

DEVELOPMENT CONTROL COMMITTEE

MONDAY 11TH MARCH 2013

**AT 6:00PM
IN COMMITTEE ROOM 2
AT THE COUNCIL HOUSE
DUDLEY**

If you (or anyone you know) is attending the meeting and requires assistance to access the venue and/or its facilities, could you please contact Democratic Services in advance and we will do our best to help you

**MANJIT JOHAL
DEMOCRATIC SERVICES OFFICER
Internal Ext – 5267
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You can view information about Dudley MBC on
www.dudley.gov.uk**

IMPORTANT NOTICE MEETINGS AT THE COUNCIL HOUSE

Welcome to the Council House

In the event of the alarm sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.

There is to be no smoking on the premises in line with national legislation. It is an offence to smoke in or on these premises.

Please turn off your mobile phones and mobile communication devices during the meeting.

Thank you for your co-operation.

DEVELOPMENT CONTROL COMMITTEE

Let me first inform you that this is a Committee Meeting of the Council, members of the public are here to observe the proceedings and should not make contributions to the decision-making process.

THE CHAIRMAN will announce:-

- "The following procedure will be observed:
- The site visit reports will be taken first.
- The applications with public speaking will be taken next, in numerical order.
- The officer will make a brief presentation on each public speaking item. The identified objector will then be called by name and will have no more than 3 minutes to speak. The applicant or agent will then be invited to reply and again will have no more than 3 minutes. Will speakers please make sure that they do not over-run their time. (A system of lights will operate - green when the speaker starts, amber after 2½ minutes and red at 3 minutes).
- After public speaking on each application, the item will be thrown open for discussion by the Committee. There will be no questioning by Members of objectors, applicants or agents, who will not be able to speak again.
- The Committee will make a decision on each item in turn - to approve, refuse or defer.
- The remaining applications will then be taken in numerical order."
- All those attending this Committee should be aware that additional papers known as the "Pre-Committee Notes" are placed around the table and the public area. These contain amendments, additional representations received, etc., and should be read in conjunction with the main agenda to which they relate. They are fully taken into account before decisions are made.

Our Ref:
MKJ110313

Your Ref:

Please Ask For:
Mrs M Johal

Telephone No:
01384 815267

28th February 2013

Dear Councillor

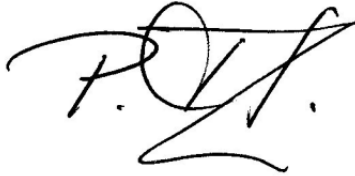
DEVELOPMENT CONTROL COMMITTEE

Monday 11th March, 2013 at 6.00 p.m.

You are requested to attend a meeting of the Development Control Committee to be held on Monday 11th March, 2013 at 6.00 p.m. in Committee Room 2 at the Council House, Dudley, to consider the business set out in the agenda below.

The agenda and public reports are available on the Council's Website www.dudley.gov.uk and follow the links to Councillors in Dudley and Committee Management Information System.

Yours sincerely



Director of Corporate Resources

AGENDA

1. APOLOGIES FOR ABSENCE

To receive apologies for absence from the meeting.

2. APPOINTMENT OF SUBSTITUTE MEMBERS

To report the appointment of any substitutes for this meeting of the Committee.

3. DECLARATIONS OF INTEREST

To receive declarations of interest in accordance with the Members' Code of Conduct.

4. MINUTES

To approve as a correct record and sign the minutes of the meeting held on 18th February 2013.

5. PLANS AND APPLICATIONS TO DEVELOP (PAGES 1 – 136)

6. DRAFT “PLANNING FOR HEALTH SUPPLEMENTARY PLANNING DOCUMENT” – APPROVAL TO CONSULT (PAGES 137 – 139)

To consider a report of the Director of the Urban Environment.

7. TO ANSWER ANY QUESTIONS UNDER COUNCIL PROCEDURE RULE 11.8 (IF ANY)

Distribution:

To all Members of the Development Control Committee

Casey	Harris	Herbert	Roberts	S Turner
Mrs Westwood	C Wilson	Wright	Zada	

AGENDA INDEX

Please note that you can now view information on Planning Applications and Building Control Online at the following web address:

(Upon opening this page select 'Search for a Planning Application' and when prompted input the appropriate planning application number i.e. P09/---)
<http://www.dudley.gov.uk/environment--planning/planning/online-planning-and-building-control>

PLANS AND APPLICATIONS TO DEVELOP

Pages 1 – 8	P12/1396 – 17 Dorset Road, Wollaston, Stourbridge – Erection of Raised Platform to Front Garden (Retrospective).
Pages 9 – 28	P12/1511 – Nexia House, The Broadway, Dudley – Conversion of Vacant Office Block to 12 No Apartments.
Pages 29 – 35	P12/1529 – 16/18 Hagley Road, Stourbridge – Change of use from Insurance Offices (B1) to Private Day Nursery (D1).
Pages 36 – 42	P12/1565 – Summit Garage, 415 Himley Road, Lower Gornal, Dudley – Display of Internally Illuminated Pylon Sign (Resubmission of Part Refused Application P12/0434).
Pages 43 – 54	P12/1573 – 2 Tamar Rise, Stourbridge – Erection of 1 No Maisonette Comprising 2 No Flats with Associated Car Parking.
Pages 55 - 114	P12/1598 – Land Between Black Country Living Museum and Dudley Zoological Gardens, Dudley – Creation of New Car Park Providing 600 Parking Spaces and Coach Parking Facilities with Associated Secondary Access off the Main Access Road, Provision of a Surfaced Recreational Route Linking Existing Tourist Attractions, Erection of a Visitor Hub, Provision of a New Visitor Entrance to Dudley Zoological Gardens, Associated Infrastructure Works and Diversion of a Public Right of Way.
Pages 115 - 119	P13/0078 – Blackbrook Valley South of Saltwells Inn, Saltwells Lane, Quarry Bank – Fell 1 Ash Tree.
Pages 120 – 124	P13/0125 – Pasture Cottage, Racecourse Lane, Norton, Stourbridge – 'Fell 1 Conifer Tree.
Pages 125 – 136	P13/0018 – 56 Greenhill Road, Halesowen – Two Storey Side and Single Storey Side/Rear Extensions (Following Demolition of Existing Garage) (Resubmission of Refused Application P12/1371).

DEVELOPMENT CONTROL COMMITTEE

Monday, 18th February, 2013 at 6 pm
in Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Harris (Chair)
Councillor Roberts (Vice-Chair)
Councillors Casey, Herbert, S. Turner, Mrs. Westwood, C. Wilson, Wright
and Zada

OFFICERS:-

Mr. J. Butler, Mr. T. Glews, Mr. N. Howell, Mrs. H. Martin, Mr. D. Owen and
Ms. H. Yorke (all Directorate of the Urban Environment), Mrs. G. Breakwell
and Mr. J. Jablonski (Directorate of Corporate Resources)

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DECLARATIONS OF INTEREST

In accordance with the Members' Code of Conduct, non-pecuniary interests
were made by the following:-

Councillor C. Wilson in Planning Application No. P12/1588 (Heath House
Ounty John Lane, Pedmore, Stourbridge) as he knew the applicants.

Councillor Wright in Planning Application No. P12/1447 (Site of Former
Cradley High School, Homer Hill Road, Cradley, Halesowen) as he is a
tenant of Midland Heart, the applicant.

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MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 28th
January, 2013, be approved as a correct record and signed.

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PLANS AND APPLICATIONS TO DEVELOP

A report of the Director of the Urban Environment was submitted on the following plans and applications to develop. In addition, where appropriate, details of the plans and applications were displayed by electronic means at the meeting. In addition to the report submitted, notes known as Pre-Committee notes had also been circulated updating certain of the information given in the report submitted. The content of the notes were taken into account in respect of the applications to which they referred.

The following persons referred to had indicated that they wished to speak at the meeting and, unless indicated, spoke on the planning applications:-

Plan No. P12/1447 - Councillor Body, Ward Member, and Mr. H. Bloomer objectors and Ms. Louise Brooke-Smith an agent.

Plan No. P12/1529 - Ms. S. Ramsey - applicant.

Plan No. P12/1587 - Mr. J.H. Waterfield - an objector and Mr. Rowland - applicant.

- (i) Plan No. P12/1447 - Site of Former Cradley High School, Homer Hill Road, Cradley, Halesowen - Hybrid Application for: Part A: Full Planning Permission for the Development of 120 Apartment Retirement Village with Communal Facilities and Associated Parking in a part single and part three-storey building. Part B: Outline Application for the Erection of Eleven Dwellings (access and landscaping to be considered).

Decision: Approved, subject to conditions numbered 1 to 36 in respect of Part A: Extra Care Facility and conditions numbered 1 to 15 in respect of Part B: Housing; all as set out in the Pre-Committee notes circulated at the meeting.

- (ii) Plan No. P12/1529 - 16/18 Hagley Road, Stourbridge - Change of Use from Insurance Offices (B1) to Private Day Nursery (D1)

Although recommended for refusal, Members gave particular consideration to information set out in the Pre-Committee notes, containing a letter from the applicant, regarding proposed arrangements for staff car parking and the applicant's acceptance of a condition limiting any approval granted to three years so that the matter could be reviewed in the light of experience. A number of members were minded to approve the application, subject to seeing the conditions to be imposed.

Decision: Deferred, so as to enable the Officers to report back to the next meeting of the Committee with conditions in respect of this application.

- (iii) Plan No. P12/1587 - Residential building plot adjacent to 49 Ruiton Street, Lower Gornal, fell one maple tree, prune hazel trees

Decision: Approved, subject to conditions numbered 1 and 2, as set out in the report submitted, together with an additional condition, numbered 3, as follows:-

3. A replacement tree shall be planted between the beginning of November and the end of March, within one year of felling (and replanted if necessary) and maintained until satisfactorily established. The size, species and location of the replacement tree shall be given in writing to the Local Planning Authority prior to the felling of the tree to which this application relates.

- (iv) Plan No. P12/0666 - Morrisons Supermarket, Stallings Lane, Kingswinford - Demolition of Existing Industrial Unit, Petrol Filling Station and Food Store. Erection of new Food Store (A1), Petrol Filling Station and Associated Car Parking and Delivery Areas

Decision: Approved, subject to conditions numbered 1 to 3, 9, 12, 16-23, 28-31, 33, 42-45, as set out in the report submitted, together with amended conditions numbered 4 to 8, 10, 11, 13, 14, 15, 24 to 27, 32, 34 to 39, 40 and 41, and additional conditions, numbered 46 and 47, as follows

4, 5, 6, 13, 15, 24, 26, 27 and 41 - inclusion of the following wording: (save for the demolition of the existing industrial unit).

7, 8, 10 and 11 - inclusion of the following wording: no development shall begin (save for the demolition of the existing industrial unit) until....

14 - Development shall not commence until a construction dust management plan has been submitted to and approved in writing by the Local Planning Authority. The plan should set out those measures to be employed to minimise dust impact during the site preparation and construction phase of the development. All works which form part of the scheme shall be implemented throughout the site preparation and construction phase of the development.

25 - At least 10% of the energy supply of the development shall be secured from de-centralised and renewable or low-carbon energy sources (as described in the glossary of Planning Policy Statement: Planning and Climate Change (December, 2007)). Prior to the occupation of the store, works detailed within the approved Renewable Energy Strategy shall be implemented in full in accordance with the Strategy and retained as operational thereafter, unless otherwise agreed in writing with the Local Planning Authority.

32 - Within twelve weeks of the building being brought into use, a final Certificate shall be issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating "Very Good or above" has been achieved for this development.

34-39 - conditions amended so that the details only need to be submitted prior to the commencement of development (save for the demolition of the existing industrial unit) rather than the commencement of the tree clearance.

40 - Unless otherwise agreed in writing, the development shall not commence until the detailed design of the highway improvements on Stallings Lane, associated section of new public highway, temporary works required to facilitate these improvements and timescales for the works have been submitted for approval. The development should not commence trading until the highway scheme has been approved in writing and implemented in accordance with the agreed details.

46 - No work involving ground disturbance or demolition shall begin until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI), which has first been submitted to and approved in writing by the Local Planning Authority.

47 - For a period not exceeding six months from the date of occupation, no deliveries shall be made to the site before the hours of 0600 nor after 2300. At the end of the six month period from the date of occupation, no deliveries shall be made to the site before the hours of 0600 nor after 2200.

(v) Plan No. P12/1514 - 11 Sulgrave Close, Dudley: Fell one Horse Chestnut Tree

Decision: Approved, subject to Conditions numbered 1 and 2 as set out in the report submitted.

- (vi) Plan No. P12/1519 - Stambermill House, Cemetery Road, Lye - Fell one Holly Tree, Corsican Pine Tree and one Laburnum Tree. Raise Crown to two Corsican Pine Trees and one Beech Tree. Crown thin one Corsican Pine Tree. Crown lift one Yew Tree. Pollard one Lime Tree. Raise Canopy and Crown Reduce four Lime Trees. Grind out Stumps to two Lime Trees and Remove Secondary Limb to one Sorbus and one Ash Tree. Crown Lift one Scotts Pine to six metres

Decision: Approved, subject to the condition set out in the Report Submitted.

- (vii) Plan No. P12/1521 - Former Cox Hire Limited, Land at Birmingham Street, Stourbridge - Erection of Hotel (C1) and Pub/Restaurant (A4), New Access off Birmingham Street with Associated Parking and Landscaping

Decision: Approved, subject to Conditions numbered 1 to 3, 5 to 27 and 29 to 40, as set out in the Report Submitted together with amended Conditions numbered 4 and 28, as follows:-

4 - Landscape plans (including an establishment and maintenance programme, taking into account appropriate improvements for nature conservation shall be submitted and approved by the Local Planning Authority (in consultation with "Transition Stourbridge") before any development commences. All works must be carried out in accordance to the approved plans and programmes.

28 - No development shall commence until details of nature conservation enhancement works have been submitted to and approved in writing by the Local Planning Authority (in consultation with "Transition Stourbridge"). 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.

- (viii) Plan No. P12/1524 - 62 The Broadway, Norton - Fell one Eucalyptus Tree

Decision: Approved, subject to conditions numbered 1 and 2, as set out in the report submitted.

- (ix) Plan No. P12/1574 - 22 Westcroft Road, Sedgley - Fell one Pine Tree

Decision: Approved, subject to the conditions numbered 1 and 2, set out in the report submitted.

- (x) Plan No. P12/1588 - Heath House, Ounty John Lane, Pedmore - Fell two Beech Trees and one Prunus. Prune one Eucalyptus, one Conifer and remove deadwood from two Cherry Trees. Reduce Canopy by 25% to one Beech Tree. Crown lift lower branches to one Beech Tree and one Beech Tree

Decision: Approved, subject to the condition set out in the report submitted.

- (xi) Plan No. P12/1437 - 2 Blackthorne Close, Dudley - Erection of Wooden Gazebo in Rear Garden (Retrospective)

Decision: That the application be approved.

- (xii) Plan No. P12/1562 - 62 Sandringham Road, Wordsley - single Storey Side/Rear Extension, First Floor and two Storey Side Extension and New Front Entrance Porch. Pitched Roof over Existing Garage and Single Storey Rear Extension (Retrospective) (Resubmission of Approved Application No. P12/0595)

Decision: Approved, subject to conditions numbered 1 and 2, as set out in the report submitted.

- (xiii) Plan No. P12/1602 - 41 Dorchester Road, Pedmore - two Storey Rear and Single Storey Side/Rear Extensions

Decision: Approved, subject to conditions numbered 1 to 3, as set out in the report submitted.

A report of the Director of the Urban Environment was submitted on the New Housing Development Supplementary Planning Document (SPD) Revised 2013.

RESOLVED

That the information contained in the report submitted, on the New Housing Development Supplementary Planning Document (SPD) Revised 2013, be noted.

PLANNING APPLICATION P08/0890 - ERECTION OF NEW DWELLING
AND TWO STOREY REAR EXTENSION TO 21 SPRING STREET, LYE

A report of the Director of the Urban Environment was submitted on a request received to enter into a Deed of Revocation in respect of the Section 106 Agreement associated with Planning Application P08/0890 and to pursue the outstanding Section 106 financial contributions.

RESOLVED

That, for the reasons set out in paragraph 7 of the report submitted, a Deed of Revocation to the Section 106 Agreement associated with Planning Application P08/0890 be not entered into and that the outstanding Section 106 financial contributions be pursued.

The meeting ended at 8.22 p.m.

CHAIR

PLANNING APPLICATION NUMBER:P12/1396

Type of approval sought	Full Planning Permission
Ward	Wollaston & Stourbridge Town
Applicant	Mr S. Bridges
Location:	17, DORSET ROAD, WOLLASTON, STOURBRIDGE, DY8 4SY
Proposal	ERECTION OF RAISED PLATFORM TO FRONT GARDEN (RETROSPECTIVE)
Recommendation Summary:	APPROVE

SITE AND SURROUNDINGS

- 1 The application site consists of an extended 1950s semi detached dwelling that forms part of a medium density former Council estate, which is typified by large gaps between each semi detached pair.

PROPOSAL

- 2 This planning application is for the provision of a raised platform on an existing sloping drive to the front of the dwelling. The raised platform is already in situ and this application is for its retention.
- 3 The platform has a wedge like profile due to the sloping nature of the drive, and has a maximum height of around 0.6m which is on the side furthest away from the highway.
- 4 The raised platform is used to park a touring caravan (ancillary to the enjoyment of a dwelling) and this storage does not require planning permission, just the structure on which it sits.

HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
SB/67/85	Garage laundry bathroom w.c. and bedroom.	Granted	30/03/67
SB/67/477	Porch.	Refused	14/12/67
82/50969	Erection of bathroom garage and storeroom.	Granted	24/06/82
P07/2276	Rear conservatory	Granted	04/12/2007

PUBLIC CONSULTATION

- 5 1 letter of objection received, following consultation with 20 adjoining neighbours.
Main issues raised:

- Covenant in place which prevents caravans from being parked within the curtilage
- The construction blocks light to the window
- Position of the caravan blocks visibility when exiting from drive
- Overlooking
- Materials used are out of keeping
- Creates security issues
- Construction to the boundary prevents a wall being built to the boundary

OTHER CONSULTATION

- 6 Group Engineer (Development) – No objection.

RELEVANT PLANNING POLICY

- National Planning Guidance (2012)

National Planning Policy Framework

- Black Country Core Strategy (2011)

ENV 2 Historic Character and Local Distinctiveness

ENV 3 Design Quality

- Unitary Development Plan (2005) (Saved Policies)

DD1 Urban Design

DD4 Development in Residential Areas

ASSESSMENT

7 The main issues are

- Principle
- Design
- Neighbour Amenity
- Occupier Amenity
- Access and Parking

Policy

8 The main policies which are relevant to this application are ENV2 of the Black Country Core Strategy and Saved Policies DD1 and DD4 of the Dudley Unitary Development Plan.

9 Policy ENV2 – Historic Character and Local Distinctiveness - states that all development should aim to protect and promote the special qualities, historic character and local distinctiveness of the Black Country. The policy makes particular reference to areas of extensive lower density suburban development of the mid 20th century including public housing and private developments of semi-detached and detached housing.

10 Saved Policies DD1 – Urban Design and DD4 – Development in Residential Areas generally require new development to be appropriate in terms of their design ensuring that proposals fit into the wider area. In addition DD4 requires new

development to have no detrimental impact on neighbour amenity and/or highway safety.

Design

- 11 The raised platform is a wedged shaped structure which is set in 1.53m from the back edge of the highway, and measures 6.99m by 3.14m and has a maximum height of 0.68m, at its southern end, which is furthest from the road.
- 12 The raised platform is surfaced in concrete and has concrete block sides, laid in stretcher bond, and sits along the existing hard standing and parking area to the dwelling.
- 13 The visual impact of the raised platform needs to be considered on its own merits as the stationing of the caravan on the platform does not require consent.
- 14 In terms of visual impact the platform is only apparent when viewed from relatively close up, with the more distant views along Dorset Road screened by planting and parked cars.
- 15 It should also be noted that there are a number of other raised platforms/terraces within Dorset Road, including one at No. 19 immediately to the west of the site which is used for parking and is faced in grey brick. Other examples are found at Nos. 5, 21, 23 43 and 45. These platforms are generally faced in brick, but there are a variety of surfacing materials including concrete. It is therefore considered that raised platforms to the front of properties are not out of character in the existing streetscene.
- 16 In terms of close up views the platform is no more evident then some of the other raised platforms within the street and as such it would be difficult to argue that the platform would be visually harmful.

- 17 In terms of the facing materials, there are many examples of drives and raised platforms being surfaced in concrete. The side elevations being finished in concrete block is more of a concern, however, the relative localised impact and the modest height of the structure mean that it would be difficult to justify refusal and removal as the appearance of the platform is not significantly different from the one to the front of the neighbouring property.

Neighbour Amenity

- 18 As stated above the impact of the actual caravan is not for consideration in that the stationing of the caravan does not require consent, and therefore only the impact of the raised platform can be considered.
- 19 The raised platform would be located adjacent to the boundary with the neighbour. However due to the generous nature of the plots it would be some 4 to 5m away from the centre point of the front habitable room window and there is no amenity impact from the actual 0.6m raised platform.

Highway Safety

- 20 The concerns of the neighbour with regard to visibility when exiting their drive is noted. However the stationing of the caravan on the platform would not be a sufficient reason to justify the refusal of the application on highway safety grounds even if were to require consent. This is because the visibility splay which can be achieved from the neighbours drive with the caravan stationed is in excess of the minimum visibility requirements which would be required for a small residential development onto a 30mph estate road. As such the Group Engineer (Development) raises no objection to the development.

Other Matters

- 21 The neighbour makes reference to there being a covenant in place at the site which prevents the stationing of caravans and boats within the curtilage of dwellings within Dorset Road.
- 22 Even if such a covenant was in place it would not be a material planning consideration, however the Head of Law and Property has checked the sale documents for the application property and advises that there is no covenant that prevents the stationing of caravan at the application premises.

CONCLUSION

- 23 The provision of the raised platform is not considered to be sufficiently harmful in terms of appearance, neighbour amenity and/or highway safety to justify refusal of planning permission. The proposal accords with the relevant Black Country Core Strategy and saved Policies of the Dudley Unitary Development Plan.

RECOMMENDATION

It is recommended that the application be APPROVED.

Reason for approval

The provision of the raised platform is not considered to sufficient harmful in terms of appearance, neighbour amenity and/or highway safety to justify refusal of planning permission. Consideration has been given to policies TRAN2 Managing Transport Impacts of New Development ENV 2 Historic Character and Local Distinctiveness and ENV 3 Design Quality of the Black Country Core Strategy and saved policies DD1 and Urban Design DD4 Development in Residential Areas of the Dudley Unitary Development Plan.

The decision to grant planning permission has been taken with regard to the policies and proposal of the Black Country Core Strategy (2011) and the saved 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.

Notes to Applicant/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.

17 DORSET ROAD WOLLASTON DY8 4SY



17 JAN 2013

PLANNING APPLICATION NUMBER:P12/1511

Type of approval sought	Full Planning Permission
Ward	Castle & Priory
Applicant	Mr J. Goodall, Regal Invest LLP
Location:	NEXIA HOUSE, THE BROADWAY, DUDLEY, WEST MIDLANDS, DY1 4PY
Proposal	CONVERSION OF VACANT OFFICE BLOCK TO 12 NO. APARTMENTS.
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The 0.06ha application site comprises of a purpose built three storey office building constructed in the late 1960's occupying a prominent plot fronting The Broadway. The site has undercroft parking, with gated ramped access and a pedestrian entrance in the south-eastern elevation. To the rear is an external staircase providing emergency exit. The building is currently vacant but was previously used for offices (Use Class B1a).
2. The site is enclosed by an approximately 2m high wall and railings across the frontage, with just a brick wall along the rear boundary, beyond which is car parking for Dudley College Broadway Campus.
3. A service road (continuing from Tower Street) runs alongside the south-eastern elevation leading to a car parking serving the Aston Auctioneers and Cost Cutter retail store which is on the opposite corner. Beyond this are the grounds of Dudley Zoo and Castle.

4. The north-western boundary is adjoined by a recently converted office to residential use – 10 The Broadway, this being a two storey building with three storey extension at the rear.
5. On the opposite side of The Broadway is the recently constructed Dudley College Evolve campus.
6. The application site is located within Dudley Town Centre Conservation Area and also falls within (UDP designated) Town Centre Development Block 6.

PROPOSAL

7. This planning application seeks planning approval for a change of use of the building from offices to 12 No. apartments (comprising of 2 No. 1 bed and 10 No. 2 bed apartments).
8. An amended parking layout shows a total of 16 undercroft parking spaces (including 5 disabled parking spaces). A bin store and cycle store would also be accessed from the undercroft parking area.
9. During the course of the application an amendment was received to improve the car parking layout following concerns raised by the Group Engineer (Development).

RECENT PLANNING HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
95/51241	Construction of pitched tiled roof to replace existing flat roof and replacement of all windows.	Approved with Conditions	27/10/95
DB/67/3081	Erection of office block and car park.	Approved with Conditions	16/11/67

PUBLIC CONSULTATION

10. Direct notification was carried out to thirteen adjoining and adjacent premises, a site notice and local newspaper advert were also posted, as a result of which representation was received from No.10 The Broadway, summarised as follows;

- Over development of site, undesirable in Conservation Area
- Over supply of apartments existing in the local area
- Unsold or unlet apartments in St James's Road blight area and lead to deterioration of the existing housing stock
- Limited parking
- Would lead to detrimental effect on highway, adding to heavily used road
- No amenity space provided
- Trees removed from site without permission.
- Boundary walls/fences are climbable and fire escape security hazard, providing means of intruder entry
- Loss of amenity and increased noise if converted to apartments

11. Whilst the objection also suggested that there was an infestation of Japanese Knotweed on or near the boundary of the property, the applicant has confirmed there is no Japanese Knotweed on the actual site.

OTHER CONSULTATION

12. Head of Environmental Health and Trading Standards: No objection, subject to noise condition.

13. Group Engineer (Development): Following submission of amended parking layout and unallocated spaces, no objection is raised.

14. West Midlands Police: Advice given to increase security of future use of building, these have been forwarded to the applicant, who confirm compliance.

15. Fire Service: No objections but advise that they require vehicle access to within 45m of all points within the dwellings.

RELEVANT PLANNING POLICY

16. National Planning Policy Framework (NPPF) (2012)

17. Black Country Core Strategy (2011)

CSP1 – The Growth Network

CSP3 – Environmental Infrastructure

DEL1 – Infrastructure Provision

DEL2 – Making the Balance between Employment Land and Housing

HOU1 – Delivering Sustainable Housing Growth

HOU2 – Housing Density Type and Accessibility

CEN2 – Hierarchy of Centres

CEN4 – Regeneration of Town Centres

TRAN2 – Managing Transport Impacts of New Development

TRAN4 – Creating Coherent Networks for Cycle and for Walking

TRAN5 – Influencing the Demand for Travel and Travel Choices

ENV1 – Nature Conservation

ENV2 – Historic Character and Local Distinctiveness

ENV3 – Design Quality

ENV7 – Renewable Energy

ENV8 – Air Quality

WM5 – Resource Management and New Development

Regeneration Corridor 11a Dudley Town Centre – Brierley Hill

18. Saved UDP Policies

DD1 Urban Design

DD4 Development in Residential Areas

DD10 – Nature Conservation and Development

NC9 – Mature Trees

DTC2(V) Block 6 – Broadway/Castle Hill

HE4 – Conservation Areas

CR13 Residential Development in Centres

SO2 – Linear Open Space

SO3 – Access and Enhancement of Green Belt and Linear Open Space
EP7 – Noise Pollution

19. Dudley Town Centre Area Development Framework (ADF)

20. Supplementary Planning Documents

Parking Standards

New Housing Development (Revised 2013)

Planning Obligations

Design for Community Safety Supplementary Planning Guidance

ASSESSMENT

21. The key issues in determination of this application are;

- The principle of the use
- Impact upon Dudley Town Centre Conservation Area
- Impact upon residential amenities
- Access and parking
- Whether provision is made for Planning Obligations
- New Homes Bonus
- Renewable Energy

The principle of the use

22. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development such that development proposals which accord with the development plan should be approved without delay.

23. In broad strategic planning terms, there is support for this proposal: particularly through its alignment with the provisions of paragraph 51 of the NPPF, which states
‘LPAs should identify and bring back into use residential use empty housing and buildings in line with local housing and empty homes strategies....they should normally approve planning applications for change to residential use

and any associated development from commercial buildings...where there is a need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate’.

24. BCCS Policy DEL2 requires justification that the existing employment use is no longer viable and that its change of use would not result in the loss of a significant employer, and/or the buildings reuse for flats would prejudice the operation of existing business uses nearby.

25. On this, it is noted that The Head of Environmental Health and Trading Standards has no fundamental objections to the proposal, subject to the provisions of a condition requiring noise mitigation measures, and the submitted Planning Supporting Statement states that the property has been vacant since early 2011. Despite marketing in this intervening period, no credible interest has been shown.

26. Given the above reasoning and the general steer of the NPPF in promoting sustainable residential development, particularly though the recycling of buildings and sites within the urban area there is no primary planning policy reason that would require the safeguarding of this employment use.

27. In addition the government has signalled its clear intention to make such a change of use permitted development in Spring 2013, where no external alterations are required. There are no external alterations currently proposed.

28. Further policy support for the principle of this proposed change of use can be found through the broad application of Core Strategy Policy HOU1 through the provision of additional housing on previously developed land, and Saved UDP Policy CR13, which states that the Council will support proposals for new residential development in centres, where they would contribute to maintaining and enhancing the viability and vitality of the centre.

29. The site also falls within (UDP designated) Town Centre Development Block 6, where residential development is identified as an acceptable use, and, in the ADF

within the Tower Street Quarter where it is proposed that more than 80 new apartments will be provided – *‘a mixture of small office courts and apartments will be introduced around the Tower Street and Broadway junction...’*. Furthermore, the site is also within Regeneration Corridor 11a, which includes Dudley Town Centre, where the opportunity for residential and leisure led regeneration is specified.

30. The latest Housing Needs Survey (2011) found that in order to encourage more people to move into homes appropriate to their requirements there needs to be more smaller (1 or 2 bedrooms) homes across the borough, this office to residential conversion would contribute to this provision. Changes to the housing benefit regime will also lead to a greater requirement for smaller dwelling types.

31. It is considered that there is no in principle planning policy objection to this proposal as it accords with the development plan.

Impact on Dudley Town Centre Conservation Area

32. BCCS policy HOU2 ‘Housing Density, Type and Accessibility’ sets out the objectives for density and types of new housing, promoting the need to achieve high quality design and minimise amenity impacts, taking into account the characteristics and mix of uses in the area where the proposal is located.

33. BCCS policies CSP4 ‘Place Making’, ENV2 ‘Historic Character and Local Distinctiveness’ and ENV3 ‘Design Quality’ require that all development demonstrates a clear understanding of historic character and local distinctiveness and demonstrates how proposals make a positive contribution to place-making and environmental improvement through high quality design.

34. The proposal ensures the active use of a currently vacant building which will in turn help to preserve and enhance the character and appearance of the Dudley Town Centre Conservation Area.

35. The applicant has confirmed that the existing roller shutter will be removed from the Tower Street entrance door and the existing dwarf wall and railings fronting The Broadway and Tower Street would be retained. These items can be secured by condition.
36. The fenestration of the building is a potential opportunity to improve the appearance of the building and in turn have a positive impact on the wider Conservation Area. The applicant has agreed to a condition requiring details of any replacement windows to be approved by the Council prior to their installation.
37. The only concern relates to the removal of the mature trees on the site's frontage. The applicant has advised the Council that two mature trees on the site frontage were significantly decayed and were leaning precariously, such that they posed an immediate health and safety issue especially as they fronted the highway and that immediate action was taken to remove these trees. Given the positive contribution that these trees made to the Conservation Area, a condition is proposed to ensure that replacement heavy standard trees are planted.
38. Overall Dudley Town Centre Conservation Area's special architectural and historic interest would be safeguarded, in accordance with BCCS Policies ENV2 and ENV3, and Saved UDP Policy HE4.

Impact upon residential amenities

39. The Head of Environmental Health and Trading Standards advises that the site would be subject to traffic noise, however, this can be adequately mitigated by imposition of a noise condition.
40. The neighbour at No.10 The Broadway sits alongside the north-western elevation of Nexia House. This western elevation is a solid wall construction with no windows. Furthermore this neighbouring property does not have habitable room windows in the elevation facing the application site. No harm upon the residential amenities of this occupier would arise.

41. Whilst there is no provision of private amenity space, the site is within a Town Centre location and the New Housing SPD acknowledges that a distinguishing feature of a town centre site is the provision of minimum garden space and that this would be regarded as typical for town centre residential units. It must be recognised that almost opposite to the site is Coronation Gardens and within walking distance there is also Priory Park meaning that future residents would therefore be well served by public open space.
42. The rear fire escape is an existing structure that served the previous use of the building as offices. There is not considered to be any additional security risks as a result of the proposed residential use upon the neighbouring dwelling.
43. It is therefore considered that the proposed use would be in accordance with Saved UDP Policies DD4 and EP7.

Access and parking

44. In accordance with the Parking Standards SPD a total of 16 unallocated parking spaces have been provided, with a total of 5 disabled parking spaces. A cycle store is shown and the application confirms that this would store 24 cycles in accordance with the Parking Standards SPD. There are no objections raised by the Group Engineer (Development) on the parking provision.
45. The existing use as an office would have generated considerably higher volumes of traffic through the narrow access to undercroft parking and the resulting reduction in traffic using the access as a result of the change of use to residential would be a benefit to highway safety. Furthermore, since pedestrian access to the apartments is taken directly from Tower Street there are no pedestrian/vehicle conflicts on the access. Due to these issues, the Group Engineer (Development) does not raise objection to the development based on the narrow width of the vehicle access.
46. The Parking Standards SPD requires that an electric charging point be provided adjacent to at least 1 parking space for each dwelling. Therefore the proposed

development, which provides 12 dwellings, should have 12 electric vehicle charging points, a condition is required to secure this.

47. It must also be taken into account that given that the application site is within Dudley Town Centre, there are also nearby public car parks.

48. The applicant confirms that the overall block is only 25m in length; therefore, there will be vehicle access within 45 metres of all points within the dwellings, as required by the Fire Service.

49. It is considered that BCCS Policies CEN8, TRAN2 and TRAN5 are complied with.

Planning Obligations

50. 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.

51. 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.

52. In determining the required planning obligations on this specific application the following three tests as set out in the CIL Regulations, 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.

53. Following consideration of the above tests the following planning obligations are required for this application:

On-Site Provision (to be secured by condition)

- Economic and Community Development

54. It is considered that this contribution meets the necessary tests as stated above in that it contributes to the delivery of a sustainable development, will be provided directly on the development site itself and is deemed to be in scale and kind to the proposed development.

55. This development complies with the requirements of BCCS Policy DEL1 and the Planning Obligations SPD.

New Homes Bonus

56. Clause (124) of the Localism Act states that: Local planning authorities are to have regard to material considerations in dealing with applications including any local finance considerations, so far as material to the application.

57. The New Homes Bonus is designed to create an effective fiscal incentive to encourage local authorities to facilitate housing growth. It will ensure the economic benefits of growth are more visible within the local area, by matching the council tax raised on increases in effective stock.

58. The Bonus provides local authorities with monies equal to the national average for the council tax band on each additional property and paid for the following six years as a non-ring fenced grant. In addition, to ensure that affordable homes are sufficiently prioritised within supply, there will be a simple and transparent enhancement of a flat rate £350 per annum for each additional affordable home.

59. This proposal would provide 12 houses generating a grant of 12 times the national average council tax for the relevant bands per annum for 6 years.

60. Whilst this is a significant sum of money the planning merits of the proposal are acceptable in any event and therefore this is not accorded significant weight.

Renewable Energy

61. The proposal for 12 No. apartments would be the subject of BCCS Policy ENV7. This policy requires the incorporation of measures to off-set at least 10% of the estimated residual energy demand of the development through renewable energy sources. The submission is silent on this issue. It is therefore advised that consideration is given to the imposition of an appropriate condition to ensure compliance with this policy.

CONCLUSION

62. The proposed development would result in the delivery of a number of residential units in the local area helping to meet identified housing needs whilst bringing a vacant building back into a sustainable and beneficial use which has a positive role in supporting the overall function, vitality and viability of Dudley Town Centre. The development would be well served by off-street parking and therefore highway safety would not be harmed. The residential amenities of existing and proposed occupiers would not be harmed. With relevant conditions, Dudley Town Centre Conservation Area's special architectural and historic interest would be safeguarded. On-site planning obligations would be secured by condition. The proposal would comply with the National Planning Policy Framework (NPPF), Black Country Core Strategy, Saved UDP, Supplementary Planning Documents and Dudley Town Centre Area Development Framework (ADF).

RECOMMENDATION

63. It is recommended that this application be approved subject to the following conditions;

REASON FOR THE GRANT OF PLANNING PERMISSION

The proposed development would result in the delivery of a number of residential units in the local area helping to meet identified housing needs whilst bringing a vacant building back into a sustainable and beneficial use which has a positive role in supporting the overall function, vitality and viability of Dudley Town Centre. The development would be well served by off-street parking and therefore highway safety would not be harmed. The residential amenities of existing and proposed occupiers would not be harmed. With relevant conditions, Dudley Town Centre Conservation Area's special architectural and historic interest would be safeguarded. On-site planning obligations would be secured by condition. The proposal would comply with the National Planning Policy Framework (NPPF), Black Country Core Strategy policies CSP1 – The Growth Network, CSP3 – Environmental Infrastructure, DEL1 – Infrastructure Provision, DEL2 – Making the Balance between Employment Land and Housing, HOU1 – Delivering Sustainable Housing Growth, HOU2 – Housing Density Type and Accessibility, CEN2 – Hierarchy of Centres, CEN4 – Regeneration of Town Centres, TRAN2 – Managing Transport Impacts of New Development, TRAN4 – Creating Coherent Networks for Cycle and for Walking, TRAN5 – Influencing the Demand for Travel and Travel Choices, ENV1 – Nature Conservation, ENV2 – Historic Character and Local Distinctiveness, ENV3 – Design Quality, ENV7 – Renewable Energy, ENV8 – Air Quality, WM5 – Resource Management and New Development, Regeneration Corridor 11a Dudley Town Centre – Brierley Hill, Saved UDP Policies_DD1 Urban Design, DD4 Development in Residential Areas, DD10 – Nature Conservation and Development, NC9 – Mature Trees, DTC2(V) Block 6 – Broadway/Castle Hill, HE4 – Conservation Areas, CR13 Residential Development in Centres, SO2 – Linear Open Space, SO3 – Access and Enhancement of Green Belt and Linear Open Space, EP7 – Noise Pollution, Supplementary Planning Documents - Parking Standards, New Housing Development (Revised 2013) and Planning Obligations, Design for Community Safety Supplementary Planning Guidance and Dudley Town Centre Area Development Framework (ADF).

