

1.0 The Conservation Area Management Plan (Pre-Consultation Draft)

This element of the submission for a Townscape Heritage Initiative (THI) underpins the logical conclusion of work already undertaken in the formulation of the Dudley Town Centre Conservation Area Appraisal of May 2005. The document provides:

- The basis for the proactive management of the Conservation Area through planning policy, decisions and enforcement;
- Fulfilment of the Council's statutory duty in regard to s.71 of the Planning (Listed Buildings & Conservation Areas) Act 1990;
- The basis for meeting Best Value target BV219c;
- A mid to long term strategy, initially for the 5 years of the THI and beyond;
- A clear illustration of the Council's commitment to our funding partners for the future implementation of the THI.

1.1 The Area

Building Conservation Value

Dudley is one of the three main towns located in the Metropolitan Borough of Dudley. Dudley Town Centre has been described as the 'uncrowned capital of the Black Country' (Parsons, 1986). The town of Dudley grew up around the foot of the castle and from the early medieval period up to the Civil War, Dudley changed little. In the 17th Century, Dudley saw a steady expansion due to the growth of coal mining and iron working. The largest expansion of Dudley as a settlement is however mainly attributed to the 18th and 19th centuries during the Black Country's industrial heyday. Throughout this period of rapid expansion, Dudley kept its image as a bustling market town and this image is still retained today. Its significance lies in the survival of both the medieval street pattern and key landmarks such as the Castle, the two town churches and remarkable public monuments. These provide the frame for the many fine Georgian, Victorian and Edwardian buildings which give the town its character and appearance. Through these one can view the past wealth and prosperity of the bustling market and industrial town and the possibilities to reinvigorate this.

The Dudley Town Centre Conservation Area is the focus of this THI submission. Further details as to the significance of the town were referred to previously in the accompanying justification to the Stage 1 submission of May 2005 and detailed in the previously supplied Conservation Area Character Appraisal.

Problems & Threats

History and significance are developed in more detail in the previously supplied Conservation Area appraisal, as is the analysis of the existing character. From this, it is possible to identify the issues. In summary, the area has suffered from:

- Increased economic competition from other regional centres and in particular, Merry Hill;
- The decline of the manufacturing, coal and steel industry;
- Lack of a major food retailer in the town centre;
- Loss of properties fronting main thoroughfares and replacement with undistinguished developments;
- Impact of traffic and the availability of convenient parking.

Increasing vacancy rates, poor quality retail offer, lack of mixed housing tenure and levels of disrepair are the visible products of the resultant economic decline caused by the loss of major local industries. In terms of urban quality this has been exacerbated in the past by poor planning control in the post war years, which has led to the loss of many of Dudley's finest town centre retail frontages and by short term fixes to increasing employment. One resultant impact on the historic environment has been the lack of available traditional building skills necessary for successful conservation, often leading to inappropriate methods being utilised damaging the heritage resource for future generations.

Aims & Objectives

The principal aim of the Dudley THI will be to increase the economic activity in the town's commercial core by using the historic environment as a positive resource to safeguard and create employment opportunities while improving the quality of life for the local community. This will be achieved by;

1. Offering grant assistance to support the repair, architectural reinstatement and reuse of historic buildings.
2. Increasing the awareness and understanding by the local community and key stakeholders of the value and role of the historic environment in the regeneration of the town.
3. Working with other key stakeholders in encouraging complementary initiatives for both physical enhancement and the positive promotion of the town as an attractive place to work, live and visit.

The objectives of the Dudley THI are to;

- Secure the repair and reuse of identified critical projects within the lifetime of the scheme.
- Significantly reduce the number of other historic buildings within the town centre in disrepair or underuse, in particular those able to be used for commercial or mixed use.
- Promote the authentic reinstatement of lost architectural detail of target and other properties, which assists in securing the local distinctiveness, quality and interest of the town.
- Further engage the local community in promoting a sense of civic pride and awareness of the value of the historic environment.
- Promote principles of conservation repair and proper maintenance to arrest further problems of buildings at risk in the future.

