PLANNING APPLICATION NUMBER:P07/2103

Type of approval sought		Full Planning Permission	
Ward		ST JAMESS	
Applicant		Boughton Butler LLP	
Location:	59-60, TOWE	R STREET, DUDLEY, WEST MIDLANDS, DY1ND	
Proposal	CONVERSION OF LISTED BUILDING TO 4 NO. APARTMENTS AND ERECTION OF NEW APARTMENT BLOCK CONTAINING 6 NO. APARTMENTS. DEMOLITION OF SINGLE STOREY REAR BUILDINGS.		
Recommendation Summary:	APPROVE SU	JBJECT TO A 106 AGREEMENT	

SITE AND SURROUNDINGS

- 1. The application site measures 0.066 hectares and comprises a late 18th century Grade II listed building located within the medieval core of the Dudley Town Centre Conservation Area. No. 59 Tower Street is a red brick, two-storey building with two 6/6-pane sash windows on the front elevation at first floor and large timber doubledoors at ground floor providing access to the former workshops at the rear. Attached to No.59 is No.60 Tower Street, a red brick, three-storey building with four 6/6-pane sash windows at first and second floor, at ground floor it has two large sash windows and three entrances and aluminium roller shutters that currently obscure one of the ground floor windows and door.
- 2. The buildings were originally erected as dwelling houses but up until recently they were used as offices/retail. Attached to the rear of 59/60 Tower Street are four single-storey outbuildings/extensions. These include a large single-storey early 20th century open-plan workshop/depot with a Belfast roof. Situated to the east of this building is a small outside area enclosed by a late 18th or early 19th century boundary wall. All the rear on-site outbuildings/extensions have been vacant for some considerable time.

3. The existing entrance into the site (for both vehicles and pedestrians) comes off Tower Street. Immediately adjoining the site to the south is a shop with a flat above (no. 61) and a potato merchant's (no. 62-63). To the north are other commercial and retail properties fronting both Tower Street and New Street with residential units above. To the east are retail units that front the High Street. Immediately opposite the site are further commercial properties with residential units on the upper floors together with a modern apartment block. Generally the existing buildings along Tower Street are three storeys.

PROPOSAL

- 4. The application proposes that 59-60 Tower Street would be converted from its current use as offices/retail into 4 apartments (one at ground floor, two at first floor and one at second floor) and that the single storey outbuildings/extensions attached at the rear would be demolished in order to make way for the erection of one new apartment block containing 6 apartments.
- 5. The restoration and conversion of the existing building into apartments would comprise improvements to the front elevation including taking down the canopy over one of the ground floor windows and the removal of two solid roller shutters. The existing three doorways would be replaced by a single door situated centrally within the front elevation. Through the demolition of the outbuildings/extensions to the rear the rear elevation would be revealed and reinstated.
- 6. The new build apartment block within the rear of the site would be three storeys. The scheme would comprise a centrally located car park between the proposed converted listed building and the proposed new building. The car park would comprise 10 parking spaces for 10 units. The new build apartments would be accessed via the car parking area. The new build apartments would comprise a small rear private amenity space and the scheme proposes the creation of a screened roof garden.
- 7. This application is accompanied by a Design and Access Statement and by an Archaeological Desk-based Assessment/Historic Building Survey.

APPLICATION	PROPOSAL	DECISION	DATE
No.			
DY/48/198	Planning Permission for	Approved	18/10/48
	Store Shed		
83/51185	Listed Building Consent to	Approved	05/09/83
	alter front elevation of		
	existing building		
83/51066	Planning permission for	Approved	05/09/83
	conversion of unused		
	entrance to offices.		
84/50102	Planning Permission for use	Approved	16/02/84
	of first floor office as hair		
	removal clinic.		
91/51279	Listed Building Consent for	Refused	12/09/91
	non-illuminated sign and		
	canopy		
95/51370	Listed Building Consent for	Approved	16/11/95
	the display of a non-		
	illuminated name sign.		

8. The proposals have been subject to detailed pre-application discussions with officers with the original scheme proposing 13 apartments and the erection of a four storey building within the rear of the site. Subsequent negotiations with the applicant has resulted in the submission of the current planning application which have reduced the number of units proposed and the scale and massing of the building.

