommendations contained in the Railway Noise Assessment from Hepworth Acoustics Reference P21-426-R01v1 dated November 2021. All works which form part of the approved scheme shall be completed before occupation of the permitted dwelling(s), and such protection measures in the agreed scheme shall be maintained throughout the life of the development.
 REASON: In order to safeguard the amenities and wellbeing of the occupiers of the proposed dwelling(s) in compliance with Borough Development Strategy 2017 Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and EP7 - Noise Pollution.
28. At least 10% of the energy supply of the development shall be secured on site from renewable or low-carbon energy sources. Details and a timetable showing how this is to be achieved for each phase of development including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement (excluding demolition, site clearance and grounds works) for that phase. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter or the use of the building, unless otherwise agreed in writing by the Local Planning Authority.
 REASON: To reduce the impact of climate change and to comply with BCCS Policy ENV 7 and the Renewable Energy SPD
29. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to

throughout the construction period. The Statement shall provide for:

The parking of vehicles of site operatives and visitors

Loading and unloading of plant and materials

Storage of plant and materials used in constructing the development

The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

Wheel washing facilities

Measures to control the emission of noise, dust and dirt during construction

A scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: To protect the amenity of residents in the vicinity of the site during construction of the development and to comply with Borough Development Strategy 2017 Policy L1 Housing Development, extensions and alterations to existing dwellings

30. No development shall take place until a scheme for the provision of affordable housing as part of the development shall have been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2: Glossary of National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
- i) The number, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 25% housing units.
 - ii) The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing (if no RSL is involved)
 - iii) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing and
 - iv) The occupancy criteria to be used for the determination of the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The affordable housing shall be retained in accordance with the approved scheme.

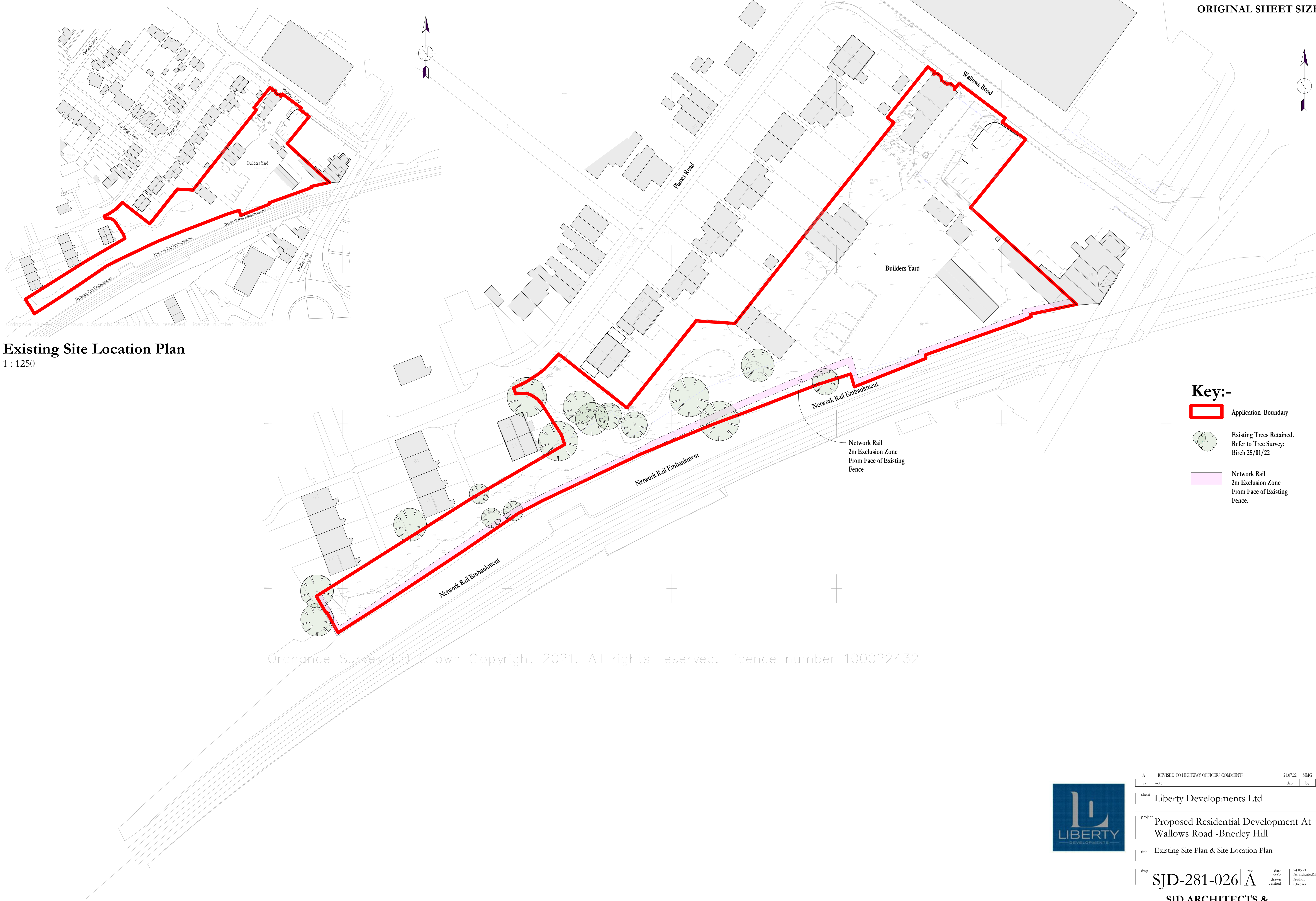
Reason: In the interest of securing affordable housing, having regard to Policy DEL1 (Infrastructure Provision); HOU3 (Delivering Affordable Housing) of the Black Country Core Strategy (2011); Policy L3 (Provision of Affordable Housing in New Development) and L4 (Type, Tenure and Location of Affordable Housing in New Development) of the Dudley Borough Development Strategy (2017) and guidance contained within the National Planning Policy Framework (2019)

31. The development shall not be occupied until details of a scheme to implement a prohibition of Waiting at the site access and along the visibility splay at Wallows Road has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be progressed with the best endeavours of the applicant to conclusion, including any fees which may be due to the highway 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).




32. No works of construction, levels changes, regrading or other site clearance or infrastructure works involving ground disturbance shall commence until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has first been submitted to and approved in writing by the Local Planning Authority. The WSI shall include details of any physical archaeological evaluation works to areas identified as having the potential for archaeological significance and at the appropriate stage details of any subsequent programmes of archaeological recording works required in mitigation of damage to or loss of archaeological remains or proposals for the preservation in situ of archaeological remains. The WSI shall include details of proposed general archaeological monitoring and recording in relation to the ongoing development in the form of an archaeological watching brief it will also include provision for subsequent analysis, reporting and archiving. Following approval of the WSI all such works will be carried out in accordance with the agreed details.

REASON: The site is identified to be of archaeological significance due to the presence of the former Wallow Street Glass Works (HER 4823) and it is important that in accordance with BCCS Policy ENV2 (Historic Character Distinctiveness) and Dudley Borough Development Strategy (2017) Policy S15 (Heritage Assets of Archaeological Interest, Scheduled Ancient Monuments and Archaeological Priority Areas) and paragraphs 194 and 205 of the NPPF that any archaeological remains uncovered during the implementation of the approved scheme be preserved either in-situ or by record.



Existing Site Location Plan
1 : 1250

Key:-

-  Application Boundary
-  Existing Trees Retained.
Refer to Tree Survey:
Birch 25/01/22
-  Network Rail
2m Exclusion Zone
From Face of Existing
Fence.

Ordnance Survey (c) Crown Copyright 2021. All rights reserved. Licence number 100022432



| | | | | | | |
|---------|--|--|--|----------|------------------------------------|---|
| A | REVISED TO HIGHWAY OFFICERS COMMENTS | | | 21/07/22 | MMG | |
| rev | note | | | date | by | check |
| client | Liberty Developments Ltd | | | | | |
| project | Proposed Residential Development At Wallows Road -Brierley Hill | | | | | |
| title | Existing Site Plan & Site Location Plan | | | | | |
| dwg | SJD-281-026 | | | rev | date scale drawn verified | 24/05/21 As indicated@ A1 Author Checker |





Key:-

- Application Boundary
- Existing Trees Retained. Refer to Tree Survey: Birch 25/01/22
- Existing Trees Removed Refer to Tree Survey: Birch 25/01/22
- Existing Root Protection Area. Refer to Tree Survey: Birch 25/01/22
- New Native Trees
- Network Rail 2m Exclusion Zone From Face of Existing Fence.
- New Turf Areas
- New Landscaped Areas
- New Tarmac Road Areas
- New Footpath Areas
- New Shared Surface Areas
- New Permeable Paving Areas
- New Permeable Parking Areas
- Street Scene Elevation Reference

All Gradients to the Civil Engineers Drawings

Ordnance Survey (c) Crown Copyright 2021. All rights reserved. Licence number 100022432

Total Red Line Boundary Site Area Approx..

7887m2
0.7887 Hectares

Red Line Is Indicative and Extension in Boundary Subject to Title/Legal Agreements

Schedule of Accommodation

| No. | Beds | Type | |
|-----|------|------------|---------------------------|
| 2 | 2b | House | |
| 13 | 2b | House | |
| 7 | 3b | House | |
| 8 | 1b | Maisonette | 1 No Internal Cycle Space |

30 No. Total

| | | | |
|-----|---|----------|----------|
| B | REVISED TO HIGHWAY OFFICERS COMMENTS | 21.07.22 | MMG |
| A | PLOT 27 REAR ACCESS REVISED & RED LINE AMENDED TO PLANET ROAD. TOPO SURVEY RIDGE HEIGHTS AMENDED. | 05.04.22 | MMG |
| rev | note | date | by check |

client Liberty Developments Ltd

project Proposed Residential Development At Wallows Road -Bricley Hill

title Proposed Site Plan

| | | | | | | |
|-----|---------------|-----|----------|-----------|-------|---------|
| dwg | SJD-281-016 B | rev | date | scale | drawn | checked |
| | | | 24/05/21 | 1:500@ A1 | MMG | |

SJD ARCHITECTS & DEVELOPMENTS LTD
THE ESTATE OFFICE
OFF GRIMLEY LANE
FINSTALL, BROMSGROVE, WORCS, B60 3AF
Web Site: www.henleysire.co.uk E-mail: stuart@sjdarchitecture.com
Tel: (01527) 558 708 Fax (01527) 558 712

RIBA
Chartered Practice



Proposed Street Scene Elevation A

1 : 200



Proposed Street Scene Elevation B

1 : 200



Proposed Street Scene Elevation C

1 : 200



Proposed Street Scene Elevation D

1 : 200

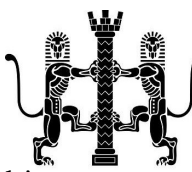
All Gradients to the Civil
Engineers Drawings



Proposed Street Scene Elevation E



The architects within this Company are registered as such under the Architects Act 1997



The Architects within this company are Chartered members of the Royal Institute of British Architects

| | | | |
|---|--|----------|-----|
| C | REVISED TO HIGHWAY OFFICERS COMMENTS | 21.07.22 | MMG |
| B | DRAWINGS UPDATED TO CSG CIVIL DRAWINGS | 11.05.22 | MMG |
| A | DRAWINGS UPDATED TO CSG CIVIL DRAWINGS | 05.04.22 | MMG |

| rev | note | date | by | check |
|-----|------|------|----|-------|
|-----|------|------|----|-------|

client Liberty Developments Ltd

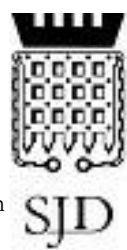
project Proposed Residential Development At
Wallows Road -Brierley Hill

title Proposed Street Scene Elevations 1 of 2

dwg SJD-281-024 C rev date scale drawn verified 24/05/21 1: 200@ A1 Author Checker



SJD ARCHITECTS &
DEVELOPMENTS LTD
THE ESTATE OFFICE
OFF GRIMLEY LANE
FINSTALL· BROMSGROVE· WORCS· B60 3AF
Web Site: www.henleysire.co.uk E-mail: stuart@sjdarchitecture.com
Tel: (01527) 558 708 Fax (01527) 558 712



PLANNING APPLICATION NUMBER:P22/0710

| | |
|-------------------------|--|
| Type of approval sought | Full Planning Permission |
| Ward | Gornal Ward |
| Agent | Bhupinder Singh Mann, Archi-tekt Partnership LTD |
| Case Officer | Imogen Hopkin |
| Location: | FIDDLERS ARMS, 16, STRAITS ROAD, LOWER GORNAL, DUDLEY, DY3 2UT |
| Proposal | DEMOLITION OF EXISTING PUBLIC HOUSE AND ERECTION OF 9. NO DWELLINGS |
| Recommendation Summary: | APPROVE SUBJECT TO CONDITIONS |

RECOMMENDATION

Due to the additional consultation period arising from the updated site plan expiring on 20th October 2022, Members should be aware that a decision cannot be issued until after this date. It is requested, therefore, that if members are minded to approve the application, that the decision is delegated to the Head of Planning, subject to no additional material planning matters being received from respondents within the consultation period which expires on 20th October 2022.

SITE AND SURROUNDINGS

1. The application site refers to the Fiddlers Arms Public House, outbuildings and car park. The Fiddlers Arms is a locally listed building and recorded on the Council's Historic Environment Record (HER) and HER No. 7144. The Fiddlers Arms is a traditional public house, circa 1860. The site is subject to an Article 4 Direction. The public house has been vacant as early as April 2021 and has suffered arson attacks and anti-social behaviour from June 2021 onwards. The site is located within an Area of High Historic Townscape Value (AHHTV) and within a high risk coal area.

