

## **DUDLEY METROPOLITAN BOROUGH**

### **DEVELOPMENT CONTROL COMMITTEE – 17<sup>TH</sup> NOVEMBER 2021**

#### **PRE - COMMITTEE NOTES**

##### **Page 1     Application No. P21/1423 – 148 Wolverhampton Street, Dudley**

The bathroom window to plot A3 has been replaced with a fixed obscured glazed light. A photograph will be shown within the relevant committee presentation.

##### **Page 18     Application No. P21/0123 – Land off Old Wharf Road, Stourbridge**

1. In response to concerns regarding parking areas, in particular remote parking the applicant has slightly amended the layout with the following changes.
  - Substitute 3 no. terrace Braxton Housetypes with 2 no. semi-detached Braxton Housetypes and 1no. detached Byford Housetype (Plots 114-118).
  - Installation of railings around Trusdale 'corner plots' to avoid residents parking on the roads.
  - Installation of bollards within the grass verge outside of Allens Transport to avoid residents parking outside Allens Transport access/egress point.
  - The extension of various tandem parking spaces in line with Highway Officers comments.
2. In addition, due to above changes; further discussion between the applicant, Planning Officers and Highway Officers has led to the need to add and amend a number of the proposed conditions. As such, the proposed conditions are now as follows; Of note is condition 18 which ensure garages are used for parking only and condition 2 which notes the phasing of the development with regards to Allens Transport.
  1. The development hereby permitted shall be carried out in accordance with the following approved plans: Development Layout C5139/001\_02 Rev D; Development Layout C5139/001\_03; Housetypes: BRAXTON A/A(R)/B/CON Rev A; BYFORD A/A(G)/A(R)/B/B(G)/CON; CANFORD B; EASDALE A/B/B(C)/CON; GOSFORD A/B/B(G)/CON; HUXFORD A/A(G)/A(R)/B/B(G)/CON; LYDFORD A/A(R)/B/B(G)/CON; MANFORD B; MIDFORD A/A(G)/A(R)/B/B(G)/CON; TRUSDALE A/A(C)/A(R)/B(C)/CON; Double Garage B/CON/G; Single Garage

CON/G; APARMENT BLOCK A - C5139/400\_00 Rev A; C5139/400\_01 Rev A; C5139/400\_02 Rev A; C5139/400\_05; C5139/410\_01 Rev A; C5139/410\_02 Rev A; C5139/410\_03 Rev A; C5139/410\_04 Rev A; APARTMENT BLOCK B: C5139/430\_00 Rev A; C5139/430\_01 Rev A; C5139/430\_02 Rev A; C5139/430\_05; C5139/440\_01 Rev A; C5139/440\_02 Rev A; C5139/440\_03 Rev A; C5139/440\_04 Rev A; Apartment BLOCK C; C5139/460\_00 Rev A; C5139/460\_01 Rev A; C5139/460\_02 Rev A; C5139/460\_05; C5139/470\_01 Rev A; C5139/470\_02 Rev A; C5139/470\_03 Rev A; C5139/470\_04 Rev A; Location Plan LP-01; Landscape Masterplans LA5330 001A. Build Phasing Layout LPE-01.

REASON: For the avoidance of doubt and in the interests of proper planning.

2. Unless the residential development of the haulage yard shown on Development Layout C5139/001\_02 can be assured or its lawful use as a haulage yard has been extinguished or otherwise no longer exists, the development shall be carried out in full accordance with the submitted Build Phasing Layout (Drawing LPE-01), unless otherwise agreed in writing by the Local Planning Authority.

REASON: To minimise operational conflicts during the construction phase of the site and provide an extended period for the potential relocation of the haulage yard in accordance with Borough Development Strategy Policies L1, D2 and D5.

3. The development shall be carried out in complete accordance with the Materials Distribution Plan C5139/100\_01 Rev B unless otherwise agreed in writing by the Local Planning Authority.  
REASON: In the interests of the visual amenities of the area 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).

