

PLANNING APPLICATION NUMBER:P12/1359

Type of approval sought	Full Planning Permission
Ward	Castle and Priory
Applicant	Dudley College
Location:	DUDLEY COLLEGE, THE BROADWAY, DUDLEY, WEST MIDLANDS, DY1 4AS
Proposal	VARIATION OF CONDITIONS 3, 8, 20 OF PLANNING APPLICATION P10/0954
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site forms part of the main Dudley College campus, which lies within Dudley Town Centre, to the north of the main shopping area/retail core. The site is approximately 0.7 Hectares in size and comprises Blocks D, E and F and an area of car parking between the buildings and the boundary of the site with Castle Hill. Castle Hill here comprises a steeply rising vegetated banking containing structures associated with the zoo. The shared boundary is 2 metre high chain link fencing, discreet within the vegetation along this boundary.
2. The site slopes by approximately 7 metres in a north-westerly direction, down towards Gervase Drive where the site has a frontage. There are 2 access points off that frontage. These are barrier controlled secondary access points (the main access to the campus being off The Broadway) leading to small parking areas, and used for deliveries. There is also a row of 3 no. mature trees between the side elevation of the building and the highway.
3. The building housing Blocks D and E is separated from the main campus building by a narrow alleyway approximately 5 metres in width. There are 2 entrances to Blocks D and E within this enclosed area, both of which are stepped as a result of the levels. The

buildings are Locally Listed, 2 to 3 storeys in height, predominantly brick with a flat roof. Block D has an element which is single storey with a saw edge roof.

4. The storey heights do not give a proper indication of the height of the building: e.g. while Block E, nearest to Gervase Drive, is 2 storeys in height on the rear elevation, it is considered to be 4 storeys in scale.
5. The windows on that rear elevation are obscure glazed at first floor level. There is also an entrance in a projecting, curved element. Along this elevation, the building angles in towards the boundary, so that there is a 1 metre wide pitch point, which is gated off.
6. There is a large detached dwelling adjoining the site, next to Block E (No.6 Gervase Drive). There is a grassed embankment leading up to the shared boundary, which is a 2 metre high close boarded fence with a line of conifers behind.

PROPOSAL

7. Planning application P10/0954 was approved in September 2010 and granted Outline planning permission (subject to a S106 agreement) for the following works:
 - Demolition of the existing buildings (Blocks D, E and F) (approximately 6,000 square metres);
 - The erection of a new three and four storey building broadly located on the footprint of the existing buildings,
 - Accommodation for the college's construction, motor vehicle and engineering courses;
 - A maximum floor area of 10,000 square metres;
 - Reconfiguration of the car parking area; and
 - New areas of soft and hard landscaping.
8. This application seeks to amend three of the conditions that were attached to that approval. In essence the purpose of this application is to reduce the amount of floorspace previously that has planning for the Broadway campus site which would then be taken up by the proposed development for the erection of a new building on Priory Road (P12/1273).

9. The previously approved scheme proposed a building up to a maximum of 10,000 sq.m with the building being three and four storeys in height. This application would effectively reduce the amount of development to 6,250 sq.m and the height of the building to two and three storeys in height.

HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
P05/1805	Demolition of Locally Listed Buildings (LLBs), erection of manufacturing and care centres and creation of exit onto Gervase Drive with remodelled parking layout and internal one way system	Withdrawn	19/12/05
P06/2167	Erection of new care and manufacturing centre and new learner services centre, reorganisation of site roads and car parking and demolition of LLBs	Approved	15/03/2007
P06/2167/E1	Extension of time of permission P06/2167	Approved	21/05/10
P10/0954	Outline planning application to demolish blocks D, E and F and erection of new teaching facility (all matters reserved)	Approved	24/09/10

PUBLIC CONSULTATION

10. Notification letters were sent to the occupiers of 26 properties in the vicinity of the site and the application was also advertised in the press and through a site notice. As a result no letters of objection have been received.

OTHER CONSULTATION

Group Engineer (Development): No objections.

Head of Environmental Health and Trading Standards: No objection.

RELEVANT PLANNING POLICY

National Planning Guidance

- National Planning Policy Framework (2012)

Black Country Core Strategy (2011)

- CSP4 Place Making
- DEL1 Infrastructure Provision
- HOU5 Education and Health Care Facilities
- CEN3 Growth in the Strategic Centres
- CEN4 Regeneration of Town Centres
- CEN8 Car Parking in Centres
- TRAN5 Influencing the Demand for Travel and Travel Choices
- ENV 2 Historic Character and Local Distinctiveness
- ENV 3 Design Quality

Saved Unitary Development Plan Policies (2005)

- DD1 Urban Design
- DTC2(xi) Block 17 - St. James's Road/Priory Road
- HE4 Conservation Areas
- HE6 Listed Buildings
- SO2 Linear Open Space

Supplementary Planning Documents / Guidance

- Dudley Town Centre Area Development Framework
- Parking Standards and Travel Plans Supplementary Planning Document
- Planning Obligations Supplementary Planning Document
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ASSESSMENT

11. The main issues are:
- Principle
 - Impact on Heritage Assets
 - Design
 - Access and Parking
 - Landscape and ecology
 - Planning Obligations
 - Other Issues

Principle/Policy

12. This application has been made under Section 73 of the Town and Country Planning Act 1990 that allows for amendments to be made to previously approved applications.
13. Government guidance states that the development which the application under s.73 seeks to amend will by definition have been judged to be acceptable in principle at an earlier date. These applications should be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, but local planning authorities should, in making their decisions, focus their attention on national or local policies or other material considerations which may have changed significantly since the original grant of permission, as well as the changes sought.
14. Since the granting of the previous planning permission the National Planning Policy Framework has been introduced and the Black Country Core Strategy has been adopted.
15. NPPF places a presumption in favour of sustainable development. It requires that planning decisions should encourage the effective use of land by re-using land that has been previously developed, provided that it is not of high environmental value. With specific reference to design, NPPF notes that the government attaches great

importance to the design of the built environment and good design is considered to be a key aspect of sustainable development.

16. This redevelopment scheme represents another significant component of Dudley College's high profile project aimed at consolidating its educational base within the Dudley Town Centre.
17. The adopted Black Country Core Strategy sets out the strategy for future development in the sub-region to 2026.
18. The Black Country Core Strategy Policy HOU5 'Education and Health Care Facilities' specifically applies to school and further and higher education. This Policy states that new facilities should be:
 - Well designed and well related to neighbourhood services and amenities;
 - Well related to public transport infrastructure and directed to a centre appropriate in role and scale to the proposed development and its intended catchment area. Proposals located outside Centres must be justified in terms of relevant national policy;
 - Where possible, incorporate a mix of compatible community service uses on a single site.
 - The physical enhancement and expansion of higher and further educational facilities and related business and research will be supported where it helps to realise the educational training and research potential of the Black Country.
19. The proposed development would represent a major opportunity to assist in the regeneration of Dudley and would provide significant support for the vitality and viability of Dudley as students and staff will make use of the services and facilities in the town centre.
20. The proposed scheme will contribute to enhancing Dudley town centre consistent with the Core Strategy Policy CEN4 'Regeneration of Town Centres.' Dudley will be a town which serves the needs of its population and which remains the strong focus for civic life, for shopping, working, tourism and education.

21. It is therefore considered that there have been no changes to National or Local Planning policy since the approval of the previous application that would make the principal of the development unacceptable.

Impact on Heritage Assets

22. The proposal involves the demolition of Blocks D, E and F which are on the Council's Local List. In addition, the proposal's impact on the following heritage assets needs to be assessed: other Dudley College buildings on The Broadway site (also on the Local List); Dudley Castle and Zoo; the Grade 1 Listed Priory ruins (in Priory Park, on the opposite side of Gervase Drive to the site); view into and out of the Castle Hill and Dudley Town Centre Conservation Areas.
23. The previously approved scheme was of a greater scale than what is now being proposed and it was considered that the proposal would not impact significantly on heritage assets. This included the impact resulting from the loss of the locally listed buildings, however a condition was attached requiring the implementation of a programme of archaeological work.
24. It is not considered that there have been any material changes since the determination of the previous application that would result in a different conclusion being reached.

