

## **PLANNING APPLICATION NUMBER:P06/0372**

Type of approval sought	Full Planning Permission
Ward	Gornal
Applicant	Wolverhampton & Dudley Breweries Plc
Location:	<b>THE STRAITS PUBLIC HOUSE, TENNYSON ROAD, LOWER GORNAL, DY3 3BS</b>
Proposal	<b>CONVERSION OF STRAITS PUBLIC HOUSE AND NEW BUILD DEVELOPMENT TO PROVIDE 24 APARTMENTS</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

### **SITE AND SURROUNDINGS**

1. This roughly triangular shaped site currently contains The Straits public house, its associated large car park to the front and well established trees and landscaping. The north-western boundary of the site is marked by a long boundary wall which varies in height from 3.6m close to Tennyson Road to 2.3m. The wall separates the site from The Straits Park. Rear and side gardens of bungalows in Kingsley Grove form the eastern boundary. Opposite the site to the south across Tennyson Road are two-storey semi-detached houses.
2. The Straits public house stands in the northern part of the site. Formerly known as Straits Hall it was built in the early nineteenth century by Alexander Gordan, a merchant. It is not a Listed or Locally Listed building, it is however, listed on Dudley's Historic Environment Record.
3. A Tree Preservation Order covers the trees on the site. Apart from the occasional isolated tree, the majority are located in a belt which extends along the eastern boundary and wraps for a short distance along the northern boundary.

## PROPOSAL

4. The proposal would retain the main part of the original building and convert it into apartments. In addition, the front façade of the former servants quarters which face on to Tennyson Road would also be retained with new build behind in order that the existing view of the building from Tennyson Road remains the same. Behind the building a ground floor rear dining room and part of a two-storey wing would be removed. These are not visible from Tennyson Road which is the main vista to the site. There are two new “blocks” of development” which would be attached to the main original building, these would be two-storey with pitched roofs. The conversion and new build would create, 24no apartments (22 no, 2 bedroom and 2 no, 1 bedroom).
5. One extension (Block B) would run in line with the eastern boundary of the site, varying in distance from approximately 9.2m to 11.4m from the boundary. Its total length would be 34.2m. The other extension (Block C) would run along the north-western boundary close to the existing wall. In the main, it would be constructed 6m from the wall but two large gable features bring the development to within 3.0m.
6. Car parking would be located to the front of the buildings. Thirty eight spaces are provided two of which are for the disabled.
7. A reasonably large area of land has also been identified for landscaping in front of the buildings.

## HISTORY

8.

APPLICATION No.	PROPOSAL	DECISION	DATE
SD/57/1430	Outline: Use of dwelling house and grounds as fully licensed premises	Approved	17/05/57
SD/59/1815	Conversion into licensed premises with living accommodation at first floor	Approved	16/03/59
SD/63/2818	Extension to mixed lounge and alterations to mens toilets	Approved	08/07/63

## PUBLIC CONSULTATION

9. I have received 24 letters of objection to the application plus three petitions containing 372 signatures in total.

The objections relate to:-

- . Inappropriate development;
- . Loss of trees, despite Tree Preservation Order, particularly two mature walnuts;
- . Adverse impact on wildlife;
- . Loss of amenity;
- . Overdevelopment;
- . Apartments not in keeping with the surrounding area;
- . Not a need for new housing in the area;
- . The public house is the only one on the estate, removing it will

- adversely affect the community;
- . Loss of a focal point that could be developed to enhance the community;
- . The public house could become a thriving business if it served food/the Brewery seem intent on realising short term gain;
- . The public house is a building of historic interest, its character should not change, it is part of the historic heritage of the community;
- . The demolition of part of the building will destroy the historic environment;
- . The new building will become an eyesore;
- . It will set a precedent for the conversion of other buildings of this type; If the site remains unfenced, anti-social behaviour on the site will continue;
- . Block C is too close to the wall and oak trees on the other side of it;
- . Block C will encroach on the openness of the green;
- . Additional traffic/more pollution/potential hazard to children walking to the Straits School;
- . Insufficient car parking leading to on-street parking;
- . lack of consultation with residents.

