

PLANNING APPLICATION NUMBER:P12/0249

Type of approval sought	Full Planning Permission
Ward	Pedmore & Stourbridge East
Applicant	Kendrick Construction Group
Location:	FORMER WESTHILL CLINIC, HAGLEY ROAD, STOURBRIDGE, WEST MIDLANDS, DY8 1RD
Proposal	FOLLOWING DEMOLITION OF FORMER WESTHILL CLINIC ERECTION OF 1 NO. DWELLING AND 7 NO. FLATS, NEW HEAD OFFICE AND ANCILLARY STORE.
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The site lies on the approach to Stourbridge town centre, directly opposite Stourbridge College. The former clinic at the site is a flat-roofed one and two storey building of little architectural merit, which sits at an elevated level above the highway behind a retaining wall and a landscaped area which contains a number of mature trees. At the rear of the building is an extensive parking area. The site rises from front to rear, the parking area being at roof level of the single storey element of the clinic.
2. Immediately to the north of the site is a locally listed building known as Westhill Lodge, a substantial two and a half storey former house which has been converted to 8no.apartments. To the rear of this building is Westhill Court, a modern two storey L-shaped apartment block. These buildings, and the application site, are accessed via a driveway off Hagley Road.
3. To the east (rear) of the site is a bungalow and a row of terraced houses on Swincross Road. The nearest of these houses to the site is no.41 Swincross Road; the

side wall of this house faces the site. There is a 1.8m high fence and brick wall along the eastern boundary.

4. The site is adjoined to the south by a sub-station on the Hagley Road frontage followed by an attractive cottage at the back of footway. To the rear of these is a large detached dwelling (The Cedars), accessed via a drive adjacent to the cottage. The side wall of this building faces the site. To the southeast is a terrace of three storey flat-roofed houses; the nearest of the houses to the site is no.39 Swincross Road, which again has a side wall facing the site.

PROPOSAL

5. The proposal is for a mixed office and residential redevelopment of the site in three separate buildings. At the front of the site it is proposed to erect a two and a half storey office building, fronting Hagley Road. At the rear, along the eastern and south east boundaries is an L-shaped building providing 5no.apartments and 1no. bungalow. In the centre of the site is a building which provides 10no. undercroft parking spaces, storage and staff training areas in the floor above, and 2no. flats in the roof space. Within the site 59no. parking spaces are to be provided for the development and 7no. for use by visitors and occupants of Westhill Lodge and Westhill Court.
6. The applicant has advised that the office building and the building immediately to the rear are to be used as the new headquarters for the company, as part of its planned relocation from Walsall to Stourbridge.

PLANNING HISTORY

7. None relevant.

PUBLIC CONSULTATION

8. 49 neighbour notification letters have been sent out. In response letters of objection have been received from 12 properties, raising the following concerns over the proposal:

- Noise disturbance from activities associated with the storage/training building;
- Overlooking into gardens and windows of surrounding properties;
- Loss of light to nearby properties;
- Light pollution;
- Poor design and scale of the proposed buildings;
- Removal of trees will result in a loss of privacy.
- The development will result in the loss of allocated parking for visitors to Westhill Lodge and Westhill Court;
- Lack of parking provision will result in displaced parking on nearby roads;;
- Lack of manoeuvring space within the site for vehicles renders some of the parking spaces unusable;
- All parts of the site cannot be accessed by fire fighting vehicles;
- The development will exacerbate existing traffic congestion problems along Hagley Road;
- The site access cannot accommodate the simultaneous entry and exit of vehicles.

9. A letter of support has been received, stating that '*the design compliments the area*'.

OTHER CONSULTATION

10. Head of Environmental Health and Trading Standards – No objection.

11. Group Engineer (Development) – The number of parking spaces provided in the development is acceptable. Conditions should be imposed relating to the provision of electric vehicle charging points and cycle parking.

12. Fire Safety Inspector – The access drive should be widened to allow the site to be properly accessed by a fire fighting vehicle. Fire fighting sprinklers should be provided in Blocks A and C.

RELEVANT PLANNING POLICY

13. National Planning Policy Framework (NPPF)

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. At the heart of the NPPF is a presumption in favour of sustainable development. The document states that, amongst other things, planning should proactively drive and support the delivery of mixed use developments and the homes and businesses that the country needs, should always seek to secure high quality design and a good standard of amenity for existing and future occupants of buildings, encourage the effective use of land by reusing land that has been previously developed, promote mixed use developments, and focus developments in locations which are sustainable.

Black Country Core Strategy

Policy DEL1 (Infrastructure Provision)

Policy HOU1 (Delivering Sustainable Housing Growth)

Policy CEN7 (Controlling Out-of-Centre Development)

Policy TRAN2 (Managing Transport Impacts of New Development)

Saved 2005 UDP Policies

Policy DD1 (Urban Design)

Policy DD4 (Development in Residential Areas)

Policy HE5 (Buildings of Local Historic Importance)

Supplementary Planning Guidance

Draft Parking Standards SPD

Planning Obligations SPD

Historic Environment SPD

Guidance Notes

Planning Guidance Note 3 (New Housing Development)

ASSESSMENT

14. The determining issues in the assessment of this application are:

- Principle;
- Impact on the character of the area;
- Impact on residential amenity;
- Parking/access;
- Planning obligations.

Principle

15. The site lies outside of Stourbridge town centre. The NPPF requires that a 'sequential test' should be applied for proposals for town centre uses that are not in an existing centre. Applications for main town centre uses, such as offices in this case, should be located in town or edge of centre locations – only if suitable sites are not available should out of centre sites be considered. Policy CEN7 of the Core Strategy also requires that proposals for out-of-centre development will have to demonstrate that the development cannot be provided in a centre location. This is so as to ensure that the vitality and viability of existing centres is not undermined by the provision of development in inappropriate locations.

