

PLANNING APPLICATION NUMBER:P08/1564

Type of approval sought	Full Planning Permission
Ward	ST JAMESS
Applicant	Mr Neil Smith, Midland Heart Developments Ltd
Location:	LAND TO REAR OF, MIDDLEPARK ROAD, DUDLEY, WEST MIDLANDS
Proposal	DEVELOPMENT OF 132 RETIREMENT VILLAGE UNITS WITH ASSOCIATED COMMUNAL FACILITIES, CAR PARKING AND NEW ACCESS ARRANGEMENTS
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The site measures 2.54 hectares and is designated as both a Site of Local Importance for Nature Conservation and a site for housing development. The site is currently undeveloped and comprises a mix of marshy grassland and semi improved unmanaged grassland. The site contains a small number of trees predominantly located within the south-eastern part of the site. There is a change in levels across the site with the western portion of the site lying approximately four metres lower than the rest of the site. The remainder of the site is relatively flat.

2. The north-east boundary of the site immediately abuts a further area of undeveloped land. This area comprises some trees and scrub. Beyond this area is Rotary House, a sheltered housing scheme with the dwellings associated with Russell's Hall Road located beyond. The south-east boundary of the site abuts the existing two storey 1960's built semi-detached dwellings fronting Middlepark Road. Immediately abutting the south and south-western boundaries of the site is an area of formal recreation space. The recreation space comprises a playing field and formal play equipment comprising a basket ball court, skate-board park and children's play area. Immediately adjoining the south-western boundary of the site is

a formerly laid out footpath, which provides access into the park from the surrounding residential area.

3. The site is situated within a predominantly residential area situated on an estate characterised largely by traditional semi-detached two storey properties built in the post-war period.
4. The site is within walking distance of a small local shopping area on Russell's Hall Road. The parade comprises six shops; which includes a post office and convenience store. The estate is well served by public transport with a large number of bus services providing easy access to Dudley and the Merry Hill Shopping Centre via Pensnett. The closest bus stop to the application site would be 100 metres away located on the junction with Corbyn Road and Middlepark Road.

PROPOSAL

5. The proposed development seeks the erection of 132 Extra Care Units with associated communal facilities, car parking and new access from Middlepark Road. 42 of the units would be one bedroom apartments and 90 would be two bedroom apartments. The residential component of the scheme would be split over three floors. The scheme would be delivered by a registered social landlord working in partnership with the Council's housing department with 25 of the units being for rent and 107 of the units being for sale/shared ownership. The scheme would ensure that the rented units are pepper potted throughout the development in order to achieve a 'tenure-blind' scheme. The scheme would cater only for the over 55's.
6. The residential building would be supported by a community building providing a wide range of facilities and services for residents including a hair/beauty salon, a gym, a chiropodist, a games room/library, launderette, activities room, computer room, dining room, lounge/social bar, multi-purpose hall, greenhouse and quiet lounge. The community building would also comprise office and staff accommodation to facilitate the running of the development. These facilities would be integrated within one building comprising a total of 2045 square metres of gross floor space.
7. The scheme seeks to develop one of the first Extra Care facilities within the Borough. The applicant describes Extra Care as being:

"...a type of housing, care and support that falls between traditional sheltered housing and residential care...the defining elements of Extra Care are:

Living at home, not in a home.
Having one's own front door.

Aiming to be a home for life.
 Provision of culturally sensitive services, delivered in a familiar environment.
 Flexible care based on individual needs.
 Opportunity to improve independent living skills.
 Accessible building with smart technology to provide independent living.
 Being a real community with mixed tenure and abilities, that contributes and benefits from the wider community...”

8. In short, the development seeks to deliver a scheme that would allow older people to live as independently as possible with the accommodation and facilities on site providing additional support and help to facilitate this independence as the person’s needs change.
9. The scheme would employ approximately 44 people. The car park associated with the development would comprise a total of 123 spaces of which 20 would be laid out as mobility impaired spaces located within close proximity to the main entrance. The car parking area would be located to the north of the community building. The scheme would involve the creation of a new access from Middlepark Road. The access would be sited 15 metres to the north-east of the side elevation of no. 129 Middlepark Road. The access road would be 5 metres wide and would comprise a 2 metre wide footpath running along its northern edge providing a pedestrian link for residents walking from Middlepark Road into the site.
10. An internal landscaped courtyard would be created between the community and residential building. A landscape strategy and master plan seeks to underpin the treatment of the open space surrounding the proposed buildings in order to provide suitable areas of private amenity space for residents and to soften the impacts of the development onto the surrounding area. Key components of the proposed master plan includes the provision of a piece of public art in front of the main entrance to the building in order create a sense of arrival, the introduction of a pond within the western part of the site to assist with drainage, retention of an area of marshy grassland, provision of a sensory garden and internal courtyard. The outside space would be linked by a series of pathways. The scheme would comprise a mix of specimen tree planting and native planting.
11. In terms of the proposed built form, the development would consist of two separate buildings in a circular arrangement. The community building would be positioned facing the main car park and thereby providing a public face for the development with the residential and therefore private component of the scheme being placed behind with the two buildings being linked by an internal courtyard. The residential element would be three storeys in height with the community building being single storey.
12. Both the residential and community building would be of a modern design. The apartments have been designed so that they are predominantly single aspect and face either the internal courtyard linking the residential and community block or the private amenity space serving the residential building. A balcony would be provided as an area of private amenity space for each of the units on the first and second floors. The ground floor units would have a private patio area. Each of the units has

been designed to be fully wheelchair accessible. The applicant seeks to reduce the appearance of the massing of the residential building through breaking the elevations up with the use of glazed links, balconies, mix of materials and varying roof lines.

13. The community building is smaller in scale than the residential block but continues the circular theme with the outer part of the circle forming the main entrance into the site. The proposals seek to define the main entrance into the building through the addition of an entrance canopy and the provision of a piece of public art. Whilst the community building is lower than the residential building it is defined as a non-residential building by its design and appearance. The eaves heights are higher than those on a traditional single storey residential building and the significant glazed areas within the building identify the building as a public and not a private building. The design philosophy of the community building is underpinned by a main avenue that runs through the centre of the building in the form of a glazed roof. This seeks to create an internal street interspersed with services and facilities where natural daylight can penetrate into the development whilst providing protection from the weather.
14. The application is accompanied by a Design and Access Statement, Transport Assessment and Travel Plan, Flood Risk Assessment, Hydrology Report, Ground Investigation Report, Topographical Survey, Tree Survey, Landscape Strategy and Masterplan and badger, bat, breeding birds and reptile/butterfly reports.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
DY/58/560	Full planning permission for the development of land for the erection of 314 dwellings.	Approved with conditions	08/11/56

PUBLIC CONSULTATION

15. The proposed development was advertised by way of neighbour notification letters being sent to the occupiers of 280 properties within close proximity to the site as well as through the display of a site notice and advertisement within the local press. The latest date for comments was the 12th November 2008. Two letters of objection have been received with respect to the proposed development raising the following material planning considerations:

- Loss of wildlife population.
- Loss of recreational land.
- Detrimental impact upon breeding woodpeckers and loss of foraging ground for bats.
- Loss of privacy caused by the proposed location of the car parking area serving the development adjacent to existing residential properties along Middlepark Road.

OTHER CONSULTATION

16. Natural England: No objection subject to the provision of a substantial additional area of natural greenspace managed for biodiversity secured through a binding agreement within the surrounding area to secure acceptable and appropriate mitigation for the loss of this area of natural greenspace. A pre-commencement condition would also need to be secured to ensure that the scheme provides for the protection of badgers.
17. Environment Agency: No objection subject to conditions with respect to flood risk.
18. Access in Dudley: Object due to the significant distance between the proposed car parking area and the residential dwellings and no designated drop off point with level access for Special Needs Transport.
19. The Blue Badge Network: object due to the lack of mobility impaired spaces close to the main entrance to the building.
20. Group Engineer (Development): No objection to the design of the proposed access road and the provision of 20 mobility impaired spaces within close proximity to the main entrance. Concern is expressed regarding the layout of the proposed car park not being suitable for prospective occupiers due to the isolation and significant separation distance between the car park and the proposed residential units.
21. Head of Environmental Health and Trading Standards: No objection subject to conditions relating to ground conditions, noise, odours, hours of use of the multi-

purpose hall and lounge/social bar and the addition of self-closing doors to the multi-purpose hall and lounge/social bar.

22. Urban Design and Landscape: No objection to the principle of the development and acknowledgement given that the scheme has progressed positively since the pre-application stage. The submitted Landscape Masterplan requires further refinements in order to receive support with respect to hard landscaping, the location of the proposed internal footpaths within the site and the practicality of including an area of marshy grassland that would not be able to be used as private amenity space within the tightly built layout. However, these issues could be dealt with by way of conditions attached to the development with respect to the submission and approval of a Landscape Masterplan, hard and soft landscape detailed plans at 1:200 scale across the whole of the site along with a key plan to explain their relationships together and a Landscape Management Plan. The detailed plans would also need to explain and support the integration of the site into the wider site context. This would need to form part of a legal agreement in the form of a Landscape Remediation Plan prior to the commencement of development in order to ensure that construction works would not have an adverse impact upon the wider area and that adjoining land is reinstated to its previous condition.

RELEVANT PLANNING POLICY

Unitary Development Plan

DD1 Urban Design

DD4 Development in residential areas

DD6 Access and Transport Infrastructure

DD7 Planning Obligations

DD8 Provision of Open Space, Sport and Recreation Facilities

DD9 Public Art

DD10 Nature Conservation and Development

DD12 Sustainable Drainage Systems

AM12 Pedestrians

AM14 Parking

AM15 Personal Mobility

AM16 Travel Plans

CS1 Special Needs Accommodation

CS2 Health and Social Care Facilities

CS3 Community Facilities

H1 New Housing Development

H2 Phasing of Housing Development
H3 Housing Assessment Criteria
H4 Housing Mix
H5 Affordable Housing
H6 Housing Density
NC1 Biodiversity
NC5 Sites of Local Importance for Nature Conservation
NC6 Wildlife Species
NC9 Mature Trees
EP6 Light Pollution
EP7 Noise Pollution

23. The site forms part of a designated housing site within the Adopted Dudley Unitary Development Plan (2005) as well as being designated as a Site of Local Importance for Nature Conservation. The Adopted Dudley Unitary Development Plan envisages that the designated housing site would deliver a minimum of 200 dwellings during the second phase of the plan period, this being between 2007-2011.

