

PLANNING APPLICATION NUMBER:P13/1674

Type of approval sought	Full Planning Permission
Ward	St James's
Applicant	Dudley MBC
Location:	DUDLEY MARKET PLACE AND CASTLE STREET, DUDLEY TOWN CENTRE, DUDLEY
Proposal	VARIATION OF CONDITION 3 OF PLANNING APPROVAL P13/0643 TO BE REVISED TO 'NO CLOSURE OR DEMOLITION OF THE TOILET BLOCK AND STORE SHALL TAKE PLACE UNTIL A PERMANENT REPLACEMENT PUBLIC TOILET FACILITY AND A TEMPORARY STORE WITHIN DUDLEY TOWN CENTRE HAS BEEN PROVIDED AND IS FULLY OPERATIONAL'
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site covers the north eastern end of the Dudley High Street from the junction with Stone Street and includes Castle Street up to the junction with The Broadway and Castle Hill. The site encompasses The Market Place (including the public toilets), Long Entry and The Green Man Entry and is within the medieval part of Dudley Town Centre Conservation Area.
2. The Market Place itself is framed by a number of historic buildings and structures which define the public realm and there are views towards St Edmunds Church to the south west and Dudley Castle to the north east. The Market Place is pedestrianised public realm with open air market stalls, street furniture and some planting together with some public art features including The Duncan Edwards Statue. Castle Street provides a one way traffic system from the central bus terminal and Fisher Street to the east. In addition to the medieval planned town, within the application site and on the edge of the application site there are a number of designated and non-designated heritage assets;

Designated Heritage Assets:

- . The Grade II* Listed fountain.
- a. The Grade II Listed Statue of Lord Dudley which is currently raised on a granite pedestal with stone base.
- b. The Grade II* Listed St Edmunds Church.
- c. Nos. 270-272 Castle Street (Grade II Listed.)
- d. 222-2223 which is currently occupied by River Island and is a 4 storey Grade II Listed Building.

Heritage Assets:

- The Locally Listed Fountain Arcade
- 33-34 High Street which is recorded on the Council's Historic Environment Record (HER 12960)
- 1-3 New Street which is recorded on the Council's Historic Record (HER 4920)
- 2 New Street – which is recorded on the Council's Historic Record (HER 15066)
- 6 Castle Street which is recorded on the Council's Historic Record (HER15067)

PROPOSAL

3. Planning permission was granted for the comprehensive redevelopment of Castle Street and The Market Place under planning approval P13/0643. Condition 3 was attached to this approval which stipulated the following;

*“No closure or demolition of the toilet block and store shall take place until a **permanent** replacement public toilet facility and store within Dudley Town Centre has been provided and is fully operational”.*

4. This application seeks consent to vary the above condition to allow a **temporary** store to be provided within Dudley Town Centre. The application is running

concurrently with application P13/1654 which proposes replacement of the existing market stalls with new market stalls, storage facility, traders toilet and pump room.

HISTORY

5. The recent application submitted in relation to the comprehensive redevelopment of Dudley Market place are listed below;

APPLICATION	PROPOSAL	DECISION	DATE
P13/0643	Refurbishment of Castle Street and Market Place to include demolition of public toilets, raise Earl of Dudley Statue with proposed lighting and relocation of Duncan Edwards Statue	Approved with Conditions	28/06/13
P13/0648	Listed Building Consent to replace 'Green Man Head Sculpture' above entrance archway to Green Man Entry.	Approved with Conditions	29/07/13
P13/0649	Conservation Area Consent for demolition of existing public toilets in Dudley Market Place	Approved with Conditions	29/07/13
P13/0650	Listed Building Consent to raise the Earl of Dudley Statue and to construct new raised grass surround and proposed lighting.	Approved with Conditions	29/07/13
P13/0647	Listed Building Consent to install facade up lighting at first floor level at 222a-223 High Street, Dudley	Approved with Conditions	29/07/13
P13/1287	Change of use from retail (A1) to public toilets (OSG) with new front stone façade and gated entrance at 256 Castle Street Dudley.	Approved with Conditions	19/11/13
P13/1654	Redevelopment of Dudley Market to place to replace existing stalls with new market stalls, storage facility, traders toilet and pump room building and provision of temporary stalls during the phased development.	Also on this agenda	

PUBLIC CONSULTATION

6. A site notice has been displayed and a notice placed in the local press with the final date for receipt of representations being 4th January 2013. Any observations received prior to the Committee meeting will be reported in a pre-committee note.

