

PLANNING APPLICATION NUMBER:P12/1043

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|-------------------------|--|
| Type of approval sought | Conservation Area Consent |
| Ward | St Thomas's St James's |
| Applicant | Avenbury (Dudley) Ltd |
| Location: | LAND BETWEEN, BIRMINGHAM STREET, HALL STREET, DUDLEY SOUTHERN BYPASS,, CLAUGHTON ROAD AND PORTERSFIELD, DUDLEY, WEST MIDLANDS |
| Proposal | CONSERVATION AREA CONSENT FOR DEMOLITION OF FORMER PUBLIC HOUSE, RESTAURANT, OFFICE, RETAIL AND SERVICE UNITS WITH FLATS ABOVE, VACANT BUILDING, OTHER BUILDINGS AND STRUCTURES |
| Recommendation Summary: | APPROVE SUBJECT TO CONDITIONS |

SITE AND SURROUNDINGS

1. The application site is located within the 'Cavendish Quarter' and relates to part of a larger site being considered for retail led regeneration on the south-eastern edge of Dudley Town Centre. This larger site measures 4.27 hectares in area and is bounded by Duncan Edwards Way (the Dudley Southern Bypass) to the south, Birmingham Street to the north, Hall Street to the west and St Joseph Street / Claughton Road North to the east.
2. The site subject to this application falls within Dudley Town Centre Conservation and relates to all land to the north of Trindle Road and the block of land defined by Hall Street and Phoenix Passage as far as Duncan Edwards Way (the Dudley Southern Bypass) as being located within the Conservation Area.
3. The site contains a row of terraced properties along Hall Street and Trindle Road, comprising of property stock of circa late 18th Century / early 19th Century and 20th Century. Most of these properties are vacant and in generally poor condition. The site also relates to a triangular section of land to the north of Trindle Road which is occupied by the vacant and fire damaged Metro Bar. This building is identified as a

Heritage Asset by the Council (recorded on the Council's Historic Buildings Sites and Monuments Record under HBSMR 12898). Along Porters Field, and to the rear of the Metro Bar, are a number of small single storey units which are occupied by a taxi firm and Indian restaurant. The final portion of this triangle site is made up of the bus layover area. This parcel of hard standing is used by waiting buses and provides parking for shoppers at weekends. On the opposite side of Porters Field is a piece of land currently used as a car park for town centre shoppers. It is of a relatively uneven surface and provides no visual amenity in the area.

PROPOSAL

4. The application seeks Conservation Area Consent to demolish the buildings fronting the southern side of Trindle Road, the buildings located between Trindle Road and Portersfield (excluding No's 1 to 3 St Josephs Court) and some of the buildings fronting Hall Street (No's 31 to 33 Hall Street) which lie within the Conservation Area to allow for the retail regeneration of the wider site on the south-eastern edge of Dudley Town Centre.

5. The application is accompanied by the following surveys / reports:
 - Design and Access Statement
 - Transport Assessment and Framework Travel Plan
 - Planning and Retail Statement
 - Ecological Assessment (Phase 1)
 - Tree Survey
 - Heritage Statement
 - Noise Assessment
 - Energy Assessment
 - Geo-Environmental Assessment
 - Statement of Community Involvement

HISTORY

Application Site

| APPLICATION No. | PROPOSAL | DECISION | DATE |
|------------------------|--|--|----------------|
| P08/1132 | Demolition of existing building and erection of Health Centre (D1) with ancillary offices, crèche, pharmacy and meeting and training facilities together with associated access car parking and landscaping (Outline) (access, appearance, layout and scale to be considered) (resubmission of withdrawn application P08/0578) | Approved with conditions | September 2008 |
| P08/1133 | Demolition of existing building and erection of new office building (B1a) with associated access, car parking and landscaping (Outline) | Approved with conditions | September 2008 |
| P08/1133/E1 | Demolition of existing building and erection of new office building (B1a) with associated access, car parking and landscaping (Outline) (Extension of time of Application P08/1133) | Approved with conditions | September 2011 |
| P12/0581 | Demolition of existing buildings and erection of Foodstore (A1), car park and petrol filling station together with associated access works, servicing and landscaping | Approved with conditions and referral to the Secretary of State for consideration in | January 2013 |