Access and Parking

25. Whilst the issues of access and layout have been reserved for subsequent consideration it is proposed that the existing car park would be reconfigured, but with no additional on-site parking provided for staff and students at The Broadway campus site. The intention is that the parking area at The Broadway would serve all of the new college buildings and the building proposed on Priory Road.

26. The previously scheme was approved subject to a number of conditions relating to highway matters and a S106 agreement that required the monitoring of parking and the potential introduction of Traffic Regulation Orders if required, the provision of cycle parking and the submission of a Travel Plan.
27. The relevant conditions relating to cycle parking and the submission of a Travel Plan that were attached to the previously approved scheme would be carried forward to this application and it is therefore considered that, subject to conditions, the proposal would be acceptable in terms of highway safety.
28. However given that this amended proposal would result in approximately 250 sq.m of additional floorspace over and above the existing level of accommodation it is not considered that the monitoring that was previously requested would now be required. In addition the majority of the floorspace previously approved is now due to be constructed on Priory Road and there would be an obligation on the applicant to undertake the necessary monitoring at that site.

Landscape and ecology

29. The previous submission showed that the layout of the proposed building would be very similar to that of the existing building and it was considered that this would help to ensure that the potential for the proposal to impact on the landscape and nature conservation interests of Castle Hill would be limited.
30. Notwithstanding this, it was considered that the scheme provides an opportunity to enhance the landscape and nature conservation value of the site and its environs. In order to realise this conditions requiring the approval and implementation of a landscape scheme, a more detailed arboricultural assessment and measures to incorporate nature conservation enhancement measures within the scheme were also recommended.
31. It is considered that subject to those same conditions being attached the scheme now being proposed would also be acceptable.

Residential Amenity

32. This issue primarily relates to the impact of the proposal on the occupier(s) of No. 6 Gervase Drive who share a boundary with the application site. Potential impacts are likely to arise from activity and noise from plant and vehicle movements.
33. The previous scheme was approved subject to conditions requiring the existing access nearest to that dwelling to be closed off which would help to reduce any noise associated with vehicle movements in close proximity to that property. In addition a condition was also attached to ensure no direct overlooking from the facing elevation of the building towards the adjoining dwelling.
34. The Head of Environmental Health and Trading Standards also requested that a condition be attached in relation to the prevention of excessive noise from fixed plant and/or machinery.
35. It is considered that subject to those conditions being attached to this consent the residential amenity of existing residents will not be unduly prejudiced, particularly over and above the existing situation. In addition the reduction in the overall scale of the building would result in an improvement for the occupiers of No.6 Gervase Drive in relation to what was previously approved.

Planning Obligations

36. Black Country Core Strategy Policy DEL1 'Infrastructure Provision' sets out the adopted policy framework for Planning Obligations within Dudley and the Planning Obligations SPD provides further detail on the implementation of this policy; these policy documents were prepared in accordance with national legislation and guidance on planning obligations.
37. Policy DEL1 requires all new developments to be supported by sufficient on and off-site infrastructure to serve the development, mitigate its impact on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

38. The planning obligations potentially triggered in accordance with the Planning Obligation SPD relate to Economic and Community Benefits, Highway Infrastructure Works, Transport Infrastructure Improvements, Air Quality Improvements, Nature Conservation Enhancements and Public Realm and Art.
39. In addition to applying Policy DEL1 and the SPD, in identifying the required planning obligations on this application the following three tests as set out in the CIL Regulations (April 2010), in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development;
 - (c) fairly and reasonably related in scale and kind to the development.
40. In consideration of the above the required Planning Obligations on this application have been identified as follows however they could be secured through the imposition of suitably worded Conditions:
- An employment and training opportunities statement
 - On-site Nature Conservation Enhancements
 - On-site electric vehicle charging facilities
 - The provision of public art and public realm improvements.

CONCLUSION

41. The proposal has been assessed against the NPPF, the Council Plan, the provisions of the development plan and other relevant material considerations. The proposal accords with the provisions of the Council Plan and it represents development in a highly accessible location in accordance with general planning policy principles aimed at promoting sustainable growth and spatial planning. The proposal is for an appropriate use and form of development within this town centre location and it is considered to have an acceptable impact on heritage assets. The proposal would not result in a detrimental impact in terms of landscape and ecology. The proposal represents development in a sustainable location in close proximity to

the bus station and thereby accessible to other modes of transport than the private motor vehicle. The amenity of the occupiers of existing dwellings near to the site will not be unduly prejudiced.

RECOMMENDATION

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

Reason for approval

The proposal has been assessed against the NPPF, the Council Plan, the provisions of the development plan and other relevant material considerations. The proposal accords with the provisions of the Council Plan and it represents development in a highly accessible location in accordance with general planning policy principles aimed at promoting sustainable growth and spatial planning. The proposal is for an appropriate use and form of development within this town centre location and it is considered to have an acceptable impact on heritage assets. The proposal would not result in a detrimental impact in terms of landscape and ecology. The proposal represents development in a sustainable location in close proximity to the bus station and thereby accessible to other modes of transport than the private motor vehicle. The amenity of the occupiers of existing dwellings near to the site will not be unduly prejudiced.

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Black Country Core Strategy (2011), the saved 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.

APPROVAL STATEMENT INFORMATIVE

In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The

development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

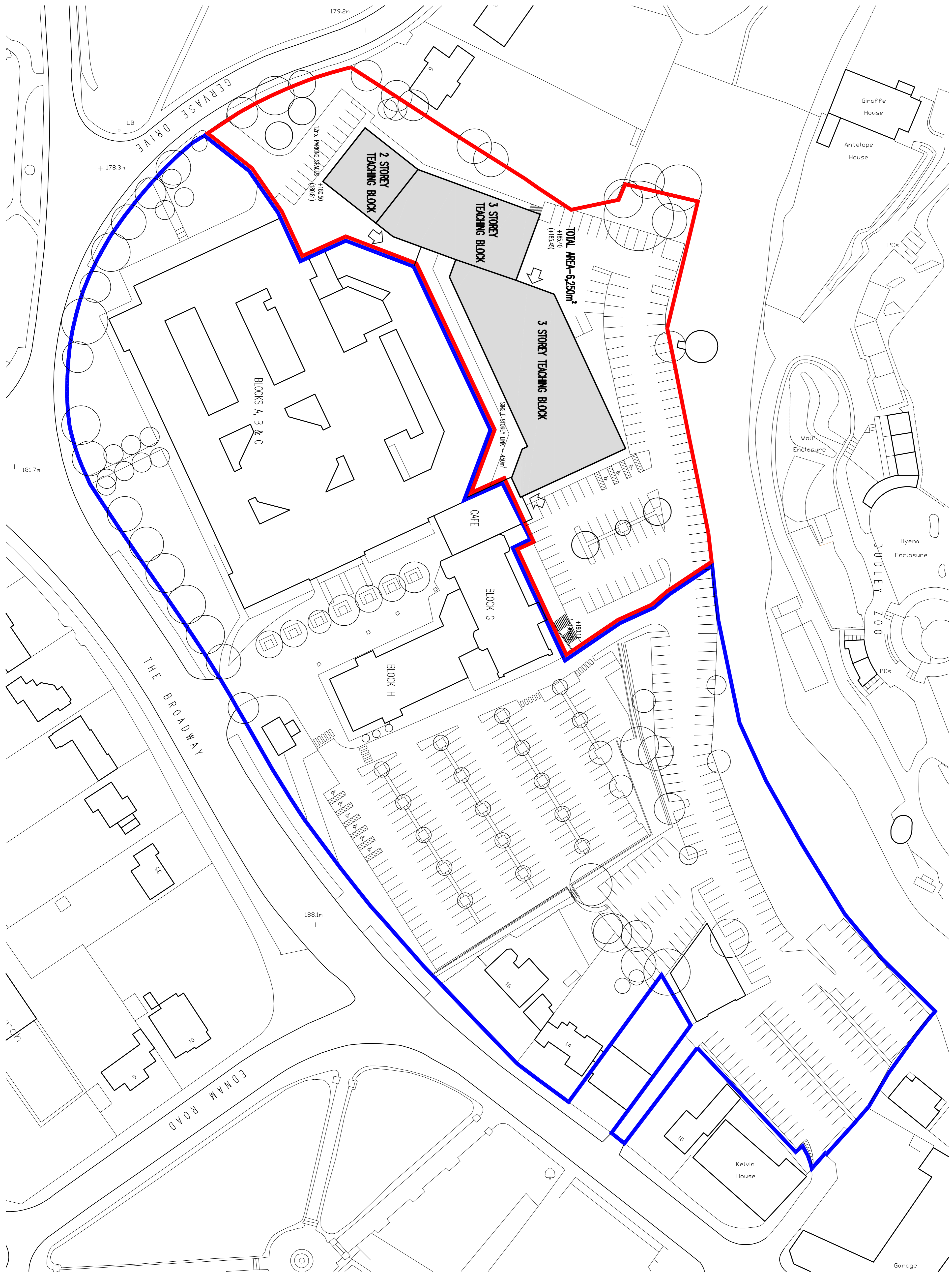
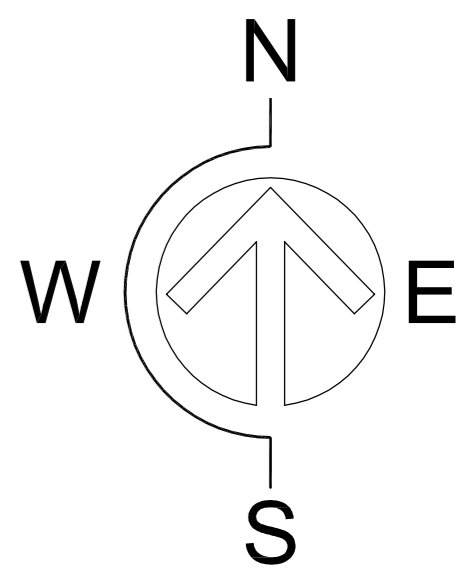
Conditions and/or reasons:

1. No development shall commence until details of nature conservation enhancement works have been submitted to and approved in writing by the Local Planning Authority. The nature conservation enhancement works shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
2. No development shall commence until details of public realm works have been submitted to and approved in writing by the Local Planning Authority. The public realm works shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
3. No development shall commence until details of works of public art have been submitted to and approved in writing by the Local Planning Authority. The works of public art shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
4. No development shall commence until an Economic and Community Development Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall address as a minimum, measures to increase the number of jobs open to local people available on the site and the development of initiatives that support activities to upskill local unemployed people of working age so as to support them into sustained employment as outlined in the Council's Planning Obligations Supplementary Planning Document. The development shall be implemented in accordance with the approved Statement and retained in accordance with the Statement for the lifetime of the development.
5. Application for approval of the Reserved Matters shall be made to the Local Planning Authority (LPA) before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.
6. Approval of the details of access, appearance, layout, scale and landscaping of the site (hereinafter called 'the Reserved Matters') shall be obtained from the LPA before any development is begun.
7. The Reserved Matters proposals for this site shall be in general accordance with the Design and Access Statement (Update October 2012) and the details shown on drawing nos. 10721/(G)092, 10721/(G)093 Rev B and 10721/(G)094 Rev C

submitted in support of this application, unless otherwise dictated by the conditions attached to this permission.

8. Unless otherwise agreed in writing by the LPA, the Reserved Matters submission, in relation to access, shall include details of the stopping up of the access point onto Gervase Drive nearest to the adjoining dwelling (no. 6) and a restriction on the remaining access on that frontage that it be used for servicing and up to 12 staff parking spaces only with no vehicular link through to the main college car park.
9. The Reserved Matters submission, in relation to layout and access, shall include details of the layout of the car park, including internal access, barrier controls, and mobility impaired and cycle parking.
10. The Reserved Matters submission, in relation to external appearance, shall include details of measures to prevent direct overlooking towards the adjoining dwelling (no. 6 Gervase Drive).
11. The development shall not be begun until the revocation of planning permission P06/2167/E1 has been secured.
12. Unless otherwise agreed in writing by the LPA, prior to the commencement of development including demolition works, details of facilities and/or measures to provide for the parking of vehicles which will be displaced from the site by the construction phase of this development, shall be submitted to and approved in writing by the LPA. The approved facilities and/or measures shall be implemented and made available and retained throughout the demolition and construction phases of the development.
13. A scheme detailing the developer's commitment towards economic and community development through job opportunities using locally sourced labour and materials for the implementation of the development hereby approved, shall be submitted, to and approved in writing by the LPA prior to the commencement of works. Development shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the LPA.
14. Prior to the commencement of development, details of an updated protected species survey, based on the findings of the Landscape Science Consultancy Ltd Study dated June 2010 (forming part of the documents submitted with this application), with particular reference to an analysis of, and mitigation measures for, protected species identified in that study as being evident on the site, shall be submitted to, and approved in writing by, the LPA. The development shall be implemented in accordance with any mitigation and/or enhancement measures approved as part of this updated survey, with any measures retained for the life of the development as necessary.
15. No development shall take place until an updated tree survey, associated with the landscape details required under Condition 2 attached to this permission, shall be submitted to, and approved in writing by, the LPA. This survey shall be based on the Arboricultural Survey by Lockhart Garratt (dated July 2010) submitted with this application, and shall include details of tree protection measures to safeguard retained trees during the construction phase of the development.
16. No work involving ground disturbance or demolition shall begin until the developer has secured the implementation of a programme of archaeological work including building recording, in accordance with a scheme of investigation which has first been submitted to and approved in writing by the local planning authority. The brief for the work will be supplied by the local planning authority on request.

17. Prior to the commencement of development, details of the existing and proposed levels of the site (including finished floor levels), which should be related to those of adjoining land and highways shall be submitted to and approved in writing by the LPA. The development shall proceed in accordance with the approved levels.
18. Prior to the commencement of development, details of the types, colours and textures of the materials to be used on the external surfaces of the building, the external appearance of which is subject to the approval of a Reserved Matters submission, shall be submitted to and approved in writing by the LPA. The development shall be carried out in complete accordance with the approved details.
19. Prior to the first occupation of the development, a car park management strategy for the college as a whole, detailing how the car parking provision for the development can be accommodated on the site and within its environs, shall be submitted to and approved by the LPA. The approved strategy shall be implemented upon occupation of the building and thereafter remain in force for the duration of the life of the development.
20. The development hereby approved shall not be occupied until a Travel Plan, based on the framework Travel Plan submitted by Royal Haskoning (dated May 2010) and forming part of this submission, shall be submitted to and approved in writing by the LPA. This plan shall include 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.
21. Prior to the development hereby approved being brought into use, details of the lighting to be installed on the site shall be submitted to and approved in writing by the LPA and the lighting installed in accordance with the approved details and thereafter retained for the life of the development.
22. The noise rating level of any fixed plant and/or machinery associated with the development shall not exceed background noise levels at any nearby dwelling by more than 5dB(A), as assessed under the methodology of BS 4142 (1997) (Method for rating industrial noise affecting mixed residential and industrial areas) and/or its subsequent amendments.
23. As illustrated on drawing No. 10721/(G)094 Rev C the Reserved Matters submission, in relation to scale, shall ensure that the new buildings adjacent to the adjoining dwelling (No. 6 Gervase Drive) shall be similar in height to the existing building on the site where it runs alongside that adjoining property.

