

PLANNING APPLICATION NUMBER: P21/1505

Type of approval sought	Full Planning Permission
Ward	Castle and Priory Ward
Agent	Mrs K. Hartley, Delta Planning
Case Officer	Richard Stevenson
Location:	FORMER HIPPODROME AND ADJACENT LAND AND BUILDINGS, CASTLE HILL, DUDLEY
Proposal	DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT FOR A HIGHER EDUCATION FACILITY TOGETHER WITH ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS IF NO CALL IN FROM SECRETARY OF STATE

SITE AND SURROUNDINGS

- 1 The application site comprises the former Gala bingo hall building, an area of associated land that once accommodated the Plaza Cinema located immediately to the west of the former bingo hall and the former JB's nightclub and Martial Arts centre to the east. The Cinema was demolished in 1996, the building being a large and similarly sized building to the former Bingo hall. This triangular section of the site is enclosed by galvanised palisade fencing and is used as a metro compound.
- 2 The former Bingo hall (formerly the Hippodrome Theatre) was opened in 1938 on the site of the former Dudley Opera House and is of an art-deco/modernist design. The former bingo hall operated as a theatre until the mid-1960's when the building then re-opened as an entertainment venue/club before becoming a bingo hall in the 1980s. The bingo hall closed in 2009 and the building has been vacant since then.
- 3 The site lies within the Dudley Town Centre Conservation Area, designated on the 16th March 2005. The building is unlisted but is noted on the Historic Environment Record as an undesignated heritage asset, being a large former variety theatre.

The building is of an art deco design with its front elevation being a streamlined design in buff brick. The side and rear elevations are built of red brick.

- 4 On the eastern side of the application site is a martial arts centre and the former JB's nightclub. This is a modestly scaled 1-2 storey building. To the east of these premises is Station Drive with the former railway alignment beyond. This is now used as the very light rail test track with its associated infrastructure and the under construction Very Light Rail Innovation Centre located to the north-east
- 5 The side elevations of the Gala Bingo building are largely exposed within the street scene as you travel Castle Hill and also extensive views of the rear of the building can be seen from the Zoo car park, Tipton Road and Castlegate Island.
- 6 Immediately abutting the western boundary of the site is the refurbished, Grade II listed Tecton building which accommodates the Zoo offices. Gates and railings to the Castle Hill frontage of the Zoo offices site have been installed to complete the renovation of the building.
- 7 The application site backs onto the existing Zoo car park and immediately adjoining the eastern boundary of the site, is the pedestrian route that links the Zoo car park to Castle Hill (also a Conservation Area, and a Scheduled Ancient Monument). Opposite the site on the southern side of Castle Hill is a place of worship (formerly the Odeon Cinema) which is of art deco/modernist design and Grade II listed.
- 8 It should be noted that the lawful use of the former bingo hall (The former Hippodrome Theatre) is as Use Class E – commercial, business and service and not as a theatre, which is a sui generis use. The boxing club/martial arts centre also falls under Use Class E, but the former JB's night club has a lawful sui generis use as a night club/music venue.

PROPOSAL

- 9 This is full planning application which proposes the demolition of the former bingo hall, the boxing club/martial arts centre and the former JBs night club so the site can be redeveloped as a higher education facility with associated access arrangements, parking and landscaping.
- 10 The application proposes a four-storey building with a total floorspace of 4250m² and is designed as a gateway building to the town centre, with active frontages to each of its four elevations with three main entrances. The building would be significantly lower than the former bingo hall it would replace.
- 11 The proposed building is of contemporary design and like the building it is proposed to replace, has strong modernist elements and incorporates a number of art deco themes, particularly to the main entrance to Castle Hill. The development would be principally finished in brick, again reflecting materials in the existing main building.
- 12 There would be a south-west facing public plaza and new pedestrian and cycle routes integrating the building into its surroundings and providing improved connection from the town centre to Dudley Zoo, the Black Country Living Museum, the Learning Quarter (The existing Dudley College facilities), the proposed new West Midlands Metro station and the proposed Dudley Interchange.
- 13 A service yard, which would be used for ambulance training has been located to the east of the building, which due to the topography of the site, will sit below ground level.
- 14 Vehicular access to the development would be from the north via Zoological Way, also providing access to the service yard and a disabled parking area to the east of the building. No other on-site parking would be provided apart from that which already serves the Zoo offices which is to be modified.

- 15 The application has been submitted with a Design and Access Statement, a Planning Statement, a Heritage Impact Assessment, a Flood Risk Assessment, a Drainage Strategy, nature conservation reports, land contamination information, a Transport Statement, a Travel Plan and Sustainable Design Statement.
- 16 Additionally, during the consideration of the planning application additional/amended information has been provided, including a Transport Statement addendum, marketing information, a response to comments made by consultees, levels information relating to the land to the east of the proposed building and how it relates to the proposed metro alignment.
- 17 The development is being funded from a £25million grant from the Town Fund scheme which was awarded on the basis of the lack of higher education opportunities in the Borough, with a lower than average of young people and adults progressing into higher technical or degree level jobs.
- 18 Worcester University has been selected as the partner higher education institution. It is proposed that site will deliver higher education programmes from the new facility centred around health care and allied professions including nursing, midwifery, paramedic and related health occupations.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
DY/49/329	Extension to rear of stage.	Granted	17/12/1949
DY/50/241	Erection of new stores.	Granted	21/10/1950
DY/66/14	Change of use of foyer to shopping facilities.	Dismissed	21/02/1966
DB/66/313	Use of basement floor as private club steak bar and to	Granted	21/07/1966
DB/73/11937	Alterations and extensions to existing premises.	Granted	14/06/1973

85/51619	Use of premises as a Bingo club	Granted	03/10/1985
P12/1054	Demolition of former Gala Bingo Building and formation of car park and associated landscaping.	Withdrawn	12/2016
P12/1074	Conservation Area Consent for demolition of former Gala Bingo Building	Withdrawn	12/2016
P16/1677	Demolition of the former Hippodrome Theatre/Gala Bingo building and creation of landscaped public amenity area.	Withdrawn	19/1/2017
P20/1737	Screening Opinion for a higher education facility	Not an EIA development	26/11/2020

- 19 Planning application P16/1677 is the most recent planning application in relation to the site which sought to demolish the former bingo hall and redevelop as a landscaped amenity area. This application was withdrawn at the applicant's request.

PUBLIC CONSULTATION

- 20 76 letters of objection have been received following consultation with 14 adjoining neighbours, the posting of a site notice and the publication of an advert within a local newspaper. Consultation was also carried out with the Theatres Trust and the Twentieth Century Society the comments of which are referred to in the Other Consultation section below. Matters of general concern raised relate to the following issues:

- The new building would have a negative impact on the conservation area
- Site is Gateway to town centre
- Design of replacement building is poor
- Building should be retained

- Good example of 1930s Art Deco
- Demolition of building is contrary to planning policy
- Building should be reused as theatre/community use
- Demolition of building is contrary to planning policy
- Site should be used leisure/tourism
- Education campus should be built elsewhere, i.e. Portersfield, edge of centre location like Wellington Road or Blowers Green.
- Building should be locally listed
- Building owned by DMBC
- Impacts on climate change/CO² from the demolition
- Town centres need more leisure uses, due to decline in retail
- Existing covenant prevents use for education
- Reference made to Peoples Panel that wanted building retained
- Existing asbestos can be treated
- No viability information submitted
- Retention would help city bid
- College has not helped economy
- College would not help evening economy
- Council has declared a climate emergency
- Too many theatres in West Midlands lost
- Council should support lottery bids for theatre reuse
- Reference made to reuse of similar building opposite as a place of worship
- Town Fund money should be split in smaller projects
- Music school should have been within the building
- Demolition will be expensive
- last remaining lyric theatre in the Midlands, capable of hosting large scale productions
- Requests have been made to have the application "Called In"
- References made to the NNPF and the Councils own Development Plan policies
- Should be an assessment of CO₂ emissions.
- Viability assessment should be carried out.

- There Is no evidence that a theatre use is not viable
- Too many health-related courses locally
- Photos and newspaper articles provided

One further letter of objection received but cannot be given any weight in that the representation was not duly made.

- 21 One letter of support received on basis of,
- Supports removal of building
 - Building needs to be of good design.

OTHER CONSULTATION

- 22 Head of Planning and Regeneration (Highway Engineer): The highway officers examined the Transport Assessment and recommended further robustness testing. This was undertaken and the development is now considered to be acceptable. The development is closely located to major sustainable infrastructure, the proposed metro and Interchange, numerous on street Highway bus stops, walking routes, cycle routes and also to the Zoo and town centre car parks. The development also proposes to open up an existing key barrier to walking and cycling at Station Drive and provides a 6m wide segregated cycle and walking route, linking Castle Hill with Zoological Drive and Discovery Way. The application is therefore supported subject to conditions.
- 23 Head of Planning and Regeneration (Land Contamination Team): No objection. Notes that the accompanying report highlights the potential for land contamination and ground gas and recommends further investigation of these matters which can be conditioned.
- 24 Head of Design and Delivery (Urban Design and Landscape Team): No objection. Due to its location and context, the proposed building will effectively have pedestrian activity along all elevations and the built forms will need to function and provide a public-facing aspect from all sides. It is considered that the character and

appearance of the proposals are well designed, being responsive to the surrounding context and appropriate for the buildings use. Considers that the development reopens a key view of the castle along a major gateway into Dudley

- 25 Head of Design and Delivery (Historic Environment Team): No objection. Notes the key legislative and policy objectives in relation to demolition in conservation areas, the setting of listed building (i.e. the former Odeon cinema opposite) and other heritage designations (The Castle and Castle Hill Scheduled Ancient Monument) that the Local Planning Authority must consider. Notes the former bingo hall building was constructed in 1937 by A. Hurley Robinson and was used a theatre until the 1960s and latterly became used exclusively for bingo, closing in 2009. Since 2010 building has been on the Theatres Trust at risk register, but it was not statutorily listed following an assessment by Historic England in 2011. Considers that the former bingo hall positively contributes to the Dudley Town Centre Conservation Area, but due to historical demolitions (thereby revealing more elevations of the building not designed to be viewed) it negatively impacts on certain views to and from the Castle Hill Conservation Area. The former JB's nightclub and Boxing club provide a neutral contribution to the character and appearance of both Conservation Areas. However, based on the information provided in support of this application, it is the view of Historic Environment that '*clear and convincing justification*' for the loss of the heritage asset has been provided by the applicant, to demonstrate the ability to comply with the requirements of the NPPF. The architects were also asked to see whether it was possible to adapt the building for reuse, including a facadism proposal, however, it was regrettably apparent that this would not provide appropriate accommodation and was less than desirable from a design point of view. Also considers the replacement building design to be appropriate in relation to the setting of the conservation areas and the other adjoining heritage assets.
- 26 Head of Environmental Safety and Health: No objection. No adverse impact in relation to noise or air quality. Recommend conditions in relation to any new fixed plant, electric vehicle charging points and dust management during demolition and construction.

- 27 Lead Local Flood Authority: No objection. The applicant has satisfactorily assessed the risk of flooding from Main River and Surface Water to be low. The site-specific Drainage Strategy for the development is acceptable. Encourage green roof and, tree pits and rainwater harvesting. Request drainage condition.
- 28 Group Engineer (Highways) (Rights of Way Officer): Requested more information in relation to the eastern side of the building and the metro alignment to ensure there is sufficient space for pedestrians and a segregated cycleway which has been received and satisfactorily addressed questions raised.
- 29 Historic England: No objection. *“The Hippodrome is a non-designated heritage asset of local significance for its historical and limited architectural interest and on this basis makes a positive contribution to the Town Centre Conservation Area. Its contribution to the significance of the Castle Hill Conservation Area, scheduled castle and listed zoo buildings is mixed as its scale is visually challenging and obstructs views that have the potential to enhance their significance.*

“The proposal would result in the loss of the Hippodrome’s significance and limited harm to that of the Town centre Conservation Area. However, the scale of the proposed development would open views of the castle and improve the setting of the listed zoo buildings. It would also, in contrast to the Hippodrome, present both conservation areas with active and attractive elevations on all sides.

“We consider that these aspects of the proposal would enhance and better reveal the significance of the castle, zoo buildings and the conservation areas. They represent heritage benefits that we consider outweigh the harm caused by demolition and we do not therefore object to the application”.

