

PLANNING APPLICATION NUMBER:P13/1654

Type of approval sought	Full Planning Permission
Ward	St James's
Applicant	Dudley MBC
Location:	DUDLEY MARKET, HIGH STREET, DUDLEY, WEST MIDLANDS
Proposal	REDEVELOPMENT OF DUDLEY MARKET 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
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site encompasses The Market Place, public toilets and the surrounding pedestrianised area terminating at the junctions with New Street and Castle Street to the north east and Stone Street to the south west. The site is located within the medieval street pattern 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, with views towards St Edmunds Church to the south west and Dudley Castle to the north east. The Market Place is a pedestrianised public area with open air market stalls, street furniture and some planting, together with public art features including The Duncan Edwards Statue. In addition to the medieval street pattern, within the application site and at the edge of the application site there are a number of designated statutory and non-statutory heritage assets;

Designated Statutory Heritage Assets:

- a. The Grade II* Listed fountain.
- b. 222-223 High Street which is currently occupied by River Island and is a 4 storey Grade II Listed Building.

Non-Statutory Heritage Assets:

- The Locally Listed Fountain Arcade
- 33-34 High Street (Plaza Malls) which is recorded on the Council's Historic Environment Record (HER 12960)
- 1-3 New Street (Convenience store) 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 (British Heart Foundation) which is recorded on the Council's Historic Record (HER15067)

PROPOSAL

3. Planning permission is sought to remove the existing market stalls and install replacement stalls with an integrated storage facility, trader's toilet and pump room building. The proposals form part of the comprehensive redevelopment of Dudley Market Place.
4. The stalls would be a maximum height of 3.8m in height and 16m in width and would lie between the Grade II Listed fountain and the re-sited Duncan Edwards Statue. They would comprise of a demountable galvanised steel framework with roofs created from coloured bands of powder coated steel sheets. Access points into the market would be defined by glazed panels integrated into the roof covering which would identify the routes through the market stalls. A central aisle would be maintained, running in-between the two rows of stalls and would be covered by glazed panels which would link to the roofs either side. The roof would be stepped

to compensate for the fall in levels across the site. Art work and replacement clocks would be incorporated into the end gable of the stalls and the integrated storage facility, trader's toilet and pump room would be finished with bands of stonework.

5. The development 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.
 - c. **Phase One** would involve the demolition of the existing toilet block (granted consent under previous applications) and the erection of 42 new market stalls. 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.
 - d. **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.
6. Application P13/1674 is running concurrently and proposes the variation of Condition 3 attached to P13/0643 to allow for the provision of a temporary (pending the construction of a permanent) storage facility following demolition of the existing toilet block and store.

HISTORY

7. 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
P13/1674	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.	Also on this agenda	

PUBLIC CONSULTATION

8. Direct notification was carried out to 40 neighbouring units. A site notice has also displayed and a noticed placed in the local press. The final date for receipt of representations is 4th January 2013 and any observations received prior to the Committee meeting will be reported in a pre-committee note.

OTHER CONSULTATION

9. Group Engineer (Highways); No objection subject to conditions requiring the submission of a traffic management scheme and that the appropriate legal agreements are obtained.

10. English Heritage; No objection subject to appropriate conditions and subject to the application being referred to the Secretary of State for determination.

11. Head of Environmental Health and Trading Standards; No objection

RELEVANT PLANNING POLICY

National Planning Policy

- National Planning Policy Framework (2012) (NPPF) - Specifically Chapter 12, Conserving and enhancing the historic environment.
- PPS5 – Planning for Historic Environment Practice Guide
- Planning (Listed Buildings and Conservation Areas) Act 1990

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

12. Key issues;

- Removal of the existing market stalls
- Design and Historic Environment Issues
- Archaeology
- Amenity
- Accessibility
- Highway Safety

Removal of the existing market stalls

13. As a component of a designated Conservation Area the market stalls are protected from demolition by the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72 of the Act states that in the exercise of their duties planning authorities must pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Areas. As a component of a Conservation Area Section 74 (3) of the Act requires that the market stalls shall be treated for the purposes of decision making as though it was statutorily listed in its own right (i.e. "designated"). Planning authorities must, therefore, also pay special regard to the desirability of preserving such buildings or their settings.

14. The key issue in respect of this application relate to the extent to which the proposals can be justified in general and when considered against the specific criteria set out in Chapter 12 of the NPPF and the saved UDP Policies. The application site is located within the centre of the Dudley Town Centre Conservation Area and as such paragraphs 131, 132, 133 of the NPPF (regarding designated heritage assets) are of particular relevance. The determining issues are:-

- The architectural and historical merits of the structure proposed for demolition and the contribution it makes to the Dudley Town Centre Conservation Area.
- The merits of the alternative proposals for the site and its impact on the character and appearance of Dudley Town Centre Conservation Area and the setting of the surrounding listed and locally listed buildings.

15. The existing market stalls were erected during the 1980s as a modern day replica of the original historic market stalls. The central aisle was later covered with a Perspex roof which offered market traders and shoppers weather protection which they are now accustomed to. The original stalls would have been temporary structures with canvas roofs, however, the current stalls have mineral felt roofs which are not considered to make a positive contribution to the character and appearance of Conservation Area. The central aisle is narrower than what would have historically been in place and as a consequence hinders views of the Grade II* Listed fountain and offers poor natural surveillance. The existing stalls are considerably closer to the listed fountain which has a negative impact upon its setting. The horizontal stalls towards the New Street end of the site also hinder views towards the Castle and detract from the linearity of the medieval through route. In contrast the replacement stalls pick up on the positive features of the historic stalls including a larger central aisle with staggered approaches into the stalls.