2. To the north of the site are the boundaries of residential rear gardens in Orchard Grove. The site slopes down to the northern and north-west boundaries and this section of Straits Road also slopes down in a northerly direction. As such the gardens/properties of adjoining properties in Orchard Grove and Straits Road respectively, are at a lower level than the public house.
3. Adjoining the site to the south is the public right of way (PROW) that connects Orchard Grove to The Straits and on the southern side of the PROW is a development of 6 dwellings accessed from Straits Road and rear gardens of 14 and 14d Straits Road. No. 16c Straits Road are sited to the east of the PROW and the rear garden abuts a garage site accessed from Orchard Grove. Opposite the site, on the west side of Straits Road, is the junction with Hopyard Lane, where there are residential dwellings to the north side of Hopyard Lane which were approved in 2018 and on the south side of Hopyard Lane that were approved in 2019. The wider area is predominantly residential, and the site is located around 300m from Gornal Local Centre.

PROPOSAL

4. The application seeks approval for the demolition of the public house and the erection of 9 dwellings. This includes 1 detached dwelling and 8 semi-detached dwellings. The site will be accessed from a drive which is not likely to be adopted.
5. Amended plans have been received to incorporate a re-design of the properties internally and externally, slight re-positions of the properties, an updated road and pavement layout, Plot 1 incorporating side facing windows, and a designated bin collection point.
6. A slight change has been made to the site boundary, so a further full consultation period is required due to the updated boundary. No change has been made to the overall scheme.
7. The application is supported by a Heritage Statement and Coal Mining Risk Assessment.

HISTORY

8. Relevant planning history:

| APPLICATION No. | PROPOSAL | DECISION | DATE |
|-----------------|---|-----------------------------|------------|
| P20/1903 | Demolition of existing public house and erection of 12 no. new dwellings and associated works | Withdrawn | 05/05/2021 |
| P17/0582 | Hybrid application for Part A: Demolition of public house and outbuildings and erection of A1 convenience store with associated access, car parking and landscaping Part B: Outline application for Residential Development (access to be considered) | Refused | 08/08/2017 |
| P17/0230/PN11B | Prior Notification under Schedule 2, Part 11 for demolition of The Fiddlers Arms | Prior Approval Not Required | 14/03/17 |

9. The site has been subject to enforcement complaints due to the deteriorating state of the building and associated anti-social behaviour, due to the derelict building.

PUBLIC CONSULTATION

10. The application was advertised by way of 24 neighbour notification letters, a site notice and a newspaper advert, with the latest opportunity for comments on 23rd June 2022. Twelve letters of objection received, 1 comment and 5 letters of support. One of the letters of objection received was from the Victorian Society. They are not a statutory consultee for the application, but expressed their objection. The letters of objection were not from addresses within the immediate area, although the letters of support were from direct neighbours.

11. The objections raised the following concerns:
 - Loss of the locally listed building and heritage asset
 - Plans not considered a suitable replacement for locally listed building
 - Loss of public houses in the area
 - Should investigate restoration and re-use, such as café, bar, local shop
 - Access road is unsuitable and puts pedestrians at risk
12. The letters of support raised the following points:
 - The pub has become a derelict eyesore
 - Pub appears beyond prospect of viable reinstatement
 - Anti-social behaviour that the pub as suffered, including 5 fires
 - Benefit to area and local residents
 - Building includes modern extensions that are not worth conserving
 - No longer a viable piece of local heritage
 - Building vacant and for 5 years
13. A 10 day re-consultation was carried out upon the receipt of amended plans. 40 letters were sent to neighbours and those who commented on the original plans. This consultation expired on 17th September 2022. There have been 3 objections, 1 comment and 1 letter of support to the re-consultation. 1 of the objections was re-iterated from the Victorian Society. No further points have been raised above the original consultation responses.
14. A 21 day consultation has now also necessarily been carried out to notify neighbours of the updated site plan that expires on the 20th October 2022. There have been no changes to the overall scheme, so the consultation is purely based upon the updated red line. No comments have been received at the time of agenda preparation.

15. West Midlands Police: Supported. The public house has been a source of Anti-Social Behaviour (ASB), so the demolition and replacement of 9 dwellings will reduce the ASB in this location.
16. The Coal Authority: No objection, subject to conditions.
17. Head of Planning (Contaminated Land Team): Recommend approval, subject to conditions.
18. Head of Environmental Health and Trading Standards: No adverse impacts, recommended conditions.
19. Head of Planning (Highways Engineer): No objections to the amended plans subject to recommended conditions.
20. Public Rights of Way Officer: No objection to amended plans, recommended conditions.
21. Historic Environment Team: No objection to amended plans, recommended conditions.

RELEVANT PLANNING POLICY

22. National Policy
 - National Planning Policy Framework (2021)
 - Community Infrastructure Levy Regulations
23. Black Country Core Strategy (2011)
 - CSP4 Place Making
 - ENV2 Historic Character and Local Distinctiveness
 - ENV3 Design Quality
 - ENV5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island
 - ENV8 Air Quality
 - DEL1 Infrastructure Provision
 - HOU1 Delivering Sustainable Housing Growth
 - HOU2 Housing Density, Type and Accessibility

- TRAN2 Managing Transport Impacts of New Development

24. Dudley Borough Development Strategy (2017)

- L1 Housing Development, Extensions and Alterations to Existing Dwellings
- L12 Areas of High Historic Townscape Value
- S1 Sustainable Development
- S5 Minimising Flood Risk and Sustainable Drainage Systems (SuDS)
- S6 Urban Design
- S8 Conservation and Enhancement of Local Character and Distinctiveness
- S11 Buildings of Local Historic or Architectural Importance
- D1 Access for All
- D3 Contaminated Land

25. Supplementary Planning Documents / Guidance

- Parking Standards Supplementary Planning Document (SPD) (2017)
- New Housing Supplementary Planning Document (SPD) (2013)

ASSESSMENT

26. The key issues are:

- Principle
- Impact on the Heritage Asset
- Design, Character and Appearance
- Residential Amenity
- Access and Parking
- Land Contamination and Stability
- Financial Material Considerations

Principle

27. The National Planning Policy Framework (NPPF) seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design

and a good standard of amenity for all existing and future occupants of land and buildings. The site is in a predominantly residential setting located close to local services and public transport. The NPPF also seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.

28. The Black Country Core Strategy adopted in 2011 sets out The Vision, Sustainability Principles and The Spatial Objectives for future development in the Black Country to 2026. One of the Spatial Objectives of the Strategy is to help to deliver sustainable communities on redundant land, that make the most of opportunities such as public transport, are well served by residential services and green infrastructure, have good walking, cycling and public transport links to retained employment areas and centres, are set in high quality natural and built environments and are well integrated with surrounding areas.
29. The Black Country Core Strategy (BCCS), Policy HOU1: 'Delivering Sustainable Housing Growth' also requires at least 63,000 net new homes up to 2026. This policy requires that "at least" 95% of new housing (gross) be built on previously developed land (PDL). Whilst priority is given to development on PDL, this does not preclude all development on garden land but it does lessen the weight that should be given to development of gardens in the balance of considerations.
30. Policy L1 of the Dudley Borough Development strategy suggests housing development will be permitted, provided that the design of the development is of an appropriate form, siting, scale and mass; that it would not cause unacceptable harm to the amenities of the occupiers of neighbouring dwellings; that it would not cause unacceptable harm to the amenities of the occupiers of neighbouring dwellings; that it would provide an appropriate level of amenity for future occupiers of the development and that the development would provide adequate access, parking and provision of manoeuvring of vehicles, with no detrimental impact on highway safety and the free flow of traffic.

31. The site is within an established urban setting, close to local services and public transport. There is, in-principle, national policy support for the type of development proposed, subject to the satisfaction of all relevant material planning considerations.

Impact on the Heritage Asset

32. Policy S11 of the Dudley Borough Development Strategy seeks to resist the demolition of Locally Listed Buildings, subject to demonstration that there are no reasonable alternatives and the provision of an appropriate replacement scheme. The application results in the loss of a Locally Listed Building, which is the reason for many of the objections to the scheme. However, the proposed development makes an appropriate re-use of the site. The application will be conditioned to ensure the building cannot be demolished prior to contractors being appointed to carry out the approved scheme, to ensure the site does not become empty.

Design, Character and Appearance

33. The principle of good design forms a reoccurring policy focus throughout both national and local policy frameworks, with the NPPF stating 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.”* (para. 134).
34. The importance of design is replicated within Policy L1 of the Dudley Borough Development Strategy which promotes new housing on previously developed land and on sites in sustainable locations, provided that amongst other things that *“The design of the development is 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”*.
35. The design of the proposed dwellings has been enhanced through detailed design, such as the stone sills and headers, flat roof canopies and the windows and doors

lining through vertically. The overall design and layout of the development provides a suitable re-use of the site and a high level of design to replace the locally listed building. The layout has the proposed dwellings in a linear position fronting Straits Road. This is appropriate from an urban design perspective and respects the character of the wider area. The proposal respects good design principles contained within the policy framework, for example, securing active frontages over public areas, the public right of way and parking, incorporating landscaping to enhance the appearance of the development, in accordance with the design principles contained within the New Housing Development SPD.

Residential Amenity

36. For all developments, the Council will seek to ensure that any such proposals would not harm the occupiers of adjacent properties in terms of daylight, outlook, privacy and inter-visibility. Policy L1 of the Dudley Borough Development Strategy and the New Housing SPD require that developments should provide sufficient amenity for future occupiers and should not have any detrimental impact on the existing amenity of nearby residents.
37. The dwellings would be of a mixture of property sizes ranging between 2, 3 and 4 bedroomed properties spanning over two or three floors. Each dwelling would secure a private amenity space to the rear, with private parking to the frontages. The private rear amenity space has a length between 11.5m and 12.7m, in excess of the minimum 11m length requirement. The garden areas for the three bedroomed properties have a minimum garden area of 57m² up to 69m². The policy requirement is 65m², so the shortfall is acceptable, on balance, as it is a minor shortfall and is caused due to the position of the dwellings in relation to the road. The gardens to dwellings have the appropriate length in excess of 11m, and therefore the shortfall of the area is not considered to be insufficient to warrant refusal of the application. The four bedroom dwelling for Plot 9 has a rear garden area of 116m² which is in excess of the 80m² requirement for four bedrooms, which is acceptable.

38. The dwellings would be sited sufficient distance apart, maintaining the required 22m distance separation between rear interfacing properties, while complying with the 14m distance separation standards and the 45 Degree Code Policy to the existing dwellings. The position of Plot 9 is at an oblique position to No. 2 Orchard Grove, to the west, and therefore will not result in a detrimental loss of outlook to this dwelling, nor result in any overshadowing of the rear garden of this property.
39. Plot 1 has a first floor side facing window and a ground floor side facing bay window. These windows will help to provide natural surveillance along the defined Public Right of Way. Due to the position of this dwelling in relation to No. 16c Straits Road, this dwelling would not result in overlooking or a detrimental impact to the privacy of the existing property.
40. The floor areas of the proposed dwellings are acceptable, on balance, in relation to the Nationally Described Space Standards and the viability of the site. The house type 2 has a floor area of 109m², whereas the requirement from the space standards is 106m², therefore more than requirements. However, house types 1 and 3 are 100m² and 103.5m² and the Nationally Described Space Standards requires 108m². However, this short fall is considered acceptable, on balance, as the shortfall of space is minor and if the space were to be achieved, there could be other implications to privacy and viability. As such, the modest shortfall would not compromise the standard of accommodation being proposed and would therefore not warrant a refusal of the application on these grounds alone.

Access and Parking

41. The Highways Engineer has provided feedback to the application that the development is acceptable in relation to highway safety and pedestrian access and has recommended a suite of conditions to support the appropriate implementation of the site. The proposed development would also secure sufficient parking provision to meet with the minimum parking requirements as outlined within the Parking Standards SPD, thereby preventing the displacement of cars onto the adjacent highway network.

42. The Public Rights of Way Officer now considers the application acceptable, subject to appropriate signage indicating the defined Public Rights of Way, which has been suggested as a condition. Further, as mentioned, the side facing windows on Plot 1 provide a new natural surveillance to the Public Right of Way which would improve the current situation, along with widening the footpath and providing a clearer public footpath than the existing arrangement alongside the car park of the public house.

Land Contamination and Stability

43. The application site lies within the defined Development High Risk Area for coal mining. The Coal Authority have been consulted on the application and recommended conditions alongside the application to ensure the stability is acceptable to comply with paragraphs 183 and 184 of the National Planning Policy Framework.
44. The Contaminated Land Team have noted there is an increased risk of elevated ground gases/mine gas being present at the site. Therefore, the team have recommended conditions to ensure appropriate risk assessments are carried out to protect current occupiers nearby and future occupiers of the site.

Financial Material Considerations

45. Section (124) of the Localism Act states that: Local planning authorities are to have regard to material considerations in dealing with applications including any local finance considerations, so far as material to the application. A 'local finance consideration' may be taken to cover the payment of New Homes Bonus, or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy (CIL).
46. The section does not change the law in any way. It is not a new basis for planning policy and it remains unlawful for planning permissions to be 'bought'.

47. This proposal would provide one dwelling generating a New Homes Bonus grant of nine times the national average council tax for the relevant bands.
48. The proposal is liable for CIL but the site falls within Zone 1 which has a £0 rate thus no CIL charge is required.

CONCLUSION

49. The amended plans are considered to be appropriate. The loss of the locally listed building is considered acceptable, on balance, due to the residential re-use of the site, including a well designed scheme that is in scale and character with the wider area. The development responds well to the character and context of the AHHTV in which it is located. There is no negative impact on adjacent residential properties. Sufficient off-street parking has been provided, as well as improved pedestrian links. On this basis, the proposal complies with the relevant national and local planning policies and with local planning guidance outlined above and would contribute to the boroughs housing needs.

RECOMMENDATION

It is recommended that the development be 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 approved plans:
 - 2021-229-001 (Received 26/9)
 - 2021-229-003 (Received 26/9)
 - 2021-229-007 (Received 7/9)
 - 2021-229-010 (Received 7/9)
 - 2021-229-011 (Received 7/9)
 - 2021-229-012 (Received 7/9)REASON: For the avoidance of doubt and in the interests of proper planning.

