

PLANNING APPLICATION NUMBER:P08/0227

Type of approval sought	Outline Planning Permission
Ward	LYE & WOLLESCOTE
Applicant	Nickolls & Perks Ltd
Location:	180 - 184, HIGH STREET, LYE, STOURBRIDGE, WEST MIDLANDS, DY9 8LH
Proposal	OUTLINE APPLICATION FOR THE DEMOLITION OF EXISTING DWELLING AND ERECTION OF (A1) RETAIL UNIT WITH FOUR FLATS ABOVE (C3) (ACCESS, LAYOUT AND SCALE TO BE CONSIDERED)
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The site contains two buildings (a hot food takeaway and vacant retail unit) fronting Lye High Street and immediately adjacent to them 'Pocket Park', a rectangular hard landscaped area containing benches and a clock which is enclosed on its sides by the flank walls of adjacent buildings and by railings to the rear. Behind the buildings and 'park' is a large surfaced area used for parking and servicing by a restaurant at no.178 High street. Access to this area is gained via Church Road, a residential cul-de-sac located off the High Street.
2. The High Street is a busy commercial centre containing a number of retail, restaurant (A3) and hot food takeaway (A5) uses, with most of the buildings being terraced and of domestic scale, located at or close to back of pavement.

PROPOSAL

3. Outline consent is sought to erect a three storey building at the site, with a retail (A1) unit at ground floor and 2no. two-bed flats at each of the first and second floors (the second floor is to be provided in the roofspace). The proposal involves the demolition of the existing buildings at the site and also the loss of Pocket Park. The

existing parking area at the site is to be used to provide 8no. parking spaces for the development. Details of the scale, layout and access to the site have been submitted for consideration at this stage, with design and appearance reserved for subsequent approval.

HISTORY

4. None relevant.

PUBLIC CONSULTATION

5. The Reverend of Christ Church on the High Street objects to the proposal on the grounds that it would result in the loss of a community facility (Pocket Park) and an existing commercial use (the takeaway at no.180).
6. The Chairman of the Lye Area Regeneration Alliance is of the opinion that the existing buildings should be retained and refurbished. He has also expressed concern that the removal of the park *'would severely alter the appearance of the High Street'* as it is a *'well used and well maintained facility'*.
7. Two Ward Councillors have expressed concern over the loss of the park, additional volume of traffic on the High Street resulting from the development, the impact of the development on the existing parking arrangements at the site, and the loss of existing businesses. Another Ward Councillor has requested that the murals and street furniture within the park are relocated.
8. A letter of support has been received from a resident of Church Road, who is of the opinion that the development would help the regeneration of this part of Lye and that the loss of Pocket Park is not an issue as *'no one wants to sit in there'*

OTHER CONSULTATION

9. Group Engineer (Development): no objection.
10. Head of Environmental Health and Trading Standards: no objection subject to the imposition of conditions intended to limit potential noise disturbance to new and existing residents from commercial activities at the site.

RELEVANT PLANNING POLICY

11. Adopted UDP 2005

Policy DD1 (Urban Design);

Policy DD2 (Mixed Use);

Policy DD3 (Design of Retail Development);

Policy DD6 (Access and Transport Infrastructure);

Policy DD7 (Planning Obligations);

Policy CR5 (Regeneration and Development of Centres);

Policy CR13 (Residential Development in Centres);

Supplementary Planning Guidance

Planning Obligations SPD

ASSESSMENT

12. Key Issues

- Principle of development;
- Scale;
- Layout and access;
- Planning obligations.

13. Principle

The site lies within a District Centre. Policy CR5 of the UDP advises that the vitality and viability of centres will be maintained and enhanced by ensuring that they remain the primary focus for new retail development. Policy CR13 encourages new residential development within centres as it too can positively affect their viability and vitality. Policy DD2 supports mixed use proposals within centres, as they have the potential to provide interest, diversity and vitality in the urban environment and can provide sustainable forms of development. The loss of the existing takeaway at the site is not unacceptable in policy terms. The principle of the proposed development is therefore acceptable.

14. Scale

The proposed building is both wider and taller than the adjacent buildings. The street scene along the High Street is characterised by buildings of varying widths, heights, roof eaves and ridge levels, and depths. In this context the proposed building is considered to be of an acceptable scale. Dormers can be satisfactorily accommodated into the front elevation without detriment to the character of the area (which will in any case be the subject of consideration at reserved matters stage). The proposal is in accordance with Policy DD1 of the UDP which requires that all new development should make a positive contribution to the character and appearance of an area with appropriate massing, bulk and height.

Layout and Access

15. The proposed shop front has a large glazed area which is in scale and proportion with the existing street scene, thereby ensuring an active elevation to the High Street in compliance with the requirements of Policy DD3 of the UDP. The provision of a service area to the rear of the building meets another requirement of that policy which is to ensure that service areas are not visible from public areas.