Design and Historic Environment Issues

16. 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.

17. 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.

18. The design of the proposed replacement market stalls has followed a number of design stages with public consultation initially held in March 2011. Pre-application discussions have also taken place to ensure that replacement stalls are fit for purpose both in terms of the market traders and shoppers but also that their scale and form serves to restore and enhance the medieval through route.

19. The submitted design follows the historic market footprint with two rows of stalls and a central aisle. Consideration has been given to the roof coverings with the proposed coloured metal composite roof panels being an appropriate compromise to provide a modern day replica of the traditional canvas's which were historically

used, but not deemed feasible due to their vulnerability and maintenance issues. The colour of the roofing panels has not been confirmed but can be secured by condition.

20. As with the existing stalls, the central aisle would be covered and whilst this would not have been the case historically, it will provide natural light and weather protection which both the traders and shoppers are accustomed to. Removal of the existing toilet block allows for a more spacious arrangement with the market stalls moved further away from the Grade II* Listed fountain, enhancing the setting of this statutory listed heritage asset. The linearity of the medieval route would be reinstated and enhanced with removal of the horizontal stalls towards the New Street end of the site. In this respect, it is considered that the proposal would enhance the character and appearance of the Conservation Area.

21. The proposals include an integrated storage facility, accessible toilet and a pump room to service the Grade II* Listed fountain. The design of this element of the proposals would complement the stonework within the front elevation of the new public toilets at 256 Castle Street. Conversion of 256 Castle Street has been approved under planning reference P13/1287 and is required to be operational prior to the demolition of the existing public toilets.

22. The phasing of the works would serve to minimise disruption to traders and shoppers whilst also controlling the construction traffic to and from the site. The temporary stalls would also allow trade to continue during the works. Whilst the siting of the temporary stalls is indicated on the drawings, no details have been provided to demonstrate the type or form of stalls to be erected. This detail can, however, be agreed via condition. It is also deemed appropriate to condition removal of the temporary stalls once works are completed.

23. 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.

24. It is therefore considered that proposals would preserve and enhance the character and appearance of the Conservation Area and respect the setting and integrity of the heritage assets. The proposal forms part of the comprehensive regeneration of Dudley Town Centre and is in the wider public interest. In this respect the proposal therefore complies with the NPPF, 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).

Archaeology

25. Consideration has been given to the impact of the proposals on any surviving below ground archaeology and on any non-designated heritage assets. Birmingham Archaeology was commissioned to undertake Archaeological Desk-based Assessments of the application site, a copy of the reports being held on the Historic Environment Record (HER). The research concluded that there is some potential for below ground archaeological remains to survive relating to medieval/post-medieval occupation and as such there will a need for a programme of archaeological works which can be secured by condition. Subject to condition, the proposal is therefore considered compliant with saved UDP Policy HE11 of the UDP (2005)

Amenity

26. Whilst the site is within the heart of the town centre, there are residential premises. It is, however, considered that the proposed developments are unlikely to have any significant affect on neighbouring amenity given the nature of the works and their siting within the context of a town centre. In this respect the proposal therefore complies with saved UDP Policy DD4.

Accessibility

27. The proposed market stalls would have an integrated accessible WC which would be accessible to members of the public with the use of the 'national key scheme'. The entrance to the wc should, however, be easily identifiable by ensuring that the door and/or door frame contrast in colour from other elements of the building. This can, however, be secured by condition. Circulation space between the stalls is sufficient for manoeuvrability, and the amount of natural daylight provided by the central aisle improves way finding. It is therefore considered that the proposal is in accordance with the Council's 'Access for All' Supplementary Planning Document.

Highway Safety

28. The Group Engineer (Highways) raises no objection to the proposed works subject to appropriate conditions in order to secure full details of the traffic management proposals required to facilitate the temporary market stalls whilst the public realm improvements take place on the Market Place.

CONCLUSION

29. The proposed development would enhance the character and appearance of the Dudley Town Centre Conservation Area and would preserve and enhance the settings of the relevant statutory listed buildings, structures and adjacent historic assets. The proposal forms part of the comprehensive regeneration of Dudley Town Centre and is within the wider public interest. The design of the market stalls would complement and improve the linearity of the medieval through route to the castle whilst providing a practical replacement facility to meet the needs of traders and shoppers. There would be no adverse impact upon neighbouring amenity.

RECOMMENDATION

30. The application relates to the local authorities own land, and in accordance with Section 82 of The Planning (Listed Buildings and Conservation Areas) Act 1990, and Regulation 13 of the Planning (listed Buildings and Conservation Areas) Regulations 1990, and Statutory Instrument 2013 No. 2145, the Secretary of State must be notified. It is recommended that the application be APPROVED subject to no objection or call-in from the Secretary of State as a result of being notified and subject to the following conditions:

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.

