

PLANNING APPLICATION NUMBER: P08/1660

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| Type of approval sought | FULL PLANNING PERMISSION |
| Ward | CASTLE & PRIORY |
| Applicant | JOHN STROWBRIDGE, AVERY HOMES DUDLEY LTD |
| Location: | BROADWAY HALL OF RESIDENCE, THE BROADWAY, DUDLEY, DY1 3EA |
| Proposal: | DEMOLITION OF EXISTING STUDENT HALL OF RESIDENCE BUILDING AND ERECTION OF NURSING HOME WITH ASSOCIATED PARKING AND LANDSCAPING. |
| Recommendation summary: | APPROVE SUBJECT TO CONDITIONS |

INTRODUCTION

This application was previously granted planning permission at the Development Control Committee of 9th February 2009. The permission was subject to conditions and a planning obligation to guarantee the payment of a sum of £50,927.33 towards Transport Infrastructure Improvements only with a Management and Monitoring Charge of £1000.00.

Following the adoption of the revised Planning Obligations Supplementary Planning Document at the full Council Meeting of 18th March 2009, the applicant has requested the renegotiation of the transport contribution based on the newly adopted document. This would reduce the transport infrastructure contribution and would also result in the Management and Monitoring charge reducing from £1,000.00 to £500.00.

Given the general economic situation and in the interests of reasonableness, it is considered that, in situations where a development has been approved but not started and where the planning obligation contribution has not been made, it would be reasonable to review contributions where specific requests are made.

The report which follows is the original report and has only been changed as it relates to this particular issue.

SITE AND SURROUNDINGS

1. The 0.31 hectare site occupies a prominent location between the Strategic highways of The Broadway (A459) and Priory Road (A4168). The triangular shaped site comprises the Locally Listed Building of the Broadway Halls of Residence (which is currently vacant), associated car parking areas to the rear and landscaping features including a Bird Cherry Tree and 3 No. mature Weeping Willow Trees to the sites frontage upon the lawn whilst a Sycamore Tree is found within a cluster of trees to the

rear of the site. Surrounding the site upon the highway verges of both The Broadway and Priory Road are 8 No. mature London Plane Trees. Underneath and running through the site is the Dudley Canal Tunnel.

2. Existing vehicular access to the site can be gained from either The Broadway or Priory Road via the rear of the building. An existing private footpath runs through the sites frontage which also connects The Broadway with Priory Road.
3. The Broadway Halls of Residence, the principal building within the site, is a brick 4-storey crescent-shaped building with the main elevation facing onto the traffic island junction of The Broadway with Priory Road. The Building itself benefits from two projecting wings fronting The Broadway and Priory Road respectively. The site also benefits from 2 No. smaller outbuildings located along the north-western boundary of the site, fronting The Broadway.
4. The site is set at a lower level (approximately 2 metres) than the circa 1930's residential dwellings located to the rear of the site and fronting the respective highways of The Broadway and Priory Road. These two roads combined with Hazel Road are predominantly residential in character comprising of traditional detached and semi-detached circa 1930's two-storey properties. To the east of the site is a significant area of linear green space, known as the Priory of St. James's of Dudley, which is designated as a scheduled ancient monument.
5. The site is within walking distance of Dudley Town Centre and is well served by a number of bus services providing access to Dudley and the Merry Hill Shopping Centre via Pensnett by bus stops found on both The Broadway and Priory Road immediately adjacent to the site.

PROPOSAL

6. The proposed development seeks the demolition of the existing Locally Listed Building to allow for the erection of an 83 bed nursing home C2 Use Class (Residential Institution). The nursing home would be registered with the Commission for Social Care and Inspection (CSCI). The internal arrangement of the proposed nursing home would be in full compliance with the National Care Standard which came into force in April 2002.