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 (2011) 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.

INFORMATIVE NOTE – THE COAL AUTHORITY

ALL DEVELOPMENTS WITHIN COALFIELD STANDING ADVICE AREAS

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 999/00: 04A, 05 & 06.
3. The building shall not be occupied until the area shown for unallocated car parking and bin store on the plan numbered 04A has been marked out in accordance with the agreed scheme. The car parking shall remain unallocated for the lifetime of development and shall not thereafter be used for any other purpose unless otherwise agreed in writing with the local planning authority.
4. Prior to the commencement of development, details of well lit, undercover and secure cycle parking facilities (providing at least 24 cycle parking spaces) should be

submitted to and approved in writing by the LPA, and thereafter implemented before occupation in accordance with the approved details and maintained for no other purpose for the life of the development.

5. Prior to the commencement of development, details of the landscaping scheme (which shall include the provision of at least 2 heavy standard trees fronting The Broadway) for the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before the end of the first planting season following initial occupation of the development. Any new trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
6. Development shall not begin until a scheme for protecting residents in the proposed dwellings from noise from the adjacent highway has been submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed before occupation of the permitted dwellings unless otherwise agreed in writing by the Local Planning Authority. The protection measures in the agreed scheme shall be maintained throughout the life of the development.
7. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources (as described in the glossary of Planning Policy Statement: Planning and Climate Change (December 2007)). Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.
8. 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.
9. No development shall commence until details for the provision of 12 external electric charging points have been submitted to and approved in writing by the Local Planning Authority. The Electric Charging point(s) 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.
10. Development shall not commence until details have been submitted to and approved in writing by the local planning authority of the heating appliances, flues, air intake and extraction equipment terminals. Development shall proceed in accordance with the agreed details.
11. Notwithstanding the details shown on the approved drawings prior to development, details shall be submitted to and approved in writing by the local planning authority of the proposed windows not only in terms of their colour and finish but also the

material and style glazing design, and thereafter implemented in accordance with the approved details and retained for the life of the development.

12. The existing wall and railings shall be retained in situ for the lifetime of development.

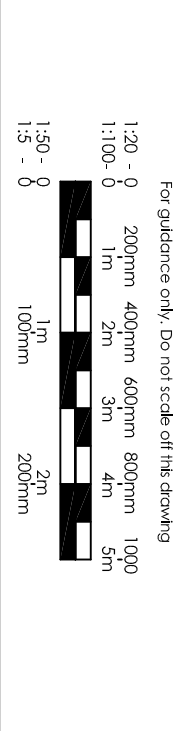
13. Prior to first use of the development hereby approved the roller shutter on the Tower Street entrance shall be removed.

AREA 2 HA
SCALE: 1:1250 on A4
CENTRE COORDINATES: 394549 , 290577

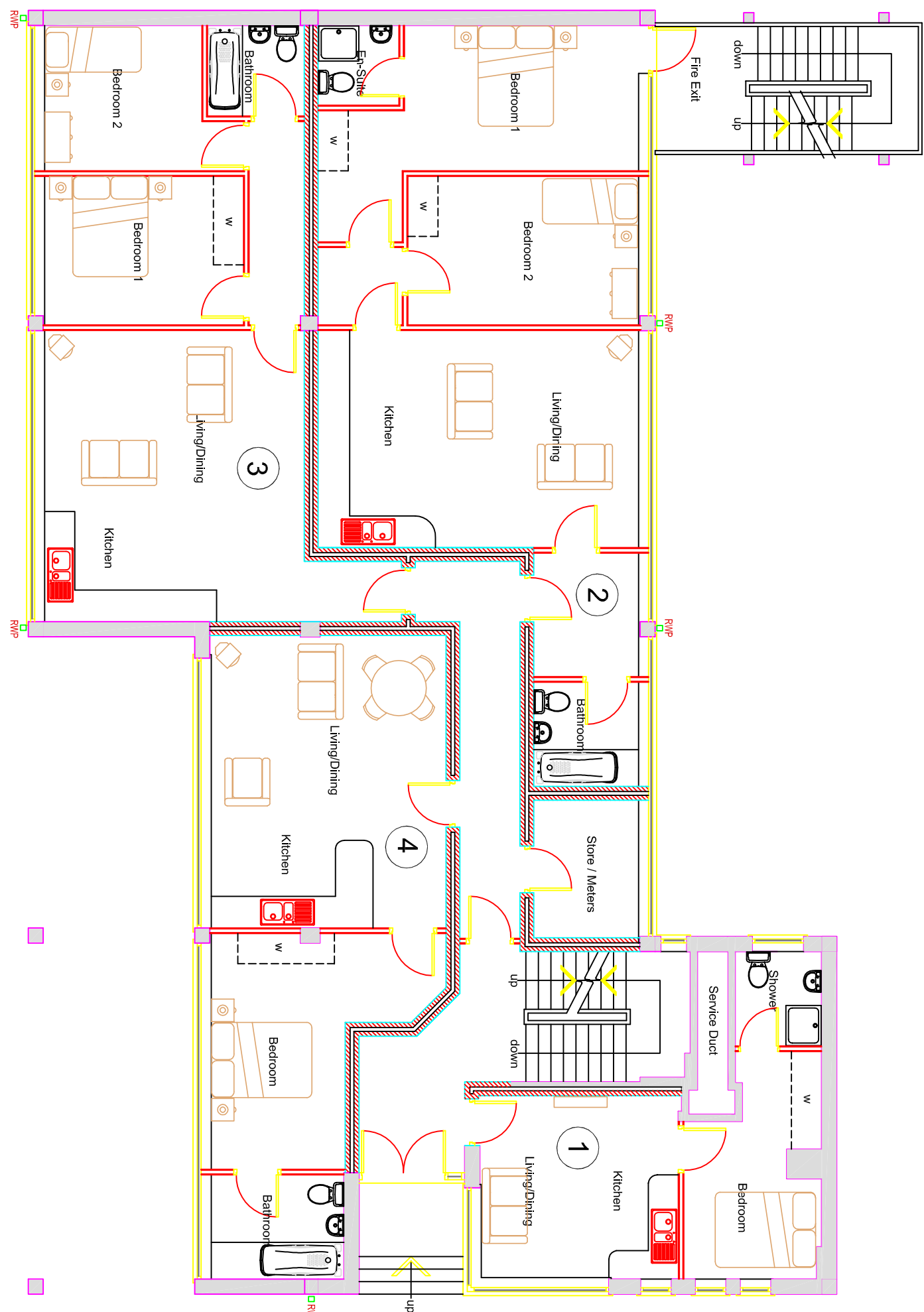
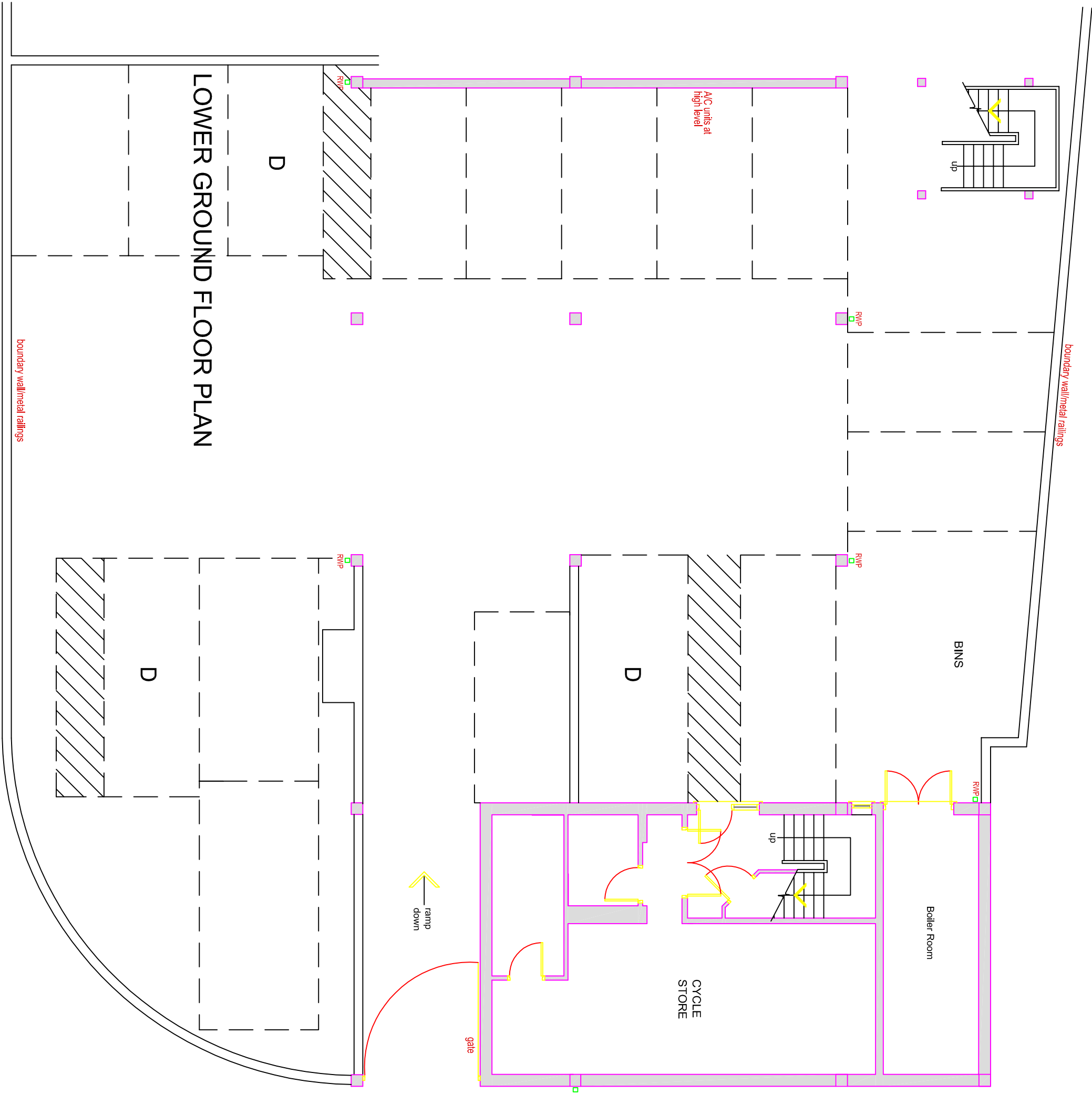


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• The starting point for the building works document was the concept of the 'client brief'. This was developed by the client and the project team, and was agreed locally with all stakeholders for amendments prior to any progress.



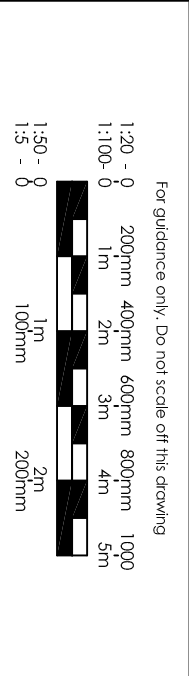
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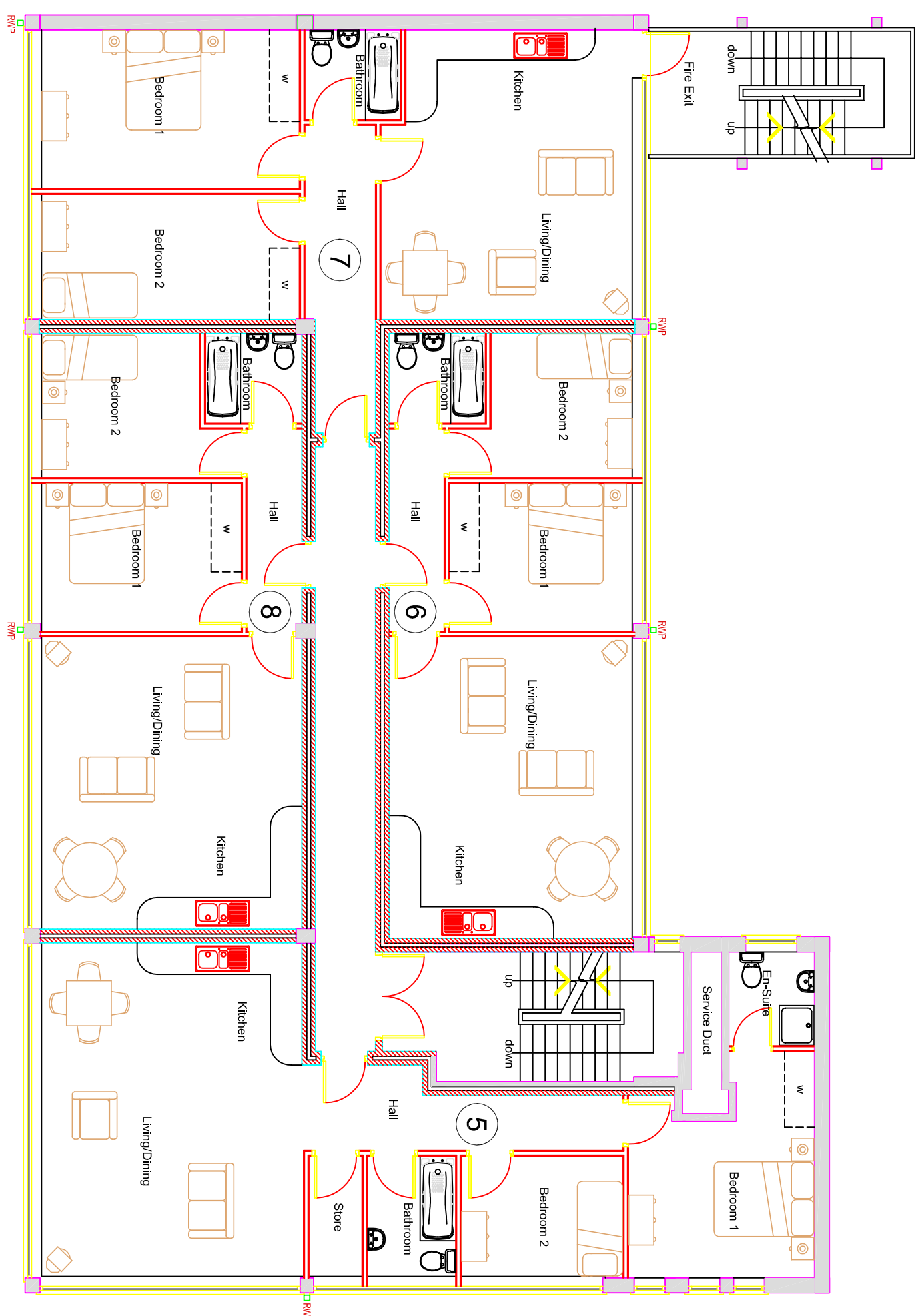
GROUND FLOOR PLAN

Client:	XXXXXXXX
Project:	PROPOSED ALTERATIONS TO NEXA HOUSE, THE BROADWAY, DUDLEY
Title:	FLOOR PLANS - AS PROPOSED
Status:	PLANNING
Job no:	999/00
date:	09/07/12
scale:	1:100
drawing no: 04A	

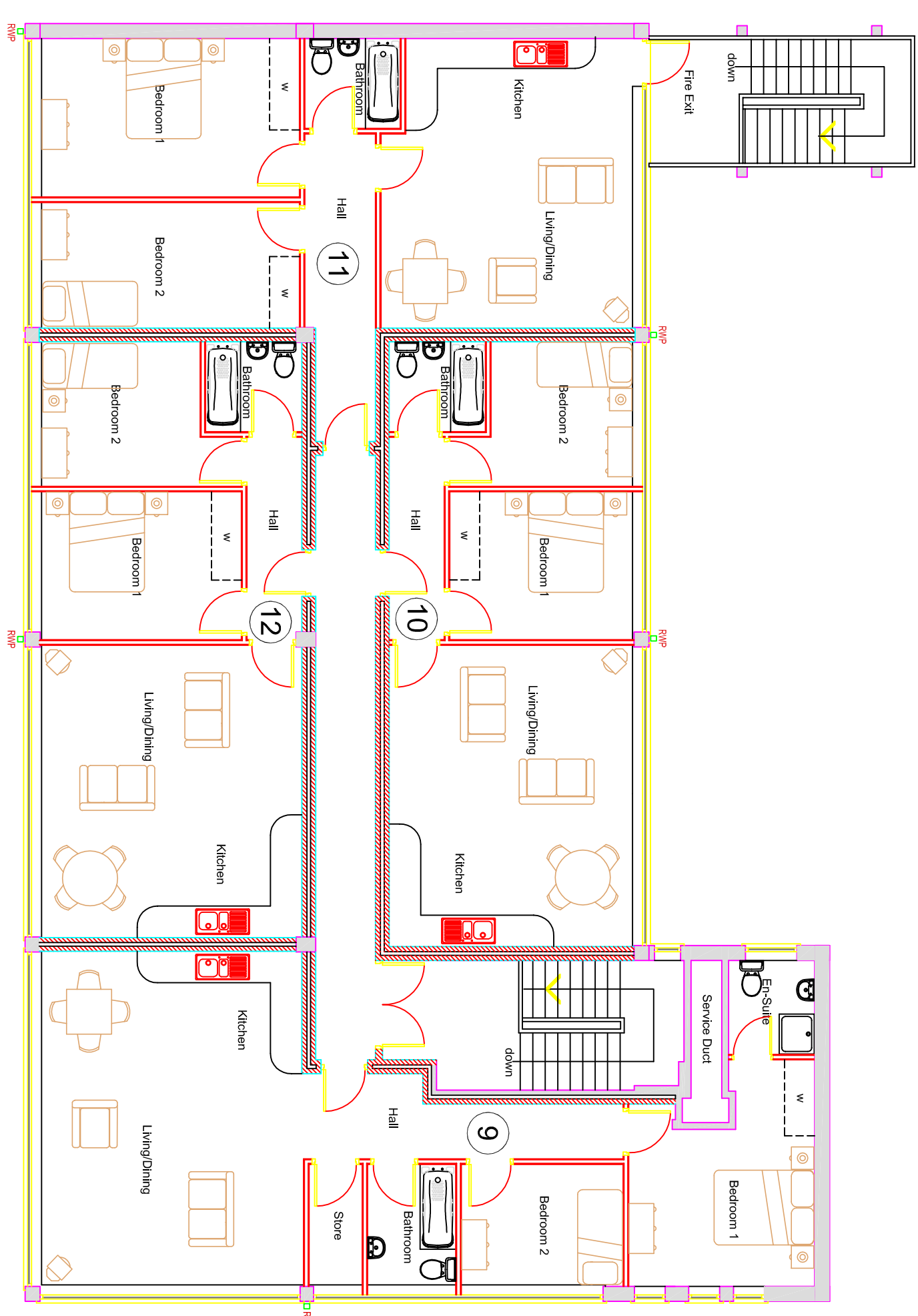
The framing and the building work selected on the concept of the new building is not only a result of the design process, but also a result of the building itself. The building is not only a result of the design process, but also a result of the building itself. The building is not only a result of the design process, but also a result of the building itself.



note



FIRST FLOOR PLAN



SECOND FLOOR PLAN

Client: XXXXXXXXXX

Project: PROPOSED ALTERATIONS TO NEXIA HOUSE, THE BROADWAY, DUDLEY

Title: FLOOR PLANS
- AS PROPOSED

Status: **PLANNING**

<ul style="list-style-type: none"> ● job no.: 999/00 ● date: 09/07/12 ● scale: 1:100 	drawing no.: 05
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PLANNING APPLICATION NUMBER:P12/1529

Type of approval sought	Full Planning Permission
Ward	Wollaston & Stourbridge Town
Applicant	Mrs Sharon Ramsey
Location:	16/18, HAGLEY ROAD, STOURBRIDGE, WEST MIDLANDS, DY8 1PS
Proposal	CHANGE OF USE FROM INSURANCE OFFICES (B1) TO PRIVATE DAY NURSERY (D1)
Recommendation Summary:	RESOLVED TO APPROVE SUBJECT TO CONDITIONS

INTRODUCTION

The above planning application was presented to Members at the Development Control Committee on the 18th February 2013. The officer recommendation was to refuse the application for the following reason:

- The proposed change of use does not make provision for sufficient drop-off and pick up of children and will result in vehicles being displaced onto the highway to the detriment of highway safety contrary to Policy TRAN2 of the Black Country Core Strategy (February 2011) and the adopted Parking Standards SPD.

Following a debate on the proposed development by Members, the Committee resolved to overturn the Officer recommendation and approve the application subject to Conditions. Members requested that any proposed conditions should be considered by the Committee prior to the Decision Notice being issued.

The following conditions are proposed:

- I. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

- II. The use hereby approved shall cease on or before three years from the first operation of the date of this permission.
- III. The development hereby permitted shall be carried out in accordance with the following approved plans: OS Mastermap 27 November 2012.
- IV. Development shall not begin until a detailed scheme for the management of the parking of vehicles and means of access has been submitted to and approved in writing by the local planning authority. The approved management plan shall be implemented commensurate with first occupation of the approved change of use and the development shall be operated in full accordance with the management plan thereafter for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
- V. The use hereby approved shall not operate with more than 70 children unless otherwise agreed in writing by the Local Planning Authority.
- VI. The nursery hereby approved shall only be accessed from the doors situated to the rear of the property (on the west facing elevation). At no time shall the doors upon the front elevation (east facing onto Hagley Road) be utilised for access or egress other than for emergency proposes.

The remainder of this report is identical to that presented to Members at the Development Control Committee on the 18th February 2013.

SITE AND SURROUNDINGS

1. The application site is a vacant office building occupying a plot of 590m² and is set within Stourbridge Town Centre. The application site was formally two properties and now functions as one building. To the rear of the application curtilage is an area of shared car parking utilised by the application site and neighbouring properties. 8 spaces to the rear are allocated to the application site.

2. The application site is bound on both sides by commercial properties. To the south is number 20-22 Hagley Road. These properties as the application site were formally two separate properties now operating as one. It is currently occupied by an estate agent. To the north of the application site is number 14 Hagley Road. This property is operating as offices and includes a physiotherapy practice and an estate agent.

PROPOSAL

3. This application seeks approval for a change of use of the building from offices to day nursery.

HISTORY

4. None relevant

PUBLIC CONSULTATION

5. 2 letters have been received after 19 direct notification letters were sent out and a site notice displayed.
6. 1 letter of objection has been received and refers to the highway safety issues associated with short term drop off and collection of children when vehicles are parked on Hagley Road.
7. 1 letter has been received stating no objection to the proposed change of use.

OTHER CONSULTATION

8. Group Engineer (Development): Raise fundamental concerns with the proposed scheme due to no convenient drop-off and pick-up facility.
9. Head of Environmental Health and Trading Standards: No objections to the proposed scheme.

RELEVANT PLANNING POLICY

10. Black Country Joint Core Strategy
- TRAN2 Managing Transport Impacts of New Development

- CEN2 Hierarchy of Centres
- CEN4 Regeneration of Town Centres
- HOU5 Education and Health Care Facilities

11. Saved Unitary Development Plan Policies

- STC2(xvi) Block 21 – Established areas

12. Supplementary Planning Documents / Guidance

- Parking Standards

ASSESSMENT

13. The main issues are

- Principle
- Access and Parking

Principle/Policy

14. The site is located at the southern gateway to Stourbridge town centre on the outskirts of the ring road. The development block in which the application site is located is an established area where the land use mix is considered as acceptable. Any proposed change of use should not conflict with any other relevant policies.

15. Policy CEN2 Hierarchy of Centres within the adopted Black Country Joint Core Strategy (2011) sets out a hierarchy of centres where investment in retail and town centre uses of an appropriate scale will be promoted and existing provision enhanced, to facilitate sustainable development. Stourbridge is designated as a town centre and will provide comparison retail along with a range of other town centre uses such as office, leisure and cultural facilities. Policy CEN4 Regeneration of Centres identifies the network of town centres in the borough which provide for convenience shopping as well as local comparison shopping opportunities, local services and local leisure

facilities. The nursery will provide a local facility and will enable access to childcare for families in the area and for businesses in the town.

16. Policy HOU5 Education and Health Care Facilities includes pre-school facilities and recommends that they should be well designed and well related to neighbourhood services, amenities and good public transport. This site is well located close to Stourbridge town centre and provides a valuable service for businesses and residents in and around Stourbridge
17. Given the above the proposed use would comply with the requirements of Policies CEN2 Hierarchy of Centres, CEN4 Regeneration of Town Centres and HOU5 Education and Health Care Facilities of the Black Country Core Strategy (February 2011). However, as stated in paragraph 14 of this officer report the proposed change of use should not conflict with any other relevant policies.

Access and parking

18. Hagley Road (A491) forms part of the strategic highway network. These roads are for long distance and strategic traffic. Street parking and direct frontage access will be kept to a minimum to ensure the effective flow of traffic, and the Council will give a high priority to improvements and traffic management measures to assist traffic flows.
19. There are 8 available parking spaces for the application site which is considered as sufficient for the staff potentially present at the site, which is estimated given the floor area to be 11. However, parking at the rear of the site doesn't represent a convenient drop-off and pick up point for parents. The width of the access road to the rear is 4.3m and which is short of the 5.5m which would be expected for two cars to pass safely. This could lead to vehicles having to reverse onto Hagley Road. The inconvenience of using the rear parking area would result in parents indiscriminately parking on Hagley Road, to the detriment of highway safety and the convenience of other highway users. It is noted that the applicant states that the access door to the

nursery facility is to the rear of the property and the doors presently located to the front would be utilised for emergency egress only. It is still considered however on balance that for convenience the patrons of the proposed use would still temporally park on Hagley Road.

20. The proposal fails to provide a convenient drop-off and pick up facility, which will result in parents using Hagley Road, a strategically important highway to drop-off and pick up children. This activity would have a detrimental effect on highway safety contrary to Policy TRAN2 of the adopted Joint Core Strategy, Policies DD1 and DD4 of the saved Unitary Development Plan and the adopted Parking Standards SPD.

CONCLUSION

21. The proposal does not make provision for sufficient drop-off and pick up of children. This will result in vehicles being displaced onto the highway to the detriment of highway safety.

RECOMMENDATION

22. It is recommended that the application be refused for the following reason(s):

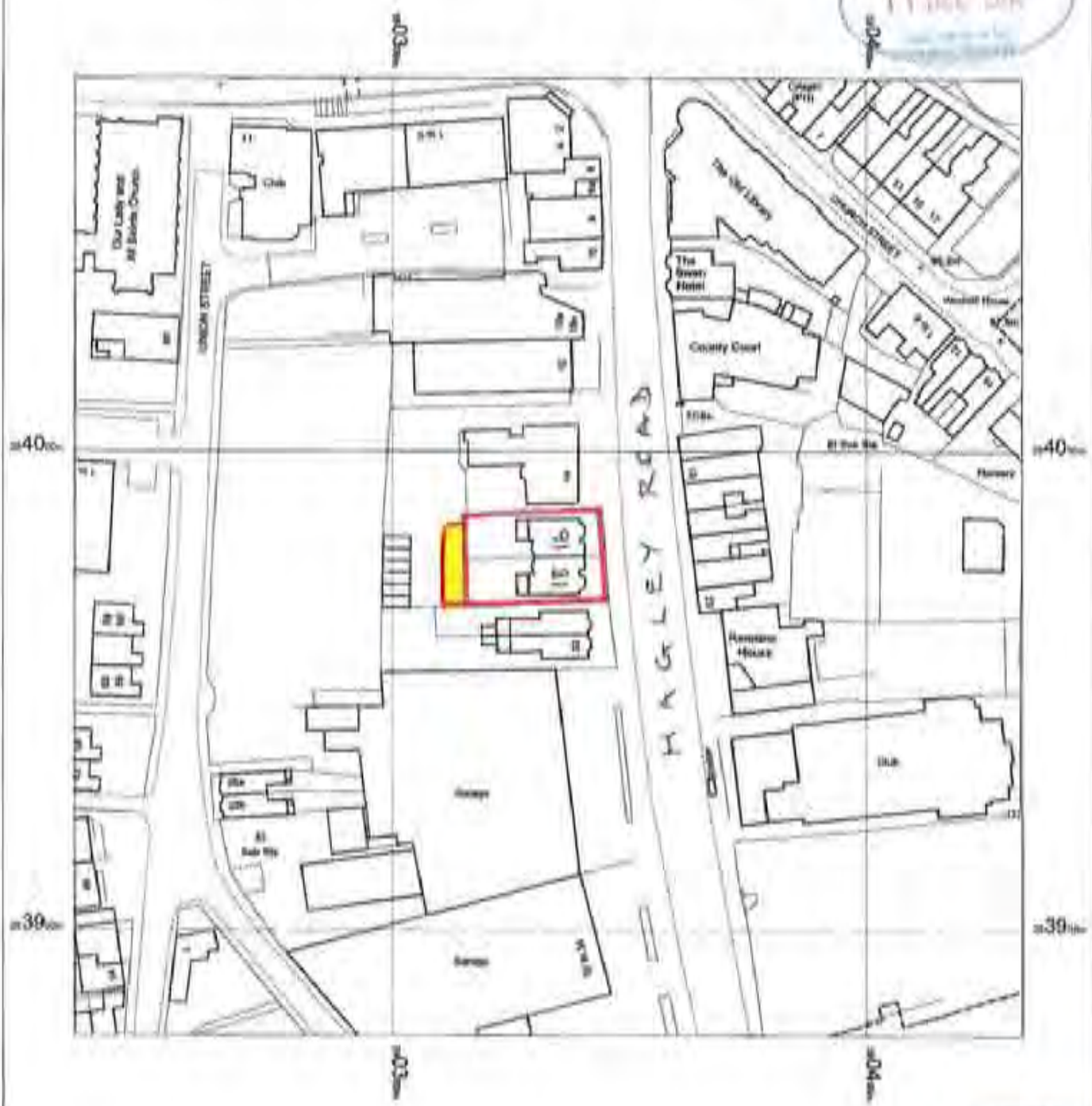
Conditions and/or reasons:

1. The proposed change of use does not make provision for sufficient drop-off and pick up of children and will result in vehicles being displaced onto the highway to the detriment of highway safety contrary to Policy TRAN2 of the Black Country Core Strategy (February 2011) and the adopted Parking Standards SPD.

Note to Applicant

The local planning authority is aware of the requirement of paragraph 186 and 187 in the National Planning Policy Framework to work with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application. In this case, after careful balanced consideration the Local Planning Authority considers that there are insurmountable technical issues in relation to highway safety that have not been satisfactorily resolved to demonstrate that the scheme would result in the creation of a sustainable form of development and thereby failing to improve the economic, social and environmental conditions of the area.

RECEIVED
11 DEC 2012



RECEIVED
- 3 DEC 2012



OS Mastermap
27 November 2012, ID: BW1-00192888
www.blackwellmapping.co.uk
1:1250 scale print at A4, Centre: 380335 E, 263876 N
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TEL: 01865 333 677
maps.oxford@blackwell.co.uk

PLANNING APPLICATION NUMBER:P12/1565

Type of approval sought	Advertisement
Ward	Gornal
Applicant	Mr Richard Bourton
Location:	SUMMIT GARAGE, 415 HIMLEY ROAD, LOWER GORNAL, DUDLEY, WEST MIDLANDS, DY3 2RA
Proposal	DISPLAY OF INTERNALLY ILLUMINATED PYLON SIGN (RESUBMISSION OF PART REFUSED APPLICATION P12/0434)
Recommendation Summary:	REFUSE

SITE AND SURROUNDINGS

1. The application site is an established car sales garage comprising two linked buildings within a predominantly residential area.
2. The property is a mixture of single and two-storey construction. The site has a partly open frontage on the prominent corner junction of Brookbank Road and Himley Road near the brow of a hill.
3. The existing signage comprises 4 No. red coloured corporate fascia signs.

PROPOSAL

4. The application proposes 1 No. internally illuminated pylon sign (resubmission of part refused application P12/0434 - Sign E). The sign would be 4m high x 1.3m wide x 0.3m deep and would be displayed on the corner of the forecourt at the junction of Himley Road and Brook Bank Road. It would be internally illuminated and would comprise a red background with silver logo with the lettering on the sign being a maximum of 1m in height.

HISTORY

5.

APPLICATION	PROPOSAL	DECISION	DATE
90/52093	Display of illuminated and non-illuminated signs	Approved subject to conditions	18.12.90
P11/1470	Display of 1 No.internally illuminated gantry sign and 1 No. internally illuminated fascia sign.	Withdrawn	13.02.12
P12/0434	Display of internally illuminated pylon sign and illuminated and non illuminated fascia signs.	Part Approve & Part Refused	15.06.12

6. P11/1470 – A similar size 4m high pylon sign was withdrawn, due to highway objections on the grounds of its lack of visibility.
7. P12/0434 – Part Approve & Part Refused: The 5m high pylon sign was refused on the grounds that due to its size, prominent location and illumination, it would have a harmful visual impact to the wider area and residential amenity and as such would be contrary to saved policies DD4 & DD14 of the Dudley Unitary Development Plan.

PUBLIC CONSULTATION

8. None undertaken.

OTHER CONSULTATION

9. Group Engineer (Development): Objects to the sign for the same reasons as stated for application P11/1470, due to the lack of forward visibility of the pylon sign and its detrimental impact on highway safety.

RELEVANT PLANNING POLICY

10. National Planning Policy Framework (2012)
11. Saved Unitary Development Plan (2005)
- Policy DD4 (Development in Residential Areas)
 - DD14 (Advertisement Control)
12. Supplementary Planning Guidance
- PGN 11 – Advertisement Display Guide

ASSESSMENT

13. Key Issues
- Visual amenity
 - Public safety

Visual amenity

14. Paragraph 67 of the NPPF states that ‘poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.’ Policy DD14 of the Saved UDP states that the council will resist any advertisement which is substantially detrimental to the appearance of the building or land on which it is displayed, or to the visual amenity of the surrounding area, or is prejudicial to public safety.

15. The previous approval P12/0434 gave consent for 4 fascia signs, of which 3 are internally illuminated. The garage is therefore clearly identifiable as a commercial property at both day and night within the surrounding residential area and it is therefore considered that the pylon sign would be a prominent and unnecessary addition, being positioned to face Himley Road on the shallow forecourt, resulting in a cluttered appearance and a proliferation of advertisements.
16. It is therefore considered that the proposal for a 4m high internally illuminated pylon sign, due to its size, prominent location and illumination would have a harmful visual impact to the wider area and residential amenity and as such is contrary to saved policies DD4 & DD14 of the UDP.

Public safety

17. The Group Engineer (Development) raises an objection to the scheme, because the sign would be obscured by the existing 'Reduce Speed Now – Warning Sign' within the public highway, adjacent to the site's boundary with No.411 Himley Road, for vehicles travelling towards Himley Hall.
18. It is therefore considered that the proposed illuminated pylon sign would cause confusion with other road signs and would be a distraction to road users. As such, it is considered that the proposed sign would cause demonstrable harm to public safety and the safe and convenient operation of the highway, contrary to saved policies DD4 & DD14 of the UDP.

CONCLUSION

19. The proposed illuminated pylon sign due to its size, prominent location and illumination would have a harmful visual impact to the wider area and residential amenity and as such is contrary to saved policies DD4 & DD14 of the Dudley UDP, it would also cause confusion with other road signs and be a distraction to road users. As such, it is considered that the proposed sign would cause

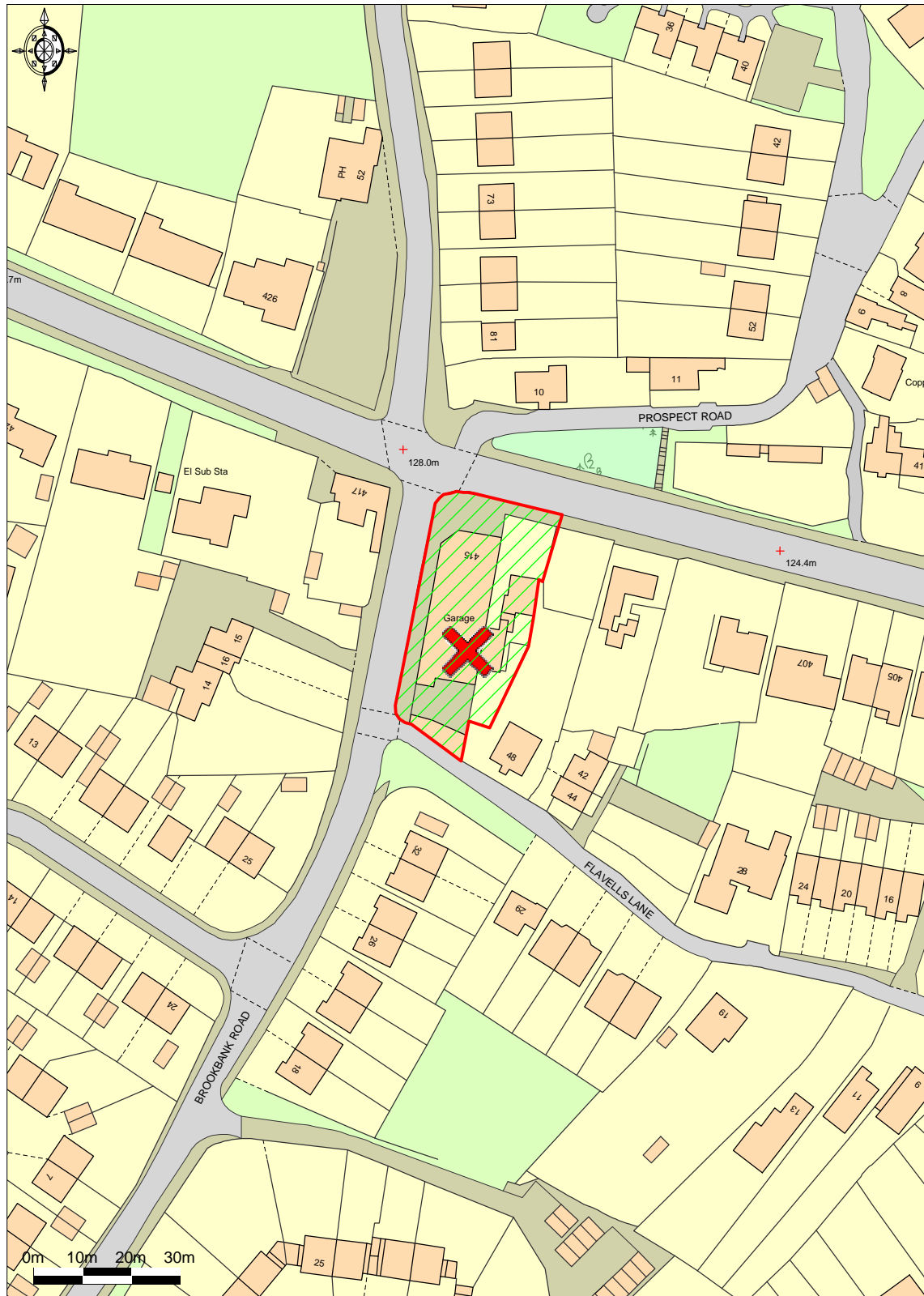
demonstrable harm to public safety and the safe and convenient operation of the highway, contrary to policy.

