



## **Meeting of the Planning Committee**

**Wednesday, 16th, November at 6.00pm  
in the Council Chamber  
at the Council House, Priory Road, Dudley**

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

1. Chair's Announcement.

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

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

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

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

2. Apologies for absence

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



4. To receive any declarations of interest under the Members' Code of Conduct
5. To confirm and sign the minutes of the meeting held on 12th October 2022 as a correct record (Pages 6 to 9)
6. Plans and Applications to Develop
  - (a) Planning Application No. P21/2163 – 336 Hagley Road, Stourbridge – Fell and replace 1 no. Redwood (Sequoia) tree (Pages 10 to 21)
  - (b) Planning Application No. P22/1164 – 42 St James's Road, Dudley – Conversion of residential care home into 4 no. flats to include first floor side extension. Elevational changes to include new windows and doors and removal of external staircase (resubmission of refused application (Pages 22 to 39)
  - (c) Planning Application No. P22/1225 – 25 Cottage Street, Kingswinford – Change of Use from residential to care home (C2) (Pages 40 to 54)
  - (d) Planning Application No. P22/1274 – Garage Site, Land off Fairfield Road and Swanfield Road, Stourbridge – Construction of 2 no. 3 bedroom houses and 1 no. 1 bedroom bungalow, together with external works, car parking and landscaping (Pages 55 to 81)
  - (e) Planning Application No. P22/1288 – Netherton Park Activity Centre and Healthy Hub, Greaves Road, Netherton – Creation of car park with new access from the highway (Pages 82 to 100)
7. Confirmation of Tree Preservation Orders (Pages 101 to 110)
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: 7<sup>th</sup> November, 2022**

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## **Submitting Apologies for Absence**

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

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**Minutes of the Planning Committee  
Wednesday 12<sup>th</sup> October, 2022 at 6.00 pm  
In the Council Chamber at The Council House, Dudley**

**Present:**

Councillor D Harley (Chair)

Councillors H Bills, B Challenor, D Corfield, P Drake, P Miller, E Taylor and M Westwood.

**Officers:**

I Hopkin (Planning Officer), K Lowe (Principal Planning Officer), C Mellor (Head of Planning), P Reed (Principal Planning Officer), J Todd (Development Manager) (Directorate of Regeneration and Enterprise); G Breakwell (Solicitor) and K Buckle (Democratic Services Officer) (Directorate of Finance and Legal).

**Observers:**

Approximately 5 members of public

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24. **Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Councillors A Goddard and W Sullivan.

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25. **Appointment of Substitute Member**

It was reported that Councillor B Challenor had been appointed as a substitute Member for Councillor W Sullivan for this meeting of the Committee only.

## 26. **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.

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## 27. **Minutes**

### **Resolved**

That the minutes of the meeting held on 12<sup>th</sup> September, 2022, be approved as a correct record and signed.

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## 28. **Introductions**

The Head of Planning introduced J Todd and I Lowe to the meeting and the Chair welcomed both to the Authority.

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## 29. **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. P22/0727 – Wood & Moore Builders Merchants, Wallows Road, Brockmoor, Brierley Hill – Demolition of existing builders merchants yard and erection of 30 no. dwellings with associated works.**

### **Resolved**

That the application be approved subject to conditions numbered 1 to 32 (inclusive), as contained in the report submitted.

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## 30. **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

Members on 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> |
|------------------------|---|--|
| P22/0710               | K Denning (Objector)                            | Mr G Singh                                 |

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(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.**

In considering the application, Members took account of the objections raised by a local resident in relation to the loss of a locally listed building of cultural value and a heritage asset and the suggestion that the public house should be brought back into usable service.

The Committee were also mindful of the supporting comments made by the developer in that the building had been vandalised to such an extent that it was now structurally unsafe, there was insufficient demand for public houses but high demand for high quality homes, which the developers had 15 years experience of developing housing of a high quality using local suppliers and trades persons to complete the new build in question.

**Resolved**

That the Head of Planning be authorised to approve the application subject to conditions numbered 1 to 28 (inclusive) as set out in the report submitted on the expiry of an additional publicity period on 20<sup>th</sup> October 2022.

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(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 a new vehicular access.**

**Resolved**

That the application be approved subject to conditions



numbered 1 to 10 (inclusive) as set out in the report submitted.

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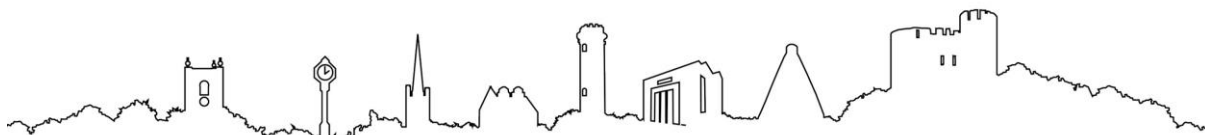
The meeting ended at 6.25pm.

CHAIR

## **PLANNING APPLICATION NUMBER: P21/2163**

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

|  |  |   |                    |
|--|--|---|--------------------|
| <b>Application No.</b>                                 | P21/2163   |   |                    |
| <b>Location:</b>                                       | 336 Hagley Road, Stourbridge, DY9 0RD  |   |                    |
| <b>Proposal Summary:</b>                               | Fell and replace Wellingtonia ( <i>Sequoiadendron giganteum</i> )  |   |                    |
| <b>Site Visit Date:</b>                                | 30/11/2021<br>&<br>15/12/2021  | <b>Site Notice Expiry Date:</b>               | N/A                |
| <b>Site Notice Displayed?</b>                          | Not required   | <b>Tree Preservation Order Number / Year:</b> | TPO/227/T32 (1987) |
| <b>Key Site and Surroundings:</b>                      | <p>The Wellingtonia (<i>Sequoiadendron giganteum</i>) subject to the application occupies a prominent roadside position and is clearly visible to users of Hagley Road, Ferndale Park and Bromwich Lane.</p> <p>The tree stands at an approx. height of 30 - 35m with a crown spread of 8m and a diameter at breast height (DBH) of 1600mm.</p> <p>Due to its position, maturity of form and stature it has a positive impact on the character and appearance of the area.</p> |   |                    |
| <b>Relevant Application History?</b>                   | <p>P08/1822 Fell Redwood – Refused<br/>(TPO committee decision)</p> <p>Appeal Ref: APP/TPO/C4615/537 - Dismissed</p>   |   |                    |
| <b>Representations Received?</b>                       | Yes  |   |                    |
| <b>If Yes, how many? (Support, Objection, Comment)</b> | <b>Support</b>   | <b>Objection</b>                              | <b>Comment</b>     |
|  |  | 1   |                    |



|                           |  |
|---------------------------|--|
| <b>Comments Received:</b> | Cllr. Ian Kettle opposes the application P21/2163 to fell the giant redwood at 336 Hagley road. 'It's the only redwood I know of in the Borough and is a very good specimen therefore unique'. |
|---------------------------|--|

### Tree(s) Appraisal – Tree 1

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

### Amenity Assessment

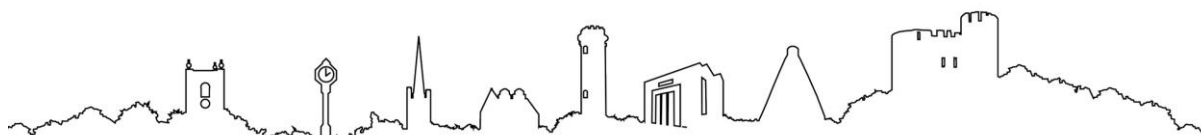
|  |      |                    |      |                                    |     |
|--|------|--------------------|------|------------------------------------|-----|
| <b>Visible:</b>  | Yes  | <b>Prominence:</b> | High | <b>Characteristic of the Area:</b> | Yes |
| <b>Overall Amenity Value? (High, Medium, Low, None):</b> | High |                    |      |                                    |     |

### Further assessment if not covered:

#### Previously brought to Planning Committee March 9<sup>th</sup> 2022

Additional information was requested by members of the Planning Committee to determine the presence of Red Band Needle Blight. The applicant's Agent was invited to submit further information in support of his assessment of the tree's condition. As this was not forthcoming, a decision was taken by the Head of Planning that the Council should have samples of foliage independently tested. The results received from Forest Research prove that the tree is not diseased and are shown on the page below.

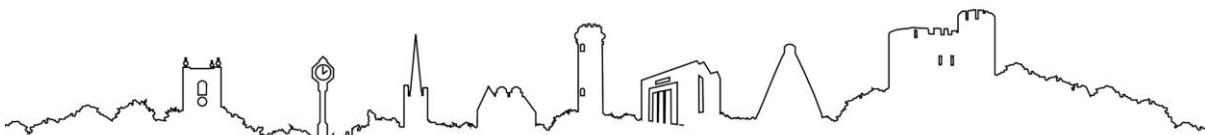
In addition to the scientific analysis of the damaged/dead foliage, a recent drainage report was requested from the Agent to support the statement made to the Planning Committee that there had been further root ingress into the property's pipework. As no report was submitted to the Council, the Tree Officer took the opportunity to speak to the



applicant during the most recent site visit. The applicant stated that she had not experienced any further problems with drainage since the repair work undertaken in 2009. Therefore, no weight can be attached to a claim that the applicant's downstairs toilet takes 15 minutes to flush as a result of root ingress to pipework.

### **Conclusion**

Having received assurance from Forest Research that the tree is not suffering from Red Band Needle Blight or any other fungal pathogen, and confirmation from Mrs Parkes that the property is not being adversely affected by the presence of the tree, it remains the Council's recommendation that the application be refused.



**Forest Research**

Alice Holt Lodge  
Wrecclesham  
Farnham, Surrey  
GU10 4LH, UK

Tel +44 (0)300 067 5651  
caroline.gorton@forestresearch.gov.uk

**Chief Executive**

Professor James Pendlebury

John Fraser  
Tree Protection Officer  
Planning - Development Control  
Regeneration & Enterprise  
Dudley Council  
Council House,  
1 Priory Road,  
Dudley,  
DY1 1HF

Our Ref: 2022/393

08 June 2022

**TREE HEALTH DIAGNOSTIC & ADVISORY SERVICE**

Dear John,

Thank you for sending in the samples from *Sequoiadendron giganteum*. We have examined the foliage under the microscope and there is no evidence of any *Dothistroma* fruiting bodies or needle damage consistent with the disease. Although a number of coniferous hosts are affected by the fungus, pine is particularly susceptible with 86 pine species reported to be prone to the disease worldwide. Other conifers reported as susceptible are five spruce species, including Sitka spruce (*Picea sitchensis*) and Norway spruce (*Picea abies*), European larch (*Larix decidua*) and Douglas fir (*Pseudotsuga menziesii*) ([Dothistroma septosporum \(SCIRPI\)\[Host plants\] EPPO Global Database](#)). However, they are all thought to be of low susceptibility, only becoming infected under high inoculum pressure. *Sequoiadendron* is not a recorded host of the fungus.

The browning foliage which was included did not have any lesions that might be caused by a fungal infection. The distribution of the damage as illustrated by the photographs could be the result of a lightning strike.

To help us deal with your enquiry, please always quote our enquiry reference number which is 2022/393 and your client number which is 54843.

Yours sincerely,

Dr Caroline Gorton

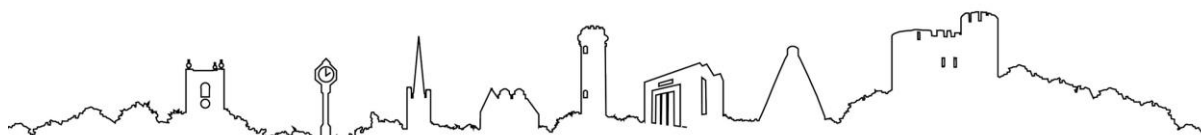
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## Original Report 16/02/2022

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

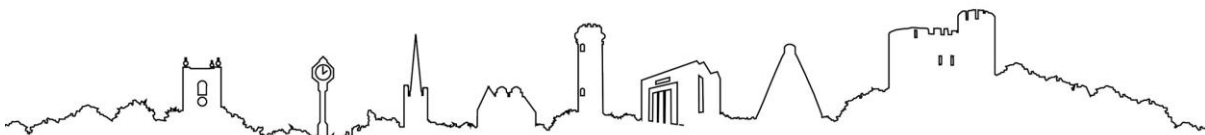


The current application is supported by a tree condition report prepared by the applicant's agent Cllr. Matt Rodgers, owner of Absolute Tree Solutions. The report states that it is in accord with BS5837:2012 Trees in relation to Design, Demolition and Construction, however it should be noted that it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

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

The arboricultural justification given within the report for the removal of the tree is that it is suffering from a fungal pathogen, commonly referred to as Red Band Needle Blight (*Dothistroma septosporum*). Red Band Needle Blight is a disease affecting Pine species, most commonly found on Corsican pines (*Pinus nigra*). It is not a disease associated with Wellingtonia and there have been no recorded incidents of infection of Wellingtonia. Furthermore, the pattern and appearance of the dead foliage observed is inconsistent with Red Band Needle Blight and therefore, I am unable to agree with the agent's diagnosis.

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

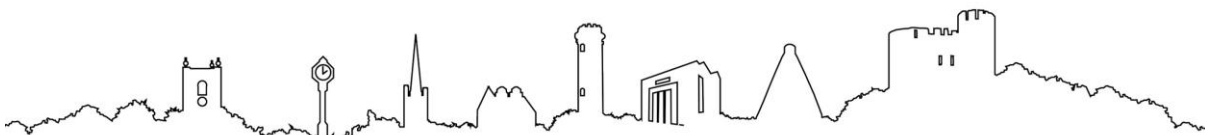


may compensate for the loss of these branches over time. In addition, Wellingtonia are widely regarded as being the most 'wind fast' species of tree in the world and it is unlikely that the removal of the damaged branches would have any adverse effect upon the biomechanics of the canopy or the long-term wellbeing and safety of the tree.

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

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

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





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

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

It is recognised that the applicant is willing to plant replacement trees, however, the principle of justifying the premature removal of a large mature protected tree on the grounds that planting replacement trees will offset any resulting loss of amenity is inconsistent with prudent arboricultural management. It would take a great many trees to compensate for the loss of ecosystem services currently provided by the tree.

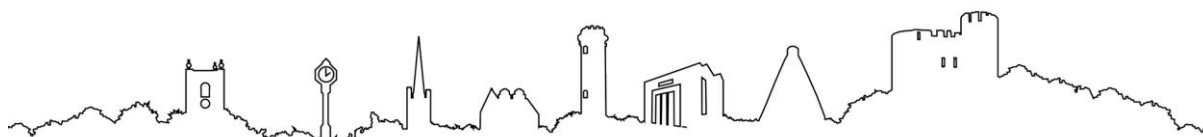
Furthermore, the area of land identified for the replacement trees is not in the ownership of the applicant and neither is it within the gift of the applicant's agent to promise such.

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

### **Conclusion:**

Red Band Needle Bight is not known to affect Wellingtonia.

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



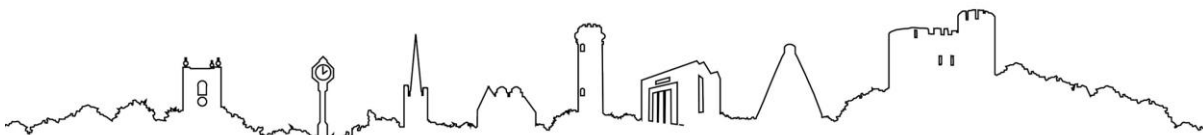
It is accepted as proven by Insurance companies and the wider arboricultural community that for a tree to be the cause of subsidence damage to a built structure, the underlying soil must be of a shrinkable clay.

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

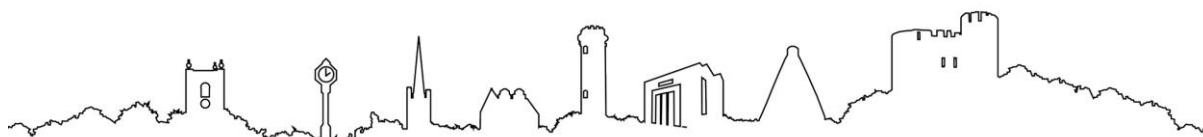
The tree is a highly visible natural feature in a suburban setting offering a high amenity value due to its contribution to the character and appearance of the area.

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

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



|                      |  |                                      |            |
|----------------------|--|--------------------------------------|------------|
| <b>Case Officer:</b> |  | <b>Date of<br/>Final<br/>Report:</b> | 16/02/2022 |
|----------------------|--|--------------------------------------|------------|

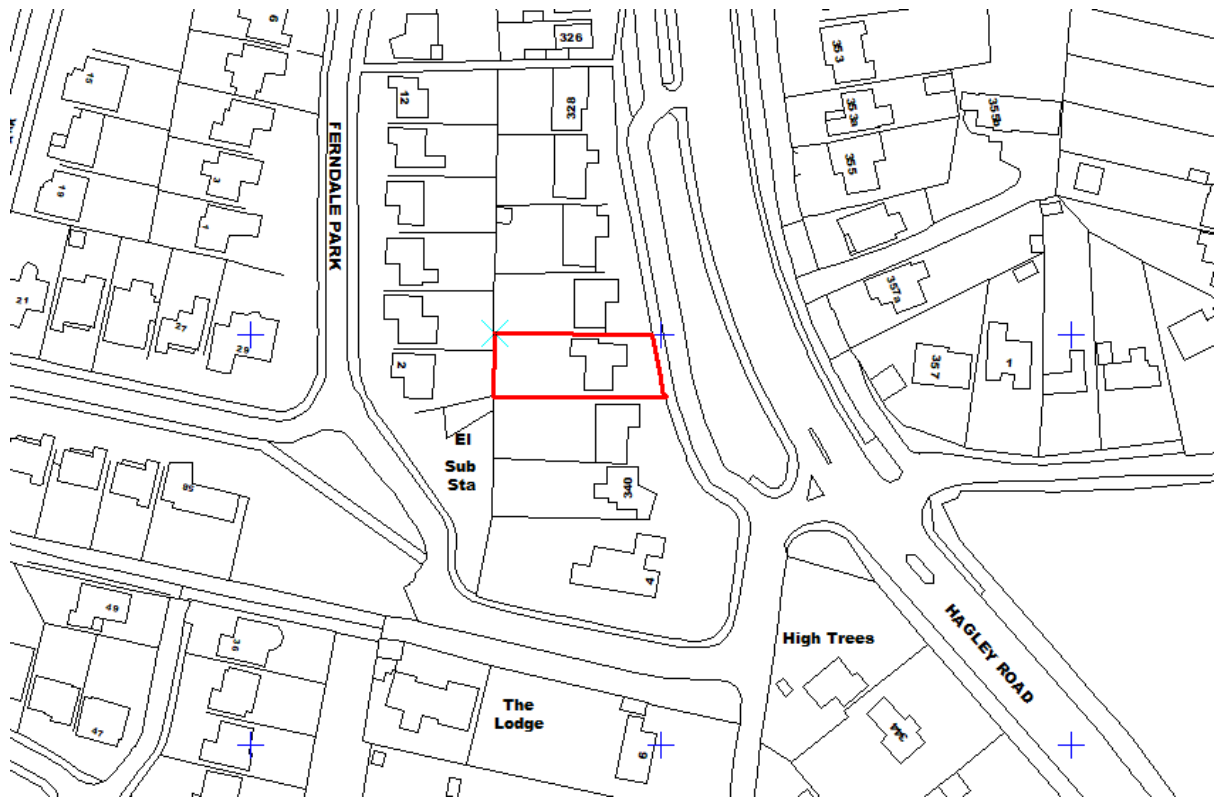


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Conditions and/or reasons:

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



## **PLANNING APPLICATION NUMBER: P22/1164**

|                         |  |
|-------------------------|--|
| Type of approval sought | Full Planning Permission   |
| Ward                    | Castle and Priory Ward   |
| Agent                   | Anjum Mehmood  |
| Case Officer            | James Mead   |
| Location:               | <b>42, ST JAMES'S ROAD, DUDLEY, DY1 3JB</b>  |
| Proposal                | <b>CONVERSION OF RESIDENTIAL CARE HOME INTO 4 NO. FLATS TO INCLUDE FIRST FLOOR SIDE EXTENSION. ELEVATIONAL CHANGES TO INCLUDE NEW WINDOWS &amp; DOORS AND REMOVAL OF EXTERNAL STAIRCASE (RESUBMISSION OF REFUSED APPLICATION P22/0225)</b> |
| Recommendation Summary: | <b>APPROVE SUBJECT TO CONDITIONS</b>   |

### **SITE AND SURROUNDINGS**

1. The application site is 42 St James Road, Dudley. This is a two-storey detached residential property with hipped roof and decorative front gable feature. The property is vacant having been used as elderly care home. There is a ground floor bay window to the front and the entrance is recessed within a wooden canopy structure. To the front of the property is a paved driveway, with an in and out access. There is an attached single garage to the site. Low level brick walls and railings form the boundaries to neighbouring properties at the front of the property.

2. The property has been extended at the rear with a flat roof three storey addition. Falling land levels at the rear, allowed for the creation of a basement level. There is a large north facing garden which is bound by wooden fencing to neighbouring properties with dense planting along the boundary with number 44 and to the rear of the site.
3. St James Road is characterised at this point by a mix of larger detached and semi-detached dwellings set in linear rows along a street lined within mature trees. Further to the east there are a number of commercial/institutional uses including St James Academy; Day Nurseries; Council Offices and a Royal Mail Sorting Office as the area gives way to Dudley Town Centre which is situated to the south-west of the site.
4. The site is identified as being within an Area of High Historic Townscape Value.

