

PLANNING APPLICATION NUMBER:P11/0857

Type of approval sought	Full Planning Permission
Ward	Lye and Stourbridge North
Applicant	Tudor Row Homes (Stourbridge) Ltd.
Location:	LAND BETWEEN BARON BUSINESS CENTRE & 81 CEMETERY ROAD, LYE, STOURBRIDGE, WEST MIDLANDS
Proposal	ERECTION OF 2 NO. BLOCKS TO CREATE 6 NO. APARTMENTS WITH ASSOCIATED PARKING (RESUBMISSION OF WITHDRAWN APPLICATION P11/0186)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site forms part of a former industrial site which has consent for the conversion of a locally listed building to residential apartments (development has commenced on the conversion works but has since ceased). The site is located at the rear of No.s 77 and 79 Cemetery Road (formerly houses, each of which has been divided into two separate flats), and consists of a hardsurfaced parking area and vacant workshop buildings of varying heights. Immediately to the north of the site are the rear gardens of properties on Chapel Street. The surrounding area is predominantly residential.

PROPOSAL

2. It is proposed to demolish the existing workshop buildings and to erect two two-storey buildings containing a total of six one-bedroom apartments (two in one block and four in the other). Vehicular access to the site will remain as existing between Nos 79 and 81 Cemetery Road and a total of 11 parking spaces are proposed. Pedestrian access to the site is to be gained via the adjacent residential site. The applicant has advised that the development is required to fund the continuation of the conversion works on the adjacent apartment development.

HISTORY

3.

APPLICATION	PROPOSAL	DECISION	DATE
P11/0186	Erection of 2no. Blocks of 6 Apartments	Withdrawn	June 2011
P07/0763	Reserved Matters for 21no. Apartments	Approved Subject to Conditions	July 2007

4. Application P11/0186 was withdrawn because of officers concerns in relation to the proposed access to the site, the removal of the employment use from the site, the impact of the development on properties at the rear, and the planning obligations contributions to be sought.
5. Reserved matters approval for residential development at the former industrial building adjacent the site to the west was given in July 2007 (application P07/0763).

PUBLIC CONSULTATION

6. 60 neighbour notification letters have been sent out and a site notice posted. In response objections to the proposal have been received from the occupants of five properties on Chapel Street. The grounds of objection concern:
- Lack of parking provision will exacerbate existing on-street parking problems;
 - Loss of privacy;
 - Loss of daylight;
 - Removal of existing retaining wall along boundary which is of 'historic character' and could reduce security;
 - Materials to be used are not in keeping with the character of the area;
 - Increased noise disturbance

OTHER CONSULTATION

7. Head of Environmental Health and Trading Standards: no adverse comments subject to conditions on contaminated land.
8. Group Engineer (Development): The width of the site's access from Cemetery Road was initially a significant concern to the Highway Authority, as it was unable to accommodate two-way traffic or a vehicle and a pedestrian. The amended plans now provide a separate access to the site for pedestrians and as such the layout is now acceptable.
9. Fire Safety Inspector: The site access is not wide enough to enable a fire fighting vehicle to pass through, therefore sprinklers should be installed within the development.

RELEVANT PLANNING POLICY

10. National Planning Policy

The National Planning Policy Framework (NPP) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions, but does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.

The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development. In respect of residential development the Framework requires that the planning system should provide for the supply of housing required to meet the needs of future and present generations and the creation of a high quality built environment.

Black Country Core Strategy

Policy DEL1 (Infrastructure Provision);

Policy DEL2 (Managing the Balance between Employment Land and Housing);

Policy HOU2 (Housing Density, Type and Accessibility);

Policy HE5 (Buildings of Local Historic Importance)

Saved 2005 UDP Policies

Policy DD4 (Development in Residential Areas);

Supplementary Planning Documents

Draft Parking Standards;

Planning Obligations SPD;

Historic Environment SPD

Guidance Notes

Planning Guidance Note 3 (New Housing Development)

ASSESSMENT

11. The key issues in the assessment of this application are:

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

Principle

12. Policy DEL2 of the Core Strategy advises that before any employment land is released, the retention of an adequate supply of occupied and available employment land must be ensured. Information must therefore be submitted as part of planning applications to show that the site is no longer viable and required for employment uses.
13. The NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development. The site is readily accessible by non-car methods of transport and is close to local residential services and is therefore to be in a sustainable location.
14. The site lies within Regeneration Corridor 13 of the Core Strategy. One of the visions for this Corridor is that the local centre of Lye will be '*bolstered by a substantial increase in population base*'. Whilst the site lies on the edge of the centre rather than within it this development can be considered to accord in principle with the overall proposals for this part of the Corridor. The proposal also accords with Policy HOU1 of the Core Strategy which states that at least 95% of new housing in the Black Country should be built on previously developed land.

Character

15. Saved Policy DD4 requires that new developments should not have any adverse impact on the character of the area. The removal of the existing vacant industrial buildings and the erection of well-designed new dwellings of an acceptable scale would make a positive contribution to the quality of the local environment. The proposed materials to be used in the development are considered to be appropriate in the context of the setting of the site. The development will not have any detrimental impact on the setting or context of the adjacent locally listed building and therefore complies with Saved Policy HE5 of the UDP and the Historic Environment SPD.

Residential Amenity

16. The NPPF states that the provision of a good standard of amenity for all existing and future occupants of land and buildings should be one of the core land-use planning principles which should underpin decision-taking. Policy HOU2 of the Core Strategy advises that the density and type of new housing will be informed by, amongst other things, the need to minimize amenity impacts. Saved Policy DD4 of the UDP states that new developments will only be allowed where there would no adverse effect on residential amenity.
17. The guideline set out in Planning Guidance Note 3 for distance separation between habitable room windows in proposed and existing properties is 22 metres. In this case the proposed flats would be approximately 15 metres from the windows on the rear elevation of the flats at the front of the site. Whilst this would result in a degree of privacy loss it is considered that in this case the removal of the industrial use from the site, with its potentially noisy activities, would have a net benefit on the amenities of the occupants of surrounding properties on Cemetery Road and Chapel Street and the future occupants of the adjacent conversion scheme.
18. The building accommodating Units 1 and 2 would be of a similar scale to an existing building along the boundary with no.s 30 and 31 Chapel Street. Because of a change in levels between the sites only the roof of that building is currently visible from those properties. The siting of the proposed building would not alter the outlook from no.s 30 and 31.
19. Proposed units 3 to 6 would not have any windows on the rear elevation (other than windows in the roof space), and therefore the development would not result in any overlooking of the rear garden of the properties on Chapel Street. The building would be visible from the rear of the houses on Chapel Street at the end of their long rear gardens, but would not have any adverse impact on outlook.
20. With regard to the concerns of the objectors to the proposal the erection of the proposed buildings may result in a degree of light loss to adjacent rear gardens during certain times of the day, but not to any significant extent which may warrant

refusal of the application. The development would not result in any greater noise disturbance to existing nearby residents than the previous industrial use of the site. The development does not involve the removal of the existing wall between the site and Chapel Street.

21. In respect of the amenity of future occupants of the site, a triangular-shaped area of amenity space is to be provided at the rear of the proposed buildings which is of sufficient size to meet the likely needs of the future occupants of the site.
22. In view of the above it is considered that the development would not have any harmful effect on the living conditions of the occupiers of surrounding residential properties, and therefore the proposal does not contravene relevant NPPF advice, or Saved Policy DD4 of the UDP and Policy HOU2 of the Core Strategy.

Parking/Access

23. The development provides 11no.parking spaces, four of which are for the existing 4no. one-bed flats at no.s 77 and 79 Cemetery Road. The development provides parking in accordance with SPD standards.
24. With regard to the concerns of the Group Engineer in relation to the plans initially submitted for the application, an amended layout plan has been submitted which shows the provision of a separate pedestrian access into the site across the adjacent development site. Vehicular access is to remain as existing, between no.s 77 and 79 Cemetery Road, and therefore there will be no pedestrian/vehicle conflict. The development therefore accords with Saved Policy DD4 which requires that developments should not have any detrimental impact on highway safety.

Planning Obligations

25. 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.