16. The development will make adequate provision for access and egress by vehicles (in accordance with Policy DD6) by reusing the existing access to the rear service/parking area off Church Road. The provision of 8 parking spaces is sufficient to meet the needs of future occupants of the flats and staff/customers of the retail unit. The existing restaurant at 178/179 High Street currently uses this access and parking area – should the development proceed then parking and servicing of the restaurant will have to take place within its own boundaries (there is sufficient space to accommodate staff/customer parking and servicing vehicles).

Planning Obligations

17. Policy DD7 of the UDP and the Planning Obligations SPD require that new residential developments should contribute to play/open space provision and enhancement, and library, public realm and transport improvements in the wider area in line with the increase in users resulting from the development. This can be secured by condition and subsequently dealt with in a Section 106 Agreement. The applicant has indicated acceptance of this principle and the recommendation is made on this basis.

Other Issues

18. With regard to the concerns of objectors to the loss of Pocket Park, the site is privately owned and there are no UDP policies which could be used in this instance to safeguard it as a community facility from potentially inappropriate development. The existing clock within the park is to be retained in front of the proposed building. The benches and murals are removable - the public realm element of the Section 106 Agreement can be used to ensure that, via consultation with relevant Officers, they are moved to alternative locations within the District Centre to ensure their continued use and enjoyment by the local population.

CONCLUSION

19. The proposed mixed retail and residential development is acceptable in principle in this district centre location. The proposed scale of the building, layout and means of

access to the site are all considered to be appropriate. The proposal therefore complies with Policies DD1, DD2, DD3, DD6, DD7, CR5 and CR13 of the UDP.

RECOMMENDATION

20. It is recommended that the application is approved subject to:
- a) the development not be beginning until a scheme for the submission and approval of a planning obligation to guarantee the payment of £4069.17 for off site public open space/play provision and enhancement and library, public realm and transport improvements has been submitted to and agreed in writing by the Local Planning Authority, and
 - b) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary,

Reason For Approval

The proposed mixed retail and residential development is acceptable in principle in this district centre location. The proposed scale of the building, layout and means of access to the site are all considered to be appropriate.

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 DD1 (Urban Design);
- Policy DD2 (Mixed Use);
- Policy DD3 (Design of Retail Development);
- Policy DD6 (Access and Transport Infrastructure);
- Policy DD7 (Planning Obligations);
- Policy CR5 (Regeneration and Development of Centres);
- Policy CR13 (Residential Development in Centres);

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.

Note For Applicant

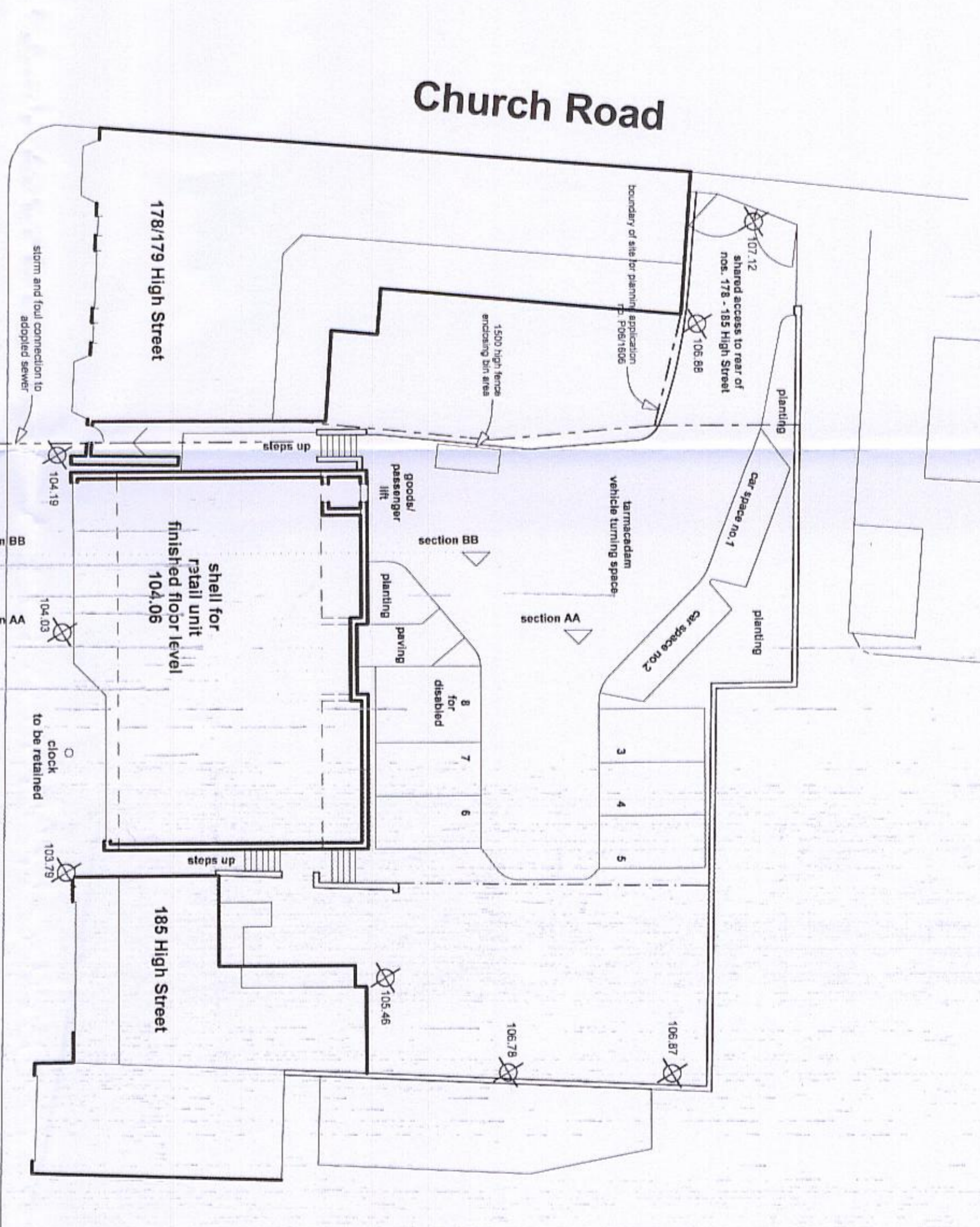
For the avoidance of doubt, this permission relates to drawing no.s 516/1 and 516/2.