The THI presents a unique opportunity to co-ordinate diverse public sector funding in a manner which has full regard to the proper care and treatment of the historic environment. Without this, statutory powers alone could only secure short term solutions in arresting further deterioration because there is no financial incentive in the current poor state of the local commercial property market. Co-ordinated public sector funding through the THI can move beyond arresting deterioration to securing sustainable improvements to both the local economy and the appearance of the town's historic environment, as an integral part of its wider regeneration.

The strategy for achieving this is to embed conservation principles not only in the work of the THI but also in the programmes of other funding agencies, in the actions of owners and occupiers, and indeed in the proper planning management of the conservation area.

Previous to the THI, Dudley had only benefited from smaller conservation grant schemes such as English Heritage's HERS. Although this has been highly successful, it was necessarily a small scale 'pepper-potting' exercise due to the level of budget available that could never deliver the self-sustaining regeneration that is now being sought. The THI will be directed at a series of clusters that will complement previous successes but also tackle underlying causes and problematic issues in a holistic manner, which will give cohesion to the conservation effort. Eligibility within these focus areas is based, in order of significance, on:

- Condition and degree of risk,
- Architectural and historic significance,
- Ability to meet programme outputs and outcomes,
- Potential for enhancement or the reinstatement of architectural detail.

These factors are considered in more detail at paragraph XXXX.

1.2 Planning Policies

Planning policies relevant to heritage issues and the THI area were identified in the Stage 1 submission. Relevant extracts from the adopted 1993 Unitary Development Plan (UDP) were provided in the previous submission also. Since that time the 1993 UDP has been revised and the Council adopted the new UDP in October 2005. Dudley MBC is now working towards replacing the saved policies in the UDP with a Local Development Framework (LDF), following changes in the planning system, as introduced by the Planning & Compensation Act 2004.

Planning policies for Dudley Town Centre are contained in Chapter 4.1 of the Adopted Dudley UDP (2005). The Council's vision for Dudley Town Centre as expressed in the UDP is as a prosperous and attractive market town providing services for the local community and people visiting the town, together with nearby tourist attractions. The 2005 Adopted UDP also contains policies which relate to the preservation and enhancement of the Borough's built heritage. In the Adopted UDP (Chapter 10), the following policies are of particular relevance:

- HE1 – Local Character and Distinctiveness;
- HE4 – Conservation Areas;
- HE5 – Buildings of Local Historic Importance;
- HE6 – Listed Buildings;
- HE8 – Archaeology and Information;
- HE11 – Archaeology and Preservation.

The Council is committed to using the Development Control process to achieve environmental improvements and to protect and enhance its conservation areas. In addition, closer links exist between teams within Dudley MBC Development Services and Regeneration Divisions to ensure that all contribute towards meeting the Council's wider policy and urban regeneration objectives.

Currently, UDP policies are supported by Supplementary Planning Guidance (SPG) of which the Dudley Area Development Framework (December 2005) and Dudley Town Centre Conservation Area Character Appraisal (December 2004) are the most relevant.

Furthermore, Supplementary Planning Documents (SPD's) are now being produced as part of the Council's Local Development Framework. In particular, a Historic Environment SPD is anticipated to be adopted in September 2007. A Parking Standards and Travels Plans SPD and Residential Density SPD are currently being prepared with the aim of being adopted in 2008. The preparation of the Core Strategy will also commence shortly and when adopted all other SPDs, Development Plan Documents and Area Action Plans will have to be in conformity with the policies in that document.

Further underpinning these documents are Planning Guidance Notes (PGN's) covering 29 topics, which have been adopted by the Council as development control guidance notes which are material considerations in the determination of planning applications. The most relevant of these to the Conservation Area include:

- 5. Retail frontages;
- 7. The development of derelict, contaminated and unstable land;
- 8. Archaeology;
- 11. Advertisement display guide;
- 13. Radio aerials and satellite antennae;
- 14. Car parking standards;
- 19. Blinds and canopies on shop and business properties;
- 20. Access for people with disabilities;
- 24. Residential flat conversions;
- 26. Landscaping and tree planting;
- 27. Shop front design and security;
- 28. Hot food takeaway shops, restaurants and cafes (class A3 uses);
- 29. Applications for Listed Building and Conservation Area Consent and Planning Applications in Conservation Areas.