26. The obligations potentially triggered according to the Planning Obligations SPD are Library Improvements, Public Realm Improvements, Open Space, Sport and Recreation Improvements, Transport Infrastructure Improvements, Nature Conservation Improvements, Nature Conservation Improvements and Air Quality 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.
27. Following consideration of the above tests the only obligations required for this application are for air quality and nature conservation improvements. The former can be sought by the provision of electric vehicle charging points within the development (Condition 10). In lieu of a financial contribution towards nature conservation improvements, 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 a conditions be imposed (Condition 11) requiring the provision of bat and bird boxes within the development. 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

28. 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.
29. 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.
30. 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.
31. 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”.
32. This proposal would provide 6 houses generating a grant of 6 times the national average council tax for the relevant bands per annum for 6 years. Whilst this is a significant sum of money the planning merits of the proposal are acceptable in any event and therefore this is not accorded significant weight

CONCLUSION

33. The proposal involves the re-use of vacant former employment land in a sustainable location for housing purposes. The development would not have any adverse impact on the character of the area, highway safety or residential amenity. As such the proposal complies with the advice given in the National Planning Policy Framework, Policies DEL2, HOU2 and HE5 of the Core Strategy, and Saved Policy DD4 of the UDP.

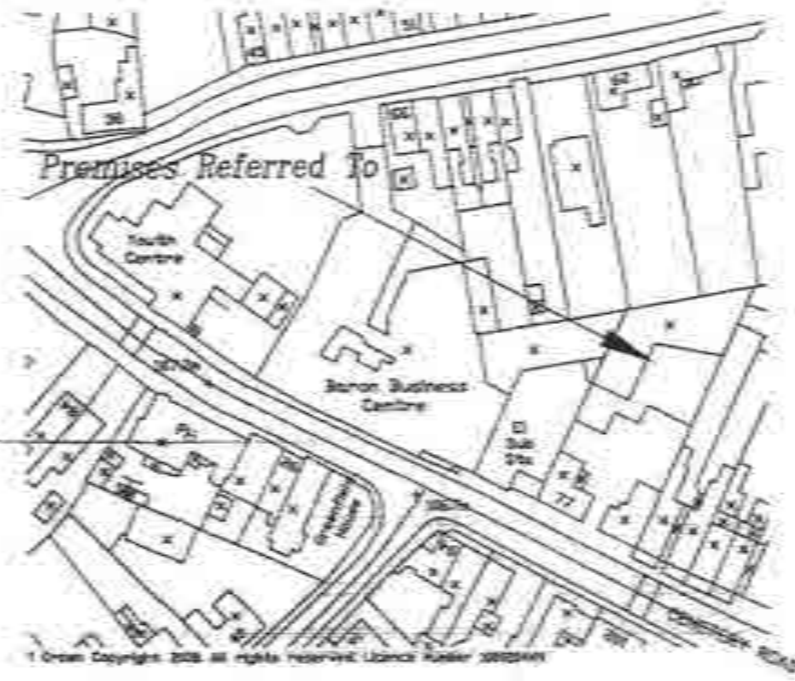
RECOMMENDATION

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

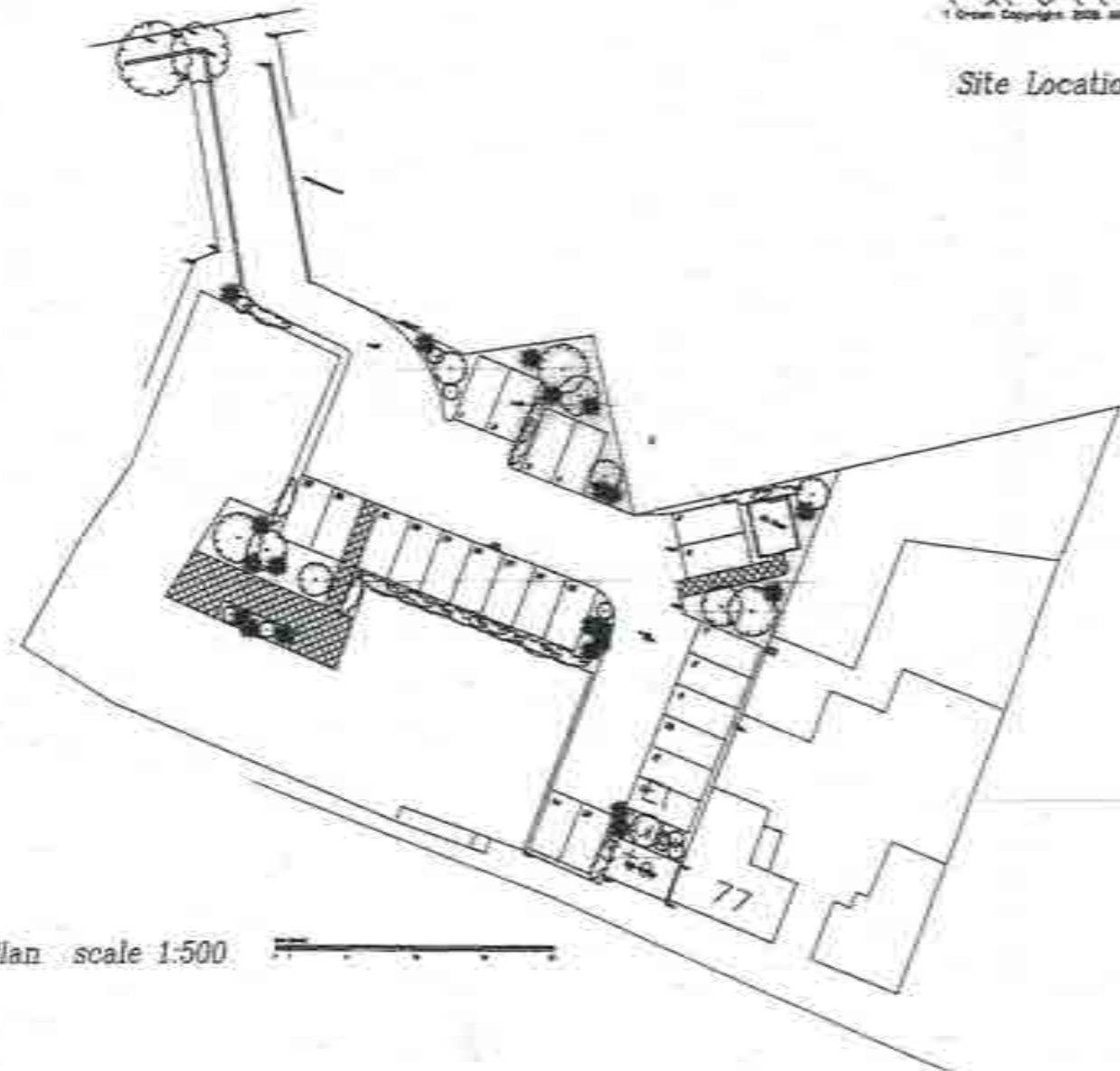
Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The buildings hereby approved shall not be occupied until details of sprinkler systems to be installed within them 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 sprinkler systems retained for the lifetime of the development.
3. No windows shall be installed, other than those shown on the approved plans, at first floor of the rear elevation of the buildings hereby approved without the prior written approval of the local planning authority.
4. No development shall begin until an assessment of the risks posed by any contamination has been submitted to and approved by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance. Where the approved risk assessment identifies contamination posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the local planning authority. Unless otherwise agreed in writing with the Local Planning Authority, the approved scheme shall be implemented and a verification report submitted to and approved by the Local Planning Authority, before the development (or relevant phase of the development) is first occupied/brought into use.

5. No development shall begin until an assessment of the risks posed by any ground gases or vapours has been submitted to and approved by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance. Where the approved risk assessment identifies ground gases or vapours posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the local planning authority. Unless otherwise agreed in writing with the Local Planning Authority, the approved scheme shall be implemented and a verification report submitted to and approved by the Local Planning Authority, before the development (or relevant phase of the development) is first occupied/brought into use.
6. 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.
7. The development hereby permitted shall be carried out in accordance with the following approved plans: 1186-5B, 1186-6B, 1186-7C.
8. The development hereby approved shall not be occupied until the parking spaces shown on the approved plans has been provided. The spaces shall thereafter be retained and used for no other purpose than the parking of vehicles.
9. No development shall commence until a plan showing details of cycle parking provision within the development has been submitted to and approved in writing by the local planning authority. The development shall thereafter take place in accordance with the approved details.
10. No development shall commence until a plan has been submitted to and approved in writing by the local planning authority showing the provision of electric vehicle charging points within the development. The development shall thereafter take place in accordance with the approved details and the charging points shall be retained in perpetuity.
11. Prior to the commencement of development, a plan detailing the type and location of bird boxes and 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.



