

PLANNING APPLICATION NUMBER:P08/0240

Type of approval sought	Full Planning Permission
Ward	BRIERLEY HILL
Applicant	Shire Oak (Properties) Ltd
Location:	LAND AT HIGH STREET & BELL STREET SOUTH, BRIERLEY HILL, WEST MIDLANDS
Proposal	CONVERSION , REFURBISHMENT AND EXTENSION TO EXISTING BUILDING TO CREATE 3 NO. ONE BEDROOM APARTMENTS WITH ERECTION OF 4 NO. ONE BEDROOM APARTMENTS AT FIRST AND SECOND FLOOR LEVELS OVER EXISTING CAR PARKING AREA (RESUBMISSION OF REFUSED APPLICATION P07/1309)
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. This is a 0.13 hectare site located within Brierley Hill town centre. To the front of the site, facing the High Street, are 3 storey flat roofed buildings containing retail units at ground floor and flats at upper floors (17no. in total). The rear of the site, accessed from Bell Street South, is used for parking and servicing of the retail units and contains covered parking areas providing 12 spaces in total and an MEB substation. The site slopes significantly upwards from the High Street, with the rear parking area being level with the first floor flats of the frontage building. Access to the flats for occupants is gained through the parking area.

2. Bell Street South is a cul-de-sac, at the end of which is St. Michaels' Church. Immediately to the north of the site is a triangular shaped Council-maintained grassed area. St. Michaels' cemetery lies to the west running south for the length of the site down to the High Street. Land on the opposite side of Bell Street South is at a significantly lower level than the application site, such that the roof of a large

industrial unit there is at approximately the same level as the parking area at the site.

3. In support of the application, the applicant has submitted a letter signed by the tenants of seven of the retail units fronting the High Street, which states that the *'parking area is hardly ever used other than by taxi drivers and there has been very little evidence of tenants of the flats above the shops or those in Bell Court ever having parked their private cars in that area'*.

PROPOSAL

4. Permission is sought for the following proposed development of the site:
- Conversion and extension of a currently unused part of the existing buildings at the site fronting Bell Street South, to form 3no. apartments;
 - 4no.apartments to be created above the existing covered parking areas (which are to be retained for parking purposes), in two separate buildings.
5. 14 parking spaces are to be provided. The proposal involves the revision of the existing vehicle access to the site from Bell Street South. A mature tree within the cemetery which currently overhangs the western boundary wall at the site is to be removed.

HISTORY

6.

APPLICATION	PROPOSAL	DECISION	DATE
P07/1309	Conversion, Refurbishment and Extension to Existing Building to Create 3no. One – Bed Apartments with Erection of 4no. One Bedroom	Refused	November 2007

	Apartments at First and Second Floor Levels Over Existing Parking Area		
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7. The above application was refused for the following reason:

‘The proposed development fails to provide adequate and useable parking provision to accommodate the demand for parking likely to be generated by the development, due to restricted parking bay widths and inadequate manoeuvring space within the parking area. As such the proposal is contrary to Policy DD6 of the Unitary Development Plan’.

PUBLIC CONSULTATION

8. Four letters of objection have been received from owners and occupiers of flats within Bell Court (the flats above the retail units fronting High Street). Common areas of concern include:

- the proposal constitutes overdevelopment of the site;
- loss of privacy and light;
- insufficient parking provision at the site for existing and proposed occupants of flats, and staff and customers of the retail units;
- lack of space for cars and delivery and refuse vehicles to manoeuvre within the site;
- relocation/reduction of the vehicular access to the site would exacerbate existing access problems;
- parking space no.4 would obstruct access to the substation.

OTHER CONSULTATION

9. Head of Environmental Protection: requests further information on a) noise levels from the substation to assess the potential impacts on future occupiers of the flats, and b) information as to whether electromagnetic radiation levels from the

substation comply with internationally-recognised guidelines. This will be dealt with by means of condition.

10. Group Engineer (Development): 24 parking spaces are required for the existing 17 existing flats and proposed 7no. apartments. A 25% reduction in parking provision can be applied in this case as the site is in a relatively accessible location, therefore the maximum requirement in this case is 18 spaces. Although there is a shortfall in the number of spaces being provided, refusal of the application on the grounds of lack of parking would be difficult to defend on appeal given that this is a town centre location.

RELEVANT PLANNING POLICY

11. Adopted UDP

Policy DD1 (Urban Design);

Policy DD4 (Development in Residential Areas);

Policy DD8 (Provision of Open Space, Sport and Recreation Facilities);

Policy CR5 (Regeneration and Development of Centres);

Policy CR13 (Residential Development in Centres);

Policy H3 (Housing Assessment Criteria);

Policy H6 (Housing Density)

Policy AM14 (Parking)

Policy NC6 (Wildlife Species)

Supplementary Planning Documents

Parking Standards

Planning Obligations

ASSESSMENT

Key Issues

- The principle of residential development at the site;

- The impact of the development on the character of the area;
- Residential amenity;
- Parking provision;
- Impact on trees;
- Planning obligations

12. Principle

Policy H3 of the UDP encourages the re-use of previously-developed land within the urban area for new residential development, and as such the proposed development of this site is acceptable in principle. Policy support for residential development in town centres is given in Policies CR5 and CR13, which advise that such development helps to maintain and enhance their vitality and viability. The development has a density of 54 dwellings per hectare, in accordance with Policy H6 of the UDP which advises that densities of beyond 50 dwellings per hectare should be the target for sites within town centres.

13. Character of the area

The site currently has an unattractive appearance which detracts from the visual amenity of the wider area, in particular the adjacent churchyard and church. The proposed conversion and extension of the existing building fronting Bell Street South involves the re-use of vacant upper floors for housing purposes, as encouraged by Policy CR13, and also entails upgrading of the run-down building fabric in accordance with Policy DD1 of the UDP which requires new development to make a positive contribution to the character of the area.

The juxtaposition of the proposed apartment blocks will provide a built form along the site's south west and north west boundaries, which defines the extent of the site and provides additional security (by overlooking) of the car parking area. The height of the apartment building nearest Bell Street South is in keeping with existing buildings fronting the street. Views of the church from Bell Street South would not be unduly affected by the erection of this building. The apartment block along the

south west boundary is only two storeys in height, which minimizes the impact of the development when seen from the cemetery. The design and appearance of the buildings is acceptable in the context of the form of existing buildings in the vicinity.