PUBLIC CONSULTATION

9. The application was advertised by way of neighbour notification letters being sent to the occupiers of 48 properties within close proximity to the site and through the display of a site notice. The latest date for comments was the 13th December 2007.

Two letters of objection have been received, raising the following material planning issues:

- Not in keeping with the adjacent listed buildings.
- The vehicular entrance proposed for Tower Street would raise highway safety issues through a lack of visibility of pedestrians upon exit.
- Impact on outlook from adjoining properties.
- Proposed modern apartment building would be detrimental to the listed building.

OTHER CONSULTATION

- 10. <u>Group Engineer (Development)</u>: No objection subject to conditions relating to the car parking layout and provision of a cycle store.
- 11. <u>Head of Public Protection</u>: No objection subject to conditions relating to noise and contaminated land.

RELEVANT PLANNING POLICY

Unitary Development Plan

S4 Heritage assets

S5 Local distinctiveness

CR13 Residential Development in Centres

DTC2 (1) Market Place North

DD1 Urban Design

DD7 Planning Obligations

H6 Housing Density

HE1 Local character and distinctiveness

HE4 Conservation Areas

HE6 Listed Buildings

HE11 Archaeology and Information AM14 Parking

- 12. The site lies within the Dudley Town Centre Conservation Area and no. 59-60 Tower Street is a Grade II Listed Building.
 - Supplementary Planning Document(s)

Parking Standards and Travel Plans

New Housing Development: Establishing Local Context

Supplementary Planning Guidance

PGN3 New housing development

Dudley Town Centre Conservation Area Character Appraisal

Area Development Framework for Dudley Town Centre (ADF)

Regional Spatial Strategy

QE3 Creating a high quality built environment for all

National policy documents

PPS1 Delivering Sustainable Development

PPS3 Housing

PPG15 – Planning and the Historic Environment

PPG 16 - Archaeology

ASSESSMENT

Key Issues

- Principle
- Density
- Impact on Conservation Area and Listed Building
- Layout
- Parking

<u>Principle</u>

13. Policies DTC2 (1) and CR13 of the Adopted Dudley Unitary Development Plan support the principle of placing residential development within this particular part of the town centre in order to help facilitate the regeneration and rejuvenation of the centre. This is further supported by national government guidance, which seeks to encourage the erection of new housing development within urban areas and on previously developed land in the interests of sustainability and in order to aid the regeneration of our urban areas.

Density

- 14. The proposed development would result in a gross density of 151 dwellings per hectare. The site is situated within a central town centre location. New Housing Development: Establishing Local Context SPD defines a number of character areas within the Borough in order to ensure that new development respects local character and context and has regard to the density of development that surrounds a site.
- 15. With respect to town centre sites the New Housing Development SPD supports the development of apartment schemes being 3 or 4 storeys in height with the provision of communal garden areas and minimum off street parking provision. In terms of the density of development, 50 or more dwellings per hectare is considered appropriate.
- 16. In assessing what is a suitable density this must be done on a site by site basis and it is important that consideration is given to the local density policies and development criteria outlined in the New Housing Development: Establishing Local Context SPD as well as having regard to advice in PPS3. This in particular includes assessing the characteristics of an area in terms of new development being well integrated with and complementing neighbouring buildings and the local area generally in terms of scale, layout and access. It is also important to ensure that new development would create a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity (paragraph 16: PPS3).
- 17. The consideration of density is only one consideration in assessing whether the scheme overall is appropriate. Just as important as determining the numbers of units

that could be placed on a site is ensuring that a scheme is well designed and has regard to the character of an area and would reinforce local distinctiveness and context of an area in terms of the form and type of development.

18. There are 27 flats and 3 town houses located immediately opposite the site (7-21a Tower Street) built 3 storeys in height. The gross density of this development is 176 dph. Planning permission was allowed on appeal for the conversion of the former post office on Wolverhampton Street, Dudley (no. 200) for 22 apartments, which would result in a density of 440 dph (P05/2761). The Old Court House on Priory Street, Dudley has been converted into 16 apartments built at a density of 200 dph (P03/0262). Herald Court on Priory Street, Dudley was built in the 1980's providing 33 elderly persons apartments built at a density of 253 dph (80/52066). A recent appeal was allowed for the redevelopment of no. 41 and 42 Hall Street for 19 apartments (P07/0574), which would result in a density of 271 dph. Whilst the density of the proposed development is high the site is surrounded by existing development built at similar densities and with a comparable scale, massing and form of development to that proposed thereby being in accordance with Policy H6 of the Adopted Dudley Unitary Development Plan (2005) and the New Housing Development: Establishing Local Context SPD.

