

PLANNING APPLICATION NUMBER: P09/1575

Type of approval sought	FULL PLANNING PERMISSION
Ward	CASTLE & PRIORY
Applicant	MR PHIL COYNE, DUDLEY MBC
Location:	JUNCTION OF TIPTON ROAD AND ALDENY CLOSE, DUDLEY, WEST MIDLANDS
Proposal:	PROVISION OF NEW SIGNALISED ACCESS AND PEDESTRIAN CROSSING FACILITY
Recommendation summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. This is a prominent site which fronts onto Tipton Road. The site forms part of a previously approved outline planning application (P04/0091) which comprised a major new visitor attraction with residential development.
2. There is frontage metal mesh fencing and a gate at the entrance point. Directly behind is an unkempt area of land containing scrub and numerous trees.

PROPOSAL

3. The application is for the provision of an access point along this frontage. It would form part of a new signalised junction with Aldeney Road opposite and with pedestrian crossing facilities.

HISTORY

- 4.

APPLICATION No.	PROPOSAL	DECISION	DATE
P01/1620	Construction of visitor attractions at Castle Hill, Dudley incorporating Dudley Castle and a reconfigured zoo, including 'Siegecraft' (660 square metres; Class D1; siting, means of access and external appearance to be considered) and 'Origins' (1427 square metres; Class D1; siting and means of access to be considered), construction of Botanical World (7432 square metres; Class A1) and 36 A1 and A3 Retail and ancillary units in sizes ranging from 96 square metres to 708 square metres (siting and means of access to be considered); construction of 308 dwellings (siting, design, means of access and external appearance to be considered). Construction of a new roundabout on Tipton Road, roads into the site and approximately 1100 car parking spaces and 19 coach spaces (means of access for full scheme to be considered)	Withdrawn	31/07/03
P04/0091	Outline application for the redevelopment for major visitor attractions :Redevelopment of Dudley Zoo; incorporating siege craft within Dudley Castle; origins; with associated regional garden centre; heritage craft and tourism related retail; food and drink outlets; restaurants and fitness club; motel/public house; erection of 65 dwelling houses; stopping up and diversion of public right of way and associated infrastructure works	Approved	21/02/07

	and operational development including miniature railway to serve visitor attractions. (Siting and means of access submitted for consideration with all other matters reserved for future consideration)		
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Planning approval P04/0091 established the principle of creating a new access point to facilitate the delivery of major new visitor attractions with residential development at the location which is the subject of this current planning application.

PUBLIC CONSULTATION

- The application has been advertised widely by means of a site notice and a notice in the Express and Star newspaper. The closest residents are opposite the site in the new development off Aldeney Close. These residents have been sent individual letters by post. One letter of objection has been received from a company which hold a long term lease on land directly adjacent to the site from Dudley MBC. They do not object to the principle of the scheme or the position of the access but state that the line of the access road once into the site crosses the land which they lease and have asked that it be realigned to reflect the lease arrangement.

OTHER CONSULTATION

- Group Engineer - Development – no objection, on the basis that this current application is a similar traffic junction arrangement as that approved for planning application P04/0091 which was subject to a Transport Assessment.
- Head of Environmental Health and Trading Standards - no adverse comments.

RELEVANT PLANNING POLICY

- Adopted Dudley Unitary Development Plan
 - Policy DD1 Urban Design
 - Policy DD4 Development in Residential Areas
 - Policy DD6 Access and Transport Infrastructure
 - Policy DD7 Planning Obligations
 - Policy DD10 Nature Conservation and Development

Policy AM1	An Integrated, Safe, Sustainable and Accessible Transport Strategy
Policy AM3	Strategic Highway Network
Policy AM4	Road Improvements
Policy AM12	Pedestrians
Policy AM14	Parking
Policy AM15	Personal Mobility
Policy UR3	Primary Development Site (Tipton Road Development Area (Draft Revised Policy))
Policy NC1	Biodiversity
Policy NC6	Wildlife Species
Policy NC9	Mature Trees
Policy NC10	The Urban Forest
Policy EP6	Light Pollution

9. **Supplementary Planning Documents**

Planning Obligations

Parking standards and travel plans

10. **National Planning Documents**

Planning Policy Guidance 13: Transport

Planning Policy statement 9: Biodiversity and Geological Conservation

ASSESSMENT

Key Issues

- Principle
- Impact upon Trees
- Protected Species
- Planning Obligations

Principle

11. The Council is currently re-establishing plans for the Castle Hill area following the demise of the arrangements with the previous preferred developer. A previous planning approval P04/0091 established the principle of creating a new access at this point to

facilitate the delivery of major new visitor attractions and residential development. Although the application description includes the provision of a signalised access and pedestrian crossing facility, the red line only involves the new entrance off Tipton Road as the majority of the works for the formation of the junction involves highway land and do not require planning approval.