4. Notwithstanding the details on Boundary Treatments Plan C5139/100\_02 Rev D no above ground development shall commence until details of the materials to be used in the construction the boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Such details shall also show specific boundary types, construction and materials of the boundary treatment to be provided between the southern boundary of the development site and the canalside moorings. The boundary treatment shall be erected in full accordance with the approved details and shall be maintained as such for the life of the development.  
REASON: In the interests of the visual amenities of the area 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).

5. Unless the residential development of the haulage yard shown on Development Layout C5139/001\_02 can be assured or its lawful use as a haulage yard has been extinguished or otherwise no longer exists, prior to the occupation of plots 158; 163; 164 and 176 the acoustic barrier of 3m in height and surface density of not less than 10kg/m<sup>2</sup> along the northern and southern boundaries of the haulage yard shall be installed and retained and maintained for the life of the development, as necessary.  
REASON: To safeguard the amenities of the future occupants of the dwellings at the site in accordance with Borough Development Strategy Policies L1, D2 and D5.
6. 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, and
  - 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.
7. Notwithstanding the details on the Landscape Masterplan (LA5330 001A); development shall not commence (excluding demolition, site clearance and initial ground works) until full details of phased soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details must include, where appropriate, existing and proposed site levels, 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 and trees. The agreed scheme shall be implemented in accordance with the approved details and in accordance with the Landscape Phasing 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). 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.

8. The development hereby approved shall be undertaken in complete accordance with the details contained within the submitted Arboricultural Method Statement. Any variation or amendment of the submitted Arboricultural Method Statement shall be approved in writing with the Local Planning Authority before implementation on site. REASON: To ensure that existing trees are not damaged through the loss of roots, to maintain the visual and environmental quality of the site and surrounding area in accordance with Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part).
9. No above ground development shall commence until details of the position, layout, programme for the construction, construction details (including lines, widths, levels, gradients, cross sections, drainage, lighting and structures) & bringing into use of the access to Stamford Street to form a public access has been submitted to and agreed in writing by the local planning authority. The access shall be constructed in accordance with details submitted and shall be brought into use as soon as any residential development on the land north of Old Wharf Road is occupied and the access is able to link safely and conveniently to roads or footways which have been constructed to at least base course level with an ability to link to Old Wharf Road. REASON: To facilitate access into & out of the development by sustainable modes of transport and to ensure that residents are not put at risk by travel through a construction site.
10. The development shall not commence until a highways agreement has been submitted to the Highway Authority which

provides details of the accesses into the site, together with parking and turning areas [including details of lines, widths, levels, gradients, cross sections, traffic calming, footways, highway trees, bollards, kerbing, drainage, safety barrier systems and lighting] have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the accesses 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.

11. No part of the development shall be occupied until visibility splays from an access road onto Old Wharf Road or up to its extension (to Plot 170 on Site Layout Plan D) with the Highway have been provided at the junction between the proposed means of access and the highway with an 'x' set back distance of 2.4 metres and a 'y' distance of 59 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life 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.

12. No part of the development shall be occupied until visibility splays from a private access road onto Old Wharf Road or up to its extension (to Plot 170 on Site Layout Plan D) with the Highway have been provided at the junction between the proposed means of access and the highway with an 'x' set back distance of 2 metres and a 'y' distance of 59 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life 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.

13. No part of the development shall be occupied until visibility splays from an access road onto an access road other than Old Wharf

Road or up to its extension (to Plot 170 ON Ste Layout Plan D) with the Highway have been provided at the junction between the proposed means of access and the access road with an 'x' set back distance of 2.4 metres and a 'y' distance of 33 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life 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.