RECOMMENDATION

20. It is recommended that the application be refused for the following reasons.

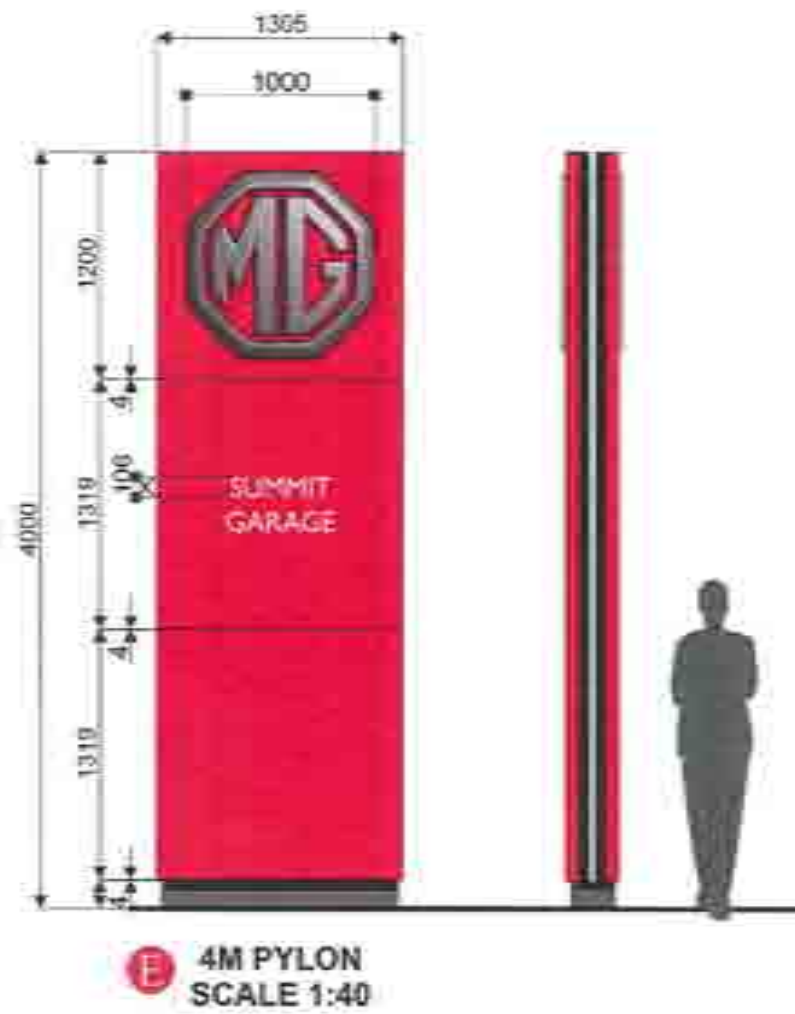
Conditions and/or reasons:

1. The proposed illuminated pylon sign due to its size, prominent location and illumination would have a harmful visual impact to the wider area and residential amenity and as such is contrary to saved policies DD4 & DD14 of the Dudley Unitary Development Plan and paragraph 67 of the NPPF.
2. The proposed illuminated pylon sign would cause confusion with other road signs and would be a distraction to road users. As such, it is considered that the proposed sign would cause demonstrable harm to public safety and the safe and convenient operation of the highway, contrary to saved policies DD4 & DD14 of the UDP & paragraph 67 of the NPPF.





MG Summit



Existing



Proposed

PLANNING APPLICATION NUMBER:P12/1573

Type of approval sought	Full Planning Permission
Ward	Amblecote
Applicant	Ms Jill Hitchman
Location:	2, TAMAR RISE, STOURBRIDGE, DY8 4LF
Proposal	ERECTION OF 1 NO. MAISONETTE COMPRISING 2 NO. FLATS WITH ASSOCIATED CAR PARKING.
Recommendation Summary:	REFUSE

SITE AND SURROUNDINGS

1. The application site is a parcel of green space to the west of an existing maisonette that contains two flats, No.2 Tamar Rise and No.22 Old Hall Close. These are ground and first floor independent dwellings one accessed from the front elevation and the second from the rear elevation. These properties form part of 6 dwellings which visually appear as a run of three terraced properties. These dwellings appear to have no formal amenity area with the exception of an area of open green space to the front, side and rear. To the west of the application site is an existing Maple tree.
2. The application site is set within a well established residential area. It is characterised by flats and small starter homes with areas of open space abutting the highway a positive feature within the street scene. To the south east of the application site is No. 1 Dove Ridge, a semi detached property with a single storey side extension.

PROPOSAL

3. This application seeks approval for the erection of two flats adjoined to No.2 Tamar Rise / No.22 Oak Hall Close. The proposed dwellings would be of a design identical to that of the existing building with a similar arrangement with regard to

front and rear access. Parking would be sited to the Tamar Rise frontage beyond an area of landscaping.

HISTORY

4.

APPLICATION	PROPOSAL	DECISION	DATE
P10/1682	Erection of 1 no. maisonette comprising 2 no. flats	Refused	11/04/11

5. The above application was refused for the following reasons:

- The application constitutes development on a parcel of open green space in an urban area which is deficient in open space contrary to Policies HOU1 - Delivering Sustainable Housing Growth, ENV6 - Open Space, Sport and Recreation of the adopted Black Country Joint Core Strategy (2011) and Open Space, Sport and Recreation SPD.
- It is considered that the proposed development, as a result of the highway line, close proximity to the highway and change in ground levels, would appear unduly prominent within the street scene contrary to the requirements of saved Policies DD1 – Urban Design and DD4 – Development in Residential Areas of the UDP (2005) and Supplementary Planning Guidance – New Housing Development – (March 2007).
- The lack of a completed undertaking to make an off site contribution towards Public Open Space, Libraries, Public Realm, Nature Conservation, Transport Improvements and the provision of a management and monitoring fee would result in an unacceptable impact upon local infrastructure with no compensation or enhancement to mitigate against the impacts of the scheme thereby resulting in harm to the wider community thereby being contrary to Policy DEL1 (Infrastructure Provision) of the Adopted JCS (2011) and Supplementary Planning Document – Planning Obligations (March 2009).

PUBLIC CONSULTATION

6. Notification letters were sent to the occupiers of 21 neighbouring properties and the application was advertised with a site notice. As a result 2 letters of objection have been received. The comments contained within objections relate to:
- Reduction of on street parking availability as a result of the proposed parking area to Tamar Rise. Tamar Rise is already difficult in the area due to not all existing properties having driveways.
 - Loss of existing tree.
 - Devaluation of neighbouring properties.

OTHER CONSULTATION

7. Group Engineer (Development): No objections subject to conditions.
8. Head of Environmental Health and Trading Standards: No objections

RELEVANT PLANNING POLICY

9. National Planning Policy (2012)
- National Planning Policy Framework (NPPF)
10. Black Country Core Strategy (2011)
- HOU1 – Delivering Sustainable Housing Growth
 - HOU2 – Housing Density, Type and Accessibility
 - TRAN2 – Managing Transport Impacts of New development
 - Regeneration Corridor 11a Dudley-Brierley Hill
11. Saved Unitary Development Plan (2005)
- DD1 - Urban Design
 - DD4 - Development in Residential Areas
12. Supplementary Planning Document(s)
- New Housing Development (2013)
 - Parking Standards (2012)

ASSESSMENT

13. Prior to the full assessment of the proposed scheme it is worthy of note that the proposed development is identical to that submitted under reference P10/1682 in terms of the scale of the proposed development.

14. The main issues are

- Principle
- Design
- Neighbour Amenity
- Occupier Amenity
- Access and Parking
- Tree
- Nature Conservation
- Planning Obligations

Principle/Policy

15. On the previously refused application P10/1682 and a Policy objection was raised relating to the loss of green open space. Since then, it has been established that the land is not public amenity space but it is garden land belonging to No 2. Tamar Rise.

16. However as the land in question is in fact garden land it could be considered that the proposal constitutes 'garden grabbing'. The National Planning Policy Framework (NPPF) classifies garden land as Greenfield and therefore not previously developed and the Council's New Housing Development Supplementary Planning Document has been updated to take account of this issue.

17. In terms of the specific details of this application however it is considered that as some green space would remain and the proposed form of development would generally reflect that of the surrounding area and the garden area that would the proposal would not be garden area the proposal would be acceptable in this regard.

18. The development would conform with the housing policies set out in the Core Strategy and the vision for enhanced residential development in Regeneration Corridor 11b within which this site lies. On this basis the previous reason for refusal related to loss of open green space has now been addressed as the status of the land as potential garden area has been established. Given the above the principle of the proposed redevelopment of this site for residential development would accord with the requirements of Policies HOU1, HOU2 and the aspirations of Regeneration Corridor 11a Dudley – Brierley Hill of the Black Country Core Strategy and the New Housing SPD (2013).

Design

19. The proposed external appearance and scale of the proposed dwelling is identical to that of the existing dwellings and as such it would be characteristic of the street scene and appropriate in relation to the host neighbouring dwellings. On this basis the proposed development would accord with the requirements of saved Policies DD1 – Urban Design and DD4 – Development in Residential Areas of the UDP (2005) and Supplementary Planning Guidance – New Housing Development (2013)
20. The application site is triangular in shape and as a result tapers into a pinch point to the south as the site follows the angle of Old Hall Close. Due to this splay in the site the south west corner of the proposed structure would be located only 1.5m from the back edge of the pavement. The street pattern when looking north along Old Hall Close had a staggered pattern with green space between buildings and the highway being characteristic and providing a positive aesthetic quality within the locality.
21. As a result of the highway line and associated development pattern it is considered that the proposed structure would appear unduly prominent and this would be further exacerbated by the exposed position. Whilst it is noted that No. 1 Dove Ridge (to the rear of the site) has an existing single-storey side extension within close proximity to the footpath it is considered that the poor visual appearance of

that extension supports the conclusion that the proposed development would be harmful to the character of the area.

22. The extension at No.1 Dove Ridge appears visually strident even though it is only a single-storey structure. The proposed development, as a two-storey building, would further obstruct the visual rhythm afforded to the street scene that would result in a detrimental visual impact. On this basis it is considered that the proposed development would be contrary to the requirements of saved Policies DD1 – Urban Design and DD4 – Development in Residential Areas of the UDP and Supplementary Planning Guidance – New Housing Development – (2013).

Neighbour Amenity

23. It is considered that the proposed dwelling would not impact on the neighbouring dwelling by way of loss of outlook, daylight or privacy. The properties on the opposite side of Tamar Rise would be in excess of 22m from the proposed front elevation. The properties fronting Old Hall Close are in excess of 14m from the flank wall of the proposed dwelling. On this basis the proposed development would be in accordance with the requirements of saved policy DD4 – Development in Residential Areas of the UDP.

Occupier Amenity

24. The proposed dwelling would have no private amenity area. Whilst this would not generally be regarded as an acceptable arrangement it is characteristic of the adjacent dwellings and it is therefore considered on balance to be acceptable. In this regard, the proposed dwelling is considered acceptable with regards to the requirements of saved Policy DD4 – Development in Residential Areas of the UDP and Supplementary Planning Guidance – New Housing Development – (2013).

Access and parking

25. The two dwellings would create a demand for 3 parking spaces including for visitors. A total of 3 off-street spaces could be provided and the size of the spaces would be in accordance with current standards. On this basis the parking layout as submitted would not be likely to result in displaced vehicles onto the highway to the detriment of highway safety contrary to TRANS 2 - Managing Transport Impacts of New Development of the adopted Black Country Core Strategy (2011) and Supplementary Planning Guidance – Parking Standards and Travel Plans– (March 2007).

Tree

26. The proposed dwelling would result in the loss of the Maple tree to the west of the existing dwelling. Whilst this tree does positively add to the aesthetics of the area and its loss would be regrettable, a robust landscaping scheme could secure good quality replacements. The Council's Tree Officer considers the site to be appropriate for 3 replacement trees. In this regard the proposed development would be consistent with saved Policy NC6 – Mature Trees of the UDP (2005).

Nature Conservation

27. The protected species survey submitted as part of the application gives recommendations that are considered acceptable within the context of the site. On this basis the proposed development would be in accordance with the requirements of saved UDP Policy NC6, Policy ENV1 Nature Conservation of the Black Country Core Strategy (2011) and the Nature Conservation SPD.

Other issues

28. The previous application had a reason for refusal associated with the lack of an undertaking to enter into offsite provisions for planning obligations. This reason for refusal would no longer apply to this scheme, despite it being identical, due to the

trigger threshold for the planning obligations now being 5 or more dwellings. This planning policy change came about in amendments to the Planning Obligations SPD in September 2011.

CONCLUSION

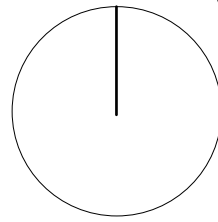
29. The proposed development is identical to that refused under planning application P10/1682. Whilst the planning policy position has changed since this previous refusal the issue of the detrimental impact on the street scene still remains relevant.

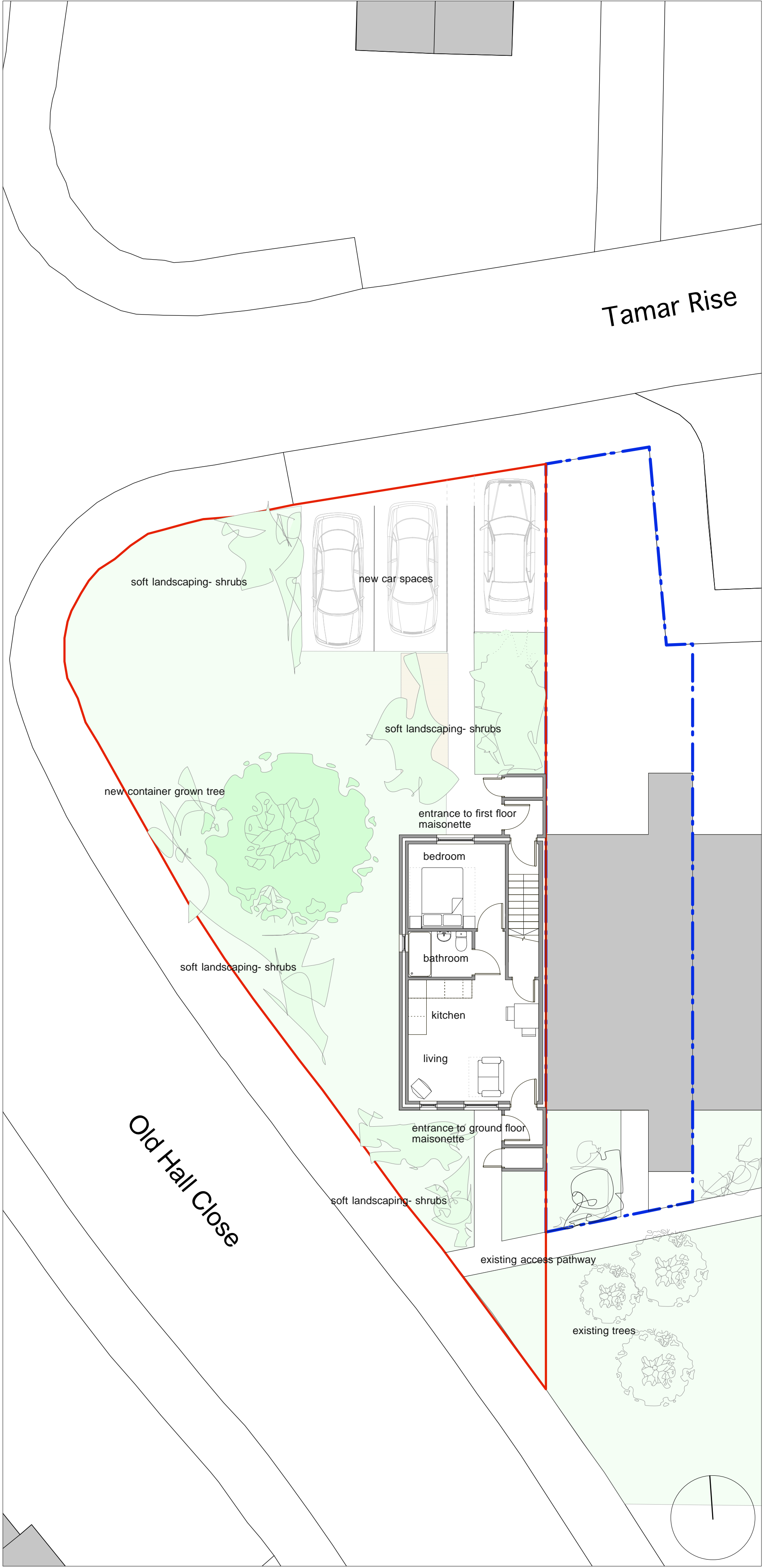
RECOMMENDATION

It is recommended that the application be refused for the following reason(s):

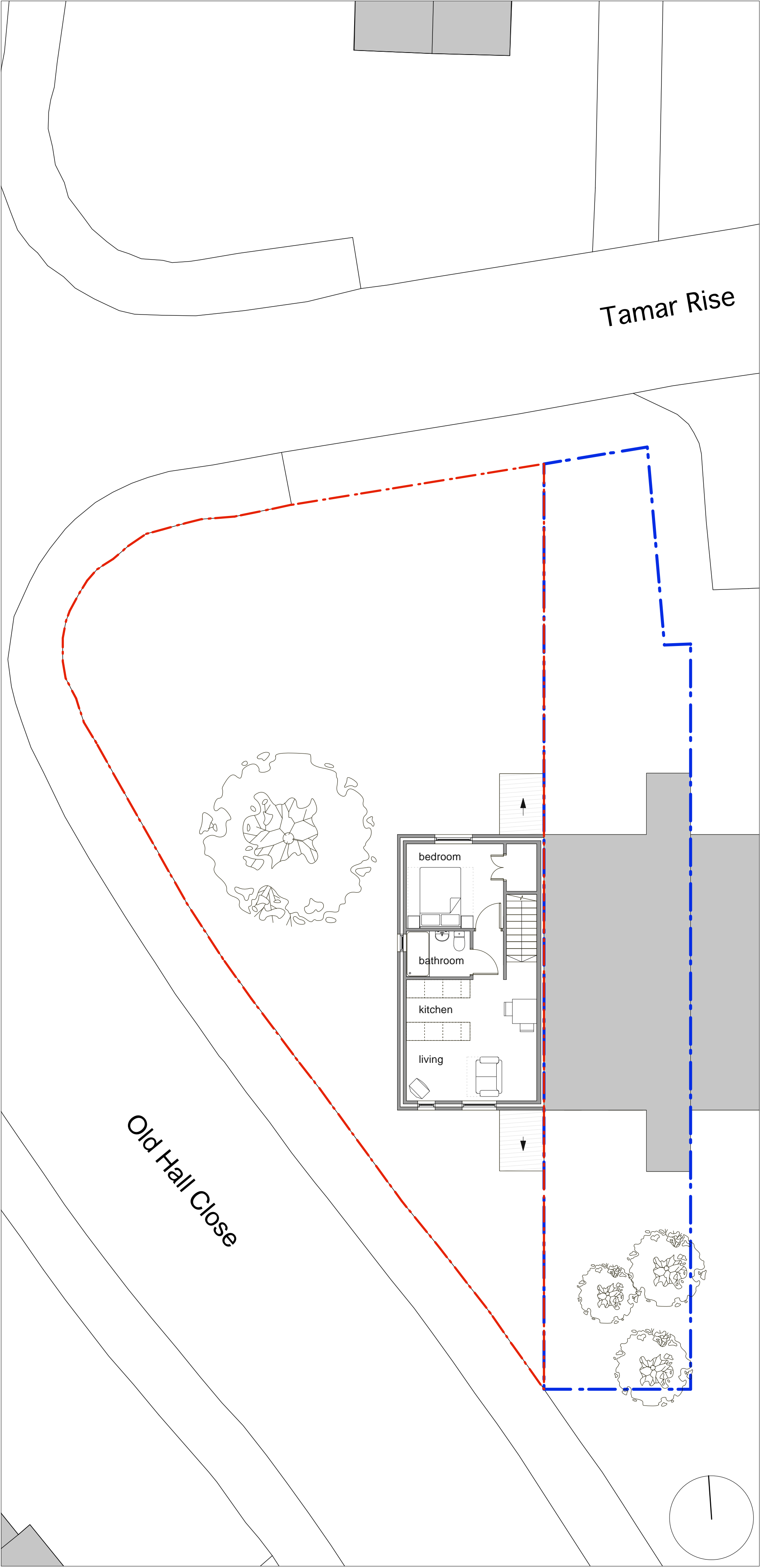
Conditions and/or reasons:

1. The proposed development, as a result of the highway line, close proximity to the highway and change in ground levels, would appear unduly prominent within the street scene and therefore detrimental to the character and appearance of the area contrary to the requirements of saved Policies DD1 – Urban Design and DD4 – Development in Residential Areas of the UDP and Supplementary Planning Guidance – New Housing Development – (February 2013).

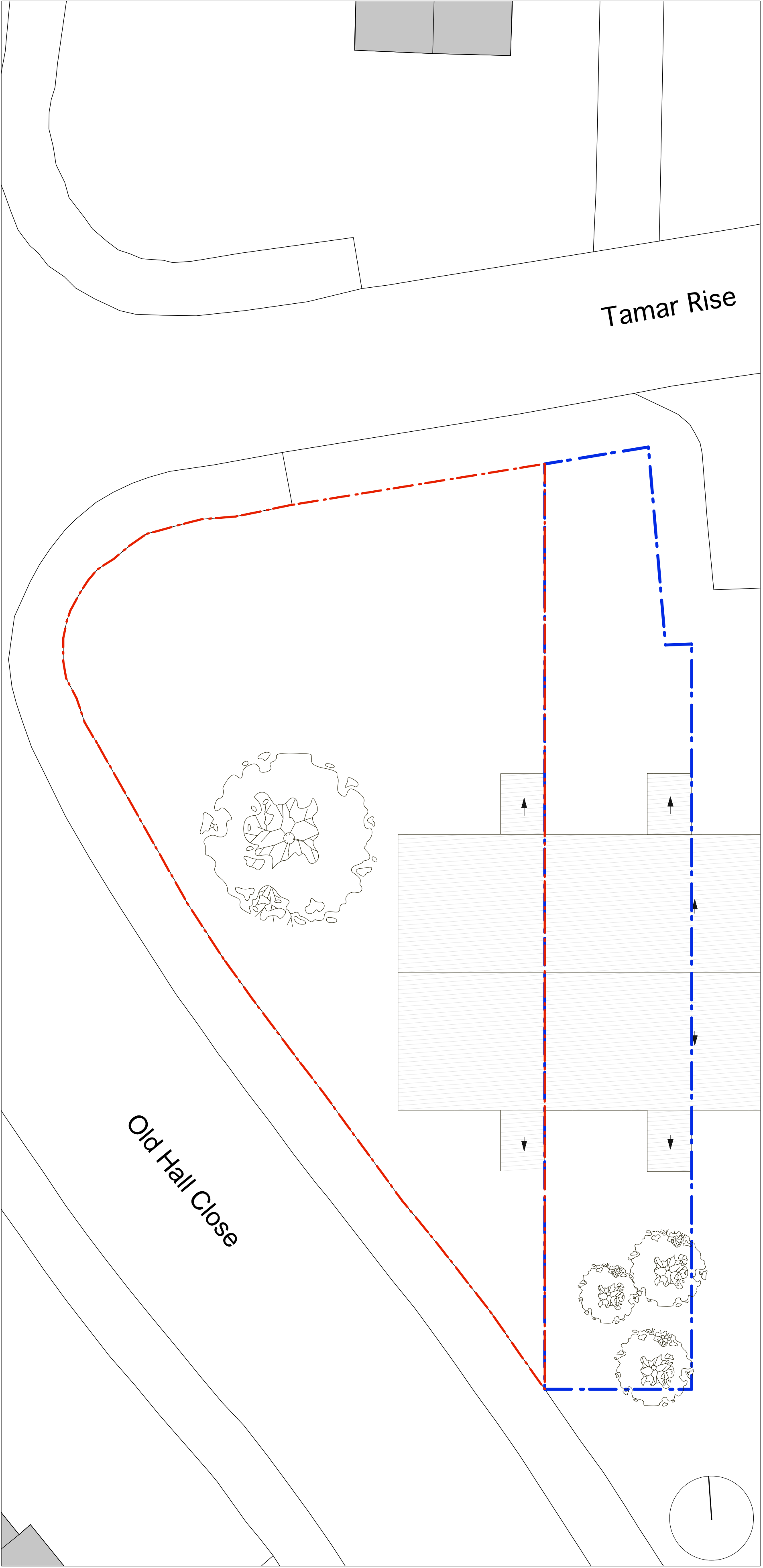




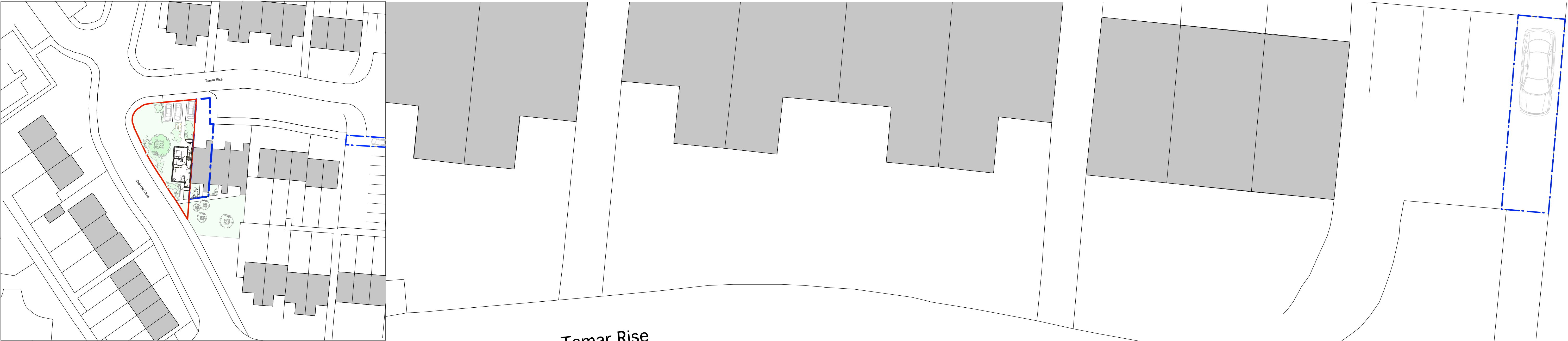
Proposed Ground



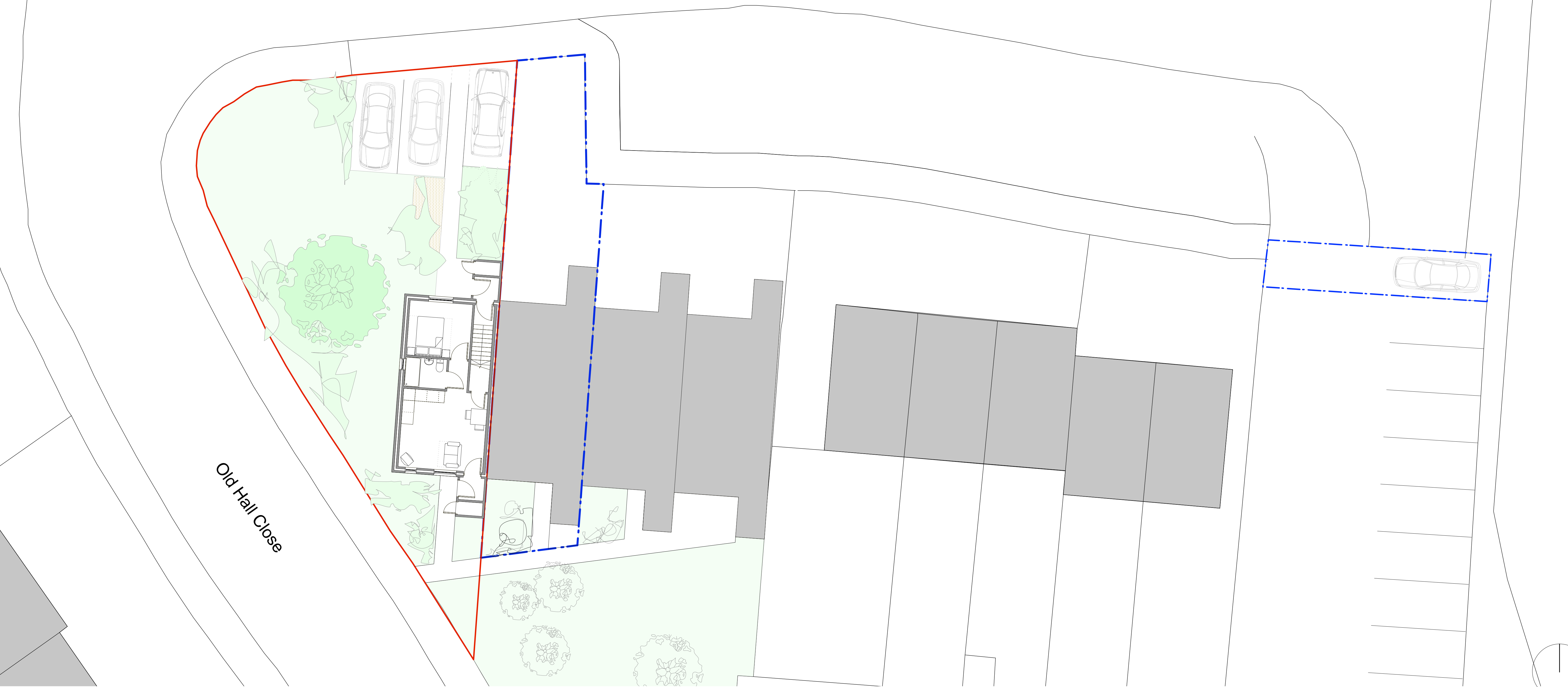
Proposed First



Proposed Roof



Block Plan | 1:500



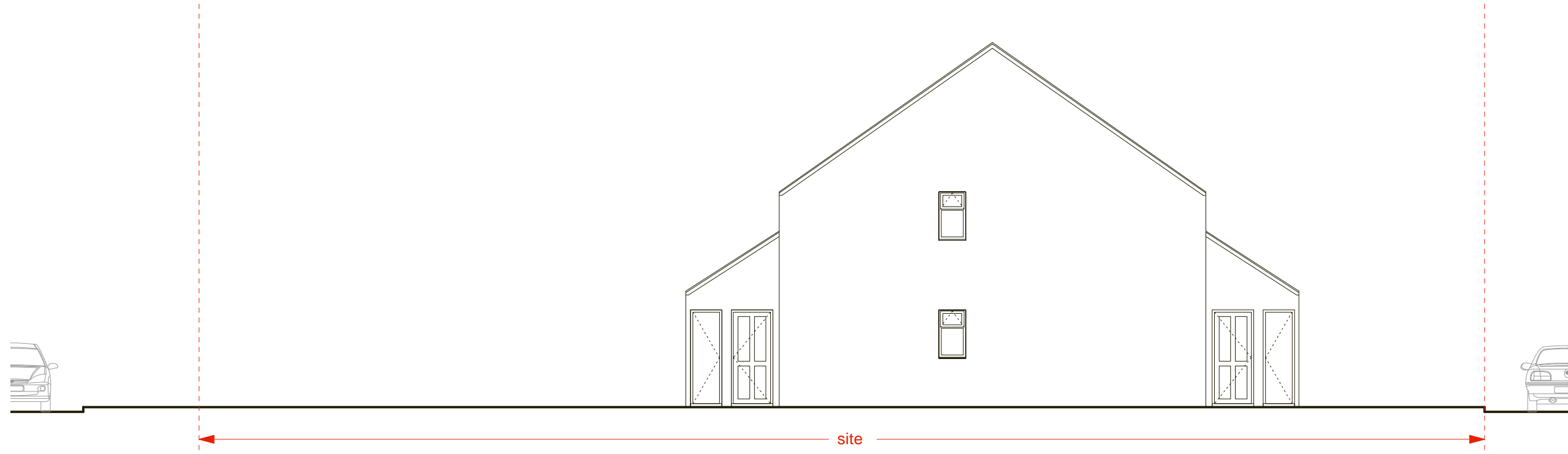
Proposed Site Plan | 1:100



Existing South Elevation



Existing North Elevation



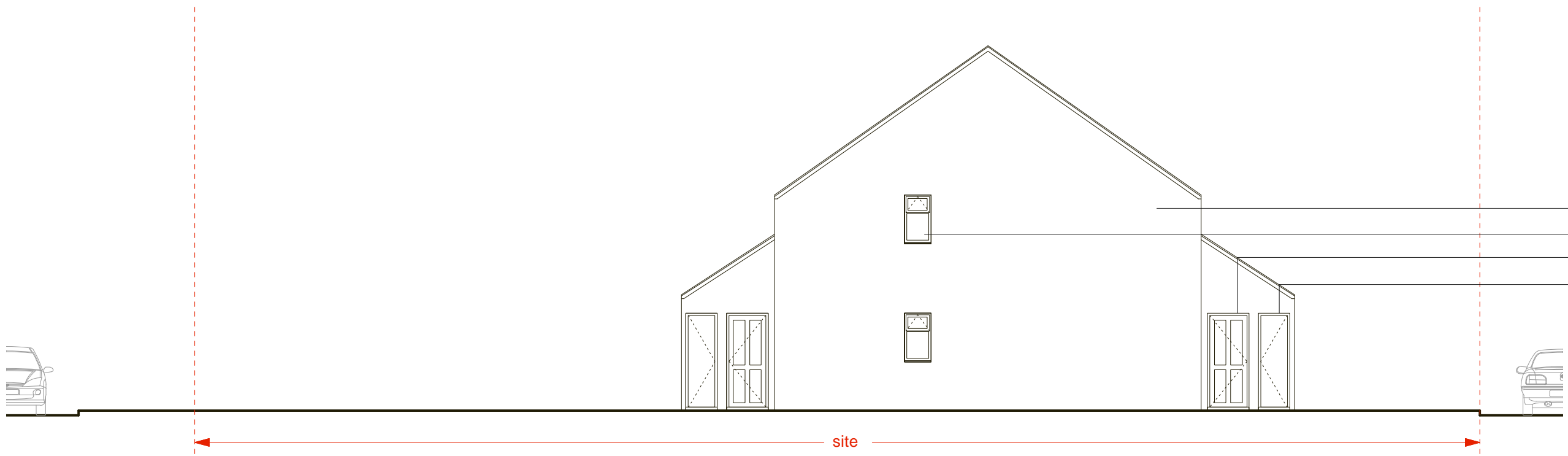
Existing West Elevation



Proposed South Elevation



Proposed North Elevation



Proposed West Elevation

- clay pan tiles to match existing adjacent houses
- red facing brickwork to match existing adjacent houses
- white uPVC windows to match existing adjacent houses
- clay pan tiles to match existing adjacent houses

- red facing brickwork to match existing adjacent houses
- white uPVC windows to match existing adjacent houses
- white uPVC front door to match existing adjacent houses
- timber store door to match existing adjacent houses

PLANNING APPLICATION NUMBER: P12/1598

Type of approval sought	Full Planning Permission
Ward	Castle & Priory
Applicant	Dudley MBC
Location:	LAND BETWEEN BLACK COUNTRY LIVING MUSEUM AND DUDLEY ZOOLOGICAL GARDENS, DUDLEY, WEST MIDLANDS
Proposal	CREATION OF NEW CAR PARK PROVIDING 600 PARKING SPACES AND COACH PARKING FACILITIES WITH ASSOCIATED SECONDARY ACCESS OFF THE MAIN ACCESS ROAD, PROVISION OF A SURFACED RECREATIONAL ROUTE LINKING EXISTING TOURIST ATTRACTIONS, ERECTION OF A VISITOR HUB, PROVISION OF A NEW VISITOR ENTRANCE TO DUDLEY ZOOLOGICAL GARDENS, ASSOCIATED INFRASTRUCTURE WORKS AND DIVERSION OF A PUBLIC RIGHT OF WAY
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The site measures 7.1 hectares. The application site comprises the existing Dudley Zoological Gardens car parking area, a newly created means of access into the site from Tipton Road and the inclusion of a dismantled railway that runs along the eastern edge of the site and extends northwards from the north-western corner of the site.
2. The disused railway line is sited on a steep raised wooded embankment. There is also a raised embankment that runs along the centre of the site and which forms the eastern boundary of the existing car park area. This embankment is formed of rubble and mounded soil. The northern boundary slopes steeply down towards Peggy's Meadow, which is a Site of Local Importance for Nature Conservation. Within this steep slope is a small brick building (pump house) although this lies just outside of the application site.

3. Running alongside the western boundary of the site is a ditch that is culverted in part (Swan Brook). There is a definitive public right of way running along the western part of the site linking with an existing network of other footpaths and tracks providing access to the Castle Hill woodland, Peggy's Meadow and the Birmingham New Road.
4. The southern part of the site is formed by a hard stand providing overflow car parking for Dudley Zoological Gardens. The eastern part of the site is characterised by an area of grassland and scrub. The former railway line is formed by a dense tree lined avenue.
5. The site lies within a central location adjoining the existing tourist attractions of the Dudley Zoological Gardens located to the west, the Black Country Living Museum located to the north-east and the Dudley Canal Trust located to the north. The Dudley Archives building is also currently under-construction adjoining the north-eastern boundary of the site. Adjoining the southern boundary of the site is the former Gala Bingo and JB's nightclub, now a martial arts centre and conference venue. Castle Hill is located to the south and Tipton Road is located to the east.
6. The site is located to the north-east of Dudley town centre, approximately 100 metres from the primary retail area. In this regard, the site has ease of access to the bus station. The site adjoins the strategic highway network (A4123, A4037 and A459), with access to good bus services and accessibility by the private car.
7. Dudley Castle itself is a Scheduled Ancient Monument. Castle Hill is also designated as a Scheduled Ancient Monument with respect to its geological significance (limestone). Castle Hill is designated as a Conservation Area, the boundaries of which lie to the west and south of the application site. Dudley Zoological Gardens also comprises a number of historic buildings including 4 Grade II* and 8 Grade II listed buildings.

