

PLANNING APPLICATION NUMBER:P07/2020/E1

Type of approval sought	Full Planning Permission
Ward	Amblecote
Applicant	Euron Ltd
Location:	112, HIGH STREET, AMBLECOTE, STOURBRIDGE, DY8 4HG
Proposal	EXTENSION OF TIME OF PREVIOUSLY APPROVED APPLICATION FOR ERECTION OF 1 NO. BLOCK OF 24 ONE AND TWO BEDROOM APARTMENTS.
Recommendation Summary:	REFUSE

SITE AND SURROUNDINGS

1. This 0.2 hectare site formerly accommodated a substantial three-storey house and associated outbuildings set within extensive grounds. The house was vacant for a number of years prior to its demolition – the site has now been cleared of all of buildings.
2. The site lies on a main arterial route. The surrounding area is typified by a wide variety of house types, and the wider area includes a variety of uses. Immediately adjacent the site to the south is a pair of semi-detached 3 storey Victorian villas, followed by a terrace of identical properties. Beyond these further to the south is a terrace of four small modern houses. To the north of the site is a small detached house with a blank gable wall which forms part of the boundary, whilst to the west (rear) of the site are bungalows on Hollybush Lane. On the opposite side of the High Street is the Corbett Hospital complex, including nurses accommodation (in a large detached dwelling) and a day nursery, and large detached houses set back from the highway. All of these buildings are at an elevated level above the High Street, whilst the application site and adjacent buildings are at highway level.

PROPOSAL

3. Planning application P07/2020 was submitted in October 2007 for a 2 and 3 storey apartment block at the site, providing 24no. apartments (16 no. 2-bed and 8no. 1-bed) at a density of 120 dwellings per hectare. The application was refused in May 2008 for the reasons set out in the History section below. A subsequent appeal was allowed in January 2009. The approved development has not been implemented and this application is for an extension of time for the implementation of that permission.
4. Since the submission of the application an appeal has been submitted against the failure of the Local Planning Authority to give notice of its decision on the application within the prescribed 13 week period. The purpose of this report is to advise Members of the recommendation that Officers would have made had that appeal not been lodged and to seek approval to defend the appeal in accordance with that recommendation.

HISTORY

5.

APPLICATION	PROPOSAL	DECISION	DATE
P05/2373/E1	Demolition of Existing Buildings and Erection of 5no. Detached Houses and Garages (Extension of Time of Previously Approved Application)	Approved Subject to Conditions	12/11
P07/2020	Erection of 1no. Block of 24 One and Two Bedroom Apartments	Refused	05/08

6. Application P05/2373 for the erection of five houses at the site was originally allowed on appeal in 2006. An extension of time application was given permission in December 2011.
7. Application P07/2020 was refused for the following reasons:

1. The proposed development, by reason of its scale, design and massing, would have a detrimental impact on the character of the area and an adverse impact on the amenities of neighbouring properties on High Street and Hollybush Lane by reason of loss of privacy, outlook and noise disturbance. The proposal is therefore contrary to Policies DD1 and DD4 of the UDP.

8. A subsequent appeal was allowed, the Inspector being of the opinion that the proposal would not unacceptably harm the character of the area or the living conditions of occupiers of surrounding properties.

PUBLIC CONSULTATION

9. Two ward councillors have objected to this extension of time application on the following grounds:

- The proposed buildings would be out of character with the area;
- The development will exacerbate existing traffic congestion problems along the High Street;
- The building would have an overbearing impact on the bungalows at the rear of the site on Hollybush Lane;
- The site is located on a sharp bend, leading to difficulties attempting to access and egress onto the High Street;
- Noise disturbance at nearby properties and loss of light and privacy.

10. Notification letters were sent to 35 neighbouring properties. One letter of objection has been received from the occupant of a property on High Street, raising the following concerns:

- loss of privacy at neighbouring properties;
- the development is not in keeping with the character of the area;
- additional volume of traffic on the High Street;
- the proposed access point to the site is in a location which would be hazardous to highway safety;
- overprovision of flatted developments along the High Street;

- removal of vegetation from the site has resulted in a loss of bat foraging habitat;
- lack of provision of amenity space, parking spaces, bike and bin storage areas and drying facilities.