Conditions and/or reasons:

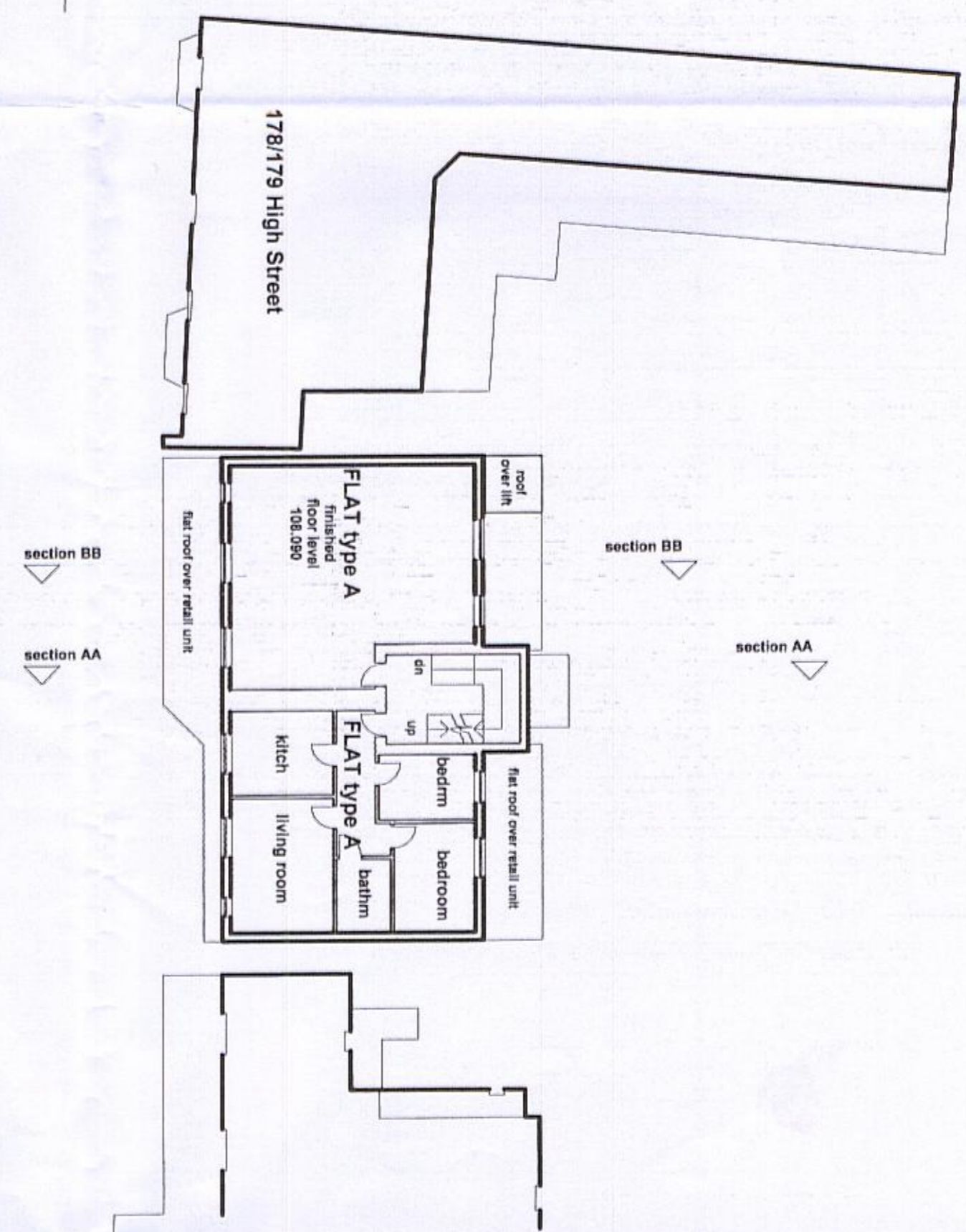
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Approval of the details of the design and external appearance of the building and landscaping of the site (hereafter called the 'reserved matters') shall be obtained from the local planning authority before any development is begun.
3. Application for reserved matters approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission; and the development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
4. The development shall not begin until a scheme for the provision of off-site public open space and play area improvements and library, public realm and transport improvements 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.
5. The public realm improvements referred to in Condition 4 shall include details of a scheme for the removal of the existing murals and benches within Pocket Park and their relocation within the Lye District Centre area and the protection of the existing clock and the reinstatement of the footway mosaic surrounding it. The costs of these works shall be borne by the developer. These works shall be carried out in addition to any other public realm improvements identified by the Council as being necessary as a result of the approved development.
6. Development shall not begin until details of the type, texture and colour of materials to be used in the external elevations have been submitted to and approved by the local planning authority.
7. No development shall commence until details of a secure and undercover area for the parking of cycles has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and the parking area retained for the life of the development.
8. Development shall not begin until a scheme for protecting the proposed dwellings from noise from road traffic on High Street and ground floor commercial uses 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.

