

PLANNING APPLICATION NUMBER:P12/1333

Type of approval sought	Outline Planning Permission
Ward	Lye and Stourbridge North
Applicant	Mr D. Haywood, Lift & Engineering Services Ltd
Location:	LAND ADJACENT 122, HIGH STREET, LYE, STOURBRIDGE, WEST MIDLANDS, DY9 8NF
Proposal	OUTLINE APPLICATION FOR THE ERECTION OF 19 NO. DWELLINGS (ALL MATTERS RESERVED)
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. This is a former industrial site. The site has been cleared some time ago and it is being regenerated by bushes and trees. The site has two frontages, one to High Street (A458) and the other to Attwood Street.
2. The site is situated within a mixed use area. On the opposite side of High Street to the north is a large coach depot, to the east is an industrial unit and an empty dwelling (No. 14 Attwood Street, which forms part of the works), on the opposite side of Attwood Street are industrial premises and some terraced dwellings and to the west of the site there is vacant land (see paragraph No. 6 below) and No. 122 High Street which has a commercial use.

PROPOSAL

3. This application seeks outline approval for residential development with all other matters (Access, Layout, Scale, Appearance and Landscaping) reserved for subsequent consideration. The indicative scheme relates to the erection of a possible 5 No. Houses and 14 No. flats.
4. The application is accompanied by the following information:

- Design and Access Statement
- Noise report

HISTORY

5. Relevant history

APPLICATION No.	PROPOSAL	DECISION	DATE
<i>P01/0918</i>	<i>Outline Demolition of existing buildings and erection of car body repair workshop</i>	<i>Approved</i>	27/09/2001
<i>P02/1149</i>	<i>Demolition of existing premises and erection of replacement factory and ancillary facilities</i>	<i>Approved</i>	02/09/2002
<i>P04/0663</i>	<i>Demolition of existing industrial unit and erection of new industrial unit</i>	<i>Approved</i>	03/06/2004
<i>P05/0461</i>	<i>Variation of condition No. 7 of P02/1149 to increase working hours to 06.00 till 19.00 Monday to Friday</i>	<i>Refused</i>	06/06/2005

6. Planning approval was granted on 5th December 2006 for outline residential development (P06/1104) with all matters reserved on the adjacent area of cleared land which is located on the corner of Brook Street and Attwood Street. Subsequently planning application P12/1166 for the erection of 4 No. dwellings (all matters reserved) on part of that site was granted approval on 1st November 2012.

PUBLIC CONSULTATION

7. The application has been advertised by means of a Site Notice and an advertisement within the Express and Star Newspaper. In addition, sixteen letters have been sent to adjacent and nearby residential and commercial premises. One letter of objection been received from an industrial concern in Attwood Street which states that the site is next to their building where they use loud power tools throughout the day and into the evening. They do not want complaints of noise nuisance from residents.

OTHER CONSULTATION

8. Group Engineer (Development) – subject to satisfactory conditions the development can be supported.
9. Head of Environmental Health and Trading Standards - has assessed the accompanied noise report prepared by Hoare Lea Acoustics (reference REP-SWD-1004630-MJG-120912-R2a) in support of the application. Confirm and accept the methodology of the report and note that the application site is adversely affected primarily by traffic noise and to a lesser degree other commercial noise sources as highlighted in the aforementioned report. However confirm that during the visit operations were not being undertaken in some of the commercial units that were either empty, or not in operation at the time of monitoring. Whilst some concerns at the location of proposed residential usage at this location, note that the site is a SHLAA designation. Additionally the outline application applies to have all matters reserved in terms of the type of development, location and the internal layout of properties. Acknowledge in light of the noise report that the site has the potential for residential usage, subject to appropriate and adequate noise mitigation measures.

