

PLANNING APPLICATION NUMBER:P10/0025

Type of approval sought	Full Planning Permission
Ward	Lye & Wollescote
Applicant	G I SYKES LTD
Location:	LAND ADJACENT TO 99 BROOK STREET, AND 6 PARK STREET, LYE, STOURBRIDGE, WEST MIDLANDS
Proposal	ERECTION OF 11 NO. DWELLINGS
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The site lies in a mixed residential and industrial/commercial area, to the south side of Brook Street and the north side of Park Street. The site is irregular-shaped and formerly accommodated an industrial unit, which has now been demolished and cleared.
2. Immediately adjacent the site to the west are industrial premises. There is also an industrial unit on the opposite side of Brook Street. To the east there is a row of traditional terraced properties, whilst along Park Street the type of housing is more mixed in character. Park Street rises steeply from west to east, the rise along Brook Street being more gradual. There is an existing 3 metre high retaining wall within the site to the rear of no.s 8 and 9 Park Street which effectively divides the site - the Park Street part of the site is at a higher level than the Brook Street part.

PROPOSAL

3. Permission is sought to erect 6no.houses (5no. 3-bed and 1no. 2-bed) along the site's Brook Street frontage and a two storey building with room in the roof space on the Park Street frontage to form 5no. 1-bed apartments.
4. The proposed houses are in terraced form, each having 10m long rear gardens and a rear 12- space parking courtyard. The apartment block has 6 parking spaces to the side accessed from Park Street and small amenity areas to the side and rear. An existing substation at the site, between the proposed apartment block and the side parking area, is to be retained.

HISTORY

5.

APPLICATION	PROPOSAL	DECISION	DATE
P04/0083	Outline: Residential Development	WITHDRAWN	MAY '09

6. The above application was withdrawn as issues relating to the mitigation of potential noise impacts from a nearby industrial unit remained unresolved.

PUBLIC CONSULTATION

7. No response received to neighbour consultation exercise.

OTHER CONSULTATION

8. Group Engineer (Development): No objection to the proposal, subject to conditions relating to a parking layout, cycle parking provision and the provision of suitable visibility splays.

9. Head of Environmental Health and Trading Standards: Detailed information is required to identify the existence or otherwise of contamination, its nature and the risks it might pose and whether these can be reduced to a satisfactory level for the proposed development.

Environmental Protection previously recommended refusal of application P04/0083 on the grounds of the potential for noise disturbance to occupiers of the proposed dwellings from nearby industrial uses. A major issue of concern related to noise emitting from an external extraction fan at a nearby industrial unit. The operation of this fan had prompted complaints from local residents. The BS4142 assessment carried out on behalf of the applicant also indicated that noise complaints from occupiers of the development site would be likely to occur.

The noise problem posed by the presence of the external extraction fan has now been resolved. An agreement between the applicant and the owners of the industrial unit in question has resulted in the purchase of a new extraction system that is now sited internally. The external fan has been decommissioned. A revised noise assessment carried out on behalf of the applicant, following decommissioning of the external fan, indicates that the residual noise is now unlikely to provoke complaint.

It appears that there are no restrictions on the hours of use of either of the industrial units adjacent the site and opposite on Brook Street. There is no evidence to indicate that the activities at these units are likely to cause disturbance in the area. This is confirmed by the historical lack of complaint from existing residents in the area about noise from their activities. There is no objection to the proposal therefore given current circumstances and also taking into account that the area in question is mixed residential and industrial use.

RELEVANT PLANNING POLICY

10. Adopted UDP

Policy S8 (Housing);
Policy DD1 (Urban Design);
Policy DD4 (Development in Residential Areas);
Policy DD6 (Access and Transport Infrastructure);
Policy DD7 (Planning Obligations);
Policy UR5 (Industrial Renewal Areas);
Policy UR9 (Contaminated Land);
Policy H3 (Housing Assessment Criteria);
Policy H6 (Housing Density)

Supplementary Planning Documents

Parking Standards SPD
Planning Obligations SPD

ASSESSMENT

11. Key Issues

- Principle of residential development;
- Design/layout;
- Impact on residential amenity;
- Highway safety;
- Planning Obligations.

Principle

12. The site falls within an Industrial Renewal Area (Policy UR5 of the UDP) and a Housing Renewal Area (Policy UR6). Even though Policy UR5 seeks to enable new investment and to boost vitality in areas with a significant concentration of industrial

use and employment, the applicant has satisfactorily demonstrated prior to the demolition of the buildings at the site that the option of refurbishment for continued industrial use would be financially unfeasible.

