

PLANNING APPLICATION NUMBER: P10/0338

Type of approval sought	Full Planning Permission
Ward	CASTLE & PRIORY
Applicant	Mr Duncan Lowndes, Dudley MBC
Location:	PRIORY PARK, PRIORY ROAD, DUDLEY, WEST MIDLANDS
Proposal	RESTORATION AND DEVELOPMENT TO INCLUDE EXTENSION OF EXISTING PAVILLION TO BE USED AS A TOILET BLOCK AND EDUCATION CENTRE, ERECTION OF FAMILY SHELTER, MINI SOCCER PITCH WITH NEW DISABLED RAMP/GATES, NEW ARTWORK, NEW LIGHTING TO ABBEY, NEW ENTRANCE AND ALL OTHER WORKS.
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- 1 The application site consists of Priory Park which is located between The Broadway, Priory Road, Woodlands Avenue, and Pagnal Drive, to the north of Dudley Town Centre.

- 2 The site in part is subject to a number statutory designations which includes a Scheduled Ancient Monument (SAM) and a Registered Park and Garden (RPG). The site is also contains a two listed building, Priory Hall, which is used a registry office and training centre and the priory ruins which are Grade I listed.

- 3 The park falls into two distinctive character areas, which is divided by Priory Hall. To the south of this point the park consists of a less formalised parkland, which once served the hall and includes the priory ruins (a SAM). However, this area does include more formalised areas, including a rose garden and the remains of a sunken garden.

- 4 To the north of Priory Hall is a generally more formalised recreational park area which includes tennis courts, a bowling green, play area and multi purpose outdoor games space. This area was principally laid out during in the interwar period which includes the park pavilion which terminates the footway and steeps vista which divides this space in two.

PROPOSAL

- 5 The proposals for the park include a number of elements, with the main elements including:

- A football pitch
- A new 'family' shelter
- Extensions to the existing pavilion, including 'outdoor' teaching space and public toilets. This will incorporate improved disabled access.
- Planting additional trees within the arboretum area close to Priory Road
- Reinstatement of planting beds along the path way between the pavilion and Woodland Avenue
- New paving in and around the priory ruins
- Works to the existing rose garden
- New entrance features and fencing
- Public Sculpture
- Floodlighting to the priory ruins
- New herb garden within the former cloister garth
- New rock garden
- Reinstatement/repair of sunken water garden
- Repair of public shelter
- New benches, sculpture and interpretation panels

- 6 However, the majority of these elements do not require formal planning permission due to the permitted development rights conferred to the Council by Schedule 2, Part 12 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), with the only elements requiring permission are the extension

to the pavilion, and its partial use as an 'outdoor' classroom and the provision of some of the fencing due to its proximity to the public highway.

- 7 The works form part of a major regeneration proposal for the park to make accessible to more people as well as restoring a number of its original interwar features. The proposal is being delivered following consultation with the local community and the 'friends of the park'. The scheme in part is being delivered by grant funding from the Lottery Heritage Fund.
- 8 Documents submitted with the application include a Design and Access Statement, a Conservation Plan, an Ecological Survey and a Tree Survey.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
DY/56/612	Erection of Propagating Nursery Glasshouses Boiler House Potting Shed And Mess Room.	Granted	06/12/56
DB/70/7645	Change Of Use Of A Garage To Electricity Sub-Station.	Granted	11/12/70
82/51740	Alterations And Extensions To Listed Building To Provide Office Accommodation For Registrar.	Withdrawn	07/10/82
82/51785	Alterations To Listed Building To Provide Additional Offices.	Withdrawn	07/10/82
82/51783	Construction Of Prefabricated Building For Youth Club Purposes.	Granted	23/12/82
83/50355	Erection Of Boiler House And Silo	Refused	27/06/83
85/50777	Erection Of 8 Lighting Columns To Illuminate Tennis Courts.	Granted	20/06/85
90/50155	Listed Building Consent For Two-Storey Extension Fire Escape Conversion & Remodelling Of Stables/Workshop	Granted	27/07/90

