PLANNING APPLICATION NUMBER: P21/1568

Type of approval sought		Full Planning Permission
Ward		Brierley Hill Ward
Agent		Adam Grace
Case Officer		James Mead
Location:	OLD NEW INI MIDLANDS, D	N, 17, HIGH STREET, BRIERLEY HILL, WEST
Proposal	DEMOLITION AND CONSERVATION OF EXISTING BUILDING AND ERECTION OF NEW BUILDING TO CREATE 5 BED HMO AND 6 NO. 1 BEDROOM FLATS WITH ASSOCIATED WORKS	
Recommendation Summary:	APPROVE SU	JBJECT TO CONDITIONS

Addendum to Report

On 12th October 2021 this application was referred to be determined at Planning Committee by the Chair of the Development Control Committee, which will take place on 17th November 2021.

SITE AND SURROUNDINGS

- 1. The Old New Inn is a late 19th century public house situated at the junction of High Street and Bell Street South, Brierley Hill. The building is dilapidated and in disrepair and is suffering from structural failures due to neglect and vandalism. Its last known use was as a public house, which has not operated on the site for at least 12 years.
- 2. The site sits within the Brierley Hill Conservation Area within the Town Centre Boundary. At this end of the town centre the immediate area is dominated by a large traffic junction. The building itself is framed by the rear of a large brick shopping centre to the north and some 1960's era deck access flats above shops to the south. Opposite is a small car park and St Mary's RC Church, while to the North West and accessed from Bell Street South is St Michaels Church.
- 3. The surrounding area is wholly commercial in character with the High Street extending to the north with a Gym and Bingo Hall in close proximity with other small A1 and town centre uses. Flats above shops are prevalent and there are residential areas to the south.

PROPOSAL

- 4. The application proposes part demolition and conservation of the existing building and erection of new building to create 6no. flats and a five bedroomed House in Multiple Occupation (HMO) with associated works.
- 5. It is proposed to conserve as much of the existing building as possible. A structural survey submitted does however make it clear that the building is significantly in danger of collapse and the areas of retention would be minimal.
- 6. The front part of the building would retain its two-storey character, with as many features retained as possible and upgraded where needed. This part of building would provide the 5 bed HMO.
- 7. To the rear a new three storey flat roofed building would be construed. This would be flat roofed with overhanging eaves detailing. It would be constructed with modern materials with a brick plinth base, render and cladding (zinc or equivalent). A total 6no one-bedroom flats would be provided. Access to all flats and the HMO would be from Bell Street South, with a central foyer. Bins and cycle store would be provided internally. A small outside courtyard area at ground floor would also be provided. No off-street parking is proposed.
- 8. The application has been submitted with a Design and Access Statement, Heritage Statement and Structural Report.
- 9. The application follows approval P19/0877 in March 2020, which was for 9no flats. The main difference between that application and this, is that the three flats previously approved within the existing building are replaced with the five bed HMO.

HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
No.			
P21/1002	Part demolition and conservation	Withdrawn	08/07/2021
	of existing building and erection of		
	new building to create 17 bed		

	HMO and associated works		
P19/0877	Part demolition and conservation	Approved	17/03/2021
	of existing building and erection of	with	
	new building to create 9no flats	conditions	
	with associated works.		
88/52831	Erection of covered walkway and	Approved	24/01/1989
	internal alterations.	with	
		conditions	
80/51989	Erection of toilet block.	Approved	28/07/1980
		with	
		conditions	

PUBLIC CONSULTATION

- 10. Direct notification was carried out to the occupiers of 23 adjoining properties, a site notice was posted, and the application was advertised within the express and star newspaper.
- 11. Councillor Adam Davies objects to the application. He states 'My concern focuses on the following key points;
 - Not in line with regeneration strategy
 - Lack of parking
 - A high likelihood of increased crime
- 12. In addition, one letter of objection was received from a local resident, issues raised.
 - Failure to promote sustainability and sense of place.
 - Failure to foster character and distinctiveness.
 - Risk of harm to the Conservation Area and failure to justify such risk.
 - Failure to meet the NPPF requirement of sustainable development.
 - No parking.