RELEVANT PLANNING POLICY

10. National Planning Guidance (2012)

- The National Planning Policy Framework (NPPF)

11. Black Country Core Strategy (BCCS) (2011)

- HOU1 Delivering Sustainable Housing Growth
- HOU2 Housing Density, Type and Accessibility
- HOU3 Delivering Affordable Housing
- DEL1 Infrastructure Provision
- DEL2 Managing the Balance between Employment Land and Housing
- CSP1 The Growth Network
- CSP3 Environmental Infrastructure
- CSP4 Place Making
- TRAN2 Managing Transport Impacts of New Development
- ENV1 Nature Conservation
- ENV Historic Character and Local Distinctiveness
- ENV3 Design Quality
- ENV5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7 Renewable Energy
- ENV 8 Air Quality
- WM5 Resource Management and New Development
- Regeneration Corridor 13 (Jewellery Line – Rowley Regis – Stourbridge Junction)

12. Saved Unitary Development Plan (UDP) (2005)

- DD4 Development in Residential Areas
- DD9 Public Art

- DD10 Nature Conservation and Development
- UR9 Contaminated Land
- NC1 Biodiversity
- NC6 Wildlife Species
- EP7 Noise Pollution

13. Supplementary Planning Documents (SPD)

- Parking Standards
- Planning Obligations
- New Housing Development
- Nature Conservation

ASSESSMENT

Key Issues

- Principle
- Affordable Housing
- Density
- Highways issues
- Noise
- Planning Obligations
- New Homes Bonus

Principle

14. The site constitutes previously developed land ('brown field') within a highly sustainable location within a mixed use area. There are a number of nearby public services and private businesses with access via public transport, by cycle or foot to surrounding urban centres and the wider provision of public services.
15. The Black Country Core Strategy (BCCS) sets out The Vision, Sustainability Principles and The Spatial Objectives for future development in the Black Country to 2026. One

of the Sustainability Objectives of the Strategy is to ensure that previously developed land, particularly where vacant, derelict or underused, is prioritised for development.

16. Policy HOU1 (Delivering Sustainable Housing Growth) of the BCCS relates to Delivering Sustainable Housing Growth and states that in addition to committed sites and the phased allocation of sites, additional housing capacity will also be sought elsewhere in the Black Country through allocations and planning permissions on suitable sites to meet the target of 63,000 homes being built by 2026. The policy goes on to state that at least 95% of new housing will be built on previously developed land.
17. Part of the site was previously allocated as a Key Industrial Area within the adopted Dudley Unitary Development Plan. This has now been superseded by the provisions of the Black Country Core Strategy. Within this document, the site is identified within Regeneration Corridor 13 (Jewellery Line – Rowley Regis – Stourbridge Junction). The corridor has a strategic emphasis on housing growth. Indeed Appendix 2 of the document states that in this area opportunities include: Creation of an urban village in Lye through the creation of new mixed residential communities centred on Lye local centre serviced by Lye railway station.”
18. Policy CSP4 (Place Making) of the BCCS further reiterates the aspirations of Policy CSP2 by stating that all development will be required to demonstrate a clear understanding of the historic character and local distinctiveness of the area and show how proposals make a positive contribution to place-making and environmental improvement. Indeed there is some historic interest associated with the site due to the location of Joseph Wellings manufacturers at 77-78 Attwood Street which is considered to be a Heritage Asset and it is near to the East Lye Chainmaking and Galvanising District Area Of High Historic Townscape Value. A high quality design and utility of all transport proposals will be sought to ensure that interventions make a positive contribution to place making as well as increasing accessibility and connectivity. The acceptability of this proposal must be assessed against these aspirations but the principle of the proposed use of the site for residential purposes is broadly considered acceptable in this instance.

Affordable Housing

19. BCCS Policy HOU3 states that LPAs “will seek to secure 25% affordable housing on all sites of 15 or more dwellings where this is financially viable”. The outline application is based on a scheme of 19 dwellings, resulting in a requirement for 5 No. affordable dwellings as part of the development, in line with Policy HOU3.

Density

20. The National Planning Policy Framework (NPPF) advises that local planning authorities should set out their own approach to housing density to reflect local circumstances. Policy HOU2 of the Black Country Core Strategy states that all developments should aim to achieve a minimum net density of 35 dwellings per hectare. The indicative proposal would involve the creation of No. 19 dwelling units on 0.23 hectares creating a gross density of 82.6 dwellings per hectare. This is therefore a high density scheme. The indicative drawings show five terraced houses fronting onto Attwood Street, the density of which is considered to be appropriate. The higher density part of the scheme comprises the three storey block of 14 No. units which would front onto High Street. On balance however, given the general lack of buildings opposite the site and to the east and the fact that the access is likely to be adjacent to the two storey commercial building (122 High Street) to the west, this is considered to be acceptable both in terms of visual impact and amenity issues.