90/50156	Appl. For Deemed Consent Under Reg. 4 For Two-Storey Extension Fire Escape Conversion & Remodelling Of Priory Hall	Granted	14/06/90
92/50224	Application For Deemed Consent Under Regulation 4 For The Construction Of A Car Park.	Granted	27/02/92
94/51499	Construction Of Childrens Play Area (Regulation 3).	Granted	17/11/94
P04/1830	Extension to play area to incorporate new space net	Granted	28/10/2004
P05/0858	Listed building consent for internal works to include small section of wall removed to form hatch to reception area and	Granted	03/08/2005
P05/2083	Erection of 2.4 m high boundary fencing and gates	Granted	02/11/2005
P06/1599	Extension to existing boxing club with entrance ramps and new entrance lobby	Granted	20/03/2007

PUBLIC CONSULTATION

- 9 1 letters of objection received, following direct consultation with 89 neighbours, the display of a site notice and the publication of an advert within a local newspaper.
Main issues raised:-

- a. Ongoing problems with anti social behaviour
- b. Lighting of ruins will encourage further anti social behaviour including climbing of ruins

OTHER CONSULTATION

- 10 Group Engineer (Development): No objection

- 11 Head of Environmental Health and Trading Standards: Awaited
- 12 English Heritage: No objection
- 13 British Waterways: Awaited

RELEVANT PLANNING POLICY

Unitary Development Plan

DD1 Urban Design

DD4 Development in Residential Areas

DD7 Planning Obligations

DD8 Provision of Open Space, Sport and Recreation
Facilities

DD9 Public Art

DD10 Nature Conservation and Development

LR1 Open Space

LR2 Access to Public Open Space (errata)

LR3 Children's Play Areas

LR4 Young Persons Informal Recreation

LR5 Playing Fields

NC1 Biodiversity

NC9 Mature Trees

NC10 The Urban Forest

HE1 Local Character and Distinctiveness

HE6 Listed Buildings

HE8 Archaeology and Information

HE9 Scheduled Ancient Monuments and Other Sites of
National Importance

HE11 Archaeology and Preservation

SO2 Linear Open Space

EP6 Light Pollution

EP7 Noise Pollution

Supplementary Planning Guidance/Documents

Supplementary Planning Document on Open Space, Sport and Recreation Provision

Nature Conservation Supplementary Planning Document

Historic Environment Supplementary Planning Document

Parking Standards and Travel Plans Supplementary Planning Document

Planning Obligations Supplementary Planning Document

National Planning Guidance

PPS5 – Planning for the Historic Environment

PPG17 – Planning for Open Space, Sport and Recreation

ASSESSMENT

14 The main issues are

- Need for Planning Permission
- Design Railings
- Design Pavilion
- Disabled Access – Pavilion
- Setting of Priory Hall
- Neighbour Amenity
- Access and Parking
- Trees
- Nature Conservation
- Planning Obligations
- Other Issues

Need for Planning Permission

15 As stated above the Council has extensive permitted development rights for the majority of the proposed works and development and therefore only a couple of elements need planning permission which includes the extension to the pavilion and its use as an 'outdoor' classroom and the provision of railings on parts of the site.

Therefore these are the only matters which can be considered as part of this application.

Design – Railings

- 16 As stated above some of the new railings to the park will be located close to the back edge of the public highway and as such need planning permission due their height. These railings replicate existing railings which enclose Priory Hall and are therefore considered to be acceptable and provide a certain degree of continuity. The new rear gate to the pavilion also replicates this design as well.