12. One letter of objection has been received from a company which hold a long term lease of land adjacent to the site from Dudley MBC. This company does not object to the principle of the scheme or the position of the access but state that the projected line of the access road, once in the site, crosses the land that they lease and have asked that it be realigned to reflect the lease arrangement. A minor adjustment to the geometry of the radius to the north side of the junction has been made and an amended plan submitted which indicates a projected road alignment beyond the junction which avoids the land in question. This change does not affect the boundary of the current application.

Impact upon Trees

13. A tree survey has been submitted with the planning application. With the exception of a mature Ash tree (which is in poor condition) situated close to the new junction, most of the trees on the site to be removed are small. The trees to be removed are considered unimportant either due to their lack of size or their condition/form. As such, there is no objection to the removal of trees on this small area of land provided that replacement planting takes place, where appropriate, within the site.

Protected Species

14. The site forms part of the Castle Hill complex which has internationally important geology and arguably nationally important ecology. Numerous protected species are known to be present. An ecological report was submitted with the planning application. Additional information has also been provided by the applicant. This concludes that there is very low probability of roosting bats using the trees on the site. This is due to the condition of the trees which have a lack of suitable features for bats to roost in such as cracks and crevices.

15. Badger setts are not present in this area but they may use the area for foraging. Similarly, great crested newts could theoretically be present to forage or hibernate, however the site is at the edge of their dispersal range and there are known severance effects and zones of unsuitable habitat.
16. Taking all of these factors into account and the relatively small area of the current application. It is considered that the application is acceptable provided that, mitigation both of direct impacts, such as replacement trees, and indirect impacts, such as suitable artificial lighting for bats, are covered by conditions.

Planning Obligation

17. In accordance with Policy DD7 of the adopted Dudley Unitary Development Plan and Supplementary Planning Document 'Planning Obligations' this type of development would attract requirement for a commuted sum to be paid towards transport Infrastructure Improvements. However, the applicant in this case is the Transportation Division within the Directorate of the Urban Environment. As such a planning obligation is not necessary as they would be the recipient of such monies.

CONCLUSION

18. This new access point along Tipton Road is seen as pivotal in providing access to the future development of the large Castle Hill site to the rear. In principle, it is acceptable. A number of trees would be removed to facilitate the development but replacement planting would be secured by condition. That application would appear to have little impact upon protected species known to exist on the Castle Hill site. Mitigation in the form of tree planting and the provision of a suitable lighting scheme would be covered by conditions. On this basis, the application is acceptable being in accordance with Policies DD1, DD6, DD7, DD10, AM1, AM4, UR3, NC1, NC6 and NC10 of the adopted Dudley Unitary Development Plan.

RECOMMENDATION

19. It is recommended that the application is approved subject to the following conditions:

Reason for Approval

This new access point along Tipton Road is seen as pivotal in providing access to the future development of the large Castle Hill site to the rear. In principle, it is acceptable. A number of trees would be removed to facilitate the development but replacement planting would be secured by condition. Its application would appear to have little impact upon protected species known to exist on the Castle Hill site. Mitigation in the form of tree planting and the provision of a suitable lighting scheme would be covered by conditions. On this basis, the application is acceptable being in accordance with Policies DD1, DD6, DD7, DD10, AM1, AM4, UR3, NC1, NC6, NC9 and NC10 of the adopted Dudley Unitary Development Plan.

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.

Note for Applicant

The development hereby permitted shall be built in accordance with the approved plans, numbered HD/1303/03, HD/1303/04 (Drainage Plan only), HD/1303/05, HD/1303/06, HD/1303/07 and HD/1303/10 unless otherwise agreed in writing by the Local Planning Authority.

Conditions and/or reasons:

1. BA01 Commencement within 3 years (full)
2. No works should commence, or continue, if the most recent protected species survey and assessment is over 12 months old. These surveys and assessments must be of, or above, the standard detailed within the Nature Conservation SPD. They must include the whole of the site and be carried out by an experienced and qualified ecological consultant and integrated into a site mitigation plan. All of these must be submitted to and approved in writing by the Council before any works commence (or continue). All works must be carried out in accordance to the approved plan.
3. Prior to the commencement of development a protected species mitigation strategy, encompassing direct impacts of construction, any ongoing impacts of operation and any indirect impacts which may arise, should be submitted to and approved in writing by the Local Planning Authority. All works must be carried out in accordance to the approved plan.
4. Any outside lighting should conform to the Bat Conservation Trust and Institute for Lighting Engineers' guidance 'Bats and lighting in the UK'. Prior to the commencement of development a plan detailing outside lighting shall be submitted and approved in writing by the Local Planning Authority. All works shall be carried out in accordance to the approved plan.