16. The applicant has carried out an appraisal of whether suitable premises or vacant sites are available within the town centre, including in particular those sites identified in the UDP as 'Opportunity Sites'. The details of the appraisal have been assessed and it considered that it has been satisfactorily demonstrated that there are no more 'sequentially preferable' locations within the town centre which could accommodate an office development of the scale proposed. The proposed development would not

be of a scale which would adversely impact on the vitality or viability of the town centre, and would not place the planning strategy for centre at risk.

17. With regard to the broad aims of the NPPF, the proposal is acceptable in principle in that it is a mixed use development providing new dwellings and employment creation in the borough, on brownfield land in a sustainable location on the edge of Stourbridge town centre.
18. The principle of the development of this site for housing purposes is also in accordance with the aim of Policy HOU1 of the Core Strategy which seeks to ensure the provision of sufficient land for sustainable housing growth by requiring that at least 95% of new housing should be built on previously developed land.

Impact on the Character of the Area

19. Saved Policy DD1 of the UDP requires that new developments should make a positive contribution to the character and appearance of the area, whilst Policy DD4 advises that developments will only be allowed where there would be no adverse effect on the character of the area. Policy HE5 states that development which will have a detrimental impact on the setting or context of buildings on the Local List (in this case Westhill Lodge) will be resisted.
20. The proposed office building at the front of the site would be set at the top of the existing bank at the same level as Westhill Lodge. The building would be two and two and a half storeys high, and Edwardian in appearance. The surrounding area is characterized by buildings of a variety of design and form, and in comparison to the appearance of the existing built form of development at the site it considered that the proposed building would make a positive contribution to the existing street scene. The development would compliment the distinctive appearance of the adjacent locally listed building.
21. The proposed training/storage building in the centre of the site would be two and a half storeys high and would be effectively screened from view from Hagley Road. The

building makes use of a fall in levels across the site which enables it to incorporate undercroft parking. The proposed residential unit at the rear of the site would be one and a half, two and three storeys high with a shared amenity space for its occupants. Both buildings would be visible from existing properties to the north, east and south and in design terms are considered to be of an acceptable form and scale.

22. In view of the above, the proposal complies with Policies DD1, DD4 and HE5 of the UDP.

Impact on Residential Amenity

23. One of the core land use planning principles set out in the NPPF is that planning should always seek to secure a good standard of amenity for all existing and future occupants of buildings. Policy DD4 requires that developments should not have an adverse impact on residential amenity.
24. The proposed residential building will be bounded by dwellings to the east and south, and therefore in residential amenity terms this part of the site is suitable for housing development. The proposal includes a small area of amenity space at the rear of the building for use by the occupants.
25. The following sections assess the impact of the development on existing properties adjacent the site:

Westhill Lodge

Planning Guidance Note 3 requires the provision of a 22m distance separation between habitable room windows in new and existing buildings. The side facing windows in Block A would only be 14m from the front elevation of Westhill Lodge; in this case this is acceptable given that the proposed building is to be sited further away from Westhill Lodge than the existing clinic building (which also had windows facing Westhill Lodge). The siting of Block A would therefore have no greater impact on the amenities of the occupants of Westhill Lodge.

Westhill Court

The submitted plans show 'false windows' on the side elevation of Block B facing Westhill Court. At the request of the occupants of one of the flats a first floor kitchen window in Block B has been obscure glazed. This element of the development would not have any adverse impact on existing residential amenity.

50 Swincross Road

This is a bungalow located along the site's eastern boundary. Only the roof of the bungalow is visible above the boundary fence, and there would be no loss of privacy resulting from the erection of Block C as the nearest part of that building to the site boundary is itself only single storey.

41 Swincross Road

The single storey element of Block C is to be sited along the boundary with this property. No.41 has a rear conservatory; views of Block C would be from within the conservatory and the first floor windows of the property only. From ground floor level only several brick courses and the sloping roof of Block C would be visible above the existing fence at no.41. On balance it is considered that the relationship between the two buildings is acceptable as it would not result in a level of loss of outlook which may warrant refusal of the application.

39 Swincross Road

Block C is two storeys high along the boundary with no.39. Whilst there will be overlooking into the rear garden of the property, this would not be to any greater degree than any overlooking from existing dwellings in the vicinity. As such the development would not lead to a loss of privacy at no.39.

The Cedars

The Cedars is at a higher level than that part of the site which is immediately adjacent to the west, with the result that Block B is effectively a two storey building in terms of its visual relationship with that property. The Cedars has two first floor side facing windows, one of which would be only 6m from the side wall of Block B (Planning Guidance Note 3 requires a distance separation of 14m minimum to gable walls). Notwithstanding this the siting of the building does not totally obscure the outlook from that window, and views from the window across the site to the east and west would still be available. Again, the impact of the development on the amenities of the occupants of this property would not be so harmful as to warrant refusal of the application.

26. With regard to the use of Block B, the applicant has advised that the building will be used to store furniture used in the company's show houses, health and safety equipment, security fencing and other miscellaneous building equipment. In addition, according to the applicant, the *'training element of the building is a secondary use and will only be utilized very occasionally for small briefings of employees'*. Based on this information it is considered that the proposed use of Block B would not result in any significant levels of noise disturbance to existing nearby residents.
27. Due to the orientation of the proposed buildings the development would not lead to a loss of light to properties to the east and west. There would be a degree of light loss to Westhill Lodge and Westhill Court, but this would be a minimal amount only.
28. Given the type of development proposed, it is not considered that concerns about the effects of light pollution could be substantiated in terms of a potential reason for refusal relating to amenity impacts.
29. The development involves the removal of three of the fifteen trees at the front of the site, only one of which is within the site. The loss of this tree is acceptable and would have no harmful impact on the character of the area. The two other trees (referred to by an objector to the proposal) are outside the site and therefore their removal cannot be controlled as part of this application.

30. In view of the above, the development would not have any harmful impacts on existing residential amenity and therefore the proposal complies with relevant NPPF advice and Saved Policy DD4 of the UDP.

