

PLANNING APPLICATION NUMBER: P10/0007

Type of approval sought	FULL PLANNING PERMISSION
Ward	CASTLE & PRIORY
Applicant	MR PHIL COYNE, DUDLEY MBC
Location:	LAND TO THE WEST OF TIPTON ROAD OPP. ALDERLY CLOSE, DUDLEY, WEST MIDLANDS
Proposal:	TEMPORARY CAR PARK CONSISTING OF 221 SPACES OF WHICH 14 ARE DISABLED TOGETHER WITH APPROXIMATELY 140M OF 6 M WIDE ACCESS ROAD WITH PEDESTRIAN FOOTPATH FACILITIES LINKING THE CAR PARK TO THE TIPTON ROAD (A4037)
Recommendation summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. This site of the temporary car park is located off Tipton Road, Dudley. It forms part of a previously approved outline planning application (P04/0091) which comprised a major new visitor attraction with residential development.
2. The development site currently comprises an area of naturally regenerated grassland. An established hedgerow currently separates the site from the adjacent car park which fronts onto Tipton Road and is used as overflow car parking for the Black Country Museum.

PROPOSAL

3. The application is for the formation of a temporary car park. It would provide spaces for No. 221 vehicles. Initially, the application proposes to utilise the existing access from Tipton Road, comprising some junction improvements. One tree within the established hedgerow which currently separates the site from the existing hardsurfaced car park and access which front onto Tipton Road would require removal. The car park would be constructed of self draining, porous material and fenced to discourage the public from encroaching on adjacent land,

4. The area known as Peggy's Fields has also been included within the boundary of the application site in order that it can accommodate mitigation measures associated with the development of the car park.

HISTORY

- 5.

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	Approved	21/02/07

	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 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)		
P09/1575	Provision of new signalised access and pedestrian crossing facility	Approved	02/02/10

Outline application P04/0091 was for the approval of a major visitor attraction, including some residential development. This contained a masterplan which established the pattern of land use on the site. This indicated car parking on the area which is identified for parking within the current application.

PUBLIC CONSULTATION

- Letters have been sent to nearby commercial and residential premises. The closest residents to the application are on the opposite side of Tipton Road in the new development off Aldeney Close. These residents have been sent individual letters by post. At the time of writing the report the consultation period had not expired. To date no letters of objection have been received.

OTHER CONSULTATION

7. Group Engineer - Development – no objections in principle. However, an uncontrolled crossroads at the site access junction with Tipton Road/Aldeney Close would be unacceptable to the highway authority. A condition is therefore required to secure the timing of the implementation of this scheme following the implementation of traffic signals at the road entrance. In addition, in accordance with Parking Standards and Travel Plans Supplementary Planning Document, 16No. mobility impaired car parking spaces are required which shall be of the required size.
8. Head of Environmental Health and Trading Standards – no adverse comments.

RELEVANT PLANNING POLICY

9. 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 NC5	Sites of Local importance for Nature Conservation
Policy NC6	Wildlife Species
Policy NC9	Mature Trees
Policy NC10	The Urban Forest
Policy EP6	Light Pollution

10. **Supplementary Planning Documents**

Planning Obligations

Parking standards and travel plans

11. **National Planning Documents**

Planning Policy Guidance 13: Transport

ASSESSMENT

Key Issues

- Principle
- Impact upon Trees
- Protected Species
- Vehicular Access and Parking
- Planning Obligations

Principle

12. 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 car park on the area of land identified for parking in this application. As such, in principle, this application is considered to be acceptable.

Impact upon Trees

13. In order to provide vehicular access to the new car park an access road would need to cut through the existing hedgerow. A tree survey has been submitted with the planning application. This has revealed that a small willow tree at the end of a group of trees would require removal. It is considered that this would be acceptable as it would not have a significant impact on the amenity of the area or the structure of the line of trees. Furthermore, the car park also appears to be sufficiently far enough away from the retained trees so as not to cause them any damage. The impact upon trees on the site is therefore considered to be acceptable provided that tree protection measures and replacement tree planting are covered by conditions.