Site Location Plan scale 1:1250



Block Plan scale 1:500

PLEASE READ THE FOLLOWING INSTRUCTIONS VERY CAREFULLY & ENSURE THEY ARE IMPLEMENTED.

DO NOT SCALE.

All measurements & levels shown are subject to checking on site by the contractor. Typical dimensions to take precedence over scaled.

All existing dimensions must be taken from, checked &/or verified by the main contractor or also prior to the commencement of all form & the placing of all work in form.

Working dimensions must not be scaled from this drawing in all cases of doubt or discrepancy please refer to the architect, surveyor, supervising officer or consultant for instructions.

The main contractor must ensure that all appropriate architects, surveyors, supervising officer, consultants &/or specialist drawings are read in conjunction with this drawing.

All work is to comply with the current building regulations, local authority bye-law stipulations & requirements of statutory bodies.

Save of notice to the activities concerned.

All work is to comply with the current edition of the British Standards Institute codes of practice.

All materials & components is to comply with the current edition of the Building Standards Institute specifications.

Prior to commencing work, the contractor is required to communicate with the relevant authorities, being them to site & to locate the positions and lines of all services (e.g. water, gas, electricity, telephone, television, sewage etc.) on, over, under & around the site which could in any way affect the positioning of the buildings. Copies of the correspondence & a full report of the findings must be forwarded to the architect, surveyor, supervising officer or consultant before building work commences.

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REVISIONS		
no.	date	description

RECEIVED
- 8 JUL 2011
URBAN DEVELOPMENT

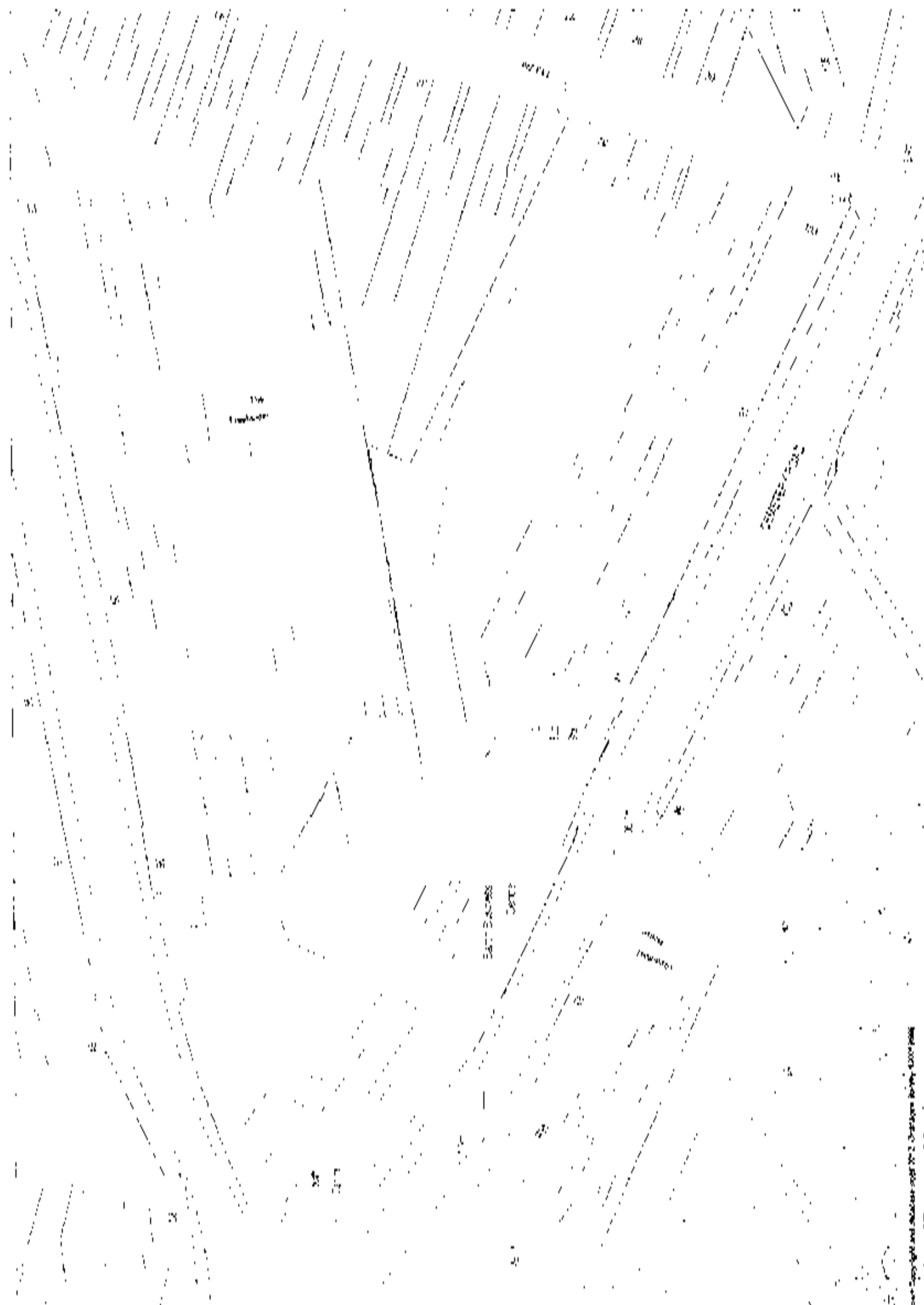
M. John Crowther & Associates.
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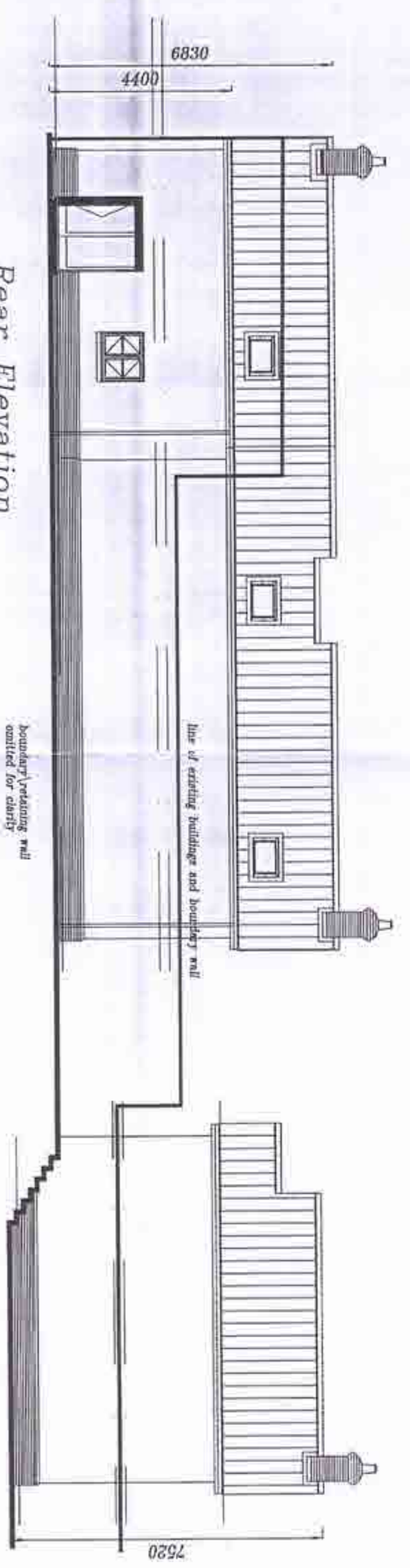
Units 1, Carr House, 45 Sawyer Road, Caddow, M30 4SR
0161 4901400 0161 4901401 email: info@mcra.co.uk
www.mcra.co.uk