Supplementary Planning Document(s)

New Housing Development: Establishing Urban Context
Nature Conservation
Parking Standards and Travel Plans
Planning Obligations

Supplementary Planning Guidance

PGN3 New housing development

Regional Spatial Strategy

QE1 Conserving and Enhancing the Environment
QE3 Creating a high quality built environment for all
QE4 Greenery, Urban Greenspace and Public Spaces
CC1c (vii) Climate Change
QE10 Transforming the Environment of the Black Country

National policy documents

PPS3 Housing
PPS9 Biodiversity and Geological Conservation
PPS25 Development and Flood Risk
PPG13 Transport

ASSESSMENT

Key Issues

- Principle
- Density
- Layout and Form of development
- Impact Upon Residential Amenity
- Design and Appearance

- Access and Car Parking
- Travel Plan
- Planning Obligations

Principle

24. The site occupies part of a larger site that is designated for housing development within the Adopted Dudley Unitary Development Plan (2005). The proposed development would result in the provision of an additional 132 residential dwellings during the plan period that would contribute towards meeting the strategic housing requirement for the Borough thereby being in accordance with Policies H1 and H2 of the Adopted Dudley Unitary Development Plan (2005).
25. The proposed development would meet an identified housing need in terms of providing housing specifically for the over 55's. The latest Housing Needs and Demand Study completed in 2005 estimated that there would be an increase in the older population groups over the plan period of the Adopted Dudley Unitary Development Plan (2005). This follows and is supported by an increase in the demand and need for specific accommodation to meet the requirements of the ageing population. The details with respect to population estimates and housing need and demand is set out below the figures of which are taken from the Housing Needs and Demand Study of 2005.

Population Estimates

26. The following population estimates are based on DMBC projections (2003 based).

 “ A significant feature (in the population projections) is the growth in the over 65 age group with a large increase of 13,900 (26.7%) seen over the forecast period. Numbers rise throughout the forecast period with the largest rise of 5300 (9.2%) occurring between 2011 and 2016.

 Numbers in the 80+ age group increase by 5700 (44.5%) up to 2021 with the greatest rise in percentage terms occurring between 2016 and 2021. “

Housing Demand and Need.

27. Responses from existing households indicated that there was demand for sheltered housing in both the private market and affordable sector (326 households split between 154 wanting private market and 172 wanting affordable sector housing.
28. The survey also measured demand from in-migrant households. i.e. households who may in-migrate to be beside their family. This indicated a further 786 households (split between 434 wanting private market and 352 wanting affordable sector housing.)
29. The level of need for extra care accommodation was also high with 249 units being required to meet the needs of in-migrating parents / relatives over the next three years. ' This sector of the older persons housing market is relatively new and the growth forecast in the population projections over the next decade to 2016 of those over 80 years of age will increase the need for this type of unit. ' DCA 2005
30. In addition, in considering the designation of this particular site for housing development the Inspector dealing with the Unitary Development confirmed in his report that there was a specific need within the Russell's Hall area for additional accommodation to meet the needs of the elderly.
31. The proposed development would provide both affordable housing and specific special needs accommodation with ancillary health, social and community facilities meeting an identified housing need thereby being in accordance with Policies CS1, CS2, CS3, H1 and H5 of the Adopted Dudley Unitary Development Plan (2005).
32. The site is designated as both a housing site and a Site of Local Importance for Nature Conservation (SLINC). The designation of the site as a SLINC does not necessarily preclude development provided that the development provides appropriate mitigation within the layout and design of the scheme in order to compensate for the loss of areas of nature conservation value and to ensure that measures are incorporated to include the protection of the integrity of existing wildlife corridors and linear features.
33. The proposed development is intensive and would result in the permanent loss of much of the existing SLINC habitat. On-site mitigation is inappropriate given the

limited space left from development and the potential conflict of retaining large areas of marshy grassland, this being the habitat that would be lost, and forming part of private amenity space to a residential scheme. Policy NC5 of the Adopted Dudley Unitary Development Plan (2005) confirms that where mitigation is not proposed that there will be a presumption against the granting of planning permission.

34. The applicant has agreed to make a financial contribution towards improvements to the management and maintenance of an existing area of grassland within the Fens Pool/Barrow Hill nature reserve in order to enhance its value and contribution towards wildlife. The area of mitigation would be double to that being lost on the basis that little meaningful on site mitigation can be provided in terms of retaining the habitat on site and to ensure that what is being enhanced would be of equal ecological value to that which is being permanently lost.
35. Fens Pool/Barrow Hill does physically link to the application site through a series of wildlife corridors. Therefore, whilst the scheme would not protect the areas of high ecological value in the design and layout of the scheme the off site contribution would enhance the integrity of the existing wildlife corridor from Fens Pool/Barrow Hill ensuring general compliance with Policy NC5 of the Adopted Dudley Unitary Development Plan (2005). The proposed development is therefore on balance acceptable in this regard.
36. A full set of ecological reports has been submitted in support of the application. In terms of protected species the main impact relates to the proximity of the proposed development to an existing badger sett. The scheme would not result in the loss of the sett but conditions would be attached to ensure protection of the badgers during the implementation of the development with an agreement on appropriate mitigation measures if necessary. This could include the provision of an additional sett within the existing foraging area of the badgers. This approach would ensure compliance with Policy NC6 of the Adopted Dudley Unitary Development Plan (2005).

Density

37. The gross density of the overall development would be 52 dwellings per hectare but this figure includes the whole site and therefore includes the community building.

The overall net density of the residential component of the scheme is likely to be in excess of 100 dwellings per hectare.

38. The site is located within a post-war housing estate characterised by two storey semi-detached dwellings. The overriding density of the existing development is in the region of 37 dwellings per hectare.
39. In accordance with Policy H6 of the Adopted Dudley Unitary Development Plan (2005) and the Adopted New Housing Development: Establishing Urban Context existing development within town centre locations across the Borough rarely see densities exceed between 50 and 60 dwellings per hectare and it is within these locations and sites that are on good public transport corridors where higher density development should be supported. The application site is situated within a suburban location where the proposed density of development could be considered to be out of context to the existing intensity of development within the area.
40. The site is well served by public transport providing ease of access to Dudley and the Merry Hill Shopping Centre as well as to the Pensnett Local Centre. The site is also within a short walk to a good range of local shops, services and facilities as well as incorporating a significant level of facilities and services on site as part of the overall scheme. The site could therefore be considered to be on a good public transport corridor. This coupled with the fact that the site is relatively accessible and within a sustainable location could in policy terms support a higher level of density than what is inherent within the surrounding area. For these reasons, the scheme is on balance considered to comply with Policy H6 of the Adopted Dudley Unitary Development Plan (2005) through bringing forward a designated housing site for development, making the full and efficient use of land, being well located in terms of its proximity to town and local centres and public transport as well as having sufficient capacity within the highway network to accommodate the additional development.

Layout and Form of Development

41. The New Housing Development: Establishing Urban Context SPD seeks to ensure that new residential development has regard to the existing form and pattern of development within the local area in order to ensure that schemes relate to the context of the site and are fully integrated within the existing urban grain of the area.
42. The existing pattern of development is predominantly in the form of traditional housing comprising two storey semi-detached properties with a plot width in the region of 15 metres and a plot depth in the region of 28 metres. The proposed development would not provide a traditional housing solution with the residential component of the scheme comprising apartments accommodated over three floors. The nature of the proposed use, it being Extra Care accommodation would not make it possible to create a form of development that mirrors the traditional housing along both Middlepark Road and Russell's Hall Road and in this regard the scheme cannot comply with Policy DD4 of the Adopted Dudley Unitary Development Plan (2005) or the New Housing Development: Establishing Urban Context SPD.
43. However, there are two existing buildings with large footprints that provide accommodation for older people located within close proximity to the site. Rotary House is located to the north-east and comprises sheltered accommodation and Russell's Court lies to the south-west of the application site and consists of a residential care home and incorporates a day care centre for people suffering from dementia. Whilst the footprint of the proposed residential development and its associated community building would be larger than these developments it could be argued that the form and intensity of the development is not significantly out of context or character with these existing development and that the scheme on balance complies with Policy DD4 of the Adopted Dudley Unitary Development Plan (2005) or the New Housing Development: Establishing Urban Context SPD.
44. The site is located within the southern portion of a larger site designated for residential development within the Adopted Dudley Unitary Development Plan (2005). The development closest to the northern boundary of the site and thereby

more likely in the future to adjoin traditional housing development has a reduced mass in terms of its built form. The reduction in mass at this point would help in the scheme relating to domestic scale architecture in the future. In this sense the scheme has had regard to the future context of the site and is in accordance with Policy DD4 of the Adopted Dudley Unitary Development Plan (2005) and the New Housing Development: Establishing Urban Context SPD.

45. The proposed development proposes the creation of a new access off Middlepark Road to the north-east of no. 129. The new access road would lead to the car parking area to the proposed development and to the main entrance to the community building. The community building provides the public face of the development with the private residential development being located behind the community building set within its own area of private amenity space. The circular nature of both the community and residential buildings enables the development to be both inward and outward looking with the layout able to define public and private areas but allowing the residential scheme to also look out onto and to provide an active edge to the adjoining park located beyond the western boundary of the site.
46. The layout would provide a legible form of development that has addressed the movement of people and vehicles through the development and that defines public and private space. Conditions can be attached with respect to boundary treatment and the treatment of the main access road in order to ensure that private and public areas are further defined and to prevent problems associated with security.
47. The location of the car parking area away from the residential properties and adjoining an undeveloped piece of land to the north does mean that this area could be vulnerable to security issues although appropriate boundary treatment to be approved by condition would help this issue. The parking area is segregated from the residential component of the site where natural surveillance would be limited particularly when activities within the community building cease for the evening. Whilst the scheme is outward looking in terms of residents overlooking the park there would be little natural surveillance of the apartments located within the outer circle from other residential properties apartments raising further security concerns.

48. The design philosophy inherent in the design of creating the Extra Care scheme and the constraints to the development in terms of the size of the site and the numbers of units that have to be delivered mean that the applicant cannot amend the location of the car parking area. Whilst this is a concern, on balance with the use of good quality boundary treatment, lighting and hard landscaping this issue should to some degree be able to be addressed and on balance the proposed layout is considered to comply with Policies DD1 and DD4 of the Adopted Dudley Unitary Development Plan (2005).

Impact Upon Residential Amenity

49. The main impacts associated with the proposed development would be with respect to the scheme backing onto no. 79-129 Middlepark Road. The residential building would be three storeys in height and its closest point would be situated 30 metres from the rear elevation of the nearest residential property along Middlepark Road. This separation distance even with windows serving habitable rooms being at first and second floor levels would be sufficient to ensure that there is not an unacceptable level of overlooking and since the building is circular impacts would be lessened as the building largely turns away from the rear elevations of the dwellings on Middlepark Road. The proposed development is therefore in accordance with Policy DD4 of the Adopted Dudley Unitary Development Plan (2005).
50. Part of the proposed car parking area would be sited within 20 metres from the rear elevation of the nearest residential property. Boundary treatment to be approved by condition would ensure that there is not a significant loss of privacy or any undue impacts with respect to noise to the occupants of these properties thereby ensuring compliance with Policies DD4 and EP7 of the Adopted Dudley Unitary Development Plan (2005).
51. The proposed development would comprise a three storey annex located to the south of the main residential block. The annex would be three storeys and would be sited within 16.5 metres from the outer edge of the main residential block.

Overlooking would be prevented by the units within the annex being single aspect with windows serving habitable rooms facing out towards the adjoining local park. The close proximity of the annex to the main building would result in some overshadowing of habitable rooms within the outer edge of this block and the massing of the annex would be slightly overbearing giving its close proximity. However, given the specific need for the development this is on balance acceptable and the scheme is broadly in accordance with Policy DD4 of the Adopted Dudley Unitary Development Plan (2005).