OTHER CONSULTATION

7. None required

RELEVANT PLANNING POLICY

National Planning Policy Framework (2012) (NPPF)

Specifically Chapter 12, Conserving and enhancing the historic environment.
PPS5 – Planning for Historic Environment Practice Guide

Black Country Core Strategy (2011) (BCCS)

- CSP1 The Growth Network
- CSP4 Place Making
- CEN4 Regeneration of Town Centres
- EMP6 Cultural Facilities and the Visitor Economy
- ENV2 Historic Character and Local Distinctiveness
- ENV3 Design Quality

Saved Unitary Development Plan Policies (2005) (UDP)

- DD1 Urban Design
- DD4 Development in Residential Areas
- DTC1 Thoroughfares and Public Spaces
- DTC2 Street Blocks
- HE4 Conservation Areas
- HE5 Buildings of Local Historic Importance
- HE6 Listed Buildings
- HE11 Archaeology and Preservation

Supplementary Planning Guidance/Documents

- Historic Environment Supplementary Planning Document (2006)
- Dudley Town Centre Area Development Framework (2005) (ADF)
- Parking Standards and Travel Plans Supplementary Planning Document
- Dudley Town Centre Conservation Area Character Appraisal
- Dudley Town Centre Conservation Area Management Plan

ASSESSMENT

8. Key issues;

- Policy Background and History
- Principle

Policy Background and History

9. The Dudley Town Centre Area Development Framework (ADF) was adopted by the Council as Supplementary Planning Guidance (SPG) in December 2005 and presents a vision, development strategy and illustrative development framework. The ADF recognises that the design, quality and appearance of the public realm is an important component in defining the character of a place and is vital to attracting and sustaining investment. The Market Place is identified as one of the five key public realm projects which are prioritised for action and is a key site within the medieval part of the town centre. The key aims identified within the ADF for the public realm around the market place are to restore and enhance its identity as the heart of Medieval Dudley. In order to achieve this, it is important to reinforce the linearity of the space, emphasising its role as part of the medieval spine and the main route towards the castle.
10. Saved Policy HE4 of the UDP states that the Council will safeguard approved Conservation Areas, and that proposal for inappropriate alteration of buildings or proposals for works which could be detrimental to their character or setting will be resisted. This policy also requires any new development to respect the historical or vernacular building character, proportion, massing and relationship between buildings and the spaces between them and with their setting. Saved Policy HE6 of the UDP states that the Council will safeguard and encourage the appropriate

enhancement of buildings statutory listed as being of historic or architectural value. Policy ENV2 of the BCCS states that all proposals should aim to sustain and conserve the historic aspects of the civic, religious and commercial core of the principal settlements of medieval origin such as Dudley.

11. Over the past 15 years, Dudley Town Centre has suffered economic decline and the proposal forms part of a comprehensive regeneration initiative. To this end, Dudley Metropolitan Borough (DMBC) submitted an outline bid to ERDF for £2.61m of European funding to deliver this vision. The project which is known as 'Dudley Town Centre Public Realm and Ambassador Project' aims to;

“significantly enhance the image and perception of Dudley Town Centre, help accelerate development, lever in investment, improving existing business, reverse economic decline and re-develop 0.9ha of brownfield land”.

Overall the project will have a significant beneficial impact upon the town centre which will complement and enhance other development projects within and adjacent to the town. The proposal forms a significant part of this regeneration initiative which is in the wider public interest.