| | | | |
|----------|--|--|--------------|
| | | accordance with Section 77 of the Town and Country Planning Act 1990 | |
| P12/0582 | Conservation Area Consent for demolition of existing buildings with subsequent erection of Foodstore (A1), car park and petrol filling station together with associated access works, servicing and landscaping | Approved with conditions | January 2013 |
| P12/1042 | Demolition of existing buildings to allow redevelopment to provide retail superstore (A1), further retail, service and leisure accommodation (A1, A3, D2), conversion, redevelopment and alteration of premises along Hall Street to accommodate A1, A2, A3, A4, A5, B1 uses, taxi rank and office, transport interchange, public space, petrol filling station, highways and access works, car parking, landscaping and associated works (Outline)(access to be considered) | Pending, also on this agenda | |

6. Accompanying this application is an Outline Application (P12/1042) (Access to be considered) for demolition of existing buildings to allow redevelopment to provide retail superstore (A1), further retail, service and leisure accommodation (A1, A3, D2), conversion, redevelopment and alteration of premises along Hall Street to accommodate A1, A2, A3, A4, A5, B1 uses, taxi rank and office, transport

interchange, public space, petrol filling station, highways and access works, car parking, landscaping and associated works.

PUBLIC CONSULTATION

7. The application was advertised by the display of a site notice and a newspaper advert.
8. In response to the public consultation exercise the following representations have been made:

Commercial Estates Group and Dooba 111 Investments Ltd

9. A joint letter of objection has been submitted by Commercial Estates Group (CEG) (who manage land the subject of a Unitary Development Plan (UDP) allocation at King Street/Flood Street and are the applicants for an undetermined application for a Foodstore (A1 use) proposal within the Dudley town centre under planning reference P12/1107) and the landowner, Dooba Investments 111 Ltd. The objection is raised on the grounds that this application falls within the defined Dudley Town Centre Conservation Area and as the scheme relates to an 'outline' proposal only, it is difficult to understand the effect the scheme would have upon the Conservation Area and a decision be reached.
10. The applicant has made the following comments in response to the objection from Commercial Estates Group and Dooba 111 Investments Ltd:

The applicant reiterates that the application(s) for consideration are supported by a detailed Heritage Statement, as well as a Design and Access Statement. The scope and content of, and approach to, the heritage assessment were agreed by the Council's specialist conservation advice, during pre-application discussions. Local circumstances were discussed having regard in particular to the nature and general low quality of the buildings to be demolished and the local setting, and agreed that with sufficient information in the submission it would be quite possible for an adequate assessment of an outline application to be made from a heritage

perspective. Furthermore, English Heritage reiterate the approach to retain the buildings of higher value along Hall Street (the retention and repair of No's 28 to 30 and 34 to 37 Hall Street). Heritage issues were discussed in full and therefore the application is readily capable of being properly assessed and determined.

Cousins Furniture Stores Limited

11. Support is given to regenerate the land to the east of Hall Street and north of the Dudley Southern by-pass. The development would provide better services to Dudley Town Centre, its visitors and most importantly the traders already situated within the town centre. The scheme will aid the recovery of the struggling Town Centre by providing more facilities and encouraging more people to shop in Dudley as opposed to travelling to retail parks on the outskirts of town or to larger centres. The development would help prevent that area becoming derelict and help strengthen the town centre's viability and vitality.
12. A letter of support has also been received from a member of the public, as well as, a petition with 290 signatories in support of the scheme.
13. It should be noted that further information and amended plans were requested and received to enable a detailed assessment of this proposal.

OTHER CONSULTATION

14. English Heritage: No objections raised. The application includes the welcome retention and repair of No's 28 to 30 and 34 to 37 Hall Street. Particular care should be taken with the design and choice of materials for roofs of the proposed buildings. This is an important consideration for the new development in terms of achieving a satisfactory outlook from Dudley Castle and therefore protecting the Scheduled Ancient Monument.

English Heritage advise the Council that the application be determined in accordance with national and local policy guidance and on the basis of specialist conservation advice.