## PROPOSAL

5. Consent is sought for the change of use from residential care home (C3) into 4no flats along with first floor extension above garage, rear lower ground floor and ground floor extensions at 42 St James Road, Dudley.
6. Plans submitted show one flat each at basement level and ground floor and two, one bedroom flats at first floor. All would be accessed from via the existing entrance. The private communal garden at the rear of the property will be retained.

7. To facilitate the change, it is proposed to erect a first-floor extension above the existing garage and further extensions at basement and ground floor level. All would be constructed with materials to match the existing house.
8. Plans indicate four off street vehicle parking spaces to the front. A cycle store would be provided internally.
9. The application follows the refusal of a previous application for the development of 6 flats.

## HISTORY

| <b>APPLICATION No.</b> | <b>PROPOSAL</b>   | <b>DECISION</b>          | <b>DATE</b> |
|------------------------|---|--------------------------|-------------|
| CC/75/1177             | Change of use from dwelling to Old persons home                                     | Approved with conditions | 11/09/1975  |
| 89/51590               | Three storey side and rear extension to residential care home                       | Refused                  | 28/09/1989  |
| 89/52795               | Construction of extension to residential care home                                  | Refused                  | 01/03/1990  |
| 93/50890               | Erection of extension to provide additional bedrooms, stairs and lounge extensions. | Approved with conditions | 22/07/1993  |
| P21/2062               | Conversion of Residential   | Withdrawn                | 24/01/2022  |



|          |   |         |            |
|----------|---|---------|------------|
|          | Care home (C3) into 11-bedroom HMO (Sui Generis) including garage conversion, first floor extension above garage, rear lower ground floor and ground floor extensions |         |            |
| P22/0225 | Conversion of Residential Care Home into 6 no. one bedroom flats to include first floor side extension and lower ground floor and ground floor rear extensions        | Refused | 23/06/2022 |

10. Application P22/0225 was refused by Planning Committee on the grounds that the proposal did not provide sufficient parking for 6 flats. The application had been recommended for approval by officers.

## **PUBLIC CONSULTATION**

11. Neighbour notification letters were sent to 25 neighbouring properties and a site notice posted with the final dates for comments to be received being 14<sup>th</sup> October 2022.
12. Five individual letter of objection have been received from four surrounding properties objecting to the proposal on the following grounds.

- The amount of parking proposed is insufficient for this use.
- There are already surplus number of flats in the area.
- Flats are out of character for this part of St James Road.
- This is overdevelopment of the site.

## OTHER CONSULTATION

### 13. Head of Planning and Development (Highway Engineer):

Four apartments require a minimum parking standard of 1 space per apartment. This minimum standard has been met.

### 14. Head of Environmental Safety and Health

No adverse comments, safeguarding conditions with respect to air quality are recommended.

## RELEVANT PLANNING POLICY

### 15. National Planning Guidance

- National Planning Policy Framework (2021)
- Planning Practice Guidance (2014)

### 16. Black Country Core Strategy (2011)

- CPS4 Place Making
- HOU1 Delivering Sustainable Housing Growth
- HOU2 Housing Density, Type and Accessibility
- TRAN2 Managing Transport Impacts of New Development
- ENV 2 Historic Character and Local Distinctiveness

- ENV 3 Design Quality
  - ENV8 Air Quality
17. Dudley Borough Development Strategy (2017)
- S1 Presumption in favour of Sustainable Development
  - S12 Areas of High Historic Townscape Value
  - L1 Housing Development, extensions and alterations to existing Dwellings
  - D5 Noise Pollution
18. Supplementary Planning Guidance/Documents
- Parking Standards Supplementary Planning Document (2017)
  - The Historic Environment SPD (2017)

## ASSESSMENT

19. The main issues are
- Principle/Policy
  - Design/Character and Appearance
  - Neighbour and Occupier Amenity
  - Access and Parking
  - Financial Material Considerations

### Principle/Policy

20. 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.

21. 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.
22. The Black Country Core Strategy (BCCS), Policy HOU1: 'Delivering Sustainable Housing Growth' also requires at least 63,000 net new homes up to 2026.
23. 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.

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

#### Design, Character and Appearance

25. 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”
26. 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.

27. This application proposes to erect a first-floor extension above the existing garage and flat roof additions to the rear to facilitate the proposed development. The extensions, while adding built form along the side boundary of the house would on balance be acceptable in design terms. The extension would lead to a change from a hipped roof to a gable ended roof. There are examples of such elsewhere on St James Road, which contains a mix and styles of housing as such that this would not cause sufficient concern to warrant refusal of the application. In addition, there is already a large-scale addition to the rear with a flat roof and the extensions would not appear out of place or incongruous in this context.
28. The overall architecture of the proposed works assimilates with the overall design of the existing building, in terms of the materials used and the building would not appear out of place locally. A condition requiring the details of materials to be as the submitted plans is recommended.
29. The proposal therefore accords with Policy HOU2 of the Core Strategy and Policy L1 of the Dudley Borough Development Plan, which require developments to be responsive to the context and characteristics of the surrounding area.

## Neighbour and Occupier Amenity

30. The Council's New Housing SPD recommends a series of numerical standards to ensure existing and future occupiers' privacy and outlook. In this instance, the development has been designed so that the habitable room windows look out onto the surrounding public side of the development or are located away from neighbouring properties facing the rear garden, thereby giving potential occupiers a good outlook. It is acknowledged that within the basement flats there is limited natural light to the kitchen areas, however these are open plan and have large scale windows for the living areas and as such is not of sufficient concern to warrant refusal. There is a bedroom window at first floor facing west towards 44, however this considered to have a neutral impact in terms of loss of privacy given the removal of the raised staircase platform currently in this location.
  
31. Each flat would be 37sqm or above in total area, therefore in accordance with the 'Technical housing standards – national described space standard' which although not formally adopted by the Local Planning Authority, provide a good benchmark. Notwithstanding this, the layout proposed is a result of site-specific constraints of the existing layout of this building and it is considered that the proposal makes the best use of the property to provide much need housing within the borough. As such, on balance, it is considered that the layout represents a good quality residential environment, that would not cause any significant detrimental impact to existing or proposed occupiers.

### Access and parking

32. Policy L1 also requires that development should provide adequate access and parking to ensure that there would be no detrimental impact on highway safety.
33. The previous application for 6 flats did not comply with policy in terms of the Councils minimum parking standards policy and was refused. This revised application has reduced the number of flats to 4 and four car parking spaces are provided. Given the location is within walking distance of the town centre to allow residents easy access to both shops and sustainable transport options and that Buses/future METRO trams and cycle routes to mainline railway stations such as Dudley Port or Coseley could reduce the potential need for a car, officers are minded to recommended approval of this revised application.
34. The applicant has retained the existing narrow garage for secure cycle storage and pedestrian access can be maintained at all times with four vehicles parked on the frontage. Minor footway works and drop kerb widening will be required and this can be secured by condition together with electric vehicle charging points and enclosed bin storage if larger communal bins are used rather than standard household size wheelie bins.
35. Despite the objections of residents, of note is paragraph 111 of the National Planning Policy Framework which sets out that applications should only be refused on highways grounds should there be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this instance, given



the highly sustainable location of the proposal and the public transport options available, it is considered that there are no sustainable grounds for refusing the application on highway grounds, given the overall benefits of providing this proposal.

### Financial Material Considerations

36. Clause (124) of the Localism Act states that Local Planning Authorities are to have regard to material considerations in dealing with applications including any local finance considerations, so far as material to the application. A 'local finance consideration' may be taken to cover the payment of New Homes Bonus, or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy (CIL). The clause does not change the law in any way. It is not a new basis for planning policy, and it remains unlawful for planning permissions to be 'bought'.
37. This proposal would provide 4 dwellings generating a New Homes Bonus grant of 4 times the national average council tax for the relevant bands. Whilst this is a significant sum of money the planning merits of the proposal are acceptable in any event and therefore this is not accorded significant weight.
38. 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

39. The conversion of this property for housing accords with both national and local policy. The development would provide new housing to help meet the borough demand for new homes, and the proposed type and tenure' layout and design are appropriate for the area and can be accommodated without any significant adverse impact on existing residents, the local highway network or on the designated heritage assets in the area. The proposals would provide a high-quality development, which is considered would make a positive contribution to the area and which constitutes sustainable development.

## RECOMMENDATION

40. 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: PL01 Rev A; PL02 Rev B and PL03 Rev B  
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: In the interests of the visual amenities of the area and to comply with BCCS Policies CSP4 - Place-Making and ENV2 - Historic Character and Local Distinctiveness and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings

Policy D2 Incompatible Land Uses (in part).

4. 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<sub>x</sub> emission concentration rate of <40mg/kWh.

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

5. 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.

6. The development shall not be 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.

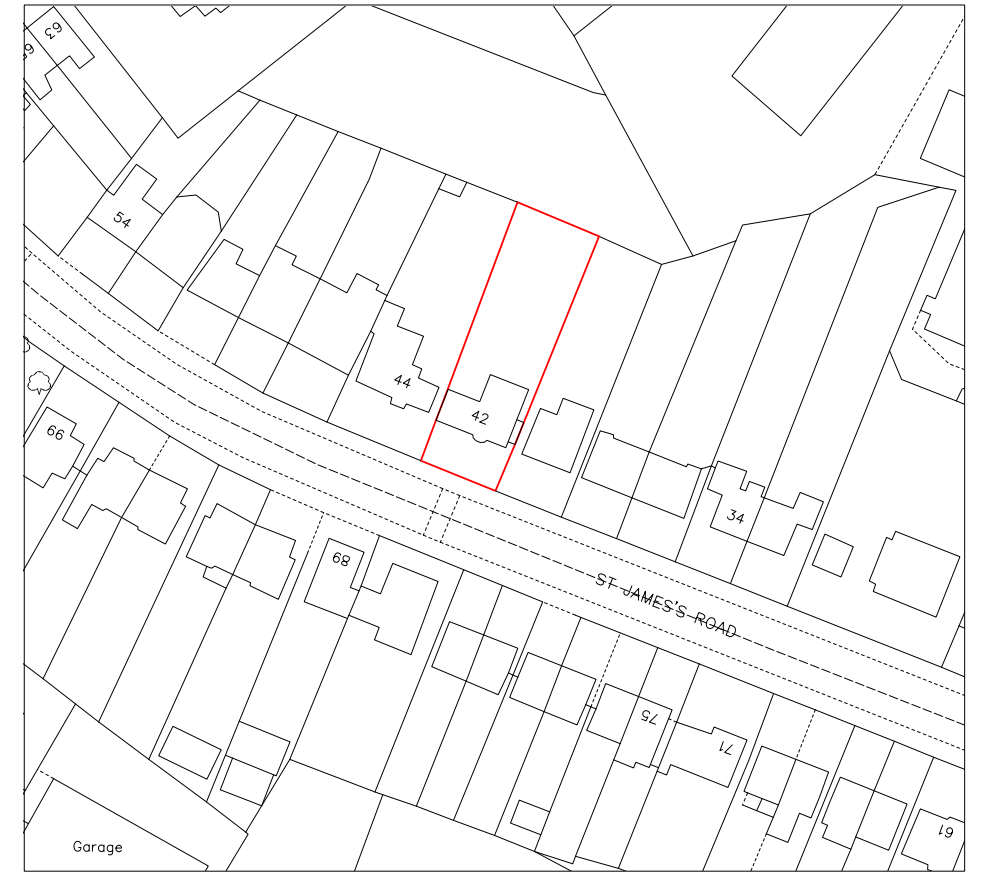
7. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of the access(es) into the site, together with parking and turning area(s) [including details of lines, widths, levels, gradients, cross sections and drainage] have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied


until the access(es) into the site, together with parking and turning area(s) within the site have been laid out in accordance with the approved details. These area(s) shall thereafter be retained and not be used for any other purpose for the life of the development.

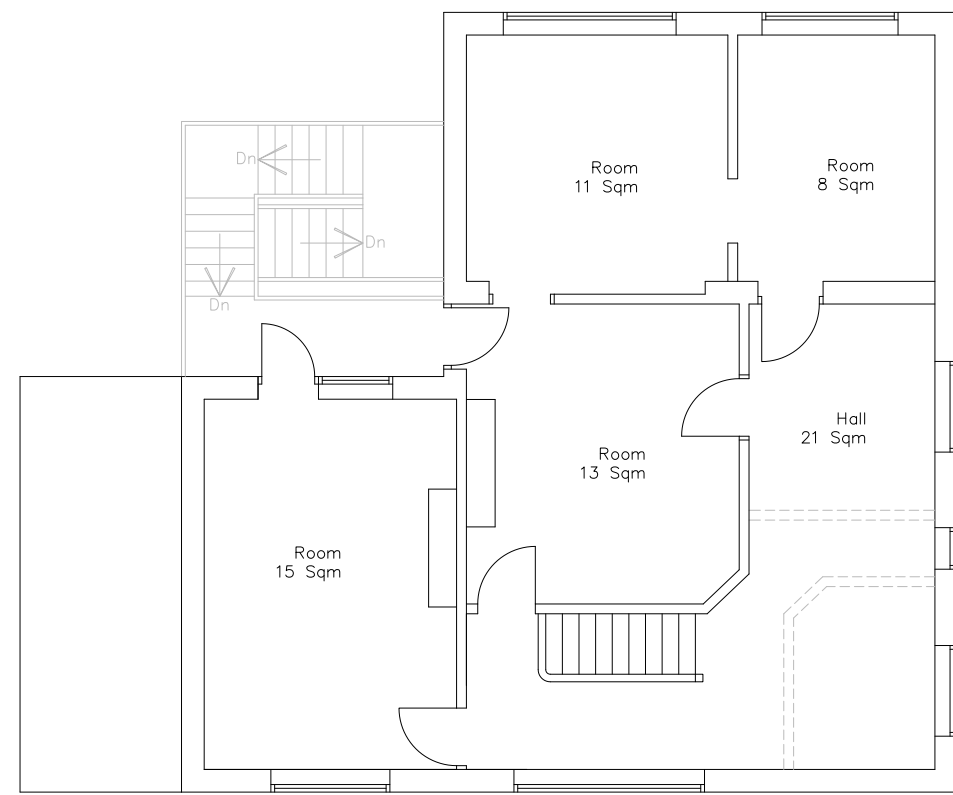
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

8. Prior to first occupation the existing dropped kerb/vehicular crossing shall be widened to allow access to the driveway and shall be maintained as such for the lifetime of the development.

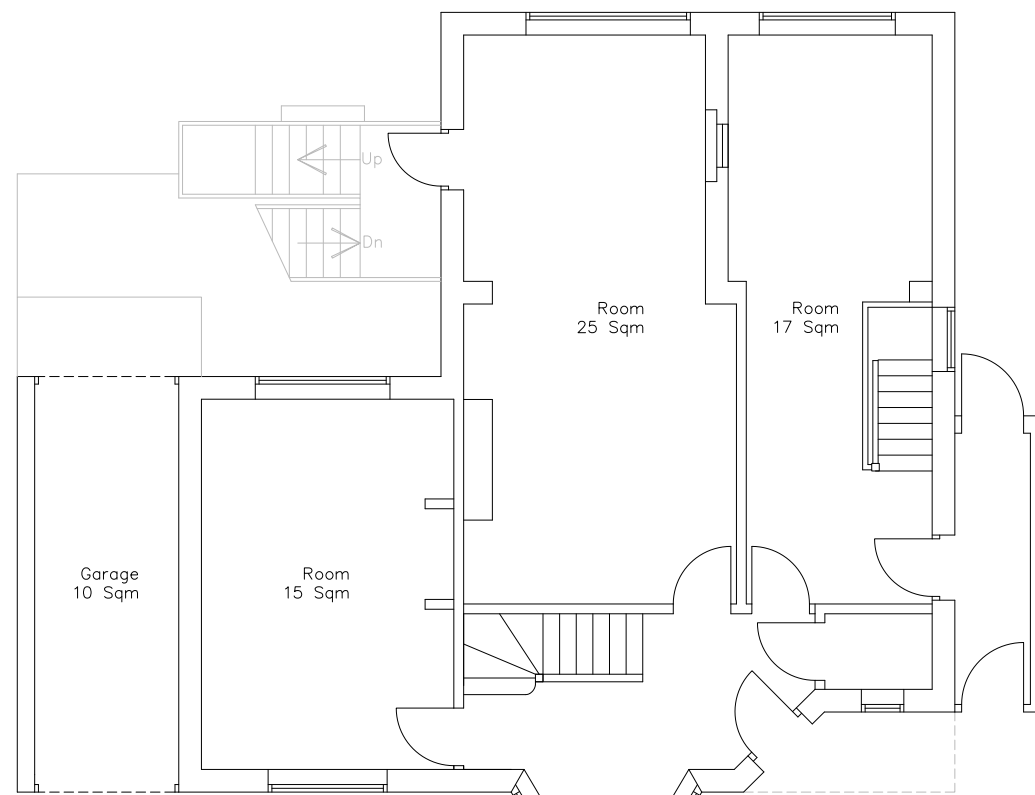
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.



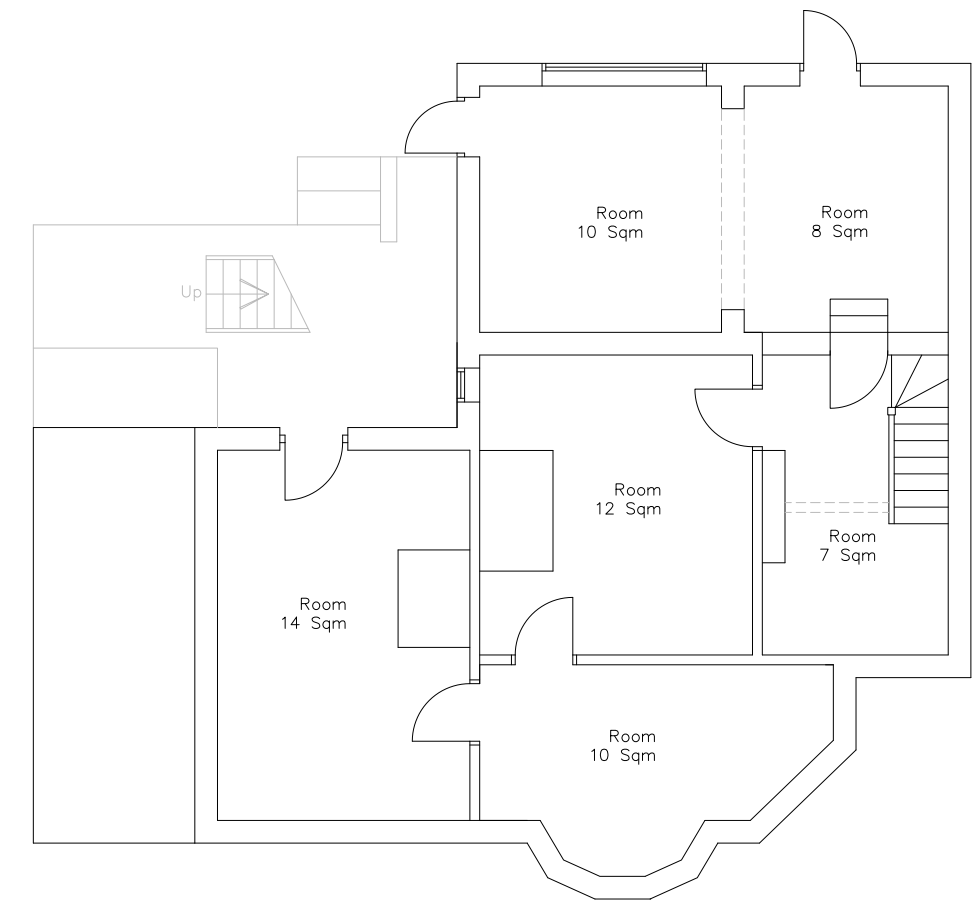
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|  <p>Anjum Design Limited, 435 Stratford Road<br/>Solihull B90 4AA TEL: 0121 364 7650<br/>www.anjumdesign.co.uk E: info@anjumdesign.co.uk</p> |             |      |      | Scale:                                     | Drawn by: | Date:    | Status: |
|   |             |      |      | As shown @ A3                              |           | SEP 2022 |         |
|   |             |      |      | Title: Location Plan and Site Plan         |           |          |         |
|   |             |      |      | Drg. No. PL01                              | Rev: A    |          |         |