Informative

The proposed development lies within an area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

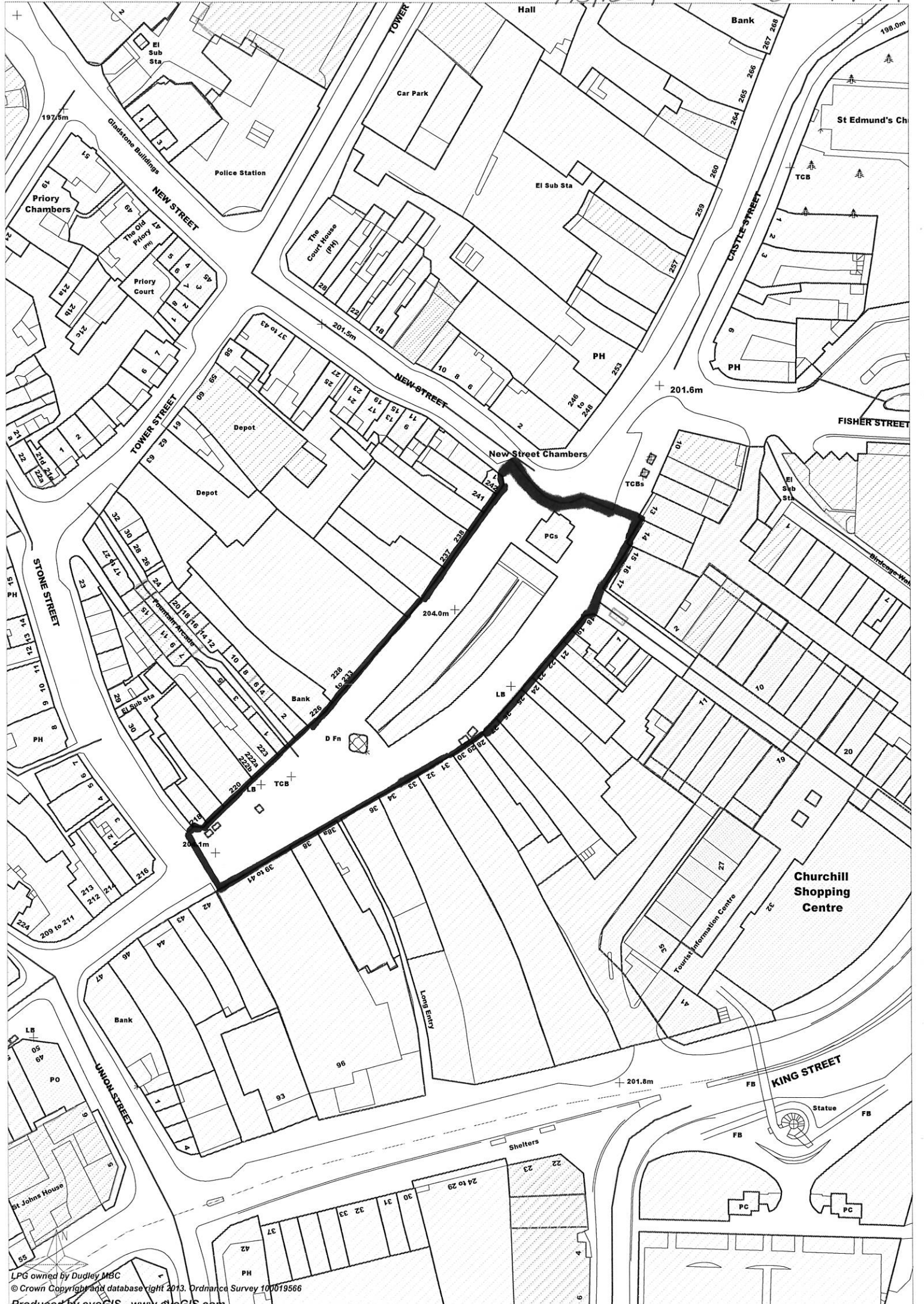
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Conditions and/or reasons:

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: Drg A100, A150, A200, Phase One Drg H455 A205, Phase Two Drg H455 A206, A250 and A300 Rev A.
3. No works of construction, levels changes, re-grading or other site clearance or infrastructure works involving ground disturbance shall begin until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has first been submitted to and approved in writing by the local planning authority. The WSI shall include details of any physical archaeological evaluation works to areas identified as having the potential for archaeological significance and at the appropriate stage details of any subsequent programmes of archaeological recording works required in mitigation of damage to or loss of archaeological remains or proposals for the preservation in situ of archaeological remains. The WSI shall include details of proposed general archaeological monitoring and recording in relation to the ongoing development. Following approval of the WSI all such works will be carried out in accordance with the agreed details.
4. Prior to the commencement of any works, details of the phasing of the temporary market stalls, which establishes these works in context with the wider Market Place improvements shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with such details unless otherwise agreed in writing by the Local Planning Authority.
5. Prior to the commencement of any works, details of the traffic management proposals required to facilitate the safe operation of both the retained and temporary market stalls, whilst the wider Market Place improvements take place shall be submitted and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with such details unless otherwise agreed in writing by the Local Planning Authority.
6. Notwithstanding the details shown in the submitted drawings and stated in the Design and Access Statement, prior to the commencement of development, details