Principle

12. Replacement of the market stalls proposed under P13/1654 would be carried out in two phases to reduce the impact of the proposed works on market traders and shoppers and to allow the separation of construction traffic from the market.
 - . **Phase One** would involve the demolition of the existing toilet block and store (granted consent under previous applications) and the erection of 42 new market stalls, a replacement traders store, an accessible toilet and pump room for the fountain. A proportion of the existing stalls would be removed with 29 retained and up to 25 temporary stalls erected on the current events area to the south western end of the site.
 - a. **Phase Two** would involve the erection of 12 temporary market stalls within the area given over for the relocation of the Duncan Edwards Statue.

Construction traffic would be moved to the High street end of the site and the remainder of the stalls would be erected.

13. The details submitted with the applications indicate that the new public toilets at 256 Castle Street (ref: P13/1287) will be fully operational before the existing toilet block and store is demolished. The permanent replacement store would, however, form an integral part of the proposed replacement market stalls and would be erected during Phase One of the works after the existing toilet block and store is demolished. Whilst the revised wording would secure the provision of a temporary store, it is deemed appropriate to attach another condition ensuring that the temporary store is not removed until a permanent replacement store is provided within Dudley Market Place.

CONCLUSION

14. The comprehensive refurbishment of Dudley Market place would preserve and enhance the character and appearance of the Conservation Area and respect the setting and integrity of the heritage assets. Whilst there is a need for a permanent replacement store within Dudley Town Centre, the phased approach to the proposed replacement market stalls is necessary and the proposed variation to condition 3 of Planning approval P13/0643 would allow for works to take place within the order necessary to deliver this landmark regeneration project which is in the wider public interest. In this respect the proposal therefore complies with saved Policy HE4 and HE6 of the Dudley UDP, Policy ENV2, EMP6, CEN4 and CSP4 of the Black Country Core Strategy and The Dudley ADF (2005).

RECOMMENDATION

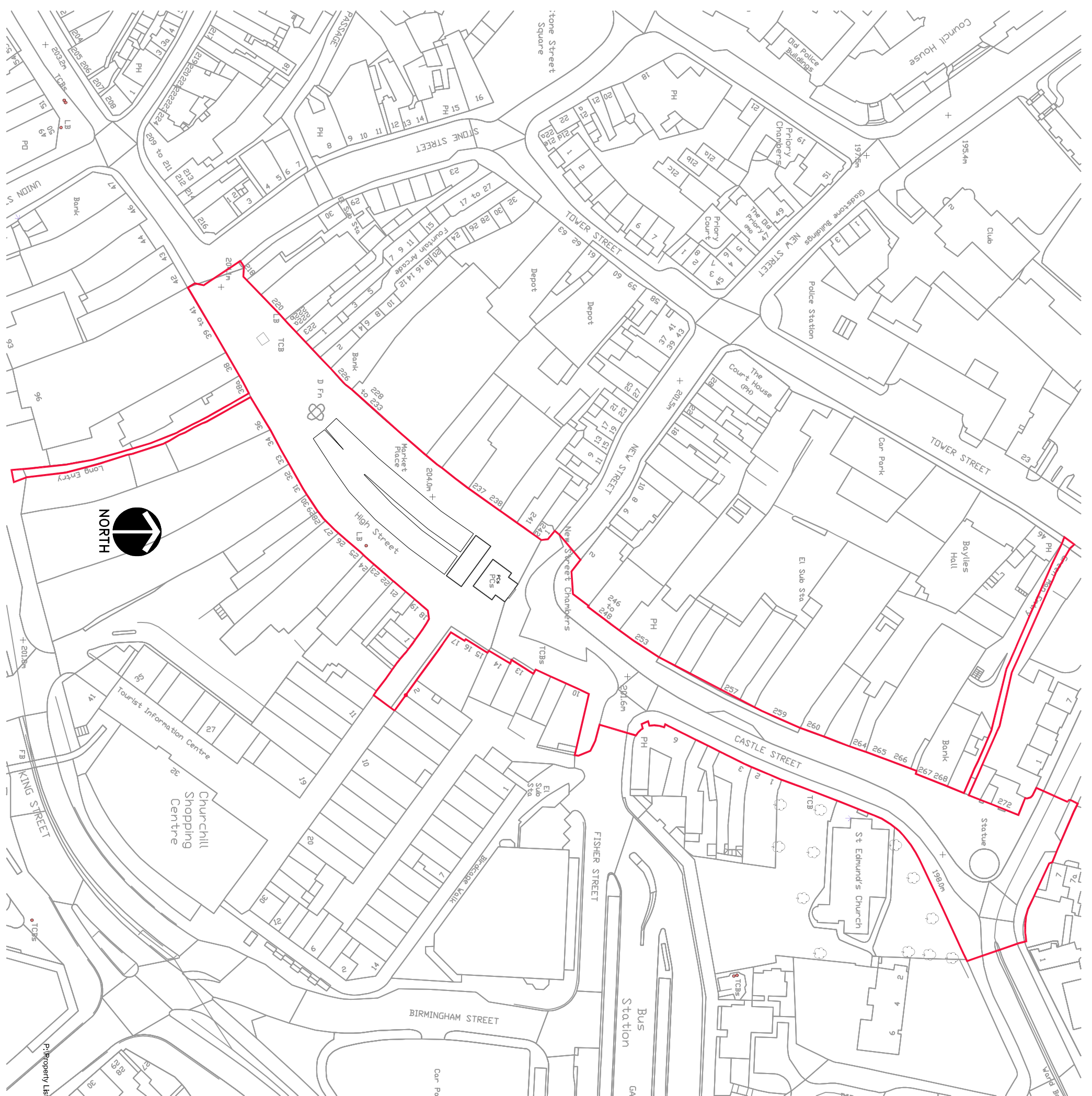
15. It is recommended that the application is APPROVED subject to the conditions set out within the original consent and an additional condition to secure a permanent store;