13. Redevelopment for housing on this site would accord with Policy S8 of the UDP which advises that priority for new housing developments will be given to the re-use of previously developed land in urban areas to help meet the Borough's housing needs, and with Policy H3 which encourages the reuse of vacant sites for housing purposes. Policy H3 also requires that developments should be in sustainable locations, close to public transport facilities, local services and employment opportunities - given that the site is within walking distance of Lye High Street it is considered that the development would meet this aim.
14. Policy UR9 of the UDP states that information must be submitted to determine the remediation required in relation to proposed land uses on contaminated land. This information has been received and was being assessed by Environmental Health Officers at the time of writing this report. An update on this matter will be provided in the pre-Committee note.

Design/Layout

15. The development has a density of approximately 75 dwellings per hectare. Policy H6 of the UDP advises that residential development will be encouraged to achieve the highest possible density, taking into account factors including the requirement to make full and efficient use of land and the local context. The surrounding area is characterised by high density housing and therefore in principle the form of development proposed is appropriate to the existing pattern of development in the area.
16. Policy DD1 of the UDP requires that all development proposals should make a positive contribution to the character of the area. The proposed houses would be of a form which matches the existing adjacent terraced properties along Brook Street

and are of an appropriate scale. The garden areas would be of sufficient size to meet the needs of the occupants of a 3-bedroom property.

17. The existing street scene along Park Street is more varied with a number of different house types, and whilst the buildings there are generally only two storey there is scope to accommodate a building of greater height such as the apartment block proposed. The block would fill an unsightly gap in the street scene and, along with the proposed side parking and amenity areas, would improve the appearance of this part of Park Street.

Residential Amenity

18. Policy DD4 of the UDP requires that residential development will be allowed where there would be no adverse effect upon residential amenity. The development on Brook Street would not breach the 45 degree code in respect of outlook from habitable room windows at the nearest property, no.99. There are side facing habitable room windows at no.9 Park Street, however as these are secondary windows only the effect on outlook resulting from the siting of the proposed apartment block would not be harmful to the occupants of that property.

Highway Safety

19. Policy DD4 states that residential development will be allowed where no detrimental effect upon highway safety would result , whilst Policy DD6 requires that all development should make adequate and safe provision for access and egress by vehicles and pedestrians. At the time of producing this report the applicant was in the process of producing amended plans to incorporate the revisions to the parking layout, access drive and visibility splays required by the Group Engineer. These plans will be presented to Members in the pre-Committee note along with the Group Engineer's comments on them.

Planning Obligations

20. Policy DD7 of the UDP requires applicants to enter into planning obligations in order to make appropriate provision for the infrastructure requirements of a development. In this case, in accordance with the provisions of Planning Obligations SPD, the following off-site contributions are to be sought:

- Open Space, Sport and Recreation Contribution - £19,577.28
- Library Contribution - £2219.04
- Public Realm Contribution - £5548.20
- Transport Infrastructure Improvements Contribution - £3500.64
- Nature Conservation - £717.50
- Management and Monitoring Charge - £1000

The total offsite financial contribution equates to £32,562.66. A contribution of 1% of the design and development costs is also required for public art, alternatively a public art feature can be incorporated within the development. At the time of producing this report the applicant had not yet agreed to provide the required contribution. An update on this matter will be provided in the pre-Committee note, including confirmation as to whether the public art will be provided on-site or as part of the financial contribution.

CONCLUSION

21. The principle of the use of the site for housing purposes is acceptable. The proposed development is of an appropriate form, layout and density, thereby making a positive contribution to the character of the area and having no adverse effect on residential amenity. In view of this, and subject to the satisfactory receipt of information relating to

access/parking issues, contamination and planning obligations, the proposal would comply with Policies S8, DD1, DD4, DD6, DD7, H3 and H6 of the UDP.

RECOMMENDATION

22. It is recommended that the application be approved, subject to the following conditions:
- a) The development not commencing until a scheme for the submission and approval of a planning obligation to guarantee contributions towards open space, sport and recreation improvements, library improvements, public realm improvements, transport infrastructure improvements, nature conservation improvements, public art and a management and monitoring charge totalling £32562.66 , has been submitted to and agreed in writing by the Local Planning Authority.
 - b) The Scheme shall include the method, timing and arrangements including a means to guarantee a financial payment, increased through index linking from the first April each subsequent year, in accordance with the Council's planning obligations policies.
 - c) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary

Reason For Approval

The use of the site for housing purposes is acceptable in principle. The proposed development is of an appropriate form, layout and density, thereby making a positive contribution to the character of the area and having no adverse effect on highway safety or residential amenity. The applicant has agreed to provide a contribution towards off-site infrastructure.