Site: **Former Factory Centre, Cemetery Rd, Lye, Stourbridge**

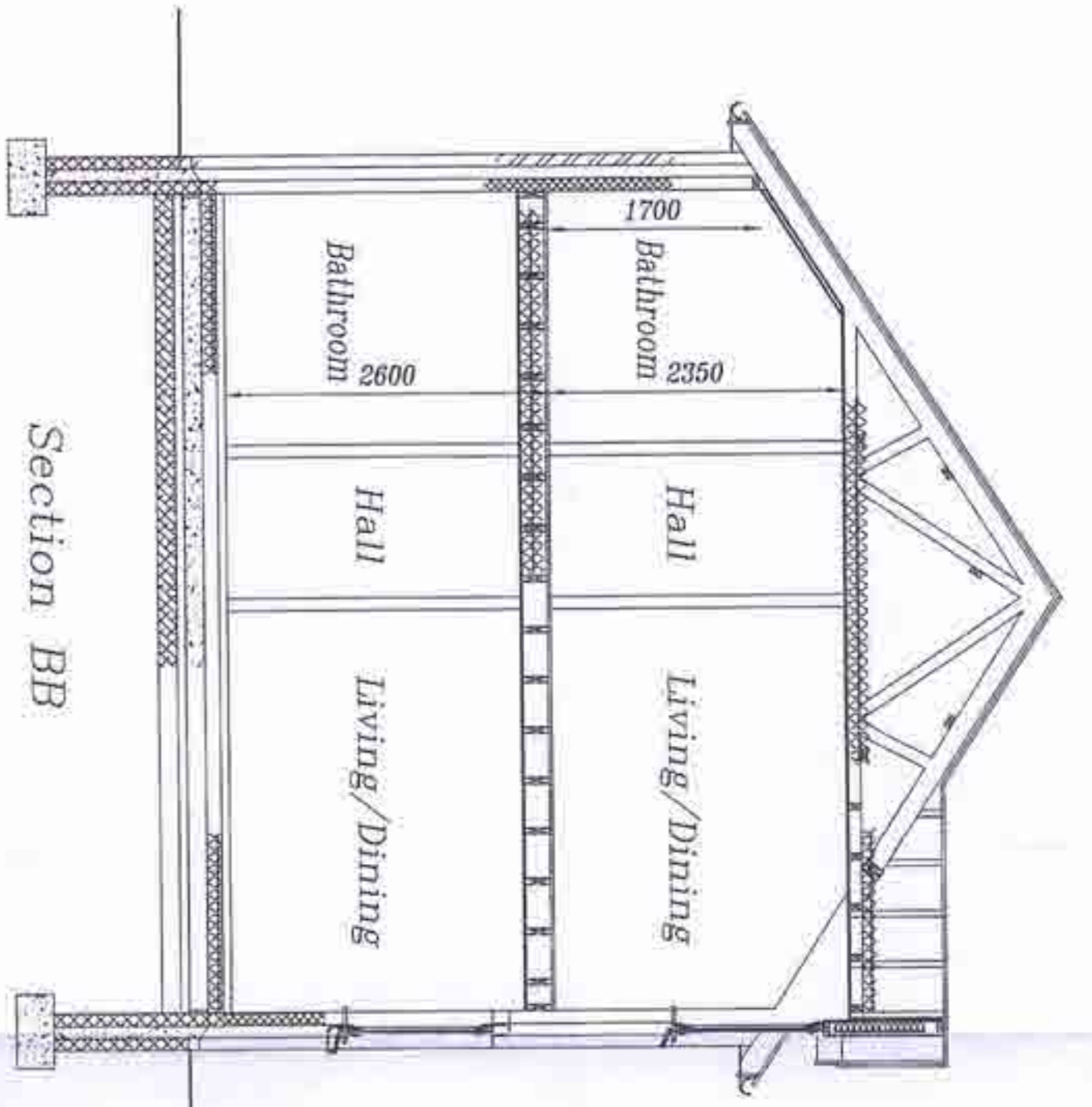
Block and Location Plans
As Existing

PLANNING		Scale: 1:500 1:1250
Date:	05/05/08	Drawn:
By:	CH/CAJ/1186/1186-1	Checked:
By:		Date:





Rear Elevation



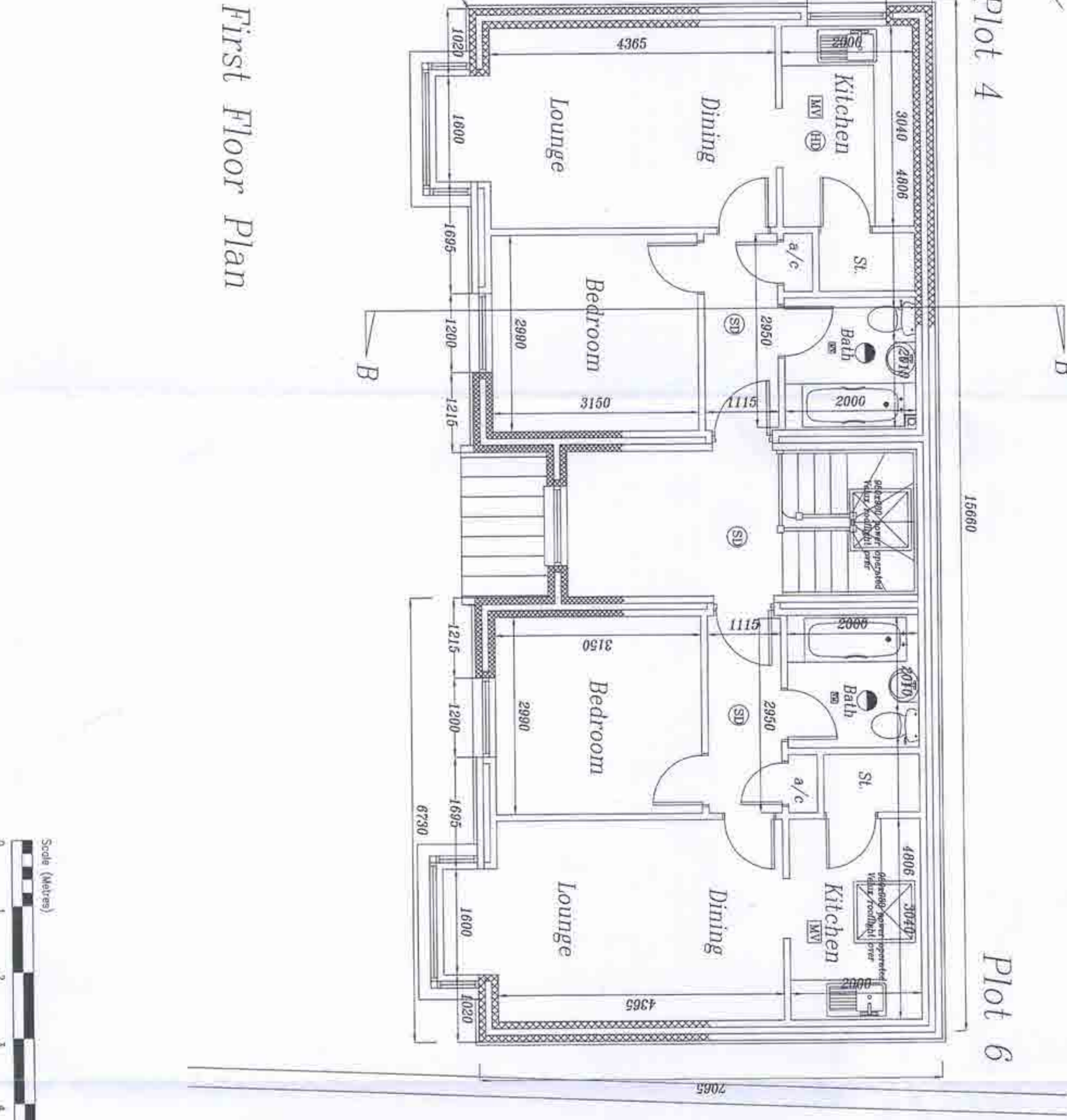
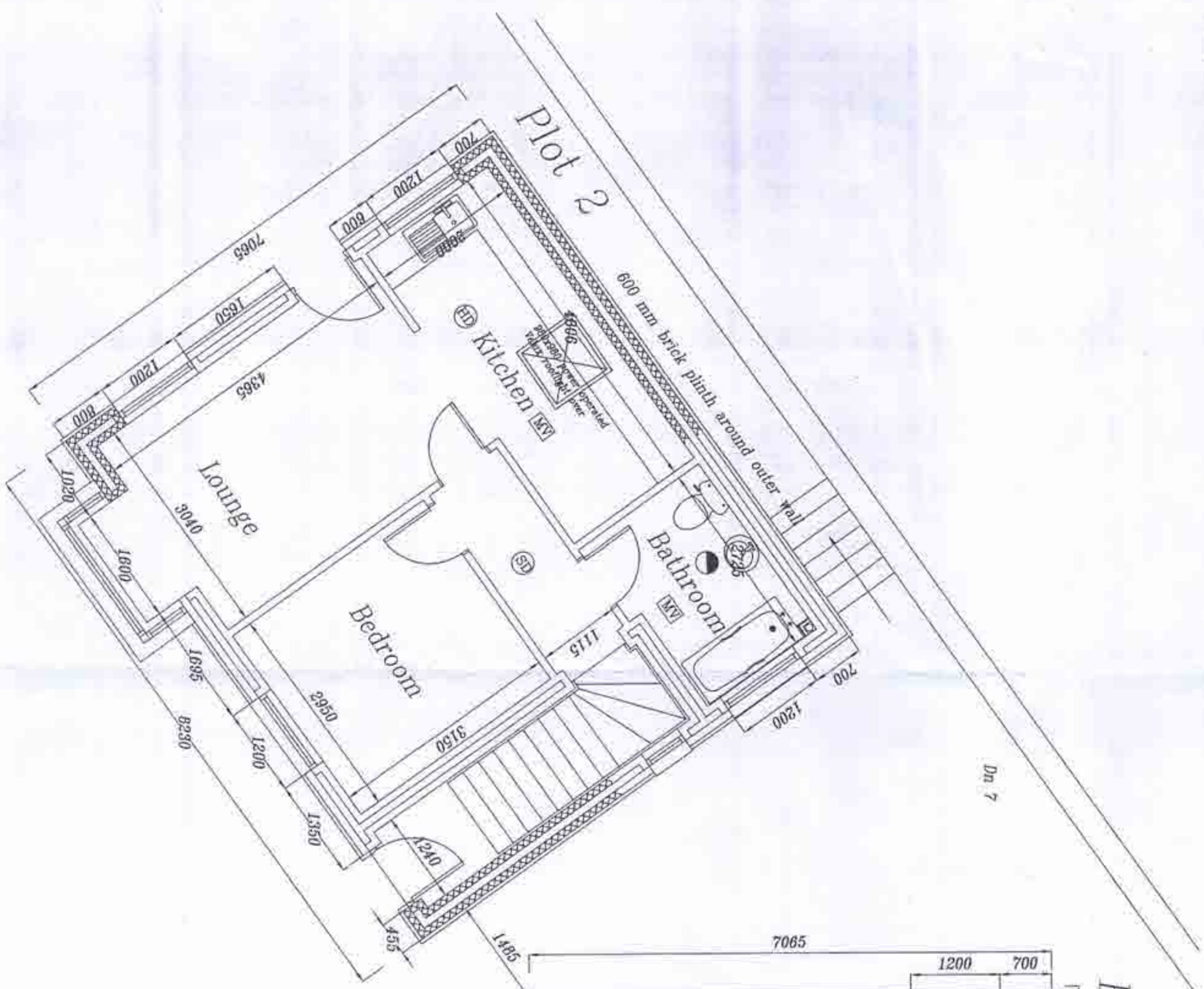
Section BB

