

PLANNING APPLICATION NUMBER:P13/1182

Type of approval sought	Full Planning Permission
Ward	Castle and Priory
Applicant	Mr Stephen Burnell, PSP Dudley LLP
Location:	LAND TO REAR OF ASHLEIGH HOUSE, 2, EDNAM ROAD, DUDLEY, WEST MIDLANDS, DY1 1HL
Proposal	ERECTION OF 11 NO. APARTMENTS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The site is a rectangular-shaped area of land at the rear of Ashleigh House on the northern side of Ednam Road, which is a detached three storey late Victorian/early Edwardian building currently in use as Council offices. The site is formed by a parking area immediately at the rear of Ashleigh House (accessed from Ednam Road via a driveway at the side of the building) and an unmanaged area of grass that contains eight mature trees (one whitebeam, one horse chestnut, two pines and four limes) which are close to the northern boundary. This part of the site slopes gently downwards towards the rear boundary.
2. Adjacent to the site to the east is the new Dudley College 6th form campus, which is separated from the site by a post and rail fence and a brick wall. The college building has windows on the upper floors of the elevation facing the site. To the north is the Priory Road car park, which currently has no boundary treatment separating it from the site. The eastern boundary is formed by a brick wall, on the other side of which is Ednam House, a three storey Council office building which has windows at first and second floor facing the site. The site lies within the Dudley Town Centre Conservation Area which also gives the trees at the site protected status.

PROPOSAL

3. Permission is sought to erect a three and four storey building at the site to form 11, 2-bedroom apartments. The building will be formed from three wings, with a central three storey glazed link and is of a contemporary design with flat-roof, fenestration to give vertical emphasis, and materials to match both the modern college building adjacent and the more traditionally-designed buildings in the wider area.
4. Seven parking spaces are to be provided, accessed from the existing driveway which is to be resurfaced. Separate bin and cycle stores are also to be provided, and approximately 450 sq.metres of private amenity space is to be created. A 0.6m high brick wall with 1.2m high steel railings above is to be erected along the northern boundary, and along part of the eastern boundary to replace the existing post and rail fencing.
5. A tree report has been submitted which describes the condition of the existing trees at the site. The report advises that a horse chestnut be removed because its condition has been compromised by previous management action and cannot be realistically retained as a living tree. The submitted layout plan shows this tree removed, with the other trees to be retained.

HISTORY

6. None relevant to the assessment of the application. There is currently a separate undetermined application (P13/01375) for the conversion of Ashleigh House into five apartments.

PUBLIC CONSULTATION

7. Neighbour notification letters have been sent to 8 properties and a site notice has been posted. No representations have been received in response to the neighbour consultation exercise.

OTHER CONSULTATION

8. Head of Environmental Health and Trading Standards: No objection.

Group Engineer (Highways): In areas that are constrained, for example by parking controls and narrow streets and where there is also good public transport and public parking provision plus places and facilities that can be easily accessed by foot or cycling, parking provision below the minimum SPD standards will be considered. The proposal fronts Ednam Road and this road has a prohibition of waiting order and a restriction allowing some unlimited parking after the evening peak in some sections whilst parking during the working day is prohibited apart from 1 hour limited bays outside the application site. The parking enforcement in this area is diligently enforced and therefore the area can be considered a constrained parking area. Residents who choose to live in the dwellings without off street parking must do so on the basis that they either do not have a car or have separate arrangements to park their vehicle in some other location.

Chief Fire Officer: Domestic sprinklers should be fitted to all of the flats as not all parts of the building are accessible by fire fighting equipment.

Coal Authority: No objection.

RELEVANT PLANNING POLICY

9. National Planning Policy 2012

National Planning Policy Framework (NPPF)

Black Country Core Strategy 2011

Policy DEL1 (Infrastructure Provision)

Policy CSP1 (The Growth Network)

Policy HOU2 (Housing Density, Type and Accessibility)

Saved UDP (2005) Policies

Policy DD1 (Urban Design)

Policy HE4 (Conservation Areas)

Policy CR13 (Residential Development in Town Centres)

Supplementary Planning Guidance

Parking Standards SPD (2012)

Dudley Town Centre Area Development Framework (2005)

ASSESSMENT

10. The key issues in the assessment of this application are:

- Principle;
- Impact on the Conservation Area;
- Amenity;
- Parking/Access;
- Planning Obligations

Principle

11. The NPPF encourages residential development on appropriate sites in centres, and advises local planning authorities that such development can play an important role in ensuring the vitality of centres. The site falls within Core Strategy Regeneration Corridor 11a (Policy CSP1 applies); the Core Strategy encourages residential-led regeneration in and around Dudley town centre, in order to improve its viability as a strong centre and historic market town. Similar support is given by Saved Policy CR13 of the UDP. The site lies within the Priory Place opportunity area as designated by the Dudley Town Centre Area Development Framework; the Framework's vision for this part of the town centre is that it will be a high quality residential quarter of high density development.
12. Policy HOU2 of the Core Strategy requires that all developments should aim to achieve a minimum density of 35 dwellings per hectare. Higher density developments such as the one proposed (85 dwellings per hectare) should generally be located in

areas with the best access to public transport and services, such as town centres. Given the site's location, and with regard to the vision of the Town Centre Framework for Priory Place, it is considered that the density of the proposed development is acceptable and therefore the proposal complies with Policy HOU2.

Impact on the Conservation Area

13. Saved Policy HE4 of the UDP advises that the Council will safeguard and seek to preserve or enhance Conservation Areas. Proposals for the inappropriate alteration of buildings in Conservation Areas or works which could be detrimental to their character or setting which will be resisted.
14. At present the open car park makes no contribution to the Conservation Area. By contrast the scale, design and materials to be used in the proposed building complement both the contemporary college building adjacent and the more traditionally-designed Ashleigh House to the front of the site. The front and rear elevations of the buildings are well designed and their appearance will enhance the character of the Conservation Area. At the time of producing this report amendments were being made to the side elevations by the applicant at the request of Officers to ensure that they make a similarly positive impact. The amended plans will be reported in the pre-Committee note.
15. The submitted tree report has been assessed by the Council's Arboricultural Officer who has no objection to the removal of the horse chestnut tree for the reasons stated in the report. The retained trees will frame the development and views into the Conservation Area from the north. The Arboricultural Officer recommends the imposition of specific conditions to ensure that the trees to be retained are not damaged during construction works. These conditions relate to the submission of details of:
 - the method of construction of the proposed boundary walls to avoid damage to the roots of the trees;
 - tree protection measures during construction works;
 - any necessary pruning works;

- a drainage/services layout;
- the method of construction of the hard surfaced parts of the site.