Highways Issues

21. Access and parking issues have been reserved for future consideration at the reserved matters stage. The layout and position of the junction onto High Street and individual accesses onto Attwood Street are considered to be acceptable by the Group Engineer (Development) as is the amount of off-street parking indicated subject to appropriate conditions.

Noise

22. Saved Policy EP7 (Noise Pollution) of the Dudley UDP requires that where development would be subject to high noise levels the Council will require the

proposal to include measures to reduce noise intrusion to an acceptable level. A noise report submitted with the application confirms that the site is adversely affected primarily by traffic noise and to a lesser degree other commercial noise sources. It is felt however that this can be mitigated against.

23. Once the building locations and internal layout are known a further noise report is required to be provided with the reserved matters application. The subsequent noise report should identify any noise mitigation measures that may be required, so that internal dwelling areas meet the good standard of BS8233: 1999. Where outdoor amenity areas are provided, they should meet the lower outdoor level (50 dB LAeq) of the World Health Organisation (WHO) report, wherever feasible.

Planning Obligations

24. Policy DEL1 (Infrastructure Provision) of the BCCS sets out the adopted policy framework for Planning Obligations within Dudley and the adopted Supplementary Planning Document (Planning Obligations) provides further detail on the implementation of this policy; these policy documents were prepared in accordance with national legislation and guidance on planning obligations.
25. Policy DEL1 (Infrastructure Provision) of the BCCS 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 Supplementary Planning Document are Affordable Housing, Education, Library Improvements, Open Space, Sport and Recreation Improvements, Public Realm Enhancements, Nature Conservation Enhancements, Public Art and Economic and Community Benefit.
27. 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.

28. Following consideration of the above tests the following planning obligations are required for this application:

- Affordable Housing to be secured by S106 Agreement (25%)

On-Site Provision (to be secured by condition)

- Public Realm Enhancements – to an equivalent value of £10,072.28
- Nature Conservation Enhancements – to an equivalent value of £1,257.12
- Public Art Enhancements – 1% of the Design and Build Costs
- Economic and Community Benefit – to source local labour and materials to aid stimulus of the both the local economy and employment opportunities and to reduce the carbon footprint of the development by sourcing materials locally and to ensure best fit with the local materials of the surrounding built environment

29. It is considered that these contributions meet the necessary tests as stated above in that they contribute to the delivery of a sustainable development, are being provided directly on the development site itself and are deemed to be in scale and kind to the proposed development.

30. This development complies with the requirements Policy DEL1 (Infrastructure Provision) of the BCCS and the Planning Obligations Supplementary Planning Document.

New Home Bonus

31. 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.

32. 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.
33. 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.
34. 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”. Under this system the indicative proposal would provide 19 dwellings generating a grant payment of 19 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 Members are advised not to accord this is any significant weight in the assessment of the development.

CONCLUSION

35. The proposed development provides an opportunity to deliver a number of new residential properties on a sustainable brownfield site. The redevelopment of the site for housing is therefore acceptable in principle and accords with the relevant Policy criteria.

36. Planning Obligations can be secured by a Section 106 Agreement for affordable housing and by condition for Public Realm Enhancements, Nature Conservation Enhancements, Public Art Enhancements being provided on site to the equivalent of the off-site value and a condition can be attached to require the submission and approval of a local employment / materials strategy in the interests of economic and community benefits.

RECOMMENDATION

37. It is recommended that the application be APPROVED subject to:

a)The applicant entering into a Section 106 Agreement for 25% onsite provision of affordable housing and management and monitoring fees of £500

Informative

In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Conditions and/or reasons:

1. Approval of the details of the access, appearance, layout, scale and landscaping (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.
2. 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.

3. 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.
4. No part of the development hereby permitted shall be commenced until a schedule of all materials to be used on the external surfaces of the buildings has been submitted to and approved in writing by the Local Planning Authority and thereafter the development shall only be constructed in accordance with these details.
5. No part of the development hereby permitted shall be commenced until details of the positions, design, materials and type of boundary treatment or means of enclosure (including proposed boundary walls) have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until these works have been carried out in accordance with the approved details.
6. No part of the development hereby permitted shall be commenced until full details of soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details must include, where appropriate, planting plans, written specifications, a schedule of plants including species, plant sizes and proposed numbers/densities and a programme of implementation. Plans must also include accurate plotting of all existing landscape features.