The existing car park area is to be resurfaced and new boundary walls are to be erected along Bell Street South to define the frontage. It is considered that the development is sympathetic to its surroundings in terms of size, scale, mass and form, in accordance with the requirements of Policy CR5, and will make a positive contribution to the character of the area as required by Policy DD1.

14. Residential Amenity

Policy DD4 of the UDP advises that new development will only be allowed where there would be no adverse effect on residential amenity. Although concern has been expressed by occupants of the flats at Bell Court that the development would lead to a loss of privacy, the nearest habitable room windows in the new development are approximately 27m from the flats, 5m in excess of the standard set out in supplementary planning guidance for window to window distances. In addition any activities associated with the development i.e. movement of the occupants or vehicles within the site, would not have any materially detrimental effect on the amenities of occupants of Bell Court. As such the proposal would not contravene Policy DD4 of the UDP.

15. Parking

In assessing the acceptability of the level of parking to be provided it is important to note that the parking standards set out in the SPD are maximum rather than minimum requirements. Policy AM14 of the UDP states that the Council will require levels of off-street parking provision which seek to reduce reliance on car usage and encourage the use of other travel modes. The site lies within a town centre where access to public transport is readily available, and therefore reduced parking provision is acceptable in this case. Officers have inspected the site on several

occasions and have noted that the parking area is largely unused during the day, as confirmed by the tenants of the shops fronting High Street.

Prior to submitting this application the applicant held discussions with Highways Officers in order to design a scheme which addressed the reasons for refusal of application P07/1309. The Group Engineer has no objection to the number of parking spaces proposed, or expressed any concerns over parking bay widths or vehicle manoeuvring space at the site. It is therefore considered that the provision of 14 spaces as shown on the submitted plans would not lead to any greater highway safety impacts than exist from the current layout, and that the reasons for refusal of application P07/1309 have been satisfactorily addressed. The adjustment to the vehicle access point has been made as a result of the discussions with Highways Officers, as has the increased cycle storage provision from the previous application.

16. Trees

Although the loss of the tree from within the adjacent cemetery is regrettable because of the visual amenity value it provides, it is causing damage to a boundary wall at the site and therefore its removal is necessary. The tree is not subject to a Tree Preservation Order.

17. Planning Obligations

Policy DD8 of the UDP and the Planning Obligations SPD requires that new residential developments should contribute to infrastructure improvements in the wider area in line with the increase in users resulting from the development. Should permission be granted a Section 106 Agreement will be required in respect of contributions to recreation/open space facilities and highways, public realm and library improvements.

18. Other Issues

With regard to the comments of the Head of Environmental Protection, a condition will be imposed requiring details to be submitted of noise mitigation measures to be implemented within the buildings to minimise potential noise disturbance from the substation. A Grampian condition relating to electromagnetic fields will also be imposed.

The application is accompanied by a bat survey which concludes that there are presently no bats roosting at the site. In accordance with Policy NC6 of the UDP it is recommended that conditions be imposed requiring further survey work to be carried out if the development does not commence within 12 months and the provision of artificial bat roosts within the development.

CONCLUSION

19. The proposed development constitutes the reuse of previously developed land within a town centre area for housing of an appropriate density, in accordance with Policies H3, H6, CR5 and CR13 of the UDP. The development would make a positive contribution to the character of the area as required by Policy DD1. No adverse effect on residential amenity would result from the development, in accordance with the requirements of Policy DD4. The amount of parking to be provided within the development is consistent with the aims of Policy AM14.

RECOMMENDATION

20. It is recommended that the application is approved subject to:
- a) the development not be beginning until a scheme for the submission and approval of a planning obligation to guarantee off site public open space/play provision and enhancement and library, public realm and transport

improvements has been submitted to and agreed in writing by the Local Planning Authority, and

- b) The following conditions, with delegated powers to the Director of the Urban Environment to make the necessary amendments to these as necessary:

Reason For Approval

The proposed development constitutes the reuse of previously developed land within a town centre area for housing of an appropriate density. The development would make a positive contribution to the character of the area, and no adverse effect on residential amenity would result. The amount of parking to be provided within the development is considered to be appropriate in this town centre location.

The decision to grant planning permission has been taken with regard to the policies and proposals in the Dudley Unitary Development Plan set out below and to all relevant material considerations including supplementary planning guidance:

Policy DD1 (Urban Design);
Policy DD4 (Development in Residential Areas);
Policy DD10 (Nature Conservation and Development);
Policy CR5 (Regeneration and Development of Centres);
Policy CR13 (Residential Development in Centres);
Policy H3 (Housing Assessment Criteria);
Policy H6 (Housing Density);
Policy AM14 (Parking)

The above is intended as a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report.

Note For Applicant

For the avoidance of doubt, this permission relates to drawing no.s. 05-601-200C, 201C, 202B, 203C and 204.

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. The parking spaces shown on the approved plans shall be surfaced and marked out prior to the occupation of the flats, and shall thereafter be retained and used for no other purpose than the parking of vehicles.
3. No development shall commence until a noise mitigation scheme to be implemented within flats 9, 10 and 11 to minimise the potential impact of noise from the substation at the site has been submitted to and approved in writing by the local planning authority.
4. Development shall not begin until details of the type, texture and colour of materials to be used in the external elevations have been submitted to and approved by the local planning authority.
5. The boundary wall fronting Bell Street South shall not exceed a height of 600mm within 2 metres of the vehicle access point at the site.
6. No works should commence, or continue, if the most recent protected species survey and assessment is over 12 months old. A revised survey shall be submitted which must include the whole of the site and be carried out by an experienced and qualified ecological consultant and integrated into a site mitigation plan. The survey must be submitted to and approved in writing by the Council before any works commence (or continue). All works must be carried out in accordance to the approved plan.
7. A plan detailing suitable provision and location of 7no. bat tubes/bricks and/or tiles to be incorporated into the new buildings on site shall be submitted and approved in writing by the Council before any works proceed. All works must be carried out in accordance to the approved plan.
8. The development hereby approved shall only take place in accordance with the recommendations of the Ecological Report by Land Care Associates dated 11th May 2007.
9. The development shall not be begun until arrangements for the submission and approval of a means to guarantee the financial payment of a total sum of £9,494.73, increased through index linking from the 1st April each subsequent year in accordance with the Council's policy, to the Council for the-
 - i) provision of off site public open space and play area improvements,
 - ii) library provision
 - ii) public realm improvements;
 - ii) transport infrastructure
 - iv) the managing and monitoring of the spend of those monies,and timing of the payment, has been submitted to and agreed in writing with the Council.