OTHER CONSULTATION

13. <u>Head of Planning and Development (Highway Engineer):</u>

A parking survey has been submitted by the applicant, confirming on street parking is available in the area. Cycle storage is needed.

14. Head of Planning and Development (Land Contamination Team):

No objection raised.

15. <u>Head of Environmental Safety and Health:</u>

No comments received. However previous comments are noted, conditions relating to air quality were requested.

16. West Midlands Police:

This area is in a high crime rate area, If approved there is a potential to see an increase in Police demand.

RELEVANT PLANNING POLICY

17. National Planning Policy

- National Planning Policy Framework (NPPF) 2021
- Technical Guidance to the National Planning Policy Framework.
- Planning Practice Guidance (2014)
- Community Infrastructure Levy Regulations (as amended) (2014)

18. Black Country Core Strategy 2011

- Policy HOU1 (Delivering Sustainable Housing Growth)
- Policy HOU2 (Housing Density, Type and Accessibility)
- Policy TRAN2 Managing Transport Impacts of New Development
- Policy ENV 3 Design Quality
- Policy ENV 2 Historic Character and Local Distinctiveness
- Policy ENV8 Air Quality

19. Dudley Borough Development Strategy 2017

- Policy S1 (Presumption in favour of Sustainable Development)
- Policy L1 (Housing Development)
- Policy S6 (Urban Design)
- Policy S11 (Building of Local Historic or Architectural Importance)

20. Supplementary Planning Guidance

- Parking Standards SPD
- New Housing Development SPD

ASSESSMENT

21. The main issues are

- Principle/Policy
- Heritage Asset
- Layout and Design
- Neighbour and Occupier Amenity
- Access and Parking
- Financial Material Considerations

Principle/Policy

- 22. 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.
- 23. 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.

- 24. The Black Country Core Strategy (BCCS), Policy HOU1: 'Delivering Sustainable Housing Growth' also requires at least 63,000 net new homes up to 2026.
- 25. 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.
- 26. 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 six individual flats and one dwelling as an HMO 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 mixed use area, close to public transport links and with easy access to local services.

Heritage Asset

- 27. The proposed application site contains The Old New Inn public house. It is an early 19th century public house, recorded on a map of 1824 as being owned and occupied by Thomas Tomkinson, a major landowner in Brierley Hill. Sadly, the structure of the old New Inn has succumbed to dereliction and abuse. It is on the whole unsuitable for full retention, it is currently a very dangerous building. Fire damage, damp and frost have ravaged the structure to the point where its full retention is not viable.
- 28. The Structural Report submitted with the application considers that the building is considered to be beyond practical repair with very little structure deemed to be in reasonable condition. There is considerable cracking and foundation movement to the brickwork that will require extensive repair and generally rebuilding. The first floor is in poor condition and will need to be replaced. The roof is likely to require full replacement. It is apparent that the building has deteriorated in recent years. The structure is considered to

be reaching an 'unstable' position and the masonry front wall could become detached at any time in the future.

- 29. Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly a non-designated heritage asset a balanced judgment will be required having regard to the scale of any harm or loss to the significance of the heritage asset.
- 30. The Council's Historic Environment Officer and planning case officer has worked extensively with the applicant and their agent to ensure that a full conversion and sympathetic extension of the heritage asset has been fully explored. The contents of the structural survey are accepted by the Council and the applicant will where appropriate retain as much of the existing structure as possible. While Paragraph 196 of the NPPF states 'Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision'. The public house has remained vacant for a number of years. In this case, the site is unlikely to come forward with a proposal that takes into account the only remaining structure on the site and it is likely that the structure would become more dangerous. The applicants Heritage Assessment itself notes that "we are sympathetic that the pub has sat within this conservation area and the street scene of Brierley Hill High Street for well over 100 years and that is form and mass demands attention and celebration. Though substantially the structure will be lost we cannot necessarily say that the existing public house is a particular high quality though it's age and previous usage made it significant within the street we feel that using the materials massing in geometry of the existing pub we can improve upon its external appearance and make a much more efficient use of the space".
- 31. Given this, while the loss of the majority of the structure is unfortunate, efforts will be made to retain as much of the surviving elements. So while more modern materials and approach will be taken, it is considered that the proposal as a whole will have a neutral impact upon the significance of the heritage assets.
- 32. In conclusion, accounting for the neutral impact of the proposed development upon the character and appearance of the area, it is considered that no material weighting, for or

against the development, should be afforded within the planning balance to the application for planning permission on heritage grounds.