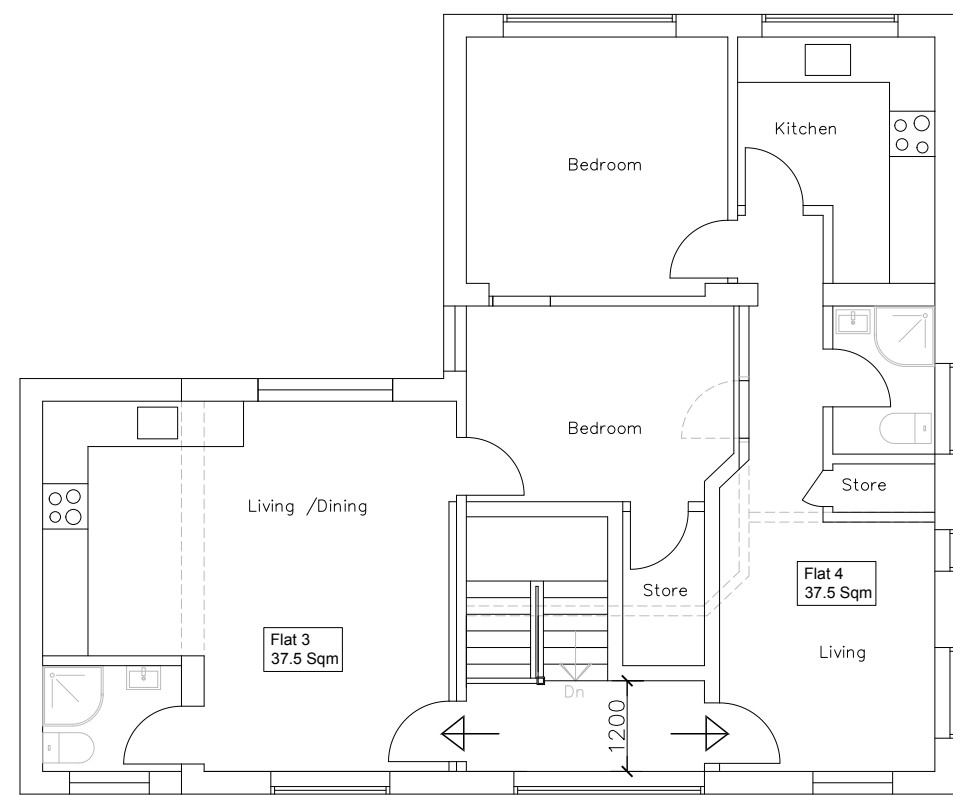
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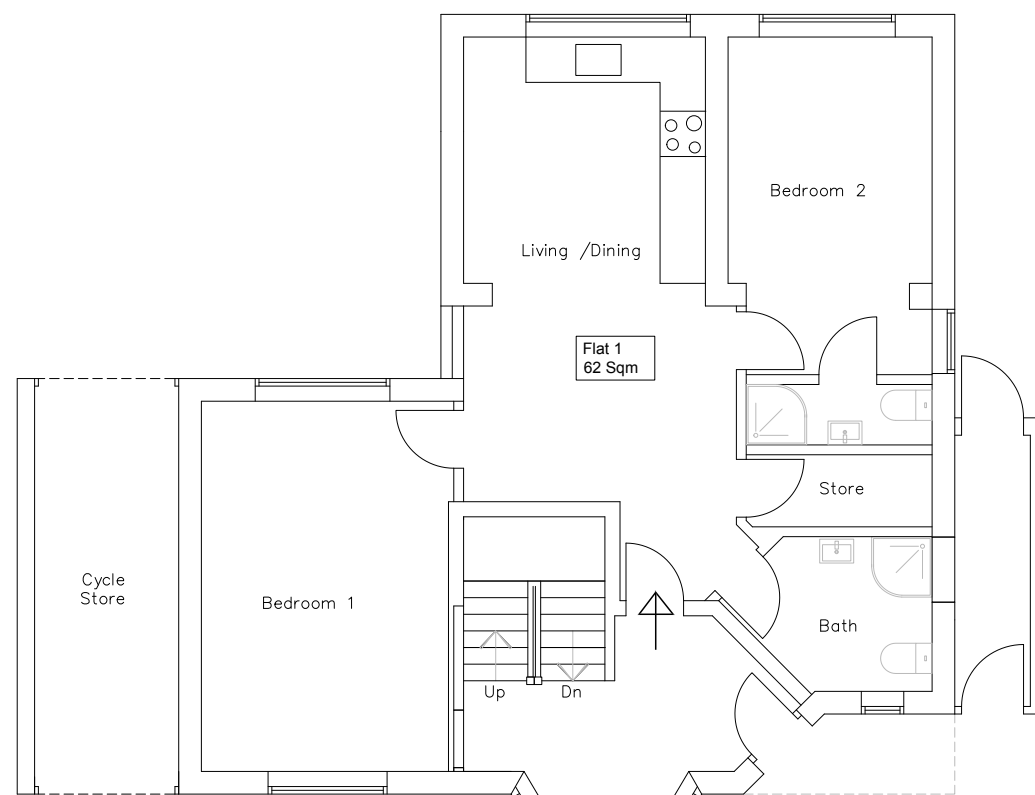
Existing Ground Floor  
Scale 1:100



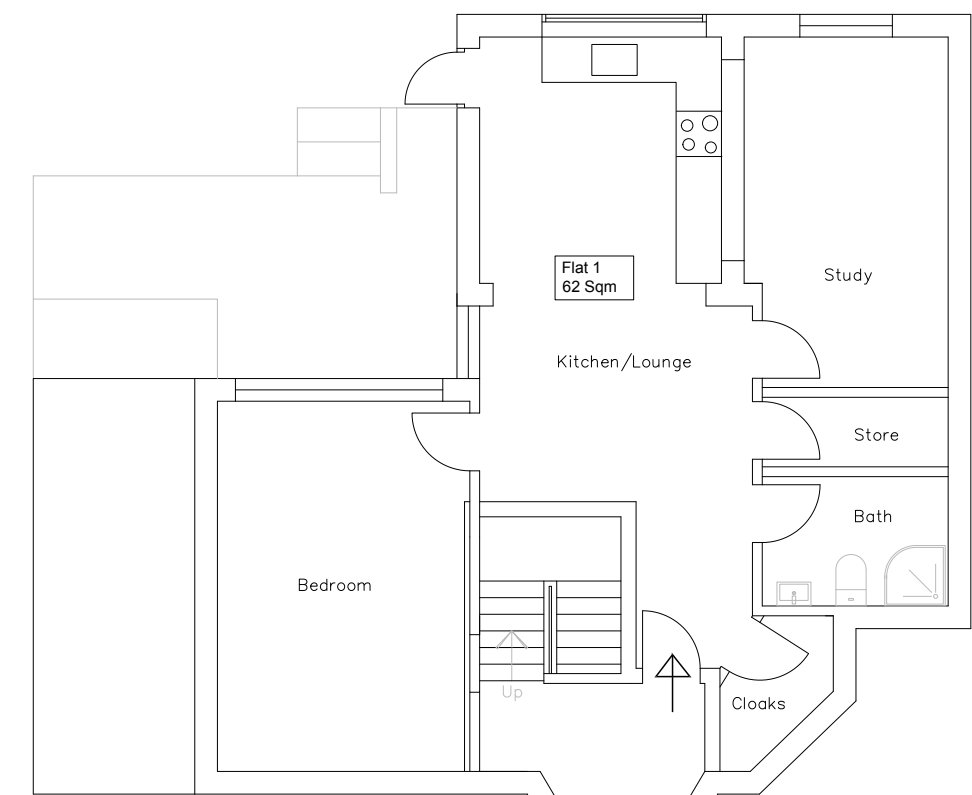
Existing Basement Floor  
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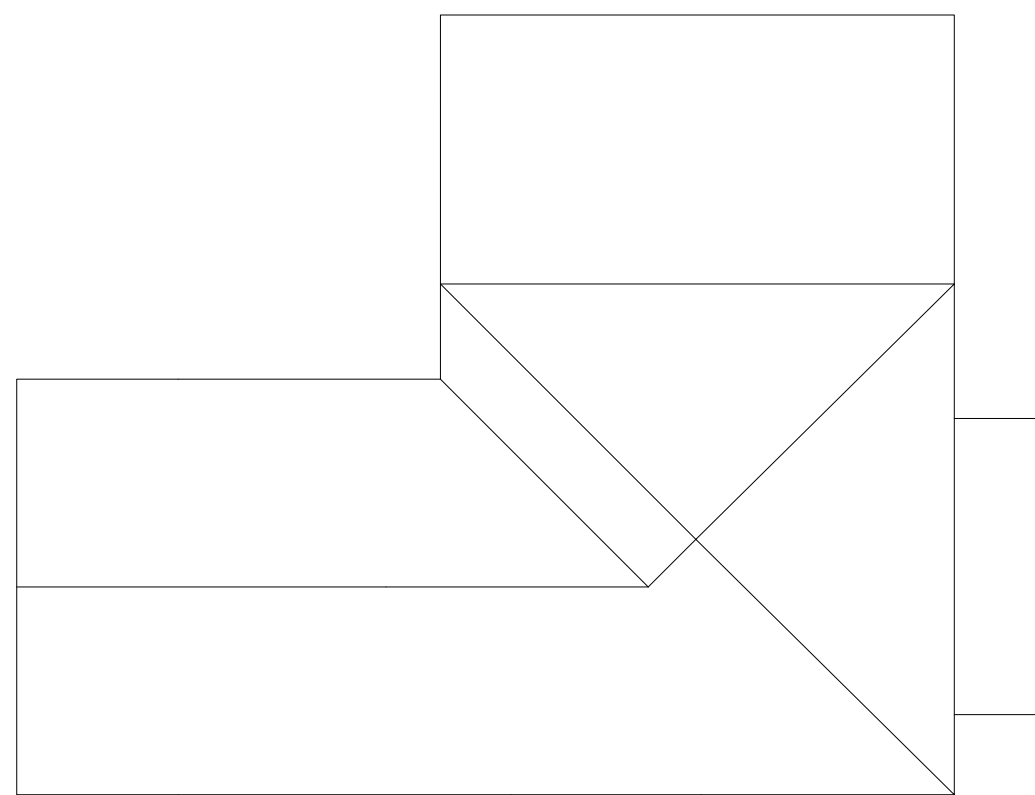
Proposed First Floor  
Scale 1:100



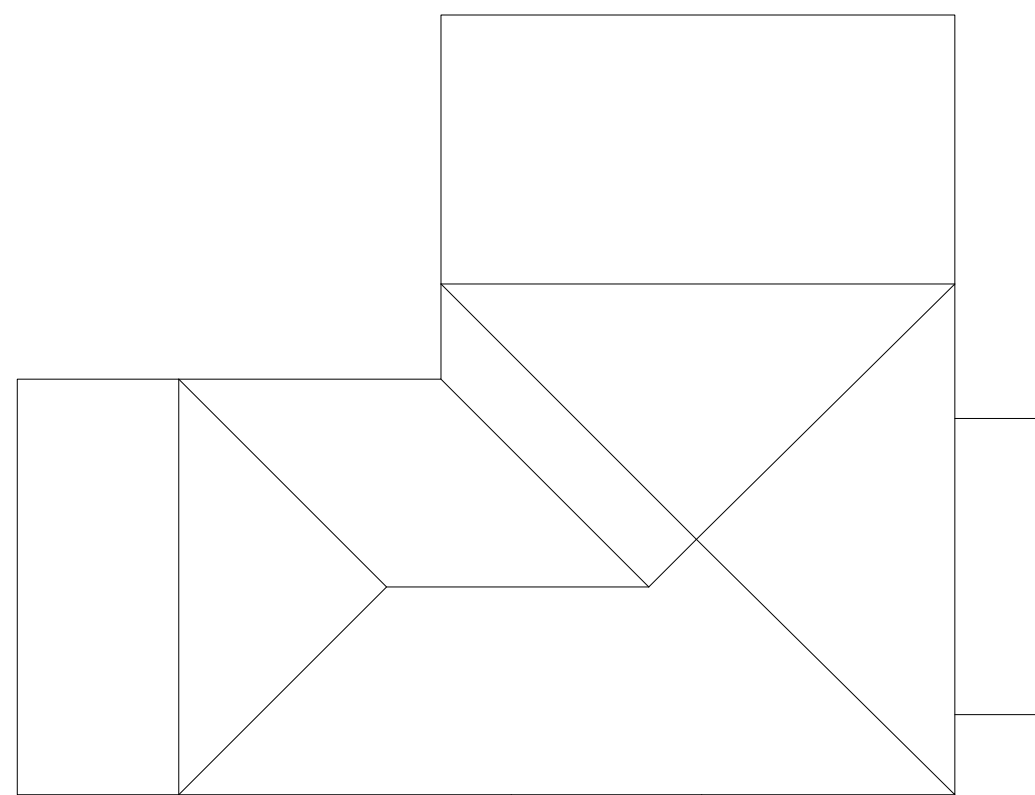
Proposed Ground Floor  
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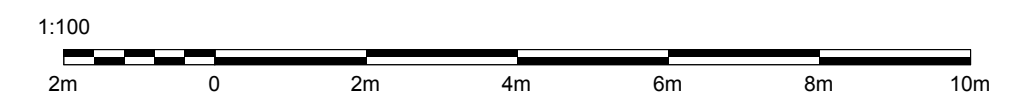
Proposed Basement Floor  
Scale 1:100



Proposed Roof Plan  
Scale 1:100



Existing Roof Plan  
Scale 1:100



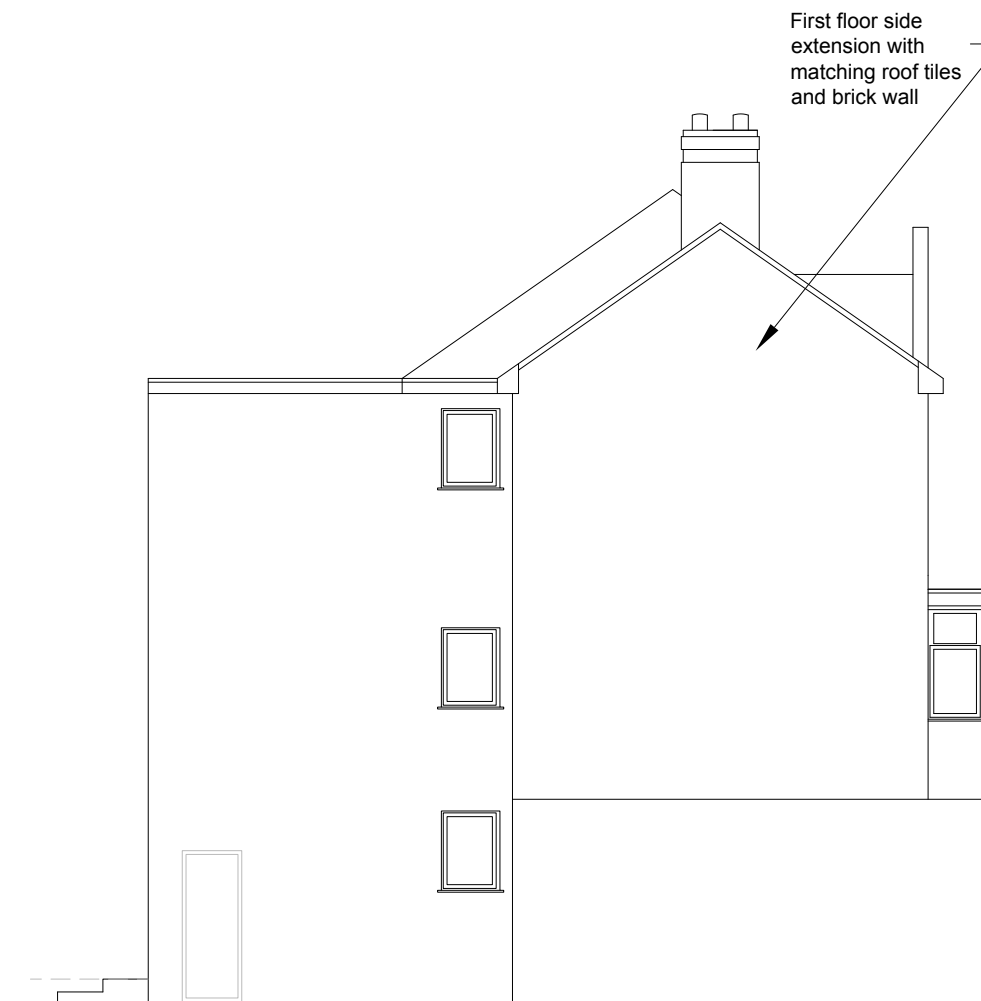
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|  |             |      |      | Scale:   | As shown @ A2                     | Drawn by: | Date:    | Status: |
|  |             |      |      |          |                                   |           | SEP 2022 |         |
|  |             |      |      | Title:   | Existing and Proposed Floor Plan  |           |          |         |
|  |             |      |      | Dwg. No. | PL02                              |           | Rev:     | B       |
|  |             |      |      |          |                                   |           |          |         |
| Anjum Design Limited, 435 Stratford Road<br>Solihull B90 4AA TEL: 0121 364 7650<br>www.anjumdesign.co.uk E: info@anjumdesign.co.uk |             |      |      |          |                                   |           |          |         |



Proposed Front Elevation  
Scale 1:100



Proposed Rear Elevation  
Scale 1:100



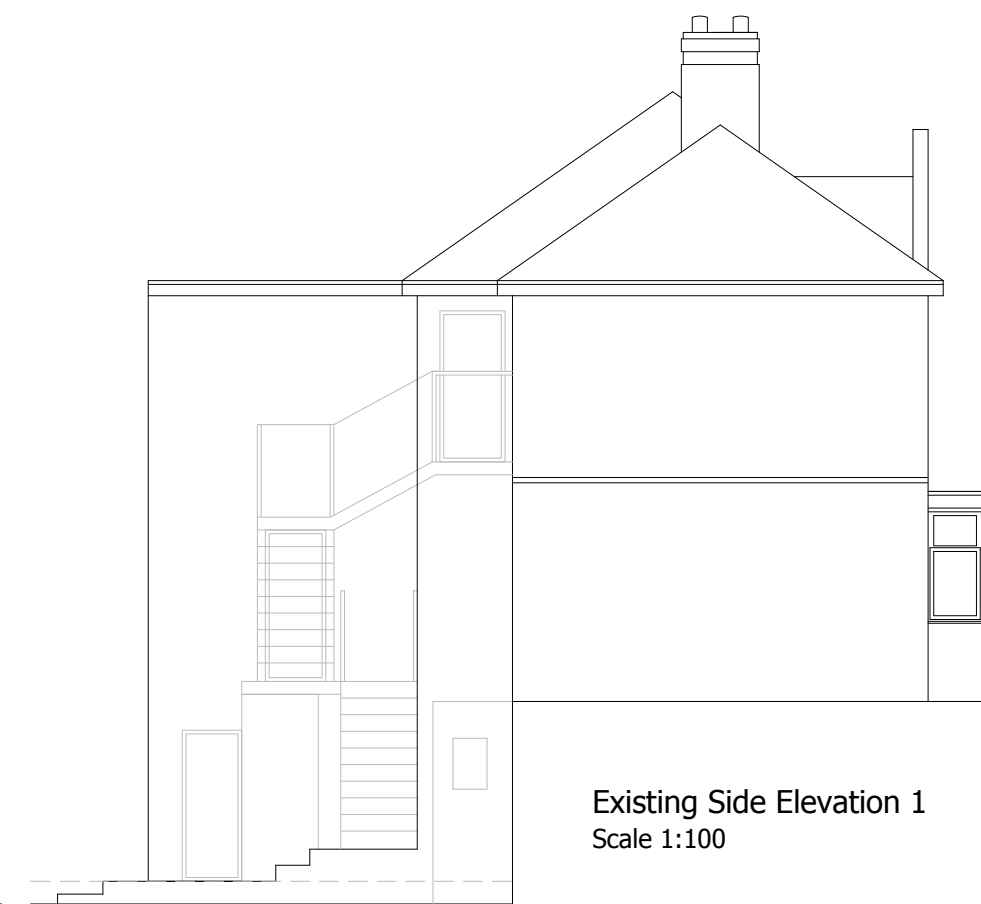
Proposed Side Elevation 1  
Scale 1:100



Existing Front Elevation  
Scale 1:100



Existing Rear Elevation  
Scale 1:100



Existing Side Elevation 1  
Scale 1:100



Existing Side Elevation 2  
Scale 1:100



|     |             |      |      |  |                                   |           |          |
|-----|-------------|------|------|--|-----------------------------------|-----------|----------|
| Rev | Description | Date | chkd | Project:   | 42 St James's Road Dudley DY1 3JB |           |          |
|     |             |      |      | Scale:   | As shown @ A2                     | Drawn by: | Date:    |
|     |             |      |      |  |                                   |           | SEP 2022 |
|     |             |      |      | Title:   | Existing and Proposed Elevations  |           |          |
|     |             |      |      | Drp. No.   | PL03                              | Rev:      | B        |
|     |             |      |      |  |                                   |           |          |
|     |             |      |      | Anjum Design Limited, 435 Stratford Road<br>Solihull B90 4AA TEL: 0121 364 7650<br>www.anjumdesign.co.uk E: info@anjumdesign.co.uk |                                   |           |          |

## **PLANNING APPLICATION NUMBER: P22/1225**

|                         |   |
|-------------------------|---|
| Type of approval sought | Full Planning Permission                                |
| Ward                    | Kingswinford North and Wall Heath Ward                  |
| Agent                   | Mr M. Landell, Infinite Futures Ltd                     |
| Case Officer            | James Mead  |
| Location:               | <b>25, COTTAGE STREET, KINGSWINFORD, DY6 7QE</b>        |
| Proposal                | <b>CHANGE OF USE FROM RESIDENTIAL TO CARE HOME (C2)</b> |
| Recommendation Summary: | <b>APPROVE SUBJECT TO CONDITIONS</b>                    |

### **ADDENDUM**

This application and report were sent to the Chair of Planning Committee on the 20<sup>th</sup> October 2022. The Chair considered the application appropriate to be considered at Planning Committee due to this being a change of use application.

### **SITE AND SURROUNDINGS**

1. The site comprises a modern 4-bed detached property built in early 2000. The dwelling has a pitched roof with a projecting two storey gable to the front. The dwelling has a conservatory extension to the rear.
2. Due to the projecting two storey element, the house is set back between 5.6m and 8m from the footway along Cottage Street. It has a block paved driveway providing off-street parking provision for up to 3



cars. There is also an integral garage and there is an H-bar marking in front of property.

3. The rear garden associated with the existing house is broadly rectangular in shape measuring 34m long by 8.3m wide.
4. 29 Cottage Street is a detached bungalow to the north. This is set back from the footway by 4.5m. At most it is set forward of the application dwelling by 3.2m (1m from the projecting two storey gable). This property has some off-street parking to frontage and is also covered by the H-bar road marking.
5. 23 Cottage Street is a two-storey detached dwelling located south of the application dwelling. At most it is set forward of the application dwelling by 5.6m (3m from the projecting two storey gable). The frontage of this neighbour is enclosed by an approximately 1m high brick wall with vehicular access to the side (south) of house.
6. On the side of application property, there is a mixed frontage of houses and bungalows from a range of periods, the more modern development being set back from the highway with off-street parking to the frontage.
7. On the opposite side there are mainly terraced dwellings, set closer to the footway which largely do not benefit from any off-street parking.