- External Finishes :-**
- Ridges Staffordshire blue clay
 - Roof Blue/black natural slates
 - Walls Fl. qual clay smooth red brickwork and rough cast render
 - Chimneys Coloured cast stone
 - Soldier courses Fl. qual smooth red facing bricks
 - Parapets & Bergesobands White PVCu
 - Windows White double glazed PVCu casements.
 - Rainwater Goods Cast alloy painted black
 - Front Door & Frames Hardwood

- Notes**
- M All external doors to be set 100mm side of right door 800mm wide
 - M Continuum handrail to both sides of stairs
 - (S) Main specialist with battery back interlinked smoke detectors
 - (HD) Main specialist with battery back interlinked heat detectors
 - (M) Mechanical extractor fan ducted direct to external air
 - (S) Stairs Sloped

Note: In the event the any of the works are to be carried out in close proximity to a boundary/plotting property or to a party wall it will be necessary to notify all relevant parties of the impending works. Formal agreement to the works as required under the party wall act 1996 is to be obtained prior to commencing on site.

If necessary a conditional survey of the neighbouring land or structures should also be undertaken prior to the works commencing.



First Floor Plan



PLEASE READ THE FOLLOWING INSTRUCTIONS VERY CAREFULLY & ENSURE THEY ARE IMPLEMENTED.

DO NOT SCALE

All measurements & levels shown are subject to checking on site by the contractor. Figure dimensions to take precedence over scaled.

All working dimensions must be taken from, checked &/or verified by the main contractor on site prior to the manufacture of all items & the plotting of all work in hand.

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All materials & components to comply with the current editions of the Building Standards Institution specifications.

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AMENDMENTS

rev.	date	description
A	01/12/11	Rider and notes forward See RB added
B	01/12/12	Revised redlined