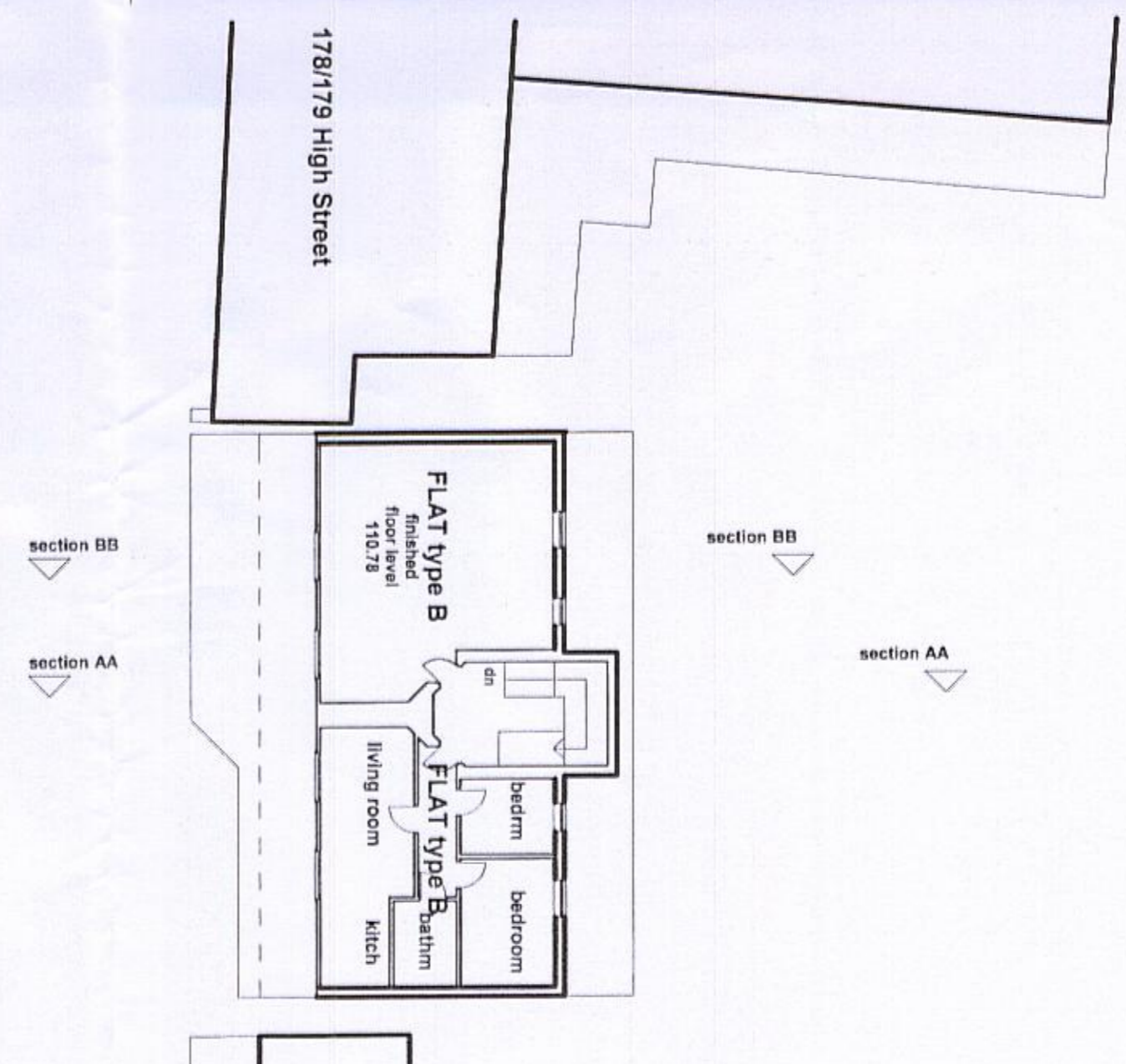
9. Any fixed plant and/or ventilation/extraction equipment to be installed at the site shall not cause background noise levels to be increased by more than 5dB(a) as measured under BS4142 (1990) and its subsequent amendments.
10. Before any plant and machinery is used on the premises it shall be mounted so as to prevent conducted noise and vibration in accordance with a scheme to be agreed with the local planning authority.
11. Before any plant and machinery is used on the premises it shall be enclosed with sound-insulating material in accordance with a scheme to be agreed with the local planning authority.