## PROPOSAL

8. Approval is sought for a change of use from a dwellinghouse to a care home (Use Class C2).

9. This care home would be specifically run as a residential children's home for up to 3 children. The children would be up to 17 years in age.
10. The proposed facility is intended to provide a young person with care on a long-term basis (for up to 2 years), with an expectation that after this the children would move onto permanent families. The facility would also receive emergency referrals on a short-term basis (for example during a transition period between care home to foster family, respite reasons or due to a referral based on the health and physical aspect of the home).
11. The applicant confirms that the children would be classed as low risk this being defined as *'when the young person has no history of violence, and is willing to participate in all activities both educational as well as physical'*. The applicant will focus on aspects of care which is sometimes lacking such as physical activities, encouraging all of the service users to participate in physical activities of their choice which will help support some of the other work carried out with the children.
12. The children would be educated off site.
13. It is confirmed with the applicant the shift pattern would be as follows;
  - During the week, two house parents/care workers will work split shifts based around the children's schooling (7.00-9.00am & 3.00pm-10.00pm). An additional houseparent will remain in the home during the hours of 9.00am-5.00pm. From 10.00pm to 7.00am, one houseparent would be present on site.

- During the weekend two house parents will be present from 7am-2pm with a change over at 2pm-10pm. One houseparent will be present during the night time.
14. There are 3 off-street parking spaces on the frontage, with an integral garage.
  15. No external alterations would be carried out to the property.
  16. The application is a resubmission of previously approved application P19/0638 which was for an almost identical proposal, which has since expired. This application seeks the provision to care for one additional child, with no changes to the overall staffing levels or shift patterns.

## HISTORY

| APPLICATION | PROPOSAL  | DECISION                 | DATE       |
|-------------|---|--------------------------|------------|
| P19/0638    | Change of Use from residential to care home (C2)                        | Approved with conditions | 27/06/2019 |
| P13/0875    | Change of use to care home (Use Class C2)                               | Approved with conditions | 29/08/2013 |
| 99/50605    | Erection of detached house - revision to approved application 98/51867. | Approved with Conditions | 21/05/1999 |

|          |                            |                          |            |
|----------|----------------------------|--------------------------|------------|
| 98/51867 | Erection of detached house | Approved with conditions | 18/02/1999 |
|----------|----------------------------|--------------------------|------------|

## PUBLIC CONSULTATION

17. Direct notification was carried out to 7 surrounding properties and a site notice was posted. The final date for comments to be received is 20<sup>th</sup> October 2022.
18. Two letters of objection have been received from a nearby neighbouring occupier, objecting to the application on the following grounds
  - Not enough off-street parking provided for the proposal.
  - It is not appropriate for a care home in this location.

- There will be an increase in crime
- There will be an increase in noise
- This will devalue property.

## OTHER CONSULTATION

19. Head of Planning and Regeneration (Highways)

No objection raised to the care for 2 children. Concern is raised that there is an increase to three children.

20. Head of Environmental Safety and Health

No adverse comments as the proposed change of use will have no detrimental effect on nearby residents by way of noise or reduced air quality.

## RELEVANT PLANNING POLICY

21. National Planning Guidance

National Planning Policy Framework (2021)

22. Black Country Core Strategy (2011)

- DEL1 - Infrastructure Provision
- HOU5 - Education and Health Care Facilities
- TRAN2 - Managing Transport Impacts of New Development
- ENV2 - Historic Character and Local Distinctiveness
- ENV3 - Design Quality

23. Dudley Borough Development Strategy

- S6 - Urban Design
- S8 - Local Character and Distinctiveness
- S16 – Access and Impact of Development on the Transport Network
- S17 – Access & Impact of Development on the Transport Network
- L1 – Housing Development, extensions and alterations to existing Dwellings
- L2 – Supported Accommodation
- D2 – Incompatible Land Uses
- D5 – Noise Pollution

24. Supplementary Planning Documents

- Parking Standards (2012)
- New Housing Development (2013)
- PGN 10: Residential care/nursing homes and community care homes

## ASSESSMENT

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

- Principle
- Visual Amenity
- Residential Amenity
- Access and Parking

## Principle

26. Providing a range of housing tenures is fundamental in creating inclusive communities and providing a choice for new and existing residents in the Borough. Policy L2 of the Dudley Borough Development Strategy (2017) supports the provision of supported accommodation for people with specific needs such as the proposed use, providing criteria such as amenity, character, access and parking can be successfully resolved.
27. In regard to the principle of conversion, the application property is a detached residential house that is located in a residential area. Notwithstanding all other material considerations it is considered that the conversion of a four-bedroom house to a residential care use for three children would not adversely impact upon character of the established residential area.

## Visual Amenity

28. The proposal does not seek any extensions or alterations to the appearance of the property. As such, the change of use would have no impact on the character and appearance of the property nor upon the visual amenity of the street. Therefore, it would be in accordance with Policy ENV2 of the Black Country Core Strategy and Dudley Borough Development Strategy Policies L1, S6 and S8

## Residential Amenity

29. The site comprises a four bedroomed detached dwelling in a residential area. The characteristics of the proposed use would include 3 children residing at the property receiving care, staff arriving and departing on a regular basis (there would be a maximum of 3 staff members on site during part of the day (3-5pm), and one staff member on site (10pm-7am) during the night). There would be limited visits from social workers, family and friends in addition to the staff and occasional visits from maintenance personnel. It is accepted that this level of coming and going would not be dissimilar to what would be expected from a four bedroom, family dwelling. As such, the proposal would be considered have no additional potential impact on the neighbours' amenities than that of the existing premises.
  
30. The secure rear garden is enclosed by fencing and hedgerow that is fully overlooked by the application property, the area of which exceeds the 60sqm recommended by the Planning Guidance Note 10: Residential care/nursing homes and community care homes (PGN 10). Furthermore, the garden area is sited away from the driveway, parking area, road, is not overshadowed by buildings and is not directly overlooked by adjacent properties. Therefore, the garden complies the foregoing criteria outlined in PGN 10 and is ideal for the proposed care home.
  
31. Vehicles entering and leaving the site could have the potential to adversely affect the amenities of the adjacent residents by reason of noise and disturbance. However, as indicated previously, the comings



and goings associated with the proposed use would not be dissimilar to that of a busy three-bedroom, family dwelling. The Head of Environmental Safety and Health has considered the application on that basis and has raised no concerns regarding noise issues.

### Access and Parking

32. There is an established hard surfaced parking area to the front that spans the full width of the site which is sufficient to accommodate two cars within the curtilage and there is also an integral garage.
  
33. It is noted that the surrounding streets are typically heavily parked due to the mixture of terraced and modern properties. Notwithstanding this, it is considered that the parking provision provided would be of an adequate capacity to accommodate the needs associated with the proposed care home. The home would provide accommodation for three (non-driving) residents, this is the only change from that previously approved in 2019. The staffing levels remain as previously approved with a maximum of three members of staff on the premises at any time, it is predicted that there would be a total of 9 vehicle movements between 7.00am and 7.00pm excluding visitors. It is therefore considered that the trip generation of staff would operate on a similar level as that of a family occupying a 4-bed dwelling. The agent has confirmed that other associated visitors to the care home would be limited. The infrequency of these visits would not significantly increase the intensity of vehicular trips in the locality and again would be akin with the number of trips that would be associated to a family dwelling. As such, the proposal would provide sufficient off-street parking

provision within its curtilage to accommodate the day to day activities associated with the care facility and would not contribute to an increase in off-street parking in the locality.

34. Of note is paragraph 111 of the National Planning Policy Framework which sets out that applications should only be refused on highway grounds should there be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this instance, the proposal would comply with the transportation policies outlined above and it is considered that there are no sustainable grounds for refusal the application on highway grounds.
35. Notwithstanding the above, it would be appropriate to condition any approval to restrict the number of residents to be accommodated at the facility to three, in order to prevent further intensification of use at the premises and to protect the amenities of the neighbouring residents.
36. In addition, there are adequate facilities at the property to provide secure cycle provision to encourage alternative modes of transport for staff. It is also recommended that an electric vehicle charging point is installed at the site and a condition to secure this is recommended.

## CONCLUSION

37. It is considered that the principle of the change of use is acceptable in this instance and would not be dissimilar to previously approved application P19/0638. The size and scale of the building would remain unchanged, and the intensity of the activity proposed would not be dissimilar to that of a family dwelling. Furthermore, the proposal would

maintain the existing parking provision to the frontage. The proposal would not have an adverse impact upon the character of the area, on residential amenities, or highway safety and would be compliant with adopted Black County Core Strategy Policies DEL1, HOU5, TRAN2, ENV2 and ENV3, Dudley Borough Development Strategy Policies L1, L2, D2, D5, S16, and S17, and the Parking Standards SPD.

## RECOMMENDATION

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

### Conditions and/or reasons:

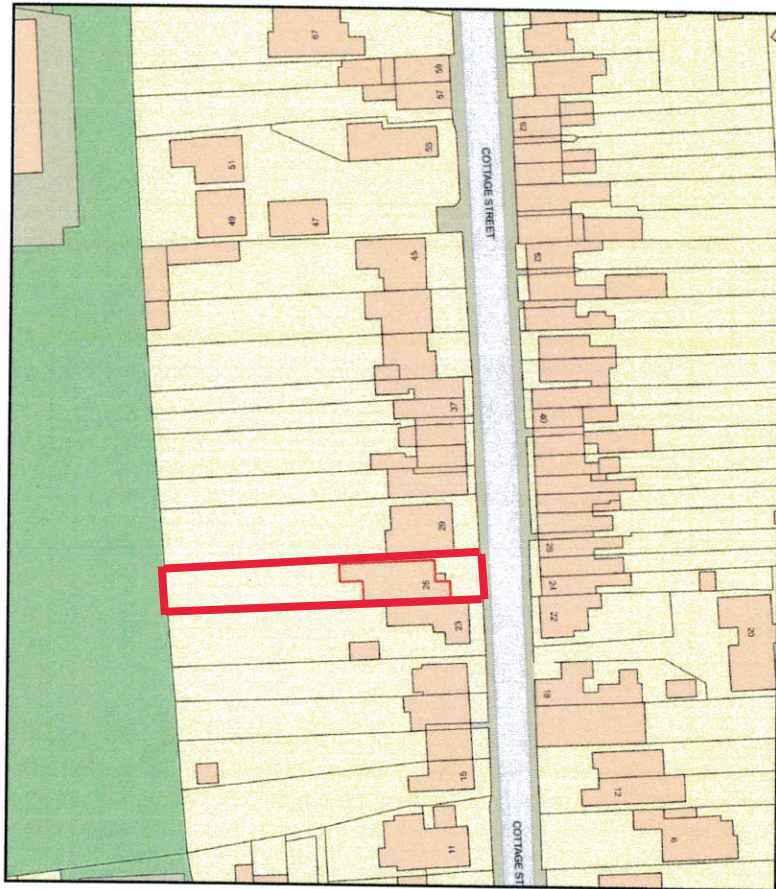
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, Floor Plans; Location Plan  
REASON: For the avoidance of doubt and in the interests of proper planning.
3. The premises shall be used for residential children's home and for no other purpose, including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification.  
REASON: In the interests of amenity and to comply with Borough Development Strategy 2017 Policy L1 Housing Development,

extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and Policy L8 Protecting the Viability and Integrity of Industrial and Business Uses (in part) Policy D2 Incompatible Land Uses (in part).

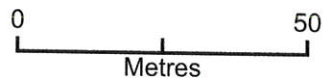
4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the General Permitted Development Order 2015 (as amended), no more than 3 occupiers receiving supported accommodation care shall reside at the property at any one time.

REASON: In order to secure the satisfactory development of the site, in accordance with Development Strategy Policies D2, L2, and S17

# Cygnet House

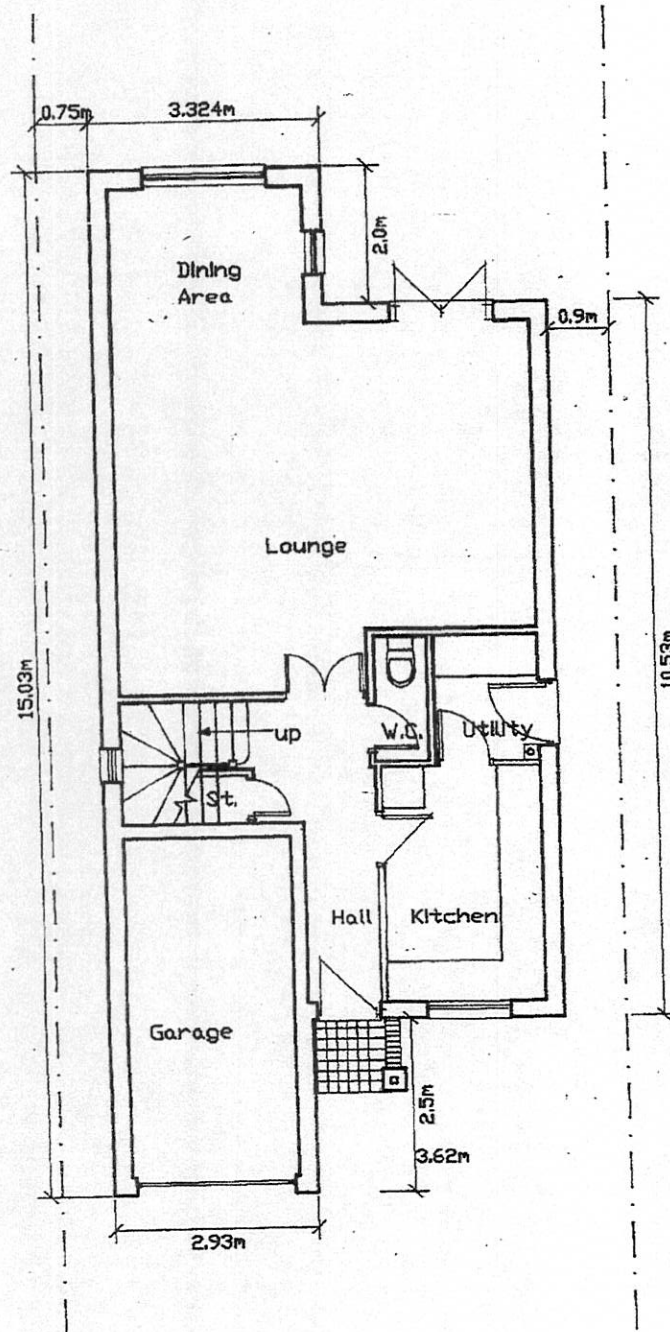


17 AUG 2022



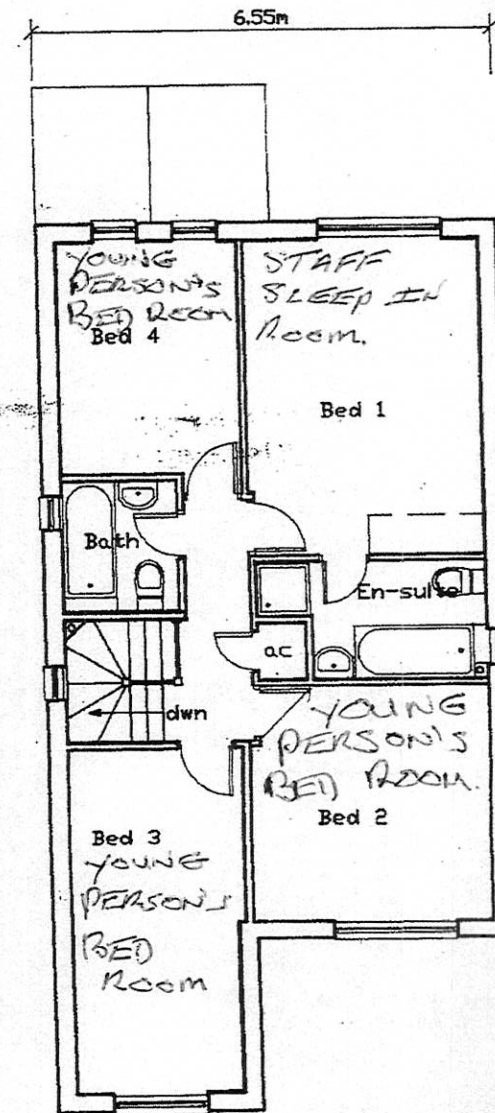
Plan Produced for: Michael Landell  
Date Produced: 11 Aug 2022  
Plan Reference Number: TQRQM22223195528977  
Scale: 1:1250 @ A4

17 AUG 2022



GROUND FLOOR PLAN

03 MAY 2019



FIRST FLOOR PLAN

Floor area  
126.6m<sup>2</sup>  
excl. garage  
[1362 sq.ft.]

## **PLANNING APPLICATION NUMBER: P22/1274**

|                         |   |
|-------------------------|---|
| Type of approval sought | Full Planning Permission  |
| Ward                    | Brierley Hill Ward  |
| Agent                   | Simon Oakley  |
| Case Officer            | Jenny North   |
| Location:               | <b>GARAGE SITE, LAND OFF FAIRFIELD ROAD AND SWANFIELD ROAD, STOURBRIDGE, DY8 5UJ</b>  |
| Proposal                | <b>CONSTRUCTION OF 2 NO. 3 BEDROOM HOUSES AND 1 NO.1 BEDROOM BUNGALOW, TOGETHER WITH EXTERNAL WORKS, CAR PARKING AND LANDSCAPING.</b> |
| Recommendation Summary: | <b>APPROVE SUBJECT TO CONDITIONS</b>  |

### **SITE AND SURROUNDINGS**

1. The application relates to an irregular shaped piece of land that contains No.20 garages. The site is relatively narrow and has an elongated footprint. The site is accessed via narrow driveways from both Fairfield Road and Swanfield Road. The central section is hard surfaced to facilitate entrance and manoeuvring to the garages. The slightly higher northern section is densely overgrown. The driveways also facilitate pedestrian access between the two roads.
2. The entrance doors to a double garage within the garden of No 35 Swanfield Road face into the site which provides vehicular access. It is understood that No. 43 Swanfield Road also accesses the site to enter a rear parking space within the private garden.

3. In the main the site is surrounded by two storey housing however there are a row of three bungalows within Swanfield Road which back onto the site (Nos 29, 31 and 33). The site slopes gently southwards. Properties which back onto the site in Fairfield Road occupy a slightly elevated position with respect to it.
4. The application site is located within a Mineral Safeguarding Area and Regeneration Corridor 11b (Brierley Hill-Stourbridge).

## PROPOSAL

5. The application is for the demolition of the No. 20 garages and the construction of three new affordable rented residential dwellings. This would comprise;
  - A pair of semi-detached, pitched roof, two-storey dwellings. These would have three bedrooms with garden lengths of approximately 11.5m.
  - A detached, one bedroom bungalow with a pitched roof. The rear garden length would be approximately 10.0m
  - Six parking spaces are indicated
6. The application is supported by a Design and Access Statement, a Phase I Geo-environmental Report and a Topographical Survey.

## HISTORY

7. Relevant history



| <b>APPLICATION No.</b> | <b>PROPOSAL</b>   | <b>DECISION</b> | <b>DATE</b> |
|------------------------|---|-----------------|-------------|
| BH/51/872              | Development of the Swan Lane Estate with houses and other buildings | Approved        | 20/02/1952  |
| BH/56/1875             | The erection of 20 private garages                                  | Approved        | 01/03/1053  |

## **PUBLIC CONSULTATION**

8. Letters were sent to adjacent and nearby residents. A site notice was attached to the vertical pole of a sign located on the pathway through the site. Seventeen objections have been received (three people have sent two objections) which are summarised below:

### Amenity/Privacy

- Loss of privacy
- Overlooking into adjacent gardens/houses
- The height of the bungalow has been given consideration why hasn't the houses?
- A development of bungalows would be much better – it would create a small community, it would retain privacy, it would release larger homes for families
- Not suitable for houses

### Access/Parking

- Loss will lead to on-street parking/causing obstruction/parking in front of other people's houses causing distress
- Loss of vehicular access off Swanfield Road
- On-street parking will be a danger to pedestrians
- Already numerous vehicles parked on-street
- Lack of driveway to provide a parking space
- Reduction in rented garages available
- Loss of secure parking in garages/vehicle crime increasing
- Other garages nearby have been knocked down due to anti-social behaviour however it hasn't solved the issues on that site
- The existing path is well used by residents
- Access is narrow with no footpath– potential conflict between cars and pedestrians
- How will wheelchair users/parents with prams negotiate the vehicle barrier. Disabled persons have not been considered in terms of access
- As the site is restricted to 3.5 tonne vehicles how will furniture lorries/white goods deliveries take place?
- Loss of driveway to private garage/loss of parking to rear garden for parking
- Access too narrow for construction traffic/how will materials be delivered. No swept path analysis for such vehicles
- Who will the visitor space be for as it is in front of the bungalow?
- There is no existing infrastructure for cycling near to the site so this cannot be considered as a reason for sustainability

### Appearance/Design

- Requests to Council for the upkeep of the vegetation on site not implemented – potentially left unkempt deliberately
- The development does not sensitively respond to the surrounding context. It will create loss of privacy by overlooking habitable rooms/adversely affecting amenity
- Grey concrete roof tiles are not reflecting the local context as surrounding roofs have red tiles
- Bungalow only has rear access to the front garden/safety issue/poor access to bins and recycling

### Loss of habitat/landscaping/Boundary Treatment

- Removal of overgrown area will decrease wildlife/loss of habitat/biodiversity – brambles are a food source for bees and the leaves provide food for caterpillars and the fruits are eaten by birds and mammals
- Landscaping scheme is vague
- Boundary treatment not explained in detail/not indicated
- Removal of boundary
- Why isn't fencing following the existing boundaries?
- Ornamental fruit tree not practical next to a path – slip hazard
- Trees located too close to side entrance of bungalow which may be occupied by a person with mobility issues
- Who will maintain the landscaping?