M. John Crowther & Associates.
 Architect, Surveyors
 Planning Consultants

Site 2, Cabb House, 82 Newport Road, Colchester, Essex, WY6 4BR.
 Tel: (01201) 425554 Fax: (01201) 427371 email: info@mcra.co.uk
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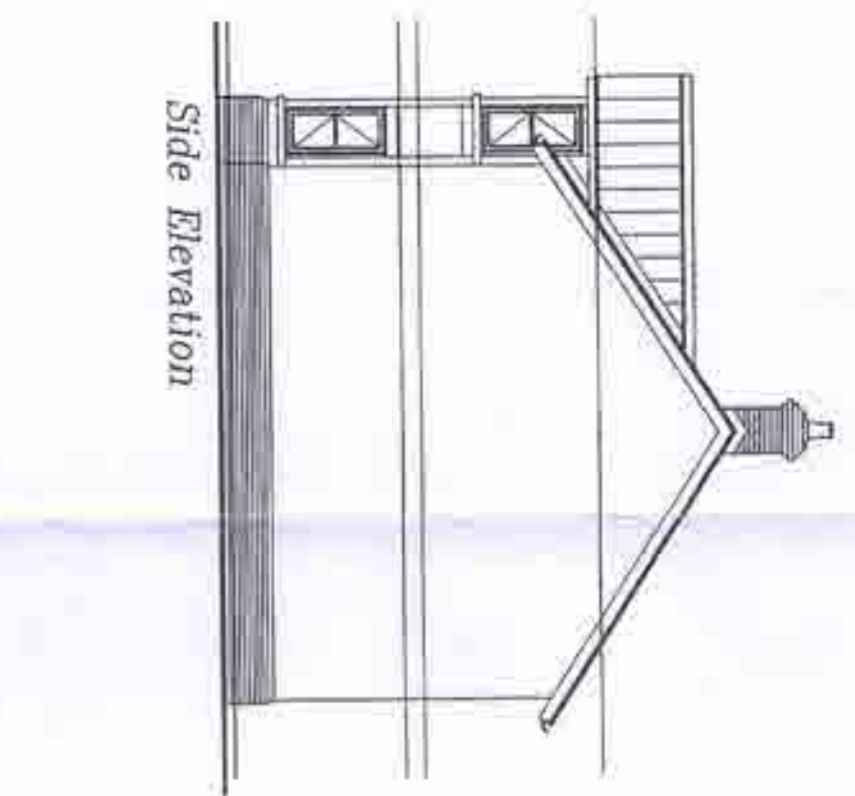
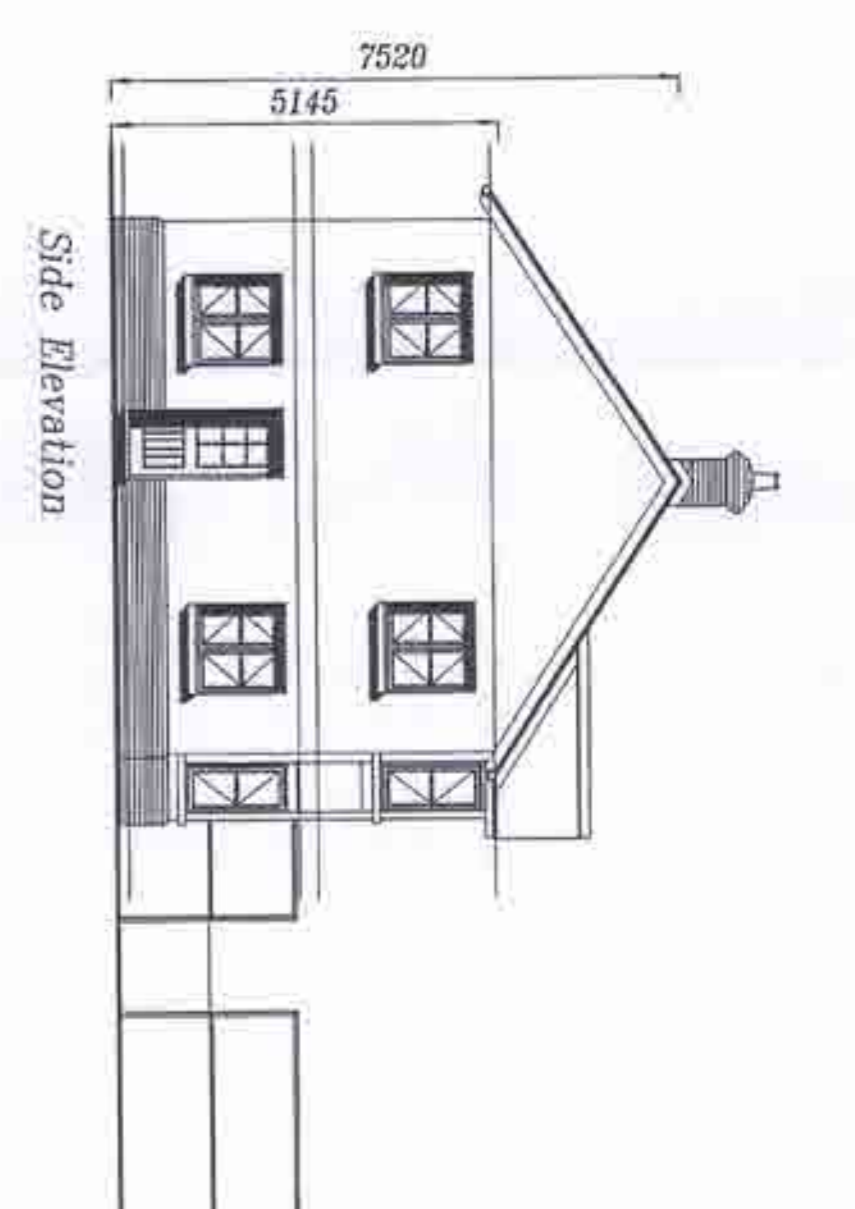
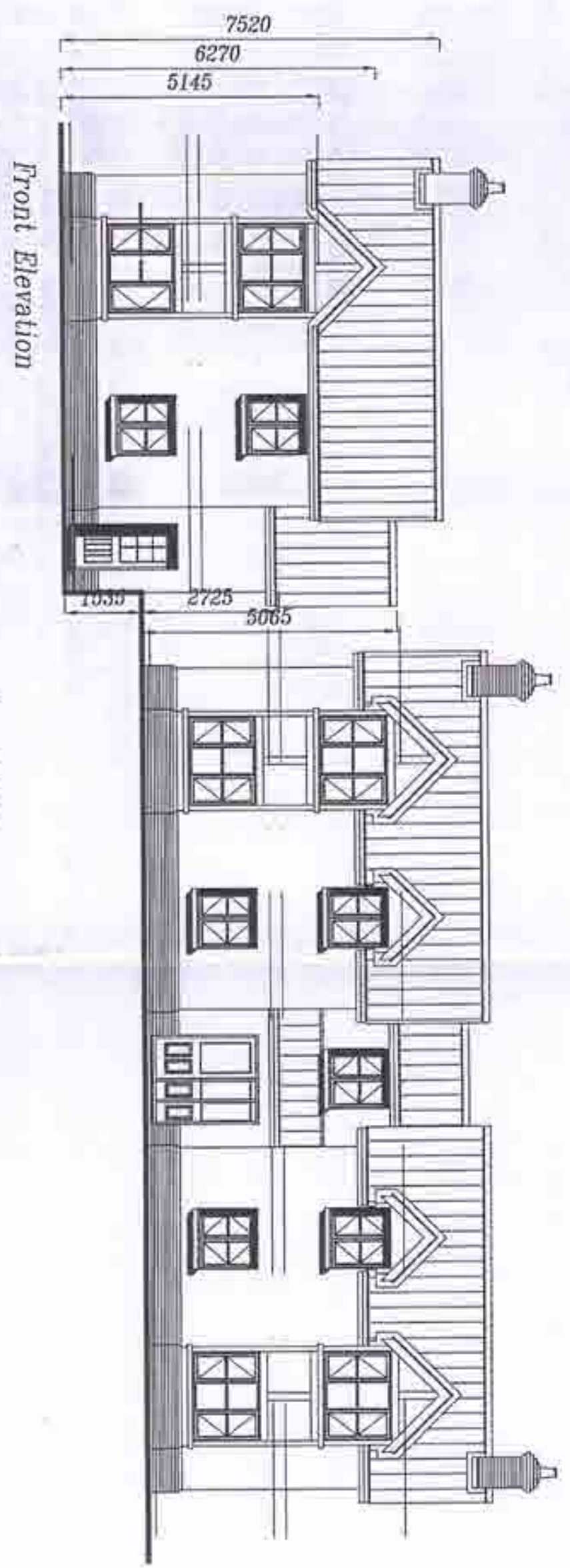
Site:
Proposed Housing at
Cemetery Rd,
Lye, Stourbridge

Drawn/Worked on:
Plan and Elevations
Furst Floor

Scale: **1:50 1:100**

PLANNING

Date	Date	CAD Ref.
TA	05/09/08	C:\CAD\1186\1186-08
Checked	Date	Drawing No.
		1186-0B