Also confirms that demolition should be conditional upon the letting of a contract for the new development.

- 30 Twentieth Century Society: Object. Two letters received. Have made representations in relation to the loss of a non-designated heritage asset. Building designed by A Hurley Robinson – designer of cinema buildings. Reference is made

to historic performances including Laurel and Hardy and George Formby. Located with conservation area, adjoins another together with relationship with castle. Fine example of 1930 style cinema architecture. Consider building to be of “Considerable local and architectural interest”. Insufficient justification for loss of building – building could be reused. Agree with view of the Theatres Trust that the building could be modified without harm to fabric. Harmful emissions from demolition of building – impact to climate change. References made to the historic environment section of the NPPF and the Dudley Town Centre Character Area Appraisal 2015.

- 31 The Theatres Trust: Object. Two letters received. On Trusts at risk register. Have had recent engagement with Council. Undesignated heritage asset within setting of castle and Geo Park. Note previous refusal to list – but consider appreciation of 1930s buildings has moved forward. Opened in 1938 designed by architect renowned for cinema design. Sister of now demolished Plaza cinema. Noted former Odeon opposite now used as place of worship. Well known artists played at venue i.e. Morecombe and Wise, Cliff Richard. Should be on the local list. Consider later alterations can be reversed. Significant parts of original features exist. Noting context, setting could be improved. Note that disused theatres elsewhere have been reopened i.e. Walthamstow. Consider viability has not been fully assessed/demonstrated. No evidence of lack of need. Previous indication of large venue in town – but proper consideration of what is required. Town hall provides local facility – but lacks fly tower and has limited capacity. Impact on climate change in relation demolition and CO2 – reference made to Architects Journal. Consider 5-year lease which was offered was too short to allow restoration and funding particularly with ongoing threat of demolition. Lease was too onerous. Driverless Vehicle Consortium was given more time to prepare business case. Alternative uses should also be considered. Do not consider updated supporting information is sufficiently up-to-date. References made to the historic environment section of the NPPF. If approval is recommended an archaeological recording condition is required.
- 32 West Midlands Police: Consider site should be enclosed and the number of entrances should be reduced. Natural surveillance is important. Vehicular access

into the site should be restricted. Parking should be appropriately managed. Landscaping should not affect natural surveillance or CCTV. Appropriate lighting should be provided.

- 33 West Midlands Fire Service: Provide technical advice on fire related matters.
- 34 Transport for the West Midlands: No comments received.
- 35 Severn Trent Water: No objection. There may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers, sewers have statutory protection and may not be built close to, directly over or be diverted without consent. Request drainage condition.

RELEVANT PLANNING POLICY

- National Planning Guidance
National Planning Policy Framework (Revised 2018)
Technical Guidance to the National Planning Policy Framework (2012)
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
CSP3 Environmental Infrastructure
CSP4 Place Making
HOU5 Education and Health Care Facilities
EMP1 Providing for Economic Growth
EMP6 Cultural Facilities and the Visitor Economy
CEN4 Regeneration of Town Centres
CEN5 District Centres and Local Centres

CEN7 Controlling Out-of-Centre Development

CEN8 Car Parking in 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

ENV 1 Nature Conservation

ENV 2 Historic Character and Local Distinctiveness

ENV 3 Design Quality

ENV 5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island

ENV 7 Renewable Energy

ENV 8 Air Quality

- Dudley Borough Development Strategy (2017)

S1 Presumption in favour of Sustainable Development

S3 Renewable Energy

S4 Flood Risk

S5 Minimising Flood Risk and Sustainable Drainage Systems (SuDS)

S6 Urban Design

S7 Landscape Design

S8 Conservation and Enhancement of Local Character and Distinctiveness

S9 Conservation Areas

S10 Listed Buildings

S11 Buildings of Local Historic or Architectural Importance

S13 Areas of High Historic Landscape Value (AHLV)

S14 Registered Parks and Gardens and Designed Landscapes of High Historic Value (DLHV)

S15 Heritage Assets of archaeological interest, Scheduled Ancient Monuments and Archaeological Priority Areas (APA)

S16 Infrastructure Improvements

S17 Access & Impact of Development on the Transport Network

S18 Cycling

S19 Dudley Borough's Green Network

S21 Nature Conservation Enhancement, Mitigation and Compensation

S22 Mature Trees, Woodland and Ancient Woodland

D1 Access for All

D3 Contaminated Land

D5 Noise Pollution

- Dudley Area Action Plan (2017)

Policy 1 Sustainable Development

Policy 2 Design Quality

Policy 3 Urban Structure and Built Form

Policy 4 Sense of Place and Connectivity

Policy 5 Landmarks, Views, Vistas and Gateways

Policy 6 Sustainable Urban Drainage Systems (SUDS) and Flood Risk

Policy 13 Development Opportunity Site 7: Castle Hill/Tipton Road

Policy 17 Land uses outside Dudley's Primary Shopping Area

Policy 19 Education

Policy 20 Leisure and Tourism

Policy 21 Conservation and Enhancement of Local Character and Distinctiveness in Dudley

Policy 22 Dudley Town Centre Conservation Area

Policy 23 Castle Hill Conservation Area

Policy 25 Access and Movement

Policy 26 Managing and Developing the Highway Network in the Town Centre

Policy 27 Public Transport

Policy 28 Walking and Cycling

Policy 29 Car Parking

Policy 30 Landscape, Survey, Analysis and Design Principles

Policy 32 Public Realm

Policy 33 Nature Conservation

- Supplementary Planning Guidance/Documents

Access for All Supplementary Planning Document

Design for Community Safety Supplementary Planning Guidance (2002)

Historic Environment Supplementary Planning Document (2017)

Nature Conservation Supplementary Planning Document (2016)
Document (2007)
Parking Standards Supplementary Planning Document (2017)

ASSESSMENT

36 The main issues are

- General Policy Background
- Historic Environment – Demolition
- Historic Environment – Alternative Uses
- Historic Environment and Design of the New Building
- Amenity
- Access and Parking
- West Midlands Metro and Cycling
- Trees
- Nature Conservation
- Flood Risk
- Air Quality and Climate Change
- Geotechnical
- Financial Considerations
- Other Matters

General Policy Background

37 As noted above the site accommodates three buildings, the former bingo hall (the former the Hippodrome Theatre), the former JB's night club and the boxing club/martial arts centre which are attached to each other and are located at the foot of Castle Hill on the edge of Dudley town centre. The site also includes the zoo offices car park and a compound. It is proposed to demolish the buildings and redevelop for educational purposes.

38 The site is situated within the Dudley Town Centre Conservation Area and is adjacent to the Castle Hill Conservation Area. The buildings fall within the setting of

Dudley Castle, a Scheduled Monument and a Grade I listed structure, as well as the setting of the Grade II listed former Odeon Cinema (now a place of worship on the southern side of Castle Hill). The buildings also fall within the setting of a number of listed Tecton buildings and structures that form part of the Dudley Zoological Gardens, including the distinctive Grade II* entrance to Castle Hill and the Grade II zoo offices. All are within the Black Country Geopark. Consequently, the proposed demolition of the existing buildings, and the erection of replacement development will need to be considered in line with statutory duties relating to the historic environment as well as relevant national and local heritage planning policies and associated guidance.

- 39 The former bingo hall was historically used as variety theatre which has been vacant for over 12 years after being most recently used a bingo hall and is a recognised heritage asset (HER Ref: 4983). Likewise, the former JB's nightclub was a music venue used by some well know British bands prior to their rise to fame (HER Ref. 15262). This and the adjoining boxing club/martial arts centre was historically used as a skating rink.
- 40 In 2011 an application was submitted to Secretary of State/Historic England for the former bingo hall to be placed on the statutory list (Case No.465438), after much deliberation it was concluded not to add the former theatre to the statutory list. Since 2010 the building has been on the Theatres Trust at Risk Register .
- 41 The Dudley Town Centre Conservation Area Character Appraisal identifies the former bingo hall as making a medium positive, contribution to the conservation area on the basis of its street façade, and the role it plays in the gateway into the conservation area at this point. The Appraisal also identifies the vacant condition of the building as being negative detractor to the Dudley Town Centre Conservation Area. The Castle Hill Conservation Area appraisal considers that former Hippodrome Theatre negatively impacts on the setting of the Conservation Area: *'The Hippodrome Theatre is seen in certain views as a blocky rectilinear silhouette with an unrelieved long elevation standing directly behind the listed former Safari Café (now the entrance, gift shop).'*

- 42 When dealing with applications within Conservation Areas and their setting and the setting of a statutory listed buildings and scheduled monuments, Local Planning Authorities have a statutory duty under the provisions of sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to, when exercising any of their planning powers to have 'special regard' to certain matters.
- 43 When an LPA exercises planning functions in a Conservation Area Section 72 (1) of the above acts states;
*'In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), **special attention** shall be paid to the desirability of **preserving or enhancing the character or appearance of that area**'.*
- 44 Section 66 (1) of the above act sets out the general duty of an LPA in respect of exercising planning functions in respect of listed buildings,
*"In considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority **shall have special regard** to the desirability of preserving the building or its setting or any feature of special architectural interest or historic interest which it possesses."*
- 45 Section 74 of the same Act specifically refers to the control of demolition in Conservation Areas and it sets out that when considering the demolition of a non-listed building in a Conservation Area, particularly one that is considered to have a positive contribution such as the Hippodrome, it is to be treated as if it is a listed building (i.e. a designated heritage asset) and that accordingly Sections 16 and Section 17 of the Act are to be referred to which sets down the details in respect of applications for listed building consent but also paragraphs 197, 199, 200, 201 and 202 of the NPPF are to be taken into consideration. The instruction to take this approach is made clear in paragraph 207 of the NPPF which states,

“Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole”.

- 46 That notwithstanding, the applicant and the local planning authority are directed to Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.
- 47 The NPPF defines ‘significance’ of a heritage asset as, *‘the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence but also from its setting’* (NPPF, page 71).
- 48 This application proposes the demolition of the Heritage Asset so within the context of the NPPF, demolition of the Hippodrome would result in the total loss of significance of the heritage asset and as such, as a local planning authority we are directed by the NPPF to apply para.201 and/or 202 of the NPPF.
- 49 Para 201 states *“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply,*
- a) the nature of the heritage asset prevents all reasonable use of the site; and*

- a) *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- b) *conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- c) *the harm or loss is outweighed by the benefit of bringing the site back into use.*

- 50 Paragraph 202 states '*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*'.
- 51 Coupled with the national planning policies in relation to the historic environment and design are Black Country Core Strategy Policies policies ENV 2 Historic Character and Local Distinctiveness and ENV 3 Design Quality together with policies S6 Urban Design; S8 Conservation and Enhancement of Local Character and Distinctiveness; S9 Conservation Areas; S10 Listed Buildings; S11 Buildings of Local Historic or Architectural Importance; S14 Registered Parks and Gardens and Designed Landscapes of High Historic Value (DLHHV) and S15 Heritage Assets of archaeological interest, Scheduled Ancient Monuments and Archaeological Priority Areas (APA).
- 52 In addition Dudley Area Action Plan policies 2 Design; Quality 3 Urban Structure and Built Form; 4 Sense of Place and Connectivity; 5 Landmarks, Views, Vistas and Gateways; 21 Conservation and Enhancement of Local Character and Distinctiveness in Dudley; 22 Dudley Town Centre Conservation Area and 23 Castle Hill Conservation Area are of relevance from a design and historic environment point of view.
- 53 Matters relating to the historic environment, the demolition of the buildings, most notably the former bingo hall, and alternative uses and the design of the replacement building are explored in more detail below.

54 Additionally of relevance to the application is Black Country Core Strategy Policy EMP6 [Cultural Facilities and the Visitor Economy] – encourages the promotion and protection of other cultural attractions and events which represent and celebrate the wide range of culture and diversity across the Black Country and again is explored in the historic environment sections below.

55 The proposed development of a higher education facility has significant policy support in line with Black Country Core Strategy (2011) Policy HOU5 [Education and Health Care Facilities]. Education facilities are fundamental to achieving the vision for sustainable communities and economic prosperity and is key to delivering key spatial objectives. Policy HOU5 states that,

“new higher education facilities should be well designed and well related to neighbourhood services and amenities, well related to public transport infrastructure and directed to a centre appropriate in role and scale to the proposed development and its intended catchment”.