Amenity

16. The NPPF requires that new developments should provide a good standard of amenity for future occupants. The private amenity space to be provided forms a significant proportion of this relatively constrained site and is considered to be of sufficient size to serve the on-site amenity space needs of the future occupants. The site will also benefit from close proximity to the amenities of the town centre and public open space at Coronation Gardens and Priory Park.

Parking

17. On the basis of the comments of the Group Engineer, and given that the site is located within an area of constrained parking in a sustainable location which is readily accessible by public transport facilities, the proposed number of parking spaces is considered to be acceptable. Cycle parking provision is in accordance with Parking Standards SPD standards.

Planning Obligations

18. Black Country Core Strategy Policy DEL1 'Infrastructure Provision' sets out the adopted policy framework for Planning Obligations within Dudley and the Planning Obligations SPD provides further detail on the implementation of this policy; these policy documents were prepared in accordance with national legislation and guidance on planning obligations. Policy DEL1 requires all new developments to be supported by sufficient on and off-site infrastructure to serve the development, mitigate its impact on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.
19. In determining the required planning obligations on this specific application the following three tests as set out in the CIL Regulations, in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:
 - a) necessary to make the development acceptable in planning terms;

- b) directly related to the development;
- c) fairly and reasonably related in scale and kind to the development.

20. Following consideration of the above tests it is not considered that any off site planning obligations are required in connection with the development. On-site obligations can be sought by condition for nature conservation enhancements, public realm improvements via the submission of details of material to be used in the hardsurfacing of the development and the proposed boundary wall and railings, and air quality improvements by the provision of electric vehicle charging points.

New Homes Bonus

- 21. 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.
- 22. The New Homes Bonus is designed to create an effective fiscal incentive to encourage local authorities to facilitate housing growth. It will ensure the economic benefits of growth are more visible within the local area, by matching the council tax raised on increases in effective stock.
- 23. The Bonus provides local authorities with monies equal to the national average for the council tax band on each additional property and paid for the following six years as a non-ring fenced grant. In addition, to ensure that affordable homes are sufficiently prioritised within supply, there will be a simple and transparent enhancement of a flat rate £350 per annum for each additional affordable home.
- 24. This proposal would provide 11 dwellings generating a grant of 11 times the national average council tax for the relevant bands per annum for 6 years. 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.

CONCLUSION

25. The proposed development of the site for residential purposes is acceptable in principle. The development would preserve and compliment the character of the Conservation Area and would provide sufficient levels of infrastructure provision, amenity space and parking for future occupants. The proposal complies with Policies DEL1, CSP1 and HOU2 of the Core Strategy and Saved Policies DD1, HE4 and CR13 of the UDP.

RECOMMENDATION

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

APPROVAL STATEMENT INFORMATIVE

In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Conditions and/or reasons:

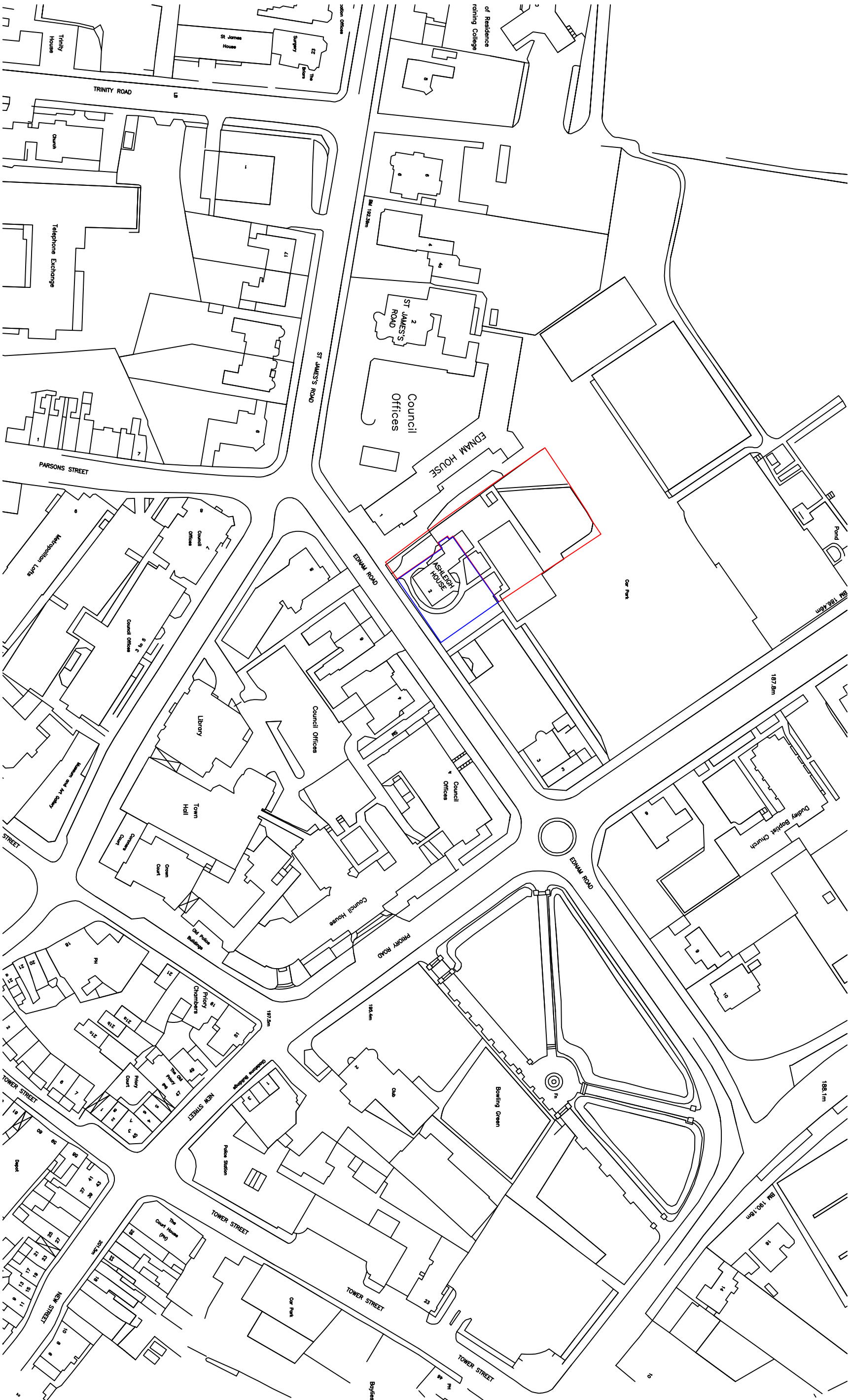
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Prior to the occupation of the building hereby approved, the parking and turning areas shown on the approved plan shall be provided and thereafter maintained for these purposes for the lifetime of the development.
3. Prior to the commencement of development, details of the existing and proposed levels of the site (including finished floor levels), which should be related to those of adjoining land, shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved levels.