5. Prior to the commencement of development a plan detailing suitable replacement native trees, and their establishment programme, should be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in accordance to the approved plan and programme.



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Only the Highway Works are to be carried out as part of this Planning Application submission.

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Stourbridge,
West Midlands, DY8 2AA.

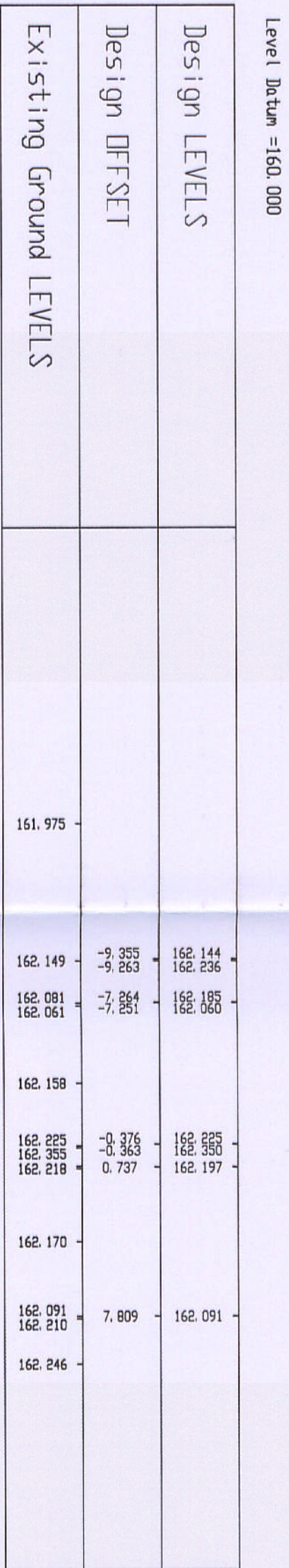
Dudley
Metropolitan Borough Council

209/1575

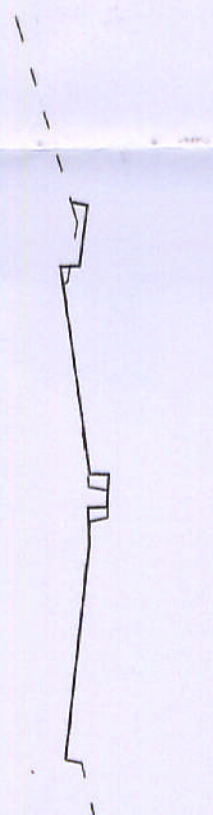
EXISTING GROUND LEVEL

PROPOSED GROUND LEVEL

Notes
Refer to the General Arrangement drawing (Dwg No.HD/1303/004) for location of the cross sections and further information.

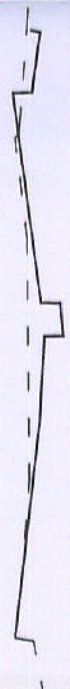


Change = 160,000



Design LEVELS	
Design OFFSET	
Existing Ground LEVELS	
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	162.482
	162.411
	162.391
	162.481
	162.549
	162.572
	162.556
	162.484
	162.421
	162.388
	162.494
	162.578
	-9.669
	-9.593
	-7.588
	-7.576
	162.452
	162.548
	162.494
	162.365
	162.555
	162.680
	162.545
	162.550
	-0.627
	-0.614
	0.467
	1.685
	8.738
	162.388

Chainage = 150.000



Design LEVELS	Design OFFSET	Existing Ground LEVELS
		162.809
	-10.466 -10.398 -9.888	162.745 162.718
		162.800
	-1.262 -1.340 -0.248	162.895 162.019 162.913
	2.592	162.880
		162.811
		162.759
	9.630	162.712 162.834
		162.900

Change = 140,000

Horizontal Scale = 1:250, Vertical Scale = 1:50



Design LEVELS		
Design OFFSET		
Existing Ground LEVELS		
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	161.817	161.926
	161.772 161.752	161.878 161.793
	161.832	
	161.895 162.023 161.896	161.895 162.020 161.866
	161.845	
	161.772 161.793	161.772
	161.938	
	161.906	

Chainage = 170,000

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DIRECTORATE OF THE URBAN ENVIRONMENT

CASTLE HILL DEVELOPMENT

Title

TIPTON ROAD ACCESS

Drawing

CROSS SECTIONS
SHEET 3 OF 3

Drawing Status						
Drawn	Tender	Working	As Built	Other		
Scale	AS SHOWN		Drawn By	MDB	Checked By	Revision No.
Date			Drawing No.		HD/1303/07	
SEPTEMBER 2009						