Approval Statement Informative

In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

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. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No: LP1 Revision B 15.05.2013, ED1 Revision D 06.06.2013 and The details shown in the Document entitled Dudley Market Place Project Project Ref: M300 Planning Application Dec. 2012 - Public Artwork.
3. No closure or demolition of the toilet block and store shall take place until a permanent replacement public toilet facility and temporary store within Dudley Town Centre has been provided and is fully operational.
4. The temporary store required by Condition 3 shall not be removed until a permanent replacement store is provided within Dudley Town Centre and is fully operational. Such store shall be removed when the permanent store is operational
5. No work involving ground disturbance or demolition shall begin until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the local planning authority.
6. Prior to the commencement of development details of the type, texture and colour of the materials to be used for the stepped plinth of the Duncan Edwards Statue shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such for the lifetime of the development.
7. Notwithstanding the details shown on the submitted plans, development shall not commence until large scale architectural drawings (to a scale of not less than 1:20) have been submitted to and approved in writing by the local planning authority of the proposed stone stepped plinth.



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NOTES

Construction and Design
 APPROVED CONSTRUCTION
 DRAWING

REV	DATE	DESCRIPTION	BY

Construction and Design
 Ward House, Himley Park, Dudley, DY3 4DF
 Directorate of Children's Services
 Dudley Metropolitan Borough Council