Protected Species

14. The site forms part of the Castle Hill complex which is notable both for its biodiversity and geology. Numerous protected species are known to be present. An ecological report was submitted with the planning application but no specific mitigation measures have been identified by the applicant. It is considered however that the broad ecological assessments which have been provided enable the issues to be dealt with via conditions. These would include a requirement for a protected species mitigation plan (to include topics such as the removal/exclusion of protected species prior to the commencement of works), the avoidance of direct impacts (such as drainage gully pots not causing to harm great crested newts), fencing details and indirect/offsite impacts (such as artificial lighting affecting bats). In addition, Peggy's Field Site of Local Importance for Nature Conservation has been included within the boundary of the planning application so that this deteriorating grassland habitat becomes the recipient of restoration works.

Vehicular Access and Parking

15. Vehicular access to the site is intended, in the short term, to utilise the existing access to Tipton Road, with minor improvements to the visibility splays, road surface and the introduction of a pedestrian footway. However, the Group Engineer considers that an uncontrolled crossroads at the site access junction with Tipton Road/Aldeney Close is unacceptable in terms of highway safety. Planning application P09/1575 was approved on 2nd February 2010, this comprised a new access junction at Tipton Road which would form part of a new signalised junction with Aldeney Close opposite. The Group Engineer considers that the temporary car park should not come into use until the completion of this signalised junction. This can be secured by condition.
16. In accordance with the Supplementary Planning Document Parking Standards and Travel Plans, the Group Engineer has also requested that 16No. mobility impaired car parking spaces of appropriate size be secured on the site. Again this can be the subject of a condition.

Planning Obligations

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 a 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. Nature conservation enhancement would be secured on site at Peggy's Field

CONCLUSION

18. In principle, the provision of a temporary car park on this site is acceptable however the provision of the approved signalised access at the junction of Tipton Road and Aldeney Close is necessary in terms of highway safety before the car park can be brought into use. One tree would be removed to facilitate the development but replacement planting would be secured by condition. Mitigation including improvements to the habitat at Peggy's Field, replacement 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, NC5, 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

In principle, the provision of a temporary car park on this site is acceptable however the provision of the approved signalised access at the junction of Tipton Road and Aldeney Close is necessary in terms of highway safety before the car park can be brought into use. One tree would be removed to facilitate the development but replacement planting would be secured by condition. Mitigation including improvements to the habitat at Peggy's Field, replacement 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, NC5, NC6 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/1305/01 Rev 1, HD/1305/02, HD/1305/03 and HD/1305/04 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

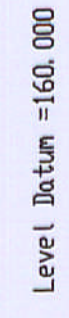
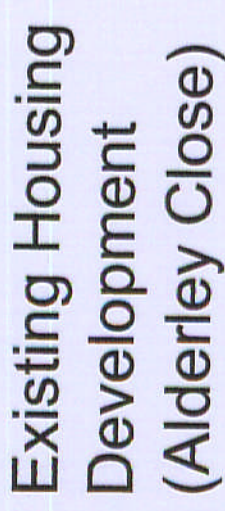
ecological consultant and integrated into a site mitigation plan. All of these must be submitted to and approved in writing by the Council before any works commence (or continue). All works must be carried out in accordance to the approved plan.

