

# PLANNING APPLICATION NUMBER: P05/0305

Type of approval sought	FULL PLANNING PERMISSION
Ward	GORNAL
Applicant	MR R PRICE
Location:	<b>LOMMOND VALE NURSING HOME, CHURCH STREET, LOWER GORNAL, WEST MIDLANDS, DY3</b>
Proposal:	<b>CONVERSION OF NURSING HOME INTO NO 7 SELF CONTAINED FLATS</b>
Recommendation summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

## INTRODUCTION

This application was deferred at the meeting on 19 July 2005, as members were concerned at the potential loss of trees on the frontage, the rebuilding of the old stone wall along Church Street and the removal of large sections of the old wall along St. James Street. The agent has considered these two points and the following additional observations are provided, after which there follows the original report.

## ADDITIONAL OBSERVATIONS

In response to the Committee's concerns, amended plans have been received from the agent, which are appended to the back of the report.

The amended plan shows the wall along Church Street retained as it is, including the two gates. To ensure that a reasonable level of parking is provided and for commercial reasons so far as marketing the flats are concerned, some parking would have to be provided on the frontage. The parking layout has been revised to take account of the trees which are all clearly marked. Only four trees would be removed of which three (all conifers) are dead or dying, and the fourth is an apple tree.

The Tree Protection Officer has visited the site with the revised plan. After due consideration, it is his view that, subject to specialist construction methods being adopted, the car park could be provided with minimal short and long term damage to the trees. The specialist methods he refers to would be a 'no dig' approach which would involve the levelling of the area being done in such a way that minimal damage to roots took place during installation and the use of a geo-textile material to ensure even weight distribution and to avoid the compaction of the roots. The top layer of surfacing would need to be constructed in a material that is sufficiently porous to allow gas and water exchange.

To ensure construction takes place in accordance with the above, he recommends the following condition –

No development shall take place until there has been submitted to and approved in writing by the local planning authority technical details of any proposed driveway/parking area within 3 metres of the outer canopy spread of any existing tree situated on or off the site. The details of the vehicular access and parking areas shall include existing and proposed ground levels, materials to be used and the relative time of construction within the whole development and must be in accordance with appropriate guidelines, namely BS5837:1991 “Trees in Relation to Construction” and Arboricultural Advisory and Information Service Practice Note “Driveways Close to Trees” (1996). Any driveway/parking areas within 3 metres of existing trees must be constructed using minimum excavation techniques incorporating appropriate surfaces to avoid damage to trees and to prevent any potential direct or indirect damage caused by trees.

### Reason

To ensure that existing trees within the site and in close proximity are not damaged or put under pressure for removal as a result of actual or perceived risk of driveway damage, thereby maintaining the visual and environmental quality of the site and the surrounding area.

So far as the stone wall along St. James Street is concerned, this could be retained except to allow access to the frontage car parking (accessing this area from the existing access would not be practical) and to the three spaces by the boundary with the adjoining detached house. This particular section of stone wall has been spoilt in the past by being painted. Also, the access to the frontage car park from St. James Street is narrower than in the previous scheme allowing more of the existing wall to be retained.

If approved, it is recommended that the conditions attached to the original report remain, plus the additional condition recommended by the Tree Protection Officer, and the following –

G02D (Rev. 02 30.0.05)

## **ORIGINAL REPORT NOW FOLLOWS**

### **SITE AND SURROUNDINGS**

1. The site comprises the former Lommond Vale Nursing Home situated at the junction of St. James Street and Church Street in Lower Gornal. The home closed in 2002 and has been vacant since then. It has suffered some vandalism and the grounds are overgrown.

2. The site extends over about 1300m<sup>2</sup>. Access to a small hardsurfaced parking area is from St. James Street. Along the boundary with Church Street is an old stone wall behind which are a number of trees and bushes which screen the front of the building from view. The main entrance to the house was in the side facing St. James Street.
3. The site is adjoined to the north by a terrace of low bungalows set well back from Church Street and occupied by elderly persons. To the rear of the site is a detached house set much higher with a high retaining wall on the boundary. Across St. James Street is a block of flats surrounded by extensive areas of grass.
4. On the other side of Church Street is St. James Church and graveyard which contains a number of trees which overhang the road.