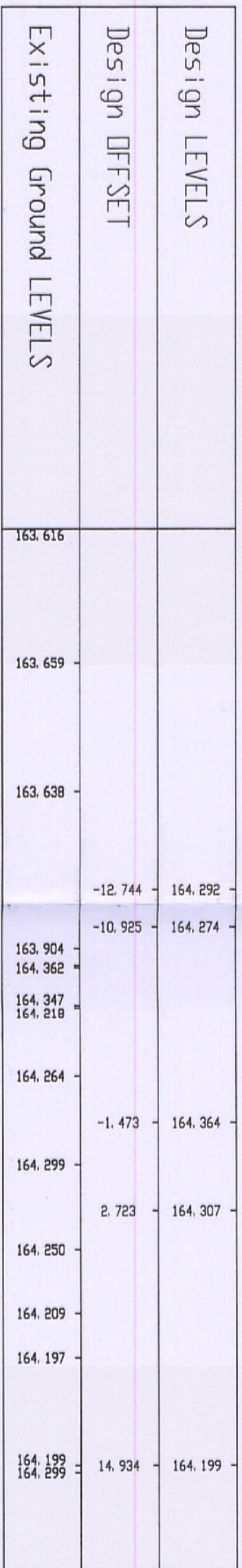
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EXISTING GROUND LEVEL

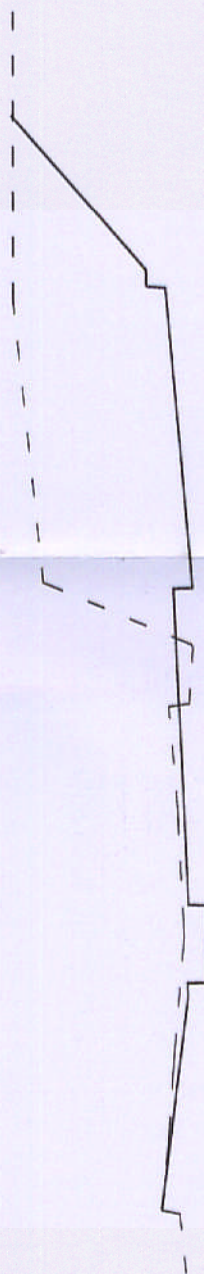
PROPOSED GROUND LEVEL

Notes

Refer to the General Arrangement drawing (Dwg No. HD/1303/004) for location of the cross sections and further information.



Cha image = 90.000



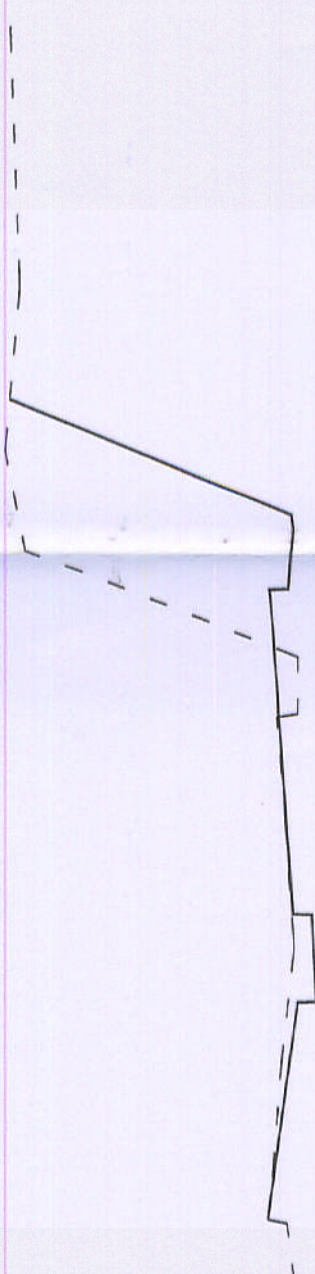
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Existing Ground LEVELS	163.469 163.671 164.651 164.563 164.537 164.500 164.554 164.598 164.529 164.487 164.446 164.565 164.625

Change = 80,000



Existing Ground LEVELS	Design OFFSET	Design LEVELS
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163.445		
	-24.019	164.604
	-22.549	164.637
163.420		
	-18.063	164.698
	-18.042	164.573
163.396		
163.439		
164.927	-11.081	164.785
164.534		
164.594		
164.797		
164.851		
164.898	-0.581	164.912
	-0.569	165.037
	-0.403	165.054
	-0.415	164.925
164.815		
164.779		
164.750	9.432	164.750
164.872		
164.926		