To support the planning policy guidance in Dudley, priority will be given to the development of detailed shopfront and public realm guidance to steer both future THI, other public sector investment and private sector partners in providing appropriate and lasting solutions, which reinforce the character and appearance of Dudley's distinctiveness.

This local approach is reinforced by the 2004 Regional Spatial Strategy (RSS) which makes specific reference in policy QE5 to the protection and enhancement of the historic environment. In the current proposed revisions to the Black Country Study document (May 2006), Dudley town centre is given a new role in the region (p25+26):

“Dudley will continue to perform an important role as a non-strategic centre in the Black Country. Dudley’s future renaissance will be founded upon the town centre’s unique tourism and culture assets and major residential development. All future development will seek to maintain and enhance the existing general character of the centre as a key contributor to the Black Country tourism role and an important focus for quality housing.”

The full THI application including the Action Plan and Dudley Town Centre Conservation Area Management Plan clearly lay down a strategy for heritage-led regeneration. As such, they will form an essential ingredient in the evidence base for any wider initiatives for the town or indeed any revised planning policy framework whether through an Area Action Plan or other means.

It is vital that public investments made through regeneration initiatives, such as the THI, are not undermined by subsequent actions. The local authority is, therefore, committed to making full use of its planning policies with increasing sophistication to support and protect public investments. A statement of that commitment is provided at Appendix XXXX.

1.3 Planning Measures

In addition to planning policies, there exists an equal need to address the use of the various powers available under the Planning Acts. The principal powers available to the Local Planning Authority in dealing with issues affecting the historic environment and its proactive management include;

POWER	STATUTORY BASIS	PURPOSE	WORK REQUIRED BY LPA	DELEGATED AUTHORITY	REALISTIC TIMEFRAMES	POTENTIAL ISSUES
Amenity of Land Notice	s.215 Town and Country Planning Act 1990	Remedy the poor condition of land and exteriors of buildings	Drafting of notice and accompanying schedule	Director of Urban Environment	2-4 weeks	Appeal to magistrates
Urgent Works Notice (Listed Buildings)	s.54 Planning (Listed Buildings & Conservation Areas) Act 1990	To allow the LPA to undertake urgent necessary works	Drafting of notice and accompanying schedule	Director of Urban Environment	2-4 weeks	Unoccupied parts of properties only

Urgent Works Notice (Unlisted Buildings)	s.76 Planning (Listed Buildings & Conservation Areas) Act 1990	To allow the LPA to undertake urgent necessary works	Drafting of notice and accompanying schedule	Development Control Committee	4-6 weeks	As above but also requires prior approval of SoS DCMS
Repairs Notice	s.48 Planning (Listed Buildings & Conservation Areas) Act 1990	To allow the LPA to undertake lasting necessary works	Drafting of notice and accompanying schedule	Development Control Committee	4-6 weeks	Unoccupied properties only
Compulsory Purchase Order	s.47 Planning (Listed Buildings & Conservation Areas) Act 1990	To allow the LPA to purchase the property in order to repair	Drafting of notice and accompanying schedule / value	Development Control Committee	3 months	Follows service of Repairs Notice Appeal to Lands Tribunal
Planning Enforcement Notice	s. 172 Town & Country Planning Act 1990	To remedy a breach of planning control	Drafting of notice and accompanying schedule	Director of Urban Environment	2-4 weeks	Appeal to Planning Inspectorate
Listed Building Enforcement Notice	s.9 Planning (Listed Buildings & Conservation Areas) Act 1990	To remedy a breach in listed building control	Drafting of notice and accompanying schedule	Development Control Committee	4-6 weeks	Appeal to Planning Inspectorate
Conservation Area Enforcement Notice	s.38 Planning (Listed Buildings & Conservation Areas) Act 1990	To remedy a breach in Conservation Area Consent	Drafting of notice and accompanying schedule	Director of Urban Environment	2-4 weeks	Appeal to Planning Inspectorate

In circumstances requiring the potential for compulsory purchase action the Council have a willing back-to back partner in the West Midlands Historic Buildings Preservation Trust. They have an award winning track record in Dudley Borough having recently completed the Harris and Pearson buildings in Brieley Hill. This able partner is vital if long term problem buildings and their owners can be effectively tackled from the outset. Potential target buildings for this action are highlighted in the THI Action Plan.