PROPOSAL

8. In October 2012, £4.5m of European funding was awarded to be put towards the redevelopment of the site to create shared visitor facilities. The project revolves around creating new access and infrastructure to create one shared arrival point for visitors to Dudley Zoo and Castle, the Black Country Living Museum and the Dudley Canal Trust. In addition to improving the connectivity of the existing facilities, it is hoped that the new infrastructure would provide a catalyst for new private sector investment and jobs as a result of new mixed use leisure planned for the northern part of the site.
9. The objectives of the project are to:
 - Reverse the long term economic decline;
 - Increase levels of employment;
 - Increase footfall in the town centre;
 - Increase the percentage of positive visitors perception, and
 - Provide a benchmark and allow Dudley to build upon its special qualities.
10. The applicant states that the ERDF funding would provide *“a lifeline to the town to regenerate a former Brownfield site where it is hoped it will have a positive impact upon attracting investment and visitors back into the town.”*
11. In developing the project, some of the key objectives were to:
 - Make use of Castle Hill site.
 - Stimulate tourism
 - Provide car parking facilities including exemplary disabled provision and electric charging points, together with a coach park separated from drop-off facilities and main car parking.
 - Retain the current access for deliveries to the Zoo.
 - To develop a safe environment for pedestrians and to integrate accessible routes within the design.
 - To provide a new visitor hub to be staffed at peak times through the Dudley Ambassador scheme and provide visitor information for the three attractions.

- To create a new entrance into the Zoo.
 - To divert the public right of way into a legible, accessible and pleasant alternative, running alongside a delineated cycle way.
 - To recognise and conserve the site's existing and potential biodiversity, including water courses, linking adjacent habitats within the wider green network.
12. The proposals seek the creation of a new car park providing 600 parking spaces and a coach park. The development would involve the creation of a secondary access road off a signalised junction off Tipton Road, the provision of a surfaced recreational route linking the existing tourist attractions, erection of a visitor hub; provision of a new visitor entrance to Dudley Zoological Gardens, associated infrastructure works and the diversion of a Public Right of Way.
 13. The development would be accessed from a new signalised junction off Tipton Road. This access does not form part of this application and was approved by a previous planning application (P12/1005).
 14. The 600 space car park would be split into zones to provide flexibility in terms of the operation of the car park to cater for peak times as well as informing the overall landscape strategy for the development. Car park 1, closest to the entrance to Dudley Zoological Gardens would be laid with tarmac; the coach car park would be laid with tarmac, the parking areas closest to the western boundary of the site would be surfaced with stone reinforcement, the parking areas to the east and north of the site would be laid with mown grass reinforcement. The car parking areas would contain clearly defined pedestrian routes to the tourist attractions.
 15. The access into the car park would be from Tipton Road off a newly formed access road. This would then lead to the creation of a secondary route within the site. The secondary route would be used by visitors to access the proposed car parking areas and to allow coaches to drop off and collect day visitors close to the zoo entrance. A newly create 'piazza' forming the entrance to the Zoo would act as an arrival point for visitors.

16. Located to the west of the main access road would be the erection of a Visitor Hub building. This building would provide a visitor space for the erection of information display boards, audio visual displays and seating. The building would be an oval shape. It would be a single storey building being 10.4m in length, 5.8m wide and 3.5m in height. Access would be through the south-east elevation via a steel sliding door.
17. The visitor hub building would have a feature roof that would extend out 1m from the main bulk of the building. The main building would comprise a lower stone wall measuring 2.3m in height with a panel of glazing extending 0.8m high above extending around the entire circumference of the building. A visual mast would be sited centrally within the roof that would extend 10.4m in height supported by steel tension wires. The visitor hub would provide an internal floor area of 36m².
18. The development proposals would include the provision of a recreational route that would connect the three existing tourist attractions. The route would extend the whole length of the application site running in a north-south direction along the eastern boundary of the application site. It follows the route of the former railway embankment that runs along the eastern boundary of the site between Peggy's Meadow and the Black Country Living Museum.
19. The recreational route would be a black top surface four metres wide along the route from the zoo in the south of the site up to the proposed visitor hub. Beyond the visitor hub, as the route extends northwards towards the Dudley Canal Trust it would be reduced to three metres wide and would be surfaced in basalt. The recreational route would be a route for both pedestrians and cyclists. In the future, the route may be used by a proposed 'land train' that would link the existing visitor attractions.
20. The planning application has been supported with a suite of detailed plans and technical reports including:
 - Design and Access Statement
 - Archaeology Desk Based Assessment

- Noise Assessment
- Drainage Strategy
- National Vegetation Classification Survey
- Great Crested Newt Survey
- Reptile Survey Report
- Invertebrate Assessment
- Ecological Appraisal
- Bat Survey
- Badger Survey
- Breeding Bird Survey
- Transport Statement
- Site Investigations
- Coal Authority Report
- Tree Survey
- Flood Risk Assessment

21. The proposed development has been subject to detailed pre-application advice. A screening opinion under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 was issued at this stage confirming that the proposed development did not constitute EIA development as defined by the Regulations and that an ES was not required. In issuing the Screening Opinion, regard was had too the Regulations and guidance provided in Circular 2/99 (Environmental Impact Assessment) as well as to the characteristics of the site, the scale and nature of the proposed development.

HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
P04/0091	Outline application for the redevelopment for major visitor attractions.	Approved with conditions	21/02/07
P09/1575	Provision of new signalised access and pedestrian crossing	Approved with	02/02/10

	facility	conditions	
P10/0007	Temporary car park consisting of 221 spaces of which 14 are disabled together with approximately 140m of 6m wide access.	Approved with conditions	24/02/10
P12/1005	Provision of 85m length of highway including new roundabout providing link from Tipton Road into Castle Hill development.	Approved with conditions	11/10/2012

PUBLIC CONSULTATION

22. The application was advertised by way of neighbour notification letters being sent to the occupiers of seven properties within close proximity to the site, the placing of an advertisement within the local press and the display of four site notices. The latest date for comments was the 25th February 2013. Five letters have been received relating to the proposed development, two of the letters are from the same respondent, one letter is from an objector but no reasons are given for the concerns to the proposed development and two letters relate to concerns regarding the demolition of the former Hippodrome building. The demolition of the former Hippodrome building does not form part of this planning application. In essence, there is therefore one letter that objects to the proposed development on the following grounds:

- The landscaping proposals are outdated in their approach. The new entrance to the zoo raises concerns in its design approach not being innovative or of sufficient quality. Reference should be made other recently opened contemporary areas of open space, for example, Eastside City Park, Birmingham.
- The retained zoo entrance needs to continue to be given care and respect as the entrance to the zoo has shifted. Does the proposed development miss an

opportunity to link the proposed recreational route through/via the zoo and Dudley town centre?

- The proposed new entrance is a missed opportunity being just a series of steps, ramps and gates. “Is this really what a zoo, with 12 listed buildings within it, deserves or wants?”
- The new entrance should be formed with a new bespoke entrance building that can deal with the levels and security. “Consider that Dudley Zoo should not just attract visitors for its animals, but also for its Architecture. This is a great and rare opportunity; please do not overlook it.”
- The visitor hub is a good concept but architecturally it is poor and ill considered. The visitor hub is too small and proposes an introverted design. The building would be “dark, enclosed and unattractive inside.” The outer skin of the hub should predominantly be glazed, with double sided visual displays running down a central axis allowing people to see inside the hub without having to enter. The proposed mast has no integrity or function and it restricts views across the hub to different visual display boards. “Is this Hub, in its current form, really the first structure that Dudley MBC want visitors to see when they visit three of their main tourist attractions? In terms of form, for precedent purposes, please refer to the Costa Coffee structure in Brindley Place, Birmingham by Piers Gough CZWG. This is the type of structure that Dudley should be aspiring to.”

OTHER CONSULTATION

23. Group Engineer (Development): No objections subject to conditions relating to the provision of two-wheeler parking spaces within the proposed car park, provision of disabled parking spaces, provision of electric vehicle charging points, a car park management scheme, surface water drainage scheme, detailed design of the highways within the site, a traffic management scheme and the details of the surfacing of the proposed parking areas.
24. Head of Environmental Health and Trading Standards: No objections subject to conditions associated with ground conditions, a low mission strategy to deal with potential impacts upon air quality and noise.

25. Environment Agency: No objections subject to conditions with respect to ground conditions and improvements to and the de-culverting of Swann Brook.
26. English Heritage: No objections
27. Canal and River Trust: No objections
28. Natural England: No objections subject to the provision of mitigation and enhancements with respect to bats and great crested newts.
29. West Midlands Police: No objections to the principle of the proposed development. General advice provided with respect to the detailed landscape design; car park management; street furniture and surfacing. These aspects have been incorporated within the scheme and can be dealt with by means of attaching conditions.
30. The Coal Authority: No objection subject to conditions
31. Wolverhampton City: No objections

RELEVANT PLANNING POLICY

National Planning Guidance (2012)

32. The National Planning Policy Framework (NPPF) sets out the Governments planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions, but does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.
33. The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 9 of the NPPF states that:

“Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):

- Making it easier for jobs to be created in cities, towns and villages;*
- Moving from a net loss of bio-diversity to achieving net gains for nature;*
- Replacing poor design with better design;*
- Improving the conditions in which people live, work, travel and take leisure...”*

34. In terms of decision making, the NPPF states that the golden thread of decision making means:

- “approving development proposals that accord with the development plan without delay; and*
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework, taken as a whole; or*
 - Specific policies in this Framework indicate development should be restricted.”*

35. Paragraphs 117 and 118 of the NPPF sets out the importance of the consideration of the impacts of proposed development upon nature conservation stating that *“all development should promote the preservation, restoration and recreation of priority habitats, ecological networks and the protection and recovery of priority species populations”* and that *“opportunities to incorporate biodiversity in and around developments should be encouraged”*

36. Policy steer within the NPPF is also relevant with respect to the historic environment. This is in terms of the designation of Dudley Castle as a Scheduled Ancient Monument and the Listed Structures at the zoo, and the buildings and structures at the Black Country Museum (BCM) and canal basin. Paragraphs 126 and 131 of the NPPF states that development proposals should *“take into accountthe wider social, cultural, economic and environmental benefits that conservation of the historic*

environment can bring.....” that “local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets....”

- Technical Guidance to the National Planning Policy Framework
- Circular 11/95 – The Use Conditions in Planning Conditions
- CIL Regulations

Black Country Core Strategy (2011)

- CSP1 – The Growth Network
- CSP3 – Environmental Infrastructure
- CSP4 – Place Making
- DEL1 – Infrastructure Provision
- CEN2 – Hierarchy of Centres
- CEN4 – Regeneration of Town Centres
- TRAN1 – Priorities for the Development of the Transport Network
- TRAN2 – Managing Transport Impacts of New Development
- TRAN4 – Creating Coherent Networks for Cycle and for Walking
- TRAN5 – Influencing the Demand for Travel and Travel Choices
- EMP5 – Improving Access to the Labour Market
- EMP6 – Cultural Facilities and the Visitor Economy
- ENV1 – Nature Conservation
- ENV2 – Historic Character and Local Distinctiveness
- ENV3 – Design Quality
- ENV4 – Canals
- ENV5 – Flood Risk, Sustainable Drainage Systems (SuDS) and Urban Heat Island
- ENV6 – Open Space, Sport and Recreation
- ENV8 – Air Quality
- WM5 – Resource Management and New Development
- MIN1 – A Strategy for Future Management of Mineral Resources

Dudley Community Strategy 2005-2020

- Creating a prosperous Borough – ensuring the development of Dudley as a sub-regional focus for leisure and tourism development and actively building upon existing leisure attractions in the centre.
- Heritage and Culture – redevelopment of Dudley Castle and Zoo to help preserve the historic nature of the site.

Council Plan 2012-2013

- RE2 Regeneration, Skills and Employment – increase the contribution of creative industries and the visitor economy for the economic regeneration of the Borough.

Unitary Development Plan (2005)

- DD1 – Urban Design
- DD9 – Public Art
- DD10 – Nature Conservation and Development
- UR3 – Tipton Road Development Area
- UR8 – Derelict Land
- UR9 – Contaminated Land
- UR10 – Unstable Land
- AM13 – Public Rights of Way
- NC1 – Biodiversity
- NC6 – Wildlife Species
- NC7 – Geological Resource
- NC9 - Mature Trees
- NC10 – The Urban Forest
- HE3 – Castle Hill Special Landscape Heritage Area
- HE6 – Listed Buildings
- HE7 – Canals
- HE8 – Archaeology and Information
- HE10 – Sites of Regional Importance (Ancient Monuments)
- HE11 – Archaeology and Preservation

- SO2 – Linear Open Space
- SO3 – Access and Enhancement of Green Belt and Linear Open Space
- EP3 – Water Protection
- EP6 – Light Protection
- EP7 – Noise Pollution
- DTC1 – Dudley Town Centre - Thoroughfares and Public Spaces
- DTC2 – Dudley Town Centre Inset Plan (Development Block) (6)

Supplementary Planning Guidance/Documents

- Dudley Town Centre Area Development Framework (ADF) (December 2005)
- Planning Obligations Supplementary Planning Document (SPD) (September 2011)
- Parking Standards SPD (June 2012)
- Nature Conservation SPD (September 2006)

ASSESSMENT

37. The main issues are

- Principle
- Design, Layout, Landscape and Public Realm
- Impact Upon the Historic Environment
- Nature Conservation
- Parking and Access
- Drainage and Flooding
- Archaeology
- Trees
- Planning Obligations

Principle

38. The proposals would form the first phase of a wider project to develop the site in a way that would assist in the development of the visitor economy of the Borough and in particular an expansion in visitor numbers at the Zoological Gardens, The Black Country Living Museum and The Dudley Canal Trust as well as facilitating the

development and regeneration of Dudley town centre as a centre for entertainment, leisure and recreation.

39. The proposed development would provide new infrastructure to help support and develop the existing tourist facilities within the area. Improvements to overall car parking provision, access and the provision of a physical link (recreational route) between the existing attractions (Zoo, Black Country Living Museum) would serve as a basis of enhancing the existing visitor experience and providing a platform for long term improvements in overall visitor numbers and the future expansion of the existing attractions. In this regard, the proposed development would be in accordance with saved Policies HE3, UR3 and DTC2 of the Dudley Unitary Development Plan.
40. The proposals would also be consistent with the strategic aims and objectives of the Black Country Core Strategy (BCCS) which seeks to develop the role of Dudley Town Centre as a tourist destination within Regeneration Corridor (RC) 11a and highlight its historic character and assets. Policy CEN4 of the BCCS states that *“it will be important to recognise the special role of Dudley Town Centre....it will also be suitable for the town centres to provide entertainment, leisure and cultural facilities....”* and, within RC11a, Dudley TC is recognised as being enhanced as *“a tourism focus of regional and national repute (based on Black Country Museum, Dudley Zoo, Dudley Castle, Dudley’s geological and heritage assets).....”*
41. Policy EMP6 of the BCCS is also relevant and aligns with the proposed enhancement/expansion of the tourism facilities at this location. That policy states that *“visitor attractions will be developed and enhanced at key destinations to ensure that accessibility is maximised and to continue to raise the quality of the visitor experience throughout the Black Country”.....including “Dudley Town Centre (especially the Zoo and Castle, The Black Country Living Museum”*
42. In addition to the above, the proposed development would support the golden threads of both the Dudley Community Strategy 2005-2020 and the Council Plan 2012-2013 in developing and facilitating the sub-regional focus of Dudley as a centre for leisure and tourism development to help create a prosperous Borough.

43. Given the size of the site (greater than 5 Hectares), the nature of the proposed works (excavation works) and that the site falls within a Mineral Safeguard Area (MSA), the provisions of CS Policy MIN1 would apply. Applying that policy, it is considered that, in this instance, details of a prior extraction scheme are not required, as:-
- Mineral extraction is likely to exacerbate ground stability - *as a result of the mine entries and shafts in or near the site, as evidenced in the Coal Authority Report;*
 - It is likely to result in abnormal costs or delays which would jeopardise the viability of the development - *the fact that the proposal is tied in with European funding and its inherent deadlines is evidence of this;*
 - There is an overriding need for the development – *in this instance, there is a clear and relatively urgent need to upgrade these tourism facilities to prevent their decline and the potential for the further decline to the viability and vitality of the town centre;*
 - There is likely to be a potential adverse impact on the existing tourism facilities - *potentially not only in terms of their structural soundness and the noise and dust arising from mineral extraction, but also upon the image of these facilities.*
44. It should also be recognised that the nature of the development (with no significant coverage of built structures) would not necessarily stymie mineral extraction at some time in the future, should it be deemed expedient to undertake such development. In this regard, the proposed development would be in accordance with MIN1 of the BCCS.

Design, Layout, Landscape and Public Realm

45. The site is located adjacent to other major key assets which include the Scheduled Ancient Monument of Dudley Castle Hill and its Landscape Heritage Area, Castle Gate Business Park, the proposed Metro route, and other key brownfield land development sites such as Dudley Guest Hospital. The Dudley Archives Centre is under construction and will sit close the entrance to the site, adjacent to The Black Country Living Museum.

46. The layout accommodates surface level parking within a landscape setting that in turn retains planting and landform where it can and introduces new planting, surfaces, signage and built form to circulate people and vehicles through the site in a direct and convenient a route possible. The layout includes a variety of transport modes and sits on a largely level platform at the foot of the Castle Hill Landscape Heritage Area which retains a visual dominance over the parking areas.
47. The relative narrowness of the site emphasizes the long connecting routes that thread through the site to join the Canal Trust/Museum/Archives complexes and the new entrance to the Zoological Gardens. The layout manages to be pragmatic in fulfilling the various access and parking requirements that the site must deliver, achieve the linkages to the set-piece attractions and provide new and attractive leisure routes within a landscape setting.
48. The parking and access arrangements are at surface level, sat at the foot of the Castle Hill Woodland and interspersed with bunding and planting including the new and retained trees.
49. Various points within the development will have a localised landmark function including the oval shaped Visitor Hub that will act as a marker building for people accessing the site from Tipton Road and centre points of the southern turning areas which will be part of a more coherent pedestrian approach to the new entrance to the Zoological Gardens.
50. The design introduces low level, shrub and tree planting, high quality surfacing, new routes, public art, flagpoles, banners, seating, interpretation panels, a new visitor hub, provision for a land train to both interest and accessibility, new entrance points to adjacent attractions and opens key views to Castle Hill, the Castle ruins, Listed zoological buildings and sits beneath the castle Hill and its woodland. The design adds an exciting entrance environment to the Zoological gardens and assists the functional uses of parking, circulation, access and delivery to take place within a wider landscape setting.

51. The pedestrian is offered a variety of routes through the landscape, to connect to key points, including a recreational route that will accommodate a Land Train. The elements that provide the detail are considered well chosen and the use of bunding, sweeps of retained planting, the creation of boulevards providing linkages through the site and focal features where necessary and possible also has a key role in providing visual interest to assist the changes in surfacing and planting.
52. The proposed visitor hub would provide a visual end stop at the end of the main access into the site thereby potentially providing an overall focal point for the proposed development. There are some concerns regarding the purpose of the proposed visitor hub and its overall function within the development. It is located a significant distance away from the entrances to the visitor attractions and it is regrettable in design terms that the visitor hub would not have a larger purpose or function in terms of providing additional visitor facilities at the site. Its success may be limited as a means of merely displaying visitor information especially since it would largely be an unmanned facility. The design is similarly a little under stated; whilst the visual mast would add interest and provide a focal point within the site the elevations of the building would be blank and inactive with limited glazing and legibility. Despite these concerns, the visitor hub must be delivered as part of the overall development in accordance with funding constraints. On balance, it would add and create activity within the northern part of the site providing a means of helping create links between the existing visitor attractions and is not considered sufficiently poor to warrant the refusal of planning permission having regard to the overall and wider regeneration benefits of the development.
53. The proposed development would include the provision of interpretation boards and public art. The submitted Masterplan identifies the locations for these features and indicative illustrative information has been provided to denote what the public art could look like. The siting of public art features would serve to aide the legibility of the overall development as well as enhancing the visual appearance and interest of the proposed car park overall. The locations of the proposed public art would be appropriate and precise details of the public art features can be submitted for approval at a later stage as part of a condition.

54. The scheme would include the addition of new boundary walls to the eastern boundary of the zoo. The boundary walls would be a mix of stone and timber. This would ensure the visual enhancement of the site and the delivery of more appropriate means of enclosure that would be more sympathetic with the setting of the site than the existing boundary treatment.
55. The development would include the addition of street furniture in the form of seating, bollards and height restriction barriers to the site in order to restrict access where necessary and to improve the overall visitor experience by including areas for seating. It would be important that there is a consistent design approach to street furniture and that it complements the overall landscape strategy. Conditions would be attached to ensure that details are approved of the detailed design in due course.
56. Flagpoles approximately 8m in height and banners to be mounted along the access road are also proposed. The principle of some advertisements would be appropriate but it would be important in considering the detailed design of these to ensure that they would not detract from the visual amenity of the area or result in highway safety concerns. The flagpoles and banners would require separate advertisement consent.
57. The proposed development would result in a change in levels across parts of the site in order to improve accessibility. The northern part of the site slopes steeply and falls down towards Peggy's Meadow and the Dudley Canal Trust and Black Country Living Museum sit at a significantly lower level than the proposed recreational route. In order to facilitate the diversion of the public right of way within the northern part of the site the land would be increased in height from the existing lower part of the slope to allow the provision of an improved public right of way with a more accessible and appropriate incline on it than would be achieved if using existing levels. The re-graded land would still be at a lower level than adjoining land to the south.
58. Gabions would also be erected alongside the proposed car park as a retaining structure. These would be a feature alongside the eastern boundary of car park 3, the proposed coach and car park 2 and entrance to the Dudley Canal Trust from the

proposed recreational route. The gabions would not be significant structures measuring no more than 1.5m in height. Full details of the gabions would be secured by condition.

59. Extending north-south through the site is a bund. This bund would be retained thereby creating upper and lower level car parking areas throughout the site. The lower level car parks are at approximately 166m with the higher level car parks being between 169 and 170m. Most of the proposed development would work with the existing levels.
60. Changes in levels are proposed along the proposed access to the visitor hub. This would predominantly involve the lowering of levels through removing part of the existing bund in order to create a level access to the visitor hub. The re-grading of land would also be carried out in order to create the new entrance into the zoo, Dudley Canal Trust and Black Country Living Museum to provide accessible accesses to the existing attractions from the proposed recreational route and internal circulation spaces. The new entrances would involve the erection of limestone clad retaining walls, stone walls, disability ramps, steps, handrails and landings. Details of the visual appearance of these structures could be secured by condition.
61. In short, the proposed design and layout of the development would meet a functional need (parking and access) accommodated within a planned landscape setting that resolves long-standing regeneration needs and that provides a complementary entrance and approach to major tourist attractions within the Black Country from the Tipton Road. The overall landscaping strategy and detailed landscaping scheme along with engineering works to facilitate access to and linkages between the existing attractions would serve to assimilate the development into its surroundings and enable the delivery of a cohesive and comprehensive design. Whilst there are some concerns with the overall development (visitor hub), the proposed development would, on balance, be in accordance with Policies CSP4 and ENV3 of the BCCS and saved Policy DD1 of the Dudley Unitary Development Plan.

Impact upon the Historic Environment

62. The low lying topography of the development site and the intrinsic nature of the proposed development are such that it is not considered that the implementation of the scheme will cause any detrimental impact upon the setting of adjacent Heritage assets including Dudley Castle.
63. One Heritage Asset, the historic limestone boundary wall to the Castle grounds, is negatively impacted through being breached in order to create a direct access from the new car parking into the grounds of the Zoo. It is accepted that this is an inevitable consequence of having to accommodate visitor flows from the new facilities into the “arrivals and orientation area” behind the Tecton Entrance and adjacent to the Tecton Safari Café. Mitigation for the loss of historic fabric would be the full archaeological recording of the wall prior to demolition and after careful dismantling the retention of the building stone from it for future use on the Castle Hill site. Details as to how the ragged edges of the new gap created by formation of the access will be treated are also required. All of this could all be achieved via conditions.

Nature Conservation

64. The site is not covered by any statutory designated nature conservation sites. The northern part of the site includes part of Peggy’s Meadow, which is a non-statutory designated Site of Local Importance for Nature Conservation (SLINC). This site is of nature conservation value due to its unimproved neutral grassland. Located immediately to the west of the site is Castle Hill itself, which is designated as a non-statutory Site of Importance for Nature Conservation (SINC) but this is largely due to the geological significance of the hill. The site lies within a Wildlife Corridor and a Bat Migration Corridor as identified by the Birmingham and Black Country Nature Conservation Strategy. The SLINC has local importance in terms of its nature conservation value and the SINC is of regional importance.

65. In considering the appropriateness of the proposed development it is important to consider the potential impacts upon the nature conservation value of the site in terms of impacts upon significant habitat and species that nest or forage within the site. Whilst the site is not covered by statutory designations, the local and regional importance of the site and the potential impacts of the proposed development upon the existing habitats and species must be considered. It would be important that in accordance with saved Policies DD10, NC1 and NC6 of the Dudley Unitary Development Plan that the proposed development retains habitat of value and does not have an adverse impact upon notable species. Where the removal of habitat is unavoidable then suitable mitigation and enhancement should be included within the proposed development.
66. The site is of some nature conservation value in terms of it's the habitat and species it supports. The southern part of the site predominantly comprises hard-standing and bare ground, which is currently used for parking associated with Dudley Zoological Gardens. The remainder of the site is characterised by semi-improved grassland and scrub. The scrub is largely dominated by silver birch, willow and bramble with some ash, sycamore, hawthorn, rowan, elm and dogwood.
67. There is a linear area of woodland within the site that follows the line of the dismantled railway and that runs in a band south-east to north-west through the site. The wooded area is characterised by ash and sycamore with low level plants comprising hawthorn, willow, elder and bramble.
68. There is a ditch that runs along part of the eastern boundary of the site. This is Swan Brook is comprises slow flowing shallow water. The ditch has limited value in terms of its habitat being shaded by adjoining dense tree cover.
69. The habitat within the site and records with respect to species identify that the site has the potential to be used by bats, amphibians, reptiles, badgers, breeding birds, invertebrates and flora of notable value. The applicant has submitted a number of technical reports to identify the presence of both important flora and fauna within the

site, as assessed the impact of the proposed development upon these species and then included recommendations for mitigation.

70. The buildings within the site provide limited opportunities for roosting bats and trees within the site are largely immature and semi-mature providing limited opportunity for roosting habitat. The scrub and woodland within the site provides potential foraging and commuting habitat for bats. The linear tree-lined disused railway is of particular importance providing links to feeding areas and roosting sites.
71. There are records of Great Crested Newts within Dudley Zoological Gardens due to an active breeding programme undertaken within the zoo grounds. The site itself does not have any suitable aquatic habitat present but it does include suitable terrestrial habitat for the species.
72. The site includes large areas of habitat that could be suitable for badgers and they are known to be active within the vicinity.
73. The site also has the potential for the presence of orchid species, which are identified as a priority species within the Birmingham and Black Country Biodiversity Action Plan (BBCBAP).
74. No reptiles of any species were recorded on site and therefore no mitigation is proposed. The site has some national importance for invertebrates, including the hoverfly, wasps and bees. Mitigation for the loss of habitats associated with invertebrates would be through the retention or creation of new habitat within the overall landscape scheme. In terms of birds, the breeding bird survey identified fifteen species within the site. All of these species are widespread in their distribution. Eleven of the species are not of conservation concern, with four being of conservation concern (bullfinch, song thrush, dunnock and common whitethroat). In order to ensure protection of the bird population, in implementing the proposed development care should be taken to avoid hedgerow removal or the clearance of vegetation during the bird nesting season (Feb-Aug). The proposed development

would potentially involve work during this period and therefore a suitably qualified ecologist must be engaged to check for nests prior to work commencing.

75. Bats and their places of refuge are protected in the UK under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended). Great Crested Newts are also fully protected by in the UK under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended). Badgers are protected under the Badger Protection Act 1992.

Bats

76. The proposed car park would involve the loss of foraging habitat for bats. The northern end of the car park would encroach on scrub and grassland habitat suitable for bats. The proposed overflow car park within the northern part of the site would result in the modification of the existing grassland and remove scrub from the area resulting in a degradation of the foraging habitat for bats within this part of the site. The applicant's ecologist considers these impacts to be minor in nature.
77. The proposed recreational route would result in a loss of vegetation along the wildlife and bat corridor since the route proposed would be 5 metres wide to accommodate pedestrians and a land train. The proposals would open up the existing woodland habitat. The linear woodland is currently enclosed, dense and provides continuous cover and a dark habitat bats to fly through. The loss of integrity of the linear woodland through it being widened would result in a permanent adverse impact and lighting could have a potential adverse impact upon the bat population.
78. In summary, the proposed development would have an adverse impact upon habitats that are of importance to bats. The impacts of the proposed development upon boundary features are importance at the regional and local level due to the designation of Castle Hill as a SINCR and the site forming part of a wildlife corridor. The development would result in the loss of tree and scrub habitat that provides an

important habitat for the foraging of bats as well as providing a buffer between the application site and the SINC.

79. However, the proposed development does put forward an overall landscape scheme that would mitigate against the potential impacts upon bats, which are a protected species. The landscape design of the overall project seeks to provide additional habitats in the form of trees and species appropriate planting to provide scope to continue to connect habitats within the northern part of the site and the bat migration routes to the east. Mitigation and enhancement features for the species included within the overall landscape strategy and planting scheme the provision of:

- Continuous linear features of scrub and trees.
- Incorporation of hedgerows into the landscape design to provide shelter and canopy level cover.
- The provision of dual hedgerows and avenues of trees to provide dark corridors through the middle of the build up area.
- Transitional habitats from grassland to mature trees to support a higher insect population thereby improving the feeding areas of bats within the overall landscape design.
- Provision of canopy cover from street trees to provide routes for bats over roads.
- Provision of bat boxes to mature trees.
- Limited lighting proposed within the overall development in order to reduce impacts upon the movement of bats. Lighting would only be provided within the southern formal car parking area and along the vehicular route providing access to the proposed visitor hub.

80. The proposed landscape design and lighting strategy for the redevelopment of the site would minimise the indirect impacts of the development on the Castle Hill SINC and would maintain a permeable landscape habitat for bats. The incorporation of the mitigation strategy for bats within the overall development would ensure an overall reduction in residual impacts. The proposed development would therefore not have a significant adverse effect on the local bat population or the continued viability of the

Castle Hill SINC. In this regard, the proposed development would be in accordance with Policies DD10, NC1 and NC6 of the Dudley Unitary Development Plan.

Badgers

81. The habitat inherent within Peggy's Meadow and woodland located to the north west of the site provide suitable foraging, commuting and sett construction habitat for badgers. In this regard, the site is of value to badgers. The proposed development would result in an increase in human activity within the site and the loss or disturbance of existing habitats that are suitable for badgers.
82. There is an existing sett that could be affected by the proposed recreational route. The proposed development would also result in the loss and disturbance of habitat that would be suitable for badgers. The main impact would be from works proposed to the broadleaved woodland in the northern part of the site resulting in the potential loss of foraging habitat for the badgers. The proposed development would also result an increase in noise and activity at the site through people and cars, which could further disturb the existing established badger population in the area.
83. In order to ensure that proposed development does not have a permanent adverse impact upon badgers, the landscape design associated with the development would result in long-term enhancements to the badger habitat through additional planting and through the following mitigation measures in terms of ensuring the protection of the existing sett:
 - Ecological supervision and monitoring, before, during and after construction;
 - Temporary exclusion fencing around the setting during construction of the recreational route to prevent impacts;
 - Tree and scrub species planting along linear features and within the proposed car parking area.
 - Landscape planting along the western site boundary of the site to maintain and enhance connectivity to setts and foraging areas beyond the site.
 - Restricted lighting adjoining badger sett and badger commuting routes.

- During construction works, areas should be fenced to prevent badgers from injuring themselves and any holes or trenches should be fenced or left with an escape route in the event of a badger falling in them.
 - If works do not commence within a year for the completion of an additional badger survey to reconsider impacts.
84. The proposed landscape design and lighting strategy for the redevelopment of the site would minimise direct impacts upon the local badger population. Conditions can be attached to ensure the protection of the existing sett during construction. In this regard, the proposed development would be in accordance with saved Policies DD10, NC1 and NC6 of the Dudley Unitary Development Plan.

Orchids and grassland

85. Following the Convention on Biological Diversity (1992), the UK Biodiversity Action Plan was published in 1994. This was updated in 2007 and 2012 and is now known as the UK Biodiversity Framework. This document provides a national strategy for the conservation of biodiversity through Species Action Plans and Habitat Action Plans. At the local level, this has resulted in the publication of the Birmingham and Black Country Local Biodiversity Action Plan (BBCLBAP). The BBCLBAP provides details of those priority habitats that should be conserved along with favourable management regimes.
86. The south-western part of the site comprises an area of grassland with habitat included with the BBCLBAP Habitat Action Plan (HAP). The HAP seeks to protect and increase the grassland resource within the region and bring all grassland of nature conservation interests into favourable management.
87. The grassland contains a number of orchids within the grassland. The BBCLBAP Species Action Plan (SAP) seeks the maintenance of existing populations and the protection and management of existing habitats and habitat creation.

88. The proposed development would involve in an area of grassland where common spotted and southern marsh orchids are present with the potential loss and impacts to these species as a result of the proposals.
89. It is recommended that:
- Where possible, the built development should avoid areas where orchids have been identified.
 - Any orchids with potential to be impacted are to be trans-located to a suitable receptor area.
 - Preparation of a mitigation strategy to ensure that the orchids are trans-located in an appropriate manner to a suitable receptor site. The mitigation strategy should include the management measures needed to be implemented in the long-term to ensure that the current population of orchids and any trans-located population are managed appropriately.
 - Use of protective fencing during construction to delineate areas of retained grassland habitat.
90. The existing grassland areas within the application site and within Peggy's Meadow SLINC are not currently managed. In the long term, this would reduce the nature conservation value of these sites due to the encroachment by scrub. In order to mitigate against the loss of grassland as a result of the proposed development as well as ensuring an overall enhancement of the nature conservation value of the existing grassland and orchid colony the applicant recommends the production of a management plan for these areas to ensure the protection of the long-term nature conservation value of these areas. This mitigation and management regime would ensure that the proposed development would be in accordance with saved Policies DD10, NC1 and NC6 of the Dudley Unitary Development Plan.

Great Crested Newts

91. There are records of Great Crested Newts within Dudley Zoological Gardens due to an active breeding programme undertaken within the zoo grounds. The site itself

does not have any suitable aquatic habitat present but it does include suitable terrestrial habitat for the species.

92. There are barriers to movement between the breeding ponds and the site (walls, hard-standing). On this, it is highly unlikely that great crested newts would be impacted by the proposed development or associated works. The consultant's report makes the following recommendations:
- Clearance of grassland and scrub subject to an ecological watching brief for amphibians;
 - Clearance of trees and scrub to be completed prior to the hibernation period for great crested newts (Oct-Feb inclusive);
 - Destructive searches for habitat features to be undertaken by an ecologist;
 - If a great crested newt is seen present during any phase of the proposed development an ecologist should be consulted and the recommendations of the submitted report reviewed.
 - Habitat enhancements for the species.
93. The above recommendations could be secured by condition and would result in the enhancement of the existing habitat for great crested newts thereby protecting this species and biodiversity within the site ensuring compliance with saved Policies DD10, NC1 and NC6 of the Dudley Unitary Development Plan.

Parking and Access

94. A Transport Statement has been submitted in support of the proposed development. The site is bounded by Tipton Road (A4037) to the east and Castle Hill (A459) to the south. These roads form part of the strategic highway network and are for long distance and strategic traffic. Street parking and direct frontage access should be kept to a minimum off these highways to ensure the effective flow of traffic. The Council would give a high priority to improvements and traffic management measures to assist traffic flows in relation to the potential impact of proposed development upon the strategic highway network.

95. Currently Dudley Zoological Gardens (DZG) has 300 off-street parking spaces, the Black Country Living Museum (BCLM) has 292 off-street parking spaces served from Tipton Road and an additional 200 overflow car parking spaces within the development site and Dudley Canal Trust (DCT) has 100 off-street parking spaces served from Birmingham New Road. There are a total **of 892 car parking spaces** available for the three leisure facilities to use, plus additional spaces within the Dudley Guest Hospital site.
96. The proposed development proposes to rationalise the car parking provision for the existing leisure uses, providing 600 off-street spaces for DZG (which includes the BCLM overflow provision), 292 off-street parking spaces retained for the BCLM and 100 off-street parking spaces retained for DCT. The three leisure facilities as a result of the proposed development would then have a combined off-street parking total of **992 parking spaces**.
97. In terms of the proposed car parking layout, in accordance with the refreshed Parking Standards SPD, the proposed development would need to incorporate a minimum of, 24 powered two-wheeler parking spaces, 36 marked disabled parking spaces, 24 widened parking spaces and 30 electric vehicle charging points. These can be secured by condition.
98. As part of the Transport Statement traffic and car parking surveys were carried out on an average weekday in the summer holidays and on a Bank Holiday.
99. The survey data illustrates that both the BCLM & DZG car parks operate above capacity during the busiest periods on the Bank Holiday. As the overflow car park wasn't available during the survey periods, the applicant counted the number of pedestrian crossing movements on Tipton Road between the BCLM and the Dudley Guest Hospital car park.
100. 515 pedestrians crossed Tipton Road to visit the BCLM from the Dudley Guest site during the development peak hour (13:00 to 14:00). A car occupancy rate of 2.9 persons per car was observed during the surveys. Applying this car occupancy rate

to the pedestrians crossing Tipton Road would indicate that: $515 \text{ pedestrians} / 2.9 = 177.59$ or 178 cars were parked on the Dudley Guest Site.

101. The proposed development would not introduce any new vehicle trips onto the highway network surrounding the application site, but would redistribute the existing vehicle trips, as the existing access to the DZG car park from Castle Hill would be closed. The closure of the access from Castle Hill would increase traffic flows through the traffic signal junction on Tipton Road by 72 two-way trips (Weekday Peak 16:30 to 17:30) and by 119 two-way trips (Bank Holiday Peak 16:30 to 17:30). These additional movements are insignificant when compared to existing traffic levels on Tipton Road and would not detrimentally affect the operational capacity of the junctions Tipton Road/Birmingham New Road, Tipton Road/Site access Road and Tipton Road/Castle Hill.
102. There is an existing public right of way (PRoW) that runs through the site and its route would be diverted and improved to cycleway standards to facilitate the development. The proposed diversion would be satisfactory to the Highway Authority. This process would require the extinguishment, diversion and improving of the PRoW under Section 247 of the Town & Country Planning Act 1990.
103. In summary, the proposal would provide adequate car parking to cater for its need during the peak periods on a Bank Holiday and as the development would redistribute existing trips around the highway network rather than creating new trips the proposed development would not have a detrimental effect on the capacity and safe operation of the highway network. The proposed development would therefore be in accordance with Policies TRAN2 and TRAN4 of the BCCS and saved Policy AM13 of the Dudley Unitary Development Plan.