3. Prior to the commencement of development a Protected and Priority Species mitigation strategy and Habitat Compensation Plan shall be submitted to and approved in writing by the Local Planning Authority. All works must be carried out in accordance to the approved plan. These shall include:
 - Protection measures for badgers, bats, and great crested newts both during construction and throughout the life of the development;
 - Description on how all outside lighting will not cause harm to the dark bat migration corridor and must conform to the Bat Conservation Trust and Institute for Lighting Engineers' guidance 'Bats and lighting in the UK';
 - Description on how all drainage methods used must not be harmful to amphibians;
 - Replacement tree planting;
 - Compensation works totalling a minimum of 1.8ha of habitat restoration (to the scale set out in the Planning Obligation SPD) which will be carried out and maintained for the life of the development on Peggy's Field SLINC;
 - Nature Conservation Enhancements (to the scale set out in the Planning Obligation SPD) carried out and maintained for the life of the development on Peggy's Field SLINC.
4. If, during construction protected species are found on the site all works must stop immediately and Natural England, the project's ecologist and the Council's Nature Conservation Officer must be contacted immediately. Works should not re-commence until relevant licences have been obtained and written permission is granted by Natural England and the Council.
5. 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.
6. Prior to the commencement of development the type of fencing to be used throughout the site shall be agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before the use of the car park commences.
7. Prior to the commencement of development the details of the swing barrier shall be agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before the use of the car park commences.
8. 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'
- 9. 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.
 - 10. 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.
 - 11. All excavations to be undertaken within 6 metres of the stem of existing trees on site shall be undertaken in accordance with NJUG Publication number 10 'Guidelines for the Planning, Installation and Maintenance of Utility Services in proximity to Trees'
 - 12. No development or other operations shall commence on site 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 service (gas, electricity and telecoms) and foul and surface water drainage layout has been submitted to and approved in writing by the Local Planning Authority. Such layout shall provide for the long term retention of the trees. No development or other operations shall take place except in
 - 13. The development shall not come into operation until the signalised junction scheme at Tipton Road/Aldeney Close (Planning Approval P09/1575) has been constructed and brought into use.

14. Prior to the use of the car park a parking layout scheme indicating 16No. mobility impaired car parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Each of these spaces should include an access zone and have an overall size of 6.0m by 3.0m.



Dudley
Metropolitan Borough Council

Mr. J. Anderson B.Sc. (Hons) C.Eng. D.M.S. F.I.C.E.
Engineering and Transportation Manager,
Council House,
Mary Stevens Park,
Stourbridge,
West Midlands. DY8 2AA.



Project

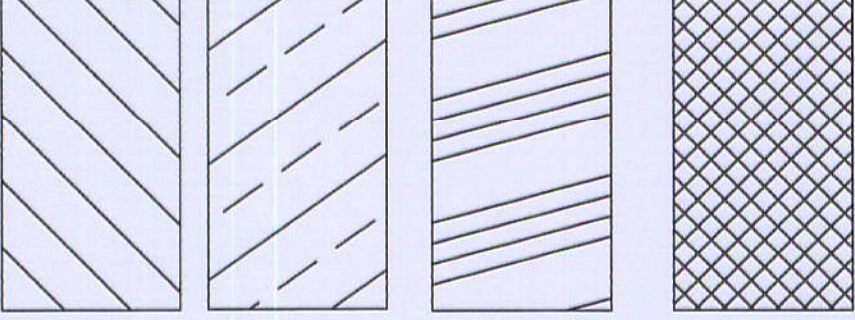
- 7 JAN 2010

Drawing S

Drawing Status	
Draft	Tender

10/10007

KEY



- Chestnut Fencing 1.2m High
- Pre Cast Concrete Half Batter Kerb
- Pre Cast Concrete Footway Edging Kerb
- No Entry Sign diag no. 616
- One-Way Traffic Sign diag no. 652
- Reclaimed Railway Sleepers
- Existing Willow Tree 600mm girth to be taken down.
- All other trees to be retained.

Notes:

- 1. Geotextile (Terram or similar approved) to be placed at formation level over the whole works

BASED UPON THE ORIGINALLY SURVEYED DATA WITH THE PERMISSION OF THE STAFF OF THE COUNTY OF DURHAM. THE DRAWING IS THE PROPERTY OF DUDLEY URBAN DISTRICT COUNCIL AND MAY BE LOANED TO OTHERS FOR THEIR OWN USE BUT NOT TO BE REPRODUCED OR COPIED WITHOUT THE WRITTEN PERMISSION OF DUDLEY U.R.C. 10016598

Revision No.	Description	Approved Project Engineer	Date

Dudley
Metropolitan Borough Council
Council House,
Mary Stevens Park,
Stourbridge,
West Midlands, DY8 2AA.