Parking/Access Issues

31. Policy TRAN 2 of the Core Strategy requires that new developments should demonstrate their travel and transportation impacts together with proposals for mitigation, and advises that it is important that accessibility by a choice of sustainable modes of transport is maximized at all developments. Saved Policy DD4 advises that developments will be allowed where no detrimental effect upon highway safety would result and adequate provision is made for the parking and manoeuvring of vehicles.
32. The development will result in less vehicle generation at the site than the previous clinic use, and therefore would not exacerbate any existing traffic congestion problems along Hagley Road. The development also provides 7no. spaces for Westhill Court and Westhill Lodge, with the result that there will be no reduction in the number of spaces currently available. With regard to the comments of the Fire Safety Inspector amended plans have been received showing the access drive widened to enable a fire fighting vehicle to properly access the site (thereby negating need for the provision of sprinklers within Blocks B and C). With regard to the comments of the Group Engineer, Conditions xxxx and xxx relate to the provision of charging points and cycle parking.
33. The site lies in a sustainable location, close to local services and public transport. The choice of transport modes available to the future occupants of the site and staff (car, cycle, and public transport) will ensure the accessibility of the site in accordance with Policy TRAN2. The development would not have any adverse highway safety implications and therefore is in accordance with Saved Policy DD4.

Planning Obligations

34. Black Country Core Strategy Policy DEL1 'Infrastructure Provision' sets out the adopted policy framework for Planning Obligations within Dudley and the Planning Obligations SPD provides further detail on the implementation of this policy; these policy documents were prepared in accordance with national legislation and guidance on planning obligations. Policy DEL1 requires all new developments to be supported by sufficient on and off-site infrastructure to serve the development, mitigate its impact on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.
35. The obligations potentially triggered according to the Planning Obligations SPD are Library Improvements, Public Realm Improvements, Open Space, Sport and Recreation Improvements and Nature Conservation Improvements.
- In determining the required planning obligations on this specific application the following three tests as set out in the CIL Regulations, in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development;
 - (c) fairly and reasonably related in scale and kind to the development.
36. Following consideration of the above tests the only obligation required for this application is for nature conservation improvements. The applicant has submitted an ecological appraisal which shows that the site has low ecological value. In lieu of a financial contribution, and in order to enhance the ecological value of the site in accordance with the requirements of the Planning Obligations SPD, it is recommended that conditions be imposed (Conditions 6 and 10) requiring the provision of 'wildlife friendly' landscaping and bird boxes within the development. The provision of these measures meets the CIL tests in that they will be provided on the development site itself and are in scale and kind to the proposed development.

New Homes Bonus

37. 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” means a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown. This 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 Community Infrastructure Levy.
38. The New Homes Bonus is designed to create an effective fiscal incentive to encourage local authorities to facilitate housing growth. It will ensure the economic benefits of growth are more visible within the local area, by matching the council tax raised on increases in effective stock.
39. The Bonus will sit alongside the existing planning system and provides local authorities with monies equal to the national average for the council tax band on each additional property and paid for the following six years as a non-ring fenced grant. In addition, to ensure that affordable homes are sufficiently prioritised within supply, there will be a simple and transparent enhancement of a flat rate £350 per annum for each additional affordable home.
40. Whilst the clause makes it clear that local finance matters are relevant to planning considerations and can be taken into account, it 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”. Under this system the proposal would provide a significant sum of money, however the planning merits of the proposal are acceptable in any event and Members are advised not to accord this any significant weight in the assessment of the development

CONCLUSION

41. The principle of the proposed development is acceptable in that it will provide for additional housing and employment creation opportunities on previously developed land in a sustainable location, and would not have any harmful effect on the vitality and viability of Stourbridge town centre. The development would make a positive contribution to the character of the area and would not have any adverse impact on the amenities of existing nearby residents or highway safety. The proposed development would therefore satisfy Policies HOU1, CEN7 and TRAN2 of the Core Strategy and Saved Policies DD1, DD4 and HE5 of the UDP.

RECOMMENDATION

42. It is recommended that the application be approved subject to the following conditions:

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 storage/training room hereby approved shall not be used between the hours of 18.00 and 08.00, and no vehicles used to deliver/pick up materials stored at the site shall visit the site between these times.
3. Prior to the commencement of development, details of the types, colours and textures of the materials to be used in the hard surfacing of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing with the local planning authority.
4. Prior to the commencement of development, details of the types, colours and textures of the materials to be used on the external surfaces of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
5. No development shall commence until details of the proposed boundary treatment of the site have been submitted to and approved in writing by the local planning authority. The development shall thereafter take place in accordance with the approved details.

6. Prior to the commencement of development, details of the landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before the end of the first planting season following initial occupation of the development.
7. 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. A plan showing the location and identification (with reference to a survey schedule if necessary) of all trees on, or directly adjacent to the development site, that are to be retained during construction. These trees are to be marked with a continuous outline.
 - b. A plan showing the location and identification (with reference to a survey schedule if necessary) of all the trees on, or directly adjacent to the development site that are to be removed prior to, or during development. These trees are to be marked with a dashed outline.
 - c. A plan showing the extent of the Root Protection Area, which is to be protected by physical barriers during development. The extent of the area that is to be protected is to be calculated in accordance with Clause 5.2 of British Standard BS: 5837 – 2005 ‘Trees in Relation to Construction – Recommendations’.
 - d. 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’.
8. 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.
9. 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 the 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.
10. Prior to the commencement of development, a plan detailing the type and location of bat roost provision on the site shall be submitted to and approved in writing by the local planning authority. Prior to the occupation of the development hereby

approved, the agreed provision will be installed on site and thereafter maintained available for use for the lifetime of the development.

11. The development hereby permitted shall be carried out in accordance with the following approved plans: Tree Survey Plan and drawing no.s WKWEST-03a, 04, 06, 07, 08, 09, 10, 11, 12, 13 rev b, 14, 15, 16, 17, 18, 19, 20, 21, 22, 32, 33 and 34.
12. No development shall commence until a plan showing the provision of electric vehicle charging points within the development has been submitted to an approved in writing by the local planning authority. The development shall thereafter take place in accordance with the approved details and the charging points retained for the lifetime of the development.
13. No development shall commence until details of the location and type of cycle parking provision within the development have been submitted to and approved in writing by the local planning authority. The development shall thereafter take place in accordance with the approved details, and the cycle parking shall be retained for the lifetime of the development.