7. The building would adopt a 'U' shaped building form, with a 4 storey main elevation facing the traffic island with 2 projecting wings running parallel with The Broadway and Priory Road respectively. Each floor would provide an ancillary facility room, nurse station and staff room whilst the ground floor would contain 19 bedrooms, the first and second floors would contain 25 bedrooms and the third floor a further 14 bedrooms.
8. The proposed building would adopt a more central position within the site than the existing with an overall footprint of approximately 1093 square metres (excluding cantilevers), with a maximum building height of approximately 14 metres from ground level to the top of the ridge.
9. The scheme would be served by 21 parking spaces and 12 bicycle-storing spaces as well as 2 motorbike spaces. Vehicular circulation to the rear court yard parking area would be through a one way system utilising the existing vehicular access points to avoid conflict between vehicle traffic movements. Pedestrian circulation around the nursing home would be via a clearly defined route which allows for wheelchair manoeuvrability and turning points to avoid conflict. Four bench seats would be positioned around a Phoenix sculpture mounted on a pedestal within the site's frontage. The site would be protected by the introduction of iron railing fencing along the periphery.
10. The application is accompanied by a Design and Access Statement, Transport Assessment, Tree Survey, Structural Survey, Biodiversity Survey and Report and Land Contamination Assessment.

HISTORY

11. Site History

| APPLICATION No. | PROPOSAL | DECISION | DATE |
|------------------------|---|--------------------------------|------------------------|
| DY/50/16 | Full planning permission for a students hostel for Dudley Training College | Approved | 21 January 1950 |
| DY/61/45 | Full planning permission for the erection of two brick garages | Approved with conditions | 19 January 1961 |
| 91/51280 | Full planning permission for use of part of the ground floor for the provision of a nursery with child care provision | Approved with conditions | 12 January 1991 |
| 98/51323 | Full planning permission for the erection of children's play equipment | Withdrawn | 14 October 1998 |
| P02/2124 | Full planning permission for the erection of 2 metre high fencing to enclose the nursery play area | Approved with conditions | 19 December 2002 |

PUBLIC CONSULTATION

12. The proposed development was advertised by way of neighbour notification letters being sent to the occupiers of 27 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 29 December 2008. A letter of objection has been received from a local resident stating that the Locally Listed Building is of prominent and distinctive appearance and received a special prize for its architectural design, which was awarded to Alan Young, whose offices for many years were established in Parsons Street, Dudley. Concern is expressed as to whether the proposed building is comparable to its predecessor. Concern is also expressed that the building would not

be in keeping and in scale with the surrounding buildings. Increase in traffic volume is also raised as a concern.

OTHER CONSULTATION

13. British Waterways: The site in question is above the 150 year old Dudley Tunnel which carries the Dudley Canal. The applicant will need to liaise and follow British Waterways procedures for Third Party Works throughout the demolition, excavation and construction phases of this development to ensure there are no negative impacts upon the Dudley Tunnel. The building in question would be supported on piles taken down to the level of the base tunnel with the building effectively spanning over the tunnel. No objection is raised subject to the imposition of suitably worded conditions to mitigate against the impact of the development.
14. Nature Conservation: No objection raised subject to appropriately worded conditions to positively enhance the area in terms of nature conservation value.
15. Environment Agency: No objection to the scheme.
16. Access in Dudley: Object due to no disabled car parking areas, the levels between the tarmac and perimeter paths are not stated posing a potential hazard to people with little or no visibility, paths around building need to be a minimum of 1.5 metres in width but preferably 2 metres would avoid conflict when passing other users of the path. Concern is also expressed concerning external lighting and handrails as well as doors. Amended plans have been obtained to address all of the issues raised above.
17. Group Engineer (Development): The scheme has progressed positively since the pre-application stage. No objection is therefore raised.
18. Head of Environmental Health and Trading Standards: No objection subject to conditions to protect residential amenity against noise and cooking odours.
19. Arboriculturist: No objection subject to conditions to ensure the requirement for a detailed landscaping scheme to sufficiently provide for tree replacements, of a semi-mature nature.

