

**DUDLEY METROPOLITAN BOROUGH COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE – 21<sup>st</sup> MARCH 2006**

**REPORT OF THE DIRECTOR OF THE URBAN ENVIRONMENT**

**TITLE: OUTLINE APPLICATION FOR RESIDENTIAL REDEVELOPMENT AT THE FORMER HENLEY FOUNDRIES SITE, BANNERS LANE, HALESOWEN (P04/1829)**

**Purpose of Report**

- 1 This report seeks approval for amendments to the draft conditions upon which you resolved to approve the proposal to redevelop the former Henley Foundry site for a residential use (planning application ref. no. P04/1829).

**Background**

- 2 A Report was deferred from Development Control Meeting of the 6<sup>th</sup> February, 2006 to enable a meeting to be held involving the applicants. That meeting has now taken place.
- 3 On the 29<sup>th</sup> November 2004, the Development Control Committee resolved to approve application P04/1829 for the redevelopment of this former foundry site for a residential use. That application was an Outline application, with all matters reserved.
- 4 The resolution was subject to terms and conditions, including the owners of the site, or successors in title, entering into a Section 106 Agreement. The heads of terms of that Agreement related to: a) a commuted sum payment for off site or on site open space enhancement; b) junction improvements at Banners Lane/ Overend Road; c) affordable housing; d) the installation of acoustic boundary treatment along the southern boundary of the site. That Agreement has yet to be signed. Planning permission has therefore yet to be released/granted.
- 5 The report to your meeting on the 29<sup>th</sup> November, 2004 on that application set out 26 conditions. The pre-committee note recommended that one of those conditions be amended, and a further one added. You resolved to approve the application with those recommended conditions, as amended. The currently approved conditions are set out in Appendix One attached to this report. The resolution did not include delegated authority for the Director of The Urban Environment to amend those conditions.

- 6 While negotiations proceeded on the Agreement, the then owners of the site (Mar City) proceeded to demolish the foundry buildings and cleared the site. There were some discussions with the Local Planning Authority (LPA) at that time, and details relating to the draft conditions were submitted to the LPA for consideration. However, clearly the LPA could not discharge those conditions as they had not come into effect.
- 7 It is now considered that the S106 Agreement will be signed imminently, and the planning permission released. However, given the demolition and clearance works that have taken place, as soon as the permission is granted, the new owners of the site (Wimpey Homes) will be in breach of a number of the conditions, which currently stand and contain the phrase “before development commences, including demolition and remediation....”.
- 8 Those Conditions, as set out in Appendix One to this report, which currently contain that phrase are:-
  - Condition 19b relating to a plan for the protection of the Site of Local Importance for Nature Conservation (SLINC) along the eastern boundary of the site with the River Stour;
  - Condition 23 which relates to contingency measures should bats be found in buildings on the site;
  - Condition 24 which relates to the resurveying of the site for a badgers’ sett;
  - Condition 26 which relates to a programme of archaeological work to be agreed.
- 9 In relation to those conditions, the information submitted by the developers in December 2004, included a plan showing the SLINC area to be fenced off, and statements that there was no evidence of bats or badgers on the site. An archaeological survey was also submitted. That study concluded that it was unlikely that any significant archaeological remains were left on the site.
- 10 Given the above measures, which it is considered went some way in addressing those conditions, and that it is considered reasonable for the LPA to provide conditions, and a permission, which is capable of being properly implemented, it is recommended that the relevant conditions be deleted and/or amended.
- 11 Wimpey Homes are also keen to stress that the demolition works were undertaken by the former owners of the site, and that they are seeking to negotiate with the Council in order to rectify the situation and will fully comply with the conditions, as amended.
- 12 The recommended revised conditions are set out in Appendix Two attached to this report. In detail, the wording for the original Condition 19b has now been revised to form part of revised Condition 19, it is recommended that Condition 23 be deleted, Condition 24 has had the phrase “including demolition and remediation” deleted and is now revised Condition 23, and Condition 26 no longer refers to a programme of archaeological work, but a watching brief (as set out in revised Condition 25).