RELEVANT PLANNING POLICY

National Planning Guidance

- The National Planning Policy Framework (NPPF)

Black Country Core Strategy (BCCS) 2011

- ENV 2 Historic Character and Local Distinctiveness
- ENV3 Design Quality
- DEL 1 Infrastructure Provision

Unitary Development Plan (UDP) 2005

- HE4 Conservation Areas
- HE5 Buildings of Local Historic Importance
- HE8 Archaeology and Information
- HE11 Archaeology and Preservation

Supplementary Planning Guidance

- Historic Environment

Other Relevant Documents

- Dudley Town Centre Area Development Framework (ADF) Opportunity Site 4: 'Cavendish Quarter', Adopted December 2005
- Dudley Town Centre Conservation Area Appraisal
- Planning for the Historic Environment – Historic Environment Practice Guide

- Circular 11/95 – The Use Conditions in Planning Conditions

ASSESSMENT

15. The main issues are

- Principle
- Design

Principle

16. Paragraph 133 of the National Planning Policy Framework (NPPF) states that where a proposed development will lead to substantial harm or total loss of significance of a designated heritage asset (in this case the buildings to be demolished within the Conservation Area) *'local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss or all of the following apply :*

- *the nature of the heritage asset prevents all reasonable uses of the site;*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible ;*
- *the harm or loss is outweighed by the benefit of bringing the site back into use"*

17. Policy ENV2 (Historic Character and Local Distinctiveness) of the Black Country Core Strategy (BCCS) requires 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.

18. Saved Policy HE4 (Conservation Areas) of the Dudley Unitary Development Plan (UDP) seeks to enhance approved Conservation Areas. Proposals for the demolition or inappropriate alteration or extension of buildings in Conservation Areas; or proposals for works which would be detrimental to their character or setting; and proposals which could prejudice views into or out of Conservation Areas will be

resisted. The Council will require the use of building materials appropriate to the Conservation Area in all new development.

19. There are no Scheduled Ancient Monuments (SAM) or Listed Buildings (LB) within the application site area but the following non-designated Historic Environment Record (HER) entries are all recorded as occurring within the application area boundary:
 - 4830 - Hall Street Location of the Phoenix Glassworks
 - 4904 – No's 41 to 42 Hall Street (Site of former Fish and Chip Shop, demolished in 2006).
 - 7930 – No's 38-40 Hall Street (Site of nineteenth century shops, demolished in 1999).
 - 12503 – Porters Street Site of former Phoenix Engineering works
 - 12504 – Hall Street Former Victoria Brewery
 - 12898 – Porters Field and Trindle Road Metro Bar, formerly The Empire Vaults.

20. The submitted Heritage Statement accompanying this application identifies that a number of heritage assets are located outside the application boundary and whilst not directly affected by the development proposal could experience indirect impacts through changes to their settings. These comprise the following designated assets:
 - Dudley Castle – Scheduled Ancient Monument (SAM)
 - St Joseph and Our Lady – Grade II Listed Building (LB)

21. Hall Street and Trindle Road form important gateways into the town centre. These existing buildings within the Conservation Area which fall within the development site are of limited architectural significance due to their dilapidated condition and do not provide a positive contribution to the character and appearance of the Conservation Area; however, the retention and repair of No's 28 to 30 and No's 34 to 37 Hall Street, property stock of circa late 18th Century / early 19th Century would be most welcomed.

22. No's 31 to 33 Hall Street (property stock 20th Century), are identified within the Dudley Town Centre Conservation Area Appraisal as forming part of a degraded /

eroded landscape, as are the buildings fronting the southern side of Trindle Road, the buildings located between Trindle Road and Portersfield (including the 20th Century vacant and fire damaged Metro Bar former Public House).

23. The applicant has advised that the demolition of some of the buildings is required to enable the comprehensive redevelopment of the site and to assemble a site of sufficient size to accommodate the proposed scheme. In the applicant's submitted Heritage Assessment which accompanies this application, it is recognised that the development proposals will result in change within the Dudley Conservation Area, including the loss of a number of non-designated heritage assets; however, this change is not considered to constitute harm to its significance. The public benefits which will result from the proposed development will considerably offset any perceived harm to the Conservation Area and will result in an enhancement of its character and appearance.
24. The intention for the area is the focus of partial preservation of and enhancement of vacant buildings and the demolition of degraded / eroded 20th Century buildings to allow for the future development for the enhancement of the Conservation Area.
25. In this case there is substantial public benefit to be gained from a development which will make a positive contribution to the economic vitality of the town centre (through job creation, increased turnover and the beneficial use of a large area of land) which will bring with it significant environmental improvements in terms of its design, appearance and the provision of associated infrastructure. In this context it is acknowledged that the land available for development is very constrained and that the operational requirements of a retail development results in the demolition of some of the poor quality, vacant and eroded 20th Century built fabric forming part of the Conservation Area.
26. It is considered that the above policy test has been met, as the loss of the buildings is necessary to achieve these substantial public and regeneration benefits and there is a balancing argument in favour of the development. The proposal is therefore in general accord with the broad aspirations of the NPPF, which encourages the

regeneration of town centre brownfield sites that provide significant job-creating opportunities.