56 This proposed development sits within the regeneration corridor 11a (Dudley – Brierley Hill – Stourbridge). These are areas served by an extensive transport system and therefore provide the most sustainable areas for redevelopment/growth. The Black Country Core Strategy states that the common role of the strategic centres is to be the principle location for major cultural, leisure, entertainment, and community facilities, and to provide the widest possible range of such facilities appropriate for their catchments. It is also demonstrably clear that a further higher education facility in this area relates well to the public transport infrastructure and will lead to an enhancement in training and research in Dudley and would assist in levelling up by allowing easier access to higher education.

57 The NPPF also sets out the Government’s commitment to ensuring planning policies and decisions create the conditions to foster business investment, expansion, and adaptation. Stating significant weight should be placed on the need to support economic growth and productivity. The Dudley Area Action Plan acknowledges that investment in Dudley College has contributed towards town

centre regeneration. An increase in student number and staff using the facilities has had a positive impact on vitality and viability of the town centre.

- 58 The importance of education facilities to the health and well-being of Dudley is recognised in the Dudley Borough Development Strategy by Policy S2 - Planning for a Healthy Borough], this seeks to protect existing education facilities, as well as ensuring that the new facilities are sited well to ensure accessibility and choice.

Historic Environment – Demolition

- 59 As you will note from above, both the Twentieth Century Society and the Theatres Trust have objected to the loss of the former bingo hall stating what they consider to be the buildings architectural and historical interest, particularly due to the named architect associated with the design of the building, but also the stars of variety and entertainment of the mid 20th century who played at the venue when it was used as a theatre. They also reference the buildings location within and adjoining a conservation area and the setting of the castle. They also consider the building is worthy of reuse and point to examples elsewhere which have been bought back into use and make reference to the abortive attempts to buy/lease the building from the Council.
- 60 However, the individual significance of the former bingo hall in the view of Historic England is that its contribution to the conservation areas is more limited, and they consider this rests chiefly in its historical rather than architectural interest due to the modesty of its original design and the impact of change upon it. Though still considered a non-designated heritage asset, its interior and exterior detailing in the view of Historic England has been lost and high, blank elevations of unrelieved brickwork that were never meant to be seen have been revealed by demolition of what was the Plaza cinema. As part of the Castle Hill street scene they consider its scale now appears visually challenging and its uncompromising relationship with listed zoo buildings and impact on views to and from the castle are negative factors that counter its historical interest. These views are also similarly identified within the Castle Hill Conservation Area appraisal.

- 61 The Council conservation officer considers the building positively contributes to the Dudley Town Centre Conservation Area but due to historical demolitions (thereby revealing more elevations of the building not designed to be viewed) it negatively impacts on certain views to and from the Castle Hill Conservation Area.
- 62 Historic England notes that the site also includes the former skating rink (now the former JB's night club and boxing club/martial arts centre) which has been extended and altered in such a way as to lose any architectural value it may once have had. Other than a minimal historical interest, this building is of no significance and in their view, it is considered to be negative element in the conservation area.
- 63 Historic England consider that removal of the buildings would improve the setting of the castle, the listed Zoo buildings and the appearance of the Castle Hill Conservation Area by opening up views of the castle which are not currently available because of the scale of the former bingo hall. This would be particularly so from the east, Castlegate Island and Birmingham Road, Tipton Road and from the Zoo car park. Views out from the Zoo and castle would also be improved.
- 64 Historic England are therefore persuaded that the application offers an improvement to the setting of the listed Zoo buildings and to the scheduled castle and it that would better reveal their significance, enhancement of the Castle Hill Conservation Area and some enhancement of the Town Centre Conservation Area.
- 65 Paragraph 207 of the NPPF relates to the loss of a building that makes a positive contribution to a conservation area but recognises that not all buildings do so. In this case Historic England considers that the former bingo halls positive contribution is balanced by the negative impact of its uncompromising bulk and unattractive blank brick facades. Historic England therefore consider the harm to the Town Centre Conservation Area caused by demolition to be limited and less than substantial.
- 66 In considering NPPF paras. 197 onwards, Historic England concludes less than substantial harm to a conservation area should be weighed against the public benefits of an educational facility providing significant medical training up to degree

level. Historic England consider the enhanced setting of the listed zoo buildings and scheduled castle, improvement in views of these buildings and general uplift in the appearance and vibrancy of the conservation areas to be public heritage benefits that outweigh the harm caused. Historic England are also aware that the proposal would help deliver the regeneration aims set out in the Dudley Area Action Plan which would presumably also be considered a public benefit. This is a view shared by the Local Planning Authority and would complement the tourism-based regeneration initiatives at the zoo and the Black Country Museum and not least the educational and research benefits of the Very Light Rail Innovation Centre and the recently completed Dudley Institute all in the Castle Hill area of the town centre.

Historic Environment – Reuse of Building

- 67 The Twentieth Century Society, the Theatres Trust as well as number of objectors consider the building should be used as theatre or other type of entertainment venue or community use and correctly refer to the policy tests at both a local and national level in relation to the proposed loss of non-designated or designated heritage, is whether the building can be viably reused for another purpose, and other avenues other than demolition have been fully considered. They also reference policies in relation to the protection of cultural faculties, including Policy EMP6 - Cultural and the Visitor Economy.
- 68 It is understood that the building closed in 2009 as bingo hall (the last operator being Gala) and following a lack of interest from the market, the building was purchased by the Council in November 2010. The intended purpose of the acquisition was to secure either the re-use of the building as part of the Castle Hill regeneration initiative or redevelopment at a lower density to open up views of Dudley Castle and create an enhanced gateway to the town centre.
- 69 In early 2012 the Council was approached by the Friends of Dudley Hippodrome, who expressed interest in acquiring the property. In November of 2012 they proposed to reuse the building as multi-purpose arts and cultural venue. The Council commissioned an independent specialist assessment of the plan. As part of this review the independent assessors consulted two major commercial theatre

operators running regional theatres in the UK. The view of both was that the theatre and entertainment marketplace in the West Midlands was already very well provided for. Both were of the opinion that subsidy would be required to underpin the operation.

- 70 In late 2013 the Council was approached by the ROK Group. In 2014 the ROK submitted a proposal to operate the building as a multi-functional events venue. The Council commissioned the same consultant to undertake an appraisal of the ROK proposal. The consultants questioned whether the proposals would be able to obtain sufficient private sector investment available to undertake the refurbishment and concluded that there was insufficient information to assess whether the operation could be made viable. Discussions with the ROK continued during 2014, but as they were not able to guarantee the use of the Zoo car park, there were issues related to the cost of the removal of asbestos, deferral of business rates and the final capital receipt which meant they gave notice to the Council they did not wish to proceed in April 2015.
- 71 In parallel to the above negotiations with ROK, a second business plan was received from the Friends of Dudley Hippodrome in late 2014. However, the consultant concluded the plan was not realistic in relation to the capital investment which would be required.
- 72 In August 2015 a further marketing exercise was undertaken, with an extended deadline to reply by the end of October 2015. The only offer was received from the Friends of Dudley Hippodrome. There was a further business plan from the Friends which proposed the refurbishment of the building on a phased basis to provide a *“regional centre of excellence in training in theatrical skills and performing arts...”* The Council commissioned an independent third party to assess the proposal that had no previous involvement with the building. Again, the issues of viability and finance was apparent.
- 73 In June 2016 a new enquiry came forward from Black Country Hippodrome Ltd. (BCHL). This resulting in a five-year lease being agreed. The purpose of the lease

was to grant a period of time to seek support from a variety of sources to see if a funding package could be pulled together which will enable the former bingo hall to be repaired/renovated and brought back into use. The five-year lease was broken into one-year periods, each with critical milestones to be achieved.

- 74 In 2018 the lease was terminated early as Council considered BCHL had failed to meet key milestones including the development of a funding strategy and a proposed scheme. Following the termination of the lease, the Council invited further Expression of Interests in the site and two bids were received, one from the Dudley Hippodrome Community Group and a second from the Dudley Driverless Vehicle Consortium. The bid from the Dudley Hippodrome Community Group was not further pursued by the Council due to lack of funding Information. The bid from the Dudley Driverless Vehicle Consortium to turn the site into a driverless vehicle test centre was, however, further explored, but ultimately did not come to fruition.
- 75 In July 2019, the Government announced its Towns Fund, which is aimed at providing investment to 100 places across the country to facilitate regeneration and drive economic growth and prosperity. To oversee Dudley's funding bid, the Dudley Towns Fund Board was established. One of the key priorities identified by the Towns Fund Board is to address a lack of higher education opportunities in the Borough. The Town Fund Board has therefore sought £25 million of investment from the Government to develop a higher education centre in the town, which was subsequently awarded.
- 76 The current site was identified as being suitable for the proposed use given the proximity of the of other training and development uses. However, bearing in mind the historic environment issues and at the request of the conservation officer, at the pre application stage, the prospective applicant was required to explore the option of conversion and extension of the existing former bingo hall to see if the proposed new use (a higher education facility) could be accommodated within it. The appointed Architect has a good track record of delivering similar schemes in the Borough, one of which is the former Fire station located in Tower Street Dudley where the façade of the 1930's building was retained and incorporated into the

higher education scheme.

- 77 It became evident, however, that the building was not suitable for the proposed higher education use. Initial concepts also included whether it possible to retain the facade of the building as shown in the Design and Access Statement. However, it was clear that the resulting massing and design were not appropriate and did not provide the desired layout. It was therefore concluded by Historic England that an alternative high-quality replacement would be more appropriate. This is explored in more detail below.
- 78 It should also be noted that there are two other performance spaces within the town centre, which include a facility within Dudley College and the Town Hall which is currently being improved with an additional bar area, bistro and toilets, together with improved disabled facilities. Additionally, there are further performance faculties in Stourbridge and Brierly Hill. In terms of the wider area there are venues in Wolverhampton, and many others located in Birmingham city centre.
- 79 It is therefore apparent that despite a number of attempts to find alternative viable uses, together with period of marketing for the non-designated heritage asset, it is clear that a viable use could not be found, nor that the current proposed use could be satisfactorily accommodated within the existing building. The applicants have therefore satisfactorily demonstrated that the total loss of significance, i.e., demolition is necessary to achieve substantial public benefits that outweigh the harm/loss and as such, is in accordance with the requirements set by both paragraph 201 and 202 of the NPPF and also local Development Plan policies. Historic England in its response notes that it has taken into account aforementioned NPPF paragraph 202 and the local planning authorities Historic Environment has additionally taken into account paragraph 201.

Historic Environment and Design of New Building

- 80 The application proposes a four-storey building with a total floorspace of 4250m² and is designed as a gateway building to the town centre with active frontages to

each of its four elevations, with three main entrances. The building would be significantly lower than the former bingo hall it would replace.

- 81 The proposed building is of contemporary design and like the building it is proposed to replace, has strong modernist elements and incorporates a number of art deco themes particularly to the main entrance to Castle Hill. The building would be principally finished in brick again reflecting the existing main building.
- 82 As well as the building having to be acceptable in itself it has to be appropriate in terms of the setting of the two conservation areas, the castle and other designated and non-designated heritage assets such as the former Odeon cinema opposite, and the Tecton buildings within the adjoining Zoo boundary.
- 83 As noted above, Historic England note some of deficiencies of the existing building, such as massing and consider that the new building *"Would enhance the significance of the castle, the listed zoo buildings and the appearance of the Castle Hill Conservation Area by opening up views of the castle and creating a building with a mass and form that responds to the current form of the streetscene, relates better to the listed zoo buildings, presents active and attractive elevations on all sides and relates well to the vision for how this part of the conservation area will be used"*
- 84 They also state, *"The architectural quality of the proposal is good, it incorporates material and design references to the Hippodrome that would complement the conservation areas' 1930s buildings and a textured roofscape that would sit well in the context of Dudley's historic skyline"* and therefore have been *"persuaded that the application offers an improvement to the setting of the listed zoo buildings and the scheduled castle that would better reveal their significance, enhancement of the Castle Hill Conservation Area and some enhancement of the Town Centre Conservation Area"*. They have had regard to Paragraph 206 of the NPPF in coming to this view.