- 13 In addition to those amendments, further are recommended. These include changes to conditions to reflect changes in legislation, which affects the standard Outline conditions (revised Conditions 1 to 3), the reasons for all the conditions and the reason for approval (to relate to the policies of the recently adopted UDP).

### **Finance**

- 14 There are no direct financial consequences arising from this report.

### **Law**

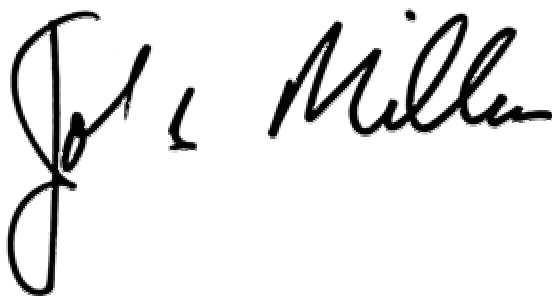
- 15 Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004, and Circular 1/97 provide the legal grounding.

### **Equality Impact**

- 16 The content of this report complies with the Council's Equal Opportunities Policy. With regard to this, and specifically in relation to children and young people, it is envisaged, that, without prejudice, should the proposed housing scheme progress, there is a likelihood that there will be a number of family dwellings built on the site. The effect of the proposal on that section of the society is therefore likely to be positive.

### **Recommendation**

- 17 It is recommended that planning permission be granted for the proposed redevelopment of the site for residential purposes (ref. P04/1829), subject to the Section 106 Agreement, as previously agreed, and the revised conditions as set out in Appendix Two attached to this report.
- 18 It is further recommended that any further variation to the heads of terms of the Section 106 Agreement, and amendments to the draft conditions be delegated to The Director of the Urban Environment.

A handwritten signature in black ink, appearing to read 'J. B. Millar'. The signature is written in a cursive style with a large, stylized initial 'J'.

**J. B. MILLAR – DIRECTOR OF THE URBAN ENVIRONMENT**

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**List of Background Papers**  
Planning application P04/1829

## **APPENDIX ONE**

### **FORMER HENLEY'S FOUNDRIES, BANNERS LANE, HALESOWEN (P04/1829)**

#### **DRAFT CONDITIONS AS ORIGINALLY APPROVED**

- 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 (hereafter called the ('reserved matters')) shall be obtained from the Local Planning Authority before any development is begun.

Reason: pursuant to article 4 of the Town and Country Planning General Permitted Development Order 1995.
- 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.

Reason: pursuant to the requirements of section 92 of the Town and Country Planning Act 1990
- 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.

Reason: pursuant to the requirements of section 92 of the Town and Country Planning Act 1990
- 4 This outline permission does not relate to the layout, or authorise the erection of any buildings, shown on the plans accompanying the application.

Reason: The layout has been supplied for illustrative purposes only.
- 5 This permission relates to the amended location plan (drawing number 776-04) deposited on 15/10/04.

Reason: to define the permission.
- 6 Development shall not begin until all existing buildings have been demolished and all rubble removed.

Reason: in order to secure the satisfactory development of the site.
- 7 None of the dwellings shall be occupied until works for the disposal of foul and surface water drainage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: in order to secure the satisfactory development of the site.
- 8 Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason: to prevent the increased risk of flooding

- 9 Prior to being discharged into any watercourse or surface water sewer, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor, designed and constructed to have capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.  
Reason: to prevent the pollution of the water environment.
- 10 Unless otherwise agreed in writing by the Local Planning Authority, no buildings or structures shall be erected, or trees planted:-  
\* Within 5 metres of the public sewer which crosses the site, details of which are attached to this permission;  
\* Within 10 metres of the top of any bank of watercourses and/or 10 metres of any side of an existed culverted watercourse.  
Reason: to maintain access for Statutory Undertakers.
- 11 Development shall not begin until details of the existing and proposed levels of the site, which should be related to those of adjoining land and highways, have been submitted to and approved by the local planning authority.  
Reason: to ensure the satisfactory layout and development of the site.
- 12 Unless otherwise agreed in writing by the Local Planning Authority details of the proposed retaining walls within the site shall be submitted to and approved by the Local Planning Authority before development is commenced and the development shall not be occupied until the retaining walls have been constructed in accordance with the approved plans.  
Reason: to ensure the satisfactory layout and development of the site.
- 13 Before development commences, unless otherwise agreed in writing by the Local Planning Authority, details of the stability of the eastern boundary to the River Stour, including any necessary stabilisation works, shall be submitted in writing to the Local Planning Authority for approval. The approved measures shall be implemented prior to the commencement of construction works on the site or to an alternative timescale to have been previously agreed in writing by the Local Planning Authority.  
Reason: to ensure the satisfactory development of the site.
- 14 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.  
Reason: The previous use of the site is potentially contaminative.