Layout and Design

- 33. 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"
- 34. 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.
- 35. The New Housing SPD provides detailed guidance with respect to assessing context and local character. Where a potential development site is located in the context of a broad character area, the council requires development to consider the appropriate design response to the defining characteristics of that area.
- 36. While the frontage of the site will be rebuilt and retained where possible; a new modern designed building would be developed facing Bell Street South. It is considered that the proposed development would make a positive contribution to the streetscene. The layout of the site reinforces the strong building line along High Street. An active frontage is provided with front doors and windows to the ground floor flats facing onto Bell Street South. Bin and cycle stores are provided.
- 37. Materials to be used are acceptable, with a mix of brick and render. A glazed link between the older building and the new building would be incorporated and the roof has an overhanging eaves details, with a zinc cladding. Conditions to secure exact detail of materials will be required.
- 38. Overall, the scale of the development would be appropriate for this frontage. The position/width of the proposed building would not appear out of context. It results in a

development following a broad pattern of development and would not be harmful to the surrounding area.

Neighbours and Occupier Amenity

- 39. Internally, all six apartments meet the Government's *Technical Housing Standards* in terms of overall space provided. Although these standards are not adopted locally they provide a useful guideline in the assessment of internal space. Furniture layouts also indicate that the normal furniture could be accommodated in all rooms. All habitable room windows face either to the front and rear. To the rear there is adequate separation between the proposed development and surrounding development. As such, it is not considered either existing or proposed neighbours' amenities would be unduly affected.
- 40. It is considered that the layout of the HMO element, whereby each bedroom proposed achieves a satisfactory internal layout resulting in adequate living space aimed at single tenants provides an acceptable level of amenity for occupiers. All rooms have en-suite accommodation; a communal kitchen/lounge and dining area is also provided. The layout would provide good surveillance from habitable room windows of the respective street scenes. In addition, occupancy levels of the proposed HMO would be similar if not less than that of the 3no flats previously approved within the building and as such the impact would be no different to the already approved development of 9no flats that could be implemented at the site.
- 41. The development would not conflict with the 45 Degree Code in respect of adjoining properties.
- 42. It is acknowledged there is some useable amenity space for residents to the rear, although not in accordance with the amount advocated within the New Housing SPD. Notwithstanding this, it is acknowledged that this is a Town Centre location; whilst the size and shape shown would have limited practical use, it is considered this would be offset by the proximity to shops and services within the centre.
- 43. It is recommended that a condition be attached to any planning consent to mitigate against the effects of poor air quality in this location. This would be in accordance with BCCS policy ENV8 which requires development to reduce exposure to poor air quality to help improve the health and quality of life of the population.

44. In regard to the comments from West Midlands Police, each case must be assessed on its individual merits and in this instance, given that none of the crime statistics can be directly attributed to this use at this location, it is considered that a reason for refusal based on crime or fear of crime could not be substantiated in this instance. Furthermore, a condition will be attached to any approval requiring the development to operated in accordance with the HMO management plan submitted.

Access and parking

45. Policy L1 also requires that development should provide adequate access and parking to ensure that there would be no detrimental impact on highway safety. The Highway Engineer has not raised any objection to the proposal. Whilst the development has no designated parking, the site occupies a Town Centre location and a parking survey has been submitted to demonstrate that the existing on street parking provision in the immediate vicinity of the application site would be sufficient to meets the needs of the development. In addition, the site is within a highly sustainable location, being within close proximity of services within Brierley Hill Town Centre and there are good transport links including buses to centres of employment within Dudley and beyond. It is not considered traffic and parking demand associated with a residential use on this site would increase and the impact of new flats at this location on the surrounding highway network would be negligible. There are no highway safety matters arising and the proposal therefore complies with Policy TRAN2 of the Black Country Core Strategy and the Parking Standards SPD (2017).

Financial Material Considerations

- 46. 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'.
- 47. This proposal would provide 6 new dwellings generating a New Homes Bonus grant of 6 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.