The works approved as part of this condition shall be completed within the first planting season following first occupation.

Any trees or shrubs planted in pursuance of this permission including any planting in replacement for it which is removed, uprooted, severely damaged, destroyed or dies within a period of five years from the date of planting shall be replaced by trees or shrubs of the same size and species and in the same place unless otherwise agreed in writing by the Local Planning Authority.

7. No part of the development hereby permitted shall be commenced until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. The details must include existing and proposed finished levels or contours; the position, design and materials of all site enclosures, car parking layout and other vehicular and pedestrian areas; hard surfacing materials, minor artefacts and structures (e.g. street furniture, play equipment, refuse areas, lighting etc;) and any retained historic features and proposals for restoration.

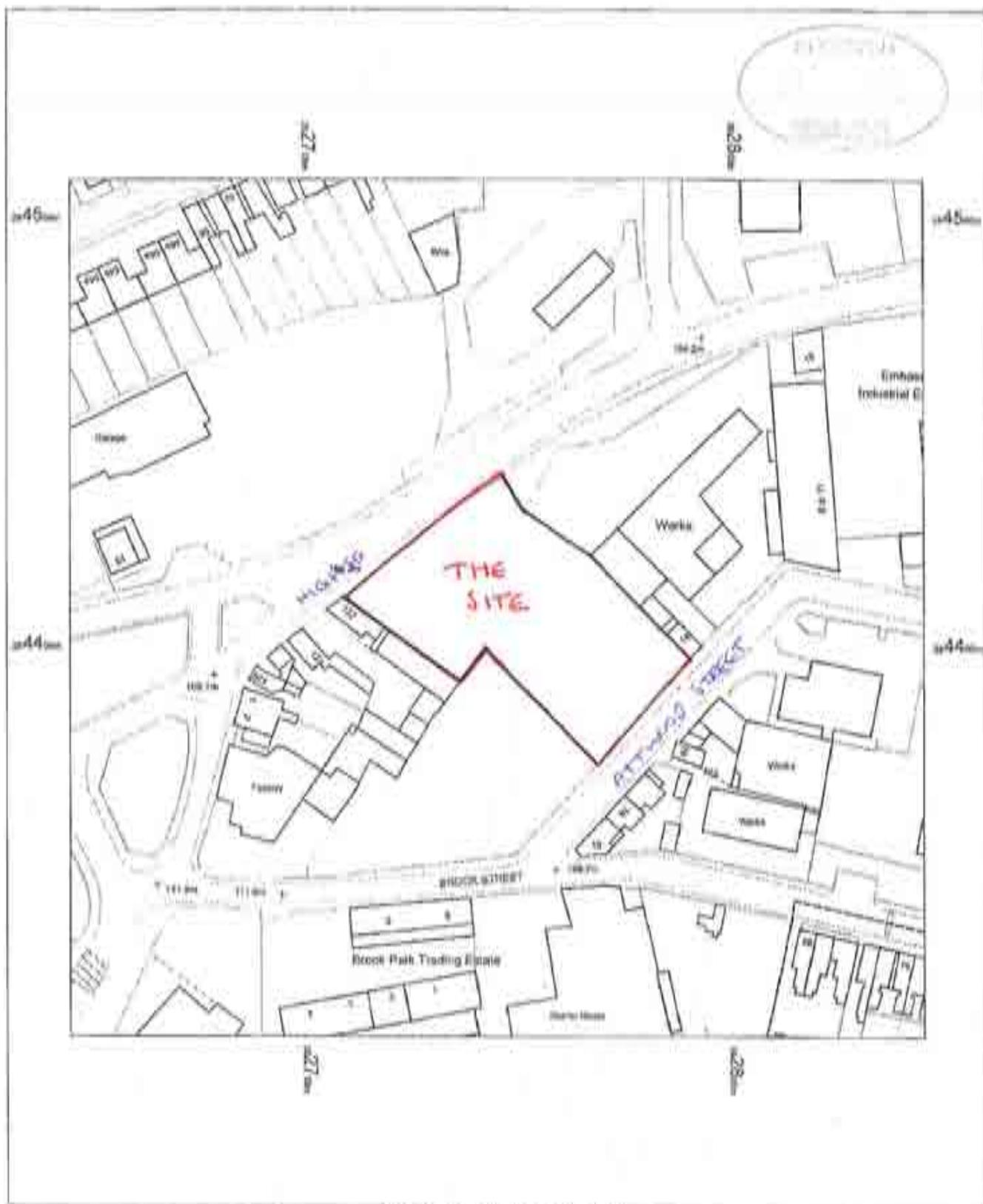
The works approved as part of this condition shall be completed before the first occupation of any part of the development.

