

## **PLANNING APPLICATION NUMBER: P22/1164**

Type of approval sought	Full Planning Permission
Ward	Castle and Priory Ward
Agent	Anjum Mehmood
Case Officer	James Mead
Location:	<b>42, ST JAMES'S ROAD, DUDLEY, DY1 3JB</b>
Proposal	<b>CONVERSION OF RESIDENTIAL CARE HOME INTO 4 NO. FLATS TO INCLUDE FIRST FLOOR SIDE EXTENSION. ELEVATIONAL CHANGES TO INCLUDE NEW WINDOWS &amp; DOORS AND REMOVAL OF EXTERNAL STAIRCASE (RESUBMISSION OF REFUSED APPLICATION P22/0225)</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

### **SITE AND SURROUNDINGS**

1. The application site is 42 St James Road, Dudley. This is a two-storey detached residential property with hipped roof and decorative front gable feature. The property is vacant having been used as elderly care home. There is a ground floor bay window to the front and the entrance is recessed within a wooden canopy structure. To the front of the property is a paved driveway, with an in and out access. There is an attached single garage to the site. Low level brick walls and railings form the boundaries to neighbouring properties at the front of the property.

2. The property has been extended at the rear with a flat roof three storey addition. Falling land levels at the rear, allowed for the creation of a basement level. There is a large north facing garden which is bound by wooden fencing to neighbouring properties with dense planting along the boundary with number 44 and to the rear of the site.
3. St James Road is characterised at this point by a mix of larger detached and semi-detached dwellings set in linear rows along a street lined within mature trees. Further to the east there are a number of commercial/institutional uses including St James Academy; Day Nurseries; Council Offices and a Royal Mail Sorting Office as the area gives way to Dudley Town Centre which is situated to the south-west of the site.
4. The site is identified as being within an Area of High Historic Townscape Value.

## PROPOSAL

5. Consent is sought for the change of use from residential care home (C3) into 4no flats along with first floor extension above garage, rear lower ground floor and ground floor extensions at 42 St James Road, Dudley.
6. Plans submitted show one flat each at basement level and ground floor and two, one bedroom flats at first floor. All would be accessed from via the existing entrance. The private communal garden at the rear of the property will be retained.

7. To facilitate the change, it is proposed to erect a first-floor extension above the existing garage and further extensions at basement and ground floor level. All would be constructed with materials to match the existing house.
8. Plans indicate four off street vehicle parking spaces to the front. A cycle store would be provided internally.
9. The application follows the refusal of a previous application for the development of 6 flats.

## HISTORY

<b>APPLICATION No.</b>	<b>PROPOSAL</b>	<b>DECISION</b>	<b>DATE</b>
CC/75/1177	Change of use from dwelling to Old persons home	Approved with conditions	11/09/1975
89/51590	Three storey side and rear extension to residential care home	Refused	28/09/1989
89/52795	Construction of extension to residential care home	Refused	01/03/1990
93/50890	Erection of extension to provide additional bedrooms, stairs and lounge extensions.	Approved with conditions	22/07/1993
P21/2062	Conversion of Residential	Withdrawn	24/01/2022

	Care home (C3) into 11-bedroom HMO (Sui Generis) including garage conversion, first floor extension above garage, rear lower ground floor and ground floor extensions		
P22/0225	Conversion of Residential Care Home into 6 no. one bedroom flats to include first floor side extension and lower ground floor and ground floor rear extensions	Refused	23/06/2022

10. Application P22/0225 was refused by Planning Committee on the grounds that the proposal did not provide sufficient parking for 6 flats. The application had been recommended for approval by officers.

## PUBLIC CONSULTATION

11. Neighbour notification letters were sent to 25 neighbouring properties and a site notice posted with the final dates for comments to be received being 14<sup>th</sup> October 2022.
12. Five individual letter of objection have been received from four surrounding properties objecting to the proposal on the following grounds.

- The amount of parking proposed is insufficient for this use.
- There are already surplus number of flats in the area.
- Flats are out of character for this part of St James Road.
- This is overdevelopment of the site.

## OTHER CONSULTATION

13. Head of Planning and Development (Highway Engineer):

Four apartments require a minimum parking standard of 1 space per apartment. This minimum standard has been met.

14. Head of Environmental Safety and Health

No adverse comments, safeguarding conditions with respect to air quality are recommended.

## RELEVANT PLANNING POLICY

15. National Planning Guidance

- National Planning Policy Framework (2021)
- Planning Practice Guidance (2014)

16. Black Country Core Strategy (2011)

- CPS4 Place Making
- HOU1 Delivering Sustainable Housing Growth
- HOU2 Housing Density, Type and Accessibility
- TRAN2 Managing Transport Impacts of New Development
- ENV 2 Historic Character and Local Distinctiveness

- ENV 3 Design Quality
  - ENV8 Air Quality
17. Dudley Borough Development Strategy (2017)
- S1 Presumption in favour of Sustainable Development
  - S12 Areas of High Historic Townscape Value
  - L1 Housing Development, extensions and alterations to existing Dwellings
  - D5 Noise Pollution
18. Supplementary Planning Guidance/Documents
- Parking Standards Supplementary Planning Document (2017)
  - The Historic Environment SPD (2017)

## ASSESSMENT

19. The main issues are
- Principle/Policy
  - Design/Character and Appearance
  - Neighbour and Occupier Amenity
  - Access and Parking
  - Financial Material Considerations

### Principle/Policy

20. The National Planning Policy Framework (NPPF) seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable

communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF also seeks to boost housing supply and supports the delivery of a wide choice of high-quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.