Unitary Development Plan

- S1 Social Inclusion, Equal Opportunities and Social Wellbeing
- S2 Creating a more Sustainable Borough
- S11 Urban Renewal
- DD1 Urban Design
- DD4 Development in residential areas
- DD6 Access and Transport Infrastructure
- DD7 Planning Obligations
- DD9 Public Art
- DD10 Nature Conservation and Development
- DD11 Water Courses
- DD12 Sustainable Drainage Systems
- H3 Housing Assessment Criteria
- H6 Housing Density
- UR8 Derelict Land
- AM1 An Integrated, Safe, Sustainable and Accessible Transport Strategy
- AM3 Strategic Highway Network
- AM5 Bus Provision
- AM11 Cycling
- AM12 Pedestrians
- AM14 Parking
- AM15 Personal Mobility
- CS1 Special Needs Accommodation
- CS2 Health and Social Care Facilities
- CS3 Community Facilities
- NC1 Biodiversity
- NC6 Wildlife Species
- NC9 Mature Trees
- NC10 The Urban Forest
- HE1 Local Character and Distinctiveness
- HE5 Buildings of Local Historic Importance
- HE7 Canals
- SO6 Parks
- EP3 Water Protection

EP6 Light Pollution

EP7 Noise Pollution

Supplementary Planning Guidance

Design for Community Safety

Supplementary Planning Document(s)

New Housing Development: Establishing Local Context

Nature Conservation

Parking Standards and Travel Plans

Planning Obligations

Regional Spatial Strategy

UR4 Social Infrastructure

CF4 The reuse of land and buildings for housing

QE1 Conserving and Enhancing the Environment

QE3 Creating a high quality built environment for all

QE4 Greenery, Urban Greenspace and Public Spaces

QE5 Protection and enhancement of the Historic Environment

QE7 Protecting, managing and enhancing the Region's Biodiversity and Nature Conservation Resources

QE9 The Water Environment

T2 Reducing the need to travel

T3 Walking and Cycling

T5 Public Transport

National Policy Documents

PPS1 Delivering Sustainable Development

PPS3 Housing

PPS9 Biodiversity and Geological Conservation Area

PPS11 Regional Spatial Strategies

PPG13 Transport

PPG15 Planning and the Historic Environment

PPS23 Planning and Pollution Control

PPG24 Planning and Noise

PPS25 Development and Flood Risk

20. Key Issues

- Principle
- Loss of a locally listed building
- Layout and Form of Development
- Impact Upon Residential Amenity
- Access and Car Parking
- Other Issues
- Planning Obligations

Principle

21. The site is not designated for any particular use within the adopted Dudley Unitary Development Plan (2005). The site contains the vacant Locally Listed Building of the Broadway Halls of Residence. In accordance with government guidance, PPS3 (Housing) [Annex B] and Policy S2 (Creating a more Sustainable Borough) of the adopted Dudley Unitary Development Plan (2005), the application site falls within the definition of previously developed land, whereby the principle of development is supported in the interests of sustainability and regeneration. PPS3 encourages the redevelopment of previously-developed land within the urban area for housing purposes, whilst Policy H6 (Housing Density) of the adopted Dudley Unitary Development Plan (2005) states that residential development will be encouraged to achieve the highest possible density taking into account factors such as the requirements to make full and efficient use of land, the local context, and the principles of good residential design. By their very nature applications for nursing home development are high density, and at this relatively small and constrained site any proposal which makes full use of the land available would be of a high density. The site is within walking distance of Dudley Town Centre and is in a highly sustainable location in relation to public transport links as it is on a designated strategic highway and adjacent to public transport nodes.
22. PPS3 [Annex C], however, acknowledges that achieving these benefits should have regard to the important characteristics of an area. The scheme as proposed would make effective use of land, existing infrastructure and services available within the

area. The proposed development would meet an identified housing need in terms of providing housing for the elderly. 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 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 in the figures below which are taken from the Housing Needs and Demand Study of 2005.

23. 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.'...

24. The proposed development would provide specific special needs accommodation with ancillary health, social and community facilities meeting an identified housing need thereby being in accordance with the above mentioned Policies. It is therefore considered that the principle of high density redevelopment of this site is entirely acceptable.