8. The development hereby approved shall not be occupied until the access, parking and turning areas have been provided in accordance with the approved plans to be submitted as part of the reserved matters application. The access, parking and turning areas shall thereafter be retained for the life of the development.

9. Prior to the commencement of development, parking layout details for the the scheme and a car parking management plan for any communal parking areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details and all parking shall be provided on site prior to the occupation of the development and thereafter retained for the lifetime of the development.
10. Prior to the commencement of development details of the visibility splays to be provided at the junction between the proposed means of access and the highway have been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of the development hereby permitted, the agreed visibility splays shall be provided on site and thereafter maintained free from obstruction for the lifetime of the development.
11. The development shall not commence until an arrangement for the provision of a Traffic Regulation Order to prohibit the waiting of vehicles on High Street 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.
12. 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.
13. Where the approved risk assessment (required by CL01a) 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.
14. Unless otherwise agreed in writing with the LPA, the approved scheme (required by CL01b) shall be implemented and a verification report submitted to and approved by the LPA, before the development (or relevant phase of the development) is first occupied/brought into use.
15. Development shall not begin until a scheme for protecting residents in the proposed dwellings from noise from road traffic & noise from sites with commercial usage in the vicinity has been submitted to & approved in writing by the LPA. All works which form part of the approved scheme shall be completed before occupation of the permitted dwellings, unless otherwise agreed in writing by the LPA. The noise attenuation measures in the agreed scheme shall be maintained throughout the lifetime of the development.
16. No development shall commence until details of nature conservation enhancement works have been submitted to and approved in writing by the Local Planning Authority. The nature conservation enhancement works shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
17. No development shall commence until details of works of public art have been submitted to and approved in writing by the Local Planning Authority. The works of public art shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
18. No development shall commence until details of public realm works have been submitted to and approved in writing by the Local Planning Authority. The public

realm works shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.

19. No development shall commence until an Economic and Community Development Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall address as a minimum, measures to increase the number of jobs open to local people available on the site and the development of initiatives that support activities to upskill local unemployed people of working age so as to support them into sustained employment as outlined in the Council's Planning Obligations Supplementary Planning Document. The development shall be implemented in accordance with the approved Statement and retained in accordance with the Statement for the lifetime of the development.
20. No development shall commence until details of secure cycle parking facilities in accordance with the Council's parking standards have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be provided in accordance with the approved details prior to first occupation of the development, shall be made available at all times and be maintained for the life of the development.
21. Unless otherwise agreed in writing by the Local Planning Authority, before development commences, details of a Sustainable Urban Drainage System scheme to serve the development shall be submitted in writing to the Local Planning Authority for approval. The approved scheme shall be implemented prior to first occupation of the development or to an alternative timescale to have been previously agreed in writing by the Local Planning Authority.
22. The Reserved Matters submission(s), either in relation to Layout and / or appearance, shall incorporate a Renewable Energy and Waste Management issues unless it is satisfactorily evidenced to be unviable and / or inappropriate to do so.
23. No development shall commence until details for the provision of external electric charging points have been submitted to and approved in writing by the Local Planning Authority. The Electric Charging point(s) shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
24. The development hereby permitted shall be carried out in accordance with the following approved plans:
DH4/0811/rev, land survey drawing sheet 1 and indicative layout drawing
DH4/1012/FP