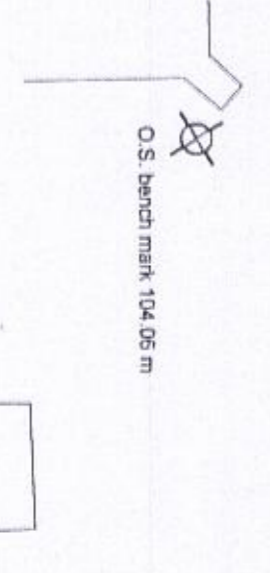
proposed
ground floor plan



proposed
first floor plan



proposed
second floor plan



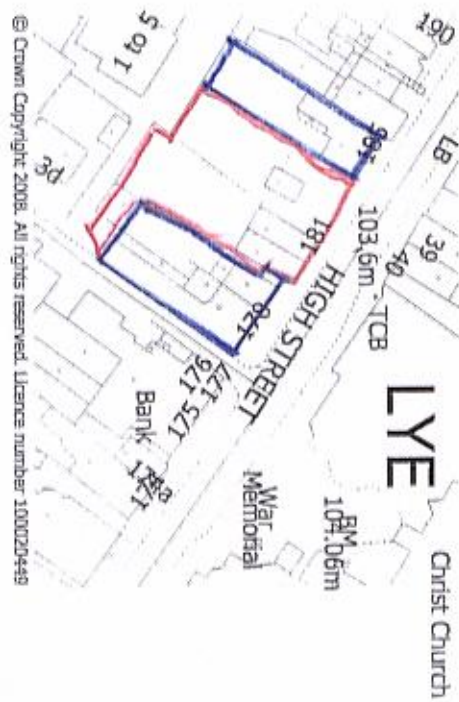
demolition of existing hot food
takeaway and flats
and redevelopment
with a retail unit and 4 flats