21. The Black Country Core Strategy adopted in 2011 sets out The Vision, Sustainability Principles and The Spatial Objectives for future development in the Black Country to 2026. One of the Spatial Objectives of the Strategy is to help to deliver sustainable communities on redundant land, that make the most of opportunities such as public transport, are well served by residential services and green infrastructure, have good walking, cycling and public transport links to retained employment areas and centres, are set in high quality natural and built environments and are well integrated with surrounding areas.
22. The Black Country Core Strategy (BCCS), Policy HOU1: 'Delivering Sustainable Housing Growth' also requires at least 63,000 net new homes up to 2026.
23. Policy L1 of the Dudley Borough Development Strategy states that new development will be supported on previously developed land and on sites in sustainable locations, close to public transport facilities and links. Housing development will be permitted, provided that the design of the development is of an appropriate form, siting, scale, and mass; that it would not cause unacceptable harm to the amenities of the

occupiers of neighbouring dwellings; that it would provide an appropriate level of amenity for future occupiers of the development and that the development would provide adequate access, parking and provision for the manoeuvring of vehicles, with no detrimental impact on highway safety and free flow of traffic.

24. The proposal would constitute windfall development on a brownfield site. The overriding strategy is for residential led regeneration of previously developed land, this is a small site providing a net gain of four dwellings and would not prejudice the overall strategy. It is considered the principle of redeveloping this site for residential purposes would be a positive step in line with national and local policy. The site is within an established residential area, close to public transport links and with easy access to local services.

#### Design, Character and Appearance

25. Chapter 12 of the NPPF focuses on good design as a key element of sustainable development. Paragraph 126 states: “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”
26. Policy S6 (Urban Design) of the Dudley Borough Development Plan identifies that new development should be designed in accordance with good urban design principles. In addition, ‘The New Housing Development’ SPD encourages good quality accommodation in attractive environments. It contains a series of urban design principles and refers to minimum design and amenity guidance. Particular



emphasis is given to assessing context and responding positively to local character.

27. This application proposes to erect a first-floor extension above the existing garage and flat roof additions to the rear to facilitate the proposed development. The extensions, while adding built form along the side boundary of the house would on balance be acceptable in design terms. The extension would lead to a change from a hipped roof to a gable ended roof. There are examples of such elsewhere on St James Road, which contains a mix and styles of housing as such that this would not cause sufficient concern to warrant refusal of the application. In addition, there is already a large-scale addition to the rear with a flat roof and the extensions would not appear out of place or incongruous in this context.
28. The overall architecture of the proposed works assimilates with the overall design of the existing building, in terms of the materials used and the building would not appear out of place locally. A condition requiring the details of materials to be as the submitted plans is recommended.
29. The proposal therefore accords with Policy HOU2 of the Core Strategy and Policy L1 of the Dudley Borough Development Plan, which require developments to be responsive to the context and characteristics of the surrounding area.

## Neighbour and Occupier Amenity

30. The Council's New Housing SPD recommends a series of numerical standards to ensure existing and future occupiers' privacy and outlook. In this instance, the development has been designed so that the habitable room windows look out onto the surrounding public side of the development or are located away from neighbouring properties facing the rear garden, thereby giving potential occupiers a good outlook. It is acknowledged that within the basement flats there is limited natural light to the kitchen areas, however these are open plan and have large scale windows for the living areas and as such is not of sufficient concern to warrant refusal. There is a bedroom window at first floor facing west towards 44, however this considered to have a neutral impact in terms of loss of privacy given the removal of the raised staircase platform currently in this location.
  
31. Each flat would be 37sqm or above in total area, therefore in accordance with the 'Technical housing standards – national described space standard' which although not formally adopted by the Local Planning Authority, provide a good benchmark. Notwithstanding this, the layout proposed is a result of site-specific constraints of the existing layout of this building and it is considered that the proposal makes the best use of the property to provide much need housing within the borough. As such, on balance, it is considered that the layout represents a good quality residential environment, that would not cause any significant detrimental impact to existing or proposed occupiers.

### Access and parking

32. Policy L1 also requires that development should provide adequate access and parking to ensure that there would be no detrimental impact on highway safety.
33. The previous application for 6 flats did not comply with policy in terms of the Councils minimum parking standards policy and was refused. This revised application has reduced the number of flats to 4 and four car parking spaces are provided. Given the location is within walking distance of the town centre to allow residents easy access to both shops and sustainable transport options and that Buses/future METRO trams and cycle routes to mainline railway stations such as Dudley Port or Coseley could reduce the potential need for a car, officers are minded to recommended approval of this revised application.
34. The applicant has retained the existing narrow garage for secure cycle storage and pedestrian access can be maintained at all times with four vehicles parked on the frontage. Minor footway works and drop kerb widening will be required and this can be secured by condition together with electric vehicle charging points and enclosed bin storage if larger communal bins are used rather than standard household size wheelie bins.
35. Despite the objections of residents, of note is paragraph 111 of the National Planning Policy Framework which sets out that applications should only be refused on highways grounds should there be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this instance, given

the highly sustainable location of the proposal and the public transport options available, it is considered that there are no sustainable grounds for refusing the application on highway grounds, given the overall benefits of providing this proposal.

### Financial Material Considerations

36. 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' 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 the Community Infrastructure Levy (CIL). The clause 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'.
37. This proposal would provide 4 dwellings generating a New Homes Bonus grant of 4 times the national average council tax for the relevant bands. 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.
38. The proposal is liable for CIL but the site falls within Zone 1 which has a £0 rate thus no CIL charge is required.

## CONCLUSION

39. The conversion of this property for housing accords with both national and local policy. The development would provide new housing to help meet the borough demand for new homes, and the proposed type and tenure' layout and design are appropriate for the area and can be accommodated without any significant adverse impact on existing residents, the local highway network or on the designated heritage assets in the area. The proposals would provide a high-quality development, which is considered would make a positive contribution to the area and which constitutes sustainable development.