### Potential Contaminants

- Potential for contaminants on the site which is likely to be used by children

- Soil contamination/dusts have potential for ingestion/inhalation/skin contact/implications for the consumption of homegrown fruit and vegetables
- Soil samples should be taken to ascertain the presence of asbestos, cyanide and heavy toxic metals
- Presence of asbestos in garages

#### Bins/Collection

- Lack of research into recycling receptacles used in Dudley
- Bins unlikely to be placed in the location indicated next to the dwelling as not in practical location for dwelling
- Refuse vehicles will not be able to enter the site
- Location for bins will cause an obstruction on collection day
- The Refuse Collection Area (RCA) is pointless due to its location. The bins could be placed on Fairfield Road
- No guarantee that bins won't remain in the collection area causing an obstruction/pedestrian hazard. Will the area be for all bins eg also recycling? Why is it necessary?

#### Other matters raised

- Alternative proposal for the site – update garages, clear vegetation, resurface tarmac and install security gates
- Short time to comment
- A site notice has not been put up/residents not informed
- Those renting garages were not told about the proposal
- Pre-application not communicated well
- If the Council has no immediate plans to develop why put the application in?

- Stability issues
- Security issues during construction/garage demolition will remove security
- Pedestrian access safety during construction/will the path be closed during this time?
- Impact on people working from home during construction
- Plans lack some details on the legend
- Why hasn't Severn Trent Water been consulted/where is any sustainable drainage
- Additional pressure on existing infrastructure/services. No drainage or gas to the site – major works needed
- No specific designation in the Local Plan

## OTHER CONSULTATION

9. Head of Planning (Highway Engineer) – Concerns of the potential impacts due to the existing usage and nature of the adjacent Highway, however, there would be benefits from a much lower potential trip generation from the proposal compared to a use as a garage site. The application satisfies the minimum parking standards requirement within the Parking Standards SPD and there would be no detrimental impact from parking on the Highway from the proposed dwellings.
10. Head of Planning (Contaminated Land Team) – The Phase 1 Geo-environmental Assessment Report by CSG Consulting Engineers Ltd has been reviewed. I agree with the recommendations for an intrusive investigation to be undertaken. This can be secured by condition.

11. Head of Environmental Health and Trading Standards – No adverse comments.

## RELEVANT PLANNING POLICY

12. National Planning Guidance (Revised 2021)  
National Planning Policy Framework (Revised 2021)  
National Design Guide (2019)
13. Black Country Core Strategy (2011)  
Policy CSP1 The Growth Network  
Policy CSP4 Placemaking  
Policy HOU1 Delivering Sustainable Housing Growth  
Policy HOU2 Housing Density, Type and Accessibility  
Policy HOU3 Delivering Affordable Housing  
Policy ENV2 Historic Character and Local Distinctiveness  
Policy ENV3 Design Quality  
Policy TRAN2 Managing Transport Impacts of New Development
14. Dudley Borough Development Strategy (2017)  
Policy S1 Presumption in favour of Sustainable Development  
Policy S6 Urban Design  
Policy S8 Local Character and Distinctiveness  
Policy S17 Access and Impact of the Development on the Transport Network  
Policy S22 Mature Trees and Woodland  
Policy L1 Housing Development, Extensions and alterations to existing Dwellings

Policy D1 Access for All

Policy D3 Contaminated Land

15. Supplementary Planning Documents/Guidance

New Housing SPD (2013)

Parking Standards SPD (2017)

## ASSESSMENT

### Key issues

- Policy Background
- Scale, Design and Appearance
- Residential Amenity
- Access and Parking
- Potential Land Contamination
- Financial Material Considerations

### Policy Background

16. The revised National Planning Policy Framework (paragraphs 10 and 11) has a presumption in favour of sustainable development such that development proposals which accord with the development plan should be approved without delay'. Paragraph 126 states that good design is a key aspect of sustainable development. It creates better places in which to live and work and helps to make development acceptable to communities. Additionally, in considering the importance of good design, paragraph 134 of the NPPF 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”.*

17. Policy ENV2 – Historic Character and Local Distinctiveness (BCCS) notes 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.
18. Policy S8 Local Character and Distinctiveness (DBDS) - states 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, including its historic character, whether formally recognised or as a none designated heritage asset, and should respect and respond to its positive attributes. Physical assets which positively contribute to the local character and distinctiveness of the Borough’s landscape and townscape, should be retained and, wherever possible, enhanced and their settings respected.
19. This previously developed land, set within an established residential area, is capable of being redeveloped for residential purposes. It is located in Regeneration Corridor 11b where new high quality residential development is encouraged. On this basis, the principle of development can be supported.



### Scale, Design and Appearance

20. The three units have been designed to assimilate with their surroundings. They would be brick built with tiled, pitched roofs.
21. The pair of semi-detached houses would be located in the wider part of the site and the frontage would face in a south-westerly direction. The units would be set at a lower level than adjacent dwellings in Fairfield Road.
22. In terms of scale, the roof of the new bungalow has been kept as low as possible to minimize the visual impact upon the occupants of the adjacent bungalows, particularly No.31 Swanfield Road as it would be constructed to the rear of that property. The eaves would be no higher than the existing garages and the roof pitch would be 17.5 degrees.
23. It is considered that the scale, design and appearance of the three properties would be acceptable.

### Residential Amenity

24. Nos 29–33 Swanfield Road have rear garden lengths of just over 8.0m and the rear boundaries are formed by the rear brick walls of the existing garages. A section plan has been provided to indicate that the side wall of the new bungalow would be moved off this boundary by approximately 1.3m thereby increasing slightly the distance between the rear facing windows of No. 31 Swanfield Road (which would face the side of the bungalow) and the new development. The pitched roof would be kept to

17.5 degrees and would be angled away from this dwelling such that the visual impact would be reduced to a minimum. Furthermore, as the new dwelling would be located to the north of the existing bungalow(s) it would not overshadow them. Indeed, there would be no built development directly to the rear of Nos 29 and 33 Swanfield Road as the garages would be replaced by the front and rear garden of the bungalow. On the basis of the above, given the presence of the existing garages and the improved relationship of built development particularly to the rear of No 31 Swanfield Road it is considered that the impact of the new development on the amenities of the occupants of the adjacent bungalows (Nos 29-33 Swanfield Road) is, on balance, acceptable.

25. The two-storey houses would present blank gables to existing houses in Fairfield Road at a distance of almost 18.0m which is in excess of the minimum 14.0m required by the New Housing Supplementary Planning Document. Furthermore, the houses in Fairfield Road are set at a higher level than the application site and this should also assist in reducing the visual impact of the new development from those properties.
26. The rear of the new houses would be angled away from properties to the rear in Highfield Road and the closest facing habitable room windows would be 25m which is in excess of the 22m required by the New Housing SPD and is therefore this relationship is considered to be acceptable.
27. In terms of the residential amenity of the new residents, the semi-detached houses would have 11.5m long rear gardens which would accord with the New Housing SPD. At 10m in length the bungalow would be 1.0m short of the Housing SPD guideline however the garden

is quite wide and as it is a bungalow it may be occupied by someone who may prefer a smaller garden to maintain.

### Access and Parking

28. The garage site is accessed by vehicles via single width drives from Fairfield Road and Swanfield Road. The plans indicate that vehicular access would be blocked off to Swanfield Road with all vehicular traffic entering and leaving the site off Fairfield Road. The Highway Engineer considers that the proposed vehicular access provides poor intervisibility onto the footway between drivers and pedestrians, this should be 2.4m x 2.4m and is impeded by fencing and structures. However, he notes that the access is existing, and the garage site would generate a much larger number of vehicle trips than the proposal. On that basis there would be some safety benefit arising from this proposal given the decrease in movements.
29. The Highway Engineer notes that the dwellings would be more than 45m from the highway. He also notes however that sprinkler systems are to be provided to overcome concerns in respect to fire access. This is a separate matter from planning and the relevant Fire Officer would comment on this as part of the building regulations procedure.
30. The Highway Engineer also notes that the development would displace cars onto the highway. He notes that many of the adjacent dwellings already have driveways or space to provide them. As such, they raise no objections on this application.

31. Although not a definitive right of way, pedestrians would still be able to walk through the site that links Fairfield Road and Swanfield Road. As the number of vehicular trips generated would be less than the existing use there would potentially be less danger to pedestrians using the pathway. The barrier to be installed close to the entrance off Swanfield Road would be designed to prevent access for vehicles whilst maintaining access for disabled users and for people with prams/pushchairs.
32. A turning area is indicated on the plan in order that vehicles can enter and leave the site in a forward gear. There are six parking spaces provided and therefore the parking provision meets the minimum parking standards within the Parking Standards Supplementary Planning Document.
33. Two objections have been received about the loss of access to private parking spaces within rear gardens. The applicant has provided assurances that there is no legal right of access to parking via the garage site and therefore residents do so without formal consent. Existing usage by adjacent properties could therefore be stopped regardless of this proposal. It is noted also that both properties have existing driveways that can accommodate the parking of several vehicles.

#### Potential Land Contamination

34. A Phase 1 Geo-environmental Assessment Report by CSG Consulting Engineers Ltd. It notes that the existing use of the site as a set of domestic garages may have resulted in some impact on the ground by contaminants associated with loss of vehicle fluids to the ground,

including principally, petrol, diesel, engine oil, acid, sulphate, toxic heavy metals and asbestos. Contaminants may have also been imported within sub-base materials and vehicle hard standing materials, depending on the source and nature of the materials, for example ash and foundry wastes, including polycyclic aromatic hydrocarbons (PAHs), and toxic heavy metals. These contaminants may also be associated with the previous use as a firebrick works. Asbestos may also be associated with imported sub-base/hard standing materials and demolition of previous garage structures, potentially. Hazardous ground gases including principally marginally elevated carbon dioxide may be present in the soil atmosphere associated with landfills and refuse heaps located in the surrounding area.

35. The report recommends that an intrusive investigation be undertaken. This is supported by The Head of Planning (Contaminated Land Team). Conditions are therefore required to secure such investigations.

#### Financial Material Considerations

36. Section (124) of the Localism Act states: 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 Ley (CIL).

37. 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 applications to be 'bought'
38. If approved, this proposal would provide three additional dwellings generating a New Homes Bonus grant of three times the national average council tax for the relevant bands.
39. In terms of Community Infrastructure Levy (CIL) the proposed development is CIL liable. However, the site falls within Zone 1 which has a £0 rate for all forms of residential development. On this basis no CIL payment is required.

## CONCLUSION

40. This is an application to develop a piece of previously developed land which is located within a residential area. The principle therefore is considered to be acceptable. The design and scale of the properties is acceptable as is the potential impact upon the amenities of adjacent residents. On this basis the application accords with the National Planning Policy Framework, Policies CSP1, CSP4, HOU1, HOU2, HOU3, ENV2, ENV3 and TRAN2 of the Black Country Core Strategy and Policies S1, S6, S8, S17, S22, L1, D1 and D3 of the Dudley Borough Development Strategy, the New Housing and Parking Standards Supplementary Planning Documents.

## RECOMMENDATION

41. 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:  
Location Plan Drawing No. 202120/01A  
Proposed Site Plan Drawing No. 202120/04  
Site Section Drawing No. 202120/03A  
Proposed Floor Plan and Elevations of Bungalow Drawing No: 202120/05  
Proposed Floor Plan and Layout of Houses Drawing No. 202120/06  
REASON: For the avoidance of doubt and in the interests of proper planning.
3. Prior to any above ground development, details of the colour, texture and name of the materials intended for the external parts of the dwellings hereby approved on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details prior to occupation.  
REASON: In the interests of the visual amenities of the site and the surrounding area and to comply with Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings
4. 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.
5. Where the approved risk assessment (required by condition 4 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.

6. Following implementation and completion of the approved remediation scheme (required by condition 5 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.

7. 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.

8. Where the approved risk assessment (required by condition 7 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.

9. Following implementation and completion of the approved remediation scheme and the associated approved validation and verification plan (required by condition 8 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.

10. 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<sub>x</sub> 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.

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

REASON: To protect existing residents in the area from dust arising from demolition and construction works on the proposed site in accordance with Policies L1 and D2 of the Dudley Borough Development Strategy.

12. 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.

13. 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.

14. The parking areas 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).

15. 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.

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

REASON: To preserve the character and visual amenities of the area, in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings

Policy D2 Incompatible Land Uses (in part).

17. Prior to the first occupation of the site, the entrance off Swanfield Road shall be blocked to vehicular traffic via a barrier, the details of which shall be submitted to and approved in writing by the Local Planning Authority. The barrier must allow access for wheelchair users and persons with prams/pushchairs. The barrier shall be installed prior to first occupation and shall thereafter be maintained for the lifetime of the development.

Reason: in the interests of pedestrian safety and to ensure access to for all in accordance with Policies D1 (Access for all), L1 (Housing development, extensions and alterations to existing dwellings) and S17 (Access & Impact of Development on the Transport Network) of the Dudley Borough Development Strategy

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

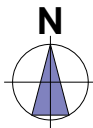
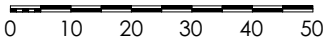
REASON: In order to prevent an increase in height of the development or a change in the roofs to protect the amenity of adjacent residents in accordance with Policy L1 of the Dudley Borough Development Strategy.

19. Demolition or construction works shall not take place outside the hours of 08:00 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).

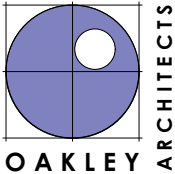


**SITE LOCATION PLAN**



|     |              |                        |        |
|-----|--------------|------------------------|--------|
| A   | 17.08.2022   | SITE BOUNDARY REVISED. | LO     |
| REV | DATE REVISED | REVISION               | REV BY |

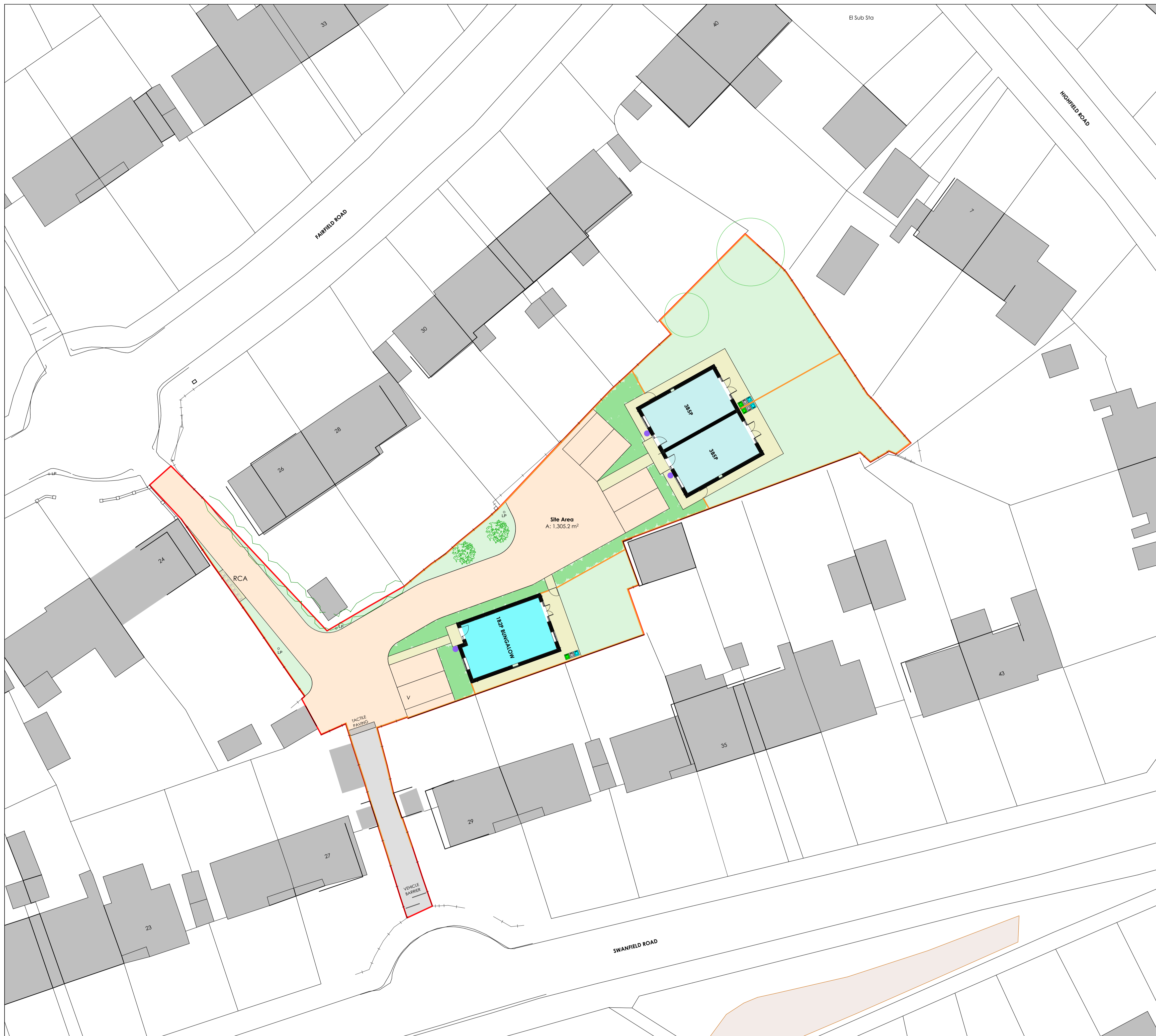
|                                     |  |
|-------------------------------------|--|
| CLIENT<br>Harpers                   | PROJECT<br>Fairfield Road, Stourbridge |
| DRAWING TITLE<br>Site Location Plan | DRAWING SCALE<br>1:1250 (A4)           |
| DRAWN BY<br>LISA OAKLEY             | DATE DRAWN<br>14.04.2021               |
| CHECKED BY<br>SIMON OAKLEY          | JOB NUMBER<br>202120                   |
|                                     | DRAWING NUMBER<br><b>01A</b>           |



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| FAIRFIELD ROAD            |          |                               |         |
|---------------------------|----------|-------------------------------|---------|
| SCHEDULE OF ACCOMMODATION |          |                               |         |
| TYPE                      | No.      | AREA <sup>m<sup>2</sup></sup> | PARKING |
| 1B2P BUNGALOW             | 1        | 52.4                          | 100%    |
| 3B5P HOUSE                | 2        | 85                            | 200%    |
| <b>TOTAL</b>              | <b>3</b> |                               |         |

- EXTERNAL WORKS LEGEND**
- Existing trees.
  - Existing trees removed.
  - Large individual specimen trees 20-25cm girth.
  - Ornamental shrubs and herbaceous planting, min 3 litres pot.
  - Grass.
  - 1.8m high close board timber gates with galvanised steel catch, hasp and staple for padlock. Clear width 900mm.
  - 1.8m high close board fence with concrete posts and concrete gravel boards.
  - 240 litre general waste bin.
  - 240 litre garden waste bin.
  - Recycle bin.
  - 450x450mm concrete paving slabs. 1200mm<sup>2</sup> flat landing to entrance door with 900mm wide individual paths & 1200mm wide shared paths, rear patios 1800mm deep with additional paving for bin access as indicated.
  - Permeable block paving. Colour: 1BA. Communal parking spaces demarcated with contrasting block paving.
  - Tarmac.
  - Electric vehicle charging point - 32amp double pole switch, flush mounted, load side connected to Rolec Wallpod. EV Ready.
  - Landscaping adjacent to parking spaces must have a mature growth height or be maintained at no higher than 500mm.
  - Soft landscaping to be in accordance with Landscape Architects details.
  - Refer to structural engineers drawing for extent of retaining concrete gravel boards and retaining walls.



| REV | DATE REVISED | REVISION | REV BY |
|-----|--------------|----------|--------|
|     |              |          |        |

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CLIENT  
 Harpers

PROJECT  
 Fairfield Road, Stourbridge

DRAWING TITLE  
 Site Plan 200

DRAWING SCALE  
 1:200 (A1)