## PROPOSAL

5. It is proposed to extend and convert the building to form, four 1-bedroom flats and three 2-bedroom flats. Three parking spaces would be provided on the existing hardstanding adjacent to the boundary with the detached house and a further seven on the area between the building and Church Street, accessed from a new crossing from St. James Street. This would necessitate the removal of much of the vegetation in this area.
6. Four of the flats would be accessed from the existing main entrance to the building, two others from the rear elevation and the seventh from the side facing the bungalows via a path from Church Street.

## SUMMARY OF PUBLIC RESPONSE

7. Letters were sent to all the bungalows, the flats opposite and properties in St. James Street and Humphrey Street. No representations have been received.

## OTHER CONSULTATION

8. The Head of Traffic and Road Safety raises no objection to the parking arrangements, including the number of spaces. Visibility for vehicles emerging from St. James Street is very poor because of the position of the stone wall and the narrowness of the footway. The proposals include the rebuilding of the stone wall further back thereby improving visibility and providing a better and safer footway. The Head of Traffic and Road Safety requests that any consent granted is conditioned to this affect.
9. The Head of Public Protection raises no objection subject to satisfactory insulation of the flats against traffic noise and internally-generated noise.

## ASSESSMENT

10. Current government and Council policy supports the re-use of previously-developed land and buildings in urban areas and particularly in providing additional housing development.
11. The building is on the Council's local list of buildings of historic or architectural importance and, therefore, its retention and conversion to a new use is also supported. The proposals provide for the retention of the most important external features, primarily the distinctive, large windows at the front.
12. The proposed extensions are at the rear of the building and have been designed to be in keeping with the existing structure. They would not adversely affect the occupiers of the adjoining house or the elderly persons bungalows.
13. Internally, the flats range from 47m<sup>2</sup> net floor area to 88m<sup>2</sup>. Each has separate bathrooms and bedrooms. In addition, most of the flats would have their own, private external amenity area, those at first floor being in the form of roof terraces. It is considered that these are acceptable as the potential for overlooking the surrounding properties is very limited. However, this is a matter of detailed design and it is recommended that a condition requiring screens be imposed on any permission granted to ensure no overlooking can take place.
14. The agent discussed the parking requirements with the Head of Traffic and Road Safety prior to submission and the submitted layout reflects those discussions. The loss of vegetation on the frontage is unfortunate but there are mitigating factors;
  1. Many of the trees are growing close to the stone wall and would necessarily have to be removed to permit the rebuilding of the wall on its proposed alignment.
  2. Much of the vegetation consists of bushes and shrubs which cannot be preserved and, therefore, could be recovered anyway.
  3. The vegetation hides the attractive façade of the building which would benefit from being opened up to view.
  4. The car park does not extend over the whole frontage such that there would be ample opportunity to plant new trees and shrubs around it.
  5. There are a number of mature trees in the church graveyard opposite.
15. The application also presents an opportunity to improve the substandard visibility at the road junction and to widen a very narrow footway.

## RECOMMENDATION

16. Approve subject to conditions.

### **Conditions and/or reasons:**

1. A05A Commencement within 5 years - Full
2. H01A Matching materials
3. The roof terraces shall be fitted with screens in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. Such screens shall be installed prior to the first occupation of the flats and shall be retained intact for the life of the development.
4. I02A Car parking prior to occupation
5. Vehicular footway crossings shall be provided prior to the occupation of any of the flats.
6. The existing stone wall along the boundary with the highway in Church Street shall be carefully demolished and rebuilt along a line to be agreed in writing by the Local Planning Authority before any of the flats are occupied. Such rebuilt wall shall attain a minimum height of 1.6 metres or such other height as may be agreed in writing by the Local Planning Authority.
7. J02A Landscaping scheme to be submitted
8. J03A \* Implementation of landscaping
9. C05A Details of roads & drainage
10. Barriers shall be installed in the car park before any of the flats are occupied to prevent damage to the rebuilt stone wall from contact by vehicles. The type and position of such barriers shall be agreed in writing by the Local Planning Authority prior to their installation.