Design and Appearance

52. Since this is the first Extra Care scheme to be developed within the Borough the development provides an opportunity to create a landmark building which would provide housing to which there is an identified need. The design and appearance of the residential building would be contemporary with the circular form of the development and the use of a mix of materials in terms of colour, texture and the introduction of vertical glazed features helping to reduce the massing of the building and reducing its horizontal emphasis. The circular form of the development would also reduce the appearance of the length of the internal corridors thereby helping to reduce the institutional feel of the building. The community building would be a contrast to the residential block in terms of scale and its external appearance through comprising larger glazed elements and the entrance being defined by an entrance canopy.
53. Conditions can be attached to allow approval of materials and details of the proposed entrance canopy in order to ensure that the development does not detract from the visual appearance of the existing buildings within close proximity to the site. This would ensure compliance with Policy DD4 of the Adopted Dudley Unitary Development Plan (2005).

Access and Car Parking

54. The proposed access and associated footpath into the site meets current standards being suitable for the proposed use. Conditions can be attached to ensure that the

access and footpath is built to a suitable standard and becomes part of the adopted highway.

55. The proposed development requires the provision of a maximum 208 parking spaces in accordance with the Council's current standards. By providing only 123 parking spaces the development complies with the principles of PPG13 and the Parking Standards and Travel Plans SPD. Although this figure equates to less than 1 parking space per dwelling, the applicant has provided information within the Design and Access Statement relating to car parking provision and car ownership at other sites. The information demonstrates that other Extra Care schemes managed by the applicant shows a maximum car parking occupancy rate of less than 1 parking space per dwelling. On this basis the level of car parking spaces provided appears acceptable for the proposed use and is in accordance with Policy AM14 of the Adopted Dudley Unitary Development Plan (2005) and the Parking Standards and Travel Plans SPD.

Travel Plans

56. In accordance with Policy AM16 of the Adopted Dudley Unitary Development Plan (2005) and the Parking Standards and Travel Plans SPD the applicant has agreed to produce and implement a Travel Plan. This can be secured by condition.

Planning Obligations

58. The proposed development has a requirement to provide planning obligations to mitigate against the consequential planning loss to the existing community. Should permission be granted a S106 Agreement would be required in respect of the following contributions.

Offsite Contributions:

The proposal attracts a requirement for a commuted sum to be paid towards the following infrastructure:

Open Space, Sport and Recreation - £125,706.24

Transport Infrastructure Improvements - £12,053.81

Ecological Mitigation - £86,356.25 (index-linked)

Public Realm - £62,804.28

Total Offsite Contribution equates to £286,920.58

59. A contribution for libraries was not required since the scheme incorporates its own library for use by residents therefore the development would not have an adverse impact upon existing facilities. A contribution is not required towards public art since the applicant has agreed to include public art as an integral part of the building. The details of this are yet to be agreed. The applicant has suggested the erection of a feature in front of the main entrance or it could be in the form of brick detailing, metalwork railings or balconies.
60. A planning obligation would be required with respect to economic and community development to secure measures to increase the numbers of local jobs for local people and for the development of initiatives that can support activities to up-skill local unemployed people of working age to support them into sustained employment.
61. A planning obligation would be required with regards to a Landscape Management Plan and Landscape Remediation Plan. A planning obligation would also be required to secure the submission and implementation of a Travel Plan.
62. The applicant has agreed in writing to the payment of these offsite planning contributions and to the other planning obligations as set out above. The scheme would therefore be in accordance with Policy DD7 of the Adopted Dudley Unitary Development Plan (2005) and the Planning Obligations SPD.

Other issues

63. The ecological surveys submitted in support of the application do not support the objectors concerns with respect to impacts on breeding birds and in terms of foraging for bats.

CONCLUSION

64. The proposed development does raise concerns in terms of its overall density, how it relates to its context and the isolated nature of the proposed car parking area to the residential units and the security issues that this raises. However, the development of the scheme would ensure the delivery of 132 Extra Care Units to which there is an identified need as set out within the Council's Housing Needs and Demand Study (2005), the development would provide the first Extra Care scheme within the Borough providing the opportunity to create a landmark building and making a significant contribution towards delivering the Borough's strategic housing requirements. Therefore, on balance the scheme is considered acceptable.

RECOMMENDATION

65. It is recommended that the application be approved subject to:
66. The applicant entering into a Section 106 Legal Agreement for a contribution towards improvements to Open Space, Sport and Recreation, Transport Infrastructure Improvements, Ecological Mitigation and Public Realm being a total of £287,920.58, the preparation and implementation of a Landscape Management and Remediation Plan, measures to facilitate economic and community development. and the inclusion of an acceptable form of public art within the proposed development.
67. The Scheme shall include the method, timing and arrangements including a means to guarantee a financial payment, increased through index linking from the first April each subsequent year, in accordance with the Council's planning obligations policies.
68. The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary

69. 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.

Reason for approval

The proposed development does raise concerns in terms of its overall density, how it relates to its context and the isolated nature of the proposed car parking area to the residential units and the security issues that this raises. However, the development of the scheme would ensure the delivery of 132 Extra Care Units to which there is an identified need as set out within the Council's Housing Needs and Demand Study (2005), the development would provide the first Extra Care scheme within the Borough providing the opportunity to create a landmark building and making a significant contribution towards delivering the Borough's strategic housing requirements. Therefore, on balance the scheme is considered acceptable.

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Dudley UDP (2005) and to all other relevant material considerations.

The above is intended as a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report.

Note to Applicant

The development hereby permitted shall be built in accordance with the approved plans numbered B4548-PL-01 Rev C, 02, 03, 04, 05 and 06 unless otherwise agreed in writing by the Local Planning Authority.

The applicant should be informed that planning permission, if granted does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of Circular 06/2005 (PPS9 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System).

The applicant should be aware of the requirements under the Wildlife and Countryside Act 1981 as amended with respect to nesting birds whereby the development should avoid the clearance of trees and other vegetation during the bird nesting season (February – August inclusive).

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. Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority of the proposed type, colour and texture of the proposed materials including those used on all elevations of the building and the roof. Details should also be submitted with respect to the proposed type, colour and texture of materials to be used on each of the balconies to the apartments, the winter garden linking the main residential building with the annex and the proposed canopy over the main entrance of the community building. The development shall be built in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
3. Prior to the commencement of development details shall be submitted and approved in writing by the Local Planning Authority of the proposed position, height and materials including details of the type, colour and texture of the proposed boundary treatment to be erected on the site. The development shall be built in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
4. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed with the local planning authority), has been submitted to and approved by the local planning authority. Such a strategy shall facilitate the identification of soil gases and vapours that have the potential to pose a risk to human health and the wider environment. Where the investigations identify the presence of soil gases and vapours, 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. Development shall not begin until a scheme for protecting the proposed dwellings from noise from both the neighbouring skate park and vehicle movement within the service area has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the dwellings are occupied and retained thereafter.
6. Before any plant or machinery is operated at the premises, a scheme to reduce conducted noise and vibration shall be submitted to and approved in writing by the

Local Planning Authority. All works which form part of the scheme shall be completed and retained thereafter.

7. Prior to the occupation of the units hereby permitted details shall be submitted to and approved in writing by the Local Planning Authority of a 2m high continuous acoustic barrier to the boundaries of dwellings between number 111 and 129 Middlepark Road. The scheme shall be implemented in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
8. Prior to the commencement of development, details of fume extraction and odour control equipment, serving cooking equipment in the proposed kitchen including any external ducting and flues, shall be submitted to and approved in writing by the Local Planning Authority. Such equipment shall be installed in its entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out unless otherwise agreed in writing with the Local Planning Authority.
9. Prior to the commencement of development a scheme ensuring the protection of badgers within and immediately adjoining the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the scheme unless otherwise agreed in writing by the Local Planning Authority.
10. Prior to the commencement of development, a Landscape Masterplan shall be submitted to and approved in writing by the Local Planning Authority. The Masterplan shall include details of both hard and soft landscaping and include measures to retain the existing wildlife corridor. The scheme shall be built in accordance with the approved Masterplan.
11. Following approval of the Masterplan hard and soft landscape detailed plans at 1:200 scale must be submitted to and approved in writing across the whole of the site. The detailed 1:200 plans must be accompanied with a Key Plan, which explains their relationship together. The scheme shall be implemented in accordance with the approved details.
12. Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority of plans and elevations including details of the type, colour and texture of materials to be used on the proposed chillers, sub station and switch room as indicated on Drawing No. B4548 PL 01 Rev B. The scheme shall be built in accordance with the approved details.
13. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) R30022Y001/C and the following mitigation measures detailed within the FRA:
 1. Limiting the rate of surface water run-off generated by the site to the greenfield rate as estimated in section 5.1.1 of the FRA (R30022Y001/C).
 2. Provision of attenuation storage volume of at least 300m² on the site to retain the 100-year + 30% flow event volume assuming the discharge rate given above.
 3. Demonstration that the detailed surface water system will also provide the water quality improvements by implementing the Suds methods outlined in the FRA.
 4. Details of how the entire surface water scheme shall be maintained and

managed after completion.

14. Prior to the commencement of development details shall be submitted to and approved in writing showing how the parking and turning areas would be graded, levelled, surfaced, drained and marked out as shown on Drawing No. B4548 PL 01 Rev C. The car park should include sustainable drainage techniques, shall not thereafter be used for any other purpose and shall be implemented in accordance with the approved details.
15. The use of amplification equipment within the multi-purpose hall and lounge/social bar shall not be permitted before 0800 hours and not after 2300 hours Monday-Thursday, 2330 hours Friday-Saturday and 2230 hours Sundays and Bank Holidays.
16. All doors to the multi-purpose hall and lounge/social bar shall be fitted with self closing devices in order to protect those using other communal facilities and those occupying the dwellings in the vicinity from any noise created within these areas.
17. No development shall take place until there has been submitted, and approved in writing by the local planning authority details of the tree protection measures on site. The details shall include:
 - a. A plan showing the location and identification (with reference to a survey schedule if necessary) of all trees on, or directly adjacent to the development site, that are to be retained during construction. These trees are to be marked with a continuous outline.
 - b. A plan showing the location and identification (with reference to a survey schedule if necessary) of all the trees on, or directly adjacent to the development site that are to be removed prior to, or during development. These trees are to be marked with a dashed outline.
 - c. A plan showing the extent of the Root Protection Area, which is to be protected by physical barriers during development. The extent of the area that is to be protected will be calculated in accordance with Clause 5.2 of British Standard BS: 5837 – 2005 'Trees in Relation to Construction – Recommendations'.
 - d. Design details of the proposed protective barriers to be erected around the trees during development. Any protection barriers should be designed and constructed in accordance with the provisions set out in section 9.2 of British Standard BS:5837 – 2005 'Trees in Relation to Construction – Recommendations'.
18. No development or other operations shall commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall commence on site until the approved tree felling and pruning works have been completed. All tree felling and pruning shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998 (1989) Recommendations for Tree Work.

19. The existing trees shown on the approved plans to be retained shall not be damaged or destroyed, uprooted, felled, lopped or topped during the construction period of the development without prior written consent of the local planning authority. Any trees removed without such consent or dying or being seriously damaged or diseased during that period shall be replaced with healthy trees of such size and species as may be agreed in writing by the local planning authority.
20. The development hereby approved shall not be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority, including details of a Travel Plan Co-ordinator, Staff Travel Survey, Car Parking Management, Walking and Cycling initiatives, Publicity and Marketing, Set targets and monitoring and to join Company Travel Wise in Dudley together with a timetable for the implementation of each such element. The Travel Plan shall be implemented in accordance with the details approved by the local planning authority and remain operational for the life of the development.