## RECOMMENDATION

40. It is recommended that the application be APPROVED subject to the attached 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.  
REASON: To comply with Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: PL01 Rev A; PL02 Rev B and PL03 Rev B  
REASON: For the avoidance of doubt and in the interests of proper planning.
3. The materials to be used in the approved development shall match in appearance, colour and texture those of the existing building unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of the visual amenities of the area and to comply with BCCS Policies CSP4 - Place-Making and ENV2 - Historic Character and Local Distinctiveness and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings

Policy D2 Incompatible Land Uses (in part).

4. In order to minimise the impact of the development on local air quality, any gas boilers provided within the development must meet a dry NO<sub>x</sub> emission concentration rate of <40mg/kWh.

REASON: To safeguard the air quality of the Borough which is an Air Quality Management Area in compliance with the Black Country Core Strategy Policy ENV8 and the adopted Air Quality SPD.

5. No above ground development shall commence until details of the electric vehicle charging points, to be provided for the dwellings in accordance with the Council's standard (Parking Standards SPD), has been submitted to and approved in writing by the Local Planning Authority. Prior to first occupation the electric vehicle charging points shall be provided in accordance with the approved details and shall be maintained for the life of the development.

REASON: In the interests of creating a sustainable form of development and to encourage the use of ultra low emission vehicles in accordance with Policies ENV8 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy.

6. The development shall not be occupied/used until details of the bin stores have been submitted to and approved in writing by the Local Planning Authority. The bin stores shall be provided in accordance with the approved details prior to the first use/occupation of the development and shall thereafter be retained and maintained for no other purpose for the life of the development.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings

Policy D2 Incompatible Land Uses (in part)

and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

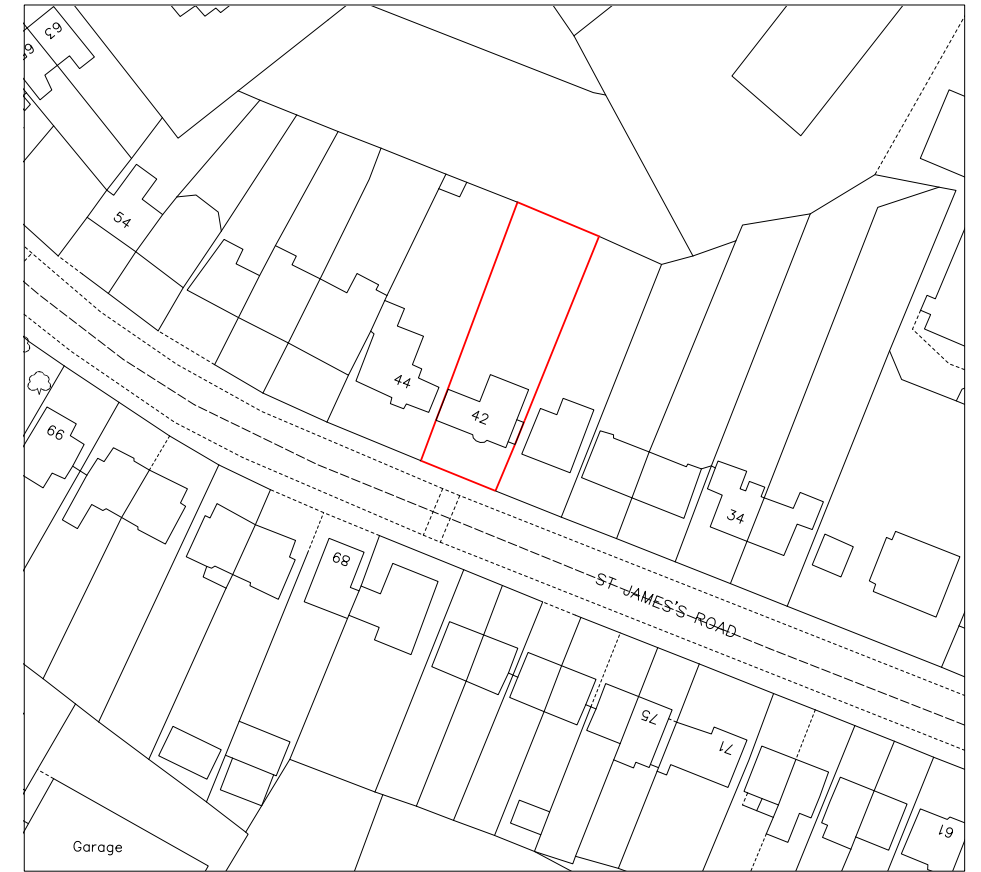
7. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of the access(es) into the site, together with parking and turning area(s) [including details of lines, widths, levels, gradients, cross sections and drainage] have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied

until the access(es) into the site, together with parking and turning area(s) within the site have been laid out in accordance with the approved details. These area(s) shall thereafter be retained and not be used for any other purpose for the life of the development.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

8. Prior to first occupation the existing dropped kerb/vehicular crossing shall be widened to allow access to the driveway and shall be maintained as such for the lifetime of the development.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