DIRECTORATE OF THE URBAN ENVIRONMENT

Project **TIPTON ROAD ACCESS**

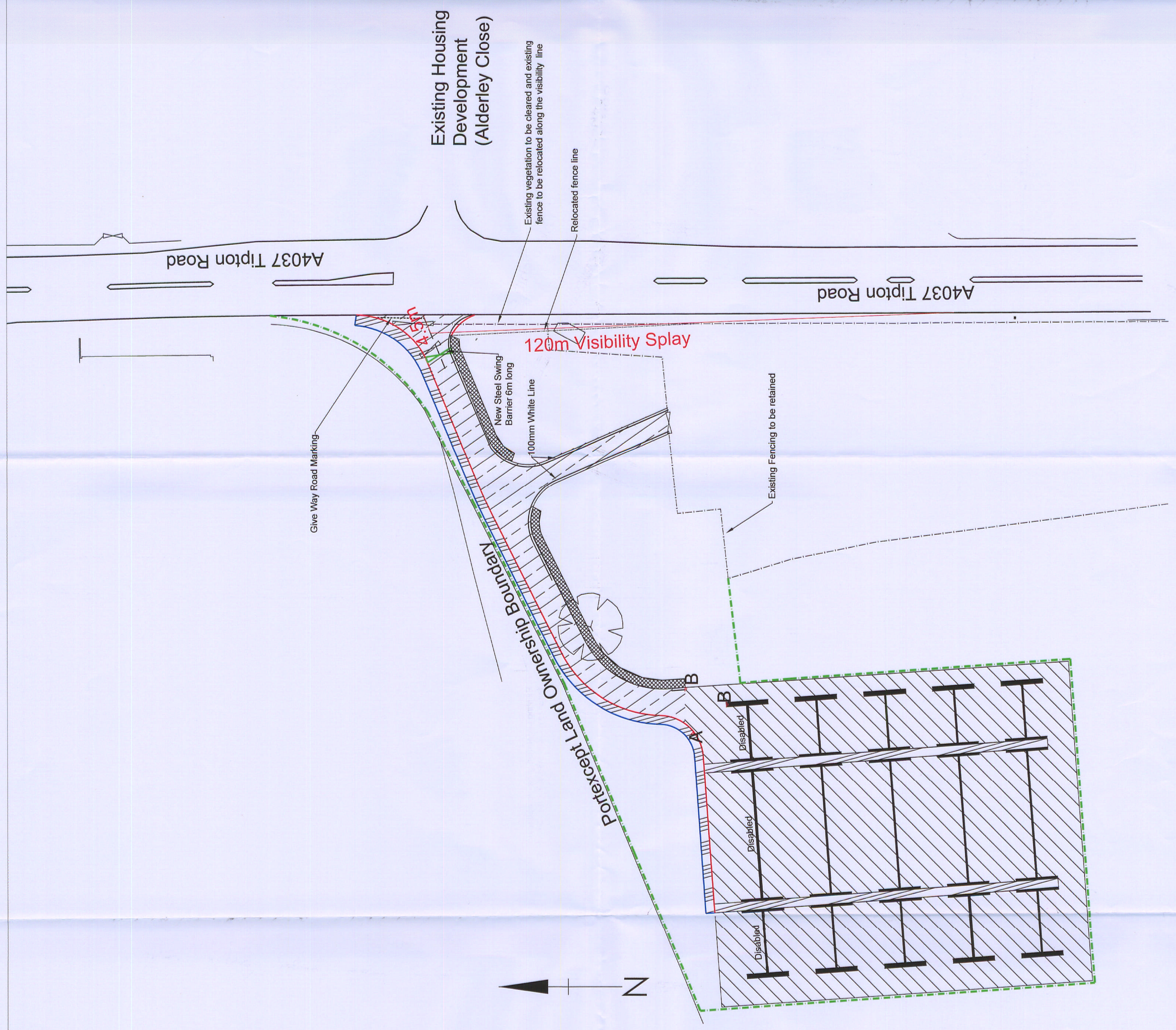
Title **BLACK COUNTRY LIVING MUSEUM OVERSPILL CAR PARK**