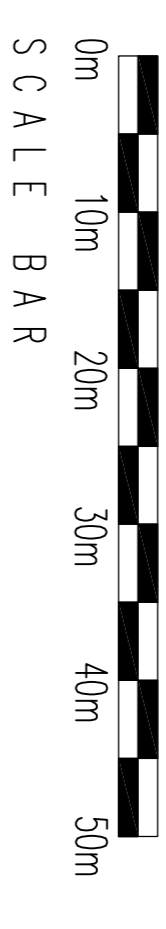


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PROPOSED 2/3
STOREY
CONSTRUCTION
BLOCK - FFL @ +180.50

+180.50 PROPOSED LEVELS
(+180.00) EXISTING LEVELS



Revisions	Date	Drawn	CHKD
B Teaching Block split into 2 & 3 storeys	23.10.12		
A Revised scheme illustrated	10.10.12		

Client
DUDLEY COLLEGE

Architects
PICK EVERARD

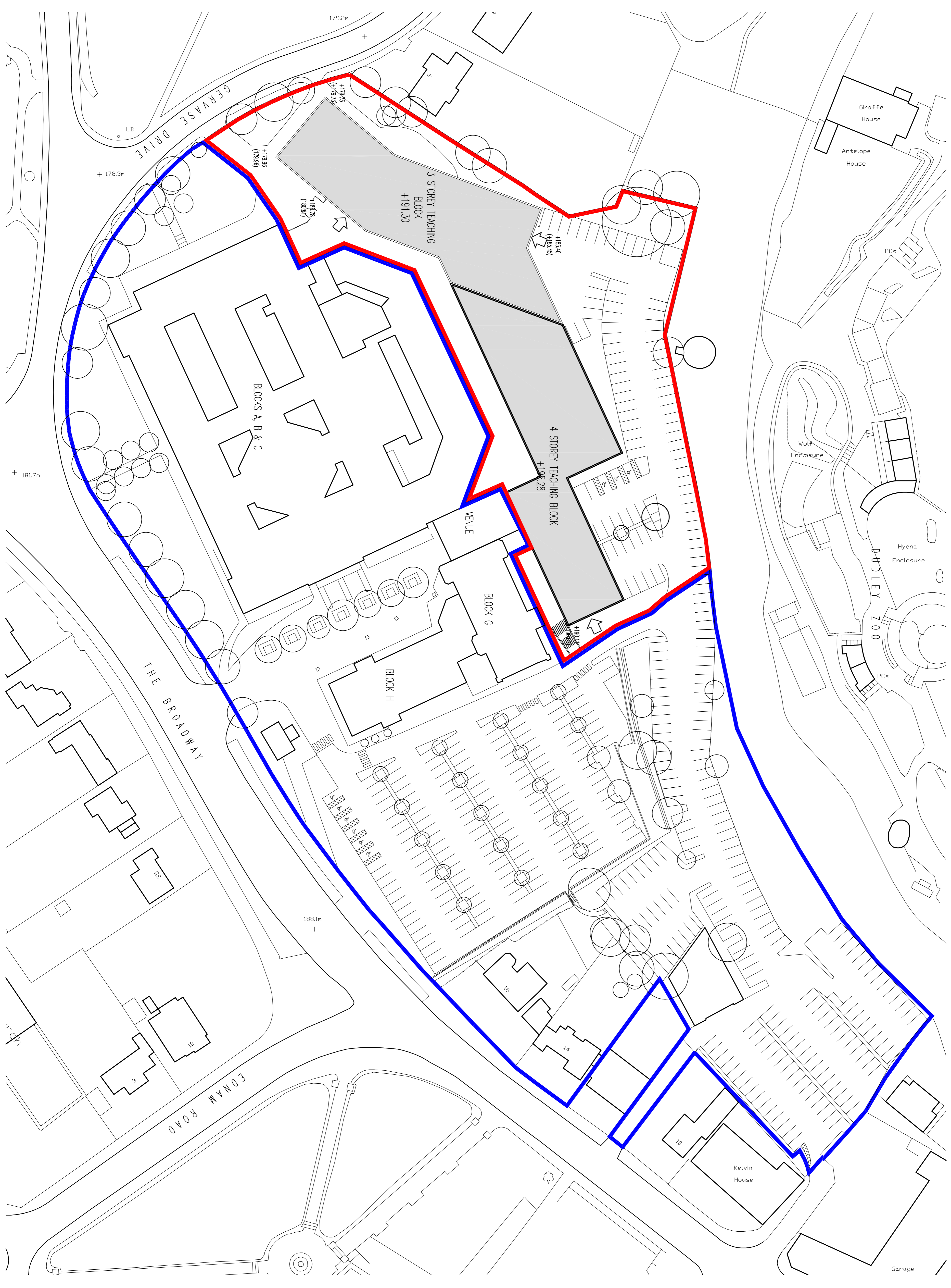
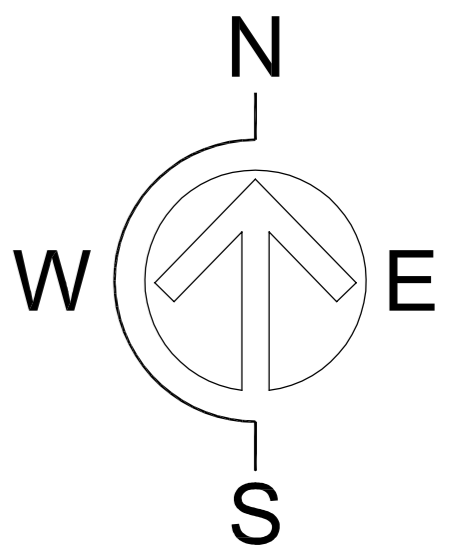
Project
**PROPOSED REDEVELOPMENT
TOWN CENTRE CAMPUS
THE BROADWAY**

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Drawing Title
**PROPOSED SITE LAYOUT
AND SCALE PLAN**

Status
PRELIMINARY
Scale - unless otherwise stated
1:500 of A1
Drawing Number
10721 /GJ093 B

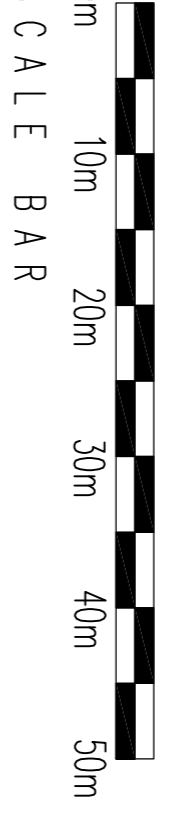


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PROPOSED 3 TO 4 STOREY ENGINEERING BLOCK - FFL @ +180.50