48. The proposal is liable for CIL but the site falls within Zone 1 which has a £0 rate thus no CIL charge is required.

CONCLUSION

49. The redevelopment of the site for residential accords with both national and local policy. The development would provide new housing to help meet the boroughs 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 and heritage assets, or the local highway network. 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

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

Conditions and/or reasons:

- 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: 402-00; 402-01; 402-10; 402-20; 402-12; 402-11; 402-305 B; 402-306 D; 402-307 C; 402-308 A and 402-309 A; REASON: For the avoidance of doubt and in the interests of proper planning.
- 3. Development shall not commence until details/samples of the type, texture, colour and bond of the bricks to be used (in the new build and in the repairs of the historic existing building) and a sample panel measuring not less that 1m2 shall be erected on site and approved in writing by the Local Planning Authority. The panel shall be retained on site for the duration and the development and thereafter new brick work shall only be constructed in accordance with these

approved details. The development shall be carried out in complete accordance with the approved details.

REASON:- In order to ensure the quality and visual appearance of the development in the Brierley Hill High Street Conservation Area and to preserve the architectural and historic integrity of the building in accordance BCCS Policy ENV 2, Dudley Borough Development Strategy Policies S8, S9 and S11 and Brierley Hill Area Action Plan Policies 2 and 59.

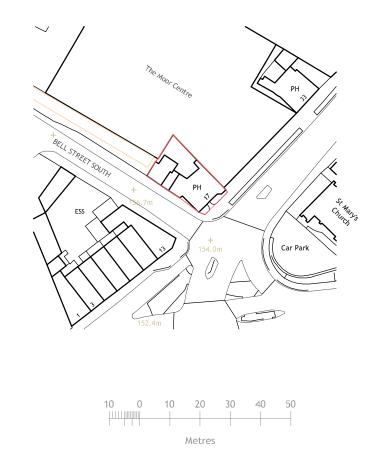
- 4. Development shall not begin until details/samples of the type, texture and colour of all the roofing tiles and rainwater goods to be used in the reconstruction of the existing building have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details and retained for the lifetime of the development. REASON:- In order to ensure the quality and visual appearance of the development in the Brierley Hill High Street Conservation Area and to preserve the architectural and historic integrity of the building in accordance BCCS Policy ENV 2, Dudley Borough Development Strategy Policies S8, S9 and S11 and Brierley Hill Area Action Plan Policies 2 and 59.
- 5. Notwithstanding the details on the submitted plans, development shall not begin until details of the joinery (for the replacement windows and external doors) to be used in the external elevations of the existing building and its colour and finish, along with large scale architectural drawings at a scale no less than 1:10, have been submitted to and approved in writing by the Local Planning Authority of all replacement windows and doors. The details shall indicate profiles and sections of heads, cills, jambs and glazing bars together with their relationships to masonry apertures. They shall also indicated if they are to be double-glazed. The development shall proceed in accordance with the approved details and retained for the lifetime of the development.
 - REASON:- In order to ensure the quality and visual appearance of the development in the Brierley Hill High Street Conservation Area and to preserve the architectural and historic integrity of the building in accordance BCCS Policy ENV 2, Dudley Borough Development Strategy Policies S8, S9 and S11 and Brierley Hill Area Action Plan Policies 2 and 59.
- 6. Details of the mortar mix to any areas of repair shall either be submitted to and approved in writing by the Local Planning Authority, or provided on site as a sample panel measuring not less than 1m2 for the Local Planning Authority to inspect. The works shall thereafter be carried out in accordance with the same approved details.
 - REASON:- In order to ensure the quality and visual appearance of the development in the Brierley Hill High Street Conservation Area and to preserve the architectural and historic integrity of the building in accordance BCCS Policy ENV 2, Dudley Borough Development Strategy Policies S8, S9 and S11 and Brierley Hill Area Action Plan Policies 2 and 59.
- 7. Notwithstanding the details shown on the submitted plans development shall not begin until details have been submitted to and approved in writing by the Local Planning Authority of the location of all vent pipes, heating appliances, flues, air intake and extraction equipment terminals in order to demonstrate that they will not have a detrimental impact on the appearance of the listed building. The scheme shall be implemented in accordance with the approved details and retained for the lifetime of the development.