114-121 High Street
 Lye
 Dudley
 DY9 6NF

OS Mastermap
 08 October 2012, ID: BWH-00181519
 www.blackwellmapping.co.uk

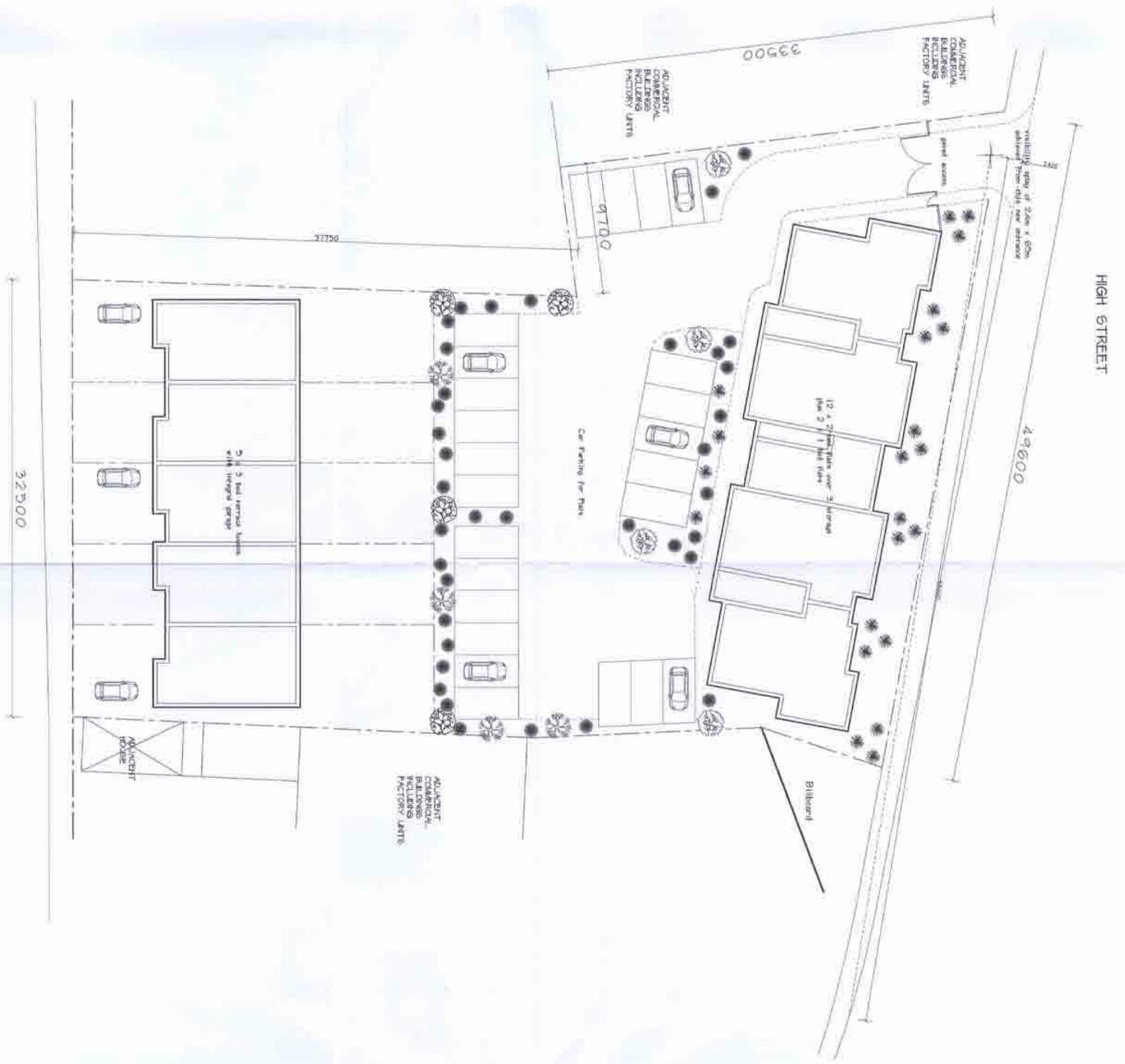
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ATTWOOD STREET