- 15 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.  
Reason: The site is located in an area with the potential to be affected by soil gases.
- 16 No development shall commence until methods for piling foundations has been submitted to, and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken in accordance with the approved details.  
Reason: to ensure the satisfactory development of the site, and prevent the pollution of the water environment.
- 17 Nothing other than uncontaminated excavated natural materials shall be tipped on the site.  
Reason: to ensure the satisfactory development of the site, and prevent the pollution of the water environment.
- 18 Unless otherwise agreed in writing by the Local Planning Authority before any dwelling hereby approved is first occupied the parking area and access thereto shall be paved with a suitable hard impervious material, and drained.  
Reason: In order to safeguard the visual amenity and function of the area to ensure adequate drainage of the site
- 19 a) Unless otherwise agreed in writing by the Local Planning Authority, the layout plans submitted to the Local Planning Authority in accordance with condition 1 attached to this permission shall show no built development encroaching into the area designated as a Site of Local Importance for Nature Conservation in the Dudley Borough Unitary Development Plan (Revised Deposit Plan, 2002).  
b) Prior to the commencement of development, including demolition and remediation, a plan should be submitted, for written agreement by the Local Planning Authority, for protection of the Site of Local Importance for Nature Conservation and its habitats. This should include techniques such as fencing, run-off prevention, contractor training and timing of works to prevent impacts on the Site of Local Importance for Nature Conservation.  
c). The site remediation plan submitted to the Local Planning Authority should include measures for the protection and/or restoration of the Site of Local Importance for Nature Conservation.  
Reason: to safeguard the nature conservation interest of the site.

- 20 No development shall commence until details of the boundary treatment to the site have been submitted to the Local Planning Authority for approval. This shall include any acoustic boundary treatment required under the terms of condition 25 attached to this permission. The approved details shall be implemented before the occupation of the first dwelling on the site, or to an alternative timescale to have been previously agreed in writing by the Local Planning Authority.  
Reason: to ensure the satisfactory appearance of the development and to safeguard the amenity of future occupiers on the site.
- 21 Development shall not begin until details of the type, texture and colour of materials to be used in external elevations have been submitted to and approved by the local planning authority. Such materials shall, unless otherwise agreed in writing by the local planning authority, closely match in type, texture and colour those of the existing building.  
Reason: to safeguard the visual amenities of the area.
- 22 Unless otherwise agreed in writing by the Local Planning Authority, the landscape details to be submitted in accordance with condition 1 attached to this permission shall include:  
a) a Landscape Impact Study, including cross sections and topographical surveys;  
b) protection measures for those trees to be retained on the site, and replacement planting for those trees whose loss is unavoidable. Those approved protection measures shall then be in place during the construction phase of the development, or to an alternative timescale to have been agreed in writing by the Local Planning Authority.  
Reason: to protect the trees considered to have value, and to reflect the site's status as being within the Linear Open Space network.
- 23 Before demolition works commence on the site, a Method Statement relating to the demolition of buildings on the site shall be submitted to the Local Planning Authority to include the timing of works, and contingency measures should bats be found during these works. Demolition works shall be undertaken in accordance with these approved details.  
Reason: to protect the nature conservation interest on the site.
- 24 Before development commences, including demolition and remediation, the site shall be resurveyed for the presence or otherwise of badgers' setts on it. A report shall then be submitted to the Local Planning Authority setting out the results of this survey, including any mitigation measures necessary. The approved measures shall be implemented prior to the construction of dwellings on the site, or to an alternative timescale to be agreed by the Local Planning Authority.  
Reason: to protect the nature conservation interest on the site.