- 85 Due to the significance of the site, the urban designer with the Planning and Delivery Service has been consulted. They consider that the character and appearance of the proposals are well designed, being responsive to the surrounding context and appropriate for the building use. They, like Historic England, note the proposed massing which sits much lower than the Hippodrome is a significant improvement, opening up and framing views to the castle along this key gateway into Dudley town centre.
- 86 The use of detailing and fenestration (particularly of faience and terracotta detailed panelling) helps to add much needed human scale to this location which will be well used by pedestrians.
- 87 They also consider the development has been well thought-out, with fenestration and solid-to-void used appropriately along each elevation, particularly to the building “rear” (northern elevation) which is perhaps more likely to be viewed than the perceived “front” of the building, particularly by those arriving by car or tram.
- 88 The urban designer also considers use of the eastern elevation for servicing is a sensible decision, the change in levels and the mid-height walling here also welcomed in order to enable inter-visibility between service areas and external public realm to minimise the potential of anti-social behaviour.
- 89 Therefore, from a design point of view, the replacement building is considered to act as a more appropriate gateway to the town centre and improves the setting of various heritage assets. Moreover, it provides significant regeneration benefits for a site which has mostly laid vacant for over a decade and also to provide significant educational training and “levelling up” opportunities from its proposed use.
- 90 In conclusion, therefore, the local planning authority considers that ‘special attention’ has been paid to the desirability of preserving and enhancing the character of appearance of both the Dudley Town Centre Conservation Area and the Castle Hill Conservation Area and their settings (S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) and that ‘special regard’ has been

paid to the desirability of preserving the setting of statutorily listed buildings such as the Grade I listed Dudley Castle, (also a Scheduled Monument) (S 66 of the aforementioned act). The local planning authority is also satisfied in its assessment of the demolition of the former Bingo Hall that 'special regard' has been made to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S16 (2) of the aforementioned act).

Neighbour Amenity

- 91 The surrounding area is generally commercial in nature with adjoining uses including a hotel and associated bar, a place of worship (both on the opposite side of Castle Hill), the presently under construction light rail innovation centre to the north east and the zoological gardens to the north west. The only residential units close-by are a handful of flats within the place of worship. It is not considered that the proposed development would create any additional impact on the amenity of these flats.
- 92 The Head of Environmental Safety and Health is satisfied that the proposed operation would not have any significant noise implications and raises no objection accordingly. However, conditions in relation to fixed plant which will be required in connection with the proposed use are requested.

Access and Parking

Metro and Buses

- 93 The proposed Wednesbury to Brierly Hill to West Midlands Metro extension will pass immediately to the east and south of the application site along Station Drive and Castle Hill.
- 94 The applicants have provided updated plans which show the development in relation to the current metro alignment and confirms there will be no conflict. Moreover, the removal of the boxing club/martial arts centre and the former JB's

night club would allow for a more open aspect adjoining metro, which if they were to be retained would create a pinch point.

- 95 It should be noted that the site will be served by the proposed Castle Hill tram stop which would be approximately 150m to the north and was granted planning permission in October 2021 due to its proposed relocation further north. The West Midlands Metro will enable the site to have wide catchment area that is not reliant on the private car with direct services being provided to Birmingham and Wolverhampton, as well as a number of centres within neighbouring Sandwell. Direct interchange will also be possible with heavy rail at Dudley Port.
- 96 The site is also close to the proposed Dudley interchange which is proposed to replace the existing bus station. Wider programmed public realm improvements associated with the metro extension would provide a more attractive pedestrian link from the town centre to the site.

Cycling

- 97 Provision for cyclists in the immediate and wider area provides a good level of accessibility to the site via this mode. Designated cycle infrastructure includes,
- the shared footway/ cycleway adjacent to Zoological Drive
 - mixed on-road/ off-road cycle route along Tipton Road; and
 - sections of on-road cycle lanes and bus lanes along Castle Hill.
- 98 The existing arrangements at the southern extent of Zoological Drive provide access to Castle Hill for pedestrians and cyclists only, however, this is not of a good quality and is very narrow.
- 99 Tipton Road and Castle Hill form part of the National Cycle Network (NCN) Route 54 which extends between Stourport and Derby, via Kidderminster, Dudley, Lichfield and Burton. In the vicinity of the application site, NCR 54 is a traffic-free route. To the north-east of the application site, NCR 54 connects with NCR 81

which provides a mostly traffic-free route between Birmingham and Wolverhampton via the canal network.

- 100 The development will also include secure cycle storage for 48 cycles and shower facilities. It is the aspiration of the Authority that at least 10% of all trips could be undertaken by cycle and therefore space could be identified that could expand on the proposed provision.
- 101 As stated above, Station Drive provides for the proposed alignment for metro as well as a cyclist a pedestrian route. The widths currently available to pedestrians and cyclists off the carriageway are inadequate and a major barrier to sustainable movements.
- 102 The application seeks to provide a 6m wide area for pedestrians and cyclists with a segregated cycle route adjacent Station Drive which will provide a link to the existing cycle route and National cycle network to the north of the site and linkages to the new signalised junction with pedestrian facilities on Castle Hill / Trindle Road.
- 103 These improvements will break the significant barrier to sustainable movements between Trindle Road, the Town Centre, The proposed Health Hub, VLR, the Institute of Technologies building, Black Country Living Museum and beyond.

Parking

- 104 Car parking is not proposed to be located on-site, with the exception of provision for disabled users. It is rather the intention of the applicant to seek agreement with the landowner/ operators of neighbouring car parks, to allow staff and students to utilise these existing parking facilities.
- 105 The existing Zoo car parks are significantly underutilised during the times at which the proposed facility will be operational, specifically weekdays during school term time. The applicant has confirmed that it is seeking a legal agreement to allow visitors to the proposed development to park on the Zoo car park. A total number of some 300 has been agreed and the Transport Assessment confirms there is

existing capacity on the Zoo carpark to accommodate this during term time. In addition, the applicant has secured 23 permanent spaces for use of the development on the Zoo car park. Similar arrangements are already in place with the Dudley College and the nearby Institute of Transformative Technology and have been proven to work.

- 106 A total of seven disabled parking bays are proposed to be accommodated within the curtilage of the site. However, given the number of persons on site, additional parking will be required within the zoo car park.
- 107 A Parking Management Plan will be required by condition. This will give the details of the number of spaces available on the Zoo car park for this development. Should parking be required out of normal term time and the Zoo car park is running at capacity, the plan will indicate to visitors, alternative non car methods of travelling to the site, plus alternative public car parks such as in the town centre.
- 108 Within this plan details of staggered start and finish times can be provided to avoid unnecessary congestion at the Discovery Way / Tipton Road / Aldeney Way signal junction.

Trip Generation

- 109 The applicants Transport Assessment was made on an assumption of modal splits based on where each student type may live and potential further student accommodation within the vicinity of the site and the town centre. They considered,
- 751 Undergraduates, 80% will travel sustainably
 - 105 Foundation students, 95% will travel sustainably
 - 518 Masters / day students, 20% will travel sustainably
 - 60 Staff, 14% will travel sustainably
- 110 Sustainable travel modes are considered to be walking, cycling, and public transport. These assumptions were used to derive a vehicle trip generation figure of AM Peak 169 two way trips for the AM peak and 166 two way trips for the PM Peak with the

required peak parking accumulation of 162 vehicles which is to be accommodated within the Zoo parking area during term time only.

- 111 However, the highway officer had evidence that students travelling by car mode in the local area could be in the region of 50%. This figure was used as a test of robustness to consider the impact of this scenario. Further work undertaken by the applicants under the worst case scenario indicated an AM peak of 308 two way trips and a PM peak of 116 two way trips
- 112 The PM peak trip rate was unchanged as the students arriving in the am peak had mostly left the site prior to the pm peak. The worst case scenario also required peak parking accumulation of some 300 vehicles which is proposed to be accommodated within the Zoo parking area during term time only. The Applicants confirmed there is term time capacity within the Zoo car park and an agreement is in place, which is referred to above.
- 113 Traffic modelling scenario indicates there will likely be queuing as a result of the development on Tipton Road in both directions in the morning and evening peaks, but this will be more noticeable in the AM peak where the junction is running at capacity and within capacity in the PM. However, this is somewhat theoretical, as the amount of traffic within Tipton Road is constrained by congestion at Tipton Road / Birmingham Road signals and Castle Gate island already.
- 114 The town centre VISSIM model produced to look at the impacts of metro and the Portersfield development actually predicted that traffic levels will reduce slightly in the peak hours from 2023 to 2031 because of this congestion effect.
- 115 Nonetheless, the modelling produced will help Highways officers to monitor the situation and make changes to the operation of the junction to optimise its capacity.
- 116 However, a positive from any additional congestion would be that visitors to the development would find the sustainable travel options such as metro, bus, cycling and walking even more attractive.

Servicing

- 117 The proposed access off Zoological Drive will connect to the parking area for disabled users and servicing areas at the east of the building. It is anticipated that all deliveries and servicing will take place within the curtilage of the application site in a secure compound southeast of the building.
- 118 The secure service area is suitable for accommodating the largest expected delivery vehicles. It is anticipated that refuse vehicles and rigid delivery vehicles will require regular access to the site and larger flatbed Heavy Good Vehicles (HGVs) will require infrequent access for the delivery/ maintenance of machinery.
- 119 At this stage, it is proposed that flatbed access to the plant room for plant replacement and large deliveries of equipment, would occur once every two months. Waste collection vehicles are proposed to access the application site twice a week while recycling collection would occur on a weekly basis.
- 120 The servicing arrangements require a condition requiring that only service vehicles enter or exit the site out of opening times and are also undertaken with vehicles with rear reversing cameras and a banksman.

Travel Plan

- 121 The submitted Travel Plan requires further development and is considered an important element here to provide intensive promotion of the Metro, bus and train along with cycling and walking before and after opening. Therefore, a Travel Plan condition is proposed
- 122 In conclusion the highway officer is of the view that the site is well located in relation to existing or planned sustainable transport infrastructure, such as the proposed metro, the planned Interchange, numerous on street bus stops walking, cycle routes and also the zoo and town centre car parks. The development also proposes to open up a key barrier to walking and cycling at Station Street and provides a 6m

wide segregated cycle and walking route linking Castle Hill with Zoological Drive and Discovery Way.

Trees

- 123 There are no trees of significance or any soft landscape features within the site which could be adversely impacted upon by the development. If anything, the provision of additional open space allows for potentially more soft landscaping and tree planting, the latter of which is encouraged in the latest version of the NPPF.

Nature Conservation

- 124 The ecologist notes within the two nature conservation surveys submitted with the application, that the site comprises a large building of brick construction and with a flat roof. A smaller adjacent building that currently provides accommodation for a martial arts centre and a night club was also included in the survey. Land associated with the site is principally hard standing that is becoming colonised by ephemeral species. The site is located in an urban area and surrounding land is primarily business premises. However, natural and semi-natural habitats associated with Dudley Zoo occur directly to the rear of the buildings.
- 125 Daytime survey work undertaken on the site revealed a small number of potential bat roosting opportunities on the exterior of the Hippodrome building. Evening survey work concentrated on areas that had been identified as providing potential bat roosting sites. However, very little bat activity was recorded close to the buildings and no bats were seen to emerge from possible bat roosting space.
- 126 On the basis of the survey work undertaken on the site, the ecologist considers it to be unlikely that protected species legislation with regard to bats will affect the proposed development scheme.
- 127 The ecologist has also looked at the site from a wider protected species perspective including Badgers. They note that there are no evidence of setts within the general

hard standing and built form, but there is evidence of foraging or commuting., and therefore they recommend a watching brief during demolition and that trenches are designed during construction to allow escape for Badgers when works are undertaken.

- 128 Therefore, the proposed development accords with Black Country Core Strategy Policy ENV1 Nature Conservation and Dudley Borough Development Strategy Policy S21 Nature Conservation Enhancement, Mitigation and Compensation.