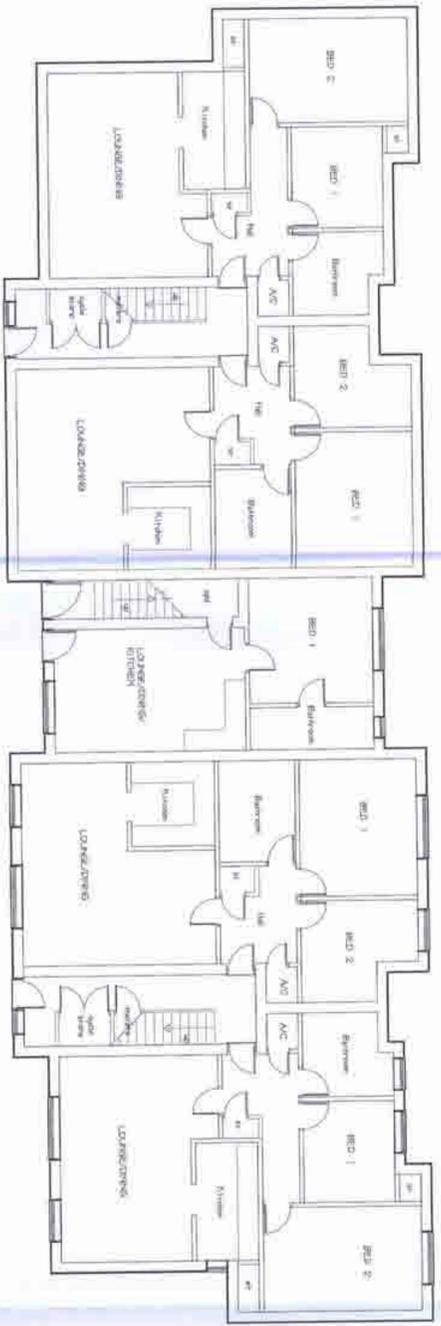
HIGH STREET

114-121 HIGH STREET
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 DUDLEY
 DY9 9NF