Drainage and Flooding

104. In relation to the potential provision of SuDS within the scheme, para 5.1 of the submitted Drainage Report states that *“the potential for SuDS within the car park layout are limited as a result of the previous use of the sitehowever, permeable*

surfaces may be formed within built storage from:-the construction of an open channel between the access road and Tipton Brook may offer the opportunity to provide some qualitative treatment”.

105. The applicant has further explored the use of SuDs within the overall development and the scope to use such techniques is limited due to the required surfacing of the proposed car parks. However, the applicant has agreed, in principle to explore the partial de-culverting of Swann Brook and to explore further works to the Brook to improve its overall function in terms of improving water quality, clearing the brook and re-grading its banks.
106. The de-culverting of part of Swann Brook would serve to ensure compliance with Policy ENV5 of the BCCS, which states that *“all development should open up culverted watercourses where feasible and ensure development does not occur over existing culverts...”* Furthermore it is considered that the de-culverting of the brook would also significantly add to the quality and variability of the landscaping, and potentially benefit wildlife.
107. The Environment Agency has removed its initial objection to the proposed development with respect to flood risk and drainage subject to conditions requiring the delivery of enhancement works to Swann Brook.

Archaeology

108. Regarding archaeology it is notable that prior to the period of the Industrial Revolution the area of the proposed development appears to have been largely open park land associated with Dudley Castle and of a correspondingly low archaeological potential. Later development largely took the form of mineral extraction, limestone quarrying and burning and the creation of a Transport corridor linked to the railways from the period of the Oxford, Worcester and Wolverhampton Railway in the 1850's up to the 20th use of most of the site as a Freightliner depot which closed in 1987.

109. The land is, therefore, of potential archaeological interest in relation to the growth of industry in Dudley in the 18th and 19th centuries and it is considered that there is potential for the survival on the site of significant below ground archaeological remains from the period of the Industrial Revolution. These will need to be taken fully into account and dealt with as part of the planning process and prior to development of the site taking place.
110. In this regard and in line with the NPPF and Saved UDP Policies HE8 & HE11 the applicant has commissioned an Archaeological Desk Based Assessment (DBA) and a report has been produced by Halcrow entitled “Castle Hill Development” December 2012.
111. The DBA suggests that modern transport related land uses involving extensive levelling and latterly the dumping of materials over the site resulting in increased levels of overburden will have obscured and could be protective of archaeological remains, particularly given the limited degree of ground disturbance that will accompany any new car parking layout. However, there are areas of the development site, in particular the “East Castle Limestone Works” where archaeological preservation including banks of kilns for lime burning might be expected and it is not clear what degree of impact car park construction levels might have.
112. This does not in itself justify preventing development from taking place but any surviving remains need to be located through archaeological evaluation trenching that demonstrates the actual degree of survival and allows an assessment of the significance of the material. Detailed archaeological recording may then need to be undertaken to an extent that would provide enough information to constitute reasonable mitigation against the potential destruction of the remains as part of the redevelopment. Dependent upon the condition, location and depth of surviving remains it may prove justifiable to require “preservation in situ”, which is the preferred policy route (Saved policy HE11 of the UDP).

113. Effectively, the way forward is as set out by Halcrow in section 6.5 “Recommendations” of the DBA that states:

“Much of the site comprises “made” and “worked” ground therefore preservation in situ should be possible. Should remains of the kiln structures exist and the proposals were to impact upon them it is likely that a programme of archaeological investigation would be required to achieve preservation by recording both prior to and during construction works”

114. An archaeological investigation condition would achieve all of this.

Trees

115. The proposed development would involve the felling of some individual trees and some groups or parts of groups of trees. The trees to be removed are not significant in terms of their public amenity value or as structural components within the local landscape. The proposed development would be underpinned by a landscape strategy scheme would seek to provide significant replacement planting. The replacement planting would largely form part of the overall nature conservation enhancement and mitigation scheme with tree planting to form appropriate habitats to bats whilst also provide a landscaped setting for the proposed car parking areas. The development would retain a number of trees; conditions would be needed to protect retained trees during the construction of the development. The proposed development would be in accordance with saved Policies NC9 and NC10 of the Dudley Unitary Development Plan.

Geology

116. Castle Hill is an upfold (anticline) in the Much Wenlock Limestone Formation (Dudley Limestone) which gives rise to the hill on which the castle stands. A thousand years of limestone quarrying from its slopes and mining beneath the landscape has revealed significant and unique geological and paleontological heritage. Castle Hill and nearby Wren’s Nest Hill were the key sites which provided the evidence that led

to the establishment of the Silurian Period of geological time – an international time division used by earth scientists across the globe.

117. In geological heritage terms, rock exposures of Castle Hill, including those of the zoological gardens and the underground canals are SINC's (Sites of Importance for Nature Conservation).
118. The application site lies on the boundary of the SINC area and there is unlikely to be any direct negative physical impact on the geological features of the Castle Hill SINC from these works. Excavations occurring as part of this work are actually likely to result in positive beneficial outcomes for the geological heritage in line with good practice established in DMBC's Nature Conservation SPD and Black Country core strategy policy.
119. This is particularly true of the rather more subdued topography of the land in the application site (which lies immediately to the east of the slopes of castle hill). This area is underlain by the soft mudstones of the Lower Elton Formation and succeeding younger strata. Exposures of these softer strata are extremely rare and as such development excavations offer an important opportunity to view; record and sample these geological horizons.
120. The application land is contained within an area identified as Geological Consideration Zone. Within these zones development has the chance to enhance the geological heritage value through temporary access to strata in excavations or inclusion of permanent post-completion features within development designs.
121. The proposed development would provide a number of opportunities for enhancing the geological heritage. These opportunities would present themselves at different points in the scheme as it proceeds.
122. The first opportunities will arise at the site investigation phase when trial pits and boreholes would establish the engineering parameters for the forward practical development of the site. Such investigations would frame the likelihood of useful

geological exposure in the following development phases and would allow a scheme to be established for maximising the heritage gain through timed site visits to temporary rock exposures as they occur for recording and sampling before they are covered by hard development. This can be secured by condition.

123. Within the development design there is clearly an element of interpretation planned along access routes and at information points. This could include information about the special geological features, landforms and mining heritage. This can be secured by condition.
124. The choice of materials in the hard development of the piazza, the development areas and the transportation routes and walkways of the scheme also offer opportunities. Inclusion of natural stone features could compliment and extend urban design elements currently included in the Dudley Town Centre geological Trail and the stories of all three major visitor attractions of the hill.
125. There are some aspects of the scheme that will need careful planning and engineering input to ensure that existing features are not harmed by the construction phase and the after uses. In particular where the land train route crosses the tunnel portal to Lord Wards Tunnel it would be important to ensure that appropriate engineering measures are in place to protect the tunnel during and after the works from vibrations and excessive loadings.
126. In summary, the proposed development would present no negative impact for existing geological heritage features at, or adjacent to, the site of the application site. There proposed development would also provide opportunities to plan and design in significant beneficial outcomes and positive impacts in terms of geology thereby being in accordance with saved Policy NC7 of the Dudley Unitary Development Plan.

Planning Obligations

127. 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.

128. 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.

129. In determining the required planning obligations on this specific application the following three tests as set out in the CIL Regulations, in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:

- b) necessary to make the development acceptable in planning terms;
- d) directly related to the development;
- e) fairly and reasonably related in scale and kind to the development.

130. Following consideration of the above tests the following planning obligations are required for this application:

On-Site Provision (to be secured by condition)

- Economic and Community Strategy Statement.
- Nature Conservation Enhancements in accordance with recommendations set out within this report.
- Public Art to be included within the detailed scheme.
- Transport Infrastructure Improvements and Air Quality Improvements to be delivered in the form of the provision of a cycle path within the development, provision of electric vehicle charging points and submission of a low emission strategy.

131. It is considered that these contributions meet the necessary tests as stated above in that they contribute to the delivery of a sustainable development, are being provided directly on the development site itself and are deemed to be in scale and kind to the proposed development.

132. This development complies with the requirements of BCCS Policy DEL1 and the Planning Obligations SPD.

133. The applicant has agreed to the delivery of these onsite planning obligations.

CONCLUSION

134. The scheme would help in delivering sustainable development making a positive contribution towards:

- the local economy in the form of delivering the first phase of a major development thereby supporting job creation and the expansion of the visitor economy;
- the creation of a good quality development providing additional opportunities for recreational use in the form of walking and cycling thereby supporting the health and well-being of the local community (social role);
- the enhancement of the natural environment through improvements to biodiversity and measures to mitigate and adapt to climate change including the completion of a low emission strategy and provision of electric vehicle charging points and cycle parking (environmental role).

135. The proposals would form the first phase of a wider project to develop the site in a way that would assist in the development of the visitor economy of the Borough and in particular an expansion in visitor numbers at the Zoological Gardens, The Black Country Living Museum and The Dudley Canal Trust as well as facilitating the development and regeneration of Dudley town centre as a centre for entertainment, leisure and recreation.

136. The proposed development would facilitate the delivery of shared visitor facilities for the existing tourist attractions in the form of improved parking and linkages between the site for pedestrians and cyclists. The infrastructure would be set within a landscaped environment that would serve to assimilate the proposed development

into the surrounding area whilst also ensuring the delivery of ecological mitigation and enhancement.

137. The proposal would provide adequate car parking to cater for its needs and would redistribute existing trips around the highway network rather than creating new trips. In this regard, the proposed development would not have a detrimental effect on the capacity and safe operation of the highway network.
138. The scheme would result in an increase in the overall number of car parking spaces to serve the existing attractions as a means of supporting an increase in visitor numbers. This increase would have some impacts upon air quality in terms of additional vehicles visiting the site. The potential impacts upon air quality can be mitigated through the provision of electric vehicle charging points and the implementation of an air quality strategy.
139. The proposed development would involve the loss of a number of trees and groups of trees. The loss of the trees would not raise visual amenity concerns and the proposed landscaping scheme would include replacement tree planting in the interests of creating a landscaped setting for the site and to retain the integrity of existing wildlife corridors and ecological habitats.
140. The applicant has agreed, in principle to the partial de-culverting and improvement of Swann Brook to allow the creation of some sustainable drainage techniques as well as serving to improve water quality. The proposed development would not pose concerns with respect to surface water runoff or flood risk.
141. The proposed development does raise some concerns in terms of the purpose, function and design of the visitor hub and loss of existing habitat that forms part of a SLINC and other habitat within the site that supports protected species as well as species of regional and local importance. However, on balance, subject to the implementation of a nature conservation enhancement and mitigation scheme and conditions to ensure the delivery of a robust landscaping and public realm strategy, the overriding economic regeneration benefits of the development facilitating

improvements to the visitor economy in accordance with regional and local planning policy would outweigh any potential harm arising from the scheme.

RECOMMENDATION

142. It is recommended that the application be APPROVED subject to conditions and;

That the applicant be invited to make an application to the Secretary of state, under Sec. 247 T & C Planning Act 1990 to close, create and improve highways as shown on Dwg. No. M072-26 and M072-21 to enable development authorised by planning permission to take place. The full costs and works to the Local Authorities satisfaction shall be met by the developer.

Reason for approval

The scheme would help in delivering sustainable development making a positive contribution towards:

- the local economy in the form of delivering the first phase of a major development thereby supporting job creation and the expansion of the visitor economy;
- the creation of a good quality development providing additional opportunities for recreational use in the form of walking and cycling thereby supporting the health and well-being of the local community (social role);
- the enhancement of the natural environment through improvements to biodiversity and measures to mitigate and adapt to climate change including the completion of a low emission strategy and provision of electric vehicle charging points and cycle parking (environmental role).

The proposals would form the first phase of a wider project to develop the site in a way that would assist in the development of the visitor economy of the Borough and in particular an expansion in visitor numbers at the Zoological Gardens, The Black Country Living Museum and The Dudley Canal Trust as well as facilitating the development and regeneration of Dudley town centre as a centre for entertainment, leisure and recreation.

The proposed development would facilitate the delivery of shared visitor facilities for the existing tourist attractions in the form of improved parking and linkages between the site for pedestrians and cyclists. The infrastructure would be set within a landscaped environment that would serve to assimilate the proposed development into the surrounding area whilst also ensuring the delivery of ecological mitigation and enhancement.

The proposal would provide adequate car parking to cater for its needs and would redistribute existing trips around the highway network rather than creating new trips. In this regard, the proposed development would not have a detrimental effect on the capacity and safe operation of the highway network.

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The proposed development would involve the loss of a number of trees and groups of trees. The loss of the trees would not raise visual amenity concerns and the proposed landscaping scheme would include replacement tree planting in the interests of creating a landscaped setting for the site and to retain the integrity of existing wildlife corridors and ecological habitats.

The applicant has agreed, in principle to the partial de-culverting and improvement of Swann Brook to allow the creation of some sustainable drainage techniques as well as serving to improve water quality. The proposed development would not pose concerns with respect to surface water runoff or flood risk.

The proposed development does raise some concerns in terms of the purpose, function and design of the visitor hub and loss of existing habitat that forms part of a

SLINC and other habitat within the site that supports protected species as well as species of regional and local importance. However, on balance, subject to the implementation of a nature conservation enhancement and mitigation scheme and conditions to ensure the delivery of a robust landscaping and public realm strategy, the overriding economic regeneration benefits of the development facilitating improvements to the visitor economy in accordance with regional and local planning policy would outweigh any potential harm arising from the scheme.

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.

CANAL AND RIVER TRUST INFORMATIVE

The applicant/developer is advised to contact the Works Engineering Team on 01827 252000 of the Canal and River Trust in order to ensure that any necessary consents are obtained and that the works comply with the Trust's "Code of Practice for Works affecting Canal & River Trust."

ADVERTISEMENT CONSENT INFORMATIVE

The Masterplan hereby approved (M072-20) indicates the locations of proposed flag poles and banner signs. The applicant should be aware that separate advertisement consent would be required for these aspect to the proposed development.

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: M072-06C, M072-20, M072-21, M072-26, M072-22, M072-23, M072-24(1), M072-24(2), M072-27A, M072-28A, M072-29A, AMPJ353

A100, 1877.sk001F, CD 001A, CD 002A, CE/GT-015/001, CE/GT-015/002, CE/GT-015/003, CE/GT/004, M072-30A, M072-31

3. 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 scheme shall include details of establishment and maintenance. The approved enhancement works shall thereafter be provided in accordance with the approved details prior to completion of the development and be maintained for the life of the development.
4. 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.
5. 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.
6. No development shall commence until details of the design, size, location, artwork and text for interpretation panels have been submitted to and approved in writing by the Local Planning Authority. The Interpretation Panels shall thereafter be installed in accordance with the approved details prior to the first occupation of the development and shall be maintained for the life of the development.
7. 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 (including appropriate areas adjacent to 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.
8. Any trenches, including foundations, should be covered with boards and ramps placed in them overnight to limit their hazard to badgers. Similarly loose mounds of soil should be fenced to exclude badgers. A protocol detailing this will be submitted to and approved in writing by the Council before any works proceed. All works must be carried out in accordance to the approved protocol.
9. The demolition of the buildings and the clearance of trees and other vegetation should avoid the bird nesting season (February – August inclusive) unless a breeding bird assessment (with recommendations) is carried out by a trained ecologist within 7 days of the works commencing. This should be submitted in writing and approved by the Council before works begin. All works must be carried out in accordance to the approved assessment's recommendations. Similarly tiles, trees and other features where bats or birds could be present (see the ecological reports for details) should be removed carefully by hand. If bats or nesting birds are found or suspected all works must stop immediately and Natural

England, the project's ecologist and the Local Planning Authority must be contacted at once. Works should not re-commence until relevant licences have been obtained and written permission is granted by Natural England and the Council. All works must be carried out in accordance to any licences obtained.

10. Before development begins a plan detailing outside lighting will be submitted and approved in writing by the LPA. All works must be carried out in accordance to the approved plan and conform to these requirements for the life of the development. All outside lighting should conform to the Bat Conservation Trust and Institute for Lighting Engineers' guidance 'Bats and lighting in the UK'. It should be close to the ground and directed downwards and away from the surrounding wildlife habitat.
11. Prior to the commencement of development, an ecological mitigation plan (including an establishment and maintenance programme) and the long term management of retained habitats within the site shall be submitted to and approved in writing by the Local Planning Authority. The ecological mitigation and maintenance plan shall include those recommendations set out within the submitted ecological reports that form part of this planning application submission with respect to bats, great crested newts, grassland and orchids and Peggy's Meadow SLINC. The mitigation shall be implemented in accordance with those details set out in the mitigation plan and retained for the lifetime of the development.
12. If protected species are found during any stage of the development all works must stop immediately and Natural England, the project's ecologist and the Local Planning Authority 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.
13. Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority of temporary exclusion fencing to be erected during construction around the retained badger sett and retained grassland and orchid habitat within the south eastern part of the site. The fencing shall be erected in accordance with the approved details and retained during construction and only removed once works have completed.
14. Prior to the commencement of development, details of the landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The detailed scheme shall be in accordance with the Landscape Strategy (Drawing No. M072-22) and Planting Proposals (Drawing No. M072-23) hereby approved. The detailed scheme shall include details relating to the long-term management and maintenance of the landscaping associated with the development. The approved scheme shall be implemented in accordance with the approved details before the end of the first planting season following initial occupation of the development.
15. Prior to the commencement of development, details of the boundary treatments and retaining walls/fences to be installed on the whole site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include location of boundary treatment. Elevation details shall also be supplied, or planting species/distances, as appropriate. The development shall proceed in accordance with the approved details, which shall be installed on site prior to occupation and thereafter maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

16. No works involving the demolition or alteration of the existing limestone boundary wall to Castle Hill shall commence until the developer has secured the implementation of a programme of archaeological buildings recording work and for subsequent analysis, reporting and archiving all to be in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the local planning authority. Following approval of the WSI all such works will be carried out in accordance with the agreed details.
17. Following the satisfactory completion of the archaeological recording required by condition 16 of this consent the existing limestone boundary wall to Castle Hill to be affected by the new access shall be carefully dismantled and the building stone thus generated shall be stored in a secure location which has been approved in writing by the local planning authority pending appropriate future re-use on the site and prior to the new access arrangements being brought into use full details shall be supplied of the proposed edge treatment of the gap in the limestone boundary wall created by the formation of the new access and such details shall be submitted to the local planning authority for approval in writing. Following approval all such works will be carried out in accordance with the agreed details.
18. No works of construction, levels changes, re-grading or other site clearance or infrastructure works involving ground disturbance shall begin until the developer has secured the implementation of a programme of archaeological investigation and recording work including appropriate provision for subsequent analysis, reporting and archiving in accordance with a Written Scheme of Investigation (WSI) which has first been submitted to and approved in writing by the local planning authority. The WSI shall include details of any physical archaeological evaluation works to areas identified as having the potential for archaeological significance and at the appropriate stage details of proposals for the preservation in situ of archaeological remains identified by evaluation as being of significance or with the written agreement of the local planning authority only appropriate provision for further archaeological investigation and recording required in mitigation of damage to or loss of such archaeological remains. Following approval of the WSI all such works will be carried out in accordance with the agreed details.
19. No development shall begin until an assessment of the risks posed by any contamination has been submitted to and approved by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.
20. Where the approved risk assessment (required by condition 19) identifies contamination posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the local planning authority.
21. Unless otherwise agreed in writing with the LPA, the approved scheme (required by condition 20) shall be implemented and a verification report submitted to and approved by the LPA, before the development (or relevant phase of the development) is first occupied/brought into use.
22. Prior to the commencement of development intrusive site investigation works shall be undertaken in order to establish the exact situation regarding coal mining legacy issues of the site. Should the site investigations confirm the need for remedial works to treat any of the mine entries and/or any areas of shallow mine workings, and/or any other mitigation measures (e.g. gas protection) to ensure the safety and stability

of the proposed development, these works should be undertaken prior to the commencement of development.

23. Prior to the commencement of development a geological method statement shall be submitted to and approved by the Local Planning Authority detailing how during construction the scheme would ensure measures to encourage the geological recording of special features and the retention of these special features post development within the overall development. The scheme shall be implemented in accordance with the geological strategy and retained in place for the lifetime of the development.
24. None of the development hereby approved shall be first commenced until the location of powered two-wheeler parking spaces within the car park have been submitted to and approved in writing by the Local Planning Authority. The powered two-wheeler parking spaces shall be provided in accordance with the approved details and shall be retained for the life of the development. The development shall not be brought into operation until the powered two-wheeler parking spaces have been provided in accordance with the approved plans.
25. None of the development hereby approved shall be first commenced until the location of disabled parking spaces and widened parking spaces within the car park have been submitted to and approved in writing by the Local Planning Authority. The disabled & widened parking spaces shall be provided in accordance with the approved details and shall be retained for the life of the development. The development shall not be brought into operation until the disabled & widened parking spaces have been provided in accordance with the approved plans.
26. None of the development hereby approved shall be first commenced until the location of active electric vehicle charging points within the car park have been submitted to and approved in writing by the Local Planning Authority. The charging points shall be provided in accordance with the approved details and shall be retained for the life of the development. The development shall not be brought into operation until the charging points have been provided in accordance with the approved plans. An active charging point shall be provided adjacent to each allocated car parking space and shall be designated for the sole use of electric vehicles. The charging point shall be supplied by an independent 32 amp radial circuit and equipped with a type 2, mode 3, 7-pin socket conforming to EN61296-2.
27. None of the development hereby approved shall be first commenced until a car park management scheme has been submitted to and approved in writing by the Local Planning Authority. The car park management scheme shall be provided in accordance with the approved details and shall be retained for the life of the development. The development shall not be brought into operation until the car park management plan has been provided in accordance with the approved plans.
28. The development shall not commence until the detailed design of the highways within the development site and timescales for the works have been submitted and agreed in writing. The development should not commence until the highway scheme has been implemented in accordance with the agreed details.
29. The development shall not commence until a detailed traffic management scheme for the control of vehicles within the development site has been submitted and agreed in writing. The development should not commence until the traffic management scheme has been implemented in accordance with the agreed details and maintained for the life of the development.

30. The development shall not commence until the parking area has been surfaced and marked out in complete accordance with the approved plans, and thereafter maintained for parking for the life of the development.
31. Prior to the operation of the development hereby permitted, a low emissions strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be operated in accordance with the approved strategy for the lifetime of the development.
32. Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of the type, texture and colour of the materials to be used hard landscaping scheme. The development shall be implemented in accordance with the approved details and retained for the lifetime of the development.
33. All demolition, site clearance, construction work and deliveries to and from the site during the demolition and construction phase shall be limited to Monday to Friday 07.00 to 18.00, Saturday 08.00 to 14.00 and no activities on Sunday or Public Holidays .
34. Prior to the completion of development, details shall be submitted to and approved in writing by the Local Planning Authority of street furniture associated with the development. This shall include details of the siting, design and specification of seating, bollards, height restriction barriers and litter bins and all other street furniture required. The scheme shall be implemented in accordance with the approved details and retained for the lifetime of the development.
35. 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 4.6 of British Standard BS:5837 – 2012 ‘Trees in Relation to Design, Demolition and Construction– Recommendations’.
 - d. Design details of the proposed protective barriers and ground protection 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 6.2 of British Standard BS:5837 – 2012 ‘Trees in Relation to Design, Demolition and Construction– Recommendations’.

36. 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 Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such method statement shall include full detail of the following:
- Implementation, supervision and monitoring of the approved Tree Protection Plan.
 - Implementation, supervision and monitoring of the approved Treework Specification.
 - Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Plan.
 - Timing and phasing of arboricultural works in relation to the approved development.
37. 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 (2010) Recommendations for Tree Work.
38. 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'
39. 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 complete accordance with the approved service/drainage layout.
40. No development shall take place until there has been submitted to and approved in writing by the local planning authority technical details of any proposed pathway / hard surfacing / driveway / parking area within 3 metres of the outer canopy spread of any existing tree situated on or off the site. The details of the vehicular access and parking areas shall include existing and proposed ground levels, materials to be used and the relative time of construction within the whole development and must be in accordance with appropriate guidelines, namely Clause 7.4 of British Standard BS:5837 – 2012 'Trees in Relation to Design, Demolition and Construction–

Recommendations' and Arboricultural Advisory & Information Service Practice Note 'Driveways Close to Trees' (1996). Any driveway / parking areas within 3 metres of existing trees must be constructed using "no-dig" techniques incorporating appropriate surfaces to avoid damage to trees and to prevent any potential direct or indirect damage caused by trees.

41. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

all previous uses

potential contaminants associated with those uses

a conceptual model of the site indicating sources, pathways and receptors

potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

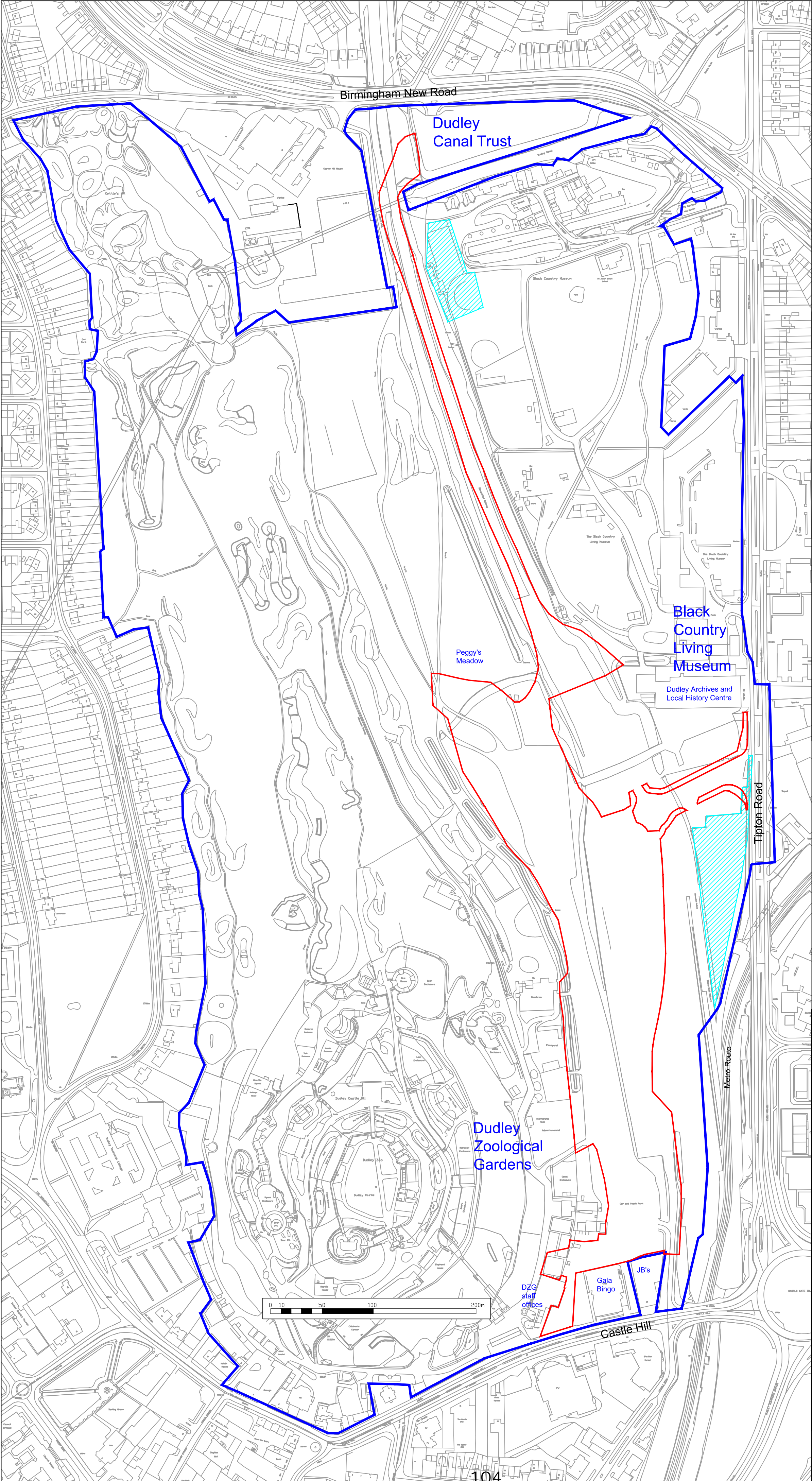
4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

42. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
43. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
44. No development shall take place until a feasibility study to assess the viability of removing the Swan Brook from culvert has been undertaken and submitted and agreed by the local planning authority. This study should include discussions with the sewage undertaker (Severn Trent) and any hydrological impacts of culvert

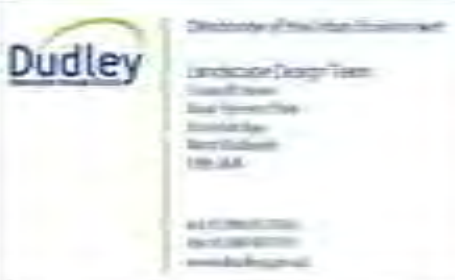
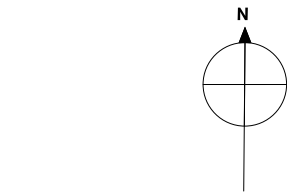
removal. Should this study demonstrate that Swan Brook can be de-culverted this shall be implemented in accordance with an agreed schedule of works to be submitted to and approved in writing by the Local Planning Authority. Swan Brook shall be implemented in accordance with the details set out in the schedule of works and retained for the lifetime of the development.

45. No development shall take place until a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules is submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include details on the removal of vegetation from the banks and watercourse corridors, the extent and type of new planting, details of any new habitat created on site, details of management responsibilities and details of maintenance regimes.
46. No development shall take place until a scheme to restore and improve the channel of the Swan Brook has been submitted and approved by the local planning authority. This shall include the channel being dug to create a gentle gradient and to encourage flow at the upstream end and to prevent cars accessing the site at Peggy's Meadow at the downstream end. the lining of the bed with inert materials such as gravels and or clays should be considere and the creation of riffles and small meanders should be considered.
47. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1:100 plus climate change critical storm will not exceed the greenfield rate run-off following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion



Legend

- Proposed Full planning application boundary.
- Land within Council Ownership (excluding 2 sites of private land).
- Land in private ownership



Job: Castle Hill Development

Drawing: Site Location Plan

Job No: M072

Drawing No: M072-06C

Revision:
A Boundary Changes DH 26 Nov 12
B Boundary Changes DH 6 Dec 12
C Boundary Changes DH 13 Dec 12

Scale: 1:2500 at A2

Date: Dec 2012

Drawn: DH

Checked: RL

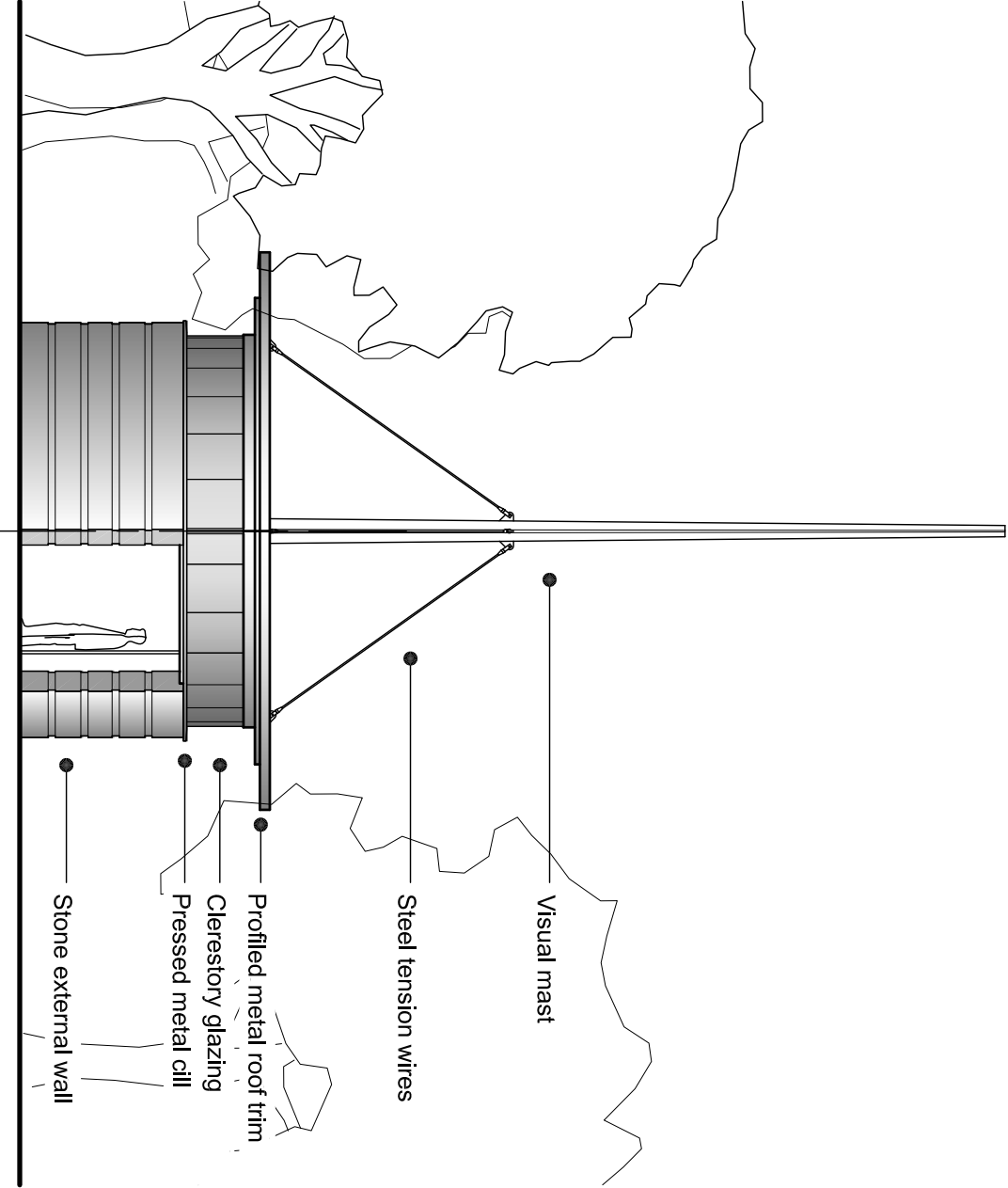
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Ordnance Survey 100019566.