Design – Pavilion Building

- 17 The existing pavilion building dates from the interwar period and follows a typical arts and craft/municipal design of the period and is constructed of brick with a hipped roof with a set of columns and wrought iron gates to the front elevation. The building is raised up on a plinth with a step up to the front entrance. The building is presently used as a base for gardeners based at the site.
- 18 The proposed alterations to the building involve two new symmetrical wings to either side of the building which maintains the buildings symmetry. These wings will provide new public toilet facilities and replace the now closed facilities within the site. To the rear of the building an extension is proposed which will be used as an outdoor class room and community meeting room. There will also be an outside court yard associated with this as well.
- 19 The design of the extensions unlike the arts and crafts design of the main pavilion are of a more contemporary design with swept wing type roofs either side of the existing building which is also replicated on the rear extension.
- 20 Materials will also be different from the main building with the use of stone and timber with sheet copper roofing which are considered to be acceptable as they provide a contrast from the traditional materials of the original building, and help

identify that these elements are latter additions. However, the supports to the symmetrical wings will be of wrought iron which pays respect to the existing wrought iron gates to the original building.

- 21 The Head of Historic Environment has been consulted on the application and also gave pre application advice and supports the proposal subject to imposition of a condition in relation to the facing materials.
- 22 Whilst not part of the application as the proposal is considered to be permitted development is the close-by family shelter which follows through the same design concept with a winged roof.

Disabled Access – Pavilion Building

- 23 A new disabled ramp to the rear of the extended pavilion is proposed. This leads to the existing car park to the adjoining Priory Hall training centre and registry office. This will ensure the building can be accessed by all as the building presently has no disabled access.
- 24 However, to ensure the ramp can be provided and meets the required access arrangements there will be some encroachment into the existing car park resulting in the loss of two to three spaces.

Setting of Priory Hall

- 25 The site is located on the extreme edge of the curtilage to Priory Hall. However, the pavilion and its associated extensions are some distance away and located to the rear of the building and as such would have no adverse impact on the setting of the Hall.

Neighbour Amenity

- 26 As stated above the only two elements which require planning permission are the pavilion extensions and some of the new railings. The former is more than 70m away from the nearest dwelling on Priory Road and therefore the likelihood of any conflict is slim.
- 27 In respect of the fencing which is of a railing type design, due to its nature it is unlikely to cause any harm to amenity.

Access and parking

- 28 The park and its upgraded facilities are principally designed to meet the needs of the local community and therefore the majority of visitors will be coming to the site on foot.
- 29 The proposed 'outdoor' class room which is to be incorporated into the extended pavilion building is again primarily for local school children and as such will mostly arrive on foot.
- 30 In addition there is parking within marked bays on priory Road which are located close to the recreational faculties within the northern part of the park. Parking which serves Priory hall will also be available to the rear of the extended pavilion building which is the intended disabled access to the building.
- 31 There will be a loss of a couple of spaces to Priory Hall as discussed above. Whilst their retention would be preferred this needs to be balanced against the need to secure satisfactory disabled access and ensure a key regeneration scheme is delivered which provides significant benefits to the local community.

Trees

- 32 There are two trees which are affected by the extension to the pavilion. One is located to the rear (south) and the other to the side (east).
- 33 In the respect of the one to the east of the building the tree condition survey recommends the removal of this tree. However, the survey recommends the retention of the other one. However, the tree would prevent the pavilion extension from being constructed and therefore its removal is unavoidable. However, the applicant is showing the provision of a replacement tree which is to be conditioned.
- 34 Trees are to be removed and replanted elsewhere on the site as part of the ongoing management of the site. In particular its proposed to strengthen the arboretum element near to Priory Road. However, these matters are beyond the scope of this planning application.

Nature Conservation

- 35 An ecological survey was submitted with the application due to the proximity of Castle Hill and due the application site being a large area of open space where bats or other protected species may be present. The submitted survey falls into two parts. An initial Phase I habitat survey and a more detailed nocturnal emergent bat survey.
- 36 The report concludes that a small number of bats were present on site, however, there was no evidence that they roosting.
- 37 A significant amount of the recommendations relate to the proposed lighting of the ruins. In that the proposed lighting units are comparatively compact and fit into the ground they are considered to *de minimus* and therefore do not need planning permission. Therefore notes will be attached to the decision notice, if permission is granted advising the applicant of the recommendations within the ecologist report and survey.