OTHER CONSULTATION

11. Head of Environmental Health and Trading Standards: no objection subject to the imposition of a condition relating to noise protection to the dwellings from road traffic noise.
12. Group Engineer (Development):
 - a pedestrian refuge on the High Street should be provided by the developer to ensure that adequate visibility splays can be provided from the site access;
 - the proposed bellmouth junction onto High Street is excessively wide and should be replaced by a footway crossing;
 - the development should provide 45 car parking spaces and 23 cycle parking spaces, in accordance with the Parking Standards SPD.

RELEVANT PLANNING POLICY

13. National Policy
PPS3: Housing

The Draft NPPF was published for consultation on 25th July 2011. It is a consultation document and therefore subject to potential amendment. However the Planning Inspectorate have issued guidance which makes it clear that the NPPF is capable of being a material consideration and therefore regard has to be had for the document. However, given the early stage of development that the document is in, the weight to be given to it will be a matter for the decision maker in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.

Black Country Core Strategy

Policy DEL1 (Infrastructure Provision);

Policy HOU2 (Housing Density, Type and Accessibility);

Policy HOU3 (Delivering Affordable Housing);

Saved 2005 UDP Policies

Policy DD1 (Urban Design);

Policy DD4 (Development in Residential Areas);

Supplementary Planning Documents

Parking Standards SPD;

Planning Obligations SPD;

Glass Quarter SPD

ASSESSMENT

14. Planning permission was granted for this development in 2009 and this application is purely for an extension of time for the implementation of that permission. There are no proposed changes between this scheme and the one previously approved. However it is necessary to assess the application against any changes in policy that have occurred since that application was approved. The main change in policy relates to the adoption of the Black Country Joint Core Strategy.
15. Policy HOU2 of the Joint Core Strategy advises that the density and type of new housing on sites will be informed by the level of accessibility by sustainable transport to residential services. All developments should aim to achieve a minimum density of 35 dwellings per hectare and that higher density developments (above 60 dph) should generally be located in the areas with best access to public transport and services, such as strategic centres and town centres. In this case the development has a density of 120 dwellings per hectare, which would not normally be acceptable in a location which is defined in the New Housing Development SPD as being 'edge of centre'.

16. In assessing the appeal against the refusal of application P07/2020 the Inspector considered that the development would not be contrary to Policies DD1 and DD4 of the UDP. Policy DD4 requires that new developments should not have any adverse effect on the character of the area, whilst Policy DD1 requires that developments should make a positive contribution to the existing character. These Policies remain relevant to the assessment of this application, and given that there is no change to the form of development proposed it remains the case that the development would not be detrimental to the character of the area, notwithstanding its relatively high density in terms of Policy HOU2 of the Core Strategy.
17. In his consideration of the original appeal, the Inspector was also of the opinion that the proposal would not have any unacceptably harmful effect on the living conditions of the occupiers of surrounding residential properties by reason of any unacceptable loss of privacy and outlook and noise disturbance. The proposal would therefore comply with Policy DD4 of the UDP which requires that new developments should not have any adverse effect on residential amenity.
18. With regard to the comments of the Group Engineer (Development) a pedestrian refuge on the High Street to the front of the site can be requested by condition. Similarly the required changes to the site access width can be also be sought by condition. The development provides 32 parking spaces, which is considered to be an appropriate amount given that the site is in a relatively sustainable location and is well served by public transport.
19. 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.

20. In addition to applying Policy DEL1 and the SPD, in identifying the required planning obligations on this application the following three tests as set out in the CIL Regulations (April 2010), 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.

21. Consideration has been given to the above tests and the relevant service areas have been consulted for information on whether there is an existing deficiency in infrastructure provision, whether any mitigation is required as a direct result of the proposed development, and how the monies to be sought for each of the obligations would be spent.

22. As a result the following contributions are required:

• Public Realm	£11,484.48
• Affordable Housing	6 dwellings
• Monitoring Charge	£1000
• <u>Total Monies</u>	£ 12,484.48

23. The Planning Obligations SPD requires the provision of public art for developments of 10 dwellings or more. Should permission be granted a suitable condition can be imposed to ensure that art feature(s) are incorporated into the development.

24. In respect of the request for planning obligations, the applicant has produced two financial appraisals. The first shows that with the provision of the requested contributions the development would result in a loss of approximately £500,000. The other shows that the development would have a net deficit of approximately £250,000 if no contributions were to be sought at all.