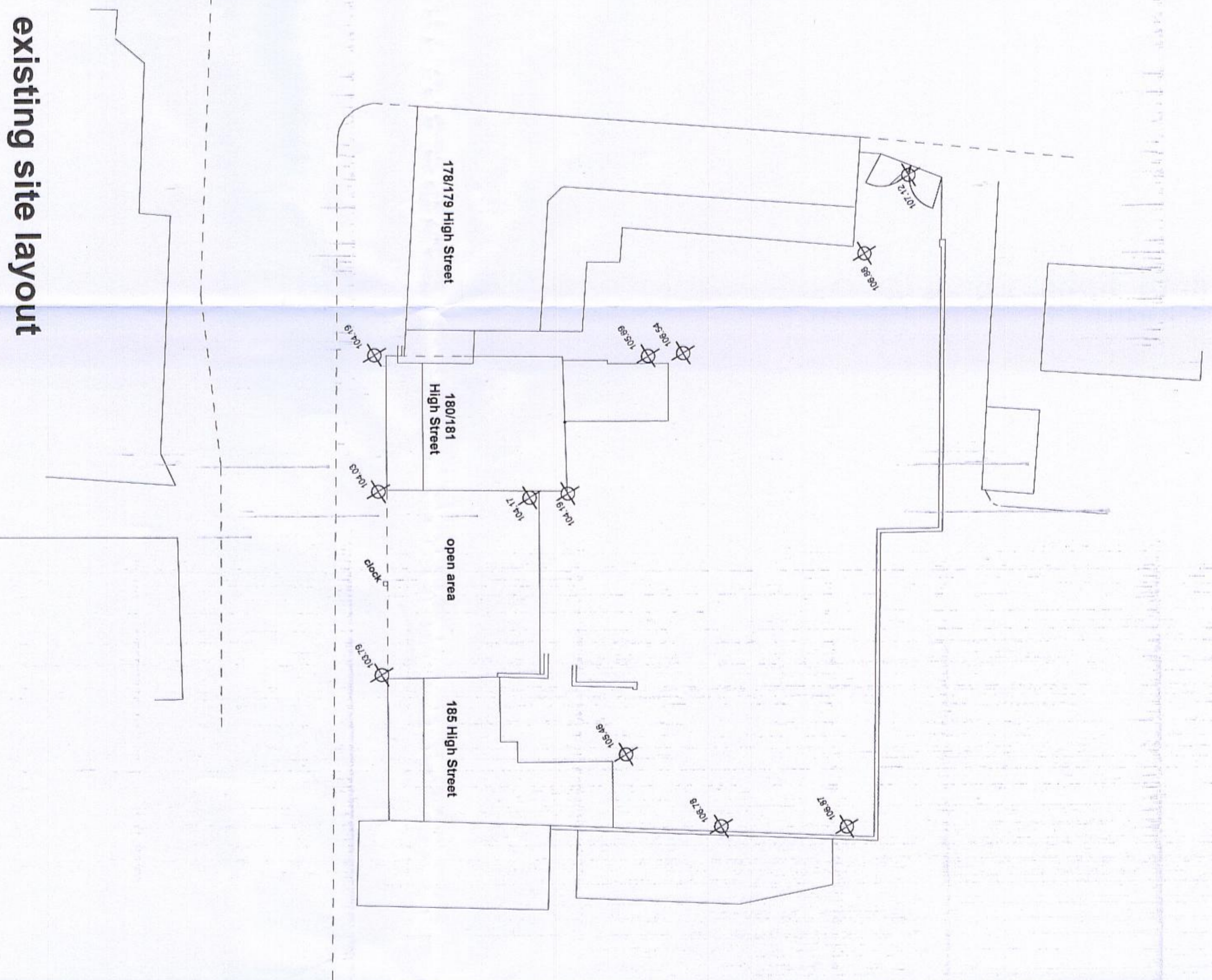
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1/200
Jan 2008

Site of 180 - 184 High Street Lye
proposed plans
516/1

location plan 180 - 184 High Street Lye
scale 1/1250





existing site layout

design and access statement

The Design Component

1. **Site**
 - Development for retail and residential use
 - Surroundings of the site and area are also have retail and residential use
 - All people will have 'inclusive access' from the front via level access to retail unit and from the rear by use of a lift to the retail unit and by 500 metres door ways to flats
 2. **Amount of Development**
 - Development proposed for each use:
 - Residential = 4.2 bed flats
 - Distribution - along site frontage
 - Surroundings - along site frontage
 - Access - along site frontage
 - Not a larger site
 - Accessibility between parts of the development is being maximised by use of the car park
 3. **LAYOUT**
 - The layout has been chosen because it provides pedestrian routes for residents to the surrounding of the site and area are also have retail and residential use
 - Permitted to assist with crime prevention. Changes in level within the site are used to facilitate car parking close to the rear access
 - Car park access will assist with safety
 - Layout has been planned to retain the existing clock to create a vibrant and successful place.
 - Very close to bus route to maintain travel distances
 - Bedrooms to flats face away from the High Street i.e. to the quieter side of the site.
- THE LAYOUT IS NOT RESERVED AT OUTLINE APPLICATION STAGE

design and access statement cont/

4. Scale

- Height has been arrived at by reference to adjoining buildings and also by reference to the scale of the High Street which are generally 4 storeys.
 - **RETAIL UNIT**
 - Intended that the shop front should be glazed to allow people to view when passing. Outside opening hours it is likely that the front will require security shutters for which a separate planning application parameter with in the retail unit - lift at the rear and accessible w.c. to at the rear of the unit.
 - **F.A.T.S** of the flats will be set back from the front of the retail unit to align with the first floor of the flat above neighbouring property no. 185 High Street.
 - There will not be a lift serving the flats. Each flat will have a bedroom to comply with building regulations.
- SCALE IS NOT RESERVED AT OUTLINE APPLICATION STAGE