Design

27. The proposed retail re-development would be contemporary in its appearance and form; and in terms of its visual impact would have a positive effect on the appearance of this part of the town centre (including the Conservation Area). The site is within an area identified for public realm improvements in the Town Centre Area Development Framework. An integral part of the scheme is the provision of a substantial area of public realm improvements in the form of a Public Square following the re-routing of Trindle Road, running parallel to the Dudley Southern Bypass. The Public Square would incorporate seating, hard and soft landscaping, as well as the ability to accommodate a future Midland Metro Tram Stop. The introduction of new public spaces in this area would better reveal the significance of the Conservation Area by enhancing and complementing the quality and character of views and approaches to and from the site. The public realm improvements would enhance the character of the Conservation Area and would play a key role in integrating the development into the wider area, in accordance with Core Strategy Policy ENV3 (Design Quality) of the BCCS, which requires that developments provide a high quality public realm and an attractive, safe and permeable movement network.
28. It is considered that the proposed development would enhance the appearance of this part of the Town Centre Conservation Area, in accordance with the requirements of Saved Policy HE4 of the UDP and Policy ENV2 of the BCCS, as the development would enhance aspects of the historic environment which are recognised as being of special quality (in this case the Conservation Area designation applies).
29. Should permission be granted it is recommended that conditions be imposed requiring the recording of the Conservation Area buildings to be demolished, as well as the recording and removal and safe storage and preservation of the internal surviving decor at the Metro Bar with particular reference to sculptural elements that could be attributed to William Bloye. This advice would be in general accordance with

the advice of English Heritage and consistent with Saved Policies HE8 (Archaeology and Information) and HE11 (Archaeology and Preservation) of the UDP.

CONCLUSION

30. The proposed development will lead to the positive improvement of an existing, partly derelict Dudley Town Centre Development Site by bringing substantial public benefits in terms of regeneration and job creation. It will support the spatial objectives of the Black Country Core Strategy and for Regeneration Corridor 11a which seeks to serve day-to-day shopping needs and have sustainable regeneration benefits. The development will contribute to the enhancement of the built and historic environment, having a positive impact on the appearance of the town centre and the character of the Conservation Area. As such the proposal complies with National Planning Policy Framework (Paragraph 133), Policies ENV2 (Historic Character and Local Distinctiveness), ENV3 (Design Quality) and DEL 1 (Infrastructure Provision) of the Black Country Core Strategy and Saved Policies HE4 (Conservation Areas), HE5 (Buildings of Local Historic Importance), HE6 (Listed Buildings), HE8 (Archaeology and Information) and HE11 (Archaeology and Preservation) of the Dudley Unitary Development Plan.

RECOMMENDATION

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

Reason for approval

The proposed development will lead to the positive improvement of an existing, partly derelict Dudley Town Centre Development Site by bringing substantial public benefits in terms of regeneration and job creation. It will support the spatial objectives of the Black Country Core Strategy and for Regeneration Corridor 11a which seeks to serve day-to-day shopping needs and have sustainable regeneration benefits. The development will contribute to the enhancement of the built and historic environment, having a positive impact on the appearance of the town centre and the character of the Conservation Area.

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Black Country Core Strategy the Saved Dudley Unitary Development Plan Policies 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

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

This approval is granted in consideration of submitted proposals in respect of the Planning (Listed Buildings and Conservation Areas) Act 1990 only. This approval does not in any way confer compliance with Health and Safety legislation in respect of materials and working practises. The applicant is advised to be acquainted with the Health and Safety at Work etc Act 1974, the construction (Design and Management) Regulations 1994, and the Manual Handling Operations Regulations 1992, and to ensure that the handling, storage and use of materials together with all building operations is carried out in total compliance with the requirements of this legislation.