SITE PLAN 1-500

Carparking Standards

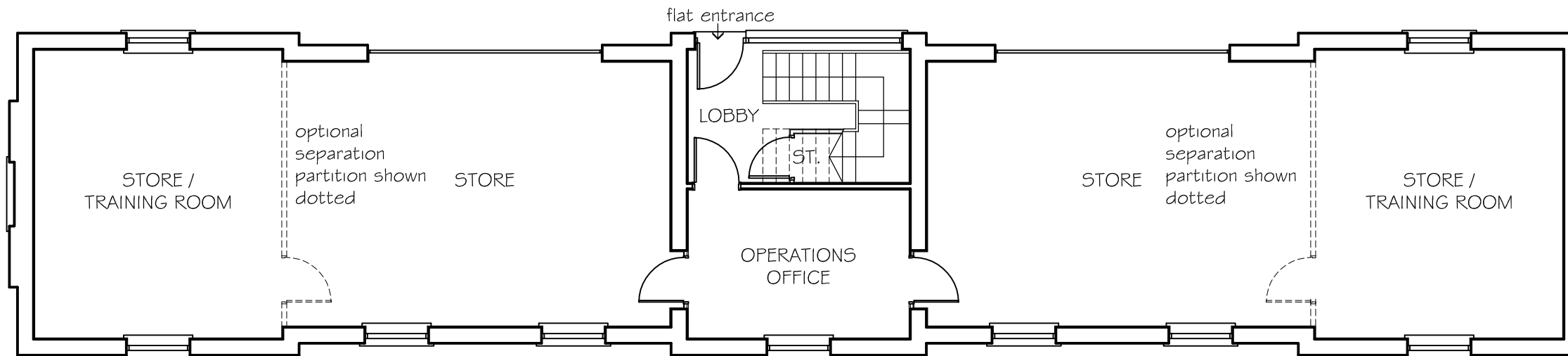
- Block A = 50 no. parking spaces including visitors for Kendrick Construction Group
- Block B = 2 no. parking spaces for apartments
- Block C = 6 no. parking spaces + 4 no. visitor spaces allocated for new apartments
- 3 no. spaces for existing apartments in Westhill Lodge Plots 6, 7 & 8