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

Policy S8 (Housing);

Policy DD1 (Urban Design);

Policy DD4 (Development in Residential Areas);

Policy DD6 (Access and Transport Infrastructure);

Policy DD7 (Planning Obligations);

Policy UR9 (Contaminated Land);

Policy H3 (Housing Assessment Criteria);

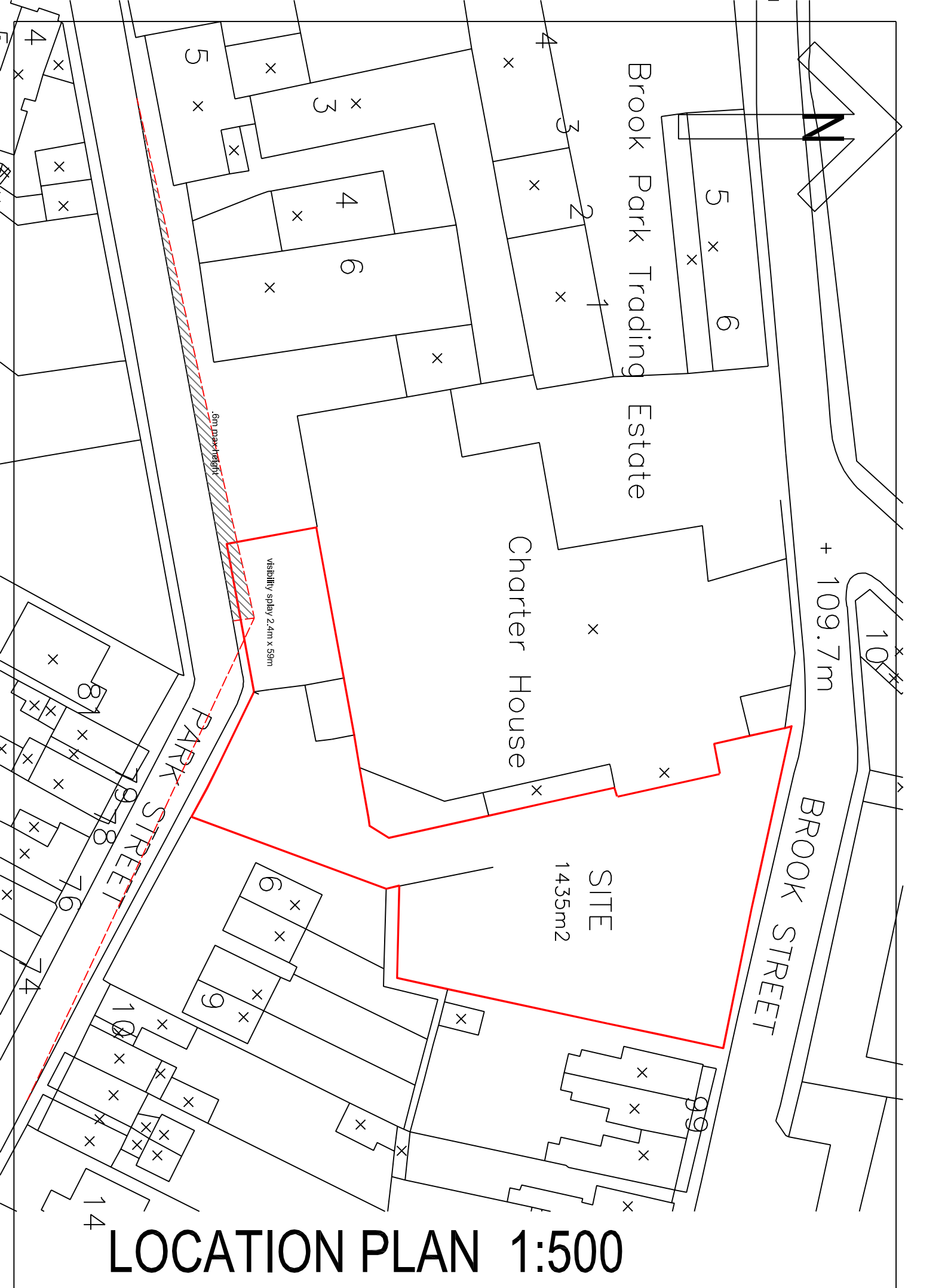
Policy H6 (Housing Density)

The above is intended as a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report.