Loss of a locally listed building

25. Policy HE5 (Buildings of Local Historic Importance) of the adopted Dudley Unitary Development Plan (2005) states that the Council will resist the demolition or part demolition of buildings or structures on the Local List. Applications proposing demolition will be required to demonstrate that the viability of continued beneficial use restoration or conversion has been fully investigated and that there are no reasonable alternatives.
26. A detailed evaluation of the structure has been carried out. This has revealed extensive corrosion of the steel frame, cracking of brickwork and failure of the roof covering which has led to extensive damage to the fabric and structure beneath. A considerable amount of remedial structural work would therefore be required to

stabilise the building sufficiently to make any conversion commercially marketable. At the same time it would be necessary to introduce thermal and acoustic insulation and fire proofing to comply with current regulations. However the frame of the building was initially designed with such minimal storey heights that there is insufficient room to accommodate remedial systems to address the steel corrosion and the necessary acoustic and fire insulation to achieve separation at each level.

27. The design of the structural steel frame also has significant bearing upon floor layouts. A relatively lightweight frame was achieved by placing the columns at very close centres. The original room layouts (which are segmental as a result of the curvature of the building) were fitted between these ranks of columns. Whilst small room layouts of segmental shape were not inappropriate for student accommodation, such room sizes would not be saleable in the current housing market .
28. The appearance of the building from the exterior gives no indication that the building is extremely shallow in depth. Again this was sufficient depth to accommodate student bedsits but fails to provide sufficient space to create attractive residential configurations.
29. Alternative uses for the building by the production of detailed schemes for the renovation, adaption and extension of the existing structure have been produced and clearly demonstrate that such considerations were not economically viable. The loss of the Locally Listed Building is therefore conceded as being unavoidable.
30. Elements of the iconography of the existing building have been transposed into the proposed design of the new building; the scale, the 'U' shaped appearance, the curvature of the front façade, the commission and reinstatement of the phoenix sculpture on a plinth to the sites frontage and the manner in which the building addresses the highway junction in front of it, would all assist in keeping the memory of the earlier building alive. It is therefore considered that the applicant has, in accordance with Policy HE5 of the adopted Dudley Unitary Development Plan (2005) relating to the local list, demonstrated that through thorough investigation all reasonable alternatives to demolition are unrealistic.

Layout and Form of Development

31. The siting and design of the proposed building would reflect topographical features of the site and the scale of the neighbouring properties whilst drawing direct comparisons from the current Locally Listed Building. The design of the building aims to achieve the balance between enhancing the locality and preserving the amenity and the openness of the adjacent linear open space of this part of Dudley.
32. The proposed building would reduce its overall visual impact by adopting a 'U' shaped form with the main elevation facing the highway junction introducing a variety of building features including steps, set backs and small forward projections into the design of the building. Also, in order to mitigate against the visual impact of the 4 storey building, the top floor is designed to be set back from the outer walls of the proposed building to alleviate the scale, massing and therefore dominance of the building. The proposed building would also adopt a low pitched roof, to allow the height of the building to be kept low to prevent overshadowing of the neighbouring properties. This would be further assisted by the proposed building occupying a more central position within the plot when compared to the existing building.
33. This central position of the proposed building within the plot would allow for the full realisation and potential of the site whilst reducing overlooking of neighbouring properties when compared to current built form relationships. This would ensure privacy levels experienced by existing residents were not prejudiced and would also provide an external courtyard space which would allow for a high degree of surveillance of the application site. To further protect existing residential amenity levels, the large expanse of glass present at the gable end of each wing would be obscurely glazed to further prevent overlooking of the neighbouring properties whilst providing substantial day lighting to the proposed building.
34. It is considered that the proposed building reflects the appearance and scale of the Broadway Halls of Residence by adopting the 'U' shaped form, the curvature of the front façade and evidence of art deco aspirations which include features such as white rendered elevations above stone faced ground floor elevations and tall windows. This form would also mimic and are considered typical for the neighbouring circa 1930's

two storey residential properties fronting both The Broadway and Priory Road. Also the building as proposed would respect existing building lines fronting these highways.

