

PLANNING APPLICATION NUMBER: P18/1170

Type of approval sought	Listed Building Consent
Ward	Upper Gornal and Woodsetton
Applicant	DMBC
Location:	LAND TO FRONT & ADJACENT TO NO. 65, VALE STREET, UPPER GORNAL, DUDLEY, DY3 3XF
Proposal	LISTED BUILDING CONSENT FOR REBUILD STONE WALL (FOLLOWING DEMOLITION OF EXISTING), CONSTRUCTION OF NEW FOOTWAY, CREATION OF NEW COMMUNITY CARPARK AND ACCESSIBLE PATH
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- 1 The application site is located on the eastern side of Vale Street and includes the highway and a 2m strip in front of No. 65 Vale Street, where at this point Vale Road has restricted width and no footway to its eastern side.
- 2 The site has an area of undeveloped land which wraps round the side of No. 65, and extends past the entrance up to the windmill and runs up to edge of the recently completed Stone Mill Walk residential development. This land was left over from the development of the housing estate and remained undeveloped, due to potential impact on the setting of the windmill and was also unsafe for vehicular access onto Vale Street.
- 3 Immediately beyond this boundary is a car park which presently serves the windmill with access from the housing development beyond. To the south is part of the recreation ground which extends along the southern boundary.
- 4 Opposite the site on the western side of Vale Street is further housing which also extends to the north of the application site.

- 5 The windmill referred to above is Grade II listed and the Gornal stone wall which wraps round the front of No. 65, together with the return wall is deemed to be curtilage listed.
- 6 The windmill which is owned by the Council and leased to a local community group is used for sleeping accommodation for visiting youth groups i.e. the scouts and as base for local groups which includes a climbing and amateur radio clubs.

PROPOSAL

- 7 The application seeks to demolish the existing Gornal stone wall to the Vale Street frontage and to rebuild 2m further back. This will be dedicated as highway and will provide a footway along this section Vale Street, as well affording improved visibility for a vehicular access to the adjoining unused land.
- 8 It is proposed that this unused land would be used as dedicated car park for the windmill with access from Vale Street. Associated with this would be improvements to the ramp which provides pedestrian access to the windmill.
- 9 This would replace the existing car park and access to the windmill which is presently served from Stone Mill Walk and was secured as planning gain as part of the residential development.
- 10 However, it has been found that the car park was inadequate for the needs of the windmill, despite the windmill previously having no designated off road parking and generated some concerns from residents of the Stone Mill Walk due to parking overspilling into their designated parking area.
- 11 Therefore the developer has offered the adjoining land which is not suitable for residential development to the Council to be used as designated parking for the windmill.
- 12 The proposed car park would provide 12 spaces, including two disabled spaces and would be finished in road planings. The car park would be delineated by reclaimed

timber railway sleepers. A fence would be provided between the new car park and the existing car park to the windmill which would be transferred back to the developers of Stone Mill Walk.

- 13 During the course of the development it has been clarified that the car park will used for the sole use of the windmill and would not be used as parking for the adjoining recreation grounds.
- 14 The application is accompanied by a Heritage Statement.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
CC/77/1307	Use Of Windmill For Museum Purposes And Part Residential	Granted	27/09/1977
82/50070	Restoration Of Former Windmill To Form Museum And Use Of	Granted	11/03/1982
88/50146	Restoration Of Windmill Including Provision Of Fire Escape	Granted	07/03/1988
P06/1437	Outline application for housing development and diversion	Granted	04/07/2008
P06/1437/E1	Extension of time of previously approved application P06	Withdrawn	16/07/2013
P08/0794	Listed Building Consent for refurbishment works to include	Granted	09/07/2008
P12/1627	Erection of 14 no. dwellings with new access to highway	Granted	04/06/2013

PUBLIC CONSULTATION

- 15 8 letters raising comments and/or objection received, following consultation with 9 adjoining neighbours, the posting of a site notice and the publication of an advert within a local newspaper. Main issues raised:

- The wall contains a historic iron will roller. This should be retained in some way at the site.
- Concerns that widened footway means that pedestrians may considered front garden of adjoining house to be part of the highway.
- Car park should be for mill users only
- Railway sleepers are not an effective boundary treatment/do not provide adequate security
- Close boarded fence should be provided to boundary
- Car park will cause noise and pollution
- Will attract anti-social behaviour
- Insufficient information with the application
- Developer will not provide the fence
- How will car park be managed?
- Will not pay for street lighting of car park

OTHER CONSULTATION

- 16 Head of Planning and Regeneration (Highway Engineer): No objection, consider proposal would provide improved forward visibility and an improved footway for pedestrians. The current facilities are substandard and pose a risk for pedestrians.
- 17 Head of Planning and Regeneration (Land Contamination Team): No objection.
- 18 Head of Environmental Safety and Health: No objection.

RELEVANT PLANNING POLICY

- National Planning Guidance
National Planning Policy Framework (Revised 2018)
Planning Practice Guidance (2014)
Historic Environment Good Practice Advice in Planning 2 - Managing-Significance in Decision Taking (2015)
Historic Environment Good Practice Advice in Planning 3 – Setting of Heritage Assets (2015)

- Black Country Core Strategy (2011)
 CSP1 The Growth Network
 TRAN2 Managing Transport Impacts of New Development
 ENV 2 Historic Character and Local Distinctiveness
 ENV 3 Design Quality

- Dudley Borough Development Strategy (2017)
 S1 Presumption in favour of Sustainable Development
 S6 Urban Design
 S7 Landscape Design
 S8 Conservation and Enhancement of Local Character and Distinctiveness
 S10 Listed Buildings
 S17 Access & Impact of Development on the Transport Network
 S18 Cycling
 D1 Access for All
 D2 Incompatible Land Uses
 D5 Noise Pollution

- Supplementary Planning Guidance/Documents
 Access for All Supplementary Planning Document
 Historic Environment Supplementary Planning Document (2017)
 Parking Standards Supplementary Planning Document (2017)

ASSESSMENT

- 19 The main issues are
- Policy
 - Design and Historic Environment
 - Neighbour Amenity
 - Highway Safety
 - Access for All

Policy

- 20 The principle issues in this case relate to highway safety, for which Black Country Core Strategy Policy TRAN2 Managing Transport Impacts of New Development and Dudley Bough Development Strategy Policy S17 Access & Impact of Development on the Transport Network, which require new development not to cause harm to highway safety.
- 21 The other main issue is the design and historic environment issues given the setting of the listed windmill, and the assumption that the Gornal stone wall to Vale Street is curtilage listed.
- 22 With regard to Black Country Core Strategy Policy ENV 2 Historic Character and Local Distinctiveness is of relevance together with Dudley Borough Development Strategy S10 Listed Buildings. The policy states that,

'The Council will protect, conserve and encourage the appropriate enhancement of buildings statutorily listed as being of historic or architectural value. Applicants proposing the alteration, extension or change of use of a statutorily Listed Building will be required to provide sufficient information to demonstrate how the proposals would contribute to the building's conservation, whilst preserving or enhancing its architectural or historic interest.'

'Where such proposals would affect a listed structure which has a particularly complex building history, and would involve a major impact on the historic plan form or significant loss of historic fabric, applicants may be required to commission a professional archaeological pre-determination assessment.'

'This should include an appropriate level of archaeological buildings recording, an analysis sufficient to demonstrate the significance of the existing plan form and historic fabric to be affected, be to an agreed timescale and clarify the degree of impact which the proposals would have upon the building's historic character and appearance.'

‘Proposals for demolition, inappropriate alteration of or addition to statutorily Listed Buildings, or for development which would harm their significance or be detrimental to their setting, will be resisted. Where Listed Building Consent is granted for demolition or alteration resulting in the loss of historic fabric, the Council will ensure that provision is made for an appropriate level of archaeological buildings recording to take place prior to the commencement of the approved works’.