4. Prior to the commencement of development, details of the types, colours and textures of the materials to be used in the hard surfacing of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall 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.
5. Prior to the commencement of development, details of the types, colours and textures of the materials to be used on the external surfaces of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
6. No development or other operations shall 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 full details of the proposed brick and railing wall on the northern boundary of the site have been submitted and agreed in writing with the Local Planning Authority. The wall shall be built in full accordance with the agreed details. The detail to be submitted shall include:
 - Details of any excavation required for foundations, pillars or bridging lintels;
 - Full design details of the wall including below ground construction;
 - Details of the construction method of the wall, and measures use to minimise impact on the adjacent trees.
7. No development shall take place until there has been submitted, and approved in writing by the Local Planning Authority details of the tree protection measures on site. The agreed tree protection measures shall be erected / installed prior to the commencement of 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) 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'.
8. No development or other operations shall 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.
9. No development or other operations shall 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 tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall commence on site until the approved tree felling and pruning works have been completed. All tree felling and pruning shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998 (2010) Recommendations for Tree Work.
10. 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).
11. No development or other operations shall commence on site 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 service (gas, electricity and telecoms) and foul and surface water drainage layout has been submitted to and approved in writing by the Local Planning Authority. Such layout shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved service/drainage layout.

12. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority technical details of any proposed pathway / hard surfacing / driveway / parking area 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 tree situated on or off the site. The details of the vehicular access and parking areas shall include existing and proposed ground levels, materials to be used and the relative time of construction within the whole development and must be in accordance with appropriate guidelines, namely Clause 7.4 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction- Recommendations' and Arboricultural Advisory & Information Service Practice Note 'Driveways Close to Trees' (1996). Any driveway / parking areas within the Root Protection Area of existing trees must be constructed using 'no-dig' techniques incorporating appropriate surfaces to avoid damage to trees and to prevent any potential direct or indirect damage caused by trees.
13. No development shall commence until details of nature conservation enhancement works have been submitted to and approved in writing by the Local Planning Authority. The nature conservation enhancement works shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
14. No development shall commence until an Economic and Community Development Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall address as a minimum, measures to increase the number of jobs open to local people available on the site and the development of initiatives that support activities to upskill local unemployed people of working age so as to support them into sustained employment as outlined in the Council's Planning Obligations Supplementary Planning Document. The development shall be implemented in accordance with the approved Statement and retained in accordance with the Statement for the lifetime of the development.
15. No development shall commence until details for the provision of external electric charging points have been submitted to and approved in writing by the Local Planning Authority. The charging point(s) shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
16. The development hereby permitted shall be carried out in accordance with the following approved plans: AA-485-015A, 005B, 006A, 007A, 008A, 009B, 011A, 012A.
17. The development shall not be occupied until details of secure cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be provided in accordance with the approved details and maintained for the life of the development.
18. No development shall commence until a scheme to provide for a Traffic Regulation Order in the access road (at the applicant's expense) has been submitted to and approved in writing by the local planning authority. Prior to first occupation the Traffic Regulation Order shall be laid out to the agreed details and thereafter maintained for the lifetime of the development.