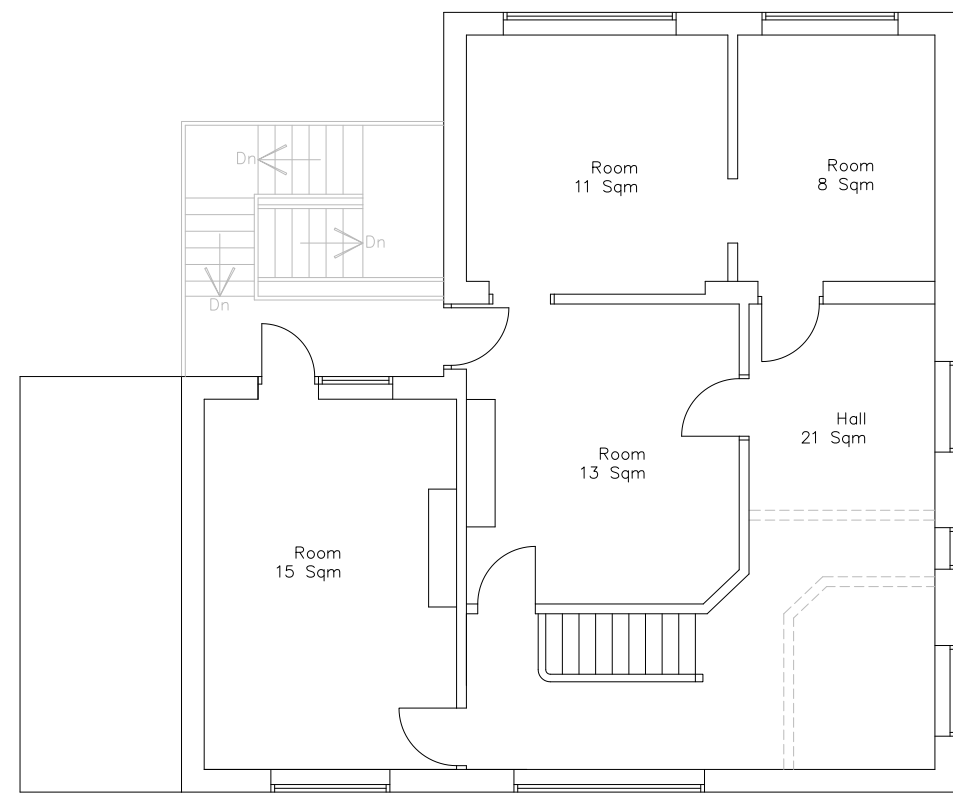


Rev	Description	Date	chkd	Project:
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				Scale: As shown @ A3
				Drawn by:
				Date: SEP 2022
				Status:
				Title: Location Plan and Site Plan
			Drg. No. PL01	Rev: A

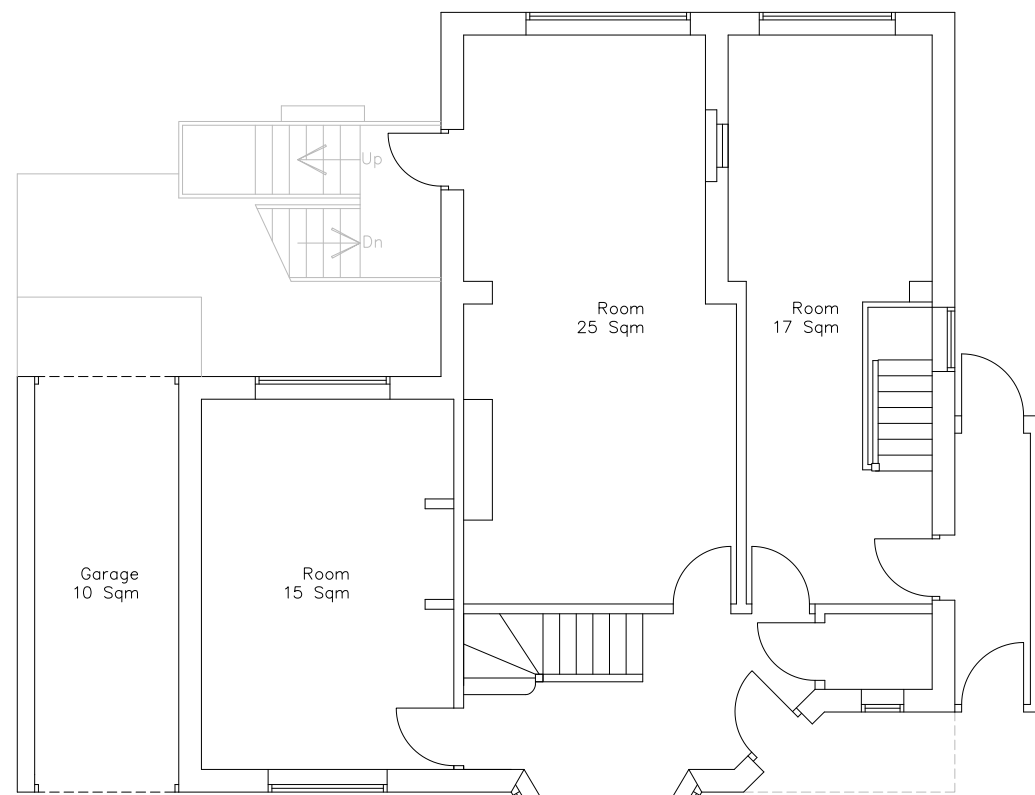


Anjum Design Limited, 435 Stratford Road  
Solihull B90 4AA TEL: 0121 364 7650  
www.anjumdesign.co.uk E: info@anjumdesign.co.uk