design and access statement cont/

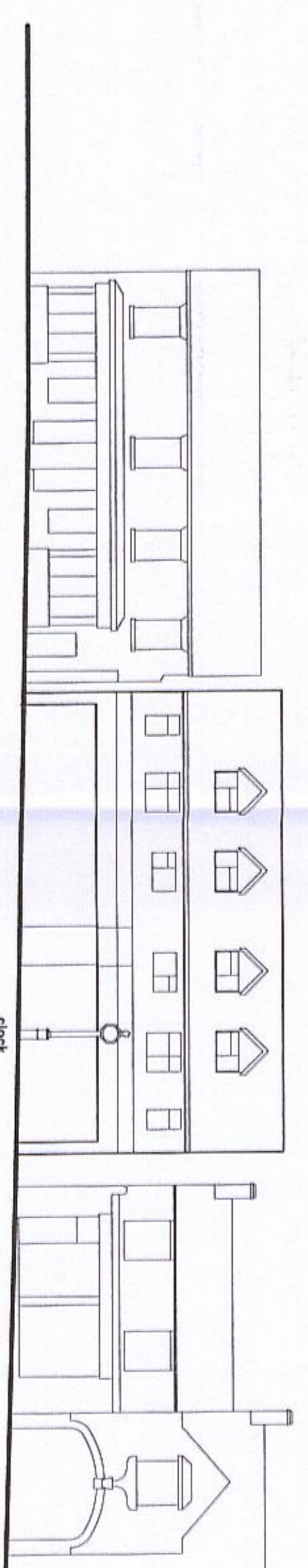
5. Appearance

- The principles behind the intended appearance:
 - **COLOURS** - flat roof will have high performance flat finish with insurance backed guarantee.
 - **Flat windows** will be timber framed and double glazed
 - **retail unit** window to be installed by the shop fitting contractor and are likely to be frame door set fitting to be colour contrasted to assist visually impaired people door handle not be cold to the touch and to be at a height which can be operated from a wheelchair door opening pressure not to exceed 50N to open from 0 to 30 degrees and 22.5 N from 30 to 80 degrees and to have time delay to allow wheelchair users to pass through.
- RESERVED AT THE OUTLINE APPLICATION STAGE

design and access statement cont/

The Access Component

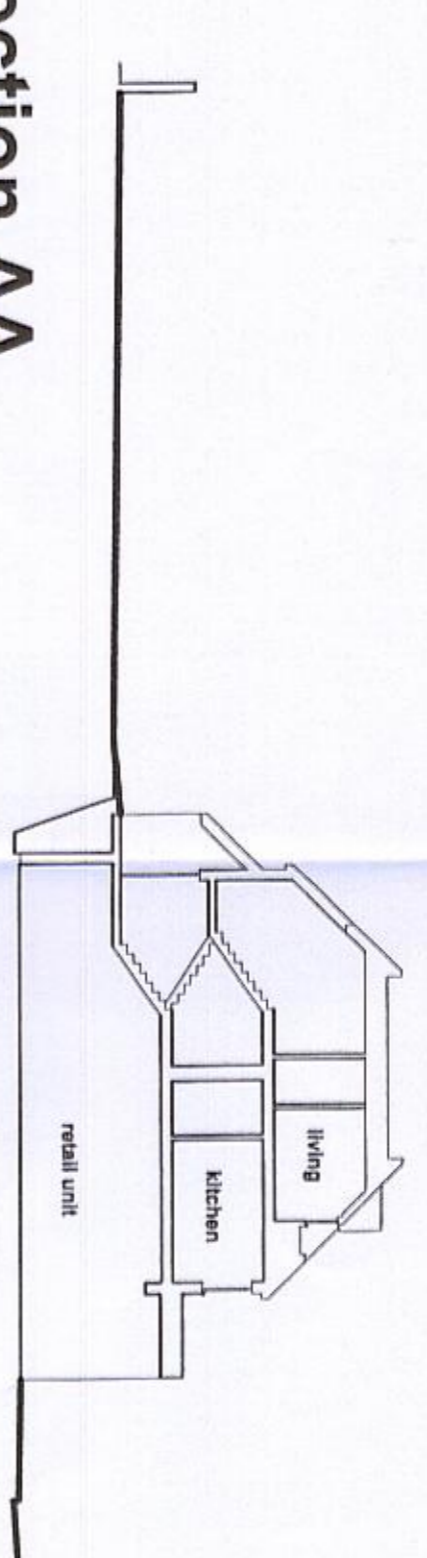
- approach adopted will be to comply with building regulations
- consultation - reference made to guidance from 'Access in Duty'
- specific issues - gradient across site - lift is installed for the retail unit.
- access from existing transport network - rail station within 1/2 mile and bus route with bus stop within 500 metres.
- main points of access are onto existing adopted roads adjoining the site
- access routes within the site have been chosen to also maintain access to users of adjoining building nos. 178/179 and 185 High Street.
- Management company will be established to act on behalf of property owner and tenants to maintain the access component features.