14. No part of the development shall be occupied until visibility splays from a private access onto an access road other than Old Wharf Road or up to its extension (to Plot 170 ON Ste Layout Plan D) with the Highway have been provided at the junction between the proposed means of access and the access road with an 'x' set back distance of 2 metres and a 'y' distance of 33 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life 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.
15. No part of the development shall be occupied until visibility splays from a private access onto a footway have been provided at the junction between the proposed means of access and the footway with an 'x' set back distance of 2.4 metres and a 'y' distance of 2.4 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life 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.
16. The development shall not be first occupied until details of a scheme to implement (1) a Prohibition of Waiting Order along Old Wharf Road and into the development site to a point level with plot 158 and (2) a 7.5 Tonne Environmental Weight Restriction Traffic Regulation Order for all estate roads outside of (1), has been

submitted to and approved in writing by the Local Planning Authority, including any fees which may be due to the highway authority. The development shall not thereafter be occupied until the agreed Traffic Regulation Orders have been completed in accordance with the approved details, unless Allens Transport have relocated and the use has been extinguished. 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.

17. The dwelling(s) shall not be occupied until details of a Parking Management Plan for the apartments parking area has been submitted to and approved in writing by the Local Planning Authority (The Parking Management Plan will ensure that no parking spaces are allocated for the sole use of any apartment). This Parking Management Plan shall be provided in accordance with the approved details prior to the first occupation of the dwelling(s) 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.
18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (England) (or any order revoking or re-enacting that order with or without modification); the parking areas identified as garages shall be maintained as such and used for no other purpose for the lifetime of the development.  
Reason: To ensure the development is provided with appropriate parking and 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.

Build Phasing Layout Drawing LPE-01 and planning layout SLTW-01 are attached for information.

One additional letter in support of the application has been received from a service user of the childminders

Their comments are summarised as follows;

- I rely on Sparkle House Childminding to support me in caring for my child. They have had a flexible approach throughout the pandemic.
- I specifically chose a childminding setting because they are smaller in numbers, they take the children on trips, utilise the local resources and enable our children to explore the outdoor.
- My child is a very happy, confident, sociable caring child which is a reflection on the loving caring environment that Sparkle House Childminding provides.
- They have a dedicated sleep room for comfort, freedom to play in a safe and secure garden
- Sparkle House Childminding provides a vital service to parents in the area enabling them to work and have the confidence their child is being cared for exceptionally well.
- Parents are respectful to the neighbours, we ensure no driveways are blocked.
- Guardians Walk is a crescent style road with two accesses/regresses enabling flow of traffic. It is highly unlikely that vehicles visiting the setting for drop offs or pickups would cause issues for emergency services vehicles to access properties on the street.
- The setting provides much needed employment.
- Opposing this application takes away parents right to choose the most appropriate care setting for their child.

**Page 57   Application No. P21/1505 – Former Hippodrome and adjacent land and buildings, Castle Hill, Dudley**

Consultations

A further letter of objection has been received from the Theatres Trust. Main new issues raised.

-The Theatres Trust helpfully explain that they are a statutory consultee, with regard to Section (x) of Schedule 4 of the Town and Country (Development Management Procedure (England) Order 2015 (as amended) as defined by Section 5 of the Theatres Trust Act 1976.

-Reference made case law in relation to statutory consultees.

-They consider the last lawful use of the building to be *sui generis as a Bingo Hall*.

-They make reference to an appeal decision relating to a building in the West End.

-Consider the "Twentieth Century Society to be a statutory consultee for the purpose of the application.

A letter of objection has been received from SAVE. No additional planning considerations raised above those from the Twentieth Century Society or the Theatres Trust.

### Representations

Eight additional letters of objection received. Additional planning issues raised,

- Former JB's (Castle Hill Suite) has a rare Belfast trust roof.
- The former JB's business premises already affected by metro works
- The former JB's building is now threatened with demolition affecting a business
- Refurbishment of building would enhance area

One further letter of objection was received but cannot be given weight as it has not been duly made.

A letter from the Earl of Dudley has been received, which is attached below, but is not considered to raise any matters which have not been previously considered.

### Response to Further Comments and Representations

The Theatres Trust having been consulted on the application and have now made three sets of comments.