3. The demolition works shall not commence before a contract for the carrying out of the works of redevelopment of the site has been executed and planning permission has been granted for the redevelopment for which the contract provides. Planning condition 28 shall be fully discharged for the redevelopment. Evidence that a contract has been executed shall be submitted in writing to the Local Planning Authority a minimum of 14 days prior to any demolition works commencing. Details are required prior to the commencement of development/works due to the statutory protection / sensitive of the site.
REASON: To preserve the established character of the Listed Building pending redevelopment in conformity with BCCS Policy ENV2 - Historic Character Distinctiveness and DBDS Policy L10 - Listed Buildings. Details are required prior to the commencement of development/works due to the statutory protection / sensitive nature of the site.
4. Prior to the commencement of development details of the types, colours and textures of all the materials (including windows and doors) to be used on the external surfaces of the buildings 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 the bricks to be used and a sample panel measuring not less than 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 development and thereafter new brick work shall only be constructed in accordance with these approved details. The development shall be carried out in complete accordance with the approved details.
REASON: To ensure that the external appearance of the buildings safeguard the quality and visual appearance of the Gornal Wood Historic Centre 'Area of High Historic Townscape Value' in accordance with Policies S8 (Conservation and Enhancement of Local Character and Distinctiveness) and Policy S12 (Areas of High Historic Townscape Value) of the adopted Dudley Borough Development Strategy (2017) and Policy ENV 2 (Historic Character and Local Distinctiveness) of the Black Country Core Strategy (2011).
5. No development shall commence (excluding demolition, site clearance and initial ground works) until full details of the soft landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before the end of the first planting season following first occupation of the development.
Any trees or shrubs planted in pursuance of this permission including any planting in replacement for which is removed, uprooted, severely damaged, destroyed or dies within a period of five years from the date of planting shall be replaced by trees or shrubs of the same size and species and in the same place unless otherwise agreed in writing by the Local Planning Authority.
REASON: In order to make a positive contribution to place-making and provide a high quality landscaping in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 - Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in

part). This detail is required pre commencement (excluding demolition, site clearance and initial ground works) as landscaping is integral to providing a high quality and sustainable development.

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

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

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

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

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

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

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

This detail is required prior to the commencement of above ground works as the required works may need to be incorporated into buildings on the site and as well as needing to protect the amenity of existing and proposed occupiers.

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

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

9. The parking area hereby approved shall be completed with a surface and sub-strata that is permeable, or provision shall be made to direct run-off water from the hard surface to a permeable area within the curtilage of the dwelling house,

which shall be retained as such for the life of the development.

REASON: To provide a necessary facility in connection with the proposed development and to prevent uncontrolled runoff of rainwater from front gardens onto public roads/drainage in accordance with BCCS Policy ENV5 and Borough Development Strategy 2017 Policy S5 Minimising Flood Risk and Sustainable Drainage Systems (SuDS).

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

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

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

REASON: To protect the amenities of nearby residents in accordance with Borough Development Strategy 2017 Policy D5 Noise Pollution, Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part).

12. No development shall commence (excluding the demolition of existing structures and site clearance) until;

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

REASON: To ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

13. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

REASON: To ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

14. No development shall commence until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.

REASON: These details are required prior to the commencement of development to ensure that the risks associated with any contamination are

reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land.

15. Where the approved risk assessment (required by condition 14 above) identifies contamination posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such contamination has been submitted to and approved in writing by the Local Planning Authority. A validation and verification plan must be formulated, form part of the remediation scheme and be approved by the Local Planning Authority. Following approval, such remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

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

16. Following implementation and completion of the approved remediation scheme (required by condition 15 above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

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

17. No development shall commence until an assessment of the risks posed by any ground gases or vapours has been submitted to and approved in writing by the Local Planning Authority. This should include mine gas. Such an assessment shall be carried out in accordance with authoritative UK guidance.

REASON: These details are required prior to the commencement of development to ensure that the risks associated with any ground gases or vapours are reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land and the NPPF.

18. Where the approved risk assessment (required by condition 17 above) identifies ground gases or vapours posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such ground gases or vapours has been submitted to and approved in writing by the Local Planning Authority. A validation and verification plan must be formulated, form part of the remediation scheme and be approved by the Local Planning Authority. Following approval, such remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: These details are required prior to the commencement of development to ensure that the risks associated with any ground gases or

vapours are reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land and the NPPF.

19. Following implementation and completion of the approved remediation scheme and the associated approved validation and verification plan (required by condition 18 above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.
REASON: To ensure that the risks associated with any ground gases or vapours have been reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land and the NPPF.
20. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of the works for the disposal of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. All works shall be completed in accordance with the approved details prior to the occupation of the development hereby approved. The approved works shall thereafter be retained for the life of the development.
REASON: In the interests of sustainability, reducing flood risk, run off and pollution of watercourses and to comply with Adopted BCCS Policy ENV5 - Flood Risk, Sustainable Drainage Systems and Urban Heat Island and Borough Development Strategy 2017 Policy S5 Minimising Flood Risk and Sustainable Drainage Systems (SuDS).
21. 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.
22. No part of the development shall be occupied until visibility splays to the new access have been provided at the junction between the proposed means of access and the highway (Public Right of Way) with an 'x' set back distance of 2.4 metres and a 'y' distance of 43 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing

Development, extensions and alterations to existing dwellings
Policy D2 Incompatible Land Uses (in part)
and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

23. No part of the development shall be occupied until visibility splays to the access road onto Straits Road have been provided at the junction between the access road onto Straits Road and the highway (Straits Road) 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.
24. No part of the development shall be occupied until visibility splays to any new access have been provided at the junction between the proposed means of access and the highway (Footway or Footpath) 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.
25. The development shall be first occupied/used until details of the bin stores and collection point 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.
26. No development shall commence (excluding demolition, site clearance and initial ground works) until details of the Highways Works as indicated on drawing 2021- 229 - 003, including, (Footway improvements adjacent The Straits, the Public Right of Way and the turning head for at least 15m from the Public Right of Way) 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.
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.

27. Prior to occupation of the dwellings, details of the position and appearance of a site notice stating "Public Footpath with private vehicular access" shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained for the life of the development.
REASON: To clearly label the defined Public Right of Way and to promote pedestrian links in line with the NPPF and Policy S17 of the Dudley Borough Development Strategy.
28. No works of demolition, construction, levels changes, re-grading or other site clearance or infrastructure works involving ground disturbance shall begin until the developer has secured the implementation of a programme of archaeological investigation (in the form of an archaeological watching brief and Building Recording) including appropriate provision for subsequent analysis, reporting and archiving in accordance with a written scheme of investigation (WSI) which has first been submitted to and approved in writing by the local planning authority. The WSI shall be undertaken in accordance with the Chartered Institute for Archaeologists (CIfA) standard and guidance for an archaeological watching brief and Archaeological Investigation and Recording of Standard Buildings or Structures and be carried out in accordance with the guidelines set out by Historic England Understanding Historic Buildings - A guide to Good Recording Practice (2016). Following approval of the WSI all such works will be carried out in accordance with the agreed details.
REASON: The site is of potential archaeological significance and as such it is important that in accordance with Policy S11 (Buildings of Local Historic or Architectural Importance) and Policy S15 (Heritage Assets of archaeological interest, Scheduled Ancient Monuments and Archaeological Priority Areas) of the adopted Dudley Borough Development Strategy, the Council's Historic Environment SPD, ENV2 of the BCCS and paragraphs 194 and 205 of the NPPF that any archaeological remains and the building fabric are recorded.

Planning Drawings
This drawing has been prepared for planning purposes only, the level of detail contained on this drawing being relevant to its scale and purpose.

This drawing should not be used for construction or estimating purposes, refer to building regulations drawings for construction specifications and details.

This drawing and design is the copyright of Archi-tek Partnership Limited and must not be reproduced in part or in whole without prior written consent.

Contractors must verify all dimensions on site before commencing work or preparing shop drawings.

Dimensions
Where dimensions relate to existing buildings / structure / site features these are guide only and subject to confirmation on site - dimensions may change following stripping out or verification works.

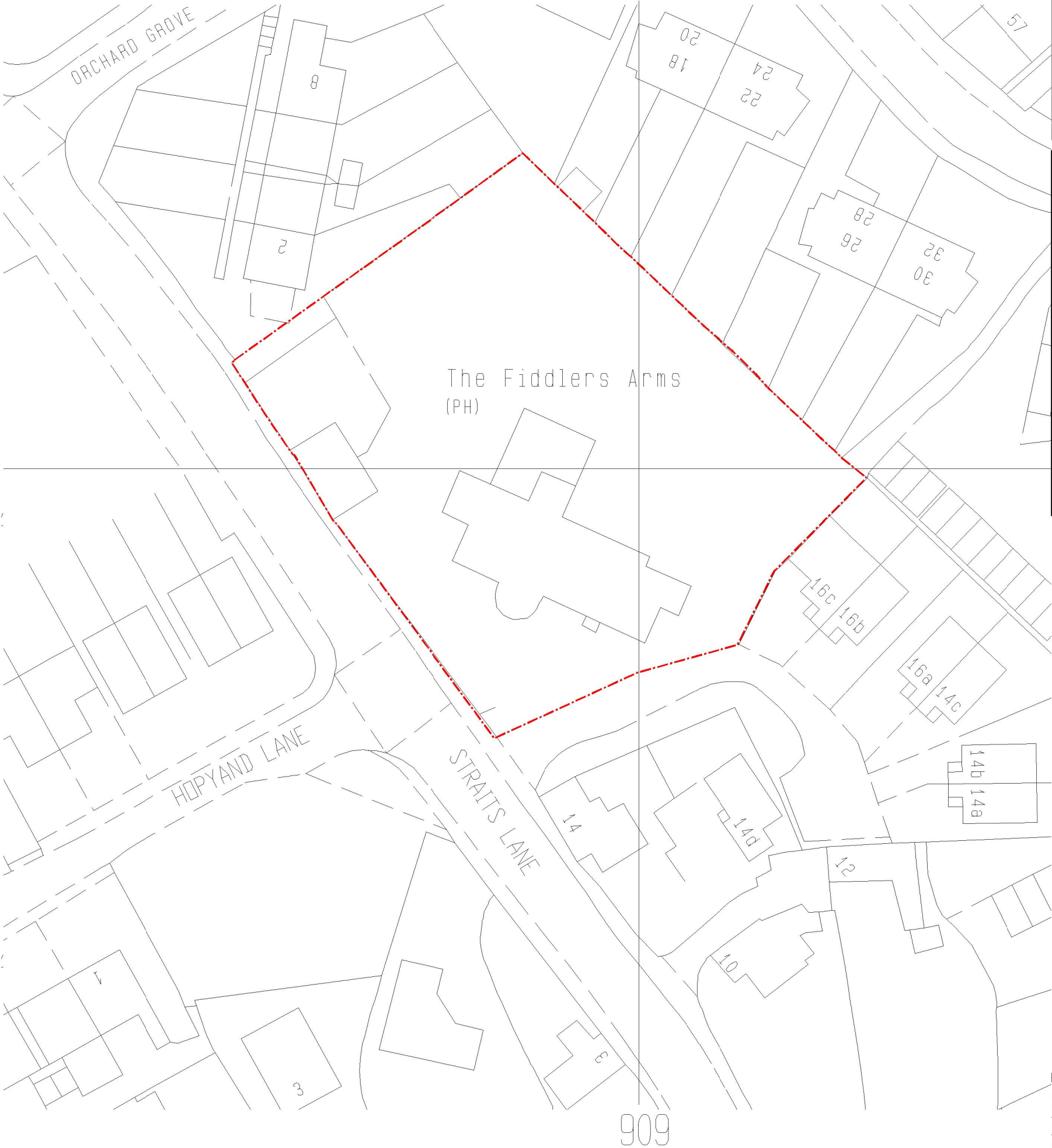
The original survey CAD data has been provided by the client and utilised in good faith and for no fee. Complete responsibility remains with the client, and their appointed builder / project manager, to check all dimensions tolerances and references on site as required prior to the commencement of construction and any discrepancy should be reported to the site manager / contractor and verified with the Architect before proceeding with the works.

Archi-tek Partnership Limited can accept no responsibility for matters arising from the quality or accuracy of the survey information provided by the client, including the need to change or adapt the approved designs at any stage.

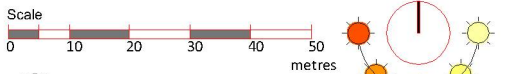
Do not scale drawing. Figured dimensions to be worked to in all cases. This drawing may not be reproduced in any part or form without written consent. (Do Not Scale except for planning purposes)

All copyrights reserved. Metric drawing. All Imperial dimensions (if any) are approximate.

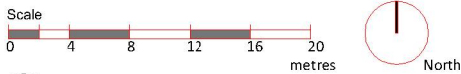
The surveyor will not be responsible for omission of details obscured during site survey. RICS professional guidance 3rd edition rule 1.19 applies to this survey.



390826m
390953m



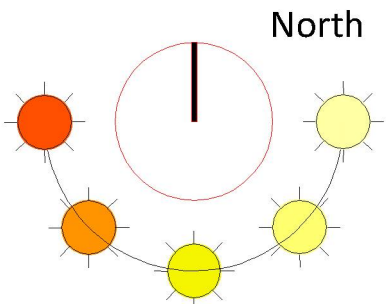
01 OS PLAN
Scale 1:1250@A3



02 LOCATION PLAN
Scale 1:500@A3

PROJECT ARCHITECT TO BE NOTIFIED OF
DISCREPANCIES IN FIGURED DIMENSIONS.
CONTRACTOR TO VERIFY ALL DIMENSIONS
ON SITE. THIS DRAWING IS COPYRIGHT.