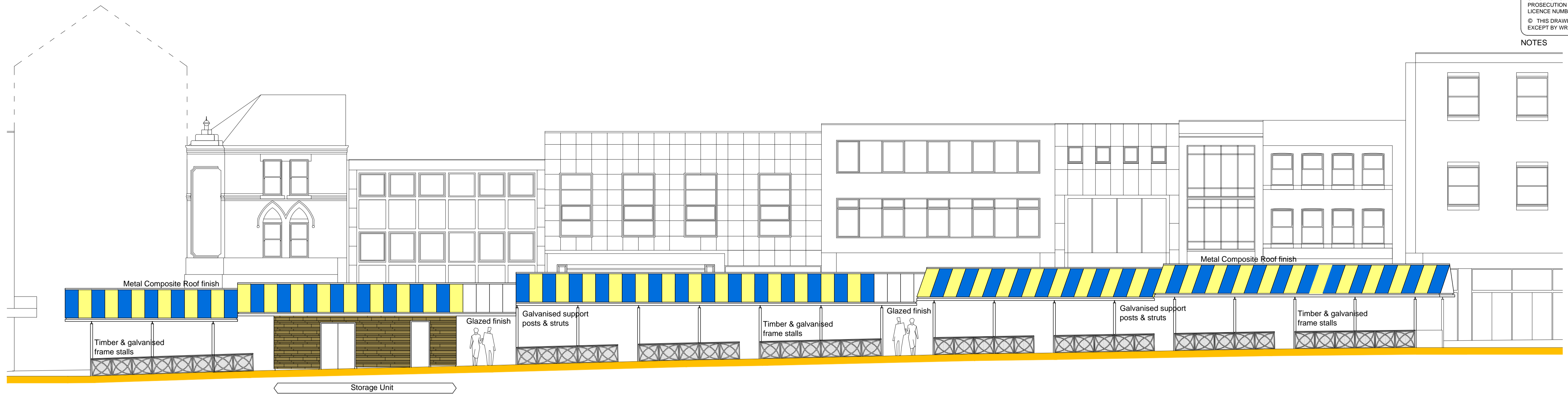
of the types, textures, colours and finishes of all the materials to be used on the external surfaces of the structures hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development unless otherwise agreed in writing.

7. Notwithstanding the details shown in the submitted drawings and stated in the Design and Access Statement, prior to the commencement of development, full details (in the form of large scale architectural drawings) shall be submitted to and approved in writing by the Local Planning Authority of the proposed galvanized support posts and struts and of the proposed timber and galvanized bases/frames/trestles for the stalls. Details shall also include their proposed colour and finish. The scheme shall be implemented in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development unless otherwise agreed in writing.
8. Notwithstanding the details shown in the submitted drawings and stated in the Design & Access Statement, the stone to be used on the external elevations of the store/wc/pump room shall be natural stone. Full details of the stone and bond shall be submitted to and agreed in writing by the Local Authority prior to the commencement of development. The development shall be implemented in accordance with the agreed details and retained as such for the lifetime of the development.
9. Notwithstanding the details shown in the submitted drawings and stated in the Design and Access Statement, the final position of any clock to be installed and signage to be applied to the structures hereby approved shall be submitted to and approved in writing by the Local Planning Authority.
10. Prior to commencement of development details of the temporary stalls to be erected during the phasing works shall be submitted to and agreed in writing by the Local Planning Authority and such stalls shall thereafter be carried out in accordance with such details.
11. The temporary stalls shall be removed from the site immediately following completion of Phase 2 of the development unless otherwise agreed in writing by the Local Planning Authority.
12. Prior to commencement of development details of the colours for the metal roofs shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with such details be retained in accordance with the agreed details for the lifetime of the development. Prior to the commencement of any works, the legal agreements and licenses required to facilitate trading from the public highway shall be obtained from the licensing authority.



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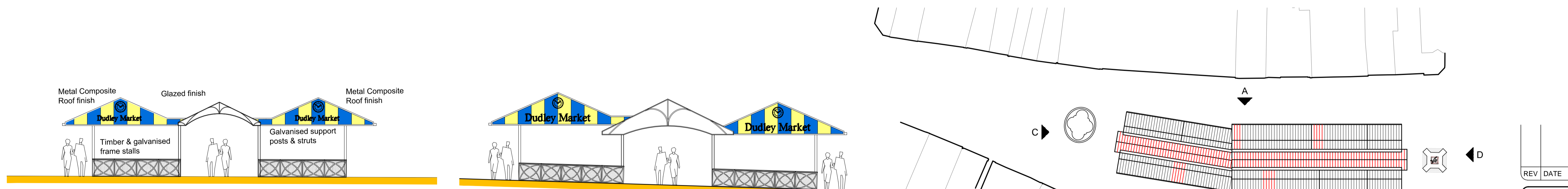
NOTES



Proposed Market Stall Elevation A

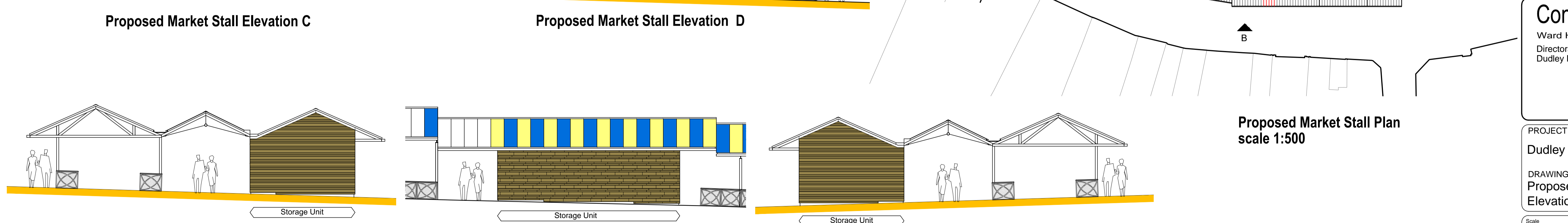


Proposed Market Stall Elevation B



Proposed Market Stall Elevation C

Proposed Market Stall Elevation D



Proposed Storage Unit Internal Elevation

Proposed Storage Unit Internal Elevation

Proposed Storage Unit Internal Elevation

Proposed Market Stall Plan
 scale 1:500

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 Elevations

Scale 1:100	Date Sept 13	Drawn SF
Job Number H455	Drawing Number A300	Revision .
		Plot Sheet size A1