The Theatres Trust in their latest representation have helpfully confirmed that they are, as a matter of fact, statutory consultees. Whilst Schedule 4, section (x) of Town and Country (Development Management Procedure (England) Order 2015 (as amended) states that they are required to be consulted in the case of "*Development involving any land on which there is theatre*" it is later further caveated at Schedule 4, Interpretation Table 1, Section (i) which states a theatre is defined by Section 5 of the Theatres Trust Act 1976 as "*....any building or part of a building constructed wholly or mainly for the public performance of plays*". Therefore, whilst the former bingo hall does not have authorised use as a theatre, as it was designed as such, the Theatres Trust are a statutory consultee in this case.

Therefore, the comments of the Theatres Trust should be treated as if they are a statutory consultee and should be accorded the same weight as those which have been provided by Historic England. As such, specific comments within the report at paragraphs 142 and 143, which suggest that they are not statutory consultees and which state that a bingo hall use is class E rather than sui-generis should be disregarded. In any event, the necessary statutory consultations have been undertaken and all observations made have been fully considered in the report and recommendation, such that the loss of the building, is outweighed by the regenerative, educational and social benefits the redevelopment of the site as higher education facility, providing much needed training for healthcare professionals. Moreover, extensive consideration has been given within the main report in relation to marketing and viability in relation to the use of the building as a theatre or similar cultural uses.

The appeal that is referred to in the West End, relates to a building which is statutorily listed and is still currently being used or recently used as a cinema. The appeal followed the refusal of planning permission by Camden LBC. The principle reasons for refusal and subsequent dismissal were impact to the heritage asset and loss of cultural facility, reinforced by its location in West

End of end of theatre land. However, in the Inspectors decision letter, little commentary is given to the use as the building as a potential theatre, although noting the building could be used as such and insufficient information had been provided in related to viability on this matter. The difference in this case is that we are not dealing with a listed building, nor does it have a current viable use having been vacant for 12 years. Additionally, a number of attempts have been made to use the building as a theatre but have failed.

Amenity bodies such as the Twentieth Century Society are only statutory consultees in relation to listed building consent applications where the listed building is to be significantly altered, demolished or part demolished (Arrangements for Handling Heritage Applications – Notification To Historic England And National Amenity Societies And The Secretary Of State (England) Direction 2021). The buildings to be demolished in this case are not listed. However, due to the Twentieth Century Society's previous involvement they were consulted.

For clarification following changes to the Town and Country (Use Classes) Order 1987 in 2020, a bingo hall is now considered to be a *sui generis* use. However, the building would still require planning permission to be used as a theatre, which that is also a *sui generis* use.

In response to the latest representations relating to the former JB's buildings (Castle Hill Suite), like the former bingo hall, it is not a listed building. The current use (banqueting) of the former JB's building is not authorised by planning permission, an application for such having been refused and dismissed at appeal and the subject of a live enforcement notice. The authorised use of the building is a night club/music venue.

#### Additional Matters.

The current development proposal was the subject of screening request by the applicants prior to the submission of the planning application. It was concluded the proposed development fell outside of Schedule 1 of the Regulations. With regard to Schedule 2 of the Regulations, the proposal is considered to be a non-residential urban development project, but is below the 1ha threshold, although the impacts need to be considered against the criteria at Schedule 3 of the Regulations. In this case it was considered the scale development and nature of the proposed development, taking into account the criteria at Schedule 3, including the Conservation Area designation and adjoining of the Scheduled Ancient Monument, as well as the cumulative impact of other committed urban development projects in the vicinity of the site, it was not considered to constitute a development proposal which would require an Environmental Impact Assessment.

#### Conditions

Conditions amended/renumbered from No. 12 onwards,

- 12 No development shall commence (excluding demolition, site clearance and initial ground investigation works) until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. 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 (STWA)

- 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 and hard landscaping works together with public realm enhancement works have been submitted to and approved in writing by the Local Planning Authority. The soft landscaping 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 hard landscaping 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 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 above ground development shall commence until details of the positions, design, materials and type of boundary treatment or means of enclosure have 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)

- 16 No development shall commence until details of the design, materials and colour(s), of the retaining walls to the car park and service area 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).