ALL FIGURED DIMENSIONS ARE TO TAKE PRECEDENCE OVER SCALED DIMENSIONS.
ALL DIMENSIONS ARE TO BE CHECKED BY THE CONTRACTOR
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LICENCE NUMBER LA 100019586. DATE AS DRAWING
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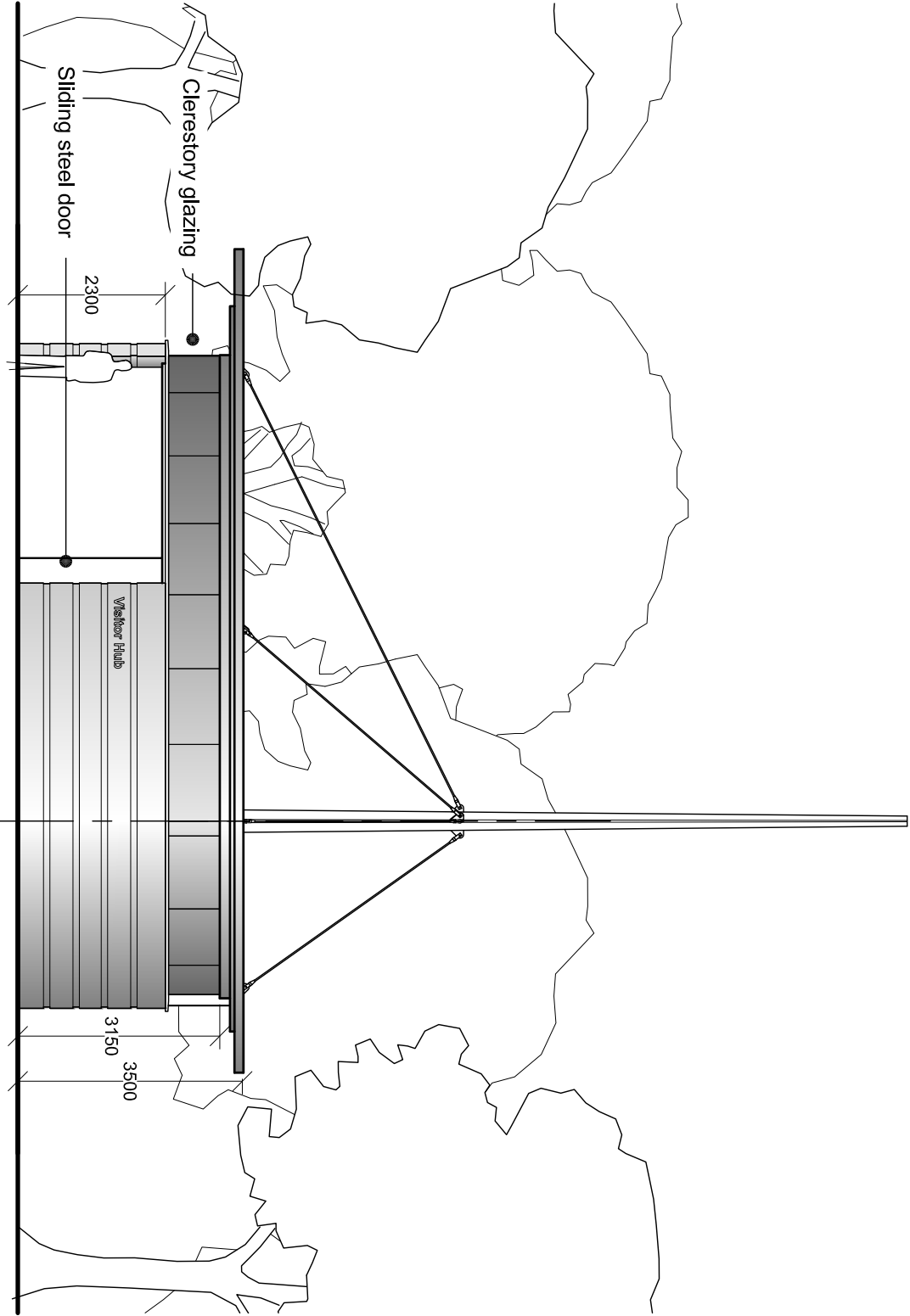
NOTES



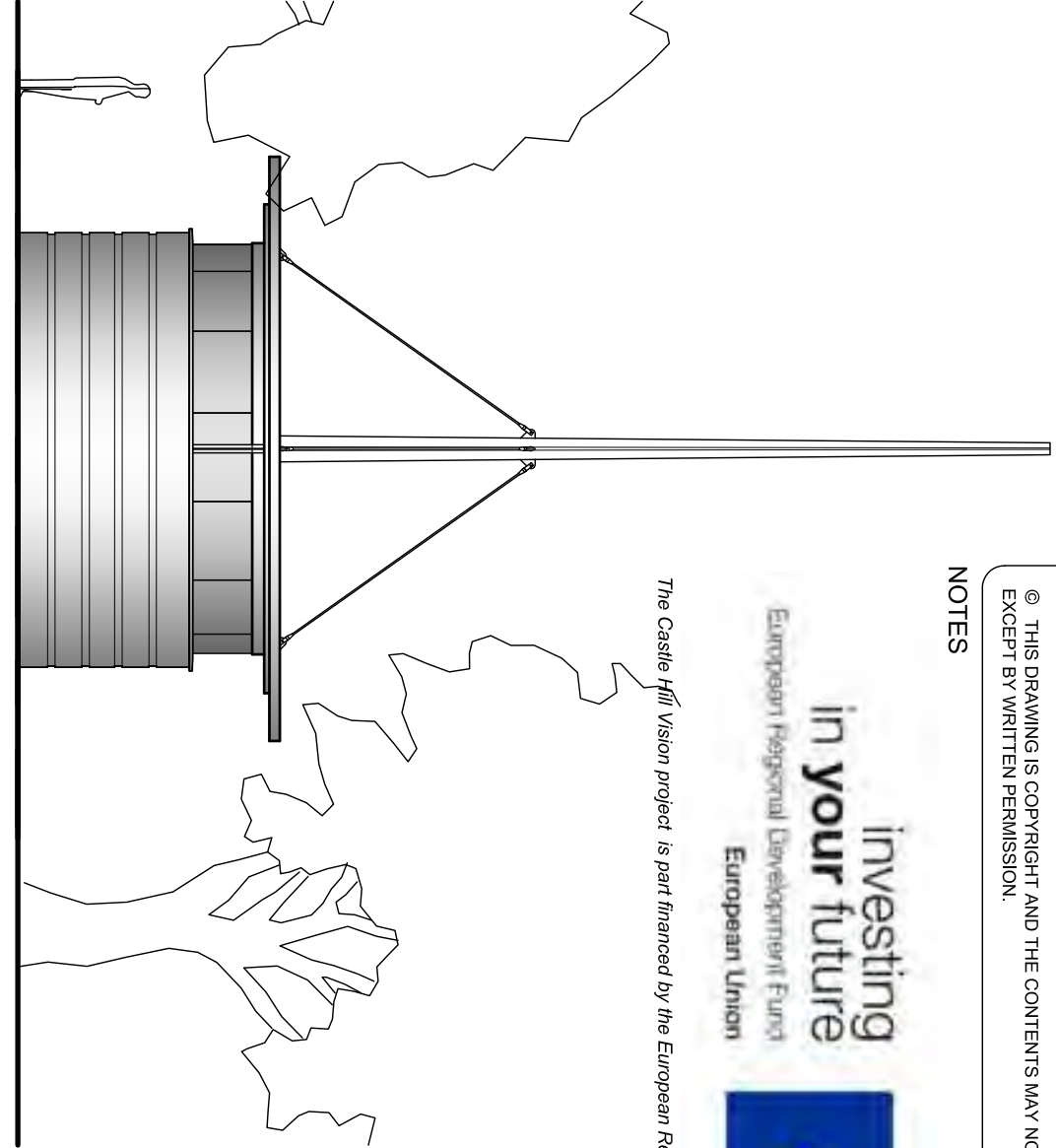
The Castle Hill Vision project is part financed by the European Regional Development Fund



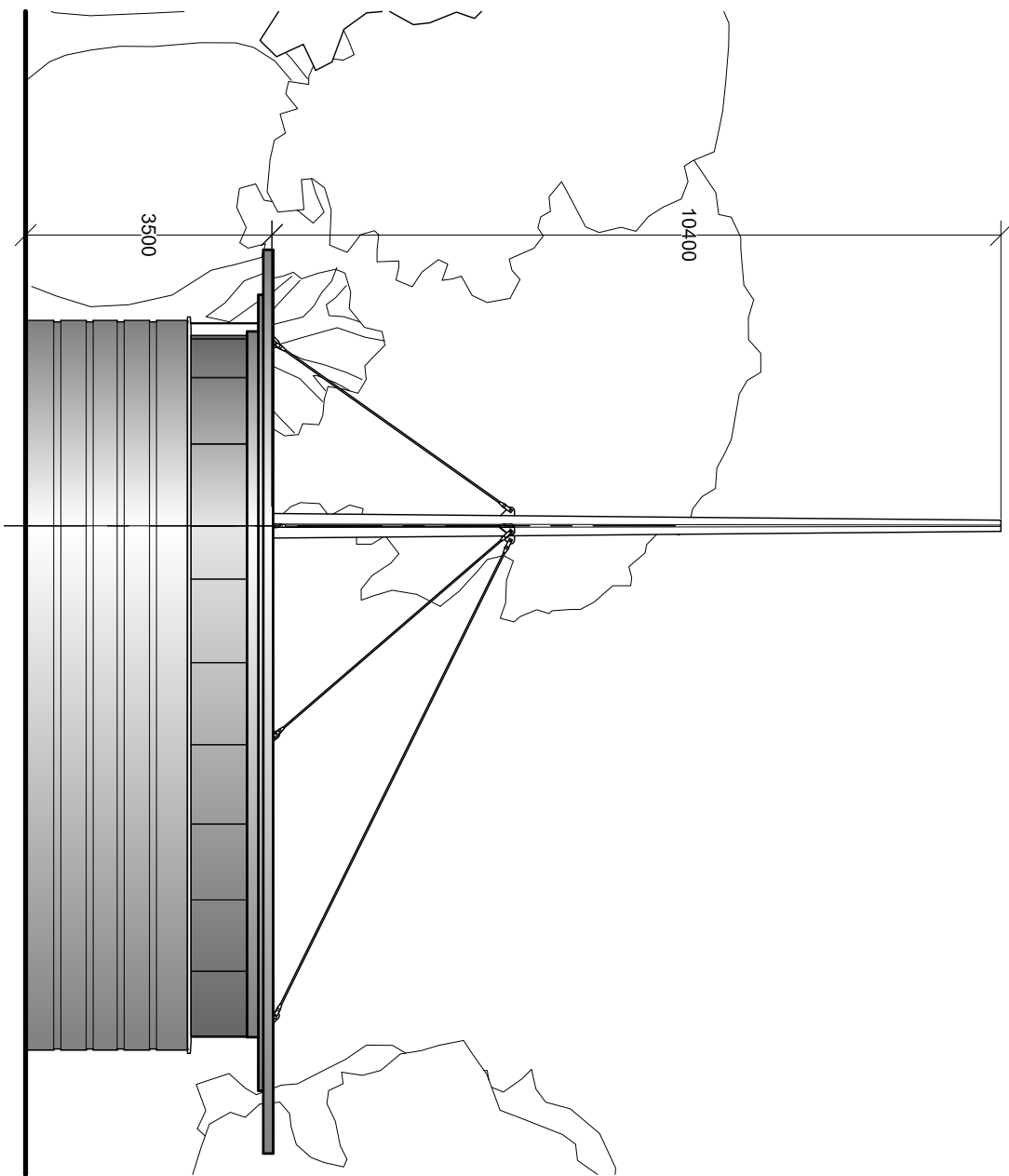
South Elevation
Scale 1:100



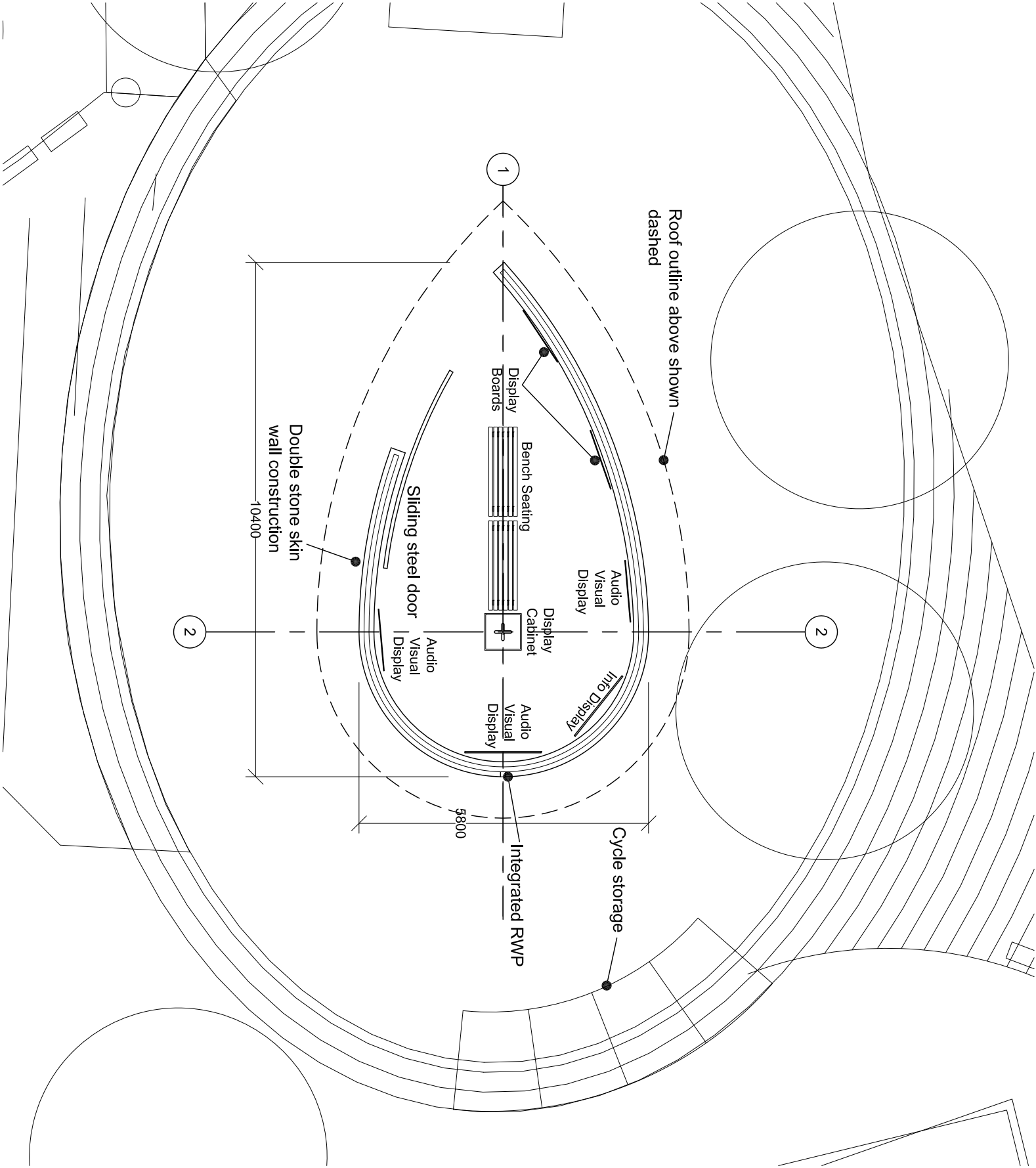
East Elevation
Scale 1:100



North Elevation
Scale 1:100



West Elevation
Scale 1:100



REV	DATE	DESCRIPTION	BY

Construction and Design

PRELIMINARY DRAWING

NOT TO BE USED FOR CONSTRUCTION

Construction and Design

Ward House, Himley Park, Dudley, DY3 4DF

Directorate of Children's Services

Dudley Metropolitan Borough Council

Dudley

Metropolitan Borough Council

PROJECT

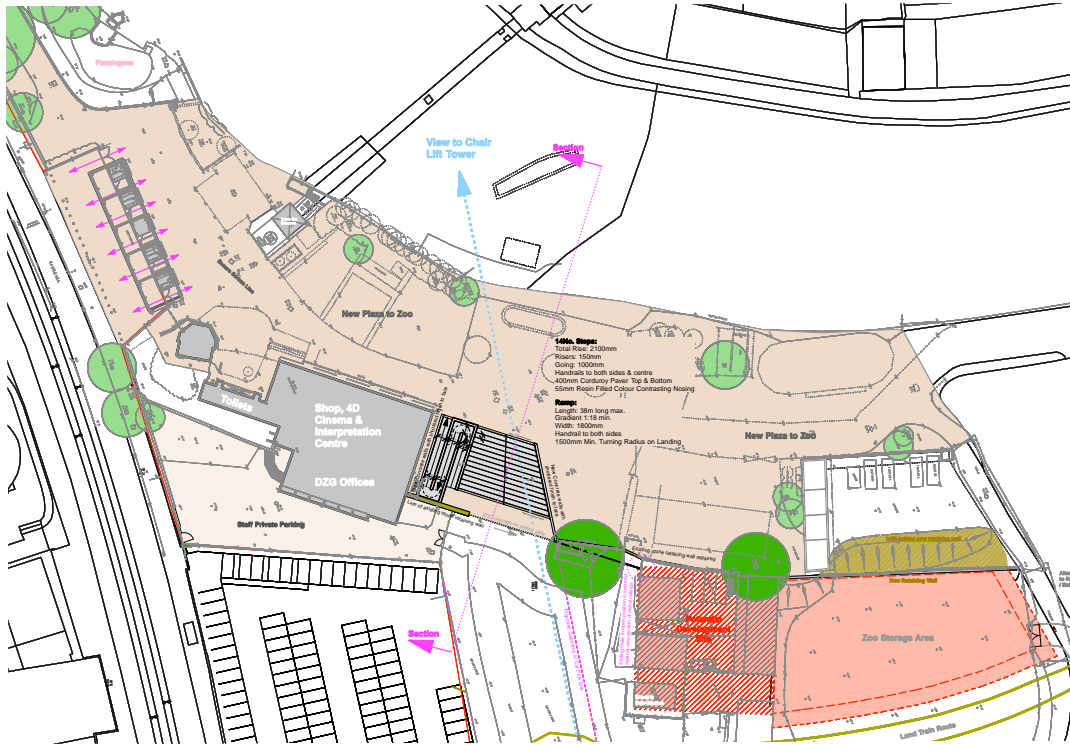
Castle Hill Vision

Visitor Hub

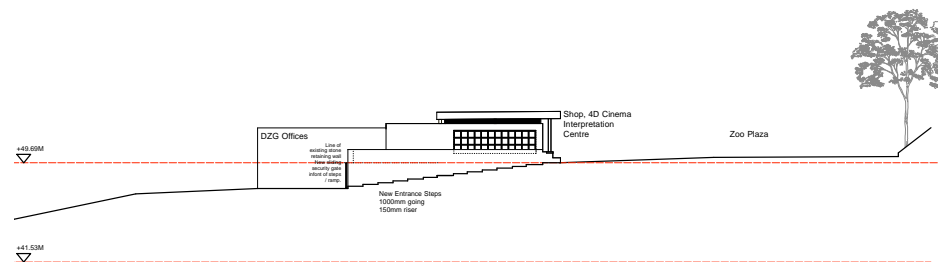
DRAWING

Proposed Plans and Elevations

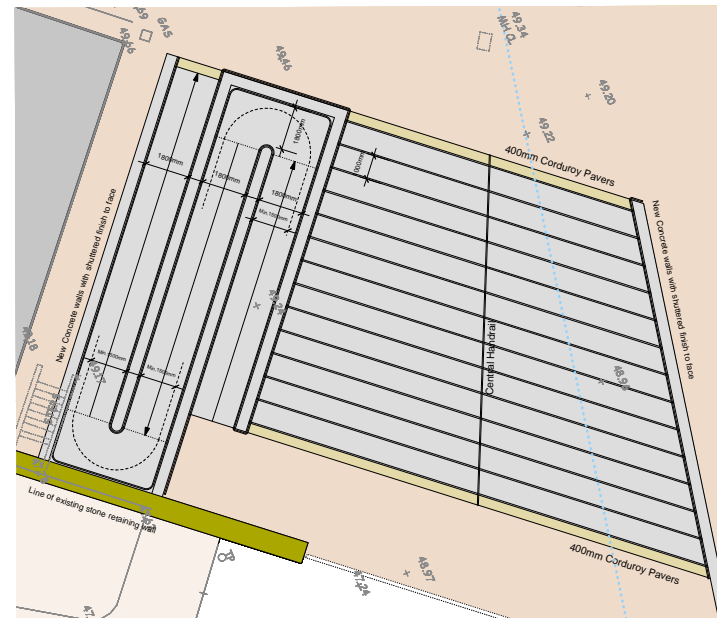
Scale	1:100 @ A2	Date	21/11/12	Drawn	mic
Job Number	AMPJ353	Drawing Number	A100	Revision	.
				Plot Sheet size	A2



Plan Extract 1:500 @ A1



Section 1:200 @ A1



Plan Extract 1:100 @ A1

NOTES / LEGEND

1. Do not scale off drawing.
 2. Check all dimensions on site and advise any discrepancies.
 3. All figures are indicative unless otherwise stated.
 4. Location plans subject to © Crown Copyright.

Rev. F 28.11.2012	Single Storey & Ramps Proposed Shown. Screen Screen Deleted
Rev. E 28.11.2012	Alternative Store Geometry Shown
Rev. D 23.11.2012	Access Officer's Comments Incorporated. Larger External Aisle
Rev. C 21.11.2012	Revised ramp, stairs & gate. Other options deleted
Rev. B 18.11.2012	Revised ramp / stairs options
Rev. A 16.11.2012	Revised ramp / stairs options
Revisions	

DUDLEY ZOOLOGICAL GARDENS

ENTRANCE SKETCH

drawing	revision	status
1877.sk001	F	SKETCH
scale	date of first issue	by / ch
1:500/200/100 @A1	14.11.2012	MB / LP

3 May Street, Birmingham, B3 1UD

T: 0121 233 1818
 F: 0121 233 1118
 email: birmingham@bnparchitects.com
 www.bnparchitects.com

BPN ARCHITECTS

Dudley Canal Trust
current Planning Application
P12/ 1354

Land train access and gate

Pedestrian gates

Two flights of steps with resting
area 1.2m wide.

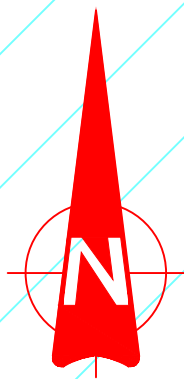
Dedicated disabled ramp 2m wide with resting
areas every 750mm change in level

Recreational Route 3m width tarmac
surfacing; integrated disability / pedestrian
route with handrail outer edge only;
resting areas every 750mm change in level.

Native shrub Planting,
see Dwg M072-23

Wild Flowers/Bulbs
1.8m Mown Strip along
sides of Rec.Route.

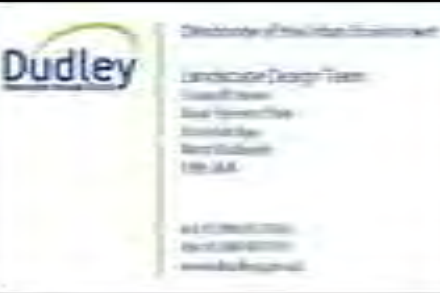
Allow Glimpse View to Canal
& Canal Hub Bldg. from
Recreational Route.



KEY

- Tarmac surfacing for Recreational Route where gradients are 1:12 with landings
- Existing canopy and vegetation subject management to enhance ground flora species
- Proposed native and semi-ornamental shrub planting
- Proposed wildflower grass areas with bulb planting
- Proposed tree planting
- Existing Boundary fence-line (dashed where line altered)
- Re-aligned boundary fence-line
- Proposed gates as annotated
- Existing Contours (blue lines) and steep banks
- Proposed spot levels (existing in brackets)
- Retaining Walls
- Proposed handrails

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Job: Castle Hill Development

Drawing: Dudley Canal Trust
connection with the
Recreational Route
Job No: M072

Drawing No: M072-30A
Revision:
A Minor amendments DH 14 Dec 12

Scale: 1:200 at A2
Date: Nov 2012

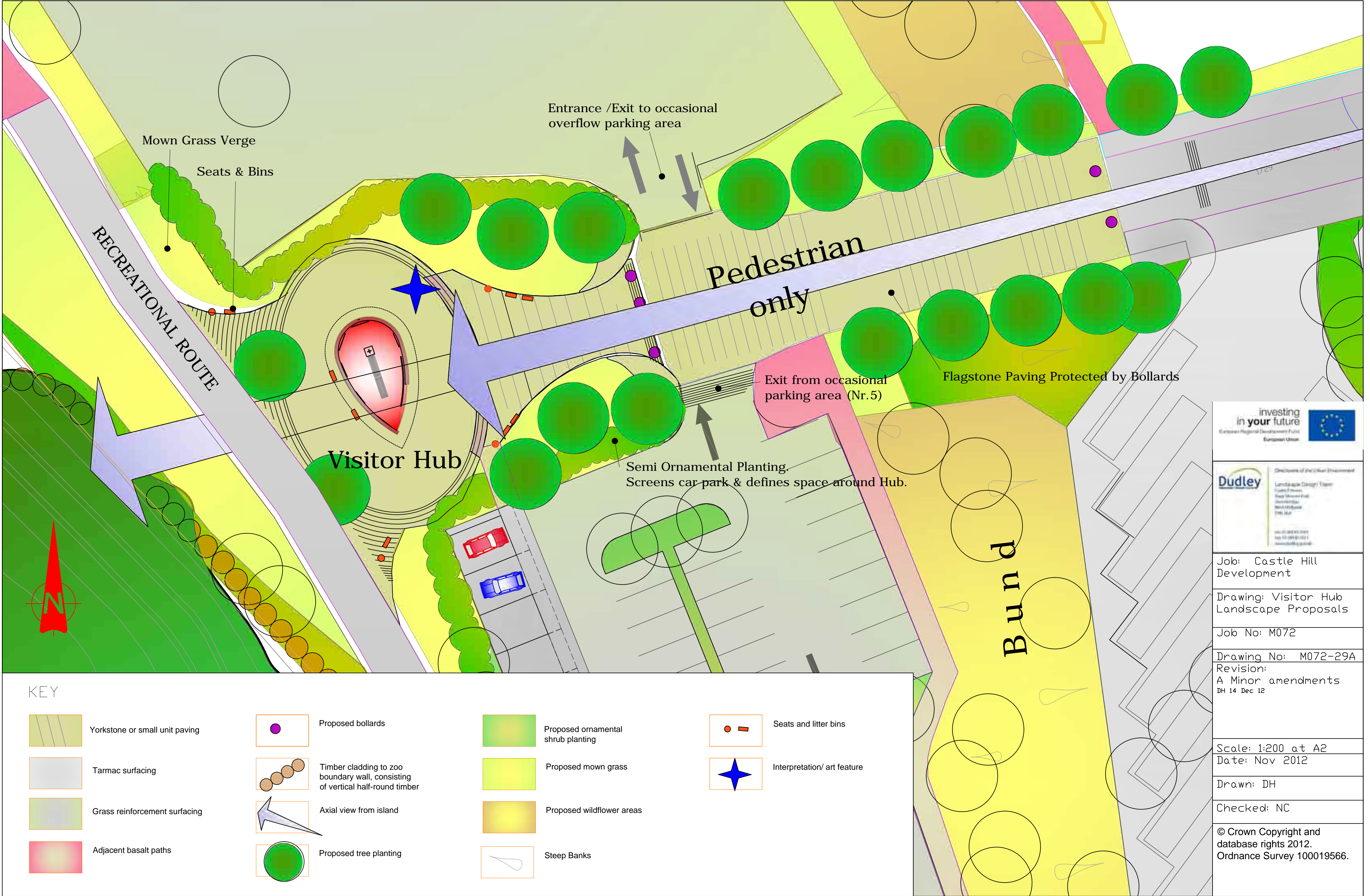
Drawn: DH

Checked: NC

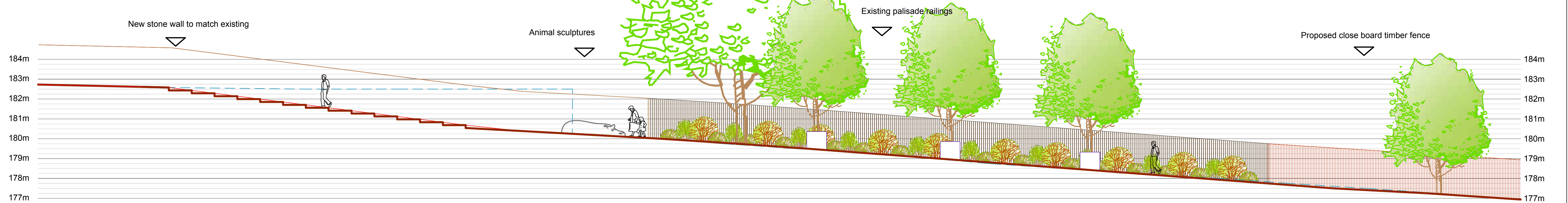
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Recreational Route

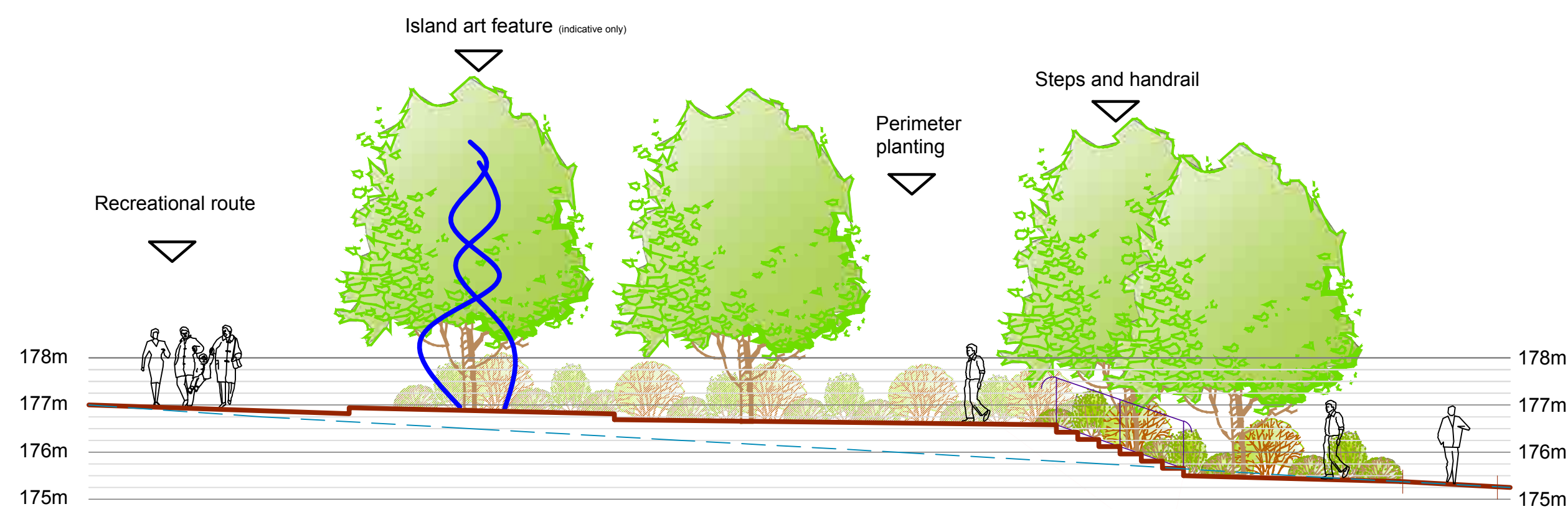
Embankment



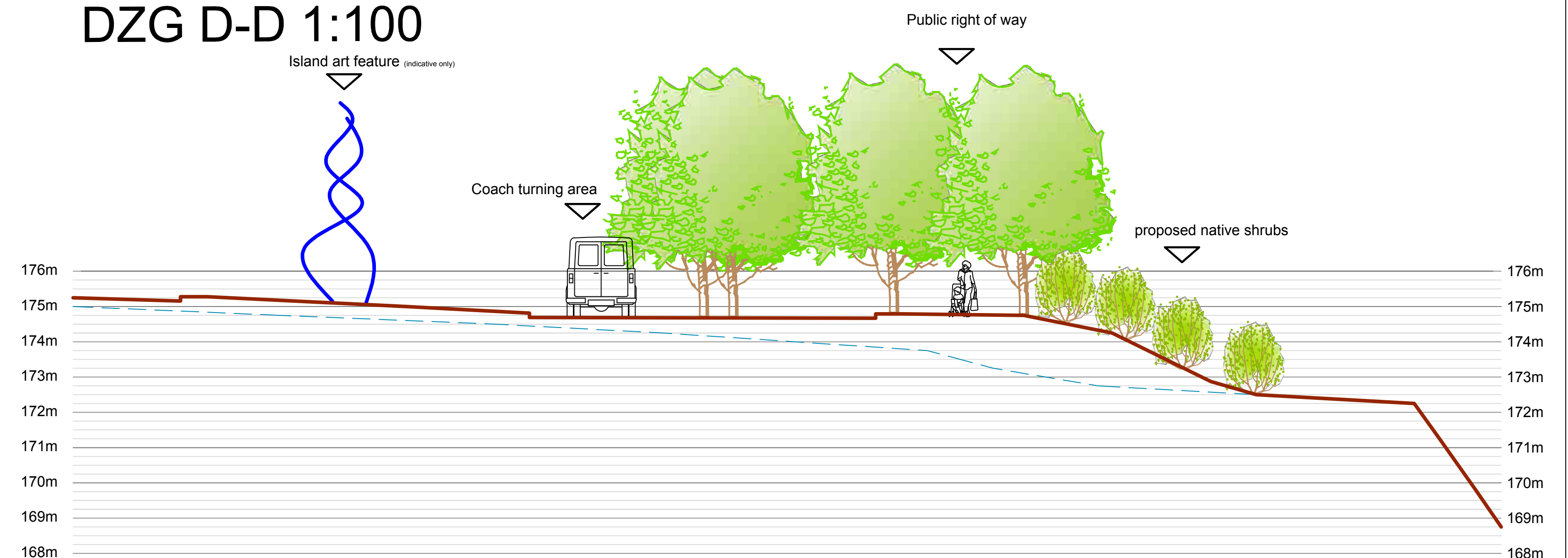
DZG C-C 1:100



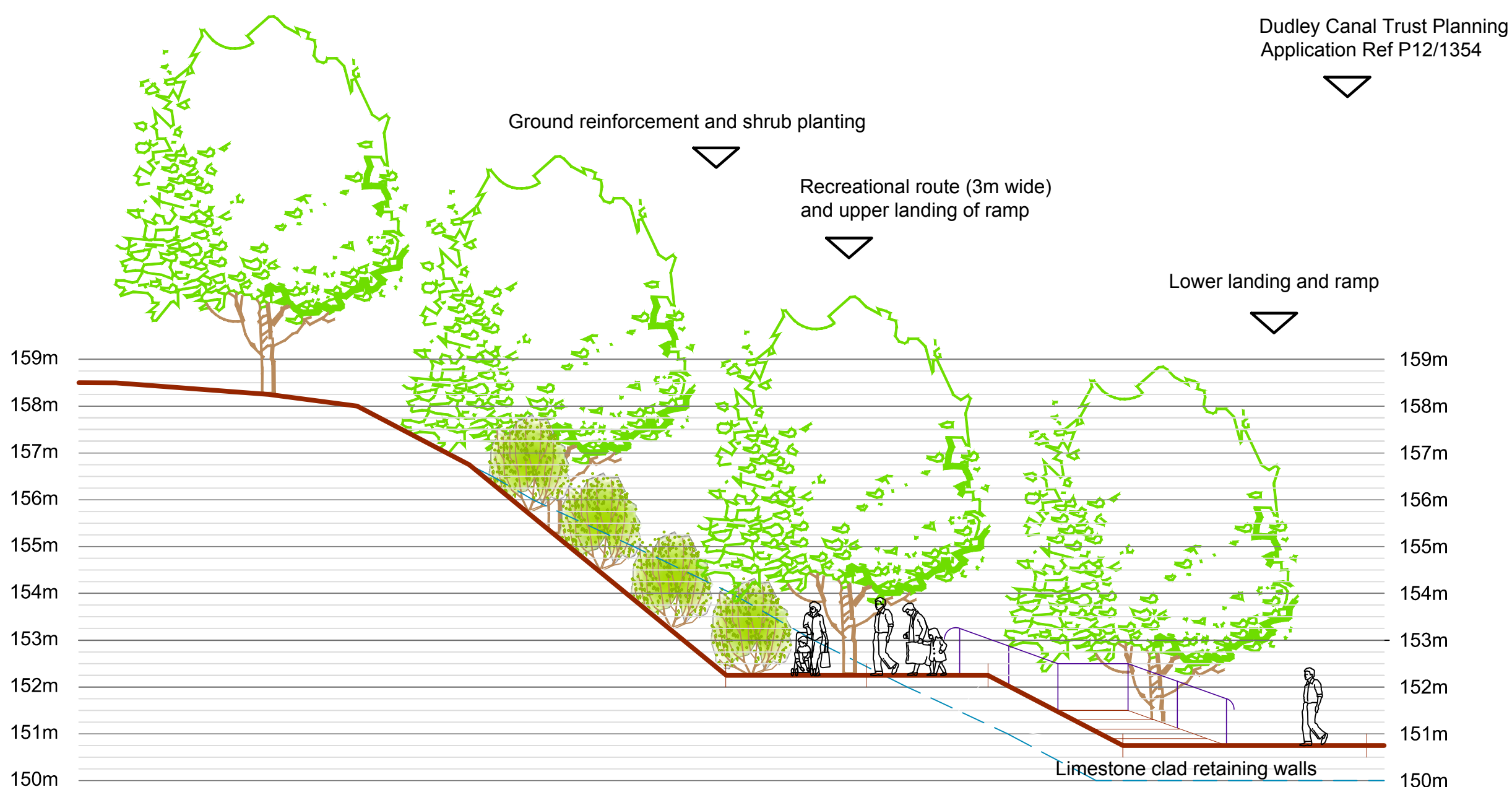
DZG C1-C1 1:100



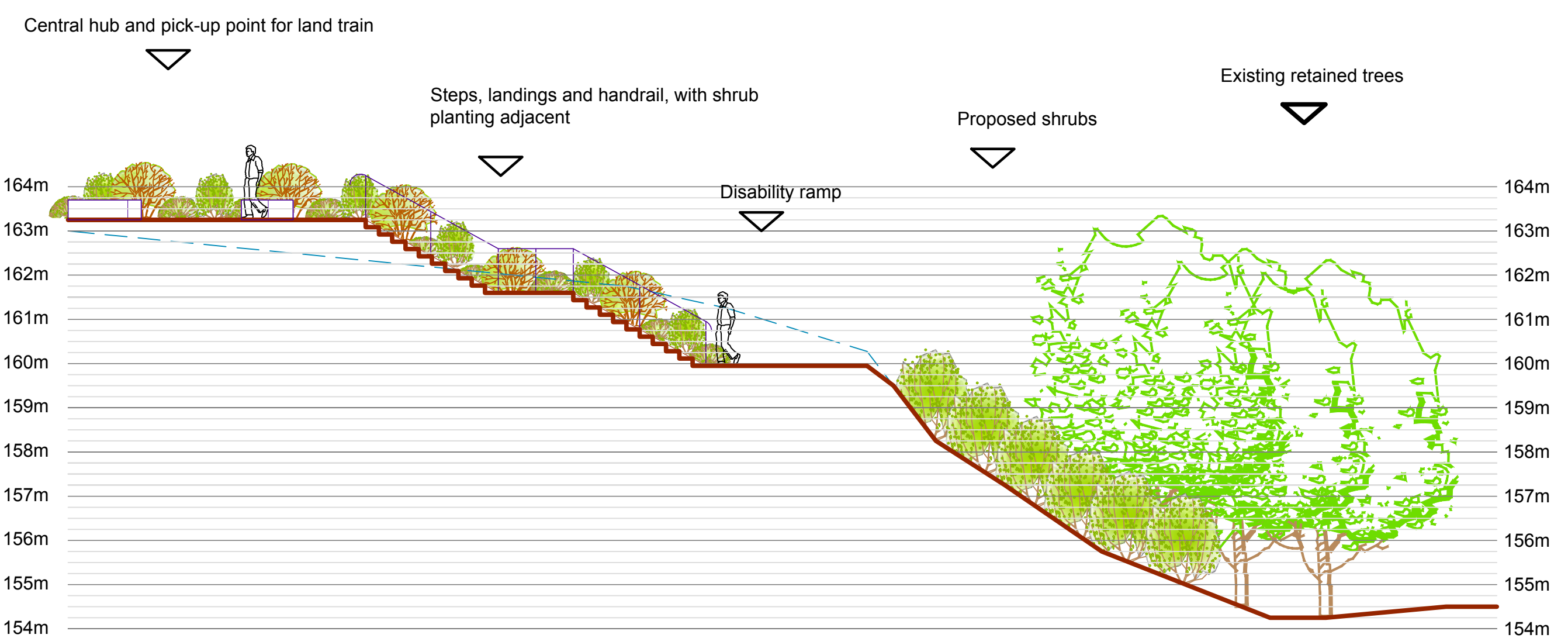
DZG D-D 1:100



Dudley Canal Trust E-E 1:100



BCLM F-F 1:100



Job: Castle Hill Development
Drawing: Landscape Sections 2 of 2
Job No: M072
Drawing No: M072-24(2)
Revision:
Scale: 1:100 at A1
Date: Dec 2012
Drawn: RL
Checked: DH
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Gen A-A Typical Section 1:200

Recreational route (4m wide) and DZG boundary wall

Upper plateau car parking

2m path

Proposed tree planting and wildflower areas on linear bund

2m path

lower plateau car parking

Gabions and bank

4m wide public right of way (combined pedestrian and cycle route)

Secondary road

Native boundary hedge

171m
170m
169m
168m
167m
166m
165m
164m
163m

171m
170m
169m
168m
167m
166m
165m
164m
163m

Visitor Hub B-B 1:200

Visitor hub structure
ref drawing
AMPJ353/A100

Recreational route
(4m wide)

DZG boundary wall

Collapsible bollards

Avenue trees

Collapsible bollards

Barrier gate

Existing trees

Proposed trees

Proposed shrubs

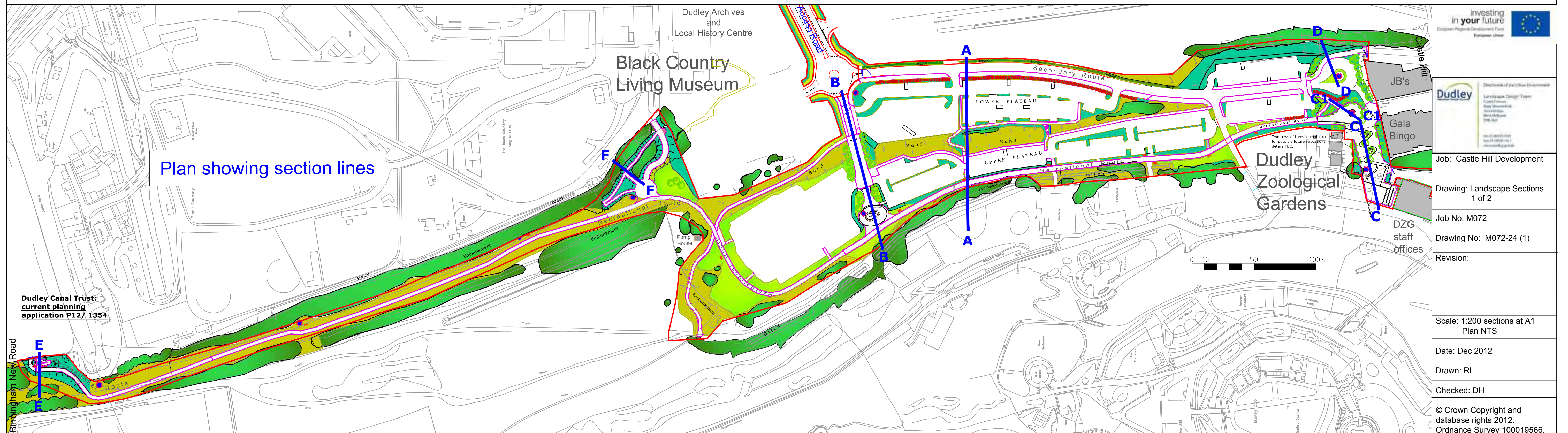
Proposed ground level

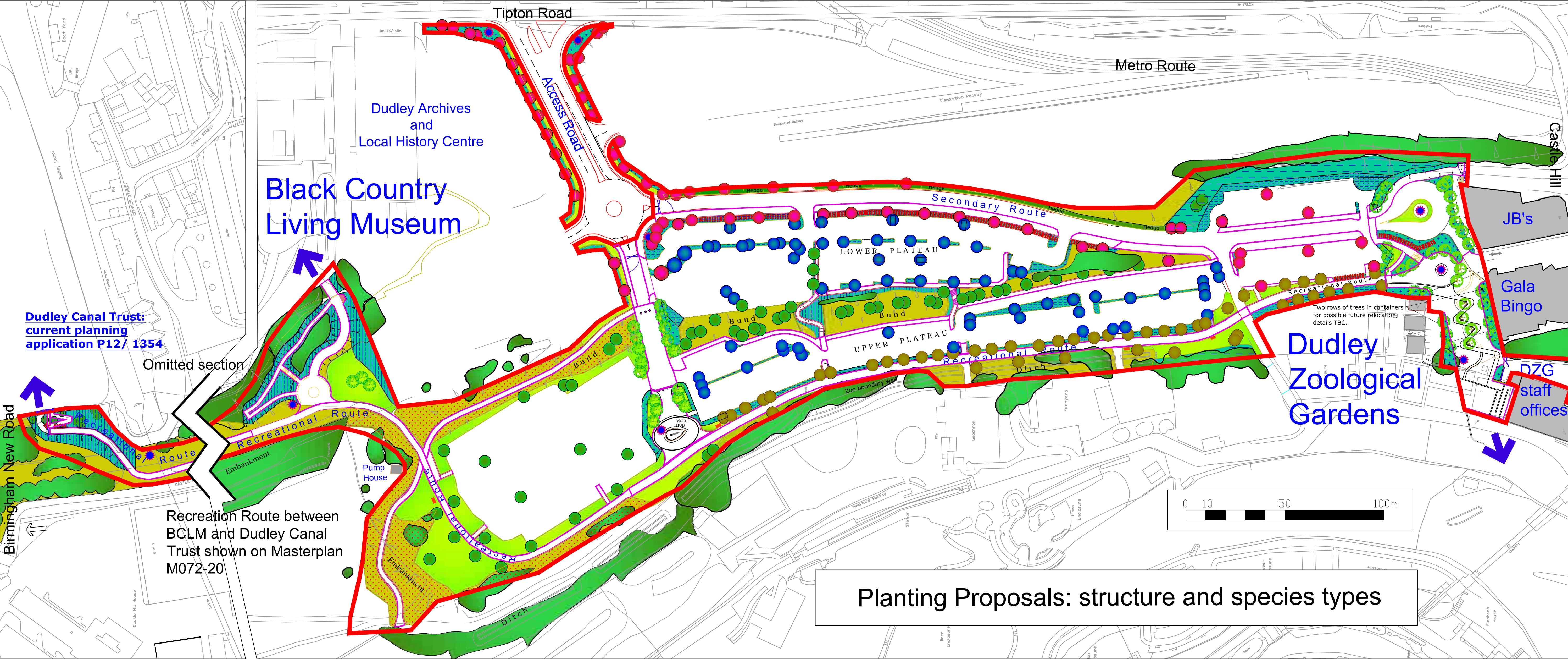
Existing ground level

170m
169m
168m
167m
166m

170m
169m
168m
167m
166m

The diagram is a cross-section of a landscape, labeled 'Visitor Hub B-B 1:200'. It shows a proposed ground level (solid red line) and an existing ground level (dashed blue line). The profile starts on the left with a 'DZG boundary wall' and a 'Recreational route (4m wide)'. A 'Visitor hub structure' is shown with a reference drawing 'AMPJ353/A100'. The landscape includes 'Avenue trees', 'Collapsible bollards', and a 'Barrier gate'. The diagram also includes a legend for 'Existing trees', 'Proposed trees', and 'Proposed shrubs'. The vertical axis on the left and right shows elevations from 166m to 170m. The diagram is a technical drawing of a landscape cross-section.