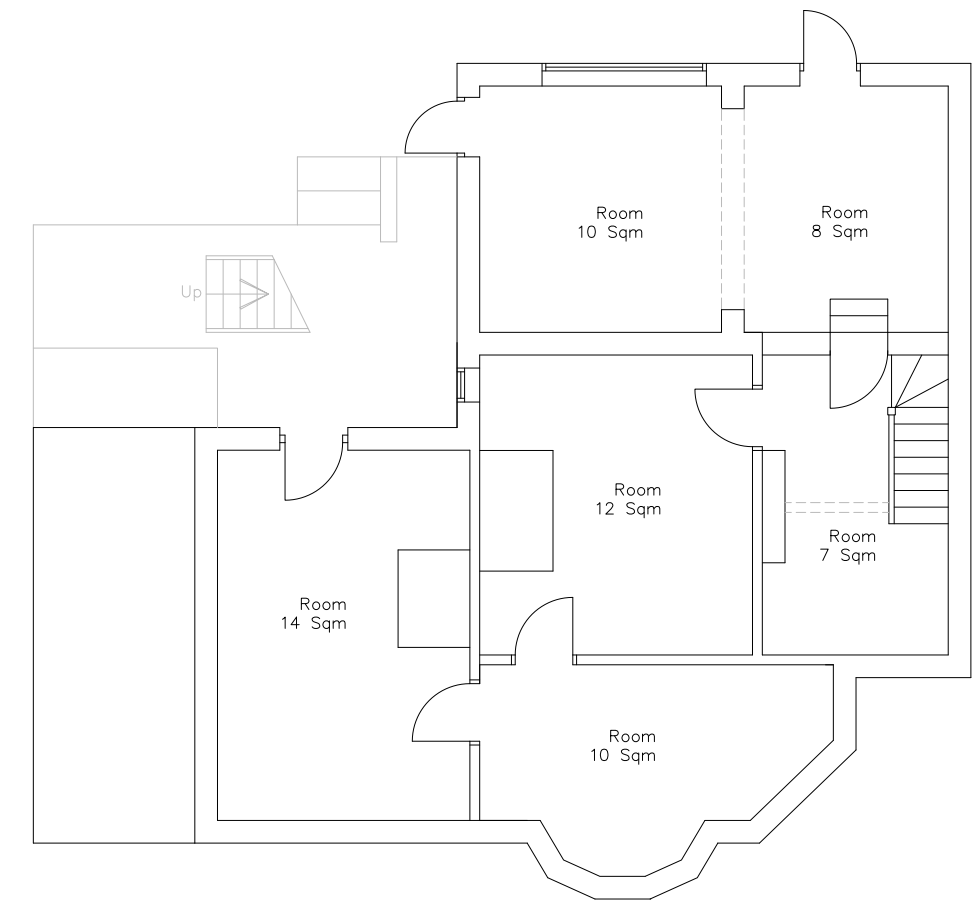




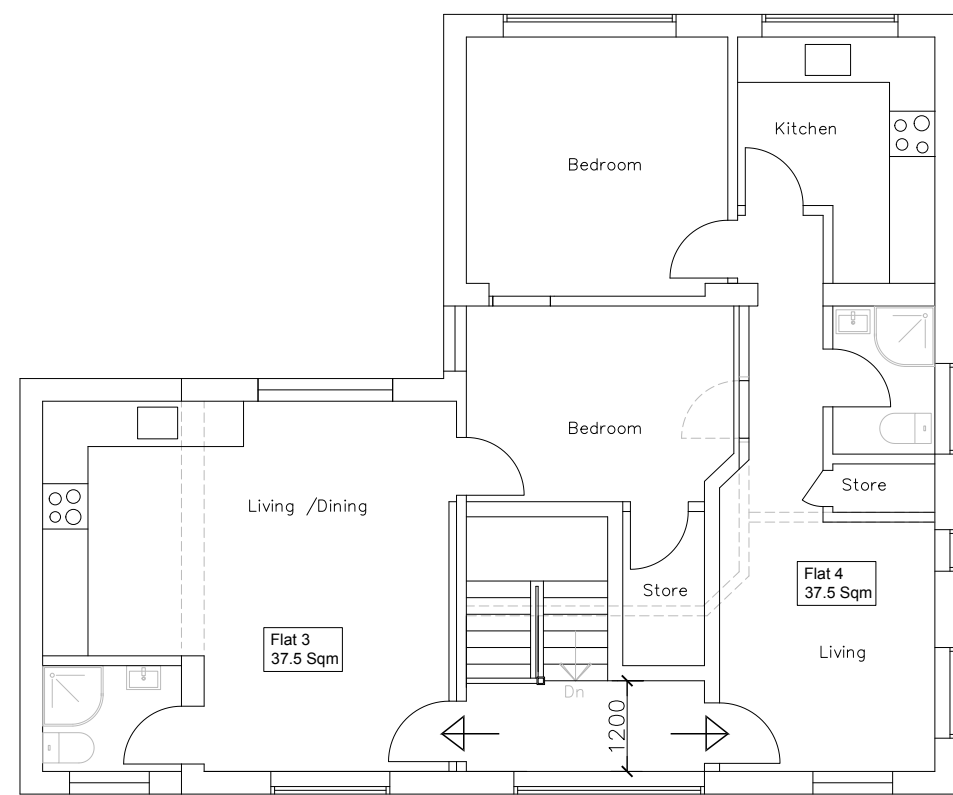
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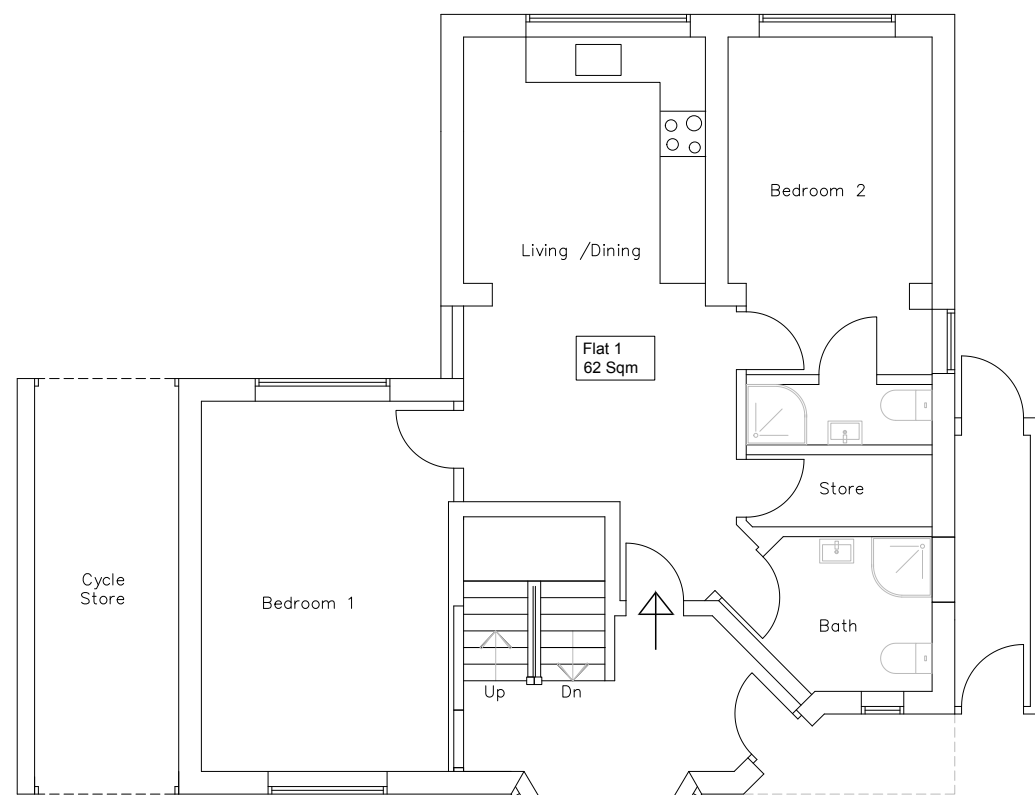
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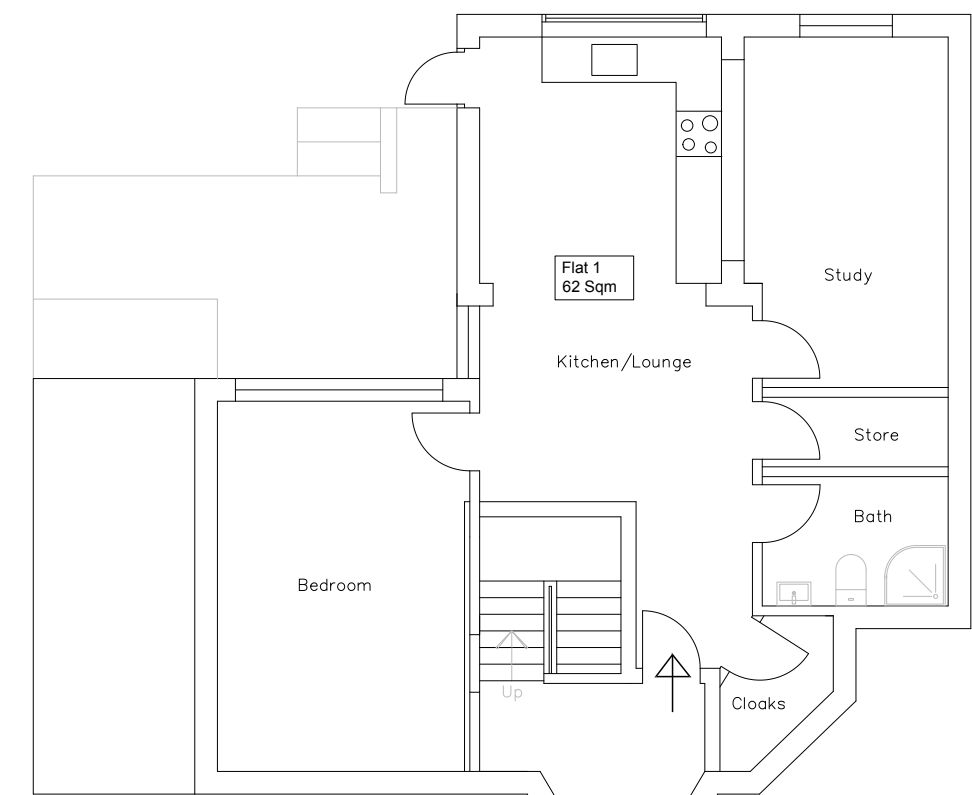
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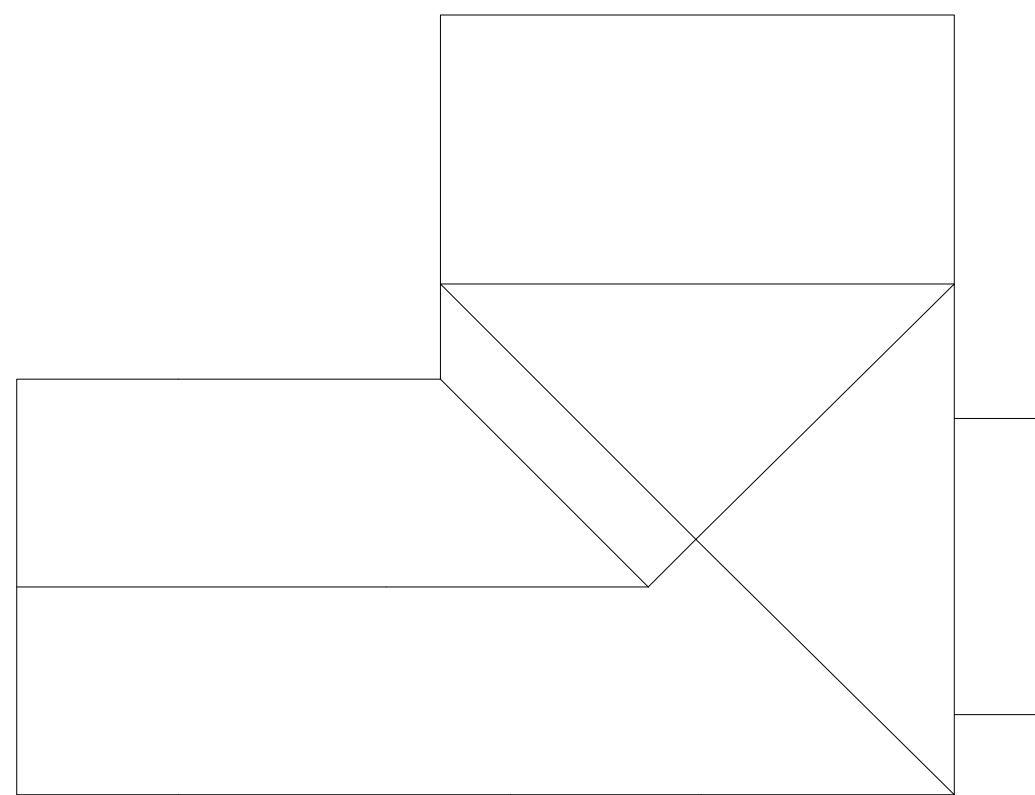
Proposed First Floor  
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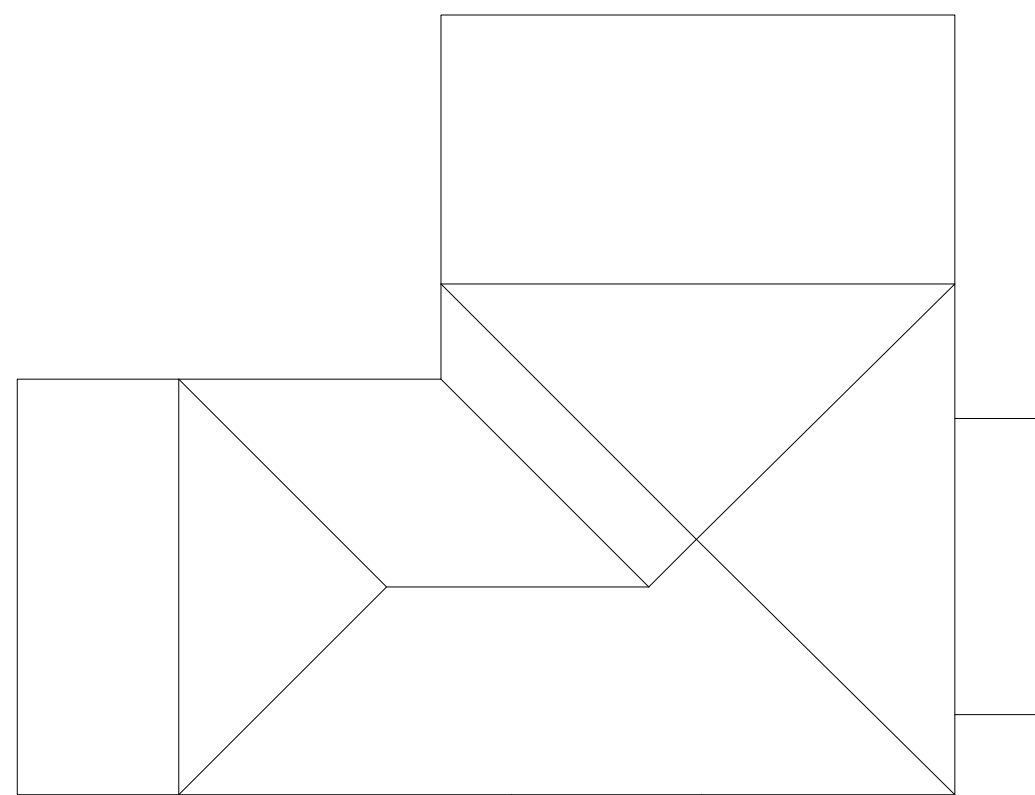