PROPOSED LEVELS (+180.50) EXISTING LEVELS



Revisions	Date	Drawn	CHKD
First Issue			

Client
DUDLEY COLLEGE

Architects
PICK EVERARD

Project
PROPOSED REDEVELOPMENT TOWN CENTRE CAMPUS THE BROADWAY

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Buying Solutions team

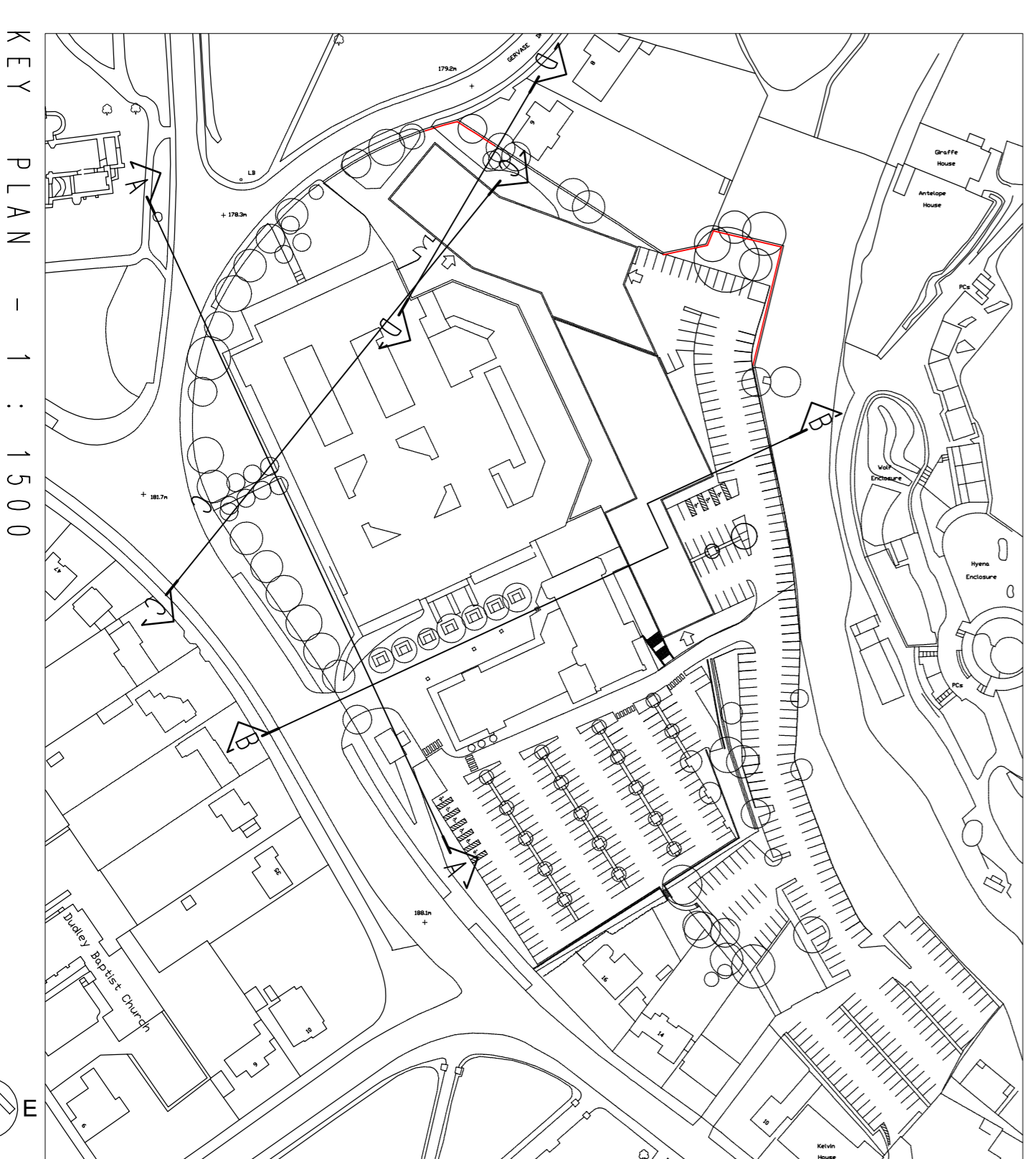
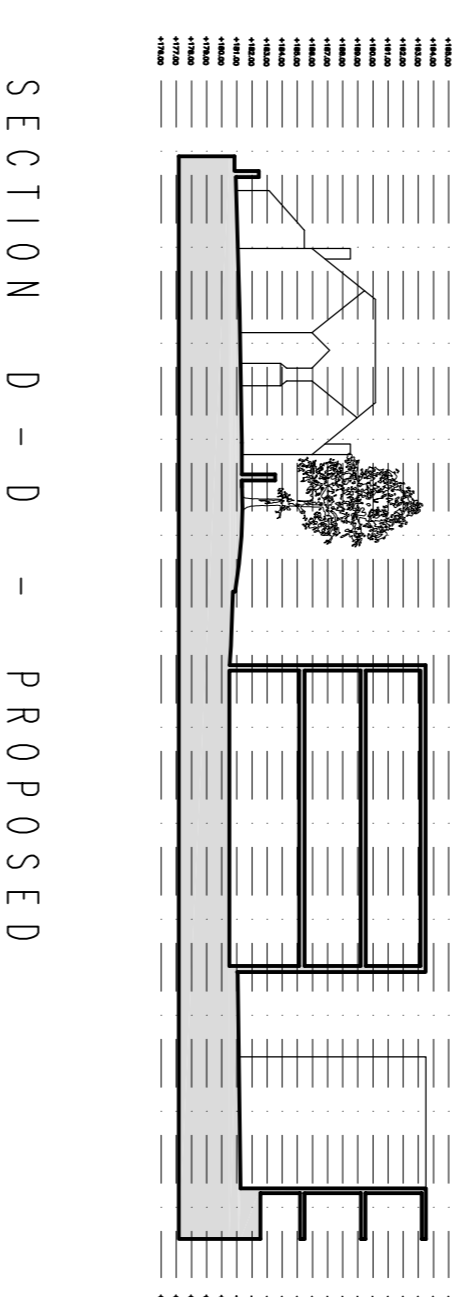