Orientation



Key

- New close boarded fence (1.8m)
- New Brickwork boundary wall (2.1m)
- New Brickwork boundary wall (0.9m)
- New close boarded fence (1.5m) with lattice upper section (0.3m); total height - 1.8m
- Bin Storage Area
- Existing trees to be retained
- Existing trees to be removed
- Root protection Area (RPA)
- New tree planting to Landscape Architect's details
- New hedge planting to Landscape Architect's details
- Existing site level
- Proposed site level
- Soft landscaping to Landscape Architect's details
- Permeable paving
- Permeable paving
- Tarmacadam
- Permeable paving

Schedule of Areas

Site Area - 2547.5 m²

| | | |
|--------|----------------|-------------------------|
| Plot 1 | 3 Bed 2 Storey | 95.85sqm - 1031.73sqft |
| Plot 2 | 3 Bed 2 Storey | 95.05sqm - 1023.11sqft |
| Plot 3 | 3 Bed 2 Storey | 95.05sqm - 1023.11sqft |
| Plot 4 | 3 Bed 2 Storey | 95.05sqm - 1023.11sqft |
| Plot 5 | 3 Bed 2 Storey | 95.05sqm - 1023.11sqft |
| Plot 6 | 3 Bed 2 Storey | 95.05sqm - 1023.11sqft |
| Plot 7 | 3 Bed 2 Storey | 95.05sqm - 1023.11sqft |
| Plot 8 | 3 Bed 2 Storey | 95.05sqm - 1023.11sqft |
| Plot 9 | 4 Bed 2 Storey | 108.75sqm - 1162.79sqft |

TOTAL 869.95sqm - 9,364.14sqft

rev. date drawn checked

77 Francis Road Edgbaston Birmingham B16 8SP
E-mail: info@archi-tek.co.uk www.archi-tek.co.uk

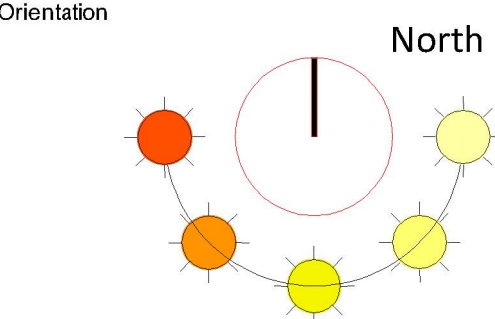
purpose of issue
1:200@A1 Planning
date Dec 2021 FORMER FIDLER'S ARMS
B&M 16 STRAITS ROAD, DUDLEY, DY3 2UT
drawing
2021-229-003 SITE PLAN AS PROPOSED

This drawing and its building works depicted are the copyright of the Architects and may not be reproduced without their written permission. This drawing must be read and checked against any specialist drawings and information provided prior to the commencement of construction. Do not scale prints. Figured dimensions only to be taken from this drawing. The contractor is responsible for checking dimensions, tolerances and references. Any discrepancies to be verified with the Architect before proceeding with the works.

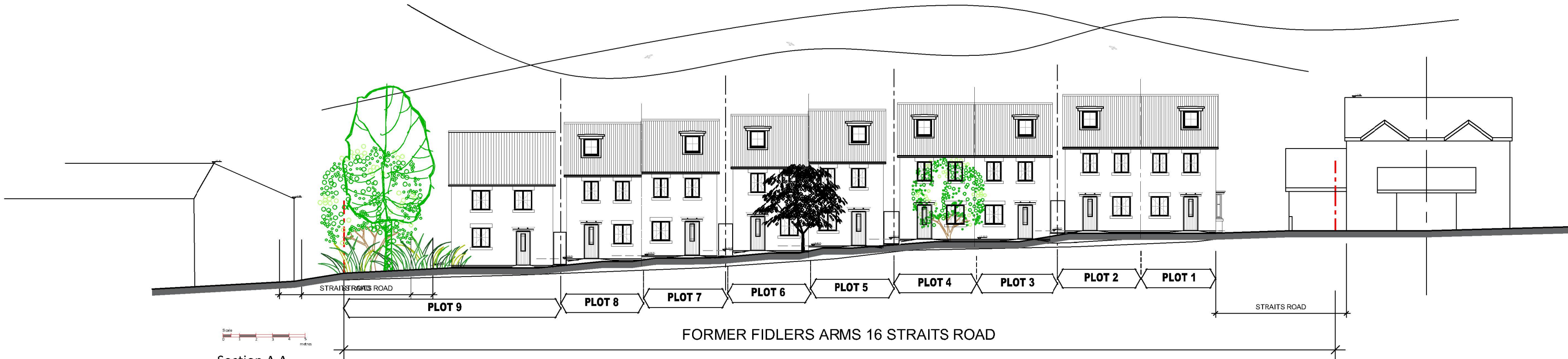
01

SITE PLAN AS PROPOSED
Scale 1:200@A1

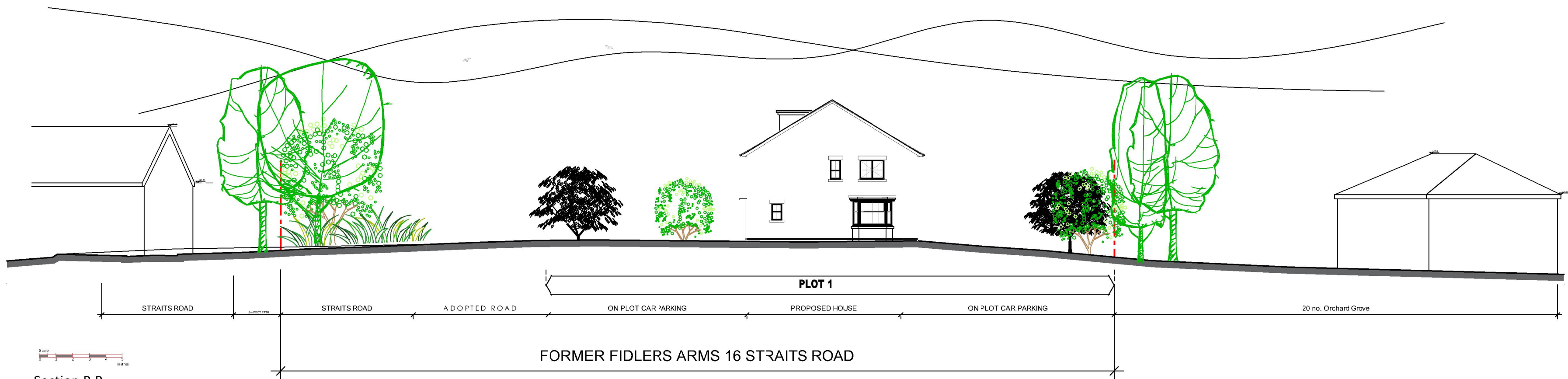
PROJECT ARCHITECT TO BE NOTIFIED OF DISCREPANCIES IN FIGURED DIMENSIONS. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE. THIS DRAWING IS COPYRIGHT.



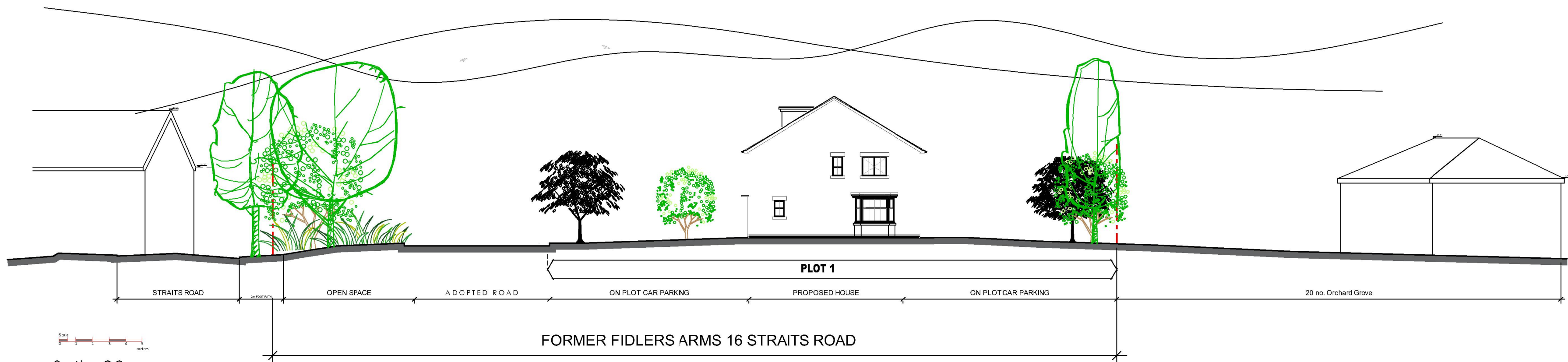
- Key
- New close boarded fence (1.8m)
 - New Brickwork boundary wall (2.1m)
 - New Brickwork boundary wall (0.9m)
 - New close boarded fence (1.5m) with lattice upper section (0.3m); total height ~ 1.8m
 - Bin Storage Area
 - Existing trees to be retained
 - Existing trees to be removed
 - Root protection Area (RPA)
 - New tree planting to Landscape Architect's details
 - New hedge planting to Landscape Architect's details
 - Existing site level
 - Proposed site level
 - Soft landscaping to Landscape Architect's details
 - Permeable paving
 - Permeable paving
 - Tarmacadam



Section A A - scale 1:200@A1



Section B B - scale 1:200@A1



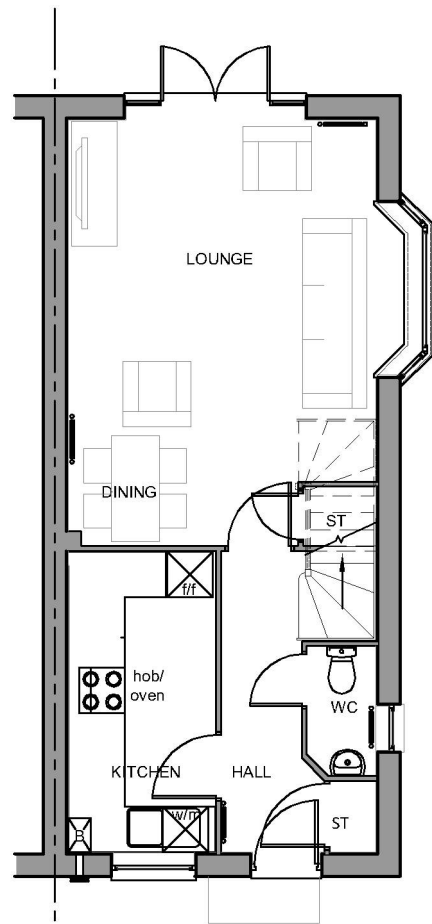
Section C C - scale 1:200@A1

rev. date drawn checked

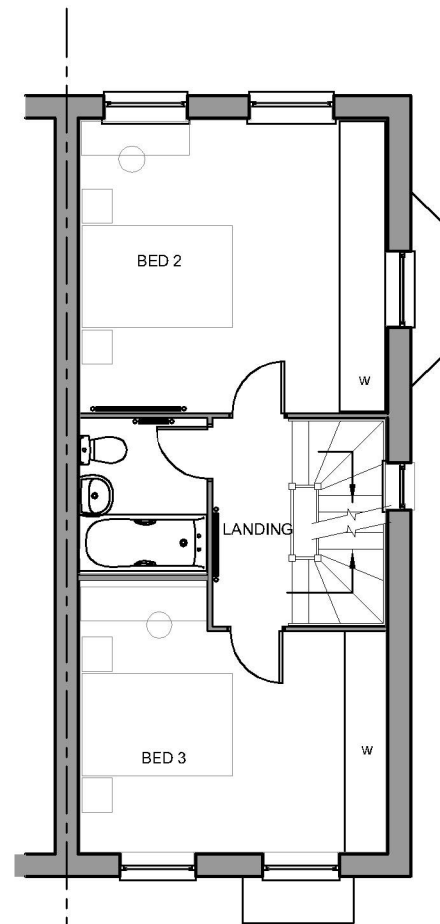
77 Francis Road Edgbaston Birmingham B16 8SP
E-mail: info@archi-tekt.co.uk www.archi-tekt.co.uk

| | | | |
|------------------|--------------|------------------|----------------------------------|
| scale | 1:200@A1 | purpose of issue | Planning |
| date | Dec 2021 | project | FORMER FIDLER'S ARMS |
| drawn by | BsM | address | 16 STRAITS ROAD, DUDLEY, DY3 2UT |
| number of copies | 2021-229-007 | drawing | SITE SECTIONS |

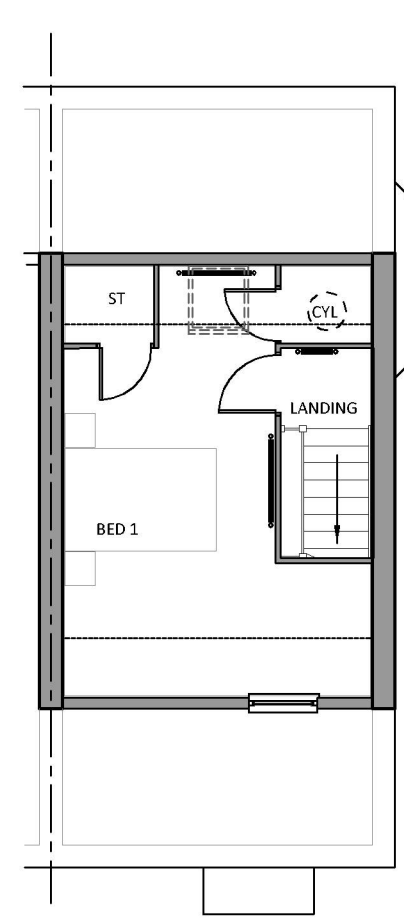
This drawing and its building works depicted are the copyright of the Architects and may not be reproduced without written permission. This drawing must be read and checked against any specialist drawings and information provided prior to the commencement of construction. Do not scale prints. Figure dimensions only to be taken from this drawing. The contractor is responsible for checking dimensions, tolerances and references. Any discrepancies to be verified with the Architect before proceeding with the works.



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN



Planning Drawings
This drawing has been prepared for planning purposes only, the level of detail contained on this drawing being relevant to its scale and purpose.

This drawing should not be used for construction or estimating purposes, refer to building regulations drawings for construction specifications and details.

This drawing and design is the copyright of Archi-tekt Partnership Limited and must not be reproduced in part or in whole without prior written consent.

Contractors must verify all dimensions on site before commencing work or preparing shop drawings.

Dimensions
Where dimensions relate to existing buildings / structure / site features these are guide only and subject to confirmation on site - dimensions may change following stripping out or verification works.