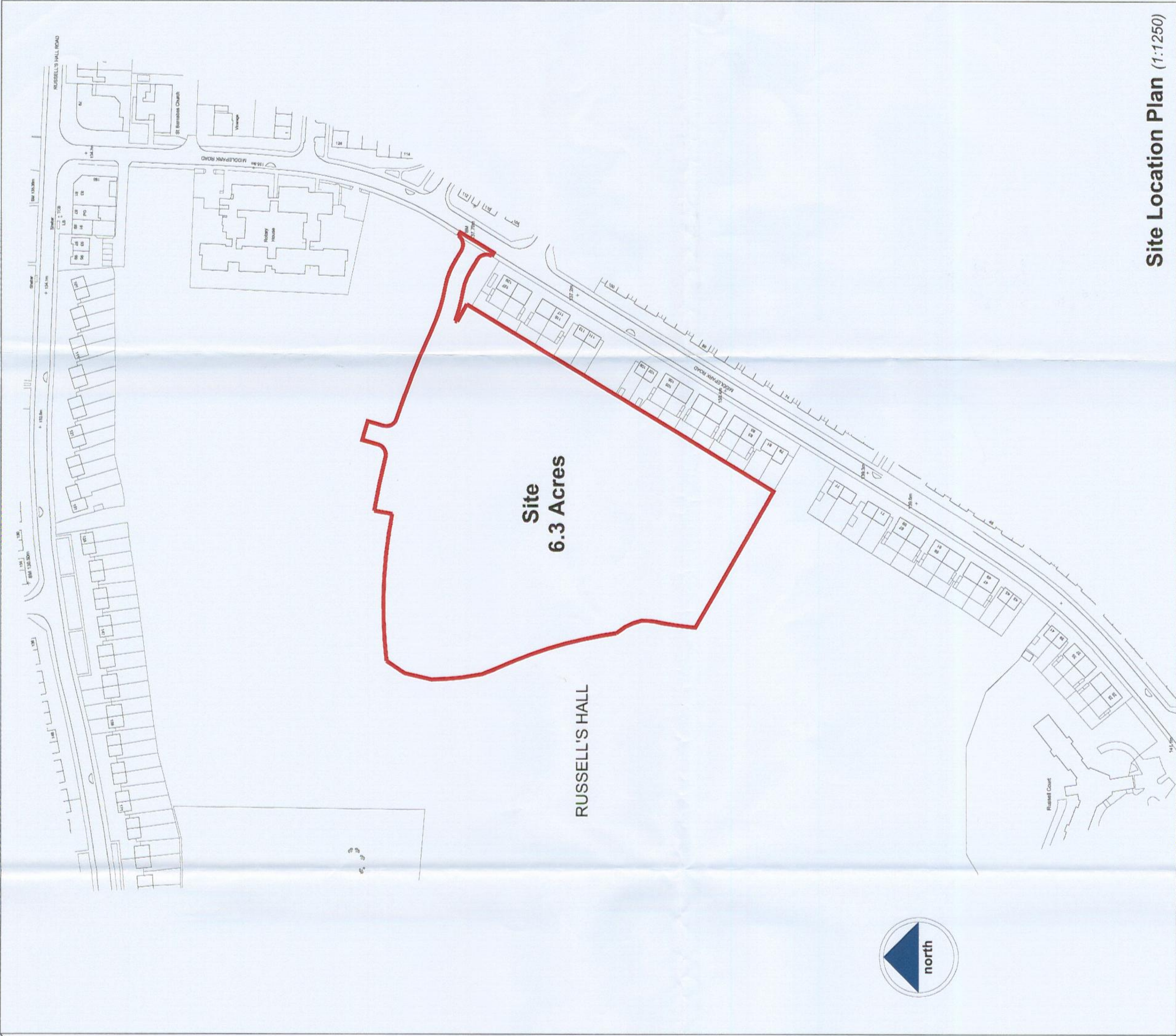
Location Plan - 08/11/2004



Site Location OS Map (not to scale)



Google Earth Image (not to scale)



Site Location Plan (1:1250)

08/11/2004

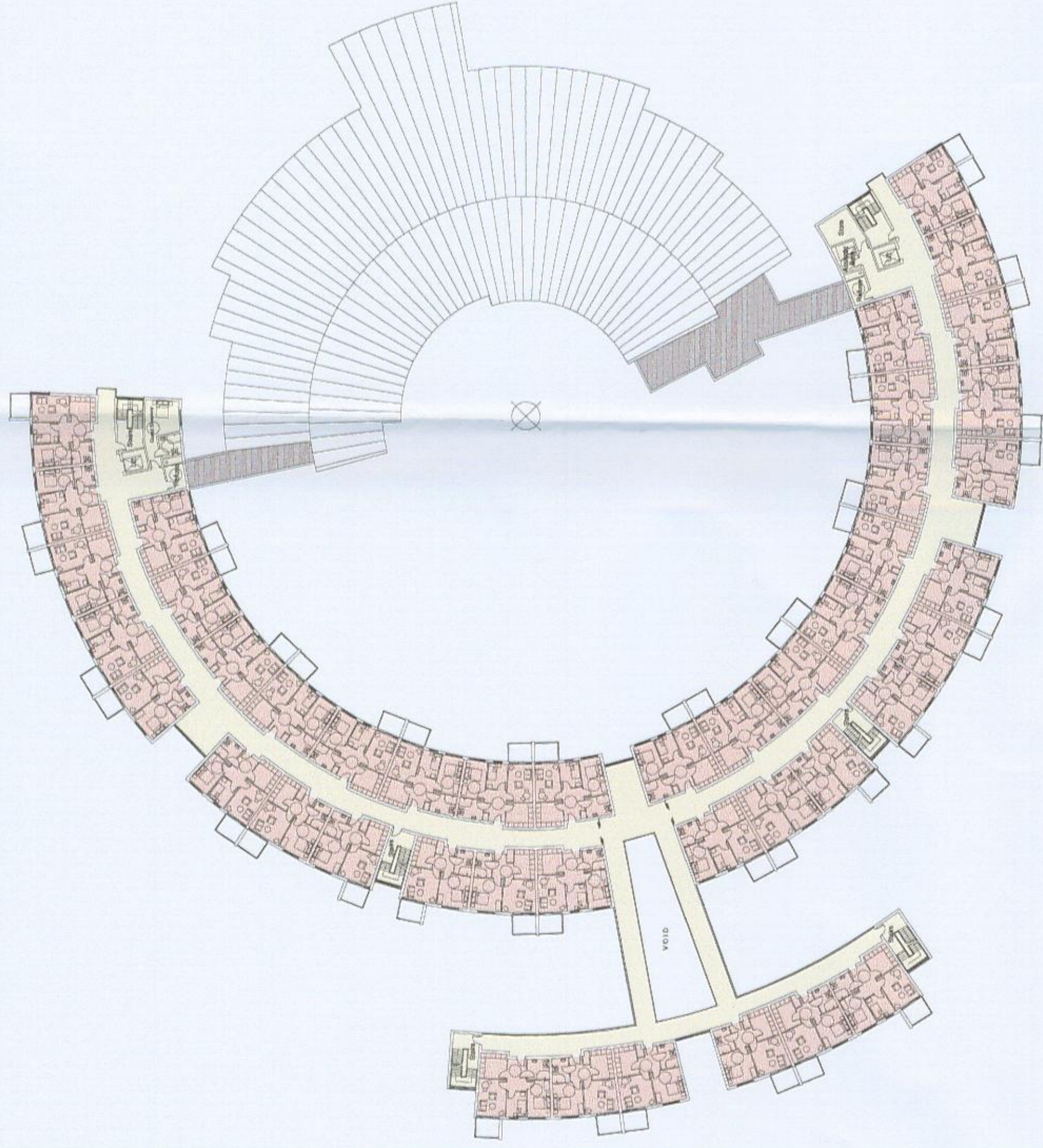
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Construction cost consultants
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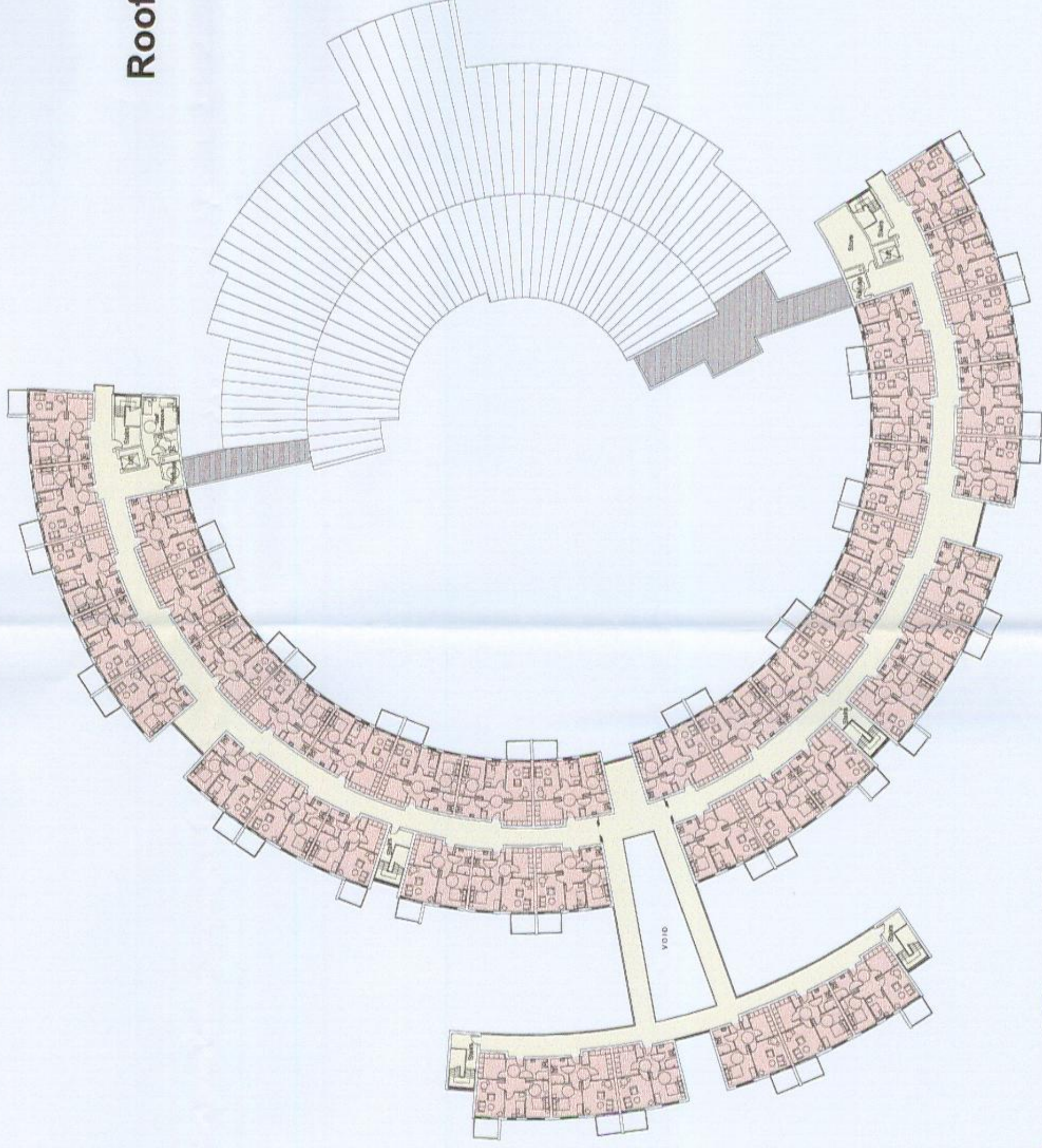
Client:	Midland Heart Developments Ltd.		
Job:	Middlepark Road, Dudley		
Drawing title:	Location Plan		
Drawing Number: (Job number)	B4548	PL	00
Revision:			
Scale:	1:1250 / not to scale		
Date:	October 2008		
Drawn by checked by:			