Notes to Applicant – Abbreviations

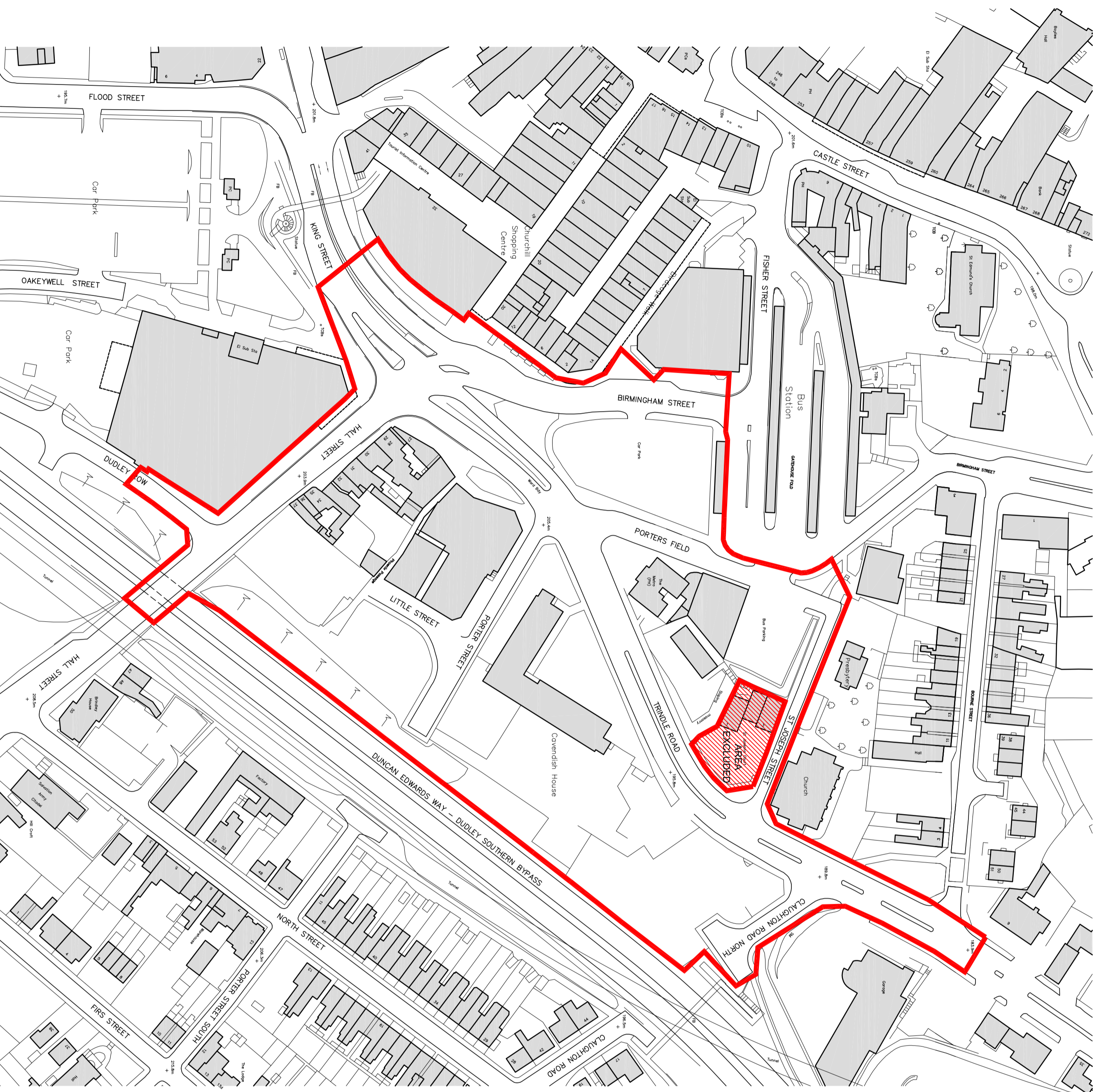
BCCS – Black Country Core Strategy

UDP – Dudley Unitary Development Plan

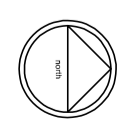
Conditions and/or reasons:

1. The works hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. 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.
3. No works involving the demolition or alteration of existing buildings or built structures identified in the submitted heritage statement shall commence until the developer has secured the implementation of a programme of archaeological buildings recording work to include provision for stripping out or opening up works such as may be required to fully elucidate a buildings significance and specifically in relation to the Locally Listed Metro PH (aka "Empire Vaults" HBSMR 12898) the detailed recording of the internal décor with particular reference to sculptural elements that could be attributed to William Bloye such elements to be carefully removed and offered to the Museums Service of the Council for retention and storage in relation to potential future reuse in a suitable Public Art context and including appropriate provision for subsequent analysis, reporting and archiving all to be in accordance with a written scheme of investigation (WSI) 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.
4. No works shall commence until details of two interpretation panels to be installed at the site (one at Hall Street and about Hall Street and its environs and one to the public realm frontage adjacent to the Grade II Listed Building St Thomas of Canterbury Church) have been submitted to and approved in writing by the local planning authority. The details shall include design, size, location, artwork and text. The panels shall thereafter be installed in accordance with the approved details, and in accordance with a timetable to be submitted to and approved in writing by the local planning authority. The interpretation panels shall thereafter be retained for the life of the development.
5. No works involving the demolition or alteration of existing buildings or built structures fronting Hall Street shall be undertaken until all contracts and a date of commencement for the carrying out of the works of redevelopment of the site is in place and planning permission has been granted for the redevelopment for which the contract provides. Evidence that a contract is in place (or other such


documentation as considered satisfactory by the local planning authority in lieu of such contract), shall be submitted in writing to the Local Planning Authority 14 days prior to any demolition works commencing.



Notes:
 Drawing based on Ordnance Survey data and is subject to a full topographical check survey.
 Contractors to check dimensions and notify any discrepancies or errors to the company immediately.
 Work to figured dimensions only. Do not scale.
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Legend:

 Indicate boundary for the purpose of the Planning Application
 4.27ha / 10.55acres

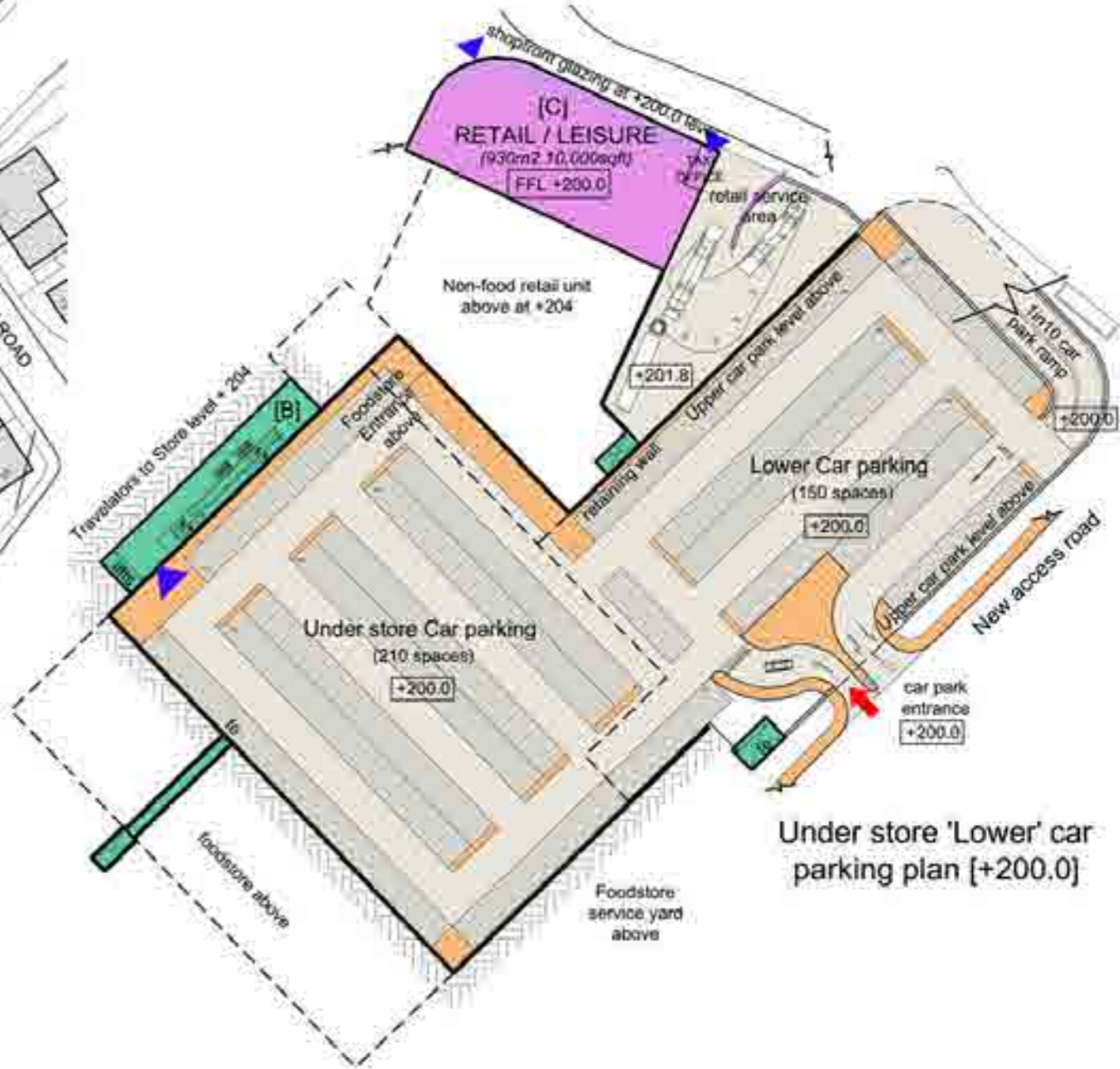
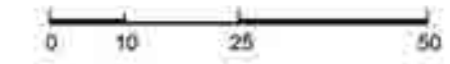