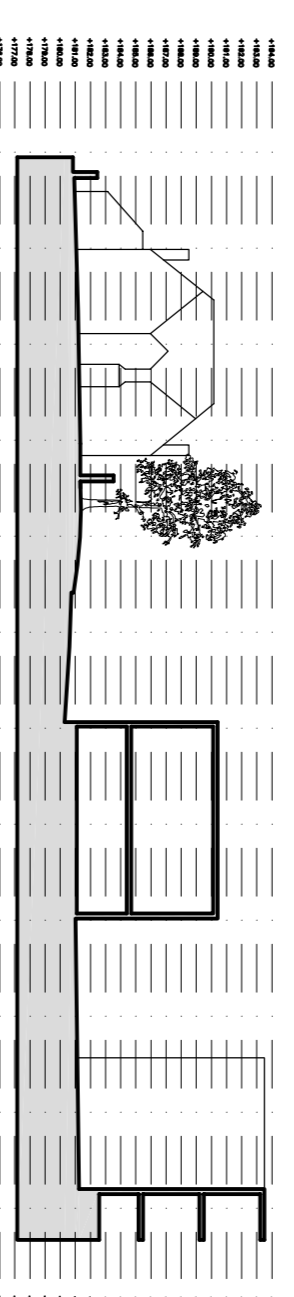
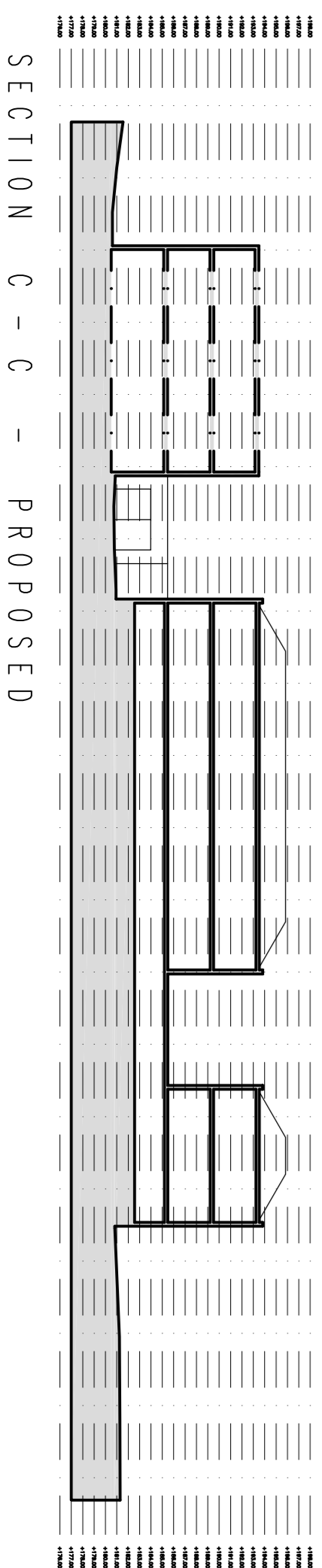
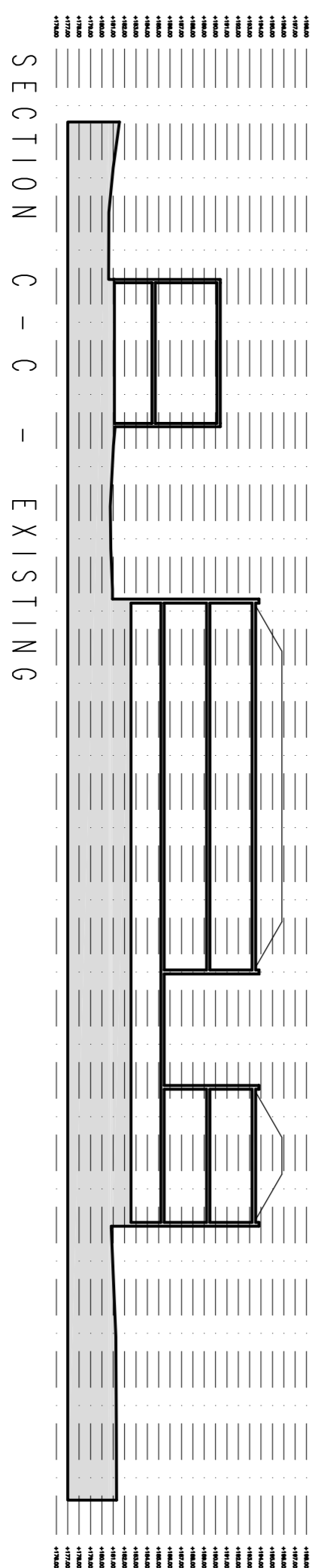
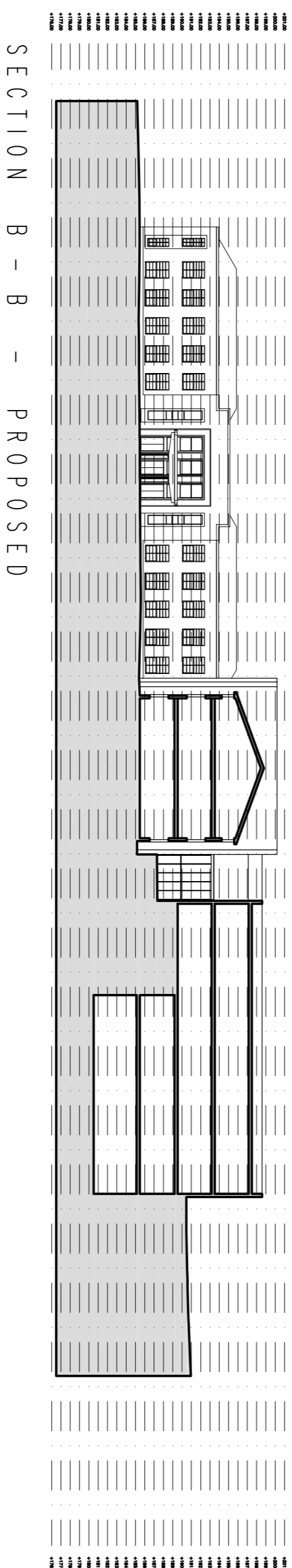
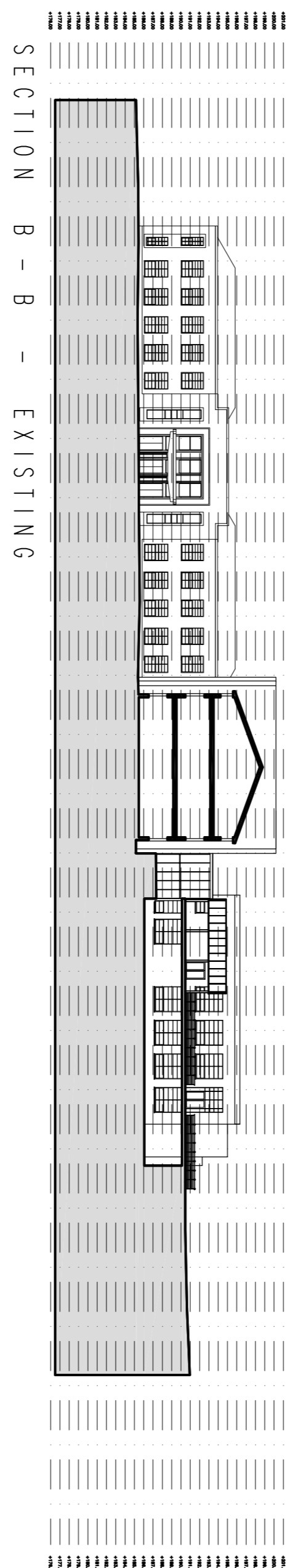
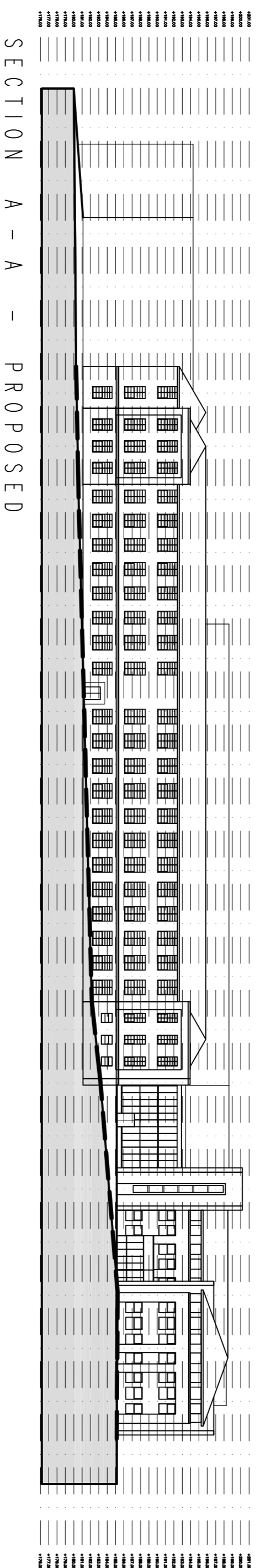
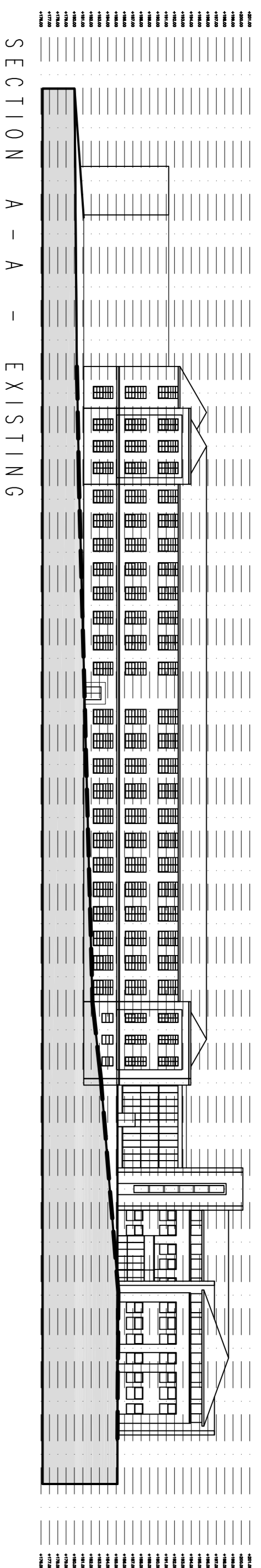
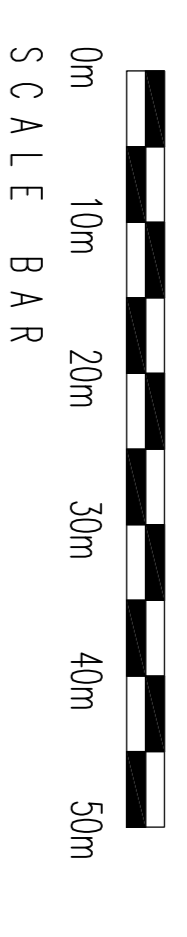
metzarchitects