- 17 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.

- 18 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 construction project.

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.

- 19 Prior to occupation details of how the development shall incorporate the generation of energy from renewable and low carbon sources sufficient to off-set at least 10% of estimated residual energy demand of the development on completion, shall be submitted to and approved in writing by the local planning authority. The development shall accord with the details approved. REASON: To reduce the environmental impact of the development and to comply with BCCS policy ENV7

- 20 The development hereby by approved shall not be 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)

- 21 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.

- 22 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.

- 23 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 22 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.

- 24 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.

- 25 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 all facing materials and masonry to be used and a sample panel measuring not less than 1m<sup>2</sup> 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 of the construction 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).

- 26 No development 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 building has 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).

- 27 No above ground development shall commence until details of the materials to be used in the external fenestration (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

- 28 No development (excluding demolition) shall take place until a written scheme of investigation (WSI) to secure the implementation of a programme of archaeological works has been submitted to and approved in writing by the Local Planning Authority. The WSI shall include details of the archaeological investigations and timing,

subsequent analysis, reporting and archiving. The programme of archaeological work shall be fully implemented in accordance with the approved WSI.

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.

- 29 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 and shall be provided prior to the first opening of the development unless otherwise agreed in writing by the Local Planning Authority. REASON: To ensure there is no conflict with pedestrians and to comply with BCCS Policy TRAN2.
- 30 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,
- 31 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.

- 32 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.
- 33 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.
- 34 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.
- 35 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 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 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.

- 37 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.

- 38 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 has been submitted and approved by the local planning authority. No part of the development shall thereafter be occupied until the Service Vehicle Management Plan has been implemented in accordance with the approved details.

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

- 39 Prior to the occupation of the development 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 non car travel modes, shall be submitted and approved in writing by the local planning authority.

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.

- 40 Prior to first occupation details of the relocation of the lighting columns / signs / bus stops/ bus shelters if required 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.

### Earl of Dudley Objection

I am writing to **object** strongly to the planning application **P21/1505** to demolish Dudley Hippodrome and the adjoining building and construct an education facility in their place. The land upon which both buildings stand was gifted by my family ancestor, the Earl of Dudley, to the people and is subject to a subsequent restrictive covenant placed on it by the Kennedy family. This restrictive covenant states that the land be solely used for a playhouse, theatre, retail or dwellings and this should be upheld in my opinion.

I urge Dudley Metropolitan Borough Council and its planning team to seek alternative sites for the proposed educational facility. Surely a location closer to the town centre would provide extra footfall there and be beneficial to retail and hospitality in that neglected area.

Having viewed some of the relevant documents online, I fail to see how Dudley Hippodrome's historic significance can be cast aside so willfully. I therefore disagree that it makes a negative contribution to the character and appearance of the Town Centre Conservation Area. I have been made aware of images of potential refurbishment of the building. This could enhance the building's situation greatly.

As far as I can see, the listed elements of Dudley Zoo would be no more visible to the general public if Dudley Hippodrome and the adjoining building were demolished. The listed Odeon Cinema building and Station Hotel, both of the same era as the theatre building, sit well together being of Art Deco design. A refurbished Dudley Hippodrome would enhance the character of the conservation area. Castle Hill has always been the entertainment quarter of Dudley town and it needs a theatre venue. With the completion of the Midland Metro and plans to construct a new public transport interchange, Dudley town and Castle Hill, in particular, could thrive again.