- REASON:- In order to ensure the quality and visual appearance of the development in the Brierley Hill High Street Conservation Area and to preserve the architectural and historic integrity of the building in accordance BCCS Policy ENV 2, Dudley Borough Development Strategy Policies S8, S9 and S11 and Brierley Hill Area Action Plan Policies 2 and 59.
- 8. Development shall not begin until a scheme for protecting residents in the proposed dwellings from noise from traffic using High Street has been submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed before occupation of the permitted dwellings unless otherwise agreed in writing by the Local Planning Authority. The protection measures in the agreed scheme shall be maintained throughout the life of the development REASON: In order to safeguard the amenities of the occupiers of the proposed dwellings and to comply with Policy D5 of the Dudley Borough Development Strategy.
- 9. The development shall be carried out in full accordance with the submitted Site Construction Management Plan prepared by MCD Construction Consultancy dated June 2019. The approved plans shall be adhered to throughout the construction period.
 REASON: To protect the amenity of residents in the vicinity of the site during construction of the development and to comply with Borough Development Strategy 2017 Policy L1 Housing Development, extensions and alterations to existing dwellings
- 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 NOx emission concentration rate of <40mg/kWh. REASON: To safeguard the air quality of the Borough which is an Air Quality Management Area in compliance with the Black Country Core Strategy Policy ENV8 and the adopted Air Quality SPD.
- 11. No above ground development shall commence until a schedule of the types, colours and textures of the materials to be used on the external surfaces of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. REASON: In the interests of the visual amenities of the area; to ensure the character of the Brierley Hill Conservation 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) and policies of the Brierley Hill Area Action Plan.
- 12. The demolition works hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been executed and relevant conditions discharged for the redevelopment for which the contract provides. Evidence that a contract has been executed shall be submitted in writing to the Local Planning Authority 14 days prior to any demolition works commencing.

REASON: To preserve the established character of the Brierley Hill

- Conservation Area pending redevelopment in conformity with Policy S8 *Conservation and Enhancement of Local Character and Distinctiveness) and Policy 9 (Conservation Areas) of the adopted Dudley Borough Development Strategy.
- 13. Before any demolition begins, details shall be submitted to and approved in writing by the local planning authority of the measures to be taken to secure the safety and structural stability of the retained building. The details submitted must be informed by the advice of a qualified structural engineer. The scheme shall be implemented in accordance with the approved details. REASON: To safeguard the stability of the historic structure which is to be retained and in accordance with Policy S9 (Conservation Areas) of the adopted Dudley Borough Development Strategy.
- 14. Notwithstanding the details shown in the submitted plans, development hereby permitted shall not commence until large scale architectural drawings have been submitted to and approved in writing by the Local Planning Authority of proposed new railings and gates for the front elevation illustrating their design, component size, technical specification, material, RAL colour and finish and how they will be attached to the existing boundary wall.

 REASON:- In order to ensure the quality and visual appearance of the development in the Brierley Hill High Street Conservation Area and to preserve the architectural and historic integrity of the building in accordance BCCS Policy ENV 2, Dudley Borough Development Strategy Policies S8, S9 and S11 and Brierley Hill Area Action Plan Policies 2 and 59.
- 15. No development shall commence (excluding demolition, site clearance and initial ground works) until detailed plans and sections showing existing site levels and proposed ground floor levels of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in complete accordance with the approved details. REASON: In the interests of the visual amenities of the area and to safeguard the amenities of occupants of neighbouring properties and to comply with BCCS Policies CSP4 Place-Making and ENV2 Historic Character and Local Distinctiveness and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part).
- 16. The development hereby approved shall be carried out in accordance with the submitted HMO Management Plan. The Management Plan shall be implemented in accordance with the details approved by the Local Planning Authority, prior to the first occupation of the development hereby approved, and remain operational for the life of the development. REASON: In the interests of highway safety and residential amenity and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings.