Drawing title
PROPOSED SITE LAYOUT AND SCALE PLAN

Status	Scale, unless otherwise stated	Drawing Number	Rev
PRELIMINARY	1:500	01 A1	
		10721 /G093	

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Revisions	Date	Drawn	CHK'd
A. Additional section added to include no. 6 Gervase Drive	17.09.10		

Client
DUDLEY COLLEGE

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Project
**PROPOSED REDEVELOPMENT
TOWN CENTRE CAMPUS
THE BROADWAY**

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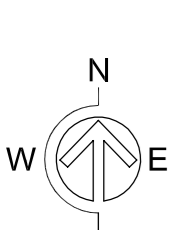
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Drawing Title
**EXISTING AND PROPOSED
SITE SECTIONS**

Status
PRELIMINARY

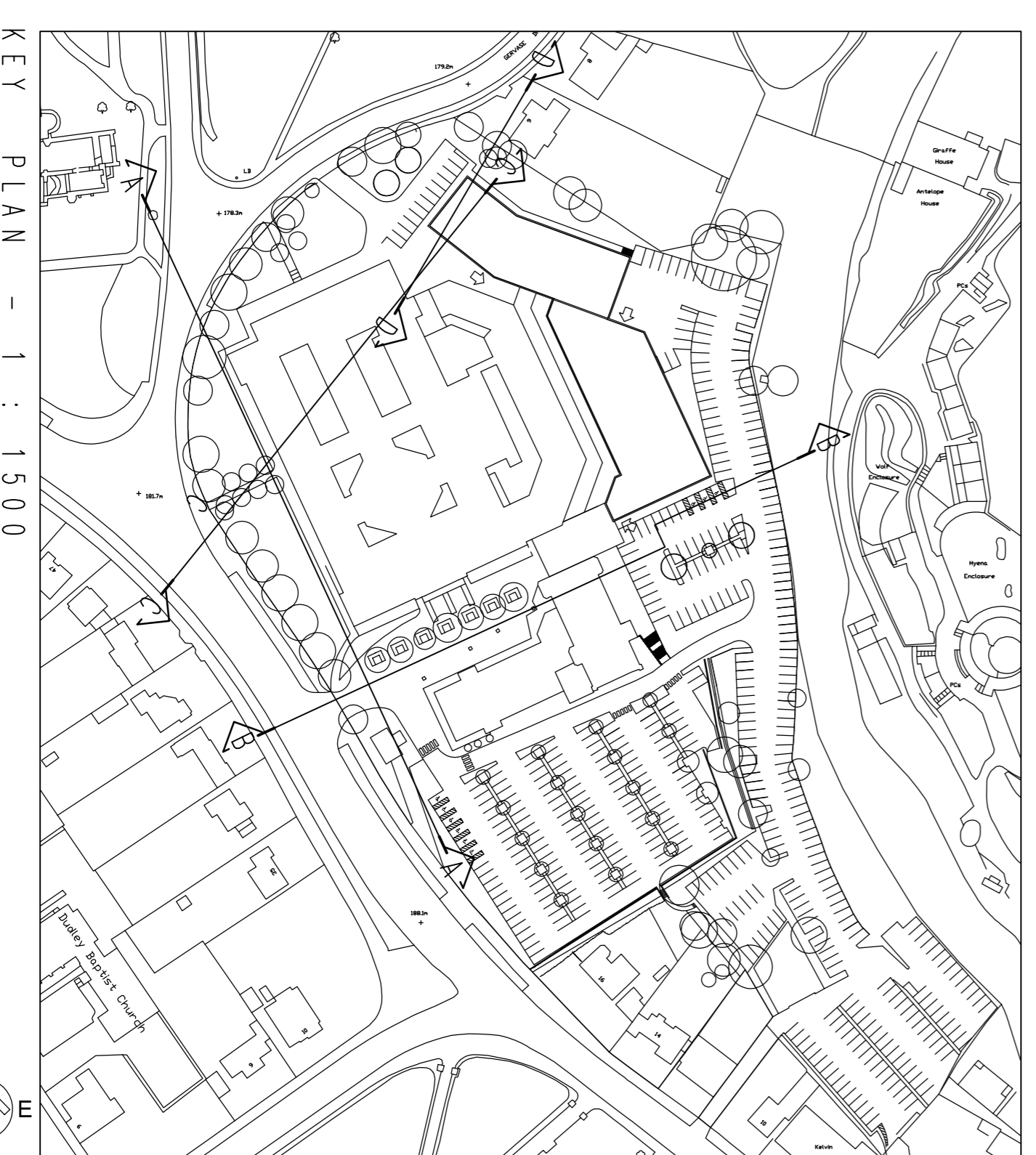
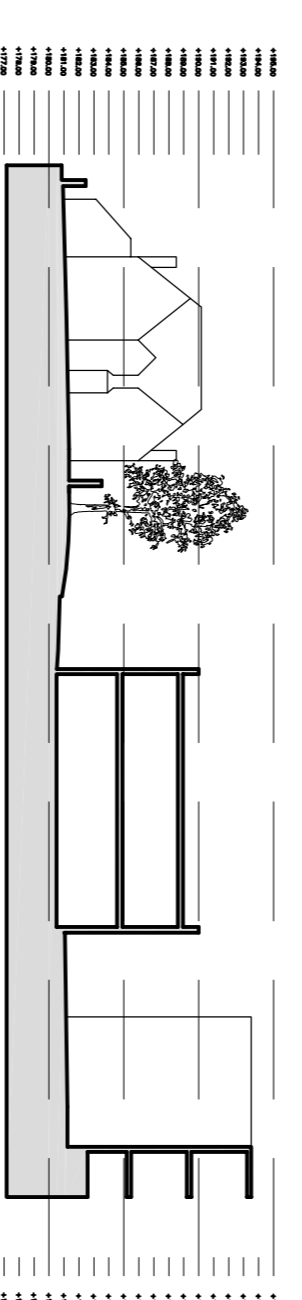