Planning Obligations

38 The proposed development has a requirement to provide planning obligations to mitigate against the consequential planning loss to the existing community. Should permission be granted a S106 Agreement would be required in respect of the following contributions:

• Transport Infrastructure	£360.56
• Nature Conservation	£45,000.00
• Management and Monitoring Fee	£1,000.00
• <u>Total</u>	<u>£46,360.56</u>

39 The proposed works are part funded by the Council, but are also subject of grant aid subject of a bid to the Heritage Lottery Fund which is the only means of making the proposal viable. For this reason contributions towards the above requirements would be unreasonable.

40 In addition to the above paragraph, the applicant has also advised that the outdoor classroom within the extended pavilion building would be used by local schools, which are most likely to walk to the site. Therefore on this basis there would be no significant increase in the number of vehicular trips to the site. Outside of school hours the building may be used by other local community groups, who again are likely to access the site on foot.

41 In respect of nature conservation, the provision of new tree planting to the arboretum would encourage wildlife offsetting any impact that may be caused by works and development on the site. Therefore it would not be reasonable to request contributions towards nature conservation enhancement.

Other Matters

- 42 As sated above the majority of the proposed works to the site do not require planning permission. However as the southern part of the site is a Scheduled Ancient Monument, therefore any works within this area will require that appropriate consent. This application will be determined by the Secretary of State for Culture, Media and Sport in consultation with English Heritage and will consider the archaeological and direct historic building issues relating to the priory ruins. Scheduled Monument Consent also overrides the need for listed building consent.

CONCLUSION

- 43 The proposed development is considered to be acceptable in principle, provides and important local community facility and enhances the appearance of the park. Consideration has been given to policies DD1 Urban Design DD4 Development in Residential Areas DD7 Planning Obligations DD8 Provision of Open Space, Sport and Recreation Facilities DD9 Public Art DD10 Nature Conservation and Development LR1 Open Space LR2 Access to Public Open Space (errata) LR3 Children's Play Areas LR4 Young Persons Informal Recreation LR5 Playing Fields NC1 Biodiversity NC9 Mature Trees NC10 The Urban Forest HE1 Local Character and Distinctiveness HE6 Listed Buildings HE8 Archaeology and Information HE9 Scheduled Ancient Monuments and Other Sites of National Importance HE11 Archaeology and Preservation SO2 Linear Open Space EP6 Light Pollution and EP7 Noise Pollution of the Dudley Unitary Development Plan.

RECOMMENDATION

Subject to the expiry of the neighbour consultation period that the Director of the Urban Environment be given delegated powers to approve the application subject to the following conditions:

Reason for approval

The proposed development is considered to be acceptable in principle, provides and important local community facility and enhances the appearance of the park.

Consideration has been given to policies DD1 Urban Design DD4 Development in Residential Areas DD7 Planning Obligations DD8 Provision of Open Space, Sport and Recreation Facilities DD9 Public Art DD10 Nature Conservation and Development LR1 Open Space LR2 Access to Public Open Space (errata) LR3 Children's Play Areas LR4 Young Persons Informal Recreation LR5 Playing Fields NC1 Biodiversity NC9 Mature Trees NC10 The Urban Forest HE1 Local Character and Distinctiveness HE6 Listed Buildings HE8 Archaeology and Information HE9 Scheduled Ancient Monuments and Other Sites of National Importance HE11 Archaeology and Preservation SO2 Linear Open Space EP6 Light Pollution and EP7 Noise Pollution of the Dudley Unitary Development Plan.

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Dudley UDP (2005) and to all other relevant material considerations.

The above is intended as a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report.

Notes

The development hereby permitted shall be built in accordance with the approved plans contained within the submitted master plan and the Priory Park Dudley Restoration Proposal document dated March 2010 unless otherwise agreed in writing by the Local Planning Authority.

Works to the southern part of the site should not commence until scheduled ancient monument consent has been granted.

Attention is drawn the conclusions of the ecological reports and the need to provide appropriate mitigation measures and carefully position the lighting in and around the priory ruins.

