

PLANNING APPLICATION NUMBER:P05/2473

Type of approval sought	Outline Planning Permission
Ward	St. James's
Applicant	Westfield Stampings Ltd
Location:	LAND FRONTING SCHOOL STREET AND, WOLVERHAMPTON STREET, DUDLEY, WEST MIDLANDS
Proposal	RESIDENTIAL DEVELOPMENT (OUTLINE) (ALL MATTERS RESERVED FOR SUBSEQUENT APPROVAL)(RESUBMISSION OF REFUSED APPLICATION P05/0842)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

UPDATED INFORMATION FOR 17 JULY DEVELOPMENT CONTROL COMMITTEE MEETING:

This application was deferred at your meeting on 16 January because it has been submitted in pure outline form, and you requested that access details also be provided for consideration.

There is no legal support for requesting additional details in this case, however the agent has been contacted, twice. In the first response, the agent submitted an indicative layout of development,

providing the access points but not their full details. However, the layout was not considered to be acceptable as it would have had detrimental impact on neighbouring residential amenities.

A second plan has also be received, showing a different layout, and indicative access points, again with no full details, and also not acceptable in layout terms. The application is therefore reported to you again, as a pure outline application, and the indicative layout plan has been attached this time for information, and an informative is recommended to this effect as follows. It is therefore noted that all matters of detail would be reserved for future consideration, and that any application containing unacceptable details would be refused.

Additional informative:

ORIGINAL REPORT SENT TO 16 JANUARY MEETING
FOLLOWS:

SITE AND SURROUNDINGS

- 1 The site is an irregular shape and contains a locally listed building at the junction of School Street ad Wolverhampton Street, and is surrounded by residential properties. The only exception to this is a short length of the boundary which lies adjacent to a site being redeveloped for B1, B8 and restaurant

uses which is at a significantly lower level and screened by a tall brick wall. To the rear of the site is a vacant site at a lower level which was formerly part of the application site. The whole area in the ownership of the applicant was formerly Westfield Stampings, however this use has now ceased.

PROPOSAL

- 2 Outline application with all matters reserved for future consideration to establish the principle of residential development on this site.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
P05/0842	Residential development of whole of Westfield Stampings site	Refused	18/10/2005

- 3 This application was refused on the grounds of the impact of the adjacent noise generating uses on the amenities of future occupiers and the loss of the employment use.

PUBLIC CONSULTATION

4 No responses received

OTHER CONSULTATION

5 Environmental Protection: No objection subject to conditions

6 Conservation: No response received, but previously requested survey and retention of locally listed building, suggesting it could be converted as part of the scheme.

7 Policy: No objection

RELEVANT PLANNING POLICY

DD1 Urban design

DD4 Development in residential areas

H1 New housing development

H3 Housing assessment criteria

H6 Housing density

EE3 Existing Employment Uses

HE5 Buildings of local historic importance

EP5 Air quality

EP7 Noise pollution

The site lies outside any designated area on the UDP Proposals map

PPS1 Delivering sustainable development

PPG3 Housing

ASSESSMENT

Principle

8 The site is adjacent to residential development, and is not designated for employment purposes. Therefore, in order to establish the principle of development, the previous reasons for refusal, the current uses on and around the site and the policy framework must be considered.

Density

9 The site area is 0.16ha, which would result in a development of 4-8 units if it were developed in accordance with the density guidance in PPG3. This is a small number of units, and it is considered that it would be possible to devise a scheme appropriate to the character, layout and form of the surrounding residential development and which would not cause any harm to the existing residential amenities. This is therefore considered to be in accordance with policy principles.

Noise

10 The site area is significantly different from that previously considered, and therefore the adjacent uses along almost the entirety of the site are residential. It is therefore considered that there would be minimal noise disturbance from surrounding non-residential uses, and that these could be overcome through the imposition of the conditions recommended by Environmental Protection.

Locally listed building

11 The locally listed building at the front of the site is protected under UDP Policies, and the previous application attracted comments from the Historic Environment Team requesting its retention and conversion following a survey of its condition to confirm its suitability. Therefore, as this is an outline application, it is recommended that a condition is attached requiring that the survey is carried out and included with the submission of the first reserved matters application, so that these details can be considered, and the building protected and retained if appropriate. If the building is not suitable for conversion or is beyond repair, this would not be too late in the process for the developer to gain consent for its replacement. An informative is also recommended, stating that the objective

is retention and conversion, and that this will be sought if at all possible.

CONCLUSION

- 12 The proposal accords with policy principles, and, by excluding that part of the overall site closest to the adjoining commercial and light industrial uses, has overcome the reasons for refusing the previous scheme. It is not considered that amenity would be harmed by the proposal in principle, and the details and amenities can be safeguarded through the determination of the reserved matters application(s).

RECOMMENDATION

13. Reason for Approval

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Dudley UDP (2005) and to all other relevant material considerations.

The application should be approved subject to the following conditions:

Conditions and/or reasons:

1. Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority before any development is begun.
2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. Noise protection to dwellings from 'adjacent commercial and industrial uses'.
5. If it is proposed to locate any dwelling within 5 metres of the kerb to the B4176 Wolverhampton Road, development (including any building works) shall not begin until an air quality assessment has been carried out to determine if any dwellings will be adversely affected by ambient concentrations of nitrogen dioxide. Where deemed necessary by the Local Planning Authority an appropriate scheme for protecting the proposed dwellings from concentrations of nitrogen dioxide shall be submitted to and approved by the Local Planning Authority before any development (including building works) begin. All works which form a part of the nitrogen dioxide protection scheme shall be completed before any dwellings are occupied.
6. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed by the local planning authority), has been submitted to and approved by the local planning authority. Such a strategy shall facilitate the identification of contaminants and permit the risk based assessment of the development site. Where the investigations identify the presence of contamination, development shall not

begin until a scheme to protect the development from the effects of such contamination has been submitted to and approved by the local planning authority. Such a scheme shall: include provisions for validation monitoring & sampling; be implemented in accordance with the approved details before the development is first occupied; and be retained throughout the lifetime of the development.

7. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed by the local planning authority), has been submitted to and approved by the local planning authority. Such a strategy shall facilitate the identification of methane & carbon dioxide. Where the investigations identify the presence of methane and/or carbon dioxide the development shall not begin until a scheme to protect the development from the effects of such gases has been submitted to and approved by the local planning authority. Such a scheme shall: include provisions for validation monitoring & sampling; be implemented in accordance with the approved details before the development is first occupied; and be retained throughout the lifetime of the development.
8. All planting, seeding or turfing comprised in the details of landscaping approved in accordance with condition 1 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees, hedgerows or plants contained in the approved planting scheme which within a period of 5 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 consent to any variation.
9. Details to be submitted in accordance with condition 1 shall include an archaeological assessment of the locally listed building on the site sufficient to assess its condition and suitability for conversion.