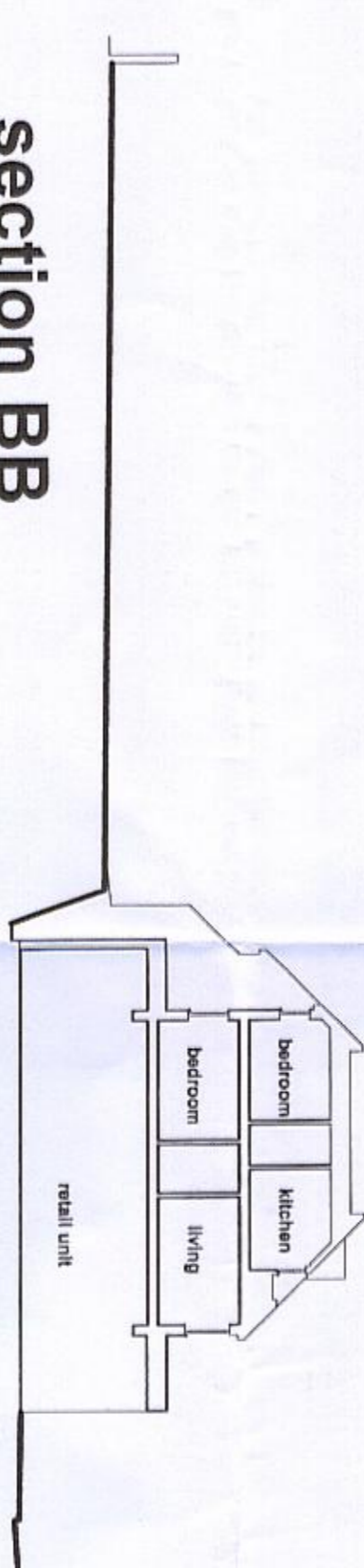
north elevation to the High Street



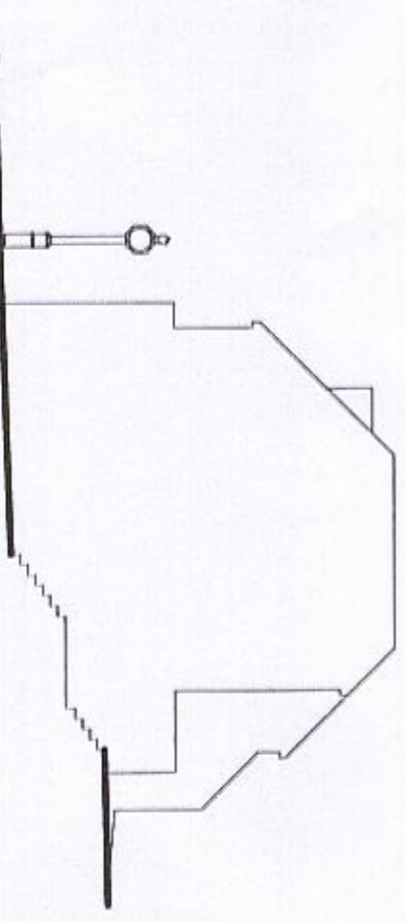
south elevation



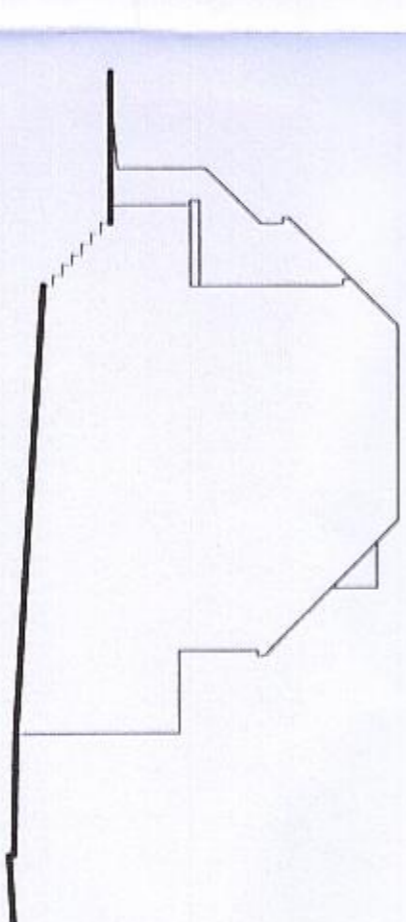
section AA



section BB



side elevation facing west



side elevation facing east

design and access statement cont/

The Access Component continued

- flats to have 1500 wide hallway, and bathroom laid out to comply with regulation requirements
 - front of shop to have level access and entrance door as described under the heading appearance
 - paving to have gradients and landings and cross gradients to comply with building regulations
- Illustrative Material
NOT INTENDED FOR THIS SIZE OF DEVELOPMENT



demolition of existing hot food takeaway and flats and redevelopment with a retail unit and 4 flats site of 180 - 184 High Street Lye

existing plans, proposed sections and elevations & design and access statement

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1/2008
Jan 2008

516/2