Under the Town and Country Planning (General Development Permitted) Order 1995 permitted development rights are extended to minor operations. However, these are slightly restricted in Conservation Areas. Under an Article 4 these permitted development rights can be further withdrawn. Unfortunately in some cases these rights can if not carefully monitored come to erode the quality and interest of an area which gave rise to its special character and appearance.

The scope for an Article 4(2) Direction in the commercial core of the town centre is limited, because few of the buildings are single family dwellings and controls are, therefore, already available. Nonetheless, the Council, with the approval of the Secretary of State for Communities and Local Government, could consider the use of an Article 4(1) Direction to withdraw permitted development rights within the THI area for the painting of existing painted buildings (and therefore any colour changes) or unpainted buildings.

The Council can also demonstrate that it has experience of using enforcement, urgent works and amenity notices, and is fully prepared to use them where co-operation cannot be secured by other means. A complete historic building photographic record of the area has been made in order to establish a baseline for monitoring compliance. To further facilitate this Officers will seek to secure additional streamlined means through delegation to enact the legislation expeditiously where there are clear breaches, thereby speeding up processes and the time for reaction and remedy. This more proactive stance is consistent with other local authorities in the region.

At present, however, the indications are that there is a growing willingness to co-operate with the aims of the THI on the part of many owners and occupiers of target buildings as it forms an element of the wider regeneration of the town. Of course the ultimate sanction of the various powers should be held as a means to tackle owners where they fail to engage with the THI, assisting to ensure the schemes timely delivery especially of projects identified as being drivers of change as a result of the their high or medium priority. The obstacles to progress are more related to questions of viability and confidence. These are, of course, the issues that the scheme is being established to address.

1.4 A Framework for Design Standards

With the commitment to revitalise Supplementary Planning Guidance already referred to, comes a recognition that design standards in the implementation of development have not in the past been as high as Dudley deserves. Now, however, there are several complementary initiatives under development that will raise the level of design. There will be a number of key elements to ensure the continued growth in the appreciation of good design standards having a clear role in the regeneration of Dudley. These include:

- The adoption of general principles to guide decision making and the implementation of THI funded works;
- Ensuring maintenance becomes an ongoing part of historic property ownership within the THI area;
- The appointment of a Heritage and Design Champions at a Cabinet level from within Council members;
- The establishment of a broad partnership representing a wide range of stakeholders with interests in Dudley's historic environment;
- The establishment of sub-group as a design review panel of professionals from across the sector;
- Support for the Borough wide Streetscene Design Group, as the multi-disciplinary officer group for the public realm.

It is crucial that the grant aided works of conservation and conversion act as exemplars to other projects, in illustrating the value of the approach and the proper use of public investment. Their excellence will need to be guided through well known principles as advocated by BS 7913:1998 '*Guide to the principles of building conservation*' and have regard to the emerging English Heritage document '*General principles for the sustainable management of the historic environment*' (Consultation draft February 2006).

To ensure the effects of the THI's investment are lasting and sustainable it will be necessary to engender an awareness that maintenance of properties is a regular issue which needs to be considered on a seasonal basis. Although grant aided properties will be formally covered by grant conditions of acceptance, it is vital that this is seen as merely good practice in maintaining an asset. To assist in this process of greater awareness Dudley will promote the Society for the Protection of Ancient Buildings (SPAB) sponsored National Maintenance Week and National Gutters Day in November in order to remind property owners of the need to prepare for the winter months. Another means will be the wide distribution to all historic property owners of the SPAB / IHBC publication '*A Stitch in Time*'.