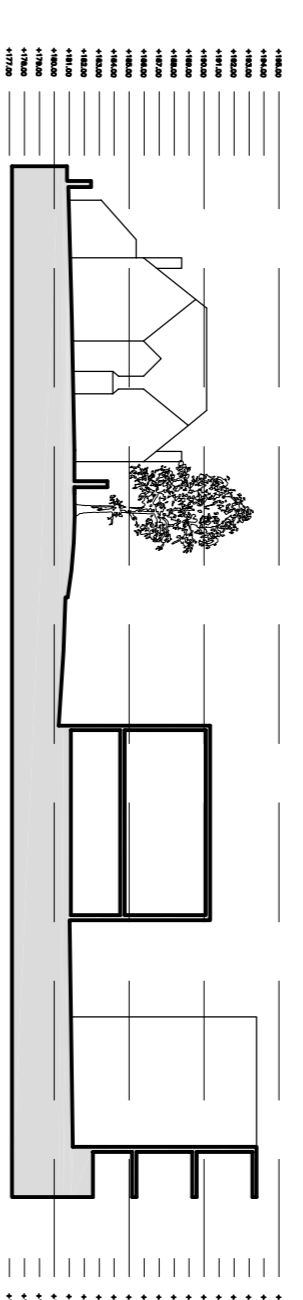
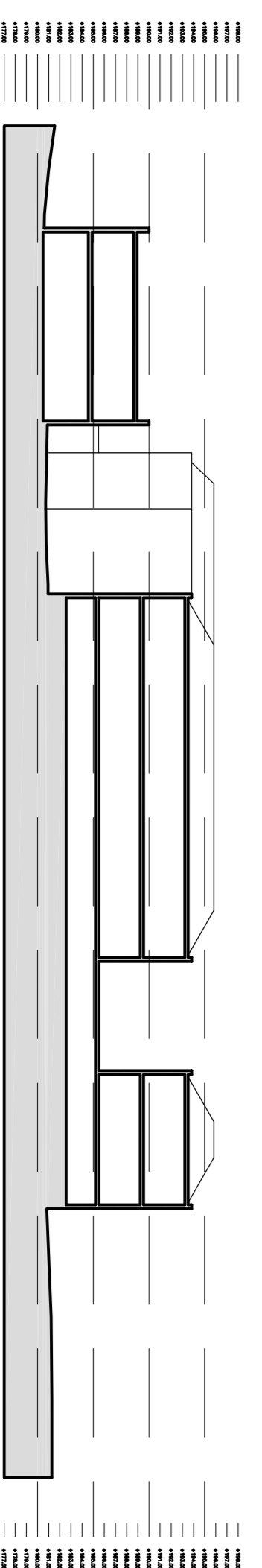
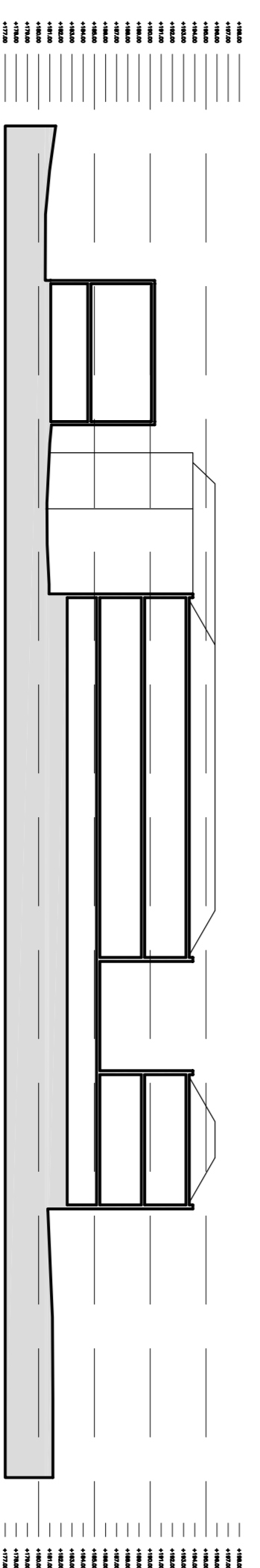
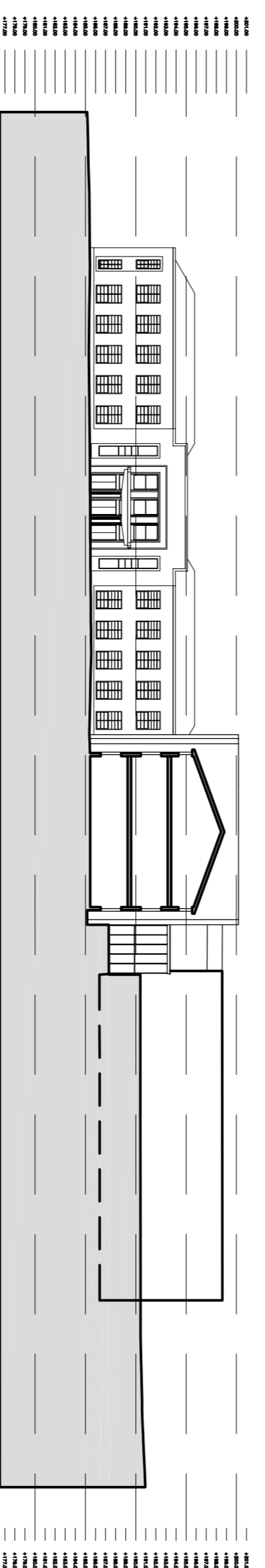
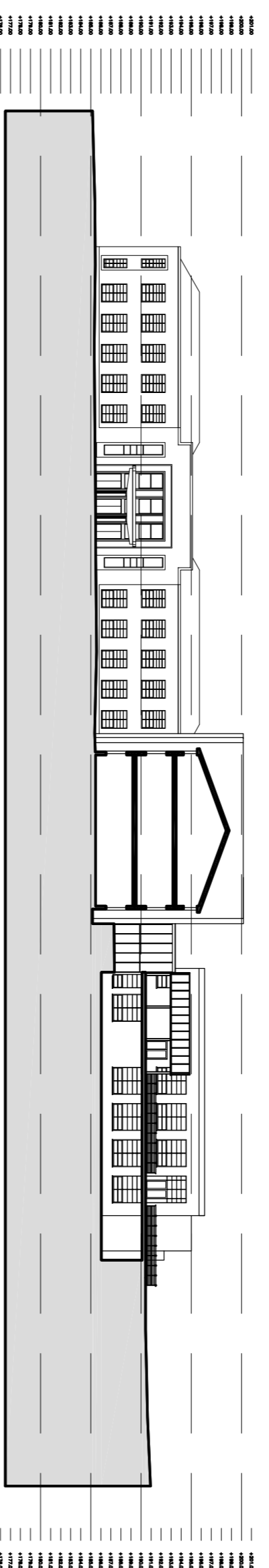
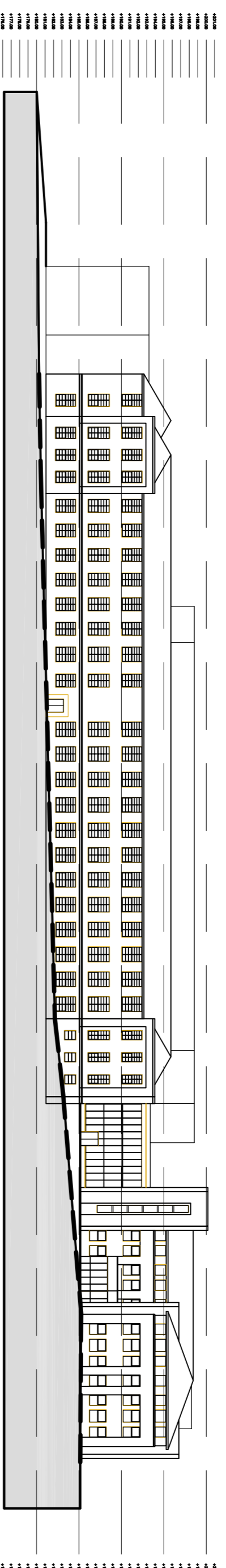
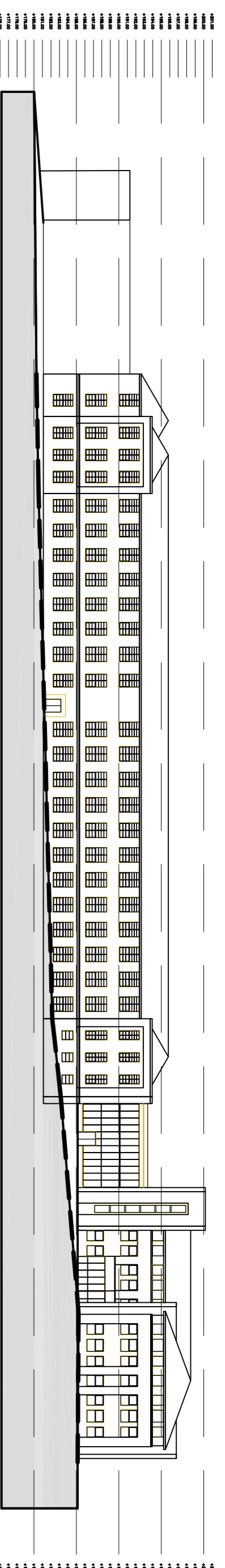
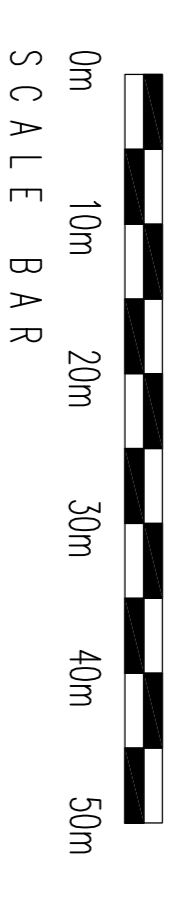
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C	Floor Levels amended/removed	23.10.12	
B	Revised scheme illustrated	10.10.12	
A	Additional section added to include no. 6 Garvase Drive	17.09.10	
Revisions		Date	Drawn: CH/d

Client
DUDLEY COLLEGE

Architects
Consulting Engineers
Project Managers
Surveyors
PICK EVERARD

Project
**PROPOSED REDEVELOPMENT
TOWN CENTRE CAMPUS
THE BROADWAY**

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