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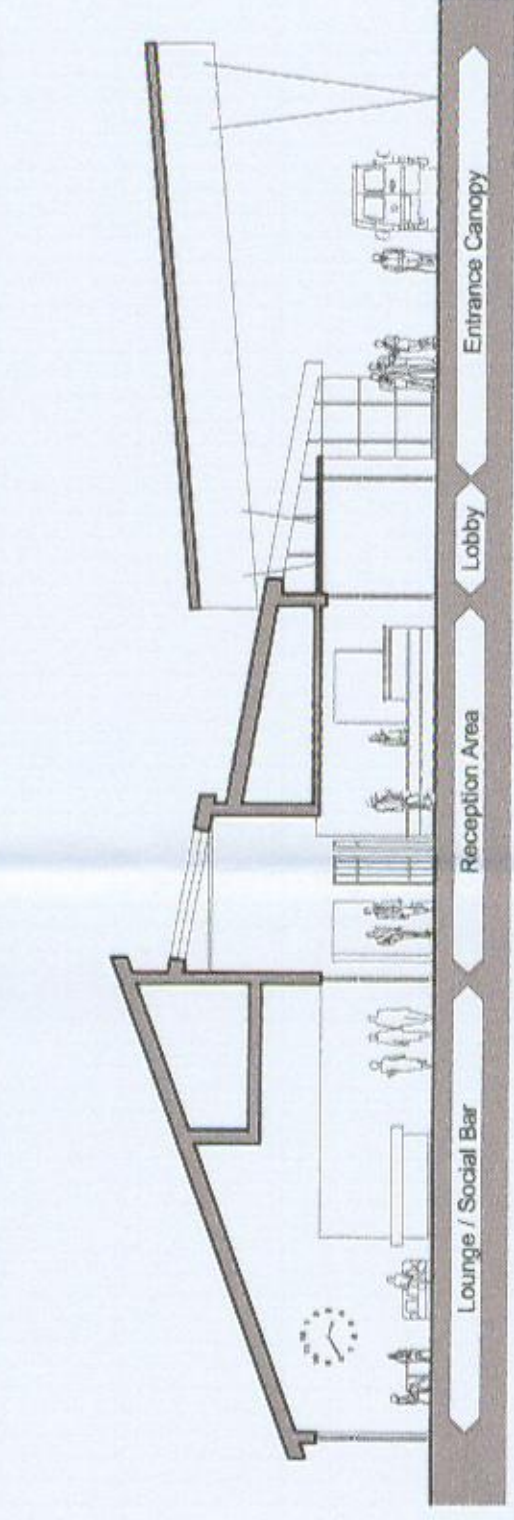
Proposed 1st, 2nd Roof
Plans + sections - 08/11/16



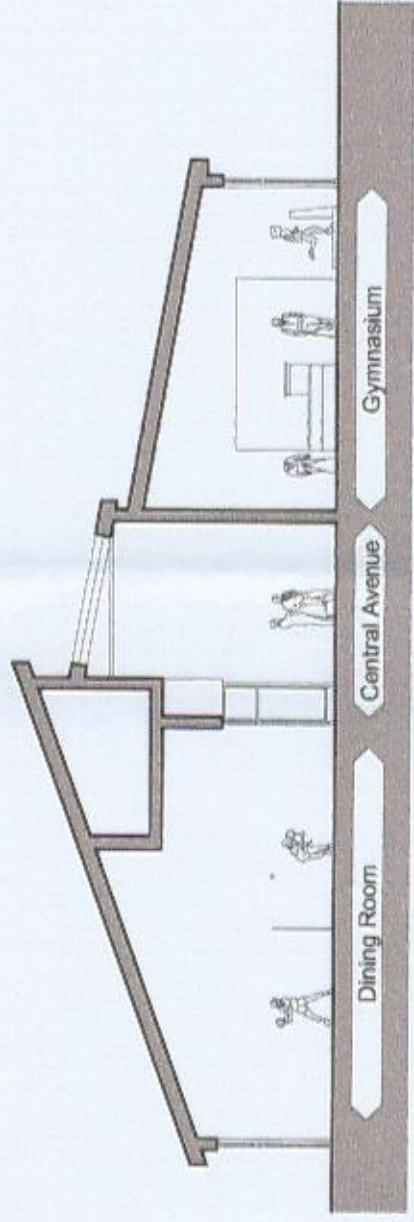
First Floor Plan



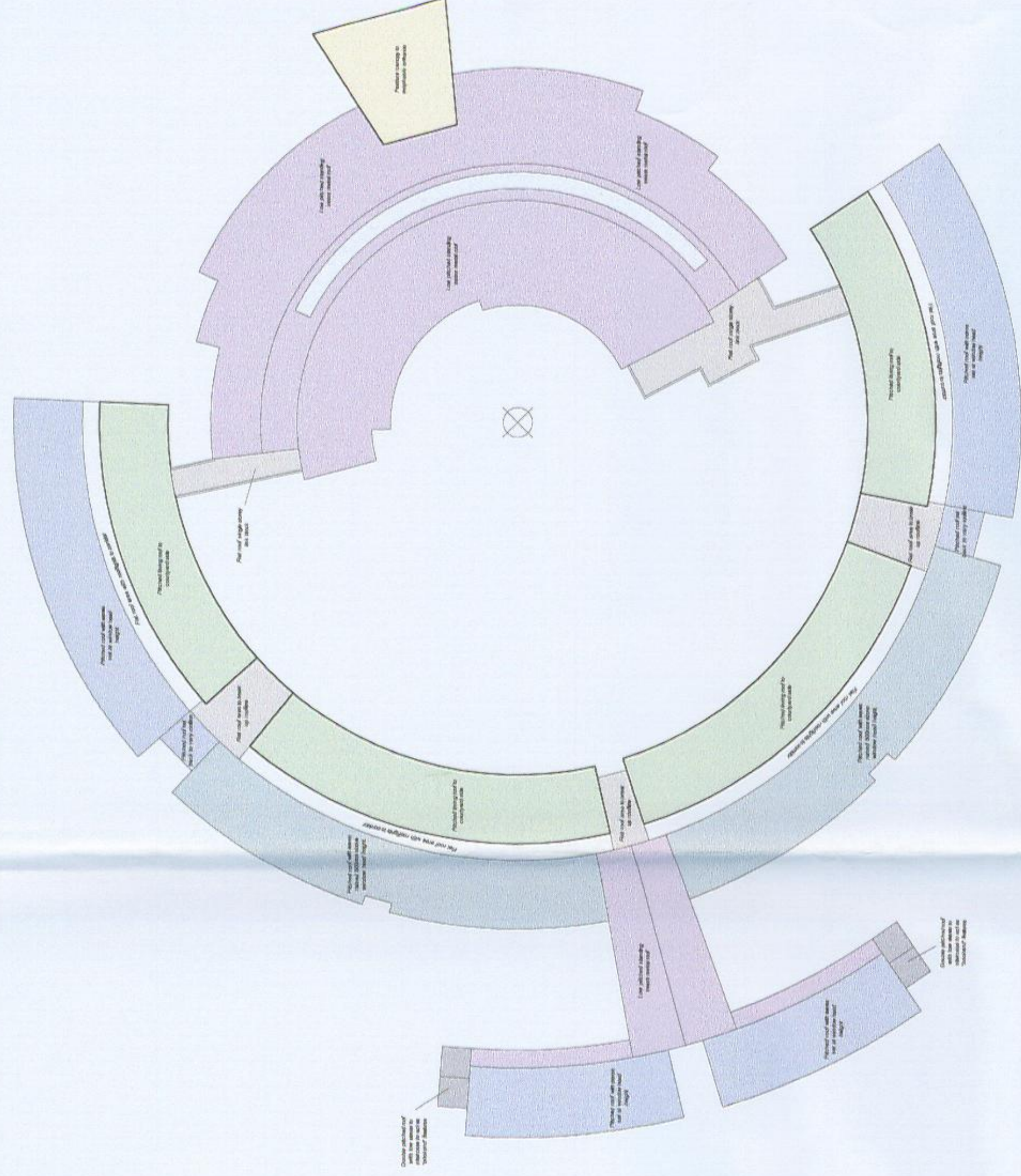
Second Floor Plan



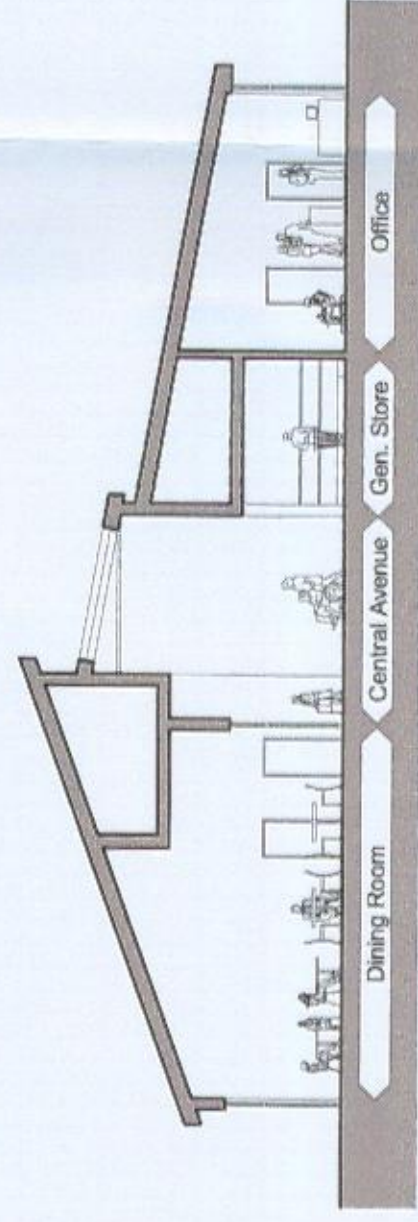
Village Section BB (1:200)