Flood Risk

- 129 Black Country Core Strategy Policy ENV5 - Flood Risk, Sustainable Drainage Systems and Urban Heat Island and Dudley Borough Development Strategy Policy S5 [Minimising Flood Risk and Sustainable Drainage Systems are designed to reduce the extent and impact of flooding and also reducing the potential urban heat island effects. Therefore, all development should incorporate Sustainable Urban Drainage Systems and should create new green space, increase tree cover and green roofs. On sites requiring flood risk assessments, development should reduce surface water flows back to equivalent greenfield rates.
- 130 The application has been submitted with Flood Risk Assessment (FRA) and a Drainage Strategy the Lead Local Flood Authority are satisfied as to its conclusions which confirm the site is not within a high-risk flood zone in relation to fluvial or surface water. The Lead Local Flood Authority consider the Drainage Strategy to be satisfactory, although notes that green roof and rainwater harvesting for example, would be beneficial from a sustainable drainage point of view. A standard drainage condition is requested.
- 131 Severn Trent raises no objection to the proposal and recommend a standard drainage condition. They also note that the site contains no recorded public sewers but caveat their response accordingly.
- 132 Therefore, from a drainage point of view there are no concerns.

Geotechnical

- 133 The applicants have submitted relevant information in relation to land contamination and soil gases, and such the Head of Planning and Regeneration (Land Contamination Team) raise no objection subject to the imposition of standard planning conditions.
- 134 From a ground stability point of view, the application site is located outside of a high-risk coal mining area designation, and such no supporting information has been required in this respect.

Air Quality and Climate Change

- 135 The Head of Environmental Safety and Health raises no concerns from an air quality point of view, but requests that dust is controlled during demolition and construction through appropriately worded condition(s). They also request the provision of electric vehicle charging points.
- 136 The Twentieth Century Society and the Theatres Trust raise concerns regarding the demolition of the building and the impact that would have on climate change from the generation of carbon through the demolition of the building, with them both attributing references to an architectural journal which assesses the demolition of a theatre in Derby.
- 137 This calculation, however, cannot be independently verified and in response the applicant states that it inevitable that the demolition and redevelopment of the buildings will result in carbon emissions. However, if the proposal is acceptable on other grounds this would not be sufficient to resist demolition and redevelopment, particularly as the Council has no specific adopted Development Plan policy in this regard.

- 138 It should be noted that the applicants state the replacement building would be highly sustainable and would be achieved through sustainable design principles as outlined in the Sustainable Design Statement.
- 139 In addition, due to the scale of the development Policy ENV 7 – Renewable Energy of the Black Country Core Strategy is of relevance. The policy seeks to ensure on larger developments that 10% of the sites energy needs is generated by on site micro generation. This is proposed to be conditioned.
- 140 Therefore, there is nothing to imply the proposed development would not comply with Black Country Core Strategy policies ENV7 Renewable Energy and ENV8 Air Quality, or Dudley Borough Development Strategy Policies S1 Presumption in Favour of Sustainable Development

Financial Considerations

- 141 The proposed development does not attract any planning gain or obligations which would need to be controlled through a Section 106 Agreement. Also, the proposed form of development does not attract Community Infrastructure Levy.

Other Matters

- 142 it is considered that Historic England is the only statutory consultee in this case, and not the Twentieth Century Society. Councils are required to “*consult and seek the advice of The Theatres Trust before they issue a decision on any planning application or development involving land on which there is a theatre or which will have an impact on theatre use*”, as defined in the Theatres Trust Act 1976. Councils are also obliged through the Town and Country (Development Management) (England) Order 2015 (as amended) where development would affect a theatre.
- 143 It should also be noted that the building does not have an authorised or lawful use as a theatre (*sui generis*) and has not been used as such for an extended period of time (and would indeed need planning permission to be used as such again) and as

such, it is debatable as to whether they are a statutory consultee in this case. However, as courtesy, and due to their ongoing role and discussions with the Council and the Friends Group it was considered appropriate to consult them on the planning application, along with the Twentieth Century Society.

- 144 Reference has been made to a restrictive covenant on the site. This is not a planning consideration and does not prevent the grant of planning permission should the proposal be satisfactory from a planning point of view.
- 145 The Secretary of State for Levelling Up, Housing and Communities has written to the Council requesting that they are given notice of the application being presented to committee and that a decision notice should not be issued until they have had an opportunity to consider the resolution of the committee.
- 146 Therefore, despite the recommendation for approval below, the Local Planning Authority are unable, until either the Secretary of State confirms they are happy for the decision to be issued or wishes to consider the application himself, a decision cannot be issued by the Council.

CONCLUSION

- 147 The applicants have sufficiently demonstrated that there is public interest from a historic environment point of view to enable the demolition of the heritage asset (The former Hippodrome) and the adjoining building(s). Consideration has been given to the improvements which would be made to the setting of the Castle (a Scheduled Ancient Monument) by way of improved views, as well as enhancing the two conservation areas within which the application site falls or adjoins, by the provision of building with active frontages on all sides that the current buildings do not. Consideration has also been given to the significant benefits a higher education facility would have on the town centre and the wider area, particularly given its concentration on medical and health related training. Moreover, consideration has been given to the alternative uses and the retention of the facade within the scheme which was not considered to be possible or beneficial. The development is not

considered have any adverse impact on highway safety, nature conservation or amenity. Consideration has been given to policies within the Black Country Core Strategy (2013); and the Dudley Borough Development Strategy (2017); and Dudley Area Action Plan (2017), together with the provisions of the National Planning Policy Framework.

RECOMMENDATION

Subject to the referral to the Secretary of State for Levelling Up, Housing and Communities that it recommended that the application be resolved to 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:
Site Plan PL02C
Level 1 Plan PL03A
Level 2 Plan PL04A
Level 3 Plan PL05A
Level 4 Plan PL06A
Castle Hill (South) Elevation PL07
Public Plaza (West) Elevation PL08
Zoo Entrance Plaza (North) Elevation PL09
Trindle Road (East) Elevation PL10
Section A-A PL11
Section B-B PL12
Section C-C PL13
Landscape Concept Plan PL14
Demolitions Plan PL15
Trindle Road Section PL17
Section A-A Incl Midland Metro PL18
REASON: For the avoidance of doubt and in the interests of proper planning.
3. No development shall commence (excluding demolition) until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the Local Planning Authority. Such an assessment shall be carried

out in accordance with authoritative UK guidance.

REASON: These details are required prior to the commencement of development to ensure that the risks associated with any contamination are reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land.

4. Where the approved risk assessment (required by condition 3 above) identifies contamination posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such contamination has been submitted to and approved in writing by the Local Planning Authority. Following approval, such remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: These details are required prior to the commencement of development to ensure that the risks associated with any contamination are reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land.

5. Following implementation and completion of the approved remediation scheme (required by condition 4 above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

REASON: To ensure that the risks associated with any contamination have been reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land and the NPPF.

6. No development shall commence (excluding demolition) until an assessment of the risks posed by any ground gases or vapours has been submitted to and approved in writing by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.

REASON: These details are required prior to the commencement of development to ensure that the risks associated with any contamination are reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land.

7. Where the approved risk assessment (required by condition 6 above) identifies ground gases or vapours posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such ground gases or vapours has been submitted to and approved in writing by the Local Planning Authority. Following approval, such remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: These details are required prior to the commencement of development to ensure that the risks associated with any contamination are reduced to acceptable levels and that the health and wellbeing of future

occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land.

8. Following implementation and completion of the approved remediation scheme (required by condition 7 above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

REASON: To ensure that the risks associated with any ground gases or vapours have been reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land and the NPPF.

9. The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound levels by more than 5dB(A) between the hours of 0700-2300 (taken as a 15 minute LA90 at the nearest /any sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at the nearest sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property. Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the Local Planning Authority.

REASON: To protect the amenities of nearby residents and comply with DBDS Policies D2 and D5.

10. Work shall not begin on the demolition and construction of the development until a method statement for the control of dust and emissions arising from the demolition and construction of the development has been submitted to and approved by the Local Planning Authority. All works which form part of the approved scheme shall be implemented throughout the construction and demolition phase of the development.

REASON: To minimise the impacts to air quality associated with the development and to protect the health and well being of residents in accordance with BCCS Policy ENV8 - Air Quality.

11. No above ground development shall commence until details of electric vehicle charging bays with a vehicle charging point, to be provided in accordance with the Council's standard (Parking Standards SPD) have been submitted and approved in writing by the Local Planning Authority. Such details shall include signs and bay markings indicating that bays will be used for parking of electric vehicles only whilst being charged. Prior to first occupation, the electric charging points and bays shall be installed in accordance with the approved details and shall thereafter be maintained for the life of the development.

REASON: In the interests of creating a sustainable form of development and to encourage the use of ultra low emission vehicles in accordance with Policies ENV8 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy.

12. No above ground development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority.

The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

REASON: In the interests of sustainability, reducing flood risk and run off and to comply with Adopted BCCS Policy ENV5 - Flood Risk, Sustainable Drainage Systems and Urban Heat Island.

13. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Those details shall include:

- A timetable for its implementation

- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime of the development.

None of the development shall be occupied until surface water drainage works have been implemented in accordance with the approved details.

REASON: In the interests of sustainability, reducing flood risk and run off and to comply with Adopted BCCS Policy ENV5 - Flood Risk, Sustainable Drainage Systems and Urban Heat Island.

INFORMATIVE - The Applicant should supply information showing arrangements to provide adequate long term maintenance, including an appropriate legal agreement to ensure maintenance in perpetuity, before any approval is granted. It is essential that the responsibility for future maintenance, repairs or improvements to the balancing device is ascertained at an early stage of negotiations.

The use of Sustainable Drainage techniques such Green Roofs, Tree Pits and Rainwater Harvesting, for example, should be seriously considered as options for this type of development proposal and form part of the Sustainability Statement.

14. No development shall commence (excluding demolition, site clearance and initial ground works) until full details of soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details must include, where appropriate, planting plans, written specifications, a schedule of plants including species, plant sizes and proposed numbers/densities and a programme of implementation. Plans must also include accurate plotting of all existing landscape features. The agreed scheme shall be implemented in accordance with the approved details within the first planting season following the first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

Any trees or shrubs planted in pursuance of this permission including any

planting in replacement for it which is removed, uprooted, severely damaged, destroyed or dies within a period of five years from the date of planting shall be replaced by trees or shrubs of the same size and species and in the same place unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to make a positive contribution to place-making and provide a high quality landscaping and to ensure that the approved landscaping is properly maintained in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part).

15. No development shall commence (excluding demolition, site clearance and initial ground works) until details of public realm enhancement works have been submitted to and approved in writing by the Local Planning Authority. The public realm 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.

REASON: In order to make a positive contribution to place-making and provide a high quality public realm in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part). This detail is required pre commencement (excluding demolition, site clearance and initial ground works) as the required works may need to be incorporated into buildings on the site.

16. No above ground development shall begin until details of the types, sizes and locations of the boundary treatments around the site and between the proposed plots has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be carried out in complete accordance with the approved details prior to the occupation of the dwellings hereby approved and shall thereafter retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority

REASON: To safeguard the character, appearance and setting of the Dudley Town Centre Conservation Area and Castle Hill Conservation Area in accordance with Policy S9 (Conservation Areas) of the adopted Dudley Borough Development Strategy and Policy 22 (Dudley Town Centre Conservation Area), Policy 23 (Castle Hill Conservation Area) and Policy 21 (Conservation and enhancement of local character and distinctiveness in Dudley) of the Dudley Area Action Plan and Policy ENV 2 (Historic Character and Local Distinctiveness) of the Black Country Core Strategy (2011)

17. No development shall commence until details of the design, materials and colour(s), of the retaining walls hereby approved on the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details prior to occupation and the walls shall be retained and maintained as approved for the lifetime of the development.

REASON: In the interests of the visual amenities of the site and the surrounding area and to comply with Borough Development Strategy 2017 Policy S6 Urban

Design and Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part).

18. No development (excluding demolition, site clearance and initial ground works) 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.

REASON: In order to enhance the cultural and social development and identity of the area and make a positive contribution to place-making in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part). This detail is required pre commencement (excluding demolition, site clearance and initial ground works) in that the required works may need to be incorporated into buildings on the site.

19. No development shall commence (excluding demolition, site clearance and initial ground works) until full details of hard landscape works for the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include existing and proposed finished levels or contours; the position, types, colours and textures of the materials of all site enclosures, car parking layout and other vehicular (including driveways) and pedestrian areas; hard surfacing areas, minor artefacts and structures (e.g. street furniture, refuse storage areas, cycle stores etc), The works approved as part of this condition shall be completed in accordance with an approved details and a timetable which has been submitted to approved in writing by the Local Planning Authority. The hard landscape works shall thereafter be retained for the life of the development.

