

PLANNING APPLICATION NUMBER:P04/1089

Type of approval sought	Full Planning Permission
Ward	St. James's
Applicant	Woodlands Investments (UK) Ltd
Location:	4, ST. JAMES'S ROAD, DUDLEY, WEST MIDLANDS, DY1 3JL
Proposal	CREATION OF 13 ONE AND TWO-BED APARTMENTS WITH ASSOCIATED PARKING (BY CONVERTING AND EXTENDING EXISTING BUILDING AND ERECTING A DETACHED BLOCK AT THE REAR.
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The site is located on the north side of St James's Road and it is located within the Dudley Town Centre Conservation Area. It is bounded on its west side by No.6 St James's Road (currently used as Council Offices for Social Services), on its east side by No.4a St James's Road (a residential dwelling) and on its north side by Castle High School playing fields (designated as Linear Open Space in the adopted UDP).
2. The entrance to the site for both vehicles and pedestrians comes off St James's Road and traffic is fed to the parking areas located at the side and rear of the existing building. The site drops from St James's Road towards the school playing fields, such that the parking to the rear is at basement floor level relative to the ground floor entrance on the frontage.
3. Located within the site is No.4 St James's Road (also known as Tixall House) which is a very attractive large detached three-storey building, late Victorian in date (it first appears on the First Edition Ordnance Survey Map c.1882). No.4 St James's Road was originally built as a dwelling house until its conversion into offices in 1949. It has been used as offices until 2004, and since that time has laid empty.

4. The Conservation Area Character Appraisal for Dudley Town Centre (adopted as Supplementary Planning Guidance) refers to the area in which the application site is located, as the '*Residential Quarter*' and describes the area as being characterized by detached, or semi-detached, Victorian/Edwardian villas set in large gardens with small garden walls and mature trees. The streetscene is characterised by avenues of mature trees along the pavement which give a verdant and soft feel to the area.

PROPOSAL

5. This application is proposing to change the use of the existing building (No.4 St James's Road) from office to residential by converting the existing building into 4 one-bed apartments and 1 two-bed apartment and to erect a two-storey extension on the rear of the building in order to create an additional 2 two-bed apartments. It also proposes to erect a detached three-storey block at the northern end of the site in order to provide 6 two-bed apartments. The scheme therefore proposes in total 13 apartments (9 two-bed and 4 one-bed) and it proposes to provide a total of 17 car parking spaces. The scheme proposes to continue using the existing pedestrian and vehicular arrangements (but with some enhancements).
6. In order for the development to occur as shown on the plans, 6 trees to the rear of the site would need to be removed.
7. This application has been the subject of a number of amendments in order to address various concerns raised by consultees and the public.

HISTORY

8.

APPLICATION No.	PROPOSAL	DECISION	DATE
DY/48/249	Conversion of House into Social Club with living Accommodation	Granted	16/12/48
DY/49/163	Use of building as offices	Granted	16/06/49
DY/49/226	Conversion into offices and flats	Granted	19/08/49
DY/72/9772	Erection of Office Block	Withdrawn	11/04/72
CC/77/328	Change of use of flat to office	Granted	21/03/77
CC/77/2210	Change of use to car park	Withdrawn	03/11/77
85/50297	Erection of prefabricated timber building for use as offices	Granted	04/04/85
96/51673	Change of use of two-storey office building to a single detached dwelling	Granted	31/12/96
98/51229	Formation of new vehicular access to classified road to serve Tixall House	Granted	06/10/98

PUBLIC CONSULTATION

9. The application originally proposed to demolish the existing building (No.4 St James's Road) and to erect 19 apartments with associated parking. This attracted a number of objections from local residents including:-
- It would result in the demolition of a significant building of architectural quality and historic significance.
 - The replacement building proposed will be too over-dominating and inappropriate in its design and in the context of the streetscene
 - There would be an increase in traffic and congestion.
 - The proposed development would have a detrimental impact on the living conditions of the adjacent property No. 4a in terms of privacy, over-looking and standard separation distances.
10. The objection to the scheme on the grounds that the proposed development would have a detrimental impact on the living conditions of the adjacent property No. 4a was subsequently withdrawn by the occupier of that property. In addition a number of amendments were made to the proposed scheme in an attempt to address the above objections.
11. All those who have made representations have been notified of the amendments to the layout proposed, and any further representations received will be reported on the pre-committee notes.