Change = 70.000



Design LEVELS	Design OFFSET	Existing Ground LEVELS
163.324		163.324
163.397		163.397
163.298	-17.720	163.298
163.427	-13.948 -13.442 -11.443 -11.159	163.188 163.202 163.163 163.167
165.184 165.228 165.229 165.091		
165.147		
165.206	-0.659 -0.647 0.000 0.000 0.000 0.000	165.193 165.324 165.293 165.296 165.296 165.296
165.118		
165.071		
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Chainage = 60.000



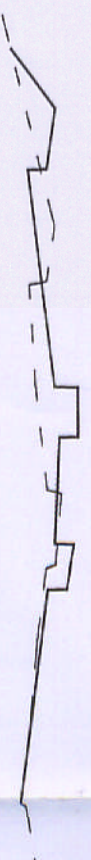
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Design OFFSET	<div> <div>-11.269</div> <div>-9.249</div> <div>-7.249</div> <div>-5.249</div> </div>
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Cha image = 130,000



Level Datum =162.000	
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Change = 120,000



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Existing Ground LEVELS	<div>163.845</div> <div>163.791</div> <div>163.676</div> <div>163.715</div> <div>163.793</div> <div>163.886</div> <div>163.849</div> <div>163.785</div> <div>163.725</div> <div>163.674</div> <div>163.612</div> <div>163.645</div> <div>163.729</div>

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Horizontal Scale = 1:250, Vertical Scale = 1:50

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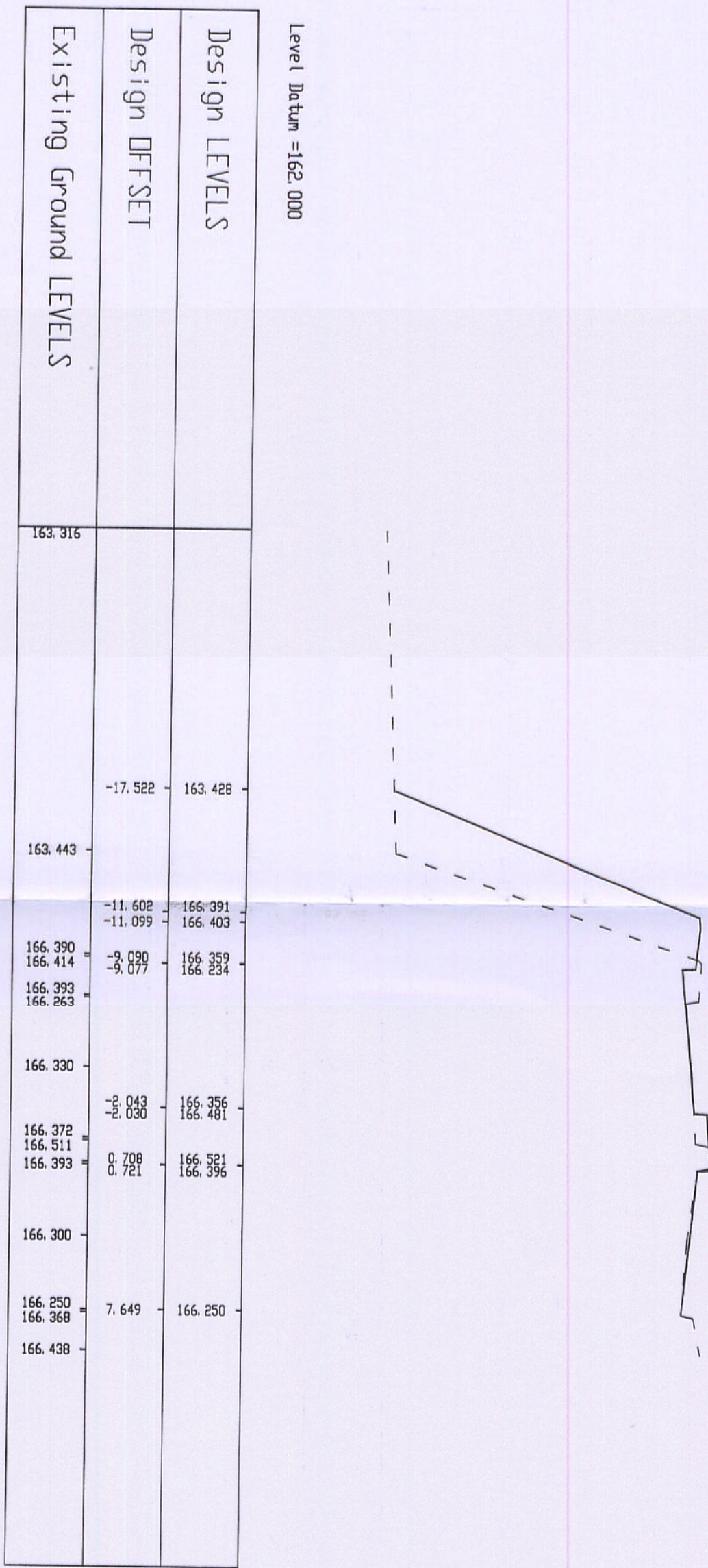
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EXISTING GROUND LEVEL