As part of Dudley's commitment to giving priority to heritage and design issues, the Council will appoint Heritage and Design Champions who will be at Cabinet level. Their role will be to the voice which ensures these issues are given proper consideration in all decision making. The Champions will be supported through the English Heritage initiative Historic Environment Local Management (HELM). This support includes regular conferences for members and non-planning staff on heritage issues. Similarly, the Commission for Architecture and the Built Environment champions design and is supported regionally through Midlands Architecture and the Designed Environment (MADE).

A broad partnership is essential if there is to be any wider community involvement and buy-in to the THI, its aims and objectives. The partnership will have representatives from business, the community, professionals, stakeholders and others who have a role in the future of Dudley and its historic environment. The main role of this group will be to monitor regularly and annual review the

progress of the THI. They will also have a watching brief for ensuring the quality of development within the town centre makes a positive contribution to the urban design of Dudley and does not adversely affect the historic environment. Its other role will be to work with the Project Officer in the promotion of the Dudley Open Heritage Weekend, which will complement the existing Dudley Pageant and Festival. The Weekend will form part of the annual national Heritage Open Days event throughout England event, which offers free entry to buildings not normally open to the public. This will serve as a means to promote the historic environment to both the local community and those further afield to increase their awareness of the distinctiveness and history of Dudley's finest architecture.

In terms of ensuring applications for development and works within Dudley are afforded the opportunity to be reviewed externally it is recommended a cross-professional group be established. This is crucial for Dudley where the mistakes of past decisions in design terms are all too readily visible. To ensure Dudley avoids low quality designed buildings this group will provide an independent critical voice, as many opportunity lie within the conservation area and are in the vicinity to both listed buildings and other established heritage assets. This group 'VALUE:D' (Visioning Alternative Local Urban Environments: Dudley) will deal with a broad range of major applications which have an urban design or historic environment impact and consist of members from:

- Royal Institute of British Architects (RIBA);
- Royal Institute of Chartered Surveyors (RICS);
- Royal Town Planning Institute (RTPI);
- Institute of Historic Building Conservation (IHBC);
- Landscape Institute (LI);
- Institute of Field Archaeologists (IFA);
- Birmingham and Black Country Urban Design Forum.

Membership will be sought by nomination from their members within the West Midlands Region. A detailed format will be developed before the commencement of the THI in consultation with the regional architecture centre MADE. This would be in accordance with the joint guidance of the Commission for Architecture and the Built Environment (CABE), English Heritage and the Planning Officers Society *'Moving towards excellence in Urban Design'* (2003).

With regard to the public realm and its treatment there already exists a multi-disciplinary officer working group. This has a clear role in ensuring those works within the Dudley Town Centre Conservation Area are consistent with the character and appearance of the town and underpinned by a both a study of authentic public realm features unique to the town and guidance for future

works which take account of this distinctiveness. To assist in this process it is recommended that a Public Realm Design Guide be formulated and published in advance of such works, which would guide the public, private and statutory undertakers who have a role in the enhancement and maintenance of the public realm. This would complement the English Heritage West Midlands volume of the '*Streets for All*' initiative.

1.5 Complementary Initiatives (Education and Training)

The proposed complementary initiatives for education and training in Dudley will aim to:

- Increase the educational potential of the town;
- Raise popular awareness of heritage values;
- Improve the quality of the traditional construction skill-base.

(This section will be expanded upon once final further details are available and detailed in the submission document)

1.6 Consultation and Involvement

The Council recognises that public involvement is the key to a self-sustaining historic. Integral to this will be the ongoing involvement of stakeholders through the partnership, outlined previously.

Details of the consultation exercise conducted specifically for a precursor to the THI was provided in the Stage 1 submission, illustrating broad support for the alternative HERS grant. Further work was undertaken during the formulation of the Stage 2 submission with a wide range of groups. Owners and occupiers of targeted buildings in the high and medium priority category were all sent a questionnaire and covering letter requesting their support for the THI, details of the type of work they would be interested in undertaking, the likely timetable and the uses they would wish to see. The response to a questionnaire was unanimously in support with XXX responses from XXX letters sent. In addition, a number of other events will be undertaken including a presentation to the emerging partnership, press releases to the local press and the involvement of Council members. A matrix illustrating this involvement can be found at Appendix XXX.