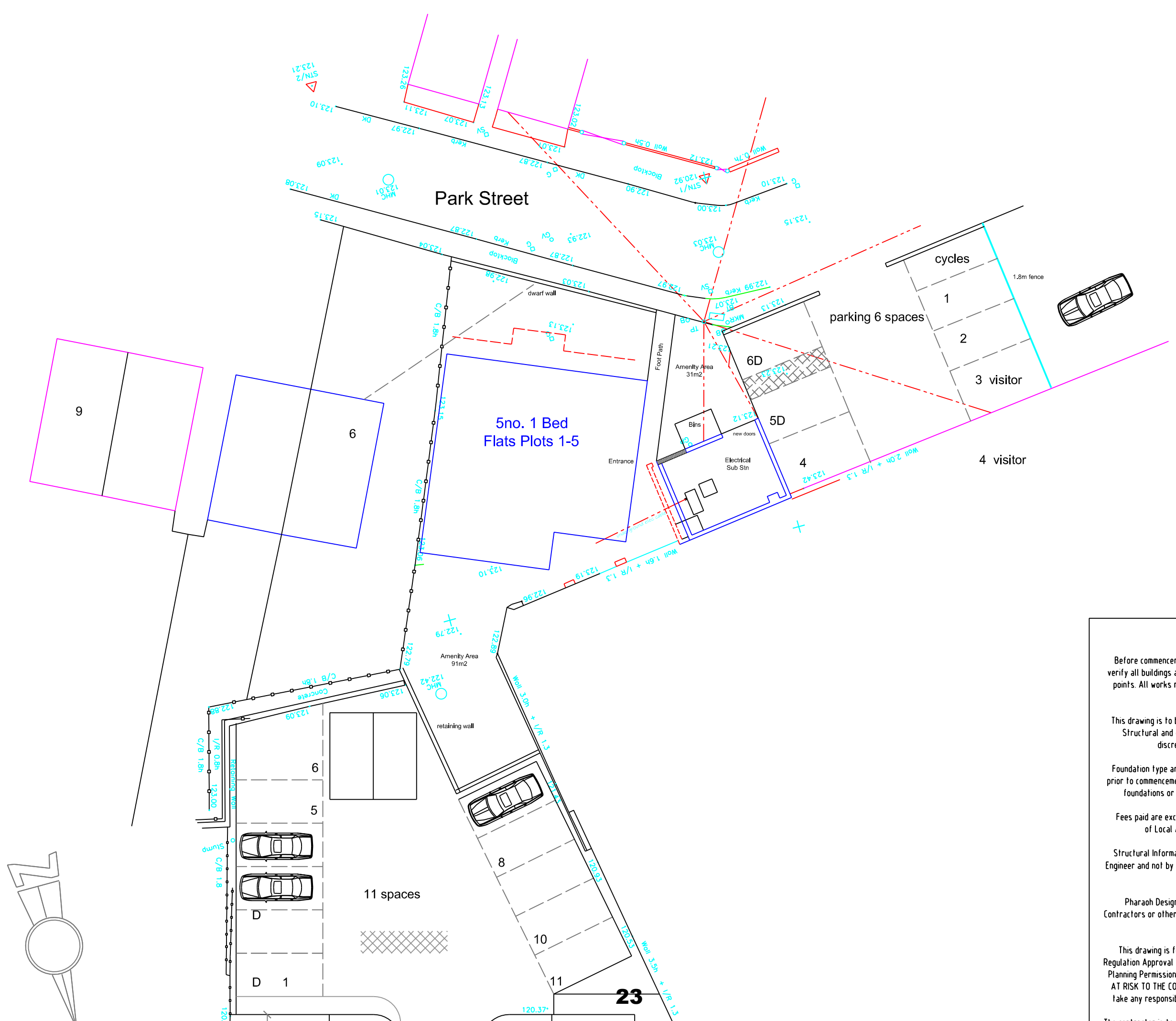
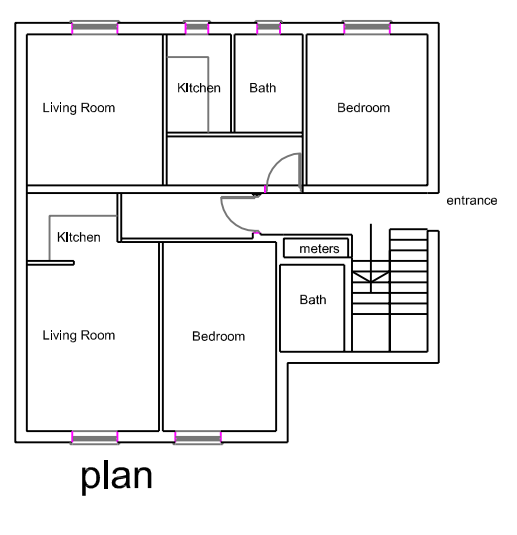
Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no development referred to in Schedule 2 Part 1 Class A of that order shall be carried out.
3. Prior to the occupation of the dwellings hereby approved, the parking and turning areas shown on the approved plans shall be provided and thereafter maintained for these purposes for the lifetime of the development.
4. Prior to the commencement of development, details of the existing and proposed levels of the site (including finished floor levels), which should be related to those of adjoining land and highways, shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved levels.
5. 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.
6. 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.
7. Prior to the commencement of development, details of the materials, including colours, of the retaining walls hereby approved on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details prior to occupation and the walls shall be retained and maintained as approved for the lifetime of the development.
8. 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.