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Notwithstanding the submitted drawings, full details of the following matters shall be submitted to and approved by the local planning authority prior to development commencing:

Cladding: The type, size, colour and texture of sandstone facing blocks and timber boarding to be used as cladding to the toilet block and classroom extensions of the Park Pavilion, the method of jointing the masonry and boarding and the means of providing a water-tight transition between the two materials.

Roofing: The means of construction of the roof of the toilet block and classroom extensions of the Park Pavilion including the form of jointing between copper sheeting and the means of fixing to the roof substrate.

Rainwater goods: The type, size, colour and detailing of rainwater goods to be used on the toilet block and classroom extensions of the Park Pavilion.

Ornamental/structural ironwork: The type, size, colour, texture and form of the ornamental iron supports to the roof of the toilet block extensions to the park pavilion.

3. None of the development hereby approved until precise details of the replacement tree adjoining the pavilion building has been submitted to and approved in writing by the Local Planning Authority. The tree shall thereafter be provided within the first planting season following first occupation of the extensions to the pavilion.

Any 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.



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- Key.
- 1 Bowling Green
 - 2 Football Pitch
 - 3 Tennis Courts
 - 4 Tennis Courts
 - 5 Play Area
 - 6 MUGA
 - 7 Pavilion
 - 8 Family Shelter
 - 9 Rose Garden
 - 10 Priory Hall
 - 11 Rock Garden
 - 12 Pool Garden
 - 13 Priory Garden
 - 14 Adornellum
 - 15 Shelter
 - 16 The Mount
 - 17 Herb Garden
 - 18 Priory Ruins
 - 19 The Green

- Pedestrian Entrances
- Existing Paths
- New Paths
- New Priory Paving
- Buildings
- Priory High Walls
- Priory Low Walls
- Bound gravel fill
- Play Area
- MUGA
- Tennis Courts
- Bowling Green
- Mini-Soccer Pitch
- The Pond
- Existing Trees
- Proposed Trees inc. proposed clipped Hornbeam
- Existing Hedge
- Proposed Hedge
- Existing Shrub/Flower Bed
- Proposed Shrub/Flower Bed
- Proposed Bulb Planting Area
- Mount Grass Areas
- New or Replacement Benches
- Litter/Dog Bins
- Sculptures
- Existing Metal Fence
- Proposed Metal Fence
- Entrance Sign/Map
- Planning Application Area
- SAM Area