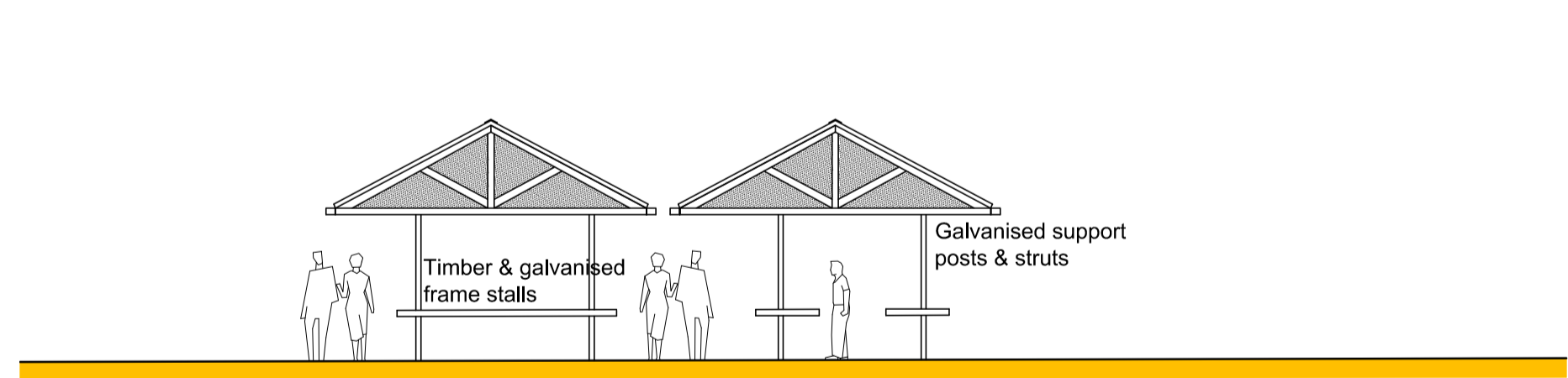
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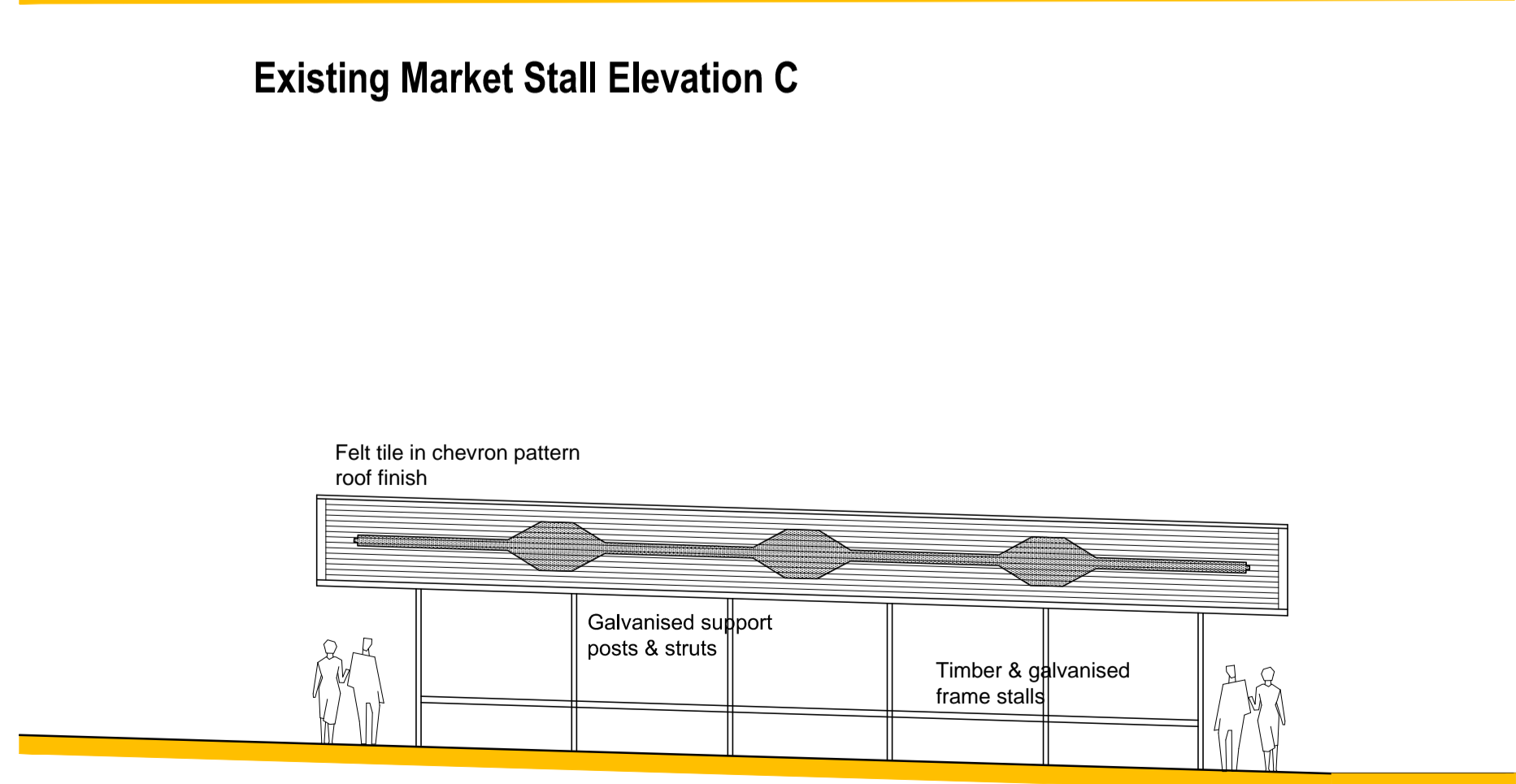
Existing Market Stall Elevation A