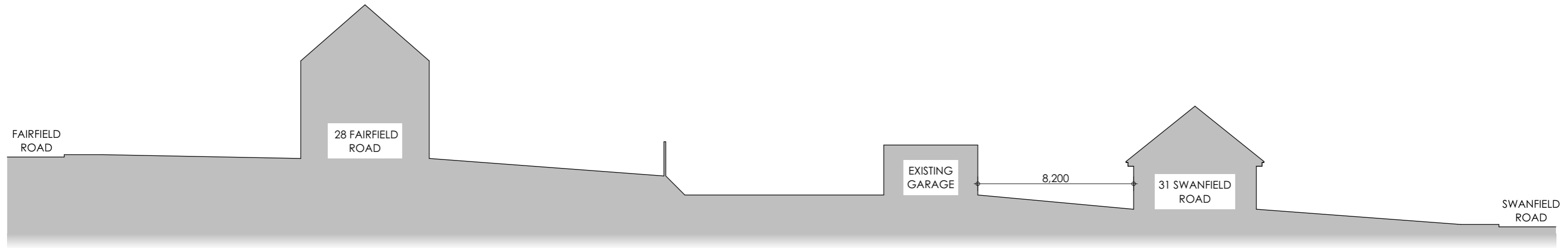
DATE DRAWN  
 01.08.2022

DRAWN BY  
 Lisa Oakley

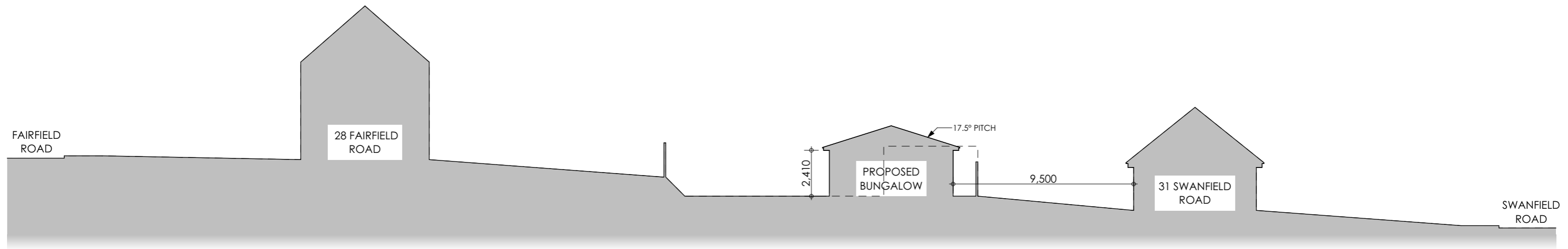
CHECKED BY  
 Simon Oakley

JOB NUMBER  
 202120

DRAWING NUMBER  
 04



**EXISTING SITE SECTION**

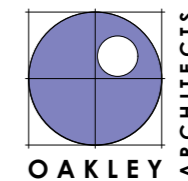


**PROPOSED SITE SECTION**



| REV | DATE REVISED | REVISION               | REV BY |
|-----|--------------|------------------------|--------|
| A   | 02.08.2022   | BUNGALOW ROOF UPDATED. | LO     |

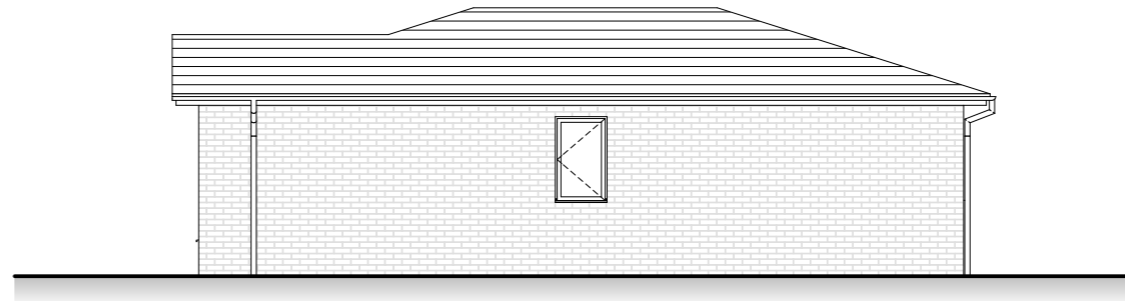
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|-------------------------------|--|--------------------------|------------------------------|
| CLIENT<br>Harpers             | PROJECT<br>Fairfield Road, Stourbridge |                          |                              |
| DRAWING TITLE<br>Site Section | DRAWING SCALE<br>1:200 (A3)            | DATE DRAWN<br>04.04.2022 |                              |
| DRAWN BY<br>LISA OAKLEY       | CHECKED BY<br>SIMON OAKLEY             | JOB NUMBER<br>202120     | DRAWING NUMBER<br><b>03A</b> |



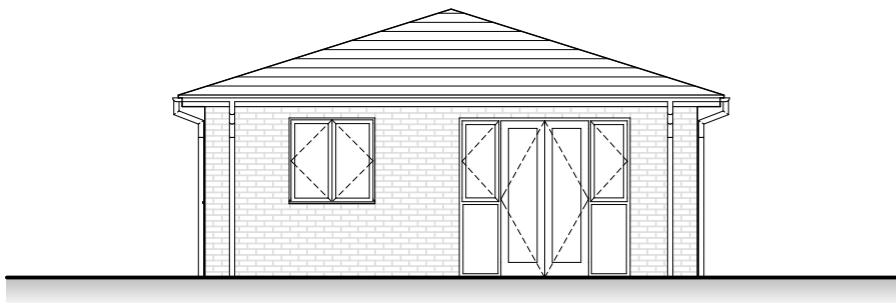
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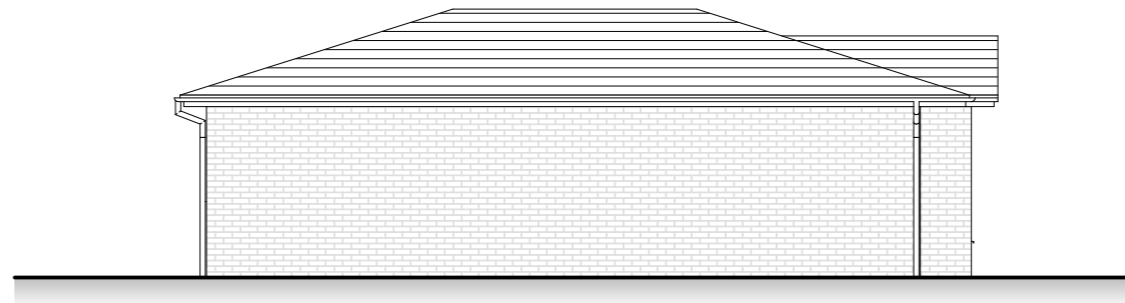
**FRONT ELEVATION**



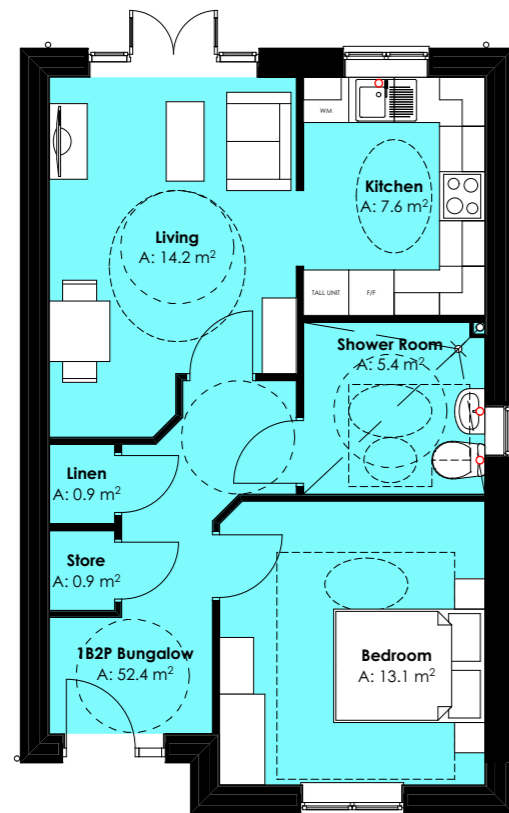
**SIDE ELEVATION**



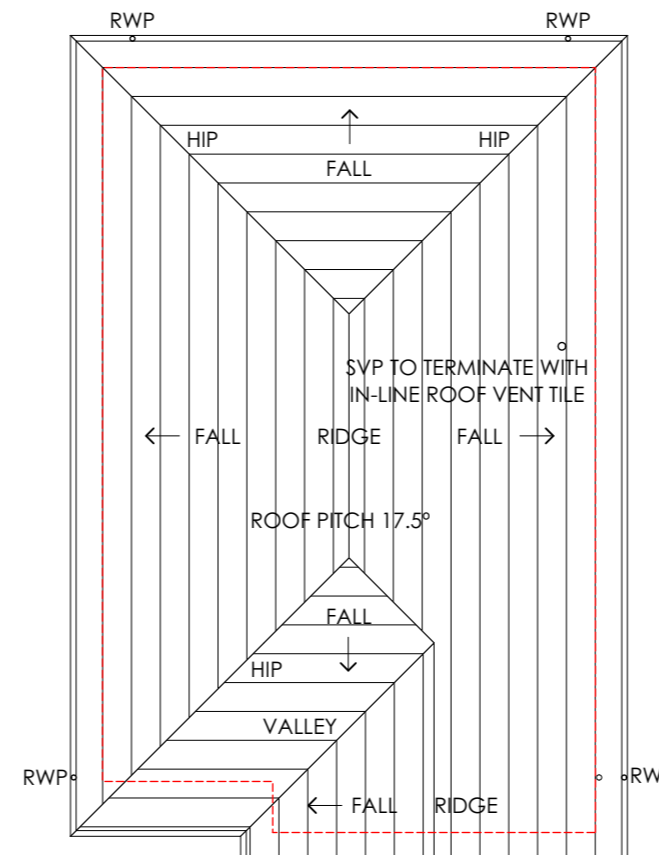
**REAR ELEVATION**



**SIDE ELEVATION**



**1B2P BUNGALOW  
GROUND FLOOR PLAN**



**ROOF PLAN**

| REV | DATE REVISED | REVISION | REV BY |
|-----|--------------|----------|--------|
|     |              |          |        |

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CLIENT  
Harpers

PROJECT  
Fairfield Road, Stourbridge

DRAWING TITLE  
1B2P Bungalow

DRAWING SCALE 1:100 (A3) DATE DRAWN 27.07.2022

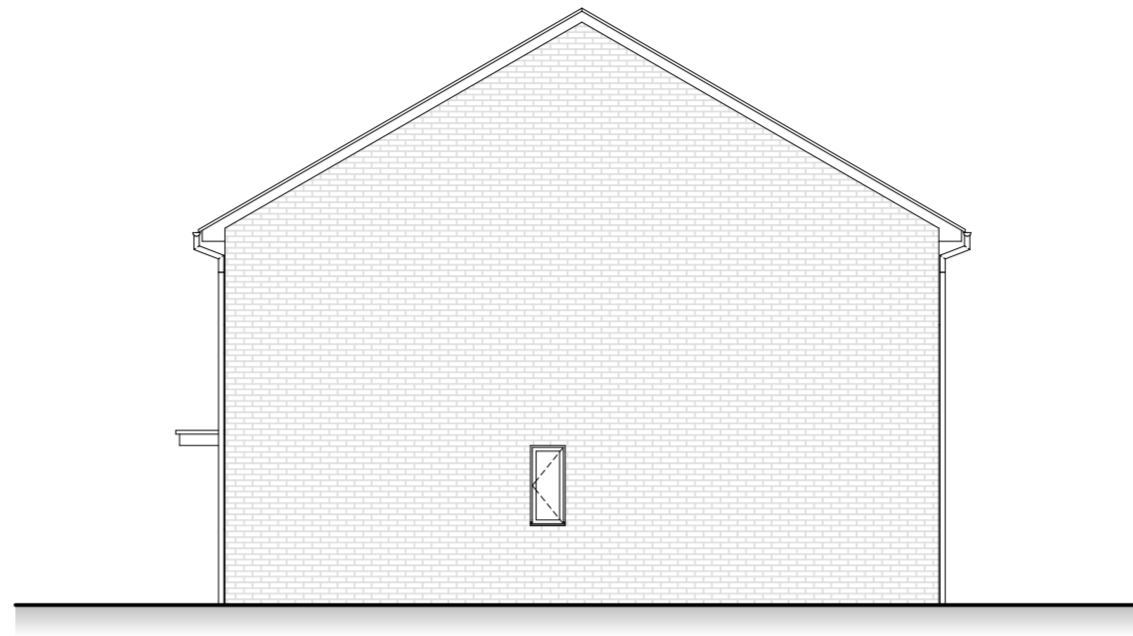
DRAWN BY LISA OAKLEY CHECKED BY SIMON OAKLEY

JOB NUMBER 202120 DRAWING NUMBER 05

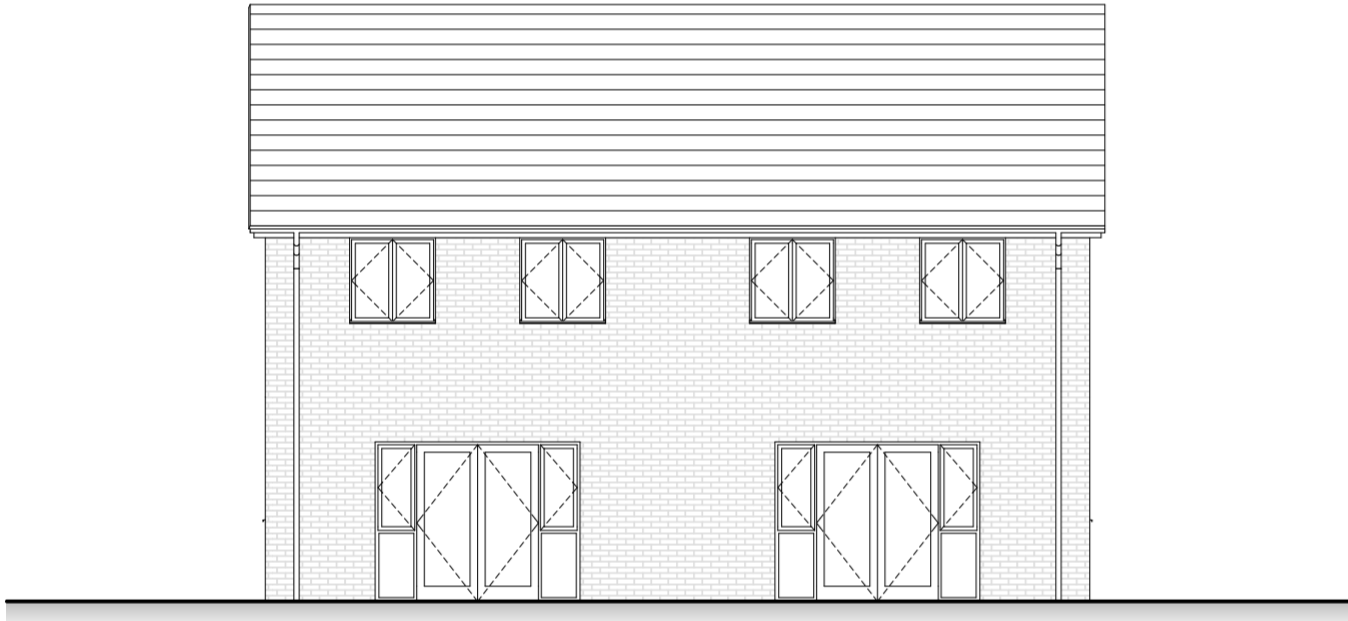




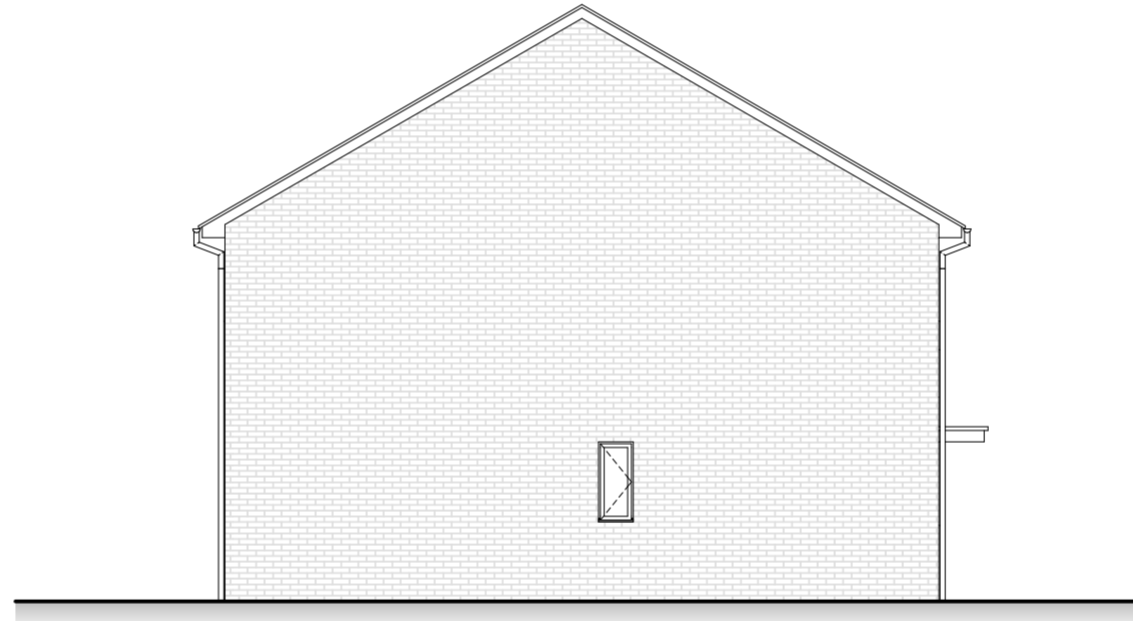
**FRONT ELEVATION**



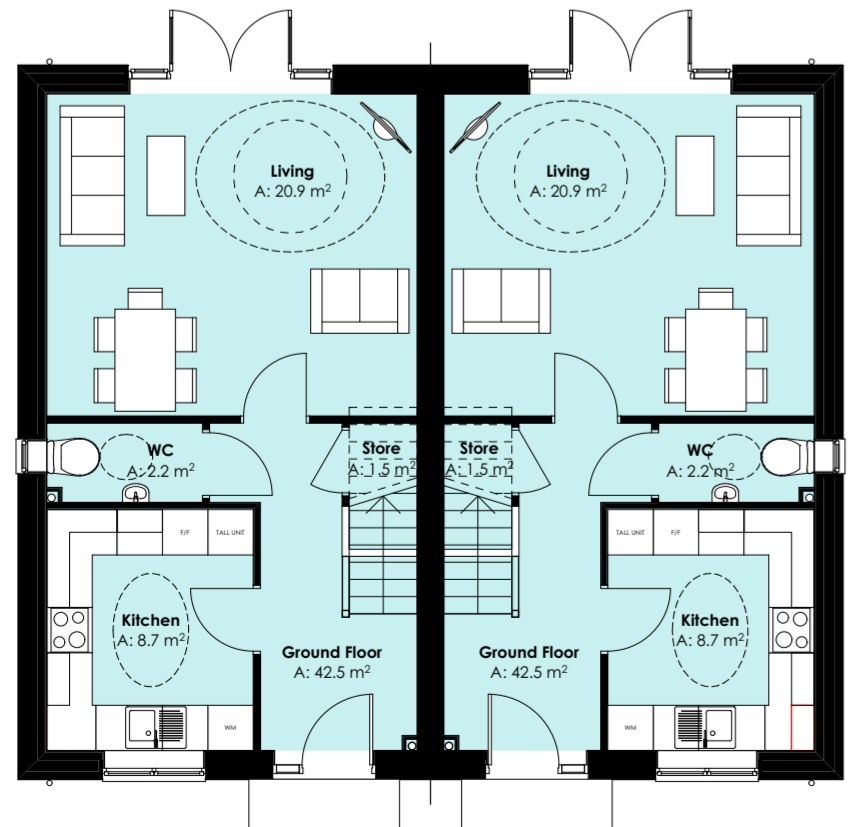
**SIDE ELEVATION**



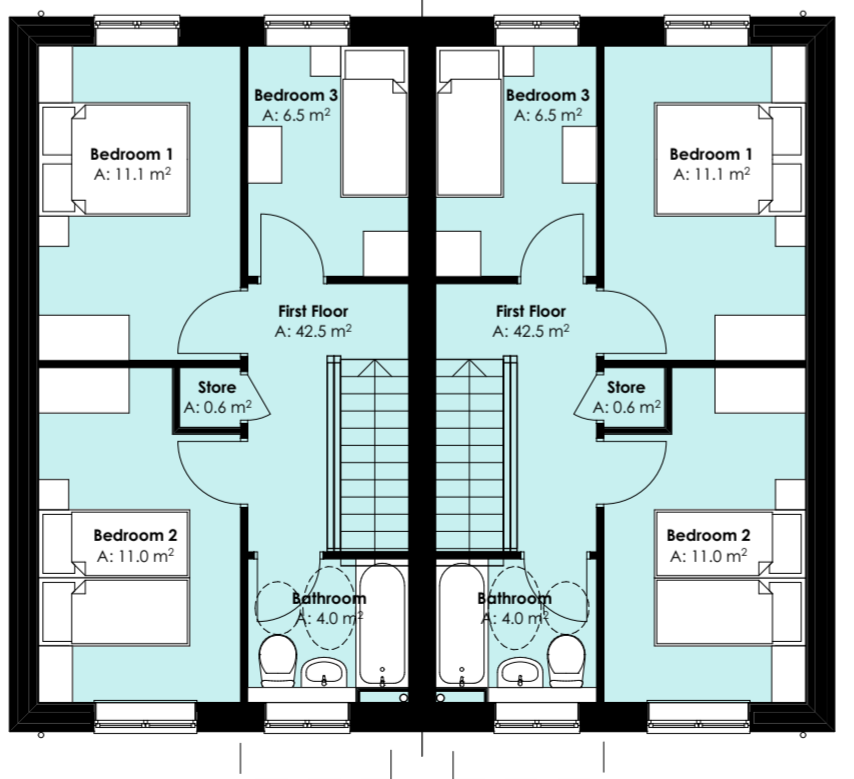
**REAR ELEVATION**



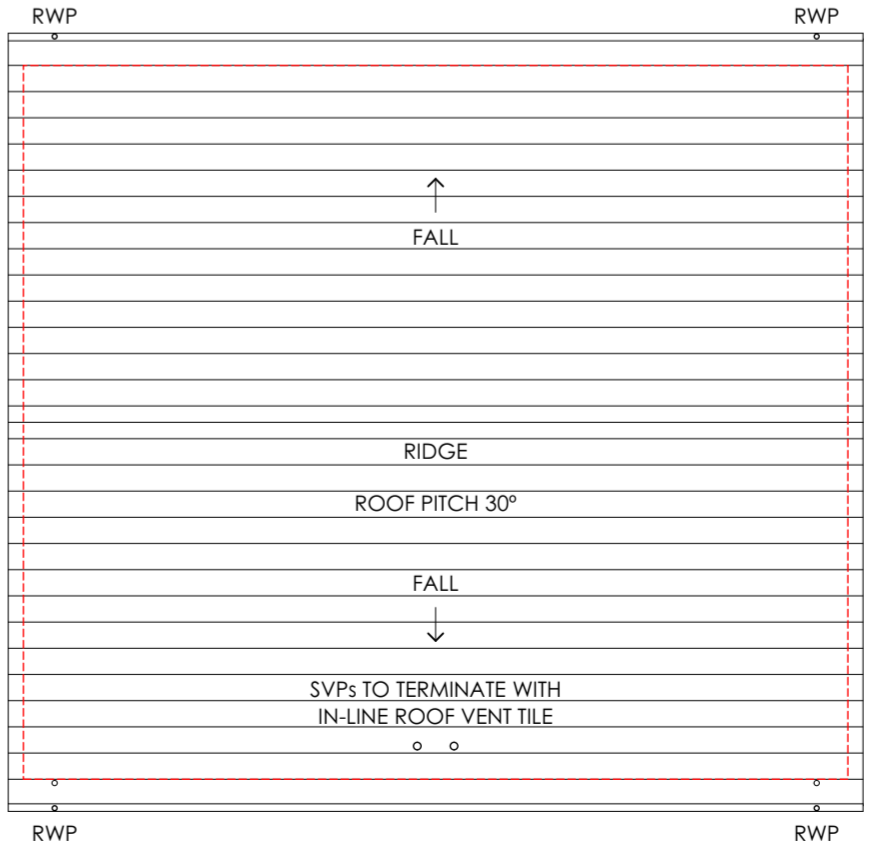
**SIDE ELEVATION**



**3B5P HOUSE  
GROUND FLOOR PLAN**  
Total Floor Area = 85m<sup>2</sup>



**FIRST FLOOR PLAN**



**ROOF PLAN**

| REV | DATE REVISED | REVISION | REV BY |
|-----|--------------|----------|--------|
|     |              |          |        |