10. Prior to commencement of development details of secure undercover cycle parking should be submitted to and approved in writing by the LPA. Prior to first use the cycle parking should be implemented in accordance with the approved plan and maintained for no other purpose for the life of the development.

THIS DRAWING IS NOT INTENDED TO SHOW GROUND CONDITIONS OR FOUNDATIONS. EACH AREA OF GROUND RELIED UPON TO SUPPORT THE STRUCTURE DEPICTED MUST BE INVESTIGATED BY THE CONTRACTOR AND SUITABLE METHODS OF FOUNDATION BE PROVIDED.

THE CONTRACTOR IS TO CHECK FOR ANY SOIL CONTAMINATION PRIOR TO COMMENCEMENT OF WORKS ON SITE AND ANY SUSPECTED CONTAMINANTS ARE TO BE INVESTIGATED BY A SUITABLE EXPERT.

152.4m

156.7m

158.5m

MEGABOWL

THE OLD NEW INN PH

BELL STREET SOUTH

HIGH STREET

BELL COURT

ST MICHAEL'S CEMETERY

John R Bradbury

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CLIENT
RK MEHMI & Co

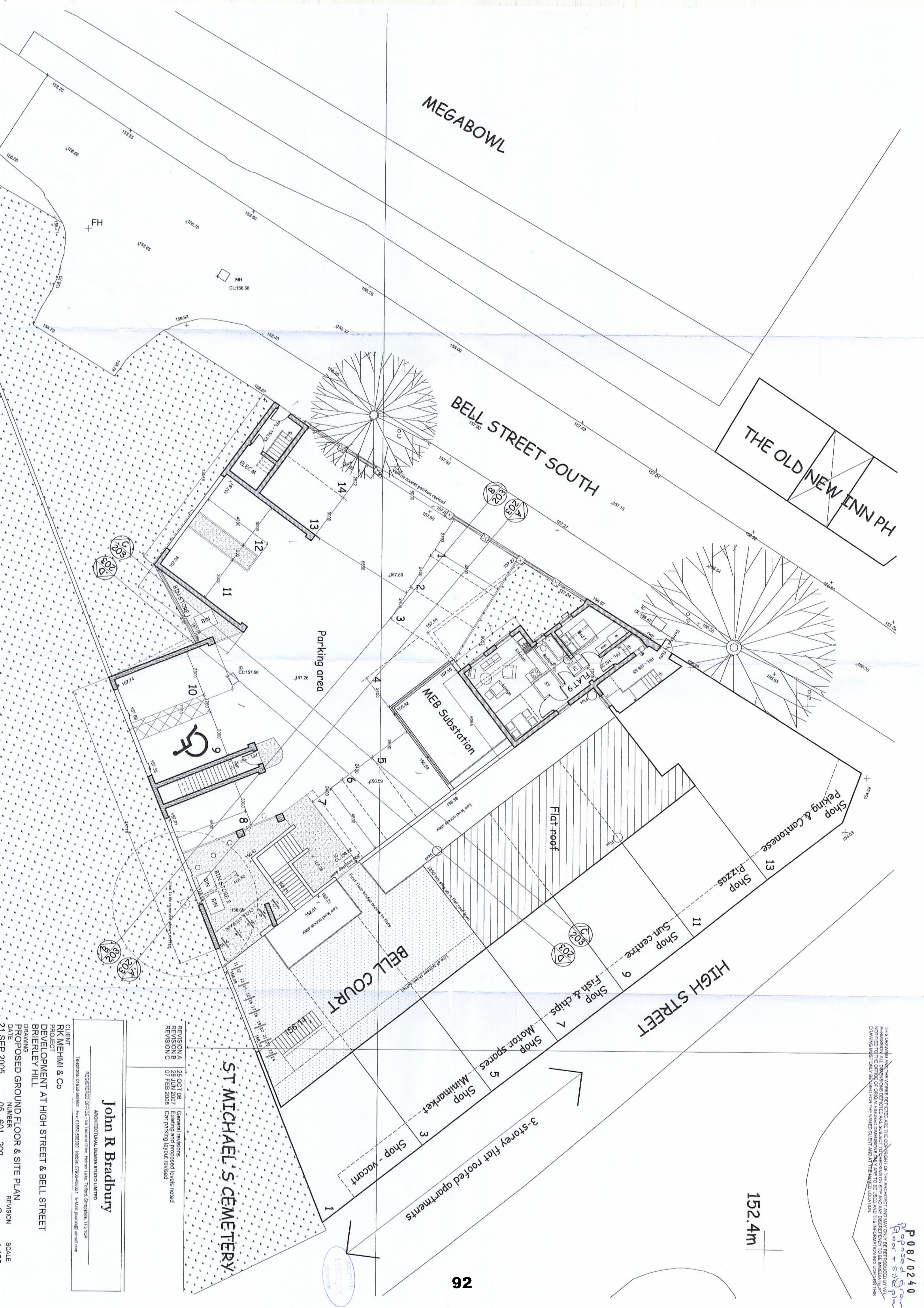
PROJECT
DEVELOPMENT AT HIGH STREET & BELL STREET
BRIERLEY HILL

DRAWING
PROPOSED FIRST FLOOR PLAN

DATE
20 SEP 2005

NUMBER
05 001 004

REVISION
SCALE



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152.4m

HIGH STREET

156.7m

BELL STREET SOUTH

MEGABOWL

158.5m

Parking area

MEB Substation

BELL COURT

ST MICHAEL'S CEMETERY

3-storey flat roofed apartments

John R Bradbury

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CLIENT
RK MEHMI & CO

PROJECT
DEVELOPMENT AT HIGH STREET & BELL STREET
BRIERLEY HILL

DRAWING
PROPOSED ROOF PLAN

DATE
28 OCT 2006

NUMBER
05 - 601 - 204

REVISION

SCALE
1:100

Proposed Second Floor Plan

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152.4m

HIGH STREET

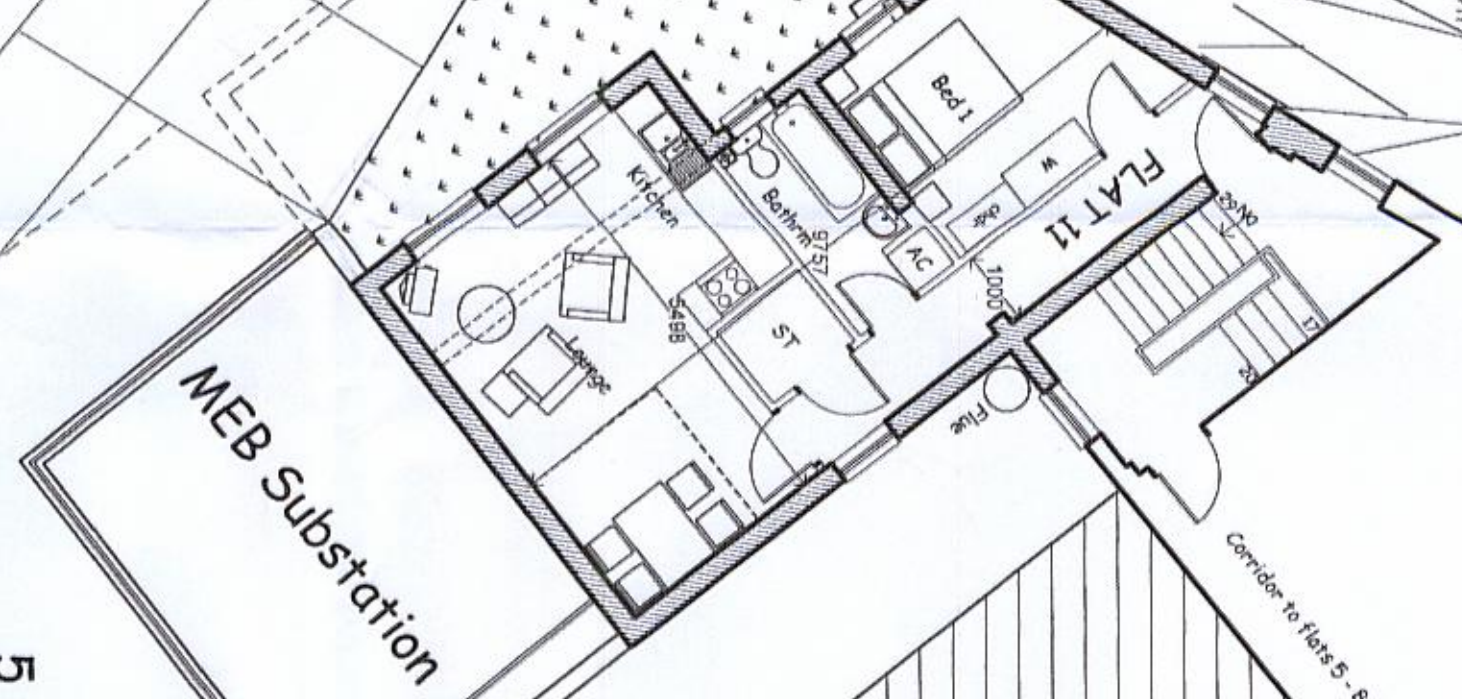
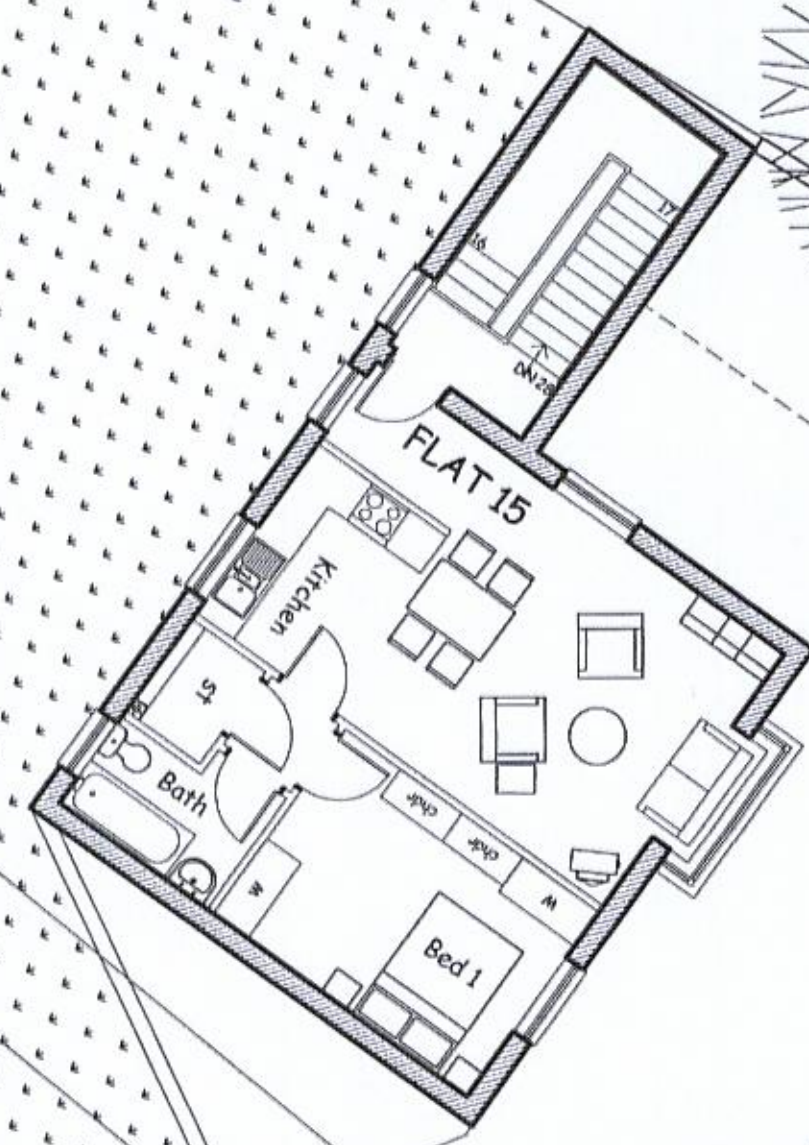
BELL STREET SOUTH