PROPOSED DEVELOPMENT OF
 LAND BETWEEN HIGH STREET
 AND ATTWOOD STREET

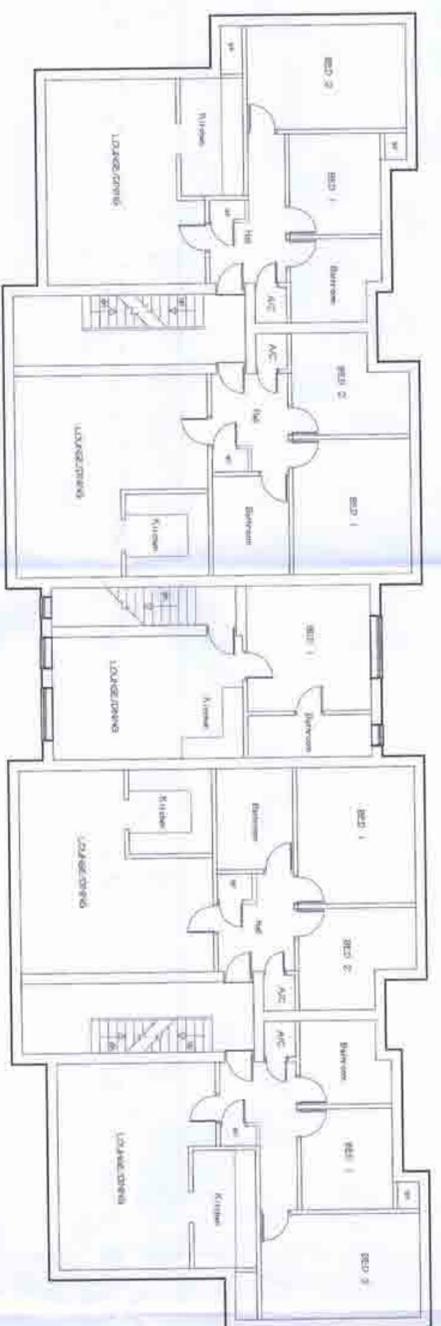


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GROUND FLOOR LAYOUT

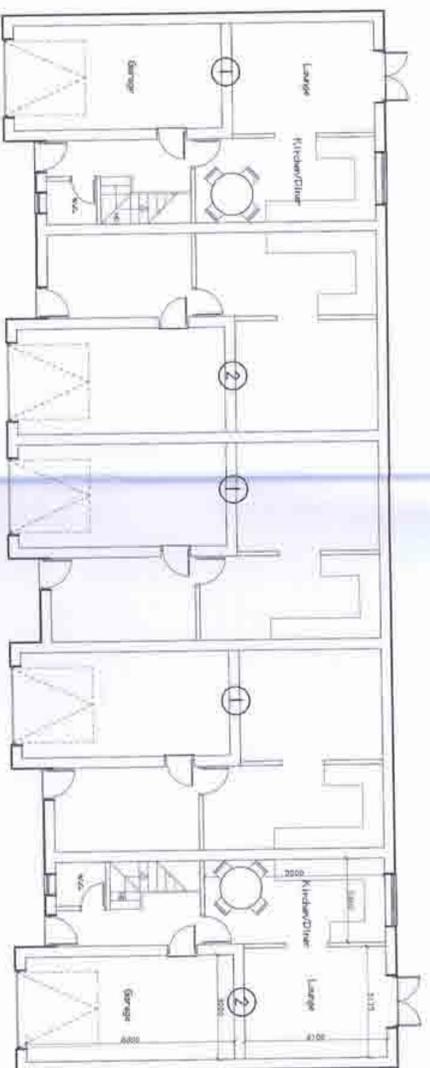
12 x 2-bed flats over 3 storeys
plus 2 x 1 bed flats



FIRST FLOOR LAYOUT

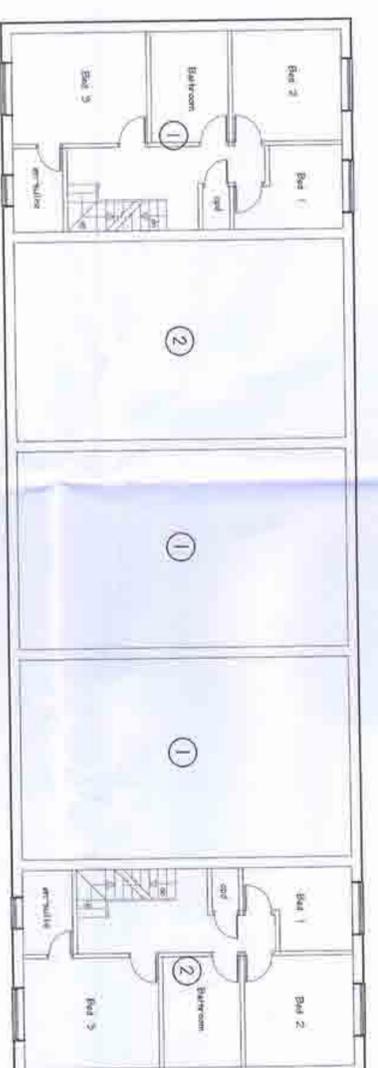


SECOND FLOOR LAYOUT

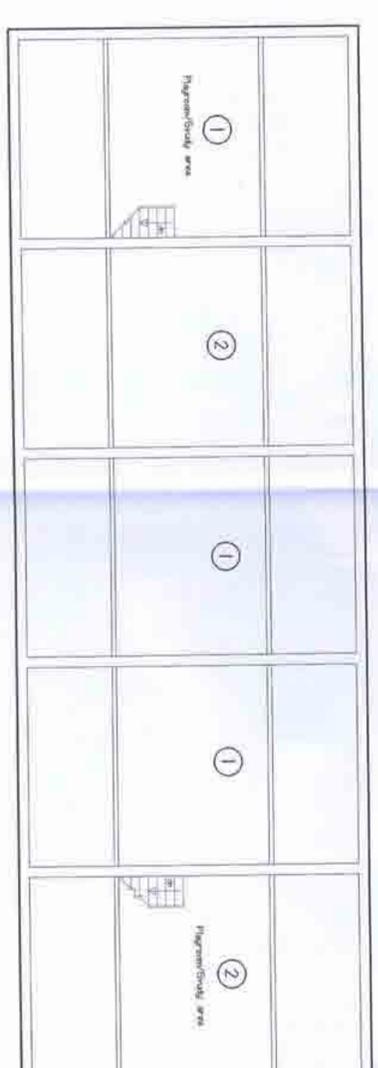


GROUND FLOOR LAYOUT

5 x 3-bed terraced houses
with integral garage



FIRST FLOOR LAYOUT



ATTIC SPACE LAYOUT

1 Heat light sign

114-121 HIGH STREET
LYE
DUDLEY
DY9 8NF

FLOOR PLAN LAYOUTS FOR FLATS
AND 3-BED TERRACED PROPERTIES

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Drawn by:	Design-Write



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11th Street

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