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CLIENT  
Harpers

PROJECT  
Fairfield Road, Stourbridge

DRAWING TITLE  
3B5P House

DRAWING SCALE  
1:100 (A2)

DATE DRAWN  
DRAWN BY  
LISA OAKLEY

CHECKED BY  
SIMON OAKLEY

JOB NUMBER  
202120

DRAWING NUMBER  
**06**

## PLANNING APPLICATION NUMBER: P22/1288

|                         |  |
|-------------------------|--|
| Type of approval sought | Full Planning Permission   |
| Ward                    | Netherton, Woodside and St. Andrews Ward   |
| Agent                   | Mr S. Hunt, Dudley MBC   |
| Case Officer            | James Mead   |
| Location:               | <b>NETHERTON PARK, ACTIVITY CENTRE &amp; HEALTHY HUB, GREAVES ROAD, NETHERTON, DY2 9EX</b> |
| Proposal                | <b>CREATION OF CAR PARK WITH NEW ACCESS FROM HIGHWAY</b>                                   |
| Recommendation Summary: | <b>APPROVE SUBJECT TO CONDITIONS</b>   |

### SITE AND SURROUNDINGS

1. The application site comprises a section of Netherton Park adjacent to the 'Healthy Hub', an outside gym area and open space, along with the associated activity centre providing on site community room, public toilets and kitchen. The site is accessed from the park itself and Greaves Road. Netherton Park is identified as a Community Park within the Dudley Borough Development Strategy (2017).
  
2. Although the healthy hub is within Netherton Park, the site can be viewed from Greaves Road and residential properties along Greaves Road that face towards the site to the south. The area that adjoins this part of Netherton Park is residential where the periphery of the park is ringed with mature trees.

## PROPOSAL

3. The proposed development is to create a new 20 space car parking area to the front of the healthy hub, with a new vehicular access from Greaves Road. In addition, a new pedestrian footpath would be created from the existing footpath to the healthy hub.
4. Of the existing trees near to the site, one Hawthorn would be removed, all others would remain.
5. The applicant states that the site lacks parking provision for the existing facilities, therefore car parking is being proposed to compliment the site and to remove the on-going on street parking issues.

## HISTORY

| <b>APPLICATION No.</b> | <b>PROPOSAL</b>  | <b>DECISION</b>                | <b>DATE</b> |
|------------------------|--|--------------------------------|-------------|
| P10/1720               | New Lighting to outdoor gym equipment and pathway.                         | Approved subject to conditions | 01/02/2011  |
| P09/1381               | Healthy hub building.  | Approved subject to conditions | 15/10/2009  |
| P08/1204               | Erection of 4no. 8m high floodlights around existing multi use games area. | Approved subject to conditions | 17/12/2008  |

## PUBLIC CONSULTATION

6. The application has been advertised by way of site notice and neighbour notification. The final date for letters to be received was 23<sup>rd</sup> October 2022.

7. Councillor Taylor (Netherton, Woodside & St Andrew's) objects to the application stating;

*“I object to this application on the grounds that it infringes on green space, I will not support any application to use or build on green space for any other use other than leisure or sport services. This application to put a car park on our green space has not had the correct consultation prior to being released via social media. There has not been any other proposal considered. The residents, friends of the park, nor all the Local councillors have been in discussion on this proposal. It is morally wrong to take this forward without all parties having had the opportunity to offer alternatives that will not impede on our valuable green space. This council has a policy where it was supposed to protect green spaces, this is clearly not the case here. I would welcome the opportunity for all parties to have a meeting to discuss how and why we are presenting this application in its present form. This cannot go on any further without transparency on its legality as an application”*

8. Councillor Zada (Netherton, Woodside & St Andrew's) objects to the application, his objections are summarised as follows;

- This additional parking will offer no easement for school parking. This will attract more vehicles in what is already a congested road. Additional through traffic could lead to an accident at times where school children are crossing.
- Such car park facilities attract late night car parking. This will generate more noise for local residents.
- The area is surrounded by buildings of historic interests. This proposed concrete jungle will be completely indifferent to its surrounding locations.
- The design and appearance of this build in the middle of the park facility will be completely at odds with its surroundings.
- There will be a loss of trees and disruption to natural habitats, that have significant local value. This will be detrimental to local ecological habitats and biodiversity opportunities.
- This area would intrude on space provided for the enjoyment of local people, health and wellbeing.
- Netherton has one of the highest levels of pollution, this proposal makes the situation worse.
- Local schools participate in the cycle/walk to school health promotions. This proposal is at odds with that aim to promote healthy lifestyles.
- The location of this site means that it fronts the road and is easily visible from passing traffic and residents. This will impact on visual amenity.
- Residents are almost certainly going to lose privacy.
- This will create a significant disturbance and increase anti-social behaviour in an otherwise quiet area - especially at night.

- Building of a car park on grassed area used as a local park is an incompatible and unacceptable use of this land.
  - No pre-planning consultation has taken place with local residents. No consideration has been given to the security of the site and in particular unauthorised access.
  - This build will attract more off-road bikes.
9. A petition against the development, stating it will attract anti-social behaviour, illegal encampments, increased crime and disorder, and concern that this will not resolve parking issues in the area has been submitted with 380 signatories.
10. In addition eighty three individual letters of objection from sixty-seven nearby and local addresses have been received; objecting to the application on the following grounds.
- Loss of green space
  - The proposal requires the removal of trees and lead to loss of wildlife.
  - The priority should be to protect green spaces
  - A car park will increase anti-social behaviour.
  - It will encourage travellers to the area.
  - It will be detrimental to visual amenity.
  - Contrary to Heritage & Conservation policy & principles
  - Adequate cycle parking facilities need to be provided
  - Children need green spaces for the mental health and well being
  - Contravenes local transport plan Wm2041

- The proposal is unnecessary, not wanted and a waste of time, effort and money
- What proposal proposals are in place for double yellow lines and parking restrictions on Greaves Road
- This will devalue Houses
- No public consultation has been undertaken
- This will cause disruption during construction

11. One letter in support of the application has been received stating, once double yellow lines are in place, the car park will be needed.

## OTHER CONSULTATION

12. Head of Planning (Highways Engineer)

No objection, subject to conditions for appropriate visibility splays and other safeguarding measures.

## RELEVANT PLANNING POLICY

13. National Planning Guidance

- National Planning Policy Framework (2021)
- Planning Practice Guidance (2014)

14. Black Country Core Strategy (2011)

- ENV2 Historic Character and Local Distinctiveness
- ENV 3 Design Quality
- ENV6 Open Space, Sport and Recreation
- CSP3 Environmental Infrastructure

- TRAN2 Managing Transport Impacts of New Development.
- TRAN4 Creating Coherent Networks for Cycling and Walking

15. Dudley Borough Development Strategy (2017)

- D1 Access for All
- D2 Incompatible Land Uses
- S6 Urban Design
- S7 Landscape Design
- S19 Dudley Borough's Green Network
- S18 Cycling
- S22 Mature Trees, Woodland and Ancient Woodland
- S32 Parks
- S33 Playing Fields

16. Supplementary Planning Documents / Guidance

- Parking Standards SPD (2017)
- Access for All Supplementary Planning Document.

## ASSESSMENT

17. The key considerations in the assessment of this application are;

- Principle
- Playing Field
- Trees
- Neighbour Amenity
- Highway Safety



## Principle

18. Policy S32 (Parks) of the Dudley Borough Development Strategy states that Community Parks will be protected and appropriate works to improve their standard and amenity would be supported.
19. Paragraph 98 of the National Planning Policy Framework states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. This position is reiterated within The Planning for Health SPD, which states that proposals should encourage access to existing public open space and seek improvements and enhancements to existing greenspace in order to increase the health and well-being of local communities with a particular emphasis on planning for an active lifestyle.
20. Black Country Core Strategy Policy ENV6 (Open Space, Sport and Recreation) states that LPAs should make more efficient use of urban land by providing increasing access to open space, sport and recreation facilities.
21. The provision of a car park on this land can, therefore, be considered as acceptable in principle in providing a beneficial measure towards the use of the open space by the community, potentially increasing its usage and would not impact on the wider function of the park.

### Playing Field

22. The proposed development would not adversely affect the location of the existing grass football pitches to the east of the site that will adjoin the proposed car park. The proposed development is for ancillary facilities supporting the principal use of the site as a playing field and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.
23. The pitches would be unaffected by the proposed development and in this respect, the proposal therefore complies with the NPPF, Policy ENV6 of the Black Country Core Strategy and Policy S33 of the Dudley Borough Development Strategy.

### Trees

24. The Council's Tree Officer has reviewed the proposal. The loss of the Hawthorn is regrettable, however, the removal of just one tree will only have a low impact upon the amenity of the area and a replacement tree can easily be accommodated within the park. Given that the Root protection areas of the retained trees will extend into the development site it is considered appropriate to require adequate protection measures, to ensure that the trees are not subject to inadvertent damage during the construction process. As such, appropriate safeguarding conditions are recommended.

### Residential Amenity

25. The nearest neighbouring properties are those on the opposite side of Greaves Road. There would be no loss of light to these properties and whilst their outlook would alter, this would still be set against the backdrop of the mature tree line periphery of the park and as such it is considered the development would have no demonstrable harm in neighbouring amenity terms.
  
26. While the concerns of residents are noted with respect to potential anti-social behaviour, it is noted that the park is already accessible on a 24-hour basis, with a number of access points on surrounding residential roads. While it is possible that use of the car park could occur late at night, this could be said of the wider park and any anti-social behaviour could not be attributed solely due to the introduction of car park and as such, in this case it would not be sufficient reason to warrant the refusal of the application. However, it is recommended that appropriate mitigation is in place to ensure the appropriate management of the car park and therefore a condition for a management plan is considered necessary in this case.

### Highway Safety

27. Paragraph 111 of the National Planning Policy Framework sets out that applications should only be refused on highways grounds should there be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

28. The proposal is to provide a new parking area. A visibility splay of 2.4m x 33m should be maintained. However, a Traffic Regulation Order prohibiting parking on the Highway is proposed at this location and will ensure appropriate safety and visibility is provided. In addition, safeguarding conditions are recommended.
29. As such, it is considered there are no highway safety matters arising as a consequence of the proposed development and there are no sustainable grounds for refusing the application on highway grounds, given the overall benefit of providing this proposal.
30. Whilst the development does not provide electric vehicle charging or cycle parking provision, the proposed car park is to serve an existing recreation facility and the application needs to be assessed on its merits. Conditions to secure such provision is not deemed to be necessary to render the proposals acceptable in planning terms.

## CONCLUSION

31. The provision of a car park within the site is acceptable in principle in providing a beneficial measure towards the use of the open space by the community, potentially increasing its usage.
32. The proposed development would not adversely affect the location of the existing grass football pitches and there are no highway safety matters arising. It is considered that there would be no demonstrable harm to neighbouring amenity and there would be no adverse impact on upon the character and appearance of the area. 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

33. It is recommended that the application is 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: CE/GT-036/001; CE/GT-036/02 and CE/GT-036/03  
REASON: For the avoidance of doubt and in the interests of proper planning.
3. The development shall not be brought into use until visibility splays to the new access have been provided at the junction between the proposed means of access and the highway (footway) with an 'x' set back distance of 2.4 metres and a 'y' distance of 2.4 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority.  
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

4. The development shall not be brought into use until visibility splays to the new access have been provided at the junction between the proposed means of access and the highway (carriageway) with an 'x' set back distance of 2.4 metres and a 'y' distance of 33 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

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

5. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of the access(es) into the site, together with parking and turning area(s) [including details of lines, widths, levels, gradients, cross sections, 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.

6. No development shall commence (excluding demolition, site clearance and initial ground works) until details of the Highways Works proposed (Traffic Regulation Order) as indicated on drawing TM5318 has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use 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.

7. No development shall commence until details of the tree protection measures on site have been submitted to and approved in writing by the Local Planning Authority. The agreed tree protection measures shall be erected / installed prior to the commencement of the development (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery), and shall not be taken down moved or amended in any way without prior written approval of the local planning authority. The tree protection details shall include:
  - a. A plan showing the location and identification (with reference to a survey schedule if necessary) of all trees on, or directly adjacent to the development site, that are to be retained during construction. These trees are to be marked with a continuous outline.
  - b. A plan showing the location and identification (with reference to a survey schedule if necessary) of all the trees on, or directly adjacent to the development site that are to be removed prior to, or during development. These trees are to be marked with a dashed outline.
  - c. A plan showing the extent of the Root Protection Area, which is to be protected by physical barriers during development. The extent of the area that is to be protected will be calculated in accordance with Clause 4.6 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction- Recommendations'.
  - d. Design details of the proposed protective barriers and ground protection to be erected around the trees during development. Any protection barriers should be designed and constructed in accordance with the provisions set out in section 6.2 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction- Recommendations'.

REASON: To ensure that those trees and hedges to be retained on the development site are not subject to damage because of either works carried out on site or during the carrying out of such works in accordance with the Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part).
8. No development shall commence nor shall any other operations commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has

been submitted to and approved in writing by the Local Planning authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such method statement shall include full detail of the following:

- Implementation, supervision and monitoring of the approved Tree Protection Plan.
- Implementation, supervision and monitoring of the approved Treework Specification.
- Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Plan.
- Timing and phasing of arboricultural works in relation to the approved development.

REASON: To ensure that those trees and hedges to be retained on the development site are not subject to damage because of either works carried out on site or during the carrying out of such works in accordance with Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part) . This detail is required prior to the commencement of development to ensure trees which are shown to be retained or are legally protected are not damaged during the construction process.

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

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

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

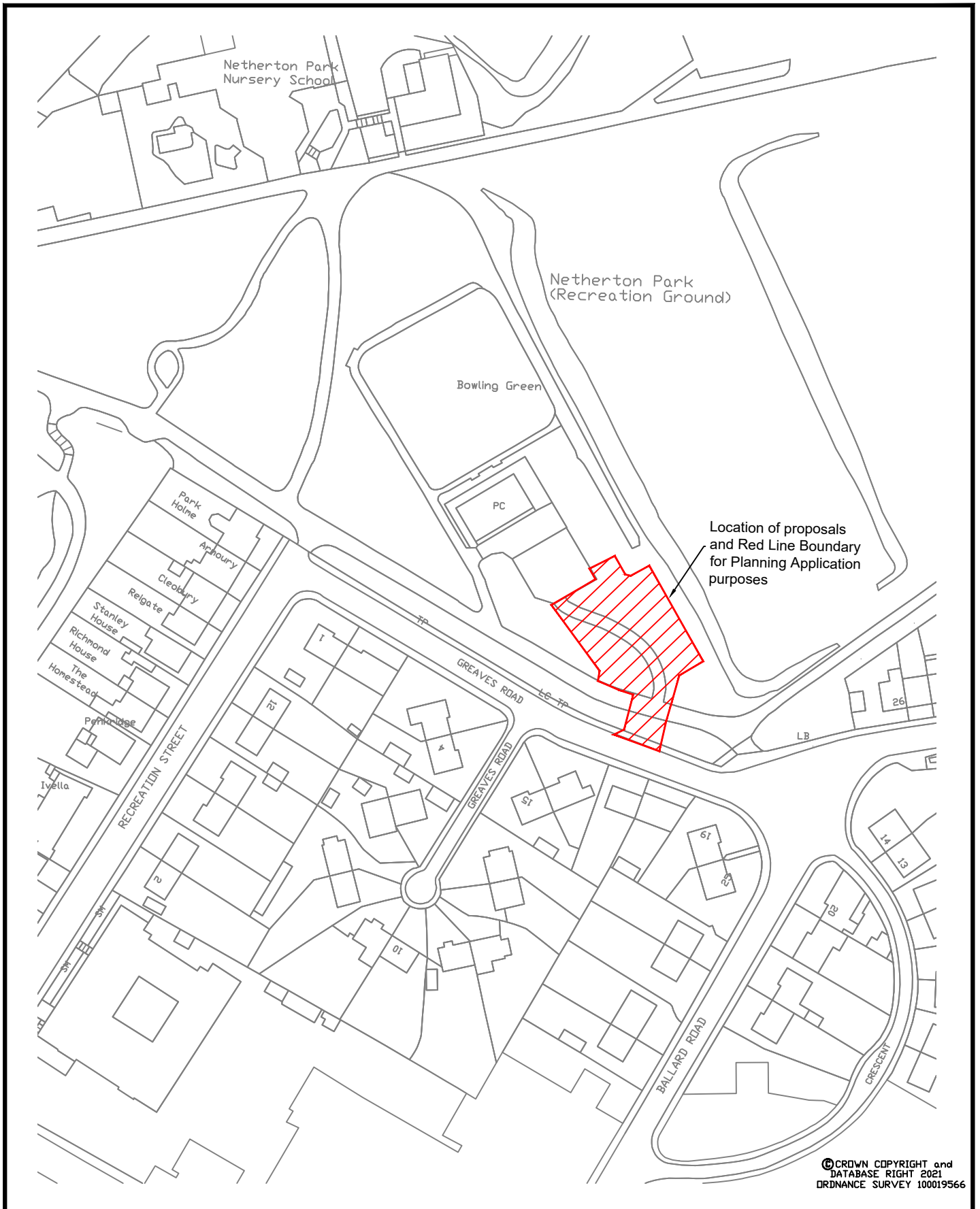


provided in accordance with a time table to be submitted to and agreed in writing by the local planning authority and shall thereafter be retained for the life of the development.

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

11. Prior to the approved car park first being used, a car parking management plan shall be submitted to and approved in writing by the Local Planning Authority. The Car Parking Management Plan shall include how the new car park will be managed and secured. Any agreed measures to be incorporated within the car park management plan shall be fully completed within the timescales set out within the document and there after retained and maintained as such for the lifetime 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.