Drawing **CONSTRUCTION DETAILS**

Drawing Status	Draft	Tender	Working	As Built	Other
Scale	1:500				
Drawn By	EKD				
Checked By	KPJ				
Revision No.	0				
Date	Dec 2009				
Drawing No.	HD/1305/02				

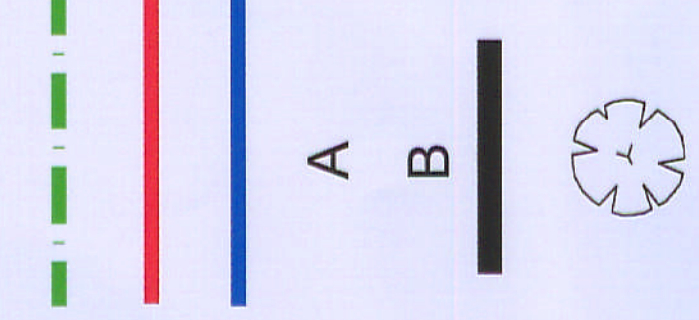
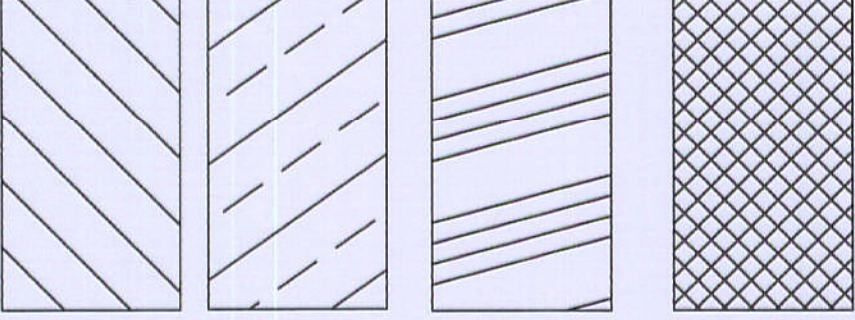
- 7 JAN 2010

RECEIVED
21 DEC 2009



7/0/0007

KEY



Notes:

- 1. Geotextile (Terram or similar approved) to be placed at formation level over the whole works

BASED UPON THE ORIGINAL SURVEY
MADE IN THE PRESENCE OF THE
STATIONER OF THE ROAD AND THE
STATIONER OF THE CROWN CONSENT
GIVEN TO THE ROAD AND MAINTAINED
DUDLEY M.B.C. 10016566

Revision No.	Description	Approved Project Engineer	Date

Council House,
Mary Stevens Park,
Stourbridge,
West Midlands, DY8 2AA.
Dudley
Metropolitan Borough Council

