

PLANNING APPLICATION NUMBER:P06/2314

Type of approval sought	Full Planning Permission
Ward	
Applicant	Mr & Mrs Mellor
Location:	1-1A, ST. JOHNS STREET, NETHERTON, DUDLEY, WEST MIDLANDS, DY2 0PW
Proposal	DEMOLITION OF EXISTING SHOP AND VACANT WAREHOUSE AND ERECTION OF TWO-STOREY BUILDING TO PROVIDE 6 APARTMENTS WITH PARKING AT REAR.
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. This 540 sq. m. site is situated at the junction of St. John's Road and Castleton Street, within Netherton centre. It comprises a former corner shop with living accommodation over, an old, two/three storey warehouse and two similar buildings. The warehouse has recently been declared a dangerous structure and is currently being taken down. The other buildings are in a similarly unstable condition.
2. The site is adjoined by a Methodist church and its car park on the St. John's Road frontage and by terraced residential properties in Castleton Street. Castleton Street has its junction with Halesowen Road more-or-less in front of the site. There are terraced Victorian shops on the other side of Halesowen Road. Directly opposite the site in St. John's Road is a modern, four-storey block of flats.

PROPOSAL

3. It is proposed to demolish all the existing buildings and redevelop the site with an 'L'-shaped, two-storey building to provide two one-bedroomed and four two-bedroomed flats. The building would be sited along both road frontages and would incorporate

an archway on the St. John's Road frontage providing access to a rear car park with six spaces.

HISTORY

4. None.

PUBLIC CONSULTATION

5. Two letters of objection have been received, one from a nearby resident of Castleton Street and one on behalf of the Netherton Heritage and Conservation Group. The objections are:-
 1. Loss of locally historic buildings, including the only surviving industrial building, in a prominent location within the centre.
 2. Demolition is not necessary as the buildings could be restored and brought back into residential use.
 3. The cleared site may be the subject of further, more intensive applications if put on the open market and could become an eyesore.
 4. The buildings are not in a dangerous condition.
 5. Vehicular access off St John's Street would be difficult and dangerous and inadequate provision has been made for parking which would lead to inconsiderate parking causing more vehicle-related problems in the centre.
 6. The site should be developed with family housing not flats and is over-intensive.
6. A letter of support has also been received from the Chair of the Netherton Regeneration Strategic Group. She states that redevelopment of the site is long overdue and would improve the appearance of this prominent corner site to the

benefit of Netherton as a whole and the regeneration of the area. She also states that residential development is appropriate as there is a need for more residential property in the area.

OTHER CONSULTATION

7. **The Group Engineer (Development)**: no objections to the proposals.
The Head of Public Protection: no objections subject to conditions relating to the treatment of any contamination on the site.

RELEVANT PLANNING POLICY

8. Adopted UDP:-

DD1 Urban Design
DD4 Development in Residential Areas
DD7 Planning Objectives
UR6 Housing Renewal Areas
CR1 Hierarchy of Centres
AM14 Parking
UR9 Contamination
HE1 Local Character and Distinctiveness

ASSESSMENT

9. Although the buildings have no conservation status, they are seen as locally important and worthy of retention if possible. Accordingly, a structural survey of all the buildings, particularly the warehouse, was requested before redevelopment would be considered.
10. A structural survey has been submitted which demonstrates conclusively that all the buildings have severe structural and subsidence problems which would make their

refurbishment uneconomic. This report is accepted, albeit reluctantly, by your officers and consideration now centres on how the site might be redeveloped. The structural report also highlighted that the warehouse and the buildings behind it were unsafe structures and these are currently being taken down in the interests of public safety. It is understood this action follows the serving of a Demolition Notice by the Council.