GENERAL NOTES

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






Client: Watlington Borough Council

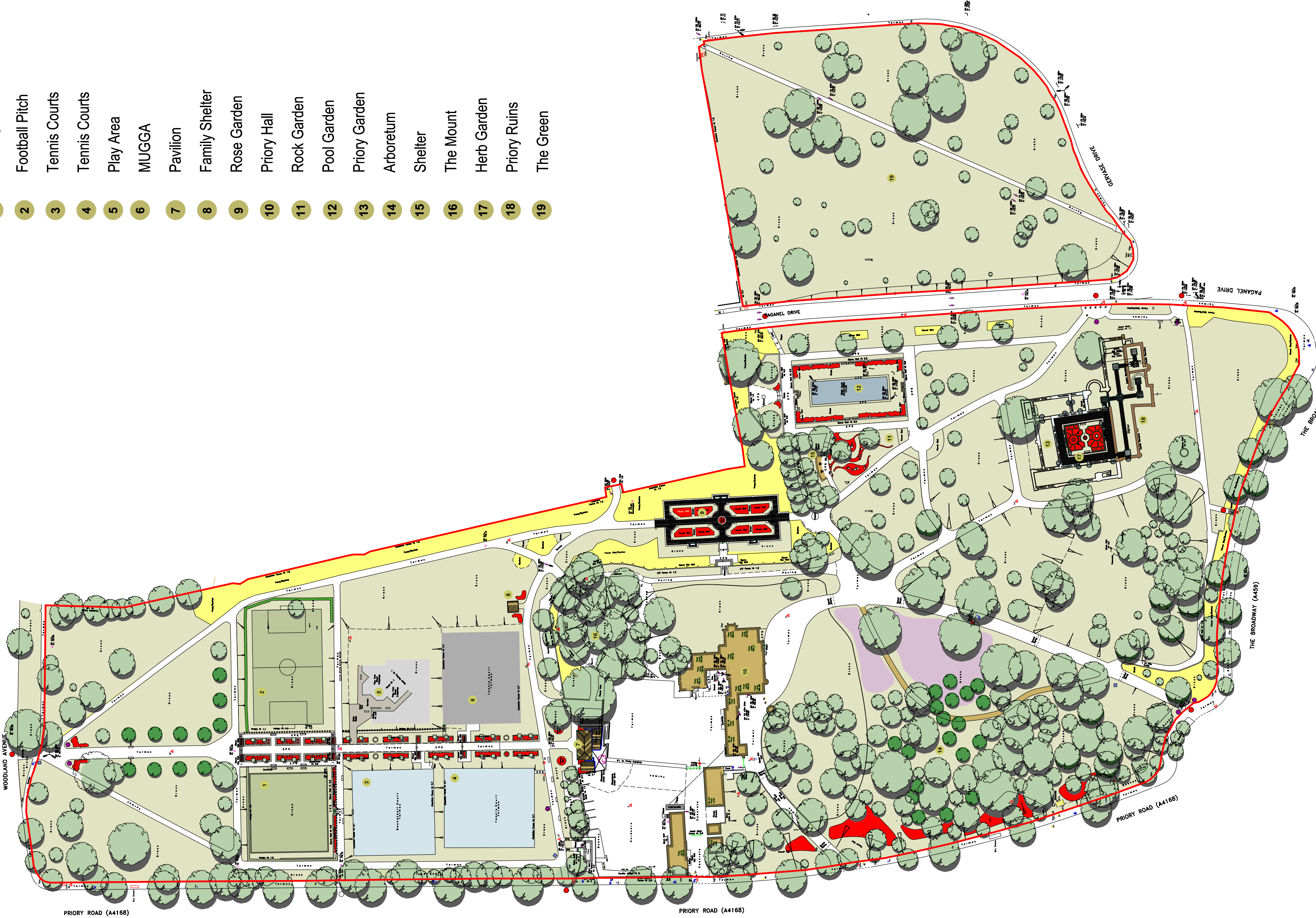
Project: Priory Park

Title: Masterplan with SAM Area

Scale: 1:1000 @ A1 Date: March 2019
1:2000 @ A2
Issue Status: Planning Application

Job No: Status: Package: Drawing No: Revision: 0007 002

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|---|--------------------------|
|  | Pedestrian Entrances |
|  | Existing Paths |
|  | New Paths |
|  | New Priory Paving |
|  | Buildings |
|  | Priory High Walls |
|  | Priory Low Walls |
|  | Bound gravel infill |
|  | Play Area |
|  | MUGA |
|  | Tennis Courts |
|  | Bowling Green |
|  | Mini-Soccer Pitch |
|  | The Pond |
|  | Existing Trees |
|  | Proposed Trees inc. p... |
|  | Existing Hedge |
|  | Proposed Hedge |
|  | Existing Shrub/Flower... |
|  | Proposed Shrub/Flower... |
|  | Proposed Bulb Planting |
|  | Mown Grass Areas |
|  | New or Replacement |
|  | Litter/Dog Bins |
|  | Sculptures |
|  | Existing Metal fence |
|  | Proposed Metal Fence |
|  | Entrance Sign/Map |
|  | Planning Application A |



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Client: Dudley Metropolitan Borough Council