MEGABOWL

THE OLD NEW INN PH

156.7m

158.5m



MEB Substation

Flat roof

Flats 6 & 9

Flats 5 & 8

Flats 4 & 7

3-storey flat roofed apartments

Parking area

ST MICHAEL'S CEMETERY

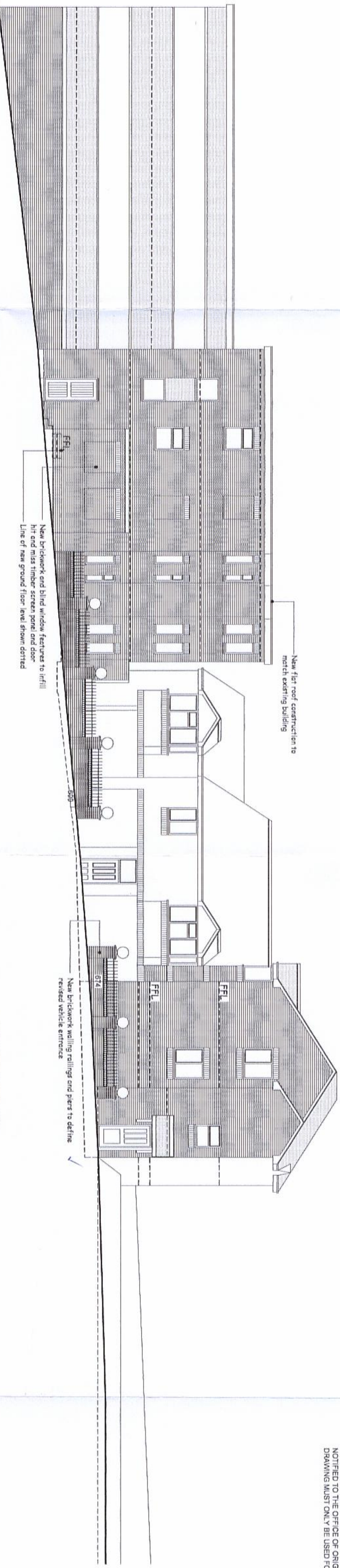
REVISION A	20 SEP 2005	General revisions
REVISION B	27 NOV 2006	Windows added to flats 10 & 12

John R Bradbury

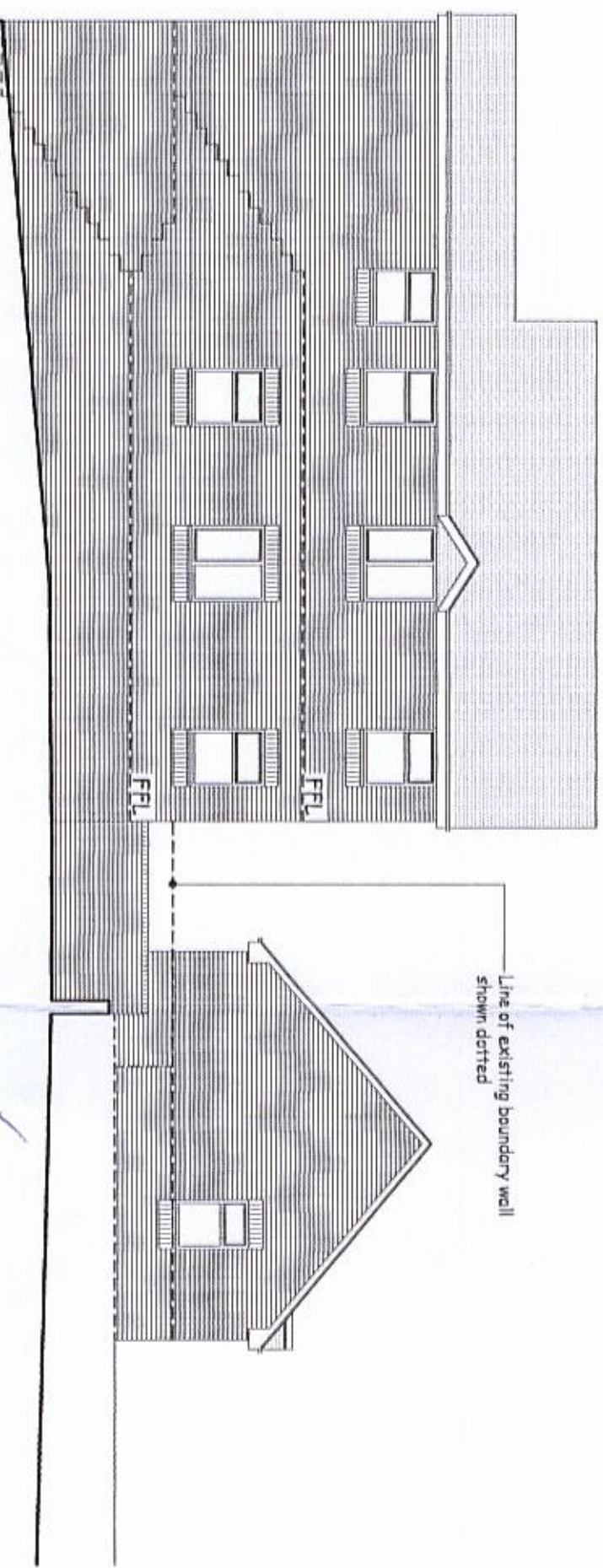
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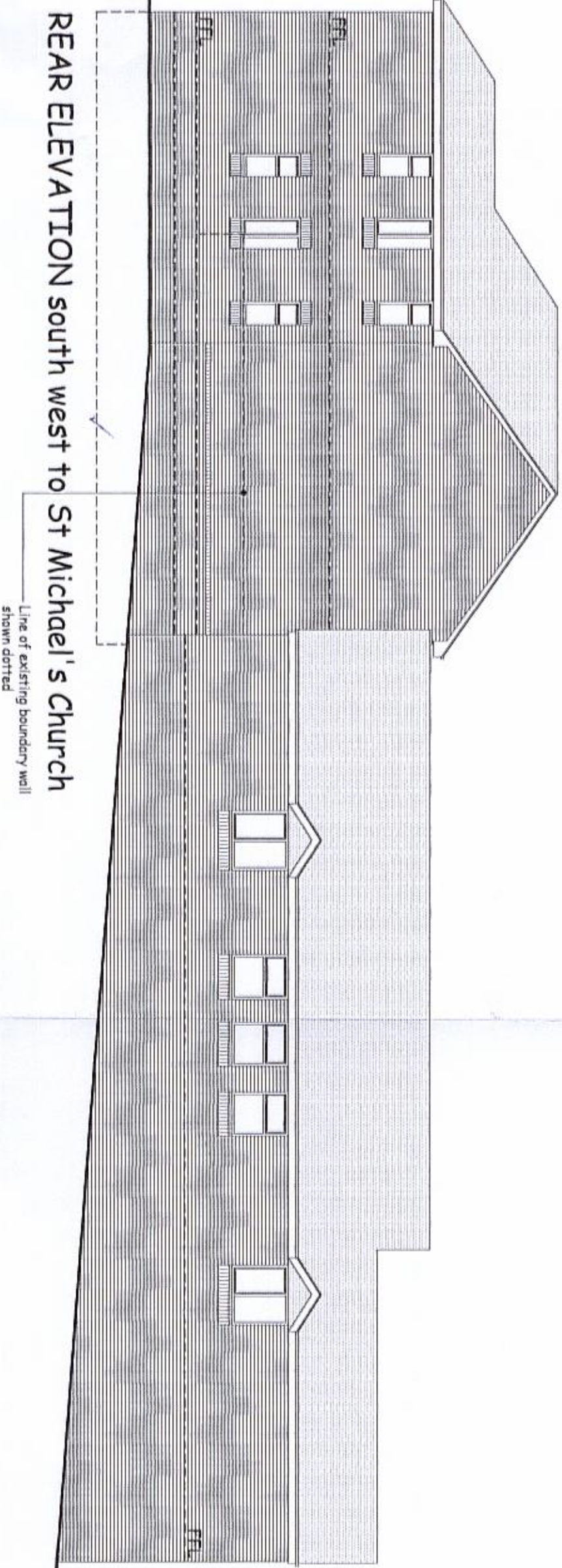
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PROJECT: DEVELOPMENT AT HIGH STREET & BELL STREET
BRIERLEY HILL
DRAWING: PROPOSED SECOND FLOOR PLAN
DATE: 15 SEP 2005
NUMBER: 05 - 601 - 202
REVISION: B
SCALE: 1:100