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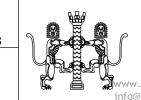
Planning

Tender

Old New Inn, Brierley Hill

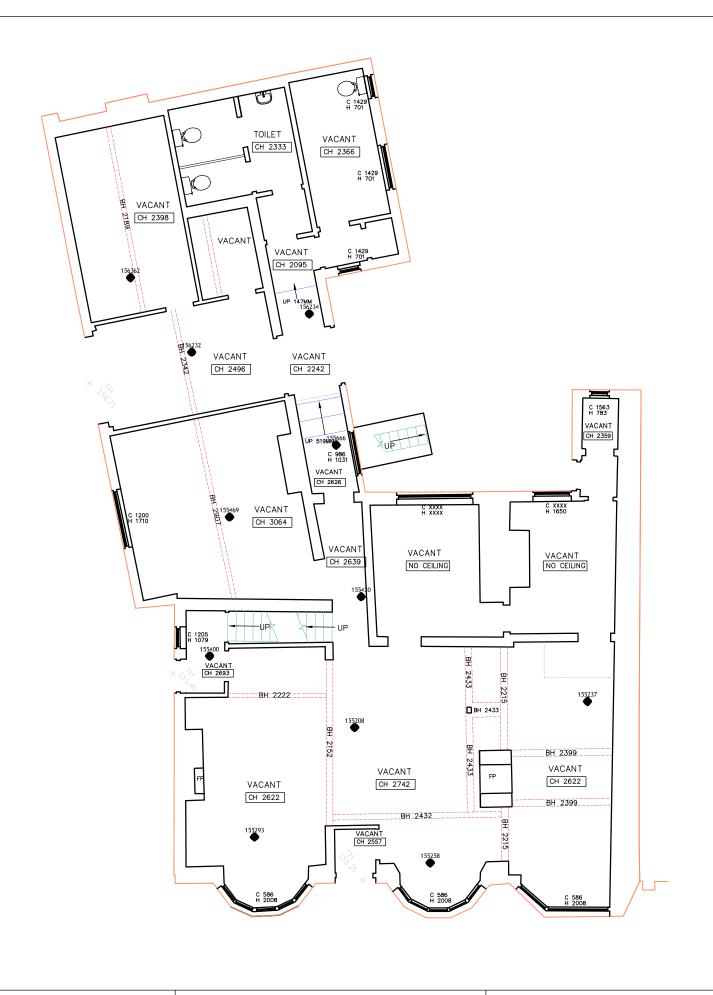
Location Plan / Existing

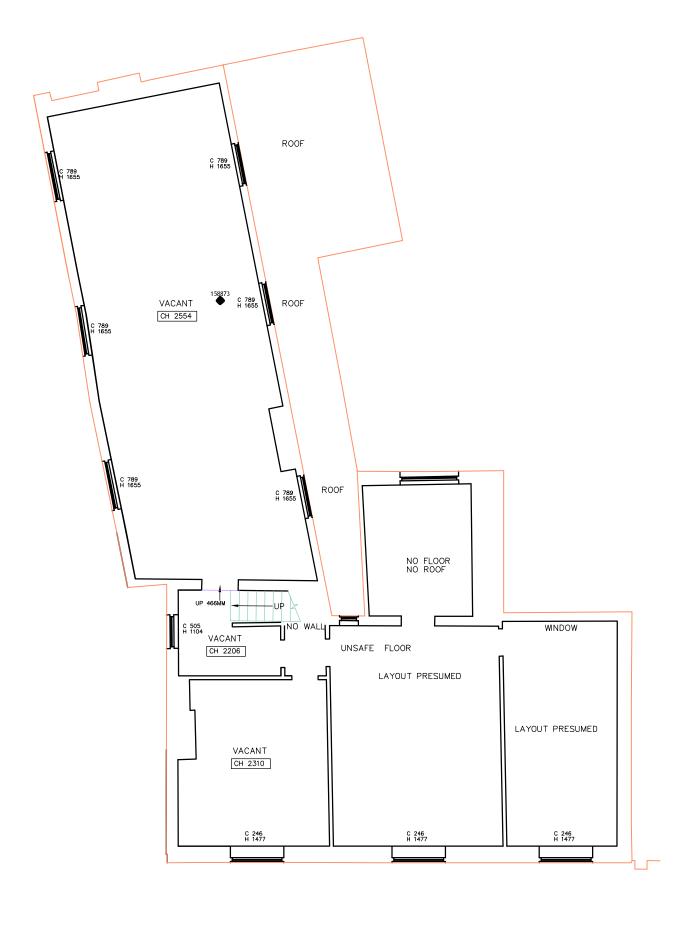