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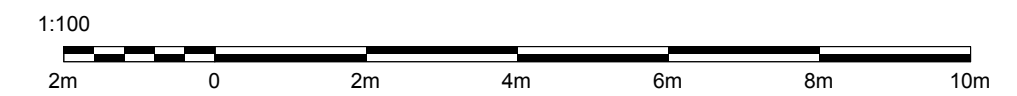
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Proposed Roof Plan  
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Existing Roof Plan  
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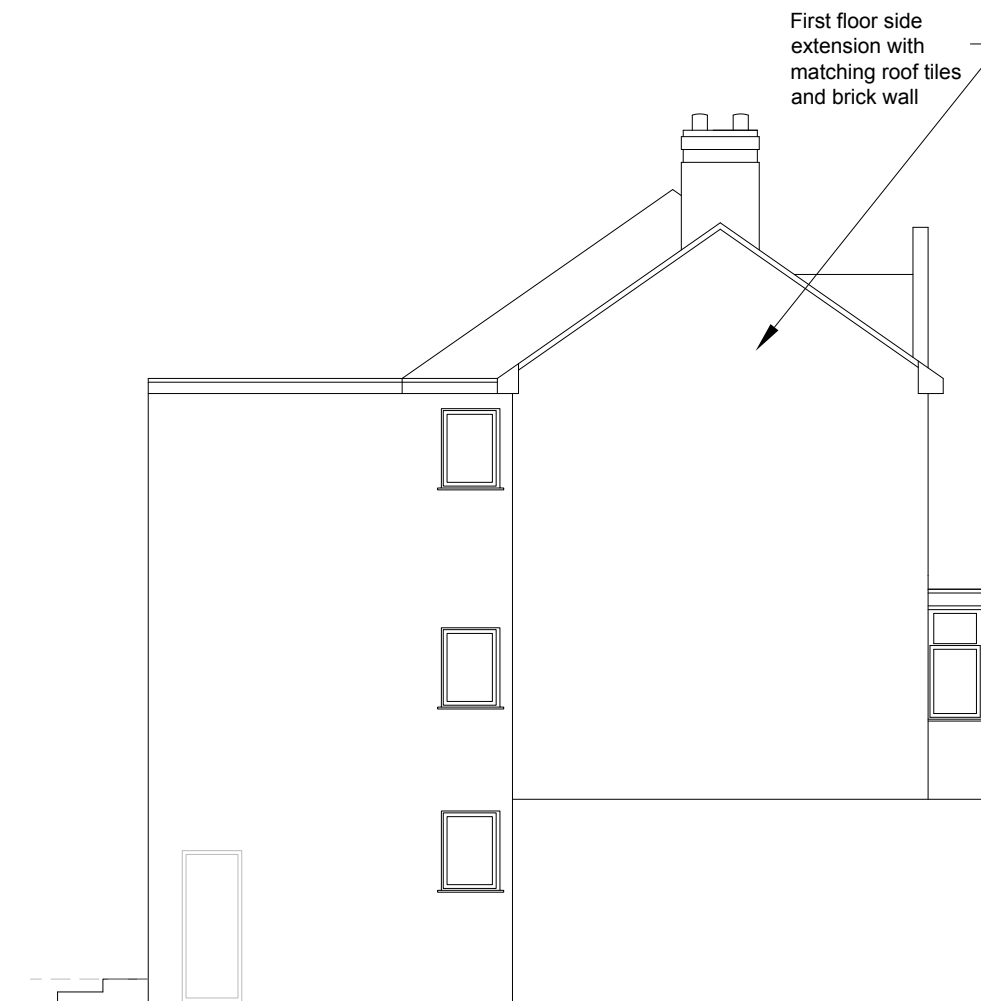
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				Scale:	As shown @ A2	Drawn by:	Date:	Status:
							SEP 2022	
				Title:	Existing and Proposed Floor Plan			