- 25 Development shall not begin until a scheme for protecting the proposed dwellings from noise from road traffic and nearby industrial/commercial premises has been submitted to and approved by the local planning authority, and all works which form part of the scheme shall be completed before any of the permitted dwellings is occupied.  
Reason: to safeguard the amenity of future occupiers of the site.
- 26 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 scheme of investigation which has first been submitted to and approved in writing by the local planning authority.  
Reason: the site is known to have archaeological interest, and it is important that an archaeological investigation is carried out before development commences.
- 27 As part of the Reserved Matters submission, a revised Transport Assessment shall be submitted to the Local Planning Authority for approval. This study shall include the means of pedestrian and vehicular access to and from the site (including visibility splays), and also a Safe Route to School Plan. The details submitted and agreed by the Local Planning Authority shall be implemented prior to the first occupation of the development.  
Reason: to ensure that development is sustainable, and in the interests of highway safety

### **REASON FOR APPROVAL**

The redevelopment of this site for a residential use is considered acceptable in principle, as, as a result of the character of the existing employment use and its location, and the information submitted with this application, it is considered that there is sufficient justification to allow a departure from development plan policy to allow for such a change.

Subject to the terms and conditions contained within this permission, the Local Planning Authority also consider that the nature conservation interest of the site will be adequately safeguarded, the open space needs arising from the development, and to serve the wider community, can be met, an adequate level of amenity may be provided for future occupiers, and that highway safety will not be unduly compromised.

There is therefore concurrence with the provisions of the development plan: in particular, Policies 3, 21, 57 and 99 of the adopted Unitary Development Plan (UDP), and Policies EE2, 21, SO2 and H5 of the Revised Deposit UDP.

## **APPENDIX TWO**

### **FORMER HENLEY'S FOUNDRIES, BANNERS LANE, HALESOWEN (P04/1829)**

#### **RECOMMENDED REVISED DRAFT CONDITIONS**

### **FORMER HENLEY'S FOUNDRIES, BANNERS LANE, HALESOWEN (P04/1829)** **DRAFT CONDITIONS**

1. Approval of the details of
  - a) the siting,
  - b) design,
  - c) external appearance of the buildings,
  - d) the means of access thereto, and
  - e) the landscaping of the site,hereinafter called "the reserved matters", shall be obtained from the Local Planning Authority before any development is begun.  
*Reason: pursuant to Article 4 of the Town & Country Planning (General Development Procedure) Order 1995.*
  
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.  
*Reason: pursuant to the requirements of Section 92 of the Town & Country Planning Act 1990.*
  
3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.  
*Reason: pursuant to the requirements of Section 92 of the Town & Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*
  
4. This outline permission does not relate to the layout, or authorise the erection of any buildings, shown on the plans accompanying the application.  
*Reason:*
  - A. *The layout has been supplied for illustrative purposes only.*
  - B. *These matters are reserved for subsequent approval.*
  - C. *The submitted layout may not accord with the development plan, for instance, ensuring a high quality of design compatible with Policy S10 of the adopted Unitary Development Plan (UDP).*
  
5. This permission relates to the amended location plan (drawing number 776-04) deposited on 15/10/04.  
*Reason: In order to ensure that the development proceeds in an appropriate manner for the site and surroundings and in compliance with UDP Policy DD4.*