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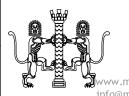
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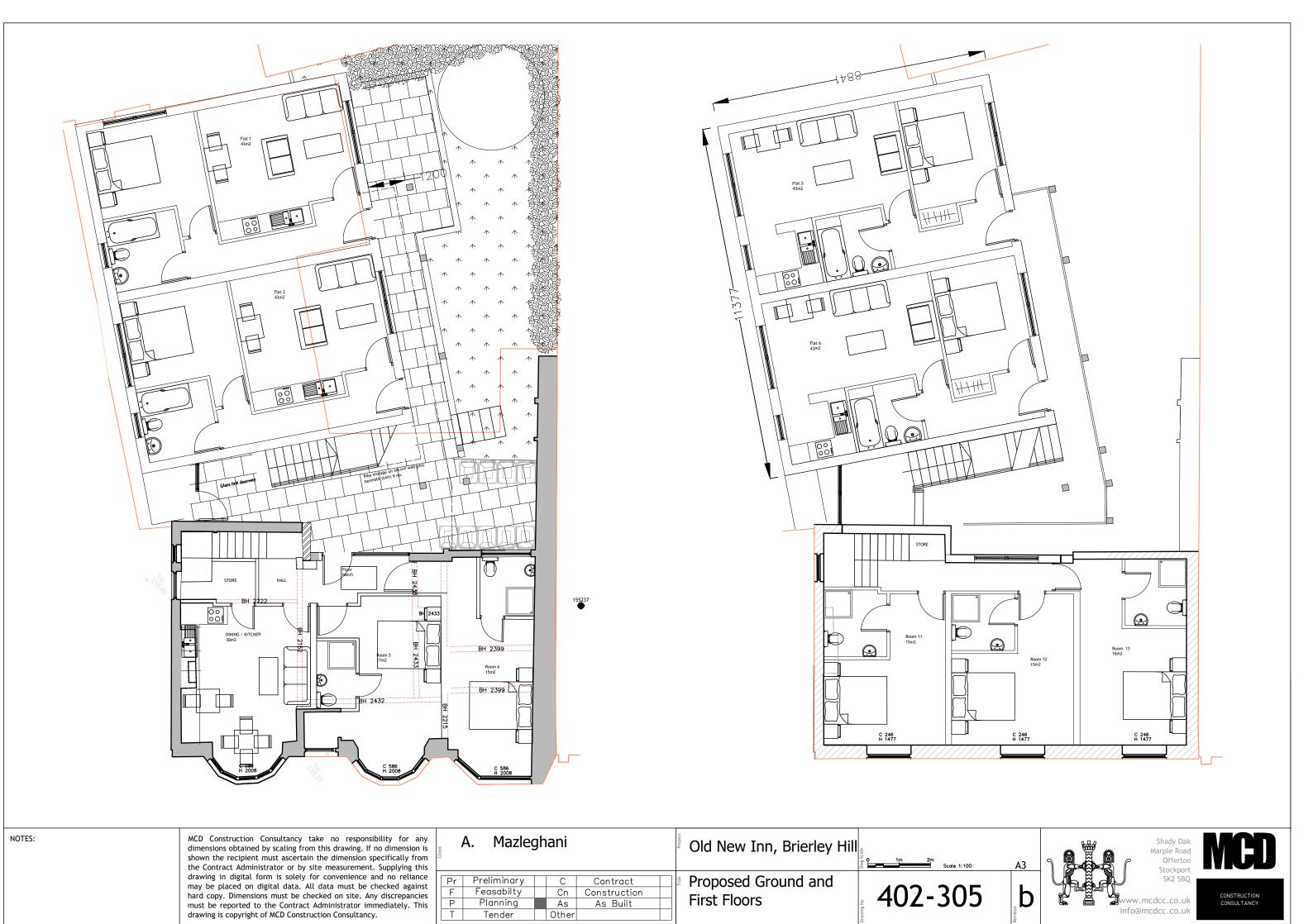
Old New Inn, Brierley Hill

Existing Survey Internal Ground and First Floors

402-11



Shady Oak Marple Road Offerton



Tender

Other