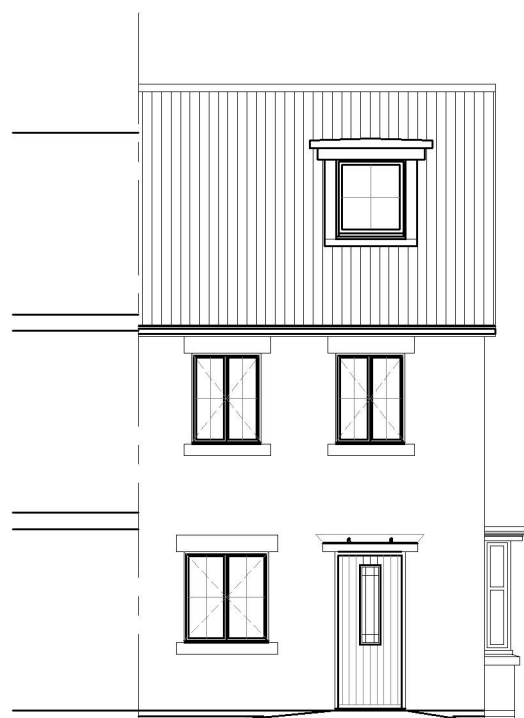
The original survey CAD data has been provided by the client and utilised in good faith and for no fee. Complete responsibility remains with the client, and their appointed builder / project manager, to check all dimensions tolerances and references on site as required prior to the commencement of construction and any discrepancy should be reported to the site manager / contractor and verified with the Architect before proceeding with the works.

Archi-tekt Partnership Limited can accept no responsibility for matters arising from the quality or accuracy of the survey information provided by the client, including the need to change or adapt the approved designs at any stage.

Do not scale drawing. Figured dimensions to be worked to in all cases. This drawing may not be reproduced in any part or form without written consent. (Do Not Scale except for planning purposes)

All copyrights reserved. Metric drawing. All imperial dimensions (if any) are approximate.

The surveyor will not be responsible for omission of details obscured during site survey. RICS professional guidance 3rd edition rule 1.19 applies to this survey.



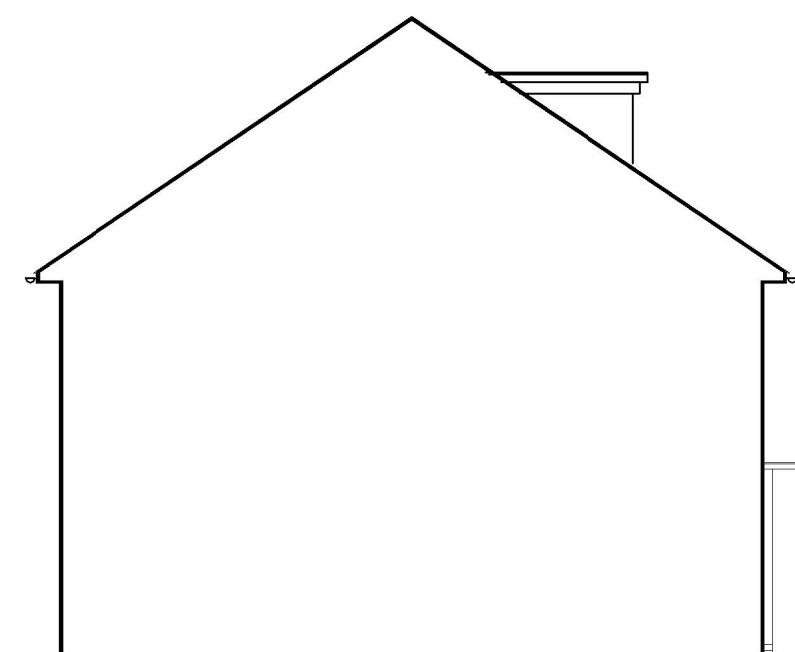
FRONT ELEVATION



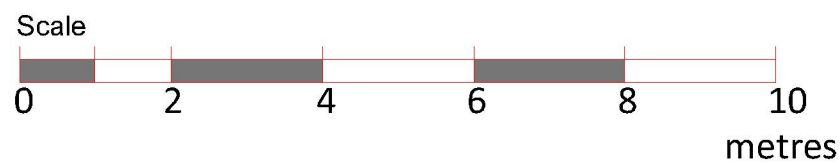
SIDE ELEVATION



REAR ELEVATION

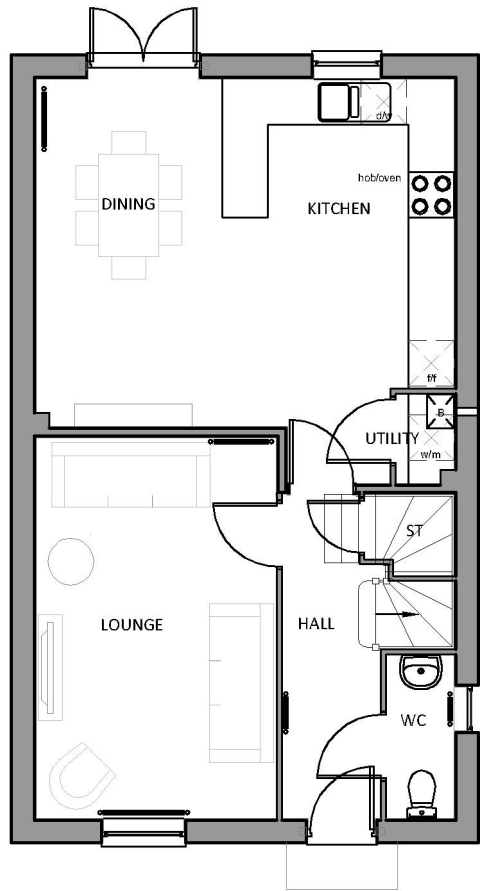


SIDE ELEVATION

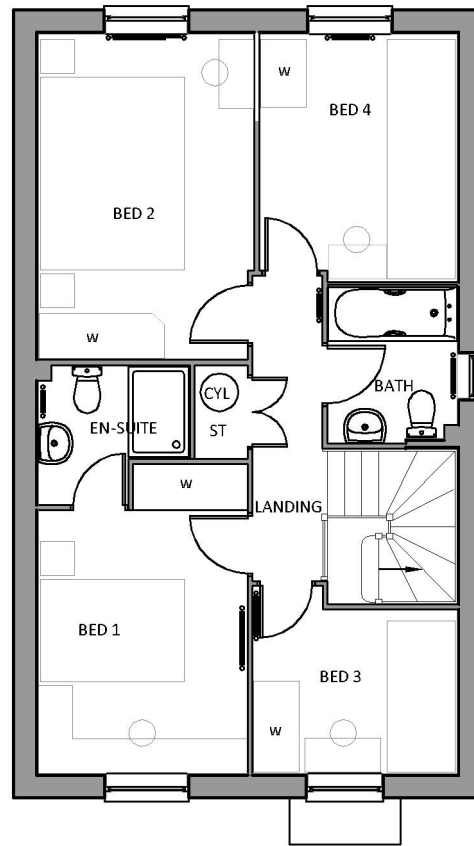


| | | | |
|--|--------------|------------------|----------------------------------|
| rev | date | drawn | CHK'D |
| 77 Francis Road Edgbaston Birmingham B16 8SP E-mail: info@archi-tekt.co.uk www.archi-tekt.co.uk | | | |
| scale | 1:100@A3 | purpose of issue | Planning |
| date | Dec 2021 | project | FORMER FIDLER'S ARMS |
| drawn | BsM | location | 16 STRAITS ROAD, DUDLEY, DY3 2UT |
| number | 2021-229-010 | drawing | HOUSE TYPE 1 |

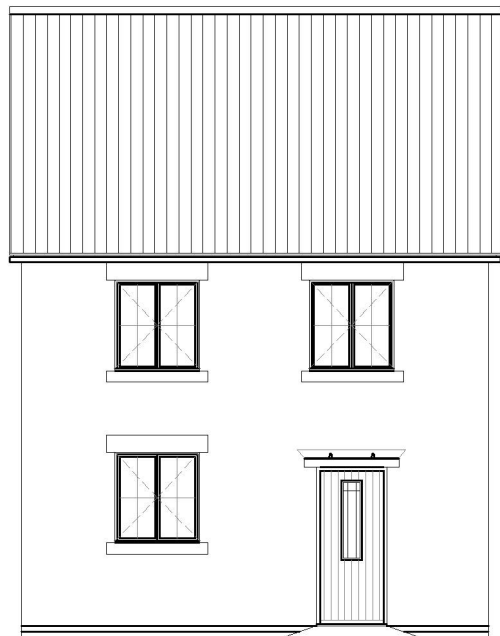




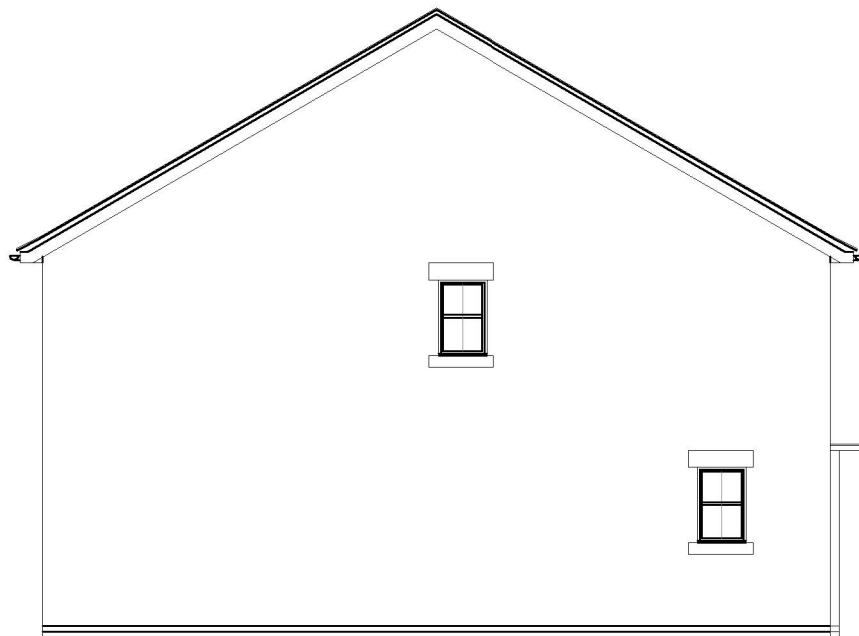
GROUND FLOOR PLAN



FIRST FLOOR PLAN



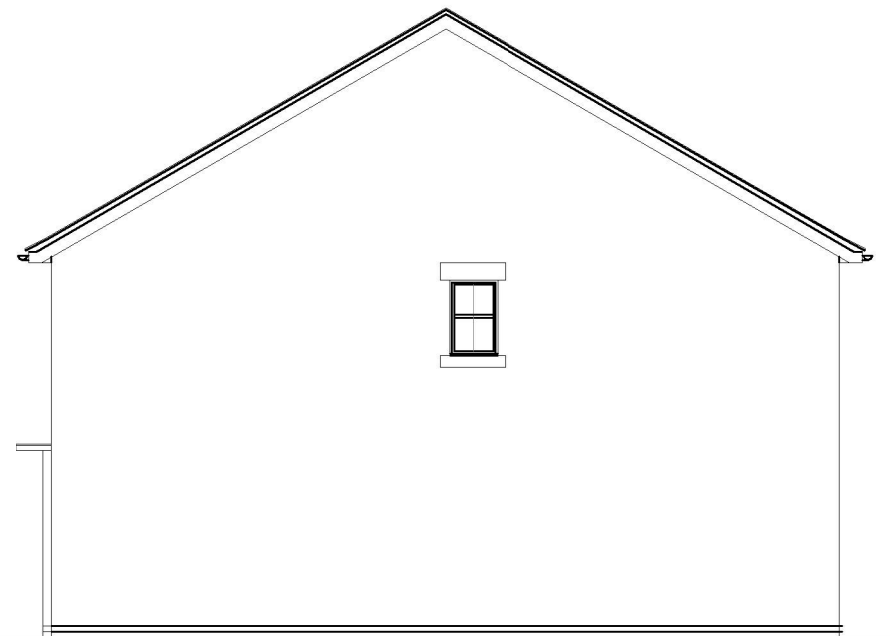
FRONT ELEVATION



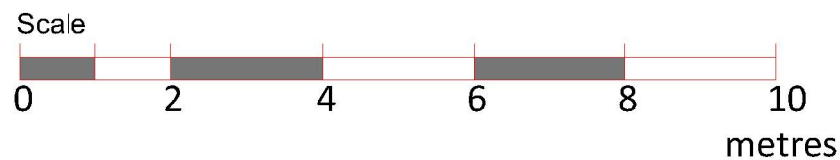
SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



Planning Drawings
This drawing has been prepared for planning purposes only, the level of detail contained on this drawing being relevant to its scale and purpose.

This drawing should not be used for construction or estimating purposes, refer to building regulations drawings for construction specifications and details.

This drawing and design is the copyright of Archi-tek Partnership Limited and must not be reproduced in part or in whole without prior written consent.

Contractors must verify all dimensions on site before commencing work or preparing shop drawings.

Dimensions
Where dimensions relate to existing buildings / structure / site features these are guide only and subject to confirmation on site - dimensions may change following stripping out or verification works.

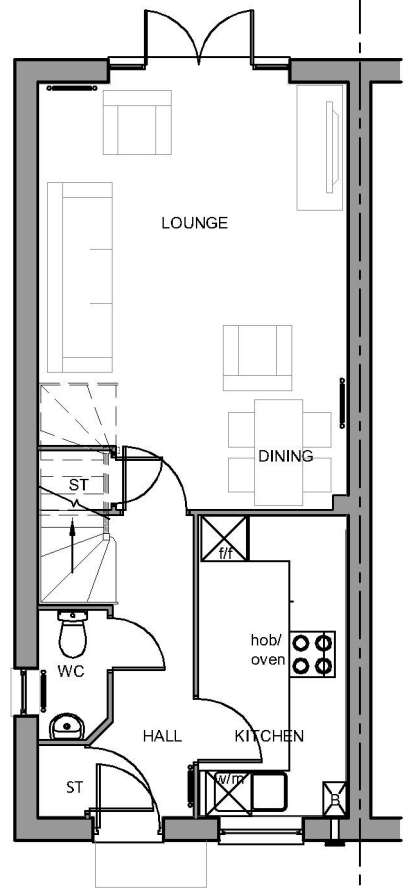
The original survey CAD data has been provided by the client and utilised in good faith and for no fee. Complete responsibility remains with the client, and their appointed builder / project manager, to check all dimensions tolerances and references on site as required prior to the commencement of construction and any discrepancy should be reported to the site manager / contractor and verified with the Architect before proceeding with the works.