9. Prior to the commencement of development, details of the boundary treatments to be installed on the whole site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include location of boundary treatment. . The development shall proceed in accordance with the approved details, which shall be installed on site prior to occupation and thereafter maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
10. Development shall not commence until an arrangement for the provision of off site public open space and play area improvements, library improvements, public realm improvements, transport infrastructure improvements, nature conservation improvements, public art and management and monitoring costs has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the method, timing and arrangements to comply with the Council's policies for the provision of the infrastructure required in connection with the proposed development.
11. No development shall commence until details 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.
12. Development shall not begin until a comprehensive site investigation for toxic materials, in a form to be agreed with the local planning authority, has been submitted to and approved by the local planning authority. Such a scheme shall include provision for further soil sampling after treatment in order to ensure compliance with local planning authority requirements. Such scheme shall be implemented before any building operations begin on the site.
13. Development shall not begin until a written site investigation strategy for the identification of methane and carbon dioxide gases has been submitted to and approved by the Local Planning Authority.



LOCATION PLAN 1:500



NOTES TERMS AND CONDITIONS

Before commencement of any works the contractor must check and verify all buildings and site dimensions, levels, drainage and connection points. All works must comply with all relevant and current Building Regulations.

This drawing is to be read in conjunction with and checked against all Structural and other specialists details and drawings with any discrepancies reported to client/designer.

Foundation type and depths are to be agreed with Building Inspector prior to commencement of works. This drawing does not provide factual foundations or structural information specific to this project.

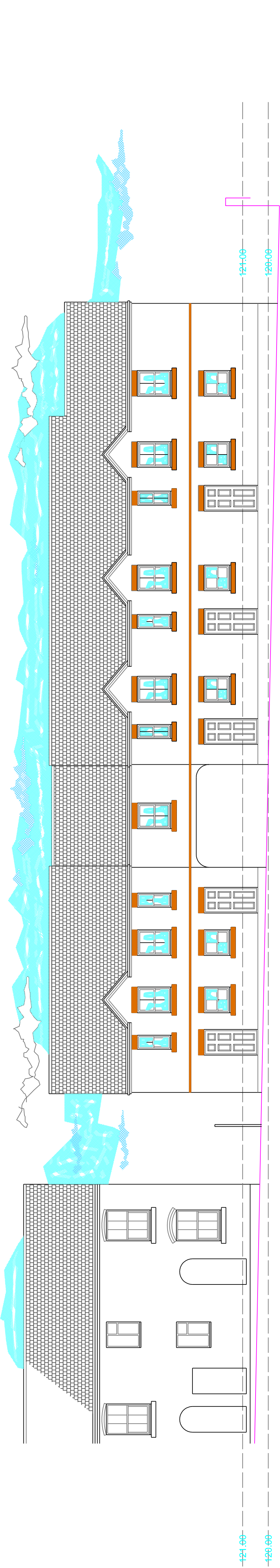
Fees paid are exclusive of VAT. Quotations supplied are exclusive of Local Authority Fees unless agreed otherwise.

Structural Information provided is provided directly by a Structural Engineer and not by Pharaoh Designs (West Midlands) regardless of who they are appointed by.