- 6 None of the dwellings shall be occupied until works for the disposal of foul and surface water drainage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Local Planning Authority.  
*Reason: To ensure the provision of a satisfactory means of surface water disposal and thereby ensure that the development is in compliance with UDP Policy EP3.*
- 7 Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.  
*Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and thereby ensure that the development is in compliance with UDP policies EP3 and EP4.*
- 8 Prior to being discharged into any watercourse or surface water sewer, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor, designed and constructed to have capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.  
*Reason: To ensure the provision of a satisfactory means of surface water disposal and thereby ensure that the development is in compliance with UDP Policy EP3.*
- 9 Unless otherwise agreed in writing by the Local Planning Authority, no buildings or structures shall be erected, or trees planted:-  
\* within 5 metres of the public sewer which crosses the site, details of which are attached to this permission;  
\* within 10 metres of the top of any bank of watercourses and/or 10 metres of any side of an existed culverted watercourse.  
*Reason: to enable statutory undertakers to gain access to facilities on the site, and to ensure that the site is satisfactorily drained, in accordance with UDP Policy EP3.*
- 10 Development shall not begin until details of the existing and proposed levels of the site, which should be related to those of adjoining land and highways, have been submitted to and approved by the local planning authority.  
*Reason: to ensure the satisfactory layout and development of the site, and to safeguard the amenity of the occupiers of the dwellings living close to the site, in compliance with UDP Policy DD4.*
- 11 Unless otherwise agreed in writing by the Local Planning Authority details of the proposed retaining walls within the site shall be submitted to and approved by the Local Planning Authority before development is commenced and the development shall not be occupied until the retaining walls have been constructed in accordance with the approved plans.  
*Reason: to ensure the satisfactory layout and development of the site, and to safeguard the amenity of the occupiers of the dwellings living close to the site, in compliance with UDP Policy DD4.*

- 12 Before development commences, unless otherwise agreed in writing by the Local Planning Authority, details of the stability of the eastern boundary to the River Stour, including any necessary stabilisation works which are to take into account nature conservation requirements, shall be submitted in writing to the Local Planning Authority for approval. The approved measures shall be implemented prior to the commencement of construction works on the site or to an alternative timescale to have been previously agreed in writing by the Local Planning Authority.  
*Reason: to ensure the satisfactory layout and development of the site, and to safeguard the amenity of the occupiers of the dwellings living close to the site, in compliance with UDP Policy DD4.*
- 13 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.  
*Reason: to ensure that effective remediation measures are in place to address any identified contamination on the site, and thus meet the requirements of UDP Policy UR9.*
- 14 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.  
*Reason: to ensure that effective remediation measures are in place to address any identified contamination on the site, and thus meet the requirements of UDP Policy UR9.*
- 15 No development shall commence until methods for piling foundations has been submitted to, and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken in accordance with the approved details.  
*Reason: to ensure the satisfactory layout and development of the site, and to prevent the pollution of the water environment, in compliance with UDP Policies DD4 and EP3.*

- 16 Nothing other than uncontaminated excavated natural materials shall be tipped on the site.  
*Reason: to ensure the satisfactory layout and development of the site, and to prevent the pollution of the water environment, in compliance with UDP Policies DD4 and EP3.*
- 17 Unless otherwise agreed in writing by the Local Planning Authority before any dwelling hereby approved is first occupied the parking area and access thereto shall be paved with a suitable hard impervious material, and drained.  
*Reason: to ensure the satisfactory layout, development and drainage of the site, in compliance with UDP Policies DD4 and EP3.*
- 18 Unless otherwise agreed in writing by the Local Planning Authority, the siting details, comprising part of the reserved matters to be submitted to the Local Planning Authority in accordance with Condition 1 attached to this permission, shall show no built development encroaching into the area designated as a Site of Local Importance for Nature Conservation, as identified in the Local Planning Authority's Unitary Development Plan.  
*Reason: to safeguard and enhance the landscape and nature conservation value of the site, thereby ensuring compliance with UDP Policies S3, S02, NC5.*
- 19 Prior to the commencement of development, measures, comprising a plan and details, for the protection, restoration and enhancement of the Site of Local Importance for Nature Conservation (SLINC), including its habitats, and taking into account UK and Local Biodiversity Action Plan objectives, shall be submitted to, and approved in writing by the Local Planning Authority. Those measures relating to the protection of the SLINC shall include techniques such as fencing, run-off prevention, contractor training, and timing of works, to prevent any undue impact on that area. The approved measures shall be in place prior to the commencement of development, and be retained for a period of time to have been agreed in writing by the Local Planning Authority.  
*Reason: to safeguard and enhance the landscape and nature conservation value of the site, thereby ensuring compliance with Planning Policy Statement 9 and UDP Policies S3, S02, NC1 and NC5.*
- 20 No development shall commence until details of the boundary treatment to the site have been submitted to the Local Planning Authority for approval. This shall include any acoustic boundary treatment required under the terms of Condition 24 attached to this permission. The approved details shall be implemented before the occupation of the first dwelling on the site, or to an alternative timescale to have been previously agreed in writing by the Local Planning Authority.  
*Reason: to safeguard the amenity of future occupiers of the dwellings on the site, and the visual amenities of the area, and thus ensure that the development is in compliance with UDP Policy DD4.*