PROPOSED GROUND LEVEL

Notes

Refer to the General Arrangement drawing (Dwg No. HD/1303/004) for location of the cross sections and further information.



Existing Ground LEVELS	Design OFFSET	Design LEVELS
163.316	-17.528	163.488
163.443		
166.390	-11.609	166.391
166.414	-11.099	166.403
166.393	-8.020	166.393
166.363	-8.077	166.234
166.330		
166.372	-3.043	166.326
166.511	0.000	166.481
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	0.721	166.395
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166.438		

Chainage = 20.000



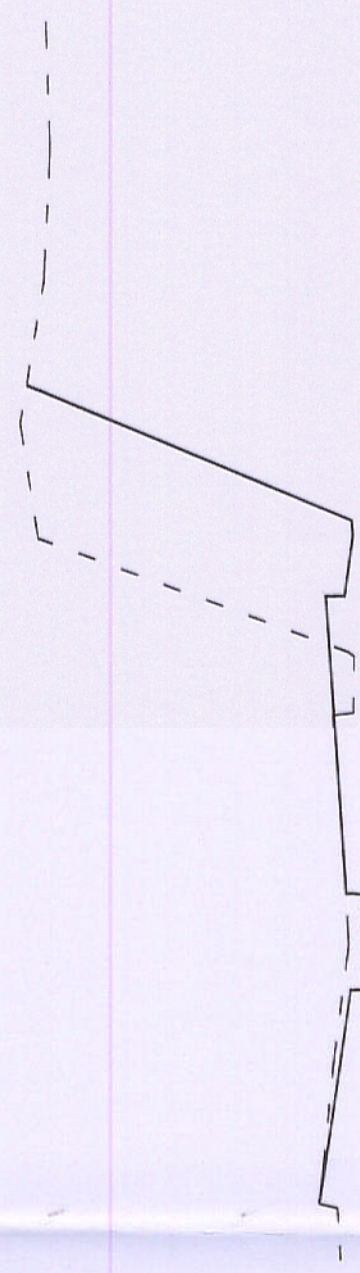
Existing Ground LEVELS	Design OFFSET	Design LEVELS
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	-10.612	166.706
	-10.110	166.716
166.676		
166.711		
166.685	-8.100	166.672
166.529	-8.089	166.547
166.630		
166.689	-1.056	166.682
166.682	-1.044	166.807
166.702	0.671	166.825
	0.683	166.700
166.615		
166.549	7.471	166.549
166.667		
166.714		

Cha image = 10.000



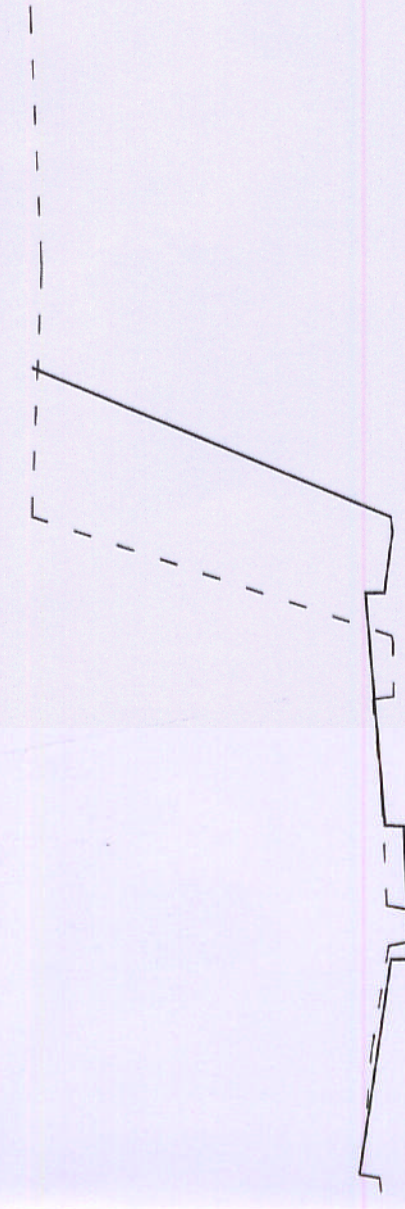
Existing Ground LEVELS	Design OFFSET	Design LEVELS
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166.975 166.851	-7.509 -7.496	166.975 166.850
166.921		
167.004 167.134 167.004	-0.638 0.825 0.641 0.654	167.004 167.129 167.004 167.004
166.929		
166.850 166.867	7.437	166.850