Traffic, Transportation & Engineering  
 Lister Road Depot,  
 Dudley  
 DY2 8JW



**PUBLIC REALM**

Project GREAVES ROAD, NETHERTON - CAR PARK PROPOSALS  
 Title Location Plan with Red Line Boundary

Drawing No.  
 CE/GT-036/001

Drawn By MB

Checked By SH

Revision No. 0

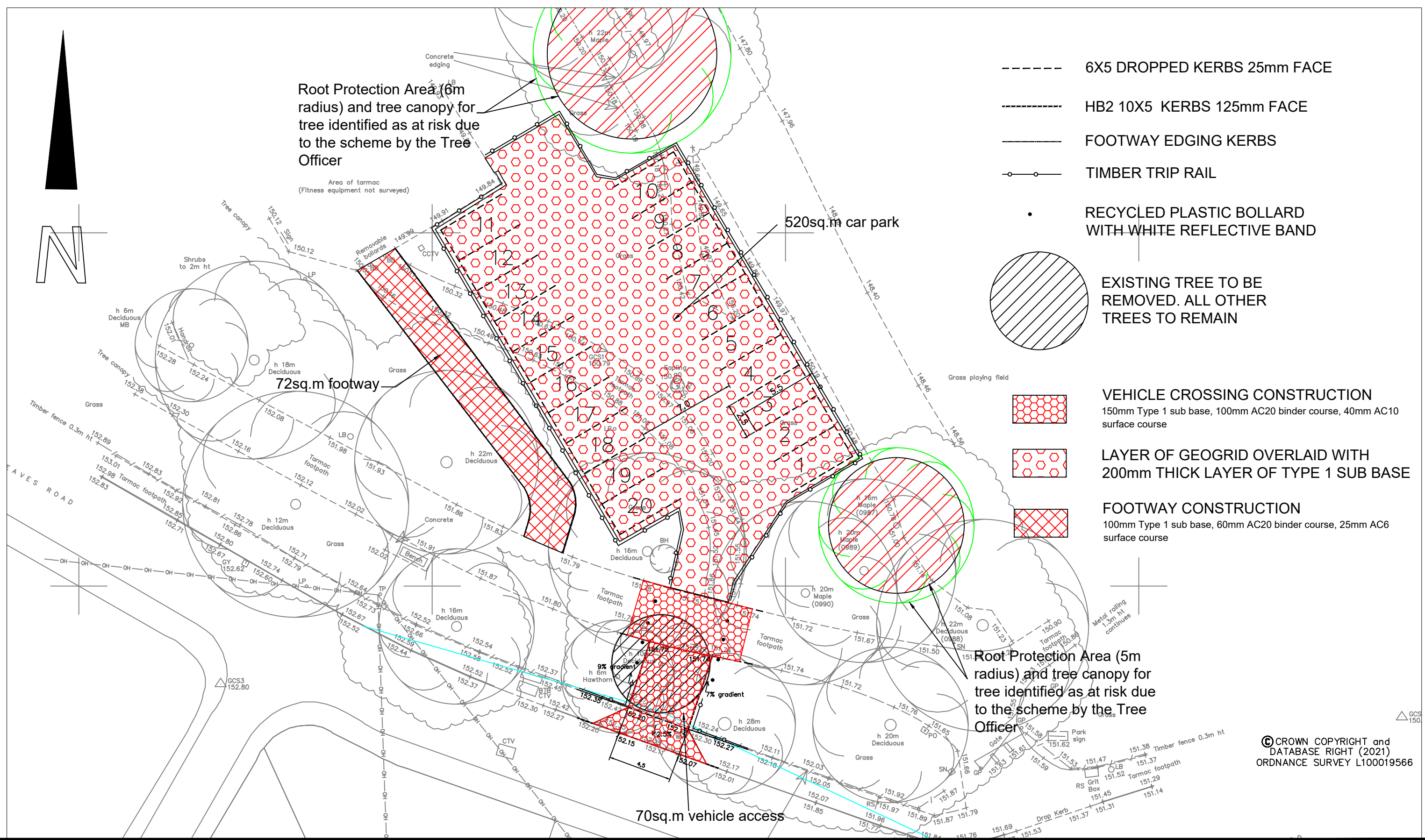
Date 31/08/22

Scale 1:1250@A4



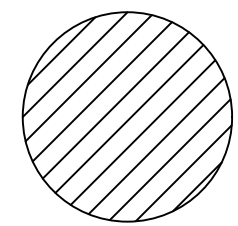
Root Protection Area (6m radius) and tree canopy for tree identified as at risk due to the scheme by the Tree Officer

Area of tarmac (Fitness equipment not surveyed)

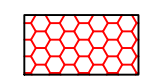


- 6X5 DROPPED KERBS 25mm FACE
- HB2 10X5 KERBS 125mm FACE
- FOOTWAY EDGING KERBS
- TIMBER TRIP RAIL

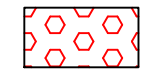
● RECYCLED PLASTIC BOLLARD WITH WHITE REFLECTIVE BAND



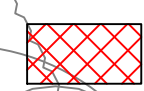
EXISTING TREE TO BE REMOVED. ALL OTHER TREES TO REMAIN



**VEHICLE CROSSING CONSTRUCTION**  
150mm Type 1 sub base, 100mm AC20 binder course, 40mm AC10 surface course



**LAYER OF GEOGRID OVERLAID WITH 200mm THICK LAYER OF TYPE 1 SUB BASE**



**FOOTWAY CONSTRUCTION**  
100mm Type 1 sub base, 60mm AC20 binder course, 25mm AC6 surface course

Root Protection Area (5m radius) and tree canopy for tree identified as at risk due to the scheme by the Tree Officer

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ORDNANCE SURVEY L100019566

**GREAVES ROAD, NETHERTON - CAR PARK PROPOSALS**

**PUBLIC REALM**  
Traffic, Transportation & Engineering

4 Ednam Road  
Dudley  
DY1 1HL



REVISION 1

Drawn By MB

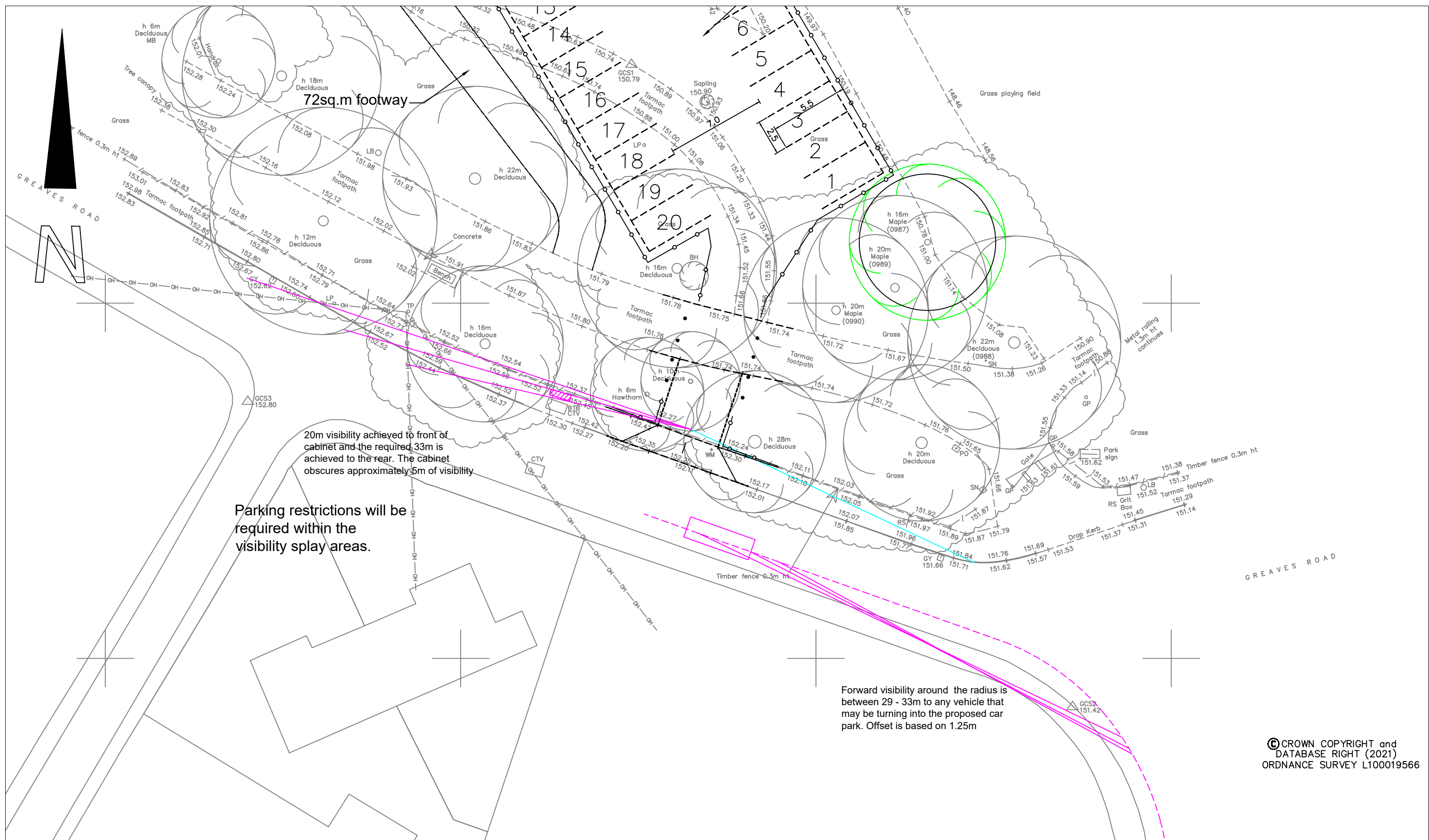
Checked By SH

Revision No.

Date 25/07/22

Drawing No. CE/GT-036/02

Scale 1:250@A3



20m visibility achieved to front of cabinet and the required 33m is achieved to the rear. The cabinet obscures approximately 5m of visibility

Parking restrictions will be required within the visibility splay areas.

Forward visibility around the radius is between 29 - 33m to any vehicle that may be turning into the proposed car park. Offset is based on 1.25m

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ORDNANCE SURVEY L100019566

**GREAVES ROAD, NETHERTON - CAR PARK PROPOSALS - VISIBILITY SPLAYS**

**PUBLIC REALM**  
Traffic, Transportation & Engineering

4 Ednam Road  
Dudley  
DY1 1HL



REVISION 1

Drawn By MB

Checked By SH

Revision No.

Date 14/10/22

Drawing No. CE/GT-036/03

Scale 1:250@A3

## **Report of the Director of Regeneration and Enterprise**

### **Confirmation of Tree Preservation Orders**

#### **Purpose of report**

1. To consider whether the attached Tree Preservation Order(s) should be confirmed with or without modification in light of the objections that have been received.

#### **Recommendations**

2. It is recommended: -
  - The Tree Preservation Orders referred to in the Appendix to this report should be confirmed without modification.
  - The recommendation is subject to the approval of members of the Planning Committee

#### **Background**

3. Section 198 of the Town and Country Planning Act 1990, provides that, where it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an Order with respect to such trees, groups of trees or woodlands as may be specified in the order.
4. A Tree Preservation Order may, in particular, make provision –
  - (a)for prohibiting (subject to any exemptions for which provision may be made by the Order) the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of trees except with the consent of the local planning authority, and for enabling that authority to give their consent subject to conditions;

- (b) for securing the replanting, in such manner as may be prescribed by or under the order, of any part of a woodland area which is felled in the course of forestry operations permitted by or under the Order.
- (c) for applying, in relation to any consent under the Order, and to applications for such consent, any of the provisions of this Act mentioned in subsection (4), subject to such adaptations and modifications as may be specified in the order.
- (d) Section 4 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 allows the Council to make a direction that the order shall take effect immediately for a provisional period of no more than six months.
- (e) For a tree preservation order to become permanent, it must be confirmed by the local planning authority. At the time of confirmation, any objections that have been received must be taken into account. The Town and Country Planning (Tree Preservation) (England) Regulations 2012 sets out the procedure for confirming tree preservation orders and dealing with objections.
- (f) If the decision is made to confirm a tree preservation order the local planning authority may choose to confirm the order as it is presented or subject to modifications.
- (g) New tree preservation orders are served when trees are identified as having an amenity value that is of benefit to the wider area.
- (h) When determining whether a tree has sufficient amenity to warrant the service of a preservation order it is the council's procedure to use a systematic scoring system in order to ensure consistency across the borough. In considering the amenity value of a tree factors such as the size; age; condition; shape and form; rarity; prominence; screening value and the presence of other trees present in the area are considered.
- (i) As the council is currently undergoing a systematic review of the borough's tree preservation orders, orders will also be served where there is a logistical or procedural benefit for doing so. Often with the older orders throughout the borough, new orders are required to replace older orders to regularise the levels of protection afforded to trees.

- (j) Where new orders are served to replace older orders, the older orders will generally need to be revoked. Any proposed revocation of orders shall be brought before the committee under a separate report.

### **Finance**

5. There are no direct financial consequences arising from this report, although the Committee may wish to bear in mind that the refusal or approval of applications for works to preserved trees subject to conditions, or any subsequent applications may entitle the applicant to compensation for any loss or damage resulting from the Council's decision (Section 203 of the Town and Country Planning Act 1990)

### **Law**

6. The relevant statutory provisions have been referred to in paragraph 3, 4d, 4e and 4j.

### **Risk Management**

7. There are no material risks arising from this report other than those identified in paragraph 5 above. Should the Order be confirmed, any works to the preserved trees subject to the order will be considered by future applications and determined on the basis of good tree husbandry and amenity considerations.

### **Equality Impact**

8. The proposals take into account the Council's Equality and Diversity Policy, and it is not considered that there will be any impact upon persons of protected characteristics.

### **Human Resources/Organisational Development**

9. There are no Human Resources/Organisational Development issues arising from this report.

### **Commercial/Procurement**

10. There are no Commercial or Procurement implications arising from this report.

## **Environment/Climate Change**

11. The proposals for the confirmation of the Tree Preservation Order are considered to align with the Council's decision to declare a Climate and Environmental Emergency, recognising that the value of the tree as a heat sink and its function as an efficient carbon store to buffer environmental implications which aligns with the carbon reduction strategy and the aim to reach net zero by 2041.

## **Council Priorities and Projects**

12. The proposal for the confirmation of the Tree Preservation Order aligns with the Council's climate commitment of creating a sustainable borough on its way to net zero carbon emissions, improved air quality and reduced fuel poverty.



### **Director of Regeneration and Enterprise**

Report Author: John Fraser  
Telephone: 01384 814787  
Email: [john.fraser@dudley.gov.uk](mailto:john.fraser@dudley.gov.uk)

### **List of Background Documents**

Appendix 1.1 - TPO/0301/HAS– Confirmation Report  
Appendix 1.2 - TPO Plan and Schedule for confirmation



***APPENDIX 1.1***

***Confirmation Report for:***

***The Borough of Dudley 2 Ladies Walk Sedgley DY3 3UA (TPO/0308/SED) Tree  
Preservation Order 2022***

|                         |                                  |
|-------------------------|----------------------------------|
| Tree Preservation Order | TPO/0308/SED                     |
| Order Title             | 2 Ladies Walk,<br>Sedgley        |
| Case officer            | John Fraser                      |
| Date Served             | 29/7/2022                        |
| Recommendation          | Confirm without<br>modifications |

## **SITE AND SURROUNDINGS**

1. The order, as served, protects 1 individual tree which stands in the rear garden of 2 Ladies Walk, Sedley.
2. The tree likely formed part of the original Vicarage gardens and is one of only two which remain.
3. The tree was identified as being worthy of protection following a request received from a local tree surgeon to fell the tree as it stands on the boundary of the All Saints Sedgley Conservation Area. The tree was found to score sufficient points on a TEMPO evaluation to warrant protection under the TPO regulations. The tree was considered worthy of preservation due to its contribution to the amenity of the area in terms of its public visibility and contribution to the landscape of the area and the valuable connection to nature that the tree provides for local residents.
4. The tree is clearly visible to the residents of Ladies Walk, Vicar Street and The Priory.

## **PUBLIC REPRESENTATIONS**

5. Following the serving of the TPO, 4 letters of objection were received from occupants of Ladies Walk, Vicar Street and The Priory. The comments highlighted seasonal nuisance caused from leaf and seed litter, and a perception of danger in high winds.
6. 5 letters of support for the TPO, have been received. The letters of support were based on the following grounds:
  - The tree provides habitat to various species of wildlife, and the removal of the tree would reduce the available habitat for the wildlife to use.
  - The tree gives pleasure to the local residents and make the Conservation Area more appealing.

- Trees reduce the negative impacts of climate change.

The representations are considered below.

## **RESPONSE TO REPRESENTATIONS**

7. With regard to the risk posed by the tree in adverse weather conditions, the movement of trees in high winds is a naturally occurring process as part of a structural dampening and adaptation process that distributes and reduces wind loading on the tree.
8. Reference is made to accumulations of leaf litter etc. Complaints about leaf fall are not uncommon and are seen as a normal maintenance obligation and are borne out of living in an area defined by a mature landscape of trees.
9. The submitted grounds for the support of the TPO are reasonable and where the fundamental amenity value of the tree is sufficient, it is considered that the Tree Preservation Order should be confirmed.

## **CONCLUSION**

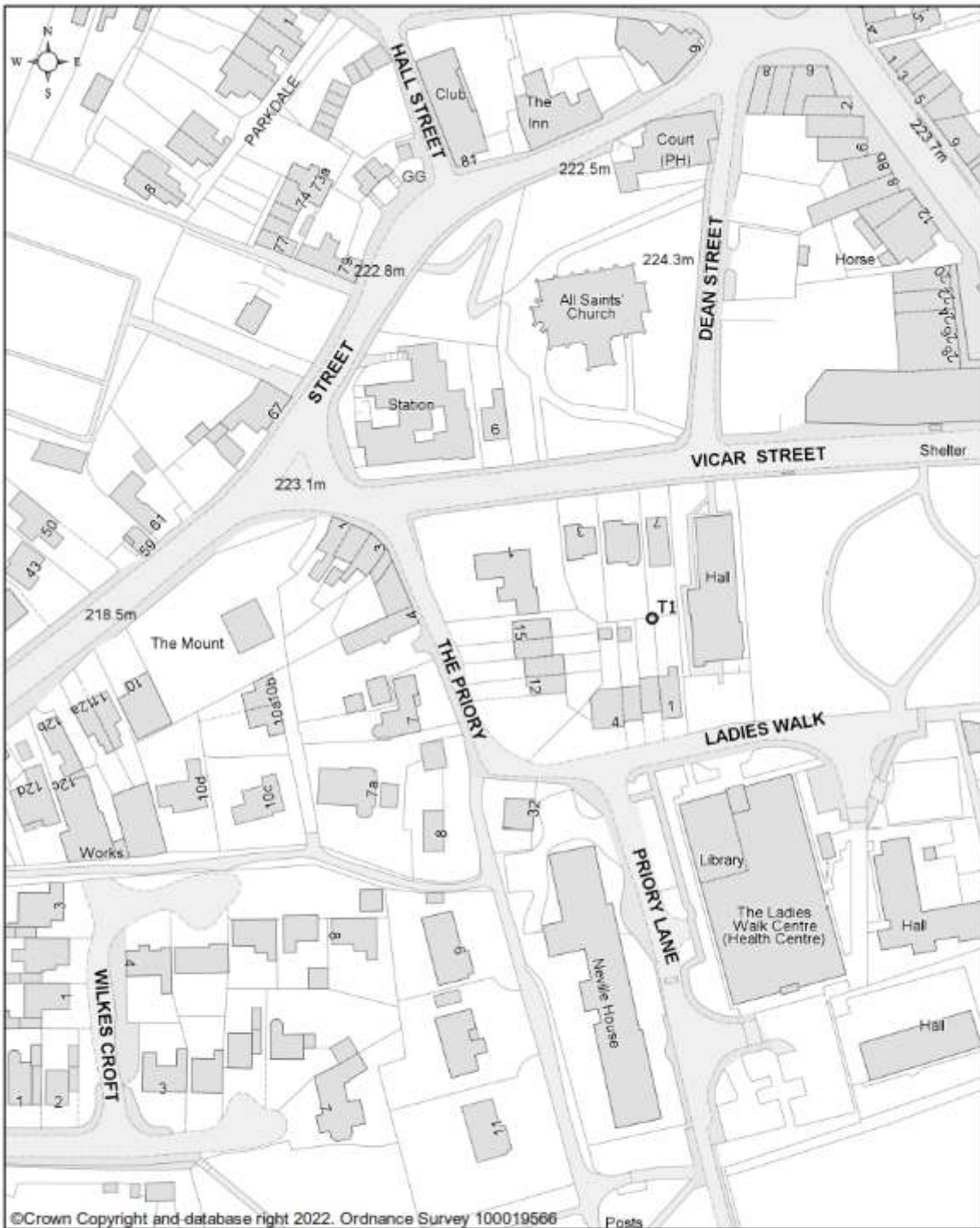
10. Having considered the comments submitted by both the objectors and the supporters of the TPO, it is considered that it is reasonable to confirm the TPO to ensure against any future inappropriate or unreasonable intervention and to preserve the tree for future generations.

## **RECOMMENDATION**

11. It is recommended that the Tree Preservation Order be confirmed.

***APPENDIX 1.2***

***Tree Preservation Order Plan and Schedule As Served***



Scale: 1:1,250

Map referred to in the Borough Council of Dudley

TPO Reference: TPO/0308/SED

2 Ladies Walk, Sedgely, DY3 3UA

## **FIRST SCHEDULE**

### **INDIVIDUAL TREES** (Circled in black on the plan)

| Reference on map | Description | Situation                                       |
|------------------|-------------|---|
| T1               | Sycamore    | Rear garden of 2 Ladies<br>Walk Sedgley DY3 3UA |

### **GROUPS** (Within the broken black line on the plan)

| Reference on map | Description | Situation |
|------------------|-------------|-----------|
|                  | N/A         |           |

### **AREAS** (Within the dotted line on the plan)

| Reference on map | Description | Situation |
|------------------|-------------|-----------|
|                  | N/A         |           |

### **WOODLAND** (Within the continuous line on the plan)

| Reference on map | Description | Situation |
|------------------|-------------|-----------|
|                  | N/A         |           |

| <b>Material considerations</b>   | <b>Non Material considerations</b>  |
|--|---|
| <b>Layout:</b> 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. | <b>Market competition</b> (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). |
| <b>Design and appearance:</b> 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.        | <b>Loss of view</b> (unless you own all the land between you and the view you have no right to it).   |
| <b>Landscaping:</b> is this appropriate, sufficient, particularly if forming a screen or providing some form of mitigation   | <b>Loss of property value</b>   |
| <b>Highway safety:</b> can safe access and egress be made, is there sufficient car parking, can the site be serviced by fire engines, bin lorries, delivery vehicles.  | <b>Matters covered by other legislation</b>   |
| <b>Impact on heritage assets/nature conservation;</b> 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 <b>the imposition of a suitably worded condition.</b>  |
| <b>Planning history:</b> has a similar scheme been approved before/refused before? Is there appeal history.  | The fact the application is for a <b>retrospective development.</b> 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 <b>repeat application</b> (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 <b>history of non compliance</b> with conditions/consents. Non compliance is dealt with through planning enforcement not through decision making. |
|  | What may or may not happen as a <b>result of the decision</b> in the future.   |