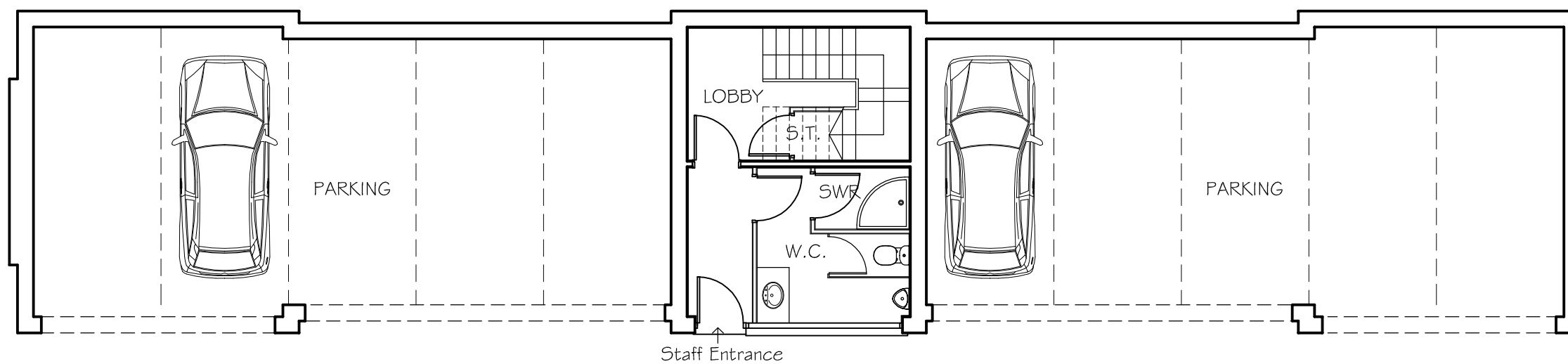
LOCATION PLAN 1-1250

Block identification

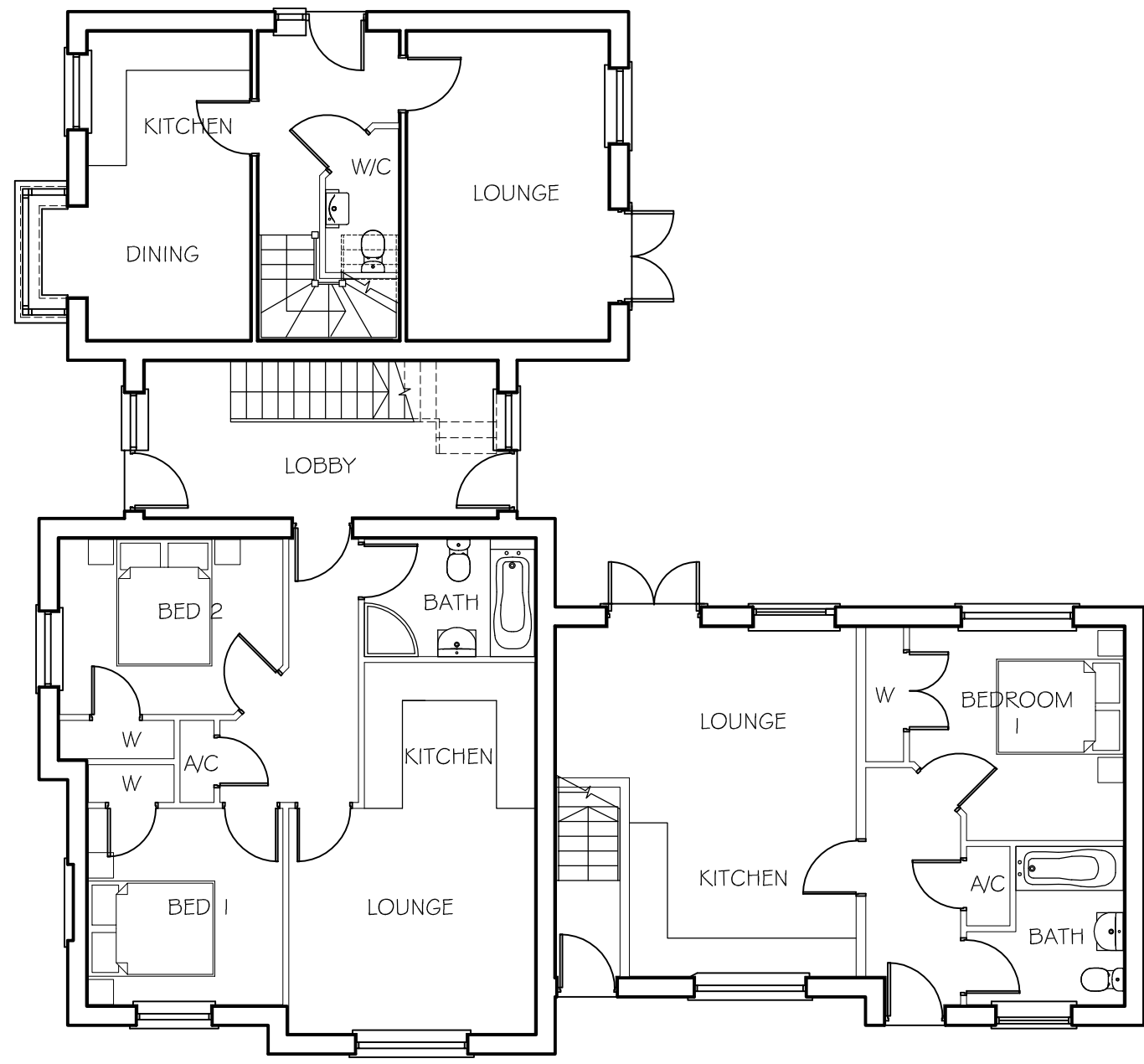
- A** Block A : Kendrick Construction Group Head Office - Employment use
- B** Block B : Kendrick Construction Ancillary Store & Training Development + 2no. apartments; Employment Use
- C** Block C : 5 no. residential apartments and 1 no. bungalow with communal rear gardens