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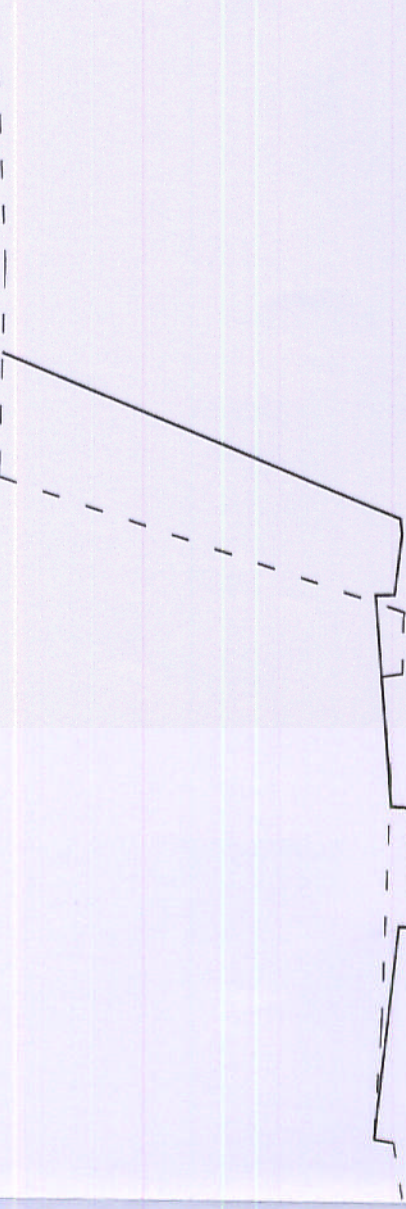
Existing Ground LEVELS	Design OFFSET	Design LEVELS
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163.460		
163.430		
163.286	-18.085	163.324
163.415	-13.702 -13.202	165.487 165.497
165.479 165.516 165.516 165.380	-11.838 -11.196	165.447 165.482 165.482
165.444		
165.507	-1.360 -1.347	165.486 165.611
165.414	1.809 1.821	165.650 165.655
165.362 165.338 165.438		
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Chainage = 50,000



Existing Ground LEVELS	Design OFFSET	Design LEVELS
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163.447		
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	-12.840	165.786
163.791	-10.846	
165.800	-10.834	165.740
		165.615
165.910		
165.672		
165.743	-3.117	165.764
	-3.104	165.889
165.783		
165.926		
165.800	1.273	165.940
	1.265	165.915
165.695		
165.654		
165.628	8.385	165.628
165.762		
165.803		

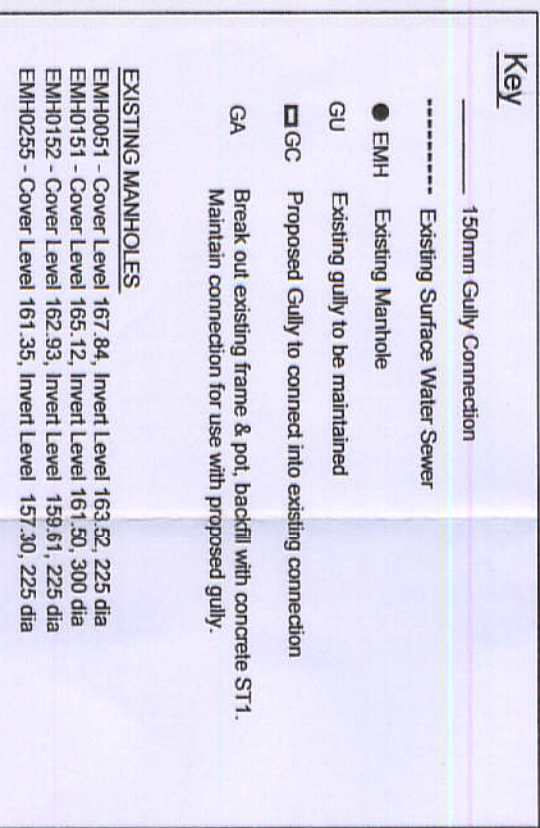
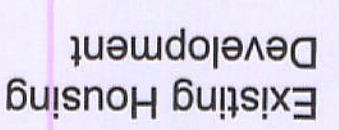
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166.046 166.921	-10.079 -10.067	166.103 163.966
166.040 166.128	-3.033 -3.030	166.035
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		66.142