Design and Historic Environment

- 23 The repositioning of the listed Gornal stone wall to Vale Street has been proposed to improve highway safety along this section of Vale Street where there is significant pinch point and where there is no footway to the eastern side of the road, with a substandard footway to the west side. The carriageway is also constrained at this point.
- 24 The proposal which has been the subject of discussions with the Conservation Officer and proposes to carefully take down the wall with the rebuilding replicating the existing with the majority of the stone reused. It is not considered that this repositioning would have any adverse impact on the setting of the listed windmill.
- 25 The provision of the car park is not considered to have any adverse impact on the setting of the windmill in that the openness next to it would be maintained including views from Vale Street. The openness with views from Vale Street towards the recreation ground would also be maintained.
- 26 Conditions will be required to ensure the materials to be used to the modified access ramp to the windmill are appropriate together with specific details relating to the rebuilt wall such as the type of mortar. A condition will also be required in relation to the boundary treatment in relation to the Stone Mill Walk, the adjoining recreation ground, as well as the railings to the modified ramp. These will need to be sympathetic to the setting of the listed building.
- 27 Additionally a condition will be attached regarding boundary treatment to the car park, as this is an issue raised by one of the neighbours.

- 28 Overall the scheme delivers significant public benefits in terms of highway safety, as well as improving access to the windmill which should help to it maintain it as an important community asset, whilst not having an adverse impact on the setting of listed heritage asset.

Neighbour Amenity

- 29 The provision of the car park and the moving back of the wall are unlikely to result in any harm to neighbour amenity and this affirmed by no objection being raised by the Environmental Safety and Health team.
- 30 Following concerns from the neighbour regarding the wider use of the car park it is now proposed that the car park would only be used solely by the windmill. A condition regarding the management of the car park is proposed. A condition regarding the management of the car park is also proposed along with a condition requiring details of the boundary treatment and enclosure.

Access and Parking

- 31 The moving back of the wall by some 2m would allow for the provision of a footway on the eastern side of the road which would significant improve highway safety. Moreover, forward visibility through a pinch point to Vale Street would be significant improved as well.
- 32 The moving back of the wall would also improve visibility to the existing vehicular access which serves the unused land to the side of No. 65, which is proposed to be laid out as car park. However, a condition would need to be imposed to ensure the car park is not first used until the works to the wall have been proposed as in its current state a more intensified use of the access would constitute a danger to highway safety.
- 33 Therefore, subject to the imposition of appropriate conditions the proposed changes to the highway and the provision of the car park are acceptable on highway safety grounds.

- 34 The new car park would also remove the current tensions between users of the windmill and residents in Stone Mill Walk.

Access for All

- 35 The existing ramped access to the mill is currently non-complaint with regard to equality legislation, Dudley Borough Development Strategy Policy D1 Access for All and the Councils adopted Access for All Supplementary Planning Document
- 36 It is proposed to extend and regrade the ramp so that it complies with equality legislation and the Councils own adopted policies. Associated with the car park proposal disabled parking provision will also be made.
- 37 This means that the windmill which has an accessible ground floor can be enjoyed by a wider cross section of the community.

Trees

- 38 A tree will need to be removed to accommodate the proposed modified ramp. The retention of the tree was looked at but would have resulted in circuitous route to the windmill or one which would not comply with equality legislation. A condition can be imposed which can require an appropriate replacement.