REASON: In order to make a positive contribution to place-making and provide a high quality landscaping in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part). This detail is required pre commencement (excluding demolition, site clearance and initial ground works) as landscaping is integral to providing a high quality and sustainable development.

20. No above ground 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 available to local people at the site and the development of initiatives that support activities which will up skill local unemployed people of working age so as to support them into sustained employment. The development shall be implemented in accordance with the approved Statement and operated in accordance with the Statement for the lifetime of the development

REASON: In order to facilitate the creation of local jobs for local people in the

interests of economic and community development in accordance with BCCS Policy EMP5 - Improving Access to the Labour Market.

21. The building shall not be first occupied until details of onsite energy micro generation with an equivalent 10% of the sites energy needs has been submitted to an approved in writing by the Local Planning Authority, The onsite micro generation shall therefore be installed/constructed in accordance with the approved details. The approved scheme shall thereafter be retained and maintained for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON: To reduce the environmental impact of the development and to comply with BCCS policy ENV7

22. The development hereby by approved shall not be first occupied until the nature conservation enhancement and/or mitigation works which are recommended within the submitted nature conservation report/assessment have been undertaken and completed. The nature conservation enhancement and/or mitigation works shall thereafter be retained and maintained in accordance with the recommendations of the nature conservation report/assessment / or for the life time of the development.

REASON: To ensure the provision, protection and maintenance of the site's ecology and comply with BCCS Policies ENV1 - Nature Conservation, CSP3 Environmental Infrastructure and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S21 Nature Conservation Enhancement, Mitigation and Compensation

Policy S5 - Minimising Flood Risk and Sustainable Drainage Systems (in part) and

Policy S21 Nature Conservation Enhancement, Mitigation and Compensation
Policy S20 The Borough's Geology (in part)

Policy S1 Presumption in favour of Sustainable Development (in part)

23. No development shall commence (INCLUDING demolition, site clearance and initial ground works) until a scheme detailing how any trenches, including foundations, created on the site at any point during development shall be protected whilst there are no humans on site in order to minimise the risk of harm to badgers and other wildlife has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented on site throughout development in accordance with the agreed details.

REASON: In order to enhance, encourage and protect the nature conservation value of the site and in accordance with BCCS Policies ENV1 - Nature Conservation, CSP3 Environmental Infrastructure and DEL1 - Infrastructure Provision Borough Development Strategy 2017 Policy S21 Nature Conservation Enhancement, Mitigation and Compensation

Policy S20 The Borough's Geology (in part)

Policy S1 Presumption in favour of Sustainable Development (in part) and

Policy S21 Nature Conservation Enhancement, Mitigation and Compensation (in part)

Policy S19 Dudley Borough's Green Network (in part)

Black Country Core Strategy Policy ENV1 Nature Conservation (in part)

This detail is required prior to the commencement of development in case species which are legally protected are present.

24. A) Prior to the commencement of the development hereby permitted, a written scheme of investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of historic building recording works to be carried out within the site, including post-fieldwork reporting and appropriate publication.
- B) The historic building recording site work shall thereafter be implemented in full in accordance with the written scheme of investigation approved under condition (A).
- C) The development shall not be occupied until the historic building recording has been completed in accordance with the written scheme of investigation approved under condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.
- REASON: The development impacts upon heritage/archaeological assets and preservation by record is required, this is in full accordance with the Council's Historic Environment SPD but also in accordance with Policy S15 (Heritage Assets of archaeological interest, Scheduled Ancient Monuments and Archaeological Priority Areas) of the adopted Dudley Borough Development Strategy and ENV2 of the BCCS and Para 205 of the NPPF.
25. The demolition works hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been executed and planning condition 24 has been fully discharged for the redevelopment for which the contract provides. Evidence that a contract has been executed shall be submitted in writing to the Local Planning Authority 14 days prior to any demolition works commencing.
- REASON: To preserve the established character of [Name of Conservation Area] Conservation Area pending redevelopment in conformity with Borough Development Strategy 2017 Policy S9 Conservation Areas. Details are required prior to the commencement of works due to the sensitive nature of the site.
26. The development shall not be occupied until details of the design, size, location, artwork and text for an interpretation panel (which should have regard of the site's historic context) have been submitted to and approved in writing by the Local Planning Authority. The Interpretation Panel shall thereafter be installed in accordance with the approved details prior to the first occupation of the development and shall be retained for the life of the development.
- REASON: In order to illustrate the historical and archaeological background to the site and enhance historic character and local distinctiveness in accordance with and BCCS Policies ENV2 - Historic Character and Local Distinctiveness and DEL1 Infrastructure Provision and Borough Development Strategy 2017 Policy S9 Conservations Areas, Policy S10 Listed Buildings and Policy S15 Heritage Assets of Archaeological Interest, Scheduled Ancient Monuments and Archaeological Priority Areas.
27. No above ground development shall commence until details of the types, colours and textures of all the materials to be used on the external surfaces of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Details/samples of the type, texture, colour and bond of the bricks/faience tiles to be used and a sample panel measuring not less than 1m² shall be erected on site and approved in writing by the Local Planning

Authority. Key plans to cross reference the materials to the building facades will be required to clearly explain the use and type of material. The panel shall be retained on site for the duration and the development and thereafter new brick work shall only be constructed in accordance with these approved details and the details shall follow as closely as possible the details provided in the submitted Design and Access Statement. The development shall be carried out in complete accordance with the approved details.

REASON: To safeguard the character, appearance and setting of the Dudley Town Centre Conservation Area and Castle Hill Conservation Area in accordance with Policy S9 (Conservation Areas) of the adopted Dudley Borough Development Strategy and Policy 22 (Dudley Town Centre Conservation Area), Policy 23 (Castle Hill Conservation Area) and Policy 21 (Conservation and enhancement of local character and distinctiveness in Dudley) of the Dudley Area Action Plan and Policy ENV 2 (Historic Character and Local Distinctiveness) of the Black Country Core Strategy (2011).

28. No development (excluding demolition) shall commence (excluding demolition, site clearance and initial ground works) until detailed plans and sections showing existing site levels and proposed ground floor levels of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in complete accordance with the approved details.

REASON: In the interests of the visual amenities of the area and to safeguard the amenities of occupants of neighbouring properties and to comply with BCCS Policies CSP4 - Place-Making and ENV2 - Historic Character and Local Distinctiveness and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings

Policy D2 Incompatible Land Uses (in part).

29. No above ground development shall commence until details of the joinery to be used in the external elevations (windows, doors) and their colour and finish have been submitted to and approved in writing by the local planning authority. Large scale architectural drawings at 1:1, 1:2 or 1:5 and samples of the sections and profiles of jambs, heads, cills and glazing bars together with their relationships to masonry apertures. Development/works shall proceed in accordance with the agreed details and be retained for the lifetime of the development.

REASON: To safeguard the architectural and historic integrity of the listed structure in accordance with BCCS Policy ENV2 - Historic Character and Distinctiveness and Borough Development Strategy 2017

30. No works of construction, levels changes, regarding or other site clearance or infrastructure works involving ground disturbance shall commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to an approved in writing by the Local Planning Authority. Such archaeological work shall comprise a suitably targeted watching brief with appropriate provision for archaeological investigation and recording and including subsequent analysis, reporting and archiving.

REASON: The site is of archaeological significance and it is important that in accordance with BCCS Policy ENV2 - Historic Character Distinctiveness and Borough Development Strategy 2017 Policy S15 Heritage Assets of

Archaeological Interest, Scheduled Ancient Monuments and Archaeological Priority Areas. Details are required prior to the commencement of development/works due to the statutory protection / sensitive nature of the site. NOTE: A brief outlining the work required can be supplied by the Local Planning Authority on request.

31. Notwithstanding the details shown on the approved plans no above ground development shall commence until precise details of modifications to the existing zoo offices car park have been submitted to and approved in writing by the Local Planning Authority. The modified car park shall thereafter be laid out in accordance with the approved plans footway and shall be provided prior to the first opening of the development unless otherwise agreed in writing by the Local Planning Authority. The footway and cycleway shall thereafter be retained for the life of the development.

REASON: To ensure there is no conflict with pedestrians and to comply with BBCS Policy TRAN2.

32. The development shall not be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority, including details of a Travel Plan Co-ordinator, mode of travel surveys (including staff and students) details of Car Parking Management, Public Transport, Walking and Cycling initiatives, Publicity and Marketing, Set targets and monitoring, together with a timetable for the implementation of each such element. The Travel Plan shall be implemented in accordance with the details approved by the local planning authority and remain operational for the life of the development.

REASON: In the interests of highway safety and to comply with BCCS Policy TRAN2,

33. No development shall be commenced (excluding demolition, site clearance and initial ground investigation works) until details of the existing highway retaining structures, including sections and calculations to prove the structure is capable of supporting likely future loadings and works to ensure the structure may sustain the future loading have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall thereafter be occupied until such works have been completed in accordance with the approved details.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

34. No development shall be commenced (excluding demolition, site clearance and initial ground investigation works) until details of the proposed highway retaining structures, including sections and calculations to prove the structure is capable of supporting likely future loadings have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall thereafter be occupied until the retaining structure has been provided in accordance with the approved details.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings

Policy D2 Incompatible Land Uses (in part)
and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

35. Prior to the first occupation of the development, and where required details of road restraint systems shall be submitted to and agreed in writing by the Local Planning Authority. Such road restraint systems shall be installed where required in accordance with the approved details and thereafter maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings

Policy D2 Incompatible Land Uses (in part)
and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

36. The development shall not be occupied/used until details of secure and covered staff, student and visitor cycle storage and shower facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details prior to the first use/occupation of the development and shall thereafter be retained and maintained for no other purpose for the life of the development.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings

Policy D2 Incompatible Land Uses (in part)
and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

37. The development shall be first occupied/used until details of the bin stores have been submitted to and approved in writing by the Local Planning Authority. The bin stores shall be provided in accordance with the approved details prior to the first use/occupation of the development and shall thereafter be retained and maintained for no other purpose for the life of the development.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings

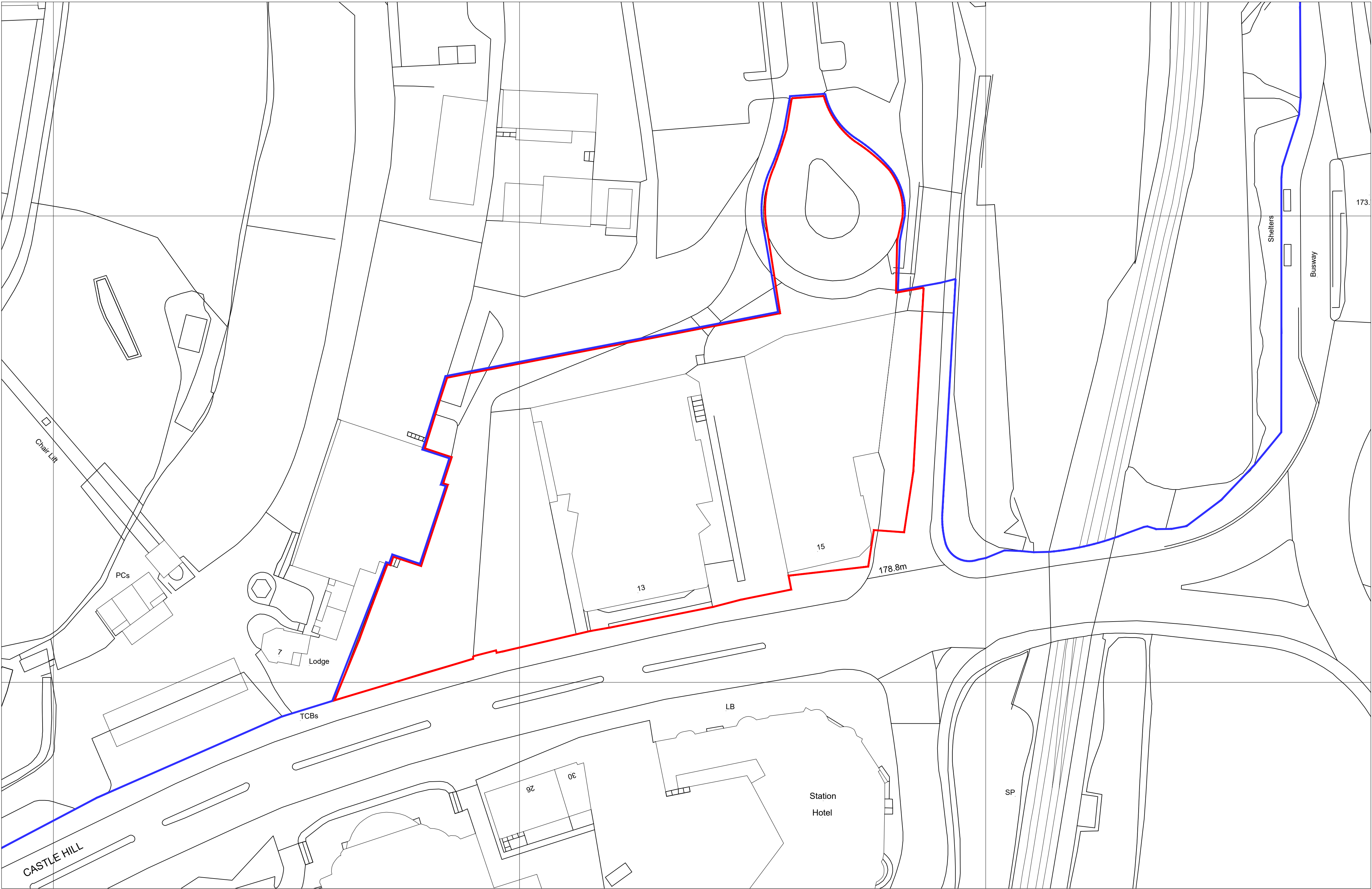
Policy D2 Incompatible Land Uses (in part)
and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