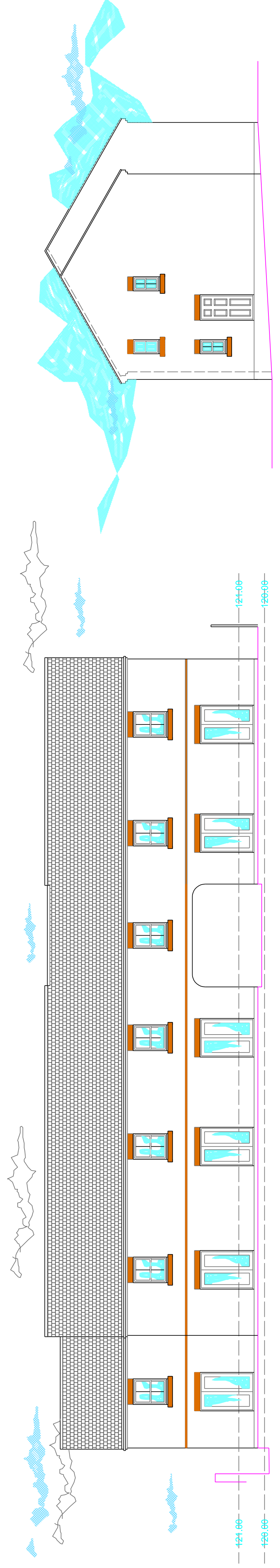
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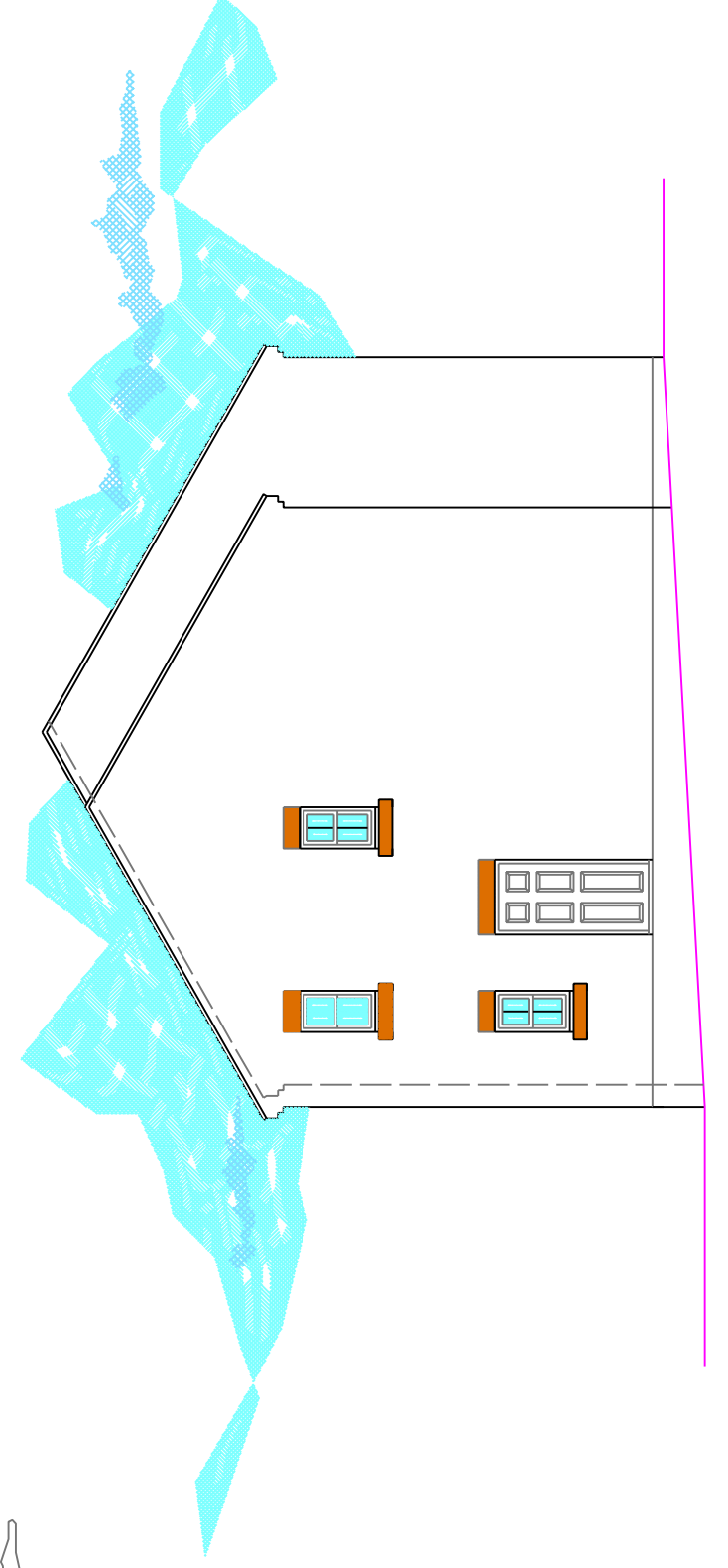
The contractor is to ensure himself that works do not require compliance