## OTHER CONSULTATION

10. Environmental Protection – The presence of an oil tank on site is noted. Recommend that a contaminated land condition be added to any approval.
11. Housing – this is not an area of high provision for apartments and will not impact on regional targets
12. Landscape – Acceptable subject to some minor matters which can be covered by condition
13. Traffic and Road Safety – although there are concerns about remote parking, they are not sufficiently strong enough to warrant a

recommendation of refusal. No objections to the scheme.

## RELEVANT PLANNING POLICY

### 14. Adopted Dudley Borough Unitary Development Plan:

Policy DD1 – Urban Design

Policy DD4 – Development in Residential Areas

Policy DD6 – Access and Transport Infrastructure

Policy DD7 – Planning Obligations

Policy AM14 – Parking

Policy H1 - New Housing Development

Policy H3 – Housing Assessment Criteria

Policy H6 – Housing Density

Policy SO6 – Local Park

Policy NC10 – The Urban Forest

Policy HE8 – Archaeology and Information

Planning Guidance Note No 3 New Housing Development

Planning Policy Guidance Note 3 – Housing

Draft Planning Policy Statement 3 – Housing

Revised Planning Policy Guidance Note 17 - Planning for Open Space,  
Sport and Recreation

## ASSESSMENT

15. The site is identified as part of a Local Park within the adopted Dudley Unitary Development Plan. The majority of the footprint of the proposal site falls on existing hard standing (macadam surfaced) car parking areas, and the actual footprint of the Straits Public House building. The existing car parking areas provide customer car parking serving the Straits Public House. The proposal site is fully located within the curtilage of the Straits Public House. Although the proposal site falls within the wider

Local Park designation, the proposal site curtilage does not extend or encroach into the designated Local Park public open space area.

16. It is therefore considered that the proposal site would therefore fall under the definition of previously-developed land in accordance with Planning Policy Guidance Note 3 Housing. This national planning guidance gives a sequential approach towards identifying suitable sites for housing, first preference being the re-use of previously-developed land and buildings.
17. The curtilage of the proposal site has no informal or formal recreational public open space value, given that the majority of the proposal site contains hard standing customer car parking areas. As a result, it is considered that the immediate proposal site would not fulfil the policy criteria set out in the adopted Dudley Unitary Development Plan, Policy SO6 (Local Park) and national planning guidance on open space which is set out in Revised Planning Policy Guidance Note 17 Planning for Open Space, Sport and Recreation.
18. The Straits Public House was built in the early nineteenth century. Formerly known as Straits Hall it is not a Listed or Locally Listed building, it is however, listed on Dudley's Historic Environment Record. The applicants have therefore attempted to retain, where possible, the original building and intends to convert it into apartments. Some demolition is intended to the rear of the building which includes a two-storey portion of the original building and a single storey lounge extension. The front façade of the former servant's quarters to the rear of the main building which fronts on to Tennyson Road is to be retained. The removal of the hidden part of the building will, therefore, not adversely affect the appearance of the building.
19. Two other 'blocks' (B and C) of development are proposed. These would both be attached to the original building. Block B would run close to the eastern boundary of the site for a length of 34.2m. Due to the varying shapes of the block and the curved nature of the boundary, the closest point to the eastern boundary would be 9.2m and the greatest distance would be 11.2m. In the main, a belt of existing trees

would remain between the new building and the site boundary. These trees are also to be under planted with native tree species to thicken the tree belt. The location of the new block and the existence of the trees serve to protect the amenity of residents of dwellings which are adjacent to this part of the site.