25. In the applicant's opinion the appraisal demonstrates that the scheme is unviable with the provision of the required obligations and that even without the contributions the scheme is unviable, albeit by a lesser margin. The applicant is however prepared to provide the required public realm contribution and to offer three of the proposed units as affordable housing instead of the six requested (Policy HOU3 of the Core Strategy requires that in developments of 15 units or more at least 25% are 'affordable'). The applicant has advised that this application has been made to keep the existing permission alive so that when the property market eventually recovers the developers will be in a position to implement the approved scheme.
26. The information submitted in respect of viability has been assessed by the Council's Principal Property Surveyor. The Surveyor had advised that the development would make a sufficient level of profit to allow for the provision of affordable housing and the required public realm contribution.
27. The Planning Obligations SPD recognises that exceptional circumstances may arise on some sites which result in genuine financial viability concerns. The Council's objective in viability negotiations is to secure the maximum value of planning obligations in order to deliver the required amount of supporting infrastructure, whilst working with developers to enable developments to come forward. Viability considerations are however only one factor to be taken into account when determining planning applications; a range of other factors also have to be taken into account including the need for sustainable development within the Borough and the delivery of necessary supporting infrastructure. For this reason the Council is under no obligation to agree reduced contributions.
28. In this case there is an identified demand for affordable housing in the Amblecote ward, as well as clearly defined public realm improvements schemes for the ward which are set out in supplementary planning guidance. On the basis of the advice received from the Surveyor there is scope for the applicant to provide the required planning obligations without any undue impact on the viability of the proposed development. Even if the financial appraisal produced by the applicant was not disputed and obligations were not sought, the development would be unlikely to come forward in any case given that it would result in such a significant loss. The

viability of the scheme would not be affected to such an extent by the obligations that it would prevent the development from taking place.

29. In view of the above it is not considered that there should be any reduction in the amount of affordable housing to be sought, and therefore the applicant's failure to provide six affordable housing units would be contrary to relevant Core Strategy and SPD policy and advice.

CONCLUSION

30. The applicant has failed to demonstrate that the financial viability of the proposed development would be so materially harmed by the provision of affordable housing in accordance with Core Strategy policy to the extent that the development could not come forward. The Local Planning Authority is therefore not satisfied that the necessary infrastructure improvements required in connection with the development would be provided. As such the proposal is contrary to Policies DEL1 and HOU3 of the Joint Core Strategy and the adopted Planning Obligations Supplementary Planning Document.

RECOMMENDATION

31. It is recommended that the appeal be defended on the grounds that the application would have been refused for the following reason:

Conditions and/or reasons:

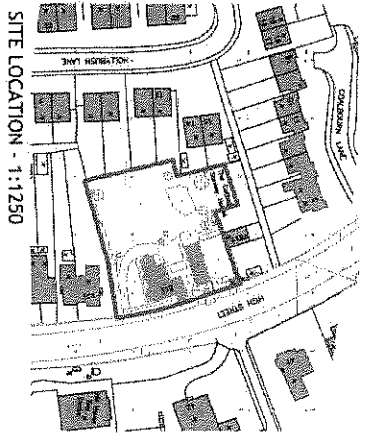
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REGISTRY DATA WHOSE AVAILABILITY AND INTERPRETATION AS PROBABILITIES ON SITE WHERE POSSIBLE, THEY ARE NOT INTENDED TO REPRESENT DEFINITIVE SITE EXTENTS OR LOCAL OWNERSHIP.

APPROXIMATION SCHEDULE

1No. 1 BED APARTMENTS AT 415 SQ FT
2No. 1 BED APARTMENTS AT 630 SQ FT
1No. 2 BED APARTMENT AT 610 SQ FT
3No. 2 BED APARTMENTS AT 635 SQ FT
1No. 2 BED APARTMENTS AT 670 SQ FT
2No. 2 BED APARTMENTS AT 690 SQ FT
2No. 2 BED APARTMENTS AT 700 SQ FT
2No. 2 BED APARTMENTS AT 14715 SQ FT



Client: Euron Developments Ltd
 Date: 05/10/17
 Project: Residential Development
 High Street
 Ambleside
 Dudley