11. It is considered that residential development of this primarily commercial site previously was the optimum use and, given its small size and location within the shopping centre itself, that a flats development would be the most appropriate.
12. Considerable attention has been paid to the design and appearance of the development. The building is only two-storey reflecting the height of the existing buildings on the site and in the immediate area. Although the development is one 'block', it has been broken into parts to highlight the typical existing street scene and maintains the appearance of the existing buildings. That part erected on the site of the warehouse building replicates the height, scale and fenestration of that building, including blue brick arches and cills. A Flemish stretcher bond brick style is proposed in keeping with the existing. The other parts of the building also include fenestration typical of the buildings in the area and the part-render finish reflects that of the vacant shops building on the site.
13. The number of dwellings has been dictated by the developable area, the height/storey restriction recommended by officers, the saleability of the units and the parking implications. On this final point, the Group Engineer (Development) considers the provision of six spaces for the six flats to be acceptable given the site's highly sustainable location within Netherton Centre and close to several bus routes and services. The location of the access point and the design of the archway have been based upon the advice and requirements of the Group Engineer.
14. Only two of the flats would have any outdoor amenity area but this is virtually unavoidable if on-site parking is to be provided. The density of development is 108 dwellings per hectare which is high but not inappropriate in a town centre location. It is also considered that, in many other respects, this is a well-designed scheme which

would assimilate well into its largely Victorian, terraced surroundings and does not have the appearance of being particularly intensive.

15. The development would help to regenerate the area and, with demolition of several of the existing buildings currently taking place, it will be necessary to redevelop this prominent corner site in the near future.

CONCLUSION

16. The proposed development has been well designed and would be of benefit to the street scene and to the regeneration of Netherton centre. The existing buildings, which have been vacant and neglected for many years, are structural unsound and cannot be refurbished economically. Some have recently been declared unsafe and are being demolished. It accords with all the relevant UDP policies and has the support of the Netherton Regeneration Strategic Group.

RECOMMENDATION

17. It is recommended that the application is approved subject to:-
 - a. the applicant entering into a Section 106 Agreement for a contribution of £6,375.30 towards off-site public open space and children's play area enhancement
 - b. the following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary
 - c. in the event that the Section 106 Agreement has not been completed within two months of the resolution to grant approval, the application will be refused if appropriate.

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 development shall be constructed in accordance with the materials/finishes details shown on the approved plan (Drawing No. 05/942-09B). Samples of the actual facing bricks and roof tiles proposed for use and the 'stone' and bricks for window heads and cills shall be submitted to and agreed in writing by the Local Planning Authority. The building shall be constructed in the agreed materials only.
3. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed by the local planning authority), has been submitted to and approved by the local planning authority. Such a strategy shall facilitate the identification of contaminants and permit the risk based assessment of the development site. Where the investigations identify the presence of contamination, development shall not begin until a scheme to protect the development from the effects of such contamination has been submitted to and approved by the local planning authority. Such a scheme shall: include provisions for validation monitoring & sampling; be implemented in accordance with the approved details before the development is first occupied; and be retained throughout the lifetime of the development.
4. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed by the local planning authority), has been submitted to and approved by the local planning authority. Such a strategy shall facilitate the identification of methane & carbon dioxide. Where the investigations identify the presence of methane and/or carbon dioxide the development shall not begin until a scheme to protect the development from the effects of such gases has been submitted to and approved by the local planning authority. Such a scheme shall: include provisions for validation monitoring & sampling; be implemented in accordance with the approved details before the development is first occupied; and be retained throughout the lifetime of the development.
5. Screen walls and fences, and railings shall be erected along the boundaries of the site in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. Such walls and fences shall be erected before any development (excluding demolition operations) is commenced.
6. The buildings shall not be occupied until the area shown for car parking on the plan attached hereto has been graded, levelled, surfaced, drained and marked out, and that area shall not thereafter be used for any purpose other than the parking of vehicles.
7. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.
8. All planting, seeding or turfing comprised in the details of landscaping approved in accordance with condition 7 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees, hedgerows or plants contained in the approved planting scheme which within a period of 5 years from

the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

9. Prior to the commencement of development detailed plans and elevations (to a scale of not less than 1:5) of the design, specification and finish of the proposed windows and doors to be inserted into the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority including drawings of sections and profiles of jambs, heads, cills and glazing bars together with their relationship to masonry apertures. The windows and doors shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
10. Prior to the commencement of development details of the colour of the external render shall be submitted to and agreed in writing by the Local Planning Authority and retained as such for the life of the development unless otherwise agreed with the Local Planning Authority.
11. No work involving ground disturbance or demolition shall begin until the developer has secured the implementation of a programme of archaeological work in accordance with a scheme of investigation which has first been submitted to and approved in writing by the local planning authority.