20. Block C would run along the northern boundary for a length of 43.4m. In the main it would be situated 6.0m from the existing tall wall which marks the northern boundary. There are also two gable features which bring that part of the development to within 3.0m of the wall.
21. The density of the development would be 40 dwellings per hectare, which would be in keeping with the guidance offered in Planning Policy Guidance Note 3: Housing and Draft Planning Policy Statement 3: Housing.
22. The layout of the buildings would enable a large open area to be set out to the front of the building for landscaping and car parking in keeping with the original character of the site. It also provides a good opportunity for the planting of large specimen trees that should be allowed to develop with ample space. In time this will serve to vastly improve the amenity of the area. A detailed landscape scheme has been submitted, which is acceptable in design terms.
23. There are 38 car parking spaces provided, two of which are for disabled persons. There is a requirement however for only 29 spaces and 1 disabled space. Therefore, despite neighbour concerns, the parking is well in excess of requirements. The access to the site is acceptable as is the layout of the parking area, set as it is within a landscaped setting. There are concerns that some of the parking spaces are remote from the apartments which may discourage their use due to concerns about security. However, as the layout does not encourage on-street parking, this concern is not sufficiently strong to justify the refusal of the application.
24. The proposed development is all sited so that it can be constructed without detrimentally impacting on the trees on site. However, conditions can be attached to

any permission to ensure that the development is carried out in a sympathetic manner.

25. The tree condition assessment identified a number of trees that contained significant defects and should be removed. Most notable of these was the large mature walnut tree in the northern corner of the site. On inspection this was found to have a large cavity in the main stem that rendered it unsafe. As such this tree should be removed as soon as possible. The removal of this tree is likely to impact on the smaller mature walnut tree behind it, as this tree has grown up in the wind shadow of the larger tree and is liable to wind throw if left standing. In order to offset this removal there will be two replacement walnut trees planted on the site.
26. Twenty four letters of objection and three petitions containing a total of 372 signatures have been received. The major theme behind these objections is the loss of the public house and that the brewery should do more to make the premises viable by selling food. In defence, the agent has stated that the public house is no longer financially viable. They have considered a number of options such as turning it into a “destination venue” such as a discotheque or restaurant however, as it is within a residential area these were discounted because of the potential noise disturbance that such uses have the potential to create. The agent also states that there are currently twelve drinking establishments within a mile of the application site and that these should compensate for the loss of the existing provision.

## **CONCLUSION**

27. Although The Straits is not a Listed Building, its retention is highly desirable. Following discussions, the applicant has taken on board this requirement and submitted a scheme which retains the majority of the original building and its total façade fronting Tennyson Road to provide 24no apartments on the site via conversion and new construction. The Tree Preservation Order has been respected and only trees which are diseased, poor specimens or liable to wind fall are to be removed. The locations of the new buildings enable the provision of a large area of car parking and landscaping to the front of the building thereby



retaining the current openness which the site enjoys. As such the application is considered to be acceptable in accordance with Policies DD1, DD4, DD6, AM14, S06 and NC10 of the adopted Dudley Unitary Development Plan. It is also in accordance with national planning guidance in the form of Planning Policy Guidance Note 3 – Housing, Draft Planning Policy Statement 3 – Housing and Revised Planning Policy Guidance Note 17 - Planning for Open Space, Sport and Recreation. The development falls below the threshold at which affordable housing can be requested.

## **RECOMMENDATION**

28. It is recommended that the application is approved subject to:

The applicant entering into a Section 106 Legal Agreement for a contribution to off-site public open space enhancement.

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

c) In the event that the Section 106 agreement has not been completed within two months of the resolution to grant approval, the application will be refused if appropriate.

### **Reason for Approval**

29. The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Dudley Unitary Development Plan and to all other material considerations.

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 existing west elevation façade of the building located behind the main part of the building and indicated on plan no PL0236-025 shall be retained for the life of the development.
3. Before any dwelling hereby approved is first occupied the parking area and access thereto shall be paved with a suitable hard impervious material, and drained.
4. All planting, seeding or turfing comprised in the details of landscaping hereby approved 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.
5. 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.
6. Notwithstanding the details contained in the approved landscape scheme (05-80-01.D) the number of trees to be planted in the north eastern corner of the site shall, be increased from 21 to 35 (the species to remain the same).  
These shall be planted prior to the occupation of the first dwelling on the site and shall be maintained for the life of the development.
7. Prior to the occupation of the first dwelling on the site the existing boundary wall running along the north western boundary of the site shall be refurbished and retained for the life of the development.
8. Notwithstanding the details contained in the approved site plan (PL0236-014.J) further details of the low front boundary wall and railings and associated planting to the front and back of it shall be submitted prior to the commencement of development on the site and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the first dwelling on the site and shall be maintained for the life of the development.
9. No development shall take place until there has been submitted to, and approved in writing by the Local Planning Authority details of the tree protection measures on site. The details shall include:

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.