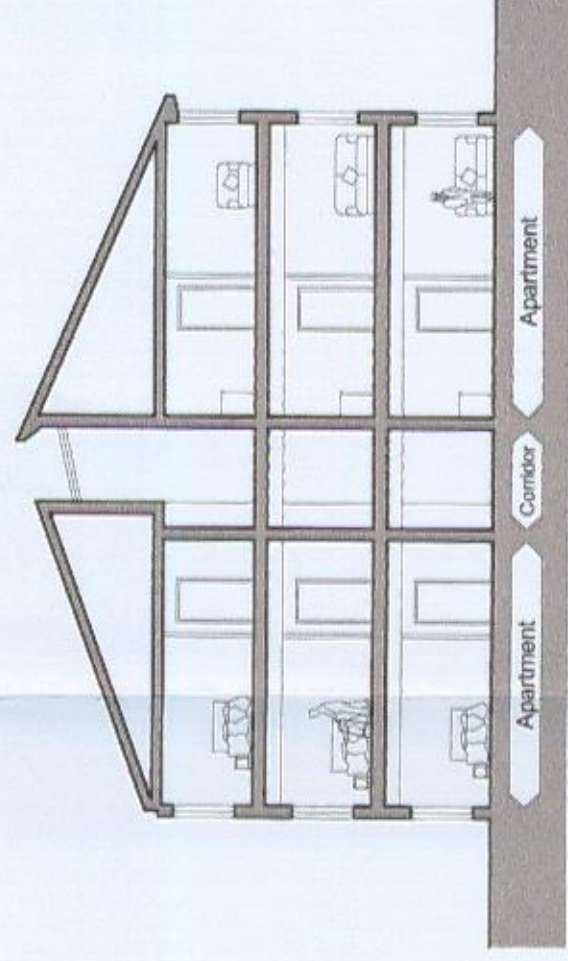
Village Section CC (1:200)



Roof Plan



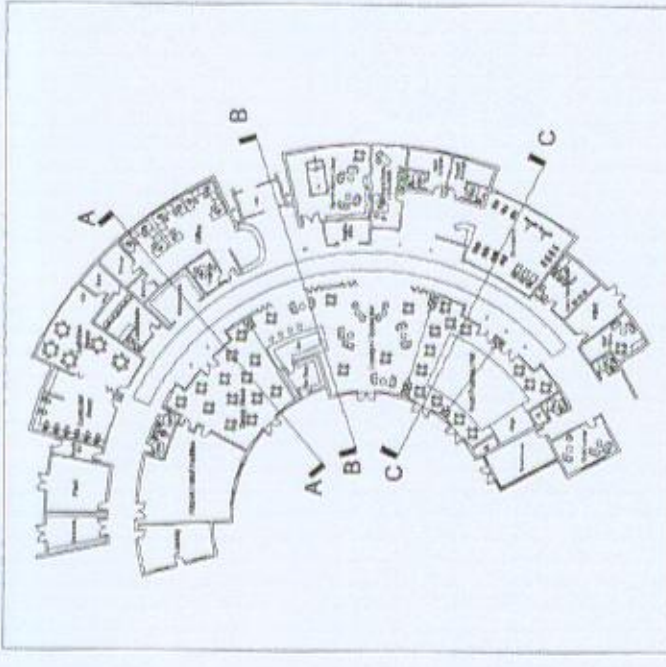
Village Section AA (1:200)



Typical Apartment Section (1:200)

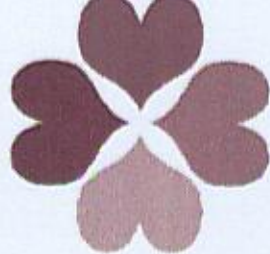
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Village Section Key Plan



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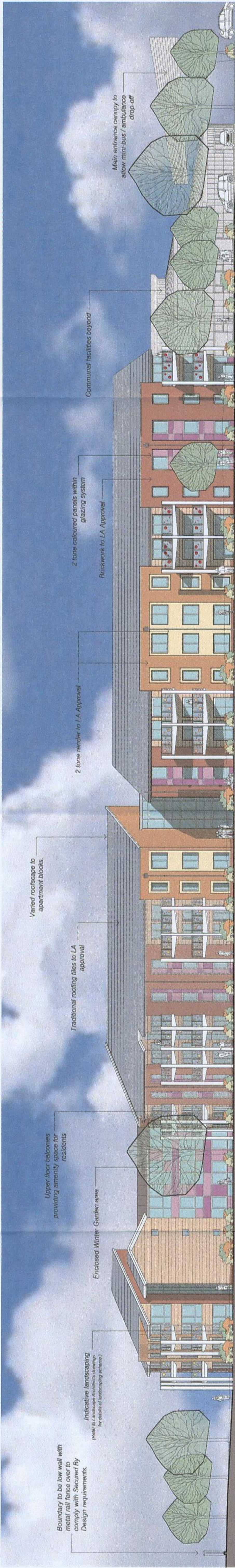
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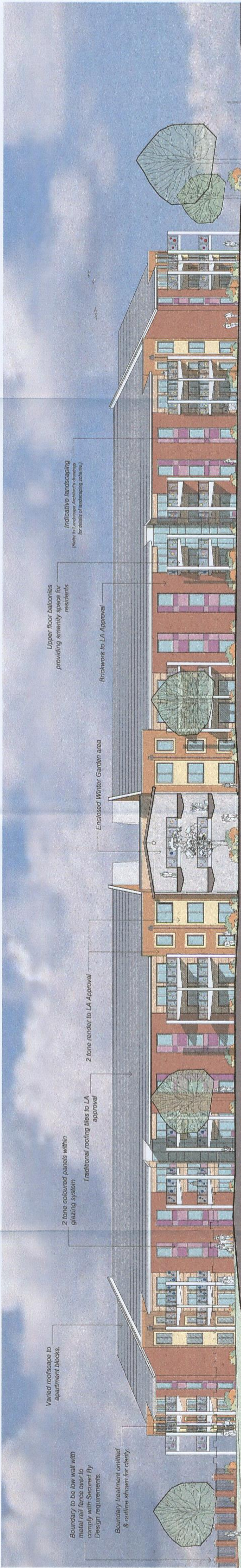
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Job:	Middlepark Road, Dudley
Drawing title:	Proposed 1st, 2nd, Roof Plans & Sections
Drawing Number:	B4548
(Job number)	PL
Revision:	02
Scale:	1:500 / 1:200
Date:	October 2008
Drawn by/ checked by:	

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East Elevation (Elevation 1)

(Elevation 1)



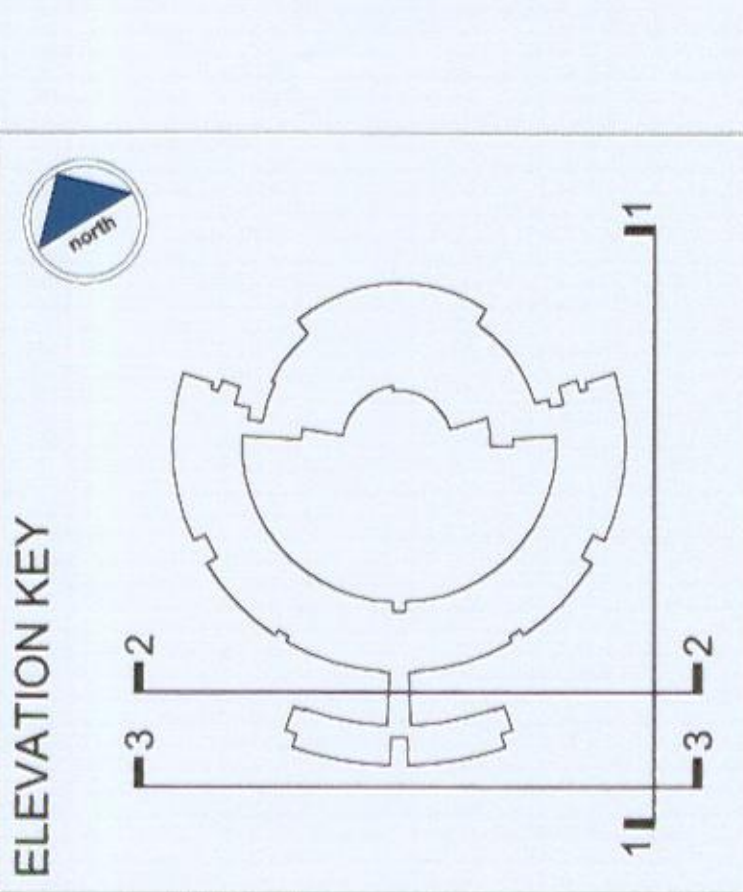
Section through walkways (Elevation 2)

(Elevation 2)



South Elevation (Elevation 3)

(Elevation 3)



Elevations viewed from within site boundary

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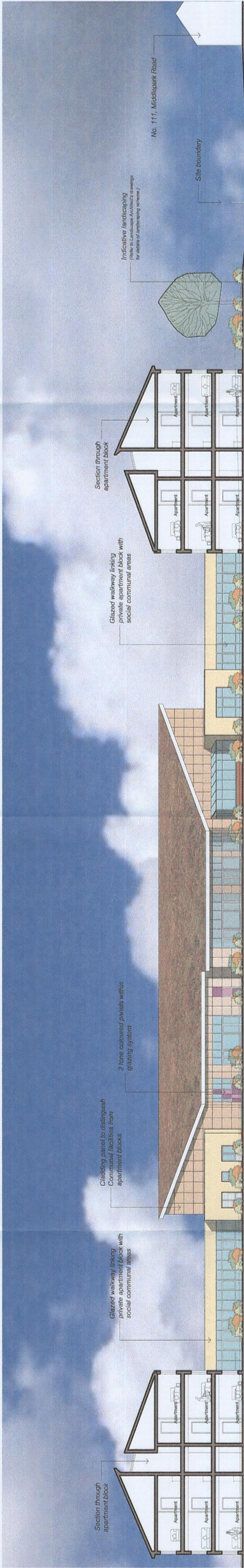
Client:	Midland Heart Developments Ltd.		
Job:	Middlepark Road, Dudley		
Drawing title:	Proposed Elevations (Sheet 1 of 3)		
Drawing Number: (Job number)	B4548	PL	03
Revision:			
Scale:	1:200		
Date:	October 2008		
Drawn by checked by:			

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204 3-1081564



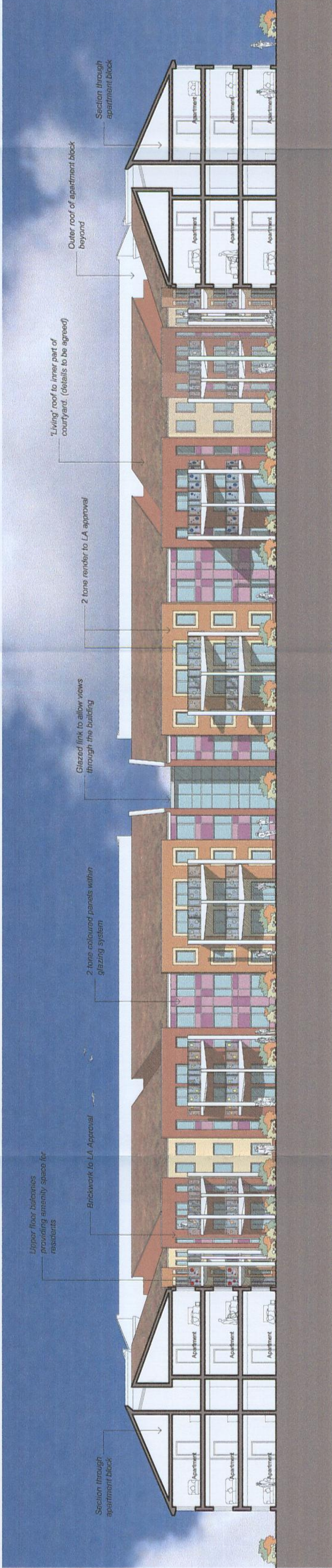
West Elevation (Elevation 4)