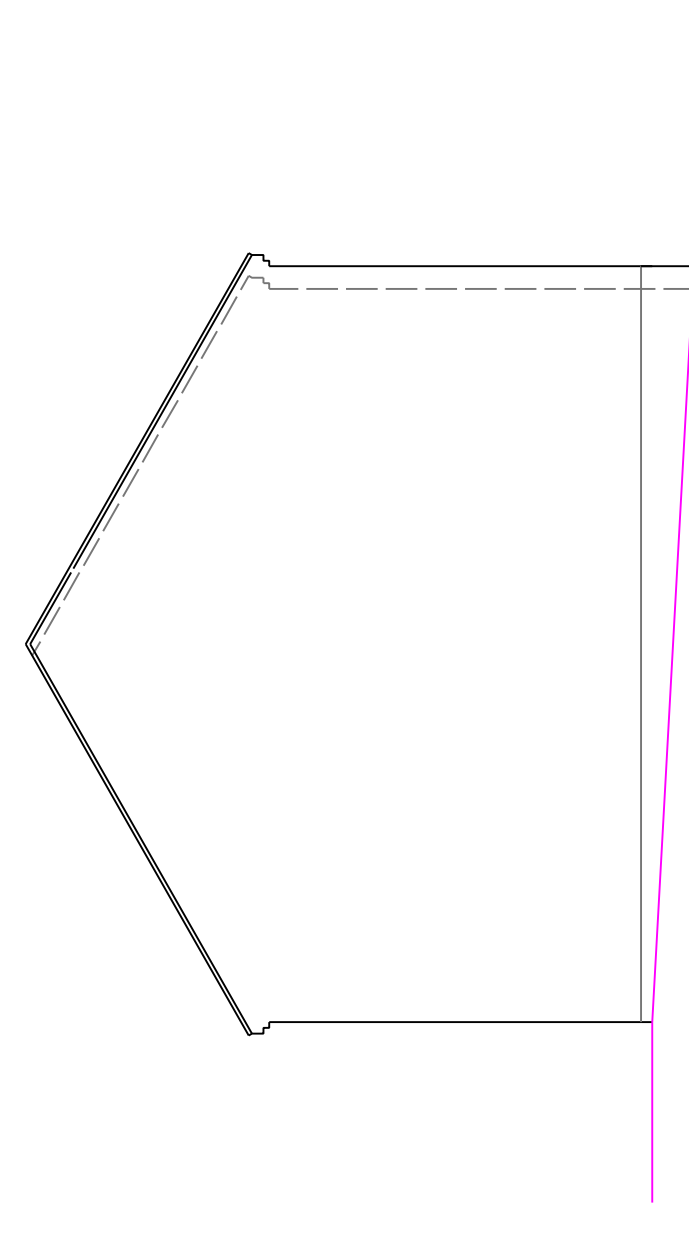
Proposed Front (north) Elevation from Brook Street