CONCLUSION

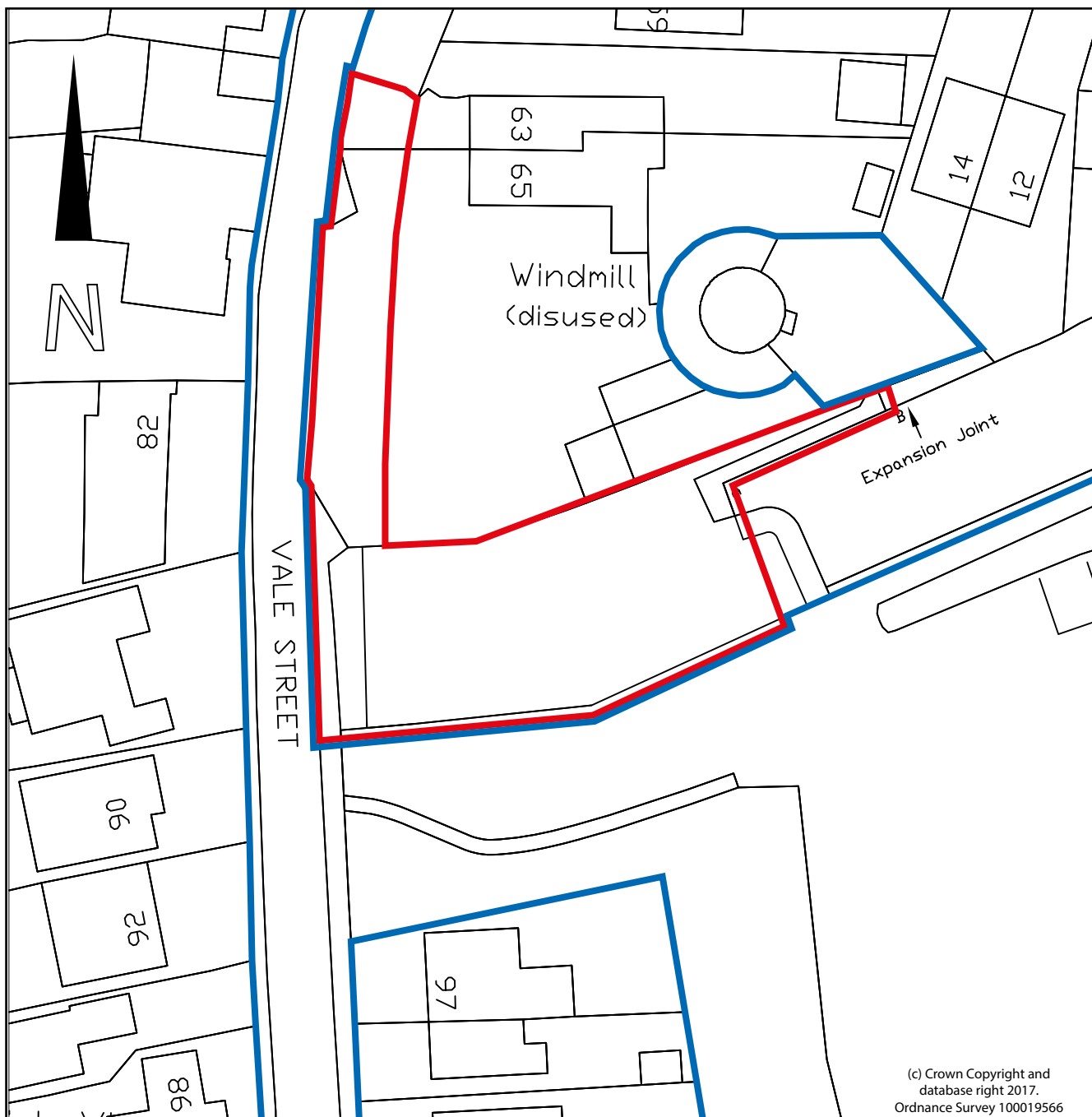
- 39 The proposed development/works are considered to be acceptable from a highway safety, heritage and amenity perspective. The development/works would provide significant benefits from a highway safety point of view, and the car park and the modified ramp would ensure improved access to the windmill which helps secure its long term future. Consideration has been given to policies within the Black Country Core Strategy (2013); and the Dudley Borough Development Strategy (2017)

RECOMMENDATION

It is recommended that the application be APPROVED subject to the following conditions:

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:M471-09 RevA, XDBE10080/1
REASON: For the avoidance of doubt and in the interests of proper planning.