| Rev. | Date | Description | Drawn | Checked |
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| <p>DAVIS WEATHERILL PARTNERSHIP CONSULTING ARCHITECTS</p> <p>Client: Avenbury (Dudley Ltd)</p> <p>Project: Porters Field Dudley Town Centre</p> <p>Title: Site Location Plan</p> <p>Drawn: JB Checked: STD Date: 07/2012 Scale: 1:1250@A2 Status: PLANNING</p> | | | | |



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- Legend:**
- Indicates boundary for the purpose of the Planning Application
 - Proposed Pedestrian Entrance
 - proposed Pedestrian Linkages
 - Potential Midland Metro alignment shown initiative only
 - Foodstore use
 - Non-food Retail / Leisure use
 - Enclosed circulation cores / routes
 - Potential new Public Realm space - refer to drawing 10167 / PA 03 for further detail

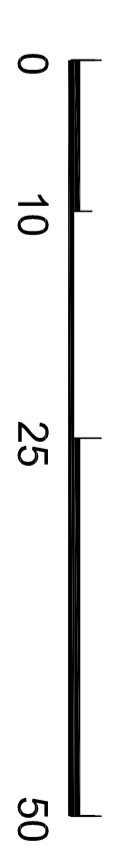
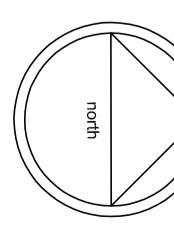


Under store 'Lower' car parking plan [+200.0]

| Rev. | Date | Description | Drawn | Checked |
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| <p>DAVIS WEATHERILL PARTNERSHIP <small>MARKER ARCHITECTS</small></p> <p>Client: Avenbury (Dudley) Ltd</p> <p>Project: Porters Field Dudley Town Centre</p> <p>Title: Illustrative Scheme Masterplan Proposal</p> | | | | |
| Drawn: JB | Checked: BRD | Dwg. No: 10167 / PA04 | Rev: D | |
| Date: 02.2012 | Scale: 1:1000@A3 | | | |
| Status: PLANNING | | | | |



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| <p>DAVIS WEATHERSHILL PARTNERSHIP CHARTERED ARCHITECTS</p> <p>Headquarters: Grand 67-69 Haverham Rd Edgware, Middlesex HA8 5SD T: 0181 446 2202 E: info@dw.co.uk www.davisweatherill.co.uk</p> <p>The Arch Firm Unit 1B, Estima Yard Hazwood, Uxbridge LS17 7JF T: 0113 286 6787 E: info@dw.co.uk www.davisweatherill.co.uk</p> | | <p>Client: Avenbury (Dudley Ltd)</p> <p>Project: Porters Field Dudley Town Centre</p> <p>Title: Existing Site Plan</p> | |
| <p>Drawn: JB Date: 07/2012 Status: PLANNING</p> | <p>Checked: SPD Scale: 1:500 @ A0</p> | <p>Dwg. No.: 10167 / PA05</p> | <p>Rev.: A</p> |