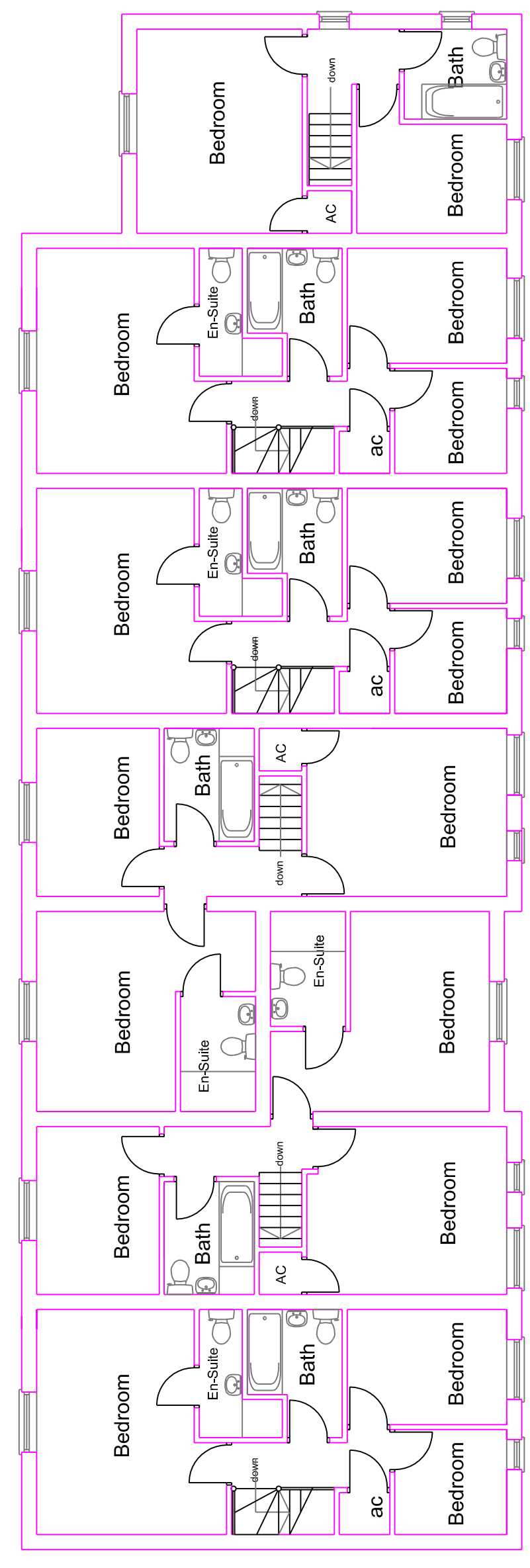
Proposed Rear Elevation



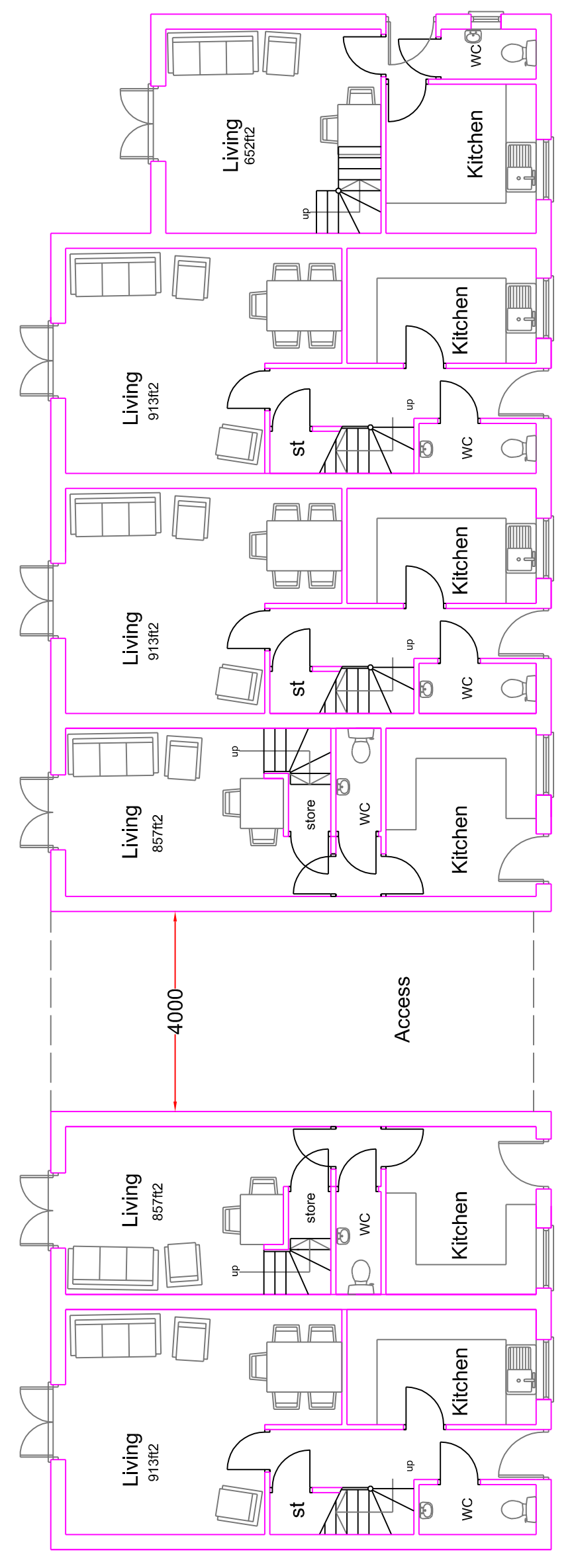
Proposed Side Elevation



Proposed Side Elevation



FIRST FLOOR



GROUND FLOOR

NOTES TERMS AND CONDITIONS

Before commencement of any works, the contractor must check and verify all buildings and site dimensions, levels, drainage and connection points. All works must comply with all relevant and current Building Regulations.

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Foundation types and depths, are to be agreed with Building Inspector prior to commencement of works. This drawing does not provide actual foundations or structural information specific to this project.

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The contractor is to ensure himself that works do not require compliance under CDM Regulations and/or The Party Wall Act. If compliance is required the contractor should take necessary steps to complete the required paperwork within a suitable amount of time.

The client and contractor are to ensure themselves that work is undertaken on land in full ownership of the client. No checks with land registry are made by Pharaoh Designs for the production of these drawings.

The contractor and client should ensure themselves that works are not on or near PUBLIC SQUARES.

revisions

19 Kildermister Road, Kingswinford
West Midlands DY6 6EX
Tel: (01359) 277200
j.sykes@bluesykes.co.uk

Client
G. I. Sykes Ltd

Job Title
**Proposed New Development
Land adjacent 99 Brook St
and 6 Park St
Lye, Stourbridge. DY9 8SN**

Scale
1:100

Date
December 2009

Dwg. title
**Plots 7-12
3 Bed Houses
Proposed Plans
and Elevations**

Job No.
30/12/09

Dwg. no.
04

Plot Size
1:100 A1

Rev.
1