Dudley
 Metropolitan Borough Council


PROJECT
 Dudley Market Place

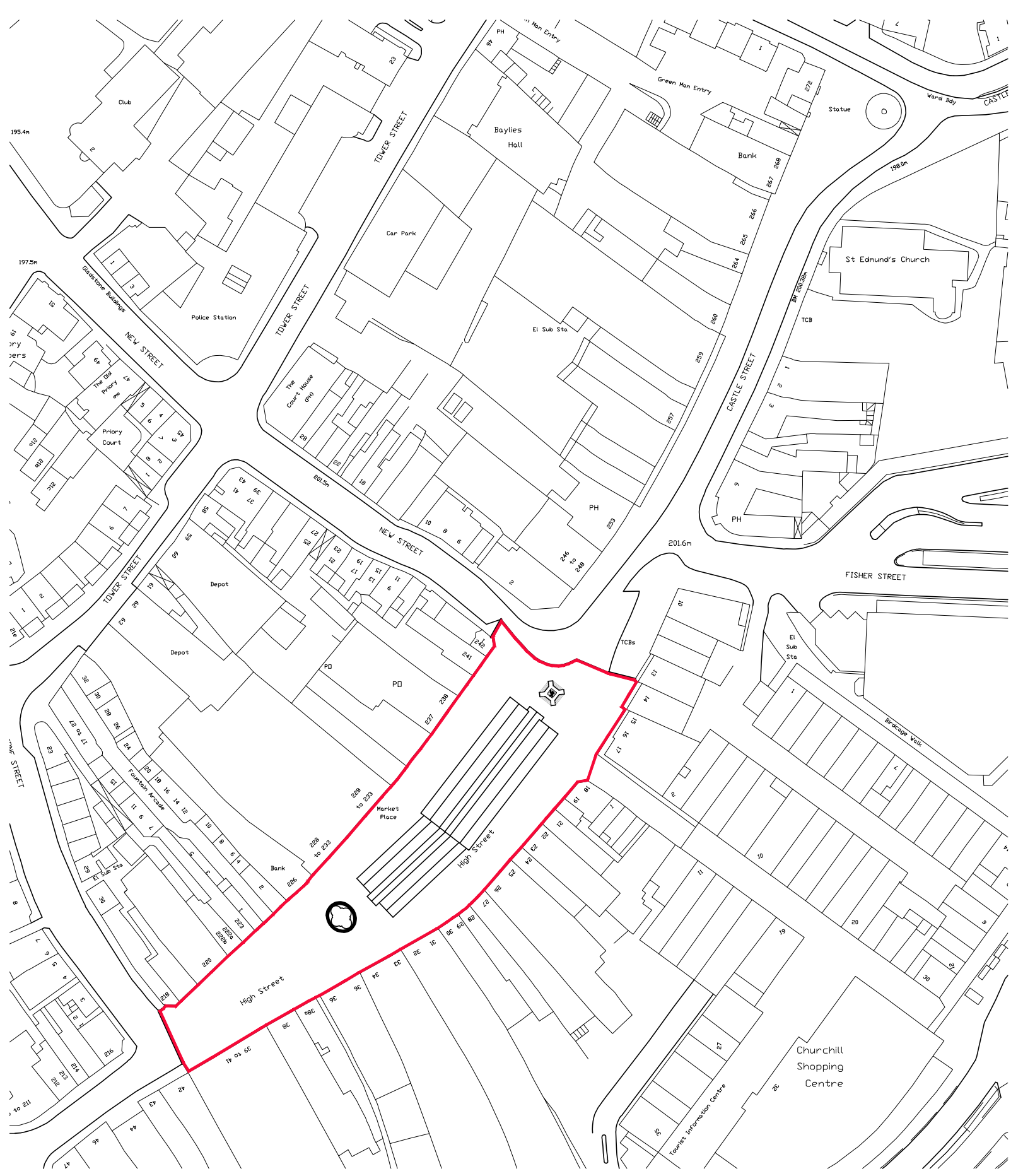
DRAWING
 Location Plan

Scale	1:1250	Date	Nov 2013	Drawn	SF
Job Number	AMPH455	Drawing Number	A900	Revision	A3