Planting Proposals: structure and species types

LEGEND

- Planning Application Boundary
- Pedestrian routes/ areas
- Steep slopes/ banks
- Existing trees & scrub adjacent to & within site to be retained
- Seating (orange)
- Interpretation and art Proposed locations
- Gabions / retaining walls

TREES

- Proposed tree species palettes
- Semi-mature tree planting (DZG piazza and Visitor hub)
- Extra Heavy standard sizes (refer to schedules)
- Entrance and avenue tree planting (18-20 cm girth)
- Recreational Route tree planting (14-16 cm girth)
- Car park tree planting (14-16 cm girth)
- Range of sizes
- Native tree planting mix (EHS in select locations, elsewhere feathery with occasional multi-stem)
- TREE PLANTING NOTES. Tree planting to be clear stem to 175 - 200 cm, except where feathery/multi-stem plants used within native mixes. Trees to be double-staked, except native species on bund or away from public thoroughfares which are to be short-staked; trees in containers to be underground guyed. Trees adjacent to hard surfaces or underground services to use root deflection barrier systems, all Semi-mature/ EHS trees to have irrigation systems, type TBC. All tree planting proposals subject to final detailing.
- Existing Trees/Shrubs
- Fraxinus excelsior, Acer pseudoplatanus, Betula pendula, Populus sp., Castanopsis monogyna, Sorbus aucuparia, Salix sp., Sambucus nigra, Cornus sanguinea, Clematis vitalba

SHRUBS

- DZG piazza/ Visitor Hub areas
- DZG piazza/ coach turning / visitor hub area: Ornamental and specimen shrubs
- Car parks - low shrubs: Ornamental / semi-ornamental shrubs
- BCLM and linear bund: Native Low to medium height shrubs
- East bank of car park 1 and part of DZG boundary: Native shrubs, medium - high
- Hedge
- TOPSOIL NOTES. Topsoil/ subsoil storage mounds not to exceed 2m. Areas of existing soil to be retained shall be fenced off from plant and machinery, any compaction caused shall be remediated to a depth of 600mm. Imported subsoil shall seek to match existing on Peggy's Meadow, imported topsoil to BS3882 using premium grade for ornamental low shrubs/ groundcover areas, depth 450mm; mown grass areas to be 150mm depth.
- SHRUB NOTES. Plants listed are suggestive and not final, however, they provide a strong basis of the type of species expected within each group. All shrub beds to be covered with 75mm ornamental bark mulch and subject to regular weeding, irrigation as necessary and pruning etc. Planting densities to aim between quick impact and final spread, however, will lean toward former at key locations.

GRASSLAND

- Amenity grass
- Mown amenity grass mixes, generally hard wearing with variations. Turf to be laid in strips alongside paths and other edges, grass areas to be cultivated with min 100mm topsoil depth over subsoil ensuring decompaction to a depth of 300mm.
- WILDFLOWERS
- Hedge & woodland mixes
- Meadow & Grassland mixes
- Wildflower areas using 'Emorsgate Seeds' or similar, on imported subsoil cover of 75mm depth or as advised by seed supplier. Mixes to reflect situation and soil type eg Hedge/ woodland mixes where shaded. In addition wildflower plugs and bulbs to be planted in conspicuous situations near entrances.

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Local Authority
Planning Department
0121 255 2000
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Job: Castle Hill Development

Drawing: Planting Proposals

Job No: M072

Drawing No: M072-23

Revision:

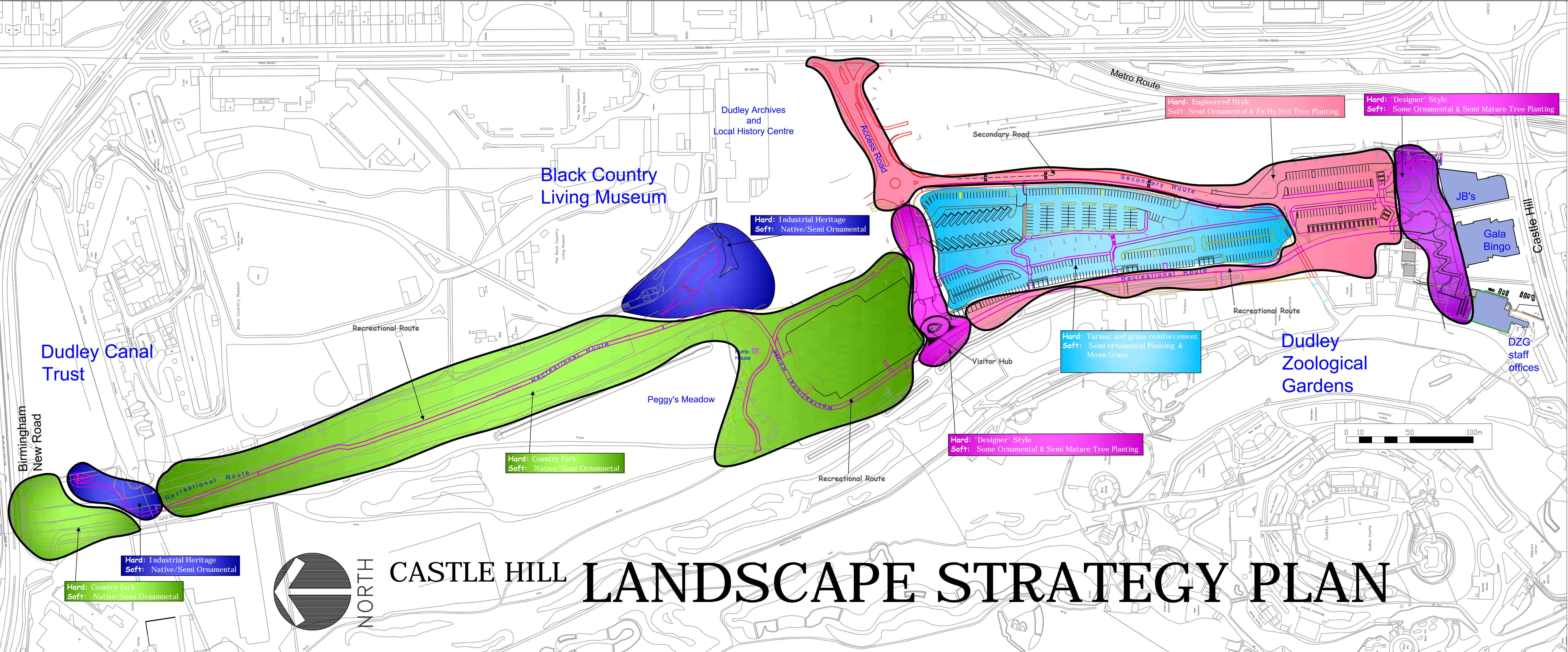
Scale: 1: 1000 at A1

Date: Dec 2012

Drawn: DH

Checked: NC

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KEY to Plan

Area		Landscape Character Description	Design Images	
Some character areas will overlap. Existing tree/shrubs will be retained where appropriate to help provide a mature green infrastructure		'Country Park' Style. Soft Landscape: native/semi ornamental planting/wildflowers Hard Landscape: bassalt paths/timber edge. Rustic timber furniture		
		Industrial Heritage Style. Soft Landscape: native/semi ornamental planting/wildflowers Hard Landscape: References to canal vernacular e.g.blue & red brick details, bassalt paths/timber edge. Black & white painted steel.		
		'Designer' Style. Soft Landscape: Some ornamental planting. Semi mature trees. Hard Landscape: Natural stone detailing, reconstituted flagstones, corten steel/stainless steel furniture		
		Engineered Style. Soft Landscape: Semi ornamental planting ex.hy.std.trees Hard Landscape: P.C.concrete kerbs, tarmac, gabion retaining structures, steel barriers		
		Lower Key Style. Soft Landscape: Semi ornamental planting, mown grass, Hard Landscape: Tar spray & chip surfacing/timber edges.		

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Dudley Chancellor of Academic Management
Landscape Design Team
Landscape Architect
Urban Designer
Planning Officer
2018-2021

Job: Castle Hill Development

Drawing: Landscape Strategy Plan

Job No: M072

Drawing No: M072-22
Revision:

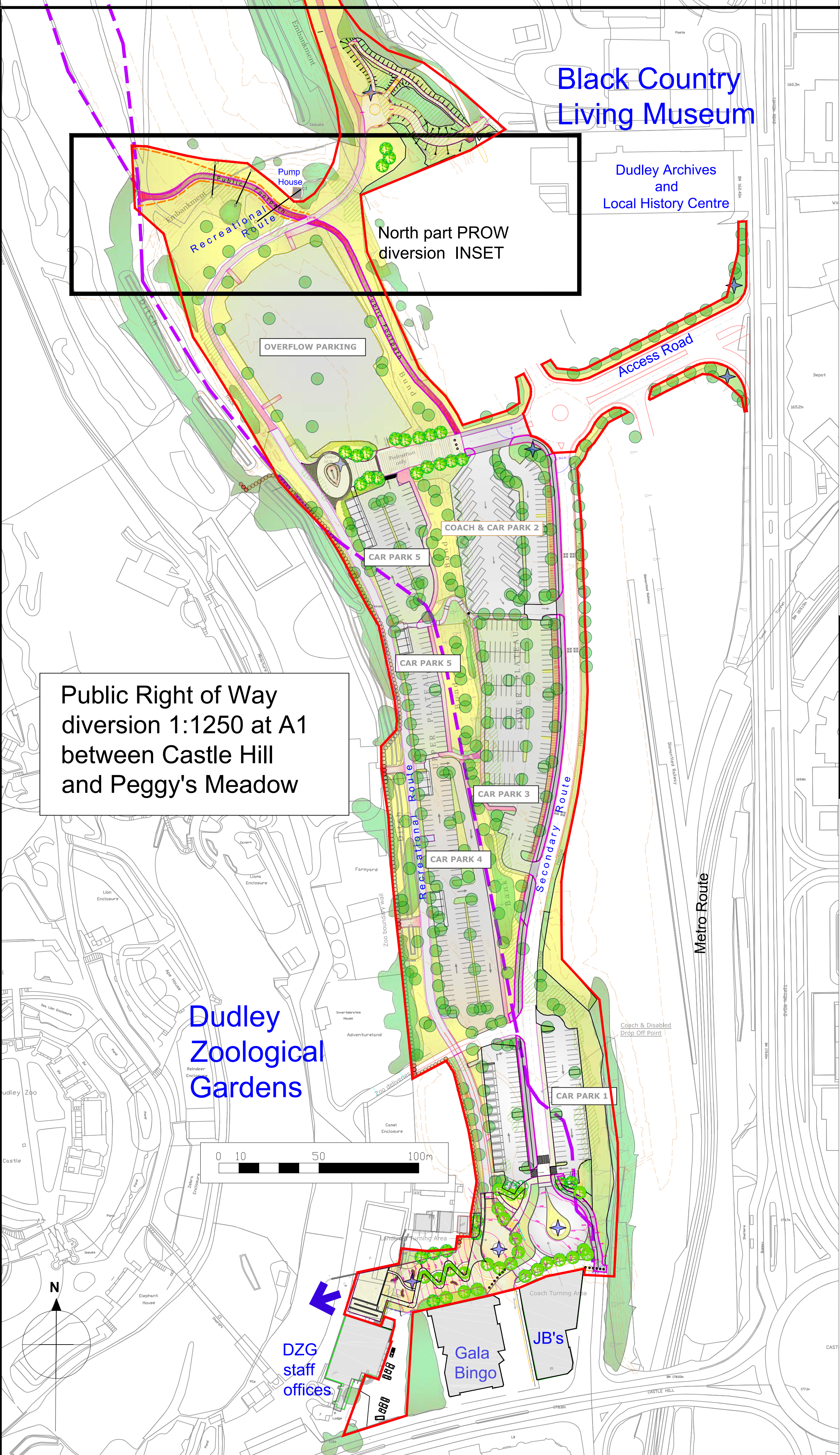
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Date: Dec 2012

Drawn: JB/ DH

Checked: MY

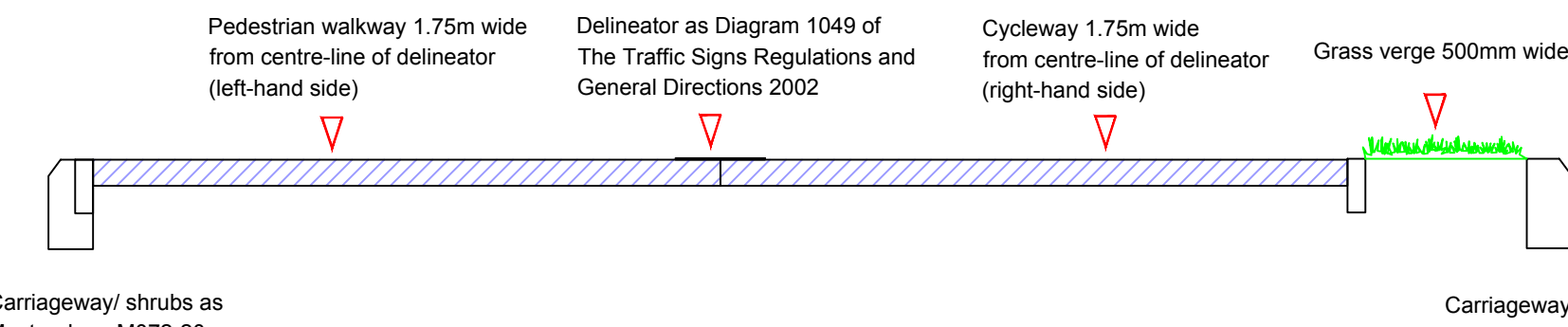
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LEGEND

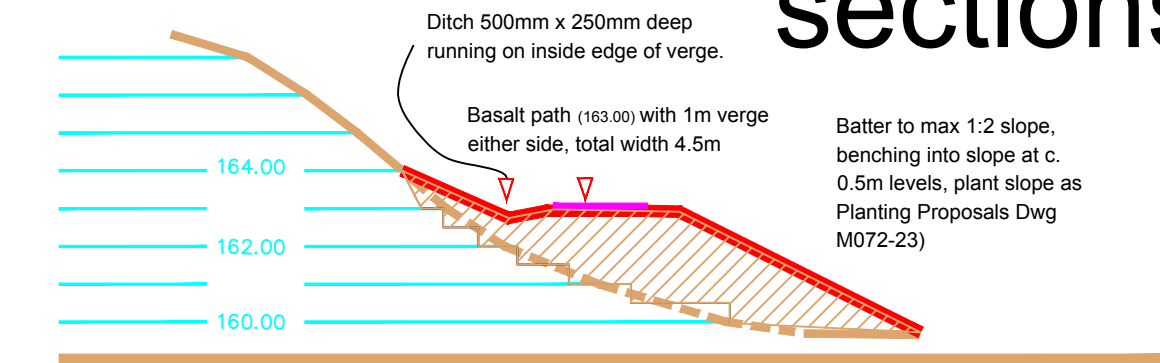
- | | | | |
|--|---|--|---|
| | Full Planning Application Boundary | | Existing trees & scrub adjacent to & within site to be retained |
| | Existing Public Right of Way | | Existing trees to be removed |
| | Proposed public right of way diversion zone north section tipping face area | | Proposed tree planting (transparent semi-mature) |
| | Pedestrian routes/ areas (PROW diversion paths in bold) | | Grassy areas |
| | Tarmac construction | | Low shrubs |
| | Pedestrian/ cycleway delineator | | Gabions alongside car park, with mounds |
| | Basalt or similar (well rolled and firm) | | Interpretation and art |
| | Bollards (colour contrasting) | | Spot level |
| | Barrier gates | | Existing Contours (dashed line) |
| | Section Lines (See inset) | | |

Combined pedestrian/ cycleway (1:20 at A1)

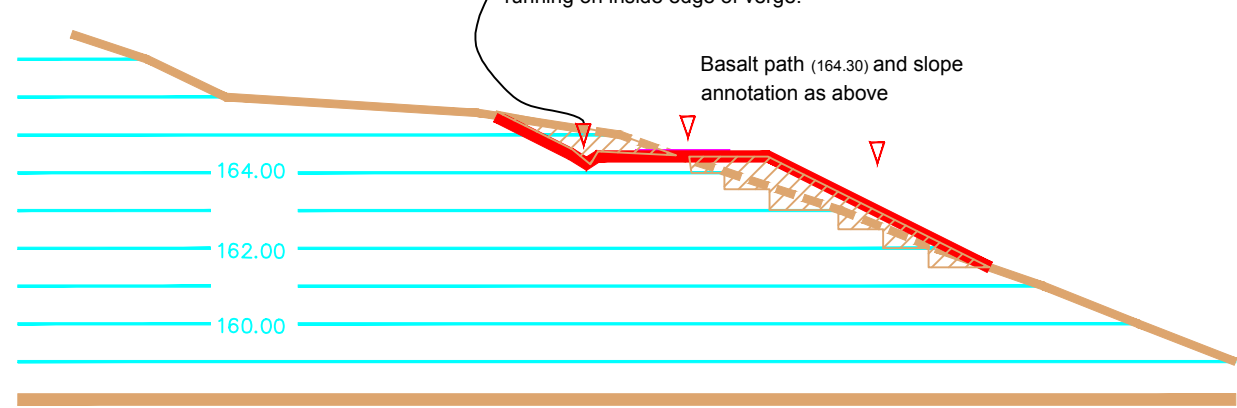


North part PROW diversion sections (1:200 at A1.)

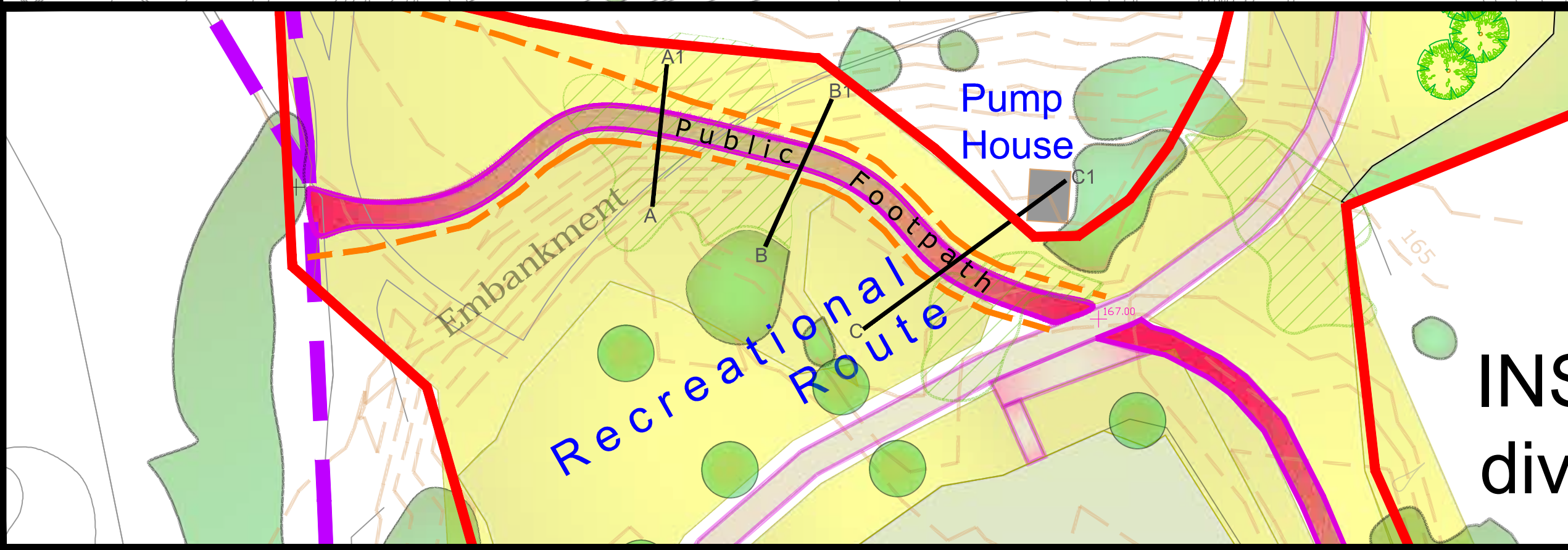
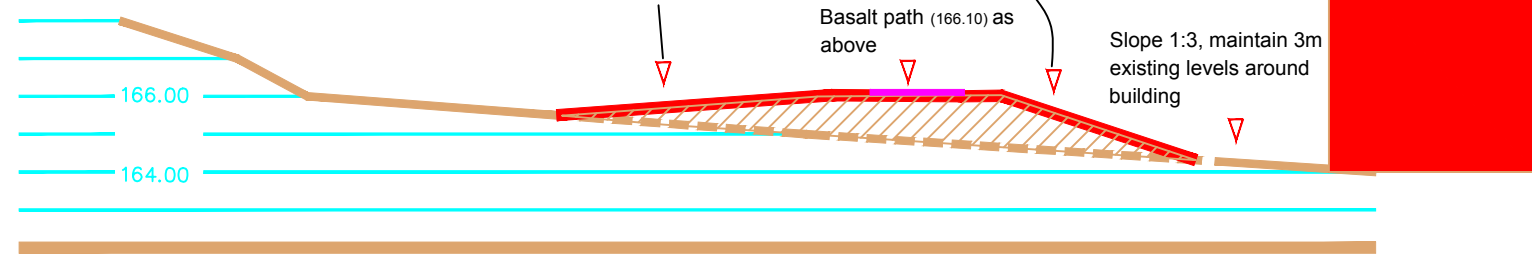
Section A-A1



Section B-B1

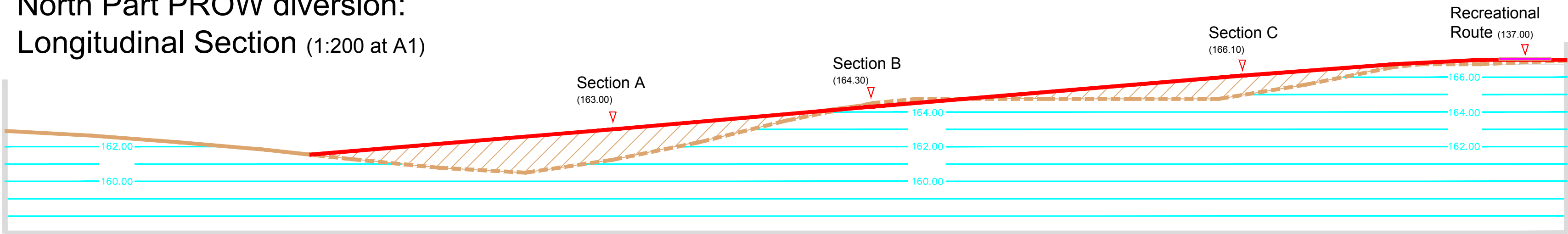


Section C-C1



INSET: North part PROW diversion (1:500 at A1.)

North Part PROW diversion: Longitudinal Section (1:200 at A1)



Job: Castle Hill Development
Drawing: Public Right of Way Diversion
Job No: M072
Drawing No: M072-21
Revision:
Scale: Various as annotated
Date: Dec 2012
Drawn: DH
Checked: NC
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PLANNING APPLICATION NUMBER:P13/0078

Type of approval sought	Tree Preservation Order
Ward	Quarry Bank and Dudley Wood
Applicant	Mr Ian Collinson, Mitie Landscapes Ltd
Location:	BLACKBROOK VALLEY SOUTH OF SALTWELLS INN, SALTWELLS LANE, QUARRY BANK, WEST MIDLANDS
Proposal	FELL 1 ASH TREE
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The tree subject to this application is an early mature ash tree that is located on the boundary between the Blackbrook Valley Woodland and the car park of the Saltwells Inn. The tree is considered to provide little in the way of individual amenity as it is not a structural part of the woodland.
2. The tree is protected under Woodland 1 of TPO 552 that was served in 1998.

PROPOSAL

3. Summary of proposal for the works as written on application form is as follows:
 - Fell 1 Ash tree.
4. The tree has been marked on the attached plan.

HISTORY

5. There have been no previous tree preservation order applications on the site.

PUBLIC CONSULTATION

6. No public representations had been received at the time of writing the report. Any representations that are received prior to the committee will be included in the pre-committee notes.

ASSESSMENT

Tree(s) Appraisal

<i>Tree Structure</i>	Tree 1
Species	Ash
Height (m)	9
Spread (m)	4
DBH (mm)	300
Canopy Architecture	Good
Overall Form	Poor – Leaning
Age Class <i>Yng / EM / M / OM / V</i>	Early Mature

Structural Assessment

Trunk / Root Collar	Moderate – Leaning	
Scaffold Limbs	Good	
Secondary Branches	Good	
% Deadwood	1%	
Root Defects	None Evident	
Root Disturbance	None Evident	
Other		
Failure Foreseeable <i>Imm / Likely / Possible / No</i>	Whole Possible	Whole No

Vigour Assessment

Vascular Defects	None evident
Foliage Defects	None Evident
Leaf Size	Not In Leaf
Foliage Density	Not In Leaf
Other	

Overall Assessment

Structure	Moderate
Vigour	Good
Overall Health	Moderate

Other Issues

Light Obstruction	No
Physical Damage	None Evident

Surface Disruption	None Evident
Debris	Yes

**Amenity
Assessment**

Visible	Yes
Prominence	Low – Part of wider woodland
Part of Wider Feature?	Yes
Characteristic of Area	Yes
Amenity Value	Low

Further Assessment

7. The applicant has proposed to fell the tree due to the lean over the adjacent car park, and to prevent the tree from becoming hazardous in the future.
8. On inspection the tree was found to have a near 45 degree lean over the car park. It is considered that this is most likely the result of the tree growing towards the available light; however root plate movement earlier in the life of the tree cannot be ruled out.
9. Whilst it is not considered that the tree is currently liable to fail, if left in situ as the crown weight of the tree increases the forces exerted on the main stem and root plate will become increasingly great and the centre of gravity will move further from the main stem. As such any decay in the main stem or loss of rooting volume, may lead to whole tree failure.
10. As such it is considered that the removal of the tree is acceptable in order to remove the heightened risk of failure onto the car park before it develops.
11. As there is plenty of evidence of natural re-generation in the woodland it is not considered that the planting of a replacement tree is necessary, as the woodland will readily provide a naturally occurring replacement tree.
12. Overall it is recommended that the application to fell the tree is approved.

CONCLUSION

13. The ash tree subject to this application has developed a near 45 degree lean over the adjacent car park. Whilst not currently liable to fail, if left in situ the increase in crown

weight that occurs as the tree grows will make the tree more susceptible to failure in the event of any decay in the main stem or root volume loss.

14. As such it is considered appropriate to remove this tree now before any hazard develops. The removal of the tree will not have any detrimental impact on the amenity value of the woodland.
15. No replacement tree will be required as natural regeneration within the woodland will soon provide a suitable alternative.

RECOMMENDATION

16. It is recommended that the application is approved subject to the stated conditions.

Reason for Approval

17. The ash tree has developed a lean over the adjacent car park. In time the tree will become more susceptible to failure caused by decay or rot plate loss. As such it is considered that its removal is appropriate to remove the potential hazard before it develops.

Conditions and/or reasons:

1. The tree works subject of this consent shall be carried out in accordance with British Standard BS 3998:2010 'Recommendations for Treework'.



Black Brook

Salt Wells
Inn (PW)

T1

Salt Wells

Black Brook

Path

SALT ROAD

103.6m

99.7m

107.9m

119

PLANNING APPLICATION NUMBER: P13/0125

Type of approval sought	Tree Preservation Order
Ward	Norton
Applicant	Mrs L. Priddey
Location:	PASTURE COTTAGE, RACECOURSE LANE, NORTON, STOURBRIDGE, DY8 2RD
Proposal	FELL 1 CONIFER TREE
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- The tree subject to this application is a mature cypress conifer tree that is located at the bottom of the rear garden of Pasture Cottage, Racecourse Lane. The tree is a medium sized specimen, but is not prominently visible from either Racecourse Lane, or Landsgate. It is considered that the tree provides a low amount of amenity to the surrounding area.
- The tree is protected under Area 17 of TPO 652 that was served in 2001.

PROPOSAL

- Summary of proposals for the works as written on application form is as follows:
 - Fell 1 Conifer.
- The tree has been marked on the attached plan.

HISTORY

- There have been two previous tree preservation order applications on the site.

Application No	Proposal	Decision	Date
P08/1088	Prune 1 Oak Tree	Approved with conditions	03/07/08
P10/0649	Prune 2 Sycamore Trees	Approved with conditions	06/07/10

PUBLIC CONSULTATION

6. No public representations had been received at the time of writing the report. Any representations that are received prior to the committee will be included in the pre-committee notes.

ASSESSMENT

Tree(s) Appraisal

<i>Tree Structure</i>	Tree 1
Species	Leyland Cypress
Height (m)	9
Spread (m)	4
DBH (mm)	350
Canopy Architecture	Good
Overall Form	Good
Age Class <i>Yng / EM / M / OM / V</i>	Mature

Structural Assessment

Trunk / Root Collar	Good	
Scaffold Limbs	Good	
Secondary Branches	Good	
% Deadwood	1%	
Root Defects	None Evident	
Root Disturbance	None Evident	
Other		
Failure Foreseeable Imm / Likely / Possible / No	Whole No	Whole No

Vigour Assessment

Vascular Defects	None evident
Foliage Defects	None Evident
Leaf Size	Good
Foliage Density	Good
Other	

Overall Assessment

Structure	Good
Vigour	Good
Overall Health	Good

Other Issues

Light Obstruction	Yes – to neighbour
Physical Damage	None Evident
Surface Disruption	None Evident
Debris	Yes

Amenity

Assessment

Visible	Yes
Prominence	Low
Part of Wider Feature?	No
Characteristic of Area	No
Amenity Value	Low

Further Assessment

7. The applicant has proposed to fell the tree due to the shading it casts over the vegetable patch.
8. On inspection the tree was found to be in a good condition with no major defects present.
9. The tree is only just visible from Racecourse Lane, through the crowns of other trees. The tree is more publicly visible from the adjacent Landsgate, but it is not prominent in the street scene. Overall it is considered that the tree provides a low amount of amenity to the surrounding area.
10. Government guidance states that where a tree provides a low amount of amenity to the local area, the justification required to fell the tree should be similarly low. As such it is considered that there can be no reasonable objection to the removal of this tree.
11. As there are already a number of other trees in the garden, and given the available planting opportunities; it is not considered that a replacement tree would ever be able to provide much in the way of amenity. As such a replacement tree should not be required.

12. Overall it is recommended that the application to fell the tree is approved.

CONCLUSION

13. The cypress tree subject to this application provides a low amount of amenity to the surrounding area given its location and its lack of public prominence.
14. Given the low amenity value it is not considered that any reasonable objection could be raised to the proposed felling of the tree. Also due to the limited planting opportunities and the number of other trees at the property it is not considered that a replacement tree should be required.

RECOMMENDATION

15. It is recommended that the application is approved subject to the stated conditions.

Reason for Approval

16. The cypress tree provides a low amount of public amenity to the local area. As such it is not considered that there can be any reasonable objection to the removal of the tree.

Conditions and/or reasons:

1. The tree works subject of this consent shall be carried out in accordance with British Standard BS 3998:2010 'Recommendations for Tree Work'.

PLANNING APPLICATION NUMBER:P13/0018

Type of approval sought	Full Planning Permission
Ward	Halesowen North
Applicant	W Jarvis
Location:	56, GREENHILL ROAD, HALESOWEN, WEST MIDLANDS, B62 8EX
Proposal	TWO STOREY SIDE AND SINGLE STOREY SIDE/REAR EXTENSIONS (FOLLOWING DEMOLITION OF EXISTING GARAGE) (RESUBMISSION OF REFUSED APPLICATION P12/1371)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The applicant's property is a detached residential property located in a street scene of properties that vary in their scale and design. The property is located down a single lane which serves 56 – 59a Greenhill Road. The property has a front gable and a side gable facing toward No. 57. There is distinctive castellation to the centre of the property, making internal provision for the staircase and also on opposing sides above the garage and the porch. The frontage of the site has sufficient parking for parking 2 no. vehicles off street. At the rear of the site, the property has an original coal shed which adjoins the property and also a lean to structure adjoining this. There is a recessed element which has original metal framed double doors and a retractable awning. Beyond this, the garage has a lean to roof which abuts the side elevation of No. 55.
2. No. 55 immediately abuts the application property at ground floor and has a side facing landing window at first floor. There is also a side facing window serving a landing in the loft space. There is a wide kitchen window at ground floor which affords some separation from No. 56 and is also set 1.3m back. The existing separation at first floor level between the two properties is approximately 3.5m.

3. On the opposing side No. 57, a gable fronted property has benefitted from a first floor flat roof extension set back from the front elevation of the property. There is a rear facing bedroom window which is immediately adjacent to the boundary with No. 56 and set forward approximately 1.1m. At ground floor level, there is a store which has been constructed on the boundary with No. 56.