Impact on the Conservation Area and Listed Building

19. A separate report is being presented with respect to the application for listed building consent to convert the existing building into apartments. In broad terms, the conversion of the listed building into apartments would restore features that have been lost and would have a positive impact on the listed building. This would involve the reinstatement of the front elevation of the building and the exposure of the rear elevation of the building following the demolition of the inappropriate extensions that have been added onto the property over the years. Internal alterations would be kept to a minimum in order to create four apartments thereby retaining as much of the historic integrity of the building as possible. The proposals would ensure the continued active use of a listed building that would facilitate the completion of necessary and long-overdue repairs that would help to enhance and preserve the

historic integrity of the building and its positive contribution towards enhancing the Conservation Area.

20. The proposed apartments to the rear of the site would be of a modern design with a roof garden. The scheme would be constructed using coloured render, reconstituted stone cills and lintels and timber cladding. The building would be defined and articulated through the use of the different materials, balconies; the roof having a large overhang and whilst being generally rectangular in shape having some elements projecting forwards of other parts giving a stepped appearance. The modern design would create a building with its own character and identity that would not compete with the historic building. This approach is preferable than seeking to create a building that mimics the architectural detail of the historic building and is best able to preserve the character and appearance of the listed building as well as preserving its setting. The new building would not be visible from public views within the Conservation Area with only a glimpsed view being possible through the proposed access into the site. Given that the building would not be visible from the street the scheme would preserve the character and appearance of the Conservation Area. The proposed development would therefore comply with policies HE1, HE4 and HE6 of the Adopted Dudley Unitary Development Plan (2005).

Layout

21. The new building is designed so that its main façade faces the rear of the listed building. This reduces issues with respect to the overlooking of neighbouring properties as well as minimising noise nuisance from the air-conditioning units on nearby retail units. The separation distances between the existing buildings that back onto the site and the proposed buildings are less than the minimum standards sought in PGN No. 3. The minimum distance between facing windows of the flats at 6/7 Tower Street opposite and those at the front of no. 59/60 is 12 metres. The minimum distance from the rear-facing habitable room windows at no. 60 to those of flats 2, 4 and 6 of the new block is 12.7 metres. There are no rear-facing habitable room windows within the new building.

- 22. There would be one window on each floor within the side elevation facing the existing buildings on New Street serving kitchens to units 1 and 3. Unit 5 would comprise a door leading onto the proposed balcony and a window serving a study area. The windows would be small being 0.5m high and 0.35m wide. There would be 13 metres between the proposed windows and the existing windows serving habitable rooms within the flats above the shops on New Street.
- 23. Whilst the separation distances are less than those sought by PGN No. 3 this is only guidance and each site must be assessed on its own merits. Whilst the separation distances are less than the guidelines the scheme has been designed to keep proposed windows within the new development looking into windows serving habitable rooms on to existing development to a minimum and where windows are proposed they are very small thereby restricting the amount of overlooking that may occur. The separation distances are no different than a number of existing situations within the immediate vicinity of the site and due to the tight urban grain of the area is an inevitable consequence of development if residential development is to be brought into town centres. PPS3 is critical of the application of rigid standards as a means of assessing the suitability of proposed developments and therefore on balance the separation distances that would be achieved by the proposed development are acceptable especially having regard to the fact that the scheme would bring a vacant and deteriorating listed building back into a suitable and active use which would result in its restoration ensuring that it makes a positive contribution to the character and appearance of the Conservation Area in accordance with Policies HE1, HE4 and HE6 of the Adopted Dudley Unitary Development Plan (2005).
- 24. Side facing windows are also proposed on the south elevation to serve bedrooms on each floor. These windows would not result in the overlooking of neighbouring properties.
- 25. The proposed development would provide a total of 173.47m² of amenity space. This would comprise of two communal areas one to the rear of the new apartment block and a further area in the form of a roof garden. The area to the rear would be 39m² with the roof garden providing 95.93m². A number of the new units would also have

some private amenity areas. This would be in the form of ground floor patio areas and balconies to units 1, 2, 4, 6 and 5. The listed building would not comprise any amenity space.