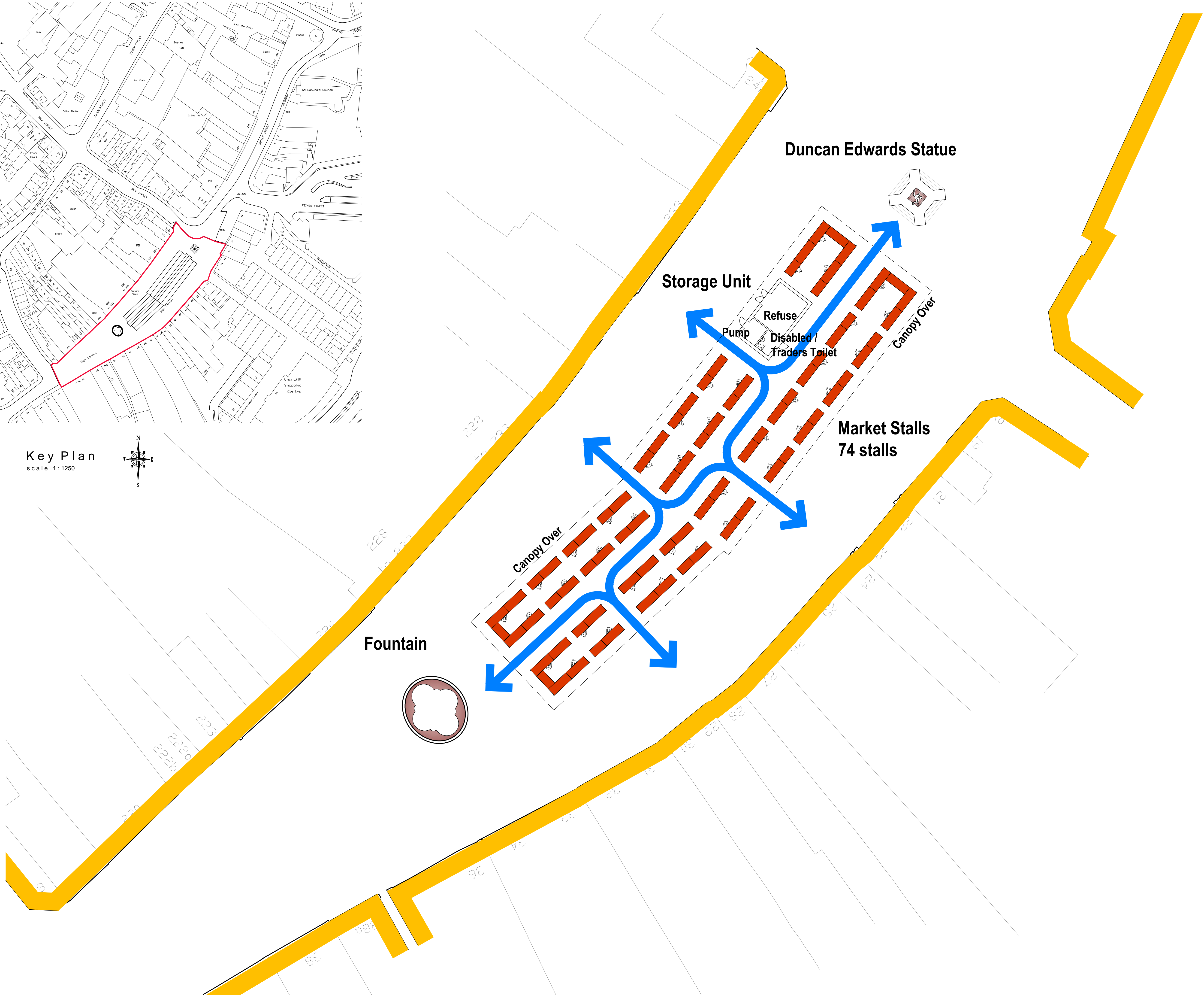
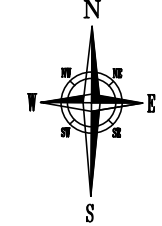
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NOTES

-  Public Access Route
- +203.886 Existing levels maintained, refer to Landscaping details
- Duncan Edwards Statue, subject to separate planning application
- Development in two phases, see drawing number H455/A205 & A206




Key Plan
 scale 1:1250



Construction and Design
 PRELIMINARY DRAWING
 NOT TO BE USED FOR CONSTRUCTION

REV	DATE	DESCRIPTION	BY

Construction and Design
 Ward House, Himley Park, Dudley, DY3 4DF
 Directorate of Children's Services
 Dudley Metropolitan Borough Council



PROJECT
Dudley Market Place

DRAWING
**Proposed Market Stall Plan
 General Arrangement**

Scale 1:200	Date Sept 13	Drawn SF
Job Number H455	Drawing Number A200	Revision .
		Plot Sheet size A1 A1