CLIENT: PSP DUDLEY LLP
JOB: ASHLEIGH HOUSE, 2 EDMAM ROAD, DUDLEY
JOB NO: AA-474 DATE: Sept 2012 SCALE: 1:1250@A3
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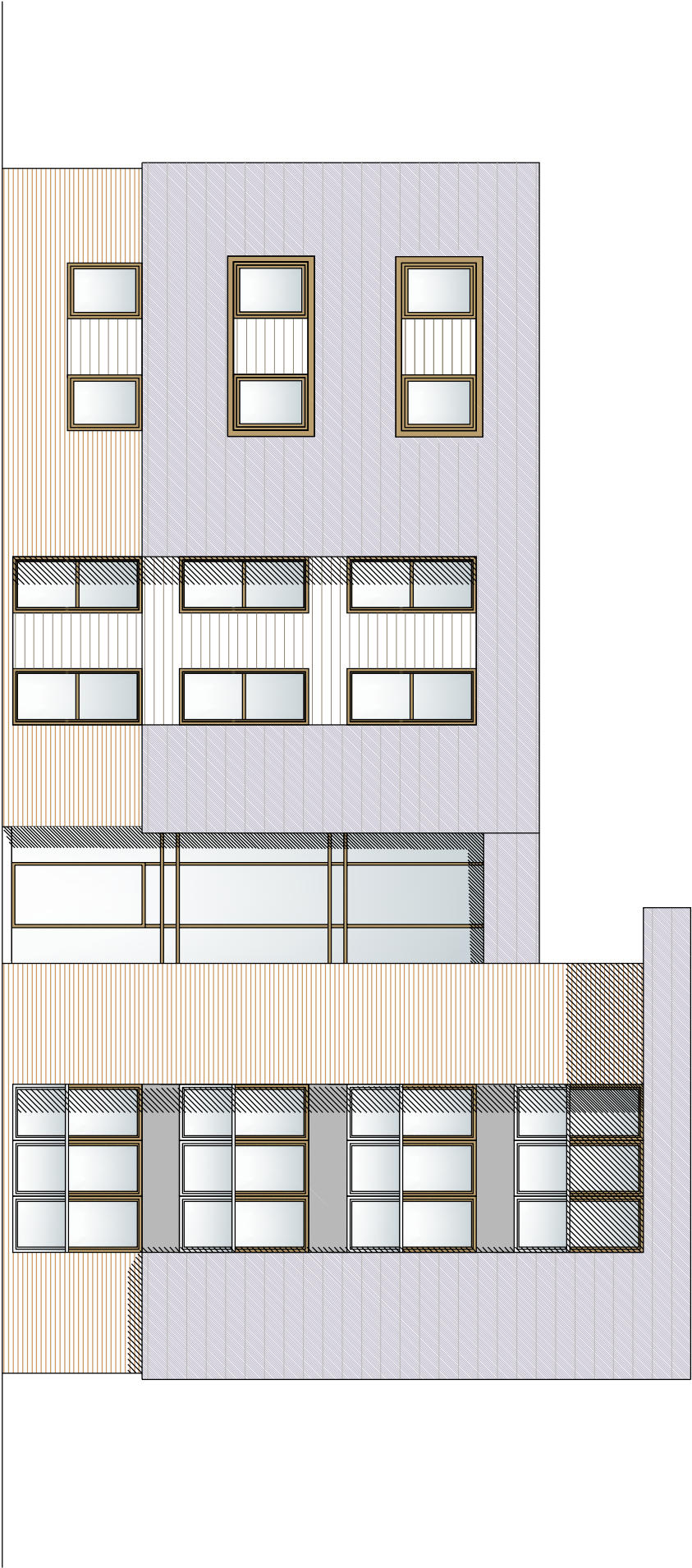
Revision	Date	Details

CLIENT: **PSP DUDLEY LLP**
JOB: **LAND TO REAR, 2 EDNAM ROAD, DUDLEY**
JOB NO: AA-485
DRAWING: NEW BUILD
NORTH ELEVATION

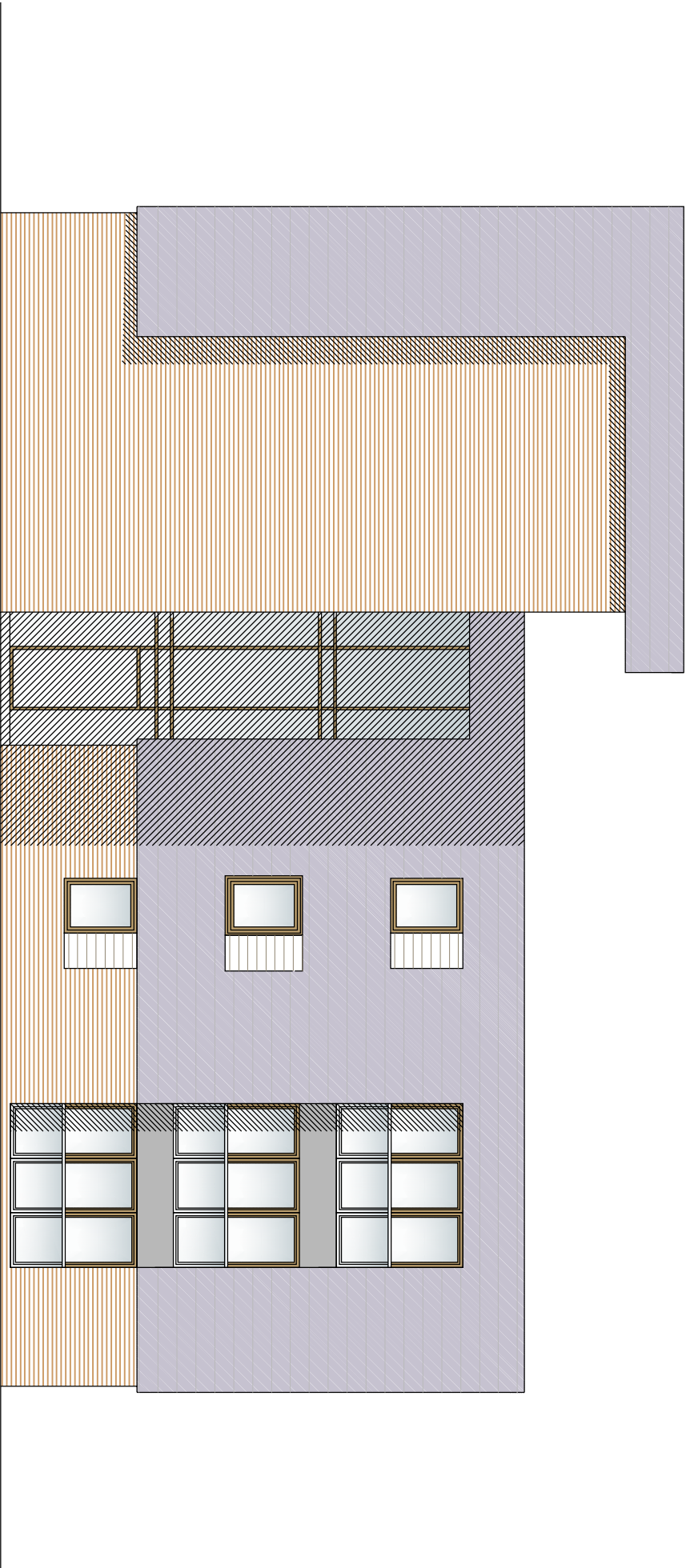
DATE: Aug 2013
DRAWING NO: AA-485-012A

SCALE: 1:100@A3
CHECKED BY:

PROPOSED NORTH ELEVATION



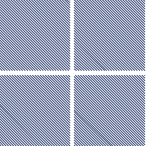
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A	25-11-13	Revised following conservation comments

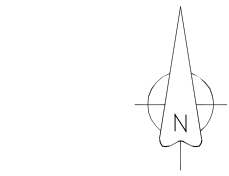


PROPOSED SOUTH ELEVATION

CLIENT: **PSP DUDLEY LLP**
JOB: **LAND TO REAR, 2 EDNAM ROAD, DUDLEY**
JOB NO: AA-485
DRAWING: NEW BUILD
SOUTH ELEVATION
DATE: Aug 2013
DRAWING NO: AA-485-011A
SCALE: 1:100@A3
CHECKED BY:

Revision	Date	Details
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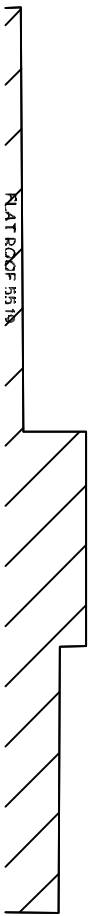




CLIENT: PSP DUDLEY LLP
JOB: ASHLEIGH HOUSE, 2 EDNAM ROAD, DUDLEY
JOB NO: AA-485
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BLOCKPLAN 2

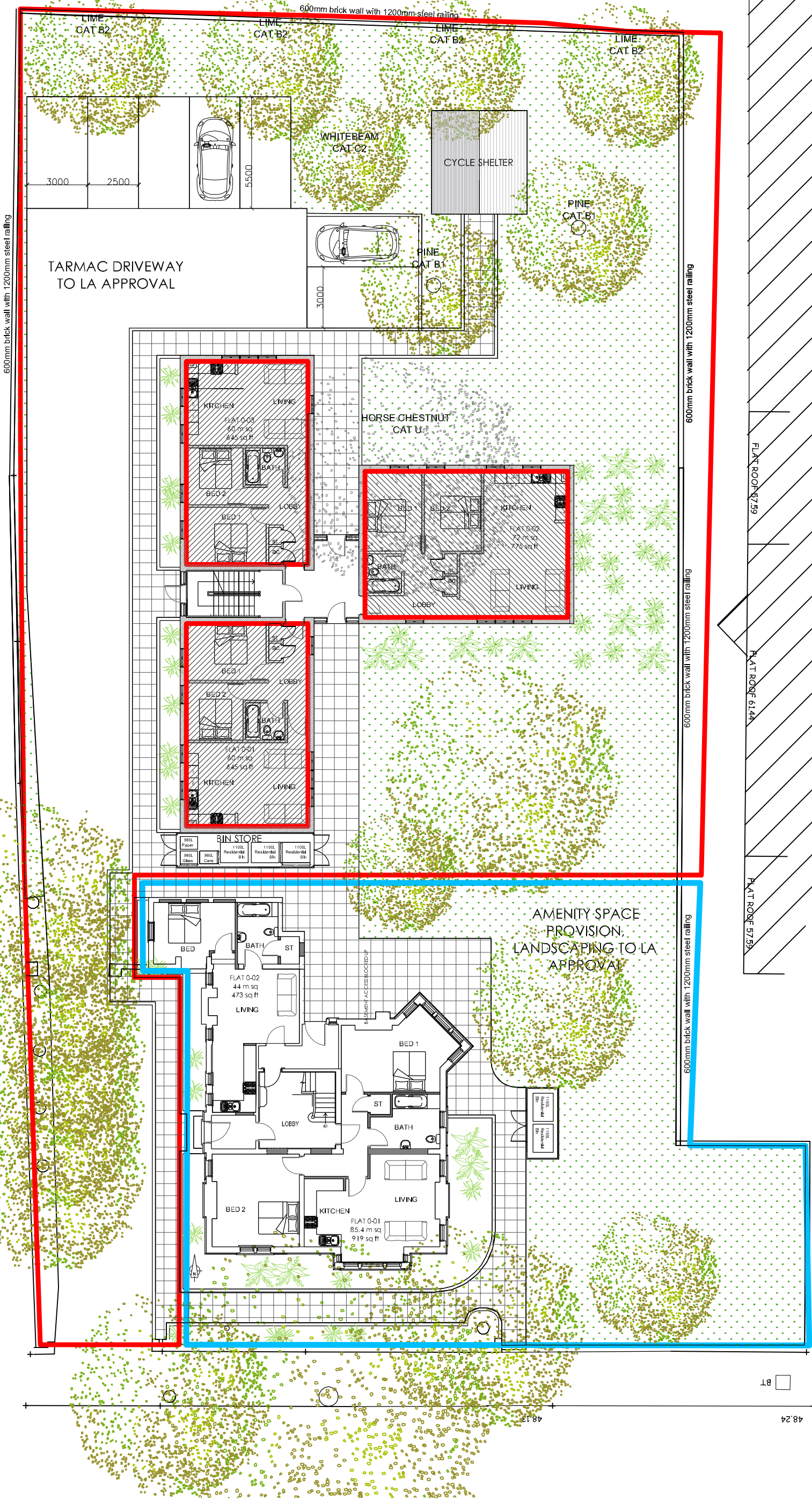
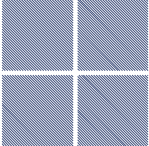
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CHECKED BY:

Revision	Date	Details
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B	25-11-13	Revisions to reflect revised elevations