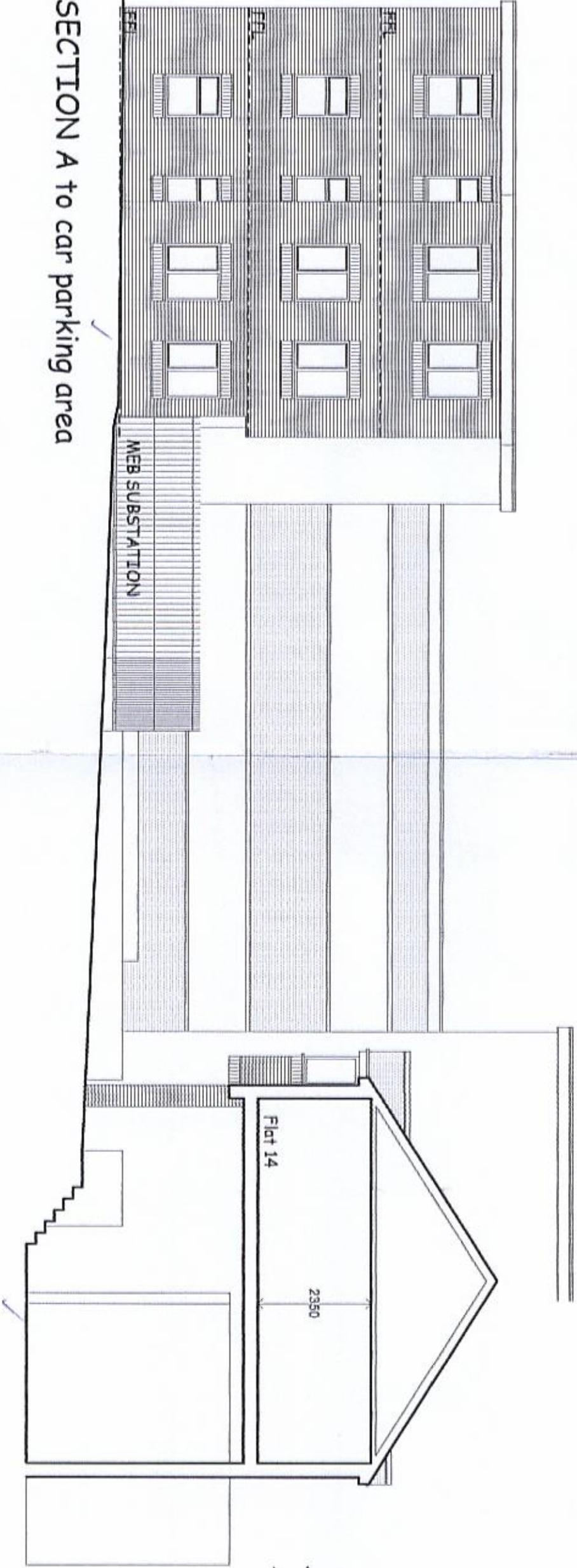
SIDE ELEVATION north east to Bell Street South



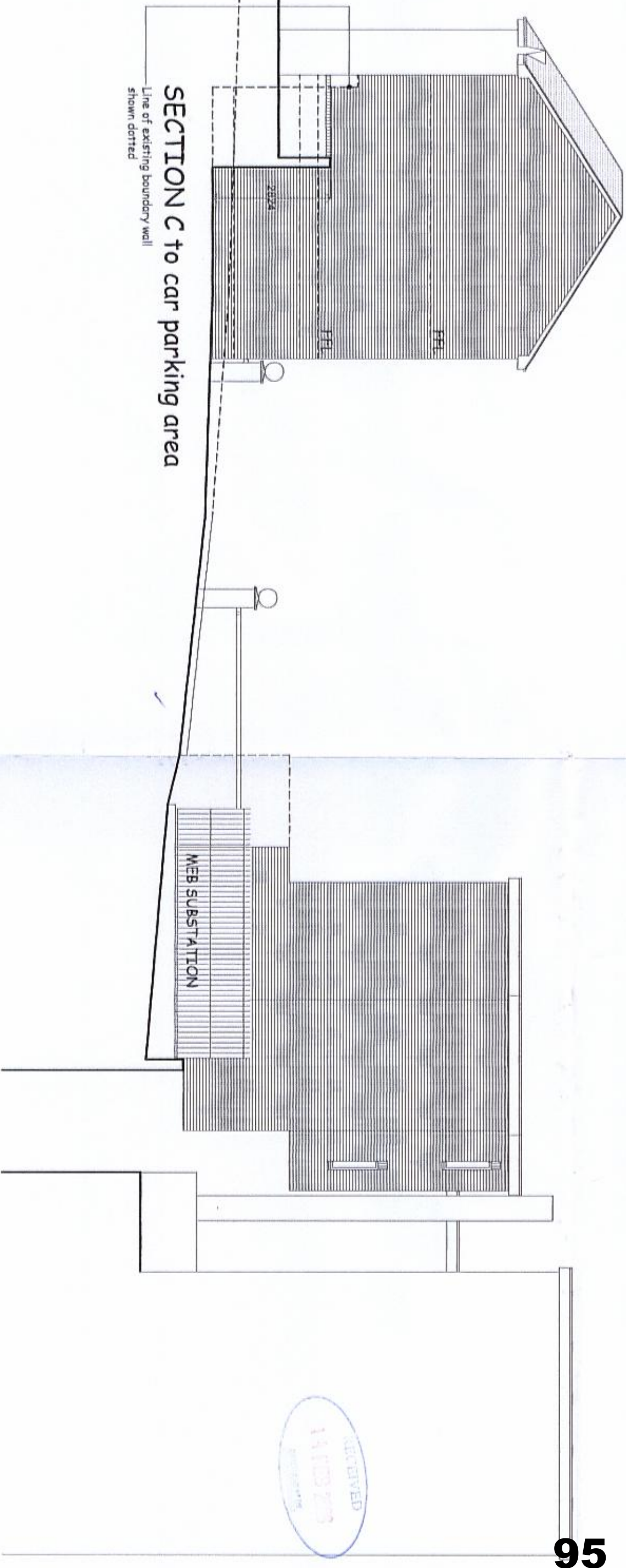
REAR ELEVATION north west to St Michael's Church