35. The proposed building has been orientated and sited to achieve the full potential of the site, without prejudicing amenity or dominating neighbouring areas. The existing retaining wall present at the rear of the site as well as the mature trees in situ within the rear planting bed would also be retained further enhancing and protecting residential amenity levels.
36. The site would be secured through the retention and strengthening of the dwarf wall surrounding the site with proposed railings mounted over to provide the necessary enclosure and security. The type of enclosure proposed would accord with the Council's Supplementary Planning Guidance: Design for Community Safety.
37. The design of the nursing home incorporates elements of scale and massing which are compatible with the character and appearance of the surrounding area. The height of the building has been limited to a maximum of 4 storey, with the top storey set back from the outer walls. This combined with the curved façade, would thereby provide visual interest without imposing on neighbouring uses while maintaining a bulk of development that is human in scale. The building provides a level of traditional character and detail that is in conformity with the design and detailing of nearby properties fronting both The Broadway and Priory Road. Also, by placing the building centrally within the site and maintaining car parking to the rear, the development introduces a well designed feature building into a highly conspicuous and visually prominent site. The materials to be used are considered to match the surrounding pallet of materials whilst the footprint of the proposed building combined with its form and intensity is not significantly out of context to the existing building on the site. The scheme would result in a form of development that reflects the character and context of the current building whilst providing active frontages and clear definition between public and private areas. The scheme as proposed applies the principles of good urban design whilst making a positive contribution to the character and appearance of the area. It is considered that the proposed development satisfactorily achieves the aspirations of Policies DD1 (Urban Design) and DD4 (Development in Residential Areas) of the adopted Dudley Unitary Development Plan (2005).

Impact Upon Residential Amenity

38. The main impacts associated with the proposed development would be with respect to the scheme backing onto the residential properties fronting both The Broadway and Priory Road, though most noticeably No. 20 The Broadway and No. 27 Priory Road. The residential building would be 4 storeys in height and at its closest point would be situated 15 – 16 metres from the flank elevations of these respective properties. The building would not directly overlook habitable rooms. Furthermore, the scheme, of a similar scale and massing to the present building would be significantly further away from these properties, further enhancing amenity levels. Overlooking into the private rear amenity spaces of these properties would also be prevented by the retention of the mature trees found adjacent to the rear boundary of the site. The properties fronting the south-western side of The Broadway would be positioned some 32 metres from the proposed development. Despite habitable windows within the respective front elevations of these dwellings overlooking the site, it is considered this separation, combined with the scheme adopting glazed panels with its gable elevations would ensure residential amenity would not be prejudiced. The proposed development is therefore in accordance with Policy DD4 of the Adopted Dudley Unitary Development Plan (2005).
39. The car parking serving the building would be retained at the rear of the site. Whilst this arrangement is currently present upon the site, the proposed car parking area would be sited some 7 metres from the flank elevation of the nearest residential property (No. 20 The Broadway and No. 27 Priory Road). Acoustic boundary treatment to be approved by condition would ensure that there would not be a significant loss of amenity through undue impacts with respect to noise to the occupants of these properties whilst a condition to control plant and cooking odours would ensure compliance with Policies DD4, EP5 (Air Quality) and EP7 (Noise Pollution) of the adopted Dudley Unitary Development Plan (2005).

Access and Car Parking

40. The Parking Standards and Travel Plans SPD provides maximum vehicle parking standards required for a care/nursing home, C2 Use Class (Residential Institution). The Policy requires 1 space for every 4 bed spaces, plus parking spaces for

ambulances, minibus, mobility impaired people and space for 1 pick-up and drop off point. The proposed level of parking provision equates to 1 space for every 4 bed spaces. Adequate setting down space and 6 disabled parking spaces. This level of parking accords with the requirements of the Parking Standards and Travel Plans SPD and is therefore considered to be acceptable. In conjunction with this, the site is well served by public transport and is close to Dudley town centre. There would be 12 bicycle-storing spaces as well as 2 motorbike spaces. Given that the Group Engineer (Development) has no objection to the proposal it is considered that, notwithstanding the concerns of a local resident, that the development accords with Policy DD6 which seeks to ensure that new development is appropriate in scale to the existing transportation infrastructure of the immediate area.