OTHER CONSULTATION

12. **Traffic, Road Safety and Engineering:** The 13 residential development provides 17 car parking spaces, this parking provision exceeds the maximum number required however this is considered acceptable. The principle of the revised access arrangements with the provision of rumble strips, raised area and a footway are

accepted. Concerns were raised over a number of issues, and amendments sought. These have been addressed by the additional information submitted, and therefore there are no objections subject to conditions.

13. **Environmental Protection:** No objection subject to conditions.
14. **Severn Trent Water:** No objection subject to condition regarding drainage.
15. **Fire Officer:** Due to limited Fire Service vehicle access to the block located at the rear of the site, concern was raised over the proposal to erect a 4-storey block and a request was made that the building be reduced to 3-storey. This issue was addressed and there are therefore no objections subject to the condition that the sprinklers be designed and installed in accordance with British Standard BS 9251.
16. **Victorian Society:** No response
17. **Council for British Archaeology:** No response
18. **Ancient Monuments Society:** No response
19. **Historic Environment:** There are no objections subject to conditions. The amended scheme is welcomed because it proposes to retain the existing historic building (which in the previous scheme was proposed for demolition).
20. **Tree Protection Officer:** Whilst there is no concern over the loss of the proposed 6 trees (as they have minimal amenity value), concern was raised that not enough information had been supplied regarding the trees proposed for retention and how they might be affected by the proposed construction of the car park and rear 3-storey block. Further information was therefore requested from the applicant to provide sufficient evidence that the trees can be retained in conjunction with the proposed development. This information was supplied and amendments made accordingly and as such there are no objections subject to conditions.

RELEVANT PLANNING POLICY

21. The development plan for Dudley MBC includes the RSS and the 2005 adopted UDP.
22. The site falls within a designated Conservation Area and within Development Block 17 – Dudley of the adopted UDP. The site falls just outside of the remit of the Area Development Framework for Dudley Town Centre (adopted as SPG) although it is relevant.

Strategic UDP Policies:

- S1 Social Inclusion, equal opportunities and social well-being
- S2 Creating a more sustainable borough
- S3 Green assets
- S4 Heritage assets
- S5 Local distinctiveness
- S9 Economic vitality
- S10 Quality design
- S14 Community development
- S16 Access and movement

Detailed UDP Policies:

- DD1 Urban design
- DD4 Development in residential areas
- AM1 An integrated, safe, sustainable and accessible transport strategy
- AM11 Cycling
- AM12 Pedestrians
- AM14 Parking
- AM15 Personal mobility
- AM16 Travel plans
- NC9 Mature trees
- HE1 Local character and distinctiveness
- HE4 Conservation areas

SO2 Linear open space
EP1 Incompatible land uses
EP10 Renewable energy

ASSESSMENT

23. The key issues in respect to this application are as follows:-

24. **Principle of development**

In consideration of this planning application, the starting point is the development plan for the Borough. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that any determination must be made in accordance with the plan unless material considerations indicate otherwise. This means that the elements of the scheme must be balanced and given weight in the overall scheme, noting the legislative context provides a presumption in favour of development.

25. The principle of the site being used for residential development is acceptable, subject to the details of the proposal meeting the relevant detailed policy criteria.

26. **Impact upon the Character and appearance of the Dudley Town Centre Conservation Area**

Tixall House (or 4 St James's Road) is a large Victorian detached three-storey building which provides a very positive contribution to the streetscene and to the character and appearance of the Dudley Town Centre Conservation Area. This application is proposing to retain the existing building and convert it into 4 one-bed apartments and 1 two-bed apartment and to erect a two-storey extension on the rear of the building in order to create an additional 2 two-bed apartments. The applicants have therefore addressed one of the major objections to the previous scheme which proposed the total demolition of the existing building.

27. Layout and design

The proposed development would retain the existing building (No.4 St James's Road) and convert it into 5 apartments and to erect (on the footprint of a previously demolished extension) a two-storey rear extension in order to create an additional 2 apartments. The scheme also involves the creation of one new building on the site, a detached 3-storey block located at the northern end of the site (in order to provide 6 apartments). The site drops from St James's Road towards the school playing fields, such that the ground floor level of the proposed 3-storey block is at basement floor level relative to the ground floor entrance on the frontage. Furthermore, the ridge height of the proposed 3-storey block is to be over 2m lower than the ridge height of the existing 3-storey building (4 St James's Road). So although the block proposed is 3-storey, it would not be too dominant in terms of its impact on the Dudley Town Centre Conservation Area. Standing within the site boundary are a number of mature trees which should help to soften its impact. In terms of the design and materials of the 3-storey block, there is no objection to the contemporary proposal being put forward.