Project: Residential Development
 High Street
 Ambleside
 Dudley

Drawing Title: SITE LAYOUT AND LOCATION PLAN

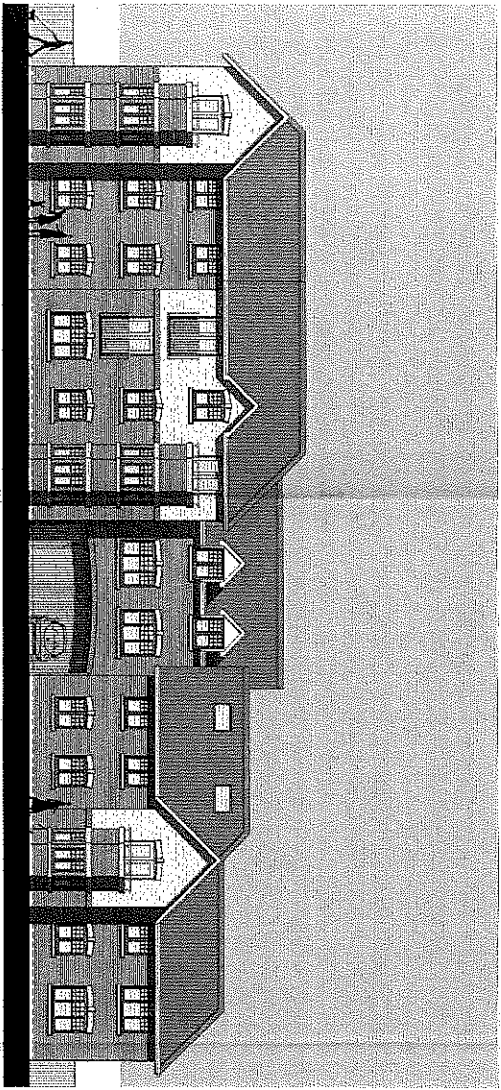
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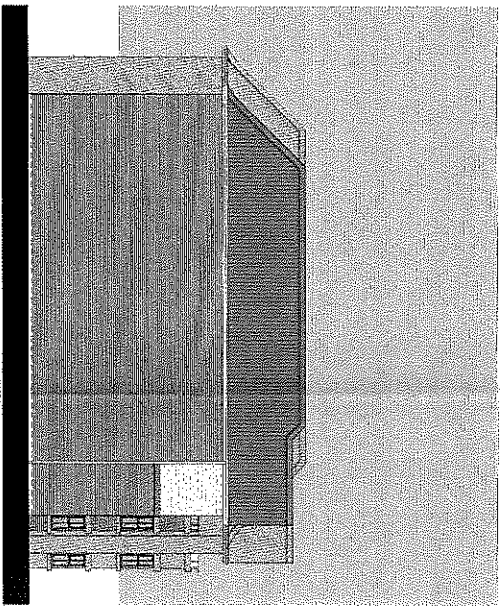
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 Job No: 7057

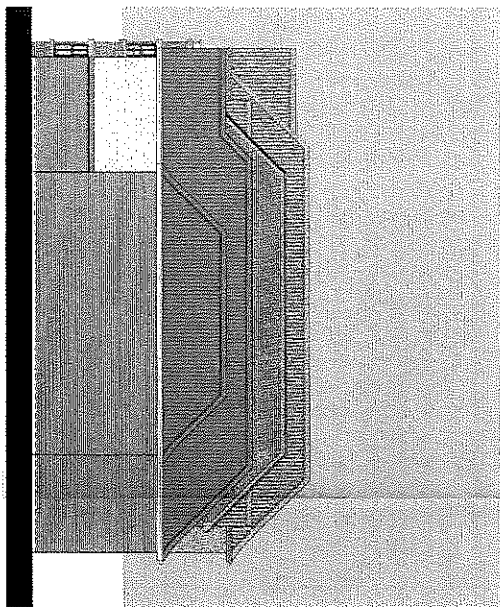
APPROVED 19 OCT 2017
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FRONT ELEVATION



SIDE ELEVATION



SIDE ELEVATION



CAR PARK ELEVATION

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PLANNING DRAWING

PROJECT: THE DEVELOPMENT OF A RESIDENTIAL AND COMMERCIAL DEVELOPMENT AT HIGH STREET, AMBLESCOTE, DUDLEY

DATE: 19 OCT 2001

SCALE: 1:100

DATE: 05/07/01

BY: LA

CHECKED BY: LA

PROJECT NO: 2087

2087

webbgray

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