- 21 Development shall not begin until details of the type, texture and colour of materials to be used in external elevations have been submitted to and approved by the Local Planning Authority. The buildings shall then be constructed using the approved materials.  
*Reason: to safeguard the visual amenities of the area, and thus ensure that the development is in compliance with UDP Policy DD4.*
- 22 Unless otherwise agreed in writing by the Local Planning Authority, the landscape details to be submitted in accordance with Condition 1 attached to this permission shall include:  
a) a Landscape Impact Study, including cross sections and topographical surveys;  
b) protection measures for those trees to be retained on the site, and replacement planting for those trees whose loss is unavoidable;  
c) details, including siting, of bird and bat boxes to be installed on the site, and;  
d) incorporation of wildlife habitats into landscaping.  
*Reason: to safeguard and enhance the landscape and nature conservation value of the site, particularly given its linear open space designation, thereby ensuring compliance with UDP Policies S3, S02, NC1, NC5 and DD10.*
- 23 Before development commences, the site shall be resurveyed for the presence or otherwise of badgers' setts on it. A report shall then be submitted to the Local Planning Authority setting out the results of this survey, including any mitigation measures necessary. The approved measures shall be implemented prior to the commencement of development, or to an alternative timescale to be agreed by the Local Planning Authority.  
*Reason: to safeguard and enhance the nature conservation value of the site, thereby ensuring compliance with UDP Policies S3, S02, NC1 and NC6.*
- 24 Development shall not begin until a scheme for protecting the proposed dwellings from noise from road traffic and nearby industrial/commercial premises has been submitted to and approved by the local planning authority, and all works which form part of the scheme shall be completed before any of the permitted dwellings is occupied.  
*Reason: to safeguard the amenity of future occupiers of the dwellings on the site, and thus ensure that the development is in compliance with UDP Policy DD4.*
- 25 Notification of the commencement date for development, and information as to who the Local Planning Authority's archaeologist should contact on the site, shall be submitted in writing to the Local Planning Authority not less than 14 days beforehand. The Local Planning Authority's archaeologist, and any other archaeological and/or local history organisations nominated by that person, shall then be afforded access onto the site at all reasonable times during the construction of the buildings, and given the opportunity of observing, recording analysing and archiving any evidence that may be uncovered, as necessary.  
*Reason: to ensure there is full consideration of the impact of the development on any potential archaeological remains, in accordance with UDP Policy HE8.*

26 Unless otherwise agreed in writing by the Local Planning Authority, as part of the Reserved Matters submission, a revised Transport Assessment shall be submitted to the Local Planning Authority for approval. This study shall include the means of pedestrian and vehicular access to and from the site (including visibility splays), and also a Safe Route to School Plan. The details submitted and agreed by the Local Planning Authority shall be implemented prior to the first occupation of the development.

*Reason: to ensure that development is sustainable, and in the interests of highway safety, and thereby ensure compliance with UDP Policies S2 and DD5.*

### **REASON FOR APPROVAL**

The redevelopment of this site for a residential use is considered acceptable in principle, as, as a result of the character of the existing employment use and its location, and the information submitted with this application, it is considered that there is sufficient justification to allow a departure from development plan policy to allow for such a change.

Subject to the terms and conditions contained within this permission, the Local Planning Authority also consider that the nature conservation interest of the site will be adequately safeguarded, the open space needs arising from the development, and to serve the wider community, can be met, an adequate level of amenity may be provided for future occupiers, and that highway safety will not be unduly compromised.

There is therefore concurrence with the provisions of the development plan: in particular Policies EE2, 21, SO2 and H5 of the Unitary Development Plan.