41. Policy DD6 also aims to make adequate and safe provision for access and egress by vehicles. It is proposed to form a separate vehicular access/egress system. At the access from Priory Road, a visibility splay of 2.4 metres by 75 metres would be achieved in both directions, which is adequate in accordance with the guideline within 'Manual for Streets' for a highway with a speed limit of 40 mph, as is the case along this part of Priory Road. Access to the site would be retained via the existing access off The Broadway. The level of car parking spaces provided is acceptable for the proposed use and is in accordance with Policies AM3 (Strategic Highway Network), AM5 (Bus Provision), AM14 (Parking) and AM15 (Personal Mobility) of the adopted Dudley Unitary Development Plan (2005) and the Parking Standards and Travel Plans SPD.
42. The vehicular movements from/to the nursing home are anticipated to be as follows:
 - Residents: No vehicular ownership;
 - Staff: It is estimated that 60 staff would be based at the proposed nursing home working 3 shifts a day, with changing over time at 08:00, 14:00 and 20:00. This equates to 24 staff per shift during the daytime (morning and afternoon) and a further 12 staff per shift for the night shift;
 - Parking Spaces 21;
 - Ambulance: 1 or 2 vehicular movements a day;
 - Food delivery: 2-3 times a week;
 - Refuse collection: once a week; and

- Visitors: 2-8 a day (Residents in the care home, in principle would be drawn from the local community and where they have relatives. Therefore it is envisaged that the visitors would walk or use public transport to visit relatives.

43. Overall, it is estimated that the proposed nursing/care home would generate approximately 80 vehicle movements a day. The proposed access/egress arrangement would, however, alleviate the impact of the additional traffic on traffic flow on The Broadway and Priory Road.

Other Issues

44. Despite the loss of mature trees to the sites frontage, none of the specimens are protected through Preservation Orders and have a life expectancy of only 10 – 20 years. It is considered that through robust conditioning that any loss of mature trees can be mitigated through adequate landscaping conditions requiring semi-mature trees to be planted.

45. The biodiversity surveys submitted in support of the application indicate that the development would not prejudice any protected species.

Planning Obligations

46. Policy DD7 (Planning Obligations) of the adopted Dudley Unitary Development Plan (2005) in conjunction with the Council's adopted SPD (Planning Obligations) requires applicants to enter into planning obligations where the scale and impact of the development, in accordance with government advice, result in a consequential planning loss to the existing community. Planning Obligations must where appropriate and necessary; make appropriate provision for the infrastructure requirements of the development and ensure that there is no unacceptable adverse impact on the existing environment, nor consequential unacceptable loss to the existing level of services enjoyed by the community.

47. These obligations will only be sought where it is considered necessary to safeguard the local environment and/or compensate for additional burdens placed by the development on community facilities and infrastructure. The existing Use Class of the site (albeit vacant) is a C2 Use (Residential Institution). The proposed redevelopment

of the site would see the proposed building being brought back into C2 Use (Residential Institution).

48. Should permission be granted a Section 106 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:

- Transport Infrastructure Improvements - £7334.71
- Management and Monitoring Charge - £500.00

Total Offsite Contribution equates to £7834.71

49. A contribution is not required towards public art since the applicant has agreed to include public art upon the frontage in the form of 4 bench seats positioned around a Phoenix sculpture mounted on a pedestal. This artwork is considered to be a direct link between the existing building which contained an iconic bronze Phoenix and the proposed building and would be in lieu of any financial contribution.

CONCLUSION

50. The principle of high density redevelopment of this site is considered to be acceptable. The scheme applies the principles of good urban design and would make a positive contribution to the character and appearance of the area, with no adverse impact on residential amenity. 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. The development is appropriate in scale to the existing transportation infrastructure of the immediate area and makes adequate and safe provision for access and egress by vehicles. The scheme as proposed therefore accords with the relevant Policy criteria.