26. PGN No. 3 seeks the provision of 30m² of amenity space per apartment. The scheme falls short of this requirement by 126.53m². Despite the shortfall, there is some provision which has a dual purpose in terms of providing the potential to introduce soft landscaping into the scheme as well as providing some outside areas for prospective residents to enjoy. Given the urban nature of the site and having regard to the lack of amenity space provision in other nearby residential schemes being deficient from the standard the provision of amenity space is on balance acceptable and not considered a sufficient reason in which to warrant the refusal of planning permission especially since the proposals would introduce additional residential development into the town centre and the conversion of a listed building into residential use in accordance with Policy CR13 of the Adopted Dudley Unitary Development Plan (2005).

Parking

27. In accordance with the Parking Standards and Travel Plan SPD the maximum parking standard for the proposed development including visitor spaces would be 18 spaces. Given the town centre location of the site it is reasonable to apply a 20% reduction thereby reducing the maximum standard to 13 spaces excluding visitor spaces which could be accommodated in public town centre car parks. The scheme proposes the provision of one parking space per apartment, which given the town centre and therefore sustainable location of the site is acceptable being in accordance with Policy AM14 of the Adopted Dudley Unitary Development Plan (2005) and the Parking Standards and Travel Plans SPD.

Planning obligations

28. The proposal attracts a requirement for a commuted sum to be paid towards the provision and enhancement of public open space and play areas in the locality. This can be dealt with in a legal agreement. In accordance with the Council's adopted policy and published Supplementary Planning Guidance a sum of £13,135.67 is

required as a contribution towards improvements to off site public open space, play provision and enhancement. The applicant has agreed to this in accordance with Policy DD7 of the Adopted Dudley Unitary Development Plan (2005)

Other issues

29. One objector raised concerns with respect to the adequacy of the existing access for the proposed development. Given that the access has historically been in use by vehicles to serve the respective commercial developments that have taken place within the site the change of use to residential development is unlikely to increase the intensity of traffic using the entrance. No objection has been raised by Group Engineer (Development) regarding the continued use of the access to serve the residential development. The use of the access does mean that some off street parking would be provided to serve the development in the interests of highway safety.

CONCLUSION

- 30. The conversion of the listed building into apartments would restore the building back to its original appearance with internal alterations being kept to a minimum to ensure the preservation of the historic integrity of the building. The proposals would involve the reinstatement of the front elevation of the building and the exposure of the rear elevation of the building following the demolition of the inappropriate extensions that have been added onto the property over the years. The proposals would ensure the continued active use of a listed building that would facilitate the completion of necessary and long-overdue repairs that would help to enhance and preserve the historic integrity of the building and its positive contribution towards enhancing the Conservation Area as well as helping to facilitate residential led regeneration within the town centre in accordance with the vision set out within the Dudley ADF.
- 31. Despite the high density of the development demonstrated through the limited provision of amenity and separation distances between existing development, this is appropriate when compared to the density of other residential development being within close proximity to the site. In any event, the scale, massing and form of

development is comparable to existing development within the town centre. The proposals thereby have regard to the local context and character of the surrounding area in accordance with New Housing Development: Establishing Local Context SPD.

RECOMMENDATION

- 32. It is recommended that the application be approved subject to:
 - a) The development not beginning until a scheme for the submission and approval of a planning obligation to guarantee the provision, maintenance and enhancement of off-site public open space and play provision has been submitted to and agreed in writing by the Local Planning Authority.
 - b) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary

Reason for approval

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The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Dudley UDP (2005) and to all other relevant material considerations.

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 to Applicant

The development hereby permitted shall be built in accordance with the approved plans numbered 001 Rev B, 002 Rev B, 010 Rev B, 011 Rev B, 012 Rev B, 013 Rev B, 014 Rev B, 015 Rev B, 016 Rev B, 017 Rev B, 018 Rev B, 019 Rev B, 020 Rev B, 021 Rev B and 022 Rev B unless otherwise agreed in writing by the Local Planning Authority.