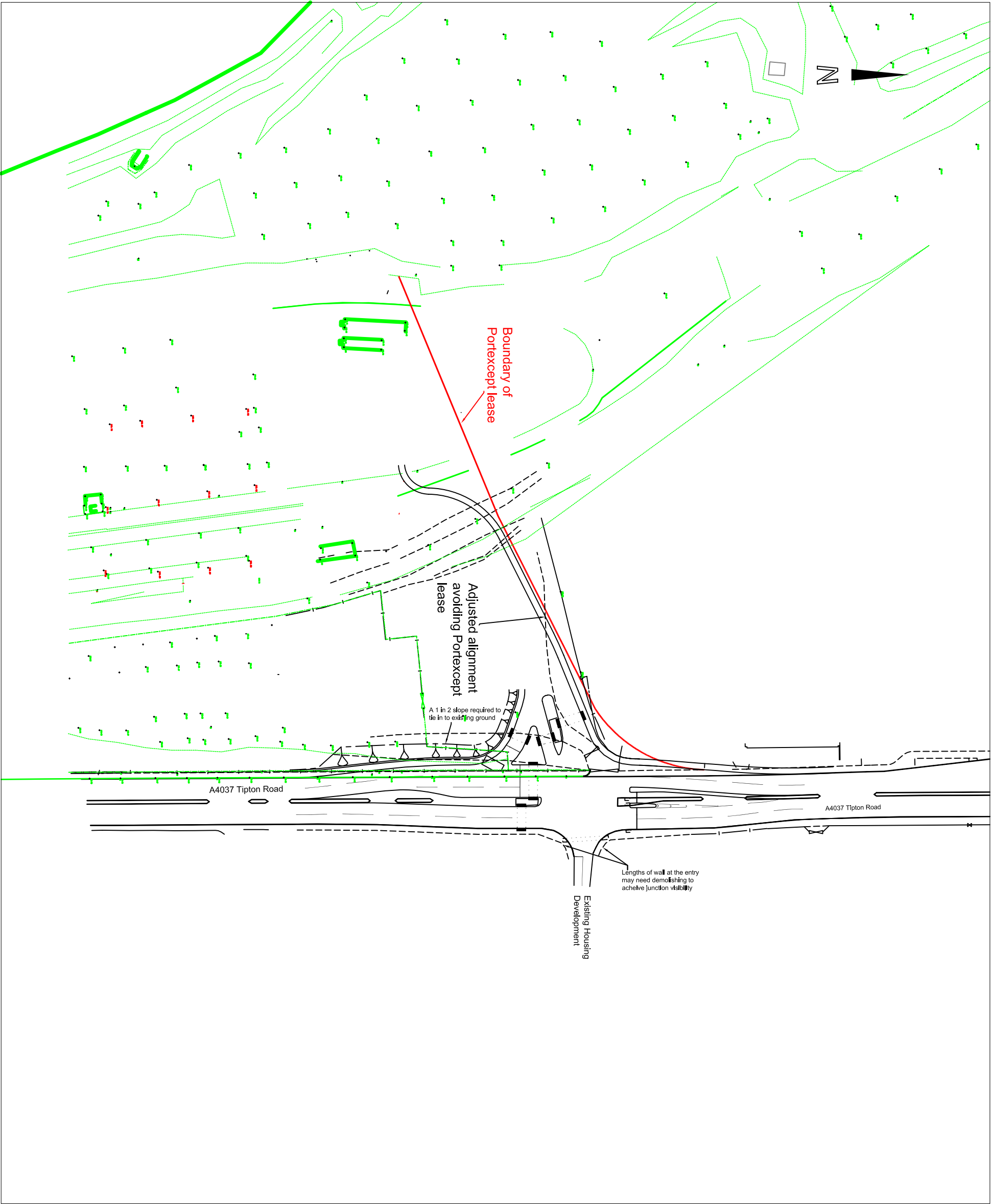
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Revision No.	Description	Approved Project Engineer	Date		
Council House, Mory Stevens Park, Stourbridge, West Midlands, DY8 2AA.					
<div><div>Dudley</div><div>Metropolitan Borough Council</div></div>					
DIRECTORATE OF THE URBAN ENVIRONMENT					
Project CASTLE HILL DEVELOPMENT					
Title TIPTON ROAD ACCESS					
Adjusted alignment avoiding Portexcept lease					
Drawing Status					
Draft	Tender	Working	As Built	Other	
Scale		1/1250	Drawn By SD	Checked By	Revision No.
Date		Nov 2009	Drawing No. HD/1303/10		