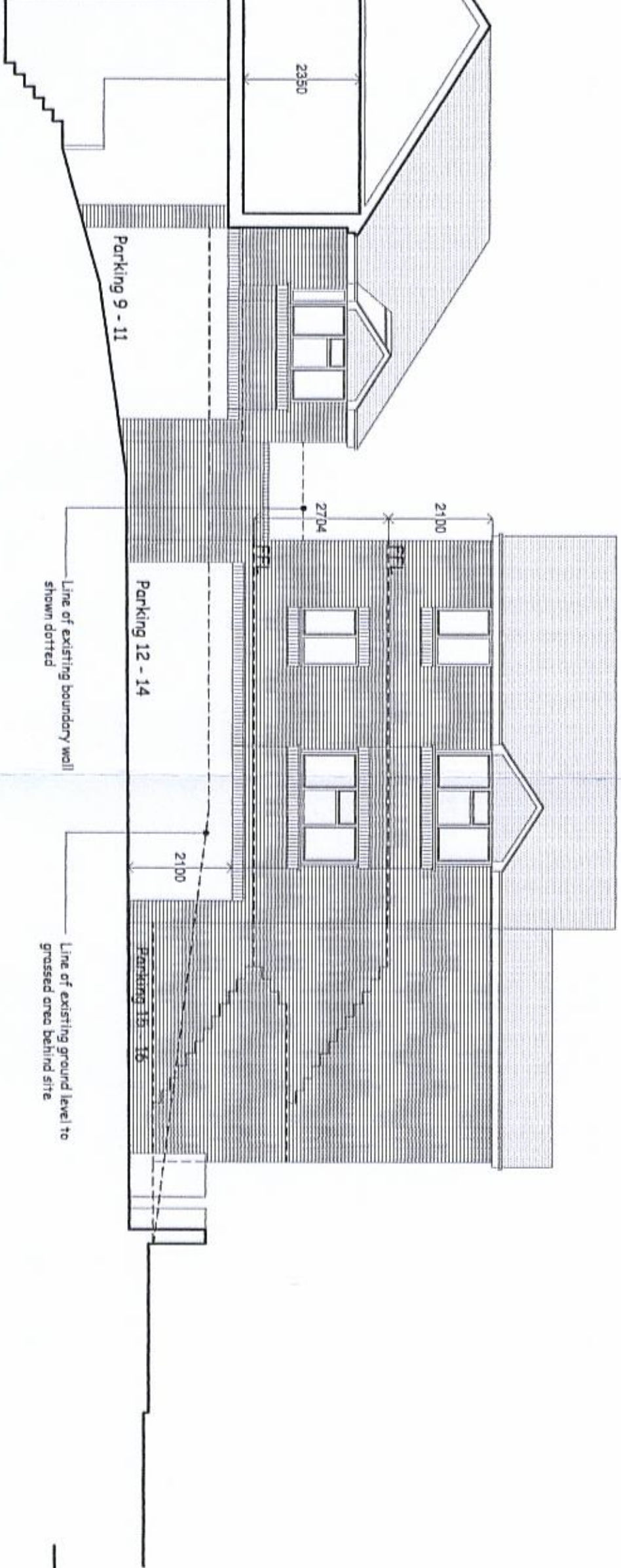
REAR ELEVATION south west to St Michael's Church