(Elevation 4)



Section through courtyard (Towards communal facilities Elevation 5)

(Elevation 5)

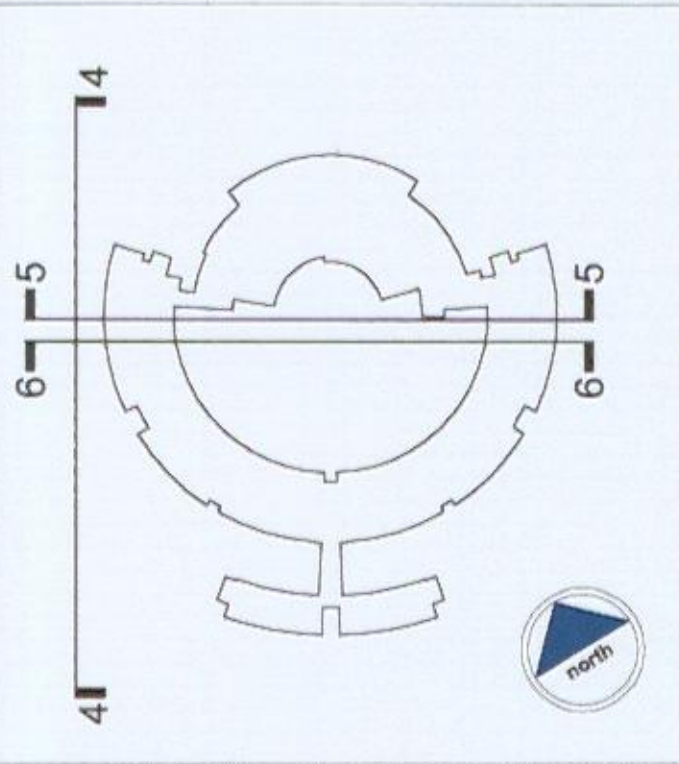


Section through courtyard (Towards apartment block Elevation 6)

(Elevation 6)



ELEVATION KEY



Elevations viewed from within site boundary

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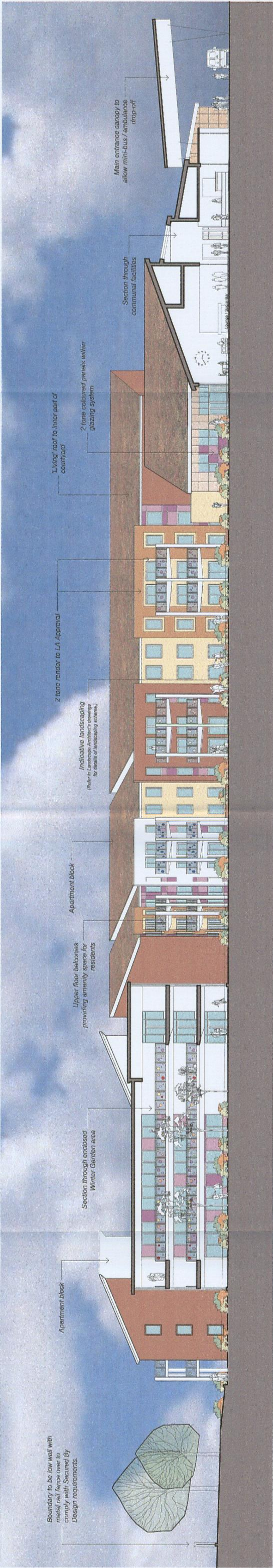
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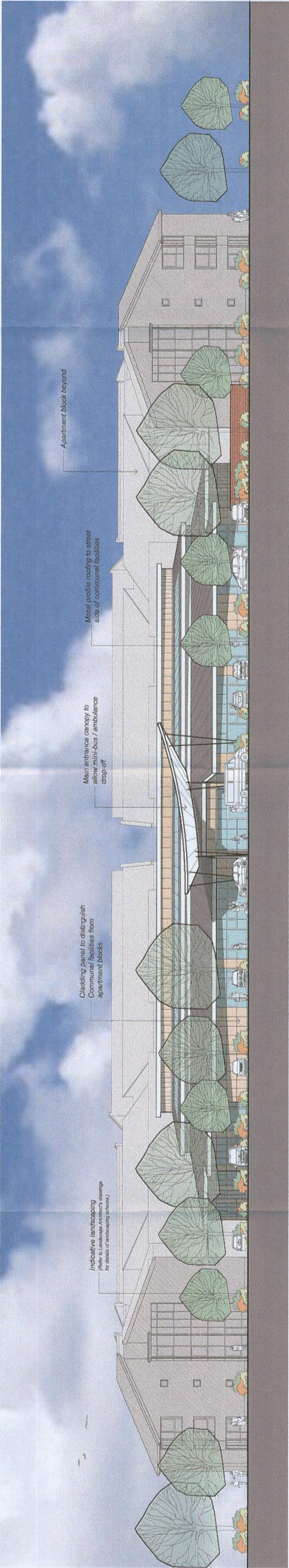
Client:	Midland Heart Developments Ltd.
Job:	Middlepark Road, Dudley
Drawing title:	Proposed Elevations (Sheet 2 of 3)
Drawing Number: (Job number)	B4548 PL 04
Scale:	1:200
Date:	October 2008
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Proposed Elevations
3 of 3 - 0021564



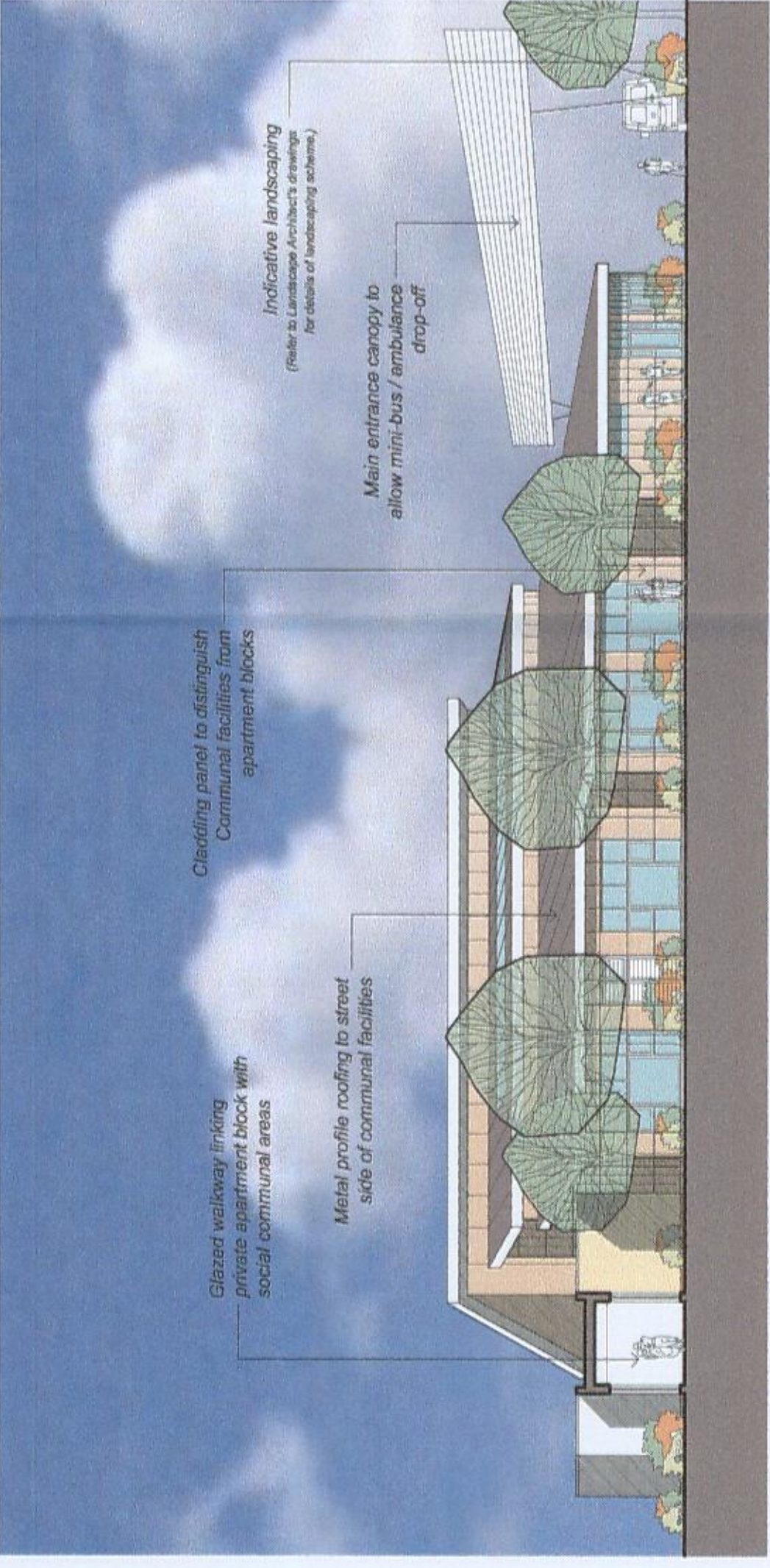
East Elevation (Section through courtyard - Elevation 7)

(Elevation 7)