FIRST FLOOR PLAN



GROUND FLOOR PLAN



GROUND FLOOR PLAN

Job: WEST HILL CLINIC REDEVELOPMENT

Title: RESIDENTIAL APARTMENT BLOCK - GROUND FLOOR PLAN

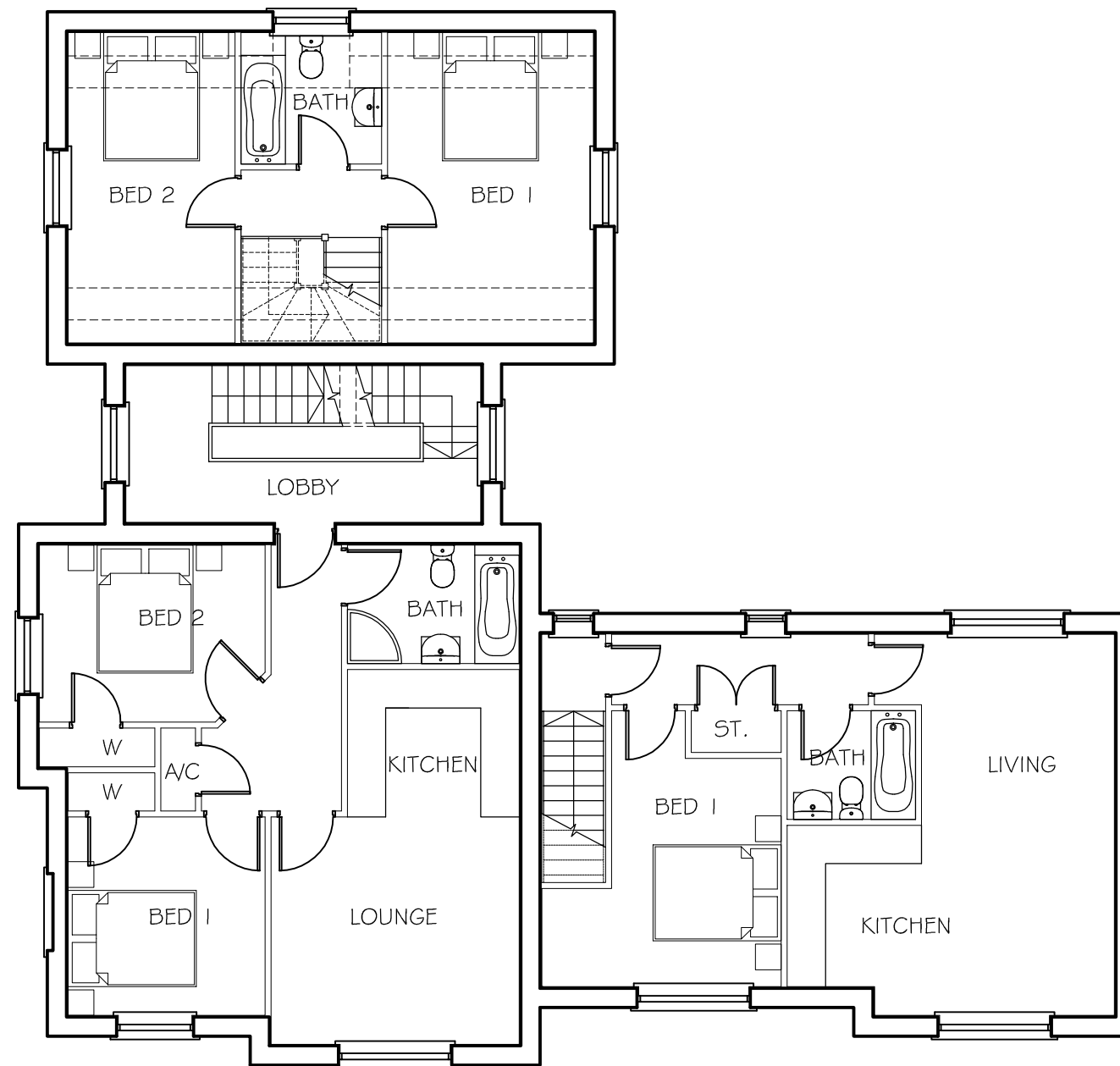
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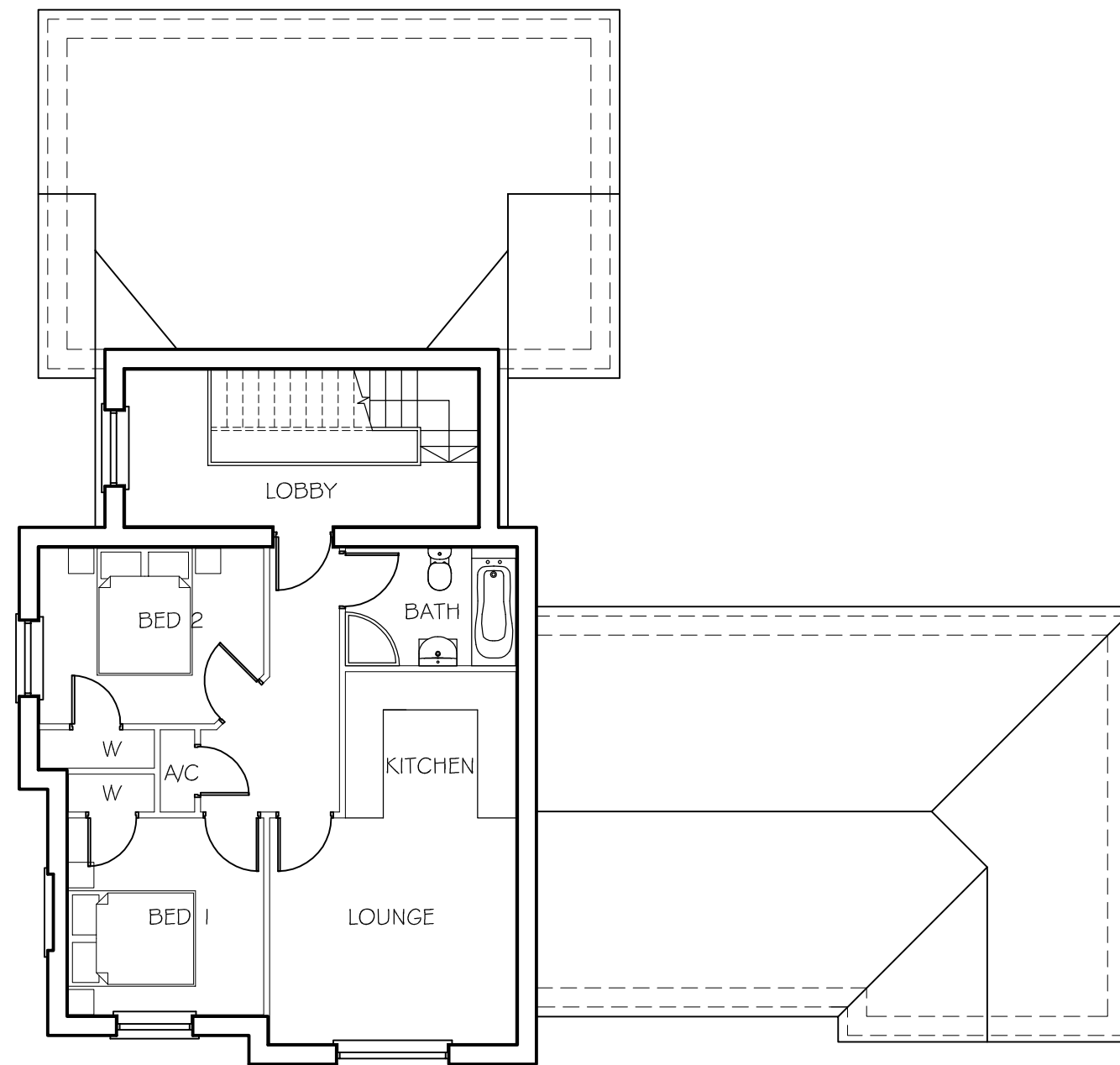
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Revision: A





FIRST FLOOR PLAN



SECOND FLOOR PLAN



SIDE ELEVATION 01

Job: WEST HILL CLINIC REDEVELOPMENT

Title: RESIDENTIAL APARTMENT BLOCK - SIDE ELEVATION 01

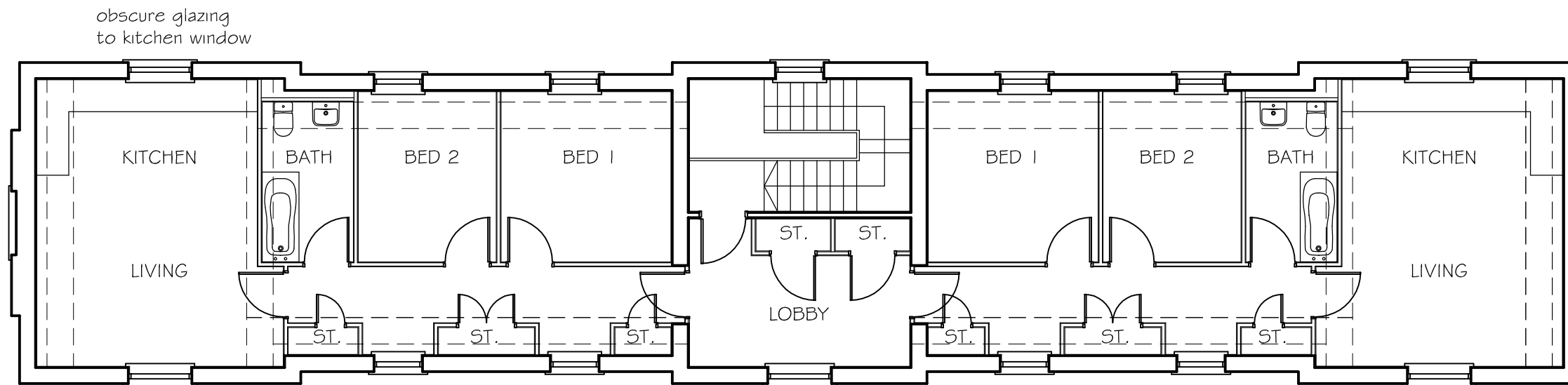
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Revision: A