Archi-tek Partnership Limited can accept no responsibility for matters arising from the quality or accuracy of the survey information provided by the client, including the need to change or adapt the approved designs at any stage.

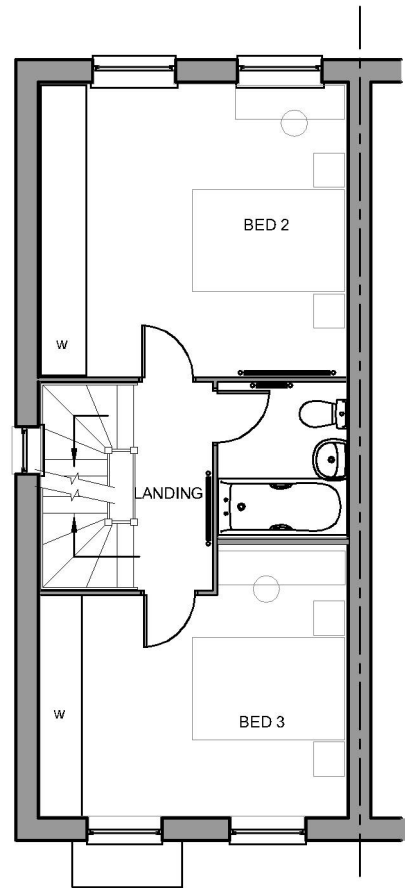
Do not scale drawing. Figured dimensions to be worked to in all cases. This drawing may not be reproduced in any part or form without written consent. (Do Not Scale except for planning purposes)

All copyrights reserved. Metric drawing. All Imperial dimensions (if any) are approximate.

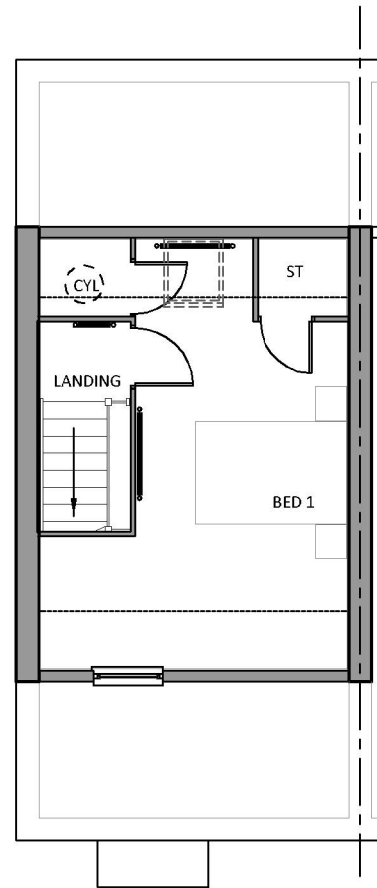
The surveyor will not be responsible for omission of details obscured during site survey. RICS professional guidance 3rd edition rule 1.19 applies to this survey.



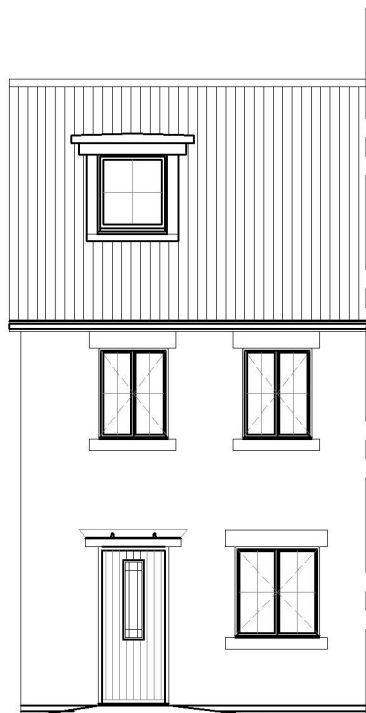
GROUND FLOOR PLAN



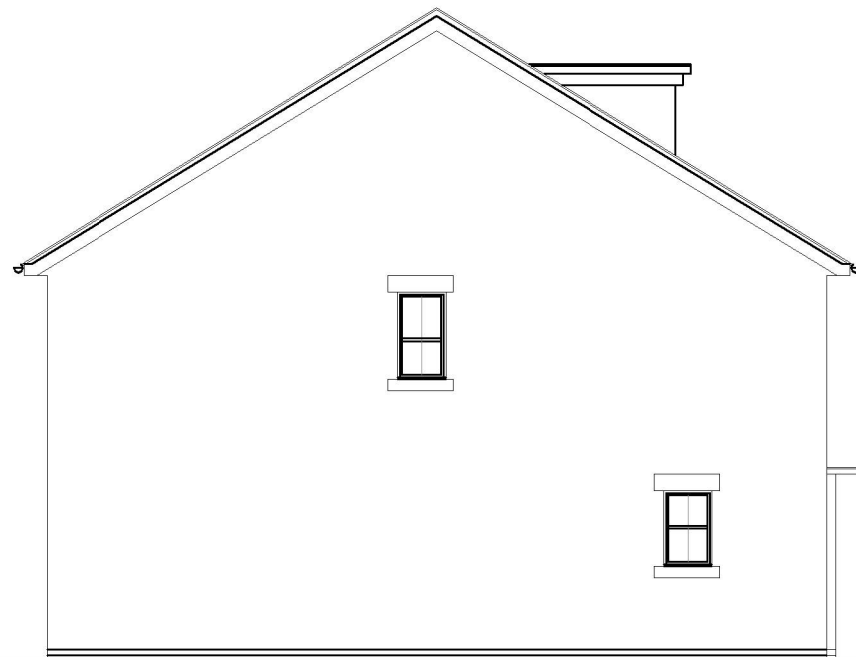
FIRST FLOOR PLAN



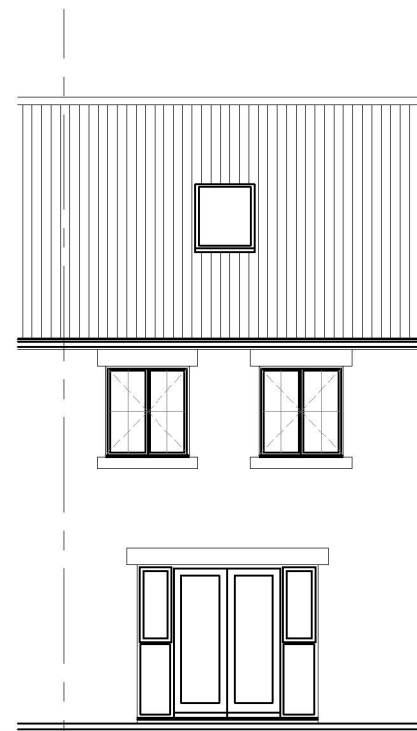
SECOND FLOOR PLAN



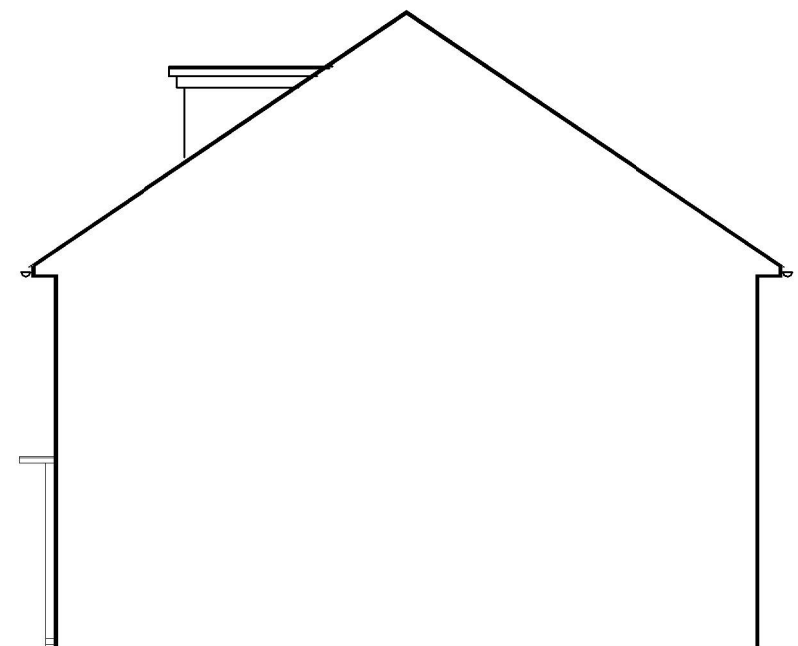
FRONT ELEVATION



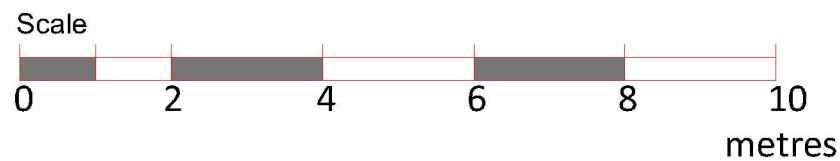
SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



Planning Drawings
This drawing has been prepared for planning purposes only, the level of detail contained on this drawing being relevant to its scale and purpose.

This drawing should not be used for construction or estimating purposes, refer to building regulations drawings for construction specifications and details.

This drawing and design is the copyright of Archi-tekt Partnership Limited and must not be reproduced in part or in whole without prior written consent.

Contractors must verify all dimensions on site before commencing work or preparing shop drawings.

Dimensions
Where dimensions relate to existing buildings / structure / site features these are guide only and subject to confirmation on site - dimensions may change following stripping out or verification works.

The original survey CAD data has been provided by the client and utilised in good faith and for no fee. Complete responsibility remains with the client, and their appointed builder / project manager, to check all dimensions tolerances and references on site as required prior to the commencement of construction and any discrepancy should be reported to the site manager / contractor and verified with the Architect before proceeding with the works.

Archi-tekt Partnership Limited can accept no responsibility for matters arising from the quality or accuracy of the survey information provided by the client, including the need to change or adapt the approved designs at any stage.

Do not scale drawing. Figured dimensions to be worked to in all cases. This drawing may not be reproduced in any part or form without written consent. (Do Not Scale except for planning purposes)

All copyrights reserved. Metric drawing. All Imperial dimensions (if any) are approximate.

The surveyor will not be responsible for omission of details obscured during site survey. RICS professional guidance 3rd edition rule 1.19 applies to this survey.

PLANNING APPLICATION NUMBER: P22/0960

| | |
|-------------------------|--|
| Type of approval sought | Full Planning Permission |
| Ward | Amblecote Ward |
| Agent | Mr S. Booth |
| Case Officer | Sarah Wilkes |
| Location: | 241, COLLIS STREET, AMBLECOTE, STOURBRIDGE, DY8 4EN |
| Proposal | CONVERSION OF 1 NO. DWELLING INTO 2 NO. APARTMENTS AND ANCILLARY WORKS INCLUDING CREATION OF NEW VEHICULAR ACCESS |
| Recommendation Summary: | APPROVE SUBJECT TO CONDITIONS |

SITE AND SURROUNDINGS

1. The application site comprises a 1930s semi-detached property with hipped roof, prominent bay windows at first and second floor and front gable feature. The property is set lower than the highway and there is a garage attached to its north-eastern side which projects forwards of the front two storey wall and which has been converted with front window replacing the original garage door position. The driveway is fully hard surfaced and can accommodate two vehicles although the current vehicular access does not extend to the full width of the plot.

2. 239 Collis Street is the adjoining semi-detached property to the south- west and has a two storey side extension with the first floor flush both the original front and rear elevations. This neighbouring property also has a single storey front and single storey rear extension. 243 Collis Street is the unattached neighbour to the north-east and occupies a higher ground level. The site also backs onto 24 & 28A Dennis Hall Road.

3. The site is situated within an established residential street with the northern end consisting of detached and semi-detached 1930's houses and with the southern end having a more mixed character.

PROPOSAL

4. It is proposed to convert the existing three bedroom dwelling house into two, one bedroom apartments. Access to both apartments would be gained from the existing entrance, with apartment 1 occupying the first floor and apartment 2 occupying the ground floor.
5. The rear garden would be subdivided by 1.8m high timber panelled fencing running the full length of the existing garden to form two separate areas of private amenity space (77m² for apartment 1 and 84m² for apartment 2). Internal cycle parking would be provided within the lobby for apartment 1. The converted garage would be subdivided lengthwise to provide new covered access to the rear garden with new window and door installed in the front and rear elevations. A bin store would also be provided within the rear garden.
6. The plans also indicate two parking spaces to the front with 5 kerb stones proposed to be lowered to provide full width vehicular access to the frontage. Electric vehicle charging points are also indicated.

HISTORY

7. Planning permission was previously sought for conversion and extension of the dwelling to form two apartments under planning reference P21/1337. The application was withdrawn.
8. A second application was submitted for the conversion and extension of the property to provide two apartments but was also withdrawn (ref. P21/2200).