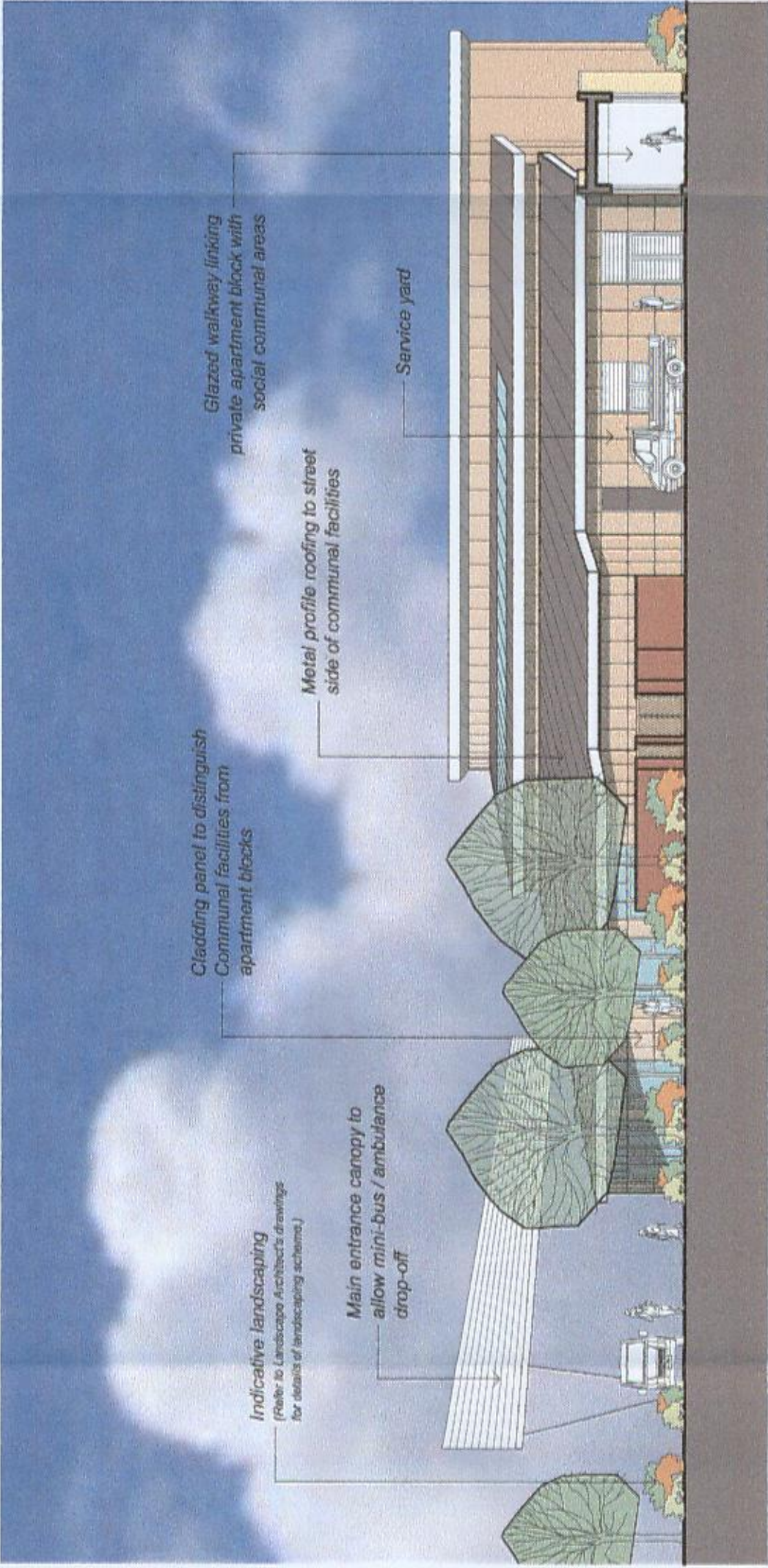


North Elevation (Main Entrance - Elevation 8)

(Elevation 8)

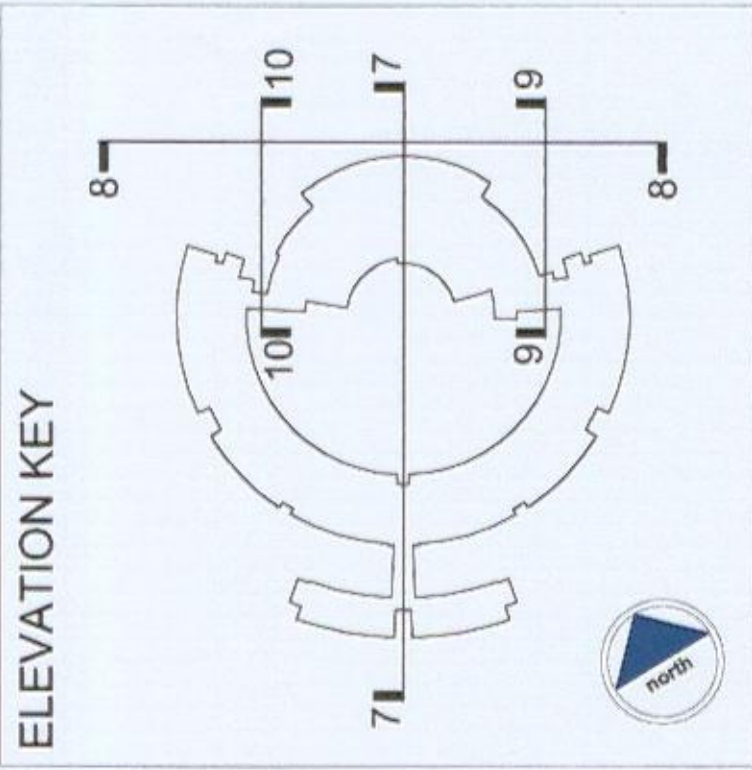


East Elevation (Communal Facilities - Elevation 9)



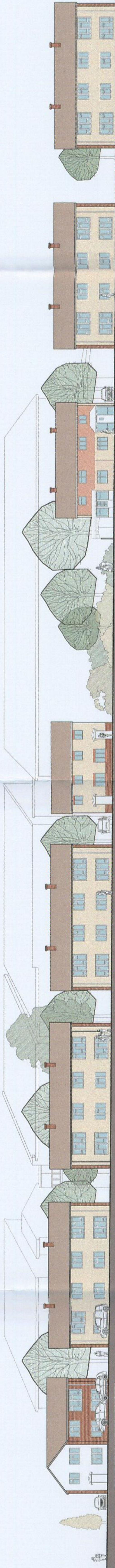
West Elevation (Communal Facilities - Elevation 10)

Elevations viewed from within site boundary



Client:	Midland Heart Developments Ltd.
Job:	Middlepark Road, Dudley
Drawing title:	Proposed Elevations (Sheet 3 of 3)
Drawing Number: (Job number)	B4548
Revision:	PL 05
Scale:	1:200
Date:	October 2008
Drawn by checked by:	

Context elevations
2021/10/14

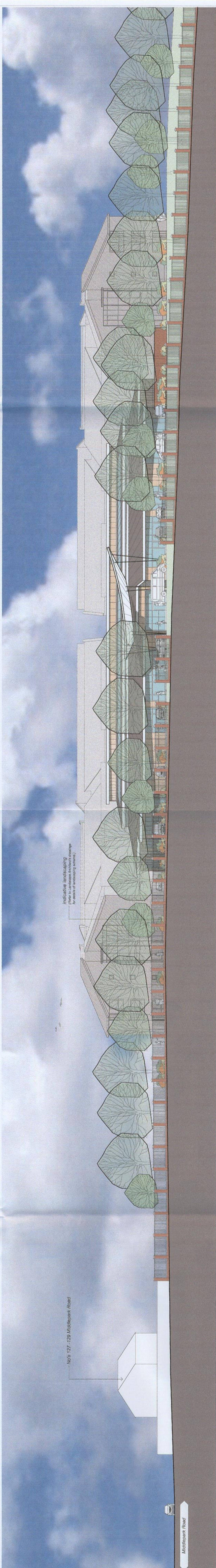


No's 79 - 81 Middlepark Road

No's 127 - 129 Middlepark Road

New Access Road

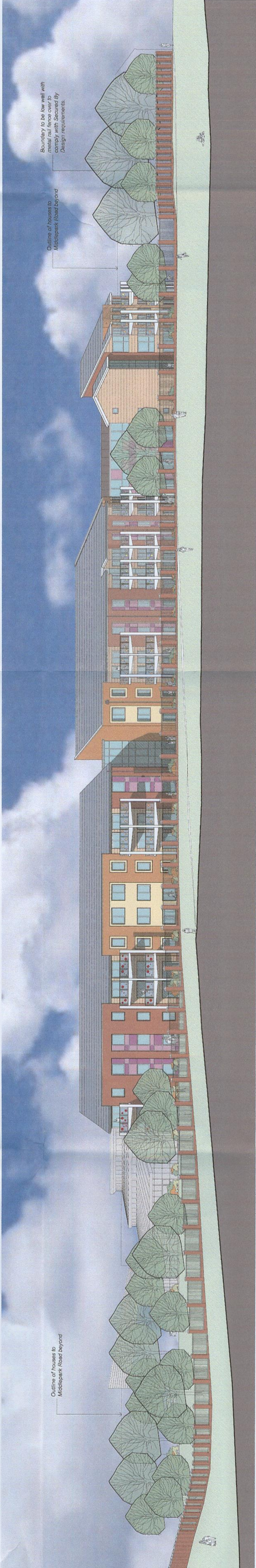
Context Elevation One (Elevation from Middlepark Road)



No's 127 - 129 Middlepark Road

Indicative landscaping
prior to construction
for access to new access road

Context Elevation Two (Elevation along new access road towards main entrance)

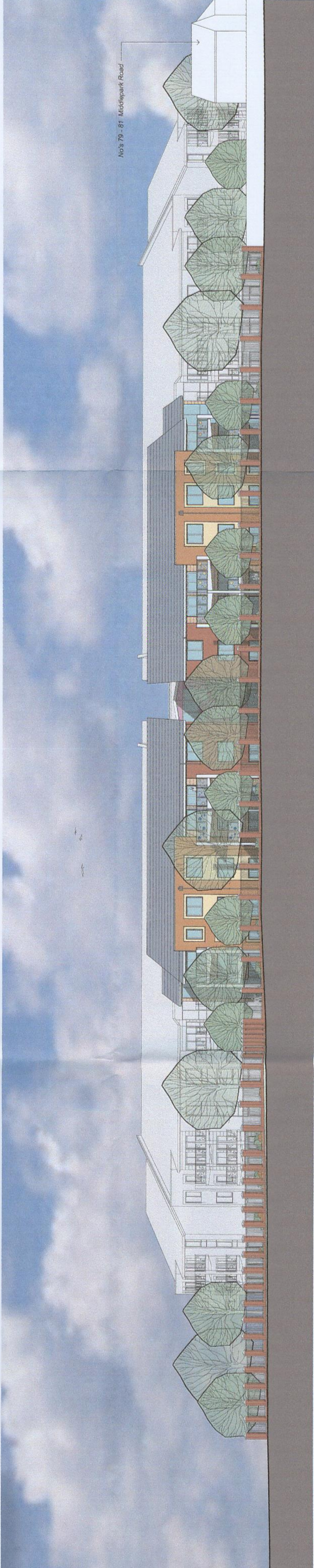


Outline of houses to
Middlepark Road beyond

Outline of houses to
Middlepark Road beyond

Boundary to be low wall with
metal rail fence over to
comply with Section 61
Design Requirements

Context Elevation Three (Elevation from public open space looking towards Middlepark Road)



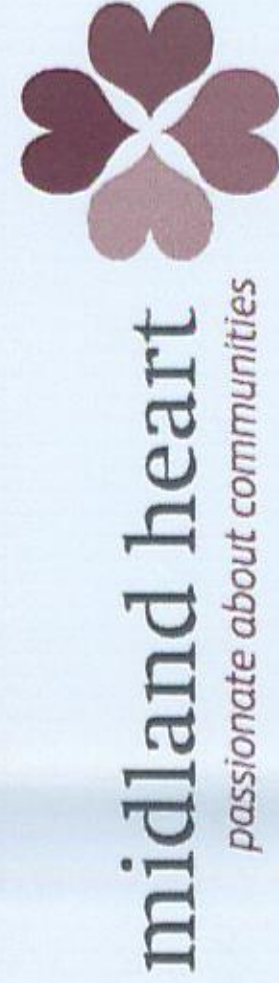
No's 79 - 81 Middlepark Road

Context Elevation Four (Elevation from public open space looking Northwards)

Elevations viewed from outside site boundary

Revision	Date	Details

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Client:	Midland Heart Developments Ltd		
Job:	Middlepark Road, Dudley		
Drawing title:	Context Elevations		
Drawing Number: (Job number)	B4548	PL	06
Scale:	1:200 @ A1		
Date:	October 2008		
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