I have seen the images of the proposed educational facility. I can see no architectural merit in this building and cannot see how it could enhance the setting of Dudley Castle and other listed buildings. The documents state that the proposed building reflects Dudley Hippodrome's Art Deco design. I am unable to identify any Art Deco features or modern day versions of them. The

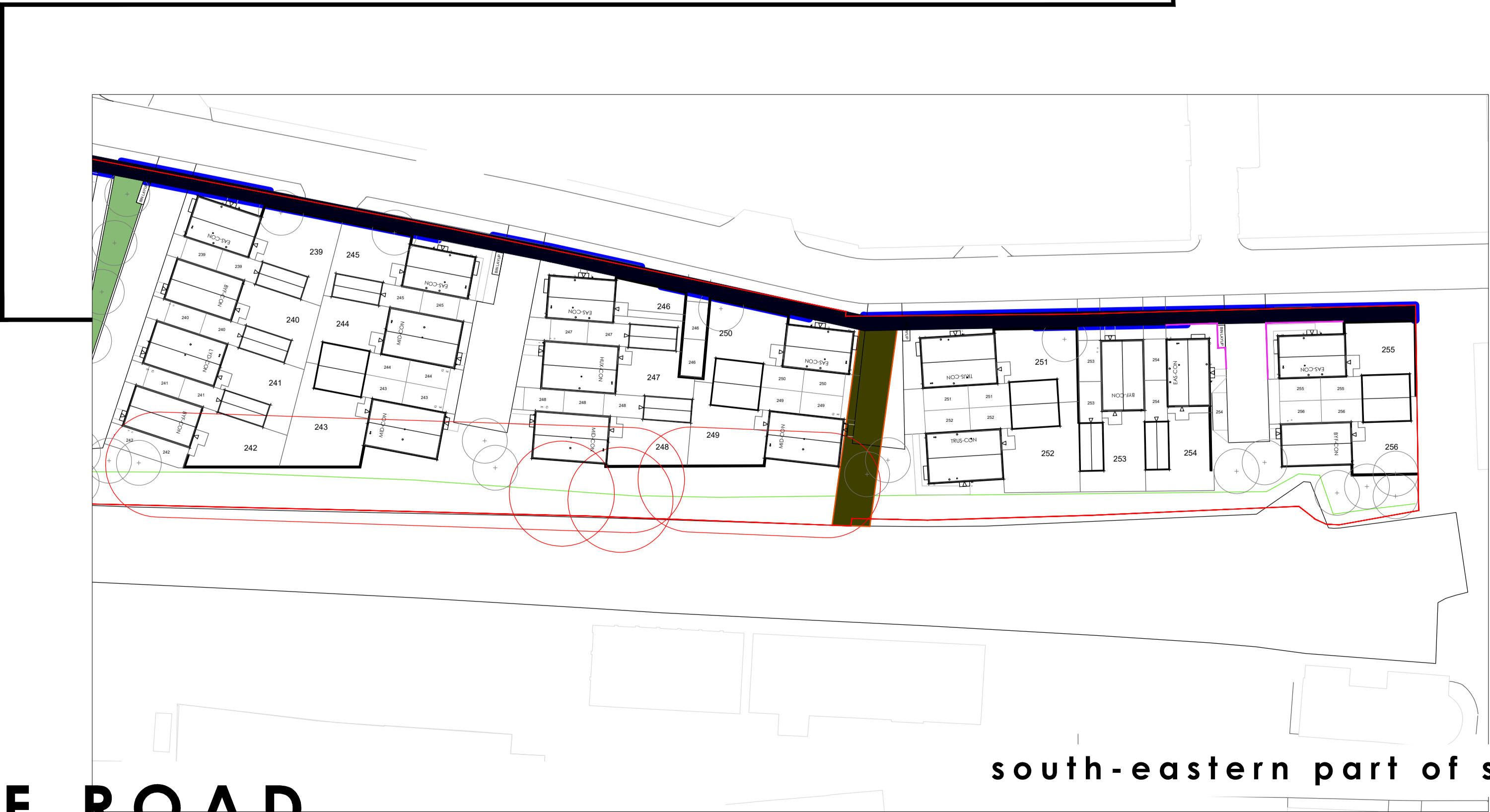
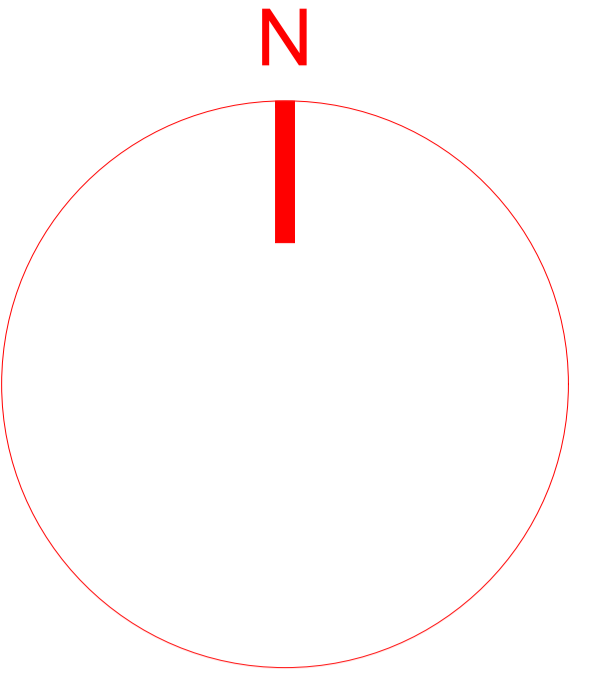
proposed new building does not come close to replacing the iconic Dudley Hippodrome building.