PUBLIC CONSULTATION

9. Direct notification letters were initially sent to 9 neighbouring properties and a local councillor. A site notice was also displayed in the vicinity of the site. 5 representations have been received, one of which is from a local councillor who has requested the application to be determined by Planning Committee. The following material planning issues are raised;

- That the development would be out of character
- Removal of existing on street parking provision by lowering the kerb as there are existing parking issues
- That the addition of more vehicles would be a concern.
- Over intensification
- That the road is already congested with Comberton nursing home opposite and that The Starving Rascal pub visitors use Collis Street to park. That there have been several traffic incidents with cars entering from Brettell Lane.
- Noise disturbance as a result of the internal layout with the first floor living room being adjacent to the objectors' bedrooms.
- Advises that the conversion has already been carried out and concerns regarding whether or not they have been carried out to current safety standards and been authorised by the relevant authorities.
- That the dwelling is within a row of period 3 bedroom family properties and is not suitable for conversion to flats due to it being at odds with all the other properties and impractical in terms of insufficient space, parking, storage and living areas.
- That the development will add to the streets parking issues and pose highway safety risk, with several recent incidents of passing cars colliding with parked cars.
- That the nearby pubs (Starving Rascal and the Swan PH) are both very popular with limited parking resulting in on street parking.
- That both apartments could house couples who both own cars with possibly four cars requiring parking spaces.
- That the plans show parking for the ground floor apartment but there does not appear to be access to this facility for the upstairs apartment.

OTHER CONSULTATION

10. Head of Planning and Development (Highways Engineer); The application is for 2 No 1 bed apartments, the Council's minimum parking standard for 1 bed apartment conversions is 1 space per apartment.

The existing parking forecourt is approximately 7m x 5.7m and can accommodate 2 vehicles with independent access.

An electric charging point will be required for each dwelling and also an internal cycle storage area or secure area in the garden area. Conditions are recommended.

11. Head of Environmental Safety and Health Team; Standard air quality and noise conditions are recommended.

RELEVANT PLANNING POLICY

National Planning Guidance

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

Black Country Core Strategy (2011)

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

Dudley Borough Development Strategy (2017)

- S1 Presumption In favour of sustainable development
- S6 Urban Design
- S8 Local Character and Distinctiveness

- L1 Housing Development, extensions and alterations to existing dwellings
- D2 Incompatible Land Uses
- D3 Contaminated Land
- D5 Noise Pollution

Supplementary Planning Documents / Guidance

- PGN 17 House Extension Design Guide
- Parking Standards SPD (2012)
- New Housing Development SPD (2013)
- Access for All (2011)

ASSESSMENT

12. The key issues are

- Policy
- Principle
- Character and Visual Amenity
- Neighbouring Amenity
- Occupier Amenity
- Highway Safety
- Other Matters

Policy

13. The National Planning Policy Framework (NPPF) advises that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF also seeks to boost housing supply and supports the delivery of a wide choice of high-quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities. The Core Strategy under Policy HOU1 – Delivering Sustainable Housing Growth requires that ‘at least’ 95% of new housing (gross) be built on previously developed land (pdl)

14. Paragraph 28 of the NPPF (2021) supports the use of non-strategic policies to influence local design character, and sets out that *“Non-strategic policies should be used by Local Planning Authorities and communities to set out more detailed policies for specific areas... establishing design principles”*. This rhetoric is also supported under paragraph 126 and 136 of the NPPF (2021). Furthermore, in considering the importance of good design, paragraph 134 further states that *“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.”*
15. The above statement makes specific reference to the good design principles contained within the National Design Guide (2019) that was released by the then Ministry of Housing, Communities and Local Government. This document emphasises the importance of good design within the Planning System and how this influences the quality of our experience of any place. In response, paragraphs 23 (*Layout*), 24 (*Form*), 26 (*Scale*) 27 (*Appearance*) and 29 (*materials*) highlight that, amongst other matters, these form a significant contribution in the creation of good design.
16. Policy CSP4 - Place Making - of the Black Country Core Strategy outlines that, *“The Black Country has a unique heritage and urban structure which requires a bespoke approach to place-making and a high quality of design of the built and natural environment. All development will be required to demonstrate a clear understanding of the historic character and local distinctiveness of the area and show how proposals make a positive contribution to place-making and environmental improvement in the following spatial terms”*
17. Policy ENV2 – Historic Character and Local Distinctiveness – of the Black Country Core Strategy outlines that development proposals will be required to preserve and enhance local character and those aspects of the historic environment together with their settings which are recognised as being of special historic, archaeological, architectural, landscape or townscape quality. The policy outlines that this includes

areas of extensive lower density suburban developments of the mid-20th century including public housing and private developments of semi-detached and detached housing as being one which requires special attention.

18. Dudley Borough Development Strategy Policy S6 – Urban Design outlines the significance of good design and its importance in underpinning all development, seeking to achieve the highest standards of design. In doing so *“Dudley Council will support appropriately designed, sustainable development which is responsive to the character and/or visual amenities of the local area”* and ensuring developments must make a positive contribution to the character and appearance of the area with appropriate massing and bulk.
19. This rhetoric is further supported by Policy S8 – Local Character and Distinctiveness - of the of the Dudley Borough Development Strategy outlines that *“All development proposals within the Dudley Borough should take account of the locally distinctive character of the area in which they are to be sited..... and should respect and respond to its positive attributes.”*
20. Paragraph 2.1 of the councils ‘House Extension Design Guide’ (Planning Guidance Note 17) states that *“The Council seeks to ensure that house extensions and alterations:-*
 - *Relate to the character of the original house in terms of scale, materials and design details.*
 - *Do not harm the occupiers of adjacent properties, i.e. daylight, outlook, privacy.*
 - *Are of a high standard of design and layout and are compatible with the character of the surrounding area”.*

Principle

21. The site comprises an existing residential property within an established urban setting, close to local services and public transport. There is, in-principle, national policy support for the type of development proposed subject to the satisfaction of all

relevant material planning considerations including whether or not the dwelling can be sympathetically converted to form the apartments without demonstrable harm to visual amenity, neighbouring amenity and highway safety.

Character and Visual Amenity

22. There would be only minor elevational changes to the property which would relate satisfactorily in design terms with no demonstrable harm to the host property or the appearance of the semi-detached pair.
23. The proposal involves the sub-division of the rear garden with new fencing separating the existing garden lengthways to form two private gardens to serve the occupants of the new apartments. This would not detract significantly from the pattern of development in the locality with the resultant development still maintaining generous long rear gardens. It is not considered that the development would amount to overdevelopment with the existing floor space utilised for the conversion with each apartment occupying a floor and with a generous internal layout for each of the one bedroom apartments.
24. It is considered that there would be no demonstrable harm to the character and appearance of the area and in this respect, the proposal complies with the NPPF, Policy CSP4, ENV2, ENV3, HOU1 and HOU2 of the Black Country Core Strategy, Policy L1, S6 & S8 of the Dudley Borough Development Strategy and the Council's New Housing Development SPD (2013).

Neighbouring Amenity

25. For all developments, the Council will seek to ensure that any such proposals would not harm the occupiers of adjacent properties in terms of daylight, outlook, privacy and inter-visibility.
26. No extensions are proposed to facilitate the conversion with only internal changes and minor elevational changes proposed. It is considered that there would be no demonstrable harm to the occupiers of 239 & 243 Collis Street in light, privacy and outlook terms. Likewise, neighbouring properties to the rear would be unaffected by

the proposals. In this respect the proposal complies with Policy L1 & S6 of the Dudley Borough Development Strategy and The New Housing Development SPD.

27. Whilst noise concerns have been expressed by an objector, the site is an existing residential property, and the Head of Environmental Health and Trading standards raise no objection in noise terms. It is, therefore, considered that conversion of the dwelling into two apartments would cause no demonstrable harm in terms of noise, plus this matter is subject to requirements of the Building Regulations.

Occupier Amenity

28. The internal space afforded to each apartment is generous and exceeds the nationally described internal space standards. Each apartment would be accessed from the front and would also benefit from a private rear garden. The proposed development is considered to provide reasonable and functional living accommodation for future occupiers.

Highway Safety

29. Whilst objectors' raise parking concerns, the Council's Highways Engineer raises no objection to the parking arrangement or to the widening of the access. The development would provide one space per one bedroom flat in accordance with the Parking Standards SPD and the parking demand is no greater than the existing requirements of the three bedroom dwelling. Refusal of permission on highway safety grounds is not, therefore, deemed to be sustainable.
30. The Engineer also advises that internal cycle storage or secure storage in the garden is required for each dwelling and that full details of this together electric vehicle charging provision can be secured by condition.

Financial Material Considerations

31. Clause (124) of the Localism Act states that: Local planning authorities are to have regard to material considerations in dealing with applications including any local finance considerations, so far as material to the application. A 'local finance consideration' may be taken to cover the payment of New Homes Bonus, or sums

that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy (CIL).

32. The clause does not change the law in any way. It is not a new basis for planning policy and it remains unlawful for planning permissions to be 'bought'.
33. This proposal would provide one additional dwelling generating a New Homes Bonus grant of one times the national average council tax for the relevant band.
34. The proposal is liable for CIL and falls within Zone 1 which has a £0 rate thus no CIL charge is required.

Other Matters

35. Whilst an objector advises that works have already been carried out, there is no indication within the submitted information that the conversion has already taken place, with the planning application form indicating that works have not started. During the site visit it was observed that the garage has been converted with the original garage doors replaced with a window, however, this is not the arrangement detailed on the submitted drawings and conversion of the garage in itself would constitute permitted development.
36. The key matters for consideration and assessment of the application would be the same regardless of whether or not the development is retrospective (in part or in full). The quality or safety of any internal works whether or not they have been undertaken is not a matter for consideration under a planning application and are covered by separate legislation.

CONCLUSION

37. 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. Sufficient off-road parking would be provided to meet the parking demands and cycle parking and electric vehicle charging provision for both apartments can be secured by condition. On this basis

the application is considered to be acceptable being in accordance with the relevant policies contained within the Black Country Core Strategy and Dudley Borough Development Strategy as well as the relevant Supplementary Planning Documents.

RECOMMENDATION

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

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. 241CS//0618/001 Revision D
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).
4. 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 area(s) [including details of lines, widths, levels, gradients, cross sections, drainage] have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the access(es) into the site, together with parking and turning area(s) within the site have been laid out in accordance with the approved details. These area(s) shall thereafter be retained and not be used for any other purpose for the life of the development.
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings
Policy D2 Incompatible Land Uses (in part)
and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

5. No part of the development shall be occupied until visibility splays to the new access have been provided at the junction between the proposed means of access and the highway with an 'x' set back distance of 2.4m metres and a 'y' distance of 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.
6. The dwelling(s) shall not be occupied until details of secure and covered cycle storage 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 occupation of the dwelling(s) and shall thereafter be retained and maintained for no other purpose, for the life of the development.
 REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings
 Policy D2 Incompatible Land Uses (in part)
 and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.
7. No above ground development shall commence until details of the electric vehicle charging points, to be provided for the dwellings in accordance with the Council's standard (Parking Standards SPD), has been submitted to and approved in writing by the local planning authority. Prior to first occupation the electric vehicle charging points shall be provided in accordance with the approved details and shall be maintained for the life of the development.
 REASON: In the interests of creating a sustainable form of development and to encourage the use of ultra low emission vehicles in accordance with Policies ENV8 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy.
8. 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.
9. In order to minimise the impact of the development on local air quality, any gas boilers provided within the development must meet a dry NOx emission concentration rate of <40mg/kWh.

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

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

REASON: To protect the amenities of nearby residents in accordance with Saved UDP policies EP7 - Noise Pollution and DD4 - Development in Residential Areas