Conditions and/or reasons:

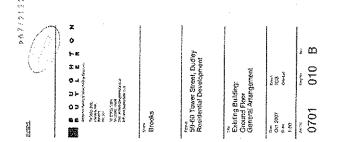
- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2. The development shall not be begun until a scheme for the provision of off site public open space and play area improvements has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the method, timing and arrangements to comply with the Council's policies for the provision of the infrastructure required in connection with the proposed development.
- 3. Prior to the commencement of development and notwithstanding the details already submitted details shall be submitted to and approved in writing by the Local Planning Authority of the proposed boundary treatment. The details shall include

- plans and elevations providing information on the location, height, design and appearance of the proposed boundary treatment. The boundary treatment shall be implemented in accordance with the approved details and retained for the lifetime of the development.
- 4. Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority of the type, texture and colour of the materials to be used on the elevations and roof. The dwellings shall then be built in accordance with the approved details and retained for the lifetime of the development.
- 5. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.
- 6. All planting, seeding or turfing comprised in the details of landscaping approved in accordance with condition 5 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees, hedgerows or plants contained in the approved planting scheme which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
- 7. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 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.
- 8. Prior to the commencement of development details of secure and undercover cycle parking facilities should be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation the secure and undercover cycle parking facilities should be provided in accordance with the approved details and retained for the life of the development.
- 9. Prior to the commencement of development details of the means of access and parking area shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation the parking area and access shall be implemented in accordance with the approved details and retained for the lifetime of the development.
- 10. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed by the local planning authority), has been submitted to and approved by the local planning authority. Such a strategy shall facilitate the identification of contaminants and permit the risk based assessment of the development site. Where the investigations identify the presence of contamination, development shall not begin until a scheme to protect the development from the effects of such contamination has been submitted to and approved by the local planning authority. Such a scheme shall: include provisions for validation monitoring & sampling; be implemented in accordance with the approved details before the development is first occupied; and be retained throughout the lifetime of the development.
- 11. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed by the local planning authority), has been submitted

to and approved by the local planning authority. Such a strategy shall facilitate the identification of methane & carbon dioxide. Where the investigations identify the presence of methane and/or carbon dioxide the development shall not begin until a scheme to protect the development from the effects of such gases has been submitted to and approved by the local planning authority. Such a scheme shall: include provisions for validation monitoring & sampling; be implemented in accordance with the approved details before the development is first occupied; and be retained throughout the lifetime of the development.

- 12. Development shall not begin until a scheme for protecting the proposed dwellings from noise from the refrigeration fans present at the rear of the development site is submitted to and approved in writing by the Local Planning Authority and all works which form part of the scheme shall be completed before the permitted dwellings are occupied.
- 13. The repairs to the listed building shall be completed prior to the occupation of the new build apartments hereby permitted.

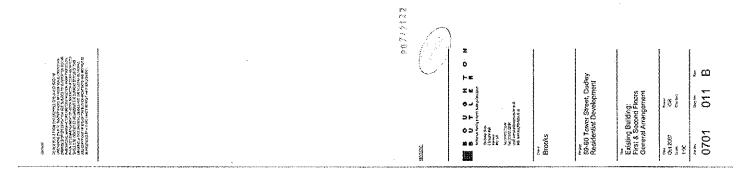
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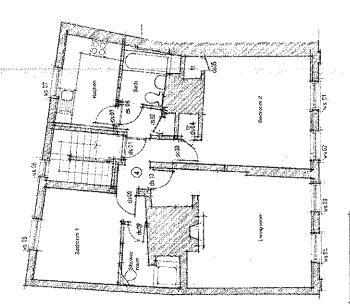