SECOND FLOOR PLAN

Job: WEST HILL CLINIC REDEVELOPMENT

Title: KENDRICK ANCILLARY STORES & TRAINING DEVELOPMENT BLOCK - SECOND FLOOR PLANS (APARTMENTS)

Date: FEB '12

Scale: 1 : 100

Drawing No: WKWEST-13

Revision: B





Rear Elevation

Job: WEST HILL CLINIC REDEVELOPMENT

Title: KENDRICK CONSTRUCTION GROUP HEAD OFFICE - REAR ELEVATION

Date: FEB '12

Scale: 1:100

Drawing No: WKWEST-11

Revision: -



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Side Elevation 01

Side Elevation 02

Job: WEST HILL CLINIC REDEVELOPMENT

Title: KENDRICK CONSTRUCTION GROUP HEAD OFFICE - SIDE ELEVATIONS

Date: FEB '12

Scale: 1:100

Drawing No: WKWEST-10

Revisions: -





Front Elevation

Job: WEST HILL CLINIC REDEVELOPMENT

Title: KENDRICK CONSTRUCTION GROUP HEAD OFFICE - FRONT ELEVATION

Date: FEB '12

Scale: 1:100

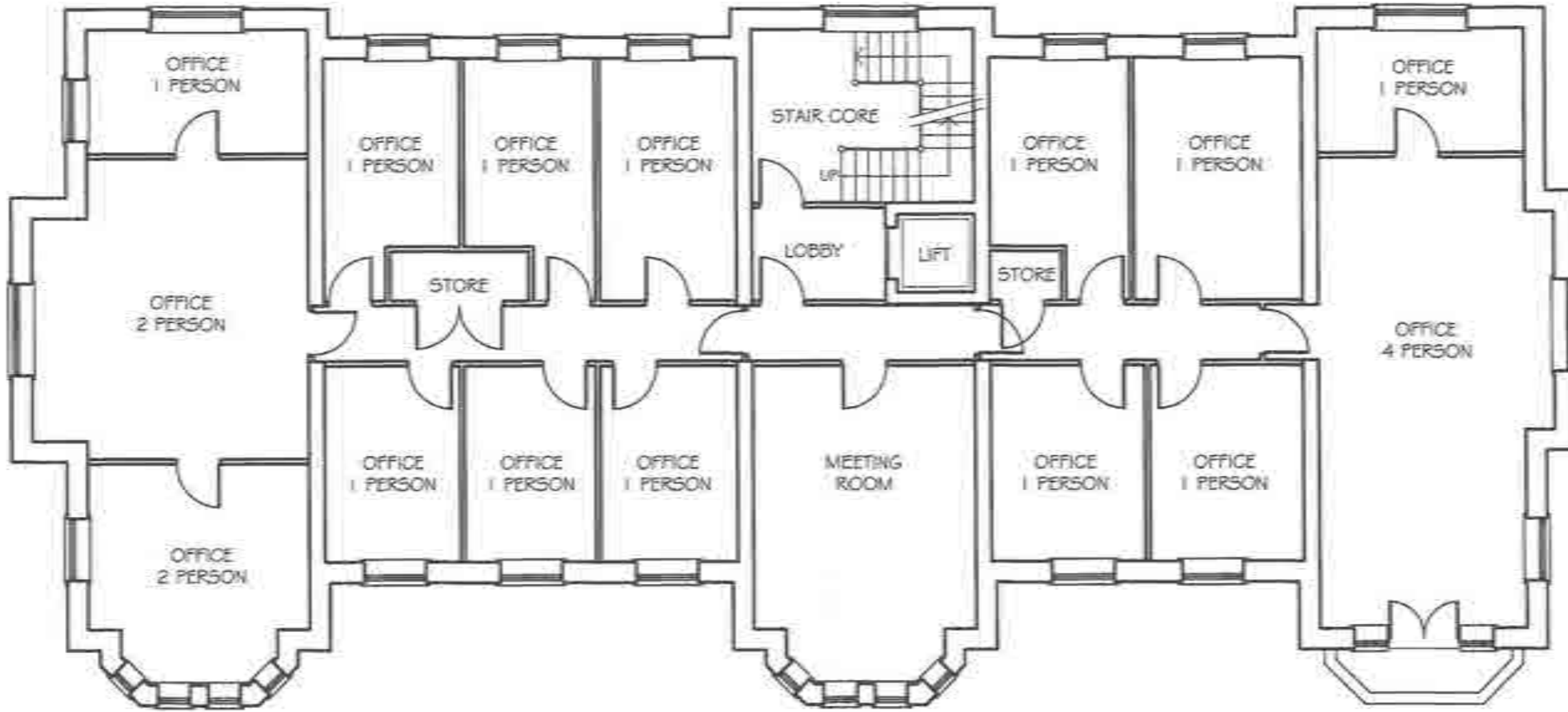
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Revision: -