DIRECTORATE OF THE
URBAN ENVIRONMENT

Project
TIPTON ROAD ACCESS

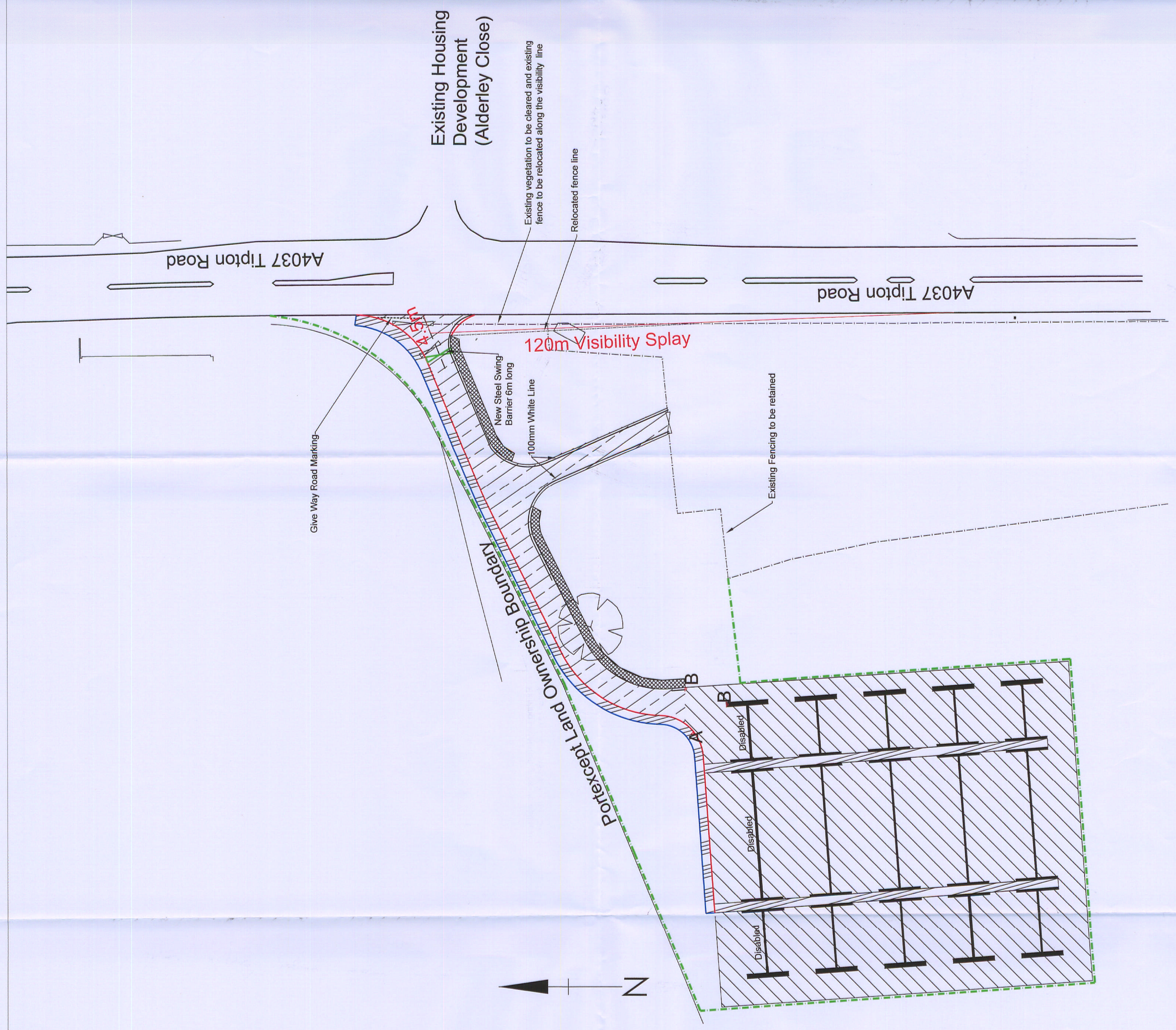
Title
BLACK COUNTRY LIVING MUSEUM
OVERSPILL CAR PARK