RECOMMENDATION

51. It is recommended that the application be approved subject to conditions.
- a) the development shall not be beginning until a scheme for the submission and approval of a planning obligation to guarantee the payment of £7834.71 for transport infrastructure improvements as well as monitoring, management and implementation costs has been submitted to and agreed in writing by the Local Planning Authority; and
 - b) 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.
 - c) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary; and

Reason for approval

The principle of high density redevelopment of this site is considered to be acceptable. The scheme applies the principles of good urban design and would make a positive contribution to the character and appearance of the area, with no adverse impact on residential amenity. 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. The development is appropriate in scale to the existing transportation infrastructure of the immediate area and makes adequate and safe provision for access and egress by vehicles. The scheme as proposed therefore accords with the relevant Policy criteria.

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Dudley Unitary Development Plan (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 **AL(0)041 Rev D, AL(9)900 Rev E, AL(0)042 Rev B, AL(0)043 Rev B, AL(0)040 Rev A, AL(0)002 Rev B, AL(0)003 Rev C, AL(0)005 Rev B, 10308/1, AL(0)006 Rev A, 10308/3, 10308/2, 10308/4, 10308/5, AL(0)004 Rev B** and **A1790-SK100 Rev A** unless otherwise agreed in writing by the Local Planning Authority.

INFORMATIVE

The applicant/developer is advised to contact Mr. Des Harris, Senior Third Party Works Engineer on 01827 252038 in order to ensure that any necessary consents are obtained and that the works comply with British Waterways 'Code of Practice for Works affecting British Waterway'.

British Waterways offer no right of support to the adjacent property. The applicant should take appropriate steps to ensure that their works do not adversely affect the tunnel at this location.

Conditions and/or reasons:

1. BA01 Commencement within 3 years (full)
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. 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. The development shall not begin until a scheme for the treatment of cooking odours and for their extraction has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before the building is occupied. Such facilities shall be retained and suitably maintained for the duration of the development.

5. The development shall not begin until details of the siting of machinery, including any mechanical extract systems, and a scheme providing for the insulation of the site against the transmission of noise and vibration shall be submitted to and approved by the Local Planning Authority and all works which form part of the scheme shall be completed before the building is occupied. The agreed scheme shall be retained and suitably maintained for the duration of the development.
6. Prior to the occupation of the building hereby permitted details shall be submitted to and approved in writing by the Local Planning Authority for a continuous acoustic barrier of minimum height 1.8 metres and minimum density 10kg/m² which shall be installed along the boundary with the rear gardens of the adjoining properties on The Broadway and Priory Road. The acoustic barrier shall be retained and suitably maintained for the duration of the development.
7. Notwithstanding the plans submitted details of the proposed foundations and excavations required to accommodate the development shall be submitted to and agreed by the Local Planning Authority before the development is commenced.
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. AI02I Landscaping strategy to be submitted
12. The building shall not be occupied until details have been 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. AL(9)900 Rev F. 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.
13. Prior to the commencement of development, a Landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of both hard and soft landscaping. The scheme shall be built in accordance with the approved plan.
14. Following approval of the Landscape plan 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 scheme shall be implemented in accordance with the approved details.
15. The building shall not be occupied until details have been submitted to and approved in writing of the four benches and Phoenix sculpture to be erected. The four benches and Phoenix sculpture shall then be erected on site in accordance with the approved plan (Drawing No. AL(9)900 Rev F) and the submitted details, prior to the first occupation of the building.
16. Prior to the commencement of the development hereby permitted, details of cycle parking facilities to be provided at the site shall be submitted to, and approved in writing by, the LPA. The cycle parking facilities so approved shall be provided prior to the occupation of the units hereby permitted.
17. The development hereby approved shall accord with and be operated in accordance with the details submitted in the travel plan (reference 5208/SB/001/03), dated 20th January 2009 and approved by the local planning authority and shall remain operational for the life of the development unless otherwise agreed in writing by the local planning authority.
18. The development shall not be begun until a scheme for the provision of -
Off site Transport Infrastructure improvements
Has been submitted to and approved in writing by the Local planning Authority. The scheme shall include the method, timing and arrangements to comply with the Council's policies for the provision of the infrastructure required in connection with the proposed development.