PROPOSAL

4. The application seeks consent for development comprising the following elements:
- - A two storey side extension with pitched roof, immediately adjacent to the boundary with the No. 55, spanning 8.6m in length and 2m in width. The ridge of the extension would extend to match the height of the main roof and include a front and rear roof light. A rear extension projecting 1.45m at ground floor would be incorporated into the extension forming part of the 8.6m length.
 - On the opposing side, a two storey pitched roof side extension in line with the front and rear elevations of the existing property and a single storey rear extension 4.85m in length and 3.3m in width. The single storey rear element would have a flat roof and be constructed akin to an orangery with an atrium style glass roof. This element proposes the castellation design.

HISTORY

5.

Application	Proposal	Decision	Date
P12/1371	Two storey side and single storey side/rear extensions (following demolition of existing garage)	Refused	24.12.12

P12/1371 was refused on consideration that the proposed two storey side flat roof extension and the proposed design of the facade would not accord with the design appropriately and would unduly impact upon visual amenity.

PUBLIC CONSULTATION

6. The application was advertised via neighbour notification letters sent to the occupiers of three neighbouring properties which could potentially be affected by the proposal. Neighbour re-notification was undertaken subsequent to amended plans being submitted due to inaccuracies in dimensions.
7. One response was received after the initial notification period. The material comments raised remarked that light to two side facing windows would be reduced as a result of the extension. These two windows have both been confirmed as non habitable.
8. Non material concerns were raised regarding the lack of access to the neighbouring garage roof and that demolition would impact upon the outside wall of the neighbouring property.

OTHER CONSULTATION

9. None required.

RELEVANT PLANNING POLICY

Saved Unitary Development Plan (2005)

- Policy DD1 – Urban Design
- Policy DD4 – Development in Residential Areas

Supplementary Planning Guidance

- Planning Guidance Note (PGN) 17– The House Extension Design Guide

Supplementary Planning Document

- Parking Standards and Travel Plans Supplementary Planning Document

ASSESSMENT

10. The proposed development must be assessed with regard to whether or not the

proposed design, scale and position are compatible with the existing dwelling and with the character of the surrounding area. The potential impact on the amenity of nearby residents and the impact, if any, on parking and highway safety must also be assessed.

11. Key issues:

- Character, Scale and Design
- Residential amenity
- Parking and highway safety

Character, Scale and Design

12. It is considered that this revised application has addressed the reasons for refusal of the previous application. The flat roof two-storey side extension and castellation proposed in the previous application have been removed from the proposal in favour of a conventional pitched roof as suggested by Officers. An element of the castellated feature remains but at ground floor only and therefore it would appear as a modest addition to the host property and within the street scene.

13. The height of the roof would match that of the host dwelling, not exceeding this and therefore not over dominating the host property.

14. The proposed development is therefore considered to be appropriate in terms of scale and design. It would assimilate with the host property in terms of design features and materials, and would be of appropriate scale, height and massing, thereby doing no harm to the visual amenity and character of the wider locality. The development would therefore comply, in terms of visual considerations, with saved Policy DD4 of the adopted UDP and the provisions in Planning Guidance Note 17 – The House Extension Design Guide.

Residential amenity.

15. In consideration of the neighbour comments concerning the side facing windows to No. 57, these have been confirmed by the Council as both serving a landing and therefore, not serving habitable rooms.

16. Despite the projection beyond the rear elevation of the neighbouring property No. 57, the ground floor element of the proposal would abut the ground floor store of No. 57 and would therefore not give rise to any loss of light or overlooking in relation to this neighbouring property. On the adjacent side, the modest rear extension proposed would be separated from the rear facing kitchen window to No. 55 and therefore not give rise to any adverse impact in terms of loss of light or impact upon the residential amenities of the occupiers of this property.
17. For these reasons, the proposed development would be acceptable in terms of residential amenity contrary to Saved Policy DD4 - Development in Residential Areas and Planning Guidance Note 17 – House Extension Design Guide.

Parking and Highway Safety

18. One additional bedroom is proposed, resulting in a four bedroom property. The existing garage would be rebuilt measuring 1.85m in width and therefore would be substandard in size and discounted from the parking provision. Despite this, sufficient space exists on the property's frontage in order to accommodate 3 vehicles clear of the highway. The proposal is therefore considered to comply with saved UDP Policy DD4 and also with the provisions of the Parking Standards Supplementary Planning Document which relates to public safety.

CONCLUSION

19. The proposed development is acceptable in terms of scale and design, having no detrimental impact on the visual amenity and character either of the host property or the surrounding area. The proposal would also cause no any harm to the residential amenity of the occupiers of the neighbouring properties. The proposal also raises no substantial concerns in relation to parking and highway safety. The proposed development is therefore considered to be acceptable, in accordance with Saved UDP Policies DD1 – Urban Design and Policy DD4 (Development in Residential Areas) of the adopted Dudley Unitary Development Plan (2005), Planning Guidance Note 17 (House Extension Design Guide) and also Parking Standards

RECOMMENDATION

20. It is recommended that the application is approved, subject to conditions.

Reason for Approval

The proposed development is acceptable in terms of scale and design, having no detrimental impact on the visual amenity and character either of the host property or the surrounding area. The proposal would also cause no harm to the residential amenity of the occupiers of the neighbouring properties. The proposal also raises no substantial concerns in relation to parking and highway safety. The proposed development is therefore considered to be acceptable, in accordance with Saved UDP Policies DD1 (Urban Design) and DD4 (Development in Residential Areas) of the adopted Dudley Unitary Development Plan (2005), Planning Guidance Note 17 (House Extension Design Guide) and also the Parking Standards and Travel Plans Supplementary Planning Document.

The decision to grant planning permission has been taken with regard to the policies and proposals in the Dudley Unitary Development Plan set out below and to all relevant material considerations including supplementary planning guidance:

Unitary Development Plan (2005)

Saved Policy DD1 (Urban Design)

Saved Policy DD4 (Development in Residential Areas)

Supplementary Planning Guidance Notes

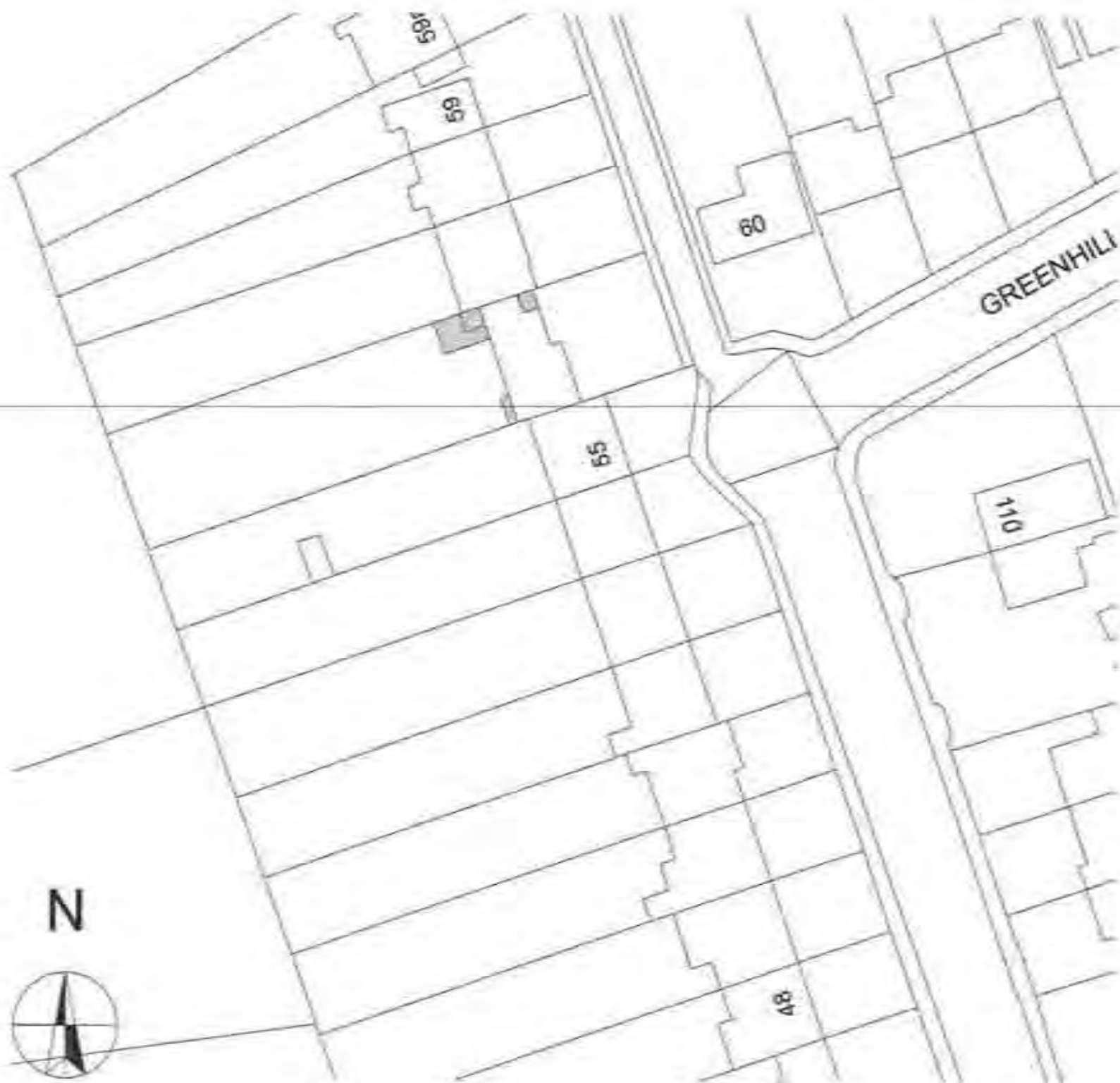
Planning Guidance Note 17 – House Extension Design Guide

Parking Standards and Travel Plans Supplementary Planning Document

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 Case Officer's report.

Conditions and/or reasons:

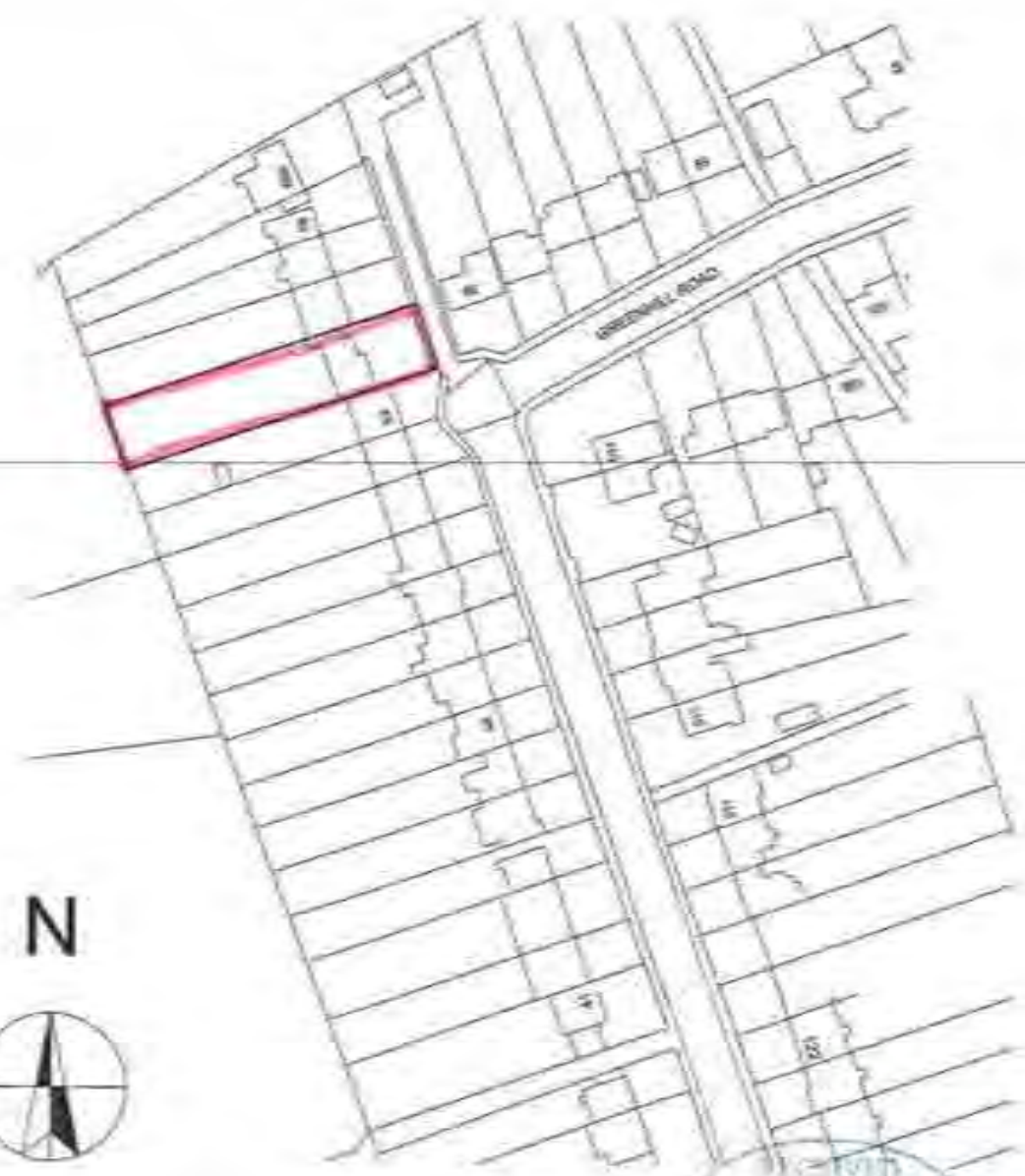
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
1332.LP rev b, 1332.01 rev a, 1332.02 rev a, 1332.03 rev c and 1332.04 rev a
3. The materials to be used in the approved development shall match in appearance, colour and texture those of the existing building unless otherwise agreed in writing with the local planning authority.



NORTH

BLOCK PLAN


1:500

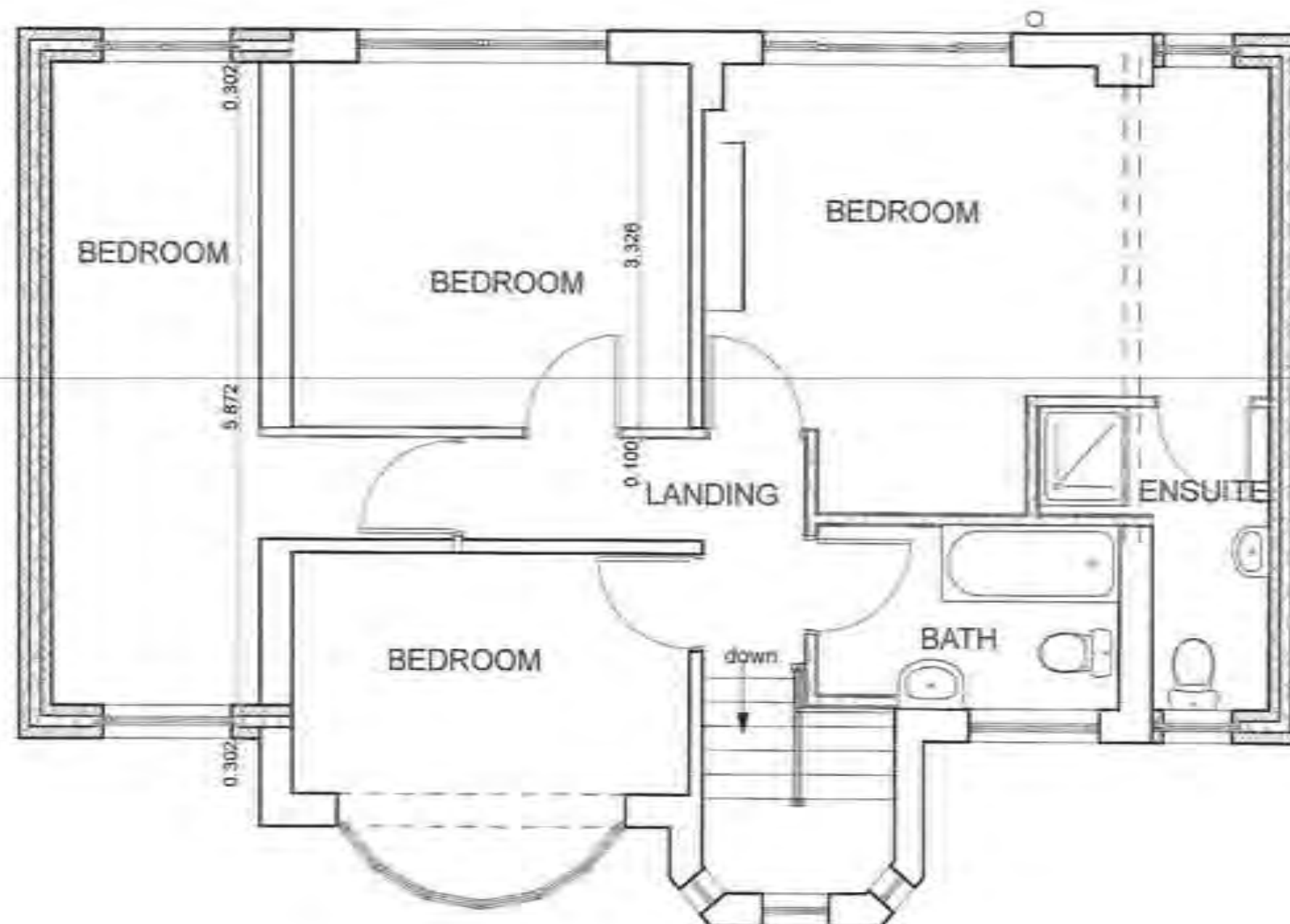


NORTH

LOCATION

1:1250

REV	1	Location: red line and block plan added	1-15-12
REV	2	Location: size added	21-16-12
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55 GREENHILL ROAD HALESOWEN WEST MIDLANDS B62 5EX			
PROPOSED TWO STOREY EXTENSION			
Drawing No	1332 LP	Date	21-16-12
Scale	1:1250	Drawn	tar



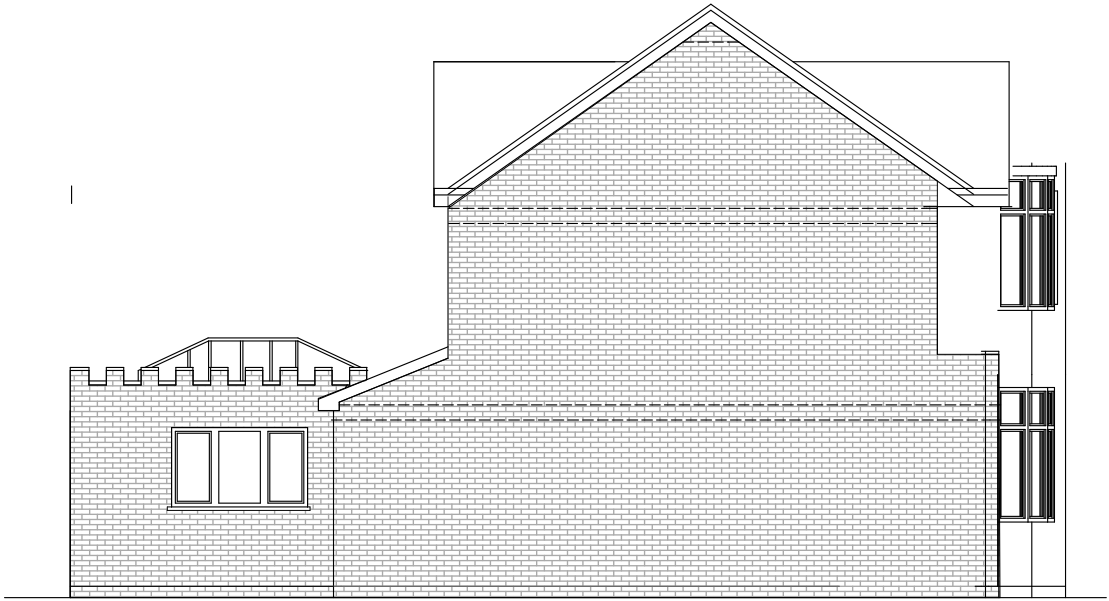
First floor

1/50

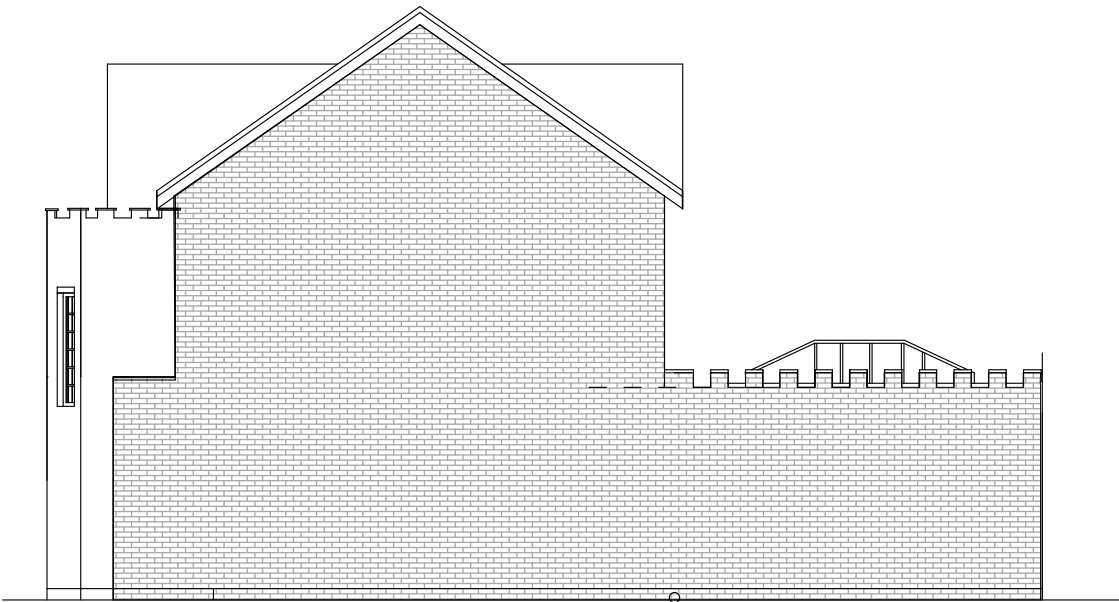
rev	2	see above revision for new site location. Pending office approval	25-12-12
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<p>56 GREENHILL ROAD</p> <p>HALESOWEN</p> <p>WEST MIDLANDS</p> <p>B62 8EX</p>			
PROPOSED TWO STOREY EXTENSION			
Drawing No	1332/04a	Date	25-12-12
Scale	1:50	Drawn	MF



PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION

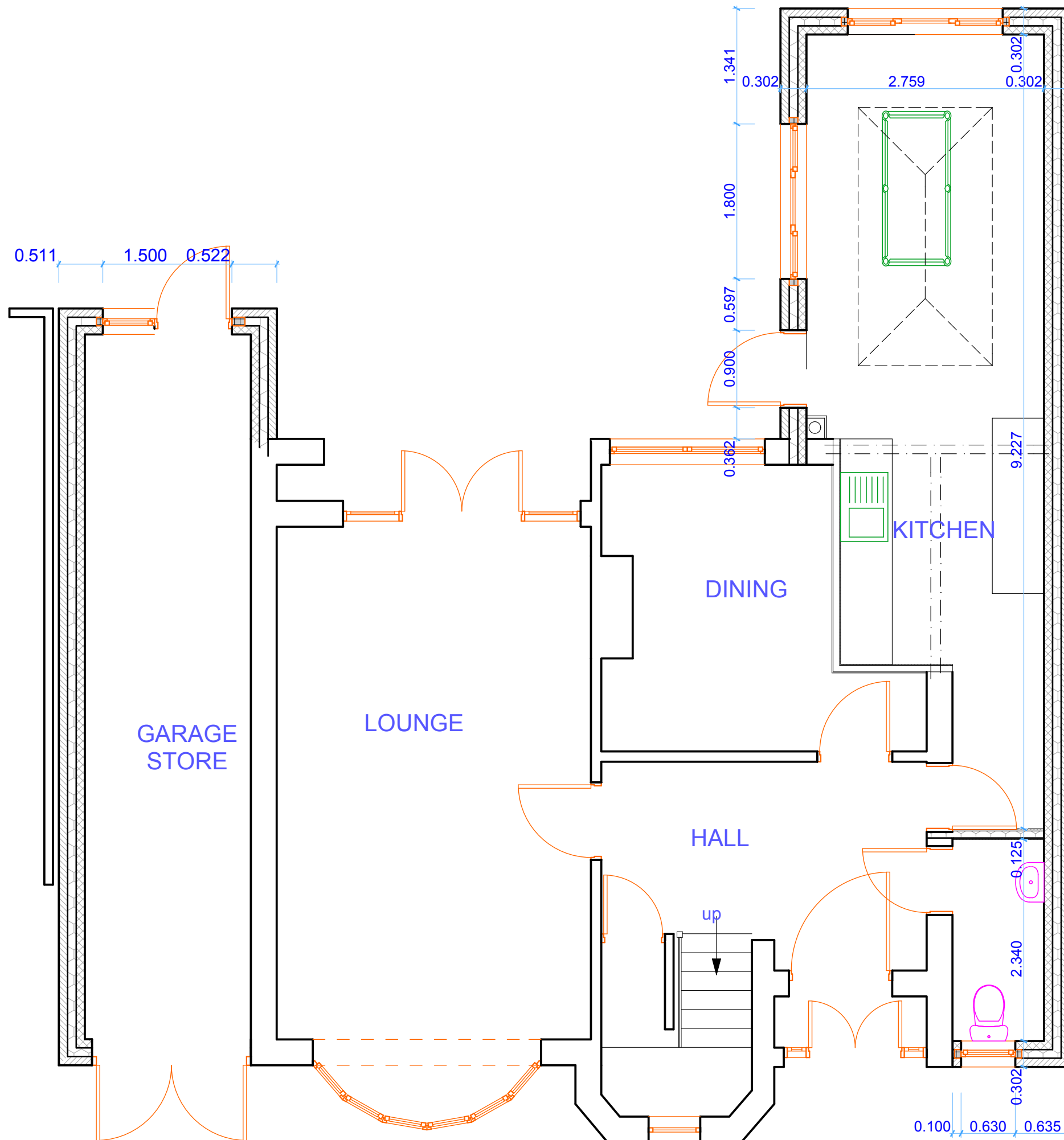


PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION

rev	c	Porch revised	28-1-13				
rev	b	elevations revised to take into account Planning officer comments	20- 12-12				
rev	a	elevations revised	31- 10-12				
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56 GREENHILL ROAD HALESOWEN WEST MIDLANDS B62 8EX							
PROPOSED TWO STOREY EXTENSION							
Drawing No	1332.03	Date	#####	Scale	1:100	Drawn	MF

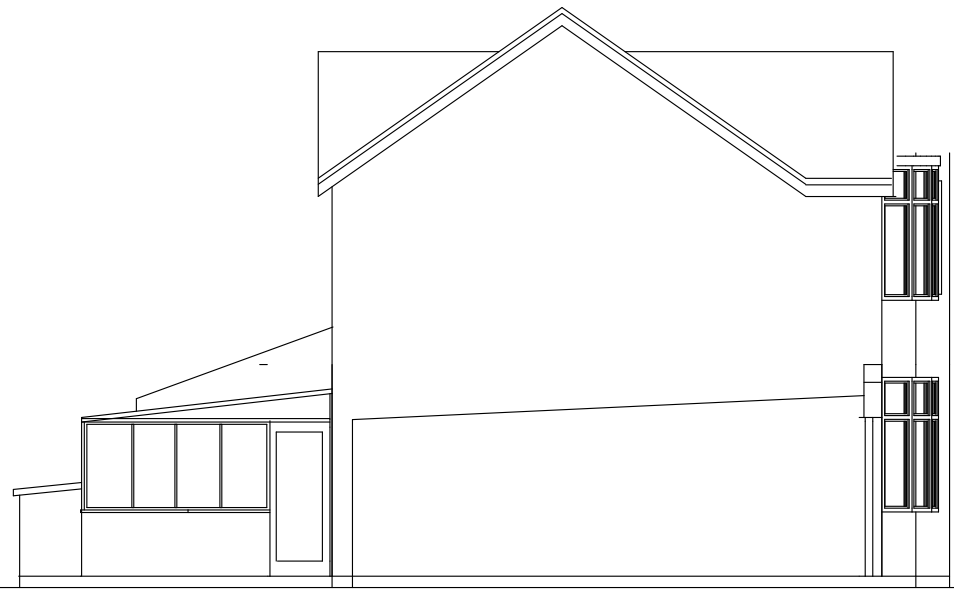


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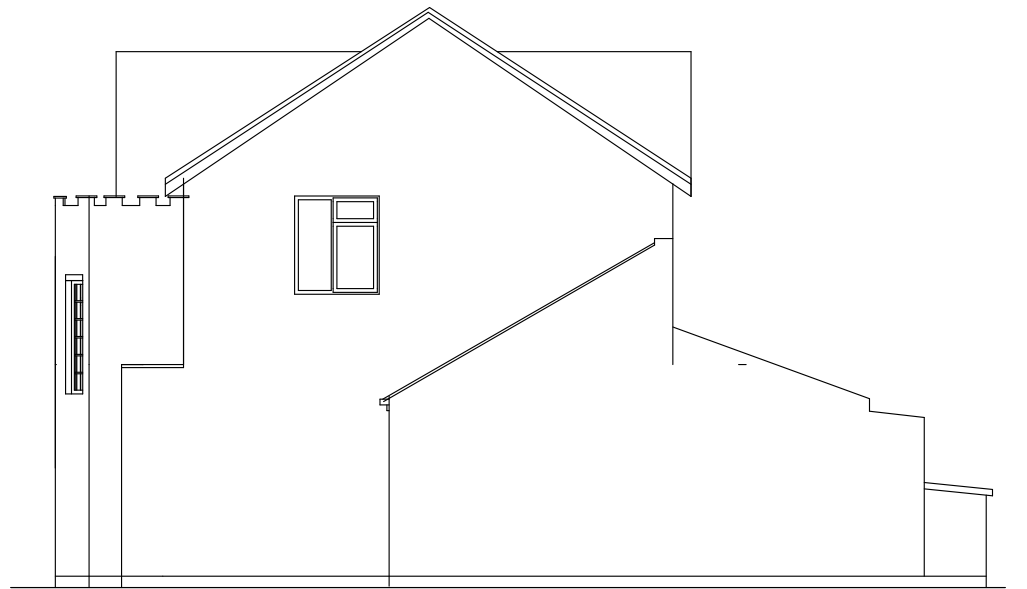
rev	a	Porch revised	28-1-13
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56 GREENHILL ROAD HALESOWEN WEST MIDLANDS B62 8EX			
PROPOSED TWO STOREY EXTENSION			
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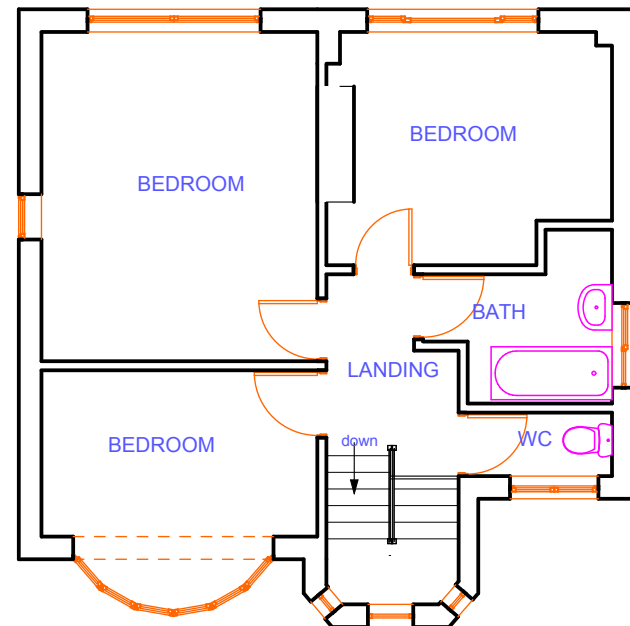
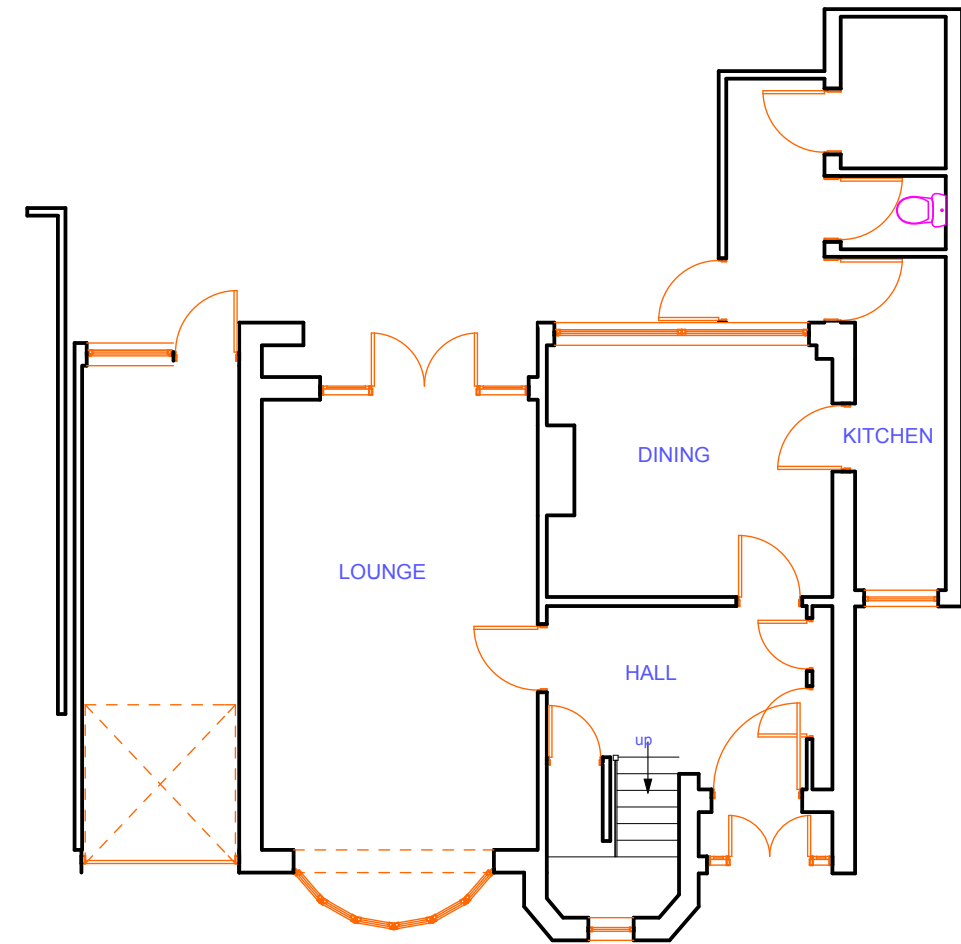
EXISTING FRONT ELEVATION



EXISTING SIDE ELEVATION



EXISTING SIDE ELEVATION



EXISTING REAR ELEVATION

rev	a	Porch revised	28-1-13
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56 GREENHILL ROAD HALESOWEN WEST MIDLANDS B62 8EX			
PROPOSED TWO STOREY EXTENSION			
Drawing No	1332.01	Date	#####
Scale	1:100	Drawn	MF

DEVELOPMENT CONTROL COMMITTEE MEETING

11th MARCH 2013

REPORT OF THE DIRECTOR OF THE URBAN ENVIRONMENT

DRAFT “PLANNING FOR HEALTH SUPPLEMENTARY PLANNING DOCUMENT” – APPROVAL TO CONSULT.

Purpose of Report

1. To inform Committee of the draft purpose and context of the Planning for Health Supplementary Planning Document.

Background

2. The Council's 'Planning for Health' Supplementary Planning Document (SPD) will form part of the Local Plan and it will be taken into account in making planning decisions for the Borough. The SPD sets out how health and health inequalities can be impacted upon by planning, and gives detailed guidance on ensuring that the health implications of any new development are considered. It is intended to inform the planning process and to provide a guide for developers, applicants and land owners. The document will also be strategically linked to Dudley's Obesity Strategy, Joint Strategic Needs and Health and Wellbeing Strategy.
3. The SPD sets out the areas where planning influences health outcomes in the form of themes and presents a list of recommendations for each theme. This SPD sets the basis for discussions at a pre-application stage to ensure that health is an early consideration in the planning process.
4. The purpose of this SPD is;
 - a) To offer guidance for addressing the affect of the built and natural environment on health as part of a strategic approach to tackling the Borough's health inequalities and promoting healthy lifestyle options.
 - b) To demonstrate how social, environmental and economic conditions influence health and health inequalities.

- c) To clarify the importance of accessibility, its role in creating healthy, sustainable communities and how it helps impart better quality of life.
 - d) To be an important material consideration in the determination of planning applications by providing checklists against which to assess development proposals.
 - e) To impose distance restrictions on the creation of new takeaways in proximity to schools and youth amenities and to reduce the clustering and over proliferation of hot food takeaways across the Borough.
5. This draft SPD is the second stage in the preparation of the document and it has been informed by the comments and views which were given at the Frontloading Consultation Stage (20th October – 17th November 2011) alongside expertise from key Council Officers, Public Health Professionals and other Stakeholders including the Shadow Health and Wellbeing Board at their meeting on 21st January 2013.
 6. Cabinet Approval is being sought on 13th March to undertake a period of statutory consultation in line with guidance in the Planning and Compulsory Purchase Act (2004) and the Town and Country Planning (Local Planning) Regulations 2012. This consultation will take place between 18th March – 29th April 2013. Other Council Directorates, the Health and Wellbeing Board and stakeholders with an interest in the SPD will be given the opportunity to make representations on the document and these comments will be used to inform the final draft. It is anticipated that the final document will be submitted to Cabinet for adoption in the Autumn of 2013.
 7. A copy of the new draft SPD is available in the Member's Room, all main Borough libraries and reception at 3 St James's Road and Dudley Council Plus. The SPD can also be viewed electronically on the Council's 'Committee Management Information System' pages or through the planning portal on the following link:

http://dudley.limehouse.co.uk/portal/planning/planning_for_health_spd

Finance

- 8 All costs associated with the review and adoption of the Planning for Health SPD will be funded from within existing budgets.

Law

9. The SPD has been prepared under the provisions of the Planning and Compulsory Purchase Act (2004) and the Town and Country Planning (Local Development) (England) Regulations 2004 (amended 2008).

Equality Impact

10. The SPD has been prepared in accordance with the Council's policy on Equality and Diversity, ensuring that it provides benefits for adults, children and young people alike, promoting equal opportunities for all.
11. The SPD seeks to promote healthy sustainable development and ensure that the future residential and commercial growth is delivered through the appropriate mechanisms taking consideration of the health impact of development.

Recommendation

12. It is recommended that DC Committee notes the contents of this report.



.....
John Millar
Director of the Urban Environment

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List of Background Papers

Draft Planning for Health Supplementary Planning Document