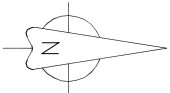


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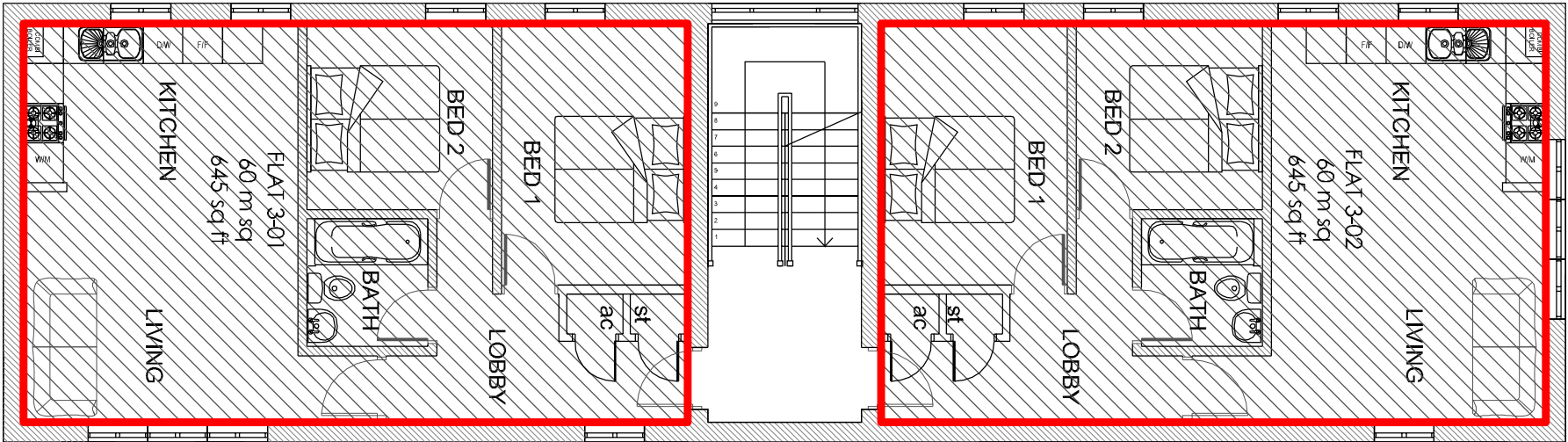


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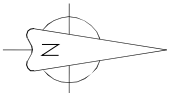


CLIENT: **PSP DUDLEY LLP**
JOB: **LAND TO REAR, 2 EDNAM ROAD, DUDLEY**
JOB NO: AA-485 DATE: Aug 2013
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THIRD FLOOR PROPOSAL

SCALE: 1:100@A3
CHECKED BY: PH



Revision	Date	Details
A	25-11-13	Revisions to reflect revised elevations



CLIENT: PSP DUDLEY LLP

JOB: ASHLEIGH HOUSE, 2 EDNAM ROAD, DUDLEY

JOB NO: AA-485

DRAWING: NEW BUILD

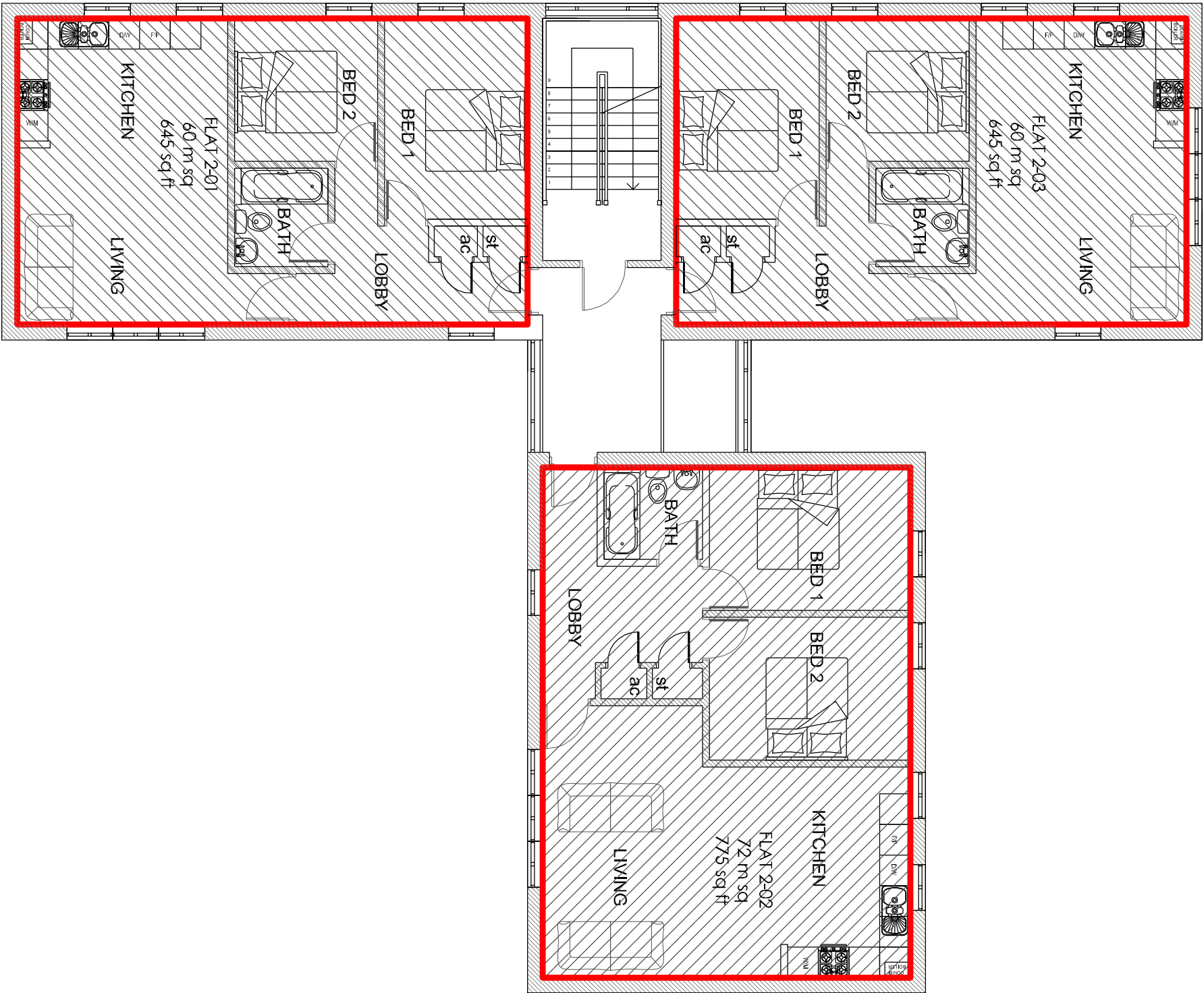
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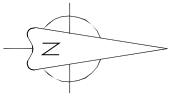
SECOND FLOOR PROPOSAL