38. No development shall commence (excluding demolition, site clearance and initial ground works) until details of the Highways Works as indicated on the approved plans including, details of the proposed Public Right of Way, forming a 6m wide Cycleway / Footway between the proposal and metro track on Station Street [including details of lines, widths, levels, gradients, cross sections, drainage and lighting street furniture, signage and lining] have been submitted to and approved in writing by the Local Planning Authority the development shall not be occupied until the agreed Highway Works have been completed in accordance with the approved details and under the Supervision of the Highway Authority.

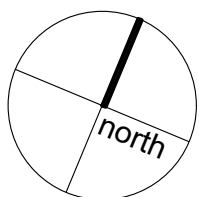
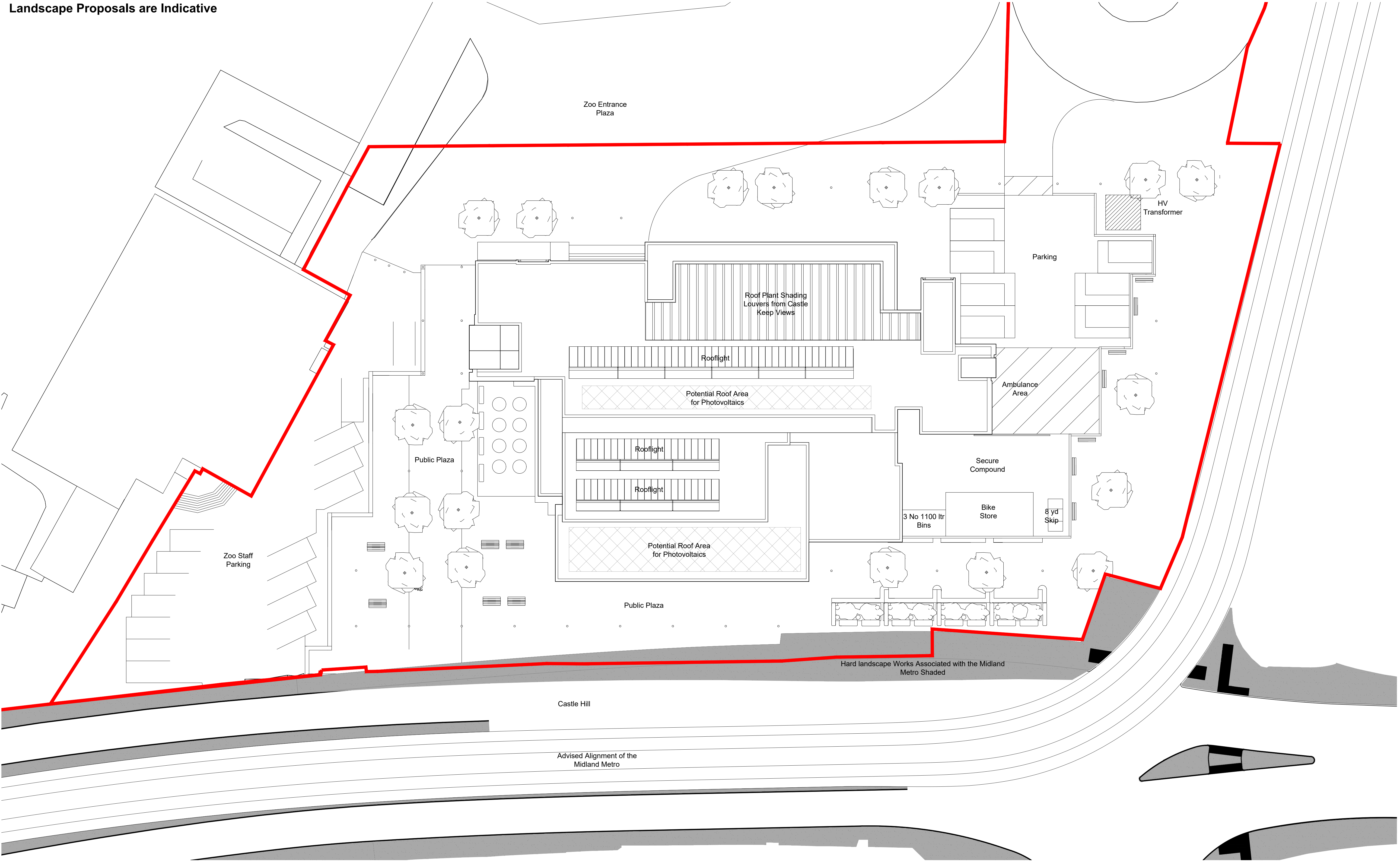
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings

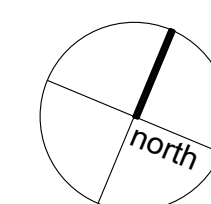
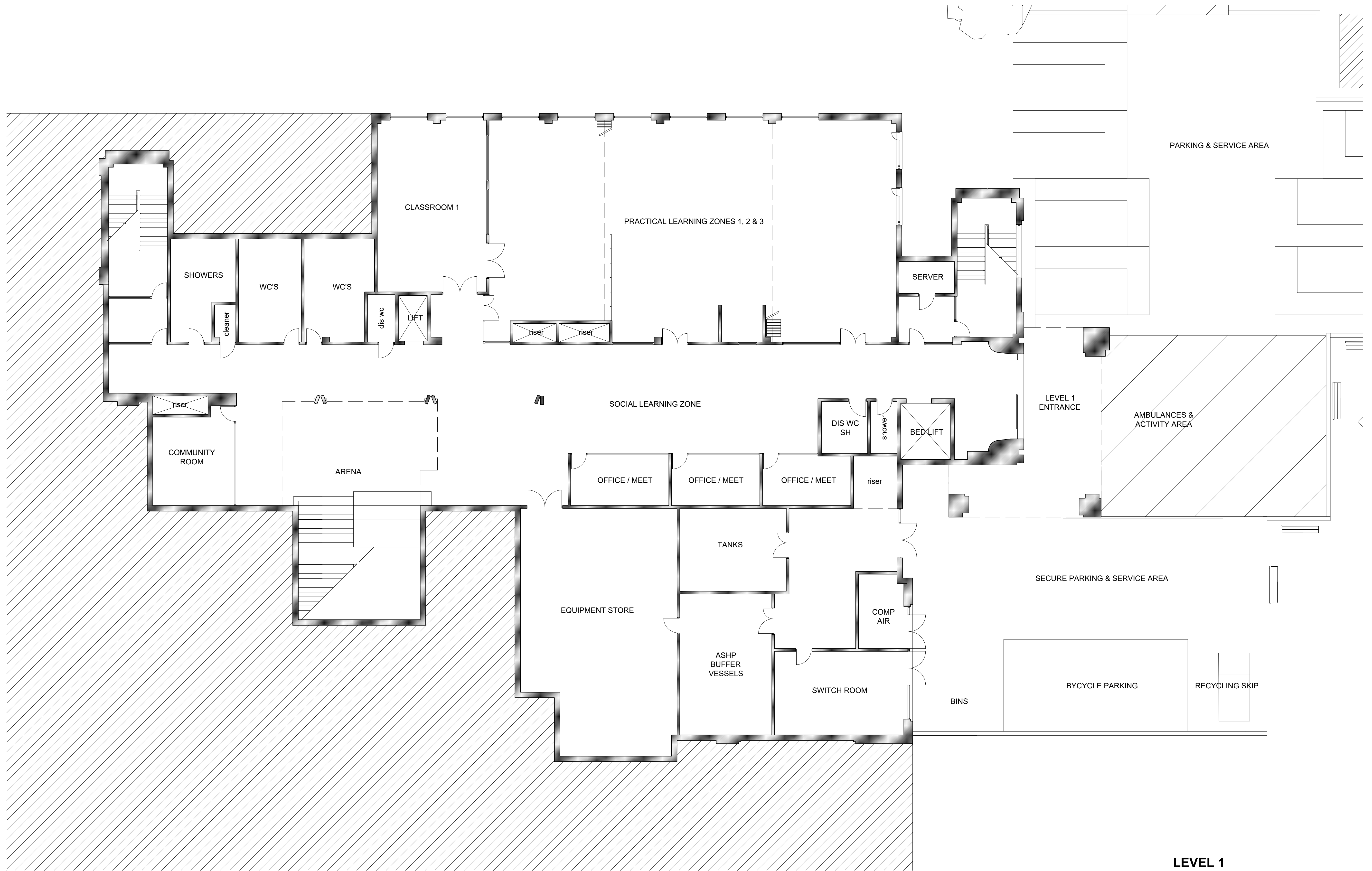
Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