I believe the Council's own Local Action Plan should come under strict scrutiny with reference to any proposal which may be viewed later as controversial and not in line with national planning policies. Studying the NPPF I note a number of pertinent paragraphs but in particular Paragraphs 189, 195, 200 and 203. I believe DMBC and its planning team have a duty to protect and preserve any heritage asset in a Conservation Area. I was extremely disappointed to read Historic England's response, with which I take issue. From what I read, Theatres Trust has requested on numerous occasions that the viability of the theatre building be assessed before any planning application relating to it is made. These requests have been ignored and the Council has failed to follow accepted protocol.

Many formerly disused theatre buildings around the country have been and are being successfully reopened with their council's support and this option should, at very least, have been considered before this planning application was submitted.

Within the documents attached to this planning application I cannot see an evaluation of the environmental pollution which will be caused by this project. I believe Dudley Metropolitan Borough Council declared a climate emergency in 2020. If climate change is to be taken seriously and tackled then we should be investing in the repurposing of buildings not their demolition. The demolition of a building the size of Dudley Hippodrome and that of its neighbour would cause a huge amount of pollution and the embodied CO2 in the materials for the new building, including the potentially large amount of concrete for piling, no matter how sustainable it would be once constructed, would be vast. It really is time to rethink.

I sincerely hope that Dudley's Development Control Committee will consider all objections lodged objectively. I do have concerns that a planning application submitted by the owners of a building is to be decided upon by the owners. I am aware that both Theatres Trust and Dudley Hippodrome Development Trust have requested intervention from the Secretary of State. In conclusion, I hope that the planning application to demolish Dudley Hippodrome and the adjacent building is turned down and that the theatre building is brought back to life for the benefit of the townspeople and for future generations.



# LAND OFF OLD WHARF ROAD, STOURBRIDGE

south-eastern part of site

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Project:  
TITAN WHARF, OLD WHARF ROAD, STOURBRIDGE

Drawing:  
SITE LAYOUT

Scale:  
1:500 @ A0

Drawn: GR	Project no. 22365	Drawing no. SLTW-01	Rev. -
Date: NOV 2021			

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For guidance only. Do not scale off this drawing

1:250 =	20m	40mm
1:1000 =	20m	20mm
1:500 =	20m	10mm
1:250 =	20m	5mm

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Project:	Titan Wharf, Old Ward Road, STOURBRIDGE			
Location:	Stourbridge			
Client:	Build Phasing Layout			
Date:	GR	Plotted: no.	Issued: no.	Rev.
	May 2020	3010	LPE-01	-

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