- Land to which the application relates
- Other land in ownership of Dudley Council

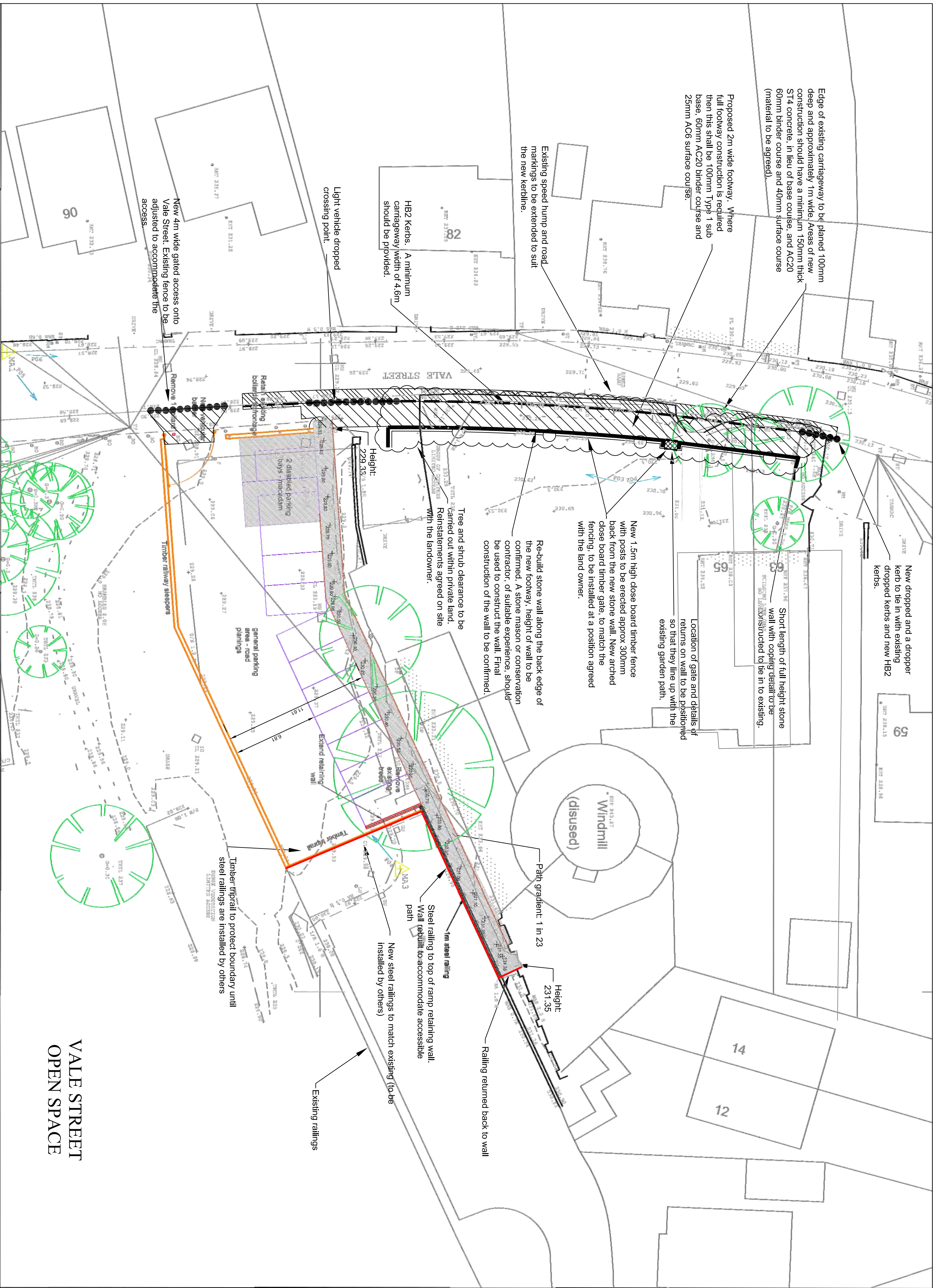


PLACE DIRECTORATE

Project Title
Vale Street, Upper Gornal, Dudley
Site Area for Planning Application

Drawing No.
M471-08

Drawn By MM	Checked By LD	Revision No.	Date 08-08-2018	Scale 1:500@A4
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Job: Vale Street Improvements

Drawing: Vale Street
Improvement Plan

Job No: M471 -09

Drawing No:

Revision:

A: Addition of gates and wall
north of gates. Addition of
splay and bollards at
entrance to proposed car
park.

Scale: 1:200 @ A2

Date: 8/8/2018

Drawn: RL / MM

Checked:

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Ordnance Survey 100019566.