1.7 Putting the Management Plan into Practice

Most of the actions arising from the forthcoming management plan are already underway and part of the commitment of the Council and its partners to the regeneration of Dudley. It will be an important part of the Project Officer's role, and that of the partnership, to ensure that the objectives of the THI are represented on the agenda of other initiatives in the regeneration of the town centre. The actions can be summarised as:

THI Aim 1: Offer grant assistance to support the repair, architectural reinstatement and reuse of historic buildings			
ACTION	ACHIEVED THROUGH	MAIN RESPONSIBILITY OF	TIMEFRAME
Deliver THI programme	THI Action Plan	Dudley Metropolitan Borough Council - Corporate	2007 → 2012
Ensure relevance of Action Plan	Annual Review of progress	Dudley Partnership / Project Officer	2007 → 2012
Maintain Conservation Values	THI Action Plan / BS7913	Historic Environment Team (DMBC)	2007 → 2012
THI Aim 2: Increase awareness and understanding of the community and stakeholders as to value of the historic environment			
ACTION	ACHIEVED THROUGH	MAIN RESPONSIBILITY OF	TIMEFRAME
Appoint 'Heritage Champion'	Support from HELM	Dudley Metropolitan Borough Council - Corporate	2007 →
Appoint 'Design Champion'	Support from CABE/MADE	DMBC and VALUE:D	2007 →
Establish Dudley Partnership	Stakeholders	DMBC Project Team, supported by Project Officer	2007 → 2012
Maintain 'Project Champion'	Appointment of a lead officer	Assistant Director Economic Development	2007 → 2012
THI Aim 3: Encouraging complementary initiatives for both physical enhancement and the positive promotion of the town			
ACTION	ACHIEVED THROUGH	MAIN RESPONSIBILITY OF	TIMEFRAME
Set up VALUE:D	Nomination of professionals	DMBC Project Team	2007 →
Securing quality development	VALUE:D	Dudley Partnership / Heritage & Design Champion	2007 →
Proactive enforcement	Statutory powers	Planning Development Control	2007 →
Promoting regeneration	AreaDevelopment Framework	Dudley Metropolitan Borough Council - Corporate	2007 →
Improving urban form	VALUE:D	Dudley Partnership / Heritage & Design Champion	2007 →
Revised SPG's	Local Development Scheme	Planning Services (Policy & Historic Environment)	2007 → 2008
Education & Training	Various	DMBC Project Team/ Heritage & Design Champion	2007 → 2012
Public realm improvements	Public Realm Guidance	Streetscene DesignGroup/Historic Environment Team	2007 →

The Project Officer will lead the monitoring and review of the Management Plan with the Dudley Partnership on an annual basis. Although this management plan illustrates a greater priority given to the historic environment in Council decision making, it is not expected that the plan will require any significant changes to existing resources and practices once the supporting Project Officer has been recruited, as this document largely formalises existing practices.

1.8 Commitment to the Management Plan

Clear support for the Dudley town centre THI was expressed in letters of support provided in the Stage 1 submission at XXXX.

The Conservation Area Management Plan provides the basis for the proper management and implementation of the THI scheme. It will need to be monitored regular and reviewed annually to ensure its remains relevant and is protecting the historic environment.

This document was considered in detail by the Council's Cabinet at its meeting on 1st November 2006. The outcome was a series of decisions that the Council will:

- Adopt the Conservation Area Management Plan and support its proactive implementation throughout the lifetime of the THI and beyond;
- Authorise the establishment of the Partnership, VALUE:D and the appointment of Heritage and Design Champions;
- Commit itself to using the full range of planning powers to ensure proper management of the conservation area;
- Support the monitoring and review of the Conservation Area Management Plan by the Dudley Partnership on a regular basis.