DRAWING NO: AA-485-007A

CHECKED BY: PH

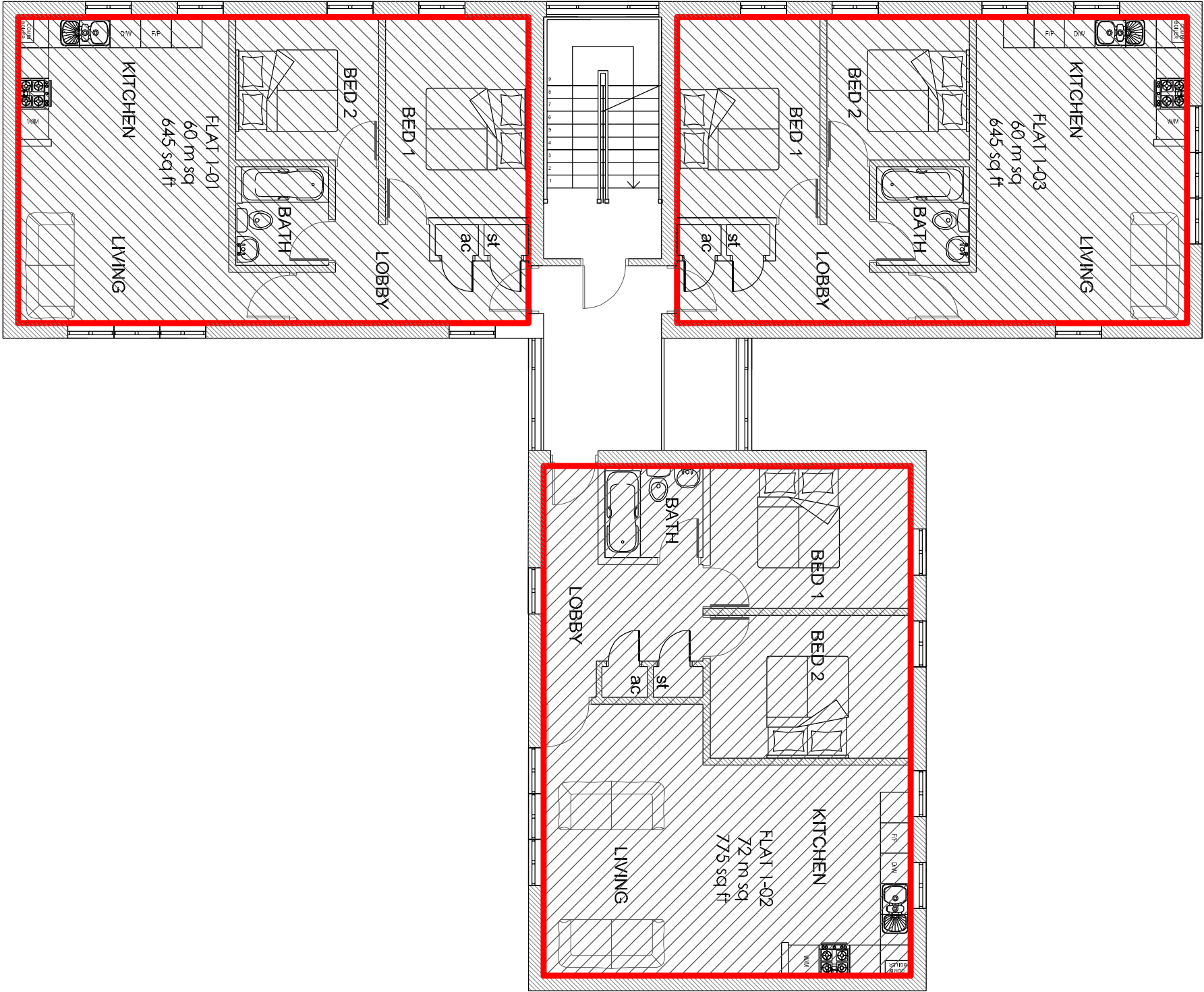


Revision	Date	Details
A	25-11-13	Revisions to reflect revised elevations

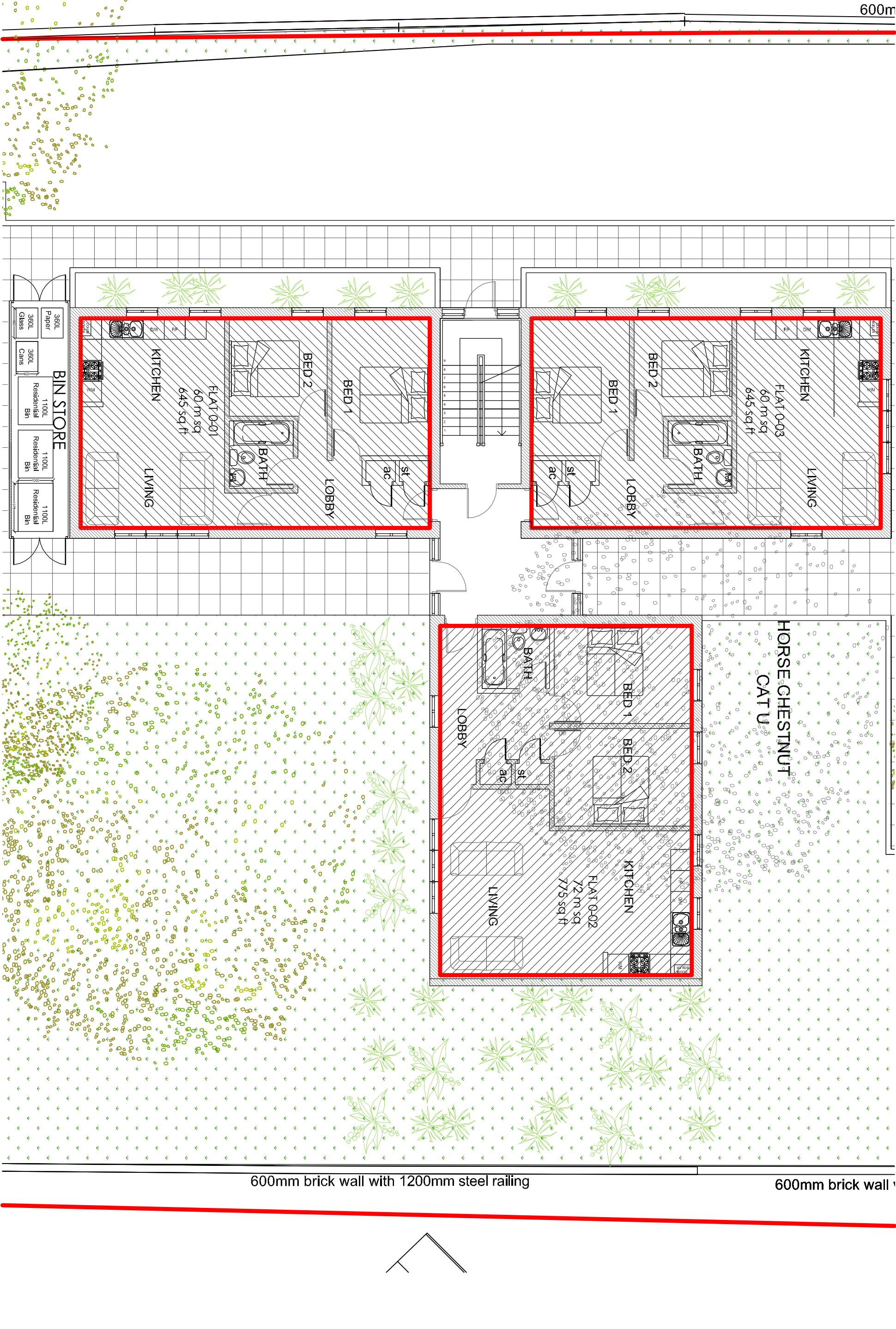


CLIENT: **PSP DUDLEY LLP**
JOB: **LAND TO REAR, 2 EDNAM ROAD, DUDLEY**
JOB NO: AA-485 DATE: Aug 2013
DRAWING: NEW BUILD DRAWING NO: AA-485-006A
FIRST FLOOR PROPOSAL

SCALE: 1:100@A3
CHECKED BY: PH



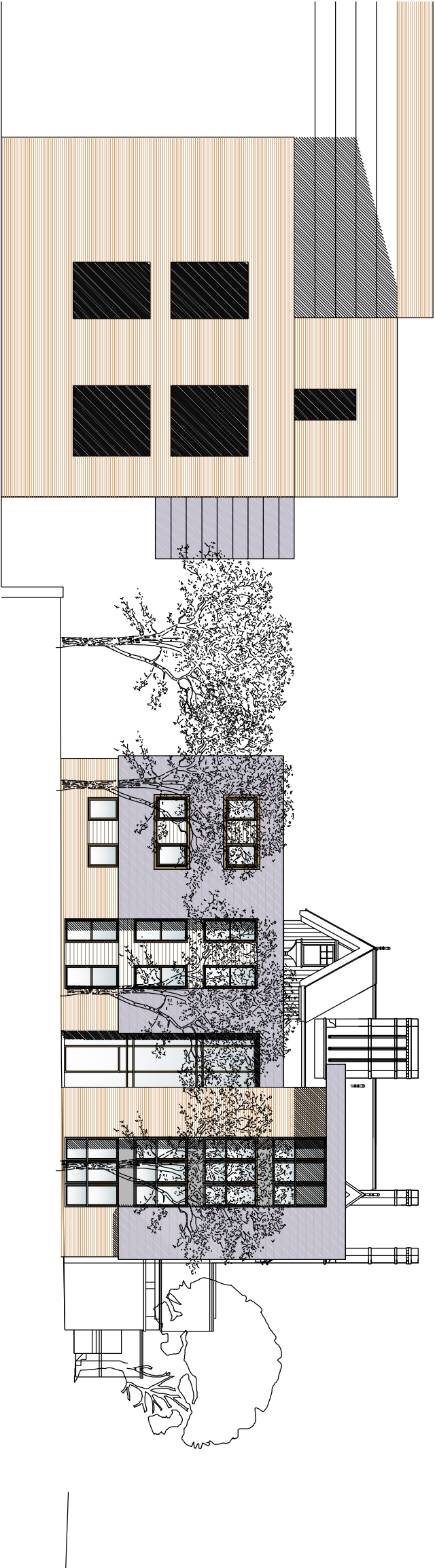
Revision	Date	Details
A	25-11-13	Revisions to reflect revised elevations



CLIENT: PSP DUDLEY LLP
JOB: LAND TO REAR, 2 EDNAM ROAD, DUDLEY
JOB NO: AA-485
DRAWING: NEW BUILD
DATE: Aug 2013
DRAWING NO: AA-485-005B

SCALE: 1:100@A3
CHECKED BY: PH

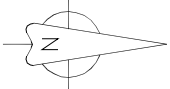
Revision	Date	Details
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NORTH STREET SCENE



SOUTH STREET SCENE



CLIENT: **PSP DUDLEY LLP**
JOB: **LAND TO REAR, 2 EDNAM ROAD, DUDLEY**
JOB NO: AA-485
DRAWING: NEW BUILD
DATE: Aug 2013
DRAWING NO: AA-485-015A
SCALE: 1:200@A3
CHECKED BY:

Revision	Date	Details
A	25-11-13	Revised following conservation comments

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