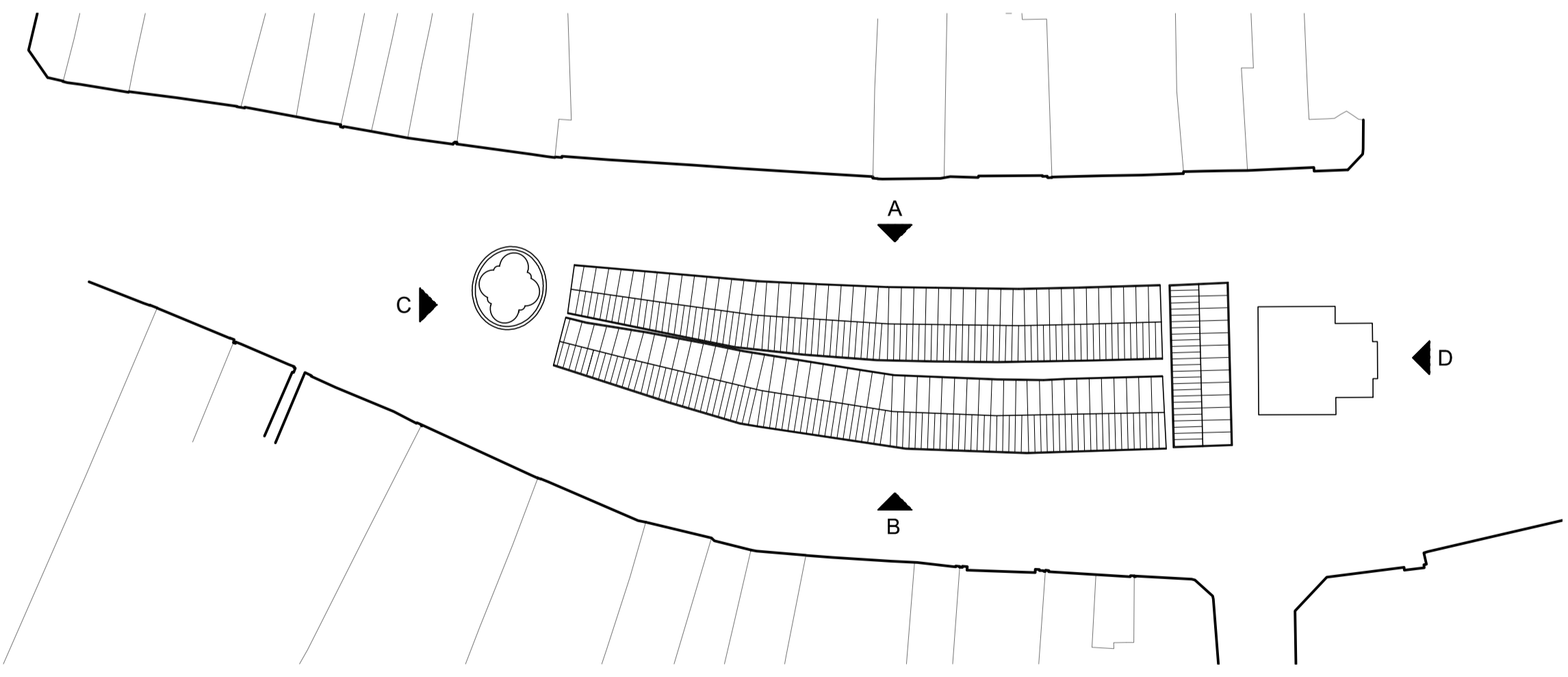
Existing Market Stall Elevation B



Existing Market Stall Elevation C



Existing Market Stall Elevation D



Existing Market Stall Plan

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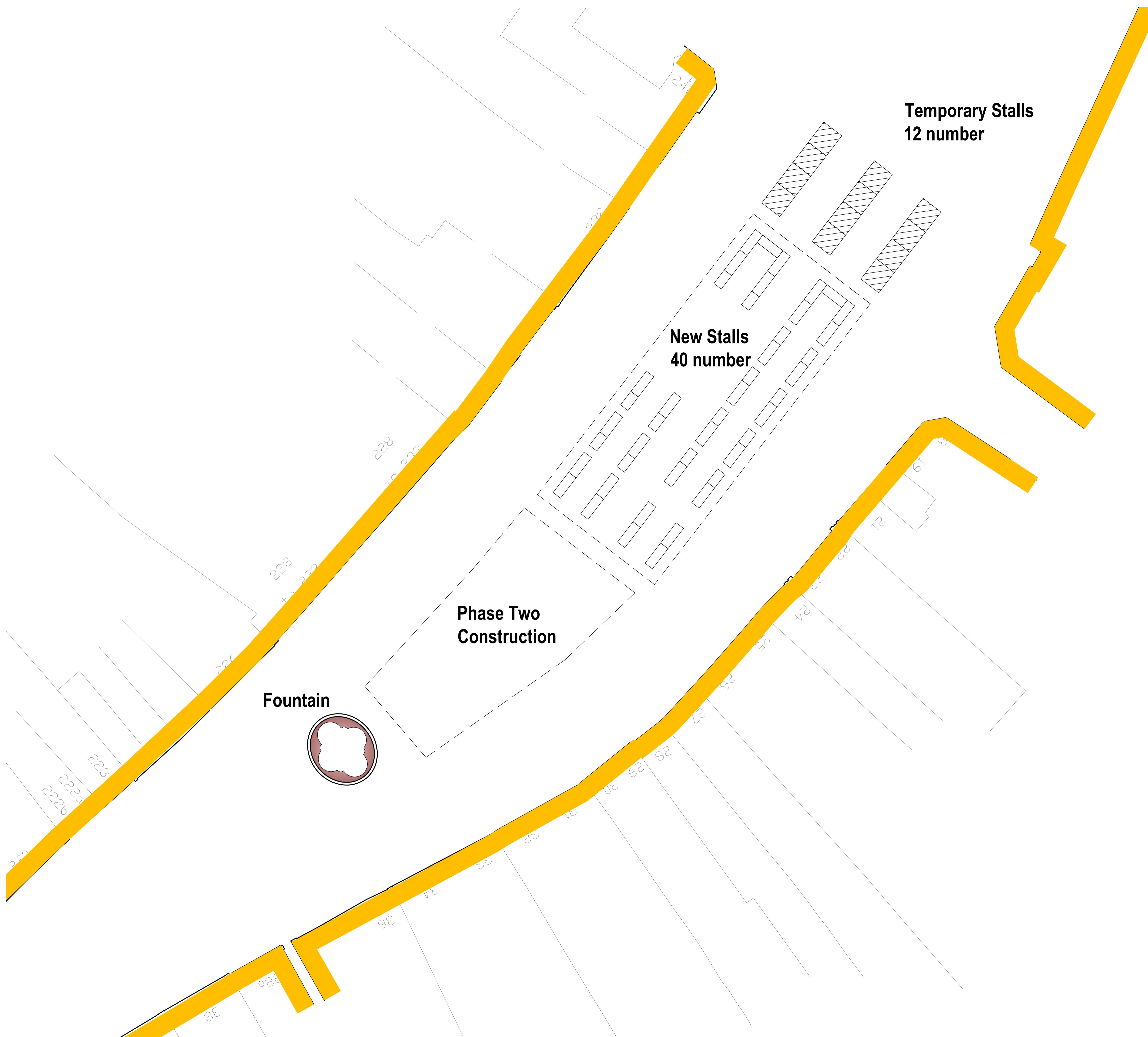
PROJECT
 Dudley Market Place

DRAWING
 Existing Market Stall Plan
 Elevations

Scale 1:100	Date Sept 13	Drawn SF
Job Number H455	Drawing Number A150	Revision A1

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NOTES



**Temporary Stalls
12 number**

**New Stalls
40 number**

**Phase Two
Construction**


Fountain

**Total Market Stalls
52 number**

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
Phase Two

Scale 1:200	Date Sept 13	Drawn SF
Job Number H455	Drawing Number A206	Revision .
		Plot Sheet size A1 A1