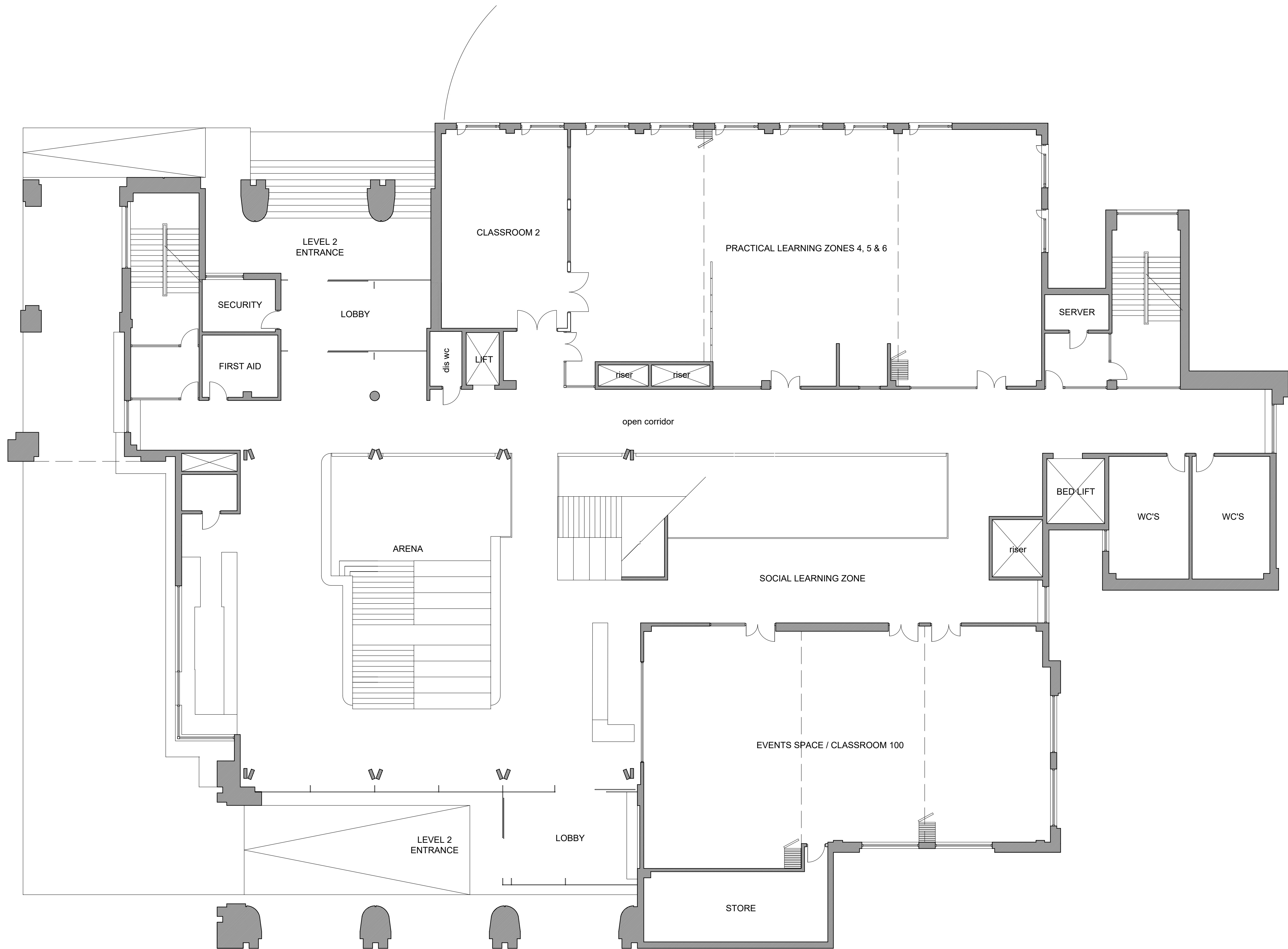
39. Prior to first occupation all redundant dropped kerbs should be replaced with matching full height kerbs and the adjacent Highway made good.
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings
Policy D2 Incompatible Land Uses (in part)
and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.
40. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of the access(es) into the site, together with parking and turning area(s) [including details of lines, widths, levels, gradients, cross sections, drainage and lighting] have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the access(es) into the site, together with parking and turning area(s) within the site have been laid out in accordance with the approved details. These area(s) shall thereafter be retained and not be used for any other purpose for the life of the development.
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings
Policy D2 Incompatible Land Uses (in part)
and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.
41. No development shall be commenced (excluding demolition, site clearance and initial ground investigation works) until details of a Service Vehicle Management Plan, including details of out of opening servicing times, rear camera systems, a banksman and an off Public Highway area for HGV reversing. No part of the development shall thereafter be occupied until the Service Vehicle Management Plan has been provided in accordance with the approved details.
REASON: In the interests of highway safety and to comply with BCCS Policy TRAN2.
42. No development shall be commenced (excluding demolition, site clearance and initial ground investigation works) until details of a Parking Management Plan, including details of agreed parking capacity on the Zoo car parks, staggered class start and finish times, alternative public parking arrangements and advice on none car travel modes. No part of the development shall thereafter be occupied until the Parking Management Plan has been provided in accordance with the approved details.
REASON: In the interests of highway safety and to comply with BCCS Policy TRAN2
INFORMTATIVE: This should also cater for any disabled parking which cannot be provided on site.
43. Prior to first occupation details of the relocation of the lighting column / sign / bus stops/ bus shelter shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the lighting column have been relocated in accordance with the approved details.
REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings
Policy D2 Incompatible Land Uses (in part)
and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.



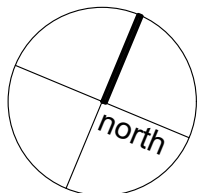
Landscape Proposals are Indicative

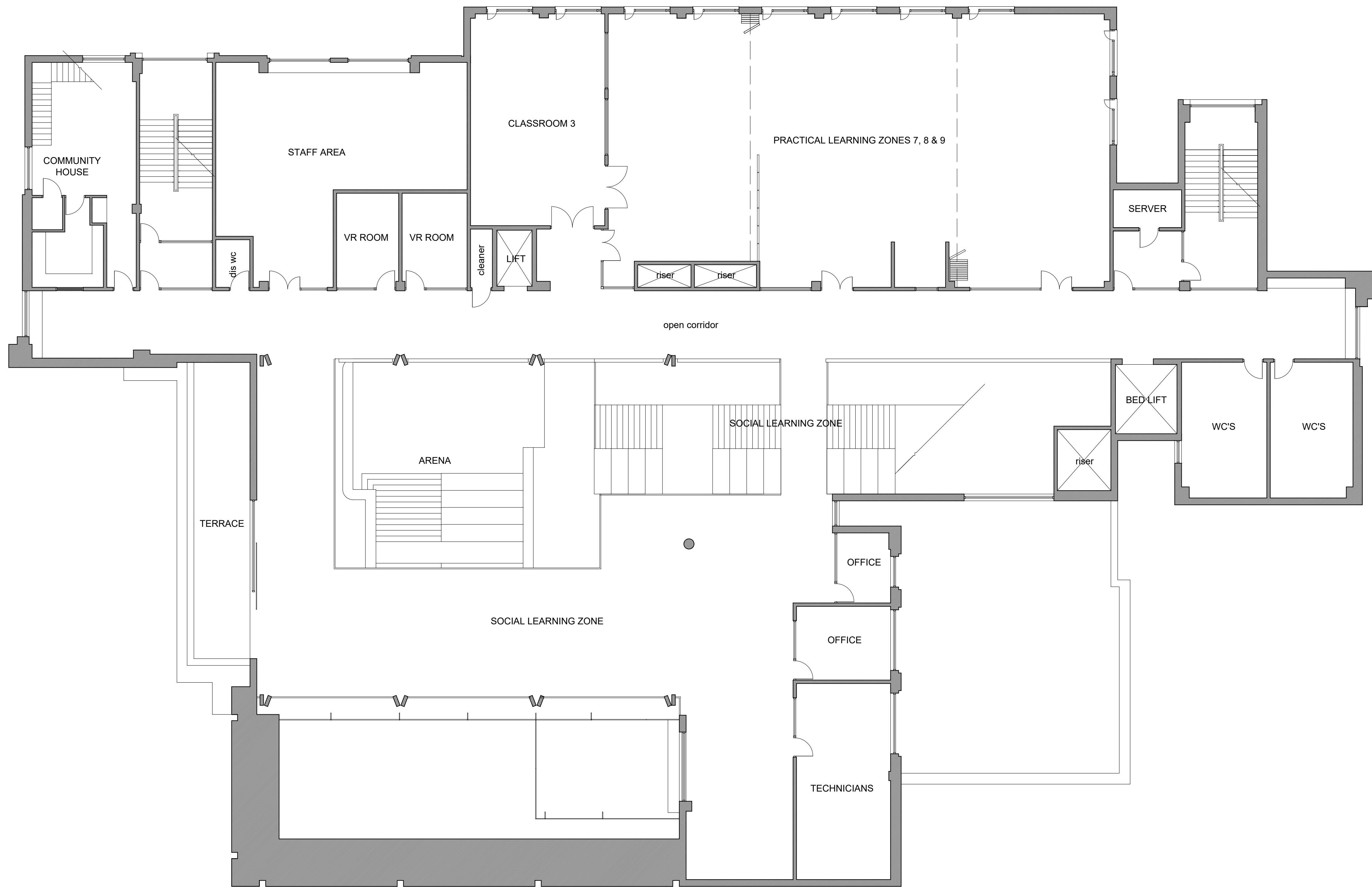




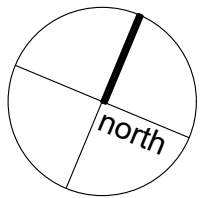


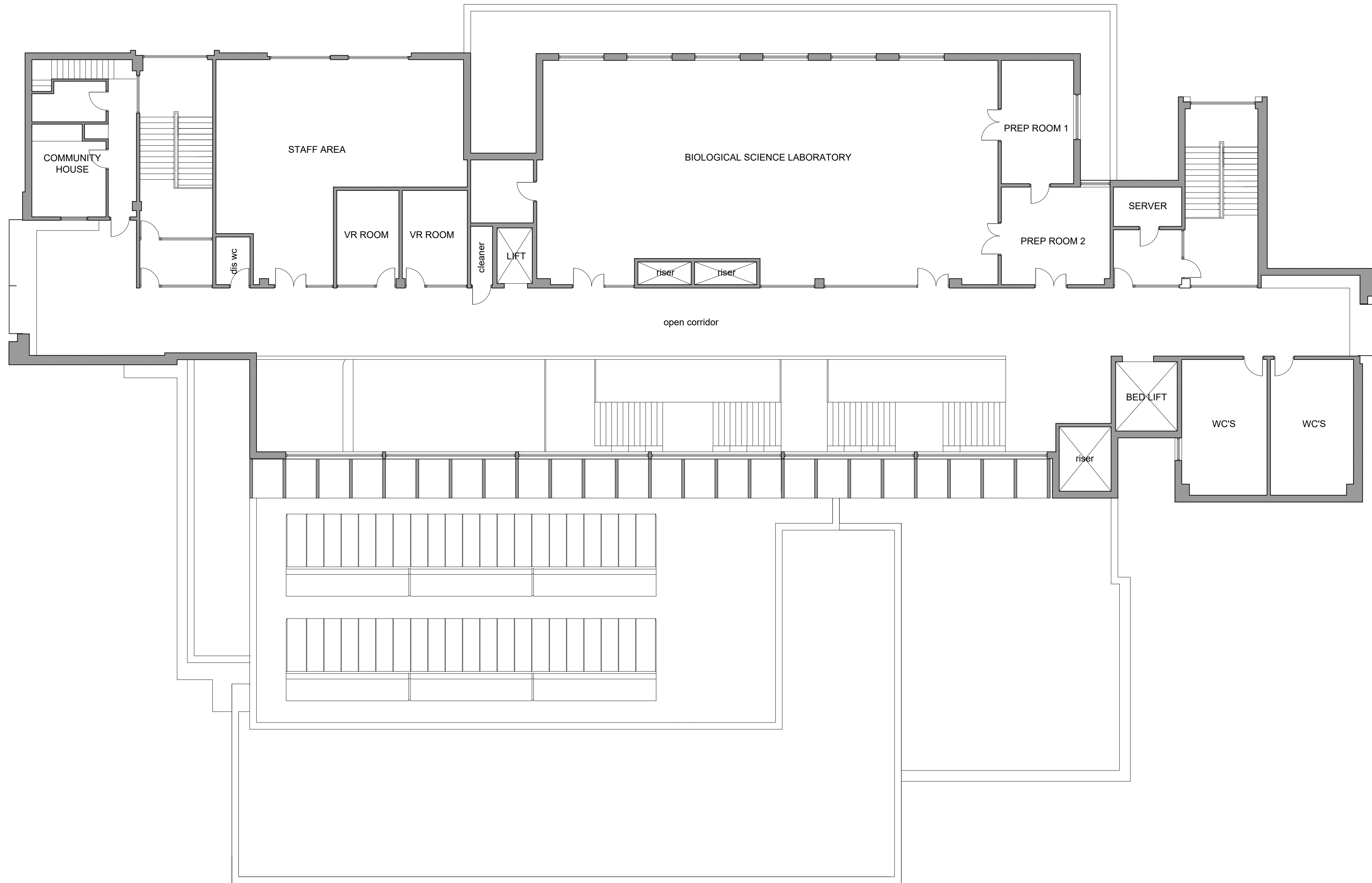
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LEVEL 3





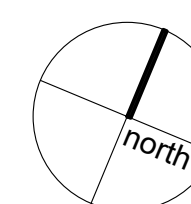
LEVEL 4



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HEALTH INNOVATION DUDLEY

Level 4 GA Plan

Drawing Number : 1938/PL06

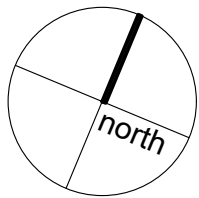
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Rev A

Date : 23/07/21



Castle Hill Elevation





Public Plaza (West) Elevation



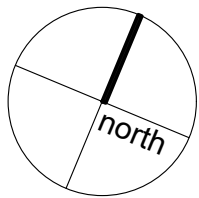
Zoo Entrance Plaza (North) Elevation



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0m | 1m | 5m | 10m



HEALTH INNOVATION DUDLEY

Zoo Entrance Plaza (North) Elevation
Drawing Number : 1938/PL09

Scale : 1.100 @A1 Date : 23/07/21



Trindle Road (East) Elevation