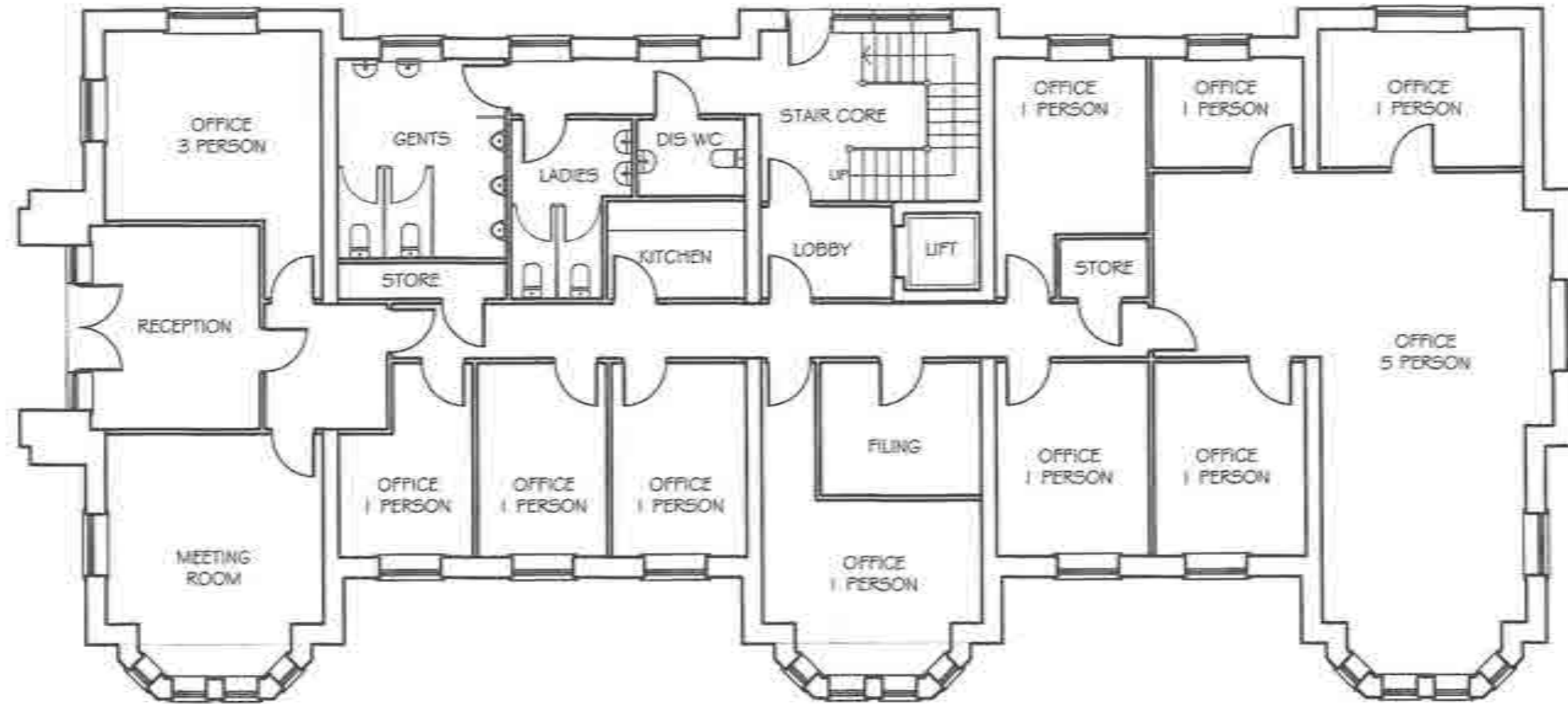




Second Floor Plan



First Floor Plan



Ground Floor Plan

Job: WEST HILL CLINIC REDEVELOPMENT

Title: KENDRICK CONSTRUCTION GROUP HEAD OFFICE - GROUND FLOOR PLAN

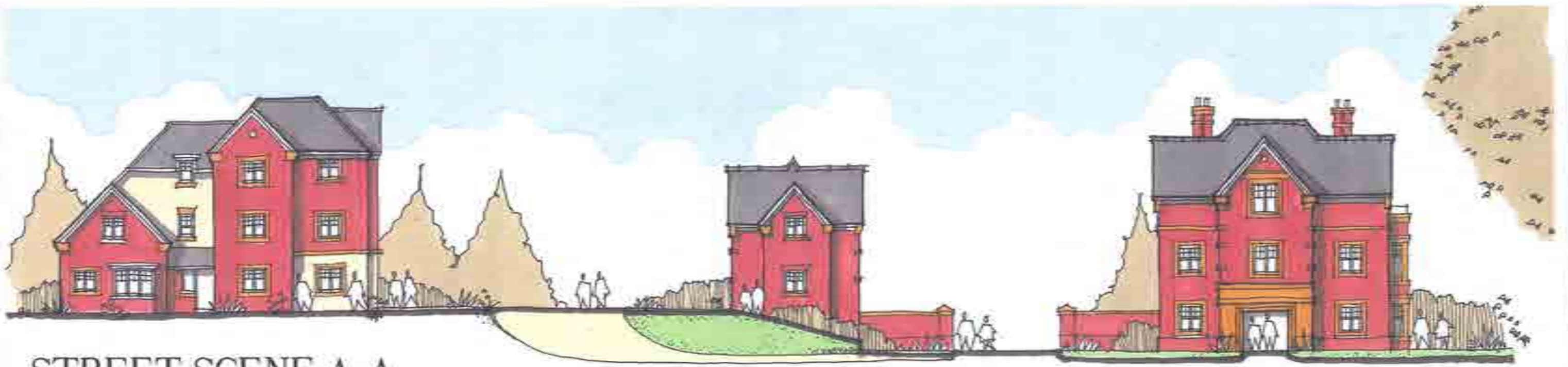
Date: FEB '12

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Drawing No: WKWEST-06

Revision: -





STREET SCENE A-A



STREET SCENE B-B

Job: WEST HILL CLINIC REDEVELOPMENT

Title: PROPOSED STREET SCENES A-A & B-B

Date: FEB '12

Scale: 1:200

Drawing No: WKWEST-04

Revision: -