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.

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 5.2 of British Standard BS: 5837 – 2005 “Trees in Relation to Construction – Recommendations”.

Design details of the proposed protective barriers 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 9.2 of British Standard BS:5837 – 2005 “Trees in Relation to Construction – Recommendations”.

The approved measures to be implemented prior to construction works commencing on the site and retained until construction is completed.

10. 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 (1989) Recommendations for Tree Work.
11. All the existing trees and hedges indicated on the approved drawings to be retained shall be protected by suitable fencing and at a suitable distance as outlined in BS:5837 – 2005 - 'Trees in Relation to Construction', or such alternatives as may be agreed in writing by the Local Planning Authority. Such fences shall be erected before any materials are brought onto site or development commences. No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence(s), nor shall any changes in ground level be made within the fence(s) unless previously agreed in writing by the Local Planning authority.
12. The existing trees shown on the approved plans to be retained shall not be damaged or destroyed, uprooted, felled, lopped or topped during the construction period of the development without prior written consent of the local planning authority. Any trees removed without such consent or dying or being seriously damaged or diseased during that period shall be replaced with healthy trees of such size and species as may be agreed in writing by the Local Planning Authority.
13. All excavations to be undertaken within 6 metres of the stem of existing trees on site shall be undertaken in accordance with NJUG Publication number 10 'Guidelines for the Planning, Installation and Maintenance of Utility Services in proximity to Trees'
14. 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 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.

15. 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 driveway/parking area within 3 metres of the outer canopy spread 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 BS 5837:2005 'Trees in Relation to Construction' and Arboricultural Advisory & Information Service Practice Note "Driveways Close to Trees" (1996). Any driveway / parking areas within 3 metres of existing trees must be constructed using minimum excavation techniques incorporating appropriate surfaces to avoid damage to trees and to prevent any potential direct or indirect damage caused by trees.

16. Prior to the commencement of development the following shall be submitted to and approved in writing by the Local Planning Authority:

Large scale architectural drawings, to a scale of not less than 1:5 of windows and doors, including drawings of sections and profiles of jambs, heads, cills and glazing bars together with their relationship to masonry apertures;

Details of the finish of the doors and windows;

Samples of the 'stone' to be used for the window cills;

Details of the colour of the external render;

Details of the type, texture, colour and bond of the brickwork to be used in the construction of the external walls, and the roofing tiles;

Details of the bin store and cycle store.

The external windows, doors and associated features installed in the building shall be in accordance with the approved details and shall not be replaced, except in accordance with the same approved details. The external render shall be colour coated in accordance with the same approved details prior to the occupation of the building and the colour shall not be changed without the prior written agreement of the local planning authority. The approved bin store and cycle store shall be provided prior to the first occupation of any of the apartments and shall remain available for the storage of refuse bins at all times thereafter.

17. Development shall not take place until the Developer has secured the implementation of a programme of archaeological building recording/ornamental audit of the existing building (at RCHME level 2/3) prior to the start of the programme of works. (A brief outlining of the work required will be supplied by the Historic Environment Team once requested).

18. 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.

19. The development hereby permitted shall be built in accordance with the approved plan numbers unless otherwise agreed in writing by the Local Planning Authority PL236-001, PL236-011 Rev E, PL236-012 Rev C, PL236-013, PL236-014 Rev J, PL236-015, PL236-020 Rev C, PL236-23 Rev A, PL236-024 (with the exception of west elevation F-F and part of the north elevation D-D) Rev A, PL0236-025, 05-80-01- Rev D, 2292ogl.
20. 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.