28. **Highways and access**

The scheme proposes to continue using the existing pedestrian and vehicular arrangements (but with some enhancements). The development provides 17 car parking spaces, which exceeds the maximum number required against the Council's standard but is appropriate for the location. There is limited Fire Service vehicle access to the block located at the rear of the site resulting in the need for sprinklers being designed and installed in accordance with British Standard BS 9251.

29. **Residential amenities**

The principle of developing the site for residential purposes is considered acceptable given the mainly residential nature of the surrounding area and the fact that the existing building was erected originally for residential purposes. In the adopted UDP it states that the minimum distance between front and rear facing

windows to habitable rooms should be 31m. There is a distance of 31m between the **rear** of No.4 St James's Road and the **front** of the proposed 3-storey block. Located next door to No.4 St James's Road is the two-storey flat roofed dwelling No.4a. The separation distance between the **rear** of No.4a to the **front** of the proposed 3-storey block is 22m and, as such, could have an impact on the amenity of the residents of 4a although no objection has been received from the occupier. However, the proposed 3-storey block is not located directly to the rear of No.4a and is off-set in terms of its relationship.

30. **Trees and natural environment**

The loss of some trees is unfortunate, however none of those to be lost are of significance in the streetscene and have minimal amenity value. Appropriate replacement trees could be required as part of a landscape strategy for the site through the imposition of conditions.

31. **Density**

The proposal would result in development at a density of 86 dph, this is considered acceptable according to the guidance in draft PPS3.

CONCLUSION

32. The proposal complies with Government and Council Policies in raising densities and redeveloping existing sites in urban areas. It would cause minimal harm to surrounding amenities and will have a minimal impact on the character and appearance of the Conservation Area. The existing building No.4 St James's Road is to be retained and refurbished. The latest amended scheme is smaller than the originally submitted scheme with dwelling numbers reduced from 19 down to 13. The amended scheme has attempted to address the concerns raised by local residents.

RECOMMENDATION

33. The application is recommended for approval subject the following conditions.

34 **Reason for Approval**

The decision to grant planning permission has been taken with regard to the policies and proposals in the Dudley Unitary Development Plan and to all relevant material considerations including supplementary planning guidance.

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 use hereby permitted shall not begin until the area shown for car parking on the plan attached hereto has been graded, levelled, surfaced, drained and marked out, and that area shall not thereafter be used for any purpose other than the parking of vehicles.
3. 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.
4. All planting, seeding or turfing comprised in the details of landscaping approved in accordance with condition 3 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. The landscaped areas shall be retained in the form shown on the approved plan throughout the life of the development and shall not be used for any other purpose.
6. None of the existing trees or hedgerows on the site shall be lopped, felled or root pruned before the landscaping scheme to be submitted in accordance with condition 3 has been approved
7. No development shall take place until there has been submitted, 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 will 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. 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 Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such method statement shall include full detail of the following:
- Implementation, supervision and monitoring of the approved Tree Protection Plan.
 - Implementation, supervision and monitoring of the approved Treework Specification.
 - Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Plan.
 - Timing and phasing of arboricultural works in relation to the approved development.
9. 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.
10. 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. Reason: To maintain the visual and environmental quality of the site and surrounding area in accordance with policy NC10 of the Dudley MBC Unitary Development Plan 2005.

11. 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.
12. 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.
13. 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.
14. The flats hereby permitted shall not be occupied until a scheme for providing sound insulation between the dwellings has been submitted to and approved by the local planning authority and all works which form part of the approved scheme have been completed.
15. Development shall not begin until a scheme for protecting the proposed dwellings from noise from traffic in St. James's Road has been submitted to and approved by the local planning authority, and all works which form part of the scheme shall be completed before any of the permitted dwellings is occupied.
16. Before development begins a scheme for lighting the access road and car parking areas shall be submitted to and approved by the Local Planning Authority and no dwelling shall be occupied until the lighting scheme has been implemented in accordance with the approved details.
17. Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority showing details of the proposed means of enclosure/boundary treatment to be erected as part of the development. This shall include details of how the existing boundary wall fronting St James's

Road will be enhanced as part of the scheme. No dwelling shall be occupied until all such works have been implemented in accordance with the approved details.

18. This permission shall relate to the revised plan numbered SK-10-03-06_01', 'P004'.
19. The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with the details to be submitted to and approved by the local planning authority in writing.
20. 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.
 - 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.
 - Details of the type, texture and colour of the roofing tiles.
 - Details of the type, texture and colour of the hard landscaping materials.
 - Details of the bin store.

The external windows, doors and associated features installed in the buildings 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 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.

21. Sprinklers be designed and installed in accordance with British Standard BS 9251.