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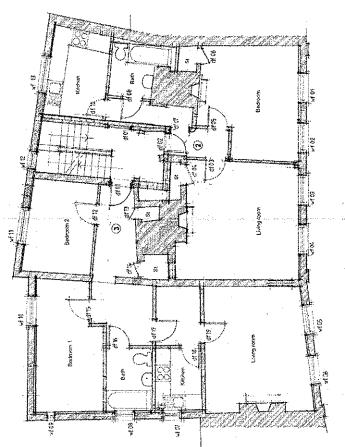
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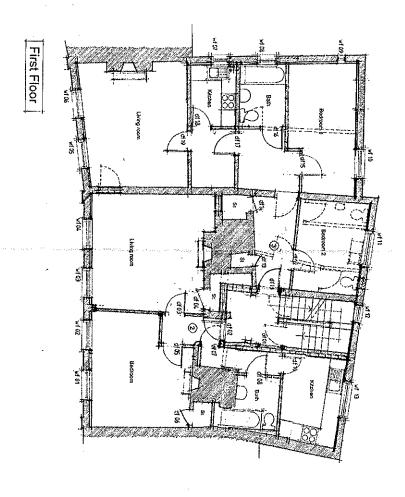




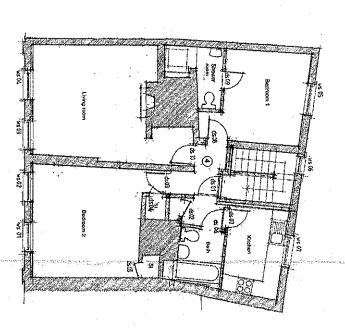


Second Floor





Second Floor



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Ground Floor





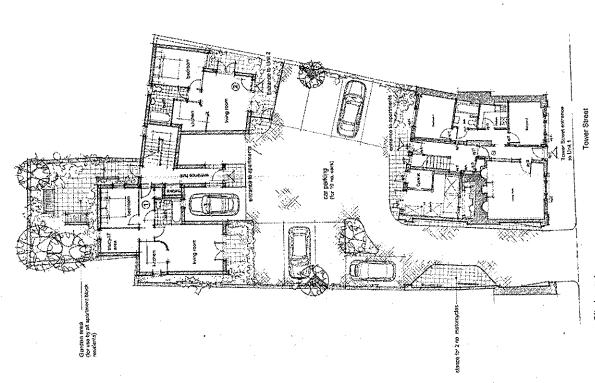
59-60 Tower Street, Dudley Residential Development

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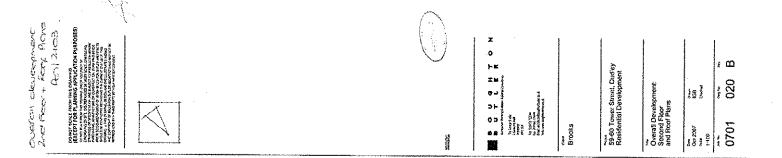
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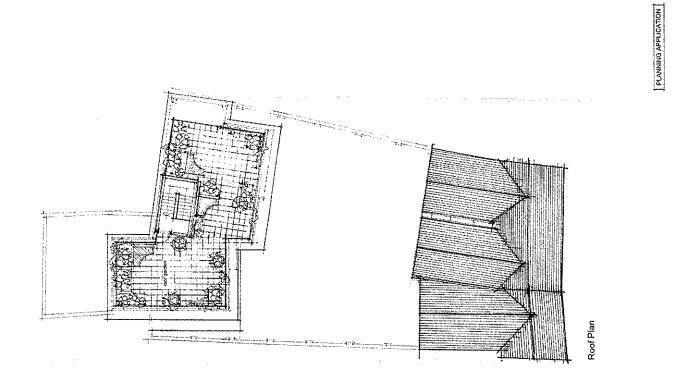
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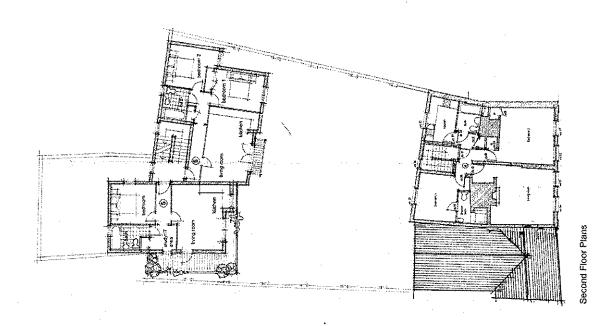
First Floor Plans



Site Layout with ground foor plens indicated







Tower Street