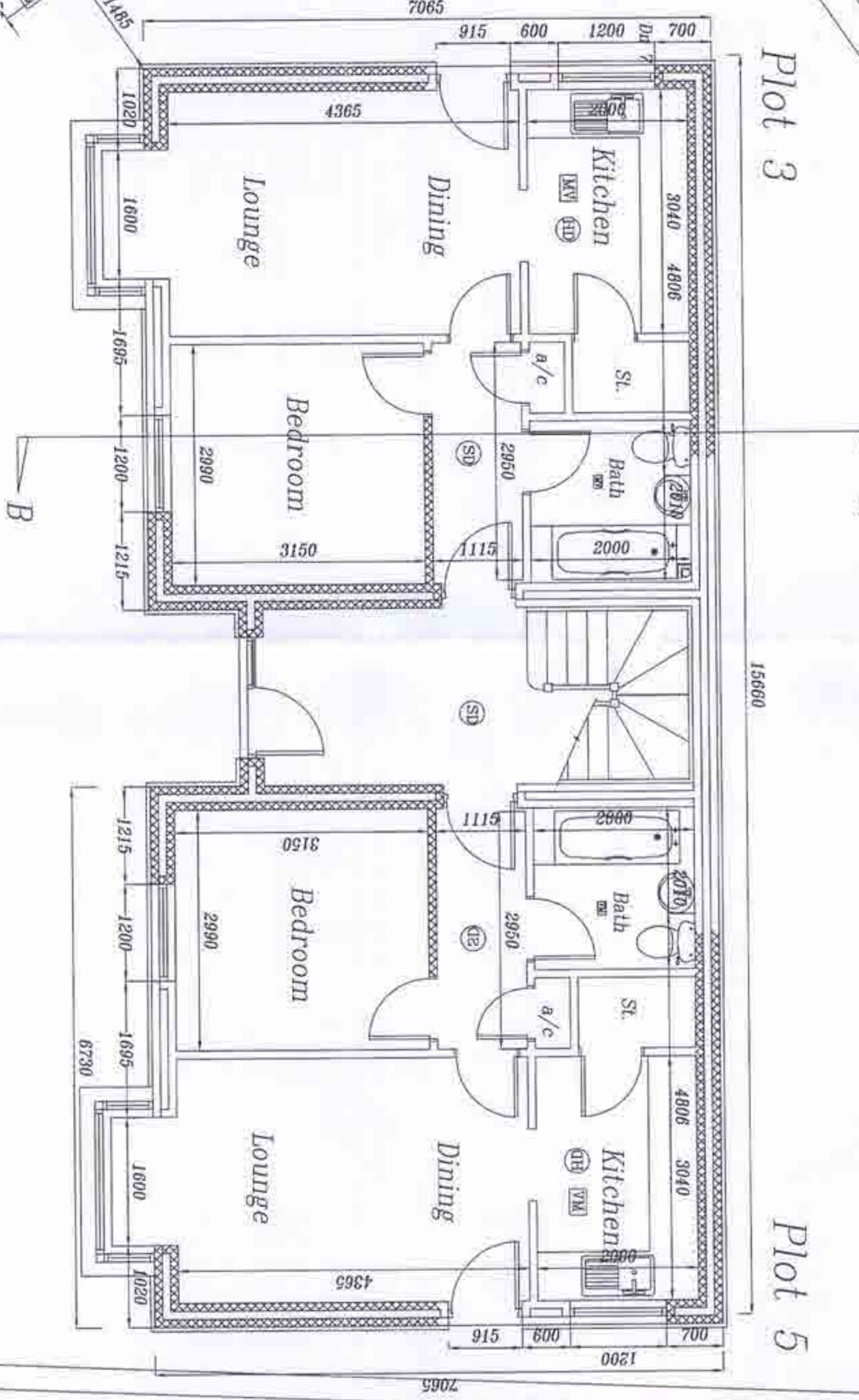
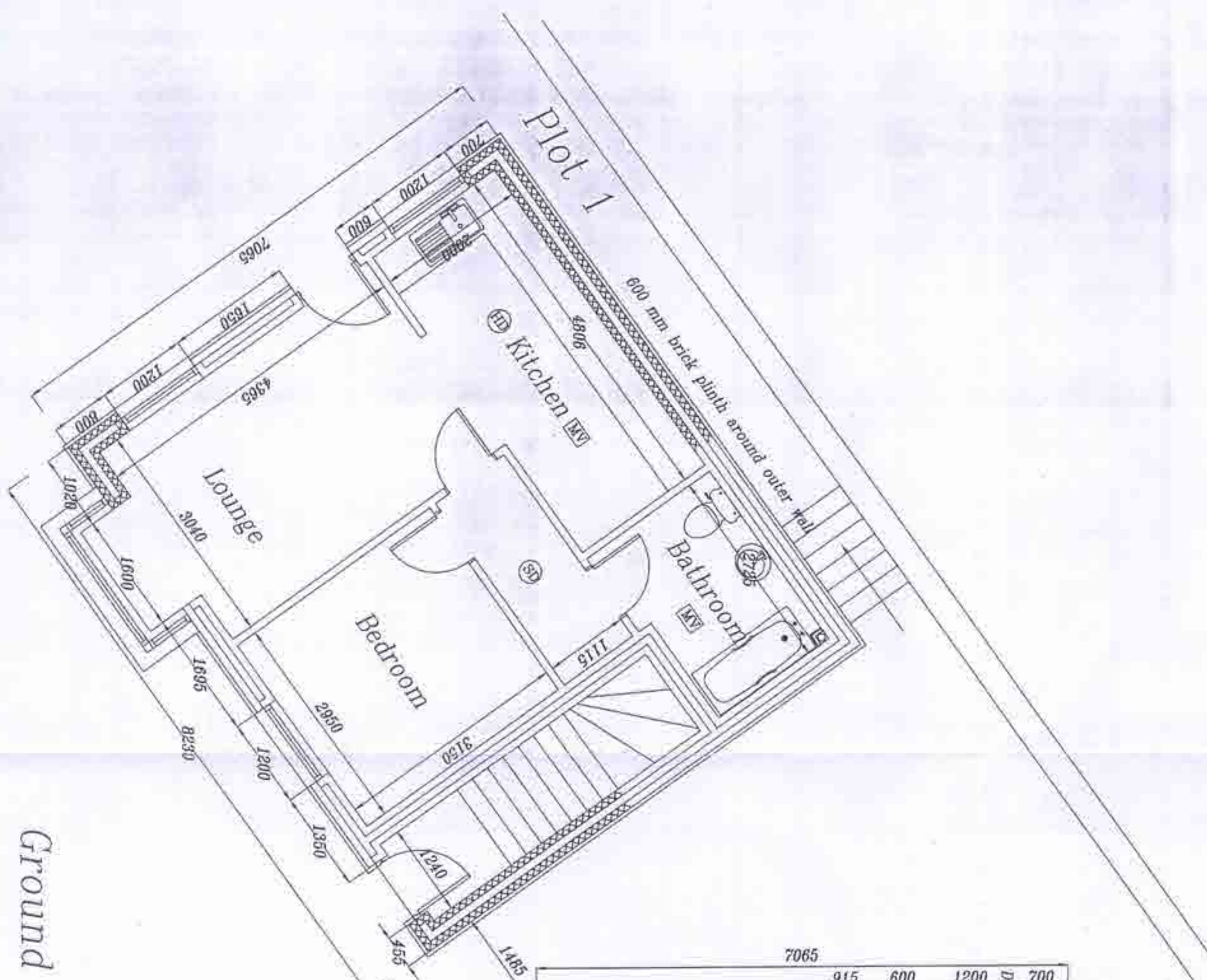


- External Finishes :-**
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 - Chimneys Cotswold cast stone
 - Solder courses Ft. quat smooth red facing bricks
 - Parasols & Bargeboards White PVCu
 - Windows White double glazed PVCu casements.
 - Balcony Goods Cast alloy painted black
 - Front Door & Frames Hardwood

- Notes**
- (N) All external doors to be self close or lock door self close with
 - (R) Castdown handle in both sides of doors
 - (S) Has operated with battery back up/interlock smoke detectors
 - (S1) Has operated with battery back up/interlock heat detectors
 - (M) Mechanical extractor fan should direct to external air

Note: In the event the any of the works are to be carried out in close proximity to a boundary/adjacent property or to a party wall it will be necessary to notify all relevant parties of the impending works. Formal agreement to the works as required under the party wall act 1996 is to be obtained prior to commencing on site.

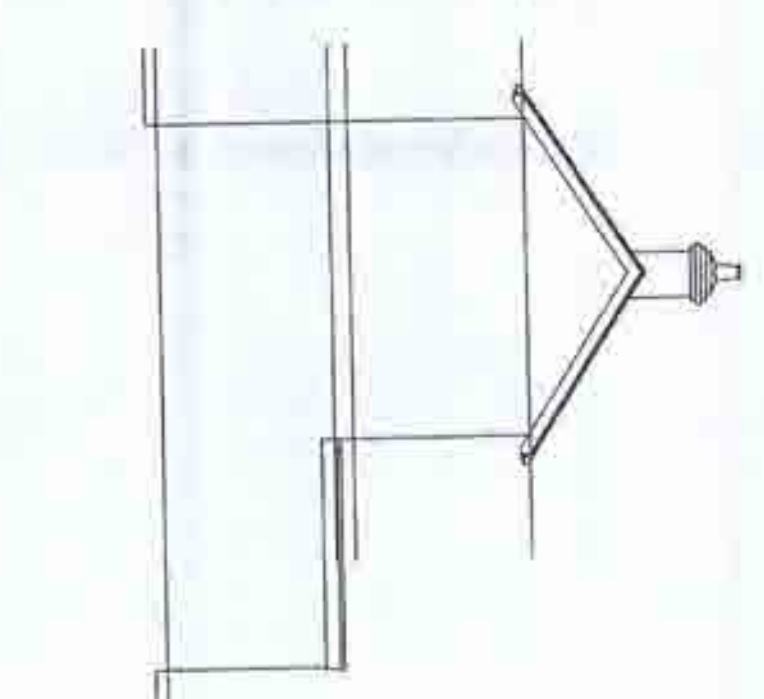
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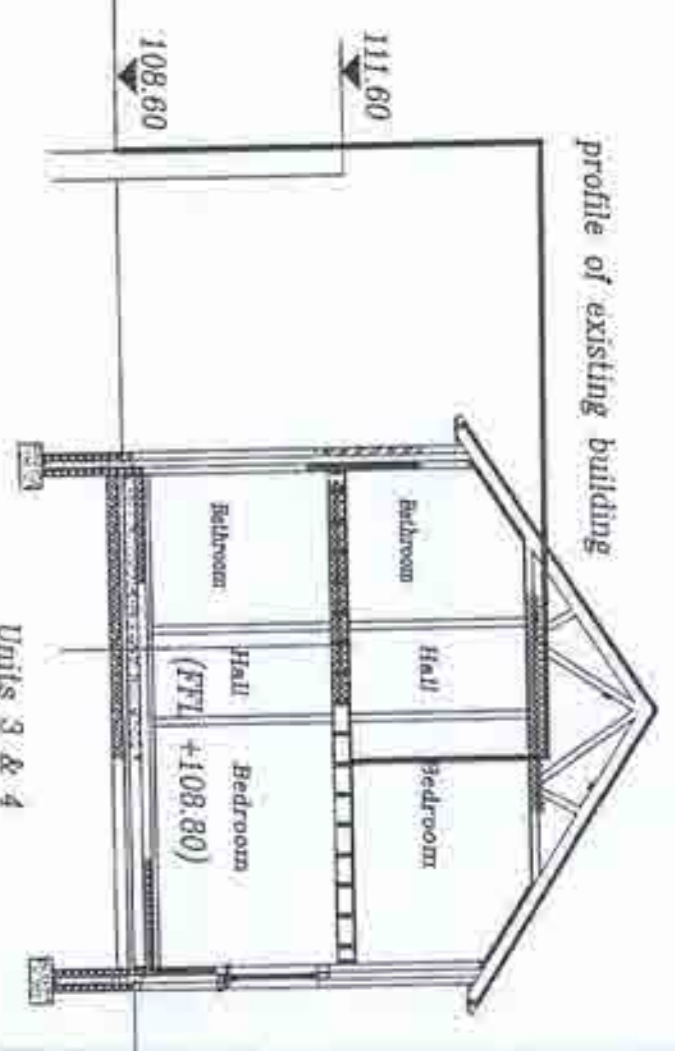
Ground Floor Plan