Project: Priony Park

Title: Masterplan

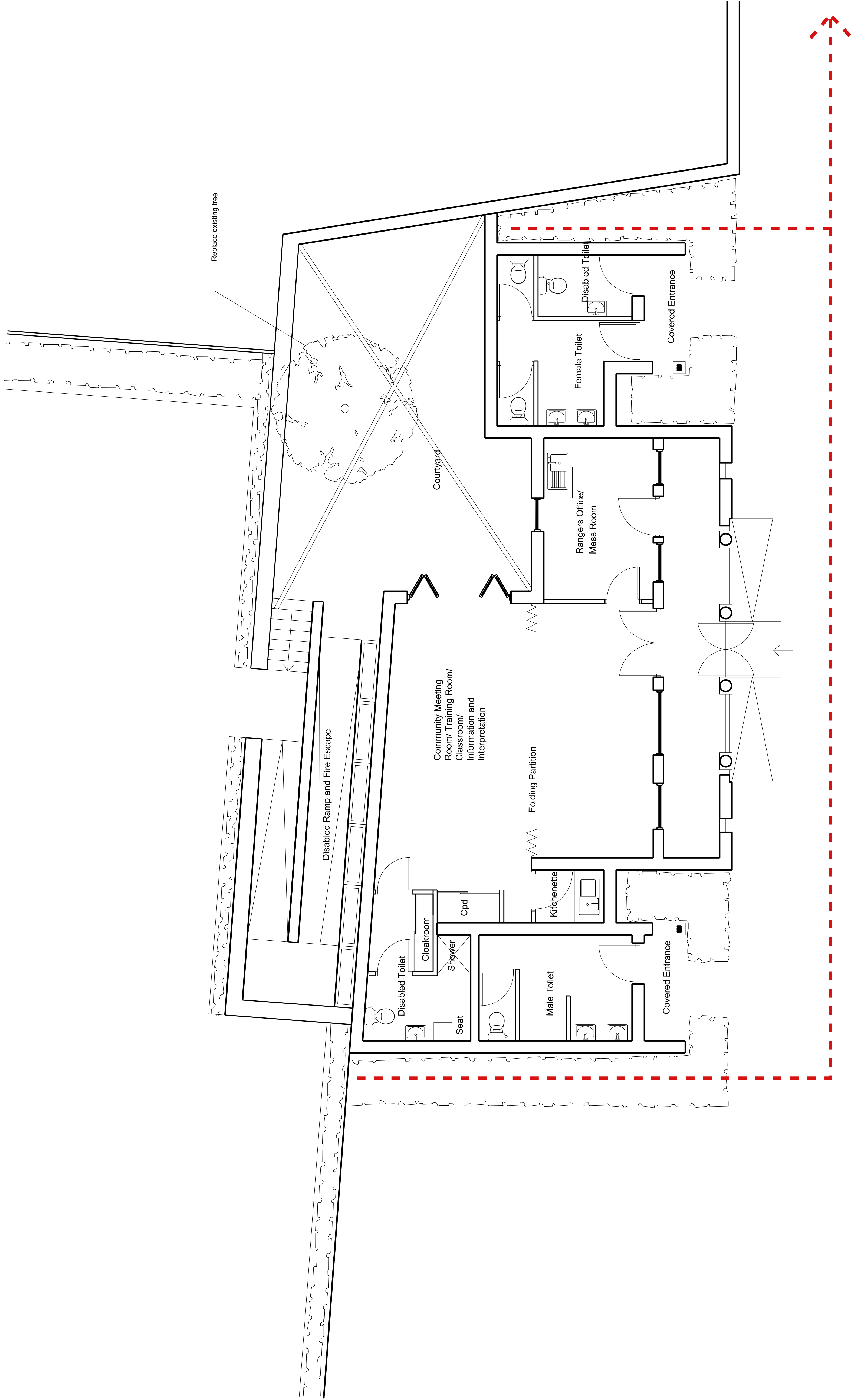
Scale: 1:1000 @ A1	Date:
1:2000 @ A3	March 2010

Issue Status: Planning Application

Job No.	Status	Package	Drawing No.	Revision
0907			001	

Key:

General Notes:



Rev	Date	Description	By	Chk	App

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Client:
Dudley Metropolitan Borough Council

Project:
Priory Park

Title:
Pavilion Drainage Plan

Scale: 1:100 @ A3
Date: 29 Nov 2009

Issue Status: Planning

Job No.	Status	Package	Drawing No.	Revision
0907				0/56