				Dwg. No.	PL02		Rev:	B
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Proposed Front Elevation  
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Proposed Rear Elevation  
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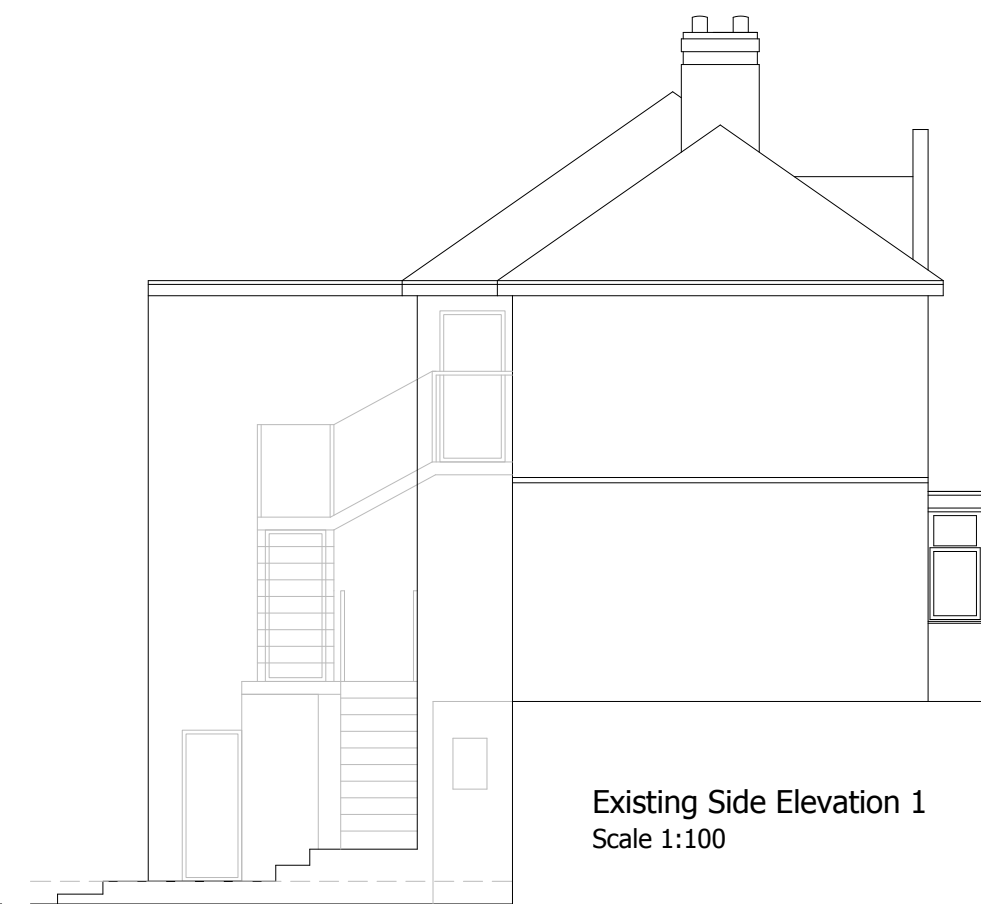
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Existing Front Elevation  
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Existing Rear Elevation  
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Existing Side Elevation 1  
Scale 1:100



Existing Side Elevation 2  
Scale 1:100



Rev	Description	Date	chkd	Project:
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Scale:		Drawn by:	Date:	Status:
As shown @ A2			SEP 2022	
Title: Existing and Proposed Elevations				
Drg. No. PL03				Rev: B

**ANJUM DESIGN**  
 Anjum Design Limited, 435 Stratford Road  
 Solihull B90 4AA TEL: 0121 364 7650  
 www.anjumdesign.co.uk E: info@anjumdesign.co.uk