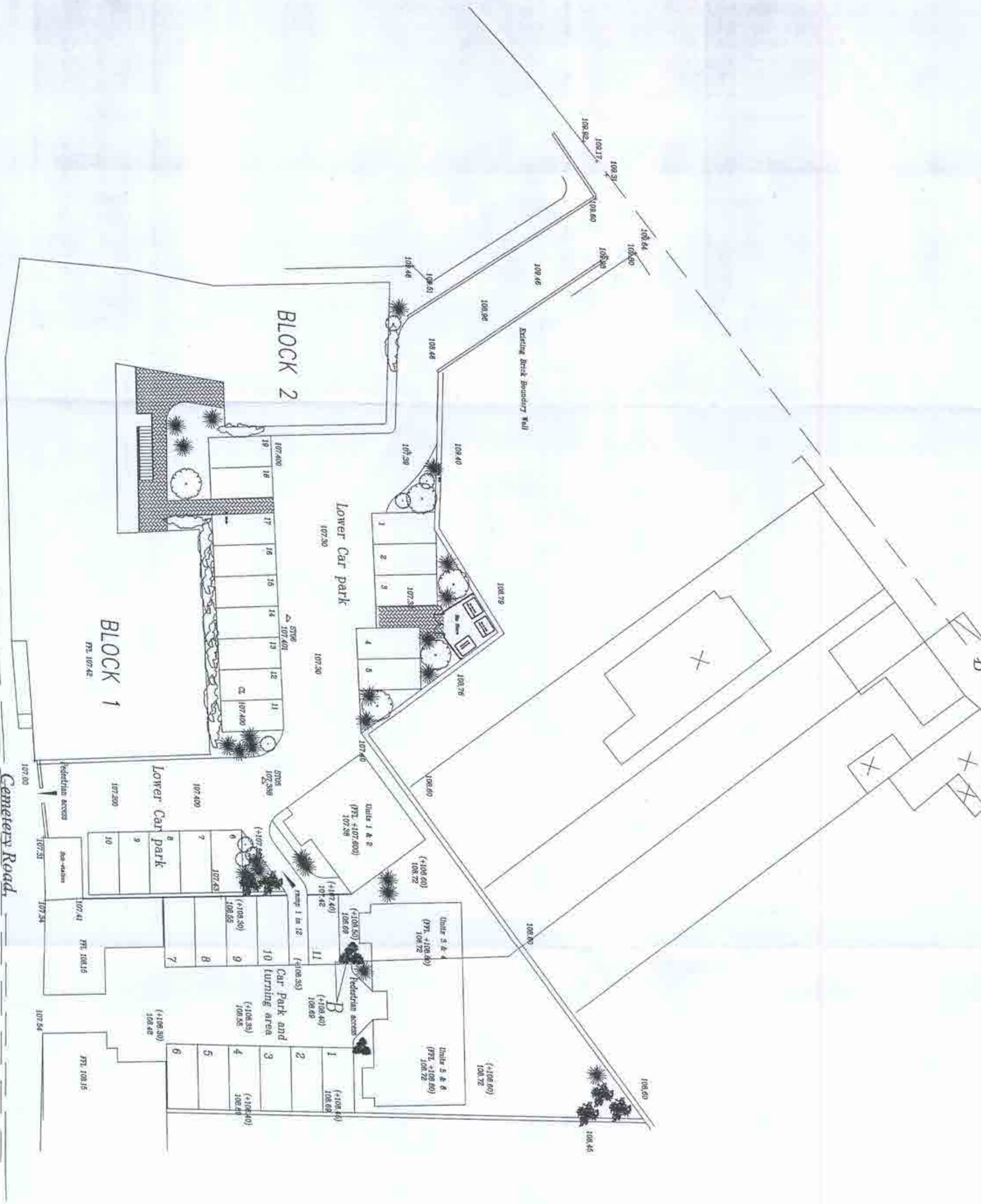
<p>PLEASE READ THE FOLLOWING INSTRUCTIONS. VERY CAREFULLY & ENSURE THEY ARE IMPLEMENTED.</p> <p>DO NOT SCALE</p> <p>All measurements & levels shown are subject to checking on site by the contractor. Figured dimensions to take precedence over scale.</p> <p>All working dimensions must be taken from the drawing as verified by the main contractor on site prior to the manufacture of all items & the placing of all work in hand.</p> <p>Working dimensions must not be scaled from this drawing in all cases of doubt or discrepancy please refer to the architect, surveyor, supervising officer or consultant for instructions.</p> <p>The main contractor must ensure that all appropriate certificates, surveys, supervising officer, consultants &/or specialist drawings are read in conjunction with this drawing.</p> <p>All work is to comply with the current building regulations, local authority by-laws stipulations & requirements of statutory bodies.</p> <p>Some all notices to the authorities concerned.</p> <p>All work is to comply with the current editions of the British Standards Institution codes of practice.</p> <p>All materials & components to comply with the current editions of the Building Standards Institution specifications.</p> <p>Prior to commencing work, the contractor is required to communicate with the relevant authorities, bring them to site & to locate the positions and lines of all services (e.g. water, gas, electricity, telephone, radiations, sewage etc.) on, over, under & around the site which could in any way affect the positioning of the buildings. Copies of the correspondence & a full report of the findings must be forwarded to the architect, surveyor, supervising officer or consultant before building works commence.</p> <p>This drawing is copyright.</p>												
<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>rev.</th> <th>date</th> <th>description</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>08/02/11</td> <td>Ridge and soffit inserted on pages 3 to 6</td> </tr> <tr> <td>B</td> <td>06/06/12</td> <td>Plans resubmitted</td> </tr> </tbody> </table>				rev.	date	description	A	08/02/11	Ridge and soffit inserted on pages 3 to 6	B	06/06/12	Plans resubmitted
rev.	date	description										
A	08/02/11	Ridge and soffit inserted on pages 3 to 6										
B	06/06/12	Plans resubmitted										
<p>M. John Crowther & Associates. Architect, Surveyors Planning Consultants</p> <p>Site: 3, Cobb House, 32 Newport Road, Colyton, Devon, NP6 4BR TEL: (01391) 42365 FAX: (01391) 42373 EMAIL: info@mcra.co.uk THE FIRM'S CORPUSCULE AND IS NOT TO BE EMPLOYED WITHOUT THE FIRM'S PERMISSION.</p> <p>Site: Proposed Housing at Cemetery Rd, Lye, Stourbridge</p> <p>Drawn/checked: Plan and Elevations Ground Floor</p> <p>PLANNING Scale: 1:50 1:100</p> <p>Drawn: TA Date: 05/09/08 C:\CAD\1186\1186-5B Checked: Date: Drawing No: 1186-5B</p>												



Logitudinal Section BB scale 1-100



profile of existing building



SITE LAYOUT scale 1:200

Existing levels shown thus 108.00 proposed levels (+108.00)

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All work is to comply with the current editions of the British Standards Institution codes of practice.

All materials & components to comply with the current editions of the Building Standards Institution specifications.

Prior to commencing work, the contractor is required to communicate with the relevant authorities, bring them to site & to locate the positions and lines of all services (e.g. water, gas, electricity, telephones, refrigeration, sewage etc.), on, over, under & around the site which could in any way affect the positioning of the buildings. Copies of the correspondence & a full report of the findings must be forwarded to the architect, surveyor, supervising officer or consultant before building works commence.

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AMENDMENTS

rev.	date	description
A	06/10/11	Separate pedestrian access added
B	28/10/11	Steps modified ramp added
C	09/02/12	Units 3 to 6 revised

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**Proposed Apartments at
 Cemetery Road,
 Eye, West Midlands**

Site
 Elevation/Worksection
Site Layout and Cross Section

Planning	Scale
Date: 07/02/11 Drawn: CAB:rd. Checked: CAB:rd.	1:200

Drawn	Date	Checked	Drawn No.
TA	07/02/11	CAB:rd.	1186-7C