EXISTING SIDE ELEVATION
SURVEY

EXISTING FRONT ELEVATION
SURVEY

EXISTING REAR ELEVATION
SURVEY

EXISTING SIDE ELEVATION
SURVEY

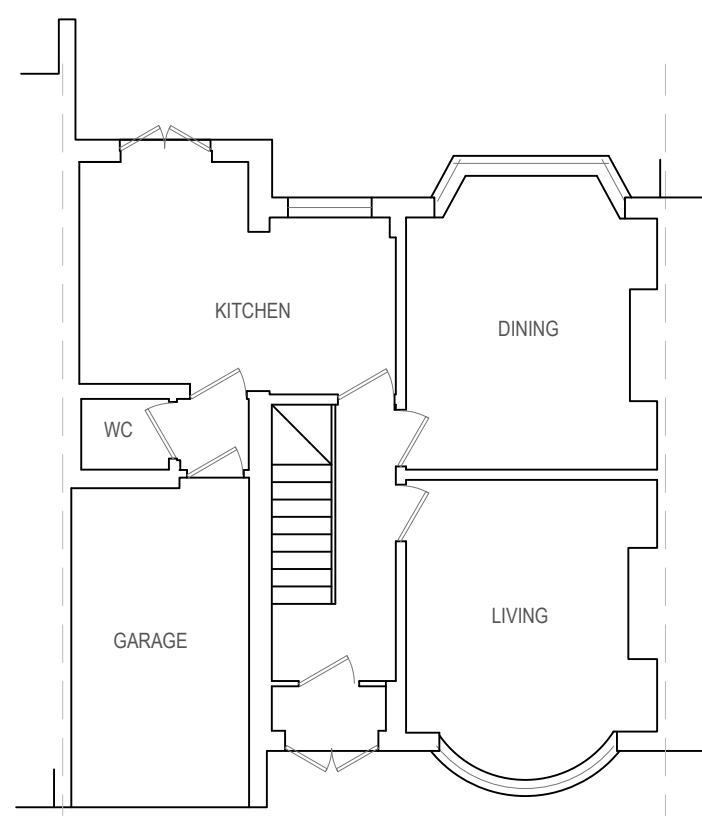


PROPOSED SIDE ELEVATION

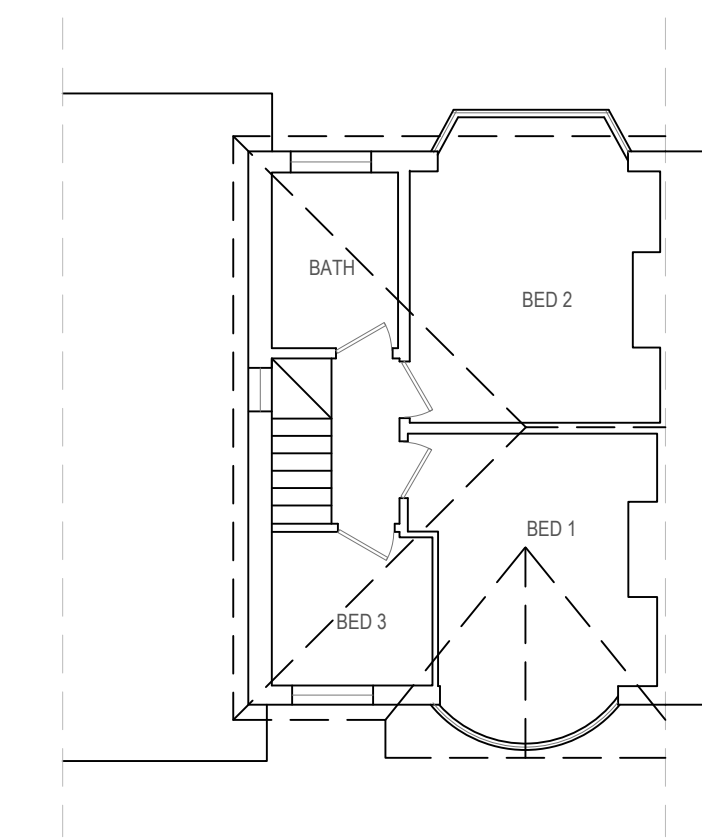
PROPOSED FRONT ELEVATION

PROPOSED REAR ELEVATION

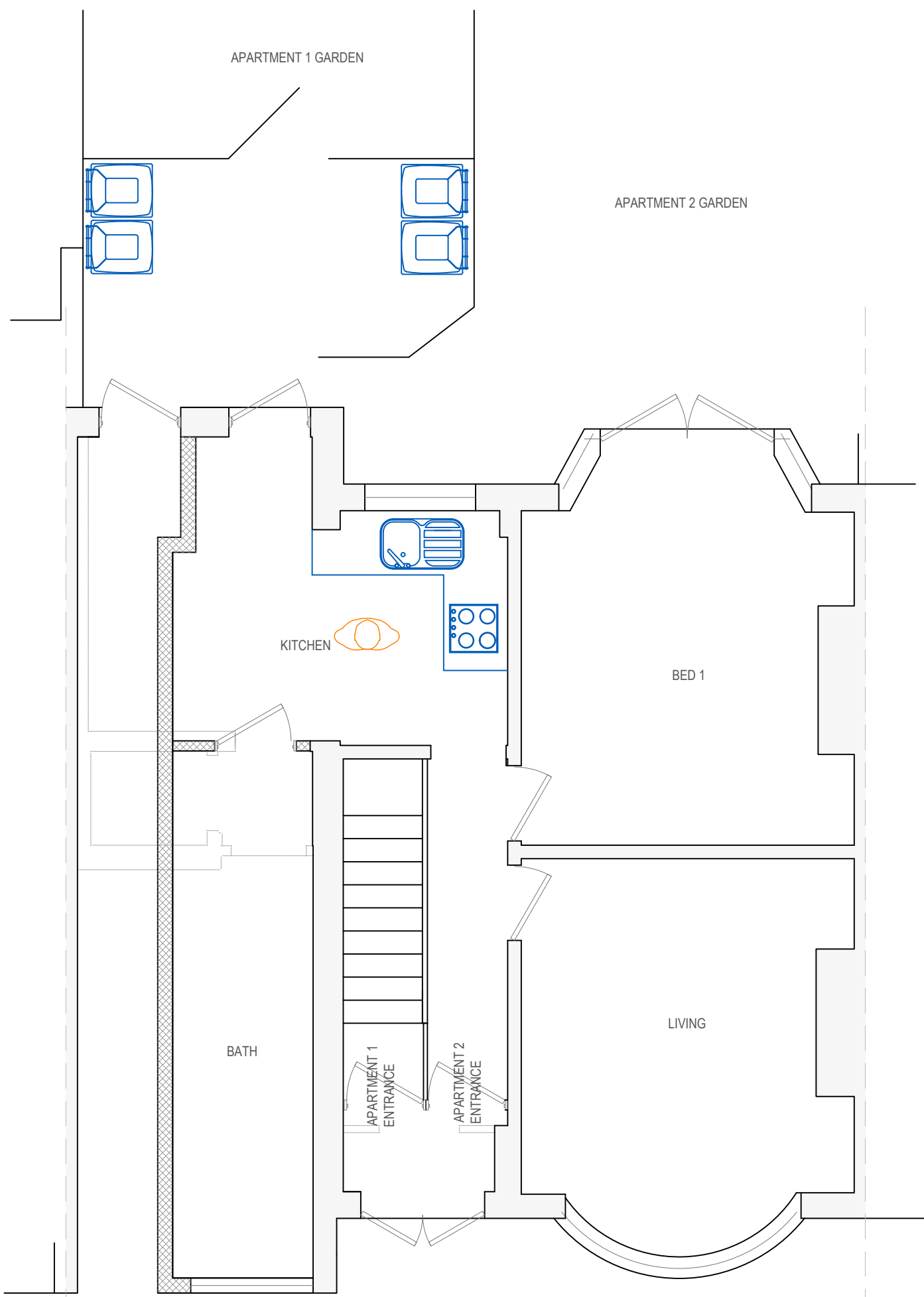
PROPOSED SIDE ELEVATION



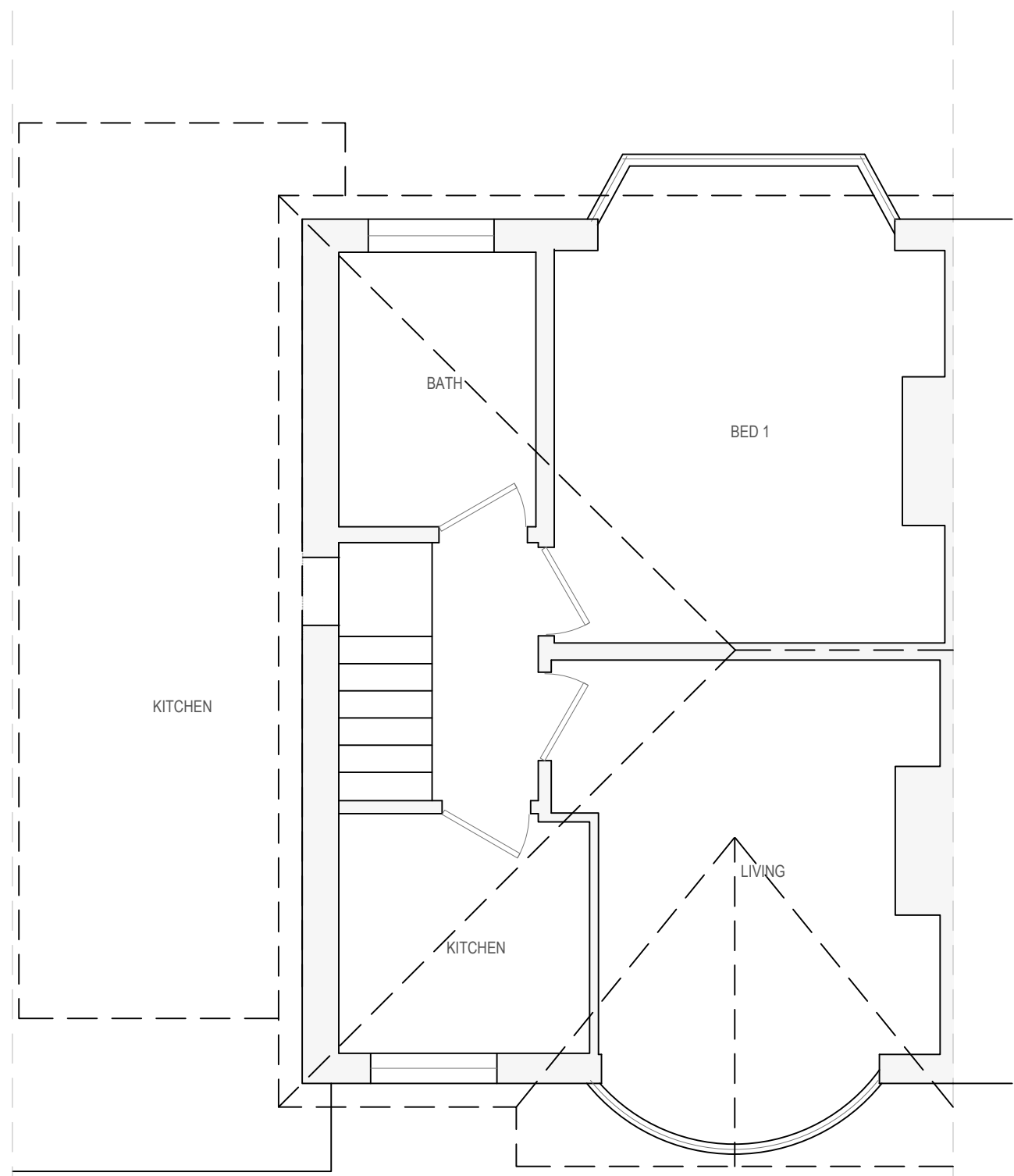
EXISTING GROUND



EXISTING FIRST



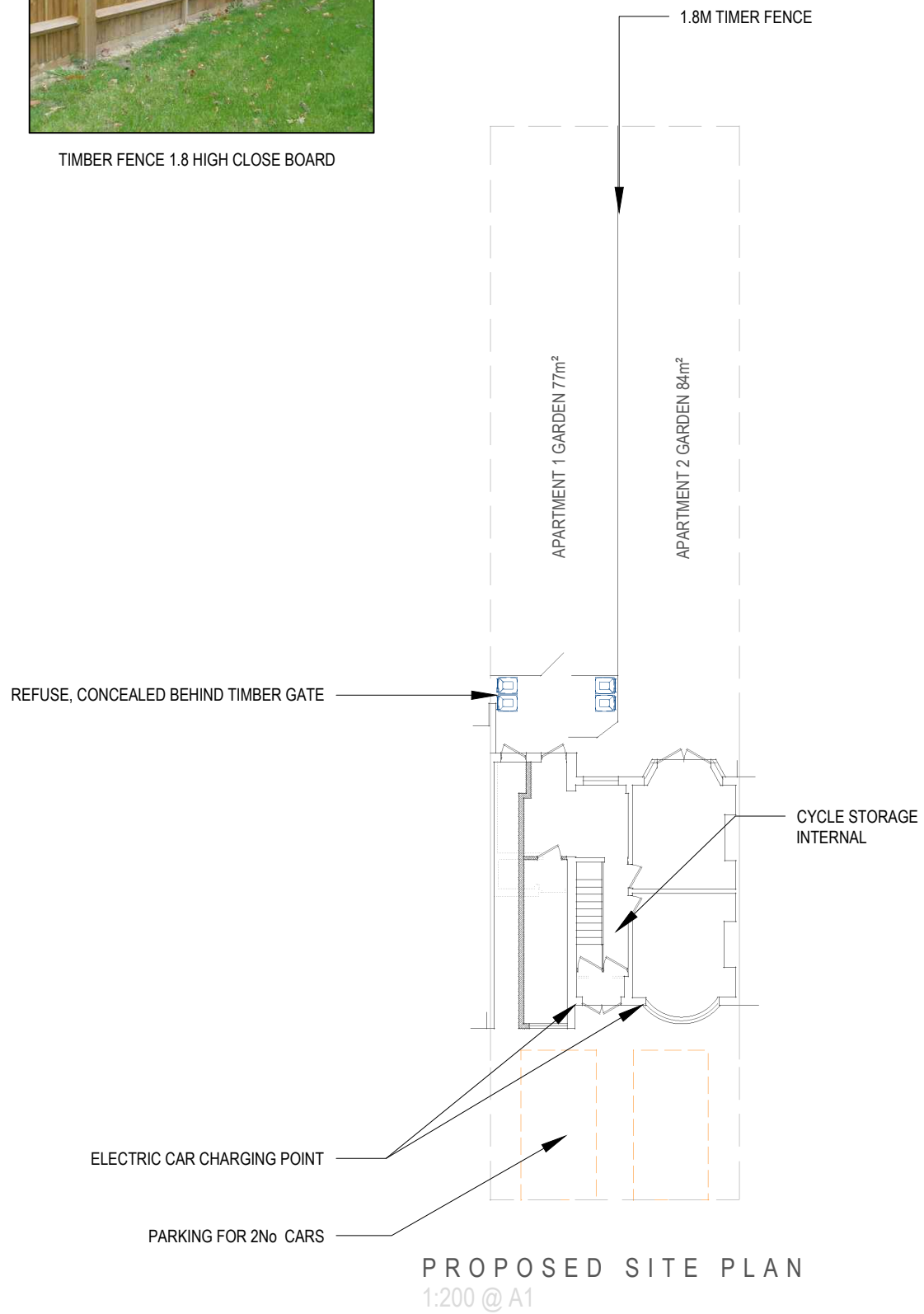
PROPOSED GROUND
1:50 @ A1



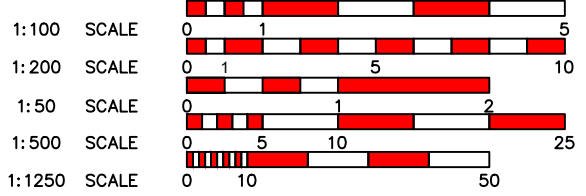
PROPOSED FIRST
1:50 @ A1



TIMBER FENCE 1.8 HIGH CLOSE BOARD



PROPOSED SITE PLAN
1:200 @ A1



METRES
METRES
METRES
METRES
METRES



| | | |
|--|------------|----------------------------|
| D | DESIGN ALT | 16/06/22 |
| C | LAYOUT ALT | 06/12/21 |
| S | LAYOUT ALT | 07/10/21 |
| A | DC COMM | 06/09/21 |
| BETAPLAN LTD | | |
| 01562 911020 / 07711 527239 | | |
| info@betaplan.co.uk | | |
| HOUSE CONVERSION TO APARTMENTS | | |
| 241 COLLIS STREET STOUBRIDGE DY8 4EN | | |
| 241CS | 0618/001 | D |
| EXISTING & PROPOSED | | |
| JUL21 | SRB | 1:1250 1:50 1:100 1:500 |

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

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