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NOTES

**Total Market Stalls
 54 number**



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PROJECT
Dudley Market Place

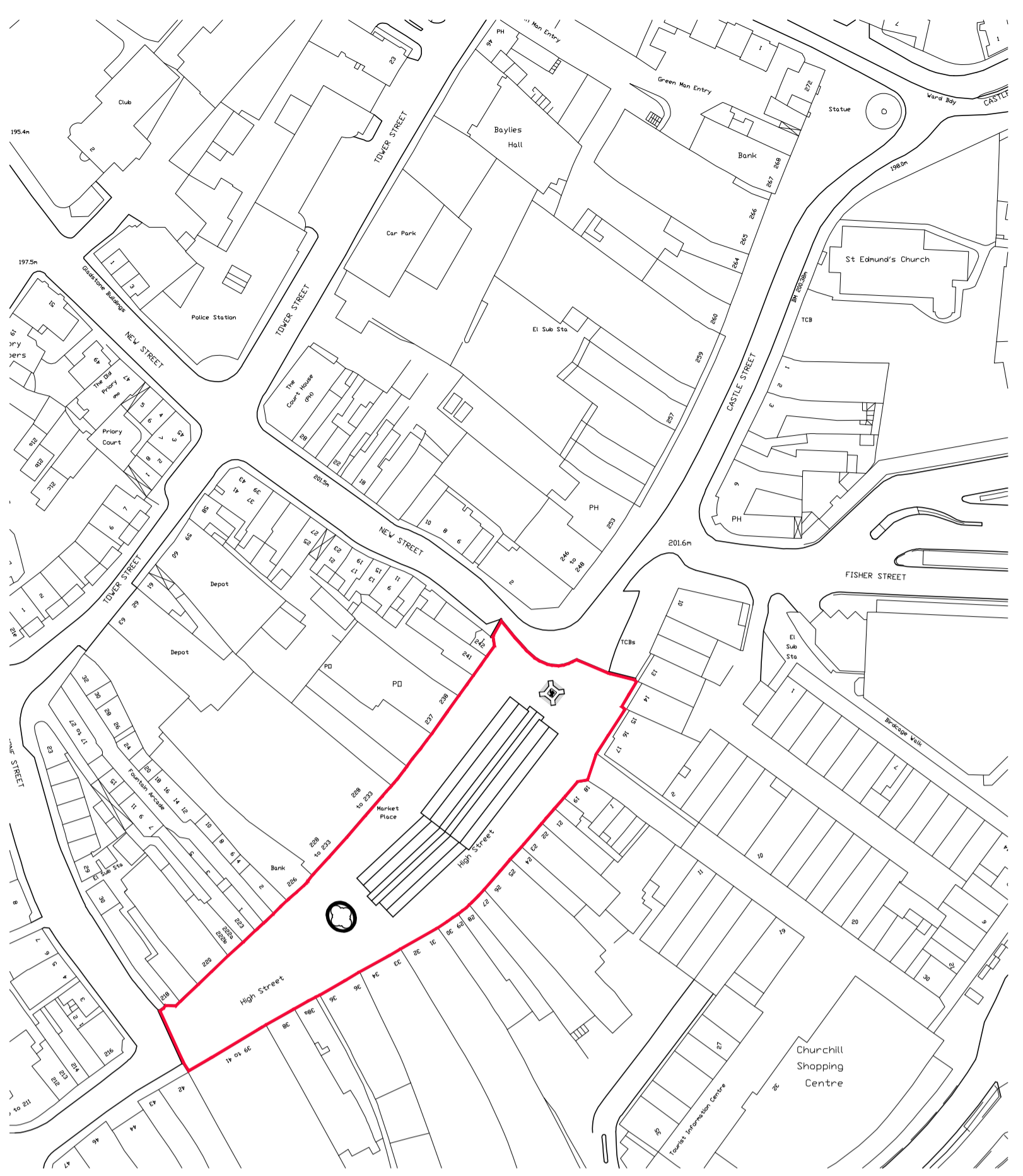
DRAWING
Phase One

Scale	1:200	Date	Sept 13	Drawn	SF
Job Number	H455	Drawing Number	A205	Revision	.
				Plot Sheet size	A1

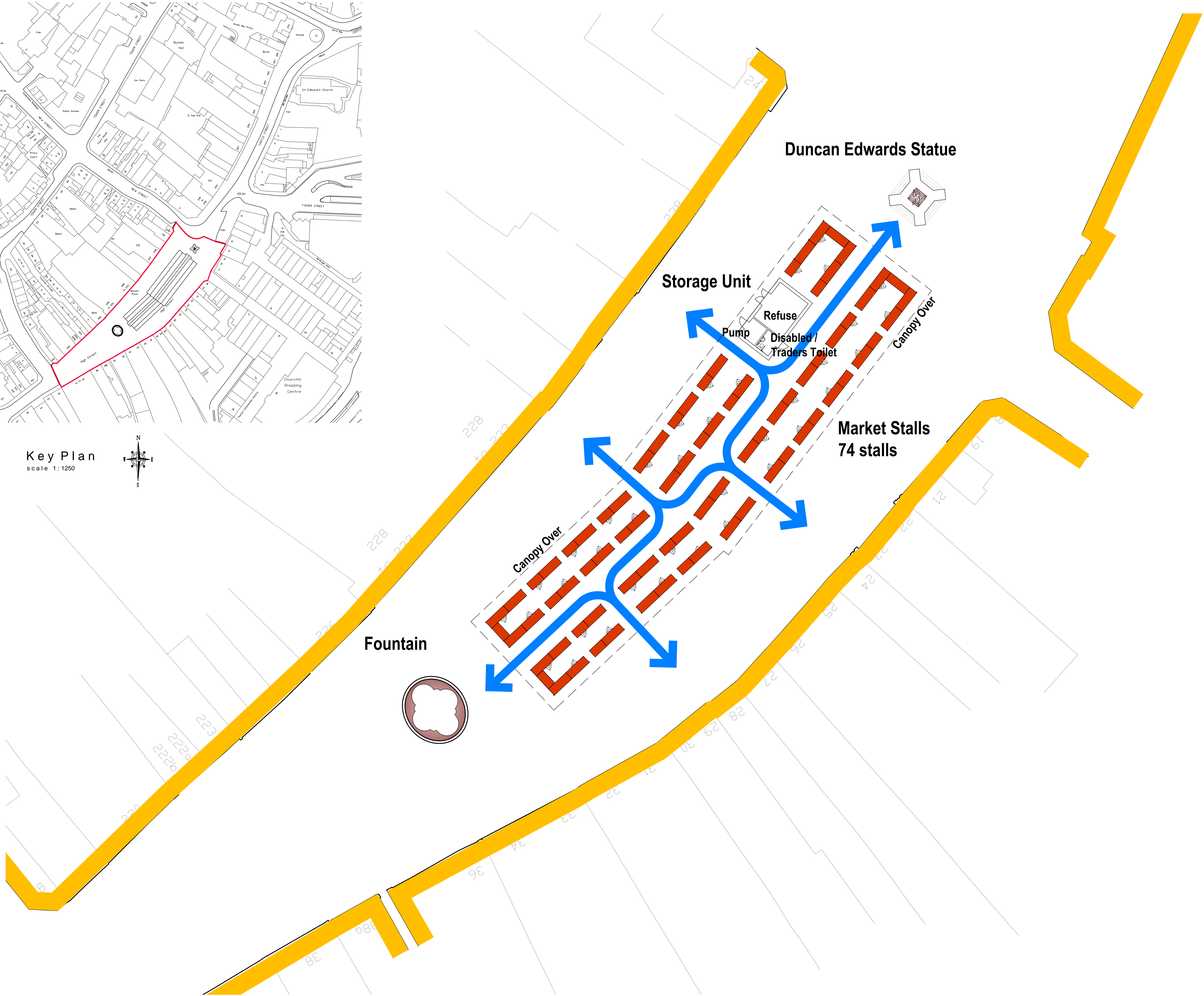
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NOTES

-  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

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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