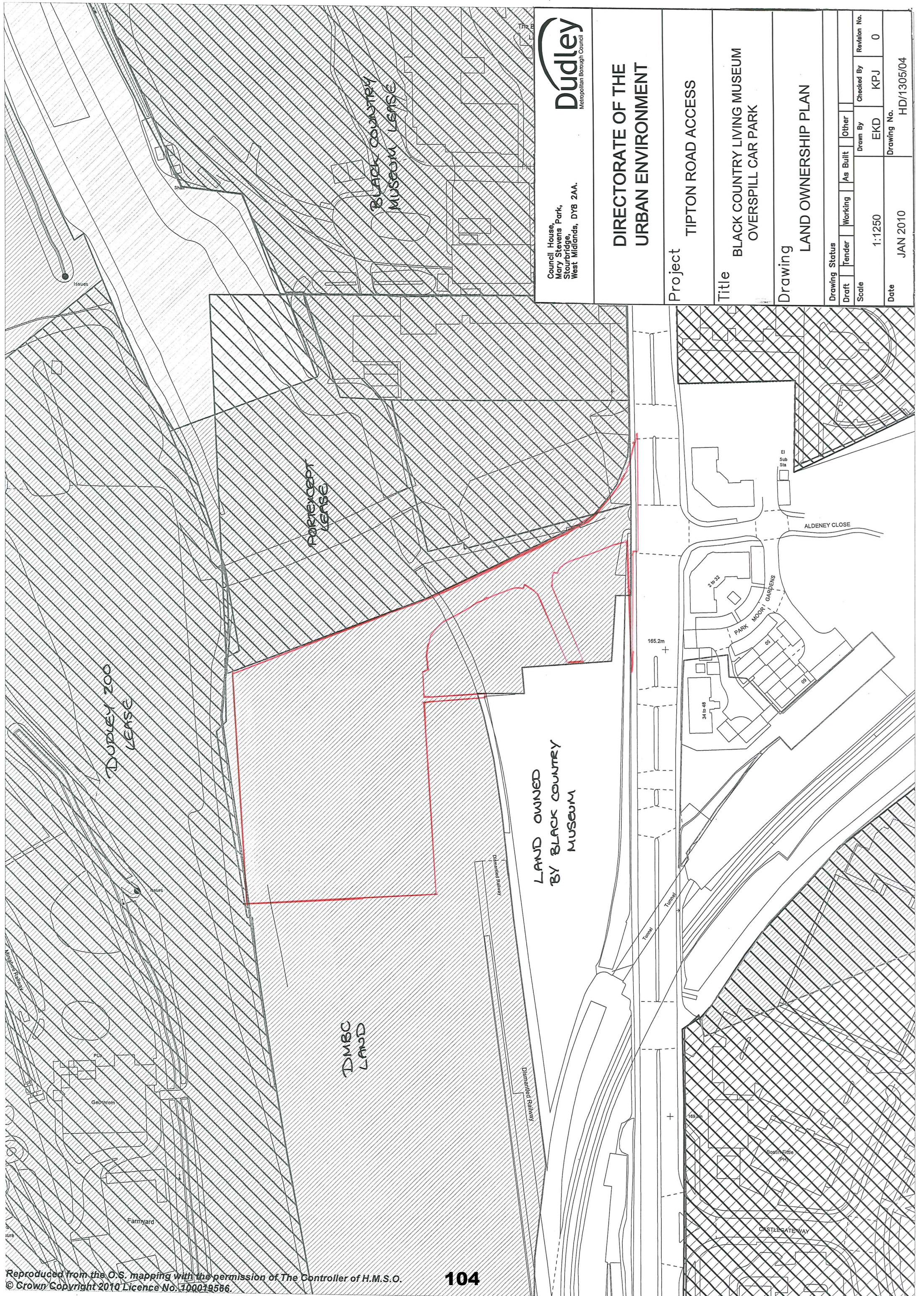
Drawing
CONSTRUCTION DETAILS

Drawing Status	As Built	Other	Drawn By	Checked By	Revision No.
Draft					
Scale	1:500		EKD	KPJ	0
Date	Dec 2009				

- 7 JAN 2010

RECEIVED
21 DEC 2009





Dudley
Metropolitan Borough Council

Council House,
Mary Stevens Park,
Stourbridge,
West Midlands, DY8 2AA.

**DIRECTORATE OF THE
URBAN ENVIRONMENT**

Project	TIPTON ROAD ACCESS				
Title	BLACK COUNTRY LIVING MUSEUM OVERSPILL CAR PARK				
Drawing	LAND OWNERSHIP PLAN				
Drawing Status					
Draft	Tender	Working	As Built	Other	
Scale	1:1250				Revision No.
			Drawn By	Checked By	0
			EKD	KPJ	
Date	JAN 2010		Drawing No.		HD/1305/04