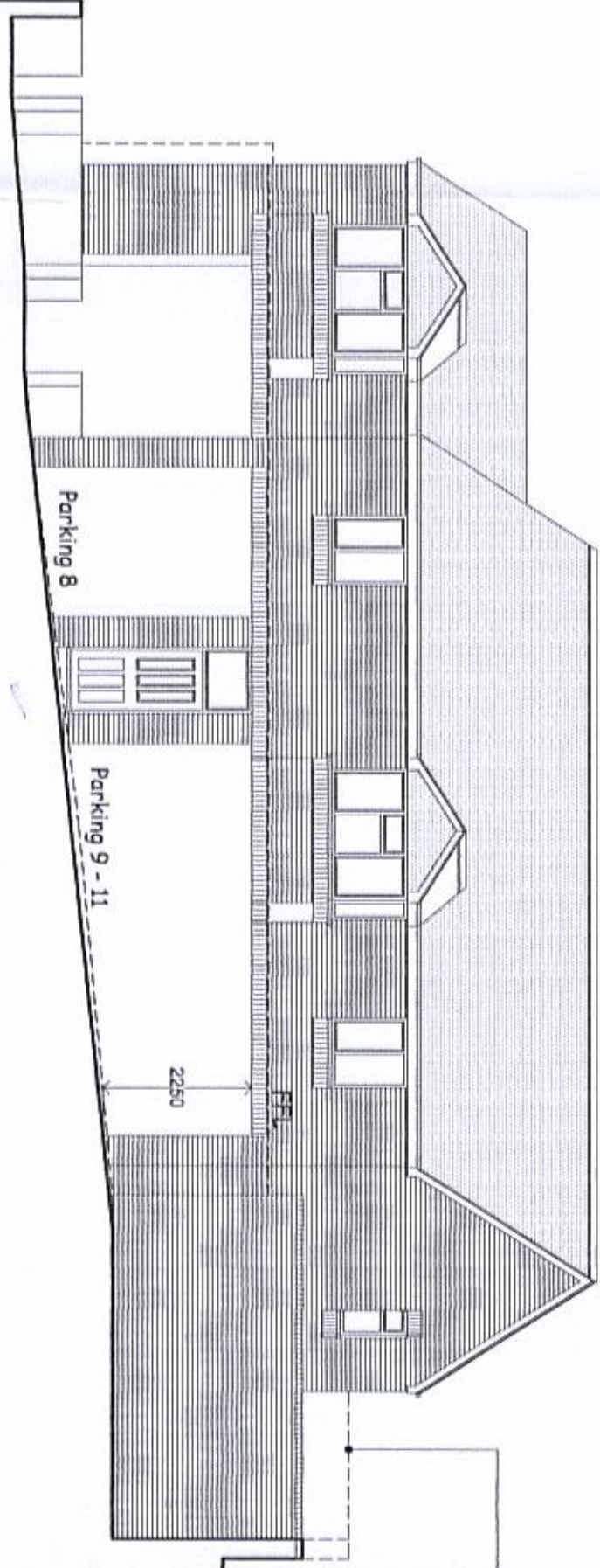
SECTION A to car parking area



SECTION C to car parking area



SECTION B to car parking area



SECTION D to car parking area

REVISION A 27 NOV 2006 Additional windows noted to Side Elevation to Bell St South
REVISION B 13 JUN 2007 Boundary wall lowered to frontage
REVISION C 08 FEB 2008 Boundary wall lowered to frontage

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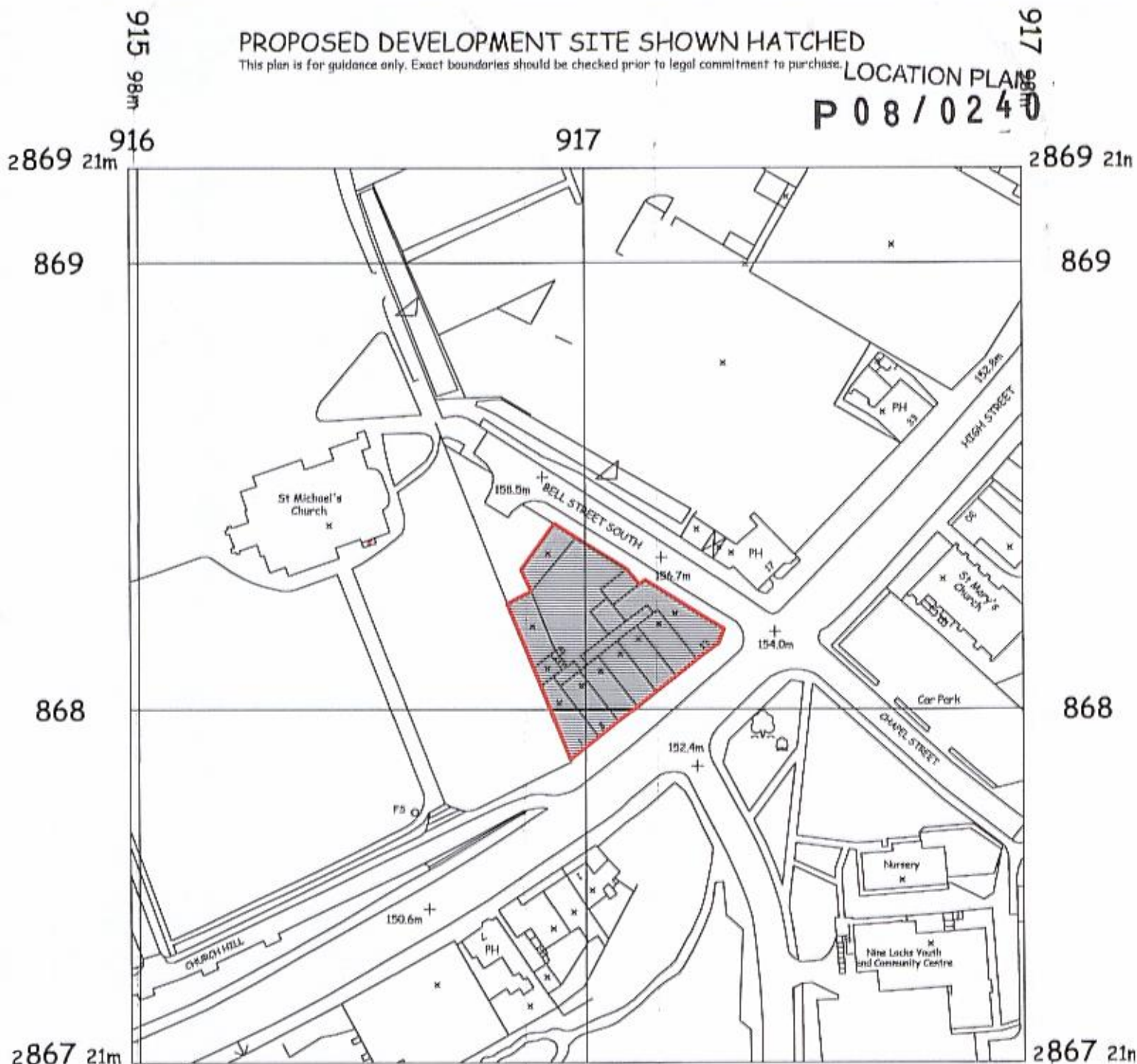
CLIENT RK MEHMI & Co
PROJECT DEVELOPMENT AT HIGH STREET & BELL STREET
BRIERLEY HILL
DRAWING PROPOSED SECTIONS AND ELEVATIONS
DATE NUMBER REVISION SCALE
30 OCT 2006 05 - 601 - 203 C 1:100

PROPOSED DEVELOPMENT SITE SHOWN HATCHED

This plan is for guidance only. Exact boundaries should be checked prior to legal commitment to purchase.

LOCATION PLAN

P 08 / 02 40



REVISION

Superplan Data (R)
Ordnance Survey (R)

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CLIENT
RK MEHMI & Co
PROJECT
DEVELOPMENT AT HIGH STREET & BELL STREET
BRIERLEY HILL

DRAWING
EXISTING SITE LOCATION PLAN

DATE: 14 JUN 2005 NUMBER: 05 - 601 - 100

REVISION SCALE
1:1250